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The Iowa Administrative Code (IAC) Supplement is published biweekly pursuant to Iowa Code sections 2B.5A and 17A.6. The Supplement is a compilation of updated Iowa Administrative Code chapters that reflect rule changes which have been adopted by agencies and filed with the Administrative Rules Coordinator as provided in Iowa Code sections 7.17, 17A.4, and 17A.5 and published in the Iowa Administrative Bulletin bearing the same publication date as the one for this Supplement. To determine the specific changes to the rules, refer to the Iowa Administrative Bulletin. To maintain a loose-leaf set of the IAC, insert the chapters according to the instructions included in the Supplement.

In addition to the rule changes adopted by agencies, the chapters may reflect objection to a rule or a portion of a rule filed by the Administrative Rules Review Committee (ARRC), the Governor, or the Attorney General pursuant to Iowa Code section 17A.4(6); an effective date delay or suspension imposed by the ARRC pursuant to section 17A.8(9) or 17A.8(10); rescission of a rule by the Governor pursuant to section 17A.4(8); nullification of a rule by the General Assembly pursuant to Article III, section 40, of the Constitution of the State of Iowa; other action relating to rules enacted by the General Assembly; updated chapters for the Uniform Rules on Agency Procedure; or an editorial change to a rule by the Administrative Code Editor pursuant to Iowa Code section 2B.13(2).

INSTRUCTIONS

FOR UPDATING THE

IOWA ADMINISTRATIVE CODE

Agency names and numbers in bold below correspond to chapters of the Iowa Administrative Code (IAC) with amended content that are included in this Supplement. Such chapters can be replaced. Also included are new chapters published in the IAC for the first time.

Editor's telephone 515.281.3355

Administrative Rules Coordinator[7]

Replace Analysis
Replace Chapters 2500 to 2506

Economic Development Authority[261]

Replace Analysis
Replace Chapter 200

Iowa Finance Authority[265]

Replace Analysis
Replace Chapters 44 and 45

Human Services Department[441]

Replace Analysis
Replace Chapter 151

Racing and Gaming Commission[491]

Replace Analysis
Replace Chapter 1
Replace Chapters 7 and 8
Replace Chapter 10

Public Health Department[641]

Replace Analysis
Replace Chapters 39 to 42
Replace Chapters 45 to 50

ADMINISTRATIVE RULES COORDINATOR[7]

CHAPTERS 1 to 2499
Reserved

CHAPTER 2500
UNIFORM RULES ON AGENCY PROCEDURE DEFINITIONS

2500.1(17A) Definitions

CHAPTER 2501
AGENCY PROCEDURE FOR RULEMAKING

2501.1(17A) Rulemaking procedure

CHAPTER 2502
PETITIONS FOR RULEMAKING

2502.1(17A) Requesting rules be made
2502.2(17A) Briefs
2502.3(17A) Consideration by the agency

CHAPTER 2503
DECLARATORY ORDERS

2503.1(17A) Petition for declaratory order
2503.2(17A) Notice of petition
2503.3(17A) Intervention
2503.4(17A) Briefs
2503.5(17A) Filing and service of petitions and other papers
2503.6(17A) Consideration by the agency
2503.7(17A) Action on petition
2503.8(17A) Refusal to issue order
2503.9(17A) Copies of orders
2503.10(17A) Effect of a declaratory order

CHAPTER 2504
RULE WAIVERS

2504.1(17A) Application
2504.2(17A) Filing and service of petitions and other papers
2504.3(17A) Evaluation
2504.4(17A) Issuance
2504.5(17A) Remedies

CHAPTER 2505
FAIR INFORMATION PRACTICES

2505.1(17A,22) Definitions
2505.2(17A,22) Statement of policy
2505.3(17A,22) Requests for access to records
2505.4(17A,22) Access to confidential records
2505.5(17A,22) Requests for treatment of a record as a confidential record and its withholding from examination
2505.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records
2505.7(17A,22) Consent to disclosure by the subject of a confidential record
2505.8(17A,22) Notice to suppliers of information

CHAPTER 2506
CONTESTED CASES

2506.1(17A) Scope and applicability
2506.2(17A) Definitions
2506.3(17A) Time obligations
2506.4(17A) Electronic requests for contested case proceeding
2506.5(17A) Notice of hearing
2506.6(17A) Presiding officer

2506.7(17A)	Waiver of procedures
2506.8(17A)	Telephone proceedings
2506.9(17A)	Disqualification
2506.10(17A)	Consolidation—severance
2506.11(17A)	Pleadings
2506.12(17A)	Electronic service and filing of pleadings and other papers
2506.13(17A)	Discovery
2506.14(17A)	Subpoenas
2506.15(17A)	Motions
2506.16(17A)	Prehearing conference
2506.17(17A)	Continuances
2506.18(17A)	Withdrawals
2506.19(17A)	Intervention
2506.20(17A)	Hearing procedures
2506.21(17A)	Evidence
2506.22(17A)	Default
2506.23(17A)	Ex parte communication
2506.24(17A)	Recording costs
2506.25(17A)	Interlocutory appeals
2506.26(17A)	Final decision
2506.27(17A)	Appeals and review
2506.28(17A)	Applications for rehearing
2506.29(17A)	Stays of agency actions
2506.30(17A)	Contested cases involving no factual dispute
2506.31(17A)	Emergency adjudicative proceedings
2506.32 to 2506.100	Reserved
2506.101(17A)	Definitions for vendor appeals of contested cases
2506.102(17A)	Vendor appeal process
2506.103(17A)	Vendor appeal stages
2506.104(17A)	Standards and remedies for vendor appeals
2506.105(17A)	Stay of agency action
2506.106(17A)	Federal funds

CHAPTER 2500
UNIFORM RULES ON AGENCY PROCEDURE DEFINITIONS

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/6/31

7—2500.1(17A) Definitions. As used in this chapter and 7—Chapters 2501 through 2506:

"Agency" means the same as defined in Iowa Code section 17A.2 and means the agency on which these rules are imposed pursuant to Iowa Code section 17A.24.

"Agency's address" means the agency's physical or mailing address as listed on the agency's website.

"Agency's email" means the agency's general contact email as listed on the agency's website.

"Agency's telephone number" means the agency's telephone number as listed on the agency's website.

This rule is intended to implement Iowa Code chapter 17A.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

[Filed Emergency ARC 0038D, IAB 2/4/26, effective 1/13/26]
[Filed ARC 0190D (Notice ARC 0037D, IAB 2/4/26), IAB 4/1/26, effective 5/6/26]

CHAPTER 2501
AGENCY PROCEDURE FOR RULEMAKING

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/6/31

7—2501.1(17A) Rulemaking procedure. The agency will comply in all material respects with the rulemaking obligations established in Iowa Code chapter 17A, as may be amended from time to time by the general assembly, as well as any other guidance issued by the governor or general assembly. All future amendments to Iowa Code chapter 17A that impact the rulemaking process are incorporated herein by reference as of the effective date of any such change.

This rule is intended to implement Iowa Code chapter 17A.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

[Filed Emergency ARC 0038D, IAB 2/4/26, effective 1/13/26]
[Filed ARC 0190D (Notice ARC 0037D, IAB 2/4/26), IAB 4/1/26, effective 5/6/26]

CHAPTER 2502
PETITIONS FOR RULEMAKING

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/6/31

7—2502.1(17A) Requesting rules be made. Any person may file a petition for rulemaking with the agency by submitting an original petition for rulemaking to the agency at the agency's address or to the agency's email. The petition is considered filed when received at either address. The agency will provide the petitioner with a file-stamped copy of the petition upon request. The agency can only accept petitions that are typewritten or legibly handwritten in ink. Petitioners are also obligated to submit the petition so that it substantially conforms to the following:

[AGENCY NAME]

Petition by [name of petitioner] for the [adoption, amendment, or rescission] of rules relating to [state subject matter].	PETITION FOR RULEMAKING

Petitioners are obligated to provide the following information in the petition:

1. A statement of the specific rulemaking request from the petitioner that includes the text or a summary of the proposed rule or requested change to a rule. If the petition requests to change or rescind a rule, the petitioner is also directed to identify the rule by number and the language that the petitioner requests be changed or removed.
2. A citation to any law the petitioner believes supports the petitioner's request for the agency's ability to make or change the requested rule.
3. A summary of the petitioner's arguments in support of the action urged in the petition.
4. A summary of any data supporting the action urged in the petition.
5. The names and addresses of other persons, or a description of any group of persons, known by petitioner to be affected by or interested in the proposed request for changing or removing the rule.
6. Any request for a meeting provided for by rule 7—2502.3(17A) if desired.

2502.1(1) The petitioner is obligated to ensure the petition includes:

a. The signature of petitioner or petitioner's representative;

b. The date of signature;

c. The name, mailing address, email, and telephone number of the petitioner and petitioner's representative; and

d. Contact information for the person (petitioner or petitioner's representative) to whom the agency should direct communications concerning the petition.

2502.1(2) The agency may deny a petition if it does not substantially conform to requirements above.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2502.2(17A) Briefs. The petitioner may attach a brief to the petition in support of the petition. The agency may also request briefing concerning the petition.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2502.3(17A) Consideration by the agency.

2502.3(1) Within 14 days after the filing of a petition, the agency will submit a copy of the petition and any accompanying brief to the administrative rules coordinator and to the administrative rules review committee. Upon request by the petitioner, the agency will schedule an informal meeting with the petitioner to discuss the petition. The agency may request that the petitioner submit additional information or argument in support of the petition. The agency may request and receive comments from any person regarding the petition.

2502.3(2) Within 60 days after the filing of the petition, or a longer period if agreed to by the petitioner, the agency will provide its decision in writing regarding the petitioner's request. The agency may deny the petition and notify petitioner of its decision and the specific reasons for the denial, or the agency may grant the petition and notify petitioner that it has started rulemaking proceedings based upon the petitioner's request. The petitioner is considered properly notified of the denial or granting of the petition on the date when the agency mails or delivers by electronic means the notification to petitioner.

2502.3(3) Denial of a petition because it does not substantially conform to the requirements does not prevent the petitioner from filing a new petition.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

These rules are intended to implement Iowa Code section 17A.7(1).

[Filed Emergency ARC 0038D, IAB 2/4/26, effective 1/13/26]

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CHAPTER 2503
DECLARATORY ORDERS

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/6/31

7—2503.1(17A) Petition for declaratory order.

2503.1(1) Any person may file a petition with the agency requesting that the agency issue a declaratory order in accordance with Iowa Code section 17A.9. The petition can only be reviewed by the agency if the agency has the authority to consider the petition. Petitioners seeking a declaratory order are obligated to file the petition at the agency's address or agency's email. The petition is considered filed when received at either address. The agency will provide the petitioner with a file-stamped copy of the petition upon request. The agency can only accept petitions that are typewritten or legibly handwritten in ink. Petitioners are also obligated to submit the petition so that it substantially conforms to the following:

[AGENCY NAME]

Petition by [name of petitioner] for a declaratory order on [cite provisions of law involved].	PETITION FOR DECLARATORY ORDER

Petitioners are obligated to provide the following information in the petition:

1. A clear and concise statement of all facts the petitioner believes relevant to the order requested.
2. A citation to and the language of the specific statutes, rules, policies, decisions, or orders the petitioner is affected by or has concerns about and any other relevant law.
3. A concise statement of the questions petitioner wants answered.
4. The petitioner's proposed answers to the questions, as well as any support for the proposed answers.
5. The reasons the petitioner is requesting the declaratory order and an explanation of why the petitioner is interested in the outcome.
6. A statement explaining whether the petitioner is currently a party to another proceeding involving the questions at issue and whether, to the petitioner's knowledge, those questions have been decided by, are pending determination by, or are under investigation by any agency or court of law.
7. The names and addresses of other persons, or a description of any group of persons, known by petitioner to be affected by or interested in the questions presented in the petition.
8. Any request by petitioner for a meeting with the agency to discuss the petition.

2503.1(2) The petitioner is obligated to ensure the petition includes:

a. The signature of petitioner or petitioner's representative;

b. The date of signature;

c. The name, mailing address, email, and telephone number of the petitioner and petitioner's representative; and

d. Contact information for the person (petitioner or petitioner's representative) to whom the agency should direct communications concerning the petition.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2503.2(17A) Notice of petition. The petitioner is obligated to serve the petition on interested parties in accordance with rule 7—2503.5(17A). Within 15 days after receipt of a petition for a declaratory order, the agency will give notice of the petition to all persons not served by the petitioner to the extent required by applicable law. The agency may also give notice to any other persons.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2503.3(17A) Intervention.

2503.3(1) A person who qualifies under the law as an intervenor may intervene in a proceeding for a declaratory order by filing a petition for intervention within 30 days of the notice provided in accordance with rule 7—2503.2(17A).

2503.3(2) If a person files a petition for intervention before a proceeding for a declaratory order concludes, the agency has discretion to allow the person to intervene.

2503.3(3) An intervenor seeking to intervene in a petition for declaratory order is obligated to file the petition for intervention at the agency's address or agency's email. The petition for intervention is considered filed when received at either address. The agency will provide the intervenor with a file-stamped copy of the petition upon request. The agency can only accept petitions for intervention that are typewritten or legibly handwritten in ink. Intervenors are also obligated to submit the petition so that it substantially conforms with the following:

[AGENCY NAME]

Petition by [name of original petitioner] for the [adoption, amendment, or rescission] of rules relating to [state subject matter].	PETITION FOR INTERVENTION

1. Facts supporting the intervenor's standing and qualifications for intervention.
2. The answers urged by the intervenor to the question or questions presented and a summary of the reasons urged in support of those answers.
3. Reasons for requesting intervention and disclosure of the intervenor's interest in the outcome.
4. Whether the intervenor is currently a party to any proceeding involving the questions at issue and whether, to the intervenor's knowledge, those questions have been decided by, are pending determination by, or are under investigation by any agency or court of law.
5. The names and addresses of any additional persons, or a description of any additional class of persons, known by the intervenor to be affected by or interested in the questions presented.
6. Whether the intervenor consents to be bound by the determination of the matters presented in the declaratory order proceeding.

2503.3(4) The intervenor is obligated to ensure the petition for intervention includes:

a. The signature of intervenor or intervenor's representative;

b. The date of signature;

c. The name, mailing address, email, and telephone number of the intervenor and intervenor's representative; and

d. Contact information for the person (intervenor or intervenor's representative) to whom the agency should direct communications concerning the petition for intervention.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2503.4(17A) Briefs. A petitioner or intervenor may file a brief in support of the position urged. The agency may request a brief from a petitioner, an intervenor, or any other person concerning the questions raised.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2503.5(17A) Filing and service of petitions and other papers.

2503.5(1) *Filing—when required.* All petitions for declaratory orders, petitions for intervention, briefs, or other papers in a proceeding for a declaratory order will be filed with the agency at the agency's address or agency's email.

2503.5(2) *When service required.* Except where otherwise provided by law, a person filing a petition for declaratory order, petition for intervention, brief, or other paper in a proceeding for a declaratory order is obligated to concurrently serve the document on each party to the proceeding and on all other persons identified in the petition for declaratory order or petition for intervention as affected by or interested in the questions presented. If the petitioner lacks sufficient information

to effectuate service, the petitioner will notify the agency, and the agency will thereafter attempt to effectuate service on the interested person.

2503.5(3) *Method of service, time of filing, and proof of mailing or electronic delivery.* Rule 7—2506.12(17A) governs the method of service, time of filing, and proof of mailing or electronic delivery.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2503.6(17A) Consideration by the agency.

2503.6(1) *Meeting with the agency.* A meeting that is requested under subrule 2503.1(1) may involve one or more members of the agency and one or more members of staff of the agency.

2503.6(2) *Public comments.* The agency may solicit comments from any person on the questions raised in the petition. Any person may submit comments to the agency on the questions raised in the petition.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2503.7(17A) Action on petition. The chief executive of the agency or that person's designee will review the petition for declaratory order and take action on the petition in accordance with the statutory provisions and the timelines set forth in Iowa Code section 17A.9(5) and 17A.9(8).

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2503.8(17A) Refusal to issue order.

2503.8(1) The agency will not issue a declaratory order if Iowa Code section 17A.9(1) does not allow it to. The agency may refuse to issue a declaratory order when:

a. The petition does not substantially comply with the requirements of rule 7—2503.1(17A).

b. The petition does not contain facts sufficient to demonstrate that the petitioner will be aggrieved or adversely affected if the agency does not issue an order.

c. The agency does not have jurisdiction over the questions presented in the petition.

d. The questions presented by the petition are also presented in a current rulemaking, contested case, or other agency or judicial proceeding that may definitively resolve them.

e. The questions presented by the petition would more properly be resolved in a different type of proceeding or by another body with jurisdiction over the matter.

f. The facts or questions presented in the petition are unclear, overbroad, insufficient, or otherwise inappropriate as a basis upon which to issue an order.

g. There is no need to issue an order because a change in circumstances has eliminated the need to answer the questions raised in the petition.

h. Instead of being based upon facts calculated to aid in the planning of future conduct, the petition is based upon previous conduct or seeks to challenge an agency decision already made.

i. The requested order would necessarily determine the legal rights, duties, or responsibilities of other persons who have not joined in the petition, intervened separately, or filed a similar petition and whose position on the questions presented may fairly be presumed to be adverse to that of petitioner.

j. The petitioner requests the agency to determine whether a statute is unconstitutional on its face.

k. The petition seeks interpretation of a rule or statute that the agency does not have the authority to interpret.

2503.8(2) A refusal to issue a declaratory order will indicate the specific grounds for the refusal and constitutes final agency action on the petition.

2503.8(3) Refusal to issue a declaratory order under this rule does not prevent the filing of a new petition that seeks to eliminate the grounds for the refusal to issue an order.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2503.9(17A) Copies of orders. The agency will promptly mail to or email the original petitioner and all intervenors a copy of each order issued in response to a petition for a declaratory order.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2503.10(17A) Effect of a declaratory order.

2503.10(1) *Withdrawal.* The petitioner may voluntarily withdraw a petition by notifying the agency in writing at any time before the order is issued. The petitioner shall not withdraw a petition after the order is issued. A declaratory order, once issued, shall not be rescinded by the agency and cannot be withdrawn by the petitioner.

2503.10(2) *Binding effect.* A declaratory order has the same status and binding effect as a final order issued in a contested case proceeding. It is binding on the agency, the petitioner, and any intervenors (who consent to be bound) and is applicable only in circumstances where the relevant facts and the law involved are indistinguishable from those on which the order was based. As to all other persons, a declaratory order serves only as precedent and is not binding on the agency. The issuance of a declaratory order constitutes final agency action on the petition.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

These rules are intended to implement Iowa Code section 17A.9.

[Filed Emergency ARC 0038D, IAB 2/4/26, effective 1/13/26]

[Filed ARC 0190D (Notice ARC 0037D, IAB 2/4/26), IAB 4/1/26, effective 5/6/26]

CHAPTER 2504
RULE WAIVERS

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/6/31

7—2504.1(17A) Application.

2504.1(1) Any person may submit a petition to waive, in whole or in part, any rule in the agency's jurisdiction by submitting the petition to the agency.

2504.1(2) The petitioner bears the burden of persuasion to show by clear and convincing evidence all the factors provided in Iowa Code section 17A.9A(2).

2504.1(3) A petitioner seeking to have a rule waived is obligated to file the petition for waiver at the agency's address or agency's email. The petition for waiver is considered filed when received at either address. The agency will provide the petitioner with a file-stamped copy of the petition upon request. The agency can only accept petitions for waiver that are typewritten or legibly handwritten in ink. Petitioners are also obligated to submit the petition so that it substantially conforms with the following:

BEFORE THE [INSERT NAME OF AGENCY]

Petition by [name of petitioner] for the waiver of [rule citation] related to [state subject matter].	PETITION FOR WAIVER

1. The petitioner's name, mailing address, email, and telephone number or, if applicable, petitioner's representative.
2. A description and citation of the rule(s) that are the subject of the petition.
3. The specific waiver requested, including the scope and duration of the waiver.
4. All relevant facts and reasons the petitioner believes justify the waiver, including specific information satisfying the requirements of subrule 2504.1(2).
5. If applicable, the case number of any contested case related to the petition.
6. If applicable, a history of all previous contacts between the petitioner and the agency that may relate to or be affected by the rule(s) that are the subject of the petition.
7. If known, information about the agency's treatment of other persons in similar circumstances.
8. If known, the name and contact information of any person who would be adversely affected or disadvantaged if the agency waives the rule.
9. If applicable, signed releases from any person with knowledge relevant to the petition.
10. An attestation that all information in the petition is true and accurate.
11. A dated signature by the petitioner or, if applicable, petitioner's representative.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2504.2(17A) Filing and service of petitions and other papers.

2504.2(1) *Filing—when required.* All petitions for waiver, petitions for intervention, briefs, or other papers in a proceeding for a waiver will be filed with the agency at the agency's address or agency's email.

2504.2(2) *When service required.* Except where otherwise provided by law, a person filing a petition for waiver, petition for intervention, brief, or other paper in a proceeding for a waiver is obligated to concurrently serve the document on each party to the proceeding and on all other persons identified in the petition for waiver or petition for intervention as affected by or interested in the questions presented. If the petitioner lacks sufficient information to effectuate service, the petitioner will notify the agency and the agency will thereafter attempt to effectuate service on the interested person.

2504.2(3) *Method of service, time of filing, and proof of mailing or electronic delivery.* Rule 7—2506.12(17A) governs the method of service, time of filing, and proof of mailing or electronic delivery.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2504.3(17A) Evaluation.

2504.3(1) The agency may notify the petitioner of the receipt of the petition.

2504.3(2) The agency will evaluate the petition in accordance with Iowa Code section 17A.9A. The agency may request additional information from the petitioner or any person as part of its evaluation of the petition.

a. Additional information will be obtained by an evidentiary hearing consistent with Iowa Code chapter 17A if:

(1) The petition was filed with a request for a contested case;

(2) An evidentiary hearing is required by any law; or

(3) The agency requests an evidentiary hearing.

b. If an evidentiary hearing is not required, the agency's request for additional information may be informal.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2504.4(17A) Issuance.

2504.4(1) The agency will issue a written decision granting or denying the petition.

2504.4(2) After issuing a decision, the agency will index, file, make publicly available, and transmit its decision as required by Iowa Code section 17A.9A(4).

2504.4(3) If the agency does not issue a decision on a petition for waiver within 180 days from the date of its receipt by the agency, the petition is deemed denied.

2504.4(4) If the agency grants a petition in whole or in part, the waiver granted will comply with the requirements of Iowa Code section 17A.9A(3), including content, duration, conditions, and renewability.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2504.5(17A) Remedies.

2504.5(1) With appropriate notice, the agency may withdraw, cancel, or modify any waiver granted under this rule if the agency issues a written order finding one or more of the following:

a. The petitioner withheld or misrepresented material facts in the petition;

b. The waiver no longer adequately protects the public health, safety, and welfare;

c. The waiver may burden the substantial rights of any person; or

d. The petitioner has not complied with any of the waiver conditions imposed by the agency.

2504.5(2) A petitioner aggrieved by any final order of the agency may seek judicial review in accordance with Iowa Code chapter 17A.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

These rules are intended to implement Iowa Code section 17A.9A.

[Filed Emergency ARC 0038D, IAB 2/4/26, effective 1/13/26]

[Filed ARC 0190D (Notice ARC 0037D, IAB 2/4/26), IAB 4/1/26, effective 5/6/26]

CHAPTER 2505
FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/6/31

7—2505.1(17A,22) Definitions. As used in this chapter:

"Confidential record" means a record that is not available for examination under applicable law.

"Lawful custodian" means the same as defined in Iowa Code section 22.1.

"Personally identifiable information" means information contained in a record that is about or pertains to an individual that identifies or that could be used to identify an individual.

"Public records" means the same as defined in Iowa Code section 22.1.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2505.2(17A,22) Statement of policy. The purpose of this chapter is to facilitate broad public access to public records. The chapter also seeks to facilitate sound agency determinations with respect to the handling of confidential records and the implementation of the fair information practices Act. This agency is committed to the policies set forth in Iowa Code chapter 22; agency staff are obligated to cooperate with members of the public in implementing the provisions of that chapter. To the extent an exemption to the release of a requested public record exists in the Iowa Code, whether based on confidentiality or otherwise, the Iowa Code provision governs. To the extent the Iowa Code does not exempt the release of such a record, the administrative rules govern.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2505.3(17A,22) Requests for access to records.

2505.3(1) *Location of record.* A request for access to public records should be directed to the agency's address, the agency's email, or the agency's office where the record is kept. Agency staff will promptly forward public records requests to the lawful custodian when such a request is misdirected.

2505.3(2) *Office hours.* The agency is obligated to provide access to the public records it maintains during its regular office hours. The agency will post the schedule of these office hours on the agency's website to facilitate access to public records.

2505.3(3) *Request for access.* Requests for access to public records maintained by the agency shall be made, whenever possible, by email. Otherwise, requests can be made in writing, in person, by telephone using the agency's telephone number, or through other electronic means made available by the agency. Requests should identify the particular public records sought by name or description in order to facilitate identification of relevant public records. Requests should include the name, address, email, and telephone number of the person requesting the information. A member of the public need not give a reason for requesting public records. For public records requests that involve searches of electronic stores of information, the agency may condition the search on the requester providing search terms for the search.

2505.3(4) *Response to requests.* Access to public records will be provided promptly upon request unless the size or nature of the request requires additional time to complete. If the size or nature of the request causes a delay in compliance, the lawful custodian will comply with the request as soon as feasible. Access to public records may be delayed for one of the purposes authorized by Iowa Code section 22.8(4) or 22.10(4). The lawful custodian will promptly give notice to the requester of the reason for any delay in access to public records and an estimate of the length of that delay and, upon request, will promptly provide that notice to the requester in writing.

The agency that maintains a record claimed to be a public record may deny access to the record only if a denial is appropriate under Iowa Code sections 22.8(4) and 22.10(4) or based on a reasonable belief that the record is a confidential record or that its disclosure is prohibited by a court order. In addition, access to confidential records is generally not allowed. However, access may be allowed pursuant to the provisions of rule 7—2505.4(17A,22), as well as other applicable provisions of law.

2505.3(5) *Security of record.* No person may, without permission from the lawful custodian, search or remove any public record from the agency's files. Examination and copying or transmission of agency public records will be supervised by the lawful custodian or that person's designee. Public records will be protected from damage and disorganization.

2505.3(6) *Copying.* Electronic copies of records will be provided in response to a public records request whenever possible. When physical paper copies are demanded by a requester, a reasonable number of such physical copies of a public record may be made in the agency's office. If photocopy equipment is not available in the office where a public record is kept, the lawful custodian will permit its examination in that office and arrange to have copies promptly made elsewhere.

2505.3(7) *Fees.*

a. When charged. The agency may charge fees in connection with the examination or copying of public records only if the fees are allowed under the law. To the extent permitted by applicable law, the payment of fees may be waived when the imposition of fees is inequitable or when a waiver is in the public interest. The determination of whether to waive fees is in the sole discretion of the agency.

b. Fees and costs. The agency may charge for the actual cost of producing public records. These charges may include the actual cost of making photocopies, the actual cost of media necessary to convey electronic copies of public records, and the actual costs of mailing public records. Pricing schedules for these actual costs will be prominently posted on the agency's website. The agency may also charge for the expense associated with supervising and searching for public records. These hourly charges will be based on the actual hourly rate of the person performing the task. The agency will ensure that the employee rate charged is as low as possible based on the circumstances. The agency may impose hourly charges only after the first three hours of labor, which will be provided at no cost to the requester. For any additional review by the agency to address questions of confidentiality, the agency may charge the requester the actual hourly rate of the attorney performing the review, although the first three hours of the attorney's time will be provided at no cost to the requester.

c. Advance payment. When the estimated total fee exceeds $250, the agency may require an advance payment from the requester to cover all or a part of the estimated fee before proceeding with the work of gathering and reviewing potentially relevant records. If a requester has an unpaid balance from a previous records request, the agency may require the requester to pay both the unpaid balance and the current estimate, regardless of value, before proceeding with the review of public records.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2505.4(17A,22) Access to confidential records. If the agency reasonably believes that a record is or may be confidential, the following procedures apply to requests for access to the record and are in addition to other rules specified for access to public records.

2505.4(1) *Support for claimed access.* The agency may require a person requesting access to a potentially confidential record to provide proof of identity as well as proof of the person's authority to secure access to the record. The lawful custodian may also compel the requester to submit the request in writing and sign a certified statement or affidavit that the requester is entitled to access the record.

2505.4(2) *Notice to subject of record.* Before releasing a potentially confidential record, an agency may make reasonable efforts to notify the confidentiality claimant or any person whose information is in the records that may be subject to a claim of confidentiality. A "confidentiality claimant" is a person who has claimed confidentiality of a record or whose personally identifiable information is in a record.

2505.4(3) *Injunction—notice to the confidentiality claimant.* If practical and in the public interest, the lawful custodian may delay release for a reasonable period of time and notify the confidentiality claimant of the person's right to seek an injunction under Iowa Code section 22.8. Any notice provided to the confidentiality claimant in this regard will identify the time allowed the confidentiality claimant to seek an injunction. Failure to file an injunction after notice constitutes waiver of the confidentiality claim.

2505.4(4) *Request denied—notice to the requester.* When the lawful custodian denies a request for access to a potentially confidential record, the lawful custodian will promptly notify the requester. Written notification of the denial will be provided upon request, and this notification will include the name and title or position of the lawful custodian, as well as the legal reason for the denial and a brief explanation.

2505.4(5) *Request granted.* When the lawful custodian grants a request for access to a potentially confidential record, the lawful custodian will notify the person granted access of any lawful limitations the custodian imposes on that person's examination and copying of the record.

2505.4(6) *Redactions.* The lawful custodian may but is not compelled to redact confidential information from a document so that nonconfidential portions of the record can be provided to a requester. If the requester receives a redacted record and later requests access to the unredacted version of the record, the custodian may deny the request or notify the confidentiality claimant so the claimant may seek an injunction under subrule 2505.4(3).

2505.4(7) *Timing of decision.* The lawful custodian may decide whether a record is confidential at any time.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2505.5(17A,22) Requests for treatment of a record as a confidential record and its withholding from examination. Requests to the agency to treat a record as confidential will be addressed in accordance with the following rules. The lawful custodian may treat a record as a confidential record and withhold it from examination only in accordance with applicable law.

2505.5(1) *Persons who may request.* Persons who believe they may be harmed by a potential disclosure of a record may request that the lawful custodian declare the record as confidential.

2505.5(2) *Request.* Any person may submit a request to treat a record as confidential. To be valid, the request will:

a. Be in writing,

b. Be filed with the lawful custodian,

c. Explain the legal and factual reasons the record should be confidential,

d. Include the requester's contact information, and

e. Be accompanied by a redacted copy of the record.

The lawful custodian may also require a signed statement or affidavit supporting the confidentiality claim. If the request for confidentiality is for a specific period of time, the requester is also obligated to identify the time frame.

2505.5(3) *Failure to request.* The lawful custodian may treat a record as confidential even if no person files a request to treat the record as confidential. However, the agency has discretion to determine whether voluntary submission of an unredacted record to the agency, such as in the context of a bidder submitting an unredacted bid in response to a procurement, constitutes waiver of any argument that the person may have had that the record is in fact confidential.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2505.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. Unless prohibited by law, a person may file a request with the lawful custodian to review, and have a written statement of additions, dissents, or objections entered into, a record containing personally identifiable information pertaining to that person. The requester must send the request and written statement of additions, dissents, or objections to the lawful custodian or to the agency at the agency's address or agency's email. The request must be dated and signed by requester and the requester's representative, if any, and must include the current address, email, and telephone number of the requester and the requester's representative, if any. A person who is a subject of such a record shall not alter the original record and shall not expand the official record of any agency proceeding, except as set forth in this rule. An agency's need to preserve the original record as required by applicable law is a valid reason for denying a request to modify the agency's records.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2505.7(17A,22) Consent to disclosure by the subject of a confidential record. To the extent permitted by law, a person who is the subject of a confidential record may have the portion of the record concerning that person disclosed to a third party. A request for such a disclosure must be in writing, identify the particular record or records to disclose, identify the person or class of persons to whom the record may be disclosed, and state when and where the disclosure should be made. The lawful custodian may require the requester and, where applicable, the person to whom the record is to be disclosed to provide proof of identity and may, when necessary, impose additional obligations for special classes of records. Except where legally prohibited, a request by a person's attorney is presumed to be a request by the person to disclose records about that person to the attorney. The attorney making such request may be required to show proof of representation.
[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2505.8(17A,22) Notice to suppliers of information. When the agency requests a person to supply information about that person, the agency will notify the person of the use that will be made of the information, which persons outside the agency might routinely be provided this information, which parts of the requested information are mandatory and which are optional, and the consequences of a failure to provide the information requested. This notice may be given in a manner that the agency in its discretion deems appropriate to adequately notify the person in accordance with this rule.
[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

These rules are intended to implement Iowa Code chapters 17A and 22.

[Filed Emergency ARC 0038D, IAB 2/4/26, effective 1/13/26]
[Filed ARC 0190D (Notice ARC 0037D, IAB 2/4/26), IAB 4/1/26, effective 5/6/26]

CHAPTER 2506
CONTESTED CASES

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/6/31

7—2506.1(17A) Scope and applicability. This chapter applies to contested case proceedings conducted by the agency, including vendor appeals.
[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.2(17A) Definitions. Except where otherwise specifically defined by law:

"Contested case" means a proceeding defined by Iowa Code section 17A.2(5) and includes any matter defined as a no factual dispute contested case under Iowa Code section 17A.10A.

"Issuance" means the date of mailing or electronic filing of a decision or order or date of delivery if service is by other means unless another date is specified in the order.

"Party" means each person named or admitted as a party or properly seeking and entitled as of right to be admitted as a party.

"Presiding officer" means the person designated pursuant to Iowa Code section 17A.11.

"Proposed decision" means the presiding officer's recommended findings of fact, conclusions of law, decision, and order in a contested case in which the agency did not preside.
[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.3(17A) Time obligations.

2506.3(1) Time is computed as provided in Iowa Code section 4.1(34).

2506.3(2) For good cause, the presiding officer may extend or shorten the time to take any action, except when prohibited by statute. Except for good cause stated in the record, before extending or shortening the time to take any action, the presiding officer will afford all parties an opportunity to be heard or to file written arguments.
[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.4(17A) Electronic requests for contested case proceeding.

2506.4(1) A person entitled to a contested case proceeding shall, whenever possible, electronically file written request for such a proceeding within the time specified by the governing rules or statutes or, if no rule or statute sets such a time, the time set by the agency.

2506.4(2) The request for a contested case proceeding must state the name, email, and address of the requester and identify the specific agency action disputed. Where the requester is represented by an attorney, the request must identify the law or precedent requiring or authorizing the holding of a contested case proceeding and include a short and plain statement of the issues of material fact in dispute.
[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.5(17A) Notice of hearing.

2506.5(1) *Delivery.* The agency will deliver notice of a hearing. Delivery shall, whenever possible, be effectuated through electronic means. Otherwise, delivery can be effectuated by:

a. Personal service as provided in the Iowa Rules of Civil Procedure; or
b. Certified mail, return receipt requested; or
c. First-class mail; or
d. Publication as provided in the Iowa Rules of Civil Procedure.

2506.5(2) *Contents.* The notice of hearing must state:

a. The time, place, and nature of the hearing;
b. The legal authority and jurisdiction under which the hearing is to be held;
c. The particular sections of the statutes and rules involved;

d. Briefly and plainly, the matters asserted. If a party cannot state the matters in detail when the notice is served, the party may limit the initial notice to a statement of the issues involved but must supplement it with a more definite and detailed statement if requested by another party;

e. All parties, including the name, address, and telephone number of the person who will advocate for each party;

f. The procedural rules governing conduct of the contested case proceeding;

g. The procedural rules governing informal settlement, which can occur at any time;

h. The identity of the presiding officer, if known, or, if not, a description of who will serve as presiding officer; and

i. The deadline to request under Iowa Code section 17A.11 and rule 7—2506.6(17A) that the presiding officer be an administrative law judge.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.6(17A) Presiding officer.

2506.6(1) Any party that wants an administrative law judge employed by the department of inspections, appeals, and licensing to serve as the presiding officer must file a request. The deadline for that request is 20 days after service of a notice of hearing that identifies someone other than an administrative law judge as the presiding officer.

2506.6(2) The agency or its designee may deny the request for any of the reasons set forth in Iowa Code section 17A.11(1)*"a."*

2506.6(3) The agency or its designee is obligated to issue a written ruling specifying the grounds for its decision within 20 days after a request for an administrative law judge is filed.

2506.6(4) Except as otherwise prohibited by law, all final rulings by an administrative law judge acting as presiding officer are subject to appeal to the agency. A party is obligated to seek any available appeal to the agency in order to exhaust available administrative remedies.

2506.6(5) Except as otherwise set forth in law, heads of agencies and members of governmental agencies, when reviewing a proposed decision upon appeal to the agency, have the powers and duties of this chapter applicable to presiding officers.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.7(17A) Waiver of procedures. Unless otherwise prohibited by law, the parties in a contested case proceeding may waive any portion of this chapter. However, the agency in its discretion may refuse to give effect to such a waiver when it deems the waiver to be inconsistent with the public interest.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.8(17A) Telephone proceedings. The presiding officer may resolve preliminary procedural motions by telephone or videoconference in which all parties have an opportunity to participate. Other telephone proceedings may be held with the consent of all parties. The presiding officer will determine the location of the parties and witnesses for telephone hearings. The convenience of the witnesses or parties, as well as the nature of the case, must be considered when a location is chosen.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.9(17A) Disqualification.

2506.9(1) A presiding officer or other person must withdraw from participation in the making of any proposed or final decision in a contested case if that person:

a. Has a personal bias or prejudice concerning a party or a representative of a party;

b. Has personally investigated, prosecuted, or advocated in connection with that case, the specific controversy underlying that case, another pending factually related contested case, or a pending factually related controversy that may culminate in a contested case involving the same parties;

c. Is subject to the authority, direction or discretion of any person who has personally investigated, prosecuted, or advocated in connection with that contested case, the specific controversy underlying that contested case, or a pending factually related contested case or controversy involving the same parties;

d. Has acted as counsel to any person who is a private party to that proceeding within the past two years;

e. Has a personal financial interest in the outcome of the case or any other significant personal interest that could be substantially affected by the outcome of the case;

f. Has a spouse or relative within the third degree of relationship who is:

(1) A party to the case or an officer, director or trustee of a party;

(2) An attorney in the case;

(3) Known to have an interest that could be substantially affected by the outcome of the case; or

(4) Likely to be a material witness in the case; or

g. Has any other legally sufficient cause to withdraw from participation in the decision making in that case.

2506.9(2) The term "personally investigated" means taking affirmative steps to interview witnesses directly or to obtain documents or other information directly. The term does not include general direction and supervision of assigned investigators, unsolicited receipt of information relayed to assigned investigators, review of another person's investigative work product in the course of determining whether there is probable cause to initiate a proceeding, or exposure to factual information while performing other agency functions, including fact gathering for purposes other than investigation of the matter that culminates in a contested case. If the presiding officer in the case has received factual information relevant to the merits of a contested case before being assigned as the presiding officer, the presiding officer is obligated to disclose that information to the parties to the extent required by Iowa Code section 17A.17(3) and subrules 2506.9(3) and 2506.23(9).

2506.9(3) A party that believes a presiding officer is disqualified must file a motion supported by an affidavit in accordance with Iowa Code section 17A.17(7). The motion must be filed as soon as practicable after the reason alleged in the motion becomes known to the party.

a. If a party during the course of the hearing becomes aware of evidence of bias or other grounds for disqualification, the party may move for disqualification at that time but must establish the grounds introducing the evidence into the record.

b. If disqualification is required, the presiding officer or other person is obligated to withdraw. If withdrawal is not required, the presiding officer will enter an order to that effect. A party asserting disqualification may seek an interlocutory appeal under rule 7—2506.25(17A) and seek a stay under rule 7—2506.29(17A).

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.10(17A) Consolidation—severance.

2506.10(1) *Consolidation.* The presiding officer may consolidate matters at issue in two or more contested case proceedings if:

a. The matters involve common parties or common questions of fact or law;

b. Consolidation would expedite and simplify consideration of the issues involved; and

c. Consolidation would not adversely affect the rights of any of the parties to those proceedings.

2506.10(2) *Severance.* The presiding officer may, for good cause shown, order any contested case or portion of a contested case severed.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.11(17A) Pleadings.

2506.11(1) *Filing requirements.* Filing requirements may be imposed by rule, by the notice of hearing, or by order of the presiding officer.

2506.11(2) *Petition.*

a. Any necessary petition in a contested case proceeding will be filed within 20 days of delivery of the notice of hearing or subsequent order of the presiding officer unless otherwise ordered.

b. A petition will state in separately numbered paragraphs the following:

(1) The persons or entities on whose behalf the petition is filed;

(2) The particular provisions of statutes and rules involved;

(3) The relief demanded and the facts and law relied upon for such relief; and

(4) The name, address, email, and telephone number of the petitioner and the petitioner's attorney, if any.

2506.11(3) *Answer.* A party against whom a petition is filed must file an answer within 20 days of service of the petition unless otherwise ordered. A party may instead move to dismiss or apply for a more definite and detailed statement when appropriate.

a. An answer must state on whose behalf it is filed and specifically admit, deny, or otherwise answer all material allegations of the pleading to which it responds. It must state all facts deemed to show an affirmative defense and contain as many additional defenses as the pleader may claim.

b. An answer must state the name, address, email, and telephone number of the person filing the answer, the person or entity on whose behalf it is filed, and the attorney representing that person, if any.

c. Any allegation in the petition not denied in the answer is considered admitted. If a defense could have been raised in the answer but was not, the presiding officer may refuse to consider it if doing so would prejudice any party.

2506.11(4) *Amendment.* Any notice of hearing, petition, or other charging document may be amended before a responsive pleading has been filed. Amendments to pleadings after a responsive pleading has been filed and to an answer may be allowed with the consent of the other parties or in the discretion of the presiding officer who may impose terms or grant a continuance.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.12(17A) Electronic service and filing of pleadings and other papers.

2506.12(1) *Filing and service electronically.* Every pleading, motion, document, or other paper that is filed or served shall be executed electronically whenever possible. Filing or service by a non-electronic method can only be upon a showing to the presiding officer of undue hardship to use email.

2506.12(2) *When service mandated.* Except where otherwise provided by law, every pleading, motion, document, or other paper filed in a contested case proceeding and every paper relating to discovery in such a proceeding must be served upon each of the parties of record to the proceeding, including the person designated as advocate or prosecutor for the state or the agency. Service must be at the same time as filing. Except for the original notice of hearing and an application for rehearing, as described in Iowa Code section 17A.16(2), the party filing a document is responsible for service on all parties.

2506.12(3) *Service—how made.* Service upon a party represented by an attorney will be made upon the attorney unless otherwise ordered. Service shall be made electronically or, to the extent permitted in subrule 2506.12(1), by mailing a hard copy to the person's last-known address. Service by mail is complete upon mailing, except where otherwise specifically provided by statute, rule, or order.

2506.12(4) *Filing—when mandated.* After the notice of hearing, all pleadings, motions, documents or other papers in a contested case proceeding must be filed with the agency at the agency's address or agency's email. All pleadings, motions, documents or other papers that need to be served upon a party must be filed with the agency at the same time they are served.

2506.12(5) *Filing—when made.* Except where otherwise provided by law, a document is deemed filed at the time it is submitted to the department of inspections, appeals, and licensing electronic filing system, submitted to a separate agency electronic filing system, delivered to the agency's address or agency's email, delivered to an established courier service for immediate delivery to that

office, or mailed by first-class mail or state interoffice mail to that office, so long as there is proof of mailing.

2506.12(6) *Copies by email.* Whenever possible, the parties shall provide opposing parties copies of all filings by email.

2506.12(7) *Proof of mailing.* In circumstances where non-electronic service is approved by the presiding officer, a proof of mailing is required, which includes either a legible United States Postal Service postmark on the envelope, a certificate of service, or a certification in substantially the following form:

> I certify under penalty of perjury under the laws of Iowa that, on (date of mailing), I mailed copies of (describe document) addressed to the agency at the agency's address, and to the names and addresses of the parties listed below by depositing the same in (method of delivery).
>
> (Date) (Signature)

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.13(17A) Discovery.

2506.13(1) Discovery procedures applicable in civil actions are applicable in contested cases. Unless lengthened or shortened by these rules or by order of the presiding officer, time periods for compliance with discovery are as set forth in the Iowa Rules of Civil Procedure. No new discovery under Iowa Rules of Civil Procedure 1.509, 1.510, and 1.512 may be served within 40 days of the scheduled hearing. All discovery must be completed no later than ten days before the scheduled hearing.

2506.13(2) Parties must not file motions relating to discovery unless they have first in good faith attempted to resolve the issue with the opposing party. A party filing a discovery motion must certify, under penalty of perjury, that it has made that good-faith attempt. Lack of such a certificate constitutes sufficient grounds for denying the motion.

2506.13(3) Unless shortened in accordance with subrule 2506.13(1), a discovery motion is ripe for ruling by the presiding officer ten days after the motion is filed. Opposing parties may file a response within that time. The presiding officer may order argument or rule on the parties' filings.

2506.13(4) Evidence obtained in discovery may be used in the contested case proceeding if that evidence would otherwise be admissible in that proceeding.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.14(17A) Subpoenas.

2506.14(1) *Issuance.*

a. A presiding officer must issue a subpoena upon a party's written request. Unless there is good cause, a party must request a witness subpoena at least three days before the scheduled hearing. The request will include the name, address, email, and telephone number of the requesting party.

b. Except as otherwise set forth by law, parties are responsible for serving their own subpoenas and for paying witness fees and mileage expenses. Subpoenas that do not include the required witness fees and mileage expenses are not valid.

2506.14(2) *Motion to quash or modify.* The presiding officer may quash or modify a subpoena in accordance with the Iowa Rules of Civil Procedure. A motion to quash or modify a subpoena will be set for argument promptly.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.15(17A) Motions.

2506.15(1) Motions are not required to be in a particular form. However, prehearing motions are to be in writing, state the grounds for relief, and state the relief sought.

2506.15(2) Any party may file a written response to a motion within ten days after the motion is served unless the time period is extended or shortened by rules of the agency or the presiding officer. The presiding officer may consider a failure to respond within the time period in ruling on a motion.

2506.15(3) The presiding officer may schedule oral argument on any motion.

2506.15(4) Unless there is good cause, motions pertaining to the hearing, except motions for summary judgment, must be filed and served at least ten days before the date of hearing. This time may be lengthened or shortened by rule of the agency or an order of the presiding officer.

2506.15(5) Motions for summary judgment.

a. Iowa Rules of Civil Procedure 1.981 through 1.983 govern motions for summary judgment, except where they conflict with this rule or legal requirements governing contested case proceedings.

b. Motions for summary judgment must be filed and served at least 45 days before the scheduled hearing date. Any party resisting the motion then has 15 days to file and serve a resistance. The time fixed for hearing or nonoral submission will be not less than 20 days after the filing of the motion. The presiding officer may by order change any of these deadlines. An order rendering summary judgment on all issues in a contested case is subject to rehearing pursuant to rule 7—2506.28(17A) and appeal pursuant to rule 7—2506.27(17A).

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.16(17A) Prehearing conference.

2506.16(1) Any party may request a prehearing conference. A written request for prehearing conference or an order for prehearing conference on the presiding officer's own motion will be filed not less than seven days before the hearing date. A prehearing conference will be scheduled not less than three business days before the hearing date. The presiding officer may change these deadlines for good cause.

2506.16(2) Witness and exhibit lists.

a. Each party will bring to the prehearing conference a final list of:

(1) The witnesses whom the party anticipates will testify at hearing. Unless there is good cause for the omission, the presiding officer may exclude the testimony of unlisted witnesses; and

(2) Exhibits that the party anticipates will be introduced at hearing. Unless there is good cause for the omission, the presiding officer may exclude unlisted, non-rebuttal exhibits.

b. Witness or exhibit lists may be amended subsequent to the prehearing conference within the time limits established by the presiding officer at the prehearing conference. Any such amendments are to be served on all parties.

2506.16(3) The parties at a prehearing conference may:

a. Stipulate to law or fact;

b. Stipulate to the admissibility of exhibits;

c. Identify matters that the parties intend to request be officially noticed;

d. Consider any additional matters that will expedite the hearing.

2506.16(4) Prehearing conferences will be conducted by telephone unless otherwise ordered. Parties are obligated to exchange and receive witness and exhibit lists before the conference.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.17(17A) Continuances. Applications for continuances can be made to the presiding officer.

2506.17(1) A written application for a continuance will:

a. Be made at the earliest possible time and no less than seven days before the hearing, except in case of unanticipated emergencies;

b. State the specific reasons for the request; and

c. Be signed by the requesting party or the party's representative.

No application for continuance will be made or granted without notice to all parties, except in an emergency where notice is not feasible. The agency may waive notice of such requests for a particular case or an entire class of cases.

2506.17(2) In determining whether to grant a continuance, the presiding officer may consider:

a. Prior continuances;
b. The interests of all parties;
c. The likelihood of informal settlement;
d. The existence of an emergency;
e. Any objection;
f. Any applicable time obligations;
g. The existence of a conflict in the schedules of counsel, parties, or witnesses;
h. The timeliness of the request; and
i. Other relevant factors.

The presiding officer may order a party to furnish evidence of facts supporting or opposing the request.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.18(17A) Withdrawals. A party requesting a contested case proceeding may withdraw that request only in accordance with agency rules. Unless otherwise provided, a withdrawal will be with prejudice.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.19(17A) Intervention.

2506.19(1) *Motion.* A motion for leave to intervene in a contested case proceeding must state the grounds for the proposed intervention, the position and interest of the proposed intervenor, and the possible impact of intervention on the proceeding. The proposed intervenor must attach a proposed answer or petition in intervention, as appropriate, to the motion. Any party may file a response within 14 days of service of the motion to intervene unless the time period is extended or shortened by the presiding officer.

2506.19(2) *When filed.* A motion for leave to intervene must be filed as early as possible to avoid prejudice on existing parties or the conduct of the proceeding and, at any rate, before the prehearing conference, if any, or at least 20 days before the date scheduled for hearing. Later motions must show good cause for being untimely. Unless inequitable or unjust, an intervenor is bound by any agreement, arrangement, or other matter previously raised in the case. Requests by untimely intervenors for continuances that would delay the proceeding will ordinarily be denied.

2506.19(3) *Grounds for intervention.* The proposed intervenor must show that:

a. Intervention would not unduly prolong the proceedings or otherwise prejudice the rights of existing parties;
b. It is likely to be aggrieved or adversely affected by a final order in the proceeding; and
c. Its interests are not adequately represented by existing parties.

2506.19(4) *Effect of intervention.* A person granted leave to intervene is a party to the proceeding. If appropriate, the presiding officer may order consolidation of the petitions and briefs of different parties whose interests are aligned with each other and limit the number of representatives allowed to participate actively in the proceedings. The order granting intervention may limit the issues the intervenor is allowed to raise or otherwise condition the intervenor's participation in the proceeding.

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7—2506.20(17A) Hearing procedures.

2506.20(1) The presiding officer presides at the hearing and may rule on motions, impose obligations to submit briefs, issue a proposed decision, and issue orders and rulings to ensure the orderly conduct of the proceedings.

2506.20(2) All objections must be made timely and stated on the record.

2506.20(3) Parties have the right to participate or to be represented in all hearings or prehearing conferences related to their case. Partnerships, corporations, limited-liability companies, and associations may be represented by any member, officer, director, or duly authorized agent. Any

party may be represented by an attorney or another person authorized by law. An attorney admitted pro hoc vice in accordance with the Iowa rules of court to practice in an agency administrative action in accordance with Iowa Court Rule 31.14 is obligated to have an in-state attorney present at every interaction with the presiding officer.

2506.20(4) Subject to terms and conditions prescribed by the presiding officer, parties have the right to introduce evidence on issues of material fact, cross-examine witnesses present at the hearing as necessary for a full and true disclosure of the facts, present evidence in rebuttal, and submit briefs and engage in oral argument.

2506.20(5) The presiding officer will maintain the decorum of the hearing and may refuse to admit or may expel anyone whose conduct is disorderly.

2506.20(6) Witnesses may be sequestered during the hearing.

2506.20(7) The presiding officer must conduct the hearing in the following manner:

a. The presiding officer will give an opening statement briefly describing the nature of the proceedings;

b. The parties will be given an opportunity to present opening statements;

c. Parties will present their cases in the sequence determined by the presiding officer;

d. Each witness will be sworn or affirmed by the presiding officer or the court reporter and be subject to examination and cross-examination. The presiding officer may limit questioning in a manner consistent with law;

e. When all parties and witnesses have been heard, parties may be given the opportunity to present final arguments.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.21(17A) Evidence.

2506.21(1) The presiding officer will rule on admissibility of evidence as provided in Iowa Code section 17A.14 and may, where appropriate, take official notice of facts in accordance with all applicable legal obligations.

2506.21(2) Stipulation of facts is encouraged. The presiding officer may make a decision based on stipulated facts.

2506.21(3) Evidence in the proceeding will be confined to the issues identified at the prehearing conference or in the notice of hearing, as appropriate. A party may waive its right to prehearing notice. The presiding officer may, for good cause, expand the issues to be considered and admit evidence on those issues. In that case, a party that objects to the expansion is, upon timely request, entitled to a continuance sufficient to amend pleadings and to prepare on the additional issue.

2506.21(4) The presiding officer will not rule on the admissibility of an exhibit until opposing parties have had an opportunity to examine it. Parties should ordinarily furnish copies of exhibits to opposing parties before a hearing to prevent unnecessary delay during the hearing. All exhibits admitted into evidence will be appropriately marked and made part of the record.

2506.21(5) Any party may object to specific evidence or request limits on the scope of any examination or cross-examination. Each objection must be accompanied by a brief statement of the grounds upon which it is based. The objection, the ruling on the objection, and the reasons for the ruling will be noted in the record. The presiding officer may rule on the objection when it is made or may reserve a ruling until the written decision.

2506.21(6) Whenever evidence is ruled inadmissible, the party offering that evidence may submit an offer of proof on the record. The party making the offer of proof for excluded oral testimony will briefly summarize the testimony or, with permission of the presiding officer, present the testimony. If the excluded evidence is a document or exhibit, it will be marked as part of an offer of proof and inserted in the record.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.22(17A) Default.

2506.22(1) If a party does not appear or participate in a contested case proceeding after proper notice, the presiding officer may render a default or proceed with the hearing and render a decision in the absence of the party.

2506.22(2) Where appropriate, any party may move for default against a party who has requested the contested case proceeding and has not filed a necessary pleading or has not appeared after proper service.

2506.22(3) Default decisions and decisions rendered on the merits after a party has not appeared or participated are final agency actions from which a party may appeal under rule 7—2506.27(17A). A party against whom such a decision has been rendered may file a motion to vacate within 15 days, or other period specified by statute, after the date of notification or mailing of the decision. A motion to vacate must state all facts that establish good cause for that party's non-appearance or non-participation. Each such fact must be supported by at least one sworn affidavit of a person with personal knowledge, which affidavit must be attached to the motion.

2506.22(4) The time for further appeal of a decision is stayed while a timely motion to vacate is pending.

2506.22(5) A presiding officer may grant a motion to vacate only if it is timely and establishes good cause for the movant's non-appearance or non-participation. The burden of proof as to good cause is on the moving party. Opposed parties have ten days to respond to a motion to vacate. If the response includes a request to do so, an opposing party may conduct discovery into the issue of good cause and present evidence on that issue before the presiding officer decides the motion.

2506.22(6) "Good cause" for purposes of this rule has the same meaning as "good cause" for setting aside a default judgment under Iowa Rule of Civil Procedure 1.977.

2506.22(7) A decision denying a motion to vacate is subject to further appeal within the time limit allowed for further appeal of a decision on the merits in the contested case proceeding. A decision granting a motion to vacate is subject to interlocutory appeal by the adverse party pursuant to rule 7—2506.25(17A).

2506.22(8) If a motion to vacate is granted, and no timely interlocutory appeal has been taken, the presiding officer will issue another notice of hearing and the contested case will proceed accordingly.

2506.22(9) A default decision may award any relief consistent with the request for relief made in the petition and embraced in its issues.

2506.22(10) A default decision may provide either that the default decision is to be stayed pending a timely motion to vacate or that the default decision is to take effect immediately, subject to a request for stay under rule 7—2506.29(17A).

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.23(17A) Ex parte communication.

2506.23(1) Improper communications. Except as specifically allowed by law, no party, representative of a party, or person with a direct or indirect interest in a case may communicate, directly or indirectly, with the presiding officer, or vice versa, regarding the case or a pending factually related case. These communications are allowed only if all parties have been notified of the intention to communicate and have an opportunity to participate. This does not prohibit persons jointly assigned such tasks from communicating with each other. However, the presiding officer may communicate with members of the agency and may seek the advice or help of persons regarding the matter. This can include persons with whom the presiding officer is prohibited from communicating in another case, as long as the presiding officer's communications with that person are not regarding that other case or a case factually related to it.

2506.23(2) Written, oral, or other forms of communication are "ex parte" if made without notice and opportunity for all parties to participate.

2506.23(3) These prohibitions start when the notice of hearing is issued and continue for as long as the case is pending.

2506.23(4) To avoid banned ex parte communications, notice is to be given in a manner reasonably calculated to give all parties a fair opportunity to participate. Notice of written communications will be provided in compliance with rule 7—2506.12(17A) and may be supplemented by telephone, fax, email or other means of notification. Where permitted, oral communications may be initiated through conference telephone call including all parties or their representatives.

2506.23(5) Persons who jointly act as presiding officer in a pending contested case may communicate with each other without notice or opportunity for parties to participate.

2506.23(6) The administrator or other persons may be present in deliberations or otherwise advise the presiding officer without notice or opportunity for parties to participate as long as they are not disqualified from participating in the making of a proposed or final decision and they comply with subrule 2506.23(1).

2506.23(7) Communications with the presiding officer involving uncontested scheduling or procedural matters do not need notice or opportunity for parties to participate. Parties should notify other parties prior to initiating such contact with the presiding officer when possible and must notify other parties when seeking to continue hearings or other deadlines.

2506.23(8) Disclosure of banned communications. A presiding officer who receives a banned ex parte communication while a contested case is pending must first determine whether the communication is so prejudicial that the presiding officer should be disqualified. If so, the presiding officer will enter into the record, sealed by a protective order, a copy of any banned written communication, all written responses to the communication, a written summary of the substance of any banned oral or other communication, all responses made, and the identity of each person from whom the presiding officer received a banned ex parte communication. If the presiding officer determines that disqualification is not warranted, the presiding officer will enter these documents into the record and serve them upon all parties. Any party desiring to rebut the banned communication will be allowed the opportunity to do so upon written request filed within ten days after notice of the communication.

2506.23(9) Promptly after being assigned to serve as presiding officer at any stage in a contested case proceeding, a presiding officer must disclose to all parties material factual information received through ex parte communication before the assignment began. The presiding officer does not need to disclose this information if it has already been, or shortly will be, disclosed under Iowa Code section 17A.13(2) or through discovery or if it is contained in an investigative report or similar document that has been or shortly will be given to the parties.

2506.23(10) The presiding officer may render a proposed or final decision imposing appropriate sanctions for violations of this rule including default, a decision against the offending party, censure, or suspension or revocation of the privilege to practice before the agency. Violation of ex parte communication obligations by agency personnel will be reported to the chief executive of the agency or that person’s designee for possible sanctions including censure, suspension, dismissal, or other disciplinary action.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.24(17A) Recording costs. Upon reasonable request, the agency is obligated to provide a copy of the whole or any portion of the record at cost. The cost of preparing a copy of the record or of transcribing the hearing record will be paid by the requesting party. A party that requests that a hearing be recorded by certified shorthand reporter rather than by electronic means is responsible for making such arrangements and paying associated costs unless otherwise provided by applicable law.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.25(17A) Interlocutory appeals. Upon written request of a party or on its own motion, the agency may review an interlocutory order. In determining whether to do so, the agency must weigh the extent to which the granting of the interlocutory appeal would expedite final resolution of the case and the extent to which review of that interlocutory order by the agency at the time it reviews

the proposed decision of the presiding officer would provide an adequate remedy. A request for interlocutory review must be filed by the earliest of 14 days after the challenged order is issued, the deadline for complying with the order, or the date of hearing.
[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.26(17A) Final decision.

2506.26(1) When the agency presides over receiving evidence at the hearing, its decision is a final decision.

2506.26(2) When the agency does not preside over receiving evidence, the presiding officer will issue a proposed decision. The proposed decision becomes the final decision of the agency without further proceedings unless there is an appeal of the proposed decision to the agency, or review of the proposed decision on the agency's own motion, in accordance with rule 7—2506.27(17A).
[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.27(17A) Appeals and review.

2506.27(1) *Appeal by party.* Any adversely affected party may appeal a proposed decision to the agency within 30 days after the decision is issued.

2506.27(2) *Review.* The agency may initiate review of a proposed decision on its own motion at any time within 30 days following the issuance of such a decision.

2506.27(3) *Notice of appeal.* An appeal of a proposed decision is initiated by filing a timely notice of appeal with the agency. The notice of appeal is to be signed by the appealing party or a representative of that party and contain a certificate of service. The notice will specify:

a. The parties initiating the appeal;

b. The proposed decision or order appealed from;

c. The specific findings or conclusions to which exception is taken and any other exceptions to the decision or order;

d. The relief sought; and

e. The grounds for relief.

2506.27(4) *Requests to present additional evidence.* A party may request to submit additional evidence. The request must be filed with the notice of appeal, if by an appealing party, or within 14 days of service of the notice of appeal, if by a non-appealing party. The agency will take additional evidence only if the party establishes that the evidence is material, that good cause existed for its not being presented at the hearing, and that the party has not waived the right to present the evidence. The agency may remand a case to the presiding officer to take additional evidence or may itself preside at the taking of additional evidence.

2506.27(5) *Scheduling.* The agency will issue a schedule for consideration of the appeal.

2506.27(6) *Briefs and arguments.* Unless otherwise ordered, within 20 days of the notice of appeal or order for review, each appealing party may file exceptions and briefs. Within 20 days thereafter, any party may file a responsive brief. Briefs will include any applicable legal authority and specify relevant portions of the record in that proceeding. Written requests to present oral argument will be filed with the briefs. The agency may resolve the appeal on the briefs or provide an opportunity for oral argument. The agency may shorten or extend the briefing period as appropriate.
[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.28(17A) Applications for rehearing.

2506.28(1) *By whom filed.* Any party to a contested case proceeding may file an application for rehearing from a final order.

2506.28(2) *Content of application.* The application for rehearing must identify on whose behalf it is filed, the portion of the decision the party wants reconsidered, the specific grounds for rehearing, whether the party wants to proceed on the record or to submit additional evidence, and the relief sought.

2506.28(3) *Time of filing.* The deadline to file an application for rehearing is 20 days after the final decision is issued.

2506.28(4) *Notice to other parties.* A copy of the application will be timely mailed or emailed by the applicant to all parties of record not joining therein. If the application does not contain a certificate of service, the agency will serve copies on all parties.

2506.28(5) *Disposition.* A party need not respond to an application for rehearing unless the government entity requests a response. An application for a rehearing is deemed denied if it is not granted within 20 days of its filing or, if a response is filed, within 20 days of the filing of a response. An application for rehearing is optional; a party need not file an application to exhaust available administrative remedies. The filing of an application for rehearing shall toll the time period for appeal in rule 7—2506.27(17A).

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.29(17A) Stays of agency actions.

2506.29(1) *When available.*

a. Any party may petition the agency to stay the effect of an order, or for other temporary remedies, pending review of the order by the agency. The petition must be filed with the notice of appeal and must state the reasons justifying a stay or other temporary remedy. The agency may rule on the stay or authorize the presiding officer to do so.

b. Any party may petition the agency for a stay, or other temporary remedies, pending judicial review of all or part of that proceeding. The petition must state the reasons justifying a stay or other temporary remedy.

2506.29(2) *When granted.* The presiding officer or agency will consider the factors listed in Iowa Code section 17A.19(5)*"c"* when deciding whether to grant the stay or other temporary remedy.

2506.29(3) *Vacation.* The presiding officer or agency may vacate a stay or other temporary remedy on the motion of the agency or any other party.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.30(17A) Contested cases involving no factual dispute. If the parties agree that no dispute of material fact exists, they may present all evidence, by stipulation or as otherwise agreed, without an evidentiary hearing. In such a situation, the parties should, as soon as practicable, jointly submit a proposed schedule for submitting the record and briefs and, if necessary, holding oral argument. If the parties cannot agree to a schedule, any party may file and serve a motion for summary judgment.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.31(17A) Emergency adjudicative proceedings.

2506.31(1) *Necessary emergency action.* To the extent necessary to prevent or avoid immediate danger to the public health, safety, or welfare and, consistent with the Constitution and other provisions of law, the agency may issue an emergency adjudicative order in compliance with Iowa Code section 17A.18A. The order must be in writing and may suspend a license in whole or in part, order that any continuing activity stop, order someone to act, or require other action within the jurisdiction of the agency. Before issuing an emergency adjudicative order, the agency must consider factors such as:

a. Whether there has been a sufficient factual investigation to ensure that it is proceeding on the basis of reliable information;

b. Whether the specific circumstances that pose immediate danger to public health, safety, or welfare have been identified and determined to be continuing;

c. Whether the person subject to the proposed emergency adjudicative order may continue to engage in other activities without posing immediate danger to public health, safety, or welfare;

d. Whether imposition of monitoring obligations or other interim safeguards would be sufficient to protect the public health, safety, or welfare; and

e. Whether the specific action contemplated by the agency is necessary to avoid immediate danger.

2506.31(2) *Issuance of order.*

a. An emergency adjudicative order must contain findings of fact and conclusions of law to justify the determination of an immediate danger in the agency's decision to take immediate action.

b. The emergency adjudicative order will be immediately delivered to persons obligated to comply with the order by one or more of:

(1) Personal delivery;

(2) First-class or certified mail to the last address on file with the agency; or

(3) Fax. Fax may be used as the sole method of delivery if the person to whom the order applies has filed a written request that agency orders be sent by fax and has provided a fax number for that purpose.

c. To the practicable degree, the agency is obligated to select the procedure for providing written notice that best ensures prompt, reliable delivery.

2506.31(3) *Oral notice.* Unless the emergency adjudicative order is served by personal delivery on the same day that it is issued, the agency is obligated to make reasonable immediate efforts to contact the people to whom the order applies by telephone.

2506.31(4) *Completion of proceedings.*

a. After the issuance of an emergency adjudicative order, the agency will proceed as quickly as feasible to complete any proceedings that would be needed if the matter did not involve an immediate danger.

b. An emergency adjudicative order must include, or be accompanied by, a notice of the date by which agency proceedings are scheduled for completion. When an agency has issued an emergency adjudicative order, the agency or a presiding officer may continue contested case proceedings only in compelling circumstances upon application in writing.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.32 to **2506.100** Reserved.

7—2506.101(17A) Definitions for vendor appeals of contested cases. As used in this chapter, unless the context otherwise dictates:

"Agency" means the agency when purchasing goods or services through a competitive solicitation.

"Award" means the decision to select a vendor for a contract or purchase.

"Vendor" means any vendor who has submitted a bid or proposal in response to a competitive solicitation issued by an agency.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.102(17A) Vendor appeal process. Rules 7—2506.101(17A) through 7—2506.105(17A) govern appeals of the agency's decisions regarding competitive solicitations for goods or services. These rules supplement standard contested case rules and control to the extent inconsistent with standard contested case rules. Not complying with these vendor appeal rules in any material respect will result in dismissal of the appeal and constitute a failure to exhaust administrative remedies.

2506.102(1) *Notice of intent to appeal.* A vendor who is aggrieved by the agency's issuance of a notice of intent to award following a competitive solicitation may appeal that notice of intent to award. The deadline for the vendor to submit a notice of intent to appeal is five days following issuance of the notice of intent to award. Late notices of intent to appeal will not be accepted.

2506.102(2) *Initial disclosures.* When an agency receives the vendor's notice of intent to appeal, the agency will respond by providing the public version of the winning vendor's proposal as submitted by the vendor during the solicitation process. In addition, the agency will provide all evaluation committee materials, documentation, analysis, and results. If requested by the vendor, the agency will also send the public versions of losing bids or proposals as those public copies were submitted

during the solicitation process. The vendor is not entitled to any additional discovery, materials, or information unless the proceedings advance past the first-tier review stage.

2506.102(3) *Notice of appeal.* Following receipt of the initial disclosures, the vendor may file a formal appeal within either the time frame identified in the solicitation document or, if no time frame is identified, five days from the award. If the vendor does not file a formal appeal in a timely manner, the appeal is waived. The vendor is obligated to plead with particularity; notice pleading is inadequate. At minimum, the formal appeal will include:

a. The vendor's contact information, including contact information for the individual filing the notice of appeal, the individual's association with the appealing vendor, and a showing of the individual's authority to appeal on behalf of the appealing vendor;

b. Details of the award decision the vendor is challenging;

c. Why and how the vendor is aggrieved by the decision;

d. The legal and factual reasons for the vendor's appeal, including references to the relevant grounds of appeal as set forth in Iowa Code section 17A.19(10); and

e. The relief the vendor is seeking.

2506.102(4) *Appeal bond—notice of appeal, first-tier review.* At the same time the vendor submits the notice of appeal, the appealing vendor must submit to the agency an appeal bond to the extent required in the solicitation document. An agency has discretion to require a bond in an amount up to 5 percent of the value of the contract that is the subject of the appeal, including all extension years available under the contract awarded. If the vendor does not submit the appeal bond, the agency will dismiss the appeal. The vendor forfeits the appeal bond if its claims are determined to be unreasonable, frivolous, or for purposes of delaying the award, in which case the vendor will also be ordered to pay all costs of the appeal of the agency and any intervening party. Those costs include but are not limited to the costs of the process, hearing costs, expert witness fees, and attorney's fees and costs. The appealing vendor may be disqualified from future competitive solicitations in accordance with applicable rules addressing vendor disqualification through debarment or suspension if the appeal is determined to be unreasonable, frivolous, or for the purpose of delay. Awarded costs may be extracted from the appeal bond.

2506.102(5) *Public records.*

a. To ensure fair evaluation of proposals and to make the vendor appeal process more efficient, solicitation-related information, such as proposals and evaluation materials, will remain confidential and will not be released to the public until the notice of intent to award is issued or any vendor appeals are fully and finally resolved, whichever comes later. Materials released in accordance with these vendor appeal rules or in a formal sealed bidding process controlled by Iowa Code section 72.3 are exceptions to this temporary prohibition on the release of confidential information.

b. By submitting materials for the bidding process, a vendor agrees that submitted documents and information can be shared with third parties, including competitors, in the event of an appeal. However, the agency will share confidential or proprietary information during an appeal process only in accordance with a protective order acceptable to the agency. Without a protective order, the agency will make available only to litigants copies of proposals from which confidential and proprietary information have been redacted, and then to non-litigants only after finalization of the award process or all vendor appeals, whichever comes later.

c. A vendor's notice of appeal is a public document available for public inspection. If the vendor believes the notice contains any confidential information, the vendor must, when it submits the notice of appeal, explain why the notice should remain confidential. The vendor must also submit a redacted version of the notice of appeal so that the public and other vendors submitting proposals in response to the solicitation can view nonconfidential portions of the notice of appeal.

2506.102(6) *Notice to winning vendor and intervention.* Once the agency receives the notice of appeal, the issuing officer for the solicitation will notify the winning vendor. The winning vendor may intervene in the appeal by submitting a notice of intervention no later than five days after receiving the notice.

2506.102(7) *Initial disclosures to intervenors.* The agency will send the intervening vendor the same public documents sent to the appellant.

2506.102(8) *Waiver.* To facilitate an orderly and timely resolution of vendor appeals, claims are waived in each of these instances:

a. A vendor did not raise during the solicitation process, such as through a question-and-answer period, an issue that could have been addressed during that process;

b. The issue is not raised in the original notice of appeal; and

c. An argument that could have been raised at an earlier stage of the appeal was not raised at that earlier stage.

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7—2506.103(17A) Vendor appeal stages.

2506.103(1) *First-tier review.* Once the appeal is filed and any responses are received, the agency will review the case internally and issue a decision upholding, changing, or reversing the original award decision. The agency's decision is final unless the appealing vendor requests a second-tier review within the time frame identified in the solicitation document for seeking second-tier review or, if no time frame is so identified, five days from the issuance of the first-tier review. Failure to seek a second-tier review constitutes waiver of any right to seek a second-tier review and failure to exhaust administrative remedies.

2506.103(2) *Second-tier review.*

a. Appeal hearing. A vendor aggrieved by an agency's first-tier review may seek a second-tier review by filing a notice seeking second-tier review with the agency within five days of issuance of the first-tier review decision. The second-tier review request must comply with subrule 2506.102(3), except that it must refer to the first-tier review decision instead of the award decision. Upon receipt of a vendor's request for a second-tier review, the agency will schedule a hearing before an administrative law judge from the department of inspections, appeals, and licensing. The second-tier review hearing will be held within 60 days after the request for a second-tier review, subject to good cause exceptions as set forth in subrule 2506.3(2).

b. Appeal security. At the same time as it submits a second-tier review request, the appealing vendor must submit an additional appeal bond to the extent required in the solicitation document. An agency has discretion to require a second bond in an amount up to 10 percent of the value of the contract that is the subject of the appeal, including all extension years available under the contract awarded. If the vendor does not satisfy the bond requirement, the agency will dismiss the second-tier review. The appeal bond will be forfeited if the vendor's claims are determined to be unreasonable, frivolous, or for purposes of delaying the award.

c. Discovery. Any party may seek reasonable discovery of information directly relevant to the issues that are the subject of the appeal. Overly broad or burdensome discovery requests are not allowed. Discovery issued to the agency is limited to events occurring at the agency that relate to the solicitation process. Issues not subject to discovery include the agency's existing relationships with other bidders. As a condition of requesting a second-tier review, the appellant is obligated to promptly respond to discovery requests made by any party defending the award. Any party defending the award may seek discovery from appellant of any matters that could affect the fairness of the solicitation process, including whether the appellant failed to disclose information relevant to the award process that would have resulted in its disqualification or that appellant engaged in previously unreported inappropriate contact that would have resulted in its disqualification. An appellant that would have been disqualified is not prejudiced by the award decision and lacks standing to challenge it. Confidential or proprietary information may be shared by the parties to the appeal in accordance with a protective order acceptable to the agency. All discovery requests will be made no later than five days after the request for a second-tier review is submitted. Parties must completely respond or object to discovery requests within 30 days of receipt. A party that objects to discovery requests must submit its objection to the requesting parties within ten days of receiving the discovery requests.

Sanctions will be imposed for abuse of the discovery process, potentially including adverse inferences and dismissal of the appeal.

d. Witnesses and exhibits. At least ten days before the hearing, the parties will contact each other to discuss proposed witnesses and exhibits. Final witness and exhibit lists will be exchanged no later than seven days before the hearing.

e. Second-tier hearing and decision. The hearing will be transcribed by a court reporter arranged and paid for by the parties with the costs shared equally unless all parties to an appeal and the presiding officer agree to an alternative approach to record the proceeding. In the event the presiding officer orders post-hearing briefing, the following post-hearing schedule applies unless the parties agree to and the presiding officer orders a different schedule:

(1) Any appellant post-hearing brief is due ten days after the presiding officer closes the record;

(2) Any appellee or intervenor post-hearing brief is due ten days after receiving the appellant's brief, if any; and

(3) Any appellant reply brief is due ten days after receiving the appellee or intervenor post-hearing brief.

Following the close of post-hearing briefing, the administrative law judge will issue a proposed decision, which will become the final agency decision unless a party seeks a third-tier review.

2506.103(3) *Third-tier review and decision.* A party aggrieved by an agency's second-tier review may seek a third-tier review by filing a notice seeking third-tier review with the agency. The deadline to file this notice is five days after the proposed decision on the second-tier review is issued. The third-tier review request must comply with subrule 2506.102(3), except that it must refer to the second-tier review decision instead of the award decision. The party appealing must submit the entire record from the second-tier review, including any transcripts or recordings, at its own cost. Any non-appealing party may file a response to the request. No additional briefing or argument is allowed at the third-tier review stage absent an agency's request. The agency will thereafter expeditiously issue the final agency decision, which will constitute final agency action on the matter.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.104(17A) Standards and remedies for vendor appeals.

2506.104(1) *Standard of review.* In all stages of the vendor appeal, the standard of review will be whether the solicitation process substantially complied with the legally binding procedures applicable to the award process at issue and, if not, whether there is prejudice to the nonprevailing vendor because:

a. The noncompliance demands a conclusion that the award process was not conducted fairly, openly, or objectively, and

b. Compliance with the legally binding procedure would have resulted in a different outcome.

For purposes of this rule, "legally binding procedure" means those procedures mandated by statute or administrative rule or expressly set forth in the text of the competitive solicitation. Agency guidance that is not in statute, administrative rule, or the text of the solicitation, including but not limited to training materials and procedural manuals, does not constitute legally binding procedure.

2506.104(2) *Burdens.* The appealing vendor bears the burden of proof and the burden of producing evidence in support of its allegations.

2506.104(3) *Standard of proof and prejudice to vendor.* The vendor must prove both noncompliance and prejudice by clear and convincing evidence.

2506.104(4) *Remedies available.* If the solicitation process is found to be unfair or noncompliant with legally binding procedures, the remedy will be narrowly tailored and specifically designed to remediate the specific noncompliance. Wholesale remedies invalidating or voiding solicitations will be avoided unless no other conceivable measure could remediate the noncompliance. Possible remedies may include but are not necessarily limited to remand to the agency with directions to remedy the specific noncompliance and reissue the award if the agency determines the contract is still necessary to meet the agency's needs or objectives or, if remediation of the noncompliance is not

possible, voiding the notice of intent to award with directions to the agency to proceed in the state's best interests, which may include canceling the solicitation.

2506.104(5) *Authority over award decisions.* All final award decisions will be made by the agency. An administrative law judge's authority is limited to affirming the agency's action or remanding the issue to the agency for further consideration through a proposed decision. An administrative law judge lacks jurisdiction to compel the issuance of an award to a vendor other than a vendor awarded a contract by the agency.

2506.104(6) *Issues not for consideration.* The following types of challenges are not a basis for a vendor appeal. An attempted appeal that fits within one of the following categories will be dismissed:

a. Any claim related to existing contract administration. The administration of an existing contract is within the discretion of the agency. Disputes between a vendor and the agency are resolved in accordance with dispute-resolution clauses in a contract and not through a vendor appeal process.

b. Any claim of a subcontractor of an aggrieved vendor. Only vendors who submitted a bid or proposal in response to a solicitation have standing to appeal a notice of intent to award.

c. Any claim related to alternative procurement processes, such as purchase orders, statements of work, or other transactional documents executed under an existing contract, including such orders made under master agreements. Vendor appeals are allowed only in response to competitive solicitations and no other forms of state purchases.

d. Any claim related to suspensions or debarments of vendors.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.105(17A) Stay of agency action.

2506.105(1) *When a vendor can request a stay.* A vendor appealing a notice of intent to award may request a stay of the award process by filing a request for stay with the notice of appeal. In requesting the stay of agency action, the vendor is obligated to submit an additional bond equal to 120 percent of the value of the contract at issue, including any extension years available under the awarded contract. This bond is in addition to other appeal bonds as set forth in this chapter. If the appealing vendor does not submit a sufficient bond with its request for stay, its request for stay will be denied and the issue of stay of agency action will be considered waived. If no stay is sought or the issue is deemed waived, the agency will proceed with the contract award and contract execution consistent with the notice of intent to award. The vendor forfeits the appeal bond if its claims are determined to be unreasonable, frivolous, or for purposes of delaying the award, in which case the vendor will also be ordered to pay all costs of the appeal of the agency and any intervening party. Those costs include but are not limited to the costs of the process, hearing costs, expert witness fees, and attorney's fees and costs. Awarded costs may be extracted from the appeal bond. If a stay is not granted and the ultimate award to the incoming awardee overturned in an administrative appeal or on judicial review, the contracted vendor will be entitled to payment for goods and services rendered under the contract and the agency may continue the contract with the awarded vendor until a replacement vendor is under contract.

2506.105(2) *When the stay is granted.* The agency will consider factors set forth in Iowa Code section 17A.19(5)*"c"* in deciding whether to grant the stay. The agency's decision on whether to grant a stay will be made by the chief executive of the agency and will constitute final agency action on the request for stay for purposes of Iowa Code chapter 17A.

2506.105(3) *When the stay is vacated.* Any stay imposed on an award may be vacated upon application of the agency or another interested party upon a showing of good cause.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

7—2506.106(17A) Federal funds.

2506.106(1) Rules 7—2506.101(17A) through 7—2506.105(17A) do not apply where they conflict with a governing federal regulation or would jeopardize the receipt of federal funds.

2506.106(2) If the attorney general determines that any portion of rules 7—2506.101(17A) through 7—2506.105(17A) would cause the federal government to deny funds or services that would

otherwise be available to an agency of this state, that portion will be suspended for that agency but only to the extent necessary to prevent denial of the federal funds or services.

[**ARC 0190D**, IAB 4/1/26, effective 5/6/26]

These rules are intended to implement Iowa code chapter 17A.

[Filed Emergency ARC 0038D, IAB 2/4/26, effective 1/13/26]

[Filed ARC 0190D (Notice ARC 0037D, IAB 2/4/26), IAB 4/1/26, effective 5/6/26]

ECONOMIC DEVELOPMENT AUTHORITY[261]

[Created by 1986 Iowa Acts, chapter 1245]
[Prior to 1/14/87, see Iowa Development Commission[520] and Planning and Programming[630]]
[Prior to 9/7/11, see Economic Development, Iowa Department of[261];
renamed Economic Development Authority by 2011 Iowa Acts, House File 590]

CHAPTER 1
ORGANIZATION

1.1(15) Definitions
1.2(15) Economic development authority board
1.3(15) Authority structure
1.4(15) Information

CHAPTER 2
DEBARMENT FROM PARTICIPATION IN AUTHORITY PROGRAMS AND TRANSACTIONS

2.1(15) Definitions
2.2(15) Factors considered
2.3(15) Debarment procedure
2.4(15) Period and scope of debarment
2.5(15) Request for review and response
2.6(15) Request for reinstatement after debarment
2.7(15) Additional remedies

CHAPTER 3
Reserved

PART II
WORKFORCE DEVELOPMENT COORDINATION

CHAPTERS 4 to 20
Reserved

CHAPTER 21
LENGTH OF SERVICE AWARDS PROGRAM GRANT FUND

21.1(15) Purpose
21.2(15) Definitions
21.3(15) Eligible applicants
21.4(15) Application procedures
21.5(15) Application review process
21.6(15) Matching contributions
21.7(15) Administration
21.8(15) References

CHAPTER 22
NUISANCE PROPERTY AND ABANDONED BUILDING REMEDIATION ASSISTANCE

22.1(15) Definitions
22.2(15) Program description
22.3(15) Eligibility and funding decisions
22.4(15) Contract

CHAPTER 23
IOWA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

23.1(15) Purpose
23.2(15) Definitions
23.3(15) Annual action plan
23.4(15) Allocation of funds
23.5(15) Requirements for funding
23.6(15) Award and administration

CHAPTER 24
BROADBAND FORWARD AND TELECOMMUTER FORWARD CERTIFICATIONS

24.1(15E) Definitions
24.2(15E) Application, review, and approval
24.3(15E) Broadband forward certification
24.4(15E) Telecommuter forward certification
24.5(15E) Maintenance of certification

CHAPTER 25
Reserved

CHAPTER 26
VARIANCE PROCEDURES FOR TAX INCREMENT FINANCING (TIF) HOUSING PROJECTS

26.1(403) Purpose
26.2(403) Definitions
26.3(403) Variance request procedure
26.4(403) Criteria for review

CHAPTER 27
Reserved

CHAPTER 28
RURAL HOUSING NEEDS ASSESSMENT GRANT PROGRAM

28.1(88GA,SF608) Purpose
28.2(88GA,SF608) Definitions
28.3(88GA,SF608) Program description
28.4(88GA,SF608) Program eligibility, application scoring, and funding decisions
28.5(88GA,SF608) Agreement and reports

CHAPTER 29
RURAL INNOVATION GRANT PROGRAM

29.1(88GA,SF608) Purpose
29.2(88GA,SF608) Definitions
29.3(88GA,SF608) Program description
29.4(88GA,SF608) Program eligibility, application scoring, and funding decisions
29.5(88GA,SF608) Agreement and reports

CHAPTER 30
EMPOWER RURAL IOWA PROGRAM

30.1(90GA,SF559,SF2432) Purpose
30.2(90GA,SF559,SF2432) Definitions
30.3(90GA,SF559,SF2432) Eligible uses of funds

CHAPTERS 31 to 35
Reserved

CHAPTER 36
DOWNTOWN LOAN GUARANTEE PROGRAM

36.1(15) Purpose
36.2(15) Definitions
36.3(15) Eligibility
36.4(15) Application submittal and review process
36.5(15) Loan guarantee limitations
36.6(15) Annual fee
36.7(15) Agreement
36.8(15) Reporting

CHAPTER 37
Reserved

CHAPTER 38
REGIONAL SPORTS AUTHORITY DISTRICTS

38.1(15E) Definitions
38.2(15E) Program eligibility and application
38.3(15E) Application scoring and certification of districts
38.4(15E) Contract administration
38.5(15E) Expenses, records, and reimbursements

CHAPTER 39
MAIN STREET IOWA PROGRAM

39.1(15) Purpose
39.2(15) Definitions
39.3(15) Program administration
39.4 and 39.5 Reserved
39.6(15) Application and selection process
39.7(15) Selection criteria
39.8 Reserved
39.9(15) Reports
39.10(15) Noncompliance
39.11(15) Forms

CHAPTERS 40 and 41
Reserved

CHAPTER 42
IOWA TOURISM GRANT PROGRAM

42.1(15) Definitions
42.2(15) Program description
42.3(15) Program eligibility and application requirements
42.4(15) Application scoring and approval process
42.5(15) Contract administration
42.6(15) Expenses, records, and reimbursements

CHAPTERS 43 and 44
Reserved

CHAPTER 45
COMMUNITY CATALYST BUILDING REMEDIATION PROGRAM

45.1(15) Purpose
45.2(15) Definitions
45.3(15) Program description
45.4(15) Program eligibility, application scoring, and funding decisions
45.5(15) Agreement required

CHAPTER 46
Reserved

CHAPTER 47
ENDOW IOWA TAX CREDITS

47.1(15E) Purpose
47.2(15E) Definitions
47.3(15E) Authorization of tax credits to taxpayers
47.4(15E) Distribution process and review criteria

CHAPTER 48
WORKFORCE HOUSING TAX INCENTIVES PROGRAM

48.1(15) Definitions
48.2(15) Housing project requirements
48.3(15) Housing project application and agreement
48.4(15) Workforce housing tax incentives

DISASTER RECOVERY HOUSING PROGRAM
48.5(15) Disaster recovery housing project requirements
48.6(15) Disaster recovery housing project application and agreement
48.7(15) Disaster recovery housing tax incentives
48.8(15) Projects located in small cities

CHAPTER 49
HISTORIC PRESERVATION TAX CREDIT
49.1(303,404A) Purpose
49.2(404A) Program transition and applicability
49.3(404A) Definitions
49.4(404A) Qualified rehabilitation expenditures
49.5(404A) Historic preservation tax credit
49.6(404A) Management of annual aggregate tax credit award limit
49.7(404A) Applications
49.8(404A) Small projects
49.9(404A) Who may apply for the tax credit
49.10(404A) Part 1 and Part 2 applications
49.11(404A) Part 2B application
49.12(404A) Agreement
49.13(404A) Part 3 application—request for certification of completed work and verification of qualified rehabilitation expenditures
49.14(404A) Fees
49.15(404A) Compliance
49.16(404A) Certificate issuance; claiming the tax credit
49.17(303,404A) Appeals

PART IV
BUSINESS DEVELOPMENT DIVISION

CHAPTER 50
Reserved

CHAPTER 51
BUTCHERY INNOVATION AND REVITALIZATION PROGRAM
51.1(15E) Purpose
51.2(15E) Definitions
51.3(15E) Eligibility
51.4(15E) Application submittal and review process
51.5(15E) Application scoring criteria
51.6(15E) Contract administration
51.7(15E) Disbursement of funds
51.8(15E) Reporting

CHAPTER 52
IOWA TARGETED SMALL BUSINESS CERTIFICATION PROGRAM
52.1(15) Definitions
52.2(15) Certification
52.3(15) Eligibility
52.4(15) Decertification
52.5(15) Waivers
52.6(15) TSB procurement

CHAPTERS 53 and 54
Reserved

CHAPTER 55
TARGETED SMALL BUSINESS FINANCIAL ASSISTANCE PROGRAM
55.1(15) Targeted small business financial assistance program
55.2(15) Definitions
55.3(15) Application and approval

55.4(15) Monitoring
55.5(15) Disbursement of funds

CHAPTER 56
EMPLOYEE STOCK OWNERSHIP PLAN (ESOP) FORMATION ASSISTANCE
56.1(85GA,HF648) Definitions
56.2(85GA,HF648) Program eligibility, application, and funding decisions
56.3(85GA,HF648) Contract and disbursement

CHAPTERS 57 to 64
Reserved

CHAPTER 65
REDEVELOPMENT TAX CREDITS PROGRAM
65.1(15) Definitions
65.2(15) Eligibility
65.3(15) Limitations on qualifying investment
65.4(15) Application—registration of projects—agreements
65.5(15) Redevelopment tax credit

CHAPTER 66
Reserved

CHAPTER 67
MAJOR ECONOMIC GROWTH ATTRACTION (MEGA) PROGRAM
67.1(15) Definitions
67.2(15) Eligibility requirements
67.3(15) Application process and review
67.4(15) Tax incentives
67.5(15) Acquisition of agricultural land by foreign businesses
67.6(15) Agreements and compliance
67.7(15) Job counting
67.8(15) Authority procedure for establishing wage requirements

CHAPTER 68
HIGH QUALITY JOBS PROGRAM (HQJP)
68.1(15) Definitions
68.2(15) Eligibility requirements
68.3(15) Application process and review
68.4(15) Tax incentives
68.5(15) Project completion assistance
68.6(15) Agreements and compliance
68.7(15) Job counting
68.8(15) Authority procedure for establishing wage requirements
68.9(15) Authority procedure for establishing investment requirements

CHAPTER 69
BUSINESS INCENTIVES FOR GROWTH (BIG) PROGRAM
69.1(15) Definitions
69.2(15) Eligibility requirements
69.3(15) Application process and review
69.4(15) Award amounts and terms
69.5(15) Tax incentives
69.6(15) Financial assistance
69.7(15) Agreements and compliance
69.8(15) Job counting
69.9(15) Wage requirements

CHAPTER 70
Reserved

CHAPTER 71
TARGETED JOBS WITHHOLDING TAX CREDIT PROGRAM

71.1(403) Definitions
71.2(403) Pilot project cities
71.3(403) Withholding agreements
71.4(403) Project approval
71.5(403) Reporting requirements
71.6(15) Job counting
71.7(403) Applicability

CHAPTER 72
INTERNATIONAL TRADE FINANCIAL ASSISTANCE

72.1(15) Definitions
72.2(15) Eligible applicants
72.3(15) Eligible and ineligible expenses
72.4(15) Application and approval
72.5(15) Administration

CHAPTERS 73 to 76
Reserved

CHAPTER 77
SITE DEVELOPMENT PROGRAM

77.1(15E) Definitions
77.2(15E) Eligibility
77.3(15E) Application; review; approval
77.4(15E) Evaluation criteria
77.5(15E) Certificate of readiness
77.6(15E) Consultation

CHAPTERS 78 to 80
Reserved

CHAPTER 81
RENEWABLE CHEMICAL PRODUCTION TAX CREDIT PROGRAM

81.1(15) Purpose
81.2(15) Definitions
81.3(15) Eligibility requirements
81.4(15) Application process and review
81.5(15) Agreement and fees
81.6(15) Renewable chemical production tax credit
81.7(15) Claiming the tax credit
81.8(15) Process to add building block chemicals
81.9(15) Additional information

CHAPTER 82
RESEARCH AND DEVELOPMENT TAX CREDIT PROGRAM

82.1(15E) Definitions
82.2(15E) Certification of qualified businesses
82.3(15E) Application and review process for tax credits
82.4(15E) Tax credit certificates
82.5(15) Mass layoffs and business closures
82.6(7C) References

CHAPTERS 83 to 100
Reserved

PART V
INNOVATION AND COMMERCIALIZATION ACTIVITIES

CHAPTER 101
Reserved

CHAPTER 102
ENTREPRENEUR INVESTMENT AWARDS PROGRAM

102.1(15E) Purpose and funding
102.2(15E) Definitions
102.3(15E) Application procedures
102.4(15E) Evaluation and recommendation process
102.5(15E) Administration of financial assistance

CHAPTERS 103 and 104
Reserved

CHAPTER 105
INNOVATIVE AND OTHER BUSINESS DEVELOPMENT—DEMONSTRATION FUND AND PROOF OF COMMERCIAL RELEVANCE

105.1(15) Purpose and delegation of functions
105.2(15) Definitions
105.3(15) Project funding
105.4(15) Matching funds requirement
105.5(15) Eligible applicants
105.6(15) Ineligible applicants
105.7(15) Application and review process
105.8(15) Application selection criteria
105.9(15) Contract and reporting

CHAPTER 106
SMALL BUSINESS INNOVATION RESEARCH AND TECHNOLOGY TRANSFER OUTREACH PROGRAM (AMERICA'S SEED FUND)

106.1(15) Definitions
106.2(15) Eligibility requirements
106.3(15) Program benefits, application procedures, and delegation of functions
106.4(15) Agreement and report information required

CHAPTER 107
Reserved

CHAPTER 108
INNOVATIVE AND OTHER BUSINESS DEVELOPMENT—APPLIED RESEARCH AND MANUFACTURING EXTENSION PARTNERSHIP

108.1(15) Purpose and description of program components
108.2(15) Definitions
108.3(15) Program description, application procedures, and delegation of functions
108.4(15) Program funding
108.5(15) Contract and report information required

CHAPTERS 109 to 111
Reserved

CHAPTER 112
STATE SMALL BUSINESS CREDIT INITIATIVE (SSBCI)

112.1(15) Purpose
112.2(15) Definitions
112.3(15) Federal requirements
112.4(15) Eligible uses
112.5(15) Delegation of certain administrative functions

CHAPTER 113
Reserved

CHAPTER 114
SEED INVESTOR TAX CREDIT PROGRAM

114.1(15E) Definitions
114.2(15E) Certification of qualifying businesses
114.3(15E) Investment and investor requirements
114.4(15E) Applying for an investment tax credit
114.5(15E) Tax credit certificates

CHAPTER 115
Reserved

CHAPTER 116
TAX CREDITS FOR INVESTMENTS IN CERTIFIED INNOVATION FUNDS

116.1(15E) Definitions
116.2(15E) Certification of innovation funds
116.3(15E) Maintenance, reporting, and revocation of certification
116.4(15E) Investment and investor requirements
116.5(15E) Application for the investment tax credit certificate
116.6(15E) Tax credit certificates
116.7(15E) Additional information

CHAPTER 117
Reserved

CHAPTER 118
STRATEGIC INFRASTRUCTURE PROGRAM

118.1(15) Purpose
118.2(15) Definitions
118.3(15) Program eligibility and application requirements
118.4(15) Application submittal and review process
118.5(15) Application scoring criteria
118.6(15) Award administration and reporting

CHAPTER 119
MANUFACTURING 4.0 TECHNOLOGY INVESTMENT PROGRAM

119.1(15) Purpose
119.2(15) Definitions
119.3(15) Program eligibility
119.4(15) Application submittal and review process
119.5(15) Application scoring criteria
119.6(15) Contract administration
119.7(15) Disbursement of funds
119.8(15) Reporting

CHAPTERS 120 to 162
Reserved

PART VI
ADMINISTRATION DIVISION

CHAPTERS 163 to 170
Reserved

PART VII
ADDITIONAL APPLICATION REQUIREMENTS AND PROCEDURES

CHAPTERS 171 to 186
Reserved

PART VIII
LEGAL AND COMPLIANCE

CHAPTERS 187 to 194
Reserved

PART IX
UNIFORM PROCEDURES: RECORDS, RULEMAKING, DECLARATORY ORDERS, RULE WAIVERS

CHAPTER 195
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

195.1(15,22) Definitions
195.2(15,22) Requests for access to authority records
195.3(15,22) Access to confidential records
195.4(15,22) Requests for confidential treatment
195.5(15,22) Additions, dissents or objections
195.6(15,22) Notices to suppliers of information
195.7(15,22) Disclosure of records—consent
195.8(15,22) Availability of records
195.9(15,22) Personally identifiable information
195.10(15,22) Other groups of records
195.11(15,22) Applicability

CHAPTER 196
AGENCY PROCEDURE FOR RULEMAKING

196.1(17A) Incorporation by reference
196.2(17A) Contact information

CHAPTER 197
PETITION FOR RULEMAKING

197.1(17A) Incorporation by reference
197.2(17A) Petition for rulemaking
197.3(17A) Consideration and disposition of petition

CHAPTER 198
PETITION FOR DECLARATORY ORDER

198.1(17A) Petition for declaratory order
198.2(17A) Notice of petition
198.3(17A) Intervention
198.4(17A) Briefs
198.5(17A) Inquiries
198.6(17A) Service and filing of petitions and other documents
198.7(17A) Consideration
198.8(17A) Action on petition
198.9(17A) Refusal to issue order
198.10(17A) Contents of declaratory order—effective date
198.11(17A) Copies of orders
198.12(17A) Effect of a declaratory order

CHAPTER 199
WAIVERS FROM ADMINISTRATIVE RULES

199.1(17A,15) Definitions
199.2(17A,15) Applicability of chapter
199.3(17A,15) Criteria for waiver
199.4(17A,15) Filing of petition
199.5(17A,15) Content of petition
199.6(17A,15) Notice
199.7(17A,15) Hearing procedures
199.8(17A,15) Authority responsibilities regarding petition for waiver
199.9(17A,15) Public availability
199.10(17A,15) After issuance of a waiver

PART X
COMMUNITY ATTRACTION AND INVESTMENT PROGRAMS

CHAPTER 200
REINVESTMENT DISTRICTS PROGRAM

200.1(15J) Definitions
200.2(15J) Preapplication process
200.3(15J) Program eligibility and application requirements
200.4(15J) Application scoring and determination of benefits
200.5(15J) Final application and approval process
200.6(15J) Adoption of ordinance and use of deposits
200.7(15J) Plan amendments and reporting
200.8(15J) Cessation of deposits, district dissolution, and requests for extension
200.9(15J) Cross-reference to department rules

CHAPTER 201
IOWA MAJOR EVENTS AND TOURISM PROGRAM

201.1(15G) Definitions
201.2(15G) Eligibility
201.3(15G) Preapplication
201.4(15G) Application
201.5(15G) Eligible expenses
201.6(15G) Administration

CHAPTERS 202 to 210
Reserved

CHAPTER 211
COMMUNITY ATTRACTION AND TOURISM (CAT) PROGRAM

211.1(15F) Definitions
211.2(15F) Eligible applicants
211.3(15F) Eligible projects
211.4(15F) Ineligible projects
211.5(15F) Application requirements
211.6(15F) Application procedure
211.7(15F) Application review
211.8(15F) Administration
211.9(15F) Allocation of funds

CHAPTERS 212 to 215
Reserved

CHAPTER 216
SPORTS TOURISM INFRASTRUCTURE PROGRAM

216.1(15F) Definitions
216.2(15F) Eligible applicants
216.3(15F) Eligible infrastructure projects
216.4(15F) Eligible and ineligible infrastructure expenses
216.5(15F) Threshold application requirements
216.6(15F) Application process
216.7(15F) Administration

CHAPTERS 217 to 299
Reserved

CHAPTER 300
IOWA FILM PRODUCTION INCENTIVE PROGRAM AND FUND

300.1(15) Purpose
300.2(15) Definitions
300.3(15) Eligible applicants
300.4(15) Application process
300.5(15) Qualified expenditures
300.6(15) Reporting requirements and rebate

PART XI
ARTS AND CULTURE

CHAPTER 301
IOWA COMMUNITY CULTURAL GRANTS (ICCG) PROGRAM

301.1(15) Program purpose
301.2(15) Program description
301.3(15) Definitions
301.4(15) Application procedures
301.5(15) Review criteria
301.6(15) Award amounts
301.7(15) Grant deadline
301.8(15) Contractual agreement
301.9(15) Auditing requirements
301.10(15) Informal appeals

CHAPTER 302
CULTURAL LEADERSHIP PARTNERS (CLP) PROGRAM

302.1(15) Purpose
302.2(15) Definitions
302.3(15) Eligibility
302.4(15) Application procedure
302.5(15) Matching funds
302.6(15) Evaluation team
302.7(15) Application review and selection
302.8(15) Grant administration
302.9(15) Informal appeals

CHAPTER 303
CULTURAL AND ENTERTAINMENT DISTRICTS

303.1(15) Purpose
303.2(15) Definitions
303.3(15) Eligible applicants
303.4(15) Program administration
303.5(15) Selection
303.6(15) Certification
303.7(15) Incentives
303.8(15) Appeals

CHAPTER 304
ORGANIZATION AND OPERATION

304.1(15) Definitions
304.2(15) Purpose
304.3(15) Location
304.4(15) Council statement on freedom of expression

CHAPTER 305
OPERATING AND GRANTING POLICIES

305.1(15) Definitions
305.2(15) Operating policies
305.3(15) Funding policies

CHAPTER 306
OPERATIONAL SUPPORT PARTNERSHIP PROGRAM FOR MAJOR ARTS ORGANIZATIONS

306.1(15) Operational support partnership program for major arts organizations
306.2(15) Definitions
306.3(15) Eligibility
306.4(15) Cash match requirements
306.5(15) Funding cycle

306.6(15) Restrictions
306.7(15) Application process
306.8(15) Review criteria
306.9(15) Funding awards
306.10(15) Notification
306.11(15) Contract
306.12(15) Reporting
306.13(15) Appeals

CHAPTER 307
PROJECT GRANT PROGRAMS
307.1(15) Project grant programs
307.2(15) Definitions
307.3(15) Funding priorities
307.4(15) Review criteria
307.5(15) Funding policies and procedures

CHAPTER 308
IOWA ARTS COUNCIL SCHOLARSHIP FOR THE ARTS
308.1(15) Iowa arts council scholarship for the arts
308.2(15) Definitions
308.3(15) Eligibility
308.4(15) Formal application process
308.5(15) Deadline
308.6(15) Review criteria
308.7(15) Obligation of recipients
308.8(15) Notification process
308.9(15) Appeals

CHAPTERS 309 to 399
Reserved

PART XII
ENERGY DIVISION

CHAPTERS 400 to 402
Reserved

CHAPTER 403
IOWA ENERGY CENTER
403.1(15) Purpose
403.2(15) Definitions
403.3(15) Iowa energy center board

CHAPTER 404
IOWA ENERGY CENTER GRANT PROGRAM
404.1(15) Definitions
404.2(15) Eligibility
404.3(15) Funding and award terms
404.4(15) Project budget
404.5(15) Application process and review
404.6(15) Administration

CHAPTER 405
ALTERNATE ENERGY REVOLVING LOAN PROGRAM
405.1(15) Definitions
405.2(15) Loan amounts and terms
405.3(15) Borrowers
405.4(15) Eligible projects
405.5(15) Eligible and ineligible costs
405.6 Reserved

405.7(15) Administration
405.8(15) Applicability after June 30, 2021

CHAPTER 406
ENERGY INFRASTRUCTURE REVOLVING LOAN PROGRAM
406.1(15,476) Definitions
406.2(15,476) Policies and procedures handbook
406.3(15,476) Loan amounts and terms
406.4(15,476) Eligible and ineligible borrowers
406.5(15,476) Eligible and ineligible projects
406.6(15,476) Eligible and ineligible costs
406.7(15,476) Application process
406.8(15,476) Administration

CHAPTERS 407 to 409
Reserved

Part XIII
HISTORIC PRESERVATION

CHAPTER 410
Reserved

CHAPTER 411
INVESTMENT TAX CREDIT PROGRAM
411.1(303) Purpose
411.2(303) Regulations
411.3(303) Eligibility
411.4(303) Certification of historic structures
411.5(303) Review and evaluation
411.6(303) Certification of completion of work

CHAPTER 412
NATIONAL REGISTER OF HISTORIC PLACES
412.1(303) Purpose
412.2(303) Regulations
412.3(303) Nomination procedure
412.4(303) Review of nominations
412.5(303) Delisting of properties

CHAPTER 413
PRESERVATION PARTNERSHIP PROGRAM
413.1(303) Purpose
413.2(303) Regulations
413.3(303) Application procedure and selection

CHAPTER 414
REVIEW AND COMPLIANCE PROGRAM
414.1(303) Purpose
414.2(303) Federal regulations and requirements
414.3(303) Professional qualifications
414.4(303) Definitions
414.5(303) Procedures
414.6(303) Level of effort required to identify historic properties
414.7(303) Review and appeal of the recommendations and decisions of the state historic preservation officer

CHAPTER 415
TECHNICAL ASSISTANCE PROGRAM
415.1(303) Purpose
415.2(303) Regulations

415.3(303) Services

CHAPTER 416
STATE REGISTER OF HISTORIC PLACES PROGRAM

416.1(303) Purpose
416.2(303) Regulations and procedures

CHAPTER 417
CERTIFIED LOCAL GOVERNMENT PROGRAM

417.1(15) Purpose
417.2(15) Regulations
417.3(15) Criteria for certification
417.4(15) Procedure for certification
417.5(15) Funding of certified local governments
417.6(15) Other program services

PART X
COMMUNITY ATTRACTION AND INVESTMENT PROGRAMS

CHAPTER 200
REINVESTMENT DISTRICTS PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/22/31

261—200.1(15J) Definitions. For purposes of this chapter unless the context otherwise requires:

"Account" means the district account that is created within the fund for each municipality that has established a district and that holds the new tax revenues deposited by the department under the program.

"Applicant" means a municipality applying to the board and the authority for approval of a district under the program, including the preapplication process described in rule 261—200.2(15J).

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

"Board" means the same as defined in Iowa Code section 15.102.

"Commencement date" means the same as defined in Iowa Code section 15J.2.

"Department" means the department of revenue.

"District" means the same as defined in Iowa Code section 15J.2.

"Due diligence committee" means the due diligence committee of the board established pursuant to 261—Chapter 1.

"Fund" means the same as defined in Iowa Code section 15J.2.

"Joint board" means a legal entity established or designated in an agreement made pursuant to Iowa Code chapter 28E between two or more contiguous counties or incorporated cities.

"Maximum benefit amount" means the total amount of new tax revenues that may be remitted to a municipality's account and used for development in a district. The maximum benefit will be established by the board when a final application to the program is approved pursuant to rule 261—200.5(15J).

"Municipality" means the same as defined in Iowa Code section 15J.2.

"New lessor" means the same as defined in Iowa Code section 15J.2.

"New retail establishment" means the same as defined in Iowa Code section 15J.2.

"New tax revenues" means all state sales tax revenues and state hotel and motel tax revenues that are collected within a district by new retail establishments and new lessors, provided that such new retail establishments and lessors are included as projects in an approved district plan. New tax revenues are remitted to the department after collection by new retail establishments and new lessors and deposited by the department in an account.

"Program" means the reinvestment district program established pursuant to Iowa Code chapter 15J and this chapter.

"Project" means the same as defined in Iowa Code section 15J.2.

"Retail business" means any business engaged in the business of selling tangible personal property or taxable services at retail in this state that is obligated to collect state sales or use tax under Iowa Code chapter 423. However, for the purposes of this chapter, "retail business" does not include a new lessor or a business engaged in an activity subject to tax under Iowa Code section 423.2(3).

"State hotel and motel tax" means the same as defined in Iowa Code section 15J.2.

"State sales tax" means the same as defined in Iowa Code section 15J.2.

"Substantially improved" means the same as defined in Iowa Code section 15J.2.

"Unique nature" means a quality or qualities of the projects to be developed in a district that, when considered in the entirety, will substantially distinguish the district's projects from other existing or proposed developments in the state. For purposes of this chapter, whether a project is of a unique nature is a subjective and contextual determination that will be made by the board. In determining whether a project is of a unique nature, the board will not necessarily require a project to be entirely

without precedent or to be the only one of its kind in the state, but rather, the board will evaluate whether the projects to be undertaken in a district will either (1) permanently transform the aesthetics or infrastructure of a local community for the better, including by preserving important historical structures or neighborhoods, or (2) contribute substantially more to the state's economy or quality of life than other similar projects in the state.

"Vertical improvement" means the same as defined in Iowa Code section 15J.2. For the purposes of this definition, "appurtenant structure" means any building or other fixture on a piece of real estate other than the main building, provided that such a building or fixture is permanent, is wholly or partially above grade, and will be constructed or substantially improved in conjunction with the main building. A structure is appurtenant when the structure is physically connected to a main building such that the connected structures combine to create a single, integrated facility. A structure is not physically connected if the structure has a function or purpose independent of the main building, even if the structures are in close proximity or are incidentally connected by some means such as a common wall, a sidewalk, or recreational trail.

[**ARC 0135D**, IAB 3/18/26, effective 4/22/26]

261—200.2(15J) Preapplication process.

200.2(1) *Purpose.* The authority and the board will utilize a preapplication process to gauge the level of demand for funding under the program, accept initial project plans and requests for funding, make provisional determinations about the amount of maximum benefits, and notify applicants of the board's provisional funding decisions.

200.2(2) *Preapplication required.* The board will only approve a proposed district plan if that plan has been submitted during the annual filing window as described in this rule.

200.2(3) *Annual filing window.* Each year that funding is available, the authority will announce an annual filing window to accept preapplications under the program. The purpose of the annual filing window is to enable the competitive scoring of applications and facilitate funding decisions by the board that are within the limitations established for the program by the general assembly. A municipality interested in applying to the program must submit a preapplication during the annual filing window or wait until the next annual filing window.

200.2(4) *Preapplication submission requirements.* Each preapplication submission shall demonstrate compliance with the requirements listed in rule 261—200.3(15J) to the greatest extent possible. While the preapplication process is provisional in nature and is designed to allow applicants to make reasonable changes to the proposed district plan before a final application is considered, the board is more likely to approve funding for proposed districts that meet all requirements of rule 261—200.3(15J) during the preapplication process.

200.2(5) *Provisional funding decisions.*

a. The board, with the assistance of the authority, will evaluate the preapplications and assign them a provisional score based on the criteria described in rule 261—200.4(15J). Based on the results of the scoring, the board will make provisional funding decisions and notify applicants.

b. A provisional funding decision represents an initial judgment by the board about the merits of a proposed district plan and is provided for the convenience of both applicants and the board for the better administration of the program. A provisional funding decision shall not be construed as binding on the board nor will the applicant be required to meet all of the details contained in the preapplication. A provisional funding decision shall not be construed as a final approval by the board. A municipality shall not adopt an ordinance or resolution establishing a district based on a provisional funding decision.

c. The final details of a proposed district plan and a final funding decision, including a maximum benefit amount and a commencement date, shall be contingent upon the receipt of a full, final, and complete application and upon final action by the board to ratify, amend, defer, or rescind its provisional funding decision as provided in rule 261—200.5(15J).

d. The department will not deposit moneys into an account until a final application is approved by the board and an ordinance or resolution has been adopted by the municipality.

[**ARC 0135D**, IAB 3/18/26, effective 4/22/26]

261—200.3(15J) Program eligibility and application requirements.

200.3(1) *Eligibility.* To be eligible for benefits under the program, an applicant shall demonstrate that all requirements in Iowa Code section 15J.4(1) are met.

a. To establish that the criterion in Iowa Code section 15J.4(1)*"a"* is met, a municipality should submit information such as an estimate of the expected increase in valuation or other data that lends itself to a quantitative assessment of the extent to which the real property will benefit.

b. To establish that the criterion in Iowa Code section 15J.4(1)*"b"* is met, a municipality should submit maps of the proposed area as well as maps of the existing enterprise zone or urban renewal area. A municipality should also submit copies of the local ordinance or resolution establishing the enterprise zone or the urban renewal area.

c. For purposes of establishing that the criterion in Iowa Code section 15J.4(1)*"c"* is met, "contiguous" means parcels that are physically connected. Parcels connected by streets or other rights-of-way will be considered physically connected for purposes of this rule. In designating an area that includes a right-of-way, an applicant may include an area that is less than the full width of the right-of-way, but the applicant shall not include less than 60 feet of the right-of-way's width.

200.3(2) *Proposed district plan.* An applicant must submit a proposed district plan consistent with the requirements of Iowa Code section 15J.4(2) and a copy of the resolution approving the proposed district plan to the authority.

a. The finding required by Iowa Code section 15J.4(2)*"a"* should be supported by the information required under subrule 200.3(1).

b. If, at the time an application is submitted, the parcels to be included in the proposed district are not yet acquired or one or more parcels within the district are under consideration for a project, then the names and addresses of the owners of record of all parcels under consideration shall be submitted with the understanding that final board approval shall be contingent upon all parcels being acquired and identified by address prior to final board approval and establishment of the commencement date.

c. The project description required by Iowa Code section 15J.4(2)*"d"*(4) should include an explanation of why the unique characteristics of the proposed project cause the project to be of a unique nature as defined in rule 261—200.2(15J).

200.3(3) *Additional conditions.* A municipality shall demonstrate to the board's satisfaction that all of the additional conditions in Iowa Code section 15J.4(3)*"b"* are met and the following additional conditions are met:

a. The applicant must have submitted an application under the preapplication process described in rule 261—200.4(15J) and, as part of a provisional funding decision by the board, must have been approved for a provisional maximum benefit amount.

b. The proposed district plan must meet a minimum score under the criteria described in rule 261—200.4(15J).

c. While multiple districts within a single municipality are not prohibited under the program, the size of any one district is limited by Iowa Code section 15J.4(1)*"c"* and overlapping districts are prohibited by Iowa Code section 15J.4(1)*"e."* Therefore, the board will consider whether the approval of an additional district is appropriate given the particulars of the proposed additional district and the goals of the program. If a municipality proposes an additional district, the board, at its discretion, may accept the application and score it, or if the board determines that approval of an additional district would not serve the goals of the program, the board may reject the application without scoring it.

d. While it is within the discretion of the board to increase the maximum benefit amount of an approved district, the board will carefully scrutinize whether an increase is justified by circumstances

such as greater investment or improved projects within the district and whether any change in the maximum benefit amount serves the goals of the program.

200.3(4) *Application materials and submission.* A municipality interested in applying for funding under the program shall submit a preapplication and a final application to the board for approval and, when applying, shall provide the information described in this chapter or any other information the board or the authority may reasonably require in order to process the application. Information on submitting an application under the program may be obtained by contacting the authority.

[**ARC 0135D**, IAB 3/18/26, effective 4/22/26]

261—200.4(15J) Application scoring and determination of benefits. The board will evaluate and score the proposed district plan submitted with each complete and eligible application according to the criteria and process described in this rule.

200.4(1) *Scoring criteria and plan evaluation.* Each proposed district plan will be given a numerical score between 0 and 100. The higher the numerical score, the more likely the proposed district will be approved for designation and funding under the program. The scoring process will necessarily involve a subjective assessment of the quality of each proposed district plan as well as a consideration of how each proposed district plan compares to the plans proposed by other applicants. The criteria used to score each application are as follows:

a. Uniqueness. The program requires that the projects proposed to be undertaken must be of a unique nature. Therefore, the proposed district plan will be evaluated on this criterion in order to quantify the extent to which the projects in the proposed district plan are of a unique nature. The more unique the projects are, the more points will be received under this criterion.

b. Economic impact. The program requires that the projects proposed to be undertaken must have a substantial beneficial impact on the economy of the state and the economy of the municipality. Therefore, the proposed district plan will be evaluated on this criterion in order to quantify the extent to which the projects in the proposed district plan will benefit the economy. The greater the economic impact of the proposed district plan, the more points will be received under this criterion.

c. Project feasibility. The program requires that funding sources for projects must be feasible. Therefore, the proposed district plan will be evaluated on this criterion in order to quantify the extent to which the funding sources of the proposed projects are feasible. The more feasible the funding sources for the proposed projects are, the more points will be received under this criterion.

d. Capital investment. The program requires that at least one project with a capital investment of $10 million or more be proposed. To the extent that the proposed district plan exceeds this minimum level of capital investment, more points will be received under this criterion.

e. Funding leverage. The program limits the amount of new tax revenues that can be received to 35 percent of the total cost of all proposed projects in the proposed district plan. To the extent that a proposed district plan includes a financing plan in which the percentage of new tax revenues to be received is less than 35 percent of the total cost, more points will be received under this criterion.

f. Nonretail focus. The program limits the amount of proposed capital investment in the district related to retail businesses to 50 percent of the total capital investment for all proposed projects in the proposed district. To the extent that a proposed district plan includes projects that provide cultural amenities, tourist attractions and accommodations, infrastructure, or quality of life improvements, more points will be received under this criterion.

g. Additional factors. The program allows the board to establish additional criteria for the program. Therefore, in addition to the other criteria listed in this subrule, the board will consider the following additional factors:

(1) Readiness for development. The closer a municipality is to beginning development on a proposed district plan, the more points may be received under the additional factors criterion.

(2) Geographic diversity. To the extent that a proposed district is located in a region of the state not already funded under the program, more points may be received under the additional factors

criterion. A proposed district plan that would create an additional district within a municipality or a request to increase the maximum benefit amount of an already approved district will not be viewed as enhancing geographic diversity and may receive fewer points under the additional factors criterion.

(3) Funding need. To the extent that a funding gap exists in the proposed district plan's financing, more points may be received under the additional factors criterion.

200.4(2) *Scoring process and funding recommendations.*

a. Proposed district plans will be scored by an evaluation committee consisting of members appointed by the director of the authority. Members of the committee will include authority staff and not more than five members of the board. Each member of the evaluation committee will judge the proposed district plan according to the scoring criteria, and then the scores of all members of the committee will be averaged together to reflect one numerical score between 0 and 100. The evaluation committee will not make a funding recommendation.

b. After all applications are scored, a copy of the proposed district plan and the results of the scoring will be referred to the due diligence committee, which will consider the quality of the proposed district plans and make funding recommendations to the board. The due diligence committee will take into account the requested funding levels but will also attempt to establish maximum benefit amounts that seem most appropriate to both the quality of the proposed district plans and the total demand for program funding.

c. The scoring results will not be negotiated and, while both the board and the due diligence committee will consider the scoring results of the evaluation committee, those results are not binding on either the due diligence committee or the board.

200.4(3) *Minimum score required.* To receive funding under the program, a proposed district plan must receive an average score of 70 or more points under the criteria listed in subrule 200.4(1).

200.4(4) *Funding not guaranteed.* The program is subject to a total aggregate limit on the amount of new tax revenues that may be approved. Therefore, a proposed district plan that meets the required minimum score is not guaranteed funding if the board's funding decisions for other, higher scoring proposed district plans cause the program's total aggregate limit to be reached.

200.4(5) *Final action taken by board.* The final decision on whether to approve the designation of a proposed reinvestment district and the determination of the amount of maximum benefit to award an applicant rest entirely with the board. The recommendations of the evaluation committee and the due diligence committee with respect to the proposed district plans are of an advisory nature only.

200.4(6) *Availability of scoring results.* The board and the authority will keep records of the scoring process and make those records available to applicants.

200.4(7) *Denial of plans and resubmission.* Reasons for denial of district plans may include a failure to meet filing deadlines, a failure to meet the basic requirements for eligibility, a failure to meet the required minimum score, or a lack of available funding. A municipality whose application is denied may resubmit the application at the next annual filing window, provided there is funding available, but a resubmission must be rescored with all other applicants that apply during that filing window.

200.4(8) *Provisional nature of preapplication process.* The preapplication process described in rule 261—200.2(15J) will result in provisional scores and provisional funding decisions for applicants. However, these provisional scores and funding decisions are subject to change pending the final approval process described in rule 261—200.5(15J).

[**ARC 0135D**, IAB 3/18/26, effective 4/22/26]

261—200.5(15J) Final application and approval process.

200.5(1) *Final application required.*

a. An applicant that receives a provisional funding decision must submit a final application to the board within one year of the submission of the preapplication.

b. A final application shall meet all the requirements described in Iowa Code section 15J.4 and rule 261—200.3(15J).

200.5(2) *Amendments to preapplications and rescoring of plans.* An applicant may amend any part of the preapplication when submitting the final application and must amend the application if any part of the proposed district plan will be materially different from the plan that was proposed during the preapplication process. If the board determines that a final application is substantially different from the related preapplication, then the board may rescore the application and reevaluate the provisional funding decision prior to taking final action. If the board elects to rescore and reevaluate an application, the application will be rescored and reevaluated in the same manner and according to the same criteria used initially.

200.5(3) *Final funding decision and establishment of commencement date.* After submission of all information required for the final application, the board will make a final funding decision, establish a final maximum benefit amount, and establish a commencement date for the district as described in Iowa Code section 15J.4(3)*"d."*

200.5(4) *Provisional funding decisions not determinative of final funding decision.* The board's final funding decision may be different from its provisional funding decision. The board may ratify, amend, defer, or rescind the provisional funding decision. If the board's final funding decision causes additional funding to become available, the board may amend a funding decision for another proposed district plan made during the same annual filing window or may reserve the additional funding capacity for the next annual filing window.

[**ARC 0135D**, IAB 3/18/26, effective 4/22/26]

261—200.6(15J) Adoption of ordinance and use of deposits.

200.6(1) *Ordinance and notice to department.* Upon receiving approval by the board of the final application pursuant to rule 261—200.5(15J), the municipality shall adopt an ordinance or, in the case of a joint board, a resolution establishing the district consistent with Iowa Code section 15J.4(4)*"c."* Notice to the director of revenue shall be provided consistent with Iowa Code section 15J.4(4)*"a"* and *"b."*

200.6(2) *Use of deposits.*

a. For the purpose of determining eligible uses of moneys deposited in an account pursuant to Iowa Code section 15J.4(4)*"d,"* "development" means all costs reasonably related to a project described in a final application approved by the board. Development costs may include project planning, professional services, land acquisition, construction, maintenance, and operational expenses. A municipality shall enter into development agreements for the expenditure of program funds and submit copies of such agreements to the authority within 30 days of execution.

b. Moneys deposited in an account shall only be used to fund projects approved by the board as part of a proposed district plan. Moneys deposited in an account may be used for projects that do not generate new tax revenues, provided such projects are part of an approved plan. A municipality shall maintain records documenting the use of deposits under the program and make them available to the board or the department upon request.

c. Moneys from new tax revenues collected within a district and expended by a municipality under the program are subject to audit by the department or the auditor of state.

[**ARC 0135D**, IAB 3/18/26, effective 4/22/26]

261—200.7(15J) Plan amendments and reporting.

200.7(1) *Plan amendments.*

a. Requests for amendments shall include updated or amended feasibility and economic impact studies as determined necessary by the authority. A plan amendment request that does not increase the maximum benefit amount may be requested at any time.

b. A request to extend a district's established commencement date will be rejected.

c. If, after final approval and establishment of the district, a municipality is unable to carry out development of all the projects proposed to be undertaken in a district, the municipality shall seek a modification to the plan. If a requested plan amendment would reduce capital investment in a district

or remove one or more of the projects originally approved for the district, the board in its discretion may reduce, rescind, or otherwise modify the maximum benefit amount accordingly.

200.7(2) *Reports.* Following establishment of a district, the municipality shall submit the reports required by Iowa Code section 15J.4(6). Reports will be posted on the authority's website in accordance with Iowa Code section 15J.4(7).

[**ARC 0135D**, IAB 3/18/26, effective 4/22/26]

261—200.8(15J) Cessation of deposits, district dissolution, and requests for extension.

200.8(1) *Cessation of deposits.* Deposits to the district's account shall cease in accordance with Iowa Code section 15J.8.

200.8(2) *District dissolution.* If a municipality is notified that its maximum benefit amount has been reached, the municipality shall dissolve the district by ordinance or resolution as soon as practicable after notification.

200.8(3) *Requests for extension.* The board may extend the district's 20-year period of time for depositing and receiving revenues in accordance with Iowa Code section 15J.8(3).

[**ARC 0135D**, IAB 3/18/26, effective 4/22/26]

261—200.9(15J) Cross-reference to department rules. The department has adopted rules for the administration and deposit of moneys into the fund and into accounts in 701—Chapter 273.

[**ARC 0135D**, IAB 3/18/26, effective 4/22/26]

These rules are intended to implement Iowa Code chapter 15J.

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[Editorial change: IAC Supplement 4/1/26]

IOWA FINANCE AUTHORITY[265]

[Prior to 7/26/85, Housing Finance Authority[495]]
[Prior to 4/3/91, Iowa Finance Authority[524]]

CHAPTER 1
GENERAL

1.1(16) Mission
1.2(16) Finance authority board of directors
1.3(16) Organization, requests, and submissions

CHAPTER 2
Reserved

CHAPTER 3
MULTIFAMILY HOUSING

3.1(16) Purpose
3.2(16) Application procedure
3.3(16) Eligibility
3.4(16) Multifamily loan program for workforce housing loan assistance
3.5(16) Authority analysis of applications

CHAPTER 4
Reserved

CHAPTER 5
DEBARMENT FROM PARTICIPATION IN AUTHORITY PROGRAMS AND TRANSACTIONS

5.1(16) Definitions
5.2(16) Factors considered
5.3(16) Debarment procedure
5.4(16) Period and scope of debarment
5.5(16) Request for review and response
5.6(16) Request for reinstatement after debarment
5.7(16) Additional remedies

CHAPTER 6
Reserved

CHAPTER 7
CONTESTED CASES

7.1(17A) Scope and applicability
7.2(17A) Definitions
7.3(17A) Time
7.4(17A) Requests for contested case proceeding
7.5(17A) Notice of hearing
7.6(17A) Presiding officer
7.7(17A) Waiver of procedures
7.8(17A) Telephone or video proceedings
7.9(17A) Disqualification
7.10(17A) Consolidation—severance
7.11(17A) Pleadings
7.12(17A) Service and filing of pleadings and other papers
7.13(17A) Discovery
7.14(17A) Subpoenas
7.15(17A) Motions
7.16(17A) Prehearing conference
7.17(17A) Continuances
7.18(17A) Withdrawals
7.19(17A) Intervention

7.20(17A) Hearing procedures
7.21(17A) Evidence
7.22(17A) Default
7.23(17A) Ex parte communication
7.24(17A) Recording costs
7.25(17A) Interlocutory appeals
7.26(17A) Posthearing procedures and orders
7.27(17A) Appeals and review
7.28(17A) Applications for rehearing
7.29(17A) Stays of authority actions
7.30(17A) No factual dispute contested cases
7.31(17A) Emergency adjudicative proceedings
7.32(17A,16) Informal procedure prior to hearing

CHAPTER 8
PRIVATE ACTIVITY BOND ALLOCATION
8.1(7C) Authority
8.2(7C) Definitions
8.3(7C) Forms and applications
8.4(7C) Certification of current allocation
8.5(7C) State ceiling carryforwards
8.6(7C) Expiration of allocations and resubmission
8.7(7C) Use by political subdivisions
8.8(7C) Application and allocation fees
8.9(7C) References

CHAPTER 9
TITLE GUARANTY DIVISION
9.1(16) Definitions
9.2(16) Mission
9.3(16) Organization
9.4(16) Operation
9.5(16) Participants
9.6(16) Services offered
9.7(16) Claims
9.8(16) Mortgage release certificate
9.9(16) Rules of construction

CHAPTER 10
MORTGAGE CREDIT CERTIFICATES
10.1(16) General
10.2(16) Participating lenders
10.3(16) Eligible borrowers
10.4(16) MCC procedures
10.5(16) References

CHAPTER 11
IOWA MAIN STREET LOAN PROGRAM
11.1(16) Definitions
11.2(16) Public benefit
11.3(16) Loan terms

CHAPTER 12
Reserved

CHAPTER 13
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
13.1(16,22) Definitions
13.2(16,22) Requests for access to authority records
13.3(16,22) Access to confidential records

13.4(16,22) Requests for confidential treatment
13.5(16,22) Additions, dissents or objections
13.6(16,22) Notices to suppliers of information
13.7(16,22) Disclosure of records—consent
13.8(16,22) Availability of records
13.9(16,22) Personally identifiable information
13.10(16,22) Other groups of records
13.11(16,22) Applicability

CHAPTER 14
Reserved

CHAPTER 15
PURCHASING
15.1(16) Applicability of competitive bidding
15.2(16) Methods of obtaining bids or proposals used by the authority
15.3(16) Contract purchases
15.4(16) Blanket purchase agreements
15.5(16) Bids and proposals to conform to specifications
15.6(16) Modification or withdrawal of bids
15.7(16) Financial security
15.8(16) Rejection of bids and proposals
15.9(16) Vendor appeals

CHAPTER 16
PETITION FOR DECLARATORY ORDER
16.1(17A) Petition for declaratory order
16.2(17A) Notice of petition
16.3(17A) Intervention
16.4(17A) Briefs
16.5(17A) Inquiries
16.6(17A) Service and filing of petitions and other documents
16.7(17A) Consideration
16.8(17A) Action on petition
16.9(17A) Refusal to issue order
16.10(17A) Contents of declaratory order—effective date
16.11(17A) Copies of orders
16.12(17A) Effect of a declaratory order

CHAPTER 17
AGENCY PROCEDURE FOR RULEMAKING
17.1(17A) Incorporation by reference
17.2(17A) Contact information

CHAPTER 18
WAIVERS FROM ADMINISTRATIVE RULES
18.1(17A,16) Definitions
18.2(17A,16) Applicability of chapter
18.3(17A,16) Criteria for waiver
18.4(17A,16) Filing of petition
18.5(17A,16) Content of petition
18.6(17A,16) Notice
18.7(17A,16) Hearing procedures
18.8(17A,16) Authority responsibilities regarding petition for waiver
18.9(17A,16) Public availability
18.10(17A,16) After issuance of a waiver

CHAPTER 19
STATE HOUSING TRUST FUND
19.1(16) Trust fund allocation plans

19.2(16) Location of copies of the plans

CHAPTER 20
Reserved

CHAPTER 21
HOME AND COMMUNITY-BASED SERVICES REVOLVING LOAN PROGRAM

21.1(16) Available funds
21.2(16) Application procedure
21.3(16) Program guidelines
21.4(16) Authority analysis of applications
21.5(16) Discretion of authority board
21.6(16) Closing/advance of funds

CHAPTERS 22 and 23
Reserved

CHAPTER 24
HOME- AND COMMUNITY-BASED SERVICES RENT SUBSIDY PROGRAM

24.1(16) Definitions
24.2(16) Eligibility requirements
24.3(16) Application
24.4(16) Rent subsidy
24.5(16) Redetermination of eligibility
24.6(16) Termination of rent subsidy payments

CHAPTER 25
Reserved

CHAPTER 26
WATER POLLUTION CONTROL WORKS AND
DRINKING WATER FACILITIES FINANCING PROGRAM

26.1(16) Purpose and authority responsibilities
26.2(16) Definitions
26.3(16) Eligibility, application, and approval
26.4(16) Infrastructure construction loans
26.5(16) Planning and design loans
26.6(16) Nonpoint source loan programs
26.7(16) Administration
26.8(16) References

CHAPTER 27
MILITARY SERVICE MEMBER HOME OWNERSHIP ASSISTANCE PROGRAM

27.1(16) Purpose
27.2(16) Definitions
27.3(16) Application procedure and determination of eligibility
27.4(16) MHOA award

CHAPTER 28
WASTEWATER AND DRINKING WATER TREATMENT FINANCIAL ASSISTANCE PROGRAM

28.1(16) Definitions
28.2(16) Project funding
28.3(16) Administration

CHAPTER 29
DISASTER RECOVERY HOUSING ASSISTANCE

29.1(16) Definitions
29.2(16) Operation of program with local program administrators
29.3(16) Eligibility
29.4(16) Eligible uses of funds
29.5(16) Loan terms

29.6(16) Grant terms
29.7(16) Reporting
29.8(16) Eviction prevention program
29.9(16) Financial assistance subject to availability of funding

CHAPTERS 30 to 38
Reserved

CHAPTER 39
HOME INVESTMENT PARTNERSHIPS PROGRAM

39.1(16) Purpose
39.2(16) Definitions
39.3(16) Eligible applicants
39.4(16) Eligible activities and forms of assistance
39.5(16) Application procedure
39.6(16) Application requirements
39.7(16) Application review criteria
39.8(16) Allocation of funds
39.9(16) Administration of awards
39.10(16) Requests for funds
39.11(16) References

CHAPTER 40
Reserved

CHAPTER 41
SHELTER ASSISTANCE FUND

41.1(16) Purpose
41.2(16) Definitions
41.3(16) Eligible applicants
41.4(16) Eligible activities
41.5(16) Application procedures
41.6(16) Application review process
41.7(16) Matching contributions
41.8(16) Funding awards
41.9(16) Requirements placed on recipients
41.10(16) Compliance with applicable federal and state laws and regulations
41.11(16) Administration
41.12(16) References

CHAPTER 42
EMERGENCY SOLUTIONS GRANT PROGRAM

42.1(16) Purpose
42.2(16) Definitions
42.3(16) Eligible applicants
42.4(16) Eligible activities
42.5(16) Ineligible activities
42.6(16) Application procedures
42.7(16) Application review process
42.8(16) Matching requirement
42.9(16) Funding awards
42.10(16) Compliance with applicable federal and state laws and regulations
42.11(16) Administration
42.12(16) References

CHAPTER 43
COMMUNITY HOUSING AND SERVICES FOR PERSONS WITH DISABILITIES REVOLVING LOAN PROGRAM

43.1(16) Definitions
43.2(16) Award of loan funds

43.3(16) Application process
43.4(16) Program guidelines
43.5(16) Authority analysis of applications
43.6(16) Discretion of authority board
43.7(16) Closing/advance of funds

CHAPTER 44
IOWA AGRICULTURAL DEVELOPMENT PROGRAMS
44.1(16) Definitions
44.2(16) Maximum allowable net worth
44.3(16) Beginning farmer loan program eligibility
44.4(16) Beginning farmer loan program
44.5(16) Loan participation program
44.6(16) Loan program fees
44.7(16) Beginning farmer tax credit program
44.8(16) Violations of law
44.9(16) References

CHAPTER 45
MANUFACTURED HOUSING PROGRAM FUND
45.1(16) Purpose
45.2(16) Definitions
45.3(16) Sources of funds
45.4(16) Program overview
45.5(16) Eligible financing
45.6(16) Linked deposits
45.7(16) Limits on linked deposits
45.8(16) Availability of moneys for linked deposits

CHAPTER 46
WATER QUALITY FINANCING PROGRAM
46.1(16) Definitions
46.2(16) Application and approval
46.3(16) Administration

CHAPTER 47
HOUSING RENEWAL PILOT PROGRAM
47.1(89GA,HF2564) Purpose
47.2(89GA,HF2564) Definitions
47.3(89GA,HF2564) Agreement
47.4(89GA,HF2564) Reporting

CHAPTER 44
IOWA AGRICULTURAL DEVELOPMENT PROGRAMS

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/6/31

265—44.1(16) Definitions.

"Agricultural assets" means the same as defined in Iowa Code section 16.58.

"Agricultural development board" or *"IAD board"* means the agricultural development board created in Iowa Code section 16.2C.

"Agricultural improvement" means the same as defined in Iowa Code section 16.58.

"Agricultural land" means the same as defined in Iowa Code section 16.58.

"Agricultural lease agreement" or *"agreement"* means the same as defined in Iowa Code section 16.77.

"Application" means a completed instrument on a form approved by the authority.

"Authority" means the Iowa finance authority created in Iowa Code section 16.1A.

"Beginning farmer" means the same as defined in Iowa Code section 16.58.

"BFLP" means beginning farmer loan program established pursuant to Iowa Code chapter 16, subchapter VIII, part 6, subpart A.

"BFLP beginning farmer" means a beginning farmer who also meets the requirements of a first-time farmer as defined in Section 147(c) of the Internal Revenue Code.

"BFTC" means beginning farmer tax credit program established pursuant to Iowa Code chapter 16, subchapter VIII, part 6, subpart B.

"Bond purchaser" means any lender or any person who purchases an authority bond under the individual agricultural development bond program.

"Cash rent agreement" means an agreement whereby operation of agricultural assets is transferred via a fixed cash payment per annum.

"Commodity share agreement" means an agreement whereby operation of agricultural assets is transferred via a risk-sharing mechanism, whereby the agricultural assets owner receives a portion of the production as payment for use of the agricultural assets.

"Eligible taxpayer" means the same as defined in Iowa Code section 16.77.

"Farm" means a farming enterprise that is generally recognized as a farm rather than a rural residence.

"Farming" means the same as defined in Iowa Code section 16.58.

"Flex lease agreement" means an agreement that transfers operation of agricultural assets via a combination of fixed cash payments and, at times, additional payment based on production or other variables.

"Lender" means any regulated bank, trust company, bank holding company, mortgage company, national banking association, savings and loan association, life insurance company, state or federal governmental agency or instrumentality, or other financial institution or entity authorized and able to make mortgage loans or secured loans in this state.

"LPP" means loan participation program.

"LPP loan" means the "last-in/last-out" loan participation requested by the lender from the authority.

"Participated loan" means a loan or loans, any portion of which is shared with or sold to the authority by the lender.

"Person" means the same as defined in Iowa Code section 4.1(20).

"Qualified beginning farmer" means the same as defined in Iowa Code section 16.77.

"USDA" means the United States Department of Agriculture.

"USDA NASS" means the USDA's National Agricultural Statistics Service.

[**ARC 0177D**, IAB 4/1/26, effective 5/6/26]

265—44.2(16) Maximum allowable net worth.

44.2(1) Pursuant to Iowa Code section 16.58(9), the authority will establish the maximum allowable net worth for each calendar year. The maximum allowable net worth shall be increased or decreased from the previous year by an amount equal to the percentage increase or decrease (September to September) in the USDA "Index of Prices Paid for Commodities and Services, Interest, Taxes, and Farm Wage Rates" reported as of October 1 of the immediately preceding calendar year. The maximum allowable net worth will be rounded to the nearest thousand dollars.

44.2(2) A beginning farmer's or BFTC beginning farmer's net worth will be established by determining total assets minus total liabilities as determined in accordance with generally accepted accounting principles with appropriate exceptions and exemptions reasonably related to an equitable determination of the net worth of the individual, partnership, limited liability company or corporation. Assets shall be valued at fair market value.

44.2(3) For the purposes of this rule, "total liabilities" means all liabilities, including but not limited to accounts payable, notes or other indebtedness owed, taxes, rent, amount owed on any real estate contract or real estate mortgage, judgments, accrued interest payable, and any other liabilities. Liabilities shall be determined on the basis of generally accepted accounting principles.

44.2(4) In only those cases where a beginning farmer's or BFTC beginning farmer's liabilities include an amount for deferred tax liability that causes the applicant's net worth to change from exceeding the maximum allowable net worth to an amount no greater than the maximum allowable net worth, the applicant is required to have a certified public accountant prepare the financial statement and provide supporting calculations and documentation acceptable to the IAD board.

44.2(5) For the purposes of this rule, "total assets" means all assets including but not limited to cash, crops or feed on hand, livestock held for sale, breeding stock, marketable bonds and securities, securities not readily marketable, accounts receivable, notes receivable, cash invested in growing crops, net cash value of life insurance, machinery, equipment, cars, trucks, farm and other real estate including life estates and personal residence, value of beneficial interest in a trust, government payments or grants, and any other assets. "Total assets" shall not include items used for personal, family or household purposes by the applicant; but in no event shall any property be excluded, to the extent a deduction for depreciation is allowable for federal income tax purposes. All assets shall be valued at fair market value by the lender. The value shall be what a willing buyer would pay a willing seller in the locality. A deduction of ten percent may be made from fair market value of farm and other real estate.

44.2(6) Notwithstanding the definition of "total assets" in subrule 44.2(5), the value of any retirement accounts will not be included as assets for the purposes of establishing a beginning farmer's or BFTC beginning farmer's net worth. For the purposes of this subrule, an account type identified in rule 701—302.47(422) will be considered a retirement account.

[**ARC 0177D**, IAB 4/1/26, effective 5/6/26]

265—44.3(16) Beginning farmer loan program eligibility. A loan to or on behalf of a BFLP beginning farmer shall be provided only if the criteria in Iowa Code section 16.75(3) are satisfied. In the loan application, the beginning farmer must demonstrate to the satisfaction of the authority that the beginning farmer has or will have access to adequate working capital, farm equipment, machinery, or livestock.

[**ARC 0177D**, IAB 4/1/26, effective 5/6/26]

265—44.4(16) Beginning farmer loan program.

44.4(1) *Individual agricultural development bond program description.* This program is intended to allow BFLP beginning farmers to obtain lower interest rate loans for qualified purposes by obtaining loan funds from the proceeds of a tax-exempt bond issued by the authority and purchased by the bond purchaser. The authority will enter into a loan agreement with the BFLP beginning farmer and assign that BFLP loan to the bond purchaser. At the same time, the authority will issue a tax-exempt bond in the amount of the BFLP loan, and the bond purchaser will purchase that bond,

which is used to fund the BFLP loan assigned to the bond purchaser. The bond that is issued by the authority and purchased by the bond purchaser is a nonrecourse obligation. The only security for the bond purchaser is the underlying security on the assigned BFLP loan.

44.4(2) *Application procedures.* The BFLP beginning farmer may apply for a BFLP loan with any bond purchaser. Any BFLP loan approved will be assigned to that bond purchaser. BFLP loan eligibility is determined by the requirements of Iowa Code sections 16.75 and 16.76 and this chapter.

a. If a BFLP beginning farmer meets the BFLP loan eligibility requirements, the decision on whether to enter into the loan agreement is between the BFLP beginning farmer and the bond purchaser. The BFLP beginning farmer and bond purchaser must agree on the terms of the loan, such as interest rates, length of loan, down payment, service fees, origination charges and repayment schedule. The terms may not be more onerous than terms charged to similar customers for similar loans, taking into account the tax-exempt nature of interest on the BFLP loan.

b. Following completion of the BFLP loan application by the BFLP beginning farmer and approval by the bond purchaser, the BFLP loan application must be submitted to the authority for its review and approval.

c. The authority's review will include but not be limited to whether:

(1) The BFLP loan applicant is a BFLP beginning farmer;

(2) The BFLP loan proceeds will be used for a qualified purpose under Iowa Code sections 16.75 and 16.76, this chapter, and the Internal Revenue Code and IRS regulations relating to private activity bonds;

(3) The terms of the BFLP loan comply with these rules; and

(4) The bond purchaser is a lender or bond purchaser as defined in this chapter.

d. The authority may require that the bond purchaser furnish any information that the authority deems necessary to determine whether the bond purchaser qualifies as either a lender or bond purchaser. If the authority determines that the bond purchaser does not qualify as either a lender or bond purchaser, it may deny the application.

e. The authority may charge fees as needed to defray its costs for processing the BFLP loan and bond.

44.4(3) *Issuance of bond.* All bonds issued by the authority will conform to all applicable requirements of the United States Internal Revenue Code of 1986 as amended, and its regulations.

a. Public hearings may be held by a member of the IAD board or an appointee or employee of the authority.

b. Following approval of the BFLP loan by the authority, and upon completion of a public hearing and approval of the bond issuance by the governor or another elected state official designated by the governor, the authority will issue a bond, to be purchased by the bond purchaser, in the amount and fitting the terms of the BFLP loan to the BFLP beginning farmer. The principal and interest on the bond are a limited obligation payable solely out of the revenues derived from the BFLP loan to the BFLP beginning farmer and the underlying collateral or other security furnished by or on behalf of the BFLP beginning farmer. The bond purchaser shall have no other recourse against the authority. The principal and interest on the bond do not constitute an indebtedness of the authority or a charge against its general credit or general fund.

44.4(4) *Priority of applications.* Applications shall be processed by the authority on a first-come, first-served basis, based upon the receipt of all completed documents by the authority.

44.4(5) *Procedures following bond issuance.* No bond proceeds may be used for a nonqualified purpose or by a nonqualified user. Following disbursement of the bond proceeds, the bond purchaser and BFLP beginning farmer may be required to certify to the authority that the proceeds were used by the BFLP beginning farmer for a qualified purpose.

44.4(6) *Assignment of BFLP loans by bond purchasers.* A bond purchaser may assign a BFLP loan in whole or in part to any person. Servicing of the BFLP loan may also be assigned. The authority must be notified in writing prior to assignment of the BFLP loan.

44.4(7) *Assumption of BFLP loans, substitution of collateral and transfer of property.* BFLP loans may not be assumed without the prior approval of the authority, and then only if the purchaser of the property is a BFLP beginning farmer. Equipment and other depreciable property may be exchanged or traded for similar property, and other property such as breeding livestock may be added or substituted as collateral at the discretion of the bond purchaser without the prior approval of the authority.

44.4(8) *Right to audit.* The authority shall have the right to audit the records of the bond purchaser and the BFLP beginning farmer relating to the BFLP loan and bond at any time to ensure that bond proceeds were used for a qualified purpose by a qualified user.

[**ARC 0177D**, IAB 4/1/26, effective 5/6/26]

265—44.5(16) Loan participation program.

44.5(1) *Program summary.* The loan participation program is intended to assist lenders and beginning farmers by purchasing a portion of a loan made by a lender to a beginning farmer for the purchase of agricultural property.

a. Supplement to beginning farmer's down payment. The LPP loan can be used to supplement the beginning farmer's down payment so that the beginning farmer can more readily secure a participated loan from a lender.

b. Last-in/last-out collateral position. The program enables lenders to request a "last-in/last-out" LPP loan from the authority. The lender, on behalf of the beginning farmer, shall apply for the LPP loan on application forms provided by the authority.

c. Lender's certification. The lender and the beginning farmer shall certify that the information included in the application and any other documents submitted for consideration is true and correct to the best of their knowledge.

d. LPP loan in conjunction with BFLP loan. The loan participation program may be used in conjunction with the authority's beginning farmer loan program, provided the beginning farmer meets the criteria for both programs.

44.5(2) *Underwriting criteria.* Commercial underwriting criteria will be used as determined by the authority.

44.5(3) *Eligible projects and activities.*

a. Use of project. LPP loans must be for new purchases or new construction. Assets purchased or constructed with LPP loan funds must be used for agricultural purposes.

b. Agricultural land. The participated loan can be used for the purchase of agricultural land, which may include small acreages on which sufficient agricultural improvements are located to conduct a livestock operation. If a house is located on land for which an LPP loan is requested, an appraisal of the house will be made. If the appraised value of the house exceeds 50 percent of the appraised value of the property or total collateral, then the property will not be eligible for an LPP loan.

c. Agricultural improvements. The participated loan can be used for the construction or purchase of agricultural improvements, including but not limited to confinement systems for swine, cattle, or poultry; barns or other outbuildings; and grain storage facilities and silos.

d. Livestock used for breeding purposes. The participated loan can be used for the purchase of livestock if an income tax deduction for depreciation is allowed for such livestock in computing state and federal income taxes.

e. Machinery and equipment. The participated loan can be used for the purchase of agricultural machinery and equipment if an income tax deduction for depreciation is allowed for such machinery and equipment in computing state and federal income taxes. Machinery and equipment purchased with the participated loan must be used in the beginning farmer's farming operation.

f. Interim financing by lender. Interim financing by the lender is allowed.

44.5(4) *Ineligible projects.* The following activities are ineligible for an LPP loan:

a. Refinancing of existing debt or new purchases that have been incurred by the borrower more than 60 days prior to approval of the LPP loan by the authority.

b. Financing personal or living expenses and working capital to purchase such items as feed, seed, fertilizer, fuel, and feeder livestock.

c. Financing a down payment for a contract sale, or in connection with a loan from a nonregulated lender.

44.5(5) *Program parameters.*

a. Purchase price impact. Maximum LPP loan amount and loan terms will be determined by the IAD board.

b. LPP interest rate. The IAD board will set the interest rate on the LPP loan.

c. LPP loans outstanding. Loans under the program may be issued more than once, provided that the outstanding LPP loan totals do not exceed the maximum amount set by the IAD board.

44.5(6) *LPP loan application.* Applications for LPP loans will include:

a. A financial statement, in a form acceptable to the authority, and any other information deemed necessary and appropriate to document the eligibility of the beginning farmer and the beginning farmer's ability to make principal and interest payments. If the beginning farmer or the beginning farmer's spouse is involved in a business, partnership, limited liability company, or corporation, either related or unrelated to the beginning farmer's farming operation, a financial statement from this entity must also be submitted with the application.

b. If available, copies of the beginning farmer's prior three years' federal income tax returns.

c. A letter documenting that the beginning farmer has sufficient training, experience and access to capital to the satisfaction of the authority.

44.5(7) *Application procedures.*

a. Credit evaluation. The lender will evaluate the beginning farmer's net worth and ability to pay principal and interest and certify the sufficiency of security for the participated loan. The authority will review the application and make its own credit evaluation prior to issuance of an LPP loan.

b. Processing LPP loan applications. Applications for the program will be accepted and processed by the authority on a first-come, first-served basis. The authority may cease accepting applications if the maximum allowable limit for total outstanding LPP loans is reached or the program is altered by the Iowa general assembly or by rules promulgated by the authority.

c. Security for participated loans and use of security documents. The lender shall take any security, cosignatures, guarantees or sureties that are deemed necessary by the authority for any participated loan. Any guarantee of repayment or pledge of additional collateral required by the lender to secure the participated loan shall secure the entire participated loan.

d. Recording documents and fees. Any recording or filing fees or transfer taxes associated with the participated loan will be paid by the beginning farmer or lender and not the authority. The authority will have no responsibility with respect to the preparation, execution, or filing of any declaration of value or groundwater hazard statements.

44.5(8) *Loan administration procedures.*

a. Lender's responsibilities. The lender is responsible for servicing the participated loan following accepted standards of loan servicing and for transferring LPP loan payments to the authority.

(1) At the request of the authority, the lender shall:

1. Provide the authority with copies of a current financial statement or a current tax return, or both, on an annual basis.

2. Provide copies of insurance to the authority with the lender named as loss payee.

(2) The lender shall not, without prior consent of the authority:

1. Make or consent to any substantial alterations in the terms of any participated loan instrument;

2. Make or consent to releases of security or collateral unless replaced with collateral of equal value on the participated loan;

3. Accelerate the maturity of the participated loan;

4. Sue upon any participated loan instrument;

5. Waive any claim against any beginning farmer, cosignor, guarantor, obligor, or standby creditor arising out of any instruments.

(3) The lender will apply payments to the participated loan according to the amortization schedule(s) approved by the authority or on a pro-rata basis.

b. Payment due dates. Payment due dates for the LPP loan will be the same as for the lender's share of the loan.

c. Prepayment penalty. There is no penalty for early repayment of principal or interest.

d. Repayment proceeds and collateral. Without limitation, the repayment of proceeds and collateral shall include rights of setoff and counterclaim, which the lender or the authority jointly or severally may at any time recover on any participated loan.

e. Subsequent loans. Any loan or advance made by a lender to a beginning farmer subsequent to the beginning farmer's obtaining an LPP loan under the program and secured by collateral or security pledged for the participated loan will be subordinate to the participated loan.

f. Events of loan default.

(1) Default will occur when the participated loan payment is 30 days past due. Notice to cure will be sent by the lender to the beginning farmer with a copy sent to the authority. The lender will take appropriate steps to cure the default through mediation, liquidation, or foreclosure if needed.

(2) After a participated loan is in default for a period of 30 days, the lender shall file monthly reports with the authority regarding the status of the participated loan.

(3) The authority may, anytime a participated loan is in default, purchase the unpaid portion of the participated loan from the lender including the note, security agreements, additional guarantees, and other documents. The authority would become the servicer of the participated loan if purchased.

g. Applying principal and interest payments. Lenders shall receive all payments of principal and interest. All payments made prior to liquidation or foreclosure shall be made according to the amortization schedule(s) approved by the authority or on a pro-rata basis. All accrued interest must be paid to zero at least annually on the anniversary date of the note.

h. Application of proceeds of loan liquidation. Application of proceeds of loan liquidation will be determined after a written liquidation plan is approved by the authority or the loan committee of the IAD board. All funds received from liquidation or foreclosure procedures shall be applied in the following order of priority:

First Priority: To the payment of the outstanding principal of and accrued interest on the lender's portion of the participated loan;

Second Priority: To the payment of the outstanding principal of and accrued interest on the authority's LPP loan;

Third Priority: To the payment on a pro-rata basis of all reasonable and necessary expenses incurred by the lender or the authority in connection with such liquidation or foreclosure procedures.

44.5(9) *Right to audit.* The authority shall have the right to audit records of the lender and the beginning farmer relating to any participated loan made under the program at any time.

[**ARC 0177D**, IAB 4/1/26, effective 5/6/26]

265—44.6(16) Loan program fees. Applicants for both the BLFP and LPP shall pay the following fees:

1. A $100 application fee, due at the time an application is submitted to the authority.

2. A fee equal to 1.5 percent of the amount of a loan, due at the time of loan closing.

[**ARC 0177D**, IAB 4/1/26, effective 5/6/26]

265—44.7(16) Beginning farmer tax credit program.

44.7(1) *Eligibility.*

a. Eligible taxpayer. Only eligible taxpayers that own agricultural assets included in an agricultural lease agreement are eligible for a tax credit. Pursuant to 701—subrules 302.87(3) and

302.88(3), an eligible taxpayer that elects to exclude all qualifying capital gains from the sale of real property used in a farming business and the sale of certain livestock or that elects to exclude net income pursuant to a farm tenancy agreement covering real property is not eligible for a tax credit.

b. Qualified beginning farmer. A beginning farmer must meet all of the criteria in Iowa Code section 16.79(2), be of majority age pursuant to Iowa Code section 599.1, and be legally able to enter into a contract to be eligible for participation in the beginning farmer tax credit program.

44.7(2) *Tax credit term.* The term of the credit shall begin in the crop year in which the authority board approves the award. The maximum term of the credit shall not exceed the term of the agricultural lease agreement.

44.7(3) *Application.*

a. The authority shall prepare and make available appropriate forms to be used in making application for the tax credit, including forms for both the taxpayer and the qualified beginning farmer.

b. Each application shall include but not be limited to the following:

(1) Taxpayer information: name, address, and social security number or tax identification number.

(2) Qualified beginning farmer information: name and address. In addition, the application shall have attached to it a copy of the qualified beginning farmer's current financial statement (generally prepared one month preceding application submission). The application will also include a background letter on the qualified beginning farmer documenting to the satisfaction of the authority that the beginning farmer has sufficient education, training, or experience in farming and has access to adequate working capital and production items.

(3) A copy of the agricultural lease agreement that conforms to the requirements in Iowa Code section 16.79A.

c. Complete applications shall be processed in the order they are received by the authority.

d. Authority staff will review applications for completeness and eligibility and make recommendations to the IAD board. The IAD board will review applications and recommendations from authority staff and make recommendations to the authority. Upon review of the recommendations of the IAD board, the authority will approve, defer, or deny each application.

e. Any applicant wishing to appeal a decision of the IAD board can appeal directly to the IAD board.

f. Upon submission of the application or a request to amend an agricultural lease agreement, the authority shall collect the application fee. The authority shall collect fees in the amounts based upon the acreage of the land that is the subject of the agreement and the length of the lease, as indicated in the chart below.

Application Fees Chart

	Length of Lease in Years			
Leased Acres	**2**	**3**	**4**	**5**
100 or fewer	$300	$350	$400	$450
101 to 250	$400	$450	$500	$550
251 or more	$500	$550	$600	$650

g. For an amendment to a previously approved agricultural lease agreement, an amendment fee of $100 shall be paid at the time the amendment is submitted. If the amendment includes additional acres, the application fee is based on the number of additional acres being rented and the years remaining on the lease, as indicated in the chart below.

Additional Acres Fee Chart

	Number of Years Remaining on Lease				
# of Additional Acres	**1**	**2**	**3**	**4**	**5**
100 or fewer	$250	$300	$350	$400	$450
101 to 250	$350	$400	$450	$500	$550
251 or more	$450	$500	$550	$600	$650

44.7(4) *Requirements of an agricultural lease agreement.*

a. The agricultural lease agreement must be in writing and signed by all parties and must meet all of the requirements in Iowa Code section 16.79A.

b. At the end of the approved agricultural lease agreement term, a new application must be submitted to the authority. For the purposes of this paragraph, an eligible taxpayer first participating in the beginning farmer tax credit program on or after January 1, 2019, for a tax year beginning on or after that date, may participate in the program for not more than 15 years.

c. An eligible taxpayer may apply and be approved to enter into agreements with different qualified beginning farmers.

44.7(5) *Changes to an agricultural lease agreement.*

a. The underlying lease for agricultural land may only be amended under the circumstances identified in Iowa Code section 16.79A(4)*"b."* If the eligible taxpayer and the qualified beginning farmer are amending an agricultural lease agreement but none of the conditions in Iowa Code section 16.79A(4)*"b"* apply, then the eligible taxpayer must submit a new application for a tax credit.

b. If an amendment to an agreement changes the total amount that will be paid to the eligible taxpayer under the agreement, the procedures in Iowa Code section 16.79A(4)*"c"* will apply.

c. Expiration of lease. Prior to the expiration of the lease, the qualified beginning farmer will continue to be eligible for the term of the lease. Upon expiration of the lease, both the taxpayer and qualified beginning farmer must reapply to continue the tax credit.

44.7(6) *Procedure for calculating tax credit awards.*

a. The authority will determine tax credit amounts as described in Iowa Code section 16.82(3).

b. To calculate the credit for a commodity share agreement, the authority will use the following assumptions:

(1) Fifty percent of the leased land is allocated to corn and 50 percent of the leased land is allocated to soybeans, unless the lease specifies a different allocation of corn and soybeans. If the lease specifies a different allocation of corn and soybeans, then the leased land will be allocated proportionally, in accordance with the terms of the lease.

(2) For all years of the lease, the prices used for corn and soybeans will be the average prices for the last five years excluding the highest and lowest prices based on the USDA-NASS statewide data calculated at the time the application is approved.

(3) For all years of the lease, the commodity yields used for corn and soybeans will be the past ten-year average per-bushel yields for the same county where the leased land is located excluding the years of highest and lowest per-bushel yields based on the USDA-NASS data calculated at the time the application is approved.

(4) If the lease specifies a crop other than corn and soybeans, the relevant price and yield data from USDA-NASS for that crop will be used.

c. To calculate the credit for a commodity share agreement, the authority will use the following formula: (1/2 acres leased multiplied by corn yield multiplied by corn price multiplied by percentage of owner's share multiplied by the BFTC commodity share tax credit percentage) plus (1/2 acres leased multiplied by soybean yield multiplied by soybean price multiplied by owner's share multiplied by the BFTC commodity share tax credit percentage) = the amount of the tax credit. If the lease specifies a different allocation of corn and soybeans, then the leased acres will be in accordance with the terms of the lease.

d. The amount of the tax credit for a flex lease agreement equals the sum of the following amounts:

(1) The portion of the lease that is based on rent will be calculated as a cash rent agreement.

(2) The portion of the lease that is based on crop yield will be calculated as a commodity share agreement.

(3) If the flexible or bonus portion of the lease is based on crop production, the annual yield used to calculate the bonus will be the yield defined in subparagraph 44.6(6)*"c"*(3). If the annual yield is above the yield needed to trigger the bonus, the taxpayer will be awarded additional tax credits. The formula for calculating the tax credit will be yield above lease bonus trigger multiplied by price multiplied by percentage of owner's share multiplied by the BFTC commodity share tax credit percentage.

(4) For other factors used in a flex lease agreement, the relevant data used will be the past ten-year average per-bushel yield for the same county where the leased land is located excluding the highest and lowest years based on the USDA-NASS data.

e. The amount of the tax credit shall be reduced by the percent ownership interest of the qualifying beginning farmer in the agricultural assets.

[**ARC 0177D**, IAB 4/1/26, effective 5/6/26]

265—44.8(16) Violations of law. During the application process for the programs administered pursuant to this chapter, the authority will determine whether an applicant has a record of violations of the law that over a period of time tends to show a consistent pattern or that establishes intentional, criminal, or reckless conduct in violation of such laws. An applicant that has such a record of violations of the law will be ineligible for the programs.

[**ARC 0177D**, IAB 4/1/26, effective 5/6/26]

265—44.9(16) References. References to the Internal Revenue Code in this chapter are as in effect on May 6, 2026.

[**ARC 0177D**, IAB 4/1/26, effective 5/6/26]

These rules are intended to implement Iowa Code sections 16.4A, 16.4B, and 16.5D and chapter 16, subchapter VIII.

[Filed Emergency ARC 1112C, IAB 10/16/13, effective 9/26/13]
[Filed ARC 1400C (Notice ARC 1113C, IAB 10/16/13), IAB 4/2/14, effective 5/7/14]
[Filed ARC 2009C (Notice ARC 1905C, IAB 3/4/15), IAB 5/27/15, effective 7/1/15]
[Filed ARC 2226C (Notice ARC 2127C, IAB 9/2/15), IAB 10/28/15, effective 12/2/15]
[Filed ARC 4319C (Notice ARC 4196C, IAB 1/2/19), IAB 2/27/19, effective 4/3/19]
[Filed ARC 4902C (Notice ARC 4729C, IAB 10/23/19), IAB 2/12/20, effective 3/18/20]
[Filed Emergency After Notice ARC 6167C (Notice ARC 6067C, IAB 12/1/21), IAB 2/9/22, effective 1/7/22]
[Filed ARC 0177D (Notice ARC 9907C, IAB 1/7/26), IAB 4/1/26, effective 5/6/26]

CHAPTER 45
MANUFACTURED HOUSING PROGRAM FUND

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/6/31

265—45.1(16) Purpose. Iowa Code section 16.45(1) states the purpose of these rules.
[**ARC 0178D**, IAB 4/1/26, effective 5/6/26]

265—45.2(16) Definitions.

"Authority" means the Iowa finance authority.

"Borrower" means one or more individuals borrowing or seeking to borrow money for the purchase of a manufactured home sited on leased land.

"Financial institution" means a financial institution as defined in Iowa Code section 12C.1 that has been approved as a depository of public funds pursuant to Iowa Code section 12C.2.

"Fund" means the manufactured housing program fund created pursuant to Iowa Code section 16.45.

"Interlender loan" means the lending of funds by a financial institution to a lender, which funds are, in turn, to be loaned by the lender to a borrower to finance the purchase of a manufactured home sited on leased land.

"Lender" means a lender as defined in Iowa Code section 537.1301 that is licensed by the banking division of the department of insurance and financial services and that has not been approved as a depository of public funds pursuant to Iowa Code section 12C.2.

"Manufactured home" or *"manufactured housing"* means the same as defined in Iowa Code section 435.1.

"Mortgage loan" means a loan from a financial institution or lender to a borrower to finance the purchase of a manufactured home.

"Program" means the manufactured housing program.

"Revolving funds" means the funds created by Iowa Code sections 16.46 through 16.49.
[**ARC 0178D**, IAB 4/1/26, effective 5/6/26]

265—45.3(16) Sources of funds.

45.3(1) *Authorized transfers.* Authorized transfers to the fund are made pursuant to Iowa Code section 16.45(2)*"a"* and 16.45(2)*"b."*

45.3(2) *Recapture and repayments—nonreversion.* Recapture of awards and other repayments to the fund are made pursuant to Iowa Code section 16.45(2)*"c."*
[**ARC 0178D**, IAB 4/1/26, effective 5/6/26]

265—45.4(16) Program overview. The program is established as a means of facilitating affordable financing for the purchase of eligible manufactured homes to be sited on leased land located in the state of Iowa. By providing capital at a low interest rate in the form of linked deposits to financial institutions and lenders, the program is intended to enable financial institutions and lenders, in turn, to offer lower interest rate mortgage loans to borrowers or to enable financial institutions to offer interlender loans to lenders, the proceeds of which are, in turn, to be loaned to borrowers at low interest rates to finance the purchase of manufactured homes. The authority's role is strictly that of a depositor, not a lender, loan guarantor, or loan participant.
[**ARC 0178D**, IAB 4/1/26, effective 5/6/26]

265—45.5(16) Eligible financing.

45.5(1) *Lender participation agreement.* Linked deposits are made pursuant to a lender participation agreement to be created by the authority. If the mortgage loan is to be made by a financial institution, the lender participation agreement is between the authority and the financial

institution. If the mortgage loan is to be made by a lender, the lender participation agreement is between the authority, the lender, and a financial institution.

45.5(2) *Eligible loans.* To be eligible for a linked deposit under the program, a mortgage loan is to meet all of the following:

a. The mortgage loan is only for the purchase of a manufactured home as the borrower's primary residence; refinancing is not eligible for the program;

b. The manufactured home is sited on leased land located in the state of Iowa;

c. The term of the mortgage loan is not to exceed 30 years;

d. The mortgage loan is fully amortized;

e. The terms of the mortgage loan contain no prepayment penalties;

f. The interest rate payable on the mortgage loan is not to exceed 9 percent APR;

g. Fees charged by the financial institution or lender to cover its costs of originating the mortgage loan (closing fees, origination fees, etc.) are, in the aggregate, not to exceed 1 percent of the principal mortgage loan amount;

h. Closing agent or settlement fees paid to third-party closers, if any, shall not exceed $500;

i. Customary and reasonable closing costs are allowed; and

j. The financial institution or lender is to comply with all applicable fair lending laws and regulations.

[**ARC 0178D**, IAB 4/1/26, effective 5/6/26]

265—45.6(16) Linked deposits. The process to create a linked deposit is as follows:

45.6(1) Once a financial institution or lender has received a completed loan application from a borrower, the financial institution or lender is to notify the authority via a linked deposit reservation request. The reservation request is on a form created and periodically updated by the authority. The form may be in a paper format or an online web-based format at the authority's discretion. The authority reviews and approves or denies requests. If the reservation request is approved, the authority will tentatively reserve an amount in or available to the fund for up to 60 days for a linked deposit for the mortgage loan that was the subject of the request. No reservation is made if the requested mortgage loan amount exceeds the amount(s) in and available to the fund. The reservation is terminated if the mortgage loan does not close within the 60-day period. If the reservation request is denied, the authority will notify the financial institution or lender that originated the mortgage loan and state the reason for denial.

45.6(2) The financial institution or lender that originated the mortgage loan is to review the borrower's mortgage loan application, applying ordinary manufactured housing lending underwriting criteria. If the loan application is approved by the financial institution or lender, the financial institution or lender submits a request to the authority for a linked deposit. The request shall be on a form created and periodically updated by the authority and which may be in a paper format or an online web-based format at the authority's discretion.

45.6(3) Upon receipt of a linked deposit request, the authority will review the information provided and determine whether the mortgage loan is eligible under the program's criteria. If necessary, the authority may request additional information. If the mortgage loan is determined eligible, the authority will, if necessary to make the linked deposit, transfer moneys from one or more of the revolving funds, at the authority's discretion, into the fund to ensure there is a sufficient amount available in the fund to make the linked deposit. The authority then deposits with the financial institution an amount equal to the principal amount of the mortgage loan via automated clearing house (ACH) money transfer. The linked deposit is not security for the mortgage loan or for the interlender loan, if any, nor is it a loan guarantee. The lender or financial institution making the mortgage loan bears all financial risk for the mortgage loan. The financial institution bears all financial risk for any interlender loan. If the mortgage loan is determined ineligible, the authority will notify the financial institution or lender that originated the mortgage loan and state the reason for denial.

45.6(4) The authority shall receive monthly bank statements for the linked deposit account.

45.6(5) The moneys in the linked deposit account remain in the account for the duration of the mortgage loan. Annually, as of June 30, the financial institution or lender that originated the mortgage loan is to notify the authority of the amount of principal that has been repaid on the mortgage loan during the previous 12 months. The authority will then withdraw from the linked deposit account an amount equal to the principal that was repaid on the mortgage loan during the previous year so that the amount of the linked deposit equals the outstanding principal balance of the mortgage loan.

45.6(6) If a financial institution has more than one mortgage loan in the program, the linked deposits for those mortgage loans may be maintained in a single account.

45.6(7) The linked deposit for a mortgage loan is withdrawn in full if the mortgage loan is paid off, if the manufactured home purchased with the mortgage loan proceeds is destroyed, or if the borrower defaults on the mortgage loan.

45.6(8) The linked deposit account shall bear interest at a rate of not less than 1 percent per annum.

[**ARC 0178D**, IAB 4/1/26, effective 5/6/26]

265—45.7(16) Limits on linked deposits. In any state of Iowa fiscal year, the authority is not to deposit more than 50 percent of the moneys in or available to the fund with any one financial institution pursuant to the program; provided, however, that after the first six months of such fiscal year, the authority may make a linked deposit with any participating financial institution regardless of any amounts previously deposited with such financial institution.

[**ARC 0178D**, IAB 4/1/26, effective 5/6/26]

265—45.8(16) Availability of moneys for linked deposits. The obligation of the authority to deposit funds into a linked deposit account is subject to the availability of moneys either in the fund or transferrable to the fund from the sources set forth in Iowa Code section 16.45 under the limitations set forth in that section.

[**ARC 0178D**, IAB 4/1/26, effective 5/6/26]

These rules are intended to implement Iowa Code section 16.45.

[Filed ARC 4168C (Notice ARC 3973C, IAB 8/29/18), IAB 12/5/18, effective 1/9/19]

[Filed ARC 0178D (Notice ARC 9908C, IAB 1/7/26), IAB 4/1/26, effective 5/6/26]

HUMAN SERVICES DEPARTMENT[441]

Rules transferred from Social Services Department[770] to Human Services Department[498], see 1983 Iowa Acts, Senate File 464, effective July 1, 1983.
Rules transferred from agency number [498] to [441] to conform with the reorganization numbering scheme in general, IAC Supp. 2/11/87.

GENERAL DEPARTMENTAL PROCEDURES

TITLE I

CHAPTER 1
DEPARTMENT ORGANIZATION AND GENERAL DEFINITIONS

1.1(217) History and mission
1.2(217) Definitions
1.3(217) Department structure
1.4(217) Information
1.5(217) Health and human services council
1.6(217) State council on developmental disabilities

CHAPTER 2
Reserved

CHAPTER 3
DEPARTMENT PROCEDURE FOR RULEMAKING

3.3(17A) Public rulemaking docket
3.4(17A) Notice of proposed rulemaking
3.5(17A) Public participation
3.6(17A) Regulatory flexibility analysis
3.11(17A) Concise statement of reasons
3.13(17A) Agency rulemaking record

CHAPTER 4
PETITIONS FOR RULEMAKING

4.1(17A) Petition for rulemaking
4.3(17A) Inquiries

CHAPTER 5
DECLARATORY ORDERS

5.1(17A) Petition for declaratory order
5.2(17A) Notice of petition
5.3(17A) Intervention
5.5(17A) Inquiries
5.6(17A) Service and filing of petitions and other papers
5.8(17A) Action on petition

CHAPTER 6
WAIVERS OF HEALTH AND HUMAN SERVICES ADMINISTRATIVE RULES

6.1(17A,135) Waivers
6.2(17A,217) Sample petition for waiver

CHAPTER 7
APPEALS AND HEARINGS

7.1(17A) Definitions
7.2(17A) Governing law and regulations

DIVISION I
GENERAL APPEALS PROCESS

7.3(17A) When a contested case hearing will be granted
7.4(17A) Initiating an appeal
7.5(17A) How to request an appeal
7.6(17A) Prehearing procedures

7.7(17A) Timelines for contested case hearings
7.8(17A) Contested case hearing procedures
7.9(17A) Miscellaneous rules governing contested case hearings
7.10(17A) Proposed decision
7.11(17A) Director's review
7.12(17A) Final decisions
7.13(17A) Expedited review
7.14(17A) Effect
7.15(17A) Calculating time
7.16(17A) Authorized representatives
7.17(17A) Continuation and reinstatement of benefits
7.18(17A) Emergency adjudicative proceedings
7.19(17A) Supplemental Nutrition Assistance Program (SNAP) administrative disqualification hearings
7.20 to 7.40 Reserved

DIVISION II
APPEALS BASED ON THE COMPETITIVE PROCUREMENT BID PROCESS

7.41(17A) Scope, bidder and applicability
7.42(17A) Requests for timely filing of an appeal
7.43(17A) Bidder appeals
7.44(17A) Procedures for bidder appeal
7.45(17A) Stay of agency action for bidder appeal
7.46(17A) Request for review of the proposed decision
7.47(17A) Other procedural considerations
7.48(17A) Appeal record
7.49(17A) Pleadings
7.50(17A) Ex parte communications
7.51(17A) Right of judicial review

CHAPTER 8
PAYMENT OF SMALL CLAIMS

8.1(217) Authorization to reimburse

CHAPTER 9
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

9.1(17A,22) Statement of policy, purpose and scope of chapter
9.2(17A,22) Definitions
9.3(17A,22) Requests for access to records
9.4(17A,22) Access to confidential records
9.5(17A,22) Requests for treatment of a record as a confidential record and its withholding from examinations
9.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records
9.7(17A,22,228) Consent to disclosure by the subject of a confidential record
9.8(17A,22) Notice to suppliers of information
9.9(17A,22) Release to subject
9.10(17A,22) Use and disclosure without consent of the subject
9.11(22) Availability of records
9.12(22,252G) Personally identifiable information
9.13(17A,22) Special policies and procedures for protected health information
9.14(17A,22) Person who may exercise rights of the subject

CHAPTER 10
Reserved

CHAPTER 11
COLLECTION OF DEBT

11.1(217) Definitions
11.2(217) Establishment of claim
11.3(217) Application of payment
11.4(217) Setoff against state income tax refund, rebate, or other state payments, including, for example, state employee wages

11.5(234) Setoff against federal income tax refund or other federal payments, including, for example, federal employee wages

CHAPTER 12
Reserved

CHAPTER 13
PROGRAM EVALUATION

13.1(234,239B,249A,514I) Definitions
13.2(234,239B,249A,514I) Review of public assistance records by the department
13.3(234,239B,249A,514I) Cases to be reviewed
13.4(234,239B,249A,514I) Notification of review
13.5(234,239B,249A,514I) Review procedure
13.6(234) Failure to cooperate
13.7(234,239B,249A,514I) Report of findings
13.8(234,237A,239B,249A,514I) Federal review

CHAPTERS 14 and 15
Reserved

CHAPTER 16
NOTICES

16.1(17A) Definitions
16.2(17A) Notices

TITLE II

CHAPTERS 17 to 21
Reserved

TITLE III
MENTAL HEALTH

CHAPTER 22
AUTISM SUPPORT PROGRAM

22.1(225D) Definitions
22.2(225D) Eligibility and application requirements
22.3(225D) Cost-sharing requirements and graduated schedule of cost sharing
22.4(225D) Review of financial eligibility, cost-sharing requirements, exemption from cost sharing, and disenrollment in the program
22.5(225D) Initial service authorization and renewal of service authorization
22.6(225D) Provider network
22.7(225D) Financial management of the program
22.8(225D) Appeal

CHAPTER 23
Reserved

CHAPTER 24
ACCREDITATION OF PROVIDERS OF SERVICES TO PERSONS WITH MENTAL ILLNESS, INTELLECTUAL DISABILITIES, OR DEVELOPMENTAL DISABILITIES

DIVISION I
SERVICES FOR INDIVIDUALS WITH DISABILITIES

24.1(225C) Definitions
24.2(225C) Standards for policy and procedures
24.3(225C) Standards for organizational activities
24.4(225C) Standards for services
24.5(225C) Accreditation
24.6(225C) Deemed status (all services)
24.7(225C) Complaint process (all services)
24.8(225C) Appeal procedure
24.9(225C) Exceptions to policy

24.10 to 24.19 Reserved

DIVISION II
CRISIS RESPONSE SERVICES

24.20(225C) Definitions
24.21(225C) Standards for crisis response services
24.22(225C) Standards for policies and procedures
24.23(225C) Standards for organizational activities
24.24(225C) Standards for crisis response staff
24.25(225C) Standards for services
24.26(225C) Accreditation
24.27(225C) Deemed status
24.28(225C) Complaint process
24.29(225C) Appeal procedure
24.30(225C) Exceptions to policy
24.31(225C) Standards for individual crisis response services
24.32(225C) Crisis evaluation
24.33(225C) Twenty-four-hour crisis response
24.34(225C) Twenty-four-hour crisis line
24.35(225C) Warm line
24.36(225C) Mobile response
24.37(225C) Twenty-three-hour crisis observation and holding
24.38(225C) Crisis stabilization community-based services (CSCBS)
24.39(225C) Crisis stabilization residential services (CSRS)
24.40(225C) Medication—administration, storage and documentation
24.41 to 24.49 Reserved

DIVISION III
COMMUNITY MENTAL HEALTH CENTERS

24.50(230A) Definitions
24.51(230A) Community mental health center designation
24.52(230A) Standards for policies and procedures
24.53(230A) Standards for organizational activities
24.54(230A) Standards for core services and supports
24.55(230A) Accreditation of community mental health centers

CHAPTERS 25 to 27
Reserved

CHAPTER 28
POLICIES FOR MENTAL HEALTH
INSTITUTES AND RESOURCE CENTER

28.1(218) Definitions
28.2(222,230) Payor of last resort
28.3(229) Grievances
28.4(217,218) Photographing and recording of individuals and use of cameras
28.5(217,218) Interviews and statements
28.6(218) Use of grounds, facilities, or equipment
28.7(218) Tours of facility
28.8(218) Donations
28.9(217) Release of confidential information

CHAPTER 29
MENTAL HEALTH INSTITUTES

29.1(218,229) Voluntary admissions
29.2(229) Authorization for treatment
29.3(217,228,229) Rights of individuals
29.4(218) Visiting

CHAPTER 30
STATE RESOURCE CENTER

30.1(218,222) Admission
30.2(222) Liability for support
30.3(217,218) Rights of individuals
30.4(218) Visiting

CHAPTER 31
CIVIL COMMITMENT UNIT FOR SEXUAL OFFENDERS

31.1(229A) Definitions
31.2(229A) Visitation
31.3(229A) Group visitation
31.4(229A) Grievances
31.5(229A) Photographing and recording individuals
31.6(229A) Release of information
31.7(229A) Communication with individuals
31.8(229A) Building and grounds
31.9(8,218) Gifts and bequests
31.10(229A) Cost of care

CHAPTERS 32 to 35
Reserved

CHAPTER 36
FACILITY ASSESSMENTS

36.1(249A) Intermediate care facilities for persons with an intellectual disability assessment
36.2(249A) Determination and payment of fee
36.3(249L) Nursing facility assessment
36.4(249L) Determination and payment of assessment
36.5(249M) Participating hospital assessment
36.6(249M) Determination and payment of assessment

CHAPTER 37
Reserved

CHAPTER 38
DEVELOPMENTAL DISABILITIES BASIC STATE GRANT

38.1(225C,217) Definitions
38.2(225C,217) Program eligibility
38.3(225C,217) Contracts
38.4(225C,217) Conflict of interest policy

CHAPTER 39
Reserved

TITLE IV
FAMILY INVESTMENT PROGRAM

CHAPTER 40
APPLICATION FOR AID

40.1 to 40.20 Reserved
40.21(239B) Definitions
40.22(239B) Application
40.23(239B) Date of application
40.24(239B) Procedure with application
40.25(239B) Time limit for decision
40.26(239B) Effective date of grant
40.27(239B) Continuing eligibility
40.28(239B) Referral for investigation
40.29(239B) Alternate payees

CHAPTER 41
GRANTING ASSISTANCE

41.1 to 41.20 Reserved
41.21(239B) Eligibility factors specific to child
41.22(239B) Eligibility factors specific to payee
41.23(239B) Home, residence, citizenship, and alienage
41.24(239B) Promoting independence and self-sufficiency through employment job opportunities and basic skills (PROMISE JOBS) program
41.25(239B) Uncategorized factors of eligibility
41.26(239B) Resources
41.27(239B) Income
41.28(239B) Need standards
41.29(239B) Composite FIP/SSI cases
41.30(239B) Time limits

CHAPTERS 42 to 44
Reserved

CHAPTER 45
PAYMENT

45.1 to 45.20 Reserved
45.21(239B) Issuing payment
45.22(239B) Return
45.23(239B) Held warrants
45.24(239B) Underpayment
45.25(239B) Deceased payees
45.26(239B) Limitation on payment
45.27(239B) Rounding of need standard and payment amount

CHAPTER 46
OVERPAYMENT RECOVERY

46.1 to 46.20 Reserved
46.21(239B) Definitions
46.22(239B) Monetary standards
46.23(239B) Notification and appeals
46.24(239B) Determination of overpayments
46.25(239B) Source of recoupment
46.26 Reserved
46.27(239B) Procedures for recoupment
46.28 Reserved
46.29(239B) Fraudulent misrepresentation of residence

CHAPTER 47
DIVERSION INITIATIVES

47.1 to 47.20 Reserved
47.21(239B) Definitions
47.22(239B) Availability of the family self-sufficiency grants program
47.23(239B) General criteria
47.24(239B) Assistance available in family self-sufficiency grants
47.25(239B) Application, notification, and appeals
47.26(239B) Approved local plans for family self-sufficiency grants
47.27(239B) Evaluation of family self-sufficiency grants
47.28(239B) Recovery of FSSG overpayments

CHAPTER 48
PROMOTING AWARENESS OF THE BENEFITS OF A HEALTHY MARRIAGE

48.1(234) Definitions
48.2(234) Eligibility criteria
48.3(234) Notice and eligibility period

CHAPTER 49
FAMILY DEVELOPMENT AND SELF-SUFFICIENCY (FaDSS) PROGRAM

49.1(216A) Definitions
49.2(216A) Identification of conditions and criteria for families at risk
49.3(216A) Referral of families
49.4(216A) Funding of grants
49.5(216A) Grants not renewed and grants terminated or reduced
49.6(216A) Appeal
49.7(216A) Contract with grantee
49.8(216A) Grantee responsibilities
49.9(216A) Evaluation

TITLE V
STATE SUPPLEMENTARY ASSISTANCE

CHAPTER 50
APPLICATION FOR ASSISTANCE

50.1(249) Definitions
50.2(249) Application procedures
50.3(249) Approval of application and effective date of eligibility
50.4(249) Reviews
50.5(249) Application under conditional benefits

CHAPTER 51
ELIGIBILITY

51.1(249) Definitions
51.2(249) Application for other benefits
51.3(249) Supplementation
51.4(249) Eligibility for residential care
51.5(249) Dependent relatives
51.6(249) Residence
51.7(249) Eligibility for supplement for Medicare and Medicaid eligibles
51.8(249) Income from providing room and board
51.9(249) Furnishing of social security number
51.10(249) Recovery

CHAPTER 52
PAYMENT

52.1(249) Assistance standards

CHAPTER 53
Reserved

CHAPTER 54
FACILITY PARTICIPATION

54.1(249) Application and contract agreement
54.2(249) Maintenance of case records
54.3(249) Payments for residential care facilities
54.4(249) Goods and services provided
54.5(249) Personal needs account
54.6(249) Case activity report
54.7(249) Billing procedures

TITLE VI
GENERAL PUBLIC ASSISTANCE PROVISIONS

CHAPTERS 55 and 56
Reserved

CHAPTER 57
INTERIM ASSISTANCE REIMBURSEMENT

57.1(249) Definitions
57.2(249) Requirements for reimbursement
57.3(249) Certificate of authority

CHAPTERS 58 and 59
Reserved

CHAPTER 60
REFUGEE CASH ASSISTANCE

60.1(217) Alienage requirements
60.2(217) Application procedures
60.3(217) Effective date of grant
60.4(217) Accepting other assistance
60.5(217) Eligibility factors
60.6(217) Students in institutions of higher education
60.7(217) Time limit for eligibility
60.8(217) Criteria for exemption from registration for employment services, registration, and refusal to register
60.9(217) Work and training requirements
60.10(217) Uncategorized factors of eligibility
60.11(217) Temporary absence from home
60.12(217) Application
60.13(217) Continuing eligibility
60.14(217) Alternate payees
60.15(217) Payment
60.16(217) Overpayment recovery

CHAPTER 61
REFUGEE SERVICES PROGRAM

61.1(217) Definitions
61.2(217) Authority
61.3(217) Eligibility
61.4(217) Planning and coordinating the placement of refugees
61.5(217) Services of the department available for refugees
61.6(217) Provision of services
61.7(217) Application for services
61.8(217) Adverse service actions
61.9(217) Client appeals
61.10(217) Refugee resettlement moneys
61.11(217) Unaccompanied refugee minors program
61.12(217) Targeted assistance grants

CHAPTER 62
RENT REIMBURSEMENT

62.1(425) Eligible claimants
62.2(425) Dual claims
62.3(425) Multipurpose building
62.4(425) Income
62.5(425) Simultaneous homesteads
62.6(425) Mobile, modular, and manufactured homes
62.7(425) Totally disabled
62.8(425) Household
62.9(425) Homestead
62.10(425) Gross rent/rent constituting property taxes paid
62.11(425) Leased land
62.12(425) Property: taxable status
62.13(425) Income: spouse
62.14(425) Common law marriage
62.15(425) Audit of claim
62.16(425) Extension of time for filing a claim
62.17(425) Proration of claims
62.18(425) Unreasonable hardship
62.19(425) Appeal

CHAPTERS 63 and 64
Reserved

TITLE VII
FOOD PROGRAMS

CHAPTER 65
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM ADMINISTRATION

65.1(234) Definitions
65.2(234) Administration of program
65.3(234) State options
65.4(234) Treatment centers and group living arrangements
65.5(234) Appeals
65.6(234) Proration of benefits
65.7(234) Notice of expiration issuance
65.8(234) Verification
65.9(234) Prospective budgeting
65.10(234) Effective date of change
65.11(234) Work requirements
65.12(234) Income
65.13(234) Deductions
65.14(234) Student resources
65.15(234) Reinstatement

CHAPTER 66
EMERGENCY FOOD ASSISTANCE PROGRAM

66.1(234) Definitions
66.2(234) Household eligibility

CHAPTER 67
SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

67.1(135) Definitions
67.2(135) Administration of program
67.3(135) Certification of participants
67.4(135) Food delivery
67.5(135) Education
67.6(135) Right to appeal—participant
67.7(135) Right to appeal—local agencies
67.8(135) Right to appeal—vendor
67.9(135) State monitoring of contract agencies
67.10(135) Civil rights
67.11(135) WIC program violation

CHAPTERS 68 to 72
Reserved

TITLE VIII
MEDICAL ASSISTANCE

CHAPTER 73
MANAGED CARE

73.1(249A) Definitions
73.2(249A) Contracts with a managed care plan (MCP)
73.3(249A) Enrollment
73.4(249A) Disenrollment process
73.5(249A) MCP covered services
73.6(249A) Amount, duration and scope of services
73.7(249A) Emergency services
73.8(249A) Access to service
73.9(249A) Incident reporting

73.10(249A) Discharge planning
73.11(249A) Level of care assessment and annual reviews
73.12(249A) Appeal of MCP actions
73.13(249A) Appeal to department
73.14(249A) Continuation of benefits
73.15(249A) Grievances
73.16(249A) Written record
73.17(249A) Information concerning procedures relating to the review of MCP decisions and actions
73.18(249A) Records and reports
73.19(249A) Audits
73.20(249A) Marketing
73.21(249A) Enrollee education
73.22(249A) Payment to the MCP
73.23(249A) Claims payment by the MCP
73.24(249A) Quality assurance
73.25(249A) Certifications and program integrity

CHAPTER 74
IOWA HEALTH AND WELLNESS PLAN

74.1(249A,249N) Definitions
74.2(249A,249N) Eligibility factors
74.3(249A,249N) Application
74.4(249A,249N) Financial eligibility
74.5(249A,249N) Enrollment period
74.6(249A,249N) Reporting changes
74.7(249A,249N) Reenrollment
74.8(249A,249N) Terminating enrollment
74.9(249A,249N) Recovery
74.10(249A,249N) Right to appeal
74.11(249A) Financial participation
74.12(249A) Benefits and service delivery
74.13(249A,249N) Claims and reimbursement methodologies
74.14(249A,249N) Discontinuance of program

CHAPTER 75
CONDITIONS OF ELIGIBILITY

DIVISION I
DEFINITIONS, COVERAGE GROUPS, AND GENERAL CONDITIONS OF ELIGIBILITY

75.1(249A) Definitions
75.2(249A) Categories of persons covered
75.3(249A) Family-related Medicaid
75.4(249A) Persons who have been screened and found to need breast or cervical cancer treatment (BCCT)
75.5(249A) Persons under age 65; refugees
75.6(249A) Aged, blind or disabled
75.7(249A) Presumptive eligibility
75.8(249A) Medically needy persons
75.9(249A) Furnishing of social security number
75.10(249A) Residency requirements
75.11(249A) Citizenship or alienage requirements
75.12(249A) Inmates of public institutions
75.13 Reserved
75.14(249A) Establishing liability and obtaining support
75.15(249A) Medical resources
75.16(249A) Medical assistance lien
75.17 Reserved
75.18(249A) Continuous eligibility for pregnant women
75.19(249A) Continuous eligibility for children
75.20(249A) Medical assistance corrective payments
75.21(249A) Health insurance premium payment (HIPP) program

75.22(249A) AIDS/HIV health insurance premium payment program
75.23(249A) Disposal of assets for less than fair market value after August 10, 1993
75.24(249A) Treatment of trusts established after August 10, 1993
75.25(249A) Treatment of Medicaid qualifying trusts
75.26(249A) Conservatorships
75.27(249A) AIDS/HIV settlement payments
75.28(249A) Recovery
75.29(249A) Investigation of eligibility
75.30 to 75.49 Reserved

DIVISION II
ELIGIBILITY FACTORS SPECIFIC TO FAMILY-RELATED COVERAGE GROUPS
75.50(249A) Eligibility factors specific to child
75.51(249A) Eligibility factors specific to parents and caretakers
75.52(249A) The effect of age on eligibility
75.53(249A) Absence from the home
75.54(249A) Pending SSI approval
75.55(249A) Resources not considered
75.56(249A) Income eligibility
75.57 to 75.69 Reserved

DIVISION III
FINANCIAL ELIGIBILITY BASED ON MODIFIED ADJUSTED GROSS INCOME (MAGI)
75.70(249A) Financial eligibility based on MAGI
75.71(249A) Coverage groups subject to MAGI methodology
75.72(249A) MAGI household composition
75.73(249A) Income under MAGI methodology
75.74(249A) Income limits
75.75 to 75.79 Reserved

DIVISION IV
ELIGIBILITY FACTORS SPECIFIC TO NON-MAGI-RELATED COVERAGE GROUPS, PERSONS IN MEDICAL INSTITUTIONS AND PERSONS RECEIVING LONG-TERM CARE SERVICES
75.80(249A) Categorical relatedness to supplemental security income (SSI)
75.81(249A) Disability requirements for non-MAGI-related Medicaid
75.82(249A) Determination of countable income and resources for persons in a medical institution
75.83(249A) Client participation in payment for medical institution care
75.84(249A) Entrance fee for continuing care retirement community or life care community
75.85(249A) Disqualification for long-term care assistance due to substantial home equity

CHAPTER 76
ENROLLMENT AND REENROLLMENT
76.1(249A) Definitions
76.2(249A) Application for medical assistance
76.3(249A) Referrals from the FFM
76.4(249A) Express lane eligibility
76.5(249A) Enrollment through SSI
76.6(249A) Referral for Medicare savings program
76.7(249A) Presumptive eligibility
76.8(249A) Applicant and member responsibilities
76.9(249A) Responsible persons and authorized representatives
76.10(249A) Right to withdraw the application
76.11(249A) Choice of electronic notifications
76.12(249A) Application not required
76.13(249A) Initial enrollment
76.14(249A) Reenrollment
76.15(249A) Report of changes
76.16(249A) Action on information received
76.17(249A) Timeliness requirements for conducting automatic redeterminations of eligibility

CHAPTER 77
CONDITIONS OF PARTICIPATION FOR PROVIDERS OF MEDICAL AND REMEDIAL CARE

77.1(249A) Physicians
77.2(249A) Retail pharmacies
77.3(249A) Hospitals
77.4(249A) Dentists
77.5(249A) Podiatrists
77.6(249A) Optometrists
77.7(249A) Opticians
77.8(249A) Chiropractors
77.9(249A) Home health agencies
77.10(249A) Medical equipment and appliances, prosthetic devices and medical supplies
77.11(249A) Ambulance service
77.12(249A) Behavioral health intervention
77.13(249A) Hearing aid dispensers
77.14(249A) Audiologists
77.15(249A) Community mental health centers
77.16(249A) Screening centers
77.17(249A) Physical therapists
77.18(249A) Orthopedic shoe dealers and repair shops
77.19(249A) Rehabilitation agencies
77.20(249A) Independent laboratories
77.21(249A) Rural health clinics
77.22(249A) Psychologists
77.23(249A) Maternal health centers
77.24(249A) Ambulatory surgical centers
77.25(249A) Home- and community-based habilitation services
77.26(249A) Behavioral health services
77.27(249A) Birth centers
77.28(249A) Area education agencies
77.29(249A) Case management provider organizations
77.30(249A) HCBS health and disability waiver service providers
77.31(249A) Occupational therapists
77.32(249A) Hospice providers
77.33(249A) HCBS elderly waiver service providers
77.34(249A) HCBS AIDS/HIV waiver service providers
77.35(249A) Federally qualified health centers
77.36(249A) Advanced registered nurse practitioners
77.37(249A) Home- and community-based services intellectual disability waiver service providers
77.38(249A) Assertive community treatment
77.39(249A) HCBS brain injury waiver service providers
77.40(249A) Lead inspection agencies
77.41(249A) HCBS physical disability waiver service providers
77.42(249A) Public health agencies
77.43(249A) Infant and toddler program providers
77.44(249A) Local education agency services providers
77.45(249A) Indian health facilities
77.46(249A) HCBS children’s mental health waiver service providers
77.47(249A) Health home services providers
77.48(249A) Speech-language pathologists
77.49(249A) Physician assistants
77.50(249A) Ordering and referring providers
77.51(249A) Child care medical services
77.52(249A) Community-based neurobehavioral rehabilitation services
77.53(249A) Qualified Medicare beneficiary (QMB) providers
77.54(249A) Health insurance premium payment (HIPP) providers
77.55(249A) Crisis response services
77.56(249A) Subacute mental health services

77.57(249A) Pharmacists

CHAPTER 78
AMOUNT, DURATION AND SCOPE OF MEDICAL AND REMEDIAL SERVICES

78.1(249A) Physicians' services
78.2(249A) Prescribed outpatient drugs
78.3(249A) Inpatient hospital services
78.4(249A) Dentists
78.5(249A) Podiatrists
78.6(249A) Optometrists
78.7(249A) Opticians
78.8(249A) Chiropractors
78.9(249A) Home health agencies
78.10(249A) Durable medical equipment (DME), prosthetic devices and medical supplies
78.11(249A) Ambulance service
78.12(249A) Behavioral health intervention
78.13(249A) Nonemergency medical transportation
78.14(249A) Hearing aids
78.15(249A) Orthopedic shoes
78.16(249A) Community mental health centers
78.17(249A) Physical therapists
78.18(249A) Screening centers
78.19(249A) Rehabilitation agencies
78.20(249A) Independent laboratories
78.21(249A) Rural health clinics
78.22(249A) Family planning clinics
78.23(249A) Other clinic services
78.24(249A) Psychologists
78.25(249A) Maternal health centers
78.26(249A) Ambulatory surgical center services
78.27(249A) Home- and community-based habilitation services
78.28(249A) List of medical services and equipment requiring prior authorization, preprocedure review or preadmission review
78.29(249A) Behavioral health services
78.30(249A) Birth centers
78.31(249A) Hospital outpatient services
78.32(249A) Area education agencies
78.33(249A) Case management services
78.34(249A) HCBS health and disability waiver services
78.35(249A) Occupational therapist services
78.36(249A) Hospice services
78.37(249A) HCBS elderly waiver services
78.38(249A) HCBS AIDS/HIV waiver services
78.39(249A) Federally qualified health centers
78.40(249A) Advanced registered nurse practitioners
78.41(249A) HCBS intellectual disability waiver services
78.42(249A) Pharmacists providing covered vaccines
78.43(249A) HCBS brain injury waiver services
78.44(249A) Lead inspection services
78.45(249A) Assertive community treatment
78.46(249A) Physical disability waiver service
78.47(249A) Pharmaceutical case management services
78.48(249A) Public health agencies
78.49(249A) Infant and toddler program services
78.50(249A) Local education agency services
78.51(249A) Indian health service 638 facility services
78.52(249A) HCBS children's mental health waiver services
78.53(249A) Health home services

78.54(249A) Speech-language pathology services
78.55(249A) Services rendered via telehealth
78.56(249A) Community-based neurobehavioral rehabilitation services
78.57(249A) Child care medical services
78.58(249A) Qualified Medicare beneficiary (QMB) provider services
78.59(249A) Health insurance premium payment (HIPP) provider services
78.60(249A) Crisis response services
78.61(249A) Subacute mental health services

CHAPTER 79
OTHER POLICIES RELATING TO PROVIDERS OF
MEDICAL AND REMEDIAL CARE

79.1(249A) Principles governing reimbursement of providers of medical and health services
79.2(249A) Sanctions
79.3(249A) Maintenance of records by providers of service
79.4(249A) Reviews and audits
79.5(249A) Nondiscrimination on the basis of handicap
79.6(249A) Provider participation agreement
79.7(249A) Medical assistance advisory council
79.8(249A) Requests for prior authorization
79.9(249A) General provisions for Medicaid coverage applicable to all Medicaid providers and services
79.10(249A) Requests for preadmission review
79.11(249A) Requests for preprocedure surgical review
79.12(249A) Advance directives
79.13(249A) Requirements for enrolled Medicaid providers supplying laboratory services
79.14(249A) Provider enrollment
79.15(249A) Education about false claims recovery
79.16(249A) Electronic health record incentive program
79.17(249A) Requirements for prescribing controlled substances

CHAPTER 80
PROCEDURE AND METHOD OF PAYMENT

80.1 Reserved
80.2(249A) Submission of claims
80.3(249A) Payment from other sources
80.4(249A) Time limit for submission of claims and claim adjustments
80.5(249A) Authorization process
80.6(249A) Payment to provider—exception
80.7(249A) Health care data match program

CHAPTER 81
NURSING FACILITIES

81.1(249A) Definitions
81.2(249A) Initial approval for nursing facility care
81.3(249A) Arrangements with residents
81.4(249A) Discharge and transfer
81.5(249A) Financial and statistical report and determination of payment rate
81.6(249A) Continued review
81.7(249A) Records
81.8(249A) Payment procedures
81.9(249A) Billing procedures
81.10(249A) Closing of facility
81.11(249A) Conditions of participation for nursing facilities
81.12(249A) Audits
81.13(249A) Nurse aide requirements and training and testing programs
81.14(249A) Sanctions
81.15(249A) Out-of-state facilities
81.16(249A) Outpatient services
81.17(249A) Rates for Medicaid eligibles
81.18(249A) State-funded personal needs supplement

81.19(249A) Enforcement of compliance
81.20(249A) Appeal of a determination of noncompliance
81.21(249A) Civil money penalties—when penalty is collected
81.22(249A) Civil money penalties—settlement authority
81.23(249A) Civil money penalties—deduction of penalty from amount owed
81.24(249A) Use of penalties collected by the department

CHAPTER 82
INTERMEDIATE CARE FACILITIES FOR PERSONS WITH AN INTELLECTUAL DISABILITY

82.1(249A) Definitions
82.2(249A) Licensing and certification
82.3(249A) Conditions of participation for intermediate care facilities for persons with an intellectual disability
82.4(249A) Financial and statistical report
82.5(249A) Eligibility for services
82.6(249A) Initial approval for ICF/ID care
82.7(249A) Determination of need for continued stay
82.8(249A) Arrangements with residents
82.9(249A) Discharge and transfer
82.10(249A) Records
82.11(249A) Payment procedures
82.12(249A) Billing procedures
82.13(249A) Closing of facility
82.14(249A) Audits
82.15(249A) Out-of-state facilities
82.16(249A) State-funded personal needs supplement

CHAPTER 83
MEDICAID WAIVER SERVICES

DIVISION I—HCBS HEALTH AND DISABILITY WAIVER SERVICES

83.1(249A) Definitions
83.2(249A) Eligibility
83.3(249A) Application
83.4(249A) Financial participation
83.5(249A) Redetermination
83.6(249A) Allowable services
83.7(249A) Service plan
83.8(249A) Adverse service actions
83.9(249A) Appeal rights
83.10 to 83.20 Reserved

DIVISION II—HCBS ELDERLY WAIVER SERVICES

83.21(249A) Definitions
83.22(249A) Eligibility
83.23(249A) Application
83.24(249A) Client participation
83.25(249A) Redetermination
83.26(249A) Allowable services
83.27(249A) Service plan
83.28(249A) Adverse service actions
83.29(249A) Appeal rights
83.30(249A) Enhanced services
83.31 to 83.40 Reserved

DIVISION III—HCBS AIDS/HIV WAIVER SERVICES

83.41(249A) Definitions
83.42(249A) Eligibility
83.43(249A) Application
83.44(249A) Financial participation
83.45(249A) Redetermination
83.46(249A) Allowable services

83.47(249A) Service plan
83.48(249A) Adverse service actions
83.49(249A) Appeal rights
83.50 to 83.59 Reserved
DIVISION IV—HCBS INTELLECTUAL DISABILITY WAIVER SERVICES
83.60(249A) Definitions
83.61(249A) Eligibility
83.62(249A) Application
83.63(249A) Client participation
83.64(249A) Redetermination
83.65 Reserved
83.66(249A) Allowable services
83.67(249A) Service plan
83.68(249A) Adverse service actions
83.69(249A) Appeal rights
83.70 and 83.71 Reserved
83.72(249A) Rent subsidy program
83.73 to 83.80 Reserved
DIVISION V—BRAIN INJURY WAIVER SERVICES
83.81(249A) Definitions
83.82(249A) Eligibility
83.83(249A) Application
83.84(249A) Client participation
83.85(249A) Redetermination
83.86(249A) Allowable services
83.87(249A) Service plan
83.88(249A) Adverse service actions
83.89(249A) Appeal rights
83.90 to 83.100 Reserved
DIVISION VI—PHYSICAL DISABILITY WAIVER SERVICES
83.101(249A) Definitions
83.102(249A) Eligibility
83.103(249A) Application
83.104(249A) Client participation
83.105(249A) Redetermination
83.106(249A) Allowable services
83.107(249A) Individual service plan
83.108(249A) Adverse service actions
83.109(249A) Appeal rights
83.110 to 83.120 Reserved
DIVISION VII—HCBS CHILDREN'S MENTAL HEALTH WAIVER SERVICES
83.121(249A) Definitions
83.122(249A) Eligibility
83.123(249A) Application
83.124(249A) Financial participation
83.125(249A) Redetermination
83.126(249A) Allowable services
83.127(249A) Service plan
83.128(249A) Adverse service actions
83.129(249A) Appeal rights

CHAPTER 84
EARLY AND PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT

84.1(249A) Definitions
84.2(249A) Eligibility
84.3(249A) Screening services
84.4(249A) Referral
84.5(249A) Follow up

CHAPTER 85
SERVICES IN PSYCHIATRIC INSTITUTIONS

85.1(249A) Acute care in psychiatric hospitals
85.2(249A) Out-of-state placement
85.3(249A) Eligibility of persons under the age of 21
85.4(249A) Eligibility of persons aged 65 and over
85.5(249A) Client participation
85.6(249A) Responsibilities of hospitals
85.7(249A) Psychiatric hospital reimbursement
85.8(249A,81GA,ch167) Eligibility of persons aged 21 through 64
85.9(249A) Psychiatric medical institutions for children—conditions for participation
85.10(249A) Eligibility of persons under the age of 21
85.11(249A) Client participation
85.12(249A) Responsibilities of facilities
85.13(249A) Outpatient day treatment for persons aged 20 or under
85.14(249A) Conditions of participation
85.15(249A) Out-of-state placement
85.16(249A) Eligibility of persons aged 65 and over
85.17(249A) Client participation
85.18(249A) Responsibilities of nursing facility
85.19(249A) Policies governing reimbursement
85.20(249A) State-funded personal needs supplement

CHAPTER 86
HEALTHY AND WELL KIDS IN IOWA (HAWKI) PROGRAM

86.1(514I) Definitions
86.2(514I) Eligibility factors
86.3(514I) Application process
86.4(514I) Coordination with Medicaid
86.5(514I) Effective date of coverage
86.6(514I) Selection of a plan
86.7(514I) Cancellation
86.8(514I) Premiums and copayments
86.9(514I) Annual reviews of eligibility
86.10(514I) Reporting changes
86.11(514I) Notice requirements
86.12(514I) Appeals and fair hearings
86.13(514I) Covered services
86.14(514I) Participating health and dental plans
86.15(514I) Use of donations to the hawki program
86.16(514I) Recovery
86.17(514I) Supplemental dental-only coverage

CHAPTER 87
FAMILY PLANNING PROGRAM

87.1(217) Definitions
87.2(217) Eligibility
87.3(217) Enrollment
87.4(217) Effective date of eligibility
87.5(217) Period of eligibility
87.6(217) Reporting changes
87.7(217) Funding of family planning services program
87.8(217) Availability of services
87.9(217) Payment of covered services
87.10(217) Submission of claims
87.11(217) Providers eligible to participate

CHAPTER 88
SPECIALIZED MANAGED CARE PROGRAMS

88.1(249A) Definitions

88.2(249A) Process for new and expanding PACE organization service areas
88.3(249A) Three-way agreement with Medicare and Medicaid
88.4(249A) Center administration
88.5(249A) Safety
88.6(249A) Physical environment
88.7(249A) Program services
88.8(249A) Patient education
88.9(249A) Grievances and appeals
88.10(249A) Participant enrollment and disenrollment
88.11(249A) Records and reports
88.12(249A) Health Insurance Portability and Accountability Act of 1996 (HIPAA)
88.13(249A) Funding
88.14(249A) Federal and state monitoring; sanctions

CHAPTER 89
DEBTS DUE FROM TRANSFERS OF ASSETS

89.1(249F) Definitions
89.2(249F) Creation of debt
89.3(249F) Exceptions
89.4(249F) Presumption of intent
89.5(249F) Notice of debt
89.6(249F) No timely request of a hearing
89.7(249F) Timely request for a hearing
89.8(249F) Department-requested hearing
89.9(249F) Filing and docketing of the order
89.10(249F) Exemption from Iowa Code chapter 17A

CHAPTER 90
CASE MANAGEMENT SERVICES

90.1(249A) Definitions
90.2(249A) Targeted case management
90.3(249A) Termination of targeted case management services
90.4(249A) Case management services
90.5(249A) Rights restrictions
90.6(249A) Documentation and billing
90.7(249A) Case management services provider requirements

CHAPTER 91
MEDICARE DRUG SUBSIDY

91.1(249A) Definitions
91.2(249A) Application
91.3(249A) Eligibility determination
91.4(249A) Effective date
91.5(249A) Changes in circumstances
91.6(249A) Reinvestigation
91.7(249A) Appeals

CHAPTER 92
Reserved

TITLE IX
WORK INCENTIVE DEMONSTRATION

CHAPTER 93
PROMISE JOBS PROGRAM

93.1(239B) Definitions
93.2(239B) Program administration
93.3(239B) Registration and referral
93.4(239B) FIA
93.5(239B) Assessment
93.6(239B) Job readiness and job search activities

93.7(239B) Work activities
93.8(239B) Education and training activities
93.9(239B) Other FIA activities
93.10(239B) Required documentation and verification
93.11(239B) Supportive payments
93.12(239B) Recovery of PROMISE JOBS expense payments
93.13(239B) Resolution of participation issues
93.14(239B) Problems that may provide good cause for participation issues
93.15(239B) Right of appeal
93.16(239B) Resolution of an LBP
93.17(239B) Worker displacement grievance procedure

TITLE X
SUPPORT RECOVERY

CHAPTER 94
CHILD SUPPORT PROMOTING OPPORTUNITIES FOR PARENTS PROGRAM

94.1(252B) Definitions
94.2(252B) Purpose and incentives
94.3(252B) Establishment of designated providers
94.4(252B) Selection of designated providers
94.5(252B) Termination of designated providers
94.6(252B) Reports and records
94.7(252B) Receipt of incentives
94.8(17A) Right of appeal

CHAPTER 95
CHILD SUPPORT SERVICES

95.1(252B) Definitions
95.2(252B) Child support eligibility and services
95.3(252B) Crediting of current and delinquent support
95.4(252B) Prepayment of support
95.5(252B) Lump sum settlement
95.6(17A) Appeals
95.7(252B) Termination of services
95.8(252B) Child support services attorney
95.9(252B) Effective date of support
95.10(252B) Continued services available to canceled FIP or Medicaid recipients
95.11(252B) Cooperation of public assistance recipients in establishing and obtaining support
95.12(252B) Cooperation of public assistance applicants in establishing and obtaining support
95.13(252B) Cooperation in establishing and obtaining support in nonpublic assistance cases
95.14(252B) Charging pass-through fees
95.15(252B) Reimbursing assistance with collections of assigned support
95.16(252B) Child support account
95.17(252B) Emancipation verification
95.18(17A) Right of appeal
95.19(17A) Appeal record

CHAPTER 96
INFORMATION AND RECORDS

96.1(252B) Access to information and records from other sources
96.2(252B) Refusal to comply with written request or subpoena
96.3(252B) Procedure for refusal
96.4(252B) Conference conducted
96.5(252B) Fine assessed
96.6(252B) Objection to fine or failure to pay
96.7(17A) Right of appeal

CHAPTER 97
COLLECTION SERVICES CENTER

97.1(252B) Definitions
97.2(252B) Transfer of records and payments
97.3(252B) Support payment records
97.4(252B) Method of payment
97.5(252D) Electronic transmission of payments
97.6(252B) Authorization of payment
97.7(252B) Processing misdirected payments
97.8(17A) Right of appeal

CHAPTER 98
SUPPORT ENFORCEMENT SERVICES

98.1(252E) Definitions
98.2(252E) Medical support health benefit plan information
98.3(252E) Medical support insurer authorization
98.4(252E) Medical support enforcement
98.5(252E) Contesting enforcement of medical support
98.6(252D) Income withholding of delinquent support
98.7(252D) Income withholding amounts
98.8(252D) Amendment of amount of withholding due to hardship
98.9(252D) Immediate income withholding
98.10(252D) Approval of request for immediate income withholding
98.11(252D) Immediate income withholding amounts
98.12(252D) Immediate income withholding amounts when current support has ended
98.13(252D,252E) Income withholding for medical support
98.14(252D,252E) Maximum amounts to be withheld for income withholding
98.15(252D) Income withholding for multiple obligations
98.16(252D) Income withholding notice to employer and obligor
98.17(252D) Contesting the income withholding
98.18(252D) Termination of income withholding
98.19(252D) Modification of income withholding
98.20(252D) Refunds of amounts improperly withheld
98.21(96) Child support intercept of unemployment insurance benefits
98.22(252B) Administrative seek employment order
98.23(252B) Effective date of seek employment order
98.24(252B) Method and requirements of reporting for administrative seek employment order
98.25(252B) Reasons for noncompliance of administrative seek employment
98.26(252B) Administrative seek employment method of service
98.27(252B) Administrative seek employment order duration of order
98.28(252B) Setoff against payment owed to a person by a state agency
98.29(252B) Setoff against state income tax refund or rebate
98.30(252B) Offset against federal income tax refund and federal nontax payment
98.31(252I) Administrative levy
98.32(252J) Referral for license sanction
98.33(252J) Reasons for exemption from license sanction
98.34(252J) Notice of potential sanction of license
98.35(252J) License sanction conference
98.36(252J) License Sanction Payment Agreement
98.37(252J) Staying the process of license sanction due to full payment of support
98.38(252J) Duration of license sanction
98.39(252B) Procedures for providing information to consumer reporting agencies
98.40(252B) Difficult-to-collect arrearages
98.41(252B) Enforcement services by private attorney entitled to state compensation
98.42(17A) Right of appeal
98.43(17A) Appeal record

CHAPTER 99
CHILD SUPPORT GUIDELINES

99.1(234,252B,252H) Income considered
99.2(234,252B) Allowable deductions
99.3(234,252B) Determining net income

99.4(234,252B) Applying the guidelines
99.5(234,252B) Deviation from guidelines
99.6(17A) Right of appeal

CHAPTER 100
ESTABLISHMENT OF PATERNITY AND SUPPORT

100.1(598,600B) Definitions
100.2(252A) Temporary support
100.3(252F) When paternity may be established administratively
100.4(252F) Mother's certified statement
100.5(252F) Notice of alleged paternity and support debt
100.6(252F) Conference to discuss paternity and support issues
100.7(252F) Amount of support obligation
100.8(252F) Paternity contested
100.9(252F) Paternity test results challenge
100.10(252F) Agreement to entry of paternity and support order
100.11(252F) Entry of order establishing paternity only
100.12(252F) Exception to time limit
100.13(252F) Genetic test costs assessed
100.14(598,600B) Communication between parents
100.15(598,600B) Continuation of enforcement
100.16(598,600B) Satisfaction of accrued support
100.17(252C) Establishment of an administrative order
100.18(17A) Right of appeal

CHAPTER 101
ADJUSTMENT AND MODIFICATION OF SUPPORT

101.1(252B,252H) Definitions
101.2(252H) Confidentiality of financial information
101.3(252H) Payment of fees
101.4(252B,252H) Review of permanent child support obligations
101.5(252B,252H) Notice requirements—review and adjustment
101.6(252B,252H) Financial information—review and adjustment
101.7(252B,252H) Review and adjustment of a child support obligation
101.8(252B,252H) Medical support—review and adjustment
101.9(252B,252H) Denying requests—review and adjustment
101.10(252B,252H) Withdrawing requests — review and adjustment
101.11(252H) Effective date of review and adjustment
101.12(252H) Availability of service—administrative modification
101.13(252H) Modification of child support obligations
101.14(252H) Notice requirements—administrative modification
101.15(252H) Financial information—administrative modification
101.16(252H) Challenges to the proposed modification action
101.17(252H) Misrepresentation of fact—administrative modification
101.18(252H) Effective date of modification
101.19(252H) Denying requests—administrative modification
101.20(252H) Withdrawing requests—administrative modification
101.21(252B,252H) Child care add-on
101.22(17A) Right of appeal

CHAPTER 102
SUSPENSION AND REINSTATEMENT OF SUPPORT

102.1(252B) Definitions
102.2(252B) Availability of service—suspension by mutual consent
102.3(252B) Basis for suspension of support by mutual consent
102.4(252B) Request for assistance to suspend by mutual consent
102.5(252B) Order suspending support by mutual consent
102.6(252B) Suspension of enforcement of current support—suspension by mutual consent
102.7(252B) Availability of service—suspension by payor's request
102.8(252B) Basis for suspension of support by payor's request

102.9(252B) Request for assistance to suspend by payor's request
102.10(252B) Determining eligibility for suspension by payor's request
102.11(252B) Order suspending support by payor's request
102.12(252B) Suspension of enforcement of current support—suspension by payor's request
102.13(252B) Request for reinstatement
102.14(252B) Reinstatement
102.15(252B) Reinstatement of enforcement of support
102.16(252B) Temporary suspension becomes final
102.17(17A) Right of appeal

TITLE XI
CHILDREN'S INSTITUTIONS

CHAPTER 103
STATE TRAINING SCHOOL

103.1(218) Definitions
103.2(218) Admission
103.3(218) Plan of care
103.4(218) Communication with individuals
103.5(218) Photographing and recording of individuals
103.6(218) Employment of individual
103.7(218) Temporary home visits
103.8(218) Grievances
103.9(692A) Sex offender registration
103.10(218) Alleged child abuse
103.11(233A) Cost of care
103.12(218) Buildings and grounds
103.13(8,218) Gifts and bequests

CHAPTER 104
Reserved

TITLE XII
LICENSING AND APPROVED STANDARDS

CHAPTER 105
JUVENILE DETENTION
AND SHELTER CARE HOMES

105.1(232) Definitions
105.2(232) Buildings and grounds
105.3(232) Personnel policies
105.4 Reserved
105.5(232) Staff
105.6(232) Intake procedures
105.7(232) Assessments
105.8(232) Program services
105.9(232) Medication management and administration
105.10(232) Control room—juvenile detention home only
105.11(232) Clothing
105.12(232) Staffings
105.13(232) Child abuse
105.14(232) Daily log
105.15(232) Children's rights
105.16(232) Discipline
105.17(232) Case files
105.18(232) Discharge
105.19(232) Approval
105.20(232) Provisional approval
105.21(232) Mechanical restraint—juvenile detention only
105.22(232) Chemical restraint
105.23(232) Mandatory reporting of child abuse and training

CHAPTER 106
CERTIFICATION STANDARDS FOR CHILDREN'S RESIDENTIAL FACILITIES

106.1(237C) Definitions
106.2(237C) Application of the standards
106.3(237C) Application for a certificate of approval
106.4(237C) Certificate of approval
106.5(237C) Denial, suspension, or revocation
106.6(237C) Providing for basic needs
106.7(237C) Educational programs and services
106.8(237C) Protection from mistreatment, physical abuse, sexual abuse, and neglect
106.9(237C) Discipline
106.10(237C) Record checks
106.11(237C) Seclusion and restraints
106.12(237C) Health
106.13(237C) Safety
106.14(237C) Emergencies
106.15(237C) Buildings and physical premises
106.16(237C) Sanitation, water, and waste disposal
106.17(237C) Staffing
106.18(237C) Reports and inspections
106.19(232) Mandatory reporting of child abuse

CHAPTER 107
CERTIFICATION OF ADOPTION INVESTIGATORS

107.1(600) Introduction
107.2(600) Definitions
107.3(600) Application
107.4(600) Requirements for certification
107.5(600) Granting, denial, or revocation of certification
107.6(600) Certificate
107.7(600) Renewal of certification
107.8(600) Investigative services
107.9(600) International adoptions postplacement report
107.10(600) Retention of adoption records
107.11(600) Reporting of violations
107.12(600) Appeals

CHAPTER 108
LICENSING AND REGULATION OF CHILD-PLACING AGENCIES

108.1(238) Definitions
108.2(238) Licensing procedure
108.3(238) Administration and organization
108.4(238) Staff qualifications
108.5(238) Staffing requirements
108.6(238) Personnel administration
108.7(238) Foster care services
108.8(238) Foster home studies
108.9(238) Adoption services
108.10(238) Supervised apartment living placement services

CHAPTER 109
CHILD CARE CENTERS

109.1(237A) Definitions
109.2(237A) Licensure procedures
109.3(237A) Inspection and evaluation
109.4(237A) Administration
109.5(237A) Parental participation
109.6(237A) Personnel
109.7(237A) Professional growth and development
109.8(237A) Staff ratio requirements

109.9(237A) Records
109.10(237A) Health and safety policies
109.11(237A) Physical facilities
109.12(237A) Activity program requirements
109.13(237A) Food services
109.14(237A) Extended evening care
109.15(237A) School-based before- and after-school and summer programs
109.16(237A) Get-well center

CHAPTER 110
CHILD DEVELOPMENT HOMES

110.1(237A) Definitions
110.2(237A) Application for registration
110.3(237A) Renewal of registration
110.4(237A) Compliance checks
110.5(237A) Parental access
110.6(237A) Number of children
110.7(237A) Provider requirements
110.8(237A) Standards
110.9(237A) Files
110.10(237A) Professional development
110.11(234) Registration decision
110.12(237A) Complaints
110.13(237A) Additional requirements for child development home category A
110.14(237A) Additional requirements for child development home category B
110.15(237A) Additional requirements for child development home category C
110.16(237A) Registration actions for nonpayment of child support
110.17(237A) Prohibition from involvement with child care

CHAPTER 111
FAMILY-LIFE HOMES

111.1(249) Definitions
111.2(249) Application for certification
111.3(249) Provisions pertaining to the certificate
111.4(249) Physical standards
111.5(249) Personal characteristics of family-life home family
111.6(249) Health of family
111.7(249) Planned activities and personal effects
111.8(249) Client eligibility
111.9(249) Medical examinations, records, and care of a client
111.10(249) Placement agreement
111.11(249) Legal liabilities
111.12(249) Emergency care and release of client
111.13(249) Information about client to be confidential

CHAPTER 112
LICENSING AND REGULATION OF CHILD FOSTER CARE FACILITIES

112.1(237) Applicability
112.2(237) Definitions
112.3(237) Application for license
112.4(237) License
112.5(237) Denial
112.6(237) Revocation
112.7(237) Provisional license
112.8(237) Adverse actions
112.9(237) Suspension
112.10(232) Mandatory reporting of child abuse and training
112.11(237) Required training on the reasonable and prudent parent standard
112.12(237) Record checks

CHAPTER 113
LICENSING AND REGULATION OF FOSTER FAMILY HOMES

113.1(237) Applicability
113.2(237) Definitions
113.3(237) Licensing procedure
113.4(237) Provisions pertaining to the license
113.5(237) Physical standards
113.6(237) Sanitation, water, and waste disposal
113.7(237) Safety
113.8(237) Foster parent training
113.9(237) Involvement of kin
113.10(237) Information on the child(ren) placed in the home
113.11(237) Health of foster family
113.12(237) Characteristics of foster parents
113.13(237) Record checks
113.14(237) Reference checks
113.15(237) Unannounced visits
113.16(237) Planned activities and personal effects
113.17(237) Medical examinations and health care of the child(ren)
113.18(237) Training and discipline of child(ren)
113.19(237) Emergency care and release of child(ren)
113.20(237) Changes in foster family home

CHAPTER 114
LICENSING AND REGULATION OF ALL GROUP LIVING FOSTER CARE FACILITIES FOR CHILDREN

114.1(237) Applicability
114.2(237) Definitions
114.3(237) Physical standards
114.4(237) Sanitation, water, and waste disposal
114.5(237) Safety
114.6(237) Organization and administration
114.7(237) Policies and record-keeping requirements
114.8(237) Staff
114.9(237) Intake procedures
114.10(237) Program services
114.11(237) Case files
114.12(237) Drug utilization and control
114.13(237) Children's rights
114.14(237) Personal possessions
114.15(237) Religion—culture
114.16(237) Work or vocational experiences
114.17(237) Family involvement
114.18(237) Children's money
114.19(237) Child abuse
114.20(237) Discipline
114.21(237) Illness, accident, death, or unauthorized absence from the facility
114.22(237) Records
114.23(237) Unannounced visits
114.24(237) Record check information
114.25(237) Standards for private juvenile shelter care and detention homes

CHAPTER 115
LICENSING AND REGULATION OF COMPREHENSIVE RESIDENTIAL FACILITIES FOR CHILDREN

115.1(237) Applicability
115.2(237) Definitions
115.3(237) Information upon admission
115.4(237) Staff

115.5(237) Casework services
115.6(237) Restraints
115.7(237) Control room
115.8(237) Locked cottages
115.9(237) Mechanical restraint
115.10(237) Restraint and control room use debriefing
115.11(237) Chemical restraint

CHAPTER 116
LICENSING AND REGULATION OF RESIDENTIAL FACILITIES
FOR CHILDREN WITH AN INTELLECTUAL DISABILITY OR BRAIN INJURY

116.1(237) Applicability
116.2(237) Definitions
116.3(237) Qualifications of staff
116.4(237) Staff to client ratio
116.5(237) Program components
116.6(237) Restraint

CHAPTER 117
FOSTER PARENT TRAINING

117.1(237) Required preservice training
117.2(237) Required orientation
117.3(237) Application materials for in-service training
117.4(237) Application process for in-service training
117.5(237) Application decisions
117.6(237) Application conference available
117.7(237) Required in-service training
117.8(237) Specific in-service training required
117.9(237) Foster parent training expenses

CHAPTER 118
CHILD CARE QUALITY RATING SYSTEM

DIVISION I
QUALITY RATING SYSTEM (QRS)

118.1(237A) Definitions
118.2(237A) Application for quality rating
118.3(237A) Rating standards for child care centers and preschools (sunsetting on July 31, 2011)
118.4(237A) Rating criteria for child development homes (sunsetting on July 31, 2011)
118.5(237A) Rating standards for child care centers, preschools, and programs operating under the authority of an accredited school district or nonpublic school
118.6(237A) Rating criteria for child development homes
118.7(237A) Award of quality rating
118.8(237A) Adverse actions

DIVISION II
IOWA QUALITY FOR KIDS (IQ4K)

118.9(237A) Definitions
118.10(237A) Application for Iowa quality for kids (IQ4K) rating
118.11(237A) Application effective date
118.12(237A) Approved program's expiration date
118.13(237A) Renewal application submission, Levels 1-4
118.14(237A) Renewal application submission, Level 5
118.15(237A) Increased rating
118.16(237A) Change in location of facility
118.17(237A) Ongoing eligibility
118.18(237A) Monitoring
118.19(237A) Professional development training
118.20(237A) Rating standards for a child care center, a preschool, or a program operating under the authority of an accredited school district or nonpublic school

118.21(237A) Criteria for IQ4K—Level 1 child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school
118.22(237A) Criteria for IQ4K—Level 2 child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school
118.23(237A) Criteria for IQ4K—Level 3 child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school
118.24(237A) Criteria for IQ4K—Level 4 child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school
118.25(237A) Criteria for IQ4K—Level 5 child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school
118.26(237A) Rating standards for school-aged only programs
118.27(237A) Criteria for IQ4K—Level 1 school-aged only programs
118.28(237A) Criteria for IQ4K—Level 2 school-aged only programs
118.29(237A) Criteria for IQ4K—Level 3 school-aged only programs
118.30(237A) Criteria for IQ4K—Level 4 school-aged only programs
118.31(237A) Criteria for IQ4K—Level 5 school-aged only programs
118.32(237A) Rating standards for registered child development homes
118.33(237A) Criteria for IQ4K—Level 1 rating standards for registered child development homes
118.34(237A) Criteria for IQ4K—Level 2 rating standards for registered child development homes
118.35(237A) Criteria for IQ4K—Level 3 rating standards for registered child development homes
118.36(237A) Criteria for IQ4K—Level 4 rating standards for registered child development homes
118.37(237A) Criteria for IQ4K—Level 5 rating standards for registered child development homes
118.38(237A) Award of quality rating
118.39(237A) Adverse actions

CHAPTER 119
RECORD CHECK EVALUATIONS FOR CERTAIN EMPLOYERS AND EDUCATIONAL TRAINING PROGRAMS

119.1(135B,135C) Definitions
119.2(135B,135C) When record check evaluations are requested
119.3(135C) Request for evaluation
119.4(135B,135C) Completion of evaluation
119.5(135B,135C) Appeal rights

CHAPTER 120
CHILD CARE HOMES

120.1(237A) Definitions
120.2(237A) Application for payment
120.3(237A) Renewal of agreement
120.4(237A) Compliance checks
120.5(237A) Parental access
120.6(237A) Number of children
120.7(237A) Provider requirements
120.8(237A) Standards
120.9(237A) Children’s files
120.10(237A) Professional development
120.11(237A) Child care assistance provider agreement decision
120.12(237A) Complaints
120.13(237A) Prohibition from involvement with child care

CHAPTER 121
EARLY CHILDHOOD IOWA INITIATIVE

121.1(256I) Definitions
121.2(256I) Early childhood Iowa state board responsibility
121.3(256I) Early childhood Iowa coordination staff
121.4(256I) Early childhood Iowa areas

CHAPTER 122
FISCAL OVERSIGHT OF THE EARLY CHILDHOOD IOWA INITIATIVE

122.1(256I) Definitions

122.2(256I) Fiscal oversight

CHAPTERS 123 and 124
Reserved

CHAPTER 125
KINSHIP FOSTER CARE APPROVAL STANDARDS

125.1(237) Definitions
125.2(237) Application for approval
125.3(237) Denial
125.4(237) Approval procedure
125.5(237) Involvement of kin
125.6(237) Information on the child placed in the home
125.7(237) Record checks
125.8(237) Medical examinations and health care of the child
125.9(237) Training and discipline of child
125.10(237) Emergency care and release of child
125.11(237) Changes in kinship foster care home
125.12(237) Liability

CHAPTERS 126 to 129
Reserved

TITLE XIII
SERVICE ADMINISTRATION

CHAPTER 130
GENERAL PROVISIONS

130.1(234) Definitions
130.2(234) Application
130.3(234) Eligibility
130.4(234) Fees
130.5(234) Adverse service actions
130.6(234) Social casework
130.7(234) Case plan
130.8 Reserved
130.9(234) Entitlement

CHAPTER 131
SOCIAL CASEWORK

131.1(234) Definitions
131.2(234) Eligibility
131.3(234) Service provision
131.4 Reserved
131.5(234) Adverse actions

CHAPTER 132
Reserved

CHAPTER 133
IV-A EMERGENCY ASSISTANCE PROGRAM

133.1(235) Definitions
133.2(235) Application
133.3(235) Eligibility
133.4(235) Method of service provision
133.5(235) Duration of services
133.6(235) Discontinuance of the program

CHAPTERS 134 to 141
Reserved

CHAPTER 142
INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

142.1(232) Compact agreement
142.2(232) Compact administrator
142.3 and 142.4 Reserved
142.5(232) Article III(a) procedures
142.6(232) Article III(c)
142.7(232) Article V(c)
142.8(232) Article VIII(a)
142.9(232) Applicability
142.10(232) NEICE database

CHAPTER 143
INTERSTATE COMPACT ON JUVENILES

143.1(232) Compact agreement
143.2(232) Compact administrator
143.3(232) Sending a juvenile out of Iowa under the compact
143.4(232) Receiving cases in Iowa under the interstate compact
143.5(232) Runaways

CHAPTERS 144 to 149
Reserved

TITLE XIV
GRANT/CONTRACT/PAYMENT ADMINISTRATION

CHAPTER 150
Reserved

CHAPTER 151
JUVENILE COURT-ORDERED SERVICES

151.1(232) Definitions
151.2(232) Administration of funds for court-ordered services
151.3(232) Use of other funding sources
151.4(232) Expenses

CHAPTER 152
FOSTER CARE CONTRACTING

152.1(234) Definitions
152.2(234) Conditions of participation
152.3(234) Provider reviews
152.4(234) Sanctions against providers
152.5(234) Adverse actions

CHAPTER 153
FUNDING FOR LOCAL SERVICES

DIVISION I
SOCIAL SERVICES BLOCK GRANT

153.1(234) Definitions
153.2(234) Development of preexpenditure report and intended use plan
153.3(234) Amendment to preexpenditure report and intended use plan
153.4(234) Service availability
153.5(234) Allocation of block grant funds
153.6 and 153.7 Reserved
153.8(234) Expenditure of supplemental funds
153.9 and 153.10 Reserved

DIVISION II
DECATEGORIZATION OF CHILD WELFARE AND JUVENILE JUSTICE FUNDING

153.11(232) Definitions
153.12(232) Implementation requirements

153.13(232) Role and responsibilities of decategorization project governance boards
153.14(232) Realignment of decategorization project boundaries
153.15(232) Decategorization services funding pool
153.16(232) Relationship of decategorization funding pool to other department child welfare funding
153.17(232) Relationship of decategorization funding pool to juvenile court services funding streams
153.18(232) Requirements for annual services plan
153.19(232) Requirements for annual progress report

DIVISION III
MENTAL ILLNESS, MENTAL RETARDATION, AND
DEVELOPMENTAL DISABILITIES—LOCAL SERVICES

DIVISION IV
STATE PAYMENT PROGRAM FOR LOCAL MENTAL HEALTH, MENTAL RETARDATION, AND
DEVELOPMENTAL DISABILITIES SERVICES TO ADULTS WITHOUT LEGAL SETTLEMENT

CHAPTER 154
Reserved

CHAPTER 155
CHILD ABUSE PREVENTION PROGRAM
155.1(235A) Definitions
155.2(235A) Contract for program administration
155.3(235A) Awarding of grants
155.4(235A) Grantee requirements

CHAPTER 156
PAYMENTS FOR FOSTER CARE
156.1(234) Definitions
156.2(234) Foster care recovery
156.3(234) Rate of maintenance payment for foster family care
156.4(234) Kinship caregiver payment
156.5(234) Additional payments
156.6(234) Rate of payment for foster group care
156.7(234) Payment for reserve bed days
156.8(234) Emergency juvenile shelter care payment
156.9(234) Supervised apartment living
156.10(234,252C) Voluntary placements
156.11(234) Child's earnings
156.12(234) Trust funds and investments
156.13(234) Preadoptive homes
156.14(234) Eligibility for foster care payment

CHAPTER 157
Reserved

CHAPTER 158
FOSTER HOME INSURANCE FUND
158.1(237) Applicability
158.2(237) Definitions
158.3(237) Payments from the foster home insurance fund
158.4(237) Payment limits
158.5(237) Claim procedures
158.6(237) Time frames for filing claims
158.7(237) Appeals

CHAPTERS 159 to 162
Reserved

CHAPTER 163
ADOLESCENT PREGNANCY PREVENTION AND SERVICES TO PREGNANT AND PARENTING ADOLESCENTS PROGRAMS

163.1(234) Definitions
163.2(234) Availability of grants for projects
163.3(234) Project eligibility
163.4(234) Request for proposals for pilot project grants
163.5(234) Selection of proposals
163.6(234) Project contracts
163.7(234) Records
163.8(234) Evaluation
163.9(234) Termination of contract
163.10(234) Appeals

CHAPTER 164
MORE OPTIONS FOR MATERNAL SUPPORT (MOMS) PROGRAM

164.1(217) Definitions
164.2(217) Pregnancy support services
164.3(217) Program administrator responsibilities
164.4(217) Client feedback
164.5(217) Appeals

CHAPTER 165
Reserved

CHAPTER 166
QUALITY IMPROVEMENT INITIATIVE GRANTS

166.1(249A) Definitions
166.2(249A) Availability of grants
166.3(249A) Grant eligibility
166.4(249A) Grant application process and selection of proposals
166.5(249A) Project contracts

CHAPTER 167
JUVENILE DETENTION REIMBURSEMENT

DIVISION I
ANNUAL REIMBURSEMENT PROGRAM

167.1(232) Definitions
167.2(232) Availability of funds
167.3(232) Eligible detention homes
167.4(232) Available reimbursement
167.5(232) Submission of voucher
167.6(232) Reimbursement by the department
167.7 to 167.10 Reserved

DIVISION II
SEVENTY-TWO HOUR REIMBURSEMENT PROGRAM

CHAPTERS 168 and 169
Reserved

TITLE XV
INDIVIDUAL AND FAMILY SUPPORT AND PROTECTIVE SERVICES

CHAPTER 170
CHILD CARE SERVICES

170.1(237A) Definitions
170.2(237A,239B) Eligibility requirements
170.3(237A,239B) Application and determination of eligibility

170.4(237A) Elements of service provision
170.5(237A) Adverse actions
170.6(237A) Appeals
170.7(237A) Provider fraud
170.8 Reserved
170.9(237A) Child care assistance overpayments

CHAPTER 171
Reserved

CHAPTER 172
FAMILY-CENTERED SERVICES

172.1(234) Definitions
172.2(234) Purpose and scope
172.3(234) Authorization
172.4 Reserved
172.5(234) Client appeals

CHAPTER 173
Reserved

CHAPTER 174
STUDENT ABUSE REPORTS AND INVESTIGATIONS

174.1(232E) Application—not exclusive
174.2(232E) Definitions
174.3(232E) Abuse intake process—report of alleged student abuse
174.4(232E) Student abuse intake process—credible reports
174.5(232E) Options if report dismissed or rejected during student abuse intake
174.6(232E) Notification of school authorities and identifiable source regarding credible reports
174.7(232E) Investigation—duties of an investigator and school authorities
174.8(232E) School employee resignation during pendency of investigation
174.9(232E) Substantiated report—right of school employee to contested case proceedings and further review
174.10(232E) Case record retention—protection of identifiable source—disclosure limitations
174.11(232E) Substantial compliance

CHAPTER 175
ABUSE OF CHILDREN

DIVISION I
CHILD ABUSE

175.1 to 175.20 Reserved

DIVISION II
CHILD ABUSE ASSESSMENT

175.21(232,235A) Definitions
175.22(232) Receipt of a report of suspected child abuse
175.23(232) Sources of report of suspected child abuse
175.24(232) Assessment intake process
175.25(232) Assessment process
175.26(232) Completion of a written assessment report
175.27(232) Contact with juvenile court or the county attorney
175.28(232) Consultation with health practitioners or mental health professionals
175.29(232) Consultation with law enforcement
175.30(232) Information shared with law enforcement
175.31(232) Completion of required correspondence
175.32(232,235A) Case records
175.33(232,235A) Child protection centers
175.34(232) Department-operated facilities
175.35(232,235A) Jurisdiction of assessments
175.36(235A) Multidisciplinary teams
175.37(232) Community education
175.38(235) Written authorizations

175.39(232) Founded child abuse
175.40 Reserved
175.41(235A) Access to child abuse information
175.42(235A) Person conducting research
175.43(235A) Child protection services citizen review panels

CHAPTER 176
DEPENDENT ADULT ABUSE

176.1(235B) Definitions
176.2(235B) Denial of critical care
176.3(235B) Appropriate evaluation
176.4(235B) Reporters
176.5(235B) Reporting procedure
176.6(235B) Duties of the department upon receipt of report
176.7(235B) Appropriate evaluation or assessment
176.8(235B) Registry records
176.9(235B) Dependent adult abuse information disseminated
176.10(235B) Person conducting research
176.11(235B) Examination of information
176.12(235B) Dependent adult abuse information registry
176.13(235B) Multidisciplinary teams
176.14(235B) Request for correction or expungement

CHAPTER 177
IN-HOME HEALTH-RELATED CARE

177.1(249) In-home health-related care
177.2(249) Definitions
177.3(249) Service criteria
177.4(249) Eligibility and application
177.5(249) Qualifications of providers of health care services
177.6(249) Physician’s certification
177.7(249A) Service worker duties
177.8(249) Supervising practitioner duties
177.9(249) Written agreements
177.10(249) Payment
177.11(249) Termination

CHAPTERS 178 to 183
Reserved

CHAPTER 184
INDIVIDUAL AND FAMILY DIRECT SUPPORT

DIVISION I
FAMILY SUPPORT SUBSIDY PROGRAM

184.1(225C) Definitions
184.2(225C) Eligibility requirements
184.3(225C) Program termination
184.4(225C) Family support services plan
184.5 Reserved
184.6(225C) Amount of subsidy payment
184.7(225C) Redetermination of eligibility
184.8(225C) Termination of subsidy payments
184.9(225C) Appeals
184.10 to 184.20 Reserved

DIVISION II
COMPREHENSIVE FAMILY SUPPORT PROGRAM

184.21(225C) Definitions
184.22(225C) Eligibility
184.23(225C) Application

184.24(225C) Contractor selection and duties
184.25(225C) Direct assistance
184.26(225C) Appeals

CHAPTERS 185 and 186
Reserved

CHAPTER 187
AFTERCARE SERVICES PROGRAM

187.1(234) Purpose
187.2(234) Aftercare services program eligibility requirements
187.3(234) Services and supports provided
187.4(234) Termination of aftercare services
187.5(234) Waiting list
187.6(234) Administration

CHAPTERS 188 to 199
Reserved

TITLE XVI
ALTERNATIVE LIVING

CHAPTER 200
ADOPTION SERVICES

200.1(600) Definitions
200.2(600) Application
200.3(600) Adoption services
200.4(600) Termination of parental rights
200.5(600) Interstate placements
200.6 and 200.7 Reserved
200.8(600) Removal of child from preadoptive family
200.9 Reserved
200.10(600) Requests for access to information for research or treatment
200.11(600) Requests for information for purposes other than research or treatment

CHAPTER 201
SUBSIDIZED ADOPTIONS

201.1(600) Administration
201.2(600) Definitions
201.3(600) Conditions of eligibility or ineligibility
201.4(600) Application
201.5(600) Negotiation of amount of presubsidy or subsidy
201.6(600) Types of subsidy
201.7(600) Determination of ongoing subsidy eligibility and suspension of subsidy payments
201.8(600) Termination of subsidy
201.9(600) Reinstatement of subsidy
201.10(600) New application
201.11(600) Medical assistance based on residency
201.12(600) Presubsidy recovery

CHAPTER 202
FOSTER CARE PLACEMENT AND SERVICES

202.1(234) Definitions
202.2(234) Eligibility
202.3(234) Voluntary placements
202.4(234) Selection of facility
202.5(234) Preplacement
202.6(234) Placement
202.7(234) Out-of-area placements
202.8(234) Out-of-state placements
202.9(234) Supervised apartment living

202.10(234) Services to foster parents
202.11(234) Services to the child
202.12(234) Services to parents
202.13(234) Removal of the child
202.14(234) Termination
202.15(234) Case permanency plan
202.16(135H) Department approval of need for a psychiatric medical institution for children
202.17(232) Area group care targets
202.18(235) Local transition committees

CHAPTER 203
IOWA ADOPTION EXCHANGE
203.1(232) Definitions
203.2(232) Children to be registered on the exchange system
203.3(232) Families to be registered on the exchange system
203.4(232) Matching process

CHAPTER 204
SUBSIDIZED GUARDIANSHIP PROGRAM
204.1(234) Definitions
204.2(234) Eligibility
204.3(234) Application
204.4(234) Negotiation of amount of subsidy
204.5(234) Parental liability
204.6(234) Determination of ongoing subsidy eligibility and suspension of subsidy payments
204.7(234) Termination of subsidy
204.8(234) Reinstatement of subsidy
204.9(234) Appeals
204.10(234) Medical assistance

CHAPTERS 205 to 209
Reserved

TITLE XVII
AGING AND DISABILITY SERVICES

CHAPTERS 210 to 220
Reserved

CHAPTER 221
DISABILITY SERVICES DEFINITIONS
221.1(225A) Definitions

CHAPTER 222
DISABILITY SERVICES ADVISORY COUNCILS
222.1(231) Appointment
222.2(231) Officers
222.3(231) Meetings
222.4(231) Subcommittees
222.5(231) Expenses of preparedness advisory committee voting members
222.6(231) Council composition

CHAPTER 223
DISABILITY SERVICES
223.1(231) Eligibility for LTSS disability services
223.2(231) Option for waiting lists for disability services
223.3(231) Access standards
223.4(231) Appeal rights

CHAPTER 224
AGING AND DISABILITY RESOURCE CENTERS

224.1(231) Definitions
224.2(231) Department responsibilities
224.3(231) ADRC member organizations
224.4(231) ADRC member organization responsibilities
224.5(231) ADRC member organization staff requirements and background checks
224.6(231) Services
224.7(231) Grievances
224.8(231) Reporting and records authority
224.9(231) Confidentiality

CHAPTER 225
AGING SERVICES
225.1(231) Applicability
225.2(231) Definitions
225.3(231) Aging network
225.4(231) Conflict of interest

CHAPTER 226
STATE UNIT ON AGING RESPONSIBILITIES
226.1(231) Designated state unit on aging
226.2(231) Policies and procedures
226.3(231) Public input
226.4(231) State plan on aging
226.5(231) Designation of and changes to PSAs
226.6(231) Designating area agencies on aging
226.7(231) Withdrawal of designation of area agency on aging
226.8(231) Appeals to withdrawal of area agency on aging designation
226.9(231) Area plan on aging reviews and approvals
226.10(231) Intrastate funding formula
226.11(231) Evaluation and compliance
226.12(231) Data management
226.13(231) State agency Title III and Title VI coordination responsibilities
226.14(231) Emergency and disaster requirements
226.15(231) Prevention of elder abuse, neglect, and exploitation
226.16(231) State legal assistance development program

CHAPTER 227
AREA AGENCY ON AGING RESPONSIBILITIES
227.1(231) Area agency on aging responsibilities
227.2(231) Board of directors
227.3(231) Staffing
227.4(231) Conflicts of interest
227.5(231) Policies and procedures
227.6(231) Public participation
227.7(231) Advocacy
227.8(231) Area plan on aging
227.9(231) Title III and Title VI coordination
227.10(231) Fiscal responsibilities
227.11(231) Compliance monitoring
227.12(231) Quality performance
227.13(231) Data collection, sharing, and confidentiality
227.14(231) Reporting
227.15(231) Emergency and disaster requirements
227.16(231) Direct service provisions
227.17(231) Grievance

CHAPTER 228
DELIVERY OF AGING SERVICES
228.1(231) Aging service delivery
228.2(231) Eligibility

228.3(231) Supportive services and senior centers
228.4(231) Nutrition services
228.5(231) Evidence-based disease prevention and health promotion services
228.6(231) Family caregiver support services
228.7(231) Prevention of elder abuse, neglect, and exploitation
228.8(231) Service prioritization
228.9(231) Service wait lists, unmet needs, and other changes to service
228.10(231) Voluntary contributions
228.11(231) Membership fees
228.12(231) Prohibition against means testing

CHAPTER 229
DATA COLLECTION

229.1(231) Authority

CHAPTER 230
LONG-TERM CARE OMBUDSMAN

230.1(231) Definitions
230.2(231) Interference
230.3(231) Monetary civil penalties—basis
230.4(231) Monetary civil penalties—notice of penalty
230.5(231) Monetary civil penalties—appeals
230.6(231) Certified volunteer long-term care ombudsman program
230.7(231) Managed care ombudsman services

CHAPTER 231
OFFICE OF PUBLIC GUARDIAN

231.1(231E,633) Purpose
231.2(231E,633) Definitions
231.3(231E,633) Public guardian qualifications
231.4(231E,633) Ethics and standards of practice
231.5(231E,633) Staffing ratio
231.6(231E,633) Conflict of interest
231.7(231E,633) Individuals eligible for services
231.8(231E,633) Application and intake process—guardianship, conservatorship, and representative payee
231.9(231E,633) Case records
231.10(231E,633) Confidentiality
231.11(231E,633) Termination or limitation
231.12(231E,633) Service fees
231.13(231E,633) Denial of services—appeal
231.14(231E,633) Contesting the actions of a guardian, conservator, or representative payee

CHAPTERS 232 to 299
Reserved

TITLE XVIII
BEHAVIORIAL HEALTH SERVICES

CHAPTER 300
DEFINITIONS

300.1(225A) Definitions

CHAPTER 301
BEHAVIORAL HEALTH SERVICE SYSTEM ELIGIBILITY AND SERVICES

301.1(225A) Individual eligibility for behavioral health service system funding
301.2(225A) The behavioral health care continuum
301.3(225A) Provider qualifications
301.4(225A) Appeal rights

CHAPTER 302
BEHAVIORAL HEALTH ADMINISTRATIVE SERVICE ORGANIZATIONS

302.1(225A) Implementation and maintenance of programs and services
302.2(225A) Service availability and accessibility
302.3(225A) Provider oversight and monitoring

CHAPTER 303
Reserved

CHAPTER 304
DISTRICT BEHAVIORAL HEALTH ADVISORY COUNCILS
304.1(225A) Definitions
304.2(225A) Appointment
304.3(225A) Officers
304.4(225A) Meetings
304.5(225A) Subcommittees
304.6(225A) Advisory council composition

CHAPTER 305
MENTAL HEALTH ADVOCATES
305.1(229) Advocate appointment and qualifications
305.2(229) Advocate assignment
305.3(229) Advocate responsibilities
305.4(229) County responsibilities
305.5(229) Data collection requirements
305.6(229) Quality assurance system

CHAPTER 306
OPIOID SETTLEMENT FUND DISBURSEMENT
306.1(12) Definition
306.2(12) Methodology
306.3(12) Outcome measurement
306.4(12) Annual report

CHAPTERS 307 to 309
Reserved

CHAPTER 310
DATA COLLECTION
310.1(225A) Authority

CHAPTER 151
JUVENILE COURT-ORDERED SERVICES

[Prior to 7/1/83, Social Services[770] Ch 141]
[770—Ch 141 renumbered as 498—Ch 209, IAB 2/29/84]
[Agency number changed from [498] to [441] IAB 2/11/87]
[Prior to 7/26/89, 441—Ch 209]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/1/31

441—151.1(232) Definitions.

"Child" means a person under 18 years of age.

"Child welfare services" means services to maintain a child's connection to the child's family and community, to promote reunification or other permanent placement, and to facilitate a child's transition to adulthood.

"Court-ordered services" means the defined or specific care and treatment that are authorized by the court for an eligible child or the parent of an eligible child and for which no other payment source is available to cover the cost.

"Eligible child" means a child supervised by the department for whom the juvenile court judge has provided an order for a service funded under court-ordered services.

"Provider" means a public agency, including a school district or government unit, or a private agency, organization or eligible individual authorized to do business in the state. The provider is also known as the claimant.

"Service area" means one of the five geographic areas designated by the department for the provision of family well-being and protection services.

[**ARC 0176D**, IAB 4/1/26, effective 6/1/26]

441—151.2(232) Administration of funds for court-ordered services. Pursuant to the authority granted in Iowa Code chapters 7E, 8, 232, and 602 and the annual appropriations Acts, the executive branch, represented by the department, and the judicial branch, represented by the juvenile court judges, are each charged with specific responsibilities for funding, administering, and providing court-ordered services.

151.2(1) *Allocations for court-ordered services.* Court-ordered services are funded by an appropriation made to the department.

151.2(2) *Court order requirement.* Upon the request of any party, the court may authorize the use of court-ordered services for child welfare services as defined in subrules 151.4(1) and 151.4(2).

151.2(3) *Application for funds.* The department will complete an application for the use of court-ordered service funds upon receiving the order.

151.2(4) *Availability of funds.* The department will have the opportunity to establish the availability of funds once an authorization for court-ordered services is received from the court.

151.2(5) *Monitoring of funds.* The department will monitor and communicate the availability of the court-ordered services funds to ensure that funds are available throughout the state fiscal year.

151.2(6) *Emergency or after-hours situations.* Any services that are provided without the signed approval of the department's approved administrator may be denied payment, unless there is an emergency or after-hours situation and no other provision exists for handling emergency or after-hours situations or transports.

151.2(7) *Transfer of funds to a decategorization governance board for administration.* Funds allocated to the department for court-ordered services may be transferred to a decategorization governance board for administration.

151.2(8) *Billing and payment.* The department will ensure that billing and payment are in compliance with the requirements of the accounting policies and procedures manual of the department of administrative services, state accounting enterprise as amended to August 1, 2025. A claim that meets the requirements of this chapter becomes a state liability on the date of a claim's accrual. The

date of a claim's accrual is the date the service was provided, the end of the agreed-upon billing interval specified in the contract, or the date of a determination of liability for the claim.
[**ARC 0176D**, IAB 4/1/26, effective 6/1/26]

441—151.3(232) Use of other funding sources. The department, in cooperation with juvenile court judges, will ensure that the funds allocated for court-ordered services are spent only after all other reasonable actions have been taken to use other funding sources. Services are not eligible for reimbursement when another payment source is available.

151.3(1) The department will maximize the use of funds that may be available from the Medicaid program, including coverage for early and periodic screening, diagnosis, and treatment and for psychiatric medical institutions for children (PMIC), before requesting assistance through the court-ordered services fund. However, medical cost sharing for the one-time payment per court order of a deductible amount or a coinsurance amount for treatment specified in a court order is an allowable expense that may be paid through the court-ordered services fund when insurance or Medicaid is then available to pay the remainder of the cost.

151.3(2) The department may recover payments from any third-party insurance carrier that is liable for coverage of the services, including health insurance coverage. The department may submit claims to third-party insurance carriers liable for coverage of the services before the claims are submitted for payment through the court-ordered services fund.

151.3(3) The date of a medical claim's accrual for reimbursement through court-ordered services is the date the claim becomes a state liability. For example, a claim becomes a state liability on:

a. The date of a court order for a contested claim; or

b. The date of a determination by Medicaid or private insurance that Medicaid or private insurance denies partial or full payment for care and treatment for which an application has been made.

151.3(4) If eligible for reimbursement through the court-ordered services fund, medical claims that are submitted to, but are denied by, Medicaid or private insurance will be paid at a rate not to exceed the rate set by Medicaid.

151.3(5) Allowable rates not available. When the department has been unable to establish an allowable rate of reimbursement for a service or a provider, the department's approved administrator or designee will negotiate a reimbursement rate with the provider to obtain the service at a reasonable cost based on available community or statewide rates.
[**ARC 0176D**, IAB 4/1/26, effective 6/1/26]

441—151.4(232) Expenses. The following lists of expenses that are eligible for reimbursement from the court-ordered services fund are intended to be exhaustive. Billings for services not listed in subrule 151.4(1) cannot be paid except as provided in subrule 151.4(2).

151.4(1) *Expenses to be reimbursed.* The expenses for which reimbursement will be made include:

a. Expenses, other than salary, incurred by a person ordered by the court, other than a juvenile court officer, in transporting a child to or from a place designated by the court, including mileage, lodging and meals.

b. The expense of care or treatment ordered by the court whenever the minor is placed by the court with someone other than the parents; or a minor is given a physical or mental examination or treatment under order of the court; or, upon certification by the department, a minor is given physical or mental examinations or treatment with the consent of the parent, guardian or legal custodian relating to a child abuse investigation and no provision is otherwise made by the law for payment for the care, examination, or treatment of the minor. Care and treatment expenses for which no other provision for payment is made by law that will be reimbursable include court-ordered:

(1) Individual services for the child separate from a family's treatment plan.

(2) Diagnosis and evaluation on an outpatient basis unless the diagnosis and evaluation is provided by a person or agency with a contract with the department for the service for which the child is eligible.

(3) An evaluation of a child in a residential facility.

(4) Inpatient (hospital) evaluation of a child previous to disposition.

(5) Medical treatment for a child. This includes medical treatment while in detention in a facility used for detention when the medical treatment is court-ordered.

(6) Drug treatment, testing and care for a child.

(7) Intensive in-home supervision and monitoring and alternatives to shelter care unless a person or agency that has a contract with the department provides the service for which the child is eligible.

(8) Evaluation of parents pursuant to an adjudication unless the diagnosis and evaluation is provided by a person or agency with a contract with the department for that service for which the child is eligible.

(9) Physical or mental examinations ordered pursuant to Iowa Code section 232.49 or 232.98 or those eligible for payment pursuant to Iowa Code chapter 249A.

(10) Services ordered under family in need of assistance proceedings unless a person or agency with a contract with the department provides the service for which the child is eligible.

(11) Expenses for all educational testing or programming for children, not weighted as special education students, who attend an on-campus school in an out-of-state facility.

(12) Expenses for educational testing or programs related to a high school equivalency diploma or for credit hours, when the expenses are not required to be paid by the state.

(13) Medical cost sharing for payment of a deductible amount or a coinsurance amount when Medicaid or private insurance is then available to pay the remainder of the cost.

151.4(2) *Expenses not listed.* Expenses not covered in subrule 151.4(1) will be eligible for reimbursement from court-ordered service funds only under the following circumstances:

a. The expense is for a child welfare service;

b. The expense is authorized by the court;

c. The reimbursement is not in conflict with current law or administrative rule, and

d. No alternative funding sources are available to pay for the service.

[**ARC 0176D**, IAB 4/1/26, effective 6/1/26]

These rules are intended to implement Iowa Code section 232.141.

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RACING AND GAMING COMMISSION[491]

[Prior to 11/19/86, Chs 1 to 10, see Racing Commission[693]; Renamed Racing and Gaming Division [195] under the "umbrella" of Commerce, Department of [181], 11/19/86]
[Prior to 12/17/86, Chs 20 to 25, see Revenue Department[730] Chs 91 to 96]
[Transferred from Commerce Department[181] to the Department of Inspections and Appeals "umbrella"[481] pursuant to 1987 Iowa Acts, chapter 234, section 421]
[Renamed Racing and Gaming Commission[491], 8/23/89; See 1989 Iowa Acts, ch 67 §1(2), and ch 231 §30(1), 31]

CHAPTER 1
ORGANIZATION AND OPERATION

1.1(99D,99E,99F) Function
1.2(99D,99F) Organization, meetings, and procedure
1.3(99D,99F) Administration of the commission
1.4(17A,22,99D,99F) Open records
1.5(17A,99D,99F) Forms
1.6 Reserved
1.7(99D,99F) Criteria for granting licenses, renewing licenses, and determining race dates
1.8(17A,99D,99F) Granting of a waiver

CHAPTER 2
RULEMAKING AND DECLARATORY ORDERS

2.1(17A) Applicability
2.2(17A) Advice on possible rules before notice of proposed rule adoption
2.3(17A) Public rulemaking docket
2.4(17A) Notice of proposed rulemaking
2.5(17A) Public participation
2.6(17A) Regulatory analysis
2.7(17A,25B) Fiscal impact statement
2.8(17A) Time and manner of rule adoption
2.9(17A) Variance between adopted rule and published notice of proposed rule adoption
2.10(17A) Exemption from public rulemaking procedures
2.11(17A) Concise statement of reasons
2.12(17A) Contents, style, and form of rule
2.13(17A) Agency rulemaking record
2.14(17A) Filing of rules
2.15(17A) Effectiveness of rules prior to publication
2.16(17A) General statements of policy
2.17(17A) Review by commission of rules
2.18(17A) Petition for rulemaking
2.19(17A) General
2.20(17A) Petition for declaratory order
2.21(17A) Notice of petition
2.22(17A,99D,99F) Intervention
2.23(17A) Briefs
2.24(17A) Inquiries
2.25(17A) Service and filing of petitions and other papers
2.26(17A) Consideration
2.27(17A) Action on petition
2.28(17A) Refusal to issue order
2.29(17A) Contents of declaratory order—effective date
2.30(17A) Copies of orders
2.31(17A) Effect of a declaratory order

CHAPTER 3
FAIR INFORMATION PRACTICES
(Uniform Rules)

3.1(17A,22) Definitions
3.3(17A,22) Requests for access to records
3.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records
3.9(17A,22) Disclosures without the consent of the subject

3.10(17A,22) Routine use
3.11(17A,22) Consensual disclosure of confidential records
3.12(17A,22) Release to subject
3.13(17A,22) Availability of records
3.14(17A,22) Personally identifiable information

CHAPTER 4
CONTESTED CASES AND OTHER PROCEEDINGS

4.1(17A) Scope and applicability
4.2(17A) Definitions
4.3(17A) Time requirements

DIVISION I
GAMING REPRESENTATIVE, GAMING BOARD,
AND BOARD OF STEWARDS

4.4(99D,99E,99F) Gaming representatives and administrator's designees—licensing and regulatory duties
4.5(99D,99E,99F) Gaming board—duties
4.6(99D,99F) Stewards—licensing and regulatory duties
4.7(99D,99E,99F) Penalties (gaming board and board of stewards)
4.8(99D,99E,99F) Effect of another jurisdiction's order
4.9(99D,99E,99F) Service of administrative actions
4.10(99D,99E,99F) Appeals of administrative actions
4.11 to 4.19 Reserved

DIVISION II
CONTESTED CASES

4.20(17A) Requests for contested case proceedings not covered in Division I
4.21(17A) Notice of hearing
4.22(17A) Presiding officer
4.23(17A) Waiver of procedures
4.24(17A) Telephone proceedings
4.25(17A) Disqualification
4.26(17A) Consolidation—severance
4.27(17A) Pleadings
4.28(17A) Service and filing of pleadings and other papers
4.29(17A) Discovery
4.30(17A) Subpoenas
4.31(17A) Motions
4.32(17A) Prehearing conference
4.33(17A) Continuances
4.34(17A) Withdrawals
4.35(17A) Intervention
4.36(17A) Hearing procedures
4.37(17A) Evidence
4.38(17A) Default
4.39(17A) Ex parte communication
4.40(17A) Recording costs
4.41(17A) Interlocutory appeals
4.42(17A) Final decision
4.43(17A) Appeals and review
4.44(17A) Applications for rehearing
4.45(17A) Stays of commission actions
4.46(17A) No factual dispute contested cases
4.47(17A) Emergency adjudicative proceedings
4.48(17A) Contested case hearings before the commission

CHAPTER 5
TRACK, GAMBLING STRUCTURE, AND EXCURSION GAMBLING BOAT
LICENSEES' RESPONSIBILITIES

5.1(99D,99F) In general
5.2(99D,99F) Annual reports

5.3(99D,99F) Information
5.4(99D,99F) Uniform requirements
5.5(99D) Pari-mutuel uniform requirements
5.6(99F) Excursion gambling boat uniform requirements

CHAPTER 6
OCCUPATIONAL AND VENDOR LICENSING

6.1(99D,99E,99F) Definitions
6.2(99D,99E,99F,252J) Occupational licensing
6.3(99D,99E,99F) Waiver of privilege
6.4(99D,99E,99F) License acceptance
6.5(99D,99E,99F) Grounds for denial, suspension, or revocation of a license or issuance of a fine
6.6(99D,99E,99F) Applications for license after denial, revocation, or suspension
6.7(99D,99E,99F) Probationary period placed on a license
6.8(99D,99E,99F) Duration of license
6.9(99D,99E,99F) Licensed employees moving from one location to another
6.10(99D,99E,99F) Required report of discharge of licensed employee
6.11(99D,99F,252J) Receipt of certificate of noncompliance from the child support recovery unit
6.12 Reserved
6.13(99D,99F,272D) Receipt of certificate of noncompliance from the centralized collection unit of the department of revenue
6.14(99D,99F) Vendor's license
6.15(99D,99F) Applicability of rules—exceptions
6.16(99D) Disclosure of ownership of racing animals
6.17(99D) Owners of racing animals
6.18(99D) Kennel/stable name
6.19(99D) Leases (horse racing only)
6.20(99D) Partnerships owning racing animals
6.21(99D) Corporations owning racing animals
6.22(99D) Authorized agents for owner entities of racing animals
6.23(99D) Trainers and assistant trainers of racing animals
6.24(99D) Jockeys and apprentice jockeys
6.25(99D) Jockey agent
6.26(99D) Driver
6.27(99D) Practicing veterinarians
6.28(99D,99F) Alcohol and drug testing
6.29(99D) Time by which owner, jockey and trainer must be licensed

CHAPTER 7
Reserved

CHAPTER 8
PARI-MUTUEL WAGERING, SIMULCASTING AND ADVANCE DEPOSIT WAGERING

8.1(99D) Definitions
8.2(99D) General
8.3(99D) Approval of pari-mutuel wagers
8.4(99D) Simulcast wagering
8.5(99D) Interstate common-pool wagering
8.6(99D) Advance deposit wagering
8.7(99D) Alternative simulcast operator

CHAPTER 9
Reserved

CHAPTER 10
THOROUGHBRED AND QUARTER HORSE RACING

10.1(99D) Definitions
10.2(99D) Facilities' responsibilities
10.3(99D) Facility policies
10.4(99D) Racing officials appointed or employed by the commission

10.5(99D) Facility racing officials
10.6(99D) Trainers and assistant trainers
10.7(99D) Jockeys, apprentice jockeys, and jockey agents
10.8(99D) Conduct of races
10.9(99D) Medication and administration, sample collection, chemists, and practicing veterinarian

CHAPTER 11
GAMBLING GAMES

11.1(99F) Definitions
11.2(99F) Conduct of all gambling games
11.3(99F) Gambling games approved by the commission
11.4(99F) Approval for distribution, operation, or movement of gambling games and implements of gambling
11.5(99F) Gambling games authorized
11.6(99F) Gambling game-based tournaments
11.7(99F) Table game requirements
11.8(99F) Keno
11.9(99F) Slot machine requirements
11.10(99F) Slot machine hardware and software specifications
11.11 Reserved
11.12(99F) Progressive slot machines
11.13(99F) Licensing of manufacturers and distributors of gambling games or implements of gambling

CHAPTER 12
ACCOUNTING AND CASH CONTROL

12.1(99F) Definitions
12.2(99F) Accounting records
12.3(99F) Facility internal controls
12.4(99F) Accounting controls within the cashier’s cage
12.5(99F) Gaming table container
12.6(99F) Accepting currency at gaming tables
12.7(99F) Procedures for the movement of gaming chips to and from gaming tables
12.8(99F) Dropping or opening a gaming table
12.9(99F) Slot machine container and key
12.10(99F) Procedures for hopper fills and attendant payouts
12.11(99F) Attendant and ticket payout accounting
12.12(99F) Computer recording requirements and monitoring of slot machines
12.13(99F) Transportation of containers
12.14(99F) Count room—characteristics
12.15(99F) Opening, counting, and recording contents of containers in the count room
12.16(99F) Electronic wagering accounts

CHAPTER 13
SPORTS WAGERING

13.1(99F) Definitions
13.2(99F) Conduct of all sports wagering
13.3(99F) Approval of sports wagers
13.4(99F) Designated sports wagering area
13.5(99F) Advance deposit sports wagering
13.6(99F) Testing
13.7(99F) Licensing

CHAPTER 14
FANTASY SPORTS CONTESTS

14.1(99E) Definitions
14.2(99E) Application for fantasy sports contest service provider license and licensing
14.3(99E) Temporary license certificates
14.4(99E) Withdrawal of application
14.5(99E) Fees
14.6(99E) Taxes

14.7(99E)	Account registration
14.8(99E)	Fantasy sports contest service provider requirements
14.9(99E)	Contest rules
14.10(99E)	Segregation account requirements and financial reserves
14.11(99E)	Annual audit
14.12(99E)	Abandoned accounts
14.13(99E)	Problem gambling
14.14(99E)	Licensing of internet fantasy sports contest service providers

CHAPTER 1
ORGANIZATION AND OPERATION

[Prior to 11/19/86, Racing Commission[693]]
[Prior to 11/18/87, Racing and Gaming Division[195]]
[Prior to 8/9/00, see also 491—Chs 6, 20 and 21]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

491—1.1(99D,99E,99F) Function. The racing and gaming commission was created by Iowa Code chapter 99D and is charged with the administration of the Iowa pari-mutuel wagering Act and excursion boat gambling Act, sports wagering, and internet fantasy sports contests. Iowa Code chapters 99D, 99E and 99F mandate that the commission shall have full jurisdiction over and shall supervise all race meetings, gambling operations, sports wagering, and internet fantasy sports contests governed by Iowa Code chapters 99D, 99E and 99F.

[**ARC 4618C**, IAB 8/28/19, effective 7/31/19; **ARC 5016C**, IAB 4/8/20, effective 5/13/20]

491—1.2(99D,99F) Organization, meetings, and procedure.

1.2(1) *Organization.*

a. The racing and gaming commission is located at 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321; telephone 515.281.7352. Office hours are 8 a.m. to 4:30 p.m., Monday through Friday.

b. The racing and gaming commission consists of five members. The membership shall elect a chairperson and vice-chairperson in July of each year. No chairperson shall serve more than four consecutive one-year full terms.

1.2(2) *Meetings.*

a. The commission meets periodically throughout the year and shall meet in July of each year. Notice of a meeting is published on the commission's website at irgc.iowa.gov/ at least five days in advance of the meeting or will be sent to interested persons upon request. The notice shall contain the specific date, time, and place of the meeting. Agendas are available to any interested persons not less than five days in advance of the meeting.

b. Persons wishing to appear before the commission should submit a written request to the commission office not less than ten working days prior to the meeting. The administrator or commission may place a time limit on presentations after taking into consideration the number of presentations requested.

c. Special or electronic meetings may be called by the chairperson only upon a finding of good cause and shall be held in strict accordance with Iowa Code section 21.4 or 21.8.

1.2(3) *Procedure.* All meetings shall be open to the public unless a closed session is voted by four members or all members present for the reasons specified in Iowa Code section 21.5. The operation of commission meetings shall be governed by the following rules of procedure:

a. A quorum shall consist of three members.

b. When a quorum is present, a position is carried by an affirmative vote of the majority of the entire membership of the commission.

c. A commissioner, who is present at a meeting of the commission when action is taken, shall be presumed to have assented to the action unless the commissioner's dissent was requested to be entered in the minutes. A roll-call vote on any motion may be recorded in the minutes. Reconsideration of any action may only be initiated by a commissioner who voted with the prevailing side. The motion to reconsider any action may be made and seconded before the conclusion of the meeting when the action was approved, or it may be made in writing and submitted to the commission office within two business days following the meeting. Only the mover has the option to request that the motion be held in abeyance, when the motion to reconsider is offered during the same meeting. Any commissioner is eligible to call up the motion to reconsider at the next meeting of the commission. The official minutes shall record the offering of any motion to reconsider, whether placed during the meeting or by timely written submission.

d. The presiding officer may exclude any person from the meeting for behavior that disrupts or obstructs the meeting.

e. Cases not covered by this rule shall be governed by the most recent edition of Robert's Rules of Order Newly Revised.

[**ARC 0734C**, IAB 5/15/13, effective 6/19/13; **ARC 1506C**, IAB 6/25/14, effective 7/30/14; **ARC 2927C**, IAB 2/1/17, effective 3/8/17; Editorial change: IAC Supplement 3/6/24]

491—1.3(99D,99F) Administration of the commission. The commission shall appoint an administrator for the racing and gaming commission who is responsible for the day-to-day administration of the commission's activities.

491—1.4(17A,22,99D,99F) Open records. Except as provided in Iowa Code sections 17A.2(11)*"f,"* 22.7, 99D.7(8), and 99F.4(6), all public records of the commission shall be available for public inspection during business hours. Requests to obtain records may be made by mail, telephone, or fax or in person. Minutes of commission meetings, forms, and other records routinely requested by the public may be obtained without charge or viewed on the commission's website. Other records requiring more than ten copies may be obtained upon payment of the actual cost for copying. This charge may be waived by the administrator.

491—1.5(17A,99D,99F) Forms. All forms utilized in the conduct of business with the racing and gaming commission shall be available from the commission upon request. These forms include but are not limited to:

1.5(1) *Racing, gambling structure, or excursion gambling boat license application.* This form contains at a minimum the full name of the applicant, all ownership interests, balance sheets and profit-and-loss statements for three fiscal years immediately preceding the application, pending legal action, location and physical plant of the facility, and description of proposed operation. The form may include other information the commission deems necessary to make a decision on the license application. The applicant or applicants also pay or remit the following fees:

a. An initial application fee in the amount of $250,000 to the commission to cover the commission's actual expenses incurred in processing and evaluating the application. Actual expenses may include but are not limited to the cost of appropriate meeting spaces, facilities, and equipment; transportation, lodging, meals, and other travel-related expenses; market feasibility studies the commission conducts; or consultants the commission retains. The commission will bill the applicant or licensee for additional expenses beyond the initial application fee as appropriate and will refund any unused portion of the fee within 90 days after the license is denied or within 90 days after operation begins.

b. An investigative fee of $50,000 to the department of public safety to complete background investigations. The department of public safety will bill the applicant or licensee for additional fees as appropriate and will refund any unused portion of the investigative fee within 90 days after the license is denied or within 90 days after operation begins.

1.5(2) *Renewal application for racing license.* This form shall contain, at a minimum, the full name of the applicant, racing dates, simulcast proposal, feasibility of racing facility, distribution to qualified sponsoring organizations, table of organization, management agreement, articles of incorporation and bylaws, lease agreements, financial statements, information on the gambling treatment program, and description of racetrack operations. The form may include other information the commission deems necessary to make a decision on the license application.

1.5(3) *Renewal application for excursion gambling boat or gambling structure license.* This form shall contain, at a minimum, the full name of the applicant, annual fee, distribution to qualified sponsoring organizations, table of organization, internal controls, operating agreement, hours of operation, casino operations, Iowa resources, contracts, guarantee bond, notarized certification of truthfulness, and gambling treatment program. The form may include other information the commission deems necessary to make a decision on the license application. An annual fee to operate

an excursion gambling boat shall be based on the passenger-carrying capacity including crew. For a gambling structure, the annual license fee shall be based on the capacity of the gambling structure. The fee shall be $5 per person capacity and accompany this application.

1.5(4) *Renewal application for racetrack enclosure license.* This form shall contain, at a minimum, the full name of the applicant, annual fee, casino operations, internal controls, Iowa resources, guarantee bond, and notarized certification of truthfulness. The form may include other information the commission deems necessary to make a decision on the license application. A $1,000 application fee must accompany this license application.

1.5(5) *Occupational license application.* This form shall contain, at a minimum, the applicant's full name, social security number, residence, date of birth, and other personal identifying information that the commission deems necessary. A fee set by the commission shall apply to this application. (Refer to 491—Chapter 6 for additional information.)

1.5(6) *Season approvals.* This form shall contain, at a minimum, a listing of the department heads and racing officials, minimum purse, purse supplements for Iowa-breds, grading system (greyhound racing only), schedule and wagering format, equipment, security plan, certification, and any other information the commission deems necessary for approval. This request must be submitted 45 days prior to the meet. Any changes to the items approved by the commission shall be requested in writing by the licensee and subject to the written approval of the administrator or commission representative before the change occurs.

1.5(7) *Manufacturers and distributors license application.* This form shall contain at a minimum the full name of the applicant, all ownership interests, balance sheets and profit-and-loss statements for three fiscal years immediately preceding the application, pending legal action, location and physical plant of the applicant, and description of proposed operation. The form may include other information the administrator deems necessary to make a decision on the license application. A license fee of $1,000 for a distributor's license and a license fee of $250 for a manufacturer's license shall accompany this application. (Refer to 491—Chapter 11 for additional information.)

1.5(8) *Advance deposit wagering license application.* This form shall contain at a minimum the full name of the applicant, all ownership interests, balance sheets and profit-and-loss statements for three fiscal years immediately preceding the application, pending legal action, location and physical plant of the applicant, and description of proposed operation. The form may include other information the administrator deems necessary to make a decision on the license application. A license fee of $1,000 shall accompany this application. (Refer to 491—Chapter 8 for additional information.)

1.5(9) *Asset/stock purchase form for commission approval.* This form shall contain at a minimum the full name of the applicant, all ownership interests, balance sheets and profit-and-loss statements for three fiscal years immediately preceding the application, pending legal action, location and physical plant of the applicant, and description of proposed operation. The form may include other information the administrator deems necessary to make a decision.

1.5(10) *Sports wagering for excursion gambling boat, gambling structure or racetrack enclosure application.* This form shall contain, at a minimum, the full name of the applicant, disclosure of agreements involving sports wagering, a guarantee bond in an amount as determined by the commission, and a notarized certification of truthfulness. The applicant shall pay a nonrefundable application fee in the amount of $45,000 to the commission.

1.5(11) *Renewal application for sports wagering for excursion gambling boat, gambling structure or racetrack enclosure.* This form shall contain, at a minimum, the full name of the applicant, a $10,000 annual fee, disclosure of agreements involving sports wagering, sports wagering operations, internal controls, a guarantee bond in an amount as determined by the commission, a gambling treatment program, and a notarized certification of truthfulness. The form may include other information the commission deems necessary to make a decision on the license application.

1.5(12) *Advance deposit sports wagering operator application.* This form shall contain, at a minimum, the full name of the applicant, all ownership interests, balance sheets and profit-and-loss statements for three fiscal years immediately preceding the application, pending legal action,

agreement with licensed facility or description of proposed operation, a gambling treatment program, and a notarized certification of truthfulness. The form may include other information the commission deems necessary to make a decision on the license application.

1.5(13) *Internet fantasy sports contest application.* This form shall contain, at a minimum, the full name of the applicant, board members, all ownership interests, balance sheets and profit-and-loss statements for the fiscal year immediately preceding the application, pending legal action, proof of satisfactory segregation of internet fantasy sports contest player contest funds as determined by the commission, a description of the proposed operation and a notarized certification of truthfulness. The form may include other information the commission deems necessary to make a decision on the license application.

1.5(14) *Alternative simulcast license application.* This form shall contain, at a minimum, the full name of the applicant, all ownership interests, balance sheets and profit-and-loss statements for three fiscal years immediately preceding the application, pending legal action, agreement with licensed facility or description of proposed operation, and a notarized certification of truthfulness. The form may include other information the commission deems necessary to make a decision on the license application.

[**ARC 1506C**, IAB 6/25/14, effective 7/30/14; **ARC 4618C**, IAB 8/28/19, effective 7/31/19; **ARC 5016C**, IAB 4/8/20, effective 5/13/20; **ARC 6894C**, IAB 2/22/23, effective 3/29/23; **ARC 0184D**, IAB 4/1/26, effective 5/6/26]

491—1.6(99D,99F) Limitation on location and number of racetracks and excursion gambling boats. Rescinded IAB 9/29/04, effective 11/3/04.

491—1.7(99D,99F) Criteria for granting licenses, renewing licenses, and determining race dates. The commission sets forth the following criteria which the commission will consider when deciding whether to issue a license to conduct racing or gaming or sports wagering in Iowa. The various criteria may not have the same importance in each instance, and other factors may present themselves in the consideration of an application for a license. The criteria are not listed in order of priority. After the initial consideration for issuing a license, applicable criteria need only be considered when an applicant has demonstrated a deficiency.

1.7(1) *Compliance.* The commission will consider whether or not the applicant is and has been in compliance with the terms and conditions specified in Iowa Code section 99D.9 or 99F.4. The commission will also consider whether the proposed facility is in compliance with applicable state and local laws regarding fire, health, construction, zoning, and other similar matters.

1.7(2) *Gaming integrity.* The commission will consider whether the proposed operation would ensure that gaming and sports wagering are conducted with a high degree of integrity in Iowa and that the officers, directors, partners, or shareholders of the operation are of good repute and moral character. The commission shall decide what weight and effect evidence about an officer, director, partner, or shareholder should have in the determination of whether there is substantial evidence that the individual is not of good reputation and character. For the purposes of this chapter, the term "directors" shall also include managers of limited liability companies and the term "shareholders" shall also include members of limited liability companies.

1.7(3) *Economic impact and development.* The commission will consider:

a. The amount of revenue to be provided by the proposed facility to the state and local communities through direct taxation on the facility's operation and indirect revenues from tourism, ancillary businesses, creation of new industry, and taxes on employees and patrons. The commission may engage an independent firm proficient in market feasibility studies in the industry for specific analysis of any application to determine the potential market of any proposed facility as well as the impact on existing licensees.

b. The level of financial and other support the proposed operation will provide to the community in order to improve the quality of life of the residents of the community.

c. The viability and overall net benefit of the proposed operation to the state gaming industry, taking into consideration:

(1) Investment versus projected adjusted gross revenue.

(2) Impact on existing operators' adjusted gross revenue versus existing operators' ratio of adjusted gross revenue to investment.

(3) Ratio of equity to total investment and whether the proposed project is adequately and properly financed.

(4) Percent of projected adjusted gross revenue from underserved markets.

(5) Percent of projected adjusted gross revenue from existing Iowa operators.

(6) Stability and reliability of out-of-state market(s).

d. The benefits to Iowa tourism.

e. The number and quality of employment opportunities for Iowans.

f. The development and sale of Iowa products.

g. The number and types of developments and amenities associated with the proposed operation in addition to the gaming floor.

1.7(4) *Efficient and safe operation.* The commission will consider whether the proposed facility is planned in a manner that promotes efficient and safe operation of all aspects of the facility including providing adequate security for employees and patrons. Adequate employment to serve patrons' needs, facility scope and design, parking facilities, access to cashier windows, concessions, and restrooms will be considered.

1.7(5) *Community support.* The commission will consider support for the proposed project within the community in which a proposed facility is to be located.

1.7(6) *Nurture of the racing industry.* The commission will consider whether the proposed racetrack operation would serve to nurture, promote, develop, and improve the racing industry in Iowa and provide high-quality racing in Iowa. The commission will also consider if the proposed racetrack operation will maximize purses and is beneficial to Iowa breeders.

1.7(7) *Other factors.* The commission will consider such other factors as may arise in the circumstances presented by a particular application.

[**ARC 8029B**, IAB 8/12/09, effective 9/16/09; **ARC 4618C**, IAB 8/28/19, effective 7/31/19; **ARC 5016C**, IAB 4/8/20, effective 5/13/20]

491—1.8(17A,99D,99F) Granting of a waiver. For purposes of this rule, a waiver means action by the commission that suspends in whole or in part the requirements or provisions of a rule as applied to an identified entity on the basis of the particular circumstances of that entity.

1.8(1) *Scope of rule.* This rule outlines generally applicable standards and a uniform process for the granting of a waiver from rules adopted by the commission in situations where no other more specifically applicable law provides for waivers. To the extent another more specific provision of law governs the issuance of a waiver from a particular rule, the more specific provision shall supersede this rule with respect to any waiver from that rule.

1.8(2) *Applicability of rule.* The commission may grant a waiver from a rule only if the commission has jurisdiction over the rule and the requested waiver is consistent with applicable statutes, constitutional provisions, or other provisions of law. The commission may not waive requirements created or duties imposed by statute.

1.8(3) *Criteria for waiver.* In response to a petition completed pursuant to subrule 1.8(5), the commission may in its sole discretion issue an order waiving in whole or in part the requirements of a rule if the commission finds, based on clear and convincing evidence, all of the following:

a. The application of the rule would impose an undue hardship on the entity for whom the waiver is requested;

b. The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any entity;

c. The provisions of the rule subject to the petition for a waiver are not specifically mandated by statute or another provision of law; and

d. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.

1.8(4) *Filing of petition.* A petition for a waiver must be submitted in writing to the commission as follows:

a. License application. If the petition relates to a license application, the petition shall be made in accordance with the filing requirements for the license in question.

b. Contested cases. If the petition relates to a pending contested case, the petition shall be filed in the contested case proceeding, using the caption of the contested case.

c. Other. If the petition does not relate to a license application or a pending contested case, the petition may be submitted to the administrator.

1.8(5) *Content of petition.* A petition for waiver shall include the following information where applicable and known to the requester:

a. The name, address, and telephone number of the person or entity for whom a waiver is being requested, and the case number of any related contested case.

b. A description and citation of the specific rule from which a waiver is requested.

c. The specific waiver requested, including the precise scope and duration.

d. The relevant facts that the petitioner believes would justify a waiver under each of the four criteria described in subrule 1.8(3). This statement shall include a signed statement from the petitioner attesting to the accuracy of the facts provided in the petition, and a statement of reasons that the petitioner believes will justify a waiver.

e. A history of any prior contacts between the commission and the petitioner relating to the regulated activity or license affected by the proposed waiver, including a description of each affected license held by the requester, any notices of violation, contested case hearings, or investigative reports relating to the regulated activity or license within the last five years.

f. Any information known to the requester regarding the commission's treatment of similar cases.

g. The name, address, and telephone number of any public agency or political subdivision which also regulates the activity in question, or which might be affected by the grant of a waiver.

h. The name, address, and telephone number of any person or entity who would be adversely affected by the grant of a waiver.

i. The name, address, and telephone number of any person with knowledge of the relevant facts relating to the proposed waiver.

j. Signed releases of information authorizing persons with knowledge regarding the request to furnish the commission with information relevant to the waiver.

1.8(6) *Additional information.* Prior to issuing an order granting or denying a waiver, the commission may request additional information from the petitioner relative to the petition and surrounding circumstances. If the petition was not filed in a contested case, the commission may, on its own motion or at the petitioner's request, schedule a telephonic or in-person meeting between the petitioner and the administrator, a committee of the commission, or a quorum of the commission.

1.8(7) *Notice.* The commission shall acknowledge a petition upon receipt. The commission shall ensure that notice of the pendency of the petition and a concise summary of its contents have been provided to all persons to whom notice is required by any provision of law, within 30 days of the receipt of the petition. In addition, the commission may give notice to other persons.

To accomplish this notice provision, the commission may require the petitioner to serve the notice on all persons to whom notice is required by any provision of law, and provide a written statement to the commission attesting that notice has been provided.

1.8(8) *Hearing procedures.* The provisions of Iowa Code sections 17A.10 to 17A.18A regarding contested case hearings shall apply to any petition for a waiver filed within a contested case and shall otherwise apply to agency proceedings for a waiver only when the commission so provides by rule or order or is required to do so by statute.

1.8(9) *Ruling.* An order granting or denying a waiver shall be in writing and shall contain a reference to the particular person and rule or portion thereof to which the order pertains, a statement of the relevant facts, reasons upon which the action is based, and a description of the precise scope and duration of the waiver if one is issued.

1.8(10) *Board discretion.* The final decision on whether the circumstances justify the granting of a waiver shall be made at the sole discretion of the commission, upon consideration of all relevant factors. Each petition for a waiver shall be evaluated by the commission based on the unique, individual circumstances set out in the petition.

1.8(11) *Burden of persuasion.* The burden of persuasion rests with the petitioner to demonstrate by clear and convincing evidence that the commission should exercise its discretion to grant a waiver from a commission rule.

1.8(12) *Narrowly tailored exception.* A waiver, if granted, shall provide the narrowest exception possible to the provisions of a rule.

1.8(13) *Administrative deadlines.* When the rule from which a waiver is sought establishes administrative deadlines, the commission shall balance the special individual circumstances of the petitioner with the overall goal of uniform treatment of all similarly situated persons.

1.8(14) *Conditions.* The commission may place any condition on a waiver that the commission finds desirable to protect the public health, safety, and welfare.

1.8(15) *Time period of waiver.* A waiver shall not be permanent unless the petitioner can show that a temporary waiver would be impracticable. If a temporary waiver is granted, there is no automatic right to renewal. At the sole discretion of the commission, a waiver may be renewed if the commission finds that grounds for the waiver continue to exist.

1.8(16) *Time for ruling.* The commission shall grant or deny a petition for a waiver as soon as practicable but, in any event, shall do so within 120 days of its receipt, unless the petitioner agrees to a later date. However, if a petition is filed in a contested case, the commission shall grant or deny the petition no later than the time at which the final decision in that contested case is issued.

1.8(17) *When deemed denied.* Failure of the commission to grant or deny a petition within the required time period shall be deemed a denial of that petition by the commission. However, the commission shall remain responsible for issuing an order denying a waiver.

1.8(18) *Service of order.* Within seven days of its issuance, any order issued under this rule shall be transmitted to the petitioner or the person to whom the order pertains and to any other person entitled to such notice by any provision of law.

1.8(19) *Public availability.* All orders granting or denying a waiver petition shall be indexed, filed, and available for public inspection as provided in Iowa Code section 17A.3. Petitions for a waiver and orders granting or denying a waiver petition are public records under Iowa Code chapter 22. Some petitions or orders may contain information the commission is authorized or required to keep confidential. The commission may accordingly redact confidential information from petitions or orders prior to public inspection.

1.8(20) *Submission of waiver information.* All orders granting or denying a waiver petition shall be submitted to the legislative services agency through the Internet site established pursuant to Iowa Code section 17A.9A for such submissions within 60 days of the granting or denial of the petition.

1.8(21) *Summary reports.* Rescinded IAB 2/22/23, effective 3/29/23.

1.8(22) *Cancellation of a waiver.* A waiver issued by the commission pursuant to this rule may be withdrawn, canceled, or modified if, after appropriate notice and hearing, the commission issues an order finding any of the following:

a. The petitioner or the person who was the subject of the waiver order withheld or misrepresented material facts relevant to the propriety or desirability of the waiver;

b. The alternative means for ensuring that the public health, safety, and welfare will be adequately protected after issuance of the waiver order have been demonstrated to be insufficient; or

c. The subject of the waiver order has failed to comply with all conditions contained in the order.

1.8(23) *Violations.* Violation of a condition in a waiver order shall be treated as a violation of the particular rule for which the waiver was granted. As a result, the recipient of a waiver under this rule who violates a condition of the waiver may be subject to the same remedies or penalties as a person who violates the rule at issue.

1.8(24) *Defense.* After the commission issues an order granting a waiver, the order is a defense within its terms and the specific facts indicated therein for the person to whom the order pertains in any proceeding in which the rule in question is sought to be invoked.

1.8(25) *Judicial review.* Judicial review of the commission's decision to grant or deny a waiver petition may be taken in accordance with Iowa Code chapter 17A.

[**ARC 5422C**, IAB 2/10/21, effective 3/17/21; **ARC 6894C**, IAB 2/22/23, effective 3/29/23]

These rules are intended to implement Iowa Code section 17A.9A and Iowa Code chapters 99D and 99F.

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1 Effective date of Item 1, subrule 1.6(4), delayed by the Administrative Rules Review Committee at its meeting held September 8, 1998, until the adjournment of the 1999 Session of the General Assembly.

2 Effective date of 1.8 delayed 70 days by the Administrative Rules Review Committee at its meeting held March 10, 2000.

CHAPTER 7
GREYHOUND RACING

[Prior to 11/19/86, Racing Commission[693]]
[Prior to 11/18/87, Racing and Gaming Division[195]]

Rescinded **ARC 0185D**, IAB 4/1/26, effective 5/6/26

CHAPTER 8
PARI-MUTUEL WAGERING, SIMULCASTING AND ADVANCE DEPOSIT WAGERING

[Prior to 11/19/86, Racing Commission[693]]
[Prior to 11/18/87, Racing and Gaming Division[195]]

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/6/31

491—8.1(99D) Definitions. As used in this chapter, unless the context otherwise requires, the following definitions apply:

"Account" means an account approved by the commission for pari-mutuel advance deposit wagering with a complete record of credits, wagers and debits established by a licensee account holder and managed by a licensee or advance deposit wagering operator (ADWO).

"Administrator" means the administrator of the Iowa racing and gaming commission or the administrator's designee.

"Advance deposit wagering center" means an actual location, the equipment, and the staff of a licensee, ADWO, or both involved in the management, servicing and operation of the pari-mutuel advance deposit wagering for the licensee.

"Alternative simulcast operator" or *"ASO"* means an entity licensed by the commission to provide a system of pari-mutuel wagering at off-track betting venues at facilities licensed by the commission to conduct gambling games in Iowa.

"Authorized receiver" means a receiver that conducts and operates a pari-mutuel wagering system on the results of contests being held or conducted and simulcast from the enclosures of one or more host facilities.

"Betting interest" means a number assigned to a single runner, an entry or a field for wagering purposes.

"Board" means, as appropriate, either the board of stewards or the gaming board as defined in 491—Chapter 4.

"Breakage" means the same as defined in Iowa Code section 99D.2(2) and consists of the net pool minus payoff.

"Commission representative" means an employee of the commission designated to represent the commission in matters pertaining to the operation of the mutuel department. In the absence of a specifically appointed representative, a commission steward will perform the functions and duties of the commission representative.

"Contest" means a race on which wagers are placed.

"Credits" means all positive inflows of money to an account.

"Dead heat" means that two or more runners have tied at the finish line for the same position in the order of finish.

"Debits" means all negative outflow of money from an account.

"Deposit" means a payment of money into an account.

"Double" means a wager to select the winners of two consecutive races that is not a parlay, that has no connection with or relation to any other pool conducted by the facility, and that will not be construed as a quinella double.

"Entry" means two or more runners are coupled in a contest because of common ties and a wager on one of them is a wager on all of them.

"Exacta" (may also be known as "perfecta" or "correcta") means a wager selecting the exact order of finish for first and second in that contest and is not a parlay and has no connection with or relation to any other pool conducted by the facility.

"Field" means when the individual runners competing in a contest exceed the numbering capacity of the totalizator and all runners of the higher number are grouped together. A wager on one in the field is a wager on all.

"Guest facility" means a facility that offers licensed pari-mutuel wagering on contests conducted by another facility (the host) in either the same state or another jurisdiction.

"Host facility" means the facility where a licensed pari-mutuel meeting takes place, from which authorized contests or entire performances are simulcast.

"Host fee" means the amount paid to a host facility for providing live signal and access to the host facility betting pools.

"Interstate simulcasting" means the telecast of live audio and visual signals of pari-mutuel racing sent to or received from a state outside the state of Iowa to an authorized racing or gaming facility for the purpose of wagering. For the purposes of this definition, "interstate" also includes foreign jurisdictions.

"Intrastate simulcasting" means the telecast of live audio and visual signals of pari-mutuel racing conducted on a licensed pari-mutuel track within Iowa sent to or received from an authorized pari-mutuel facility within Iowa for the purpose of pari-mutuel wagering.

"Licensee account holder" means any individual at least 21 years of age who successfully completed an application and for whom the licensee or ADWO has opened an account. "Licensee account holder" does not include any corporation, partnership, limited liability company, trust, estate or other formal or nonformal entity.

"Minus pool" means when the total amount of money to be returned to the public exceeds what is in the pool because of the deduction of a commission and because of the rule stipulation that no mutuel tickets will be paid at less than $1.05 for each $1 wagered.

"Mutuel department" means that area of a racetrack where wagers are made and winning tickets are cashed and where the totalizator is installed and any area used directly in the operation of pari-mutuel wagering.

"Mutuel manager" means an employee of the facility who manages the mutuel department.

"Net pool" means the amount remaining in each separate pari-mutuel pool after the takeout percentage, as provided for by Iowa Code section 99D.11, has been deducted.

"Odds" means the approximate payoffs per dollar based on win pool wagering only on each betting interest for finishing first without a dead heat with another betting interest.

"Official" means that the order of finish for the race is official and that payoff prices based upon the official order of finish will be posted.

"Order of finish" means the finishing order of each runner from first place to last place in each race. For horse racing only, the order of finish may be changed by the stewards for a rule infraction prior to posting of the official order of finish.

"Pari-mutuel pool" means the total amount of money wagered on each separate pari-mutuel pool for payoff purposes.

"Payoff" means the amount distributed to holders of valid winning pari-mutuel tickets in each pool as determined by the official order of finish and includes the amount wagered and profit.

"Place" means a runner finishing second.

"Place pool" means the total amount of money wagered on all betting interests in each race to finish first or second.

"Post time" means the scheduled starting time for a contest.

"Proper identification" means a form of identification accepted in the normal course of business to establish that the person making a transaction is a licensee account holder.

"Quinella" means a wager selecting two runners to finish first and second, regardless of the order of finish, that is not a parlay and has no connection with or relation to any other pool conducted by the facility.

"Quinella double" means a wager that consists of selecting the quinella in each of two designated contests and is an entirely separate pool from all other pools and has no connection with or relation to any other pool conducted by the facility.

"Runner" means each entrant in a contest, designated by a number as a betting interest.

"Sales transaction data" means the data between totalizator ticket-issuing machines and the totalizator central processing unit for the purpose of accepting wagers and generating, canceling

and cashing pari-mutuel tickets and the financial information resulting from the processing of sales transaction data, such as handle.

"Secure personal identification code" means an alpha-numeric character code provided by a licensee account holder as a means by which the licensee or ADWO may verify a wager or account transaction as authorized by the licensee account holder.

"Show" means a runner finishing third.

"Show pool" means the total amount of money wagered on all betting interests in each contest to finish either first, second or third.

"Source market fee" means the part of a wager that is made on any race by a person who is a licensee account holder and that is returned to the racetrack located in Polk County and the Iowa Horsemen's Benevolent and Protective Association pursuant to the terms of a negotiated agreement as required by rule 491—8.6(99D).

"Steward" means a racing official appointed or approved by the commission to perform the supervisory and regulatory duties relating to pari-mutuel racing.

"Superfecta" means a wager selecting the exact order of finish for first, second, third, and fourth in that contest that is not a parlay and has no connection with or relation to any other pool conducted by the facility.

"Totalizator" means a machine for registering wagers and computing odds and payoffs based upon data supplied by each pari-mutuel ticket-issuing machine.

"Trifecta" means a wager selecting the exact order of finish for first, second, and third in that race that is not a parlay and has no connection with or relation to any other pool conducted by the facility.

"Tri-superfecta" means a wager selecting the exact order of finish for first, second and third in the first designated tri-super contest combined with selecting the exact order of finish for first, second, third and fourth in the second designated tri-super contest.

"Twin quinella" means a wager in which the bettor selects the first two finishers, regardless of order, in each of two designated contests. Each winning ticket for the twin quinella must be exchanged for a free ticket on the second twin quinella contest in order to remain eligible for the second-half twin quinella pool.

"Twin superfecta" means a wager in which the bettor selects the first four finishers, in their exact order, in each of two designated contests. Each winning ticket for the first twin superfecta contest must be exchanged for a free ticket on the second twin superfecta contest in order to remain eligible for the second-half twin superfecta pool.

"Twin trifecta" means a wager in which the bettor selects the three runners that will finish first, second, and third in the exact order as officially posted in each of the two designated twin trifecta races.

"Underpayment" means when the payoff to the public resulting from errors in calculating pools and errors occurring in the communication in payoffs results in less money returned to the public than is actually due.

"Win" means a runner finishing first.

"Win pool" means the total amount wagered on all betting interests in each contest to finish first.

"Withdrawal" means a payment of money from an account by the licensee or ADWO to the licensee account holder when properly requested by the licensee account holder.

[**ARC 0186D**, IAB 4/1/26, effective 5/6/26]

491—8.2(99D) General.

8.2(1) *Wagering.* Each facility must conduct wagering in accordance with applicable laws and these rules, employing a pari-mutuel system approved by the commission. The totalizator should be tested prior to and during the meeting as required by the commission. Annually, the facility will have an external audit, approved by the administrator, of the totalizator system. All systems of wagering other than pari-mutuel, such as bookmaking and auction-pool selling, are prohibited, and any person attempting to participate in prohibited wagering will be ejected or excluded from facility grounds.

8.2(2) *Records.* The facility must maintain records of all wagering so the commission may review such records for any contest, including the opening line, subsequent odds fluctuation, the amount and at which window wagers were placed on any betting interest, and such other information as may be required. Such wagering records will be retained by each facility for a period of time specified by the commission. The commission may require certain records to be made available to the wagering public at the completion of each contest. The facility must provide the commission with a list of the licensed individuals afforded access to pari-mutuel records and equipment at the wagering facility.

8.2(3) *Pari-mutuel tickets.* A pari-mutuel ticket is evidence of a contribution to the pari-mutuel pool operated by the facility and is evidence of the facility's obligation to pay to the holder thereof such portion of the distributable amount of the pari-mutuel pool as is represented by such valid pari-mutuel ticket. The facility cashes all valid winning tickets when presented for payment during the course of the meeting where sold and for a specified period after the last day of the meeting as provided in paragraph 8.2(4)*"g."*

a. A valid pari-mutuel ticket must have been issued by a pari-mutuel ticket machine operated by the facility, have been recorded as a ticket entitled to a share of the pari-mutuel pool, and contain imprinted information as to:

(1) The name of the facility operating the meeting.

(2) A unique identifying number or code.

(3) Identification of the terminal at which the ticket was issued.

(4) A designation of the performance for which the wagering transaction was issued.

(5) The contest number for which the pool is conducted.

(6) The type(s) of wagers represented.

(7) The number(s) representing the betting interests for which the wager is recorded.

(8) The amount(s) of the contributions to the pari-mutuel pool or pools for which the ticket is evidence.

b. No pari-mutuel ticket recorded or reported as previously paid, canceled, or nonexistent may be deemed a valid pari-mutuel ticket by the facility. The facility may withhold payment and refuse to cash any pari-mutuel ticket deemed not valid, except as provided in paragraph 8.2(4)*"e."*

8.2(4) *Pari-mutuel ticket sales.*

a. Pari-mutuel tickets cannot be sold by anyone other than a facility licensed to conduct pari-mutuel wagering.

b. No pari-mutuel ticket may be sold on a contest for which wagering has already been closed, and no facility is responsible for ticket sales entered into but not completed by issuance of a ticket before the totalizator is closed for wagering on such contest.

c. Claims pertaining to a mistake on an issued or unissued ticket must be made by the bettor prior to leaving the seller's window.

d. Payment on winning pari-mutuel wagers will be made on the basis of the order of finish as purposely posted and declared "official." Any subsequent change in the order of finish or award of purse money(s) as may result from a subsequent ruling by the stewards or administrator will not affect the pari-mutuel payoff. If an error in the posted order of finish or payoff figures is discovered, the official order of finish or payoff prices may be corrected and an announcement concerning the change will be made to the public.

e. The facility cannot satisfy claims on lost, mutilated, or altered pari-mutuel tickets without authorization from the administrator.

f. The facility has no obligation to enter a wager into a betting pool if unable to do so due to equipment failure.

g. Payment on valid pari-mutuel tickets will be made only upon presentation and surrender to the facility where the wager was made within 60 days following the close of the meeting during which the wager was made. Failure to present any such ticket within 60 days waives the right to receive payment.

8.2(5) *Claims for payment from pari-mutuel pool.* At a designated location, a written, verified claim for payment from a pari-mutuel pool will be accepted by the facility in any case where the facility has withheld payment or has refused to cash a pari-mutuel wager. The claim should be made on a form approved by the administrator and the claim attested to under penalty of perjury. The original of the claim will be forwarded to the administrator within 48 hours.

a. If a claim is made for payment of a mutilated pari-mutuel ticket that does not contain the total imprinted elements required in paragraph 8.2(3)*"a,"* the facility will include a recommendation whether or not the mutilated ticket has sufficient elements to be positively identified as a winning ticket on the claim forwarded to the administrator.

b. When a claim is made for payment on a pari-mutuel wager, the administrator will adjudicate the claim and may order payment thereon from the pari-mutuel pool or by the facility, may deny the claim, or may make such other order as the administrator may deem proper.

8.2(6) *Payment for errors.* If an error occurs in the payment amounts for pari-mutuel wagers that are cashed or entitled to be cashed, and as a result of such error the pari-mutuel pool involved in the error is not correctly distributed among winning ticket holders, the following apply:

a. Verification is required to show that the amount of the commission, the amount in breakage, and the amount in payoffs are equal to the total gross pool. If the amount of the pool is more than the amount used to calculate the payoff, the underpayment will be added to the corresponding pool of the next contest. If an underpayment is discovered after the close of the meeting, the underpayment should be held in an interest-bearing account approved by the administrator until being added, together with accrued interest, to the corresponding pool of the next meet.

b. Any claim not filed with the facility within 30 days, inclusive of the date on which the underpayment was publicly announced, is waived, and the facility has no further liability therefor.

c. In the event the error results in an overpayment to winning wagers, the facility is responsible for such payment.

8.2(7) *Public notice.* Wagering rules, betting explanations relative to each time of pool offered, approximate odds, and the calculation of payoffs and distribution of pools approved by the commission must be readily available to the public. Signage may be conspicuously posted in the wagering area to direct patrons to the wagering area where this information can be viewed. The approximate odds for win pool betting and the probable payoff or amounts wagered, in total and on each betting interest, for other pools will be displayed to the wagering public at intervals and in a manner approved by the administrator. Official results and payoffs must be publicly displayed upon each contest being declared official.

8.2(8) *Canceled contests.* If a contest is canceled or declared "no contest," refunds will be granted on valid wagers in accordance with these rules.

8.2(9) *Refunds.*

a. Notwithstanding other provisions of these rules, refunds of the entire pool are made on:

(1) Win pools, exacta pools, and first-half double pools offered in contests in which the number of betting interests has been reduced to fewer than two.

(2) Place pools, quinella pools, trifecta pools, first-half quinella double pools, first-half twin quinella pools, first-half twin trifecta pools, and first-half tri-superfecta pools offered in contests in which the number of betting interests has been reduced to fewer than three.

(3) Show pools, superfecta pools, and first-half twin superfecta pools offered in contests in which the number of betting interests has been reduced to fewer than four.

b. Authorized refunds are paid upon presentation and surrender of the affected pari-mutuel ticket.

8.2(10) *Coupled entries and mutuel fields.*

a. Contestants coupled in wagering as a coupled entry or mutuel field are considered part of a single betting interest for the purpose of price calculations and distribution of pools. Should any contestant in a coupled entry or mutuel field be officially withdrawn or scratched, the remaining contestants in that coupled entry or mutuel field remain valid betting interests and no refunds will be

granted. If all contestants within a coupled entry or mutuel field are scratched, then tickets on such betting interests will be refunded, notwithstanding other provisions of these rules.

b. For the purpose of price calculations only, coupled entries and mutuel fields will be calculated as a single finisher, using the finishing position of the leading contestant in that coupled entry or mutuel field to determine order of placing. This rule applies to all circumstances, including situations involving a dead heat, except as otherwise provided by these rules.

8.2(11) *Pools dependent upon betting interests.* Unless the administrator otherwise provides, at the time the pools are opened for wagering, the facility:

a. May offer win, place, and show wagering on all contests.

b. May disallow show wagering on any contest with five or fewer betting interests scheduled to start.

c. May disallow place wagering on any contest with four or fewer betting interests scheduled to start.

d. May disallow quinella wagering on any contest with three or fewer betting interests scheduled to start.

e. May disallow quinella double wagering on any contests with three or fewer betting interests scheduled to start.

f. May disallow exacta wagering on any contest with three or fewer betting interests scheduled to start.

g. May disallow trifecta wagering on any contest with five or fewer betting interests scheduled to start. In addition, the stewards have the authority to cancel trifecta wagering at any time they determine an irregular pattern of wagering or determine that the conduct of the race would not be in the interest of the regulation of the pari-mutuel wagering industry or in the public confidence in racing. The stewards may approve smaller fields for trifecta wagering if extraneous circumstances are shown by the facility.

h. May disallow superfecta and pentafecta wagering on any contest with seven or fewer betting interests scheduled to start.

i. May disallow twin quinella wagering on any contests with three or fewer betting interests scheduled to start.

j. May disallow twin trifecta wagering on any contests with seven or fewer betting interests scheduled to start, except as provided in paragraph 8.2(11)*"g."*

k. May disallow tri-superfecta wagering on any contests with seven or fewer betting interests scheduled to start.

l. May disallow twin superfecta wagering on any contests with seven or fewer betting interests scheduled to start.

8.2(12) *Prior approval for betting pools.*

a. A facility that desires to offer new forms of wagering must apply in writing to the administrator and receive written approval prior to implementing the new betting pool.

b. The facility may suspend previously approved forms of wagering with the prior approval of the administrator. Any carryover is held until the suspended form of wagering is reinstated. A facility may request approval of a form of wagering or separate wagering pool for specific requirements.

8.2(13) *Closing of wagering in a contest.*

a. All wagering stops and all pari-mutuel machines are automatically locked at post time or at the actual start of the races.

b. The facility will maintain, in good order, a system approved by the administrator for closing wagering.

8.2(14) *Facility/vendor employees.* All facility/vendor employees must report immediately to the administrator any known irregularities or wrongdoings by any person involving pari-mutuel wagering and cooperate in subsequent investigations.

8.2(15) *Unrestricted access.* The facility must permit the commission unrestricted access at all times to its facilities and equipment and to all books, ledgers, accounts, documents and records of the facility that relate to pari-mutuel wagering.

8.2(16) *Totalizator breakdown.* In the event of irreparable breakdown of the totalizator during the wagering on a race, the wagering on that race will be declared closed and the payoff will be computed on the sums wagered in each pool up to the time of the breakdown.

8.2(17) *Minimum wager and payoff.* The minimum wager to be accepted by any licensed facility for win, place and show wagering is $2. The minimum payoff on a $2 wager is $2.10. For all other wagers, the minimum wager to be accepted by any licensed facility is $1. The minimum payoff for a $1 wager is $1.05. Any deviation from these minimums must be approved by the administrator. In cases where a minus pool occurs, the facility is responsible for the payment of the minimum payoff and no breakage will be incurred from that pari-mutuel pool.

8.2(18) *Underage wagering prohibited.* No licensed operator may permit any person under the age of 21 to purchase or cash a pari-mutuel ticket.

8.2(19) *Emergency situations.* In the event of an emergency in connection with the mutuel department not covered in these rules, the pari-mutuel manager representing the facility should report the problem to the stewards, and the stewards will render a full report to the administrator or administrator's designee within 48 hours.

8.2(20) *Commission mutuel representative.* The administrator may appoint an employee to serve as the commission's designated representative at each race meeting as provided in Iowa Code section 99D.19. In the absence of a specifically appointed representative, the board of stewards or simulcast steward will perform the functions and duties of the commission.

[**ARC 0186D**, IAB 4/1/26, effective 5/6/26]

491—8.3(99D) Approval of pari-mutuel wagers.

8.3(1) *Pools permitted.* All pari-mutuel wagering pools approved by the commission are to be separately and independently calculated and distributed. Takeout is deducted from each gross pool as stipulated by Iowa Code section 99D.11. The remainder of the moneys in the pool will constitute the net pool for distribution as payoff on winning wagers.

8.3(2) *Pari-mutuel wagering submissions.* Prior to conducting a new pari-mutuel wager, a facility must submit written proposals for the wager, including but not limited to the wager type, calculation of payoff, refunds and distribution of pools. Proposals must be approved by the administrator or an administrator's designee prior to implementation.

[**ARC 0186D**, IAB 4/1/26, effective 5/6/26]

491—8.4(99D) Simulcast wagering.

8.4(1) *General.*

a. Rules. All simulcasting must be transmitted live, and all wagering on simulcasting must be made in accordance with commission rules on pari-mutuel wagering. Commission rules in effect during live racing remain in effect during simulcasting where applicable.

b. Transmission. The method used to transmit sales transaction and data including but not limited to the odds, will pay, race results, and payoff prices must be approved by the commission, based upon the determination that provisions to secure the system and transmission are satisfactory. If the method relies on internet service to transmit, a backup internet service should be used in the event of transmission failure until all transactions are completed for the day.

c. Communication. A communication system between the host track and the receiving facility that will allow the totalizator operator and the commission representatives at the host track to communicate with the facility receiving the signal must be provided. The facility is responsible during the racing program's operating hours for reporting any problems or delays to the public.

d. Approval.

(1) All simulcasting, both interstate and intrastate, must be preapproved by the commission or commission representative. Each facility conducting simulcasting submits an annual written simulcast proposal to the commission with the application for license renewal.

(2) The commission representative, upon written request, may grant modifications to the annual simulcast proposal. The commission representative may approve or disapprove simulcast requests at the representative's discretion. Factors that may be considered include but are not limited to economic conditions of a facility, impact on other facilities, impact on the Iowa breeding industry, other gambling in the state, and any other considerations the commission representative deems appropriate.

(3) Once simulcast authority has been granted by the commission or commission representative, it is the affirmative responsibility of the facility granted simulcast authority to obtain all necessary permission from other jurisdictions and tracks to simulcast the pari-mutuel races. In addition, the burden of adhering to state and federal laws concerning simulcasting rests on the facility at all times.

8.4(2) *Simulcast host.*

a. Every host facility, if requested, may contract with an authorized receiver for the purpose of providing authorized users its simulcast. All contracts governing participation in interstate or intrastate pools must be submitted to the commission representative for prior approval. Contracts should be of such content and in such format as required by the commission representative.

b. A host facility is responsible for the content of the simulcast and should use all reasonable effort to present a simulcast that offers the viewers an exemplary depiction of each performance.

c. Unless otherwise permitted by the commission representative, every simulcast will contain in its video content a digital display of actual time of day, the name of the host facility from which the simulcast originates, the number of the contest being displayed, and any other relevant information available to patrons at the host facility.

d. The host facility must maintain such security controls, including encryption over its uplink and communications systems, as directed or approved by the commission or commission representative.

e. Financial reports are submitted daily or as otherwise directed by the commission representative. Reports must be of such content and in such format as required by the commission representative.

8.4(3) *Authorized receiver.*

a. An authorized receiver provides:

(1) Adequate transmitting and receiving equipment of acceptable broadcast quality that does not interfere with the closed circuit TV system of the host facility for providing any host facility patron information.

(2) Pari-mutuel terminals, pari-mutuel odds displays, modems and switching units enabling pari-mutuel data transmissions, and data communications between the host and guest facilities.

(3) A voice communication system between each guest facility and the host facility providing timely voice contact among the commission representative, placing judges, and mutuel departments.

b. The guest facility and all authorized receivers must conduct pari-mutuel wagering pursuant to the applicable commission rules.

c. Not less than 30 minutes prior to the commencement of transmission of the performance of pari-mutuel contests, the guest facility should initiate a test program of its transmitter, encryption and decoding, and data communication to ensure proper operation of the system.

d. The guest facility should, in conjunction with the host facility or facilities for which it operates pari-mutuel wagering, provide the commission representative with a certified report of its pari-mutuel operations as directed by the commission representative.

e. Every authorized receiver must file with the commission an annual report of its simulcast operations and an audited financial statement.

f. The mutuel manager will notify the commission representative when the transfer of pools, pool totals, or calculations are in question, or if partial or total cancellations occur, and will suggest

alternatives for continued operation. Should loss of video signal occur, wagering may continue with approval from the commission representative.

[**ARC 0186D**, IAB 4/1/26, effective 5/6/26]

491—8.5(99D) Interstate common-pool wagering.

8.5(1) *General.*

a. All contracts governing participation in interstate common pools should be submitted to the commission representative for prior approval. Financial reports are submitted daily or as otherwise directed by the commission representative. Contracts and reports should be of such content and in such format as required by the commission representative.

b. Individual wagering transactions are made at the point of sale in the state where placed. Pari-mutuel pools are combined for computing odds and calculating payoffs but will be held separate for auditing and all other purposes.

c. Any surcharges or withholdings in addition to the takeout may be applied only in the jurisdiction otherwise imposing such surcharges or withholdings.

d. In determining whether to approve an interstate common pool that does not include the host facility or that includes contests from more than one facility, the commission representative will consider and may approve use of a bet type that is not utilized at the host facility, application of a takeout rate not in effect at the host facility, or other factors that are presented to the commission representative.

e. The content and format of the visual display of racing and wagering information at facilities in other jurisdictions where wagering is permitted in the interstate common pool need not be identical to the similar information permitted or required to be displayed under these rules.

8.5(2) *Guest state participation in interstate common pools.*

a. With the prior approval of the commission representative, pari-mutuel wagering pools may be combined with corresponding wagering pools in the host state or with corresponding pools established by one or more other jurisdictions.

b. The commission representative may permit adjustment of the takeout from the pari-mutuel pool so that the takeout rate in this jurisdiction is identical to that of the host facility or identical to that of other jurisdictions participating in a merged pool.

c. When takeout rates in the merged pools are not identical, the net-price calculation is the method by which the differing takeout rates are applied.

d. Rules established in the state of the host facility designated for a pari-mutuel pool apply.

e. The commission representative will approve agreements made between the facility and other participants in interstate common pools governing the distribution of breakage between the jurisdictions.

f. If, for any reason, it becomes impossible to successfully merge the bets placed into the interstate common pool, the facility will make payoffs in accordance with payoff prices that would have been in effect if prices for the pool of bets were calculated without regard to wagers placed elsewhere, except that, with the permission of the commission representative, the facility may alternatively determine either to pay winning tickets at the payoff prices at the host facility or to declare such accepted bets void and make refunds in accordance with the applicable rules.

8.5(3) *Host state participation in merged pools.*

a. With the prior approval of the commission representative, a facility licensed to conduct pari-mutuel wagering may determine that one or more of its contests be utilized for pari-mutuel wagering at guest facilities in other jurisdictions and may also determine that pari-mutuel pools in guest jurisdictions be combined with corresponding wagering pools established by it as the host facility or comparable wagering pools established by two or more jurisdictions.

b. When takeout rates in the merged pool are identical, the net-price calculation is the method by which the differing takeout rates are applied.

c. Rules of racing established for races held in this state also apply to interstate common pools unless the commission representative specifically determines otherwise.

d. The commission representative must approve agreements made between the facility and other participants in interstate common pools governing the distribution of breakage between the jurisdictions.

e. Any contract for interstate common pools entered into by the facility must contain a provision to the effect that if, for any reason, it becomes impossible to successfully merge the bets placed in another jurisdiction into the interstate common pool formed by the facility or if, for any reason, the commission representative or facility determines that attempting to effect transfer of pool data from the guest jurisdiction may endanger the facility's wagering pool, the facility will have no liability for any measure taken that may result in the guest's wagers not being accepted into the pool.

8.5(4) *Takeout rates in interstate common pools.*

a. With the prior approval of the commission representative, a facility wishing to participate in an interstate common pool may change its takeout rate so as to achieve a common takeout rate with all other participants in the interstate common pool.

b. A facility wishing to participate in an interstate common pool may request that the commission representative approve a methodology whereby host facility and guest facility jurisdictions with different takeout rates for corresponding pari-mutuel pools may effectively and equitably combine wagers from the different jurisdictions into an interstate common pool.

[**ARC 0186D**, IAB 4/1/26, effective 5/6/26]

491—8.6(99D) Advance deposit wagering.

8.6(1) *Authorization to conduct advance deposit wagering.*

a. A licensee may request authorization from the commission to conduct advance deposit wagering pursuant to Iowa Code section 99D.11(6)*"c"* and this chapter and in the format outlined in 491—Chapter 1. The commission may require changes in a proposed plan of operations as a condition of granting a request. No subsequent changes in the system's operation may occur unless a written request is received and approved in writing by the administrator.

b. The commission may conduct investigations or inspections or request additional information from the licensee as the commission deems appropriate in determining whether to allow the licensee to conduct advance deposit wagering.

c. The licensee will establish and manage an advance deposit wagering center.

d. The commission may issue an ADWO license to an entity that enters into an agreement with the commission, the licensee, and the Iowa horsemen's benevolent and protective association. The terms of any ADWO's license include but are not limited to:

(1) Any source market fees and host fees to be paid on any races subject to advance deposit wagering.

(2) An annual ADWO license fee in an amount to be determined by the commission.

(3) Completion of all necessary background investigations.

(4) Acceptance of wagers on live races conducted at the horse racetrack in Polk County from all of its licensee account holders.

(5) A bond or irrevocable letter of credit on behalf of the ADWO to be determined by the commission.

(6) A detailed description and certification of systems and procedures used by the ADWO to validate the identity and age of licensee account holders and to validate the legality of wagers accepted.

(7) Secure retention of all records and recordings related to advance deposit wagering and accounts, including but not limited to records relating to licensee account holder identity and age, for a period of not less than three years or such longer period as specified by the commission, and in hard-copy or standard electronic format acceptable to the commission.

(8) Utilization and communication of pari-mutuel wagers to a pari-mutuel system meeting all requirements for pari-mutuel systems employed by licensed racing facilities in Iowa.

e. Commission access to and use of information concerning advance deposit wager transactions and licensee account holders is considered proprietary, and such information will not be disclosed publicly except as may be required pursuant to statute or court order or except as part of the official record of any proceeding before the commission. This requirement does not prevent the sharing of this information with other pari-mutuel regulatory authorities or law enforcement agencies for investigative purposes.

8.6(2) *Establishing an account.*

a. A person must have an established account to place advance deposit wagers. An account may be established in person at the licensee's facility or with the ADWO by mail or electronic means.

b. Advance deposit wagering account registration is subject to the same requirements as advance deposit sports wagering account registration under 491—paragraphs 13.5(2)*"a"* through *"g,"* except that a person who registered an advance deposit wagering account before January 1, 2027, is considered to have satisfied the account registration requirements.

c. The licensee and ADWO must review and deactivate accounts of newly enrolled participants of the statewide self-exclusion program and comply with all other self-exclusion requirements set forth by the commission and in Iowa Code sections 99D.7(23) and 99F.4(22).

d. The account is nontransferable.

e. The licensee or ADWO may close or refuse to open an account for what it deems good and sufficient reason and will order an account closed if it is determined that information used to open an account was false.

8.6(3) *Operation of an account.* The ADWO submits operating procedures with respect to licensee account holder accounts for commission approval. The submission includes internal controls and reasonable methods that provide for the following:

a. Written notification to the commission consistent with 491—paragraph 5.4(5)*"c."*

b. The segregation of incompatible functions so that no employee is in a position to perpetrate and conceal errors or irregularities in the normal course of the employee's duties.

c. User access controls for all sensitive and secure, physical and virtual, areas and systems within a wagering operation.

d. Problem gambling controls consistent with 491—subrule 5.4(12).

e. Setoff winnings of patrons who have a valid lien established under Iowa Code chapter 99D.

8.6(4) *Records.* Licensees must provide all information requested by the commission within a time as ordered or requested by the commission. It is the licensee's responsibility to ensure all books and records and the retention of all books and records comply with 491—subrule 5.4(14). All records pertaining to contests should be available to allow for player complaint resolution. All records pertaining to the accounts of people who registered or have account activity in Iowa should be available to allow for audits and investigations.

[**ARC 0186D**, IAB 4/1/26, effective 5/6/26]

491—8.7(99D) Alternative simulcast operator.

8.7(1) *Authorization to conduct alternative simulcast.*

a. An entity may request authorization from the commission to conduct alternative simulcast wagering pursuant to Iowa Code section 99D.9D and this chapter in the format outlined in 491—Chapter 1. The commission may require changes to a proposed plan of operations as a condition of granting a request. No subsequent changes in the system's operation may occur unless a written request is received and approved in writing by the administrator.

b. The commission may conduct investigations or inspections or request additional information from the entity as the commission deems appropriate in determining whether to allow an entity to conduct an alternative simulcast operation.

c. The entity will establish and manage an alternative simulcast wagering center or subscribe to a service authorized by the commission.

d. The commission may issue an ASO license that complies with the requirements of Iowa Code section 99D.9D and the additional criteria as established by the commission. The terms of any ASO license include but are not limited to:

(1) Fees to be paid on any races subject to pari-mutuel wagering.

(2) An annual license fee in an amount to be determined by the commission.

(3) Completion of all necessary background investigations as determined by the commission.

(4) Acceptance of wagers on live races conducted at the horse racetrack in Polk County.

(5) A bond or irrevocable letter of credit on behalf of the alternative simulcast operator to be determined by the commission.

(6) Secure retention of all records related to alternative simulcast and off-track wagering for a period of not less than three years or such longer period as specified by the commission.

(7) Utilization and communication of pari-mutuel wagers to a pari-mutuel system meeting all requirements for pari-mutuel systems employed by licensed racing facilities in Iowa.

e. Commission access to and use of information concerning alternative simulcast and off-track wager transactions is considered proprietary, and such information will not be disclosed publicly except as may be required pursuant to statute or court order or except as part of the official record of any proceeding before the commission. This requirement does not prevent the sharing of this information with other pari-mutuel regulatory authorities or law enforcement agencies for investigative purposes.

8.7(2) *Operation of an ASO.* The ASO submits operating procedures and internal controls that provide for the following:

a. Written notification to the commission consistent with 491—paragraph 5.4(5)*"c."*

b. The segregation of incompatible functions so that no employee is in a position to perpetrate and conceal errors or irregularities in the normal course of the employee's duties.

c. User access controls for all sensitive and secure, physical and virtual, areas and systems within a wagering operation.

d. Problem gambling controls consistent with 491—subrule 5.4(12).

e. Setoff winnings of patrons who have a valid lien established under Iowa Code chapter 99D.

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CHAPTER 10
THOROUGHBRED AND QUARTER HORSE RACING

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/6/31

491—10.1(99D) Definitions. As used in this chapter, unless the context otherwise requires, the following definitions apply:

"Administrator" means the administrator of the commission appointed under Iowa Code section 99D.6(2) or the administrator's designee.

"Age" means the age of a horse calculated from the first day of January of the year of foaling.

"Allowance race" means an overnight race for which eligibility and weight to be carried are determined according to specified conditions that include age, sex, earnings, and number of wins.

"Also eligible" means:

1. A number of eligible horses, properly entered, that were not drawn for inclusion in a race but that become eligible according to preference or lot when an entry is scratched prior to the scratch time deadline; or

2. The next preferred nonqualifier for the finals or consolation from a set of elimination trials that will become eligible in the event a finalist is scratched by the stewards for a rule violation or that is otherwise eligible if written race conditions permit.

"Appeal" means a request for the commission or its designee to investigate, consider, and review any decisions or rulings of stewards.

"Arrears" means all moneys owed by a licensee, including subscriptions, jockey fees, forfeitures, and any default incident to these rules.

"Authorized agent" means a person licensed by the commission and appointed by a written instrument, signed and acknowledged before a notary public by the owner on whose behalf the agent will act.

"Bleeder" means the same as defined in Iowa Code section 99D.25A(1)*"a."*

"Chemist" means any official racing chemist or laboratory designated by the commission.

"Claiming race" means a race in which any horse starting may be claimed (purchased for a designated amount) in conformance with the rules. (More information can be found in the waived claiming rule in paragraph 10.8(15)*"k."*)

"Commission representative" means a gaming representative, steward, or any person designated by the commission or administrator.

"Conditions" means qualifications that determine a horse's eligibility to be entered in a race.

"Contest" means a competitive racing event on which pari-mutuel wagering is conducted.

"Coupled entry" means two or more contestants in a contest that are treated as a single betting interest for pari-mutuel wagering purposes. (See also "entry.")

"Day" means a 24-hour period ending at midnight.

"Dead heat" means when the noses of two or more horses reach the finish line of a race at the same time.

"Declaration" means the act of withdrawing an entered horse from a race prior to the closing of entries.

"Detention barn" means the barn designated for the collection from horses of test samples under the supervision of the commission veterinarian.

"Entry" means a horse made eligible to run in a race; or two or more horses, entered in the same race, that have common ties of ownership, lease, or training. (See also "coupled entry.")

"Facility" means an entity licensed by the commission to conduct pari-mutuel wagering or gaming operations in Iowa.

"Facility premises" means all real property utilized by the facility in the conduct of its race meeting, including the racetrack, grandstand, concession stands, offices, barns, stable area, employee housing facilities, parking lots, and any other areas under the jurisdiction of the commission.

"Field or mutuel field" means a group of two or more horses upon which a single bet may be placed. A mutuel field is required when the number of horses starting in a race exceeds the capacity of the track totalizator. The highest numbered horse within the totalizator capacity and all the higher-numbered horses following are then grouped together in the mutuel field.

"Foreign substances" means all substances except those that exist naturally in the untreated horse at normal physiological concentration.

"Forfeit" means money due from a licensee because of an error, fault, neglect of duty, breach of contract, or penalty imposed by the stewards or the commission.

"Handicap" means a race in which the weights to be carried by the horses are assigned by the racing secretary or handicapper for the purpose of equalizing the chances of winning for all horses entered.

"Horse" means any equine (including equine designated as a mare, filly, stallion, colt, ridgeling, or gelding) registered for racing; specifically, an entire male five years of age and older.

"Hypodermic injection" means any injection into or under the skin or mucosa, including intradermal injection, subcutaneous injection, submucosal injection, intramuscular injection, intravenous injection, intra-arterial injection, intra-articular injection, intrabursal injection, and intraocular or intraconjunctival injection.

"Inquiry" means an investigation by the stewards of potential interference in a contest prior to declaring the result of said contest official.

"Jockey" means a professional rider licensed to ride in races.

"Meet" or *"meeting"* means the specified period and dates each year during which a facility is authorized by the commission to conduct pari-mutuel wagering on horse racing.

"Nomination" means the naming of a horse to a certain race or series of races generally accompanied by payment of a prescribed fee.

"Nominator" means the person or entity in whose name a horse is nominated for a race or series of races.

"Objection" means:

1. A written complaint made to the stewards concerning a horse entered in a race and filed not later than one hour prior to the scheduled post time of the first race on the day in which the questioned horse is entered; or
2. A verbal claim of foul in a race lodged by the horse's jockey, trainer, owner, or the owner's authorized agent before the race is declared official.

"Official starter" means the official responsible for dispatching the horses for a race.

"Official time" means the elapsed time from the moment the first horse crosses the starting point until the first horse crosses the finish line.

"Overnight race," also known as a purse race, means a contest for which entries close at a time set by the racing secretary.

"Owner" means a person or entity that holds any title, right or interest, whole or partial, in a horse, including the lessee and lessor of a horse.

"Paddock" means an enclosure in which horses scheduled to compete in a contest are saddled prior to racing.

"Performance" means a schedule of 8 to 12 races per day unless otherwise authorized by the commission.

"Post position" means the preassigned position from which a horse will leave the starting gate.

"Post time" means the scheduled time for horses to arrive at the starting gate for a contest.

"Prize" means the combined total of any cash, premium, trophy, and object of value awarded to the owners of horses according to order of finish in a race.

"Purse" means the total cash amount for which a race is contested.

"Purse race" means a race for money or other prize to which the owners of horses entered do not contribute money toward its purse.

"Race" means a running contest between horses ridden by jockeys for a purse, prize, or other reward run at a facility in the presence of the stewards of the meeting. This includes purse races, overnight races and stakes races.

"Recognized meeting" means any meeting with regularly scheduled flat races for horses in a jurisdiction having reciprocal relations with this state and the commission for the mutual enforcement of rulings relating to horse racing.

"Scratch" means the act of withdrawing an entered horse from a contest after the closing of entries.

"Scratch time" means the deadline set by the facility for withdrawal of entries from a scheduled performance.

"Stakes race" means a contest in which nomination (if applicable), entry, and starting fees contribute to the purse. No overnight race is considered a stakes race. Special designations or classifications for stakes races such as "graded stakes" or "black type" will be determined by the appropriate breed registries or recognized authorities.

"Starter" means a horse that becomes an actual contestant in a race by virtue of the starting gate opening in front of it upon dispatch by the official starter.

"Steward" means a duly appointed racing official with powers and duties specified by rules.

"Subscription" means moneys paid for nomination, entry, eligibility, or starting of a horse in a stakes race.

"Test level" means the concentration of a foreign substance found in the test sample.

"Test sample" means any bodily substance, including but not limited to blood, urine, or hair, taken from a horse under the supervision of the commission veterinarian and as prescribed by the commission for the purpose of analysis.

"Totalizator" means the system used for recording, calculating, and disseminating information about ticket sales, wagers, odds, and payoff prices to patrons at a pari-mutuel wagering facility.

"Veterinarian" means a veterinarian holding a current unrestricted license issued by the state of Iowa veterinary regulatory authority and licensed by the commission.

"Winner" means the horse whose nose reaches the finish line first or is placed first through disqualification by the stewards.

"Year" means a calendar year.

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491—10.2(99D) Facilities' responsibilities.

10.2(1) *Stalls.* A facility must ensure racing animals are stabled in individual box stalls; that the stables and immediate surrounding area are maintained in approved sanitary condition at all times; that satisfactory drainage is provided; and that manure and other refuse are kept in separate boxes or containers at locations distant from living quarters and are promptly and properly removed.

10.2(2) *Paddocks and equipment.* A facility must ensure that paddocks, starting gates, and other equipment subject to contact by different animals are kept in a clean condition and free of dangerous surfaces.

10.2(3) *Receiving barn and stalls.* A facility must provide a conveniently located receiving barn or stalls for the use of horses arriving during the meeting. The barn must have adequate stable room and facilities, hot and cold water, and stall bedding. A facility must employ attendants to operate and maintain the receiving barn or stalls in a clean and healthy condition.

10.2(4) *Fire safety and prevention.* The facility must develop and implement a program for fire safety and prevention on facility premises in accordance with applicable state fire codes and with Horseracing Integrity and Safety Authority rule 2163—Fire Safety, approved by the Federal Trade Commission, as amended to May 6, 2026. The facility must instruct employees working on facility premises in procedures for fire prevention and evacuation. The facility must, in accordance with state fire codes, prohibit the following:

a. Smoking in horse stalls, in feed and tack rooms, and in the alleyways.

b. Sleeping in feed rooms or stalls.

c. Open fires and oil- or gasoline-burning lanterns or lamps in the stable area.

d. Leaving any electrical appliance unattended or in unsafe proximity to walls, beds, or furnishings.

e. Keeping flammable materials, including cleaning fluids or solvents, in the stable area.

f. Locking a stall that is occupied by a horse.

The facility must post a notice in the stable area that lists the prohibitions outlined in paragraphs 10.2(4)*"a"* through *"f"* above.

10.2(5) *Starting gate.*

a. During racing hours a facility must provide at least two operable padded starting gates that have been approved by the commission.

b. During designated training hours a facility must make at least one starting gate and qualified starting gate employee available for schooling.

c. If a race is started at a place other than in a chute, the facility must provide and maintain in good operating condition backup equipment for moving the starting gate. The backup equipment must be immediately available to replace the primary moving equipment in the event of failure.

10.2(6) *Distance markers.* A facility must provide and maintain starting point markers and distance poles in a size and position that can be clearly seen from the steward's stand. The starting point markers and distance poles will be marked as approved by the stewards.

10.2(7) *Detention enclosure.* Each facility must maintain a detention barn or enclosure for use by the commission.

a. The detention barn will be under the supervision of the commission veterinarian.

b. The detention barn will be used for securing samples of urine, saliva, blood, hair, or other bodily substances or tissues for chemical analysis from horses, or any other tests required by the commission.

c. The detention barn must include a wash rack, a commission veterinarian office, a walking ring, at least four stalls, a workroom for the sample collectors with hot and cold running water, refrigeration, and glass observation windows for viewing of the horses from the office and workroom.

d. An owner, trainer, or designated representative licensed by the commission must be with a horse in the detention barn at all times.

e. A security guard must be in attendance at each access to the detention barn as designated by the commission.

f. The building, location, arrangement, furnishings, and facilities are subject to commission approval.

10.2(8) *Ambulance.* A facility must maintain, on the premises during every day that its track is open for racing or exercising, an ambulance for humans and an ambulance for horses, equipped according to prevailing standards and staffed by medical doctors, paramedics, or other personnel trained to operate them. When an ambulance is used for transfer of a horse or patient to medical facilities, a replacement ambulance must be furnished by the facility to comply with this rule.

10.2(9) *Helmets and vests.* Any person on horseback on facility grounds must wear a protective helmet and safety vest that comply with the safety standards for helmets and vests set forth in the most current edition of the Horseracing Integrity and Safety Authority Rulebook, rule 2293—Equipment, approved by the Federal Trade Commission, as amended to May 6, 2026.

10.2(10) *Racetrack surface and rails.* The surface and rails of a racetrack, including track cushion, subsurface, base, inside rails, and outside rails, must be designed, constructed, and maintained to provide for the safety of the jockeys and horses in accordance with the most current edition of the Horseracing Integrity and Safety Authority Rulebook, rule 2153—Racetrack Facilities, paragraphs (a), (b), and (c), approved by the Federal Trade Commission, as amended to May 6, 2026.

10.2(11) *Films, recordings, and photographs.* A facility must provide:

a. A video or digital recording system approved by the commission. Cameras must be located to provide clear panoramic and head-on views of each race. Separate monitors, which simultaneously

display the images received from each camera and are capable of simultaneously displaying a synchronized view of the recordings of each race for review, must be provided in the stewards' stand. The location and construction of video towers must be approved by the commission.

b. One camera, designated by the commission, to record the prerace loading of all horses into the starting gate and to continue to record until the field is dispatched by the starter.

c. One camera, designated by the commission, to record the apparent winner of each race from the finish line until the horse has returned, the jockey has dismounted, and the equipment has been removed from the horse.

d. At the discretion of the stewards, video camera operators to record the activities of any horses or persons handling horses prior to, during, or following a race.

e. That races run on an oval track be recorded by at least three video cameras. Races run on a straight course must be recorded by at least two video cameras.

f. Upon request of the commission, without cost, a copy of a video recording or photo finish of a race.

g. That video recordings recorded prior to, during, and following each race be maintained by the facility for not less than six months after the end of the race meeting, or such other period as may be requested by the stewards or the commission.

h. A viewing room in which, on approval by the stewards, an owner, trainer, jockey, or other interested individual may view a video recording of a race.

i. Following any race in which there is an inquiry or objection, the replays of the incident in question that were utilized by the stewards in making their decision. The facility will display to the public these replays on designated monitors.

10.2(12) *Communications.*

a. Each facility must provide and maintain in good working order a communication system between:

(1) The stewards' stand;
(2) The racing office;
(3) The tote room;
(4) The jockeys' room;
(5) The paddock;
(6) The test barn;
(7) The starting gate;
(8) The weigh-in scale;
(9) The video camera locations;
(10) The clocker's stand;
(11) The commission veterinarian;
(12) The track announcer;
(13) The location of the ambulances (equine and human); and
(14) Other locations and persons designated by the commission.

b. A facility must provide and maintain a public address system capable of clearly transmitting announcements to the patrons and to the stable area.

[**ARC 0187D**, IAB 4/1/26, effective 5/6/26]

491—10.3(99D) Facility policies. It is each occupational licensee's affirmative responsibility and continuing duty to follow and comply with facility policies published in literature distributed by a facility, listed in the condition book, or posted in a conspicuous location.

[**ARC 0187D**, IAB 4/1/26, effective 5/6/26]

491—10.4(99D) Racing officials appointed or employed by the commission.

10.4(1) *Stewards.* There will be three stewards for each racing meet. Two stewards will be appointed or employed by the commission and one will be nominated by the facility under rule 491—10.5(99D), subject to commission approval. Facility nominees for the steward position, and

biographical information describing the nominees' experience and qualifications, are due to the commission no later than 45 days before a race meeting begins.

a. Stewards' general authority.

(1) General. The board of stewards for each racing meet oversees the conduct of the racing meet in accordance with the laws of this state, the rules adopted by the commission, and the facility's policies and condition book. The stewards have authority to regulate and to resolve conflicts or disputes among all other racing officials, licensees, and those persons addressed by 491—paragraph 4.6(5)*"e"* that are reasonably related to the conduct of a race or races and to discipline violators of these rules in accordance with these rules.

(2) Period of authority. The stewards' authority commences 30 days prior to the beginning of each racing meet and terminates 30 days after the end of each racing meet or with the completion of their business pertaining to the meeting.

(3) Attendance. Three stewards will be present in the stand during the running of each race.

(4) Appointment of substitute. Should any steward be absent at race time, the state stewards will appoint a deputy for the absent steward. If any deputy steward is appointed, the stewards will immediately notify the administrator.

(5) Initiate action. The stewards will take notice of questionable conduct or law or rule violations with or without complaint, will initiate investigations promptly, and will render a decision on every objection and every complaint made to them.

(6) General enforcement provisions. Stewards enforce the laws of Iowa and the rules of the commission. The laws of Iowa and the rules of racing apply equally during periods of racing. They supersede the conditions of a race or meet and, in matters pertaining to racing, the orders of the stewards supersede the orders of the officers of a facility. The decision of the stewards as to the extent of a disqualification of any horse in any race is final.

b. Other powers and authority.

(1) The stewards have the power to interpret the rules and to decide all questions not specifically covered by them.

(2) All questions within their authority are determined by a majority of the stewards.

(3) The stewards have control over and access to all areas of the backside and the steward stand.

(4) The stewards have the authority to determine all questions arising with reference to entries and racing. Persons entering horses to run at licensed facilities agree in so doing to accept the decision of the stewards on any questions relating to a race or racing. The stewards, in their sole discretion, are authorized to determine whether two or more individuals or entities are operating as a single financial interest or as separate financial interests. In making this determination, the stewards consider all relevant information, including but not limited to the following:

1. Whether the parties pay bills from and deposit receipts in the same accounts.
2. Whether the parties share resources such as employees, feed, supplies, veterinary and farrier services, exercise and pony riders, tack, and equipment.
3. Whether the parties switch horses or owner/trainer for no apparent reason, other than to avoid restrictions of being treated as a single interest.
4. Whether the parties engage in separate racing operations in other jurisdictions.
5. Whether the parties have claimed horses, or transferred claimed horses, for the other's benefit.
6. If owners, whether one owner is paying the expenses for horses not in the owner's name as owner.
7. If trainers, whether the relationship between the parties is more consistent with that of a trainer and assistant trainer.

(5) The stewards have the authority to discipline, for violation of the rules, any person subject to their jurisdiction and, in their discretion, to impose fines or suspensions or both for infractions.

(6) The stewards have the authority to order the exclusion or ejection from all premises and enclosures of the facility any person who is disqualified for corrupt practices on any race course in any country.

(7) The stewards have the authority to request proof that a horse is itself not disqualified in any respect or nominated by or, wholly or in part, the property of a disqualified person. If proof is not provided to the stewards' satisfaction, the stewards may declare the horse disqualified.

(8) The stewards have the authority at any time to order an examination of any horse entered for a race or that has run in a race.

(9) To maintain necessary safety and health conditions and to protect public confidence in horse racing as a sport, the stewards may authorize one or more persons on their behalf to enter into or upon the buildings, barns, motor vehicles, trailers, or other places within the premises of a facility; to examine the same; to inspect and examine the person, personal property, and effects of any person within such place; and to seize any illegal articles or any items as evidence found.

(10) The stewards will maintain a log of all infractions of the rules and of all rulings of the stewards upon matters coming before them during the race meet.

(11) The state stewards must give prior approval for any person other than the commissioners or commission representative to be allowed in the stewards' stand.

c. Emergency authority.

(1) Substitute officials. When, in an emergency, any official is unable to discharge the official's duties, the stewards may approve the appointment of a substitute and will report the substitution immediately to the administrator.

(2) Substitute jockeys. The stewards have the authority, in an emergency, to place a substitute jockey on any horse in the event the trainer does not do so. Before using that authority, the stewards will in good faith attempt to inform the trainer of the emergency and to afford the trainer the opportunity to appoint a substitute jockey. If the trainer cannot be contacted, or if the trainer is contacted but fails to appoint a substitute jockey and inform the stewards of the substitution by 30 minutes prior to post time, then the stewards may appoint under this rule.

(3) Substitute trainer. The stewards have the authority in an emergency to designate a substitute trainer for any horse.

(4) Excuse horse. In case of accident or injury to a horse, or any other emergency deemed by the stewards before the start of any race, the stewards may excuse the horse from starting.

(5) Exercise authority. No person may exercise a horse on the track between races unless upon the approval of the stewards.

(6) Nonstarter. At the discretion of the stewards, any horse(s) precluded from having a fair start may be declared a nonstarter, and any wagers involving said horse(s) may be ordered refunded.

d. Investigations and decisions.

(1) Investigations. The stewards may, upon direction of the administrator, conduct inquiries and recommend to the commission the issuance of subpoenas to compel the attendance of witnesses and the production of reports, books, papers, and documents for any inquiry. The commission stewards have the power to administer oaths and examine witnesses. The stewards will maintain records of every such inquiry made by them.

(2) Form reversal. The stewards will take notice of any marked reversal of form by any horse and will conduct an inquiry of the horse's owner, trainer, or other persons connected with the horse including any person found to have contributed to the deliberate restraint or impediment of a horse in order to cause it not to win or finish as near as possible to first.

(3) Fouls.

1. Extent of disqualification. Upon any claim of foul submitted to them, the stewards will determine the extent of any disqualification and place any horse found to be disqualified behind others in the race with which it interfered, or may place the offending horse last in the race. The stewards at their discretion may determine if there was sufficient interference or intimidation to affect the outcome of the race and take the appropriate actions thereafter.

2. Jockey guilty of foul. The stewards may discipline any jockey whose horse has been disqualified as a result of a foul committed during the running of a race.

(4) Protests and complaints. The stewards will investigate promptly and render a decision in every protest and complaint made to them. They will keep a record of all protests and complaints and any rulings made by the stewards and will provide regular reports as requested by the administrator.

1. Involving fraud. Protests involving fraud may be made by any person at any time. The protest is made to the stewards.

2. Not involving fraud. Protests, except those involving fraud, may be filed only by the owner of a horse, authorized agent, trainer, or the jockey of the horse in the race over which the protest is made. The protest must be made to the clerk of scales, the stewards, or a person designated by the stewards before the race is declared official. If the placement of the starting gate is in error, no protest may be made, unless entered prior to the start of the race.

3. Protest to clerk of scales. A jockey who intends to enter a protest following the running of any race, and before the race is declared official, must notify the clerk of scales, or a person designated by the stewards, of this intention immediately upon the arrival of the jockey at the scales.

4. Prize money of protested horse. During the time of determination of a protest, any money or prize won by a horse protested or otherwise affected by the outcome of the race will be paid to and held by the horsemen's bookkeeper until the protest is decided.

5. Protest in writing. A protest, other than one arising out of the actual running of a race, must be in writing, signed by the complainant, and filed with the stewards not later than one hour before post time of the race out of which the protest arises.

6. Frivolous protests. No person may make a frivolous protest, nor may any person withdraw a protest without the permission of the stewards.

e. Cancel wagering. The stewards have the authority to cancel wagering on an individual betting interest or on an entire race, and also have the authority to cancel a pari-mutuel pool for a race or races if such action is necessary to protect the integrity of pari-mutuel wagering.

f. Postpone or cancel races.

(1) When necessary, the stewards, commission veterinarian, and appropriate personnel will meet to determine whether races scheduled for a given day should be postponed or canceled. For this paragraph's purposes, "appropriate personnel" means a representative of the facility, a representative for each association representing horse owners, and a jockey representative. If the stewards, commission veterinarian, and appropriate personnel are not in agreement, the stewards will make the final decision. When the circumstances necessitating a postponement or cancellation decision are emergent or otherwise make it impracticable to convene the stewards, commission veterinarian, and appropriate personnel for input, the stewards will make the final decision.

(2) Postponement or cancellation may occur for one or more of the following reasons: inclement weather, including but not limited to lightning or extreme heat or humidity; air quality; track conditions; any other circumstance or condition that may endanger the safety and welfare of horses, racing participants, or both; or any other circumstance or condition that may call into question the integrity of racing.

10.4(2) *Commission veterinarian.*

a. The commission veterinarian employed or appointed by the commission advise the commission and the stewards on all veterinary and animal welfare matters.

b. The commission veterinarian has supervision and control of the detention barn for the collection of test samples for the testing of horses for prohibited substances as provided in Iowa Code sections 99D.23(2) and 99D.25(9). The commission may employ or appoint persons to assist the commission veterinarian in maintaining the detention barn area and collecting test samples.

c. The commission veterinarian cannot buy or sell any horse under their supervision, wager on a race under their supervision, or be licensed to participate in racing in any other capacity.

d. The stewards or commission veterinarian may request any horse entered in a race to undergo an examination on the day of the race to determine the general fitness of the horse for racing. During

the examination, the commission veterinarian may request all bandages be removed by the groom and the horse be exercised outside the stall to determine the condition of the horse's legs and feet. The examining veterinarian will report any unsoundness in a horse to the stewards.

e. A commission veterinarian will inspect all of the horses in a race at the starting gate and, after the finish of a race, will observe the horses upon their leaving the track.

f. The commission veterinarian will place any horse determined to be sick or too unsafe, unsound, or unfit to race on a veterinarian's list that will be posted in a conspicuous place available to all owners, trainers, and officials.

g. A horse placed on the veterinarian's list in Iowa, bleeders exempt, may be allowed to enter only after it has been approved by the commission veterinarian. Any horse placed on the veterinarian's list will be removed from any future race in which the horse has been entered. Requests for the removal of any horse from the veterinarian's list will be accepted only after at least three calendar days have elapsed from the placing of the horse on the veterinarian's list. Removal from the list is at the discretion of the commission veterinarian, who may require satisfactory workouts or examinations to adequately demonstrate that the problem that caused the horse to be placed on the list has been rectified. Horses that are entered to race and then placed on the veterinarian's list for any reason will not be allowed to enter a race for at least three calendar days beginning the day after the horse was scheduled to race.

h. Every confirmed bleeder, regardless of age, will be placed on the bleeder list and be ineligible to race for the following time periods:

(1) First incident – 14 days.

(2) Second incident within 365-day period – 30 days.

(3) Third incident within 365-day period – 180 days.

(4) Fourth incident within 365-day period – barred for racing lifetime.

When counting the number of days a horse is ineligible to run, the day the horse bled externally is the first day of the recovery period. The voluntary administration of furosemide without an external bleeding incident will not subject the horse to the initial period of ineligibility specified in subparagraph 10.4(2)*"h"*(1). A horse may be removed from the bleeder list only upon the direction of the official veterinarian, who must certify in writing to the stewards the recommendation for removal. A horse that has been placed on a bleeder list in another jurisdiction pursuant to these rules will be placed on a bleeder list in this jurisdiction.

i. The commission veterinarian supervises and ensures that the administration of furosemide and phenylbutazone complies with Iowa Code section 99D.25A.

j. The commission veterinarian or commission representative takes receipt of veterinary reports required by Iowa Code section 99D.25(10) and these rules.

[**ARC 0187D**, IAB 4/1/26, effective 5/6/26]

491—10.5(99D) Facility racing officials.

10.5(1) *General description.* A facility conducting a race meeting appoints at least the following officials:

a. One of the members of the three-member board of stewards;

b. Racing secretary;

c. Assistant racing secretary;

d. Paddock judge;

e. Horse identifier;

f. Starter;

g. Clocker/timer;

h. Three placing judges;

i. Jockey room custodian;

j. Mutuel manager;

k. Clerk of scales;

l. Minimum of two outriders;

m. Horsemen's bookkeeper; and

n. Any other person designated by the commission.

10.5(2) *Officials' prohibited activities.* No racing official or racing official's assistant(s) listed in subrule 10.5(1) while serving in that capacity during any meeting may engage in any of the following:

a. Conduct prohibited by Iowa Code section 99D.5(5)*"a"*;

b. Participation in the sale, purchase, or ownership of any horse racing at the meeting;

c. Involvement in any way in the purchase or sale of any contract on any jockey racing at the meeting;

d. Selling or soliciting horse insurance on any horse racing at the meeting, or any other business sales or solicitation not a part of the official's duties;

e. Accepting or receiving money or anything of value for the official's assistance in connection with the official's duties;

f. Consuming or being under the influence of alcohol or any prohibited substance while performing official duties.

10.5(3) *Single official appointment.* No official appointed to any meeting, except placing judges, may hold more than one official position listed in subrule 10.5(1) unless, in the determination of the stewards or commission, holding more than one appointment would not subject the official to a conflict of interest or duties in the two appointments.

10.5(4) *Racing secretary.*

a. General authority. The racing secretary or the racing secretary's designee is responsible for setting the conditions for each race of the meeting, regulating the nomination of entries, determining the amounts of purses and to whom they are due, and recording race results. The racing secretary can permit no person other than licensed racing officials to enter the racing secretary's office or work areas until such time as all entries are closed; drawn; and reviewed for correctness, eligibility, weight allowances, and medications. Exceptions to this rule may only be granted with the stewards' approval.

b. Conditions. The racing secretary or designee establishes the conditions and eligibility for entering the races of the meeting and causes them to be published to owners, trainers, and the commission. Corrections to the conditions must be made before entries are taken.

c. Posting of entries. Upon the closing of entries each day, the racing secretary or designee posts a list of entries in a conspicuous location in the office of the racing secretary and furnishes that list to local media.

d. Stakes and entrance money records. The racing secretary or designee is the caretaker of the permanent records of all stakes, entrance moneys, and arrears paid or due in a race meeting and keeps permanent records of the results of each race of the meeting.

e. Record of racing. The racing secretary or designee will, no later than the day following each race, attach or endorse on the registration certificate of each horse winning in any race the fact of that winning performance and the distance, date of the race, and type or conditions of the race.

f. Daily program. The racing secretary or designee publishes the official daily program, ensuring the accuracy therein of the following information:

(1) The sequence of races to be run and post time for the first race;

(2) The purse, conditions and distance for each race, and current track record for such distance;

(3) The name of licensed owners of each horse, indicated as leased, if applicable, and description of racing colors to be carried;

(4) The name of the trainer and the name of the jockey named for each horse together with the weight to be carried;

(5) The post position and saddle cloth number or designation for each horse if there is a variance with the saddle cloth designation;

(6) The identification of each horse by name, color, sex, age, sire and dam;

(7) A notice that all jockeys will carry approximately three pounds more than the published weight to account for safety equipment (vest and helmet) that is not included in required weighing-out procedures; and

(8) Such other information as may be requested by the association or the commission.

g. Handicapping. The racing secretary, or a handicapper assigned by the racing secretary, assigns the weight to be carried by each horse in a handicap when weights are not stated in the condition of the race:

(1) Scale of weights for age. The scale of weights for age hereinafter listed are carried when conditions of races do not otherwise specify:

Distance	Age	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
	Two Years	X	X	X	X	X	X	X	105	108	111	114	114
HALF	Three Years	117	117	119	119	121	123	125	126	127	128	129	129
MILE	Four Years	130	130	130	130	130	130	130	130	130	130	130	130
	Five Years and Up	130	130	130	130	130	130	130	130	130	130	130	130
	Two Years	X	X	X	X	X	X	X	102	105	108	111	111
SIX	Three Years	114	114	117	117	119	121	123	125	126	127	128	128
FURLONGS	Four Years	129	129	130	130	130	130	130	130	130	130	130	130
	Five Years and Up	130	130	130	130	130	130	130	130	130	130	130	130
	Two Years	X	X	X	X	X	X	X	X	96	99	102	102
ONE	Three Years	107	107	111	111	113	115	117	119	121	122	123	123
MILE	Four Years	127	127	128	128	127	126	126	126	126	126	126	126
	Five Years and Up	128	128	128	128	127	126	126	126	126	126	126	126
	Two Years	X	X	X	X	X	X	X	X	X	X	X	X
MILE AND	Three Years	101	101	107	107	111	113	116	118	120	121	122	122
A QUARTER	Four Years	125	125	127	127	127	126	126	126	126	126	126	126
	Five Years and Up	127	127	127	127	127	126	126	126	126	126	126	126
	Two Years	X	X	X	X	X	X	X	X	X	X	X	X
MILE AND	Three Years	98	98	104	104	108	111	114	117	119	121	122	122
A HALF	Four Years	124	124	126	126	126	126	126	126	126	126	126	126
	Five Years and Up	126	126	126	126	126	126	126	126	126	126	126	126
	Two Years	X	X	X	X	X	X	X	X	X	X	X	X
TWO MILES	Three Years	96	96	102	102	106	109	112	114	117	119	120	120
	Four Years	124	124	126	126	126	126	126	125	125	124	124	124
	Five Years and Up	126	126	126	126	126	126	126	125	125	124	124	124

(2) Weights listed.

1. In races of intermediate lengths, the weights for the shorter distance are to be carried.
2. In a race exclusively for two-year-olds, the weight is 122 pounds.
3. In a race exclusively for three-year-olds or four-year-olds, the weight is 126 pounds.

(3) Minimum weight.

1. Thoroughbreds. In all overnight races for two-year-olds, three-year-olds, or four-year-olds and older, the minimum weight is 112 pounds, subject to sex and apprentice allowance. This rule does not apply to handicaps or to races written for three-year-olds and older.

2. Quarter horse and mixed races. In all overnight races for two-year-olds, the weight is 120 pounds; for three-year-olds, the weight is 122 pounds; and for four-year-olds and older, the weight is 124 pounds.

3. Quarter horse and mixed races. In qualifying for a speed index, standard weight is 120 pounds. Should any horse carry less than this amount in a race, one-tenth of a second will be added to the official time for each four pounds or fraction thereof less than 120 pounds.

(4) Sex allowances. In thoroughbred racing, sex allowances are obligatory. Sex allowances will be applied in all thoroughbred races unless the conditions of the race expressly state to the contrary. If the conditions of the race are silent as to sex allowances, a sex allowance will be applied. Sex allowances cannot be declined. Two-year-old fillies are allowed three pounds; mares three years old and older are allowed five pounds before September 1 and three pounds thereafter. Sex allowances are not applicable for quarter horse or mixed races.

(5) Iowa-foaled horse allowance. Iowa-foaled horses that are properly registered and whose papers are stamped, physically or digitally, by the Iowa department of agriculture and land stewardship are allowed an additional three pounds beyond the stated conditions of the race if the race is not limited to Iowa-foaled horses. This allowance does not apply to stakes races.

h. Penalties not cumulative. Penalties and weight allowances are not cumulative unless so declared in the conditions of a race by the racing secretary.

i. Winnings.

(1) All inclusive. For the purpose of the setting of conditions by the racing secretary, winnings are considered to include all moneys and prizes won up to the time of the start of a race, including those races outside the United States. Foreign winnings are determined on the basis of the normal rate of exchange prevailing on the day of the win. The amount of purse money earned is credited in United States currency, and there is no appeal for any loss on the exchange rate at the time of transfer from United States currency to that of another country.

(2) Winnings considered from January 1. Winnings during the year are reckoned by the racing secretary from the preceding January 1.

(3) Winner of a certain sum. "Winner of a certain sum" means the winner of a single race of that sum, unless otherwise expressed in the condition book by the racing secretary. In determining the net value to the winner of any race, the sums contributed by its owner or nominator will be deducted from the amount won. In all stakes races, the winnings will be computed on the value of the gross earnings.

j. Cancellation of a race. The racing secretary or designee has the authority to withdraw, cancel, or change any race that has not been closed. In the event the race is canceled, any and all fees paid in connection with the race will be refunded.

k. Coggins test. The racing secretary or designee will ensure that all horses have a current negative Coggins test. The racing secretary will report all expired certificates to the stewards.

l. Registrations and supporting documents. The racing secretary or designee is responsible for receiving, inspecting, and safeguarding all registrations and supporting documents submitted by the trainer while the horses are located on facility premises. Upon notification from a trainer of an alteration of the sex of a horse, the racing secretary will note such alteration on the certificate of registration. Disclosure is made for the benefit of the public and all documents pertaining to the ownership or lease of a horse filed with the racing secretary are available for public inspection.

10.5(5) *Paddock judge.*

a. General authority. The paddock judge:

(1) Supervises the assembly of horses in the paddock no later than 15 minutes before the scheduled post time for each race;

(2) Maintains a written record of all equipment, inspects all equipment of each horse saddled, and reports any change thereof to the stewards;

(3) Prohibits any change of equipment without the approval of the stewards;

(4) Ensures that the saddling of all horses is orderly, open to public view, and free from public interference and that horses are mounted at the same time and leave the paddock for the post in proper sequence;

(5) Supervises paddock schooling of all horses approved for such by the stewards;

(6) Reports to the stewards any observed cruelty to a horse; and

(7) Ensures that only properly authorized persons are permitted in the paddock.

b. Paddock judge's list.

(1) The paddock judge maintains a list of horses that cannot be entered in a race because of poor or inconsistent behavior in the paddock that endangers the health or safety of other participants in racing.

(2) At the end of each day, the paddock judge provides a copy of the list to the stewards.

(3) To be removed from the paddock judge's list, a horse must be schooled in the paddock and demonstrate to the satisfaction of the paddock judge and the stewards that the horse is capable of performing safely in the paddock.

10.5(6) *Horse identifier.* The horse identifier:

a. When required, ensures the safekeeping of registration certificates and racing permits for horses stabled or racing on facility premises;

b. Inspects documents of ownership, eligibility, registration, or breeding necessary to ensure the proper identification of each horse scheduled to compete at a race meeting;

c. Examines every starter in the paddock for sex, color, markings, microchip, lip tattoo, or digital tattoo for comparison with its registration certificate to verify the horse's identity;

d. Supervises the tattooing, digital tattooing, microchipping or branding for identification of any horse located on facility premises; and

e. Reports to the stewards any horse not properly identified or whose registration certificate is not in conformity with these rules.

10.5(7) *Starter.*

a. *General authority.* The starter:

(1) Has complete jurisdiction over the starting gate, the starting of horses, and the authority to give orders not in conflict with the rules as may be required to ensure all participants an equal opportunity to a fair and safe start;

(2) Appoints and supervises assistant starters who have demonstrated they are adequately trained to safely handle horses in the starting gate. In emergency situations, the starter may appoint qualified individuals to act as substitute assistant starters;

(3) Assigns the starting gate stall positions to assistant starters and notifies the assistant starters of their respective stall positions on race day before post time for each race;

(4) Assesses the ability of each person applying for a jockey's license in breaking from the starting gate and working a horse in the company of other horses, and makes said assessment known to the stewards; and

(5) Loads horses into the gate in any order deemed necessary to ensure a safe and fair start.

b. *Assistant starters.* With respect to an official race, the assistant starters cannot:

(1) Handle or take charge of any horse in the starting gate without the expressed permission of the starter;

(2) Impede the start of a race;

(3) Use excessive force, a whip or other device, with the exception of steward-approved tongs, to assist in loading a horse into the starting gate;

(4) Slap, boot, or otherwise dispatch a horse from the starting gate;

(5) Strike or use abusive language to a jockey; or

(6) Accept or solicit any gratuity or payment other than their regular salary, directly or indirectly, for services in starting a race.

c. *Starter's list.* No horse may start in a race unless approval is given by the starter. The starter maintains a starter's list of all horses that are ineligible to be entered in any race because of poor or inconsistent behavior or performance in the starting gate. Any horse on the starter's list will be refused entry until the horse has demonstrated to the starter that it has been satisfactorily schooled in the gate and can be removed from the starter's list. Schooling will be under the direct supervision of the starter.

10.5(8) *Timer/clocker.*

a. *General authority—timer.*

(1) The timer must accurately record the official time.

(2) At the end of a race, the timer posts the official running time on the infield totalizator board on instruction by the stewards.

(3) At a facility equipped with an appropriate infield totalizator board, the timer will post the quarter times (splits) for thoroughbred races in fractions as a race is being run. For quarter horse races, the timer will post the official times in hundredths of a second.

(4) For backup purposes, the timer must also use a stopwatch to time all races. In time trials, the timer should ensure that at least two stopwatches are used by the stewards or their representatives.

(5) The timer maintains, and makes available for inspection by the stewards or the commission on request, a written record of fractional and finish times of each race.

b. General authority—clocker.

(1) The clocker will be present during training hours at each track on facility premises that is open for training to identify each horse working out and to accurately record the distances and times of each horse's workout.

(2) Each day, the clocker prepares a list of workouts that includes the name of each horse that worked along with the distance and time of each horse's workout.

(3) At the conclusion of training hours, the clocker delivers a copy of the list of workouts to the stewards and the racing secretary.

10.5(9) *Placing judges.*

a. General authority. The placing judges determine the order of finish in a race as the horses pass the finish line and, with the approval of the stewards, may display the results on the totalizator board.

b. Photo finish.

(1) In the event the placing judges or the stewards request a photo of the finish, the photo finish sign will be posted on the totalizator board.

(2) Following their review of the photo finish, the placing judges, with the approval of the stewards, determine the exact order of finish for all horses participating in the race and will immediately post the numbers of the first four finishers on the totalizator board.

(3) In the event a photo was requested, the placing judges will cause a photograph of said finish to be produced. The finish photograph, when needed, will be used by the placing judges as an aid in determining the correct order of finish.

(4) Upon determination of the correct order of finish of a race in which the placing judges have utilized a photograph to determine the first four finishers, the placing judges will cause said photograph to be displayed publicly in the grandstand and clubhouse areas of the facility.

c. Dead heats.

(1) If the placing judges determine that two or more horses finished the race simultaneously and cannot be separated as to their order of finish, a dead heat will, with the approval of the stewards, be declared.

(2) If one or more of the first four finishers of a race are involved in a dead heat, the placing judges will post the dead heat sign on the totalizator board and cause the numbers of the horse or horses involved to blink on the totalizator board.

10.5(10) *Jockey room custodian.* The jockey room custodian:

a. Supervises the conduct of the jockeys and their attendants while they are in the jockey room;

b. Keeps the jockey room clean and safe for all jockeys;

c. Ensures all jockeys are in the correct colors and wearing the correct arm number before leaving the jockey room to prepare for mounting their horses;

d. Keeps a daily film list as dictated by the stewards and has it displayed in plain view for all jockeys;

e. Keeps a daily program displayed in plain view for the jockeys;

f. Keeps unauthorized persons out of the jockey room;

g. Reports to the stewards any unusual occurrences in the jockey room or infraction of the rules with respect to helmets and vests;

h. Assists the clerk of scales as required;

i. Supervises the care and storage of racing colors; and

j. Assigns to each jockey a locker for the use of storing the jockey's clothing, equipment, and personal effects.

10.5(11) *Mutuel manager.* The mutuel manager is responsible for the operation of the mutuel department. The mutuel manager ensures that any delays in the running of official races caused by totalizator malfunctions are reported to the stewards. The mutuel manager will submit a written report on any delay when requested by the state steward.

10.5(12) *Clerk of scales.* The clerk of scales will:

a. Verify the presence of all jockeys in the jockey room at the appointed time;

b. Verify that each jockey has a current jockey's license issued by the commission;

c. Verify the correct weight of each jockey at the time of weighing out and weighing in and report any discrepancies to the stewards immediately;

d. Oversee the security of the jockey room including the conduct of the jockeys and their attendants;

e. Record all required data on the scale sheet and submit that data to the horsemen's bookkeeper at the end of each race day;

f. Maintain the record of applicable winning races on all apprentice certificates at the meeting;

g. Release apprentice jockey certificates, upon the jockey's departure or upon the conclusion of the race meet;

h. Assume the duties of the jockey room custodian in the absence of such employee; and

i. Promptly report to the stewards any infraction of the rules with respect to riding equipment; safety equipment, including but not limited to helmets and vests; riding crops; or conduct.

10.5(13) *Outrider.*

a. The facility must appoint a minimum of two outriders on the main track for each race of a performance and during workouts for which the starting gate is set. The facility must appoint one outrider on the training track during training hours. The outriders must be neat in appearance, wear approved helmets with the chin straps securely fastened, and wear approved safety vests while on the main track or training track.

b. The outriders:

(1) Accompany the field of horses from the paddock to the post;

(2) Ensure the post parade is conducted in an orderly manner, with all jockeys and pony riders conducting themselves in a manner in conformity with the best interests of racing as determined by the stewards;

(3) Assist jockeys with unruly horses;

(4) Render assistance when requested by a jockey;

(5) Are present during morning workouts to assist exercise riders as required by regulations;

(6) Promptly report to the stewards any unusual conduct that occurs while performing the duties of an outrider;

(7) Ensure individuals using the track(s) are appropriately licensed; and

(8) Promptly report jockey objections to the stewards after the finish of each race.

10.5(14) *Horsemen's bookkeeper.*

a. General authority. The horsemen's bookkeeper maintains the records and accounts and performs the duties described herein and maintains such other records and accounts and performs such other duties as the facility and commission may prescribe.

b. Records.

(1) The records will include the name, mailing address, social security number or federal tax identification number, and the state or country of residence of each horse owner, trainer, or jockey participating at the race meeting who has funds due or on deposit in the horsemen's account.

(2) The records will include a file of all required statements of partnerships, syndicates, corporations, assignments of interest, lease agreements, and registrations of authorized agents.

(3) All records of the horsemen's bookkeeper must be kept separate and apart from the records of the facility.

(4) All records of the horsemen's bookkeeper including records of accounts and moneys and funds kept on deposit are subject to inspection by the commission at any time.

c. Moneys and funds on account.

(1) All moneys and funds on account with the horsemen's bookkeeper must be maintained:

1. Separate and apart from moneys and funds of the facility;
2. In a trust account designated as "horsemen's trust account"; and
3. In an account insured by the Federal Deposit Insurance Corporation.

(2) The horsemen's bookkeeper must be bonded.

d. Payment of purses.

(1) The horsemen's bookkeeper receives, maintains, and disburses the purses of each race and all stakes, entrance money, jockey fees, purchase money in claiming races, all applicable taxes, and other moneys that properly come into the horsemen's bookkeeper's possession in accordance with the provisions of commission rules.

(2) The horsemen's bookkeeper may accept moneys due, belonging to other organizations or recognized meetings, provided prompt return is made to the organization to which the money is due.

(3) The horsemen's bookkeeper will disburse the purse of each race and all stakes, entrance money, and jockey fees, upon request, within two race days of the conclusion of the race day for all horses that were not selected for postrace drug testing.

(4) For horses that were selected for postrace drug testing, the horsemen's bookkeeper will disburse the purse of such horses for each race and all stakes, entrance money, and jockey fees, upon request, within two race days of receipt of notification that all tests with respect to such horses have cleared the drug testing laboratory (commission chemist) as reported by the stewards. Minimum jockey mount fees may be disbursed prior to notification that the tests have cleared the testing laboratory.

(5) Absent a prior request, the horsemen's bookkeeper will disburse moneys to the persons entitled to receive same within 15 days after the last race day of the race meeting, including purses for official races, provided that all tests with respect to such horses that have been selected for postrace drug testing have cleared the drug testing laboratory as reported by the stewards, and provided further that no protest or appeal has been filed with the stewards or the commission.

(6) If a protest or appeal has been filed with the stewards or the commission, the horsemen's bookkeeper will disburse the purse of such horses having been selected for postrace drug testing within two race days of receipt of dismissal or a final nonappealable order disposing of such protest or appeal.

e. No portion of purse money other than jockey fees may be deducted by the facility for itself or for another, unless so requested in writing by the person to whom purse moneys are payable or the person's duly authorized representative. The horsemen's bookkeeper will mail to each owner a duplicate of each record of all deposits, withdrawals, or transfers of funds affecting the owner's racing account at the close of each race meeting.

f. Purse money presumption. The fact that purse money has been distributed prior to the issuance of a laboratory report is not a finding that no chemical substance has been administered, in violation of these rules, to the horse earning the purse money.

10.5(15) *Patrol judges.*

a. General authority. A facility may employ patrol judges who observe the running of the race and report information concerning the running of the race to the stewards.

b. Duty stations. Each patrol judge will have a duty station assigned by the stewards.

[**ARC 0187D**, IAB 4/1/26, effective 5/6/26]

491—10.6(99D) Trainers and assistant trainers.

10.6(1) *Trainer responsibility.*

a. The trainer is responsible for:

(1) The condition of horses entered in an official workout or race and, in the absence of substantial evidence to the contrary, for the presence of any prohibited drug, medication or other substance, including permitted medication in excess of the maximum allowable level, in such horses, regardless of the acts of third parties. A positive test for a prohibited drug, medication, or substance, including permitted medication in excess of the maximum allowable level, as reported by a commission-approved laboratory, is prima facie evidence of a violation of this rule or Iowa Code chapter 99D.

(2) Preventing the administration of any drug, medication, or other prohibited substance that may cause a violation of these rules. An "in-today" sign must be placed by 8 a.m. on race day next to the stall of a horse that is scheduled to race on that day. For horses shipping in on race day, the sign must be placed upon the horse's arrival.

(3) Any violation of rules regarding a claimed horse's participation in the race in which the trainer's horse is claimed.

(4) The condition and contents of stalls, tack rooms, feed rooms, sleeping rooms, and other areas that have been assigned to the trainer by the facility and maintaining the assigned stable area in a clean, neat, and sanitary condition at all times.

(5) Ensuring that fire prevention rules are strictly observed in the assigned stable area.

(6) Being present to witness the administration of furosemide during the administration time and sign as the witness on the affidavit form. A licensed designee of the trainer may witness the administration of the furosemide and sign as the witness on the affidavit form; however, this designee cannot be another practicing veterinarian or veterinary assistant. If the trainer or designee is not present or does not allow for the administration of furosemide to a horse to be run on furosemide, said horse will be placed on the steward's list for a minimum of five days starting the day after the violation.

(7) The proper identity, custody, care, health, condition, and safety of horses in the trainer's charge.

(8) Disclosure to the racing secretary of the true and entire ownership of each horse in the trainer's care, custody, or control. Any change in ownership must be reported immediately to, and approved by, the stewards and recorded by the racing secretary or designee. The disclosure, together with all written agreements and affidavits setting out oral agreements pertaining to the ownership for or rights in and to a horse, must be attached to the registration certificate for the horse and filed with the racing secretary.

(9) Training all horses owned wholly or in part by the trainer that are participating at the race meeting.

(10) Registering with the racing secretary each horse in the trainer's charge within 24 hours of the horse's arrival on facility premises.

(11) Ensuring that, at the time of arrival at the facility, each horse in the trainer's care is accompanied by a valid health certificate that is filed with the racing secretary.

(12) Having each horse in the trainer's care that is racing or stabled on facility premises tested for equine infectious anemia (EIA) in accordance with state law and for filing evidence of such negative test results with the racing secretary. The test must have been conducted within the previous 12 months and must be repeated upon expiration. The certificate must be attached to the foal certificate or otherwise accessible by the commission or racing association.

(13) Using the services of those veterinarians licensed by the commission to attend horses that are on facility premises.

(14) Properly recording the sex of the horses in the trainer's care with the horse identifier and the racing secretary and immediately reporting the alteration of the sex of a horse in the trainer's care to the horse identifier and the racing secretary.

(15) Promptly reporting to the racing secretary or designee and the commission veterinarian any horse on which a posterior digital neurectomy (heel nerving) has been performed and ensuring that

such fact is designated on its certificate of registration. More information can be found in Iowa Code section 99D.25(1) through 99D.25(3).

(16) Promptly reporting to the stewards and the commission veterinarian the serious illness of any horse in the trainer's charge.

(17) Promptly reporting the death of any horse in the trainer's care on facility premises to the stewards, owner, and the commission veterinarian and complying with Iowa Code section 99D.25(5) governing postmortem examination.

(18) Maintaining a knowledge of the medication record and status of all horses in the trainer's care.

(19) Immediately reporting to the stewards and the commission veterinarian if the trainer knows, or has cause to believe, that a horse in the trainer's custody, care, or control has received any prohibited drugs or medication.

(20) Representing an owner in making entries and scratches and in all other matters pertaining to racing.

(21) Eligibility of horses entered and weight or other allowance claimed.

(22) Ensuring the fitness of a horse to perform creditably at the distance entered.

(23) Ensuring that the trainer's horses are properly shod, bandaged, and equipped.

(24) Presenting the trainer's horse in the paddock at least 20 minutes before post time or at a time otherwise appointed before the race in which the horse is entered. Any horse failing to report to the paddock will be placed on the steward's list for a minimum of five days starting the day after the violation.

(25) Personally attending to the trainer's horses in the paddock and supervising the saddling thereof, unless excused by the stewards.

(26) Instructing the jockey to give the jockey's best effort during a race and instructing the jockey that each horse must be ridden to win.

(27) Witnessing the collection of bodily substances, including but not limited to urine, blood, or hair sample, from the horse in the trainer's charge or delegating a licensed employee or the owner of the horse to do so.

(28) Notifying horse owners upon the revocation or suspension of their trainer's license. A trainer whose license has been suspended for more than 30 days, whose license has expired or been revoked, or whose license application has been denied must inform the horse owners that, until the license is restored, the trainer can no longer be involved with the training, care, custody or control of their horses, nor receive any compensation from the owners for the training, care, custody or control of their horses. Upon application by the horse owner, the stewards may approve the transfer of such horse(s) to the care of another licensed trainer, and upon such approved transfer, such horse(s) may be entered to race. Upon transfer of such horse(s), the inactive trainer must not be involved in any arrangements related to the care, custody or control of the horse(s) and must not benefit financially or in any other way from the training of the horse(s).

(29) Ensuring that all individuals in their employ are properly licensed by the commission.

b. Restrictions on wagering. A trainer with a horse(s) entered in a race may wager only on that horse(s) or that horse(s) in combination with other horses.

10.6(2) *Assistant trainers.*

a. Upon the demonstration of a valid need, a trainer may employ an assistant trainer as approved by the stewards. The assistant trainer must be licensed prior to acting in such capacity on behalf of the trainer.

b. Qualifications for obtaining an assistant trainer's license will be prescribed by the stewards and the commission and may include requirements set forth in 491—Chapter 6.

c. An assistant trainer may substitute for and assume the same duties, responsibilities and restrictions as are imposed on the licensed trainer, in which case the trainer is jointly responsible for the assistant trainer's compliance with the rules.

10.6(3) *Substitute trainers.*

a. A trainer absent for more than five days from responsibility as a licensed trainer, or on a day in which the trainer has a horse in a race, must obtain another licensed trainer to substitute.

b. A substitute trainer must accept responsibility for the horses in writing and must be approved by the stewards.

c. A substitute trainer and the absent trainer are jointly responsible as absolute insurers of the condition of their horses entered in an official workout or race.

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491—10.7(99D) Jockeys, apprentice jockeys, and jockey agents.

10.7(1) *Jockey responsibility.*

a. A jockey shall give a best effort during a race, and each horse shall be ridden to win.

b. A jockey cannot have a valet attendant except one provided and compensated by the facility.

c. No person other than the licensed contract employer or a licensed jockey agent may make riding engagements for a rider, except that a jockey not represented by a jockey agent may make the jockey's own riding engagements.

d. A jockey may have no more than one jockey agent.

e. No revocation of a jockey agent's authority is effective until the jockey notifies the stewards in writing of the revocation of the jockey agent's authority.

f. A jockey must promptly report objections to the outrider(s) following the finish of the race.

10.7(2) *Jockey betting.* A jockey may wager only on a race in which the jockey is riding. A jockey may wager only if:

a. The owner or trainer of the horse that the jockey is riding makes the wager for the jockey;

b. The jockey only wagers on the jockey's own mount to win or finish first in combination with other horses in multiple-type wagers; and

c. Records of such wagers are kept and available for presentation upon request by the stewards.

10.7(3) *Jockey's spouse.* A jockey cannot compete in any race against a horse that is trained or owned by the jockey's spouse.

10.7(4) *Fees and engagements.*

a. Duty to fulfill engagements. Jockeys must fulfill their duly scheduled riding engagements unless excused by the stewards. Jockeys cannot be forced to ride a horse they believe to be unsound or over a racing strip they believe to be unsafe. If the stewards find a jockey's refusal to fulfill a riding engagement is based on personal belief unwarranted by the facts and circumstances, the jockey may be subject to disciplinary action. Jockeys are responsible to their agent for any engagements previously secured by the agent.

b. Entitlement. Any apprentice or contract rider is entitled to the regular jockey fees, except when riding a horse owned in part or solely by the contract holder. An interest in the winnings only (such as trainer's percent) does not constitute ownership.

c. Fee earned. A jockey's fee is considered earned when the jockey is weighed out by the clerk of scales. The fee is not considered earned when injury to the horse or rider is not involved and jockeys, of their own free will, take themselves off their mounts. Any conditions or considerations not covered by the above are at the discretion of the stewards.

d. Multiple engagements. If any owner or trainer engages two or more jockeys for the same race, the owner or trainer is required to pay each of the jockeys the appropriate fee whether the jockeys ride in the race or not.

e. Competing engagements. Whenever two or more licensees claim the services of one jockey for a race, first call has priority and any dispute may be resolved by the stewards.

f. Dead heats. Jockeys finishing a race in a dead heat will divide equally the totals they individually would have received had one jockey won the race alone. The owners of the horses finishing in the dead heat will pay equal shares of the jockey fees.

10.7(5) *Jockey conduct.*

a. Clothing and appearance. A jockey wears the racing colors furnished by the owner of the horse the jockey is to ride, plus solid white riding pants, top boots, and a number on the right shoulder on the saddlecloth corresponding to the mount's number given as shown on the saddlecloth and in the daily program. The stewards, at their discretion, may allow a jockey to wear solid black riding pants during poor weather or track conditions. The Jockeys' Guild logo, the Permanently Disabled Jockeys Fund logo, or the jockey's name may be displayed on the pants. The size of the display of the jockey's name on the pants is limited to a maximum of 32 square inches on each thigh of the pants on the outer sides between the hip and the knee, and 10 square inches on the rear at the base of the spine. A jockey cannot wear advertising or promotional material of any kind on clothing during a race, unless the following criteria are met:

(1) A maximum of 32 square inches on each thigh of the pants on the outer side between the hip and knee and 10 square inches on the rear of the pant at the waistline at the base of the spine.

(2) A maximum of 24 square inches on boots and leggings on the outside of each nearest the top of the boot.

(3) A maximum of 6 square inches on the front center of the neck area (on a turtleneck or other undergarment).

(4) Such advertising or promotional material does not compete with, conflict with, or infringe upon any current sponsorship agreement to the racing association race or race meet.

(5) The stewards, at their discretion, may disallow any advertising that is not in compliance with this rule, any other rules of racing, or any advertising the stewards deem to be inappropriate, indecent, in poor taste, or controversial.

b. Competing against contractor. No jockey may ride in any race against a starting horse belonging to the jockey's contract employer unless the jockey's mount and the contract employer's horse are both trained by the same trainer.

c. Confined to jockey room. Jockeys engaged to ride a race must report to the jockey room on the day of the race at the time designated by the facility officials. The jockeys then report their engagements and any overweight to the clerk of scales. Thereafter, they cannot leave the jockey room, except by permission of the stewards, until all of their riding engagements of the day have been fulfilled. Once jockeys have fulfilled their riding engagements for the day and have left the jockeys' quarters, they will not be readmitted to the jockeys' quarters until after the entire racing program for that day has been completed, except upon permission of the stewards. Jockeys are not allowed to communicate with anyone but the trainer while in the room during the performance except with approval of the stewards. On these occasions, they will be accompanied by a security guard.

d. Whip prohibited. Jockeys cannot use a whip on a two-year-old horse before April 1 of each year, nor can a jockey or other person engage in excessive or indiscriminate whipping of any horse at any time.

e. Spurs prohibited. Jockeys cannot use spurs.

f. Possessing drugs or devices. Jockeys must not have in their care, control, or custody any drugs, prohibited substances, or electrical or mechanical device that could affect a horse's racing performance.

10.7(6) *Jockey effort.* A jockey must exert every effort to ride the horse to the finish in the best and fastest run of which the horse is capable. No jockey may ease up or coast to a finish, without adequate cause, even if the horse has no apparent chance to win prize money.

10.7(7) *Riding interference and riding infractions.*

a. When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede, or intimidate any other horse, it is a foul.

b. The offending horse may be disqualified if, in the opinion of the stewards, the foul altered the finish of the race, regardless of whether the foul was accidental, willful, or the result of careless riding. When a horse causes interference under this rule, every horse in the same race entered by the

same owner or trainer who benefited from the interference may be disqualified at the discretion of the stewards.

c. If the stewards determine the foul was intentional, or due to careless riding, the jockey will be held responsible.

d. In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it started. If a horse is ridden, drifts, or swerves out of its lane in such a manner that it interferes with, impedes, or intimidates another horse, it is a foul and may result in the disqualification of the offending horse.

e. Partial fault/third-party interference. If a horse or jockey interferes with or jostles another horse, the aggressor may be disqualified, unless the interfered or jostled horse or jockey was partly at fault or the infraction was wholly caused by the fault of some other horse or jockey.

f. Careless riding. A jockey must not ride carelessly or willfully permit the mount to interfere with, intimidate, or impede any other horse in the race. A jockey must not strike at another horse or jockey so as to jostle, impede, interfere with, or injure or potentially injure the other horse or jockey. If a jockey rides in a manner contrary to this rule, the horse may be disqualified; the jockey may be fined, suspended, or otherwise disciplined; or other penalties may apply.

10.7(8) *Jockey weighing.*

a. Jockeys must be weighed for their assigned horse not more than 30 minutes before the time fixed for the race.

b. A jockey's weight includes the jockey's clothing, boots, and saddle and its attachments. A safety vest is mandatory and must be consistent with subrule 10.2(9).

c. All other equipment is excluded from the weight.

d. Overweight limited. No jockey may weigh more than two pounds or, in the case of inclement weather, four pounds over the weight the horse is assigned to carry unless with consent of the owner or trainer and unless the jockey has declared the amount of overweight to the clerk of scales at least 60 minutes before the scheduled post time of the first race. However, a horse cannot carry more than seven pounds overweight, except in inclement weather when nine pounds is allowed. The overweight will be publicly announced and posted in a conspicuous place both prior to the first race of the day and before the running of the race.

(1) Weigh in. Upon completion of a race, jockeys must ride promptly to the winner's circle and dismount. Jockeys riding the first four finishers, or at the discretion of the stewards a greater number, must present themselves to the clerk of scales to be weighed in. If a jockey is prevented from riding the mount to the winner's circle because of accident or illness either to the jockey or the horse, the jockey may walk or be carried to the scales unless excused by the stewards.

(2) Unsaddling. Jockeys, upon completion of a race, must return to the unsaddling area and unsaddle their own horse, unless excused by the stewards.

(3) Removing horse's equipment. No person except the valet attendant for each mount may assist the jockey in removing the horse's equipment that is included in the jockey's weight, unless the stewards permit otherwise. To weigh in, jockeys carry to the scales all pieces of equipment with which they weighed out. Thereafter they may hand the equipment to the valet attendant.

(4) Underweight. When any horse places first, second, or third in a race and thereafter the horse's jockey is weighed in short by more than two pounds of the weight of which the jockey was weighed out, the mount may be disqualified and all purse moneys forfeited.

(5) Overweight. If the jockey is overweight, the jockey is subject to fine, suspension, or both.

10.7(9) *Jockey fines and forfeitures.* Jockeys must pay any fine or forfeiture from their own funds within 48 hours of the imposition of the fine or at a time deemed proper by the stewards. No other person may pay jockey fines or forfeitures for the jockey.

10.7(10) *Jockey suspension.*

a. Offenses involving fraud. Suspension of a licensee for an offense involving fraud or deception in racing begins immediately after the ruling unless otherwise ordered by the stewards or commission.

b. Offenses not involving fraud. Suspension for an offense not involving fraud or deception in racing begins on the third day after the ruling or at the stewards' discretion.

c. Withdrawal of appeal. Withdrawal by the appellant of a notice of appeal filed with the commission, whenever imposition of the disciplinary action has been stayed or enjoined pending a final decision by the commission, is deemed a frivolous appeal and referred to the commission for further disciplinary action in the event the appellant fails to show good cause to the stewards why the withdrawal should not be deemed frivolous.

d. Riding suspensions of ten days or less and participating in designated races. The stewards appointed for a race meeting will, prior to the commencement of that meeting, designate the stakes, futurities, futurity trials, or other races in which a jockey will be permitted to compete, notwithstanding the fact that such jockey is under suspension for ten days or less for a careless riding infraction at the time the designated race is to be run.

(1) Official rulings for riding suspensions of ten days or less will state: "The term of this suspension does not prohibit participation in designated races."

(2) A listing of the designated races will be posted in the jockey room and any other such location deemed appropriate by the stewards.

(3) A suspended jockey must be named at time of entry to participate in any designated race.

(4) A day in which a jockey participated in one designated race while on suspension counts as a suspension day. If a jockey rides in more than one designated race on a race card while on suspension, the day does not count as a suspension day. Each designated trial race for a stake is considered one race. A jockey who rides in more than one designated race may be named to ride other races on a card, and such race card does not count as a suspended race day.

10.7(11) *Apprentice jockeys.* Unless excepted under these rules, apprentices are subject to all rules governing jockeys and racing.

a. Upon completion of licensing requirements, the stewards may issue an apprentice jockey certificate allowing the holder to claim a weight allowance only in overnight races.

b. Apprentice jockey weight allowance.

(1) An apprentice jockey may ride with a five-pound weight allowance beginning with the first mount and continuing for one full year from the date of the jockey's fifth winning mount.

(2) If, after riding one full year from the date of the fifth winning mount, the apprentice jockey has not ridden 40 winners, the applicable weight allowance continues for one more year or until the fortieth winner, whichever comes first. A weight allowance cannot be claimed for more than two years from the date of the fifth winning mount, unless an extension has been granted.

(3) The stewards may extend the weight allowance of an apprentice jockey in their discretion upon proof of the apprentice's incapacitation for a period of seven or more consecutive days. The allowance may be claimed for a period not to exceed the period such apprentice was unable to ride.

(4) The apprentice jockey is responsible for possessing the apprentice certificate at all times and for keeping an updated record of the first 40 winners. Prior to riding, the jockey submits the certificate to the clerk of scales, who will record the apprentice's winning mounts.

10.7(12) *Jockey agent.*

a. Responsibilities.

(1) A jockey agent cannot make or assist in making engagements for a jockey other than the jockeys the agent is licensed to represent.

(2) A jockey agent must file written proof of all agencies and changes of agencies with the stewards.

(3) A jockey agent must notify the stewards, in writing, prior to withdrawing from representation of a jockey and submit to the stewards a list of any unfulfilled engagements made for the jockey. A jockey agent cannot withdraw from the representation of any jockey unless written notice to the stewards has been provided.

(4) All persons permitted to make riding engagements must maintain current and accurate records of all engagements made. Such records are subject to examination by the stewards at any time.

(5) No jockey agent may represent more than three jockeys, as specified below:

1. During a mixed race card or quarter horse race card, a jockey agent may represent up to three jockeys who ride only quarter horses.

2. During a mixed race card or thoroughbred race card, a jockey agent may represent up to two jockeys who ride thoroughbreds, and one apprentice jockey.

(6) A jockey agent must honor a first call given to a trainer or the trainer's assistant trainer.

b. Prohibited areas. A jockey agent is prohibited from entering the jockey room, winner's circle, racing strip, paddock, or saddling enclosure during the hours of racing unless advance written permission has been granted from the stewards.

[**ARC 0187D**, IAB 4/1/26, effective 5/6/26]

491—10.8(99D) Conduct of races.

10.8(1) *Horses ineligible.* Any horse ineligible to be entered for a race, or ineligible to start in any race, that competes in that race may be disqualified and the stewards may discipline the persons responsible for the horse competing in that race.

a. A horse is ineligible to enter a race when:

(1) The nominator has failed to identify the horse that is being entered for the first time, by name, color, sex, age, and the names of sire and dam as registered.

(2) A horse has been knowingly entered or raced in any jurisdiction under a different name, with an altered registration certificate, altered microchip, or altered lip or digital tattoo by a person having lawful custody or control of the horse for the purpose of deceiving any facility or regulatory agency.

(3) A horse has been allowed to enter or start by a person having lawful custody or control of the horse who participated in or assisted in the entry or racing of some other horse under the name of the horse in question.

(4) A horse is wholly or partially owned by a disqualified person or a horse is under the direct or indirect management of a disqualified person.

(5) A horse is wholly or partially owned by the spouse of a disqualified person or a horse is under the direct or indirect management of the spouse of a disqualified person. In such cases, a presumption that may be rebutted is that the disqualified person and spouse constitute a single financial entity with respect to the horse.

(6) A horse is owned in whole or in part by an undisclosed person or interest.

(7) A horse has been nerved by surgical neurectomy.

(8) A horse has been trachea-tubed to artificially assist breathing.

(9) A horse has impaired eyesight in both eyes.

(10) A horse appears on the Iowa veterinarian's list, notwithstanding a horse appearing on the veterinarian's list as a "bleeder." In addition, a horse appearing on any starter's, stewards', or paddock judge's list, or the veterinarian's list in another jurisdiction, is ineligible unless the horse is removed from the list by the day of the race and approved by the board of stewards to enter.

(11) A horse is barred from racing in any racing jurisdiction.

(12) A horse under four years of age has been injected with bisphosphonates. A horse four years of age or older may only be administered bisphosphonate if the bisphosphonate is Food and Drug Administration-approved for use in the horse, is for a diagnosed case of navicular disease, and is administered in accordance with the label requirements. If bisphosphonate is administered as permitted by rule, the commission must be notified within 24 hours of the administration. If bisphosphonate is detected in sampling or if a horse is administered bisphosphonate, the horse will be placed on the veterinarian's list for no less than six months.

(13) A horse has had any intra-articular joint injection within the past six days. When counting the number of days a horse is ineligible to run following an intra-articular injection, the day of injection is the first day. The detection of two or more corticosteroids constitutes a stacking violation.

(14) A horse has been administered thyroxine and thyroid modulators/hormones, including but not limited to those containing T4 (tetraiodothyronine/thyroxine), T3 (triiodothyronine), or combinations thereof. This excludes a horse that has been individually prescribed thyroxine and thyroid modulators/hormones.

b. A horse is ineligible to start a race when:

(1) The horse is not stabled on the premises of the facility by the time designated by the stewards.

(2) The horse's breed registration certificate is not on file, physically or digitally, with the racing secretary, or horse identifier, except where the racing secretary has submitted the certificate to the breed registry for correction or transfer of ownership. The stewards may, in their discretion, waive the requirement provided the registration certificate is in the possession of another board of stewards, a copy of the registration certificate is on file with the racing secretary, and the horse is otherwise properly identified. For claiming races, if the claimed horse has been approved by the stewards to run without the registration certificate on file in the racing office, then the registration certificate must be provided to the racing office within seven business days for transfer to the new owner before claiming funds will be approved for transfer by the stewards.

(3) The horse is not fully identified by an official tattoo on the inside of the upper lip or digital tattoo or microchip.

(4) A horse is brought to the paddock and is not in the care of and saddled by a currently licensed trainer or assistant trainer unless excused by the stewards.

(5) No current negative Coggins test or current negative equine infectious anemia test certificate is attached to the horse's registration certificate or otherwise accessible by the commission or racing association.

(6) The stakes or entrance money for the horse has not been paid.

(7) The horse appears on the starter's list, stewards' list, paddock list, or veterinarian's list, including as a bleeder.

(8) The horse is a first-time starter not approved by the starter and does not have a minimum of two official workouts for quarter horses or a minimum of three official workouts for thoroughbreds.

(9) Within the past calendar year, the horse has started in a race that has not been reported in a nationally published monthly chartbook, unless, at least 48 hours prior to entry, the owner of the horse provides to the racing secretary performance records that show the place and date of the race, distance, weight carried, amount carried, and the horse's finishing position and time.

(10) In a stakes race, a horse has been transferred with its engagements, unless prior to the start, the fact of transfer of the horse and its engagements has been filed with the racing secretary.

(11) A horse is subject to a lien that has not been approved by the stewards and filed with the horsemen's bookkeeper.

(12) A horse is subject to a lease not filed with the stewards.

(13) A horse is not in sound racing condition.

(14) A horse has been blocked with alcohol or injected with any other foreign substance or drug to desensitize the nerves of the leg.

(15) A thoroughbred has shoes (racing plates) that have toe grabs with a height greater than two millimeters (0.07874 inches), bends, jars, caulks, stickers or any other traction device on the front hooves while racing or training on all racing surfaces.

(16) A quarter horse has front shoes that have toe grabs with a height greater than four millimeters (0.15748 inches), bends, jars, caulks, stickers or any other traction device worn on the front shoes.

10.8(2) *Entries.*

a. The facility provides forms for making entries and declarations with the racing secretary. Entries and declarations must be in writing, or by telephone or fax subsequently confirmed in writing

by the owner, trainer, or licensed designee. When any entrant or nominator claims failure or error in the receipt by a facility of any entry or declaration, the entrant or nominator may be required to submit evidence within a reasonable time of the filing of the entry or the declaration. Individuals who hold a jockey agent license, regardless of other licenses held, are not permitted to make entries after a time set by the stewards.

b. Upon the closing of entries, the racing secretary or designee will promptly compile a list of entries and cause it to be conspicuously posted.

c. Coupling. There will be no coupled entries in any race. In races, excluding stakes races, that overfill, trainers must declare preference of runners with identical ownership at time of entry. Same-owner, second-choice horses will be least preferred. A trainer, owner or licensed designee cannot enter more than three horses in a race unless the race is split or divided.

d. Split or divided races.

(1) In the event a race is canceled or declared off, the facility may split any overnight race for which post positions have not been drawn.

(2) Where an overnight race is split, forming two or more separate races, the racing secretary will give notice of not less than 15 minutes before such races are closed to grant time for making additional entries to each split race.

(3) A trainer may enter more than the maximum number of entries allowed under paragraph 10.8(2)*"c"* if the entries are declared at time of entry as "split entry only" and preference is given by the trainer for the trainer's first three entries.

(4) The racing secretary or designee will split an overnight race so that common ownership, identical ownership, or common trainers will divide as equally as possible between two or more races.

e. Entry weight. Owners, trainers, or any other duly authorized person who enters a horse for a race should ensure the entry is correct and accurate as to the weight allowances available and claimed for the horse under the conditions set for the race. After a horse is entered and has been assigned a weight to carry in the race, the assignment of weight will not be changed except in the case of error and with the stewards' approval. Weight allowances may be waived with the approval of the stewards.

f. Consecutive days. No horse may run twice within four consecutive calendar days. For the purpose of this rule, the day after the start is the first day.

g. Foreign entries. For the purposes of determining eligibility, weight assignments, or allowances for horses imported from a foreign nation, the racing secretary or designee will take into account the standards established by the European Pattern Committee and the International Federation of Horseracing Authorities (IFHA).

h. Weight conversions. For the purpose of determining eligibility, weight assignments, or allowances for horses imported from a foreign nation, the racing secretary will convert metric distances to English measures by reference to the following scale:

1 sixteenth	= 100 meters
1 furlong	= 200 meters
1 mile	= 1600 meters

i. Name. The "name" of a horse means the name reflected on the certificate of registration, racing permit, or temporary racing permit issued by the breed registry. Imported horses must have a suffix, enclosed by brackets, added to their registered names showing the country of foaling. This suffix is derived from the international code of suffixes and constitutes part of the horse's registered name. The registered names and suffixes, where applicable, will be printed in the official program.

j. Bona fide entry. No person may enter or attempt to enter a horse for a race unless that entry is a bona fide entry, made with the intention that the horse is to compete in the race for which the horse was entered.

k. Registration certificate to reflect correct ownership. Every breed registry foal certificate filed physically or digitally with the racing secretary to establish the eligibility of a horse to be entered for any race must accurately reflect the correct and true ownership of the horse. The name of the owner

that is printed on the official program for the horse must conform to the ownership as declared on the certificate of registration or eligibility certificate unless a stable name has been registered with the commission for the owner or ownership.

l. Naming/engaging of riders. Riders are named at the time of entry. If, at the conclusion of the draw of a race, a trainer does not have a rider, all riders who are available will be made known to the trainer at that time via telephone or in person by the stewards or their designee. A trainer who does not name a rider prior to the conclusion of the draw of a race, and reasonable attempts have been employed to contact the trainer with no response, will have an available rider engaged at the facility placed on the horse, determination of which will be drawn by lot. Riders properly engaged as a first or second call in a race must fulfill their engagements as required in subrule 10.7(4).

m. More than one race. No horse may be entered in more than one race, with the exception of stakes races, to be run on the same day on which pari-mutuel wagering is conducted.

n. Iowa-foaled horse. An Iowa-foaled horse cannot enter a race limited to Iowa-foaled horses unless the horse is registered with and the papers are either physically or digitally stamped by the department of agriculture and land stewardship. An Iowa-foaled horse may run in an open race without the stamp but is ineligible for Iowa-bred supplement, Iowa-bred breeders awards, and Iowa-bred breeders supplement.

10.8(3) *Sweepstakes entries.*

a. Entry and withdrawal. The entry of a horse in a sweepstakes is a subscription to the sweepstakes. Before the time of closing, any entry or subscription may be altered or withdrawn.

b. Entrance money. Entrance money is paid by the nominator to a race. In the event of the death of the horse or a mistake made in the entry of an otherwise eligible horse, the nominator subscriber continues to be obligated for any stakes, and the entrance money will not be returned.

c. Quarter horse scratches and qualifiers unable to participate in finals. If a horse is scratched from the time trial finals, the horse's owner is not eligible for a refund of the fees paid. If a horse that qualified for the final is unable to enter due to racing soundness, or scratched for any reason other than a positive drug test report or a rule violation, the horse will be deemed to have earned, and the owner will receive, last place money. If more than one horse is unable to enter due to racing soundness, or is scratched for any reason other than a positive drug test report or a rule violation, then those purse moneys will be added together and divided equally among the horse owners.

10.8(4) *Closing of entries.*

a. Overnight entries. The racing secretary or designee will close entries for overnight racing at 10 a.m. unless the racing secretary establishes or the stewards approve a later closing.

b. Sweepstakes entries. If an hour for closing is designated, entries and declarations for sweepstakes cannot be received thereafter. However, if a time for closing is not designated, entries and declarations may be mailed or faxed until midnight of the day of closing, if they are received in time to comply with all other conditions of the race. In the absence of notice to the contrary, entries and declarations for sweepstakes that close during or on the day preceding a race meeting will close at the office of the racing secretary in accordance with any requirements the secretary sets. Closing for sweepstakes not during race meetings will be at the office of the facility.

c. Exception. Nominations for stakes races will not close, nor will any eligibility payment be due, on a day when the United States Postal Service is not operating.

10.8(5) *Prohibited entries.*

a. Entry by disqualified person. An entry made by a disqualified person or the entry of a disqualified horse is void. Any money paid for the entry will be returned, if the disqualification is disclosed at least 45 minutes before post time for the race. Otherwise, the entry money will be paid to the winner.

b. Limited partner entry prohibited. No person other than a managing partner of a limited partnership or a person authorized by the managing partner may enter a horse owned by that partnership.

c. Altering entries prohibited. No alteration may be made in any entry after the closing of entries, but the stewards may permit the correction of an error in an entry.

d. Limitation on overnight entries. If the number of entries to any purse or overnight race is in excess of the number of horses that may be accommodated due to the size of the track, the starters for the race and their post positions will be determined by lot conducted in public by the racing secretary.

e. Stake race entry limit. In a stake race, the number of horses that may compete is limited only by the number of horses nominated and entered. In any case, the facility's lawful race conditions govern.

f. Stewards' denial of entry. The stewards may, after notice to the entrant, subscriber, or nominator, deny entry of any horse to a race if the stewards determine the entry to be in violation of these rules or the laws of this state or to be contrary to the interests of the commission in the regulation of pari-mutuel wagering or to public confidence in racing.

10.8(6) *Preferences and eligibles.*

a. Also eligible. A list of no more than eight names may be drawn from entries filed in excess of positions available in the race. These names will be listed as "also eligible" to be used as entries if originally entered horses are withdrawn. Any owner, trainer, or authorized agent who has entered a horse listed as an "also eligible" and who does not wish to start will file a scratch card with the secretary not later than the scratch time designated for that race. "Also eligibles" have preference to scratch.

b. Preference system. A system using dates or stars will be used to determine preference for horses being entered in races. The system used is at the option of the racing secretary and approved by the stewards. A preference list will be kept current by the racing secretary and made available to horsemen upon request.

c. Disputed decision. When the decision of a race is in dispute, all horses involved in the dispute, with respect to the winner's credit or earnings, are liable to all weights or conditions attached to the winning of that race until a winner has been finally adjudged.

10.8(7) *Post positions.* Post positions will be determined by the racing secretary or designee publicly and by lot. Post positions will be drawn from "also eligible" entries at scratch time. In all races, horses drawn into the race from the "also eligible" list take the outside post positions, except in straightaway quarter horse racing. In straightaway quarter horse racing, the post position of the scratched horse is assigned to the horse "drawing in." If there is more than one scratch, the post positions will be assigned by lot.

10.8(8) *Scratch; declaring out.*

a. Notification to the secretary. No horse is considered scratched, declared out, or withdrawn from a race until the owner, agent, or other authorized person has given notice in writing to the racing secretary or designee before the time set by the facility as scratch time. All scratches must be approved by the stewards.

b. Declaration irrevocable. Scratching or the declaration of a horse out of an engagement for a race is irrevocable.

c. Limitation on scratches. No horse may be scratched from a race if the horses remaining in the race number fewer than seven betting interests, unless the stewards permit a lesser number. When the number of requests to scratch would, if granted, leave a field of fewer than seven, the stewards will determine by lot which entrants may be scratched and permitted to withdraw from the race. Veterinarian scratches will be preferred and accepted without regard to the number of entries.

d. Scratch time. Unless otherwise set by the stewards, scratch times are as follows:

(1) Stakes races. Scratch time will be at least 45 minutes before post time.

(2) Other races. Scratch time will be set by the stewards prior to the start of the meet.

10.8(9) *Workouts.*

a. Thoroughbreds, when required.

(1) No horse may start unless the horse has raced in an official race or has had an approved official timed workout satisfactory to the stewards, and adheres to the following for horses that are not first-time starters:

1. A horse that has not started for a period of 60 days or more must have had an official workout satisfactory to the stewards prior to the day of the race in which the horse started, and the horse must have had an official workout within the previous 30 days.

2. A horse that has not started for a period of 180 days or more must have had two official workouts, one of which must have occurred within the previous 30 days prior to the day of the race in which the horse started.

3. A horse that has not started for a period of 365 days or more must fulfill the following requirements before being allowed to start:

- The horse must have had three official workouts.
- One of the three official workouts must have been from the starting gate going at least one-half mile, within 60 days of starting.

(2) No first-time starter may race unless it has had three official workouts, with one having occurred from the gate within the previous 60 days, and is approved to start from the gate by the starter.

b. Quarter horses, when required.

(1) No horse may start unless the horse has raced in an official race or has had an approved official timed workout satisfactory to the stewards, and adheres to the following for horses that are not first-time starters:

1. A horse that has not started for a period of 60 days or more is ineligible to race until it has had an official workout satisfactory to the stewards prior to the day of the race in which the horse started, and the horse must have had an official workout within the previous 60 days.

2. A horse that has not started for a period of 180 days or more must have had two official workouts, one of which must have occurred within the previous 60 days.

3. A horse that has not started for a period of 365 days or more must fulfill the following requirements before being allowed to start:

- The horse must have had two official workouts.
- One of the two official workouts must have been from the starting gate within 60 days of starting.

(2) No first-time starter may race unless it has had two official workouts, with one having occurred from the gate within the previous 60 days, and is approved to start from the gate by the starter.

c. Counting of days. For the purpose of counting the number of days a horse is ineligible to start, the day after the workout is the first day.

d. Identification. The timer or the stewards may require licensees to identify a horse in their care being worked. The owner, trainer, or jockey may be required to identify the distance the horse is to be worked and the point on the track where the workout will start.

e. Information dissemination. If the stewards approve the timed workout so as to permit the horse to run in a race, they will require this information to be furnished to the public in advance of the race, including but not limited to the following means:

(1) Announcement over the facility's public address system;

(2) Transmission on the facility's message board;

(3) Posting in designated conspicuous places in the racing enclosure; and

(4) Exhibit on track TV monitors at certain intervals if the track has closed circuit TV. If the workout is published prior to the race in either the Daily Racing Form or the track program, then it is not necessary to make the announcements set forth above.

f. Restrictions. No horse may be taken onto the track for training or a workout except during hours designated by the facility.

10.8(10) *Equipment.*

a. Whip and bridle limitations. Unless permitted by the stewards, no whip or substitute for a whip may exceed one pound or 30 inches, and no bridle may exceed two pounds.

b. Equipment change. No licensee may change the equipment used on a horse from that used in the horse's last race, unless with permission of the stewards. No licensee may add blinkers or cheek pieces to a horse's equipment, or discontinue their use, without the prior approval of the starter. First-time starters must race with or without blinkers or cheek pieces in accordance with the gate approval card issued by the starter. In the paddock prior to a race, a horse's tongue may be tied down with clean bandages, clean gauze, or with a tongue strap.

10.8(11) *Racing numbers and silks.*

a. Number display. Each horse in a race will carry a conspicuous saddle cloth number corresponding to the official number given that horse on the official program.

b. Field horses. In a combined field of horses, each horse in the field will carry a separate number.

c. Racing silks. Racing silks are turned in to the racing office or jockey room custodian upon arrival to the facility.

(1) All horses running in a race must race in an owner's silk or trainer's silk.

(2) In the case of a partnership, the horse will run with a managing partner's silk or a trainer's silk if no partnership silk is available.

(3) Under special circumstances, the stewards in their discretion may permit a horse to run in a house silk.

10.8(12) *Dead heats.*

a. When two horses run a dead heat for first place, all purses or prizes to which first and second horses would have been entitled will be divided equally between them; this applies in dividing all purses or prizes whatever the number of horses running a dead heat and whatever places for which the dead heat is run.

b. In the event of a dead-heat finish for second place and thereafter, when an objection to the winner of the race is sustained, the horses in the dead heat are considered to have run a dead heat for first place.

c. If a prize includes a cup, plate, or other indivisible prize, owners will draw lots for the prize in the presence of at least two stewards.

10.8(13) *Equine infectious anemia (EIA) test.*

a. Certificate required. No horse may start or be stabled on the premises of the facility unless a valid negative Coggins test or other laboratory-approved negative EIA test certificate is on file with the racing secretary.

b. Trainer responsibility. In the event of claims, sales, or transfers, it is the new trainer's responsibility to ascertain the validity of the certificate for the horse within 24 hours. If the certificate is either unavailable or invalid, the previous trainer is responsible for any reasonable cost associated with obtaining a negative EIA laboratory certificate.

c. Positive test reports. Whenever any owner or trainer is furnished a positive Coggins test or positive EIA test result, the owner or trainer must immediately notify the commission veterinarian and comply with directives or guidance provided by the commission veterinarian. The commission veterinarian will consult with the department of agriculture and land stewardship.

10.8(14) *Race procedures.*

a. Full weight. Each horse must carry the full weight assigned for that race from the paddock to the starting point and will parade past the stewards' stand, unless excused by the stewards.

b. Touching and dismounting prohibited. After the horses enter the track, jockeys cannot dismount or entrust their horse to the care of an attendant unless due to an accident occurring to the jockey, the horse, or the equipment, and then only with the prior consent of the starter. During any delay during which a jockey is permitted to dismount, all other jockeys may dismount and their horses may be attended by others. After the horses enter the track, only the hands of the jockey, the starter, the assistant starter, the commission veterinarian, an outrider on a lead pony, or persons approved by

the stewards may touch the horse before the start of the race. If a horse throws its jockey on the way from the paddock to the post, the horse must be returned to the point where the jockey was thrown, where the horse will be remounted and then proceed over the route of the parade to the post. The horse must carry its assigned weight from paddock to post and from post to finish.

c. Jockey injury. If a jockey is seriously injured on the way to the post, the horse will be returned to the paddock, a replacement jockey obtained, and both the injured jockey and the replacement jockey will be paid by the owner.

d. Twelve-minute parade limit. After entering the track, all horses will proceed to the starting post in not more than 12 minutes unless approved by the stewards. After passing the stewards' stand in parade, the horses may break formation and proceed to the post in any manner. Once at the post, the horses will be started without unnecessary delay. All horses must participate in the parade carrying their weight and equipment from the paddock to the starting post, and any horse failing to do so may be disqualified by the stewards. A lead pony leading a horse in the parade cannot obstruct the public's view of the horse being led except with permission of the stewards.

e. Striking a horse prohibited. In assisting the start of a race, no person other than the jockey, starter, assistant starter, or veterinarian may strike a horse or use any other means to assist the start.

f. Loading of horses. Horses will be loaded into the starting gate in numerical order or in any other fair and consistent manner determined by the starter and approved by the stewards.

g. Delays prohibited. No person may obstruct or delay the movement of a horse to the starting post.

10.8(15) *Claiming races.*

a. Eligibility.

(1) Registered to race or open claim. No person may file a claim for any horse unless the person:

1. Is a licensed owner at the meeting who either has foal paper(s) registered with the racing secretary's office or has started a horse at the meeting; or

2. Is a licensed authorized agent, authorized to claim for an owner eligible to claim; or

3. Has a valid open claim certificate. Any person not licensed as an owner, or a licensed authorized agent for the account of the same, or a licensed owner not having foal paper(s) registered with the racing secretary's office or who has not started a horse at the current meeting may request an open claim certificate from the commission. The person must submit a completed application for a prospective owner's license to the commission. The applicant must disclose or list the name of the trainer licensed by the commission who will be responsible for the claimed horse. A nonrefundable fee must accompany the application along with any financial information requested by the commission. The names of the prospective owners will be prominently displayed in the offices of the commission and the racing secretary. The application will be processed by the commission; and when the open claim certificate is exercised, an owner's license will be issued; or

4. Is not a family member related within the second degree of affinity or consanguinity to the person or ownership entity who owns the horse. For the purpose of determining whether an ownership entity is excluded from claiming a horse or having a horse claimed, a family member within the second degree of affinity or consanguinity means a parent, child, grandparent, grandchild, sibling, or in-law who owns or controls 5 percent or more of said entity.

(2) Number of claims.

1. An ownership entity (sole owner, partnership, limited liability partnership, racing stable, corporation, limited liability corporation, or owner/trainer acting as an owner) cannot claim more than one horse in a race. Any commonality of ownership prohibits more than one claim in a race by any of those entities.

2. An authorized agent or trainer acting on behalf of an ownership entity cannot submit more than two claims in a race with two separate ownership interests.

3. A trainer cannot receive more than two horses from any claiming race.

b. Procedure for claiming. To make a claim for a horse, an eligible person must:

(1) Deposit to the person's account with the horsemen's bookkeeper the full claiming price, as printed in the official program, and applicable taxes as established by the racing secretary's conditions.

(2) File in a locked claim box maintained for that purpose by the racing secretary the claim filled out completely in writing and with sufficient accuracy to identify the claim on forms provided by the facility at least ten minutes before the post time of the race.

c. Claim box.

(1) The claim box will be approved by the commission and kept locked until ten minutes prior to the start of the race, when it will be presented to the stewards or their representatives for opening and publication of the claims.

(2) The claim box will also include a time clock that automatically stamps the time on the claim envelope prior to its being dropped in the box.

(3) No official of a facility may give any information as to the filing of claims therein until after the race has been run.

d. Claim irrevocable. After a claim has been filed in the claim box, it cannot be withdrawn.

e. Multiple claims on single horses. If more than one claim is filed on a horse, the successful claim will be determined by lot conducted by the stewards or their representatives. After title to the claimed horse is determined by lot, all other claims on that horse are deemed null and void. If the winning claim determined by lot is subsequently ruled invalid for any reason, title to the horse will be returned to the owner of the horse prior to the lot draw. The successful claimant is responsible for all care and maintenance of the horse from the time the horse is transferred to the claimant until the time the horse is returned to the prior owner after invalidation of the claim.

f. Successful claims; later races.

(1) Sale or transfer. No successful claimant may sell or transfer a horse, except in a claiming race, for 30 days from the date of claim.

(2) Eligibility price. A horse claimed cannot start in a race in which the claiming price is less than the amount for which it was claimed. After 30 days, a horse may start for any claiming price. This provision does not apply to starter handicaps in which the weight to be carried is assigned by the handicapper or for starter allowances. No right, title, or interest for any claimed horse may be sold or transferred except in a claiming race for a period of 30 days following the date of claiming. To calculate the 30-day period, the day claimed does not count, and the following calendar day is the first day.

(3) Racing elsewhere. A horse that was claimed under these rules cannot participate at a race meeting other than that at which it was claimed until the end of the meeting, except with written permission of the stewards. This limitation does not apply to stakes races.

(4) Same management. A claimed horse cannot remain in the same stable or under the control or management of its former owner or trainer. No person may claim their own horse or cause their own horse to be claimed, directly or indirectly, for their own account.

(5) When a horse is claimed out of a claiming race, the horse's engagements are included.

g. Transfer after claim.

(1) Forms. Upon a successful claim, the stewards will issue in triplicate, on forms approved by the commission, an authorization of transfer of the horse from the original owner to the claimant. Copies of the transfer authorization will be forwarded to and maintained by the commission, the stewards, and the racing secretary.

(2) No claimed horse will be delivered by the original owner to the successful claimant until the claim is approved by the stewards. Every horse claimed races for the account of the original owner, but title to the horse is transferred to the claimant at the moment the horse becomes a starter, and the successful claimant becomes the owner of the horse unless the claim is voided by the stewards. Only a horse that is officially a starter in the race may be claimed. A subsequent disqualification of the horse by order of the stewards has no effect upon the claim.

(3) The stewards will void the claim and return the horse to the original owner if:

1. The claimed horse suffers a fatality during the running of the race, dies, or is euthanized before leaving the track.

2. The commission veterinarian, during the veterinarian's observation of the horse coming off the track or upon its arrival to the test barn, determines the horse will be placed on the veterinarian's list. The stewards will not void the claim if, prior to the race in which the horse is claimed, the claimant elects to claim the horse regardless of whether the commission veterinarian determines the horse will be placed on the veterinarian's list. An election made under this rule will be entered on the claim form.

3. The race is called off, canceled, or declared no contest.

4. The proper credit balance has not been established with the horsemen's bookkeeper.

5. The claim is otherwise inconsistent with Iowa law and the commission's rules.

(4) Other-jurisdiction rules. The commission will recognize and be governed by the rules of any other jurisdiction regulating title and claiming races when ownership of a horse is transferred or affected by a claiming race conducted in that other jurisdiction.

(5) Determination of sex and age. The claimant, within 48 hours, is responsible for determining the age and sex of the horse claimed notwithstanding any designation of sex and age appearing in the program or in any racing publication. Horses that are spayed or gelded must be properly identified in the program. If the claimant finds that a mare is in fact spayed or that the status of a male horse is inaccurate as stated by the program, the claimant may return the horse for full refund of the claiming price.

(6) Affidavit by claimant. The stewards may, if they determine it necessary, require any claimant to execute a sworn statement that the claimant is claiming the horse for the claimant's own account or as an authorized agent for a principal and not for any other person.

(7) Delivery required. No person may refuse to deliver a properly claimed horse to the successful claimant. The claimed horse is disqualified from entering any race until delivery is made to the claimant.

(8) Obstructing the rules of claiming. No person or licensee may obstruct or interfere with another person or licensee in claiming any horse, enter into any agreement with another to subvert or defeat the object and procedures of a claiming race, or attempt to prevent any horse entered from being claimed.

h. Elimination of stable. An owner whose stable has been eliminated by claiming may claim for the remainder of the meeting at which eliminated or for 30 racing days, whichever is longer. With the permission of the stewards, stables eliminated by fire or other casualty may claim under this rule.

i. Disallowance of claim. The stewards may cancel and disallow any claim within 24 hours after a race if they determine that a claim was made upon the basis of a lease, sale, or entry of a horse made for the purpose of fraudulently obtaining the privilege of making a claim; or if an eligible claimant improperly obtains information or access to horses by being present in the paddock during the claiming race unless the claimant has a horse in that claiming race, as determined solely by the stewards. In the event of a disallowance, the stewards may further order the return of a horse to its original owner and the return of all claim moneys. To disallow a claim, it must be shown by clear and convincing evidence that there is a direct and substantial connection between the eligible claimant and the owner or owner's trainer of the horse to be claimed wherein the eligible claimant improperly gained information about the horse to be claimed and the information was otherwise unavailable to other licensed owners or ownership entities.

j. Protest of claim. A protest to any claim must be filed with the stewards before noon of the day following the date of the race in which the horse was claimed. Nonracing days are excluded from this rule. Should the stewards void a claim for reasons other than failure to follow the procedure for claiming, when there are multiple claims on a singular horse, said claim will not be voided until after the determination by lot.

k. Waived claiming rule. At the time of entry into claiming races, the owner, trainer, or any authorized agent may opt to declare a horse ineligible to be claimed provided:

(1) The horse has not been an official starter at any racetrack for a minimum of 120 days since the horse's last race as an official starter (at time of race);

(2) The horse's last race as an official starter was one in which the horse was eligible to be claimed;

(3) The horse is entered for a claiming price equal to or greater than the claiming price at which the horse last started as an official starter;

(4) Failure of declaration of ineligibility at time of entry cannot be remedied; and

(5) Ineligibility to be claimed applies only to the horse's first start as an official starter following each such 120-day or longer layoff.

l. Eligibility of in-foal filly or mare. An in-foal filly or mare is eligible to be entered into a claiming race only if the following conditions are fulfilled:

(1) Full disclosure of such fact is on file with the racing secretary and such information is posted in the secretary's office;

(2) The stallion service certificate has been deposited with the racing secretary's office before the horse runs;

(3) All payments due for the service in question and for any live progeny resulting from that service are paid in full;

(4) The release of the stallion service certificate to the successful claimant at the time of claim is guaranteed; and

(5) The cutoff for racing is 150 days of gestation.

10.8(16) *Quarter horse time trial races.*

a. Except in cases where the starting gate physically restricts the number of horses starting, each time trial will consist of no more than ten horses.

b. The time trials will be raced under the same conditions as the finals. If the time trials are conducted on the same day, the horses with the ten fastest times qualify to participate in the finals. If the time trials are conducted on two days, the horses with the five fastest times on the first day and the horses with the five fastest times on the second day qualify to participate in the finals. When time trials are conducted on two days, the racing office should make every attempt to split owners with more than one entry into separate days so that the owner's horses have a chance at all ten qualifying positions.

c. If the facility's starting gate has fewer than ten stalls, the maximum number of qualifiers will correspond to the maximum number of starting gate post positions.

d. If only 11 or 12 horses are entered to run in time trials from a gate with 12 or more stalls, the facility may choose to run finals only. If 11 or 12 horses participate in the finals, only the first 10 finishers will receive purse money.

e. In the time trials, horses qualify on the basis of time and order of finish. The times of the horses in the time trial will be determined to the limit of the timer. The only exception is when two or more horses have the same time in the same trial heat. Then the order of finish also determines the preference in the horses' qualifying for the finals. Should two or more horses in different time trials have the same qualifying time to the limit of the timer for the final qualifying position(s), then a draw by public lot will be conducted as directed by the stewards. Under no circumstances should stewards or placing judges attempt to determine horses' qualifying times in separate trials beyond the limit of the timer by comparing or enlarging a photo finish picture.

f. Except in the case of disqualification, under no circumstances will a horse qualify ahead of a horse that finished ahead of that horse in the official order of finish in a time trial.

g. Should a horse be disqualified for interference during the running of a time trial, it will receive the time of the horse it is immediately placed behind plus one hundredth of a second, or the maximum accuracy of the electronic timing device. No adjustments will be made in the times recorded in the time trials to account for headwind, tailwind, and off track. In the case where a horse is disqualified for interference with another horse causing loss of rider or the horse not to finish the

race, the disqualified horse may be given no time plus one hundredth of a second, or the maximum accuracy of the electronic timing device.

h. Should a malfunction occur with an electronic timer on any time trial, finalists from that time trial will then be determined by official hand times operated by three official and disinterested persons. The average of the three hand times will be utilized for the winning time, unless one of the hand times is clearly incorrect. In such cases, the average of the two accurate hand times will be utilized for the winning time. The other horses in that race will be given times according to the order and margins of finish with the aid of the photo finish strip, if available.

i. Unless the conditions of the stakes race provide otherwise, when there is a malfunction of the timer during the time trials, but the timer operates correctly in other time trials, the accurate electronic times should not be discarded in favor of the average of the hand times used for all time trials.

j. Where the accuracy of the electronic timer or the average of the hand times is questioned, the video of a time trial may be used to estimate the winning time by counting the number of video frames in the race from the moment the starting gate stall doors are fully open parallel to the racing track. This method is accurate to approximately .03 seconds. If the timer malfunctions and there are no hand times, the stewards have the option to select qualifiers based on the video time.

k. Should there be a malfunction of the starting gate and one or more stall doors not open or open after the exact moment when the starter dispatches the field, the stewards may declare the horses in stalls with malfunctioning doors to be nonstarters. The stewards have the option, however, to allow any horse whose stall door opened late but still ran a time fast enough to qualify to be declared a starter for qualifying purposes. If a horse breaks through the stall door or the stall door opens prior to the exact moment the starter dispatches the field, the horse will be declared a nonstarter and all entry fees refunded. If one or more, but not all, stall doors open at the exact moment the starter dispatches the field, these horses should be considered starters for qualifying purposes, and placed according to their electronic times. If the electronic timer malfunctions in this instance, the average of the hand times, or, if not available, the video time, should be utilized for the horses that were declared starters.

l. There will be an also eligible list only in the case of a disqualification for a positive drug test report, ineligibility of the horse according to the conditions of the race, or a disqualification by the stewards for a rule violation. Should a horse be disqualified for a positive drug test report, ineligibility of the horse according to the conditions of the race, or a disqualification by the stewards for a rule violation, the next fastest qualifier assumes the disqualified horse's position in the finals.

m. If a horse is scratched from the time trials, the horse's owner will not be eligible for a refund of the fees paid, and that horse will not be allowed to enter the finals under any circumstances. If a horse that qualified for the finals is unable to enter due to racing soundness or is scratched for any reason other than a positive drug test report or a rule violation, the horse is deemed to have earned, and the owner will receive, last place purse money. If more than one horse is scratched from the finals for any reason other than a positive drug test report or a rule violation, then the purse moneys will be added together and divided equally among the owners.

[**ARC 0187D**, IAB 4/1/26, effective 5/6/26]

491—10.9(99D) Medication and administration, sample collection, chemists, and practicing veterinarian.

10.9(1) *Medication and administration.*

a. No horse, while participating in a race, may carry in its body any medication, drug, foreign substance, or metabolic derivative thereof, that is a narcotic or that could serve as a local anesthetic or tranquilizer or that could stimulate or depress the circulatory, respiratory, or central nervous system of a horse, thereby affecting its speed.

b. Any drugs or foreign substances that might mask or screen the presence of the prohibited drugs, or prevent or delay testing procedures, are also prohibited.

c. Proof of detection by the commission chemist of the presence of a medication, drug, foreign substance, or metabolic derivative thereof, prohibited by paragraph 10.9(1)*"a"* or *"b,"* in any bodily

substances including but not limited to saliva, urine, blood, or hair sample duly taken under the supervision of the commission veterinarian from a horse immediately prior to or promptly after running in a race is prima facie evidence that the horse was administered, with the intent that it would carry or that it did carry in its body while running in a race, a prohibited medication, drug, or foreign substance in violation of this rule.

d. Administration or possession of drugs.

(1) No person shall administer, cause to be administered, or participate or attempt to participate in any way in the administration of any medication, drug, foreign substance, or treatment by any route to a horse registered for racing on the day of the race prior to the race in which the horse is entered.

(2) No person except a veterinarian shall have in the person's possession any prescription drug. Prescriptions must be written or dispensed or both only by duly licensed veterinarians in the context of a valid veterinarian-client-patient relationship and based upon a specific medical diagnosis. However, a person may possess a noninjectable prescription drug for animal use if all of the following are met:

1. The person actually possesses, within the racetrack enclosure, documentary evidence that a prescription has been issued to said person for such a prescription drug.

2. The prescription contains a specific dosage for the particular horse or horses to be treated by the prescription drug.

3. The horse or horses named in the prescription are in said person's care within the racetrack enclosure.

(3) No veterinarian or any other person shall have in their possession or administer to any horse within any racetrack enclosure any chemical or biological substance that:

1. Has not been approved for use on equines by the Food and Drug Administration pursuant to the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Section 301 et seq., and implementing regulations, without the prior written approval from a commission veterinarian, after consulting with the board of stewards.

2. Is on any of the schedules of controlled substances as prepared by the Attorney General of the United States pursuant to 21 U.S.C. Sections 811 and 812, without the prior written approval from a commission veterinarian after consultation with the board of stewards. The commission veterinarian will not give approval unless the person seeking the approval can produce evidence in recognized veterinary journals or by recognized equine experts that such chemical substance has a beneficial therapeutic use in horses.

(4) No veterinarian or any other person shall dispense, sell, or furnish any feed supplement, tonic, veterinary preparation, medication, or any other substance that can be administered or applied to a horse by any route, to any person within the premises of the facility unless it is labeled in conformance with this rule or is otherwise labeled as required by law. A substance does not comply with this rule if the label is missing, illegible, tampered with, or altered.

1. Labels for all substances must include the name of the substance dispensed; the name of the dispensing person; the name of the horse or horses for which the substance is dispensed; the purpose for which the substance is dispensed; the dispensing veterinarian's recommendations for withdrawal before racing, if applicable; and the name of the person to whom dispensed.

2. Labels for medications or other prescribed substances must include all items from paragraph 10.9(1)*"d"* and, in addition, the date the prescription was filled, name of the trainer or owner of the horse for whom the product was dispensed, dose, dosage, route of administration, duration of treatment of the prescribed product, and expiration date.

(5) No person shall have in the person's possession or in areas under said person's responsibility on facility premises any feed supplement, tonic, veterinary preparation, medication, or any substance that can be administered or applied to a horse by any route unless it complies with the labeling requirements in subparagraph 10.9(1)*"d"*(4).

(6) Unless approved by the commission veterinarian, no person shall possess, use, or distribute a compounded medication within the premises of the facility if there is a Food and Drug Administration-approved equivalent of that substance available for purchase. Veterinary drugs must be

compounded in accordance with all applicable state and federal laws. Compounded medication may be dispensed only by prescription issued by a licensed veterinarian to meet the medical needs of a specific horse and for use only in that specific horse. All compound medications must be labeled as required by law.

(7) Any drug or medication for horses that is used or kept on facility premises and that requires a prescription must be prescribed in compliance with applicable state law and regulations by a veterinarian who is duly licensed by the commission, the Iowa veterinary board, or the state in which the horse was located at the time of the examination, diagnosis, and prescription.

e. Any person found to have administered, or caused, participated in, or attempted to participate in any way in the administration of a medication, drug, or foreign substance that caused or could have caused a violation of this rule is subject to disciplinary action.

f. The owner, trainer, groom, or any other person having charge, custody, or care of the horse is obligated to protect the horse properly and guard it against the administration or attempted administration of a substance in violation of this rule. If the stewards find that any person has failed to show proper protection and guarding of the horse, or if the stewards find that any owner, lessee, or trainer is guilty of negligence, they will impose discipline and take other action they deem proper under any of the rules, including referral to the commission.

g. In order for a horse to be placed on the bleeder list in Iowa through reciprocity, that horse must be certified as a bleeder in another state or jurisdiction. A certified bleeder is a horse that has raced with furosemide in another state or jurisdiction in compliance with the laws governing furosemide in that state or jurisdiction.

h. The possession or use of blood doping agents, including but not limited to those listed below, on the premises of a facility under the jurisdiction of the commission is forbidden:

(1) Erythropoietin;

(2) Darbepoetin;

(3) Oxyglobin®; and

(4) Hemopure®.

i. The use of extracorporeal shock wave therapy or radial pulse wave therapy is not permitted unless the following conditions are met:

(1) Any treated horse cannot race for a minimum of ten days following treatment;

(2) The use of extracorporeal shock wave therapy or radial pulse wave therapy machines is limited to veterinarians licensed to practice by the commission;

(3) Any extracorporeal shock wave therapy or radial pulse wave therapy machines on the association grounds must be registered with and approved by the commission or its designee before use;

(4) All extracorporeal shock wave therapy or radial pulse wave therapy treatments must be reported to the official veterinarian on the prescribed form not later than the time prescribed by the official veterinarian.

j. The use of a nasogastric tube longer than six inches for the administration of any substance within 24 hours prior to the post time of the race in which the horse is entered is prohibited without the prior permission of the official veterinarian or designee.

k. Nonsteroidal anti-inflammatory drugs (NSAIDs) in thoroughbreds.

(1) The use of one of three approved NSAIDs is permitted under the following conditions, unless preempted by federal law:

1. The level does not exceed the following permitted serum or plasma threshold concentrations that are consistent with administration by a single intravenous injection at least 24 hours before the post time for the race in which the horse is entered:

- Phenylbutazone (or its metabolite oxyphenylbutazone) – 2 micrograms per milliliter;
- Flunixin – 20 nanograms per milliliter;
- Ketoprofen – 2 nanograms per milliliter.

2. The NSAIDs listed in numbered paragraph 10.9(1)*"k"*(1)"1" or any other NSAIDs are prohibited from being administered within the 24 hours before post time for the race in which the horse is entered.

3. The presence of more than one of the three approved NSAIDs, with the exception of phenylbutazone in a concentration below 0.3 micrograms per milliliter, flunixin in a concentration below 3 nanograms per milliliter, or ketoprofen in a concentration below 1 nanogram per milliliter of serum or plasma, or the presence of any unapproved NSAID in the post-race serum or plasma sample is not permitted. The use of all but one of the approved NSAIDs must be discontinued at least 48 hours before the post time for the race in which the horse is entered.

(2) Any horse to which an NSAID has been administered is subject to having a blood sample(s), urine sample(s) or both taken at the direction of the official veterinarian to determine the quantitative NSAID level(s) or the presence of other drugs that may be present in the blood or urine sample(s).

l. NSAIDs in quarter horses.

(1) "Approved NSAIDs" means only phenylbutazone (or its metabolite oxyphenylbutazone), flunixin, or ketaprofen. "Approved NSAIDs" does not include any other substance.

(2) The use of one of three approved NSAIDs is permitted under the circumstances set forth in this paragraph. The presence of more than one of the three approved NSAIDs, with the exception of phenylbutazone in a concentration below 1 microgram per milliliter of serum or plasma, is not permitted. The presence of any unapproved NSAID in the post-race serum or plasma sample is not permitted.

(3) The permissible level for approved NSAIDs cannot exceed concentrations that are consistent with administration by a single intravenous injection at least 48 hours before the post time for the race in which the horse is entered: 0.3 micrograms of phenylbutazone or oxyphenylbutazone per milliliter of serum or plasma; 5 nanograms of flunixin per milliliter of serum or plasma; or 2 nanograms of ketoprofen per milliliter of serum or plasma.

(4) Approved NSAIDs, or any other NSAIDs, cannot be administered within the 48 hours before post time for the race in which the horse is entered. Use of all but one approved NSAID must be discontinued at least 48 hours before the post time for the race in which the horse is entered.

10.9(2) *Sample collection of bodily substances.*

a. Under the supervision of the commission veterinarian, urine, blood, hair, and other bodily substances may be taken and tested from any horse that the stewards, commission veterinarian, or commission's representatives may designate. The samples will be collected by the commission veterinarian or other person or persons the commission may designate. Each sample is marked or numbered and bears information essential to its proper analysis, but the identity of the horse from which the sample was taken or the identity of its owners or trainer is not revealed to the official chemist or the staff of the chemist. The container of each sample is sealed as soon as the sample is placed therein.

b. No unauthorized person may be admitted at any time to the building or the area utilized for the purpose of collecting the required samples or the area designated for the retention of horses pending the obtaining of samples.

c. During the taking of samples from a horse, the owner, responsible trainer, or a representative designated by the owner or trainer may be present and witness the taking of the sample and so signify in writing. Failure to be present and witness the collection of the samples constitutes a waiver by the owner, trainer, or representative of any objections to the source and documentation of the sample.

d. The commission veterinarian, the board of stewards, agents of the division of criminal investigation, or a commission representative may take samples of any medicine or other materials suspected of containing improper medication, drugs, or other substance that could affect the racing condition of a horse in a race that may be found in barns or elsewhere on facility premises or in the possession of any person connected with racing, and the samples will be delivered to the official chemist for analysis.

e. Nothing in these rules is intended to prevent:

(1) Any horse in any race from being subjected by the order of a steward or the commission veterinarian to tests of bodily substances for the purpose of determining the presence of any foreign substance.

(2) The state steward or the commission veterinarian from authorizing the splitting of any sample.

(3) The commission or commission veterinarian from requiring bodily substances to be stored in a frozen state for future analysis.

f. Before leaving the racing surface, the trainer will ascertain the testing status of the horse under the trainer's care from the commission veterinarian or designated detention barn representative.

10.9(3) *Chemists or laboratory.*

a. Tests are to be under the supervision of the commission, which will employ one or more chemists or contract with one or more qualified chemical laboratories to determine by chemical testing and analysis of bodily substances whether a foreign substance, medication, drug or metabolic derivative thereof is present.

b. All bodily substance samples taken by or under direction of the commission veterinarian or commission representative will be delivered to the laboratory of the official chemist for analysis.

c. The commission chemist is responsible for safeguarding and testing each sample delivered to the laboratory by the commission veterinarian.

d. The commission chemist conducts individual tests on each sample, screening them for prohibited substances, and conducting other tests to detect and identify any suspected prohibited substance or metabolic derivative thereof with specificity. Pooling of samples is permitted only with the written approval of the administrator.

e. Upon the finding of a test negative for prohibited substances, the remaining portions of the sample may be discarded. Upon the finding of a test suspicious or positive for prohibited substances, the test will be reconfirmed and the remaining portion, if available, of the sample will be preserved and protected for one year following close of meet.

f. The commission chemist submits a written report to the commission as to each sample tested, indicating by sample tag identification number, whether the sample was tested negative or positive for prohibited substances. The commission chemist will not report test findings to any person other than commission representatives designated by the administrator.

g. If the commission chemist finds a sample suspicious for a prohibited medication, additional time for test analysis and confirmation may be requested.

h. In reporting to the commission representative a finding of a test positive for a prohibited substance, the commission chemist will present documentary or demonstrative evidence acceptable in the scientific community and admissible in court in support of the professional opinion as to the positive finding.

i. No action will be taken by the state steward until an official report signed by the chemist properly identifying the medication, drug, or other substance as well as the horse from which the sample was taken has been received.

j. The cost of the testing and analysis will be paid by the commission to the official chemist. The commission will then be reimbursed by each facility on a per-sample basis so that each facility bears only its proportion of the total cost of testing and analysis. The commission may first receive payment from funds provided in Iowa Code chapter 99D, if available.

10.9(4) *Practicing veterinarian.*

a. Prohibited acts.

(1) Ownership. A licensed veterinarian practicing at any meeting cannot hold any ownership, directly or indirectly, in any racing animal racing during the meeting.

(2) Wagering. Veterinarians licensed by the commission as veterinarians cannot place any wager of money or other thing of value directly or indirectly on the outcome of any race conducted at the meeting at which the veterinarian is furnishing professional service.

(3) Furnishing injectable materials. No veterinarian shall within the facility premises furnish, sell, or loan any hypodermic syringe, needle, or other injection device, or any drug, narcotic, or prohibited substance to any other person unless with written permission of the stewards.

(4) Contact with entered horse within 24 hours before post time. Practicing veterinarians cannot have contact with an entered horse within 24 hours before the scheduled post time of the race in which the horse is scheduled to compete unless (1) approved by the state veterinarian or (2) in the case of emergency. In case of an emergency, the state veterinarian must be notified prior to entering the stall. A documented attempt to contact the state veterinarian prior to entering the stall complies with the notification requirements of this rule. Any unauthorized contact may result in the horse being scratched from the race in which it was scheduled to compete and may result in further disciplinary action by the stewards.

b. Syringes, hypodermic needles, and infusion tubes. The use of other than single-use disposable syringes and infusion tubes on facility premises is prohibited. Whenever a veterinarian has used a hypodermic needle or syringe, the veterinarian must destroy the needle and syringe and remove the needle and syringe from the facility premises.

c. Required reports. Practicing veterinarians must submit reports to the commission veterinarian as follows:

(1) Medication and other substance reports in accordance with Iowa Code section 99D.25(10), including the racing animal; trainer; procedure; medication or other substance; dosage or quantity; route of administration; and the date and time administered, dispensed, or prescribed.

(2) A copy of an updated logbook of procedures and other professional services or treatments, as described in Iowa Code section 99D.25(10), within 24 hours after the procedure, professional service, or treatment is provided or completed.

(3) Immediately upon discovering or diagnosing any illness presenting unusual or unknown symptoms in a racing animal entrusted to the veterinarian's care.

(4) Immediately upon euthanizing any horse on facility premises.

d. Additional scope-of-practice parameters. Practicing veterinarians are subject to the professional scope and standards of practice established by the state of Iowa veterinary regulatory authority. In addition, practicing veterinarians are subject to the following scope-of-practice parameters while caring for and treating racing animals:

(1) Practicing veterinarians may have employees licensed as veterinary assistants working under their direct supervision. Activities of these employees cannot include direct treatment or diagnosis of any animal. The practicing veterinarian must be present if a veterinary assistant is to have access to injection devices or injectables. The practicing veterinarian assumes all responsibility for a veterinary assistant. A veterinary assistant cannot engage in activities that a practicing veterinarian is prohibited from engaging in, including performing other work that would put the assistant in contact with an entered horse within 24 hours before post time.

(2) Equine dentistry is considered a function of veterinary practice by the Iowa veterinary practice Act. Any dental procedures performed at the facility must be performed in accordance with the Iowa veterinary practice Act.

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These rules are intended to implement Iowa Code chapter 99D.

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PUBLIC HEALTH DEPARTMENT[641]

CHAPTER 1
REPORTABLE DISEASES, POISONINGS AND CONDITIONS, AND QUARANTINE AND ISOLATION

1.1(139A) Definitions
1.2(139A) Authority
1.3(139A,141A) Reportable communicable and infectious diseases, poisonings or conditions, and cancers
1.4(135,139A) Reporting requirements

INVESTIGATION

1.5(135,139A) Investigation of reportable diseases

ISOLATION AND QUARANTINE

1.6(135,193A) Isolation and quarantine
1.7(139A,22) Confidentiality

STATE HYGIENIC LABORATORY

1.8(135,139A) Specimens for which the fee charged by the state hygienic laboratory will be waived

CHAPTER 2
HEPATITIS PROGRAMS

VIRAL HEPATITIS PROGRAM—VACCINATIONS AND TESTING

2.1(135) Definitions
2.2(135) Exposure risks for hepatitis C virus
2.3(135) Information for public distribution
2.4(135) Hepatitis vaccination and testing program

CHAPTER 3
EARLY HEARING DETECTION AND INTERVENTION (EHDI) PROGRAM

3.1(135) Definitions
3.2(135) Program components
3.3(135) Screening the hearing of all newborns
3.4(135) Procedures required of birthing hospitals
3.5(135) Procedures required of birth centers
3.6(135) Procedures to ensure that children born in locations other than a birth center or birthing hospital receive a hearing screening
3.7(135) Reporting hearing screening results and information to the department and child's primary care provider
3.8(135) Conducting and reporting screening results and diagnostic audiologic assessments to the department and child's primary care provider
3.9(135) Congenital cytomegalovirus (cCMV) testing for newborns who do not pass the initial newborn hearing screening
3.10(135) Information sharing and confidentiality
3.11(135) Procedure to accommodate parental objection
3.12(135) Civil/criminal liability

CHAPTER 4
CONGENITAL AND INHERITED DISORDERS

4.1(136A) Definitions
4.2(136A) Iowa newborn screening program (INSP)
4.3(136A) Iowa maternal prenatal screening program (IMPSP)
4.4(136A) Regional genetic consultation service (RGCS)
4.5(136A) Neuromuscular and other related genetic disease program (NMP)
4.6(136A) Iowa registry for congenital and inherited disorders (IRCID)

CHAPTERS 5 and 6

Reserved

CHAPTER 7
IMMUNIZATION AND IMMUNIZATION EDUCATION: PERSONS ATTENDING ELEMENTARY OR SECONDARY SCHOOLS, LICENSED CHILD CARE CENTERS OR INSTITUTIONS OF HIGHER EDUCATION

7.1(139A) Definitions
7.2(139A) Persons included
7.3(139A) Persons excluded
7.4(139A) Required immunizations
7.5(139A) Required education
7.6(139A) Proof of immunization
7.7(139A) Provisional enrollment
7.8(139A) Records and reporting
7.9(139A) Compliance
7.10(22) Statewide registry
7.11(22) Release of immunization and health screening information

CHAPTERS 8 to 10
Reserved

CHAPTER 11
HUMAN IMMUNODEFICIENCY VIRUS (HIV) INFECTION AND ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

11.1(139A,141A) Definitions
11.2(141A) HIV testing—obtaining consent—voluntary HIV-related tests for adults who are not pregnant
11.3(139A,141A) HIV testing—obtaining consent—voluntary HIV-related tests for minors who are not pregnant
11.4(141A) HIV testing—obtaining consent—voluntary HIV-related tests for pregnant women
11.5(141A) HIV test results—posttest counseling
11.6(141A) Reporting of diagnoses and HIV-related tests, events, and conditions to the department
11.7(141A) Confidentiality of information
11.8(135) HIV and AIDS training programs where occupational exposure to blood or other potentially infectious materials may occur
11.9(139A,141A) Partner notification program
11.10(141A) Direct notification of an identifiable third party by a physician, physician assistant or the department
11.11(139A,141A) Care provider notification upon exposure to contagious or infectious diseases—exposures in nonclinical settings
11.12(139A,141A) Care provider notification upon exposure to contagious or infectious diseases—exposures in clinical settings
11.13(915) Testing, reporting, and counseling of convicted or alleged sexual assault assailants
11.14(141A) Ryan White program

CHAPTER 12
APPROVAL OF CONFIRMATORY LABORATORIES FOR PRIVATE SECTOR DRUG-FREE WORKPLACE TESTING

12.1(730) Definitions
12.2(730) Powers and duties
12.3(730) Application procedures and requirements
12.4(730) Requirements of laboratory personnel involved in confirmatory testing for alcohol or other drugs, or their metabolites
12.5(730) Quality assurance program and procedure manual requirements
12.6(730) Analytical quality control
12.7(730) Sample security and confidentiality of test results
12.8(730) Confirmatory testing
12.9(730) Documentation of the confirmatory testing process
12.10(730) Reporting of confirmed positive test results to the medical review officer
12.11(730) Reporting requirements to department
12.12(730) Approval, renewal, and inspection fees
12.13(730) Renewal

12.14(730) Reciprocity
12.15(730) Changes during approval periods
12.16(730) Enforcement
12.17(730) Denial, suspension, modification or revocation of approval
12.18(730) Restoration of approval
12.19(730) Appeals process
12.20(730) Complaints

CHAPTERS 13 to 23
Reserved

CHAPTER 24
PRIVATE WELL TESTING, RECONSTRUCTION, AND PLUGGING—IOWA PRIVATE WELL GRANTS

24.1(455E,135) Grant procedures

CHAPTERS 25 to 36
Reserved

CHAPTER 37
PHYSICAL PROTECTION OF CATEGORY 1 AND CATEGORY 2 QUANTITIES OF RADIOACTIVE MATERIAL

GENERAL PROVISIONS
37.1(136C) Purpose and scope
37.2 to 37.4 Reserved
37.5(136C) Definitions
37.6 Reserved
37.7(136C) Communications
37.8 to 37.10 Reserved
37.11(136C) Specific exemptions
37.12 to 37.20 Reserved
BACKGROUND INVESTIGATIONS AND ACCESS CONTROL PROGRAM
37.21(136C) Personnel access authorization requirements for category 1 or category 2 quantities of radioactive material
37.22 Reserved
37.23(136C) Access authorization program requirements
37.24 Reserved
37.25(136C) Background investigations
37.26 Reserved
37.27(136C) Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material
37.28 Reserved
37.29(136C) Relief from fingerprinting, identification, and criminal history records checks and other elements of background investigations for designated categories of individuals permitted unescorted access to certain radioactive materials
37.30 Reserved
37.31(136C) Protection of information
37.32 Reserved
37.33(136C) Access authorization program review
37.34 to 37.40 Reserved
PHYSICAL PROTECTION REQUIREMENTS DURING USE
37.41(136C) Security program
37.42 Reserved
37.43(136C) General security program requirements
37.44 Reserved
37.45(136C) LLEA coordination
37.46 Reserved
37.47(136C) Security zones
37.48 Reserved
37.49(136C) Monitoring, detection, and assessment

37.50 Reserved
37.51(136C) Maintenance and testing
37.52 Reserved
37.53(136C) Requirements for mobile devices
37.54 Reserved
37.55(136C) Security program review
37.56 Reserved
37.57(136C) Reporting of events
37.58 to 37.70 Reserved

PHYSICAL PROTECTION IN TRANSIT

37.71(136C) Additional requirements for transfer of category 1 and category 2 quantities of radioactive material
37.72 Reserved
37.73(136C) Applicability of physical protection of category 1 and category 2 quantities of radioactive material during transit
37.74 Reserved
37.75(136C) Preplanning and coordination of shipment of category 1 or category 2 quantities of radioactive material
37.76 Reserved
37.77(136C) Advance notification of shipment of category 1 quantities of radioactive material
37.78 Reserved
37.79(136C) Requirements for physical protection of category 1 and category 2 quantities of radioactive material during shipment
37.80 Reserved
37.81(136C) Reporting of events
37.82 to 37.100 Reserved

RECORDS

37.101(136C) Form of records
37.102 Reserved
37.103(136C) Record retention
37.104 Reserved
37.105(136C) Inspections

CHAPTER 38
GENERAL PROVISIONS FOR RADIATION MACHINES AND RADIOACTIVE MATERIALS

38.1(136C) Purpose and scope
38.2(136C) Definitions
38.3(136C) Exemptions from the regulatory requirements
38.4(136C) General regulatory requirements
38.5 Reserved
38.6(136C) Prohibited uses
38.7(136C) Communications
38.8(136C) Fees
38.9(136C) Administrative enforcement actions
38.10(136C) Deliberate misconduct

CHAPTER 39
REGISTRATION AND SAFETY REQUIREMENTS FOR RADIOACTIVE MATERIALS

39.1(136C) General provisions
39.2(136C) Definitions
39.3(136C) General regulatory requirements for incorporating CFR by reference
39.4(136C) Notices, instructions and reports to workers: inspection and investigations
39.5(136C) Standards for protection against radiation
39.6(136C) Rules of general applicability to licensing of byproduct material
39.7(136C) General domestic licenses for byproduct material
39.8(136C) Specific domestic licenses to manufacture or transfer certain items containing byproduct material
39.9(136C) Specific domestic licenses of broad scope for byproduct material
39.10(136C) Licenses for industrial radiography and radiation safety requirements for industrial radiographic operations

39.11(136C) Medical use of byproduct material
39.12(136C) Licenses and radiation safety requirements for irradiators
39.13(136C) Physical protection of category 1 and category 2 quantities of radioactive material
39.14(136C) Licenses and radiation safety requirements for well logging
39.15(136C) Domestic licensing of source material
39.16(136C) Domestic licensing of special nuclear material
39.17(136C) Packaging and transportation of radioactive material
39.18(136C) Reciprocal recognition of licenses

CHAPTER 40
REGISTRATION AND SAFETY REQUIREMENTS FOR RADIATION EMITTING MACHINES IN THE HEALING ARTS—MEDICINE, PODIATRY, DENTAL, CHIROPRACTIC, AND VETERINARY MEDICINE

40.1(136C) General provisions
40.2(136C) Definitions
40.3(136C) General regulatory requirements
40.4(136C) Administrative controls
40.5(136C) General requirements for all diagnostic X-ray systems
40.6(136C) General requirements for all fluoroscopy and interventional X-ray systems
40.7(136C) General requirements for dental intraoral, panoramic, cephalometric, and volumetric dental imaging equipment
40.8(136C) Computed tomography X-ray systems
40.9(136C) Dual-energy X-ray absorptiometry (DXA)
40.10(136C) Veterinary medicine X-ray systems

CHAPTER 41
REGISTRATION AND SAFETY REQUIREMENTS FOR MAMMOGRAPHY AND STEREOTACTIC BREAST BIOPSY

41.1(136C) Registration and safety requirements for mammography and stereotactic breast biopsy
41.2(136C) Definitions
41.3(136C) General provisions for mammography
41.4(136C) Mammography registration, certification, and general requirements
41.5(136C) Mammography personnel
41.6(136C) Retention of personnel records for mammography
41.7(136C) Equipment and safety requirements for mammography
41.8(136C) Medical records and reports for mammography
41.9(136C) Contents and terminology for mammography
41.10(136C) Quality assurance for mammography
41.11(136C) Revocation, suspension, reinstatement and appeals for mammography
41.12(136C) Alternative requirements for quality standards for mammography
41.13(136C) General provisions for stereotactic breast biopsy
41.14(136C) Registration and application standards and requirements for stereotactic breast biopsy
41.15(136C) Requirements for physicians performing stereotactic breast biopsy
41.16(136C) Requirements for radiologic technologists performing stereotactic breast biopsy
41.17(136C) Requirements for medical physicists performing surveys of stereotactic breast biopsy systems
41.18(136C) Obtaining and preserving records for stereotactic breast biopsy
41.19(136C) Quality assurance program for stereotactic breast biopsy
41.20(136C) Equipment and safety standards for stereotactic breast biopsy
41.21(136C) Suspension, revocation, denial, and reinstatement of authorization for stereotactic breast biopsy

CHAPTER 42
REGISTRATION AND SAFETY REQUIREMENTS FOR THERAPEUTIC USE OF RADIATION MACHINES, PARTICLE ACCELERATORS FOR NONHUMAN USE, AND ANALYTICAL X-RAY EQUIPMENT

42.1(136C) General provisions
42.2(136C) Definitions
42.3(136C) Registration or license requirements
42.4(136C) General administrative requirements for facilities using therapeutic radiation machines
42.5(136C) Training for external beam radiation therapy authorized users

42.6(136C) Training for radiation therapy physicist
42.7(136C) Qualifications of operators
42.8(136C) Written safety procedures and rules
42.9(136C) Exposure to the useful beam
42.10(136C) Records of visiting authorized users
42.11(136C) Information and maintenance record and associated information
42.12(136C) Record retention
42.13(136C) Written directives
42.14(136C) General technical requirements for facilities using therapeutic radiation machines
42.15(136C) Therapeutic radiation machines of less than 500 kV
42.16(136C) Therapeutic radiation machines—photon therapy systems (500 kV and above) and electron therapy systems (500 keV and above)
42.17(136C) Shielding and safety design requirements
42.18(136C) Calibration of survey instruments
42.19(136C) Radiation safety requirements for the use of particle accelerators for nonhuman use
42.20(136C) Radiation safety requirements for analytical X-ray equipment

CHAPTER 43
MINIMUM REQUIREMENTS FOR RADON TESTING AND ANALYSIS
43.1(136B) Purpose and scope
43.2(136B) Definitions
43.3(136B) General provisions
43.4(136B) Application for certification
43.5(136B) Enforcement actions
43.6(136B) Reporting requirements
43.7(136B) Training and continuing education programs
43.8(136B,280) School district employee measurement training
43.9(136B) Exemptions
43.10(136B) Enforcement
43.11(136B) Penalties
43.12(136B) Persons exempted from certification

CHAPTER 44
MINIMUM REQUIREMENTS FOR RADON MITIGATION
44.1(136B) Purpose and scope
44.2(136B) Definitions
44.3(136B) General provisions
44.4(136B) Application for credentialing
44.5(136B) Revocation of credentialing
44.6(136B) Additional record-keeping requirements
44.7(136B) Continuing education
44.8(136B) Exemptions
44.9(136B) Enforcement
44.10(136B) Penalties

CHAPTERS 45 to 50
Reserved

CHAPTER 51
DENTAL SCREENING
51.1(135) Definitions
51.2(135) Persons included
51.3(135) Persons excluded
51.4(135) Dental screening components
51.5(135) Dental screening providers
51.6(135) Timeline for valid dental screening
51.7(135) Proof of dental screening
51.8(135) Dental screening documentation
51.9(135) Ensuring dental screening services
51.10(135) Records

51.11(135) Reporting
51.12(135) Release of dental screening information
51.13(135) Referral requirements
51.14(135) Provider training

CHAPTER 52
VISION SCREENING
52.1(135) Definitions
52.2(135) Persons included and persons excluded
52.3(135) Child vision screening components
52.4(135) Timeline for valid vision screening
52.5(135) Proof of child vision screening
52.6(135) Child vision screening reporting
52.7(135) School requirements
52.8(135) Iowa's child vision screening database module and follow-up
52.9(135) Referral requirements

CHAPTER 53
Reserved

CHAPTER 54
CONCUSSION OR OTHER BRAIN INJURY RETURN-TO-PLAY PROTOCOL
54.1(280) Definitions
54.2(280) Return-to-play protocol

CHAPTER 55
Reserved

CHAPTER 56
BRAIN INJURY SERVICES PROGRAM
56.1(135) Definitions
56.2(135) Waiver-eligible component
56.3(135) Cost-share component
56.4(135) Application process
56.5(135) Service providers and reimbursement
56.6(135) Available services/service plan
56.7(135) Redetermination
56.8(135) Appeal rights

CHAPTERS 57 to 66
Reserved

CHAPTER 67
BLOOD LEAD TESTING
67.1(135) Definitions
67.2(135) Persons included
67.3(135) Persons excluded
67.4(135) Records

CHAPTER 68
CONTROL OF LEAD-BASED PAINT HAZARDS
68.1(135) Definitions
68.2(135) EBL inspections required
68.3(135) Refusal of admittance
68.4(135) Lead hazard reduction required
68.5(135) Retaliation prohibited
68.6(135) Enforcement
68.7(135) Hearings
68.8(135) Variances
68.9(135) Injunction
68.10(135) Effective date

CHAPTERS 69 to 71
Reserved

CHAPTER 72
CHILDHOOD LEAD POISONING
PREVENTION PROGRAM

72.1(135) Definitions
72.2(135) Approved programs

CHAPTERS 73 and 74
Reserved

CHAPTER 75
DISTRIBUTION OF FEDERAL FUNDS RESTRICTIONS—PROVIDER
IDENTIFICATION AND ATTESTATION

75.1(88GA,ch85,90GA,ch19) Definitions
75.2(88GA,ch85,90GA,ch19) Identification numbers
75.3(88GA,ch85,90GA,ch19) Attestation

CHAPTER 76
MATERNAL AND CHILD HEALTH PROGRAM

76.1(135) Definitions
76.2(135) Client eligibility criteria
76.3(135) Client application procedures for MCH services

CHAPTER 77
LOCAL BOARDS OF HEALTH

77.1(137) Definitions
77.2(137) Local boards of health—roles and responsibilities
77.3(137) Organization of local boards of health
77.4(137) Expenses of local board of health members
77.5(137) Dissolution of city boards
77.6(137) Request to form district board of health
77.7(137) Review, approval or denial of district board of health formation
77.8(137) Adding to a district board of health
77.9(137) Withdrawal from a district board of health

CHAPTERS 78 and 79
Reserved

CHAPTER 80
LOCAL PUBLIC HEALTH SERVICES

80.1(135) Definitions
80.2(135) Contractor assurances
80.3(135) Utilization of LPHS contract funding
80.4(135) LPHS funds

CHAPTERS 81 to 87
Reserved

CHAPTER 88
VOLUNTEER HEALTH CARE PROVIDER PROGRAM

88.1(135) Definitions
88.2(135) Eligibility for the volunteer health care provider program
88.3(135) Sponsor entity and protected clinic
88.4(135) Covered health care services
88.5(135) Defense and indemnification
88.6(135) Term of agreement
88.7(135) Reporting necessities and duties
88.8(135) Revocation of agreement
88.9(135) Procedure for revocation of agreement

88.10(135) Effect of suspension or revocation
88.11(135) Protection denied
88.12(135) Board notice of disciplinary action
88.13(135) Effect of eligibility protection
88.14(135) Reporting by a protected clinic or sponsor entity

CHAPTER 89
PARENTAL NOTIFICATION OF INTENT TO
TERMINATE A PREGNANCY THROUGH ABORTION

89.1(135L) Definitions
89.2(135L) Notification of parent prior to the performance of abortion on a pregnant minor
89.3(135L) Notification procedures in the event of an exception

CHAPTER 90
STATE MORTALITY REVIEW COMMITTEE

90.1(135) Definitions
90.2(135) Agency
90.3(135) Membership
90.4(135) Officers
90.5(135) Subcommittees
90.6(135) Liaisons
90.7(135) Meetings
90.8(135) Duties and responsibilities
90.9(135) Disclosure of information
90.10(135) Immunity and liability

CHAPTERS 91 to 93
Reserved

CHAPTER 94
CHILD PROTECTION CENTER GRANT PROGRAM

94.1(135) Definitions
94.2(135) Goals
94.3(135) Review process
94.4(135) Eligibility and criteria
94.5(135) Appeals

CHAPTER 95
VITAL RECORDS: GENERAL ADMINISTRATION

95.1(144) Definitions
95.2(144) Vital records and statistics
95.3(144) Forms—property of department
95.4(144) Information by others
95.5(144) Handling of vital records
95.6(144) Fees
95.7(144) General public access of vital records in the custody of the county registrar
95.8(144) Direct tangible interest in and entitlement to a vital record
95.9(144) Search and issuance of a certified copy of a vital record
95.10(144) Search and issuance for genealogy or family history
95.11(144) Registrars' responsibility for maintenance of confidentiality
95.12(144) Disclosure of data
95.13(144) Preparation of certified copies
95.14(144) Access to original certificate of birth prior to adoption
95.15(144) Certificate of nonviable birth
95.16(144) Cancellation of fraudulent records
95.17(144) Unlawful acts
95.18(144) Enforcement assistance

CHAPTER 96
BIRTH REGISTRATION

96.1(144) Definitions
96.2(144) Forms—property of department
96.3(144) Standard birth registration—up to seven days
96.4(144) Standard birth registration—seven days to one year
96.5(144) Birthing institutions
96.6(144) Non-birthing institutions
96.7(144) Non-institution birth
96.8(144) Gestational surrogate arrangement birth registration
96.9(144) Foundling birth registration
96.10(144) Newborn safe haven registration
96.11(144) Birth registration following a foreign-born adoption
96.12(144) Birth registration fees
96.13(144) Fee collection
96.14(144) Waivers
96.15(144) Fee deposit
96.16(144) Responsibilities of institutions
96.17(144) Responsibility for births occurring in non-institutions and non-birthing institutions
96.18(144) Delayed birth registration—one year or more after event

CHAPTER 97
DEATH REGISTRATION AND DISPOSITION OF DEAD HUMAN BODIES
97.1(144) Definitions
97.2(144) Forms—property of department
97.3(144) Standard registration of death—up to one year
97.4(144) Standard registration of fetal death—up to one year
97.5(144) Preparation of the certificate of death or fetal death
97.6(144) Medical certification of death
97.7(144) Medical certification of fetal death
97.8(144) Medical certifier
97.9(144) Report of autopsy findings
97.10(144) Extension of time
97.11(144) Removal of a dead human body or fetus
97.12(144) Burial-transit permit
97.13(144) Transportation and disposition of a dead human body or fetus
97.14(144) Disinterment permits
97.15(144) Delayed death registration—one year or more after event
97.16(144) Registration of presumptive death
97.17(144) Release or final disposition of a dead human body or fetus by an institution
97.18(144) Additional record by funeral director

CHAPTER 98
MARRIAGE REGISTRATION
98.1(144,595) Definitions
98.2(144,595) Forms—property of department
98.3(144,595) Standard registration of marriage—up to one year
98.4(144,595) Application for a license to marry in Iowa
98.5(144,595) License to marry
98.6(144,595) Certificate of marriage
98.7(144,595) Delayed registration of marriage—one year or more after date of event
98.8(144,595) Dissolution of marriage or annulment

CHAPTER 99
VITAL RECORDS MODIFICATIONS
99.1(144) Definitions
99.2(144) Forms—property of department
99.3(144) Forms used in the establishment of new records
99.4(144) Corrections of minor errors in vital record—within one year of event
99.5(144) Amendment of certificate of live birth to add first or middle given name—within one year of event
99.6(144) Amendment of vital record—one year or more after the event

99.7(144) Method of amendment of vital records
99.8(144) Correction or amendment of same item more than once
99.9(144) Other amendments to certificate of live birth
99.10(144) Correction or substitution of medical certification of cause of death
99.11(144) Correction or amendment to a certificate of marriage
99.12(144) Correction to a report of dissolution of marriage or annulment
99.13(144) Minimum information required to establish a new certificate of live birth
99.14(144) Establishment of new certificate of live birth following adoption
99.15(144) Establishment of new certificate of live birth following a birth by gestational surrogate arrangement
99.16(144) Certificate of live birth following voluntary paternity affidavit
99.17(144) Certificate of live birth following court determination of paternity
99.18(144) Certificate of live birth following rescission of paternity affidavit or disestablishment of paternity
99.19(144) Certificate of live birth following court-ordered change of name
99.20(144) Disestablishment of parentage

CHAPTER 100
VITAL RECORDS REGISTRIES AND REPORTS
100.1(144) Definitions
100.2(144) Forms—property of department
100.3(144) Declaration of paternity registry established
100.4(144) Mutual consent voluntary adoption registry established
100.5(144) Statistical report of termination of pregnancy report

CHAPTERS 101 to 105
Reserved

CHAPTER 106
STATE-FUNDED FAMILY MEDICINE OBSTETRICS FELLOWSHIP PROGRAM
106.1(135) Definitions
106.2(135) Fellowship cost reimbursement to participating teaching hospital

CHAPTER 107
BOARD-CERTIFIED BEHAVIOR ANALYST AND BOARD-CERTIFIED ASSISTANT BEHAVIOR ANALYST (BCBA/BCaBA) GRANTS PROGRAM
107.1(135) Definitions
107.2(135) Eligibility criteria
107.3(135) Priority in grant awards
107.4(135) Amount of a grant
107.5(135) Use of funds
107.6(135) Review process

CHAPTER 108
MEDICAL RESIDENCY TRAINING STATE MATCHING GRANTS PROGRAM
108.1(135) Scope and purpose
108.2(135) Definitions
108.3(135) Eligibility criteria—establishment or expansion
108.4(135) Eligibility criteria—support
108.5(135) Amount of grant
108.6(135) Application and review process

CHAPTER 109
PRESCRIPTION DRUG DONATION REPOSITORY PROGRAM
109.1(135M) Definitions
109.2(135M) Eligibility criteria for program participation by medical facilities and pharmacies
109.3(135M) Standards and procedures for accepting donated prescription drugs and supplies
109.4(135M) Standards and procedures for inspecting and storing donated prescription drugs and supplies
109.5(135M) Standards and procedures for dispensing donated prescription drugs and supplies
109.6(135M) Eligibility criteria for individuals to receive donated prescription drugs and supplies
109.7(135M) Forms and recordkeeping

109.8(135M) Handling fee
109.9(135M) List of drugs and supplies program will accept
109.10(135M) Prescription drug donation repository in disaster emergencies

CHAPTER 110
CENTER FOR RURAL HEALTH AND PRIMARY CARE

110.1(135) Purpose and scope
110.2(135,135B) Definitions
110.3(135) Responsibilities of the center
110.4 to 110.10 Reserved
PRIMECARRE HEALTH CARE WORKFORCE AND COMMUNITY SUPPORT GRANT PROGRAM
110.11(135) Purpose
110.12 to 110.15 Reserved
PRIMECARRE PRIMARY CARE PROVIDER LOAN REPAYMENT PROGRAM
110.16(135) Purpose

CHAPTER 111
IOWA NEEDS NURSES NOW INFRASTRUCTURE ACCOUNT

111.1(135) Scope and purpose
111.2(135) Definitions
111.3(135) Eligibility and criteria
111.4(135) Review process
111.5(135) Performance standards
111.6(135) Appeals

CHAPTER 112
Reserved

CHAPTER 113
PUBLIC HEALTH RESPONSE TEAMS

113.1(135) Definitions
113.2(135) Public health response team members
113.3(135) Public health response team
113.4(135) Legal and other protections
113.5(135) Reporting requirements and duties

CHAPTERS 114 to 125
Reserved

CHAPTER 126
STATE MEDICAL EXAMINER

126.1(144,331,691) Definitions
126.2(691) Fees for autopsies and related services and reimbursement for related expenses
126.3(691) Fees for tissue recovery

CHAPTER 127
COUNTY MEDICAL EXAMINERS

127.1(144,331,691) Definitions
127.2(331,691) Duties of medical examiners—jurisdiction over deaths that affect the public interest
127.3(331,691) Autopsies
127.4(331,691) Fees
127.5(144,331,691) Death certificates—deaths affecting the public interest
127.6(331,691) Cremation
127.7(331,691) County medical examiner investigators
127.8(331,691) Deputy county medical examiners
127.9(331,691) Failure to comply with rules
127.10(331,691,22) Confidentiality
127.11(331,691,670) Indemnification

CHAPTERS 128 to 130
Reserved

CHAPTER 131
EMERGENCY MEDICAL SERVICES—PROVIDERS—INITIAL CERTIFICATION—RENEWAL AND REACTIVATION—AUTHORITY—COMPLAINTS AND INVESTIGATIONS

131.1(147A,147D,272C) Definitions
131.2(147A,272C) Initial certification
131.3(147A) Background check results
131.4(147A) Authority
131.5(147A) Renewal standards, reactivation procedures, fees, and continuing education
131.6(147A,272C) Discipline—denial, citation and warning, probation, suspension, or revocation of certificates or renewal
131.7(147A) Certification denial
131.8(147A) Emergency adjudicative proceedings
131.9(147A) Complaints, investigations and appeals

CHAPTER 132
EMERGENCY MEDICAL SERVICES—SERVICE PROGRAM AUTHORIZATION

132.1(147A) Definitions
132.2(147A) Service program—authorization and renewal procedures and inspections
132.3(147A) Service program operations
132.4(147A) Waivers
132.5(147A) Complaints and investigations—denial, citation and warning, probation, suspension or revocation of service program authorization or renewal

CHAPTER 133
WHITE FLASHING LIGHT AUTHORIZATION

133.1(321) Definitions
133.2(321) Purpose
133.3(321) Application
133.4(321) Approval, denial, probation, suspension and revocation of authorization

CHAPTER 134
TRAUMA CARE FACILITY CATEGORIZATION AND VERIFICATION

134.1(147A) Definitions
134.2(147A) Trauma care facility categorization and verification
134.3(147A) Complaints, investigations and appeals

CHAPTER 135
TRAUMA TRIAGE AND TRANSFER PROTOCOLS

135.1(147A) Definitions
135.2(147A) Trauma triage and transfer protocols
135.3(147A) Offenses and penalties

CHAPTER 136
TRAUMA REGISTRY

136.1(147A) Definitions
136.2(147A) Trauma registry
136.3(147A) Offenses and penalties

CHAPTER 137
TRAUMA EDUCATION AND TRAINING

137.1(147A) Definitions
137.2(147A) Initial trauma education requirements
137.3(147A) Continuing trauma education requirements

CHAPTER 138
Reserved

CHAPTER 139
EMERGENCY MEDICAL SERVICES—TRAINING PROGRAMS—STUDENTS—COMPLAINTS AND INVESTIGATIONS

139.1(147A) Definitions
139.2(147A) Initial application, renewal application, inspection and approval
139.3(147A) Training program standards, student requirements and waivers
139.4(147A) Out-of-state training programs
139.5(147A) Failure to comply with rules
139.6(147A) Temporary waivers
139.7(147A) Continuing education providers—approval, recordkeeping and inspection
139.8(147A) Discipline—denial, citation and warning, probation, suspension, or revocation of training program approval or renewal
139.9(147A) Complaints, investigations and appeals

CHAPTER 140
EMERGENCY MEDICAL SERVICES SYSTEM DEVELOPMENT GRANTS FUND

140.1(135) Definitions
140.2(135) County EMS associations
140.3(135) County EMS system development grants

CHAPTER 141
Reserved

CHAPTER 142
OUT-OF-HOSPITAL DO-NOT-RESUSCITATE ORDERS

142.1(144A) Definitions
142.2(144A,147A) Responsibilities of the department
142.3(144A,147A) EMS providers
142.4(144A) Guidelines for non-EMS health care providers, patients, and organizations
142.5(144A) Revocation of the out-of-hospital do-not-resuscitate order
142.6(144A) Personal wishes of family members or other individuals who are not authorized to act on the patient's behalf
142.7(144A) Transfer of patients
142.8(144A) Application to existing orders

CHAPTER 143
AUTOMATED EXTERNAL DEFIBRILLATOR MAINTENANCE

143.1(613) Definition
143.2(613) AED maintenance

CHAPTERS 144 and 145
Reserved

CHAPTER 146
STROKE CARE REPORTING

146.1(135) Definitions
146.2(135) Stroke care reporting
146.3(135) Method and frequency of reporting
146.4(135) Confidentiality
146.5(135) Penalties and enforcement

CHAPTERS 147 to 149
Reserved

CHAPTER 150
IOWA REGIONALIZED SYSTEM OF PERINATAL HEALTH CARE

150.1(135) Participation and designation
150.2(135) Definitions
150.3(135) Duties of statewide perinatal care team
150.4(135) Duties of the department

150.5(135) Maternal and neonatal levels of care—categorization and verification
150.6(135) Levels of maternal care
150.7(135) Maternal-fetal transport—all levels
150.8(135) Levels of neonatal care
150.9(135) Grant or denial of certificate of verification; and offenses and penalties
150.10(135) Prohibited acts
150.11(135) Construction of rules

CHAPTERS 151 and 152
Reserved

CHAPTER 153
SMOKEFREE AIR

153.1(142D) Definitions
153.2(142D) Duties of employers, owners, operators, managers, and persons having custody or control of a public place, place of employment, area declared nonsmoking pursuant to Iowa Code chapter 142D or outdoor areas where smoking is prohibited
153.3(142D) Leases
153.4(142D) Complaints and enforcement
153.5(142D) Limitation of rules

CHAPTER 154
MEDICAL CANNABIDIOL PROGRAM

154.1(124E) Definitions

REGISTRATION CARDS

154.2(124E) Health care practitioner certification—duties and prohibitions
154.3(124E) Medical cannabidiol registration card—application and issuance to patient
154.4(124E) Medical cannabidiol registration card—reciprocity
154.5(124E) Medical cannabidiol registration card—application and issuance to primary caregiver
154.6(124E) Denial and cancellation
154.7(124E) Appeal
154.8(124E) Duplicate card
154.9(124E) Renewal
154.10(124E) Confidentiality
154.11(124E) Fees
154.12(124E) Consumption of medical cannabidiol
154.13(124E) Allowable forms of medical cannabidiol

MANUFACTURER AND DISPENSARY LICENSING

154.14(124E) Notice to law enforcement
154.15(124E) Manufacturer and dispensary licensure
154.16(124E) Collection of fees in competitive licensing
154.17(124E) Licensure renewal
154.18(124E) Suspension or revocation of a manufacturing or dispensary license
154.19(124E) Assessment of penalties
154.20(124E) Closure of operations
154.21(124E) Manufacturer and dispensary security requirements
154.22(124E) Advertising and marketing
154.23(124E) Sales and inventory tracking system
154.24(124E) Financial transactions
154.25(124E) Inspection by department or independent consultant

MANUFACTURING

154.26(124E) Manufacturer operations
154.27(124E) Recordkeeping requirements
154.28(124E) Recall of medical cannabidiol products
154.29(124E) Quality assurance and control
154.30(124E) Packaging and labeling
154.31(124E) Transportation of medical cannabidiol and plant material
154.32(124E) Disposal of medical cannabidiol and plant material
154.33(124E) Production requirements
154.34(124E) Supply and inventory

DISPENSING
154.35(124E) Duties of the department
154.36(124E) Dispensary operations
154.37(124E) Recordkeeping requirements
154.38(124E) Storage
154.39(124E) Dispensing
154.40(124E) Transportation of medical cannabidiol
154.41(124E) Disposal of medical cannabidiol
154.42(124E) Inventory
154.43(124E) Quality assurance and control
MEDICAL CANNABIDIOL BOARD
154.44(124E) Purpose and duties of board
154.45(124E) Organization of board and proceedings
154.46(124E) Petitions for the addition or removal of medical conditions, medical treatments or debilitating diseases
LABORATORY TESTING
154.47(124E) Requirements of the department
154.48(124E) Requirements of a laboratory
154.49(124E) Requirements of a manufacturer
154.50(124E) Content testing
154.51(124E) Reporting requirements
154.52(124E) Recordkeeping requirements
154.53(124E) Quality control
154.54(124E) Security requirements

CHAPTER 155
LICENSURE STANDARDS FOR SUBSTANCE USE DISORDER AND PROBLEM GAMBLING TREATMENT PROGRAMS
155.1(125,135) Definitions
155.2(125,135) Licensing
155.3(125,135) Types of licenses
155.4(125,135) Nonassignability
155.5(125,135) Application procedures
155.6(125,135) Technical assistance
155.7(125,135) Inspection of applicants
155.8(125,135) License—approval
155.9(125,135) Written corrective action plan
155.10(125,135) Grounds for denial of license
155.11(125,135) Denial, suspension or revocation of a license
155.12 to 155.14 Reserved
155.15(125,135) Issuance of a license after denial, suspension or revocation
155.16(125,135) Complaints and investigations
155.17(125,135) License revision
155.18(125,135) Deemed status
155.19(125,135) Funding
155.20(125,135) Inspection
155.21(125,135) General standards for all programs
155.22(125,135) Inpatient and residential program facilities
155.23(125,135) Specific standards for inpatient and residential programs
155.24(125,135) Specific standards for inpatient and residential programs licensed to provide services to juveniles
155.25(125,135) Specific standards for substance use assessment and OWI evaluation-only programs
155.26 to 155.33 Reserved
155.34(125,135) Specific standards for enhanced treatment services
155.35(125,135) Specific standards for opioid treatment programs
TUBERCULOSIS (TB) SCREENING: HEALTH CARE WORKERS AND RESIDENTS
155.36 Reserved
155.37(125,135) Definitions
155.38(125,135) Tuberculosis screening of staff and residents

CHAPTER 156
CONSUMABLE HEMP PRODUCTS

156.1(204) Definitions
156.2(204) Registration and posting
156.3(204) Testing requirements and documentation
156.4(204) Packaging and labeling
156.5(204) Applicability of other laws and regulations
156.6(204) Prohibitions
156.7(204) Violations and enforcement
156.8(204) Denial, suspension, or revocation of registration
156.9(204) Inspection and access to records
156.10(204) Public examination of records
156.11(204) Appeals

CHAPTER 157
STANDARDS FOR SUBSTANCE ABUSE TREATMENT AND ASSESSMENT PROGRAMS AND THE OPERATING A MOTOR VEHICLE WHILE INTOXICATED (OWI) LAW

157.1(125) Definitions
157.2(125) Screening, evaluation, treatment, and drinking drivers course
157.3(125) Screening, evaluation, treatment, and drinking drivers course completion
157.4(125) Cost of evaluation and treatment
157.5(125) Timeliness
157.6(125) Confidentiality
157.7(125) Records
157.8(125) Reciprocity

CHAPTERS 158 to 176
Reserved

CHAPTER 177
HEALTH DATA

177.1(76GA,ch1212) Definitions
177.2(76GA,ch1212) Description of data to be submitted
177.3(76GA,ch1212) Fees
177.4(76GA,ch1212) Patient confidentiality

CHAPTERS 178 to 191
Reserved

CHAPTER 192
CHILD SUPPORT NONCOMPLIANCE

192.1(252J) Definitions
192.2(252J) Denial of issuance or renewal of a license or suspension or revocation of a license
192.3(17A,22,252J) Sharing of information

CHAPTER 193
Reserved

CHAPTER 194
NONPAYMENT OF STATE DEBT

194.1(272D) Definitions
194.2(272D) Denial of issuance or renewal of a license or suspension or revocation of a license
194.3(272D) Sharing of information

CHAPTER 195
Reserved

CHAPTER 196
EMERGENCY MEDICAL SERVICES—MILITARY SERVICE, VETERAN RECIPROCITY, AND SPOUSES OF ACTIVE DUTY SERVICE MEMBERS

196.1(272C) Definitions

196.2(272C,147D) Military education, training, and service credit
196.3(272C,147D) Veteran and active duty military spouse privilege to practice

CHAPTER 39
REGISTRATION AND SAFETY REQUIREMENTS FOR RADIOACTIVE MATERIALS

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/1/31

641—39.1(136C) General provisions. This rule establishes the requirements for licensees or registrants regarding the possession, use, storage, and transfer of radioactive materials in Iowa as an agreement state. The provisions of this chapter are in addition to, and not in substitution for, any other applicable portions of 641—Chapters 37, 38, 40, and 42.
[**ARC 0179D**, IAB 4/1/26, effective 7/1/26]

641—39.2(136C) Definitions. The definitions contained in 10 CFR Parts 19, 20, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 70, 71, and 150 as amended to August 1, 2025, and adopted by reference, apply to the provisions of this chapter. The definitions provided in 641—Chapters 37, 38, 40, and 42 may also apply. Additionally, the definitions set forth below are specific to this chapter.

"Agreement state" means any state with which the U.S. Nuclear Regulatory Commission or the U.S. Atomic Energy Commission has entered into an effective agreement under Subsection 274b of the Atomic Energy Act of 1954 as amended to August 1, 2025 (73 Stat. 689). The state of Iowa is an agreement state as of January 1, 1986.

"ANSI" means the American National Standards Institute.

"Cabinet X-ray system" means an X-ray system with the X-ray tube installed in an enclosure independent of existing architectural structures, except the floor upon which it may be placed. The cabinet X-ray system is intended to:

1. Contain at least that portion of a material being irradiated;
2. Provide radiation attenuation; and
3. Exclude personnel from its interior during generation of radiation. Included are all X-ray systems designed primarily for the inspection of carry-on baggage at airline, railroad, and bus terminals and in similar facilities. An X-ray tube used within a shielded part of a building, or X-ray equipment that may temporarily or occasionally incorporate portable shielding, is not considered a cabinet X-ray system.

"Certifiable cabinet X-ray system" means an existing uncertified X-ray system that has been modified to meet certification requirements specified in 21 CFR 1020.40.

"Certified cabinet X-ray system" means an X-ray system that has been certified in accordance with 21 CFR 1010.2 as being manufactured and assembled pursuant to the provisions of 21 CFR 1020.40.

"Certifying entity" means an independent certifying organization meeting the requirements of Appendix A in 10 CFR Part 34 or an agreement state meeting the requirements in Appendix A, Parts II and III, of 10 CFR Part 34.

"Collimator" means a small radiation shield of lead or other heavy metal that is placed on the end of a guide tube or directly onto a radiographic exposure device to restrict the size of the radiation beam when the sealed source is cranked into position to make a radiographic exposure.

"Commission" or *"NRC"* means the Nuclear Regulatory Commission or its duly authorized representatives.

"Diagnostic clinical procedures manual" means a collection of written procedures that describes each method (and other instructions and precautions) by which the licensee performs diagnostic clinical procedures; describes where each diagnostic clinical procedure has been approved by the authorized user; and includes the radiopharmaceutical, dosage, and route of administration.

"Enclosed radiography" means industrial radiography conducted in an enclosed cabinet or room and includes cabinet radiography and shielded-room radiography.

"Field station" means a facility where registered radiation machines may be stored or used and from which equipment is dispatched.

"GED" means general educational development.

"Iowa HHS" means the Iowa department of health and human services. For purposes of this chapter, this definition applies unless otherwise specified. For any CFR provisions incorporated by reference in this chapter that use the term "department," the definition provided in 10 CFR 50.2 applies.

"Major processor" means a user processing, handling, or manufacturing radioactive material exceeding Type A quantities as unsealed sources or material, or exceeding four times Type B quantities as sealed sources, but does not include nuclear medicine programs, universities, industrial radiographers, or small industrial programs.

"Minimal threat" means that during the operations of electronic devices capable of generating or emitting fields of radiation:

1. No deliberate exposure of an individual occurs;
2. The radiation is not emitted in an open beam configuration; and
3. No known physical injury to an individual has occurred.

"Permanent radiographic installation" means an enclosed shielded room, cell, or vault, not located at a temporary job site, in which radiography is performed.

"Radiation safety officer" means an individual named by the registrant who has a knowledge of, responsibility for, and authority to enforce appropriate radiation protection rules, standards, and practices on behalf of the licensee or registrant and who meets the requirements of subparagraph 39.10(2)*"g"*(5).

"Radiographer" means any individual who has successfully completed the training, testing, and documentation requirements of subparagraph 39.10(2)*"g"*(2), who performs or personally supervises industrial radiographic operations, and who is responsible to the registrant for ensuring compliance with the requirement of these rules and all license and certificate of registration conditions.

"Radiographer certification" means written approval received from a certifying entity stating that an individual has satisfactorily met certain established radiation safety, testing, and experience criteria.

"Radiographer's assistant" means any individual who has successfully completed the training, testing, and documentation requirements of subparagraph 39.10(2)*"g"*(1) and who uses sources of radiation and related handling tools or radiation survey instruments under the direct supervision of a radiographer trainer.

"Radiographer trainer" or *"instructor"* means any individual who instructs and supervises radiographer's assistants during on-the-job training and who meets the requirements of subparagraph 39.10(2)*"g"*(3).

"Radiographic personnel" means any radiographer or radiographer's assistant.

"RAM" means radioactive materials.

"Residential location" means any area where structures in which people lodge or live are located, and the grounds on which such structures are located, including but not limited to houses, apartments, condominiums, and garages.

"Shielded-room radiography" means industrial radiography conducted in a room shielded so that radiation levels at every location on the exterior meet the limitations specified in 641—subrule 37.11(11).

"Temporary job site" means any location where radiographic operations are conducted and may be stored other than the location(s) listed in a certificate of registration.

[**ARC 0179D**, IAB 4/1/26, effective 7/1/26]

641—39.3(136C) General regulatory requirements for incorporating CFR by reference.

39.3(1) Congress authorized the NRC in Section 274b of the Atomic Energy Act to enter into agreements that allow states to assume, and the NRC to discontinue, regulatory authority over byproduct, source, and small quantities of special nuclear material. The state can then regulate byproduct, source, and small quantities of special nuclear materials that are covered in the agreement, using its own legislation, regulations, or other legally binding provisions.

39.3(2) The Commission will enter into an agreement if the Commission finds the state program adequate to protect public health and safety and compatible with the NRC's regulatory program. The NRC ensures that an agreement state program remains adequate and compatible through periodic review and assessment under the Integrated Materials Performance Evaluation Program (IMPEP) as amended to August 1, 2025. The state of Iowa is an agreement state as of January 1, 1986.

39.3(3) As an agreement state, the requirements of 10 CFR Parts 19, 20, 30, 32, 33, 34, 35, 36, 37, 39, 40, 70, and 71 as amended to August 1, 2025, are hereby adopted by reference, as specified in the corresponding subrules of this chapter, unless specifically exempted. Where Iowa HHS forms are required, as specified in this chapter, such forms shall be submitted to Iowa HHS. A copy of 10 CFR is available at no charge from the NRC website.

39.3(4) All Iowa RAM facilities and personnel shall comply with the applicable provisions of this chapter; the related portions of 641—Chapters 37, 38, 40 and 42; and the referenced 10 CFR parts. All CFR references in this chapter are as amended to August 1, 2025. Where differences exist, compliance with the most stringent applicable standard, whether CFR regulations or Iowa Administrative Code, shall apply.

[**ARC 0179D**, IAB 4/1/26, effective 7/1/26]

641—39.4(136C) Notices, instructions and reports to workers: inspection and investigations.

39.4(1) In addition to the rules of this chapter, RAM facilities as defined in rule 641—37.2(136C) shall comply with the requirements of 10 CFR Part 19, "Notices, Instructions and Reports to Workers; Inspection and Investigations," except where specific exemptions apply.

39.4(2) The provisions of 10 CFR Part 19 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 10 CFR 19.1, 19.2(a)(2) through (4), 19.2(b), 19.4, 19.5, 19.8, 19.11(b)(e), 19.14(a), 19.17, 19.18, 19.20, 19.30, 19.32, and 19.40.

b. Where the word "NRC" appears in 10 CFR 19.3, 19.11(f), and 19.14, substitute the words "Iowa HHS."

c. Where the word "Commission" appears in 10 CFR 19.3 (definition of "worker"), 19.11(g), 19.12, 19.13, 19.14, 19.15, and 19.16, substitute the words "Iowa HHS."

d. Where the words "Nuclear Regulatory Commission" appear in 10 CFR 19.13(a), substitute the words "Iowa HHS."

e. Where the words "Administrator of the appropriate Commission Regional Office" appear in 10 CFR 19.16(a), substitute the words "Iowa HHS."

f. Where the words "Regional Office Administrator" appear in 10 CFR 19.16(a) and (b), substitute the words "Iowa HHS."

g. Where the sentence "Regulated activities means any activity carried on that is under the jurisdiction of the NRC under the Atomic Energy Act of 1954, as amended, or any title of the Energy Reorganization Act of 1972, as amended" appears in 10 CFR 19.3, substitute the sentence "Regulated activities means any activity carried on which is under the jurisdiction of the Iowa HHS under Iowa Code chapter 136C."

h. Where the sentence "Regulated entities means any individual, person, organization, or corporation that is subject to the regulatory jurisdiction of the NRC, including (but not limited to) an applicant for or holder of a standard design approval under subpart E of part 52 of this chapter or a standard design certification under subpart B of part 52 of this chapter" appears in 10 CFR 19.3, substitute the sentence "Regulated entities means any individual, person, organization, or corporation that is subject to the regulatory jurisdiction of Iowa HHS under Iowa Code chapter 136C."

i. In 10 CFR 19.11(a), the phrase "(except for a holder of an early site permit under subpart A of part 52 of this chapter, or a holder of a manufacturing license under subpart F of part 52 of this chapter)" is deleted and does not apply.

j. Where the sentence "Any notice of violation involving radiological working conditions, proposed imposition of civil penalty, or order issued pursuant to subpart B of part 2 of this chapter,

and any response from the licensee" appears in 10 CFR Part 19.11(a)(4), substitute the sentence "Any notice of violation involving radiological working conditions, proposed imposition of civil penalty, or order issued by Iowa HHS, and any response from the licensee."

k. Where the words "the Act" appear in 10 CFR 19.16, substitute the words "Iowa Code chapter 136C."

l. Where the sentence "All persons who receive, possess, use, or transfer material licensed by the NRC under the regulations in parts 30 through 36, 39, 40, 60, 61, 63, 70, or 72 of this chapter, including persons licensed to operate a production or utilization facility under parts 50 or 52 of this chapter, persons licensed to possess power reactor spent fuel in an independent spent fuel storage installation (ISFSI) under part 72 of this chapter, and in accordance with 10 CFR 76.60 to persons required to obtain a certificate of compliance or an approved compliance plan under part 76 of this chapter" appears in 10 CFR Part 19.2(a)(1), substitute the sentence "All persons who receive, possess, use, or transfer material licensed by Iowa HHS under the regulations in parts 30 through 36, 39, 40, or 70 of this chapter."

m. The Iowa form "Notice to Employees and Notice to Employees – Spanish" shall be posted in place of NRC Form 3 as specified in 10 CFR Part 19.

[**ARC 0179D**, IAB 4/1/26, effective 7/1/26]

641—39.5(136C) Standards for protection against radiation. In addition to the rules of this chapter, RAM facilities shall comply with the requirements of 10 CFR Part 20, "Standards for Protections Against Radiation," unless specific exemptions apply.

39.5(1) The provisions of 10 CFR Part 20 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 10 CFR Part 20.1006, 20.1007, 20.1008, 20.1009, 20.1401(b), 20.1406(b), 20.1905(g), 20.2004(b)(1), 20.2201(a)(2)(i) and (b)(2)(i), 20.2202(d)(1), 20.2203(d), 20.2401, 20.2402, and Appendix D to Part 20.

b. Where the word "Commission" appears in 10 CFR 20.1002, 20.1003, 20.1204(c)(2), 20.1301(f), 20.1302(c), 20.1403(d) and (d)(1), 20.1404(a) and (a)(4), 20.1405, 20.1601(c), 20.1704, 20.1705, 20.1901(a), 20.2002, 20.2004(a)(3), 20.2102(b), 20.2103(b), 20.2104(f), 20.2105(b), 20.2106(f), 20.2107(b), 20.2108(b), 20.2201(e), 20.2202(c), 20.2204, 20.2205, 20.2301, 20.2302, and Appendix A to Part 20 (footnote c), substitute the words "Iowa HHS."

c. Where the words "under the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended" appear in 10 CFR Part 20.1001(a), substitute the words "under Iowa Code chapter 136C."

d. Where the words "Nuclear Regulatory Commission" appear in 10 CFR 20.1001(a), substitute the words "Iowa HHS."

e. Where the words "NRC Headquarters Operations Center by telephone at the numbers specified in appendix A to part 73 of this chapter" appear in 10 CFR 20.1906(d), substitute the words "Iowa HHS."

f. Where the words "Administrator of the appropriate NRC Regional Office listed in appendix D to part 20" appear in 10 CFR 20.2204, substitute the words "Iowa HHS."

g. Where the sentences "The criteria in this subpart apply to the decommissioning of facilities licensed under parts 30, 40, 50, 52, 60, 61, 63, 70, and 72 of this chapter, and release of part of a facility or site for unrestricted use in accordance with § 50.83 of this chapter, as well as other facilities subject to the Commission's jurisdiction under the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended. For high-level and low-level waste disposal facilities (10 CFR parts 60, 61, and 63), the criteria apply only to ancillary surface facilities that support radioactive waste disposal activities. The criteria do not apply to uranium and thorium recovery facilities already subject to appendix A to 10 CFR part 40 or the uranium solution extraction facilities" appear in 10 CFR Part 20.1401(a), substitute with the sentences "The criteria in this subpart apply to the decommissioning of facilities licensed under parts 30, 40, 61, and 70 of this chapter, as well

as other facilities subject to Iowa HHS's jurisdiction under Iowa Code chapter 136C. For high-level and low-level waste disposal facilities (10 CFR Part 61), the criteria apply only to ancillary surface facilities that support radioactive waste disposal activities. The criteria do not apply to uranium and thorium recovery facilities already subject to appendix A to 10 CFR part 40 or the uranium solution extraction facilities."

h. The following are excluded from adoption by reference of 10 CFR Part 20:

(1) 10 CFR 20.1401(c): the phrase "or after part of a facility or site has been released for unrestricted use in accordance with § 50.83 of this chapter and in accordance with the criteria in this subpart";

(2) 10 CFR 20.1403(d) and 20.1404(a)(4): references to "50.82(a) and (b)" and "72.54";

(3) 10 CFR 20.1501(b): references to "50.75(g)" and "72.30(d)";

(4) 10 CFR 20.2106(d): the phrase "These records are protected by most State privacy laws and, when transferred to the NRC, are protected by the Privacy Act of 1974, Public Law 93-579, 5 U.S.C. 552a, and the Commission's regulations in 10 CFR part 9."

i. Reports required in 10 CFR 20.2201, 20.2202, 20.2203, 20.2204, 20.2205, and 20.2207 shall be submitted to Iowa HHS.

39.5(2) The following conditions apply to 10 CFR Part 20, Appendix G:

a. Where the words "Commission or Agreement State license" appear in 10 CFR Part 20 Appendix G Section I, substitute the words "Iowa HHS, U.S. Nuclear Regulatory Commission, or Agreement State license."

b. Where the word "Commission" appears in 10 CFR Part 20, Appendix G, Section II and Section III.D.2, substitute the words "Iowa HHS."

c. Where the words "Administrator of the nearest Commission Regional Office listed in appendix D of this part" appear in 10 CFR Part 20 Appendix G, Section III.B.8, Section III.C.11, and Section III.D.3, substitute the words "Iowa HHS."

d. Where the words "nearest Commission Regional Office listed in appendix D of this part" appear in 10 CFR Part 20 Appendix G Section III.E.2, substitute the words "Iowa HHS."

e. Where the words "appropriate NRC Regional Office" appear in 10 CFR Part 20 Appendix G Section III.E.2, substitute the words "Iowa HHS."

f. Where the sentence "Licensees are not required by NRC to comply with the manifesting requirements of this part when they ship" appears in 10 CFR Part 20 Appendix G Section I, substitute the sentence "Licensees are not required by Iowa HHS to comply with the manifesting requirements of this part when they ship."

[**ARC 0179D**, IAB 4/1/26, effective 7/1/26]

641—39.6(136C) Rules of general applicability to licensing of byproduct material. In addition to the rules of this chapter, RAM facilities shall comply with the requirements of 10 CFR Part 30, "Rules of General Applicability to Domestic Licensing of Byproduct Material," unless specific exemptions apply. Information and records, including applications and supporting documents submitted to the department, may be made available for public inspection in accordance with Iowa Code chapter 22, Examination of Public Records (Open Records). However, the department may withhold any information and record, in whole or in part, from public inspection if disclosure of its content is not required in the public interest and would adversely affect the interest of a person concerned. Information related to the possession, use, or storage of radioactive materials shall not be made available for public inspection due to associated security risks.

39.6(1) *Adoption by reference—conditions.* The provisions of 10 CFR Part 30 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 10 CFR 30.3(b), (c), (d), 30.4 (definition of commencement of construction – paragraph 2), 30.4 (definition of "construction" – paragraph 9ii), 30.8, 30.11(c), 30.19, 30.21(c), 30.32(f), 30.33(a)(5), 30.34(d), (e)(1), (e)(3), (k), 30.41(b)(6), 30.55, 30.63, 30.64.

b. Where the word "NRC" appears in 10 CFR 30.10(a)(2), 30.35(a)(2),(b)(2),(h), 30.36(d)(4), (e)(2),(f), 30.50(a),(b), Appendix A, Appendix C, Appendix D, and Appendix E, substitute the words "Iowa HHS."

c. Where the word "Commission" appears in 10 CFR 30.5, 30.7(a), 30.7(a)(1)(i) and (iii) through (iv); 30.7(c) and (e)(2); 30.9; 30.10(a)(1); 30.10(c)(1); 30.31; 30.32; 30.34(a), (b)(1), (c), (e), and (f); 30.35(f)(2)(i) through (iii) and (g); 30.36(a) through (c), (f), (g)(1), (g)(2), (g)(5), and (k); 30.39 (where the word is the title); 30.41(b)(5), (7), and (c); 30.51(b) and (c)(1) through (2); 30.52(a) through (b); 30.53; 30.61(b); 30.62; and Appendices A, C, D, and E, substitute the words "Iowa HHS."

d. Where the words "General Counsel" appear in 10 CFR 30.5, substitute the words "Iowa HHS."

e. Where the words "NRC Regional Office specified in § 30.6" appear in 10 CFR 30.34(f), 30.51(d) through (f), substitute the words "Iowa HHS."

f. Where the words "NRC Regional Administrator" appear in 10 CFR 30.34(h)(1), substitute the words "Iowa HHS."

g. Where the words "appropriate NRC Regional Office" appear in 10 CFR 30.51(d) and (f), substitute the words "Iowa HHS."

h. For the purpose of this chapter, where 10 CFR Part 30.32 requires "NRC Form 313," licensees shall use "Iowa HHS Form 313."

i. For the purpose of this chapter, where 10 CFR Part 30.36(j)(1) requires "NRC Form 314," licensees shall use "Iowa HHS Form 314."

j. The Iowa HHS form "Notice to Employees and Notice to Employees – Spanish" shall be posted in place of NRC Form 3 as specified in 10 CFR 30.7(e).

k. In 10 CFR 30.3(a), the phrase "as provided in paragraphs (b)(2), (b)(3), (c)(2), and (c)(3) of this section" is deleted and does not apply.

l. In 10 CFR 30.7(e)(3), the phrase "writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in appendix D to part 20 of this chapter, via email to *Forms.Resource@nrc.gov*, or by" is deleted and does not apply.

m. Where the words "Administrator of the appropriate Regional Office" appears in 10 CFR 30.9(b), substitute the words "Iowa HHS."

n. Where the sentence "Upon a determination that an application meets the requirements of the Act, and the regulations of the Commission, the Commission will issue a specific license authorizing the possession and use of byproduct material" appears in 10 CFR 30.33(b), substitute the sentence "Upon a determination that an application meets the requirements of Iowa Code chapter 136C and the regulations of Iowa HHS, Iowa HHS will issue a specific license authorizing the possession and use of byproduct material."

o. Where the words "NRC operations center" appear in 10 CFR 30.32(i)(3)(viii), substitute the words "Iowa HHS."

p. Where the words "NRC Headquarters Operations Center at the numbers specified in appendix A to part 73 of this chapter" appear in 10 CFR 30.50(c)(1) and the words "NRC using an appropriate method listed in § 30.6(a)" appear in 10 CFR 30.50(c)(2), substitute the words "Iowa HHS."

q. In 10 CFR 30.50(c)(2), the phrase "and a copy must be sent to the appropriate NRC Regional office listed in appendix D to part 20 of this chapter" is deleted and does not apply.

r. Where the words "Commission under § 32.210 of this chapter, with an Agreement State" appear in 10 CFR 30.32(g), substitute in the words "Iowa HHS, the U.S. Nuclear Regulatory Commission under § 10 CFR 32.210 of this chapter, or with an Agreement State."

s. Where the words "Director, Office of Nuclear Material Safety and Safeguards" appear in 10 CFR 30.35(h)(3), substitute the word "Iowa HHS."

t. In 10 CFR 30.36(d), the phrase "consistent with the administrative directions" is deleted and does not apply.

u. Where the words "Atomic Energy Commission, the Commission, or an Agreement State" appear in 10 CFR 30.41(b)(5), substitute the words "Iowa HHS, the U.S. Nuclear Regulatory Commission, or with an Agreement State."

v. Where the words "Commission or an Agreement State" and "Commission or with an Agreement State" appear in 10 CFR 30.41(c), substitute the words "Iowa HHS, the U.S. Nuclear Regulatory Commission, or an Agreement State."

w. Where the words "Commission or the licensing department of an Agreement State" appears in 10 CFR 30.41(d)(4) and (d)(5), substitute the words "Iowa HHS, the U.S. Nuclear Regulatory Commission, or the licensing department of an Agreement State,"

x. Where the words "section 81 of the Act" appear in 10 CFR 30.13, 30.14, 30.15, 30.18, 30.19, 30.20, 30.21, and 30.22, substitute the words "Iowa Code chapter 136C."

y. Where the word "Act" appears in 10 CFR 30.32(d), 30.33(a)(1), 30.34(a), 30.34(b)(1), 30.34(e)(4), and 30.41(b)(2) and (b)(3), substitute the words "Iowa Code chapter 136C."

z. Where the words "section 183b.- d., inclusive, of the Act" appear in 10 CFR 30.34(d), substitute the words "Iowa Code chapter 136C."

aa. Where 10 CFR Part 30 references fees listed in 10 CFR parts 170 and 171, licensees shall comply with the fee requirements specified in rule 641—37.9(136C).

39.6(2) *Reciprocity—out-of-state radiation machines.*

a. Whenever any radiation machine is to be brought into the state for temporary use, the person proposing to bring such machine into the state shall:

(1) Use Iowa HHS Form 241;

(2) Submit the form to Iowa HHS at least three working days before such machine is to be used; and

(3) Submit the appropriate fee as specified in 641—subrule 37.9(4).

b. The form shall contain complete and accurate information and shall include all of the following:

(1) The type of radiation machine;

(2) The nature, duration, and scope of use;

(3) The exact location(s) where the radiation machine is to be used; and

(4) States in which the machine is registered.

c. If, for a specific case, the three-working-day period would impose an undue hardship on the person, upon application to the department, approval to proceed sooner may be granted.

d. Persons seeking to bring an out of state radiation machine into the state shall:

(1) Comply with all applicable rules of the department;

(2) Supply the department with information as the department may reasonably request; and

(3) Not operate within the state on a temporary basis in excess of 180 calendar days in a 365-day period. The 365-day period starts on the day the department receives the appropriate fee, as specified in 641—subrule 37.9(4), and ends at the conclusion of those 365 days. It is the registrant's responsibility to ensure the 180-day limit is not exceeded and to ensure that the reciprocal recognition is renewed 30 days prior to the expiration of the 365-day reciprocity period.

39.6(3) *Reciprocal recognition of licenses.*

a. Licenses of byproduct, source, and special nuclear material in quantities not sufficient to form a critical mass.

(1) Subject to the provisions set forth in this chapter, any person who holds a specific license from the Commission or an agreement state, and having jurisdiction in where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, is granted a general license to conduct the activities authorized in the licensing document issued by the department having jurisdiction within Iowa.

1. This general license shall be for a period not in excess of 180 days in a 365-day period. The one-year period starts on the day the licensee's reciprocity fee, as specified in 641—subrule 37.9(4) is received by the department and ends exactly 365 days later.

2. Licensees are responsible for ensuring they do not exceed the 180-day limit within the 365-day period and must apply for renewal 30 days prior to the expiration date of the 365-day reciprocal recognition period.

3. Out-of-state persons wishing to operate in the state in excess of 180 calendar days must obtain a full Iowa radioactive materials license.

(2) The licensing document issued by the department having jurisdiction, as referenced in subparagraph 39.6(3)*"a"*(1), cannot limit the activity authorized by the document to specified installations or locations.

(3) The out-of-state licensee shall notify the department in writing at least three working days prior to engaging in activities in the state.

1. The initial notification shall include all of the following:

A. The location of use;

B. The period of time for use;

C. The type of proposed possession and use within the state; and

D. A copy of the pertinent licensing document.

2. If, for a specific case, the three-day period would impose an undue hardship on the out-of-state licensee, the licensee may, upon application to the department, obtain permission to proceed with use sooner.

3. The department may waive the requirement for filing additional written notifications during the remainder of the 365-day reciprocity period following the receipt of the initial notification from a person wishing to engage in activities under the general license granted by subparagraph 39.6(3)*"a"*(1).

(4) The out-of-state licensee shall comply with all applicable rules of the department and with all the terms and conditions of the licensing document, with the exception of any terms and conditions that may be inconsistent with the applicable rules of this chapter.

(5) The out-of-state licensee shall supply other information upon the request of the department.

(6) The out-of-state licensee cannot transfer or dispose of radioactive material possessed or used under the general license granted by subrule 39.6(3), except by transfer to a person specifically licensed by the department, another agreement state, or the Commission to receive such material.

(7) Notwithstanding the provisions of this chapter, any person who holds a specific license issued by the Commission or an agreement state authorizing the holder to manufacture, transfer, install, or service a device described in 641—subrule 37.8(3) within areas subject to the jurisdiction of the licensing body is hereby granted a general license to install, transfer, demonstrate, or service such a device in this state provided that all of the following requirements are met:

1. Such person shall file a report with the department within 30 days after the end of each calendar quarter in which any device is transferred to or installed in this state. Each report shall identify each general licensee to whom such device is transferred by name and address, the type of device transferred, and the quantity and type of radioactive material contained in the device;

2. The device has been manufactured, labeled, installed, and serviced in accordance with applicable provisions of the specific license issued to such person by the Commission or an agreement state;

3. Such person shall ensure that any labels required to be affixed to the device, under regulations of the authority that licensed manufacture of the device, bear a statement that "Removal of this label is prohibited";

4. The holder of the specific license shall furnish a copy of the general license contained in rule 641—37.8(136C), or in equivalent regulations of the department having jurisdiction over the manufacture and distribution of the device, to each general licensee to whom the holder transfers such device to or on whose premises the holder installs such device.

(8) The department may withdraw, limit, or qualify its acceptance of any specific license, equivalent licensing document issued by the Commission or an agreement state, or any product

distributed pursuant to such licensing document upon determining that such action is necessary in order to prevent undue hazard to public health and safety or to property.

(9) Enforcement and revocation of industrial radiographer ID cards.

1. Any industrial radiographer who violates these rules shall be subject to formal enforcement action. The department may require the radiographer to appear at a formal hearing to show cause why the ID card should not be suspended or revoked.

2. When the department issues an order directing an industrial radiographer to cease and desist from the use of radioactive material, or suspending or revoking an ID card, the radiographer shall immediately surrender the ID card to the department. The ID card shall not be reissued until the order has been modified or rescinded or the period of suspension has expired.

3. An inspector of the department is authorized, with prior approval of the department, to confiscate an industrial radiographer's ID card during an inspection or investigation if the inspector determines that the radiographer's activities constitute a severity level of I, II, or III, as specified in rule 641—37.10(136C). Upon confiscation, the department shall transmit the ID card(s) to the issuing entity and notify the U.S. Nuclear Regulatory Commission and all applicable agreement states.

b. Licenses of naturally occurring or accelerator-produced radioactive material.

(1) Any person who holds a specific license from the Commission or an agreement state, and issued by the department for directing the licensed activity and at which radiation safety records are normally maintained, is granted a general license to conduct the activities authorized in the licensing document issued by the department having jurisdiction within Iowa.

1. This general license shall be for a period not in excess of 180 days in a 365-day period. The one-year period starts on the day the licensee's reciprocity fee, as specified in 641—subrule 37.9(4), is received by the department and ends exactly 365 days later.

2. Licensees are responsible for ensuring they do not exceed the 180-day limit within the 365-day period and must apply for renewal 30 days prior to the expiration date of the 365-day reciprocal recognition period.

3. Out-of-state persons wishing to operate in the state in excess of 180 calendar days must obtain an Iowa radioactive materials license, which requires that the person have a permanent office in Iowa where records pertaining to licensed activities are maintained and where material can be stored. This office must have at least one full-time employee and a telephone.

(2) The licensing document issued by the department having jurisdiction, as referenced in subparagraph 39.6(3)*"a"*(1), cannot limit the activity authorized by the document to specified installations or locations.

(3) The out-of-state licensee shall notify the department in writing at least three days prior to engaging in activities in the state.

1. The notification shall include all of the following:

A. The location of use;

B. The period of time for use;

C. The type of proposed possession and use within the state;

D. A copy of the pertinent licensing document.

2. If, for a specific case, the three-day period would impose an undue hardship on the out-of-state licensee, the licensee may, upon application to the department, obtain permission to proceed with use sooner.

3. The department may waive the requirement for filing additional written notifications during the remainder of the 365-day reciprocity period following the receipt of the initial notification from a person wishing to engage in activities under the general license granted by subparagraph 39.6(3)*"b"*(1).

(4) The out-of-state licensee shall comply with all applicable rules of the department and with all the terms and conditions of the licensing document, with the exception of any terms and conditions that may be inconsistent with the applicable rules of this chapter.

(5) The out-of-state licensee shall supply other information upon the request of the department.

(6) The out-of-state licensee cannot transfer or dispose of radioactive material possessed or used under the general license granted by paragraph 39.6(3)*"b,"* except by transfer to a person who meets either of the following criteria:

1. The person is specifically licensed by the department, another agreement state, or the Commission to receive such material; or

2. The person is exempt from the requirements for a license for such material under Appendix E of this chapter.

(7) Notwithstanding the provisions of this chapter, any person who holds a specific license issued by the Commission or an agreement state authorizing the holder to manufacture, transfer, install, or service a device described in 10 CFR 31.5 within areas subject to the jurisdiction of the licensing body is granted a general license to install, transfer, demonstrate, or service such a device in this state provided that all of the following requirements are met:

1. Such person shall file a report with the department within 30 days after the end of each calendar quarter in which any device is transferred to or installed in this state. Each report shall identify each general licensee to whom such device is transferred by name and address, the type of device transferred, and the quantity and type of radioactive material contained in the device;

2. The device has been manufactured, labeled, installed, and serviced in accordance with applicable provisions of the specific license issued to such person by the U.S. Nuclear Regulatory Commission or an agreement state;

3. Such person shall ensure that any labels required to be affixed to the device, under regulations of the authority that licensed manufacture of the device, bear a statement that "Removal of this label is prohibited";

4. The holder of the specific license shall furnish a copy of the general license contained in subparagraph 39.6(3)*"b"*(1), or in equivalent regulations of the department having jurisdiction over the manufacture and distribution of the device, to each general licensee to whom the holder transfers such device or on whose premises the holder installs such device.

(8) The department may withdraw, limit, or qualify its acceptance of any specific license or equivalent licensing document issued by the Commission or an agreement state, or any product distributed pursuant to such licensing document, upon determining that such action is necessary in order to prevent undue hazard to public health and safety or to property.

(9) The department may revoke or suspend an out-of-state radiographer's ID card issued by the Commission, a licensing state, or another agreement state in accordance with the provisions of 10 CFR 30.61.

[**ARC 0179D**, IAB 4/1/26, effective 7/1/26]

641—39.7(136C) General domestic licenses for byproduct material.

39.7(1) In addition to the rules of this chapter, RAM facilities shall comply with the requirements of 10 CFR Part 31, "General Domestic Licenses for Byproduct Material," unless specific exemptions apply.

39.7(2) The provisions of 10 CFR Part 31 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 10 CFR 31.4, 31.22, and 31.23.

b. Where the word "NRC" appears in 10 CFR 31.5(c)(8)(iii), (c)(13)(ii), and (c)(13)(iv) and in 31.12(a)(5), (c)(1), (c)(2), (c)(4), and (c)(5), substitute the words "Iowa HHS."

c. Where the words "Nuclear Regulatory Commission" appear in 10 CFR 31.5(c)(11), substitute the words "Iowa HHS."

d. Where the word "Commission" appears in 10 CFR 31.5(c)(5)(first and third mention), (c)(13)(ii)(both mentions), (c)(13)(iii), and (c)(13)(iv); 10 CFR 31.8(c)(2) (second mention), 31.11(b)(1), and (d)(2)(second mention); and 10 CFR 31.21, substitute the words "Iowa HHS."

e. Where the words "Office of Nuclear Material Safety and Safeguards" appear in 10 CFR 31.5(c)(5), 31.5(c)(14), and 31.12(c)(1), substitute the words "Iowa HHS at 321 E. 12th Street, Des Moines, Iowa 50319."

f. For the purpose of this chapter, where 10 CFR Part 31.11(b)(1) requires "NRC Form 483," licensees shall use "Iowa HHS Form 483."

[**ARC 0179D**, IAB 4/1/26, effective 7/1/26]

641—39.8(136C) Specific domestic licenses to manufacture or transfer certain items containing byproduct material.

39.8(1) In addition to the rules of this chapter, RAM facilities shall comply with the requirements of 10 CFR Part 32, "Specific Domestic Licenses to Manufacture or Transfer Certain Items Containing Byproduct Material," unless specific exemptions apply.

39.8(2) The provisions of 10 CFR Part 32 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 10 CFR 32.1(c)(1), 32.2, 32.8, 32.11, 32.12, 32.13, 32.14, 32.15, 32.16, 32.18, 32.19, 32.20, 32.21, 32.21a, 32.22, 32.23, 32.25, 32.26, 32.27, 32.28, 32.29, 32.30, 32.31, 32.32, 32.74(c), 32.211, 32.301, and 32.303.

b. Where the word "NRC" appears in 10 CFR 32.51a(a)(5) and (b)(1) and 32.210(a) and (d)(all mentions), substitute the words "Iowa HHS."

c. Where the words "Agreement State" appear in 10 CFR 32.51(c), 32.51a(b), 32.51a(b)(1), 32.55(d), 32.56(b), 32.59, and 32.62(e), substitute the words "U.S. NRC or an Agreement State."

d. Where the words "to the NRC and to any appropriate Agreement State" appear in 10 CFR 32.51(c), 32.51a(b), 32.51a(b)(1), 32.55(d), 32.56(b), 32.59, and 32.62(e), substitute the words "to Iowa HHS, the NRC and to any appropriate Agreement State."

e. Where the words "U.S. NRC or an Agreement State" appear in 10 CFR 32.54(b)(2)(iv), substitute the words "HHS, NRC, or an Agreement State."

f. Where the words "Director, Office of Nuclear Material Safety and Safeguards, ATTN: GLTS, by an appropriate method listed in § 30.6(a) of this chapter" appear in 10 CFR 32.52(a) and 32.56(a), substitute the words "Iowa HHS."

g. Where the words "NRC's Office of Nuclear Material Safety and Safeguards, ATTN: SSDR by an appropriate method listed in § 30.6(a) of this chapter" appear in 10 CFR 32.210(b), substitute the words "Iowa HHS."

h. Where the words "US Nuclear Regulatory Commission" appear in 10 CFR 32.74(a)(3), substitute the words "Iowa HHS."

i. Where the words "Commission or an Agreement State" appear in 10 CFR 32.72(b)(5)(i) and (b)(5)(ii), substitute the words "Iowa HHS, Commission, or an Agreement State."

j. Where the word "Commission" appears in 10 CFR 32.3, 32.6(c)(1) and (e), 32.51(a)(3) and (b), 32.51a(c), 32.53(b)(6) and (d), 32.54(a) and (b) and (b)(2)(v), 32.57(b)(7) and (d), 32.61(b)(8) and (e), 32.72(b)(5), 32.74(b)(2), 32.210(e) and (h)(all mentions), substitute the words "Iowa HHS."

k. For the purpose of this chapter, where 10 CFR 32.11 requires "NRC Form 313," licensees shall use "Iowa HHS Form 313."

l. For the purpose of this chapter, where 10 CFR 32.52(a) requires "NRC Form 653," licensees shall use "Iowa HHS Form 653."

m. Where 10 CFR Part 30 references fees listed in 10 CFR Parts 170 and 171, licensees shall comply with the fee requirements specified in rule 641—37.9(136C).

[**ARC 0179D**, IAB 4/1/26, effective 7/1/26]

641—39.9(136C) Specific domestic licenses of broad scope for byproduct material.

39.9(1) In addition to the rules of this chapter, RAM facilities shall comply with the requirements of 10 CFR Part 33, "Specific Domestic Licenses of Broad Scope for Byproduct Material," unless specific exemptions apply.

39.9(2) The provisions of 10 CFR Part 33 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 10 CFR 33.8, 33.21, and 33.23.

b. Where the word "Commission" appears in 10 CFR 33.16 and 33.17(a)(3), substitute the words "Iowa HHS."

c. For the purpose of this chapter, where 10 CFR 33.8 and 33.12 require "NRC Form 313," licensees shall use "Iowa HHS Form 313."

d. Where 10 CFR Part 30 references fees listed in 10 CFR Parts 170 and 171, licensees shall comply with the fee requirements specified in rule 641—37.9(136C).

[**ARC 0179D**, IAB 4/1/26, effective 7/1/26]

641—39.10(136C) Licenses for industrial radiography and radiation safety requirements for industrial radiographic operations. In addition to the rules of this chapter, RAM facilities shall comply with the requirements of 10 CFR Part 34, "Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations," unless specific exemptions apply.

39.10(1) *Adoption by reference—conditions.* The provisions of 10 CFR Part 34 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 10 CFR 34.5, 34.8, 34.11, 34.41(b), 34.41(c), and 34.121.

b. Where the word "NRC" appears in 10 CFR 34.42(c)(1), 34.42(d), 34.43(b)(1)(both mentions) and (c)(1)(both mentions), and 34.89(b)(2), substitute the words "Iowa HHS."

c. Where the words "NRC or an Agreement State" appear in 10 CFR 34.27(a), substitute the words "Iowa HHS, NRC, or an Agreement State."

d. Where the words "Director, Office of Nuclear Material Safety and Safeguards by appropriate methods listed in 30.6(a) of this chapter" appear in 10 CFR 34.27(d) and 34.43(a)(1), substitute the words "Iowa HHS."

e. In 10 CFR 34.27(d), the sentence "A copy of the report must be sent to the Administrator of the appropriate Nuclear Regulatory Commission's Regional Office listed in appendix D of 10 CFR part 20 of this chapter "Standards for Protection Against Radiation"" is deleted and does not apply.

f. Where the word "Commission" appears in 10 CFR 34.3, 34.20(a)(2), 34.27(d), 34.41(b), 34.42(b), 34.43(a)(2) and (e) and (e)(3), 34.61(both mentions), 34.81, 34.83(c) and (d), 34.111, and Appendix A, substitute the words "Iowa HHS."

g. Where the words "Commission or an Agreement State" appear in 10 CFR 34.27(b) and (c)(both mentions) and (e) and 34.41(c), substitute the words "Iowa HHS, NRC, or an Agreement State."

h. Where the words "NRC's office of Nuclear Material Safety and Safeguards" and "NRC regional office" appear in 10 CFR 34.101, substitute the words "Iowa Health and Human Services – Bureau of Radiological Health, 321 E 12th Street, Des Moines, Iowa 50319."

i. Where the words "When operating under reciprocity pursuant to 150.20 of this chapter, a copy of the Agreement State license authorizing the use of licensed materials" appears in 10 CFR 34.89(b)(12), substitute the words "When operating under reciprocity pursuant to 150.20 of this chapter, a copy of the NRC or Agreement State license authorizing the use of licensed materials."

j. For the purpose of this chapter, where 10 CFR 34.8 and 34.11 require "NRC Form 313," licensees shall use "Iowa HHS Form 313."

k. Where 10 CFR Part 30 references fees listed in 10 CFR Parts 170 and 171, licensees shall comply with the fee requirements specified in rule 641—37.9(136C).

39.10(2) *General requirements for use of radiation machines in industrial radiography.* The requirements of this subrule are in addition to, and not in substitution for, other applicable requirements of 10 CFR 34, 641—Chapter 37, and this chapter. These rules apply to all licensees or registrants who use radiation for industrial or nonhuman purposes.

a. Exemptions.

(1) Uses of certified and certifiable cabinet X-ray systems designed to exclude individuals are exempt from the requirements of this chapter, except for the requirements of subparagraphs 39.10(2)*"e"*(2) and *"f"*(3).

(2) Radiation machines determined by the agency to constitute a minimal threat to human health and safety in accordance with 641—subrule 37.3(1) are exempt from the rules in this chapter, except for the requirements of this subrule.

b. Receipt, transfer, and disposal of sources of radiation. Each registrant shall maintain records showing the receipt, transfer, and disposal of machine-produced sources of radiation.

(1) These records shall include all of the following:

1. The date;
2. The name of the individual making the record; and
3. The make, model, and serial number of each source of radiation and device, as appropriate.

(2) Records shall be maintained for three years after they are made.

c. Radiation survey instruments.

(1) The licensee or registrant shall maintain sufficient calibrated and operable radiation survey instruments at each location where sources of radiation are present to make physical radiation surveys as required by this chapter and 641—subrule 37.11(13). Instrumentation required by this subrule shall have a range such that two millirems (0.02 millisievert) per hour through one rem (0.01 sievert) per hour can be measured.

(2) Notwithstanding the requirements of 641—paragraph 37.11(13)*"c,"* each radiation survey instrument shall be calibrated:

1. At energies appropriate for use and at intervals not to exceed six months and after each instrument servicing;
2. Such that accuracy within plus or minus 20 percent of the calibration source can be demonstrated at each point checked;
3. At 2 points located approximately 1/3 and 2/3 of full-scale on each scale for linear scale instruments; at midrange of each decade, and at 2 points of at least 1 decade for logarithmic scale instruments; and at 3 points between 2 and 1,000 mrem per hour for digital instruments; and
4. By a person licensed or registered by the agency, another agreement state, or the Commission to perform such service.

(3) Records of these calibrations shall be maintained for three years after the calibration date for inspection by the agency.

(4) Each radiation survey instrument shall be checked with a radiation source at the beginning of each day of use and at the beginning of each work shift to ensure it is operating properly.

d. Utilization logs.

(1) Each registrant shall maintain current logs of the use of each source of radiation. The logs shall include all of the following:

1. A unique identification, which includes the make, model and serial number of each source of radiation;
2. The identity of the radiographer using the source of radiation;
3. The date(s) each source of radiation is energized or used and the number of exposures made.

(2) Utilization logs must be kept on clear, legible records containing all the information required by this chapter. Copies of utilization logs shall be maintained for agency inspection for three years from the date of the recorded event. The records shall be kept at the location specified by the license or certificate of registration.

e. Inspection and maintenance.

(1) Each registrant shall perform visual and operability checks on survey meters, radiation machines and associated equipment before use on each day that the components are to be used to ensure that the components are in good working condition and that required labeling is present. Survey instrument operability must be performed using check sources or other appropriate means.

(2) Each registrant shall have written procedures and conduct a program at intervals not to exceed three months, or prior to the first use thereafter, of inspection and maintenance of radiation machines, survey instruments, and associated equipment to ensure proper functioning of components important to safety.

1. All appropriate parts shall be maintained in accordance with manufacturer's specifications.
2. Replacement components shall meet design specifications.
3. This program shall cover, as a minimum, the items in Appendix F of this chapter.

(3) If equipment defects or issues are found, the equipment must be removed from service until repaired.

(4) A record of equipment defects or issues and of any maintenance performed under the requirements of this chapter must be retained for three years after the record is made. The record must include all of the following:

1. The date of check or inspection;
2. The name of the inspector;
3. The specific equipment involved;
4. Any problems found; and
5. What repair or maintenance was performed, if any.

f. Permanent radiographic installations. Permanent radiographic installations having high radiation area entrance controls of the type described in 641—subparagraphs 37.11(15)*"a"*(2) and *"a"*(3) shall also meet all of the following requirements:

(1) Each entrance that is used for personnel access to the high radiation area shall have both visible and audible warning signals to warn of the presence of radiation.

1. The visible signal shall be activated by radiation.
2. The audible signal shall be activated when an attempt is made to enter the installation while the source is exposed.

(2) The control device or alarm system shall be tested for proper operation at the beginning of each day of equipment use.

1. If a control device or alarm system is operating improperly, it shall be immediately labeled as defective and repaired before industrial radiographic operations are resumed.
2. Records of these tests shall be maintained for inspection by the agency for three years from the date of the event.

g. Training and testing for radiographic personnel.

(1) Radiographer's assistant requirements. No registrant shall permit any individual to act as a radiographer's assistant, as defined in this chapter, until it has been documented on the appropriate agency form or equivalent that such individual has received copies of, and has demonstrated an understanding of, the following:

1. The subjects outlined in Appendix A;
2. The rules contained in this chapter and the applicable sections of 641—Chapter 37.
3. The appropriate conditions of certificate(s) of registration;
4. The registrant's operating and emergency procedures;
5. A developed competence to use, under the personal supervision of the radiographer, the registrant's radiation machine and radiation survey instruments that the assistant will use;

(2) Radiographer requirements. No registrant shall permit any individual to act as a radiographer until it has been documented to the agency that such individual has:

1. Completed the requirements of subparagraph 39.10(2)*"g"*(4);
2. Completed on-the-job training as a radiographic trainee supervised by one or more radiographic trainers. The on-the-job training shall be documented on the appropriate agency form or equivalent and shall include a minimum of one month (160 hours) of active participation in the performance of industrial radiography utilizing radiation machines. Active participation does not include safety meetings or classroom training;

3. Demonstrated competence in the use of radiation machines and radiation survey instruments that may be employed in industrial radiographic assignments by successful completion of a practical examination covering this material;

4. Completed, within the last five years, an appropriate examination and possesses a current ID card.

(3) Radiographer trainer. No individual shall act as a radiographer trainer unless such individual:

1. Has met the requirements of subparagraph 39.10(2)*"g"*(1) and numbered paragraph 39.10(2)*"g"*(2)"2";

2. Has one year of documented experience as an industrial radiographer and possesses a current ID card issued at least one year prior to acting as a trainer; and

3. Is named on the certificate of registration issued by the agency and under which an individual is acting as a radiographer trainer.

(4) Radiation safety officer (RSO). The RSO, as defined in rule 641—37.2(136C), shall ensure that radiation safety activities are being performed in accordance with approved procedures and regulatory requirements in the daily operation of the registrant's program.

1. An RSO shall be designated for every certificate of registration issued by the agency.

2. The RSO's qualifications shall include the following:

A. Possession of a high school diploma or a certificate of high school equivalency based on the GED tests;

B. Completion of the training and testing requirements of subparagraphs 39.10(2)*"g"*(1), *"g"*(3), and *"g"*(4).

C. Formal training in the establishment and maintenance of a radiation protection program.

D. The agency will consider alternatives when the RSO has either appropriate training or experience, or both, in the field of ionizing radiation and, in addition, has adequate formal training with respect to the establishment and maintenance of a radiation safety protection program.

3. The specific duties of the RSO include but are not limited to the following:

A. To establish and oversee operating, emergency, and ALARA procedures and to review them regularly to ensure that the procedures are current and conform with these rules;

B. To oversee and approve all phases of the training program for radiographic personnel so that appropriate and effective radiation protection practices are taught;

C. To ensure that required radiation surveys are performed and documented in accordance with these rules, including any corrective measures when levels of radiation exceed established limits;

D. To ensure that personnel monitoring devices are calibrated and used properly by occupationally exposed personnel, that records are kept of the monitoring results, and that timely notifications are made as required by rule 641—37.11(136C);

E. To ensure that any required interlock switches and warning signals are functioning and that radiation signs, ropes, and barriers are properly posted and positioned;

F. To investigate and report to the agency each known or suspected case of radiation exposure to an individual or radiation level detected in excess of limits established by these rules, and each theft or loss of source(s) of radiation, to determine the cause, and to take steps to prevent its recurrence;

G. To have a thorough knowledge of management policies and administrative procedures of the registrant;

H. To assume control and have the authority to institute corrective actions, including shutdown of operations when necessary in emergency situations or unsafe conditions;

I. To maintain records as required by these rules (Appendix C contains more information);

J. To ensure the proper storing, labeling, transport, and use of sources of radiation;

K. To ensure that quarterly inventory and inspection and maintenance programs are performed in accordance with the requirements of this chapter;

L. To ensure that personnel are complying with these rules, the conditions of the registration, and the operating and emergency procedures of the registrant; and

M. To ensure that annual refresher safety training has been provided for each radiographer and radiographer's assistant at intervals not to exceed 12 months.

(5) Training and testing records. Each registrant shall maintain, for agency inspection, training and testing records that demonstrate that the applicable requirements of subparagraphs 39.10(2)*"g"*(1) and *"g"*(2) are met.

1. Records of training for all industrial radiographic personnel must include all of the following:

A. Personnel certification documents and verification of certification status;

B. Copies of written tests;

C. Dates of oral and practical examinations; and

D. The names of individuals conducting and receiving the oral and practical examinations.

2. Records of annual refresher training and semiannual inspection of job performance for all industrial radiographic personnel must include all of the following:

A. The topics discussed during the refresher safety training;

B. The dates the annual refresher safety training was conducted; and

C. The names of the instructors and attendees.

3. For inspections of job performance, the records must also include a list showing the items checked and any noncompliance observed by the RSO.

4. Records shall be maintained until disposal is authorized by the agency. The agency cannot release records for disposal unless the records have been maintained at least three years.

(6) Reciprocity.

1. Reciprocal recognition by the agency of an individual radiographer certification will be granted provided that all of the following conditions are met:

A. The individual holds a valid certification in the appropriate category and class issued by a certifying entity as defined in this chapter;

B. The requirements and procedures of the certifying entity issuing the certification require the same or comparable certification standards as those required by subparagraphs 39.10(2)*"g"*(1) through *"g"*(5); and

C. The individual submits a legible copy of the certification to the agency prior to entry into Iowa.

2. Enforcement actions with the agency, another agreement state, or the Commission or any sanctions by an independent certifying entity may be considered when reviewing a request for reciprocal recognition from a licensee, registrant, or certified radiographer.

3. Certified radiographers who are granted reciprocity by the agency shall maintain the certification upon which the reciprocal recognition was granted or, prior to the expiration of such certification, shall meet the requirements of subparagraph 39.10(2)*"g"*(2).

h. Internal audits.

(1) The RSO or designee shall conduct an inspection program of the job performance of each radiographer and radiographer's assistant to ensure that these rules and the registrant's operating and emergency procedures are followed. The inspection program must:

1. Include observation of the performance of each radiographer and radiographer's assistant during an actual industrial radiographic operation, at intervals not to exceed six months; and

2. Provide that, if a radiographer or radiographer's assistant has not participated in an industrial radiographic operation for more than six months since the last audit, the radiographer or radiographer's assistant must demonstrate understanding of the subjects contained in Appendix A of this chapter by a practical examination before the individual can participate in a radiographic operation.

(2) When a single individual serves as both radiographer and RSO and performs all radiography operations, an inspection program is not required. Alternatives shall be submitted and approved by the department in these situations.

(3) Records of audits shall be maintained by the licensee or registrant for agency inspection for three years from the date of the audit.

i. Personnel monitoring control.

(1) The personnel monitoring program shall meet the applicable requirements of rule 641—37.11(136C).

(2) Records of pocket dosimeter readings of personnel exposures and yearly operability checks required in 10 CFR 34.47(c) shall be maintained for three years by the licensee or registrant for agency inspection.

1. If the dosimeter readings were used to determine external radiation dose (i.e., no TLD or film badge exposure records exist), the records shall be maintained for three years after they are recorded.

2. Records of estimates of exposures as a result of off-scale personal direct reading dosimeters, or lost or damaged film badges, OSLs, or TLDs, shall be maintained until the agency terminates the license.

(3) Reports received from the film badge, OSL device or TLD processor shall be kept for inspection by the agency until the agency terminates the license.

j. Access control. During each industrial radiographic operation, a radiographer or radiographer's assistant shall maintain continuous, direct visual surveillance of the operation to protect against unauthorized entry into a restricted area, radiation area, or high radiation area, except at permanent radiographic installations where all entryways are locked to protect against unauthorized or accidental entry and the requirements of paragraph 39.10(2)*"f"* are met.

k. Posting.

(1) Notwithstanding any provisions in 641—subrule 37.11(21), areas in which radiography is being performed shall be conspicuously posted as required by 641—paragraphs 37.11(20)*"a"* and *"b."*

(2) Whenever practicable, ropes or barriers shall be used in addition to appropriate signs to designate areas in accordance with 641—subrule 37.11(20) and to help prevent unauthorized entry.

(3) Notwithstanding the requirements of subparagraph 39.10(2)*"k"*(1), a restricted area may be established in accordance with 641—subrule 37.11(20) and may be posted in accordance with 641—paragraphs 37.11(20)*"a"* and *"b,"* i.e., both signs may be posted at the same location at the boundary of the restricted area.

l. Temporary job site requirements. Each registrant conducting industrial radiography at a temporary job site shall have the following records available at that site for inspection by the department:

(1) Appropriate certificate of registration or equivalent document;

(2) The appropriate operating and emergency procedures;

(3) The applicable agency rules; and

(4) Survey records required pursuant to subparagraph 39.10(3)*"e"*(4) for the period of operation at the site.

m. Notifications.

(1) The agency shall be notified of thefts or losses of sources of radiation, overexposures, and excessive levels in accordance with 641—subrule 37.13(1) and 10 CFR 20.2203.

(2) Each registrant shall submit a written report within 30 days to the department whenever one of the following events occurs:

1. An indicator on a radiation-producing machine fails to show that radiation is being produced; and

2. An exposure switch fails to terminate production of radiation when turned to the off position.

(3) The licensee or registrant shall include the following information in each report submitted in accordance with 10 CFR 34.101 and 641—subrule 37.13(4):

1. The licensee or registrant name and license or registration number;

2. The name of the prescribing physician, if applicable;

3. A description of the event, including:

A. The probable cause;

B. The manufacturer and model number (if applicable) of any equipment that failed or malfunctioned;

4. The exact location of the event;

5. The date and time of the event;

6. The isotopes, quantities, and chemical and physical form of the licensed material involved;

7. Corrective actions taken or planned to prevent recurrence and the results of any evaluations or assessments;

8. The extent of exposure of individuals to radiation or to radioactive materials, without identification of individuals by name, and the effect, if any, on the individual(s) who received the administration or exposure; and

9. Certification that the licensee or registrant notified the individual or the individual's responsible relative or legal guardian and the referring physician in compliance with the requirements of this chapter and, if not, why not.

n. Copies of operating and emergency procedures. Each registrant shall maintain a copy of current operating and emergency procedures until the agency terminates the license. Superseded material must be retained for three years.

39.10(3) *Radiation safety requirements for the use of radiation machines in industrial radiography.* The requirements of this subrule are in addition to, and not in substitution for, other applicable requirements of 10 CFR 34, 641—Chapter 37, and this chapter. These rules apply to all licensees or registrants who use radiation for industrial or nonhuman purposes.

a. Locking of sources of radiation. The control panel of each radiation machine shall be equipped with a locking device that will prevent the unauthorized use of an X-ray system or the accidental production of radiation. The radiation machine shall be kept locked and the key removed at all times, except when under the direct visual surveillance of a radiographer.

b. Permanent storage precautions. Radiation machines shall be secured while in storage to prevent tampering or removal by unauthorized individuals.

c. Requirements for radiation machines used in industrial radiographic operations.

(1) Equipment used in industrial radiographic operations involving radiation machines manufactured after January 1, 1992, shall be certified at the time of manufacture to meet the criteria set forth by ANSI N537-1976.

(2) The registrant's name and city or town where the main business office is located shall be prominently displayed with a durable, clearly visible label(s) on all vehicles used to transport radiation machines for temporary job site use.

d. Operating and emergency procedures.

(1) The registrant's operating and emergency procedures shall include instructions in, at a minimum, the following:

1. Operation and safety instruction on the radiation machine(s) to be used;

2. Methods and occasions for conducting radiation surveys;

3. Methods for controlling access to radiographic areas;

4. Methods and occasions for locking and securing sources of radiation;

5. Personnel monitoring and the use of personnel monitoring equipment, including steps that must be taken immediately by radiography personnel in the event a pocket dosimeter is found to be off-scale;

6. Minimizing exposure of individuals in the event of an accident;

7. The procedure for notifying proper personnel in the event of an accident;

8. Maintenance of records; and

9. Inspection and maintenance of radiation machines.

(2) Each registrant shall provide, as a minimum, two radiographic personnel when radiation machines are used for any industrial radiography conducted other than at a permanent radiographic installation (shielded room, bay, or bunker). If one of the personnel is a radiographer's assistant, the other shall be a radiographer trainer authorized by the certificate of registration.

(3) No individual other than a radiographer or a radiographer's assistant who is under the direct supervision of a radiographer trainer shall manipulate controls or operate equipment used in industrial radiographic operations.

e. Radiation surveys and survey records.

(1) No radiographic operation shall be conducted unless calibrated and operable radiation survey instrumentation, as described in paragraph 39.10(2)*"c,"* is available and used at each site where radiographic exposures are made.

(2) A physical radiation survey shall be made after each radiographic exposure using radiation machines to determine that the machine is off.

(3) All potential radiation areas where industrial radiographic operations are to be performed shall be posted in accordance with paragraph 39.10(2)*"c,"* based on calculated dose rates, before industrial radiographic operations begin. An area survey shall be performed during the first radiographic exposure to confirm that paragraph 39.10(2)*"c"* requirements have been met and that unrestricted areas do not have radiation levels in excess of the limits specified in 641—subparagraph 37.11(11)*"a"*(1).

(4) Records shall be kept of the surveys required by subparagraphs 39.10(3)*"e"*(1) and *"e"*(2). Such records shall be maintained for inspection by the agency for three years after completion of the survey. If the survey was used to determine an individual's exposure, however, the records of the survey shall be maintained until the agency authorizes their disposition.

f. Special requirements and exemptions for enclosed radiography.

(1) Systems for enclosed radiography, including shielded-room radiography and cabinet radiography, designed to allow admittance of individuals shall:

1. Comply with all applicable requirements of this chapter and 641—subparagraph 37.11(11)*"a"*(1). If such a system is a certified cabinet X-ray system, it shall comply with all applicable requirements of this chapter and 21 CFR 1020.40.

2. Be evaluated at intervals not to exceed one year to ensure compliance with the applicable requirements as specified in 641—subparagraph 37.11(11)*"a"*(1). Records of these evaluations shall be maintained for inspection by the agency for a period of three years after the evaluation.

(2) Certified and certifiable cabinet X-ray systems are exempt from the requirements of this chapter, except for the following:

1. Operating personnel must be provided with individual monitoring devices in accordance with the appropriate provisions of 641—subrule 37.11(14);

2. No registrant shall permit any individual to operate a cabinet X-ray system until such individual has received a copy of, and instruction in, the operating procedures for the unit and has demonstrated competence in its use. Records that demonstrate compliance with this subparagraph shall be maintained for inspection by the agency until disposition is authorized by the agency.

3. Tests for proper operation of interlocks used to control entry to the high radiation area or alarm systems, where applicable, shall be conducted and recorded every three months. Records of these tests shall be maintained for agency inspection until disposal is authorized by the agency.

4. The registrant shall perform an evaluation, at intervals not to exceed one year, to determine conformance with 641—subparagraph 37.11(11)*"a"*(1).

A. If such a system is a certified cabinet X-ray system, it shall be evaluated at intervals not to exceed one year to determine conformance with 21 CFR 1020.40.

B. Records of these evaluations shall be maintained for inspection by the agency for a period of three years after the evaluation.

(3) Certified cabinet X-ray systems shall be maintained in compliance with 21 CFR 1020.40 unless prior approval has been granted by the agency pursuant to 641—subrule 37.3(1).

g. Registration for industrial radiographic operations.

(1) No person shall receive, possess, use, transfer, own, or acquire an analytical X-ray device, except as authorized by a registration issued in accordance with rule 641—37.8(136C).

(2) Each industrial radiography device shall be registered in accordance with the requirements of 641—subrule 37.8(2).

(3) In addition to the registration requirements of 641—subrule 37.8(2), an application for a certificate of registration shall include all of the following information:

1. A schedule or description of the program for training radiographic personnel that specifies:

A. Initial training,

B. Periodic training,

C. On-the-job training, and

D. Methods to be used by the registrant to determine the knowledge, understanding, and ability of radiographic personnel to comply with agency rules, registration requirements, and the operating and emergency procedures of the applicant.

2. Written operating and emergency procedures, including all items listed in Appendix B.

3. A description of the internal inspection system or other management control to ensure that radiographic personnel follow registration provisions, rules of the agency, and the applicant's operating and emergency procedures.

4. A list of permanent radiographic installations and descriptions of permanent storage and use locations.

5. A description of the organization of the industrial radiographic program, including delegations of authority and responsibility for operation of the radiation safety program.

(4) A certificate of registration will be issued if the requirements of rule 641—37.8(136C) and this subrule are met.

[**ARC 0179D**, IAB 4/1/26, effective 7/1/26]

641—39.11(136C) Medical use of byproduct material.

39.11(1) In addition to the rules of this chapter, RAM facilities shall comply with the requirements of 10 CFR Part 35, "Medical Use of Byproduct Material," unless specific exemptions apply.

39.11(2) The provisions of 10 CFR Part 35 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 10 CFR 35.8, 35.10, 35.11(c)(1), 35.11(c)(2), 35.13(a)(1), 35.13(a)(2), 35.13(b)(5), 35.4001, and 35.4002.

b. Where the word "NRC" appears in 10 CFR 35.6(c), 35.13(b)(4)(i), 35.57(c), 35.3045(g), 35.3047(f)(1), and 35.3204(a), substitute the words "Iowa HHS."

c. Where the words "NRC Operations Center" appear in 10 CFR 35.3045(c), 35.3047(c), and 35.3204(a), substitute the words "Iowa HHS."

d. Where the words "The commercial telephone number of the NRC Operations Center is (301) 816–5100" appear in the footnote of 10 CFR 35.3045, substitute the words "The 24-hour emergency phone number of Iowa HHS is 515-725-4160."

e. Where the words "appropriate NRC Regional Office listed in § 30.6 of this chapter" appear in 10 CFR 35.3045(d), 35.3047(d), 35.3067, and 35.3204(b), substitute the words "Iowa HHS."

f. In 10 CFR 35.3067, the phrase "with a copy to the Director, Office of Nuclear Material Safety and Safeguards" is deleted and does not apply.

g. Where the word "Commission" appears in 10 CFR 35.5, 35.12(d)(4), 35.14(a) and (b), 35.18, 35.19, 35.24, 35.26, and 35.1000, substitute the words "Iowa HHS."

h. Where the words "Commission or an Agreement State" appears in 10 CFR 35.2, 35.11, 35.13, 35.14, 35.50, 35.51, 35.55, 35.57, 35.67, 35.190, 35.290, 35.390, 35.392, 35.394, 35.396, 35.433, 35.490, 35.590, 35.605, 35.655, and 35.690, substitute the words "Iowa HHS, NRC, or an Agreement State."

i. For the purpose of this chapter, where 10 CFR 35.8 requires "NRC Form 313, including NRC Form 313A" licensees shall use "Iowa HHS Form 313, including Iowa HHS Form 313A."

j. For the purpose of this chapter, where 10 CFR 35.12(b)(1), 35.12(c)(1)(i), 35.12(c)(1)(ii), and 35.18(a)(1) require "NRC Form 313," licensees shall use "Iowa HHS Form 313A."

k. Where 10 CFR Part 35 references fees listed in 10 CFR Parts 170 and 171, licensees shall comply with the fee requirements specified in rule 641—37.9(136C).

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641—39.12(136C) Licenses and radiation safety requirements for irradiators.

39.12(1) In addition to the rules of this chapter, RAM facilities shall comply with the requirements of 10 CFR Part 36, "Licenses and Radiation Safety Requirements for Irradiators," unless specific exemptions apply.

39.12(2) The provisions of 10 CFR Part 36 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 10 CFR 36.2, paragraph (2) of the definition of commencement of construction, along with 10 CFR 36.5, 36.8, 36.91, and 36.93.

b. Where the sentence "The application and one copy must be sent to the appropriate NRC Regional Office listed in appendix D to part 20 of this chapter" appears in 10 CFR 36.11, substitute the phrase "Application must be sent to Iowa HHS."

c. Where the word "NRC" appears in 10 CFR 36.15, 36.51(a)(1) and (a)(2), and 36.83(a)(both mentions), substitute the words "Iowa HHS."

d. Where the words "Any activities undertaken prior to the issuance of a license are entirely at the risk of the applicant and have no bearing on the issuance of a license with respect to the requirements of the Atomic Energy Act of 1954 (Act), as amended, and rules, regulations, and orders issued under the Act" appear in 10 CFR 36.15, substitute the words "Any activities undertaken prior to the issuance are entirely at the risk of the applicant and have no bearing on the issuance of a license by Iowa HHS."

e. Where the words "NRC or an Agreement State" appear in 10 CFR 36.59(c), substitute the words "Iowa HHS, NRC, or an Agreement State."

f. Where the word "Commission" appears in 10 CFR 36.13, 36.13(b)(4) and (f), 36.17(a) and (b), 36.19(a)(both mentions) and (b)(both mentions), 36.53(c), 36.69(a) and (b), and 36.81(a) and (d) and (e), substitute the words "Iowa HHS."

g. Where the words "Commission or an Agreement State" appear in 10 CFR 36.13(g) and 10 CFR 36.59(a)(both mentions), substitute the words "Iowa HHS, NRC, or an Agreement State."

h. For the purpose of this chapter, where 10 CFR 36.8(c)(1) and 36.11 requires "NRC Form 313," licensees shall use "Iowa HHS Form 313."

i. Where 10 CFR Part 36 references fees listed in 10 CFR Parts 170 and 171, licensees shall comply with the fee requirements specified in rule 641—37.9(136C).

[**ARC 0179D**, IAB 4/1/26, effective 7/1/26]

641—39.13(136C) Physical protection of category 1 and category 2 quantities of radioactive material.

39.13(1) In addition to the rules of this chapter, RAM facilities shall comply with the requirements of 10 CFR Part 37, "Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material," unless specific exemptions apply.

39.13(2) The provisions of 10 CFR Part 37 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 10 CFR 37.7, 37.9, 37.11(b), 37.13, 37.107, and 37.109.

b. Where the word "NRC" appears in 10 CFR 37.31(d), 37.43(c)(3)(iii), 37.57(a), 37.57(c), 37.77 (except "the NRC's Web site" in 37.77(a)(1)), substitute the words "Iowa HHS."

c. Where the word "Commission" appears in 10 CFR 37.5 (definition of "person"), 37.11(a), 37.43(a)(3), 37.43(c)(1)(ii), 37.101, 37.103, and 37.105, substitute the words "Iowa HHS."

d. Where the words "Commission or an Agreement State" appear in 10 CFR 37.71 and 10 CFR 37.77(f), substitute the words "Iowa HHS, NRC, or an Agreement State."

e. Where the words "Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Source Management and Protection Branch" appear in 10 CFR 37.23(b)(2), substitute the words "Iowa HHS."

f. Where the words "NRC regional office" appear in 10 CFR 37.41(a)(3) and 37.81, substitute the words "Iowa HHS."

g. Where the words "appropriate NRC regional office listed in § 30.6(a)(2) of this chapter" appear in 10 CFR 37.45(b), substitute the words "Iowa HHS."

h. Where the words "NRC's Operational Center (301-816-5100)" appear in 10 CFR 37.57(a), 37.57(b), and 37.81, substitute the words "Bureau of Radiological Health and Human Services (515-725-4160)."

i. Where the words "NRC's Director, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001. The notification to the NRC may be made by email to RAMQC_SHIPMENTS@nrc.gov or by fax to 301-816-5151" appear in 10 CFR 37.77(a)(1), substitute the words "Iowa HHS."

j. Where the words "NRC's Director, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001" appear in 10 CFR 37.77(c)(1), 37.77(c)(2), and 37.77(d), substitute the words "Iowa HHS."

k. Where the words "NRC by an appropriate method listed in 10 CFR § 37.7" appear in 10 CFR 37.81(g), substitute the words "Iowa HHS."

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641—39.14(136C) Licenses and radiation safety requirements for well logging.

39.14(1) In addition to the rules of this chapter, RAM facilities shall comply with the requirements of 10 CFR Part 39, "Licenses and Radiation Safety Requirements for Well Logging," unless specific exemptions apply.

39.14(2) The provisions of 10 CFR Part 39 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 10 CFR 39.5, 39.8, 39.91, 39.101, and 39.103.

b. Where the words "NRC or an Agreement State" appear in 10 CFR 39.35(d), substitute the words "Iowa HHS, NRC, or an Agreement State."

c. Where the words "Commission or an Agreement State" appear in 10 CFR 39.35(b) and 10 CFR 39.43(d) and (e), substitute the words "Iowa HHS, NRC, or an Agreement State."

d. Where the word "Commission" appears in 10 CFR 39.2, 39.13, 39.15, 39.17, 39.33, 39.35(a), 39.37, 39.39, 39.45, 39.65, 35.67, 39.77 and 39.91, substitute the words "Iowa HHS."

e. Where the word "NRC" appears in 10 CFR 39.61, 39.73 and 39.77, substitute the words "Iowa HHS."

f. Where the words "NRC Regional Office listed in appendix D of part 20 of this chapter" appear in 10 CFR 39.11 and 10 CFR 39.35, substitute the words "Iowa HHS."

g. Where the words "NRC Regional Office" appear in 10 CFR 39.61, 39.73 and 39.77, substitute the words "Iowa HHS."

h. Where the words "Commission under 10 CFR § 32.210 of this chapter or with an Agreement State" appear in 10 CFR 39.41(f), substitute the words "Iowa HHS, NRC, or an Agreement State."

i. Where the words "Commission pursuant to 10 CFR § 39.13(c) or by an Agreement State" appear in 10 CFR 39.43(c) and 10 CFR 39.51, substitute the words "Iowa HHS, NRC, or an Agreement State."

j. For the purpose of this chapter, where 10 CFR Part 39.11 requires "NRC Form 313," licensees shall use "Iowa HHS Form 313."

k. Where 10 CFR Part 39 references fees listed in 10 CFR Parts 170 and 171, licensees shall comply with the fee requirements specified in rule 641—37.9(136C).

[**ARC 0179D**, IAB 4/1/26, effective 7/1/26]

641—39.15(136C) Domestic licensing of source material.

39.15(1) In addition to the rules of this chapter, RAM facilities shall comply with the requirements of 10 CFR Part 40 unless specific exemptions apply.

39.15(2) The provisions of 10 CFR Part 40 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 10 CFR 40.2a; 40.4(definitions of "commencement of construction," "construction," "foreign obligations," "reconciliation," and residual radioactive material"); 40.5; 40.6; 40.7; 40.8; 40.10(b); 40.20(b) and (c); 40.12(b); 40.13(c)(5)(iv); 40.23; 40.27; 40.28; 40.31(c), (e), (f), (g), (j), (k), (l), and (m); 40.32(d), (e), and (g); 40.33; 40.38; 40.41(d), (e)(1), (e)(3), (g), and (h); 40.51(b)(6); 40.52; 40.53; 40.56; 40.64; 40.66; 40.67; 40.71; 40.81; 40.82, Appendix A (criteria 11 and 12).

b. Where the word "NRC" appears in 10 CFR 40.2, 40.7(e)(1) and (e)(2), 40.7(f)(both mentions), 40.10(a)(2)(both mentions), 40.22(b)(1) and (4), 40.22(c), 40.36(b)(2)(both mentions), 40.36(g), 40.42(c)(2) and (d)(both mentions) and (d)(4), 40.60(a) and (b), and Appendix A (criteria 4 and 6), substitute the words "Iowa HHS."

c. Where the words "U.S. NRC or an Agreement State" appear in 10 CFR 40.35(b), substitute the words "Iowa HHS, NRC, or an Agreement State."

d. Where the words "Director, Office of Nuclear Material Safety and Safeguards, by an appropriate method listed in 10 CFR § 40.5, with a copy to the appropriate NRC Regional Administrator" appear in 10 CFR 40.25(c)(1), substitute the words "Iowa HHS."

e. Where the words "NRC Headquarters Operations Center at the numbers specified in appendix A of this chapter" appear in 10 CFR 40.60(c)(1), substitute the words "Iowa HHS."

f. Where the words "NRC Document Controls Desk by an appropriate method listed in § 40.5, with a copy to the appropriate NRC regional office listed in appendix D to part 20 of this chapter" appear in 10 CFR 40.60(c)(2), substitute the words "Iowa HHS."

g. Where the words "appropriate NRC regional office" appear in 10 CFR 40.61(d) and (f), and Appendix A (criterion 8), substitute the words "Iowa HHS."

h. Where the words "Director, Office of Nuclear Material Safety and Safeguards, using an appropriate method listed in § 40.5, with a copy to the appropriate NRC Regional Office shown in appendix D to part 20 of this chapter" appear in 10 CFR 40.65(a)(1), substitute the words "Iowa HHS."

i. Where the words "appropriate NRC Regional Administrator" appear in 10 CFR 40.41(f)(1), substitute the words "Iowa HHS."

j. Where the word "Commission" appears in 10 CFR 40.1(a), 40.3, 40.9(a) and (b)(all mentions), 40.10(a)(1) and (c)(1), 40.11(all mentions), 40.13(i), 40.14(a), 40.20(a), 40.22(a)(1)(both mentions) and (e), 40.26(b)(both mentions), 40.26(c)(2) 40.31(a) and (b)(both mentions) and (c) and (d) and (f) and (g) and (g)(1), 40.34(b) and (c), 40.35(e) and (f)(all mentions), 40.36(e)(1) and (e)(2)(i) (both mentions) and (e)(2)(ii) and (e)(2)(iii) and (f), 40.41(a) and (c), 40.42(a) and (b)(all mentions) and (c) and (e)(2) and (f)(all mentions) and (g)(1) and (g)(2)(both mentions) and (g)(5) and (i)(both mentions) and (i)(5) and (k), 40.45, 40.46(a), 40.51(b)(2) and (b)(7) and (d)(4) and (d)(5), 40.54(b), 40.55(d)(3) and (e), 40.61(a)(2) and (a)(3) and (c)(1) and (c)(2)(all mentions), 40.62(a) and (b), 40.63(both mentions), 40.65 (a)(1)(all mentions), and Appendix A, substitute the words "Iowa HHS."

k. Where the words "Director, Office of Nuclear Material Safety and Safeguards, with a copy to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in appendix D of part 20 of this chapter" appear in 10 CFR 40.25(c)(2) and (d)(4), substitute the words "Iowa HHS."

l. Where the words "appropriate NRC regional office as indicated in appendix D to part 20 of this chapter, or the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555" appear in 10 CFR 40.26(c)(2), substitute the words "Iowa HHS."

m. Where the words "Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555" appear in 10 CFR 40.55(d)(1), substitute the words "Iowa HHS."

n. Where the words "Commission or an Agreement State" appear in 10 CFR 40.51(b)(5) and (c)(both mentions), substitute the words "Iowa HHS, NRC, or an Agreement State."

o. Where the words "Act", "Atomic Energy Act of 1954, as amended (68 Stat. 919)", "section 62 of the Act", and "section 182 of the Act" appear in 10 CFR 40.12, 40.13, 40.31(d), 40.32(a), 40.41(a), (b), and (e)(4), 40.46, and 40.51(b)(2), (b)(3), substitute the words "Iowa Code chapter 136C."

p. Where the words "Administrator of the appropriate Regional Office" appear in 10 CFR 40.9(b), substitute the words "Iowa HHS."

q. Where the words "Director of the Office of Nuclear Material Safety and Safeguards by an appropriate method listed in 40.5" appear in 10 CFR 40.22(b)(4) and (c), and where the words "Director, Office of Nuclear Materials Safety and Safeguards, by an appropriate method listed in 40.5" appear in 10 CFR 40.35(e)(1) and (f), substitute the words "Iowa HHS."

r. Where the words "Director, Office of Nuclear Material Safety and Safeguards" appear in 10 CFR 40.36(g)(3), substitute the words "Iowa HHS."

s. Where the words "Agreement State agency" and "Agreement State" appear in 10 CFR 40.55, substitute the words "Agreement State or the NRC."

t. Where the words "appropriate NRC regional office as indicated in appendix D to 10 CFR part 20 of this chapter, or the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001" appear in Appendix A (criterion 8A), substitute the words "Iowa HHS."

u. For the purpose of this chapter, where 10 CFR 40.42 requires "NRC Form 314," licensees shall use "Iowa HHS Form 314."

v. For the purpose of this chapter, where 10 CFR 40.25 and 10 CFR 40.35 requires "NRC Form 244," licensees shall use "Iowa HHS Form 244."

w. Where 10 CFR Part 40 references fees listed in 10 CFR Parts 170 and 171, licensees shall comply with the fee requirements specified in rule 641—37.9(136C).

[**ARC 0179D**, IAB 4/1/26, effective 7/1/26]

641—39.16(136C) Domestic licensing of special nuclear material.

39.16(1) In addition to the rules of this chapter, RAM facilities shall comply with the requirements of 10 CFR Part 70, "Domestic Licensing of Special Nuclear Material," unless specific exemptions apply.

39.16(2) The provisions of 10 CFR Part 70 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 10 CFR 70.1(c), (d), and (e), Construction Paragraph 9ii; 70.4; 70.5; 70.6; 70.7; 70.8; 70.10(b); 70.13; 70.14; 70.17(c) and (d); 70.20a; 70.20b; 70.21 (a)(1), (a)(2), (a)(3), (b), (c), (d), and (e), (f), (g), (h); 70.22(b), (c), (f), (g), (h), (i), (j), (k), (l), (m), and (n); 70.23(a)(1), (a)(6), (a)(7), (a)(8), (a)(9), (a)(10), (a)(11), (a)(12), and (b); 70.23a; 70.24; 70.25(a)(1); 70.31(c), (d), and (e); 70.32 (a)(1), (a)(4), (a)(5), (a)(6), (a)(7), (b)(1), (b)(3), (b)(4), (c), (d), (e), (f), (g), (h), (i), (j), and (k); 70.34; 70.37; 70.40; 70.42(b)(6); 70.44; 70.50(c)(2)(iv) and (d); 70.52; 70.55(c); 70.59; 70.60; 70.61; 70.62; 70.64; 70.65; 70.66; 70.72; 70.73; 70.74; 70.76; 70.81; 70.82; 70.91; 70.92, and Appendix A.

b. Where the word "NRC" appears in 10 CFR 70.2, 70.10(a)(2)(both mentions), 70.25(b)(2) (both mentions) and (h), 70.38(c)(2) and (d)(both mentions) and (d)(4), and 70.50(a) and (b), substitute the words "Iowa HHS."

c. Where the words "NRC Headquarters Operations Center at the number specified in appendix A to part 73 of this chapter" appear in 10 CFR 70.50(c)(1), substitute the words "Iowa HHS."

d. Where the words "appropriate NRC Regional Administrator" appear in 10 CFR 70.32(a)(9)(i), substitute the words "Iowa HHS."

e. Where the words "appropriate NRC Regional Office" appear in 10 CFR 70.51(a), substitute the words "Iowa HHS."

f. Where the word "Commission" appears in 10 CFR 70.1(a), 70.3, 70.9(a)(both mentions) and (b)(both mentions), 70.10(a)(1) and (c)(1), 70.17(a), 70.18, 70.22(a)(8) and (d)(both mentions), 70.23(a) and (a)(5), 70.25(f)(1) and (f)(2)(i)(both mentions) and (f)(2)(ii) and (f)(2)(iii) and (g), 70.31(a)(both mentions), 70.32(a)(8) and (b), 70.33, 70.35, 70.36(a), 70.38(a) and (b)(all mentions) and (c) and (e)(2) and (f)(all mentions) and (g)(1) and (g)(2)(both mentions) and (g)(5) and (i)(5) and (k), 70.39(a)(4), 70.42(b)(7), 70.51(c)(1) and (c)(2)(all mentions), 70.55(a) and (b) and (c)(1) and (c)(2), 70.56(both mentions), substitute the words "Iowa HHS."

g. Where the words "Commission or an Agreement State" and "Commission or with an Agreement State" appear in 70.42(c)(both mentions), substitute the words "Iowa HHS, NRC or an Agreement State."

h. Where the words "Commission or the licensing agency of an Agreement State" appear in 10 CFR 70.42(d)(4) and (d)(5), substitute the words "Iowa HHS, the U.S. Regulatory Commission, or the licensing agency of an Agreement State."

i. For the purpose of this chapter, where 10 CFR Part 70.38(j)(1) requires "NRC Form 314," licensees shall use "Iowa HHS Form 314."

j. Where the words "the Atomic Energy Act of 1954, as amended (68 Stat. 919) and Title II of the Energy Reorganization Act of 1974 (88 Stat. 1242)" appear in 10 CFR 70.1(b), substitute the words "Iowa Code chapter 136C."

k. Where the word "Act" appears in 10 CFR 70.21(b), 70.32(a)(3), and 70.36(a), substitute the words "Iowa Code chapter 136C."

l. Where the words "Administrator of the appropriate Regional Office" appear in 10 CFR 70.9(b), substitute the words "Iowa HHS."

m. Where the words "Any person in a non-agreement State who holds a specific license issued by the Commission or the Atomic Energy Commission" appear in 10 CFR 70.19(a)(1), substitute the words "Any person who holds a specific license issued by Iowa HHS."

n. Where the words "Any Government agency, as defined in 10 CFR § 70.4 of this chapter, which holds a specific license issued under this chapter" appear in 10 CFR 70.19(a)(2), substitute the words "Any person who holds a specific license issued by the NRC."

o. Where the words "Director, Office of Nuclear Material Safety and Safeguards" appear in 10 CFR 70.25(h)(3), substitute the words "Iowa HHS."

p. In 10 CFR 70.25(a), "(a)(1) and" is deleted and does not apply.

q. In 10 CFR 70.38(d), the phrase "consistent with the administrative directions in 10 CFR § 70.5" is deleted and does not apply.

r. In 10 CFR 70.50(c)(1), the phrase "and by § 70.74 and appendix A of this part, if applicable" is deleted and does not apply.

s. Where 10 CFR Part 70 references fees listed in 10 CFR Parts 170 and 171, licensees shall comply with the fee requirements specified in rule 641—37.9(136C).

[**ARC 0179D**, IAB 4/1/26, effective 7/1/26]

641—39.17(136C) Packaging and transportation of radioactive material.

39.17(1) In addition to the rules of this chapter, RAM facilities shall comply with the requirements of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material," unless specific exemptions apply.

39.17(2) The provisions of 10 CFR Part 71 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 71.1, 71.2, 71.6, 71.9, 71.11, 71.14(b), 71.19, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.43, 71.45, 71.51, 71.55, 71.59, 71.61, 71.63, 71.64, 71.65, 71.70,

71.71, 71.73, 71.74, 71.75, 71.77, 71.85(a) through (c), 71.91(b), 71.99, 71.100, 71.101(c)(2) and (d) and (e), 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, and 71.125.

b. Where the word "NRC" appears in 10 CFR 71.0(a) and (c) and (d)(both mentions) and (g), 71.5(a), 71.8(b)(2)(both mentions), 71.10, 71.93(c), 71.95(a)(1) and (a)(2) and (c), 71.101(f), and 71.106(a)(all mentions) and (a)(1) and (b)(all mentions) and (b)(1), substitute the words "Iowa HHS."

c. Where the word "Commission" appears in 10 CFR 71.0(c), 71.3, 71.4, 71.7(a)(both mentions) and (b)(all mentions), 71.8(b)(1) and (d)(1), 71.10, 71.11, 71.12, 71.17(a) and (b), 71.21(a) and (b), 71.22(a) and (b), 71.23(a) and (b), 71.91(c), and 71.101(c) and (c)(2) and (f)(all mentions), substitute the words "Iowa HHS."

d. Where the words "the Director, Office of Nuclear Materials Safety and Safeguards, US Nuclear Regulatory Commission, Washington, DC 20555-0001" appear in 10 CFR 71.5(b), substitute the words "Iowa HHS."

e. Where the words "Notification must be provided to the Administrator of the appropriate Regional Office within 2 working days of identifying the information" appear in 10 CFR 71.7(b), substitute the words "Notification must be provided to Iowa HHS within 2 working days of identifying the information."

f. Where the words "the Director, Office of Nuclear Materials Safety and Safeguards, US Nuclear Regulatory Commission, Washington, DC 20555-0001" appear in 10 CFR 71.5(b), substitute the words "Iowa HHS."

g. Where the section "*Approval of program.* (1) Before the use of any package for the shipment of licensed material subject to this subpart, each licensee shall obtain Commission approval of its quality assurance program. Using an appropriate method listed in § 71.1(a), each licensee shall file a description of its quality assurance program, including a discussion of which requirements of this subpart are applicable and how they will be satisfied, by submitting the description to: ATTN: Document Control Desk, Director, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards," appears in 10 CFR 71.101(c), substitute with "*Approval of program.* (1) Before the use of any package for the shipment of licensed material subject to this subpart, each licensee shall obtain Iowa HHS's approval of its quality assurance program. Each licensee shall file a description of its quality assurance program, including a discussion of which requirements of this subpart are applicable and how they will be satisfied, with Iowa HHS."

[**ARC 0179D**, IAB 4/1/26, effective 7/1/26]

641—39.18(136C) Reciprocal recognition of licenses.

39.18(1) In addition to the rules of this chapter, RAM facilities shall comply with the requirements of 10 CFR Part 150, "Packaging and Transportation of Radioactive Material," unless specific exemptions apply.

39.18(2) The provisions of 10 CFR Part 150 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 10 CFR 150.3 definition of "foreign obligations," 150.4, 150.5, 150.7, 150.8, 150.10, 150.14, 150.15, 150.15a, 150.16, 150.17, 150.17a, 150.19, 150.21, 150.30, and 150.33.

b. Where the words "Recognition of Agreement State licenses" appear in the title of 10 CFR Part 150.20, substitute the words "Recognition of U.S. Nuclear Regulatory Commission or Agreement State licenses."

c. Where the sentence "Provided that the provisions of paragraph (b) of this section have been met, any person who holds a specific license from an Agreement State, where the licensee maintains an office for directing the licensed activity and retaining radiation safety records, is granted a general license to conduct the same activity in" appears in 10 CFR 150.20(a)(1), substitute the sentence "Provided that the provisions of paragraph (b) of this section have been met, any person who holds a specific license from the U.S. Nuclear Regulatory Commission or an Agreement State, where the

licensee maintains an office for directing the licensed activity and retaining radiation safety records, is granted a general license to conduct the same activity in Iowa."

d. Where the words "specific Agreement State license" appear in 10 CFR 150.20(a)(2), substitute the words "specific U.S. Nuclear Regulatory Commission or Agreement State license."

e. Where 10 CFR 150.20(b) states "Notwithstanding any provision to the contrary in any specific license issued by an Agreement State to a person engaging in activities in a non-Agreement State, in an area of exclusive Federal jurisdiction within an Agreement State, or in offshore waters under the general licenses provided in this section, the general licenses provided in this section are subject to all the provisions of the Act, now or hereafter in effect, and to all applicable rules, regulations, and orders of the Commission including the provisions of §§ 30.7(a) through (f), 30.9, 30.10, 30.34, 30.41, and 30.51 through 30.63 of this chapter; §§ 40.7(a) through (f), 40.9, 40.10, 40.41, 40.51, 40.61 through 40.63, 40.71, and 40.81 of this chapter; §§ 70.7(a) through (f), 70.9, 70.10, 70.32, 70.42, 70.52, 70.55, 70.56, 70.60 through 70.62 of this chapter; §§ 74.11, 74.15, and 74.19 of this chapter; and to the provisions of 10 CFR parts 19, 20 and 71 and subparts C through H of part 34, §§ 39.15 and 39.31 through 39.77 of this chapter. In addition, any person engaging in activities in non-Agreement States, in areas of exclusive Federal jurisdiction within Agreement States, or in offshore waters under the general licenses provided in this section," substitute with the sentences "Notwithstanding any provision to the contrary in any specific license issued by the U.S. Nuclear Regulatory Commission or an Agreement State to a person engaging in activities in Iowa under the general licenses provided in this section, the general licenses provided in this section are subject to all the provisions of Iowa Code chapter 136C, now or hereafter in effect, and to all applicable rules, regulations, and orders of Iowa HHS including the provisions of 10 CFR §§ 30.9, 10 CFR 30.10, 10 CFR 30.34, 10 CFR 30.41, and 10 CFR 30.51 through 10 CFR 30.62 of this chapter; 10 CFR §§ 40.9, 10 CFR 40.10(a), 10 CFR 40.41, 10 CFR 40.51, 10 CFR 40.61 through 10 CFR 40.63 of this chapter; 10 CFR §§ 70.9, 10 CFR 70.10(a), 10 CFR 70.32, 10 CFR 70.42, 10 CFR 70.55, 10 CFR 70.56 of this chapter; 10 CFR §§ 74.11, 10 CFR 74.15, and 10 CFR 74.19 of this chapter; and to the provisions of 10 CFR parts 19, 20 and 71 and subparts C through F of part 34, 10 CFR §§ 39.15 and 10 CFR 39.31 through 39.77 of this chapter. In addition, any person engaging in activities in Iowa under the general licenses provided in this section."

f. Where the words "file a submittal containing an NRC Form 241, 'Report of Proposed Activities in Non-Agreement States' a copy of its Agreement State specific license, and the appropriate fee as prescribed in § 170.31 of this chapter with the Regional Administrator of the U.S. Nuclear Regulatory Commission Regional Office listed on the NRC Form 241 and in appendix D to part 20 of this chapter for the Region in which the Agreement State that issued the license is located" appear in 10 CFR 150.20(b)(1), substitute the words "file a copy of its U.S. Nuclear Regulatory Commission or Agreement State specific license, with Iowa HHS."

g. For the purpose of this chapter, where 10 CFR 150.20(b)(1)(i), (b)(1)(iii), and (b)(2) require "NRC Form 241," licensees shall use "Iowa HHS Form 241."

h. Where the word "Region" appears in 10 CFR 150.20(b)(1)(i) and (b)(1)(ii), substitute the words "Iowa HHS."

i. Where the words "Regional Administrator" appear in 10 CFR 150.20(b)(1) and (b)(2), substitute the words "Iowa HHS."

j. Where the words "a copy of the Agreement State license, and the fee payment" appear in 10 CFR 150.20(b)(iii), substitute the words "a copy of the U.S. Nuclear Regulatory Commission or Agreement State license."

k. Where the sentence "Shall not, in any non-Agreement State, in an area of exclusive Federal jurisdiction within an Agreement State, or in offshore waters, transfer or dispose of radioactive material possessed or used under the general licenses provided in this section, except by transfer to a person who is specifically licensed by the Commission to receive this material." appears in 10 CFR 150.20(b)(3), substitute the sentence "Shall not, in Iowa, transfer or dispose of radioactive material

possessed or used under the general licenses provided in this section, except by transfer to a person who is specifically licensed by Iowa HHS to receive this material."

l. Where the sentence "Shall not, under the general license concerning activities in non-Agreement States or in areas of exclusive Federal jurisdiction within Agreement States, possess or use radioactive materials, or engage in the activities authorized in paragraph (a) of this section, for more than 180 days in any calendar year, except that the general license in paragraph (a) of this section concerning activities in offshore waters authorizes that person to possess or use radioactive materials, or engage in the activities authorized, for an unlimited period of time" appears in 10 CFR 150.20(b)(4), substitute the sentence "Shall not, under the general license concerning activities in Iowa, possess or use radioactive materials, or engage in the activities authorized in paragraph (a) of this section, for more than 180 days in any calendar year."

m. Where the words "specific license issued by an Agreement State" appear in 10 CFR 150.20(b)(5), substitute the words "specific license issued by the U.S. Nuclear Regulatory Commission or an Agreement State."

[**ARC 0179D**, IAB 4/1/26, effective 7/1/26]

These rules are intended to implement Iowa Code chapter 136C.

CHAPTER 39—APPENDIX A

SUBJECTS FOR INSTRUCTION OF RADIOGRAPHER'S ASSISTANTS

Training provided to qualify individuals as radiographer's assistants in compliance with paragraph 39.10(2)*"g"* shall be presented on a formal basis. The training shall include the following subjects:

I. Fundamentals of radiation safety
- A. Characteristics of radiation
- B. Units of radiation dose and quantity of radioactivity
- C. Significance of radiation dose
  1. Radiation protection standards
  2. Biological effects of radiation
  3. Case histories of radiography accidents
- D. Levels of radiation from sources of radiation
- E. Methods of controlling radiation dose
  1. Working time
  2. Working distances
  3. Shielding

II. Radiation detection instrumentation to be used
- A. Use of radiation survey instruments
  1. Operation
  2. Calibration
  3. Limitations
- B. Survey techniques
- C. Use of personnel monitoring equipment
  1. Film badges
  2. Thermoluminescent dosimeters (TLDs)
  3. Pocket dosimeters
  4. OSL devices

III. The requirements of pertinent federal and state regulations

IV. The registrant's written operating and emergency procedures

V. Radiographic equipment to be used for operation and control of X-ray equipment

CHAPTER 39—APPENDIX B

OPERATING AND EMERGENCY PROCEDURES

The licensee's or registrant's operating and emergency procedures shall include instructions in at least the following:

A. Handling and use of sources of radiation for industrial radiography such that no individual is likely to be exposed to radiation doses that exceed the limits established in 641—Chapter 37;

B. Methods and occasions for conducting radiation surveys, including lock-out survey requirements;

C. Methods for controlling access to industrial radiography areas;

D. Methods and occasions for locking and securing sources or radiation;

E. Personnel monitoring and the use of personnel monitoring equipment, including steps to be taken immediately by industrial radiographic personnel in the event a pocket dosimeter is found to be off-scale;

F. Methods of transporting equipment to field locations, including packing of sources of radiation in the vehicles, placarding of vehicles, and controlling of sources of radiation during transportation (including applicable U.S. Department of Transportation requirements);

G. Methods or procedures for minimizing exposure of individuals in the event of an accident, including procedures for a disconnect accident, a transportation accident, and loss of a sealed source;

H. Procedures for notifying proper personnel in the event of an accident;

I. Specific posting requirements;

J. Maintenance of records (Appendix C); and

K. Inspection and maintenance of radiographic exposure devices, source changers, storage containers, transport containers, source guide tubes, crank-out devices, and radiation machines.

CHAPTER 39—APPENDIX C

TIME REQUIREMENTS FOR RECORDKEEPING

Specific Section	Name of Record	Time Interval Required for Recordkeeping
39.10(2)*"b"*	Receipt, transfer and disposal.	3 years.
39.10(2)*"c"*(2)	Survey instrument calibrations.	3 years.
39.10(2)*"g"*(4)"3"(K)	Quarterly inventory.	3 years.
39.10(2)*"d"*	Utilization logs.	3 years.
39.10(2)*"e"*	Quarterly inspection and maintenance.	3 years.
39.10(2)*"j"*	High radiation area control devices or alarm systems.	Until disposal is authorized by the department.
39.10(2)*"g"*	Training and testing records.	3 years.
39.10(2)*"i"*	Pocket dosimeter readings.	3 years.
	Pocket dosimeter calibrations.	3 years.
	Film badge, OSL device, or TLD reports.	Until the agency terminates the license.
	Alarming ratemeter calibrations.	3 years.
	Alarming ratemeter functions.	3 years.
	Estimates of overexposures.	Until the agency terminates the license.
39.10(2)	Current operating and emergency procedures.	Until the license is terminated.
	Superseded material.	3 years after change.
39.10(2)*"h"*	Internal audit program.	3 years.
39.10(2)*"h"*	Radiographer audits.	3 years.
39.10(3)*"e"*	Radiation surveys.	2 years or until disposal is authorized by the agency if a survey was used to determine an individual's exposure.
39.10(2)*"l"*	Records at temporary job sites.	During temporary job site operations.
39.10(3)*"f"*	Annual evaluation of enclosed X-ray systems.	2 years.
10 CFR 34.67	Leak tests.	3 years or until the source in storage is removed.
39.10(3)*"f"*	Evaluation of certified cabinet X-ray systems.	2 years.

CHAPTER 39—APPENDIX D

EXEMPT CONCENTRATIONS

Element (atomic number)	Radionuclide	Column I Gas concentration μCi/ml 1/	Column II Liquid and solid concentration μCi/ml 2/
Antimony (51)	Sb-122		3×10^{-4}
	Sb-124		2×10^{-4}
	Sb-125		1×10^{-3}
Argon (18)	Ar-37	1×10^{-3}	
	Ar-41	4×10^{-7}	
Arsenic (33)	As-73		5×10^{-3}
	As-74		5×10^{-4}
	As-76		2×10^{-4}
	As-77		8×10^{-4}
Barium (56)	Ba-131		2×10^{-3}
	Ba-140		3×10^{-4}
Beryllium (4)	Be-7		2×10^{-2}
Bismuth (83)	Bi-206		4×10^{-4}
Bromine (35)	Br-82	4×10^{-7}	3×10^{-3}
Cadmium (48)	Cd-109		2×10^{-3}
	Cd-115m		3×10^{-4}
	Cd-115		3×10^{-4}
Calcium (20)	Ca-45		9×10^{-5}
	Ca-47		5×10^{-4}
Carbon (6)	C-14	1×10^{-6}	8×10^{-3}
Cerium (58)	Ce-141		9×10^{-4}
	Ce-143		4×10^{-4}
	Ce-144		1×10^{-4}
Cesium (55)	Cs-131		2×10^{-2}
	Cs-134m		6×10^{-2}
	Cs-134		9×10^{-5}
Chlorine (17)	Cl-38	9×10^{-7}	4×10^{-3}
Chromium (24)	Cr-51		2×10^{-2}
Cobalt (27)	Co-57		5×10^{-3}
	Co-58		1×10^{-3}
	Co-60		5×10^{-4}
Copper (29)	Cu-64		3×10^{-3}
Dysprosium (66)	Dy-165		4×10^{-3}
	Dy-166		4×10^{-4}
Erbium (68)	Er-169		9×10^{-4}
	Er-171		1×10^{-3}

Element (atomic number)	Radionuclide	Column I Gas concentration μCi/ml 1/	Column II Liquid and solid concentration μCi/ml 2/
Europium (63)	Eu-152(9.2 h)		6×10^{-4}
	Eu-155		2×10^{-3}
Fluorine (9)	F-18	2×10^{-6}	8×10^{-3}
Gadolinium (64)	Gd-153		2×10^{-3}
	Gd-159		8×10^{-4}
Gallium (31)	Ga-72		4×10^{-4}
Germanium (32)	Ge-71		2×10^{-2}
Gold (79)	Au-196		2×10^{-3}
	Au-198		5×10^{-4}
	Au-199		2×10^{-3}
Hafnium (72)	Hf-181		7×10^{-4}
Hydrogen (1)	H-3	5×10^{-6}	3×10^{-2}
Indium (49)	In-113m		1×10^{-2}
	In-114m		2×10^{-4}
Iodine (53)	I-126	3×10^{-9}	2×10^{-5}
	I-131	3×10^{-9}	2×10^{-5}
	I-132	8×10^{-8}	6×10^{-4}
	I-133	1×10^{-8}	7×10^{-5}
	I-134	2×10^{-7}	1×10^{-3}
Iridium (77)	Ir-190		2×10^{-3}
	Ir-192		4×10^{-4}
	Ir-194		3×10^{-4}
Iron (26)	Fe-55		8×10^{-3}
	Fe-59		6×10^{-4}
Krypton (36)	Kr-85m	1×10^{-6}	
	Kr-85	3×10^{-6}	
Lanthanum (57)	La-140		2×10^{-4}
Lead (82)	Pb-203		4×10^{-3}
Lutetium (71)	Lu-177		1×10^{-3}
Manganese (25)	Mn-52		3×10^{-4}
	Mn-54		1×10^{-3}
	Mn-56		1×10^{-3}
Mercury (80)	Hg-197m		2×10^{-3}
	Hg-197		3×10^{-3}
	Hg-203		2×10^{-4}
Molybdenum (42)	Mo-99		2×10^{-3}
Neodymium (60)	Nd-147		6×10^{-4}
	Nd-149		3×10^{-3}

Element (atomic number)	Radionuclide	Column I Gas concentration μCi/ml 1/	Column II Liquid and solid concentration μCi/ml 2/
Nickel (28)	Ni-65		1×10^{-3}
Niobium (Columbium) (41)	Nb-95		1×10^{-3}
	Nb-97		9×10^{-3}
Osmium (76)	Os-185		7×10^{-4}
	Os-191m		3×10^{-2}
	Os-191		2×10^{-3}
	Os-193		6×10^{-4}
Palladium (46)	Pd-103		3×10^{-3}
	Pd-109		9×10^{-4}
Phosphorus (15)	P-32		2×10^{-4}
Platinum (78)	Pt-191		1×10^{-3}
	Pt-193m		1×10^{-2}
	Pt-197m		1×10^{-2}
	Pt-197		1×10^{-3}
Potassium (19)	K-42		3×10^{-3}
Praseodymium (59)	Pr-142		3×10^{-4}
	Pr-143		5×10^{-4}
Promethium (61)	Pm-147		2×10^{-3}
	Pm-149		4×10^{-4}
Rhenium (75)	Re-183		6×10^{-3}
	Re-186		9×10^{-4}
	Re-188		6×10^{-4}
Rhodium (45)	Rh-103m		1×10^{-1}
	Rh-105		1×10^{-3}
Rubidium (37)	Rb-86		7×10^{-4}
Ruthenium (44)	Ru-97		4×10^{-3}
	Ru-103		8×10^{-4}
	Ru-105		1×10^{-3}
	Ru-106		1×10^{-4}
Samarium (62)	Sm-153		8×10^{-4}
Scandium (21)	Sc-46		4×10^{-4}
	Sc-47		9×10^{-4}
	Sc-48		3×10^{-4}
Selenium (34)	Se-75		3×10^{-3}
Silicon (14)	Si-31		9×10^{-3}
Silver (47)	Ag-105		1×10^{-3}
	Ag-110m		3×10^{-4}
	Ag-111		4×10^{-4}

Element (atomic number)	Radionuclide	Column I Gas concentration μCi/ml 1/	Column II Liquid and solid concentration μCi/ml 2/
Sodium (11)	Na-24		2×10^{-3}
Strontium (38)	Sr-85		1×10^{-3}
	Sr-89		1×10^{-4}
	Sr-91		7×10^{-4}
	Sr-92		7×10^{-4}
Sulfur (16)	S-35	9×10^{-8}	6×10^{-4}
Tantalum (73)	Ta-182		4×10^{-4}
Technetium (43)	Tc-96m		1×10^{-1}
	Tc-96		1×10^{-3}
Tellurium (52)	Te-125m		2×10^{-3}
	Te-127m		6×10^{-4}
	Te-127		3×10^{-3}
	Te-129m		3×10^{-4}
	Te-131m		6×10^{-4}
	Te-132		3×10^{-4}
Terbium (65)	Tb-160		4×10^{-4}
Thallium (81)	Tl-200		4×10^{-3}
	Tl-201		3×10^{-3}
	Tl-202		1×10^{-3}
	Tl-204		1×10^{-3}
Thulium (69)	Tm-170		5×10^{-4}
	Tm-171		5×10^{-3}
Tin (50)	Sn-113		9×10^{-4}
	Sn-125		2×10^{-4}
Tungsten (Wolfram) (74)	W-181		4×10^{-3}
	W-187		7×10^{-4}
Vanadium (23)	V-48		3×10^{-4}
Xenon (54)	Xe-131m	4×10^{-6}	
	Xe-133	3×10^{-6}	
	Xe-135	1×10^{-6}	
Ytterbium (70)	Yb-175		1×10^{-3}
Yttrium (39)	Y-90		2×10^{-4}
	Y-91m		3×10^{-2}
	Y-91		3×10^{-4}
	Y-92		6×10^{-4}
	Y-93		3×10^{-4}
Zinc (30)	Zn-65		1×10^{-3}
	Zn-69m		7×10^{-4}

Element (atomic number)	Radionuclide	Column I Gas concentration μCi/ml 1/	Column II Liquid and solid concentration μCi/ml 2/
	Zn-69		2×10^{-2}
Zirconium (40)	Zr-95		6×10^{-4}
	Zr-97		2×10^{-4}
Beta- and/or gamma-emitting radioactive material not listed above with half-life of less than 3 years.		1×10^{-10}	1×10^{-6}

1/ Values are given in Column I only for those materials normally used as gases.

2/ μCi/g for solids.

NOTE 1: Many radionuclides transform into other radionuclides. In expressing the concentrations in Appendix A, the activity stated is that of the parent radionuclide and takes into account the radioactive decay products.

NOTE 2: For purposes of rule 641—39.6(136C) where there is involved a combination of radionuclides, the limit for the combination should be derived as follows: Determine for each radionuclide in the product the ratio between the radioactivity concentration present in the product and the exempt radioactivity concentration established in Appendix A for the specific radionuclide when not in combination. The sum of such ratios may not exceed "1."

EXAMPLE: $\frac{\text{Concentration of Radionuclide A in Product}}{\text{+ Exempt concentration of Radionuclide A}}$

$\frac{\text{Concentration of Radionuclide B in Product}}{\leq 1 \text{ Exempt concentration of Radionuclide B}}$

NOTE 3: To convert μCi/ml to SI units of megabecquerels per liter multiply the above values by 37.

EXAMPLE: Zirconium (40) Zr-97 (2×10^{-4} μCi/ml multiplied by 37 is equivalent to 74×10^{-4} MBq/l)

CHAPTER 39—APPENDIX E
EXEMPT QUANTITIES

Radioactive Material	Microcuries
Antimony-122 (Sb 122)	100
Antimony-124 (Sb 124)	10
Antimony-125 (Sb 125)	10
Arsenic-73 (As 73)	100
Arsenic-74 (As 74)	10
Arsenic-76 (As 76)	10
Arsenic-77 (As 77)	100
Barium-131 (Ba 131)	10
Barium-133 (Ba 133)	10
Barium-140 (Ba 140)	10
Bismuth-210 (Bi 210)	1
Bromine-82 (Br 82)	10
Cadmium-109 (Cd 109)	10
Cadmium-115m (Cd 115m)	10
Cadmium-115 (Cd 115)	100
Calcium-45 (Ca 45)	10
Calcium-47 (Ca 47)	10
Carbon-14 (C 14)	100
Cerium-141 (Ce 141)	100
Cerium-143 (Ce 143)	100
Cerium-144 (Ce 144)	1
Cesium-129 (Cs 129)	100
Cesium-131 (Cs 131)	1,000
Cesium-134m (Cs 134m)	100
Cesium-134 (Cs 134)	1
Cesium-135 (Cs 135)	10
Cesium-136 (Cs 136)	10
Cesium-137 (Cs 137)	10
Chlorine-36 (Cl 36)	10
Chlorine-38 (Cl 38)	10
Chromium-51 (Cr 51)	1,000
Cobalt-57 (Co 57)	100
Cobalt-58m (Co 58m)	10
Cobalt-58 (Co 58)	10
Cobalt-60 (Co 60)	1
Copper-64 (Cu 64)	100
Dysprosium-165 (Dy 165)	10
Dysprosium-166 (Dy 166)	100
Erbium-169 (Er 169)	100
Erbium-171 (Er 171)	100
Europium-152 (Eu 152)9.2h	100
Europium-152 (Eu 152)13 yr	1

Radioactive Material	Microcuries
Europium-154 (Eu 154)	1
Europium-155 (Eu 155)	10
Fluorine-18 (F 18)	1,000
Gadolinium-153 (Gd 153)	10
Gadolinium-159 (Gd 159)	100
Gallium-67 (Ga 67)	100
Gallium-72 (Ga 72)	10
Germanium-68 (Ge 68)	10
Germanium-71 (Ge 71)	100
Gold-195 (Au 195)	10
Gold-198 (Au 198)	100
Gold-199 (Au 199)	100
Hafnium-181 (Hf 181)	10
Holmium-166 (Ho 166)	100
Hydrogen-3 (H 3)	1,000
Indium-111 (In 111)	100
Indium-113m (In 113m)	100
Indium-114m (In 114m)	10
Indium-115m (In 115m)	100
Indium-115 (In 115)	10
Iodine-123 (I 123)	100
Iodine-125 (I 125)	1
Iodine-126 (I 126)	1
Iodine-129 (I 129)	0.1
Iodine-131 (I 131)	1
Iodine-132 (I 132)	10
Iodine-133 (I 133)	1
Iodine-134 (I 134)	10
Iodine-135 (I 135)	10
Iridium-192 (Ir 192)	10
Iridium-194 (Ir 194)	100
Iron-52 (Fe 52)	10
Iron-55 (Fe 55)	100
Iron-59 (Fe 59)	10
Krypton-85 (Kr 85)	100
Krypton-87 (Kr 87)	10
Lanthanum-140 (La 140)	10
Lutetium-177 (Lu 177)	100
Manganese-52 (Mn 52)	10
Manganese-54 (Mn 54)	10
Manganese-56 (Mn 56)	10
Mercury-197m (Hg 197m)	100
Mercury-197 (Hg 197)	100
Mercury-203 (Hg 203)	10
Molybdenum-99 (Mo 99)	100

Radioactive Material	Microcuries
Neodymium-147 (Nd 147)	100
Neodymium-149 (Nd 149)	100
Nickel-59 (Ni 59)	100
Nickel-63 (Ni 63)	10
Nickel-65 (Ni 65)	100
Niobium-93m (Nb 93m)	10
Niobium-95 (Nb 95)	10
Niobium-97 (Nb 97)	10
Osmium-185 (Os 185)	10
Osmium-191m (Os 191m)	100
Osmium-191 (Os 191)	100
Osmium-193 (Os 193)	100
Palladium-103 (Pd 103)	100
Palladium-109 (Pd 109)	100
Phosphorus-32 (P 32)	10
Platinum-191 (Pt 191)	100
Platinum-193m (Pt 193m)	100
Platinum-193 (Pt 193)	100
Platinum-197m (Pt 197m)	100
Platinum-197 (Pt 197)	100
Polonium-210 (Po 210)	0.1
Potassium-42 (K 42)	10
Potassium-43 (K 43)	10
Praseodymium-142 (Pr 142)	100
Praseodymium-143 (Pr 143)	100
Promethium-147 (Pm 147)	10
Promethium-149 (Pm 149)	10
Rhenium-186 (Re 186)	100
Rhenium-188 (Re 188)	100
Rhodium-105 (Rh 105)	100
Rubidium-81 (Rb 81)	10
Rubidium-86 (Rb 86)	10
Rubidium-87 (Rb 87)	10
Ruthenium-97 (Ru 97)	100
Ruthenium-103 (Ru 103)	10
Ruthenium-105 (Ru 105)	10
Ruthenium-106 (Ru 106)	1
Samarium-151 (Sm 151)	10
Samarium-153 (Sm 153)	100
Scandium-46 (Sc 46)	10
Scandium-47 (Sc 47)	100
Scandium-48 (Sc 48)	10
Selenium-75 (Se 75)	10
Silicon-31 (Si 31)	100
Silver-105 (Ag 105)	10

Radioactive Material	Microcuries
Silver-110m (Ag 110m)	1
Silver-111 (Ag 111)	100
Sodium-22 (Na 22)	10
Sodium-24 (Na 24)	10
Strontium-85 (Sr 85)	10
Strontium-89 (Sr 89)	1
Strontium-90 (Sr 90)	0.1
Strontium-91 (Sr 91)	10
Strontium-92 (Sr 92)	10
Sulphur-35 (S 35)	100
Tantalum-182 (Ta 182)	10
Technetium-96 (Tc 96)	10
Technetium-97m (Tc 97m)	100
Technetium-97 (Tc 97)	100
Technetium-99m (Tc 99m)	100
Technetium-99 (Tc 99)	10
Tellurium-125m (Te 125m)	10
Tellurium-127m (Te 127m)	10
Tellurium-127 (Te 127)	100
Tellurium-129m (Te 129m)	10
Tellurium-129 (Te 129)	100
Tellurium-131m (Te 131m)	10
Tellurium-132 (Te 132)	10
Terbium-160 (Tb 160)	10
Thallium-200 (Tl 200)	100
Thallium-201 (Tl 201)	100
Thallium-202 (Tl 202)	100
Thallium-204 (Tl 204)	10
Thulium-170 (Tm 170)	10
Thulium-171 (Tm 171)	10
Tin-113 (Sn 113)	10
Tin-125 (Sn 125)	10
Tungsten-181 (W 181)	10
Tungsten-185 (W 185)	10
Tungsten-187 (W 187)	100
Vanadium-48 (V 48)	10
Xenon-131m (Xe 131m)	1,000
Xenon-133 (Xe 133)	100
Xenon-135 (Xe 135)	100
Ytterbium-175 (Yb 175)	100
Yttrium-87 (Y 87)	10
Yttrium-88 (Y 88)	10
Yttrium-90 (Y 90)	10
Yttrium-91 (Y 91)	10
Yttrium-92 (Y 92)	100

Radioactive Material	Microcuries
Yttrium-93 (Y 93)	100
Zinc-65 (Zn 65)	10
Zinc-69m (Zn 69m)	100
Zinc-69 (Zn 69)	1,000
Zirconium-93 (Zr 93)	10
Zirconium-95 (Zr 95)	10
Zirconium-97 (Zr 97)	10
Any radioactive material not listed above other than alpha-emitting radioactive material	0.1

NOTE 1: For purposes of rule 641—39.6(136C) where there is involved a combination of radionuclides, the limit for the combination should be derived as follows:

Determine the amount of each radionuclide possessed and 1,000 times the amount in Appendix B for each of those radionuclides when not in combination. The sum of the ratios of those quantities may not exceed 1.

EXAMPLE:

$$\frac{\text{Amt. of Radionuclide A possessed}}{1000 \times \text{Appendix B quantity for Radionuclide A}} + \frac{\text{Amt. of Radionuclide B possessed}}{1000 \times \text{Appendix B quantity for Radionuclide B}} \mu\ 1$$

NOTE 2: To convert microcuries (μCi) to SI units of kilobecquerels (kBq), multiply the above values by 37.

EXAMPLE: Zirconium-97 (10 μCi multiplied by 37 is equivalent to 370 kBq).

CHAPTER 39—APPENDIX F

GENERAL REQUIREMENTS FOR INSPECTION OF INDUSTRIAL RADIOGRAPHIC EQUIPMENT

I. Panoramic devices (devices in which the sealed source is physically removed from the shielded container during exposure) shall be inspected for:

A. Radiographic exposure unit:

1. Abnormal surface radiation levels anywhere on camera, collimator, or guide tube;
2. Condition of safety plugs;
3. Proper operation of locking mechanism;
4. Condition of pigtail connector;
5. Condition of carrying device (straps, handle, etc.);
6. Proper labeling.

B. Source tube:

1. Rust, dirt, or sludge buildup inside the source tube;
2. Condition of source tube connector;
3. Condition of source stop;
4. Kinks or damage that could prevent proper operation;
5. Presence of radioactive contamination.

C. Control cables and drive mechanism:

1. Proper drive mechanism with camera, as appropriate;
2. Changes in general operating characteristics;
3. Condition of connector on drive cable;
4. Drive cable flexibility, wear, and rust;
5. Excessive wear or damage to crank assembly parts;
6. Damage to drive cable conduit that could prevent the cable from moving easily;
7. Connection of the control cable connector with the pigtail connector for proper mating;
8. Proper operation of source position indicator, if applicable;
9. Presence of radioactive contamination.

II. Directional beam devices shall be inspected for:

A. Abnormal surface radiation;
B. Changes in the general operating characteristics of the unit;
C. Proper operation of shutter mechanism;
D. Chafing or binding of shutter mechanism;
E. Damage to the device that might impair its operation;
F. Proper operation of locking mechanism;
G. Proper drive mechanism with camera, as appropriate;
H. Condition of carrying device (strap, handle, etc.);
I. Proper labeling.

III. X-ray equipment shall be inspected for:

A. Change in the general operating characteristics of the unit;
B. Wear of electrical cables and connectors;
C. Proper labeling of console;
D. Proper console with machine, as appropriate;
E. Proper operation of locking mechanism;
F. Timer run-down cutoff;

G. Damage to tube head housing that might result in excessive radiation levels.

[Filed 4/7/80, Notice 2/6/80—published 4/30/80, effective 7/1/80, see 39.18 for exception]
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CHAPTER 40
REGISTRATION AND SAFETY REQUIREMENTS FOR RADIATION EMITTING MACHINES IN THE HEALING ARTS—MEDICINE, PODIATRY, DENTAL, CHIROPRACTIC, AND VETERINARY MEDICINE

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/1/31

641—40.1(136C) General provisions. This rule establishes the requirements of a registrant for the use of diagnostic X-ray equipment and imaging systems. Such equipment shall be used only by, or under the supervision of, an individual who is authorized to operate the equipment and is licensed in accordance with state statutes to practice in the healing arts, including medicine, podiatry, dentistry, chiropractic, or veterinary medicine.

40.1(1) The provisions of this chapter are in addition to, and not in substitution for, any other applicable portions of 641—Chapters 37 through 42.

40.1(2) All references to any Code of Federal Regulations (CFR) in this chapter are those as amended to August 1, 2025.

[**ARC 0180D**, IAB 4/1/26, effective 7/1/26]

641—40.2(136C) Definitions. The definitions provided in 641—Chapter 37 may also apply to the provisions of this chapter. Additionally, the following definitions set forth below are specific to this chapter.

"Accessible surface" means the external surface of the enclosure or housing of the radiation producing machine as provided by the manufacturer.

"Attenuation block" means a block or stack having dimensions 20 centimeters by 20 centimeters by 3.8 centimeters of type 1100 aluminum alloy or other materials having equivalent attenuation.

"Automatic exposure control" or *"AEC"* (see also "phototimer") means a device that automatically controls one or more technique factors in order to obtain at a preselected location(s) a required quantity of radiation (includes devices such as phototimers and ion chambers).

"C-arm fluoroscope" means a fluoroscopic X-ray system in which the image receptor and the X-ray tube housing assembly are connected or coordinated to maintain a spatial relationship. Such a system allows a change in the direction of the beam axis with respect to the patient without moving the patient.

"Computed radiography" or *"CR"* (see also "DR") means a digital X-ray imaging method in which a photo-stimulable phosphor is used to capture and store a latent image. The latent image is read out by stimulating the phosphor with a laser. Computed radiography systems may use cassettes to house the phosphor, or it may be integrated into a digital radiography system.

"Computed tomography dose index" or *"CTDI"* means the integral from -7T to +7T of the dose profile along a line perpendicular to the tomographic plane divided by the product of the nominal tomographic section thickness and the number of tomograms produced in a single scan, that is:

$$\overline{\text{CTDI}} = \frac{1}{nT}\int_{-7T}^{+7T} D(z)\,dz$$

where:

z = Position along a line perpendicular to the tomographic plane.
D(z)= Dose at position z.
T = Nominal tomographic section thickness.
n = Number of tomograms produced in a single scan.

This definition assumes that:

1. The dose profile is centered around z = 0; and
2. For a multiple tomogram system, the scan increment between adjacent scans is nT.

"Cone beam computed tomography" or *"CBCT"* is a volumetric imaging modality. Volumetric data are acquired using two dimensional digital detector arrays and a cone-shaped (instead of fan-shaped) X-ray beam that rotates around the patient. Reconstruction algorithms can be used to generate images of any desired plane.

"CT conditions of operation" means all selectable parameters governing the operation of a CT X-ray system, including but not limited to nominal tomographic section thickness, filtration, and the technique factors as defined in this chapter.

"CT gantry" means the tube housing assemblies, beam-limiting devices, detectors, and the supporting structures, frames, and covers that hold and enclose these components within a computed tomography system.

"Cumulative air kerma" means the total air kerma accrued from the beginning of an examination or procedure and includes all contributions from fluoroscopic and radiographic irradiation.

"Diagnostic source assembly" means the tube housing assembly with a beam-limiting device attached.

"Digital radiography" or *"DR"* means an X-ray imaging method (or radiography) that produces a digital rather than analog image. "DR" includes both computed radiography (CR) and direct digital radiography (DDR).

"Direct digital radiography" or *"DDR"* (see also "CR" and "DR") means an X-ray imaging method in which a digital sensor, usually incorporating a thin-film transistor, is used to capture an X-ray image. Some DDR systems use a scintillator to convert X-rays to light and a photodiode array to convert light to charge, while others use a photoconductor to convert X-rays directly to charge, which is stored on the thin-film transistor.

"Dose area product," "DAP," "kerma-area product," or *"KAP"* means the product of the air kerma and the area of the irradiated field and are typically expressed in Gy-cm^2, so do not change with distance from the X-ray tube.

"Dose profile" means the dose as a function of position along a line.

"Entrance exposure rate" means the exposure free in air per unit time at the point where the center of the useful beam enters the patient.

"Field emission equipment" means equipment that uses an X-ray tube in which electron emission from the cathode is due solely to the action of an electric field.

"Filter" means material placed in the useful beam to preferentially absorb selected radiations.

"Fluoroscopically guided interventional," "FGI" or *"special procedures"* means an interventional diagnostic or therapeutic procedure performed via percutaneous or other access routes, usually with local anesthesia or intravenous sedation, that uses external ionizing radiation in the form of fluoroscopy to localize or characterize a lesion, diagnostic site, or treatment site; to monitor the procedure; and to control and document therapy. These procedures could result in extended fluoroscopy examination times and higher doses than typical imaging procedures.

"Fluoroscopic imaging assembly" means a subsystem in which X-ray photons produce a visual image. It includes the image receptor(s) such as the image intensifier and spot-film device; electrical interlocks, if any; and structural material providing linkage between the image receptor and diagnostic source assembly.

"Focal spot (actual)" means the area projected on the anode of the X-ray tube bombarded by the electrons accelerated from the cathode and from which the useful beam originates.

"Focal spot size" means the area of the target or anode that is bombarded by electrons from the cathode of the X-ray tube to produce X-rays. The smaller the focal spot, the better the limited spatial resolution of the X-ray system, especially in magnification mammography.

"Healing arts screening" means the testing of human beings using X-ray machines for the detection or evaluation of health indications for which the individual is considered at high risk when such tests are not specifically and individually ordered by:

1. An individual authorized under subrule 40.4(10), or
2. An individual licensed as a physician in Iowa.

"Image intensifier" means a device, installed in its housing, that instantaneously converts an X-ray pattern into a corresponding light image of higher energy intensity.

"Image receptor" means any device, such as a fluorescent screen, radiographic film, X-ray image intensifier tube, solid-state detector, or gaseous detector that transforms incident X-ray photons either into a visible image or into another form that can be made into a visible image by further transformations. In those cases where means are provided to preselect a portion of the image receptor, "image receptor" means the preselected portion of the device.

"Last-image hold (LIH) radiograph" means an image obtained either by retaining one or more fluoroscopic images, which may be temporarily integrated, at the end of a fluoroscopic exposure or by initiating a separate and distinct radiographic exposure automatically and immediately in conjunction with termination of the fluoroscopic exposure.

"Lead equivalent" means the thickness of lead affording the same attenuation, under specified conditions, as the material in question.

"mA" means milliampere.

"mAs" means milliampere second.

"Multiple tomogram system" means a computed tomography X-ray system that obtains X-ray transmission data simultaneously during a single scan to produce more than one tomogram.

"Nominal tomographic section thickness" means the full width at half-maximum of the sensitivity profile taken at the center of the cross-sectional volume over which X-ray transmission data are collected.

"Peak tube potential," "Kilovolts peak" or *"kVp"* means the maximum value of the potential difference across the X-ray tube during an exposure.

"Phototimer" (see also "automatic exposure control") means a method for controlling radiation exposures to image receptors by the amount of radiation that reaches a radiation-monitoring device(s). The radiation-monitoring device(s) is part of an electronic circuit that controls the duration of time the tube is activated.

"Position indicating device" or *"PID"* means a device on dental X-ray equipment used to indicate the beam position and to establish a definite source-surface (skin) distance. It may or may not incorporate or serve as a beam-limiting device.

"Protective apron" means an apron made of radiation-absorbing materials used to reduce radiation exposure.

"Protective glove" means a glove made of radiation-absorbing materials used to reduce radiation exposure.

"Radiation detector" means a device that in the presence of radiation provides a signal or other indication suitable for use in measuring one or more quantities of incident radiation.

"Radiation therapy simulation system" means a radiographic or fluoroscopic X-ray system intended for localizing the volume to be exposed during radiation therapy and confirming the position and size of the therapeutic irradiation field.

"Radiograph" means an image receptor on which the image is created directly or indirectly by an X-ray pattern and results in a permanent record.

"Radiography" means a technique for generating and recording an X-ray pattern for the purpose of providing the user with an image(s) after termination of the exposure.

"Recording" means producing a retrievable form of an image resulting from X-ray photons.

"Scan" means the complete process of collecting X-ray transmission data for the production of a tomogram. Data can be collected simultaneously during a single scan for the production of one or more tomograms.

"Scan increment" means the amount of relative displacement of the patient with respect to the CT X-ray system between successive scans measured along the direction of such displacement.

"Scan sequence" means a preselected set of two or more scans performed consecutively under preselected CT conditions of operation.

"Scan time" means the period of time between the beginning and end of X-ray transmission data accumulation for a single scan.

"Sensitivity profile" means the relative response of the CT X-ray system as a function of position along a line perpendicular to the tomographic plane.

"Source" means the focal spot of the X-ray tube.

"Source-image receptor distance" or *"SID"* means the distance from the source to the center of the input surface of the image receptor.

"Spot film" means a radiograph that is made during a fluoroscopic examination to permanently record conditions that exist during that fluoroscopic procedure.

"Technique factors" means the following conditions of operation:

1. For capacitor energy storage equipment, peak tube potential in kV and quantity of charge in mAs;
2. For field emission equipment rated for pulsed operation, peak tube potential in kV, and number of X-ray pulses;
3. For CT X-ray systems designed for pulsed operation, peak tube potential in kV, scan time in seconds, and either:
   A. Tube current in mA, X-ray pulse width in seconds, and the number of X-ray pulses per scan, or
   B. The product of tube current, X-ray pulse width, and the number of X-ray pulses in mAs;
4. For CT X-ray systems not designed for pulsed operation, peak tube potential in kV, and either tube current in mA and scan time in seconds or the product of tube current and exposure time in mAs and the scan time when the scan time and exposure time are equivalent; and
5. For all other equipment, peak tube potential in kV and either tube current in mA and exposure time in seconds or the product of tube current and exposure time in mAs.

"Tomogram" means the depiction of the X-ray attenuation properties of a section through the body.

"Tomographic plane" means that geometric plane that is identified as corresponding to the output tomogram.

"Tomographic section" means the volume of an object whose X-ray attenuation properties are imaged in a tomogram.

"Useful beam" means the radiation emanating from the tube housing port or the radiation head and passing through the aperture of the beam-limiting device when the exposure controls are in a mode to cause the system to produce radiation.

"Visible area" means that portion of the input surface of the image receptor over which incident X-ray photons are producing a visible image.

"X-ray control" or *"control panel"* means a device that controls input power to the X-ray high-voltage generator and the X-ray tube, including equipment such as timers, phototimers, automatic brightness stabilizers, and similar devices that control the technique factors of an X-ray exposure.

"X-ray equipment" or *"equipment"* means an X-ray system, subsystem, or component thereof. Types of X-ray equipment are as follows:

1. "Mobile X-ray equipment" means X-ray equipment mounted on a permanent base with wheels or casters for moving while completely assembled.
2. "Portable X-ray equipment" means X-ray equipment designed to be hand-carried but used with a tripod or other stabilization mechanism so the operator is not holding the equipment during exposure.
3. "Stationary X-ray equipment" means X-ray equipment that is installed in a fixed location.
4. "Handheld X-ray equipment" means X-ray equipment designed by the manufacturer to be handheld by the operator during the exposure. X-ray equipment designed without a back-scatter shield is prohibited.

"X-ray exposure control" means a device, a switch, a button, or similar means by which an operator initiates or terminates the radiation exposure. The X-ray exposure control may include such associated equipment as timers and backup timers.

"X-ray field" means that area of the intersection of the useful beam and any one of the set of planes parallel to and including the plane of the image receptor, whose perimeter is the locus of points at which the exposure rate is one-fourth of the maximum in the intersection.

"X-ray high-voltage generator" means a device that transforms electrical energy from the potential supplied by the X-ray control to the tube operating potential. The device may also include means for transforming alternating current to direct current, filament transformers for the X-ray tube(s), high-voltage switches, electrical protective devices, and other appropriate elements.

"X-ray system" means an assemblage of components for the controlled production of X-rays. It includes minimally an X-ray high-voltage generator, an X-ray control, a tube housing assembly, a beam-limiting device, and the necessary supporting structures. Additional components that function with the system are considered integral parts of the system.

"X-ray table" means a patient support device with its patient support structure (tabletop) interposed between the patient and the image receptor during radiography or fluoroscopy. This includes but is not limited to any stretcher equipped with a radiolucent panel and any table equipped with a cassette tray (or bucky), cassette tunnel, image intensifier, or spot-film device beneath the tabletop.

[**ARC 0180D**, IAB 4/1/26, effective 7/1/26]

641—40.3(136C) General regulatory requirements.

40.3(1) The registrant shall be responsible for directing the operation of the X-ray system(s) under the registrant's administrative control and shall ensure that the requirements of these regulations are met in the operation of the X-ray system(s).

40.3(2) In addition to the rules of this chapter, registrants shall also comply with the requirements of the rules in 641—Chapter 37, including but not limited to:

a. Requirements for registration in rule 641—37.8(136C);

b. Fees in rule 641—37.9(136C);

c. Administrative enforcement actions in rule 641—37.10(136C);

d. Standards for protection against radiation in rule 641—37.11(136C);

e. Record requirements in rule 641—37.12(136C);

f. Notifications and reporting requirements of a reportable radiation incident in 641—subrule 37.13(3);

g. Notices, instructions, and reports to workers in rule 641—37.14(136C).

[**ARC 0180D**, IAB 4/1/26, effective 7/1/26]

641—40.4(136C) Administrative controls.

40.4(1) *Registrant.* The registrant shall be responsible for:

a. Maintaining and directing the operation of the X-ray system(s) under the registrant's administrative control for ensuring that the requirements of these rules are met in the operation of the X-ray system(s).

b. Ensuring the X-ray equipment is maintained and tested by a registered service provider, and qualified expert when applicable, through an equipment performance evaluation based on manufacturer recommendations or according to the following minimum tests and schedule, whichever is more frequent. Veterinary systems are exempt from the equipment performance evaluation requirements of paragraph 40.4(2)*"b."*

40.4(2) *Equipment performance evaluation (EPE).*

a. EPE following installation or modifications. For X-ray, fluoroscopic, and CT systems, an EPE shall be performed under the following conditions:

(1) Within 30 days after initial installation of new machines;

(2) Within 30 days after reinstallation of a machine; or

(3) Within 30 days after repair of a machine component that would affect the radiation output that includes but is not limited to the timer, tube, and power supply.

b. EPE frequency. For X-ray, fluoroscopic, and CT systems, excluding veterinary, an EPE shall be performed at the frequency and by the appropriately trained service provider or qualified expert as required in the following table:

Type of Machine	**Frequency**	**Performed By**
CT	Annually	Qualified expert
Fluoroscopy	Annually	Qualified expert
Dental (intraoral and panoramic/cephalometric)	4 years	Service provider
CBCT	2 years	Qualified expert
All other X-ray equipment (medical/chiropractic/podiatric)	2 years	Service provider

c. Records of EPE results. Records of the test results shall:

(1) Include measurements and numerical readings;

(2) Indicate a pass or fail for each test; and

(3) Be reviewed and signed by a registered service provider or qualified expert.

d. Correction of EPE results. Any items not meeting the specifications of the EPE shall be corrected or repaired.

(1) The correction or repair shall begin within 30 days following the EPE and shall be performed according to a plan designated by the registrant.

(2) Correction or repair shall be completed no longer than 90 days from discovery unless authorized by the department.

(3) The registrant shall maintain records of corrections or repairs in accordance with this chapter.

(4) These records must be retained and made available to the department upon request.

40.4(3) *EPEs for service and installation.* All EPEs for service and installation shall be performed by a person registered as a radiation machines service provider or qualified expert under 641—subrules 37.8(3) and 37.8(4).

40.4(4) *Compliance prior to operation.* The registrant or the registrant's agent shall ensure that the requirements of these rules are met prior to the operation of the X-ray system(s).

40.4(5) *Compliance or prior approval by department.* An X-ray system that does not meet the provisions of these rules cannot be operated for diagnostic purposes without prior approval by the department. To ensure compliance, the following provisions must be met:

a. All position locking, holding, and centering devices on X-ray system components and systems shall function as intended.

b. All X-ray systems shall be maintained in good mechanical repair and comply with all state and local electrical code requirements.

c. The registrant cannot operate an X-ray machine for diagnostic or therapeutic purposes when the X-ray machine:

(1) Does not meet the provisions of this chapter; or

(2) Is malfunctioning and threatens the health or safety of the patient, operator, or general public.

40.4(6) *Operator competency and training.* Individuals who will be operating the X-ray systems shall be adequately instructed in safe operating procedures and be competent in the safe use of the equipment. In addition:

a. Operators shall meet the requirements of 641—Chapter 38, as applicable, and shall make the permit available at the individual's place of employment.

b. If the permit holder works at more than one facility, a duplicate of the permit shall be kept at each facility.

c. Operators of diagnostic X-ray systems for clinical purposes should receive training specific to the equipment, procedures, and examination protocols specific to the facility's operations.

40.4(7) *Protocol—no operational anatomic programming.* For general radiographic systems not equipped with an operational anatomic programming option, protocols shall be documented and readily available to the operator. At a minimum, these protocols shall include the following:

a. Patient's body part and anatomical size (adult and pediatric, if appropriate);

b. Technique factors;

c. Type of image receptor used;

d. Source to image receptor distance used (except for dental intraoral radiography); and

e. Type of grid, if any.

40.4(8) *Written safety procedures.* Written safety procedures, as outlined in 641—Chapter 37, shall be established and provided to each individual operating X-ray equipment. The procedures shall include:

a. Patient holding requirements and any restrictions on operating technique necessary for the safe operation of the specific X-ray system.

b. Procedures with which the operator shall be able to demonstrate familiarity, including:

(1) Except for patients who cannot be moved out of the room, only staff and ancillary personnel required for the medical procedure or training shall be present in the room during the radiographic exposure.

(2) Other than the patient being examined, all individuals shall be positioned so that no part of the body is struck by the useful beam unless protected by 0.5 millimeter lead equivalent.

(3) The X-ray operator, other staff, ancillary personnel, and any other persons required for the medical procedure, with the exception of handheld dental operators, shall be protected from scattered primary radiation by protective aprons or whole body protective barriers of not less than 0.25 millimeter lead equivalent. This requirement does not apply to the use of dental handheld X-ray units, provided the device's backscatter shield is in place and used as intended by the manufacturer and as specified in subrule 40.7(5).

(4) Human patients who cannot be removed from the room shall be protected from the direct scatter radiation by whole body protective barriers of 0.25 millimeter lead equivalent or shall be positioned so the nearest portion of the body is at least two meters from both the tube head and the nearest edge of the image receptor.

40.4(9) *Protective apparel.* A sufficient number of protective apparel (e.g., aprons, gloves, collars) and shields shall be available to provide the necessary radiation protection for all patients and personnel who are involved with X-ray operations.

a. All protective apparel and auxiliary shields shall be evaluated annually for integrity and clearly labeled with lead equivalent.

b. Registrants shall maintain a patient shielding policy consistent with ALARA principles. The use of shielding shall be determined in accordance with the radiation machine facility's established policy in alignment with national guidance. The policy should include procedures for addressing patient requests for shielding.

40.4(10) *Exposure to the useful beam.*

a. Individuals cannot be exposed to the useful beam unless:

(1) The radiation exposure occurs in the context of a previously established professional relationship between a licensed practitioner of the healing arts or a licensed registered nurse who is registered as an advanced registered nurse practitioner (ARNP) pursuant to Iowa Code chapter 152 and a patient, which includes a physical examination by the practitioner of the patient unless such examination is not clinically indicated; and

(2) Such practitioner issues a written order for the radiation exposure. The written order shall be issued prior to the exposure unless the exposure results from care provided in an emergency or surgery setting. A verbal order may be issued provided the licensed practitioner is supervising the procedure and the order is documented in the patient's record after the procedure is completed.

b. This provision specifically prohibits deliberate exposure for the following purposes:

(1) Exposure of an individual for training, demonstration, or other non-healing arts purposes; and

(2) Exposure of an individual for the purpose of healing arts screening except as authorized by subrule 40.4(14).

40.4(11) *Auxiliary support.* When a patient or image receptor must be provided with auxiliary support during a radiation exposure:

a. Mechanical holding devices shall be used when the technique permits. The written safety procedures, required by subrule 40.4(8), shall list individual projections where holding devices cannot be utilized;

b. Written safety procedures, as required by subrule 40.4(8), shall indicate the requirements for selecting a holder and the procedure the holder shall follow;

c. A human holder shall be instructed in personal radiation safety and protected as required by subrule 40.4(8);

d. No individual shall be used routinely to hold image receptors or patients; and

e. Each facility shall have lead aprons and gloves available in sufficient numbers to provide protection to all personnel who are involved with X-ray operations and who are otherwise not shielded.

40.4(12) *Procedures and auxiliary equipment.* Facilities shall use procedures and auxiliary equipment that reduce radiation exposure to patients and staff, as much as reasonably possible, while still obtaining the necessary diagnostic information.

a. Radiation exposure to the patient shall be limited to the minimum exposure required to produce images of good diagnostic quality.

b. Portable or mobile X-ray equipment shall be used only for examinations, excluding intraoral dental imaging, where it is impractical to transfer the patient(s) to a stationary X-ray installation.

c. Handheld mobile X-ray equipment may be used for routine intraoral dental imaging in place of stationary equipment, provided the device's backscatter shield is in place and used as intended by the manufacturer as specified in subrule 40.7(5).

d. X-ray systems subject to 641—Chapter 40 shall not be used in procedures where the source to human patient distance is less than 30 centimeters.

e. If grids are used between the patient and the image receptor to decrease scatter and improve contrast, the grid shall:

(1) Be positioned properly, including the tube side facing the correct direction, and the grid centered to the central ray; and

(2) For focused type grids, be at the proper focal distance for the SIDs being used.

40.4(13) *Personnel monitoring devices.* All individuals who are associated with the operation of an X-ray system are subject to the requirements of rule 641—37.11(136C) for standards for protection against radiation. In addition:

a. When protective clothing or devices are worn on portions of the body and a personnel monitoring device(s) is present, the device(s) shall be worn in accordance with the recommendations found in Chapter 4 of the National Council of Radiation Protection and Measurements Report No. 57 as amended to August 1, 2025.

b. Exposure of a personnel monitoring device to deceptively indicate a dose delivered to an individual is prohibited.

40.4(14) *Healing arts screening program.* The registrant shall not initiate a healing arts screening program in which an individual is exposed to the useful beam without an order as specified in subrule 40.4(10) without prior written approval from the department.

a. An application for approval shall be submitted to the department in accordance with requirements specified in Appendix A of this chapter.

b. The department cannot approve a healing arts screening program unless the applicant submits data supporting the efficacy of the screening test in diagnosing the disease or condition being screened.

c. If any information submitted to the department becomes invalid or outdated, the applicant shall notify the department in writing within five calendar days.

40.4(15) *Maintenance of records.*

a. The registrant shall maintain all of the following records for each X-ray system until the X-ray system is removed from the facility, or as otherwise specified, and shall make such records available for inspection by the department:

(1) Model and serial numbers of all major components, and user's manuals for those components, including software;

(2) Records of surveys, calibrations, maintenance, and modifications (e.g., major software and hardware upgrades) performed on the X-ray system(s);

(3) A copy of all correspondence with the department regarding each X-ray system;

(4) Medical and imaging records as specified in 641—subrule 37.12(2);

(5) Personnel and dosimetry records as specified in 641—subrule 37.12(8);

b. X-ray utilization records shall be kept until the facility is inspected by this department or until all images listed on the utilization record log have been purged as specified in 641—subrule 37.12(2).

40.4(16) *X-ray utilization records.* Each facility, excluding veterinary, shall maintain a written or electronic utilization log that shall be made available to the department, upon request, for a date range specified by the department. The utilization record shall include but is not limited to all of the following:

a. The patient's name;

b. The type of examination(s);

c. The date the examinations were performed;

d. Dose information, when available from the imaging equipment or associated software.

40.4(17) *Quality assurance (QA).* The registrant shall establish and maintain a QA program, including but not limited to the following:

a. Maintain personnel qualifications as specified in 641—Chapter 38.

b. Establish and maintain written QA and quality control (QC) procedures, which shall be reviewed annually.

c. Conduct image evaluations at established intervals to identify operator training needs or imaging system deficiencies.

d. Retain QA/QC records of evaluations and reviews as specified in subrule 40.4(15).

40.4(18) *Shielding plan review.* Unless otherwise specified by the department, registrants shall ensure the following conditions related to shielding for X-ray machines are met:

a. Prior to construction of all new installations, modifications of existing installations, or installation of equipment into existing facilities where the X-ray machine is fixed in one location or otherwise routinely used in a specific location, the floor plans and equipment arrangements shall be submitted to the department for review and verification that national standards have been met. Required submission details are outlined in Appendix B of this chapter.

b. The department may require the applicant to utilize the services of a qualified expert to determine the shielding requirements prior to the plan review and approval.

c. The approval of such plans cannot preclude the requirement of additional modifications should a subsequent analysis of operating conditions indicate the possibility of an individual receiving a dose in excess of the limits prescribed in 641—Chapter 37.

40.4(19) *Design requirements for an operator's booth.*

a. Space requirements.

(1) The operator shall be allotted not less than 7.5 square feet (0.697 m) of unobstructed floor space in the booth.

(2) The operator's booth may be any geometric configuration with no dimension of less than two feet (0.61 m).

(3) The space shall be allotted excluding any encumbrance by the X-ray control panel, such as overhang, cables, or other similar encroachments.

(4) The booth shall be located or constructed such that unattenuated direct scatter radiation originating on the examination table or at the wall cassette will not reach the operator's station in the booth.

b. Structural requirements.

(1) The booth walls shall be permanently fixed barriers of at least seven feet (2.13 m) high.

(2) When a door or movable panel is used as an integral part of the booth structure, it must have an interlock that will prevent an exposure when the door or panel is not closed.

(3) Shielding shall be provided to meet the requirements of this chapter.

c. Radiation exposure control panel. The radiation exposure control for the system shall be fixed within the booth and shall:

(1) Be at least 40 inches (1.0 m) from any point subject to direct scatter, leakage, or primary beam radiation.

(2) Allow the operator to use the majority of the available viewing windows or mirrors.

d. Viewing system requirements. Each booth shall have at least one viewing device that will:

(1) Be placed so that the operator can view the patient during any exposure.

(2) Be placed so that the operator can have full view of any occupant in the room and be able to view any entry into the room.

e. Warning devices. If any door that allows access to the room cannot be seen from the booth, there shall be an "X-ray on" warning sign outside that door that will be lighted anytime the rotor of the X-ray tube is activated.

f. Alternative to warning devices. A door as specified in paragraph 40.4(19)*"e"* must have an interlock controlling the exposure that will prevent the exposure if the door is not closed.

g. Additional requirements when the viewing system is a window. When the viewing system is a window, the following requirements also apply:

(1) The viewing area shall be at least one square foot (0.09 m^2);

(2) Regardless of size or shape, at least one square foot (0.09 m^2) of window area shall be centered no less than two feet (0.6 m) from the open edge of the booth and no less than five feet (1.5 m) from the floor;

(3) The window shall have the same lead equivalence as that required in the booth's wall on which it is mounted.

h. Additional requirements when the viewing system is by mirrors. The mirrors shall be located to meet the general requirements as specified in paragraph 40.4(19)*"d."*

i. Additional requirements when the viewing system is electronic. The camera shall be located as to accomplish the general requirements as specified in paragraph 40.4(19)*"d."*

j. Alternate viewing system as backup. An alternate viewing system shall be provided as a backup to the primary electronic system.

40.4(20) *Federal performance standards for equipment.* All X-ray equipment shall comply with the applicable performance standards of 21 CFR 1020.30 through 1020.40 that were in effect at the time the unit was manufactured. Persons registered to possess the affected radiation-emitting equipment in Iowa shall be responsible for maintaining the equipment in compliance with the appropriate federal performance standards.

40.4(21) *Modification of certified diagnostic X-ray components and systems.* Diagnostic X-ray components and systems certified in accordance with 21 CFR Part 1020 cannot be modified such that the component or system fails to comply with any applicable provision of this chapter.

a. The owner of a diagnostic X-ray system who uses the system in a professional or commercial capacity may modify the system, provided the modification does not result in the failure of the system or component to comply with the applicable requirements of this chapter.

b. The owner who causes such modification need not submit the reports required by this rule, provided the owner records the date and the details of the modification in the system records and maintains this information and provided the modification of the X-ray system does not result in a failure to comply with this chapter.

40.4(22) *X-ray film processing.* A registrant using analog image receptors (e.g., radiographic film) shall maintain equipment suitable for handling and processing radiographic film in accordance with manufacturer recommendations and appropriate nationally recognized standards for image processing and maintaining image quality. Facilities shall establish and follow an image quality control program in accordance with the recommendations of a qualified expert, the system manufacturer, or a nationally recognized organization.

40.4(23) *X-ray digital image processing facilities using CR or DDR.* When exposure indicators are available, the facility shall establish and document an acceptable range for the exposure values for examinations routinely performed at the facility.

a. The indicated exposure values for each image shall be compared to the established range. Consistent deviations from established ranges shall be investigated, corrective actions taken as necessary, and results documented.

b. Facilities shall establish and follow an image quality control program in accord with the recommendations of a qualified expert, the system manufacturer, or a nationally recognized organization.

c. CR facilities shall perform erasure of all CR cassettes at least on a weekly basis.

[**ARC 0180D**, IAB 4/1/26, effective 7/1/26]

641—40.5(136C) General requirements for all diagnostic X-ray systems. In addition to the applicable requirements of this chapter, all diagnostic X-ray systems shall meet the requirements for manufacture as specified in 21 CFR 1020.30 and 1020.31.

40.5(1) *Warning label.* Diagnostic registrants shall comply with the warning label requirements of 21 CFR 1020.30(j).

40.5(2) *Leakage radiation from the diagnostic source assembly.* Diagnostic registrants shall comply with the leakage radiation from the diagnostic source assembly requirements of 21 CFR 1020.30(k).

40.5(3) *Radiation from components other than the diagnostic source assembly.* Diagnostic registrants shall comply with the radiation from components other than the diagnostic source assembly requirements of 21 CFR 1020.30(l).

40.5(4) *Beam quality.* Diagnostic registrants shall comply with the beam quality requirements of 21 CFR 1020.30(m).

40.5(5) *Battery charge indicator.* Diagnostic registrants shall comply with battery charge indicator requirements of 21 CFR 1020.30(o).

40.5(6) *Multiple tubes.* Diagnostic registrants shall comply with multiple tube requirements of 21 CFR 1020.31(k).

40.5(7) *Technique indicators.* Diagnostic registrants shall comply with technique indicator requirements of 21 CFR 1020.31(a).

40.5(8) *Beam-on indicators.* Diagnostic registrants shall comply with beam-on indicator requirements of 21 CFR 1020.31(j).

40.5(9) *Maintaining compliance.* Diagnostic registrants shall comply with the performance standards for ionizing radiation emitting product requirements of 21 CFR 1020.

40.5(10) *Systems designed for mammography.* All systems designed for mammography shall comply with the Mammography Quality Standards Act of 1998 as amended to August 1, 2025, and the provisions of 641—Chapter 41.

40.5(11) *Invasive breast localization X-ray machines.* All systems designed for invasive breast localization X-ray machines shall comply with the provisions of 641—Chapter 41.

40.5(12) *Medical cabinet X-ray machine for nonhuman use.* All systems designed for tissue specimen imaging shall comply with provisions of rules 641—37.8(136C) and 641—37.9(136C).

[**ARC 0180D**, IAB 4/1/26, effective 7/1/26]

641—40.6(136C) General requirements for all fluoroscopy and interventional X-ray systems. In addition to the applicable requirements of this chapter, all fluoroscopic and interventional X-ray

systems shall meet the requirements for manufacture as specified in 21 CFR 1020.32 to include all of the following minimum requirements.

40.6(1) *Fluoroscopic equipment.* Only image-intensified or direct-digital receptor fluoroscopic equipment shall be used for fluoroscopy. Non-image intensified fluoroscopic equipment cannot be used.

40.6(2) *Primary protective barrier.* Fluoroscopic and interventional X-ray registrants shall comply with primary protective barrier requirements of 21 CFR 1020.32(a).

40.6(3) *Field limitation.* Fluoroscopic and interventional X-ray registrants shall comply with field limitation requirements of 21 CFR 1020.32(b).

40.6(4) *Activation of tube.* Fluoroscopic and interventional X-ray registrants shall comply with activation of tube requirements of 21 CFR 1020.32(c).

40.6(5) *Air kerma rates.* Fluoroscopic and interventional X-ray registrants shall comply with air kerma rate requirements of 21 CFR 1020.32(d).

40.6(6) *Measuring compliance of equipment parameters.* Compliance with fluoroscopy equipment parameters required in this chapter shall be conducted by a qualified expert and according to manufacturer or nationally recognized standards at intervals not to exceed 12 months.

40.6(7) *Indication of potential and current.* Fluoroscopic and interventional X-ray registrants shall comply with indication of potential and current requirements of 21 CFR 1020.32(f).

40.6(8) *Source-skin distance.* Fluoroscopic and interventional X-ray registrants shall comply with source-skin distance requirements of 21 CFR 1020.32(g).

40.6(9) *Fluoroscopic irradiation time, display, and signal.* Fluoroscopic and interventional X-ray registrants shall comply with fluoroscopic irradiation time, display, and signal requirements of 21 CFR 1020.32(h).

40.6(10) *Display of last-image-hold (LIH).* Fluoroscopic and interventional X-ray registrants shall comply with display of LIH requirements of 21 CFR 1020.32(j).

40.6(11) *Displays of values of AKR and cumulative air kerma.* Fluoroscopic and interventional X-ray registrants shall comply with displays of values of AKR and cumulative air kerma requirements of 21 CFR 1020.32(k).

40.6(12) *Protection from scatter radiation.*

a. For stationary fluoroscopic systems, ancillary shielding, such as drapes, self-supporting curtains, or viewing shields, shall be available and used as supplemental protection for all individuals other than the patient in the room during a fluoroscopy procedure.

b. Where sterile fields or special procedures prohibit the use of normal protective barriers or drapes, all of the following conditions shall be met:

(1) Shielding required under paragraph 40.6(12)*"a"* shall be maintained to the degree possible under the clinical conditions;

(2) All persons, except the patient, in the room where fluoroscopy is performed shall wear protective aprons that provide a lead equivalent shielding of at least 0.25 mm;

(3) The fluoroscopic field size shall be reduced to the minimum required for the procedure being performed (area of clinical interest);

(4) Operating and safety procedures shall reflect the above conditions, and operators shall exhibit awareness of situations requiring the use and nonuse of the protective drapes.

40.6(13) *Equipment operation.* All imaging formed by the use of fluoroscopic X-ray systems shall be directly viewed and interpreted by a licensed practitioner of the healing arts.

a. Overhead fluoroscopy cannot be used as a positioning tool for general purpose radiographic examinations.

b. Facilities that use fluoroscopic X-ray systems shall maintain a record of cumulative fluoroscopic exposure time used and the number of spot films for each examination. This record shall include all of the following:

(1) Patient identification;

(2) Type of examination;

(3) Date of examination;

(4) Operator's name.

c. The operation of a fluoroscopy X-ray system for clinical purposes is limited to those individuals permitted to operate radiation machines as specified in 641—Chapter 38 and persons who have received additional training provided by a qualified expert specific to:

(1) Radiation protection methods for patients and staff;

(2) Units of measurement and dose, including DAP (dose-area product) values and air kerma;

(3) Factors affecting fluoroscopic outputs;

(4) High level control options;

(5) Dose management, including dose reduction techniques, monitoring, and recording;

(6) Principles and operation of the specific fluoroscopic X-ray system(s) to be used;

(7) Fluoroscopic and fluorographic outputs of each mode of operation on the system(s) to be used clinically;

(8) Applicable requirements of these regulations.

d. Operators shall be competent in the standard operating procedures of the unit in use, including the use of available dose-saving features, and the relative radiation output rates of the various modes of operation.

e. Procedure planning for fluoroscopic procedures on pregnant female patients shall include feasible modifications to minimize the dose to the conceptus.

f. Procedure planning for fluoroscopic procedures on pediatric patients shall include feasible modifications to minimize dose.

g. The registrant monitor dose during a fluoroscopic procedure.

h. The facility shall establish a written policy regarding patient dose management in fluoroscopically guided procedures in conformance with the ACR-AAPM Technical Standard for Management of the Use of Radiation in Fluoroscopic Procedures (ACR Resolution 44 – 2013), NCRP Report 168, or equivalent.

40.6(14) *Additional requirements for stationary fluoroscopic systems used for fluoroscopically guided interventional or special procedures.* Protective barriers shall be available for use by individuals whose presence is required in the room during activation of the X-ray tube(s).

a. If a protective barrier includes or consists of a transparent viewing panel, the viewing panel shall afford protection of not less than 0.5 mm of lead equivalent.

b. Protective aprons of not less than 0.25 mm of lead equivalent shall be worn in the fluoroscopy room by all individuals (except the patient).

c. Any individual required to be in the room for short periods of time may not be required to wear a protective apron if exposure levels below minimum as seen on film badge reports can be verified.

d. Individuals not using protective aprons should follow ALARA by using time and distance to reduce exposure. Any declared pregnant woman must meet the requirements of 641—subrule 37.11(14).

40.6(15) *Supervision of fluoroscopy.* The use of fluoroscopy by radiologic technologists and radiologic students shall be performed under the direct supervision of a licensed practitioner, a radiologist assistant or an ARNP, pursuant to 481—subrule 621.4(5), for the purpose of localization or to obtain images for diagnostic or therapeutic purposes.

40.6(16) *Dose-area-product monitor requirements.* All fluoroscopic equipment used for interventional or special procedures shall be equipped with a dose-area-product monitor capable of recording the total radiation dose received by a patient when the fluoroscopic tube is used.

a. Each facility using fluoroscopic equipment for special procedures shall include in the patient's chart and in a log for department review the patient radiation exposure received per procedure.

b. The registrant shall maintain the records required by this subrule and shall make them available to the department upon request.

[**ARC 0180D**, IAB 4/1/26, effective 7/1/26]

641—40.7(136C) General requirements for dental intraoral, panoramic, cephalometric, and volumetric dental imaging equipment.

1. In addition to the applicable requirements of this chapter, all dental intraoral, panoramic, cephalometric, and volumetric imaging X-ray systems shall meet the requirements for manufacture as specified in 21 CFR 1020.31, as well as the requirements of this chapter, unless otherwise specifically authorized by the department.

2. Dental facilities using CBCT technology shall follow applicable provisions of this chapter.

40.7(1) *X-ray systems used for dental imaging.* In addition to the applicable requirements of rule 641—40.5(136C), X-ray systems used for dental imaging must meet all of the following:

a. Intraoral dental units. X-ray systems designed for use with an intraoral image receptor shall be provided with means to limit the source-to-skin distance (SSD) to not less than 18 cm.

(1) The X-ray field at the minimum SSD shall be containable in a circle having a diameter of no more than 7 cm.

(2) Intraoral dental X-ray machines cannot be operated at less than a measured 51 kVp.

b. Extraoral, panoramic, and cephalometric units. X-ray systems designed for use with extraoral image receptors, and when used with an extraoral image receptor, shall:

(1) Be provided with means to limit the X-ray field in the plane of the image receptor so that such field does not exceed each dimension of the image receptor by more than 2 percent of the SID when the axis of the X-ray beam is perpendicular to the plane of the image receptor;

(2) Be provided to align the center of the X-ray field with the center of the image receptor to within 2 percent of the SID, or means shall be provided to both size and align the X-ray field such that the X-ray field at the plane of the image receptor does not extend beyond any edge of the image receptor. These requirements may be met with:

1. An assortment of removable, fixed-aperture, beam-limiting devices sufficient to meet the requirement for each combination of image receptor size and SID for which the unit is designed. Each such device shall have clear and permanent markings to indicate the image receptor size and SID for which it is designed; or

2. A beam-limiting device having multiple fixed apertures sufficient to meet the requirement for each combination of image receptor size and SID for which the unit is designed. Permanent, clearly legible markings shall indicate the image receptor size and SID for which each aperture is designed and shall indicate which aperture is in position for use.

40.7(2) *Operators of dental X-ray systems.* Operators of dental X-ray machines must meet the requirements of rule 481—575.3(153) and be trained in the appropriate use of the radiation machines in operation at the registered dental facility.

40.7(3) *Exposure control location and operator protection.* Except for units designed to be handheld, the exposure control shall allow the operator to be:

a. Behind a protective barrier at least 6.5 feet (2 meters) tall; or

b. At least 6.5 feet (2 meters) from the tube housing assembly, outside the path of the useful beam, while making exposures.

40.7(4) *Administrative controls.* Patient and image receptor holding devices shall be used when the techniques permit.

a. Except for units designed to be handheld and allowed by these rules, the tube housing and position indicating device (PID) cannot be handheld during an exposure.

b. Dental fluoroscopy without image intensification cannot be used.

40.7(5) *Handheld intraoral equipment.* Only equipment specifically designed by the manufacturer to be held by the operator for intraoral dental X-ray exposures is allowed to be operated. In addition to the applicable requirements in this chapter, the following apply specifically to handheld devices:

a. The handheld X-ray system shall be equipped with a backscatter shield of not less than 0.25 mm lead equivalent and 6 inches (15.2 cm) in diameter that is positioned as close as practicable to the distal end of the position indication device.

b. The facility shall maintain documentation that each operator has completed training as specified by the manufacturer. Records of training shall be kept at the facility until the operator is no longer an employee or until the equipment is removed from the facility.

c. The facility shall adopt and follow protocols provided by the manufacturer regarding the safe operation of the device.

d. Protective aprons of not less than 0.25 mm lead equivalent shall be available for operators to wear while operating a handheld intraoral dental radiographic unit at the discretion of the facility's policy and procedures.

e. If the operator has difficulty in holding the device stationary during the exposure, the operator shall use a stand to immobilize the device.

f. The equipment cannot be operated in hallways, waiting rooms, or other areas where access for individuals of the general public cannot be controlled.

g. When not in use, the equipment shall be stored in a manner that would prevent inadvertent exposures or use by unauthorized individuals.

[**ARC 0180D**, IAB 4/1/26, effective 7/1/26]

641—40.8(136C) Computed tomography X-ray systems. In addition to the applicable requirements of this chapter, all computed tomography X-ray systems, except CT used exclusively for radiation therapy, shall meet the requirements for manufacture as specified in 21 CFR 1020.33 and the requirements set forth in this chapter at the time of installation and at all times when in use.

40.8(1) *Requirements for equipment.*

a. Conditions of operation. Computed tomography X-ray registrants shall comply with control and indication of conditions of operation as specified in 21 CFR 1020.33(f).

b. Visual indication. CT X-ray systems shall meet the requirements as specified in 21 CFR 1020.33(f)(1).

c. Timers. CT X-ray systems shall meet the requirements as specified in 21 CFR 1020.33(f)(2).

d. Tomographic plane indication and alignment. CT X-ray registrants shall comply with tomographic plane indication and alignment as specified in 21 CFR 1020.33(g).

e. Beam-on and shutter status indicators and control switches. CT X-ray registrants shall comply with beam-on and shutter status indicators as specified in 21 CFR 1020.33(h).

(1) The CT X-ray control and gantry shall provide visual indication whenever X-rays are produced and, if applicable, whether the shutter is open or closed as specified in 21 CFR 1020.33(h)(1).

(2) Each emergency button or switch shall be clearly labeled as to its function.

f. Information to be provided for users. CT X-ray registrants shall comply with information to be provided for users as specified in 21 CFR 1020.33(c).

g. Conditions of operation. CT X-ray registrants shall comply with conditions of operations as specified in 21 CFR 1020.33(c)(1).

h. Dose information. CT X-ray registrants shall comply with dose information as specified in 21 CFR 1020.33(c)(2).

i. Imaging performance information. CT X-ray registrants shall comply with imaging performance information as specified in 21 CFR 1020.33(c)(3).

j. Additional requirements applicable to CT X-ray systems containing a gantry manufactured after September 3, 1985.

(1) The total error in the indicated location of the tomographic plane or reference plane cannot exceed 5 mm as specified in 21 CFR 1020.33(g)(3).

(2) If the X-ray production period is less than one-half second, the indication of X-ray production shall be actuated for at least one-half second. Indicators at or near the gantry shall be discernible

from any point external to the patient opening where insertion of any part of the human body into the primary beam is possible as specified in 21 CFR 1020.33(h)(1).

(3) The deviation of indicated scan increment versus actual increment shall not exceed plus or minus 1 mm with any mass from 0 to 100 kilograms resting on the support device as specified in 21 CFR 1020.33(i).

(4) The patient support device shall be incremented from a typical starting position to the maximum incremented distance or 30 centimeters, whichever is less, and then returned to the starting position as specified in 21 CFR 1020.33(i).

(5) Measurement of actual versus indicated scan increment may be taken anywhere along this travel as specified in 21 CFR 1020.33(i).

(6) Premature termination of the X-ray exposure by the operator shall necessitate resetting of the CT conditions of operation prior to the initiation of another scan as specified in 21 CFR 1020.33(f)(2)(ii).

40.8(2) *Facility design requirements.* The location of a mobile and fixed CT X-ray system must be designed and constructed as follows.

a. Aural communication. Provision shall be made for two-way aural communication between the patient and the operator at the control panel.

b. Viewing systems.

(1) Windows, mirrors, closed-circuit television, or an equivalent shall be provided to permit continuous observation of the patient during irradiation and shall be so located that the operator can observe the patient from the control panel.

(2) When the primary viewing system is by electronic means, an alternate viewing system (which may be electronic) shall be available for use in the event of failure of the primary viewing system.

c. Radiation protection shielding survey. Within 30 days of first use of a mobile or fixed stationary CT X-ray system, the registrant shall complete and keep on file a radiation protection shielding survey of the room and surrounding areas consistent with the National Council on Radiation Protection and Measurements Report #147 (2004) and subrule 40.8(3).

40.8(3) *CT shielding requirements for mobile and stationary fixed CT X-ray systems.* The operator's booth and surrounding occupied areas must be designed and constructed in accordance with the National Council on Radiation Protection and Measurements Report #147 (2004) or other nationally accepted standard.

a. Protective barriers must be provided in the ceiling, floor, and walls of the CT X-ray system enclosure to ensure exposure does not exceed acceptable dose limits established in 641—subrule 37.11(7).

b. The control panel must be shielded by a protective position between the operator and the radiation source during CT X-ray system operation.

c. The registrant shall submit a revised radiation shielding plan for department review in accordance with this rule after replacement of a mobile or fixed stationary CT X-ray system or any change in the CT X-ray system room's construction or surrounding rooms construction.

d. Rooms in which a mobile CT X-ray system is used are exempt from the requirements of paragraphs 40.8(3)*"a," "b,"* and *"c."* However, the operator must be protected to ensure exposure does not exceed dose limits established in 641—Chapter 37 for dose limits to members of the public.

40.8(4) *Surveys, calibrations, and routine QC.*

a. All CT X-ray systems shall have a survey made by, or under the direction of, a qualified expert within 30 days of installation.

b. Existing systems not previously surveyed shall have a survey made by, or under the direct supervision of, a qualified expert within 12 months of the effective date.

c. Such surveys shall be done after any change in the facility or equipment that might cause a significant increase in radiation hazard.

d. The registrant shall obtain a written survey report from the qualified expert. A copy of the report shall be retained and made available to the department upon request for the duration of use and registration of the CT X-ray system.

40.8(5) *System performance evaluation.* The calibration of the radiation output of the CT X-ray system shall be performed by, or under the direction of, a qualified expert who is physically present at the facility during such calibration.

a. The calibration of a CT X-ray system shall be performed annually as specified in paragraph 40.4(2)*"b"* by a qualified expert and after any change or replacement of components which, in the opinion of the qualified expert, could cause a change in the radiation output.

b. The calibration of the radiation output of a CT X-ray system shall be performed with a calibrated dosimetry system.

(1) The calibration of such system shall be traceable to a national standard.

(2) The dosimetry system shall have been calibrated within the preceding two years.

c. The use of a water equivalent CT phantom shall be incorporated. At a minimum, noise, CT number, and artifacts shall be evaluated.

40.8(6) *Calibration.* Calibration shall meet the following requirements:

a. The dose profile along the center axis of the CT dosimetry phantom for the minimum, maximum, and midrange values of the nominal tomographic section thickness used by the registrant shall be measurable.

b. Where less than three nominal tomographic thicknesses can be selected, the dose profile determination shall be performed for each available nominal tomographic section thickness, the CTDI along the two axes specified in paragraph 40.8(5)*"c"* shall be measured for the purpose of determining the CTDI, and the manufacturer's statement as to the nominal tomographic section thickness for that particular system may be utilized.

c. The CT dosimetry phantom shall be oriented so that the measurement point 1 cm from the outer surface and within the phantom is in the same angular position within the gantry as the point of maximum surface CTDI identified.

d. The CT conditions of operation shall correspond to typical values used by the registrant, and the spot checks specified in subrule 40.8(7) shall be made as specified in 21 CFR 1020.33(c)(2)(iv).

40.8(7) *Routine QC (spot checks).* Spot check procedures shall be in writing and shall have been verified by a qualified expert.

a. The spot check procedures shall incorporate the use of a CT dosimetry phantom that has a capability of providing an indication of contrast scale, noise, nominal tomographic section thickness, the resolution capability of the system for low and high contrast objects, and measuring the mean CTN for water or other reference material as specified in 21 CFR 1020.33(d)(1).

b. All spot checks shall be included in the calibration required by subrules 40.8(5) and 40.8(6) and at time intervals and under system conditions specified by a qualified expert.

c. Spot checks shall include acquisition of images obtained with the CT dosimetry phantom(s) using the same processing mode and CT conditions of operation as are used to perform calibrations required by subrules 40.8(5) and 40.8(6).

d. The images shall be retained until a new calibration is performed and retained in two forms:

(1) Photographic copies of the images obtained from the image display device; and

(2) Images stored in digital form on a storage medium compatible with the CT X-ray system.

e. Written records of the spot checks performed shall be retained and made available to the department upon request as specified in subrule 40.4(15).

40.8(8) *CT operating procedures.* The CT X-ray system cannot be operated except by a licensed practitioner or an individual who has been specifically trained in its operation and holds a current permit to practice as a general radiologic technologist as defined under the provisions of 641—Chapter 38. The following information shall be readily available to the CT operator:

a. Instructions on performing routine QC;

b. Scanning protocols for operators;

c. A record of radiation output information, maintained by the registrant, so the radiation dose may be estimated in accordance with established protocols in accordance with the utilization log requirements of this chapter.

40.8(9) *CT systems used for radiation therapy, including PET CT, SPECT CT and CT simulation systems.*

a. PET CT and SPECT CT systems solely used to calculate attenuation coefficients in nuclear medicine studies shall meet the requirements of this chapter.

b. Operators must meet the requirements of 641—Chapter 38 and be specifically trained in the operation of the PET CT or SPECT CT system.

c. CT systems used exclusively for radiation therapy simulation treatment planning shall be subject to the requirements of this chapter.

40.8(10) *Remote CT scanning requirements.*

a. Operator requirements. Each person who seeks to operate CT X-ray systems in Iowa from a remote location outside of Iowa must possess a current Iowa permit to practice in accordance with 641—Chapter 38 before engaging in remote CT procedures.

b. Facility requirements. Facilities utilizing remote CT scanning shall ensure qualified operators meet the following requirements:

(1) The facility shall maintain documentation demonstrating that each remote operator of a CT system meets the qualification requirements specified in 641—Chapter 38, applicable to the location of the CT system.

(2) The facility shall verify that each operator meets the qualifications outlined in 641—Chapter 38, including operators located out of state, to ensure compliance with Iowa requirements.

c. On-site personnel. Each on-site personnel shall receive training specific to the personnel's assigned responsibilities in the operation of the remote CT system. Training shall include, at a minimum, both of the following:

(1) Patient positioning;

(2) Administration of contrast.

d. Procedures. Procedure review to ensure safe operation and compliance with state regulations will include, at a minimum, all of the following:

(1) Patient ID procedures;

(2) Protocol management procedures;

(3) Emergency procedures.

e. Radiation safety program elements for remote CT. The facility shall ensure all of the following are met. In addition, records should be maintained and made available upon request to the department.

(1) Use only remote CT systems and components that can adequately protect patient information and to establish policies and procedures for ensuring patient information is protected at the imaging facility, remote imaging locations, and locations where other members of the medical team will view or access patient information.

(2) Maintain a list of the remote operating locations and associated imaging sites. The list must contain the name of the facility, location, and a contact person.

(3) Define the roles and responsibilities and develop procedures for the remote CT technologist and the on-site personnel.

(4) Ensure the on-site personnel completes annual radiation safety training related to the personnel's CT responsibilities.

(5) Ensure the on-site personnel maintains constant surveillance of the patient throughout the CT imaging procedure and performs only one CT imaging procedure at a time.

(6) Ensure remote CT will not be performed if communications (verbal and virtual) or connectivity between the remote site and the imaging facility are not functioning properly or are otherwise unreliable.

(7) Perform checks of the communication system (verbal and visual) and the functionality and connectivity between the remote location and the imaging facility prior to initiating each CT imaging procedure.

(8) Develop procedures for responding to emergencies and situations where there may be a loss of connectivity between the remote site and the imaging facility.

(9) Ensure the remote CT technologist maintains constant surveillance via vocal and visual communications throughout a CT imaging procedure and performs only one CT imaging procedure at a time.

(10) Develop policies and procedures to ensure adequate management oversight of remote operations, including all of the following:

1. Audits to evaluate the effectiveness and safety of the remote CT operations;
2. Reportable radiation incidents;
3. Observations of work being performed at both the imaging facility and the remote location;
4. Processes to identify, track, investigate, and implement corrective actions for incidents where CT examinations are incomplete or repeated.

40.8(11) *Cone-beam CT (CBCT) X-ray systems; equipment requirements.* The CBCT X-ray system must meet the applicable requirements of this chapter.

a. The X-ray field in the plane of the image receptor may not exceed beyond the edge of the image receptor by more than 2 percent of the SID, when the axis of the X-ray beam is perpendicular to the plane of the image receptor.

b. The registrant shall document and follow QC recommendations in accordance with manufacturer recommendations or as established by a qualified expert in accordance with nationally recognized guidelines.

c. The registrant shall document and implement imaging protocols and a policy addressing deviations from established protocols.

d. The CBCT X-ray system shall only be operated by an individual who meets the requirements of 641—Chapter 38 or rule 481—575.4(153) and who has been specifically trained in the operation of the CBCT X-ray system.

e. The registrant shall maintain documentation of the established protocols, policies, and QC testing until the X-ray system is removed from the facility for inspection by the department.

f. The CBCT operator shall have instructions on all of the following:

(1) Instructions on performing routine QC;

(2) Scanning protocols for operators;

(3) CT systems, including CBCT systems, solely used in nonhuman imaging refer to rule 641—40.10(136C).

[**ARC 0180D**, IAB 4/1/26, effective 7/1/26]

641—40.9(136C) Dual-energy X-ray absorptiometry (DXA). DXA systems shall be registered in accordance with 641—subrule 37.8(2) and maintained and operated, at a minimum, in accordance with the manufacturer's specifications.

40.9(1) *Shielding.* No additional shielding for the room is required.

40.9(2) *Operator requirements.* Operators shall meet the requirements of 641—Chapter 38 and be trained in the safe and effective operation of the specific equipment used at the facility.

a. Specific operating procedures must be prepared and made available to the operator.

b. DXA imaging on human patients shall be conducted only under a prescription of a licensed physician, a licensed physician assistant as defined in Iowa Code section 148C.1(7), or a licensed registered nurse who is registered as a qualified ARNP.

40.9(3) *Operation of the DXA system.*

a. The operator, ancillary personnel, and members of the general public shall be positioned at least one meter from the patient and DXA system during the examination.

b. The operator shall advise the patient that the DXA examination is a type of X-ray procedure.

[**ARC 0180D**, IAB 4/1/26, effective 7/1/26]

641—40.10(136C) Veterinary medicine X-ray systems. Veterinary registrants shall be registered in accordance with 641—subrule 37.8(2) and maintained and operated, at a minimum, in accordance with the manufacturer's specifications.

40.10(1) *Equipment.* All veterinary equipment shall follow the general requirements as specified in rule 641—40.5(136C).

40.10(2) *Operator and ancillary personnel protection for veterinary systems.* All wall, ceiling, and floor areas shall be equivalent to or provided with applicable protective barriers to ensure compliance with the provisions of this chapter.

a. All stationary, mobile, or portable X-ray systems used for veterinary work shall be provided with either a 6.5-foot (2-meter-) high protective barrier for operator protection during exposures or shall be provided with means to allow the operator to be at least 6.5 feet (2 meters) from the tube housing assembly during exposures.

b. Otherwise, in cases where animals are held, the operator and ancillary personnel shall be protected by a minimum of 0.25 mm lead equivalent from scatter radiation and 0.5 mm from the useful beam.

40.10(3) *Operating procedures.* Veterinary medicine radiographic registrants are exempt from the requirements of this chapter, except for the provisions of rules 641—40.4(136C), 641—40.5(136C), and 641—40.10(136C).

a. No individual other than the operator shall be in the X-ray room while exposures are being made unless such individual's assistance is required.

b. The operator shall stand behind the protective barrier of 9 feet from the useful beam and the animal during radiographic exposures.

c. When an animal must be held in position during radiography, mechanical supporting or restraining devices should be used.

d. If the animal must be held by an individual, that individual shall be protected with appropriate shielding devices, such as protective gloves and an apron, and shall be so positioned that no part of the holder's body will be struck by the useful beam. The exposure of any individual used for this purpose shall be monitored.

40.10(4) *Tube stands for portable X-ray systems.* Except during veterinary field operations where it is impractical to do so, a tube stand or other mechanical support shall be used for portable X-ray systems so that the X-ray tube housing assembly need not be handheld during an exposure.

40.10(5) *Veterinary handheld equipment.* Handheld intraoral dental X-ray units used in veterinary practice shall meet the requirements of subrule 40.7(5).

40.10(6) *Veterinary CT systems.* CT systems, including CBCT systems, solely used in nonhuman imaging shall meet the requirements of paragraph 40.4(2)*"a"* but are otherwise exempt from the standards of paragraph 40.4(2)*"b."*

[**ARC 0180D**, IAB 4/1/26, effective 7/1/26]

These rules are intended to implement Iowa Code chapter 136C.

Appendix A—Healing Arts Screening Program
INFORMATION TO BE SUBMITTED BY PERSONS PROPOSING TO CONDUCT HEALING ARTS SCREENING PROGRAM

For the purposes of this program, healing arts screening refers to testing human subjects with X-ray machines to detect or evaluate health indications in individuals considered at high risk, when such tests are not specifically and individually ordered by:

a. An individual authorized under subrule 40.4(10); or

b. An individual licensed as a physician in Iowa.

Persons requesting that the department approve a healing arts screening program shall submit the following information and evaluation:

1. Name and address of the applicant and, where applicable, the names and addresses of agents within this state.

2. Diseases or conditions for which the X-ray examinations are to be used in diagnoses.

3. A detailed description of the X-ray examinations proposed in the screening program.

4. Description of the population to be examined in the screening program, e.g., age, sex, physical condition, and other appropriate information. Any person conducting a screening program for cardiac scoring shall conduct screening only on either women over the age of 45 or men over the age of 50 who meet any two of the following criteria: family history, smoker, high blood pressure, high cholesterol, obesity (at least 20 pounds overweight), diabetes.

5. An evaluation of any known alternate methods not involving ionizing radiation that could achieve the goals of the screening program and why these methods are not used instead of the X-ray examinations.

6. An evaluation by a qualified expert of the X-ray system(s) to be used in the screening program. The evaluation by the qualified expert shall show that such system(s) does satisfy all requirements of these regulations. The evaluation shall include a measurement of patient exposures from the X-ray examinations to be performed.

7. A description of the registrant's applicable quality control program.

8. A copy of the technique chart for the X-ray examination procedures to be used.

9. The qualifications of each individual who will be operating the X-ray system(s).

10. The qualifications of the individual who will be supervising the operators of the X-ray system(s). The extent of supervision and the method of work performance evaluation shall be specified.

11. The name and address of the physician who will interpret the images and a copy of the physician's license to practice in Iowa.

12. A description of the procedures to be used in advising the individuals screened and their private practitioners of the healing arts of the results of the screening procedure and any further medical needs indicated.

13. A description of the procedures for the retention of images and other records pertaining to the X-ray examinations.

14. An indication of the frequency of screening and the duration of the entire screening program.

15. Documentation justifying the reason for the screening. The applicant must submit data that supports the efficacy of the screening test in diagnosing the disease or condition being screened. Data that will be acceptable to the department includes but is not limited to the following:

(1) The recommendation of a nationally recognized certifying medical or government body;

(2) The recommendation of one of the following national organizations: American Cancer Association, American Lung Association, American Heart Association; or

(3) Medical literature from peer-reviewed journals supporting the screening.

16. The procedures for preventing pregnant women from participating in the screening or justification for allowing pregnant women to participate.

17. The dates of the screening to include beginning and ending dates.

18. A copy of the Institutional Research Board approval for a research project or information justifying the research project.

Appendix B
INFORMATION ON RADIATION SHIELDING
REQUIRED FOR PLAN REVIEWS

In order for the department to provide an evaluation and verification that national standards have been met on shielding requirements for a radiation installation, the following information shall be submitted.

1. The plans should show, as a minimum, the following:

(a) The normal location of the X-ray system's radiation port; the port's travel and traverse limits; general direction(s) of the useful beam; locations of any windows and doors; the location of the operator's booth; and the location of the X-ray control panel.

(b) The structural composition and thickness or lead equivalent of all walls, doors, partitions, floor, and ceiling of the room(s) concerned.

(c) The dimensions of the room(s) concerned.

(d) The type of occupancy of all adjacent areas inclusive of space above and below the room(s) concerned. If there is an exterior wall, show distance to the closest area(s) where it is likely that individuals may be present.

(e) The make and model of the X-ray equipment, the energy waveform (single phase, three phase, etc.), and the maximum technique factors.

(f) The type of examination(s) or treatment(s) that will be performed with the equipment.

2. Information on the anticipated workload of the X-ray system(s) in mA-minutes per week.

3. If the services of a qualified expert have been utilized to determine the shielding requirements, a report, including all basic assumptions used, shall be submitted with the plans.

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CHAPTER 41
REGISTRATION AND SAFETY REQUIREMENTS FOR MAMMOGRAPHY AND STEREOTACTIC BREAST BIOPSY

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/1/31

641—41.1(136C) Registration and safety requirements for mammography and stereotactic breast biopsy. The following provisions of 21 CFR 900 as amended to August 1, 2025, for mammography are hereby adopted by reference:

41.1(1) 21 CFR 900.2 Definitions.

41.1(2) 21 CFR 900 Subpart B—Quality Standards and Certification.

[**ARC 0181D**, IAB 4/1/26, effective 7/1/26]

641—41.2(136C) Definitions. The definitions contained in 21 CFR 900.2, as adopted by reference, apply to the mammography provisions of this chapter. The definitions provided in 641—Chapters 37 and 40 may also apply. Additionally, the definitions set forth below are specific to this chapter.

"Annually" means within 10 to 14 months of previous occurrence.

"Authorization" means the same as defined in 641—Chapter 37.

"Collaborative setting" means a setting in which a qualified radiologist and surgeon are working together in consultation and in performing stereotactically guided breast biopsies with a common goal of the patient's benefit.

"EQUIP" means Enhancing Quality Using the Inspection Program and uses inspection questions related to the image quality regulations of MQSA to emphasize the significance of continuous clinical image quality.

"Full field digital mammography" or *"FFDM"* means radiographic imaging of the breast using a digital image receptor with minimum dimensions of 18×23 cm to allow imaging the average size breast in a single exposure.

"Grids" means a set of thin lead strips spaced close to one another, interspaced by carbon fiber for mammographic grids. The grid is placed between the breast and the screen-film image receptor to reduce scattered radiation reaching the image receptor.

"Iowa-approved" means recognized or accepted by the department as meeting the training and experience requirements established by MQSA and any additional criteria set forth in this chapter. This may include but is not limited to formal approval by the department based on documentation of education, training, certification, and clinical experience.

"Phantom" means an artificial test object used to simulate radiographic characteristics of compressed breast tissue and containing components that radiographically model aspects of breast disease and cancer.

"Procedure" means a stereotactically guided breast biopsy performed on a patient for diagnostic purposes.

"Qualified training physician" means a physician who is qualified under the rules of this chapter to perform stereotactically guided breast biopsies and who has performed at least 24 procedures.

"Radiologic technologist" means the same as defined in 21 CFR 900.2 and also includes the definition of "general radiologic technologist" as set forth in 641—Chapter 38.

"Radiologist continuing experience" means the number of mammograms interpreted by a radiologist in the past 24-month period. For the purpose of counting, a radiologist may count the current mammographic examination and one prior mammographic examination, provided the radiologist was not the interpreter of the prior mammographic examination. A separate tally shall be kept for the prior examinations.

"Reinstatement" means the process of recertification of a facility that has lost or voluntarily given up previous accreditation/certification.

"Review workstation" or *"RWS"* means soft copy display device intended for use in mammography interpretations.

"Screening mammography" means X-ray breast examination of asymptomatic individuals in an attempt to detect breast cancer when it is small, nonpalpable, and confined to the breast.

"Stereotactic training phantom" means a training or practice tool or medium used for stereotactically guided breast biopsy procedures.

"Stereotactically guided breast biopsy" means a breast biopsy procedure performed with the utilization of a dedicated system that emits ionizing radiation and is designed specifically for that procedure.

"Supervising physician" means the physician designated by the facility/owner to:

1. Evaluate the equipment, personnel, procedures, and records annually; and
2. Establish and conduct the quality assurance program.

[**ARC 0181D**, IAB 4/1/26, effective 7/1/26]

641—41.3(136C) General provisions for mammography. All Iowa mammography facilities and personnel shall comply with the applicable regulations of 21 CFR 900 as adopted in rule 641—41.1(136C). In addition, compliance with the requirements of 641—Chapters 37 and 40 and the rules contained herein are required. Where differences exist, compliance with the most stringent applicable standard, whether CFR regulations or the Iowa Administrative Code, applies.

[**ARC 0181D**, IAB 4/1/26, effective 7/1/26]

641—41.4(136C) Mammography registration, certification, and general requirements. In addition to the rules of this chapter, mammography facilities shall comply with the requirements of 21 CFR 900.11.

41.4(1) *Registration and certificates.* Each radiation machine used to perform mammography shall be registered according to 641—subrule 37.8(2).

a. A certificate issued by the FDA or this department is required for lawful operation of all mammography facilities subject to the provisions of this subrule. To obtain a certificate from the FDA or this department, facilities are required to meet the quality standards of this chapter and to be accredited and approved by an approved accreditation body.

b. Each facility wishing to perform mammography shall apply for authorization by providing or verifying the following information for each mammography machine:

(1) The mammography unit meets the criteria for department-approved mammography accreditation bodies.

(2) The mammography equipment and facility meet the general requirements of these rules for radiation machines.

(3) The radiation machine is specifically designed to perform mammography.

(4) The radiation machine is used according to these rules on patient radiation exposure and radiation dose levels.

(5) The radiation machine is operated by individuals meeting the requirements of this subrule.

(6) The entire mammography system is evaluated at least annually (within 10 to 14 months of previous occurrence) by a medical physicist.

(7) The equipment, personnel, procedures, and records are evaluated annually by a physician consultant.

41.4(2) *Inspections.* After initial mammography certification, the department will conduct an inspection of each radiation machine no later than every 14 months thereafter.

a. An application for authorization shall be submitted to the department and processed for department approval. A mammography authorization is effective for three years.

b. A phantom image taken with the authorized unit(s) will be reviewed at the time of annual inspection by the department.

41.4(3) *Review workstation (RWS) requirements.* RWS used for final interpretation of mammogram images shall meet the following criteria:

a. Have 5 megapixel resolution; or

b. Be approved by the United States Food and Drug Administration 510K process and be intended for digital mammography use.

c. The workstation shall have a quality control program substantially the same as that outlined by the mammography unit manufacturer's quality control manual, that outlined by the RWS monitor manufacturer's quality control manual, or the quality control program outlined by an FDA-approved accrediting body.

[**ARC 0181D**, IAB 4/1/26, effective 7/1/26]

641—41.5(136C) Mammography personnel. In addition to the rules of this chapter, mammography personnel shall comply with the requirements of 21 CFR 900.12. The following requirements apply to all personnel involved in any aspect of mammography, including the production, processing, and interpretation of mammograms and related quality assurance activities.

41.5(1) *Interpreting physicians.* All radiologists interpreting mammograms shall comply with the requirements of 21 CFR 900.12(a)(1) and meet the following qualifications before beginning to interpret mammography independently, unless the exemptions in 21 CFR 900.12(a)(1)(iii)(A) apply.

a. A current state of Iowa medical license shall be in effect whenever mammography interpretations are performed by the physician.

b. Mammography personnel who fail to meet continuing education or experience requirements may requalify once without providing proof of extenuating circumstances. The department will assess any submitted proof and make a determination after reviewing all relevant information. If requalification is denied, individuals may reapply after a 90-day waiting period following the date of expiration.

41.5(2) *Radiologic technologists.* All general radiographers performing mammographic examinations shall comply with the requirements of 21 CFR 900.12(a)(2) and meet the following requirements:

a. A current state of Iowa permit to practice as a general radiologic technologist shall be in effect whenever all mammographic examinations are performed by the radiologic technologist.

b. Mammography personnel who fail to meet continuing education or experience requirements may requalify once without providing proof of extenuating circumstances. The department will assess any submitted proof and make a determination after reviewing all relevant information. If requalification is denied, individuals may reapply after a 90-day waiting period following the date of expiration.

41.5(3) *Medical physicists.* All medical physicists providing any of the following mammography services shall comply with the requirements of 21 CFR 900.12(a)(3).

a. Health physics consultations or surveys of mammography equipment.

b. Health physics consultations or surveys of mammography reading workstations.

c. Oversight of the mammography facility's quality assurance program.

d. Additional mammography services as deemed appropriate by the department.

e. All medical physicists providing mammography surveys as outlined in this chapter must, at the time of the survey(s), be Iowa-approved as defined in this chapter.

f. Medical physicists that are Iowa-approved for mammography may perform only the mammography services outlined in this chapter.

g. Medical physicists wishing to perform services other than those outlined in this chapter must be registered with the department, under the provisions of 641—Chapter 37, as a radiation machine service provider, whether as an individual, as part of a corporation, or any other entity included in the definition of "person" in 641—Chapter 37.

h. A medical physicist cannot perform any services, including those related to mammography modalities, unless such services are specifically listed on the Iowa approval notice or radiation machine service provider notice issued by the department.

[**ARC 0181D**, IAB 4/1/26, effective 7/1/26]

641—41.6(136C) Retention of personnel records for mammography. Mammography facilities shall comply with the retention of personnel records requirements of 21 CFR 900.12(a)(4).
[**ARC 0181D**, IAB 4/1/26, effective 7/1/26]

641—41.7(136C) Equipment and safety requirements for mammography. Mammography facilities shall comply with the equipment requirements of 21 CFR 900.12(b).
[**ARC 0181D**, IAB 4/1/26, effective 7/1/26]

641—41.8(136C) Medical records and reports for mammography. Mammography facilities shall comply with the requirements for medical records and mammography reports of 21 CFR 900.12(c) and of this chapter.
[**ARC 0181D**, IAB 4/1/26, effective 7/1/26]

641—41.9(136C) Contents and terminology for mammography. Mammography facilities shall comply with the contents and terminology requirements of 21 CFR 900.12(c)(1) and this chapter.

41.9(1) A separate and distinct section entitled "Assessment" with the appropriate assessment term or an approved equivalent shall be included.

41.9(2) The breast density information as designated in the report pursuant to this chapter shall be included in the patient lay letter with a reference to a department-accepted site or document where the patient can obtain more information about breast density.

41.9(3) Mammography facilities shall comply with the requirements for the communication of mammography results to patients found in 21 CFR 900.12(c)(2).

41.9(4) Mammography facilities shall comply with the requirements for the communication of mammography results to health care providers found in 21 CFR 900.12(c)(3).

41.9(5) Mammography facilities shall comply with the recordkeeping requirements of 21 CFR 900.12(c)(4) and 641—subrule 37.12(2). Facilities performing mammography shall maintain mammography records for a minimum of seven years.

41.9(6) Mammography facilities shall comply with the mammographic image identification requirements of 21 CFR 900.12(c)(5).
[**ARC 0181D**, IAB 4/1/26, effective 7/1/26]

641—41.10(136C) Quality assurance for mammography. Mammography facilities shall comply with the quality assurance requirements of 21 CFR 900.12(d), 21 CFR 900.12(e), 21 CFR 900.12(f) and the requirements of this chapter.

41.10(1) Mammography facilities shall comply with the general quality assurance requirements of 21 CFR 900.12(d).

a. Mammography facilities shall comply with the requirements of responsible individuals found in 21 CFR 900.12(d)(1).

b. Mammography facilities shall comply with the quality assurance records requirements of 21 CFR 900.12(d)(2).

c. Mammography facilities shall comply with the equipment quality assurance requirements of 21 CFR 900.12(e).

d. Mammography facilities shall comply with the quality control test requirements of 21 CFR 900.12(e)(1) through 21 CFR 900.12(e)(6).

e. Mammography facilities shall comply with the mobile unit requirements of 21 CFR 900.12(e)(7).

f. Mammography facilities shall comply with the use of test results requirements of 21 CFR 900.12(e)(8).

g. Mammography facilities shall comply with the survey requirements of 21 CFR 900.12(e)(9).

h. Mammography facilities shall comply with the mammography equipment evaluation requirements of 21 CFR 900.12(e)(10).

i. Mammography facilities shall comply with the facility cleanliness requirements of 21 CFR 900.12(e)(11).

j. Mammography facilities shall comply with the calibration of air kerma measuring instrument requirements of 21 CFR 900.12(e)(12).

k. Mammography facilities shall comply with the infection control requirements of 21 CFR 900.12(e)(13).

l. Mammography facilities shall comply with the mammography medical outcomes audit quality assurance requirements of 21 CFR 900.12(f).

m. Mammography facilities shall comply with the mammographic procedure and techniques for mammography of patients with breast implant requirements of 21 CFR 900.12(g).

n. Mammography facilities shall comply with the consumer compliant mechanism requirements of 21 CFR 900.12(h).

o. Mammography facilities shall comply with the clinical image quality requirements of 21 CFR 900.12(i).

p. Mammography facilities shall comply with the mammography review and patient and referring provider notification requirements of 21 CFR 900.12(j).

41.10(2) Reserved.

[**ARC 0181D**, IAB 4/1/26, effective 7/1/26]

641—41.11(136C) Revocation, suspension, reinstatement and appeals for mammography.

41.11(1) *Revocation of accreditation and revocation of accreditation body approval.* Mammography facilities shall comply with the revocation of accreditation and revocation of accreditation body approval requirements of 21 CFR 900.13.

41.11(2) *Suspension or revocation of certificates.* Mammography facilities shall comply with the suspension or revocation of certificate requirements of 21 CFR 900.14.

a. If certification is revoked, the radiation machine cannot be used for mammography until reinstated.

b. If suspension or revocation of a certificate is initiated, the administrative enforcement actions specified in rule 641—37.10(136C) shall apply.

41.11(3) *Reinstatement of mammography certification or authorization after revocation.*

a. An application for reinstatement shall be submitted and processed as an initial application. Appropriate corrective actions shall be submitted with the application.

b. A full certificate shall be issued only after the department has determined the radiation machine meets the requirements of these rules.

41.11(4) *Appeals.*

a. Mammography facilities shall comply with the appeals of adverse accreditation or reaccreditation decisions that preclude certification or recertification requirements of 21 CFR 900.15.

b. Mammography facilities shall comply with the appeals of denials of certification requirements of 21 CFR 900.16 and rule 641—37.10(136C).

[**ARC 0181D**, IAB 4/1/26, effective 7/1/26]

641—41.12(136C) Alternative requirements for quality standards for mammography. Mammography facilities may also comply with the alternative quality standard requirements of 21 CFR 900.12 and 21 CFR 900.18.

[**ARC 0181D**, IAB 4/1/26, effective 7/1/26]

641—41.13(136C) General provisions for stereotactic breast biopsy. All Iowa facilities and persons certified to perform stereotactic breast biopsies shall comply with the applicable requirements of this chapter and the applicable provisions in 641—Chapters 37 and 40.

[**ARC 0181D**, IAB 4/1/26, effective 7/1/26]

641—41.14(136C) Registration and application standards and requirements for stereotactic breast biopsy. Each radiation machine used to perform stereotactically guided breast biopsies shall be registered according to the requirements set forth in 641—subrule 37.8(2).

41.14(1) Each facility wishing to perform stereotactically guided breast biopsies shall apply to the department for authorization by providing or verifying the following information for each machine:

a. The stereotactically guided breast biopsy equipment and facility meet the general requirements of the rules for radiation machines.

b. The radiation machine is specifically designed to perform stereotactically guided breast biopsies.

c. The radiation machine is used according to these rules on patient radiation exposure and radiation dose levels.

d. The radiation machine is operated by individuals meeting the requirements of this rule.

e. The entire stereotactically guided breast biopsy system is evaluated annually by a medical physicist who meets the requirements of this rule.

f. The equipment, personnel, procedures and records are evaluated annually by the supervising physician.

41.14(2) The department will conduct an inspection of each radiation machine no later than 14 months after initial authorization and at least annually thereafter.

[**ARC 0181D**, IAB 4/1/26, effective 7/1/26]

641—41.15(136C) Requirements for physicians performing stereotactic breast biopsy. Physicians shall be qualified according to the setting and their role in performing stereotactically guided breast biopsies.

41.15(1) *Requirements for stereotactic breast biopsies for radiologists in collaborative settings.*

a. Initial training and qualifications for radiologists in collaborative settings.

(1) Radiologists shall be qualified according to the rules of this chapter.

(2) Radiologists shall have performed at least 12 stereotactically guided breast biopsies prior to July 1, 1998, or at least 3 hands-on stereotactically guided breast biopsies under a physician who is qualified under the conditions laid out in this chapter and has performed at least 24 stereotactically guided breast biopsies.

(3) Radiologists shall have at least three hours of Category 1 continuing medical education (CME) or three hours of training approved by the department in stereotactically guided breast biopsy.

(4) Radiologists shall be responsible for mammographic interpretation and be experienced in the specific recommendations for each biopsy and lesion identification at time of each biopsy performed by that physician.

(5) Radiologists shall be responsible for the supervision of the radiologic technologist during the procedure.

b. Maintenance of continuing experience and CME requirements for radiologists performing stereotactic breast biopsy in collaborative settings.

(1) Following the first anniversary in which the requirements of this subrule were met, completion of a total of 12 breast biopsy procedures shall be met for each calendar year with at least 6 being stereotactic breast biopsies. The remaining six procedures must be clearly documented and can be any combination of the following:

1. Stereotactic breast biopsy procedures.

2. Stereotactic breast biopsy of a stereotactic training phantom with documentation of steps taken or a written report.

3. Stereotactic breast biopsy case review, which shall be documented to include a review of pre-biopsy mammographic examination, scout and stereotactic positioning, biopsy needle pre-fire and post-fire positioning and targeting, specimen radiograph images, post-biopsy images and review of post-biopsy pathology results.

4. Image-guided breast biopsy or localization procedures utilizing mammography, stereotactic, ultrasound, MRI guidance, or any other department-approved image-guided technique.

5. If experience is not maintained, the physician shall requalify by performing three procedures under direct supervision of a qualified training physician or a department-approved manufacturer applications specialist before resuming unsupervised procedures.

(2) Following the first anniversary in which the requirements of this subrule were met, obtain at least three hours of Category 1 CME or three hours of training approved by the department in stereotactic-guided breast biopsy during the 36 months immediately preceding the date of the facility's annual stereotactic breast biopsy inspection, or during the 36-month period ending on the last day of the calendar quarter preceding the inspection. If education is not maintained, the physician shall requalify by obtaining additional CME credits to reach 3 CME credits in the prior 36 months before resuming unsupervised procedures. These CMEs cannot be obtained by the performance of supervised procedures.

(3) A current state of Iowa medical license shall be in effect whenever procedures are performed independently by the physician.

41.15(2) *Physician requirements for stereotactic breast biopsy in a collaborative setting (nonradiologists).*

a. Initial training and qualifications for physicians in a collaborative setting (nonradiologists):

(1) Physicians shall be licensed to practice medicine in Iowa.

(2) Physicians shall have at least three hours of Category 1 CME or three hours of training approved by the department in stereotactically guided breast biopsy.

(3) Physicians shall have performed at least 12 stereotactically guided breast biopsies prior to May 9, 2001, or at least 3 hands-on stereotactically guided breast biopsy procedures under a physician who is both qualified to perform stereotactic breast biopsy procedures according to the rules of this chapter and has performed at least 24 stereotactically guided breast biopsies.

(4) Physicians shall be responsible for post-biopsy management of the patient.

(5) Physicians shall be responsible for supervision of the radiologic technologist during the procedure.

b. Maintenance of continuing experience and CME requirements for physicians performing stereotactic breast biopsy in collaborative settings (nonradiologists):

(1) Following the first anniversary in which the requirements of this subrule were met, completion of a total of 12 breast biopsy procedures shall be met for each calendar year, with at least 6 being stereotactic breast biopsies. The remaining six procedures must be clearly documented and can be any combination of the following:

1. Stereotactic breast biopsy procedures.

2. Stereotactic breast biopsy of a stereotactic training phantom with documentation of steps taken or a written report.

3. Stereotactic breast biopsy case review, that shall be documented to include a review of pre-biopsy mammographic examination, scout and stereotactic positioning, biopsy needle pre-fire and post-fire positioning and targeting, specimen radiograph images, post-biopsy images and review of post-biopsy pathology results.

4. Image-guided breast biopsy or localization procedures utilizing mammography, stereotactic, ultrasound, MRI guidance, or any other department-approved image-guided technique.

5. If experience is not maintained, the physician shall requalify by performing three procedures under direct supervision of a qualified training physician or a department-approved manufacturer applications specialist before resuming unsupervised procedures.

(2) Following the first anniversary in which the requirements of this subrule were met, obtain at least three hours of Category 1 CME immediately preceding the date of the facility's annual stereotactic breast biopsy inspection, or during the 36-month period ending on the last day of the calendar quarter preceding the inspection. If education is not maintained, the physician shall requalify by obtaining additional CME credits to reach 3 CME credits in the prior 36 months before

resuming unsupervised procedures. These CMEs cannot be obtained by the performance of supervised procedures.

(3) A current state of Iowa medical license shall be in effect whenever unsupervised procedures are performed by the physician.

41.15(3) *Requirements for stereotactic breast biopsy for radiologists in an independent setting.*

a. Initial training and requirements for radiologists in an independent setting.

(1) Radiologists shall be qualified according to the rules of this chapter.

(2) Radiologists shall have at least three hours of Category 1 CME or three hours of training approved by the department in stereotactically guided breast biopsy.

(3) Radiologists shall obtain at least 15 hours of CME in breast imaging including benign and malignant breast diseases.

(4) Radiologists shall have performed at least 12 stereotactically guided breast biopsies prior to July 1, 1998, or at least 3 hands-on stereotactically guided breast biopsy procedures under a physician who is both qualified according to the rules of this chapter, and has performed at least 24 stereotactically guided breast biopsies.

(5) Radiologists shall be responsible for mammographic interpretation.

(6) Radiologists shall be responsible for patient selection.

(7) Radiologists shall be responsible for the supervision of the radiologic technologist during the procedure.

(8) Radiologists shall be responsible for post-biopsy management of the patient, which may include referral to a surgeon for a follow-up on certain lesions.

b. Maintenance of continuing experience and CME requirements for radiologists performing stereotactic breast biopsy in an independent setting.

(1) Following the first anniversary in which the requirements of this subrule were met, completion of a total of 12 breast biopsy procedures in each calendar year, with at least 6 being stereotactic breast biopsies. The remaining six procedures must be clearly documented and can be any combination of the following:

1. Stereotactic breast biopsy procedures.

2. Stereotactic breast biopsy of a stereotactic training phantom with documentation of steps taken or a written report.

3. Stereotactic breast biopsy case review, that shall be documented to include a review of pre-biopsy mammographic examination, scout and stereotactic positioning, biopsy needle pre-fire and post-fire positioning and targeting, specimen radiograph images, post-biopsy images and review of post-biopsy pathology results.

4. Image-guided breast biopsy or localization procedures utilizing mammography, stereotactic, ultrasound, MRI guidance, or any other department-approved image-guided technique.

5. If experience is not maintained, the physician shall requalify by performing three procedures under direct supervision of a qualified training physician or a department-approved manufacturer applications specialist before resuming unsupervised procedures.

(2) Following the first anniversary in which the requirements of this subrule were met, obtain at least three hours of Category 1 CME immediately preceding the date of the facility's annual stereotactic breast biopsy inspection, or during the 36-month period ending on the last day of the calendar quarter preceding the inspection, which includes post-biopsy management of the patient. If education is not maintained, the physician shall requalify by obtaining additional CME credits to reach 3 CME credits in the prior 36 months before resuming unsupervised procedures. These CMEs cannot be obtained by the performance of supervised procedures.

(3) A current state of Iowa medical license shall be in effect whenever unsupervised procedures are performed by the physician.

41.15(4) *Physician requirements for performing stereotactic breast biopsy in an independent setting (nonradiologist).*

a. Initial training and requirements for physicians performing stereotactic breast biopsy in an independent setting (nonradiologist).

(1) Physicians shall have evaluated at least 480 mammograms in the prior 24 months in consultation with a qualified physician.

(2) Physicians shall have at least 15 hours of Category 1 CME or 15 hours of training approved by the department in stereotactically guided breast imaging and biopsy or three years' experience having performed at least 36 stereotactically guided breast biopsies.

(3) Physicians shall have four hours of Category 1 CME in medical radiation physics.

(4) Physicians shall have performed at least 12 stereotactically guided breast biopsies prior to May 9, 2001, or at least 3 hands-on stereotactically guided breast biopsy procedures under a physician who is both qualified according to this chapter, and has performed at least 24 stereotactically guided breast biopsies.

(5) Physicians shall be responsible for patient selection.

(6) Physicians shall be responsible for the supervision of the radiologic technologist during the procedure.

(7) Shall be responsible for post-biopsy management of the patient.

b. Maintenance of continuing experience and CME requirements for physicians performing stereotactic breast biopsy in an independent setting.

(1) Physicians shall continue to evaluate at least 480 mammograms every 24 months in consultation with a qualified physician.

(2) Physicians shall complete a total of 12 breast biopsy procedures in each calendar year with at least 6 being stereotactic breast biopsies. The remaining six procedures must be clearly documented and can be any combination of the following:

1. Stereotactic breast biopsy procedures.
2. Stereotactic breast biopsy of a stereotactic training phantom with documentation of steps taken or a written report.
3. Stereotactic breast biopsy case review, that shall be documented to include a review of pre-biopsy mammographic examination, scout and stereotactic positioning, biopsy needle pre-fire and post-fire positioning and targeting, specimen radiograph images, post-biopsy images and review of post-biopsy pathology results.
4. Image-guided breast biopsy or localization procedures utilizing mammography, stereotactic, ultrasound, MRI guidance, or any other department-approved image-guided technique.
5. If experience is not maintained, the physician shall requalify by performing three procedures under direct supervision of a qualified training physician or a department-approved manufacturer applications specialist before resuming unsupervised procedures.

(3) Following the first anniversary in which the requirements of this subrule were met, obtain at least three hours of Category 1 CME immediately preceding the date of the facility's annual stereotactic breast biopsy inspection, or during the 36-month period ending on the last day of the calendar quarter preceding the inspection. If education is not maintained, the physician shall requalify by obtaining additional CME credits to reach 3 CME credits in the prior 36 months before resuming unsupervised procedures. The CME credits for requalification cannot be obtained by performing procedures.

(4) A current state of Iowa medical license shall be in effect whenever unsupervised procedures are performed by the physician.

[**ARC 0181D**, IAB 4/1/26, effective 7/1/26]

641—41.16(136C) Requirements for radiologic technologists performing stereotactic breast biopsy.

41.16(1) Radiologic technologists shall be qualified according to the rules of this chapter.

41.16(2) An Iowa permit to practice radiography as a general radiologic technologist shall be in effect whenever stereotactic procedures are performed by the radiologic technologist and shall meet the following initial requirements:

a. Five hands-on stereotactically guided breast biopsy procedures on patients under the supervision of a qualified physician or technologist.

b. Three contact hours in stereotactically guided breast biopsy.

41.16(3) Maintenance of continuing experience and continuing education and experience requirements for stereotactic breast biopsy.

a. Following the first anniversary in which the requirements of this subrule were met, a total of 12 breast biopsy procedures shall be met for each calendar year with at least 6 being stereotactic breast biopsies. The remaining six must be clearly documented and can be any combination of the following:

(1) Stereotactic breast biopsy procedures.

(2) Stereotactic breast biopsy of a stereotactic training phantom with documentation of steps taken or a written report.

(3) Stereotactic breast biopsy case review, that shall be documented to include a review of pre-biopsy mammographic examination, scout and stereotactic positioning, biopsy needle pre-fire and post-fire positioning and targeting, specimen radiograph images, post-biopsy images and review of post-biopsy pathology results.

(4) Image-guided breast biopsy or localization procedures utilizing mammography, stereotactic, ultrasound, MRI guidance, or any other department-approved image-guided technique.

(5) If experience is not maintained, the radiologic technologist shall requalify by performing three stereotactically guided breast biopsies under the supervision of a qualified physician or radiologic technologist.

b. Following the third anniversary in which the requirements of this subrule were met, obtain at least three hours of continuing education in stereotactically guided breast biopsy during the 36 months immediately preceding the date of the facility's annual stereotactic breast biopsy inspection, or during the 36-month period ending on the last day of the calendar quarter preceding the inspection, or requalify by obtaining additional CME credits to reach three CME credits in the prior 36 months. The CMEs cannot be obtained by the performance of supervised procedures.

[**ARC 0181D**, IAB 4/1/26, effective 7/1/26]

641—41.17(136C) Requirements for medical physicists performing surveys of stereotactic breast biopsy systems.

41.17(1) Qualified medical physicists, as outlined in this chapter, shall have performed three hands-on stereotactically guided breast biopsy system physics surveys prior to July 1, 1998; or one hands-on stereotactically guided breast biopsy system physics survey under the guidance of a qualified medical physicist.

41.17(2) Each person engaged in providing health physics services for stereotactic breast biopsy in Iowa who meets the requirements of this chapter shall apply for Iowa approval with the department prior to providing such services in accordance with 641—subrule 37.9(2).

41.17(3) Maintenance of proficiency and continuing education requirements for medical physicists performing surveys of stereotactic breast biopsy systems. Qualified medical physicists shall meet the following requirements:

a. Have performed at least one stereotactically guided breast biopsy system physics survey per year after the initial qualifications are met or requalify by performing one survey supervised by a qualified medical physicist.

b. Following the third anniversary in which the requirements of this subrule were met, have obtained at least three hours of continuing education in stereotactically guided breast biopsy system physics during the previous 36 months or requalify by obtaining additional CME credits to reach three CME credits in the prior 36 months.

[**ARC 0181D**, IAB 4/1/26, effective 7/1/26]

641—41.18(136C) Obtaining and preserving records for stereotactic breast biopsy. Records must be retained for a minimum of ten years. The facility shall make, for each procedure, a record of the services provided, including all of the following:

41.18(1) The date of the procedure;

41.18(2) The name of the patient and one additional patient identifier;

41.18(3) The names of the physicians performing the procedure;

41.18(4) The names of the radiologic technologists performing the procedure or any other department-approved documentation;

41.18(5) A description of the service provided;

41.18(6) The name of the referring physician, if any.

[**ARC 0181D**, IAB 4/1/26, effective 7/1/26]

641—41.19(136C) Quality assurance program for stereotactic breast biopsy. The facility shall have an equipment quality assurance program specific to stereotactically guided breast biopsy systems to ensure high-quality images with minimum patient exposure.

41.19(1) The facility shall name a supervising stereotactic breast biopsy physician who shall be responsible for all of the following:

a. Quality assurance activities including the medical audit;

b. Oversight and review of the quality control program at least annually;

c. Supervision of the radiologic technologist(s) and the medical physicist.

41.19(2) Under the direction of the supervising physician, the medical physicist shall have the responsibility for establishing and conducting the equipment quality assurance program.

a. The program shall include equipment performance monitoring conducted at installation and at least annually thereafter. Performance monitoring shall include the following:

(1) Evaluation of biopsy unit assembly. Any failed items shall be corrected within 30 days of the survey unless the medical physicist deems that the failure poses a serious injury risk to the patient, at which time the failure needs to be corrected before further procedures are performed.

(2) Collimation.

1. X-ray field cannot extend beyond the image receptor by more than 5 mm on any side.
2. Any failures shall be corrected within 30 days of the survey.

(3) Evaluation of focal spot. Focal spot cannot degrade from initial measurement. If reduction in lp/mm is found, focal spot shall be corrected within 30 days of survey.

(4) kVp accuracy/reproducibility. kVp accuracy/reproducibility shall be accurate to within +/- 5 percent of nominal kVp setting. Failures shall be corrected before further procedures are performed.

(5) Half-value layer measurement. HVL shall be greater than kVp/100 (in units of mm Al). Failures shall be corrected before further procedures are performed.

(6) Automatic Exposure Control System Assessment.

(7) Digital receptor uniformity. The SNR in each corner shall be within +/- 15 percent of the SNR in the center. Failures shall be corrected within 30 days of the survey.

(8) Breast entrance exposure, average glandular dose and exposure reproducibility. Exposure shall be reproducible to within +/- 15 percent of mean exposure. Average glandular dose shall be less than 300 millirad (3 milliGray) per exposure of a 50 percent glandular/50 percent adipose 4.2 centimeter breast. Failures shall be corrected before further procedures are performed.

(9) Image quality evaluation. Phantom image shall meet the criteria of 5 fibers, 4 speck groups and 3 masses for the ACR accreditation phantom or 3 fibers, 3 speck groups and 2.5 masses for the mini phantom unless otherwise stated by the phantom manufacturer. Failures shall be corrected before further procedures are performed.

(10) Artifact evaluation. Any significant black or white artifacts seen in the image detector field shall be corrected within 30 days of the survey.

(11) Localization simulation (gelatin phantom) test. Localization accuracy shall be within 1 mm of target, and the test shall include a portion of the test "lesion" in the sample chamber. Failures shall be corrected before further procedures are performed.

b. Analyzing the performance monitoring results to determine if there are any problems requiring correction.

c. Ensuring that the facility has procedures in place for carrying out or arranging for the necessary corrective actions as well as for the calibrations and other preventative maintenance.

41.19(3) Additional medical physicist evaluations of stereotactic units shall be conducted whenever a new unit is installed, a unit is disassembled and reassembled at the same or a new location, or major components of a stereotactic unit are changed or repaired.

41.19(4) The supervising physician shall have the responsibility for establishing and conducting the quality control program in a facility with a fixed unit. In the case of a mobile stereotactic unit, the owner or designee shall assume the responsibility for establishing and conducting the quality assurance program. The program shall include:

a. Localization accuracy (daily before use and before using the localization unit after it is adjusted). Each coordinate shall be within manufacturer specifications for the intended target value. Failures shall be corrected before further procedures are performed.

b. Visual checklist (monthly). Any failed items shall be corrected within 30 days.

c. Phantom image (weekly). Phantom image shall meet the criteria of 5 fibers, 4 speck groups and 3 masses for the ACR accreditation phantom or 3 fibers, 3 speck groups and 2.5 masses for the mini phantom unless otherwise stated by the phantom manufacturer. Failures shall be corrected before further procedures are performed.

d. Compression (semiannually). The maximum auto drive compression force cannot exceed 45 pounds. Failures shall be corrected within 30 days.

e. Any additional quality control testing indicated by the stereotactic breast biopsy unit manufacturer shall be completed as outlined in the quality control manual applicable to the unit.

41.19(5) Medical audit program. Each facility shall establish a medical audit program to ensure the accuracy and appropriateness of the procedures performed. This program shall include all of the following:

a. An imaging-pathology correlation for each biopsy performed;

b. An ongoing analysis of biopsy results and periodic review of the utilization of the procedure;

c. The number of biopsies performed;

d. The number of cancers found;

e. The number of benign lesions found;

f. The number of biopsies repeated.

[**ARC 0181D**, IAB 4/1/26, effective 7/1/26]

641—41.20(136C) Equipment and safety standards for stereotactic breast biopsy. Equipment must be specifically designed for stereotactically guided breast biopsy.

41.20(1) Stereotactic facilities shall comply with the requirements of 641—Chapters 37 and 40.

41.20(2) Annual inspections shall be conducted by an inspector from the department to ensure compliance with these rules. Identified hazards shall be promptly corrected.

[**ARC 0181D**, IAB 4/1/26, effective 7/1/26]

641—41.21(136C) Suspension, revocation, denial, and reinstatement of authorization for stereotactic breast biopsy.

41.21(1) *Suspension, revocation, or denial of authorization.* Authorization may be suspended or revoked with cause if any machine does not meet one or more of the standards of these rules.

a. Stereotactic facilities shall comply with the administrative enforcement action requirements of rule 641—37.10(136C).

b. If authorization is revoked, the radiation machine cannot be used until reinstated.

c. If suspension, revocation, or denial of authorization is initiated, the administrative enforcement actions in rule 641—37.10(136C) will apply.

41.21(2) *Reinstatement of authorization.*

a. An application for reinstatement shall be submitted and processed as an initial application. Appropriate corrective actions shall be submitted as required by the department.

b. A full reinstatement will be issued only after the department has determined the radiation machine and facility meet the requirements of these rules.

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◊ Two or more ARCs

CHAPTER 42
REGISTRATION AND SAFETY REQUIREMENTS FOR THERAPEUTIC USE OF RADIATION MACHINES, PARTICLE ACCELERATORS FOR NONHUMAN USE, AND ANALYTICAL X-RAY EQUIPMENT

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/1/31

641—42.1(136C) General provisions. The provisions of this chapter establish the requirements of a registrant for the use of therapeutic radiation machines.

42.1(1) The use of therapeutic radiation machines shall be by, or under the supervision of, a physician who meets the training and experience criteria established by rule 641—42.5(136C).

42.1(2) Unless otherwise specified in rule 641—41.3(136C), all registrants are subject to the applicable requirements of 641—Chapters 37 through 40.

[**ARC 0182D**, IAB 4/1/26, effective 7/1/26]

641—42.2(136C) Definitions. The definitions provided in 641—Chapters 37 and 40 may also apply to the provisions of this chapter. Additionally, the following definitions set forth below are specific to this chapter.

"Accessible surface" means surface of equipment or of an equipment part that can be easily or accidentally touched by persons without the use of a tool.

"Added filtration" means any filtration that is in addition to the inherent filtration.

"Analytical X-ray equipment" means equipment used for X-ray diffraction or fluorescence analysis.

"Analytical X-ray system" means a group of components utilizing X-rays or gamma rays to determine the elemental composition or to examine the microstructure of materials.

"Beam-limiting device" means a field defining collimator, integral to the therapeutic radiation machine, that provides a means to restrict the dimensions of the useful beam.

"Beam-scattering foil" means a thin piece of material (usually metallic) placed in the beam to scatter a beam of electrons in order to provide a more uniform electron distribution in the useful beam.

"Bent beam linear accelerator" means a linear accelerator geometry in which the accelerated electron beam must change direction by passing through a bending magnet.

"Cold pasteurization" means the process of using radiation for destroying disease-causing microorganisms in commercial products.

"Contact therapy system" means a therapeutic radiation machine with a short target-to-skin distance (TSD), usually less than five centimeters.

"Dose monitor unit" or *"DMU"* means a unit response from the beam monitoring system from which the absorbed dose can be calculated.

"External beam radiation therapy" means therapeutic irradiation in which the source of radiation is at a distance from the body.

"Fail-safe characteristics" means a design feature that causes beam port shutters to close, or otherwise prevents emergence of the primary beam, upon the failure of a safety or warning device.

"Field flattening filter" means a filter used to homogenize the absorbed dose rate over the radiation field.

"Filter" means material placed in the useful beam to change beam quality or its intensity profile in therapeutic radiation machines.

"Gantry" means that part of a radiation therapy system supporting and allowing movements of the radiation head around a center of rotation.

"Interruption of irradiation" means the stopping of irradiation with the possibility of continuing irradiation without resetting of operating conditions at the control panel.

"Iowa approved" means recognized or accepted by the department as meeting the training and experience requirements established by the Mammography Quality Standards Act as amended to

August 1, 2025, CFR, or any additional criteria set forth by the department. This may include but is not limited to formal approval by the department based on documentation of education, training, certification, and clinical experience.

"Isocenter" means the center of the sphere through which the useful beam axis passes while the gantry moves through its full range of motions.

"Local components" means part of an analytical X-ray system and includes X-ray areas that are struck by X-rays, such as radiation source housings, port and shutter assemblies, collimators, sample holders, cameras, goniometers, detectors, and shielding, but does not include power supplies, transformers, amplifiers, readout devices, and control panels.

"Megavolt (MV)" or *"mega electron volt (MeV)"* means the energy equal to that acquired by a particle with one electron charge in passing through a potential difference of one million volts in a vacuum. (Note: Current convention is to use MV for photons and MeV for electrons.)

"Monitor unit" or *"MU"* means the same as "dose monitor unit."

"Moving beam radiation therapy" means radiation therapy with continuous displacement of one or more mechanical axes relative to the patient during irradiation. It includes arc therapy, skip therapy, conformal therapy, intensity modulation, and rotational therapy.

"Nominal treatment distance" means:

1. For electron irradiation, the distance from the scattering foil, virtual source, or exit window of the electron beam to the entrance surface of the irradiated object along the central axis of the useful beam.

2. For X-ray irradiation, the virtual source or target to isocenter distance along the central axis of the useful beam. For nonisocentric equipment, this distance shall be that specified by the manufacturer.

"Normal operating procedures" means step-by-step instructions necessary to accomplish the analysis. These procedures shall include sample insertion and manipulation, equipment alignment, routine maintenance by the registrant or licensee, and data recording procedures, which are related to radiation safety.

"Open-beam configuration" means an analytical X-ray system in which an individual could accidentally place some part of the individual's body in the primary beam path during normal operation.

"Periodic quality assurance check" means a procedure that is performed to ensure that a previous calibration continues to be valid.

"Practical range of electrons" corresponds to classical electron range where the only remaining contribution to dose is from bremsstrahlung X-rays. A further explanation may be found in "Clinical Electron Beam Dosimetry: Report of AAPM Radiation Therapy Committee Task Group 25" (Medical Physics 18(1): 73-109, Jan/Feb 1991) and ICRU Report 35, "Radiation Dosimetry: Electron Beams with Energies Between 1 and 50 MeV," International Agency on Radiation Units and Measurements, September 15, 1984.

"Primary beam" means radiation that passes through an aperture of the source housing by a direct path from the X-ray tube or a radioactive source located in the radiation source housing.

"Radiation field" means the same as "useful beam."

"Radiation head" means the structure from which the useful beam emerges.

"Radiation therapy physicist" means an individual qualified in accordance with 641—subrule 41.5(3).

"Redundant beam monitoring system" means a combination of two dose monitoring systems in which each system is designed to terminate irradiation in accordance with a preselected number of dose monitor units.

"Self-shielded particle accelerator" means a particle accelerator with the accelerator installed in an enclosure independent of the existing architectural structures, except the floor on which it may be placed. The enclosure must have been evaluated by a qualified expert and that evaluation approved by an appropriate regulatory authority through a device evaluation. The self-shielded accelerator is

intended to contain at least that portion of material being irradiated, provide radiation attenuation, and exclude personnel from its interior during generation of radiation. A particle accelerator used within a shielded part of a building, or which may temporarily or occasionally incorporate portable shielding, is not a self-shielded particle accelerator.

"Shadow tray" means a device attached to the radiation head to support auxiliary beam blocking material.

"Shielded facility" means an accelerator facility where shielding is required to be constructed on site in order to ensure compliance with the requirements of 641—Chapter 40 or where shielding supplied with the accelerator has been evaluated by qualified experts and that evaluation approved by an appropriate regulatory authority through a device evaluation.

"Stationary beam radiation therapy" means radiation therapy without displacement of one or more mechanical axes relative to the patient during irradiation.

"Target" means that part of an X-ray tube or accelerator onto which is directed a beam of accelerated particles to produce ionizing radiation or other particles.

"Tenth-value layer" or *"TVL"* means the thickness of a specified material that attenuates X-radiation or gamma radiation to an extent such that the air kerma rate, exposure rate, or absorbed dose rate is reduced to one-tenth of the value measured without the material at the same point.

"Therapeutic radiation machine" means X-ray or electron-producing equipment designed and used for external beam radiation therapy.

"Virtual source" means a point from which radiation appears to originate.

[**ARC 0182D**, IAB 4/1/26, effective 7/1/26]

641—42.3(136C) Registration or license requirements. No person shall receive, possess, use, transfer, own, or acquire therapeutic radiation machines, except as authorized by a registration issued in accordance with rule 641—37.8(136C). Each therapeutic radiation machine shall be registered in accordance with the requirements of 641—subrule 37.8(2).

[**ARC 0182D**, IAB 4/1/26, effective 7/1/26]

641—42.4(136C) General administrative requirements for facilities using therapeutic radiation machines.

42.4(1) Administrative controls.

a. The registrant shall be responsible for directing the operation of the therapeutic radiation machines that have been registered with the department.

b. The registrant or the registrant's agent shall ensure that the requirements of this chapter are met in the operation of the therapeutic radiation machine(s).

42.4(2) A therapeutic radiation machine that does not meet the provisions of these regulations cannot be used for irradiation of patients unless authorized by the department.

[**ARC 0182D**, IAB 4/1/26, effective 7/1/26]

641—42.5(136C) Training for external beam radiation therapy authorized users.

42.5(1) The registrant for any therapeutic radiation machine subject to rules 641—42.15(136C) and 641—42.16(136C) shall require the authorized user to be a physician who:

a. Is certified in:

(1) Radiology or therapeutic radiology by the American Board of Radiology;

(2) Radiation oncology by the American Osteopathic Board of Radiology;

(3) Radiology, with specialization in radiotherapy, as a British "Fellow of the Faculty of Radiology" or "Fellow of the Royal College of Radiology";

(4) Therapeutic radiology by the Canadian Royal College of Physicians and Surgeons; or

b. Is in the active practice of therapeutic radiology and has completed all of the following:

(1) 200 hours of instruction in basic radiation techniques applicable to the use of an external beam radiation therapy unit;

(2) 500 hours of supervised work experience;

(3) A minimum of three years of supervised clinical experience.

42.5(2) To satisfy the requirement for instruction in paragraphs 42.5(1)*"a"* and *"b,"* the classroom and laboratory training shall include all of the following:

a. Radiation physics and instrumentation;

b. Radiation protection;

c. Mathematics pertaining to the use and measurement of ionization radiation; and

d. Radiation biology.

42.5(3) To satisfy the requirement for supervised work experience in subparagraph 42.5(1)*"b"*(2), training shall be under the supervision of an authorized user and shall include all of the following:

a. Reviewing the full calibration measurements and periodic quality assurance checks;

b. Evaluating prepared treatment plans and calculation of treatment times/patient treatment settings;

c. Using administrative controls to prevent a reportable radiation incident as described in 641—subrule 37.13(3);

d. Implementing emergency procedures to be followed in the event of the abnormal operation of an external beam radiation therapy unit or console;

e. Checking and using radiation survey meters.

42.5(4) To satisfy the requirement for a period of supervised clinical experience, training shall include all of the following:

a. One year in a formal training program approved by the Residency Review Committee for Radiology of the Accreditation Council for Graduate Medical Education or the Committee on Postdoctoral Training of the American Osteopathic Association;

b. An additional two years of clinical experience in therapeutic radiology under the supervision of an authorized user. The supervised clinical experience shall include:

(1) Examining individuals and reviewing their case histories to determine their suitability for external beam radiation therapy treatment and any limitations/contraindications;

(2) Selecting proper dose and how it is to be administered;

(3) Calculating the external beam radiation therapy doses and collaborating with the authorized user in the review of patients' progress as well as consideration of the need to modify originally prescribed doses or treatment plans as warranted by patients' reaction to radiation;

(4) Postadministration follow-up and review of case histories.

42.5(5) Notwithstanding the requirements of this rule, the registrant for any therapeutic radiation machine subject to rules 641—42.15(136C) and 641—42.16(136C) may also submit the training of the prospective authorized user physician for department review.

42.5(6) A physician cannot act as an authorized user for any therapeutic radiation machine until such time as said physician's training has been reviewed and approved by the registrant.

[**ARC 0182D**, IAB 4/1/26, effective 7/1/26]

641—42.6(136C) Training for radiation therapy physicist. The registrant for any therapeutic radiation machine subject to rules 641—42.15(136C) and 641—42.16(136C) shall require the radiation therapy physicist to:

42.6(1) Be Iowa approved as defined in this chapter.

a. Medical physicists who are Iowa approved for radiation therapy may perform only radiation therapy services in the area of calibration and compliance surveys of external beam radiation therapy units or additional radiation therapy services as deemed appropriate by the department;

b. Medical physicists wishing to perform services other than those outlined in rule 641—42.3(136C) must be registered with the department under the provisions of rule 641—37.8(136C) as a radiation machine service provider, whether as an individual, as part of a corporation, or as any other entity included in the definition of "person" under 641—Chapter 37.

c. A medical physicist cannot perform any services unless such services are specifically listed on the Iowa approval or radiation machine provider notice issued by the department.

42.6(2) Be certified by the American Board of Radiology in, at a minimum, one of the following:

a. Therapeutic radiological physics;

b. Roentgen-ray and gamma-ray physics;

c. X-ray and radium physics;

d. Radiological physics; or

e. Therapeutic medical physics.

42.6(3) Be certified by the American Board of Medical Physics in radiation oncology physics; or

42.6(4) Be certified by the Canadian College of Physicists in Medicine; or

42.6(5) Hold a master's or doctor's degree in physics, biophysics, radiological physics, or health physics and have completed one year of:

a. Full-time training in therapeutic radiological physics;

b. Full-time work experience under the supervision of a radiation therapy physicist at a medical institution. To meet this requirement, the individual shall have performed the tasks listed in rule 641—42.14(136C) under the supervision of a radiation therapy physicist during the year of work experience.

[**ARC 0182D**, IAB 4/1/26, effective 7/1/26]

641—42.7(136C) Qualifications of operators. Individuals who will be operating a therapeutic radiation machine for medical use shall be adequately instructed in the safe operating procedures and hold a current permit to practice in radiation therapy as a radiation therapist under the provisions of 641—Chapter 38.

42.7(1) The permit holder shall make the permit available at the individual's place of employment.

42.7(2) If the permit holder works at more than one facility, a duplicate of the permit shall be kept at each facility.

[**ARC 0182D**, IAB 4/1/26, effective 7/1/26]

641—42.8(136C) Written safety procedures and rules. Written safety procedures and rules shall be developed by a radiation therapy physicist and shall be available in the control area of a therapeutic radiation machine, including any restrictions required for the safe operation of the particular therapeutic radiation machine.

42.8(1) The operator shall be able to demonstrate familiarity with these rules.

42.8(2) All individuals associated with the operation of a therapeutic radiation machine shall be instructed in and shall comply with procedures for maintaining written directives.

[**ARC 0182D**, IAB 4/1/26, effective 7/1/26]

641—42.9(136C) Exposure to the useful beam. Individuals cannot be exposed to the useful beam, except for medical therapy purposes and unless such exposure has been ordered in writing by a physician. This provision specifically prohibits deliberate exposure of an individual for training, demonstration, or other non-healing arts purposes.

[**ARC 0182D**, IAB 4/1/26, effective 7/1/26]

641—42.10(136C) Records of visiting authorized users. Notwithstanding the provisions of rule 641—42.5(136C), a registrant may permit any physician to act as a visiting authorized user for up to 60 days per calendar year under all of the following conditions:

42.10(1) The visiting authorized user has the prior written permission of the registrant's management and, if the use occurs on behalf of an institution, the institution's radiation safety committee;

42.10(2) The visiting authorized user meets the requirements of rule 641—42.5(136C);

42.10(3) The registrant maintains copies of all records for five years from the date of the last visit.

[**ARC 0182D**, IAB 4/1/26, effective 7/1/26]

641—42.11(136C) Information and maintenance record and associated information. The registrant shall maintain all the following information in a separate file or package for each therapeutic radiation machine for inspection by the department:

42.11(1) Report of acceptance testing.

42.11(2) Records of all surveys, calibrations, and periodic quality assurance checks of the therapeutic radiation machine required by rule 641—37.12(136C), as well as the name(s) of person(s) who performed such activities.

42.11(3) Records of maintenance or modifications, or both, performed on the therapeutic radiation machine after July 9, 1997, as well as the name(s) of person(s) who performed such services.

42.11(4) Signature of person authorizing the return of therapeutic radiation machine to clinical use after service, repair, or upgrade.

42.11(5) Records of training specified in rule 641—42.5(136C).

[**ARC 0182D**, IAB 4/1/26, effective 7/1/26]

641—42.12(136C) Record retention. All records required by rule 641—42.5(136C) shall be retained until disposal is authorized by the department unless another retention period is specifically authorized.

42.12(1) All required records shall be retained in an active file from at least the time of generation until the next department inspection.

42.12(2) Any required record generated before the last department inspection may be microfilmed or otherwise archived as long as a complete copy can be retrieved until such time the department authorizes final disposal.

[**ARC 0182D**, IAB 4/1/26, effective 7/1/26]

641—42.13(136C) Written directives. Each registrant shall meet all of the following.

42.13(1) *Written directive.* A written directive must be dated and signed by an authorized user prior to the administration of radiation.

a. If, because of the patient's condition, a delay in the order to provide a written revision to an existing directive would jeopardize the patient's health, an oral revision to an existing written directive will be acceptable, provided that the oral revision is documented as soon as possible in writing in the patient's record and a revised written directive is signed by an authorized user within 48 hours of the oral revision.

b. The written directive must contain the patient or human research subject's name, the type and energy of the beam, the total dose, dose per fraction, treatment site, and number of fractions.

c. A written revision to an existing written directive may be made provided that the revision is dated and signed by an authorized user prior to the administration of the external beam dose or the next fractional dose.

d. The registrant shall retain a copy of the written directive for three years.

42.13(2) *Procedures for administration.* The registrant shall have written procedures that provide all of the following information:

a. Prior to the administration of each course of radiation treatment, the patient's or human research subject's identity is verified by more than one method as the individual named in the written directive;

b. Each administration is in accordance with the written directive;

c. External beam radiation therapy final plans of treatment and related calculations are in accordance with the respective written directives by completing all of the following:

(1) Checking both manual and computer-generated dose calculations to verify that they are correct and in accordance with the written directive;

(2) Verifying that any computer-generated calculations are correctly transferred into the consoles of authorized therapeutic medical units;

d. Any unintended deviation from the written directive is identified and evaluated and appropriate action is taken;

e. The registrant retains a copy of the procedures for administrations for the duration of the registration.

[**ARC 0182D**, IAB 4/1/26, effective 7/1/26]

641—42.14(136C) General technical requirements for facilities using therapeutic radiation machines.

42.14(1) *Protection surveys.*

a. The registrant shall ensure that radiation protection surveys of all new facilities, and existing facilities not previously surveyed, are performed with an operable radiation measurement survey instrument calibrated within the past 12 months.

b. The radiation protection survey shall be performed by, or under the direction of, a radiation therapy physicist or a certified health physicist.

c. The survey shall be performed with the therapeutic radiation machine in a "BEAM-ON" condition using the largest clinically available treatment field and with a scattering phantom in the useful beam of radiation. The survey must verify all of the following:

(1) Radiation levels in restricted areas are not likely to cause personnel exposures in excess of the limits specified in 641—subrule 37.11(3);

(2) Radiation levels in unrestricted areas do not exceed the limits specified in 641—subrule 37.11(11). In addition to the requirements of subrule 42.14(1), a radiation protection survey shall also be performed prior to any subsequent medical use and at the following frequencies:

1. After making any change in the treatment room shielding;
2. After making any change in the location of the therapeutic radiation machine within the treatment room;
3. After relocating the therapeutic radiation machine;
4. Before using the therapeutic radiation machine in a manner that could result in increased radiation levels in areas outside the external beam radiation therapy treatment room.

d. The survey record shall indicate all instances where the facility, in the opinion of the radiation therapy physicist or a certified health physicist, is in violation of applicable regulations.

e. The survey record shall also include all of the following:

(1) The date of the measurements;

(2) The reason the survey is required;

(3) The manufacturer's name, model number, and serial number of the therapeutic radiation machine;

(4) The instrument(s) used to measure radiation levels;

(5) A plan of the areas surrounding the treatment room that were surveyed;

(6) The measured dose rate at several points in each area, expressed in microsieverts or millirems per hour;

(7) The calculated maximum level of radiation over a period of one week for each restricted and unrestricted area;

(8) The signature of the individual responsible for conducting the survey.

f. If the results of the surveys required by subrule 42.14(1) indicate any radiation levels in excess of the respective limit specified in 641—subrule 37.11(3), the registrant shall lock the control in the "OFF" position and not use the unit, except under either of the following conditions:

(1) If operation is necessary to repair, replace, or test the therapeutic radiation machine, the therapeutic radiation machine shielding, or the treatment room shielding;

(2) Until the registrant has received a specific exemption in writing from the department.

42.14(2) *Modification of radiation therapy unit or room before beginning a treatment program.*

a. Survey radiation levels. If the survey required by subrule 42.14(1) indicates that an individual in an unrestricted area may be exposed to levels of radiation greater than those permitted by 641—subrule 37.11(11) before beginning the treatment program the registrant shall:

(1) Either equip the unit with beam direction interlocks or add additional radiation shielding to ensure compliance with 641—subrule 37.11(11);

(2) Perform the survey required by 641—paragraph 37.11(12)*"a"* again; and

(3) Include in the report the results of the initial survey a description of the modifications made and the results of the second survey; or

(4) Request and receive written authorization from the department that authorizes radiation levels in unrestricted areas greater than those permitted by 641—subrule 37.11(11).

b. Dosimetry equipment. The registrant shall have a calibrated dosimetry system available for use.

(1) The system shall have been calibrated by the National Institute for Standards and Technology (NIST) or by an American Association of Physicists in Medicine (AAPM) Accredited Dosimetry Calibration Laboratory (ADCL).

(2) The calibration shall have been performed within the previous 24 months and after any servicing that may have affected system calibration.

c. Calibration. For beams with energies greater than 1 MV (1 MeV), the dosimetry system shall have been calibrated for Cobalt-60.

(1) For beams with energies equal to or less than 1 MV (1 MeV), the dosimetry system shall have been calibrated at an energy (energy range) appropriate for the radiation being measured.

(2) The registrant shall have available for use a dosimetry system for quality assurance check measurements.

1. To meet this requirement, the system may be compared with a system that has been calibrated in accordance with paragraph 42.14(2)*"b."*

2. This comparison shall have been performed within the previous 12 months and after each servicing that may have affected system calibration.

3. The quality assurance check system may be the same system used to meet the requirement in paragraph 42.14(2)*"b."*

(3) The registrant shall maintain a record of each dosimetry system calibration, intercomparison, and comparison for the duration of the license or registration. For each calibration, intercomparison, or comparison, the record shall include the following:

1. The date;

2. The model numbers and serial numbers of the instruments that were calibrated, intercompared, or compared as required by paragraph 42.14(2)*"b"*;

3. The correction factors that were determined;

4. The names of the individuals who performed the calibration, intercomparison, or comparison and evidence that the intercomparison was performed by, or under the direct supervision and in the physical presence of, a radiation therapy physicist.

d. Reports of external beam radiation therapy surveys and measurements. The registrant for any therapeutic radiation machine subject to rule 641—42.3(136C) shall furnish a copy of the records required in subrules 42.11(1) and 42.11(2) to the department within 30 days following completion of the action that initiated the record requirement.

[**ARC 0182D**, IAB 4/1/26, effective 7/1/26]

641—42.15(136C) Therapeutic radiation machines of less than 500 kV.

42.15(1) *Equipment requirements.*

a. Leakage radiation. When the X-ray tube is operated at its maximum rated tube current for the maximum kV, the leakage air kerma rate cannot exceed the value specified at the distance specified for that classification of therapeutic radiation machine:

(1) 5-50 kV systems. The leakage air kerma rate measured at any position five centimeters from the tube housing assembly cannot exceed 100 mrad (one mGy) in any one hour.

(2) >50 and <500 kV systems. The leakage air kerma rate measured at a distance of one meter from the target in any direction cannot exceed one rad (one cGy) in any one hour.

1. This air kerma rate measurement may be averaged over areas no larger than 100 square centimeters.

2. In addition, the air kerma rate at a distance of five centimeters from the surface of the tube housing assembly cannot exceed 30 rad (30 cGy) per hour.

(3) For each therapeutic machine, the registrant shall determine, or obtain from the manufacturer, the leakage radiation existing at positions specified in subrule 42.15(1) for the specified operating conditions. Records on leakage radiation measurements shall be maintained at the facility and made available for inspection by the department.

b. Permanent beam-limiting devices. Permanent diaphragms or cones used for limiting the useful beam shall provide at least the same degree of attenuation as required for the tube housing assembly.

c. Adjustable or removable beam-limiting devices. All adjustable or removable beam-limiting devices, diaphragms, cones, or blocks cannot transmit more than 5 percent of the useful beam for the most penetrating beam used. When adjustable beam-limiting devices are used, the position and shape of the radiation field shall be indicated by a light beam.

d. Filter system. The filter system shall be so designed to meet all of the following:

(1) Filters cannot be accidentally displaced at any possible tube orientation;

(2) For equipment installed after July 9, 1997, an interlock system prevents irradiation if the proper filter is not in place;

(3) The air kerma rate escaping from the filter slot cannot exceed one rad (one cGy) per hour at one meter under any operating conditions; and

(4) Each filter shall be marked as to its material of construction and its thickness.

e. Tube immobilization.

(1) The X-ray tube shall be mounted in a manner that it cannot accidentally turn or slide with respect to the housing aperture.

(2) The tube housing assembly shall be capable of being immobilized for stationary portal treatments.

f. Source marking. The tube housing assembly shall be marked in a manner that it is possible to determine the location of the source to within five millimeters, and such marking shall be readily accessible for use during calibration procedures.

g. Beam block. Contact therapy tube housing assemblies shall have a removable shield of material, equivalent in attenuation to 0.5 millimeters of lead at 100 kV, that can be positioned over the entire useful beam exit port during periods when the beam is not in use.

h. Timer. A suitable irradiation control device shall be provided to terminate the irradiation after a preset time interval.

(1) A timer that has a display shall be provided at the treatment control panel. The timer shall have a preset time selector and an elapsed time or time remaining indicator;

(2) The timer shall be a cumulative timer that activates with an indication of “BEAM-ON” and retains its reading after irradiation is interrupted or terminated. After irradiation is terminated and before irradiation can be reinitiated, it shall be necessary to reset the elapsed time indicator;

(3) The timer shall terminate irradiation when a preselected time has elapsed if any dose monitoring system present has not previously terminated irradiation;

(4) The timer shall permit accurate presetting and determination of exposure times as short as one second;

(5) The timer cannot permit an exposure if set at zero;

(6) The timer cannot activate until the shutter is opened when irradiation is controlled by a shutter mechanism unless calibration includes a timer error correction to compensate for mechanical lag;

(7) Timer shall be accurate to within 1 percent of the selected value or one second, whichever is greater.

i. Control panel functions. The control panel, in addition to the displays required by other provisions in paragraph 42.15(2)*"i,"* shall have:

(1) An indication of whether electrical power is available at the control panel and if activation of the X-ray tube is possible;

(2) An indication of whether X-rays are being produced;

(3) Means for indicating X-ray tube potential and current;

(4) The means for terminating an exposure at any time;

(5) A locking device that will prevent unauthorized use of the therapeutic radiation machine; and

(6) For therapeutic radiation machines manufactured after July 9, 1997, a positive display of specific filter(s) in the beam.

j. Multiple tubes. When a control panel may energize more than one X-ray tube:

(1) It shall be possible to activate only one X-ray tube at any time;

(2) There shall be an indication at the control panel identifying which X-ray tube is activated;

(3) There shall be an indication at the tube housing assembly when that tube is energized.

k. Target-to-skin distance (TSD). There shall be a means of determining the central axis TSD to within one centimeter and of reproducing this measurement to within two millimeters thereafter.

l. Shutters. Unless it is possible to bring the X-ray output to the prescribed exposure parameters within five seconds after the X-ray "ON" switch is energized, the beam shall be attenuated by a shutter(s) having a lead equivalency not less than that of the tube housing assembly.

(1) In addition, after the unit is at operating parameters, the shutter(s) shall be controlled by the operator from the control panel.

(2) An indication of shutter position shall appear at the control panel.

m. Low filtration X-ray tubes. Each therapeutic radiation machine equipped with a beryllium or other low-filtration window shall be clearly labeled as such upon the tube housing assembly and shall be provided with a permanent warning device on the control panel that is activated when no additional filtration is present to indicate that the dose rate is very high.

42.15(2) *Facility design requirements for therapeutic radiation machines capable of operating in the range 50 kV to 500 kV.* In addition to shielding adequate to meet requirements of rule 641—42.17(136C), the treatment room shall meet the following design requirements.

a. Aural communication. Provision shall be made for continuous two-way aural communication between the patient and the operator at the control panel.

b. Viewing systems. Provision shall be made to permit continuous observation of the patient during irradiation, and the viewing system shall be so located that the operator can observe the patient from the control panel. The therapeutic radiation machine cannot be used for patient irradiation unless at least one viewing system is operational.

c. Additional requirements. Treatment rooms that contain a therapeutic radiation machine capable of operating above 150 kV shall meet the following additional requirements:

(1) All protective barriers shall be fixed, except for entrance doors or beam interceptors;

(2) The control panel shall be located outside the treatment room or in a totally enclosed booth, which has a ceiling, inside the room;

(3) Interlocks shall be provided such that all entrance doors, including doors to any interior booths, shall be closed before treatment can be initiated or continued. If the radiation beam is interrupted by any door opening, it cannot be possible to restore the machine to operation without closing the door and reinitiating irradiation by manual action at the control panel;

(4) When any door referred to in subparagraph 42.15(2)*"c"*(3) is opened while the radiation machine is activated, the air kerma rate at a distance of one meter from the source shall be reduced to less than one mGy (100 mrad) per hour.

d. Full calibration measurements. Full calibration of a therapeutic radiation machine subject to subrule 42.15(2) shall be performed by, or under the direct supervision of, a radiation therapy physicist.

e. Initial use. The first medical use following installation or reinstallation of the therapeutic radiation machine must be:

(1) At intervals not exceeding one year; and

(2) Before medical use under the following conditions:

1. Whenever quality assurance check measurements indicate that the radiation output differs by more than 5 percent from the value obtained at the last full calibration and the difference cannot be reconciled;

2. Following any component replacement, major repair, or modification of components that could significantly affect the characteristics of the radiation beam.

f. Calibration. Notwithstanding the requirements of paragraph 42.15(2)*"d"*:

(1) Full calibration of therapeutic radiation machines with multienergy capabilities is required only for those modes or energies that are not within their acceptable range; and

(2) If the repair, replacement or modification does not affect all energies, full calibration shall be performed on the affected energy that is in most frequent clinical use at the facility. The remaining energies may be validated with quality assurance check procedures against the criteria in paragraph 42.15(2)*"c."*

(3) To satisfy the requirements of paragraph 42.15(2)*"d,"* full calibration shall include all measurements recommended for annual calibration by NCRP Report 69, "Dosimetry of X-ray and Gamma Ray Beams for Radiation Therapy in the Energy Range 10 keV to 50 MeV" (1981).

(4) The registrant shall maintain a record of each calibration for the duration of the registration. The record shall include all of the following:

1. The date of the calibration;

2. The manufacturer's name, model number, and serial number for both the therapeutic radiation machine and the X-ray tube;

3. The model numbers and serial numbers of the instruments used to calibrate the therapeutic radiation machine; and

4. The signature of the radiation therapy physicist responsible for performing the calibration.

g. Periodic quality assurance checks. Periodic quality assurance checks shall be performed on therapeutic radiation machines, subject to this rule, that are capable of operation at greater than or equal to 50 kV.

(1) To satisfy the requirement of paragraph 42.15(2)*"g,"* quality assurance checks shall meet all of the following requirements:

1. The quality assurance checks shall be performed by the registrant in accordance with written procedures established by the radiation therapy physicist;

2. The quality assurance check procedures shall specify the frequency at which tests or measurements are to be performed.

3. The quality assurance check procedures shall specify that the quality assurance check shall be performed during the calibration specified in subparagraph 42.15(2)*"f"*(1).

4. The acceptable tolerance for each parameter measured in the quality assurance check, when compared to the value for that parameter determined in the calibration specified in subparagraph 42.15(2)*"f"*(1), shall be stated.

(2) The cause for a parameter exceeding a tolerance set by the radiation therapy physicist shall be investigated and corrected before the system is used for patient or human research subject irradiation;

1. Whenever a quality assurance check indicates a significant change in the operating characteristics of a system, as specified in the radiation therapy physicist's quality assurance check procedures, the system shall be recalibrated as required in subparagraph 42.15(2)*"f"*(1);

2. The registrant shall use the dosimetry system described in subparagraph 42.14(2)*"c"*(2) to make the quality assurance check required in paragraph 42.15(2)*"g"*;

3. The registrant shall have the radiation therapy physicist review and sign the results of each radiation output quality assurance check within one month of test completion;

4. The registrant shall ensure that safety quality assurance checks of therapeutic radiation machines subject to this rule are performed at intervals not to exceed one month;

5. Notwithstanding the requirements of numbered paragraphs 42.15(2)*"g"*(2)"3" and "4," the registrant shall ensure that no therapeutic radiation machine is used to administer radiation to humans unless the quality assurance checks required have been performed within the 30 days prior to administration.

(3) To satisfy the requirement of numbered paragraph 42.15(2)*"g"*(2)"4," safety quality assurance checks shall ensure proper operation of the following:

1. Electrical interlocks at each external beam radiation therapy room entrance;

2. The "BEAM-ON" and termination switches;

3. Beam condition indicator lights on the access door(s), on the control console, and in the radiation therapy room;

4. Viewing systems;

5. If applicable, electrically operated treatment room doors from inside and outside the treatment room.

(4) The registrant shall maintain a record of each quality assurance check for three years. The record shall include all of the following:

1. The date of the quality assurance check;

2. The manufacturer's name, model number, and serial number for the therapeutic radiation machine;

3. The manufacturer's name, model number, and serial number of the instrument(s) used to measure the radiation output of the therapeutic radiation machine;

4. The signature of the individual who performed the periodic quality assurance check.

h. Operating procedures.

(1) Therapeutic radiation machines cannot be left unattended unless secured by means identified in paragraph 42.15(1)*"i"*;

(2) When a patient must be held in position for radiation therapy, mechanical supporting or restraining devices shall be used;

(3) The tube housing assembly cannot be held by an individual during operation unless the assembly is designed to require such holding and the peak tube potential of the system does not exceed 50 kV. In such cases, the holder shall wear protective gloves and apron of not less than 0.5 millimeters lead equivalency at 100 kV;

(4) A copy of the current operating and emergency procedures shall be maintained at the therapeutic radiation machine control console;

(5) No individual other than the patient shall be in the treatment room during exposures from therapeutic radiation machines operating above 150 kV. At energies less than or equal to 150 kV, any individual, other than the patient, in the treatment room shall be protected by a barrier sufficient to meet the requirements of 641—subrule 37.11(11).

(6) The therapeutic radiation machine cannot be used for irradiation of patients unless the requirements of paragraph 42.15(2)*"d"* have been met.

i. Possession of survey instrument(s).

(1) Each facility location authorized to use a therapeutic radiation machine in accordance with this rule shall have at its disposal appropriately calibrated portable monitoring equipment.

(2) As a minimum, such equipment shall include a portable radiation measurement survey instrument capable of measuring dose rates over the range 1 mrem (10 μSv) per hour to 1,000 mrem (10 mSv) per hour.

(3) The survey instrument(s) shall be operable and calibrated at intervals not to exceed 12 months for the radiation measured.

[**ARC 0182D**, IAB 4/1/26, effective 7/1/26]

641—42.16(136C) Therapeutic radiation machines—photon therapy systems (500 kV and above) and electron therapy systems (500 keV and above).

42.16(1) *Equipment requirements.*

a. The absorbed dose due to leakage radiation (excluding neutrons) at any point outside the maximum-sized useful beam, but within a circular plane of radius two meters that is perpendicular to and centered on the central axis of the useful beam at the nominal treatment distance (i.e., patient plane), cannot exceed a maximum of 0.2 percent and an average of 0.1 percent of the absorbed dose on the central axis of the beam at the nominal treatment distance. Measurements shall be averaged over an area not exceeding 100 square centimeters at a minimum of 16 points uniformly distributed in the plane.

b. Except for the area defined in paragraph 42.16(1)*"a"* the absorbed dose due to leakage radiation (excluding neutrons) at one meter from the electron path between the electron source and the target or electron window cannot exceed 0.5 percent of the absorbed dose on the central axis of the beam at the nominal treatment distance.

c. Measurements shall be averaged over an area not exceeding 100 square centimeters.

d. For equipment manufactured after July 9, 1997, the neutron absorbed dose outside the useful beam shall be in compliance with International Electrotechnical Agency (IEC) Document 601-2-1 as amended to August 1, 2025.

e. For each therapeutic radiation machine, the registrant shall determine, or obtain from the manufacturer, the leakage radiation existing at the positions specified in paragraph 42.16(1)*"a"* for the specified operating conditions. Records of leakage radiation measurements shall be maintained and made available for inspection by the department.

42.16(2) *Leakage radiation through beam-limiting devices.*

a. Photon radiation. All adjustable or interchangeable beam-limiting devices shall attenuate the useful beam such that at the nominal treatment distance, the maximum absorbed dose anywhere in the area shielded by the beam-limiting device(s) cannot exceed 2 percent of the maximum absorbed dose on the central axis of the useful beam measured in a ten-centimeter by ten-centimeter radiation field;

b. Electron radiation. All adjustable or interchangeable electron applicators shall attenuate the radiation including but not limited to photon radiation generated by electrons incident on the beam-limiting device and electron applicator and other parts of the radiation head, such that the absorbed dose in a plane perpendicular to the central axis of the useful beam at the nominal treatment distance cannot exceed:

(1) A maximum of 2 percent and average of 0.5 percent of the absorbed dose on the central axis of the useful beam at the nominal treatment distance. This limit shall apply beyond a line seven centimeters outside the periphery of the useful beam; and

(2) A maximum of 10 percent of the absorbed dose on the central axis of the useful beam at the nominal treatment distance. This limit shall apply beyond a line two centimeters outside the periphery of the useful beam.

42.16(3) *Measurement of leakage radiation.*

a. Photon radiation. Measurements of leakage radiation through the beam-limiting devices shall be made with the beam-limiting devices closed and any residual aperture blocked by at least two-tenth value layers of suitable absorbing material.

(1) In the case of overlapping beam-limiting devices, the leakage radiation through each set shall be measured independently at the depth of maximum dose.

(2) Measurements shall be made using a radiation detector with an area not exceeding ten square centimeters.

b. Electron radiation. Measurements of leakage radiation through the electron applicators shall be made:

(1) With the electron beam directed into the air and using a radiation detector that has an area up to but not exceeding one square centimeter and that is suitably protected against radiation that has been scattered from material beyond the radiation detector.

(2) Using one centimeter of water equivalent buildup material.

c. Filters/wedges. Each wedge filter that is removable from the system shall be clearly marked with an identification number.

(1) For removable wedge filters, the nominal wedge angle shall appear on the wedge or wedge tray (if permanently mounted to the tray).

(2) If the wedge or wedge tray is significantly damaged, the wedge transmission factor shall be redetermined.

(3) If the absorbed dose rate information required by paragraph 42.16(3)*"h"* relates exclusively to operation with a field-flattening filter or beam-scattering foil in place, such filter or foil shall be removable only by the use of tools.

(4) For equipment manufactured after July 9, 1997, that utilizes a system of wedge filters, interchangeable field-flattening filters, or interchangeable beam-scattering foils:

1. Irradiation cannot be possible until a selection of a filter or a positive selection to use "no filter" has been made at the treatment control panel, either manually or automatically;

2. An interlock system shall be provided to prevent irradiation if the filter selected is not in the correct position;

3. A display shall be provided at the treatment control panel showing the wedge filter(s), interchangeable field-flattening filter(s), and interchangeable beam-scattering foil(s) in use;

4. An interlock shall be provided to prevent irradiation if any filter or beam-scattering foil selection operation carried out in the treatment room does not agree with the filter or beam-scattering foil selection operation carried out at the treatment control panel.

d. Stray radiation in the useful beam. For equipment manufactured after July 9, 1997, the registrant shall determine during acceptance testing, or obtain from the manufacturer, data sufficient to ensure that X-ray stray radiation in the useful electron beam, absorbed dose at the surface during X-ray irradiation and stray neutron radiation in the useful X-ray beam are in compliance with International Electrotechnical Agency (IEC) Document 601-2-1 as amended to August 1, 2025.

e. Beam monitors. All therapeutic radiation machines subject to this rule shall be provided with redundant beam monitoring systems. The sensors for these systems shall be fixed in the useful beam during treatment to indicate the dose monitor unit rate.

(1) Equipment manufactured after July 9, 1997, shall be provided with at least two independently powered integrating dose meters. Alternatively, common elements may be used if the production of radiation is terminated upon failure of any common element.

(2) Equipment manufactured on or before July 9, 1997, shall be provided with at least one radiation detector. This detector shall be incorporated into a useful beam monitoring system.

(3) The detector and the system into which that detector is incorporated shall meet the following requirements:

1. Each detector shall be removable only with tools and, if movable, shall be interlocked to prevent incorrect positioning;

2. Each detector shall form part of a beam monitoring system from whose readings in dose monitor units the absorbed dose at a reference point can be calculated;

3. Each beam monitoring system shall be capable of independently monitoring, interrupting, and terminating irradiation.

(4) For equipment manufactured after July 9, 1997, the design of the beam monitoring systems shall ensure that:

1. The malfunctioning of one system cannot affect the correct functioning of the other system(s); and

2. The failure of any element common to both systems that could affect the correct function of both systems shall terminate irradiation or prevent the initiation of radiation.

(5) Each beam monitoring system shall have a legible display at the treatment control panel. For equipment manufactured after July 9, 1997, each display shall:

1. Maintain a reading until intentionally reset;

2. Have only one scale and no electrical or mechanical scale multiplying factors;

3. Utilize a design such that increasing dose is displayed by increasing numbers;

4. In the event of power failure, the beam monitoring information at the time of failure required in this paragraph is retrievable in at least one system for a 20-minute period of time.

f. Beam symmetry.

(1) Bent-beam linear accelerators with beam-flattening filter(s) subject to subrule 42.16(1) shall be provided with auxiliary device(s) to monitor beam symmetry;

(2) The device(s) referenced in paragraph 42.16(3)*"f"* shall be able to detect field asymmetry greater than 10 percent and shall be configured to terminate irradiation if field asymmetry cannot be maintained at 10 percent or less.

g. Selection and display of dose monitor units. The preselected number of dose monitor units shall be displayed at the treatment control panel until reset manually;

(1) After termination of irradiation, it shall be necessary to reset the dosimeter display before subsequent treatment can be initiated; and

(2) For equipment manufactured after July 9, 1997, after termination of irradiation, it shall be necessary for the operator to reset the preselected dose monitor units before irradiation can be initiated.

(3) Irradiation cannot be possible until a new selection of a number of dose monitor units has been made at the treatment control panel.

h. Air kerma rate/absorbed dose rate. For equipment manufactured after July 9, 1997, a system shall be provided from whose readings the air kerma rate or absorbed dose rate at a reference point can be calculated. (The radiation detectors specified in paragraph 42.16(3)*"e"* may form part of this system.) In addition:

(1) The dose monitor unit rate shall be displayed at the treatment control panel;

(2) If the equipment can deliver under any conditions an air kerma rate or absorbed dose rate at the nominal treatment distance more than twice the maximum value specified by the manufacturer, a device shall be provided that terminates irradiation when the air kerma rate or absorbed dose rate exceeds a value twice the specified maximum. The dose rate at which the irradiation will be terminated shall be a record maintained by the registrant;

(3) If the equipment can deliver under any fault condition(s) an air kerma rate or absorbed dose rate at the nominal treatment distance more than ten times the maximum value specified by the manufacturer, a device shall be provided to prevent the air kerma rate or absorbed dose rate anywhere in the radiation field from exceeding twice the specified maximum value and to terminate irradiation if the excess absorbed dose at the nominal treatment distance exceeds 400 rad (four Gy); and

(4) For each therapeutic radiation machine, the registrant shall determine, or obtain from the manufacturer, the maximum value(s) specified in paragraph 42.16(3)*"g"* for the specified operating conditions. Records of these maximum value(s) shall be maintained at the installation for inspection by the department.

i. Termination of irradiation by the beam monitoring system or systems during stationary beam radiation therapy. Each primary system shall terminate irradiation when the preselected number of dose monitor units has been detected by the system;

(1) If the original design of the equipment included a secondary dose monitoring system, that system shall be capable of terminating irradiation when not more than 15 percent or 40 dose monitor

units above the preselected number of dose monitor units set at the control panel have been detected by the secondary dose monitoring system;

(2) For equipment manufactured after July 9, 1997, an indicator on the control panel shall show which monitoring system has terminated irradiation.

j. Termination switches. It shall be possible to terminate irradiation and equipment movement or go from an interruption condition to termination condition at any time from the operator's position at the treatment control panel.

k. Interruption switches. If a therapeutic radiation machine has an interrupt mode, it shall be possible to interrupt irradiation and equipment movements at any time from the treatment control panel.

(1) Following an interruption, it shall be possible to restart irradiation by operator action without any reselection of operating conditions.

(2) If any change of a preselected value is made during an interruption, irradiation and equipment movements shall be automatically terminated.

l. Timer. A suitable irradiation control device shall be provided to terminate the irradiation after a preset time interval.

(1) A timer shall be provided that has a display at the treatment control panel. The timer shall have a preset time selector and an elapsed time indicator;

(2) The timer shall be a cumulative timer that activates with an indication of "BEAM-ON" and retains its reading after irradiation is interrupted or terminated. After irradiation is terminated and before irradiation can be reinitiated, it shall be necessary to reset the elapsed time indicator;

(3) The timer shall terminate irradiation when a preselected time has elapsed if the dose monitoring systems have not previously terminated irradiation.

m. Selection of radiation type. Equipment capable of both X-ray therapy and electron therapy shall meet the following additional requirements:

(1) Irradiation cannot be possible until a selection of radiation type (X-rays or electrons) has been made at the treatment control panel;

(2) The radiation type selected shall be displayed at the treatment control panel before and during irradiation;

(3) An interlock system shall be provided to ensure that the equipment can principally emit only the radiation type that has been selected;

(4) An interlock system shall be provided to prevent irradiation with X-rays, except to obtain a verification image, when electron applicators are fitted;

(5) An interlock system shall be provided to prevent irradiation with electrons when accessories specific for X-ray therapy are fitted; and

(6) An interlock system shall be provided to prevent irradiation if any selected operations carried out in the treatment room do not agree with the selected operations carried out at the treatment control panel.

n. Selection of energy. Equipment capable of generating radiation beams of different energies shall meet the following requirements:

(1) Irradiation cannot be possible until a selection of energy has been made at the treatment control panel;

(2) The nominal energy value selected shall be displayed at the treatment control panel until reset manually for the next irradiation. After termination of irradiation, it shall be necessary to reset the nominal energy value selected before subsequent treatment can be initiated;

(3) Irradiation cannot be possible until the appropriate flattening filter or scattering foil for the selected energy is in its proper location.

(4) For equipment manufactured after July 9, 1997, the selection of energy shall be in compliance with International Electrotechnical Commission (IEC) Document 60601-2-1 as amended to August 1, 2025.

o. Selection of stationary beam radiation therapy or moving beam radiation therapy. Therapeutic radiation machines capable of both stationary beam radiation therapy and moving beam radiation therapy shall meet the following requirements:

(1) Irradiation cannot be possible until a selection of stationary beam radiation therapy or moving beam radiation therapy has been made at the treatment control panel;

(2) The mode of operation shall be displayed at the treatment control panel;

(3) An interlock system shall be provided to ensure that the equipment can operate only in the mode that has been selected;

(4) An interlock system shall be provided to prevent irradiation if any selected parameter in the treatment room does not agree with the selected parameter at the treatment control panel;

(5) Moving beam radiation therapy shall be controlled to obtain the selected relationships between incremental dose monitor units and incremental movement. For equipment manufactured after July 9, 1997:

1. An interlock system shall be provided to terminate irradiation if the number of dose monitor units delivered in any ten degrees of rotation or one centimeter of linear motion differs by more than 20 percent from the selected value.

2. Where angle terminates the irradiation in moving beam radiation therapy, the dose monitor units delivered shall differ by less than 5 percent from the dose monitor unit value selected.

3. An interlock shall be provided to prevent motion of more than five degrees or one centimeter beyond the selected limits during moving beam radiation therapy.

4. An interlock shall be provided to require that a selection of direction be made at the treatment control panel in all units that are capable of both clockwise and counterclockwise moving beam radiation therapy.

5. Moving beam radiation therapy shall be controlled with both primary position sensors and secondary position sensors to obtain the selected relationships between incremental dose monitor units and incremental movement.

6. Where the beam monitoring system terminates the irradiation in moving beam radiation therapy, the termination of irradiation shall be as required by paragraph 42.16(3)*"i"*;

7. For equipment manufactured after July 9, 1997, an interlock system shall be provided to terminate irradiation if movement:

A. Occurs during stationary beam radiation therapy; or

B. Does not start or stop during moving beam radiation therapy unless such stoppage is a preplanned function.

p. Facility design requirements for therapeutic radiation machines operating above 500 kV. In addition to shielding adequate to meet requirements of rule 641—42.17(136C), the following design requirements are made.

(1) All protective barriers shall be fixed, except for access doors to the treatment room or movable beam interceptors.

(2) In addition to other requirements specified in 641—paragraph 40.4(19)*"c,"* the control panel shall also:

1. Be located outside the treatment room;

2. Provide an indication of whether electrical power is available at the control panel and whether activation of the radiation is possible;

3. Provide an indication of whether radiation is being produced;

4. Include an access control (locking) device that will prevent unauthorized use of the therapeutic radiation machine.

q. Viewing systems. Windows, mirrors, closed-circuit television, or an equivalent viewing system shall be provided to permit continuous observation of the patient following positioning and during irradiation and shall be so located that the operator may observe the patient from the treatment control panel. The therapeutic radiation machine cannot be used for patient irradiation unless at least one viewing system is operational.

r. Aural communications. Provision shall be made for continuous two-way aural communication between the patient and the operator at the control panel. The therapeutic radiation machine cannot be used for irradiation of patients unless continuous two-way aural communication is possible.

s. Room entrances. Treatment room entrances shall be provided with warning lights in a readily observable position near the outside of all access doors that will indicate when the useful beam is "ON" and when it is "OFF".

t. Entrance interlocks. Interlocks shall be provided such that all access controls are activated before treatment can be initiated or continued. If the radiation beam is interrupted by any access control, it cannot be possible to restore the machine to operation without resetting the access control and reinitiating irradiation by manual action at the control panel.

u. Beam interceptor interlocks. If the shielding material in any protective barrier requires the presence of a beam interceptor to ensure compliance with 641—paragraph 37.11(11)*"a,"* interlocks shall be provided to prevent the production of radiation, unless the beam interceptor is in place, whenever the useful beam is directed at the designated barrier(s).

v. Emergency cutoff switches. At least one emergency power cutoff switch shall be located in the radiation therapy room and shall terminate all equipment electrical power, including radiation and mechanical motion.

(1) This switch is in addition to the termination switch required by paragraph 42.16(3)*"j."*

(2) All emergency power cutoff switches shall include a manual reset so that the therapeutic radiation machine cannot be restarted from the unit's control console without resetting the emergency cutoff switch.

w. Safety interlocks. All safety interlocks shall be designed so that any defect or component failure in the safety interlock system prevents or terminates operation of the therapeutic radiation machine.

x. Surveys for residual radiation. Surveys for residual activity shall be conducted on all therapeutic radiation machines capable of generating photon and electron energies above ten MV prior to machining, removing, or working on therapeutic radiation machine components that may have become activated due to photoneutron production.

y. Possession of survey instrument(s). Each facility location authorized to use a therapeutic radiation machine in accordance with this rule shall have at its disposal appropriately calibrated portable monitoring equipment.

(1) As a minimum, such equipment shall include a portable radiation measurement survey instrument capable of measuring dose rates over the range one mrem (ten μSv) per hour to 1,000 mrem (ten mSv) per hour.

(2) The survey instrument(s) shall be operable and calibrated at intervals not to exceed 12 months for the radiation measured.

z. Radiation therapy physicist support.

(1) The services of a radiation therapy physicist shall be required in facilities having therapeutic radiation machines with energies of 500 kV and above. The radiation therapy physicist shall be responsible for:

1. Full calibration(s) required by subparagraph 42.16(3)*"bb"*(1) and protection surveys required by subrule 42.16(1).
2. Supervision and review of dosimetry.
3. Beam data acquisition and transfer for computerized dosimetry, and supervision of its use.
4. Quality assurance, including quality assurance check review required by paragraph 42.15(2)*"g."*
5. Consultation with the authorized user in treatment planning as needed.
6. Performing calculations/assessments regarding misadministrations.

(2) If the radiation therapy physicist is not a full-time employee of the registrant, the operating procedures required by paragraph 42.15(2)*"e"* shall also specifically address how the radiation

therapy physicist is to be contacted for problems or emergencies, as well as the specific actions, if any, to be taken until the radiation therapy physicist can be contacted.

aa. Operating procedures. No individual, other than the patient, shall be in the treatment room during treatment or during any irradiation for testing or calibration purposes.

(1) Therapeutic radiation machines cannot be made available for medical use unless the requirements of this chapter have been met;

(2) Therapeutic radiation machines, when not in operation, shall be secured to prevent unauthorized use;

(3) When adjustable beam-limiting devices are used, the position and shape of the radiation field shall be indicated by a light field;

(4) If a patient must be held in position during treatment, mechanical supporting or restraining devices shall be used;

(5) A copy of the current operating and emergency procedures shall be maintained at the therapeutic radiation machine control console.

bb. Acceptance testing, commissioning, and full calibration measurements. Acceptance testing, commissioning, and full calibration of a therapeutic radiation machine subject to rule this rule shall be performed by, or under the direct supervision of, a radiation therapy physicist.

(1) Acceptance testing and commissioning shall be performed in accordance with "AAPM Code of Practice for Radiotherapy Accelerators: AAPM Report No. 47," prepared by Radiation Therapy Task Group 45 as amended to August 1, 2025, and the manufacturer's contractual specifications and shall be conducted before the first medical use following installation or reinstallation of the therapeutic radiation machine;

(2) Full calibration shall include measurement of all parameters listed in Appendix A of 641—Chapter 41 and shall be performed in accordance with "AAPM Code of Practice for Radiotherapy Accelerators: AAPM Report No. 47" as amended to August 1, 2025, prepared by Radiation Therapy Task Group 45. Although it cannot be necessary to complete all elements of a full calibration at the same time, all parameters (for all energies) shall be completed at intervals not to exceed 12 calendar months, unless a more frequent interval is required by this department.

(3) The radiation therapy physicist shall perform all elements of a full calibration necessary to determine that all parameters are within acceptable limits at the following frequencies:

1. Whenever quality assurance check measurements indicate that the radiation output differs by more than 5 percent from the value obtained at the last full calibration and the difference cannot be reconciled. Therapeutic radiation machines with multienergy or multimode capabilities or both shall only require measurements for those modes or energies that are not within their acceptable range; and

2. Following any component replacement, major repair, or modification of components that could significantly affect the characteristics of the radiation beam. If the repair, replacement, or modification does not affect all modes or energies, measurements shall be performed on the affected mode/energy that is in most frequent clinical use at the facility. The remaining energies/modes may be validated with quality assurance check procedures against the criteria in paragraph 42.16(3)*"z."*

(4) The registrant shall use the dosimetry system described in paragraph 42.14(2)*"b"* to measure the radiation output for one set of exposure conditions.

(5) The registrant shall maintain a record of each calibration in an auditable form for the duration of the registration. The record shall include all of the following:

1. The date of the calibration;

2. The manufacturer's name, model number, and serial number for the therapeutic radiation machine;

3. The model numbers and serial numbers of the instruments used to calibrate the therapeutic radiation machine;

4. The signature of the radiation therapy physicist responsible for performing the calibration.

cc. Periodic quality assurance checks. Periodic quality assurance checks shall be performed on all therapeutic radiation machines subject to these rules at intervals as specified in Appendix A of this chapter.

(1) To satisfy the requirement of paragraph 42.14(2)*"g,"* quality assurance checks shall include determination of central axis radiation output and a representative sampling of periodic quality assurance checks contained in Appendix A. Representative sampling shall include all referenced periodic quality assurance checks at intervals not to exceed 12 consecutive calendar months.

(2) The registrant shall use a dosimetry system that has been intercompared within the previous 12 months with the dosimetry system to make the periodic quality assurance checks required in paragraph 42.14(2)*"g."*

(3) The registrant shall perform periodic quality assurance checks in accordance with procedures established by the radiation therapy physicist.

(4) The registrant shall review the results of each periodic radiation output check according to the following procedures:

1. The authorized user and radiation therapy physicist shall be immediately notified if any parameter is not within its acceptable tolerance. The therapeutic radiation machine cannot be made available for subsequent medical use until the radiation therapy physicist has determined that all parameters are within their acceptable tolerances;

2. If all quality assurance check parameters appear to be within their acceptable range, the quality assurance check shall be reviewed and signed by either the authorized user or radiation therapy physicist within three treatment days;

3. The radiation therapy physicist shall review and sign the results of each radiation output quality assurance check at intervals not to exceed one month.

(5) Therapeutic radiation machines subject to this rule shall have safety quality assurance checks of each external beam radiation therapy machine performed at intervals not to exceed one week or at longer intervals as recommended by the manufacturer.

(6) Safety quality assurance checks shall ensure proper operation of all of the following:

1. Electrical interlocks at each external beam radiation therapy room entrance;

2. Proper operation of the "BEAM-ON," interrupt and termination switches;

3. Beam condition indicator lights on the access doors, control console, and in the radiation therapy room;

4. Viewing systems;

5. Aural systems;

6. Electrically operated treatment room door(s) from inside and outside the treatment room;

7. At least one emergency power cutoff switch.

A. If more than one emergency power cutoff switch is installed and not all switches are tested at once, each switch shall be tested on a rotating basis.

B. Safety quality assurance checks of the emergency power cutoff switches may be conducted at the end of the treatment day in order to minimize possible stability problems with the therapeutic radiation machine.

(7) The registrant shall promptly repair any system that is not operating properly.

(8) The registrant shall maintain a record of each quality assurance check for three years. The record shall include all of the following:

1. The date of the quality assurance check;

2. The manufacturer's name, model number, and serial number for the therapeutic radiation machine;

3. The manufacturer's name, model number, and serial number of the instrument(s) used to measure the radiation output of the therapeutic radiation machine;

4. The signature of the individual who performed the periodic quality assurance check.

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641—42.17(136C) Shielding and safety design requirements.

42.17(1) Each therapeutic radiation machine subject to shall be provided with such primary or secondary barriers as are necessary to ensure compliance with rule 641—37.11(136C).

42.17(2) Facility design information for all new installations of a therapeutic radiation machine or installations of a therapeutic radiation machine of higher energy into a room not previously approved for that energy shall be submitted for department approval prior to actual installation of the therapeutic radiation machine. The minimum facility design information that must be submitted is contained in Appendix B of this chapter.

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641—42.18(136C) Calibration of survey instruments.

42.18(1) The registrant shall ensure that the survey instruments used to show compliance with rule 641—42.16(136C) have been calibrated before first use, at intervals not to exceed 12 months, and following repair.

42.18(2) To satisfy the requirements of this rule, the registrant shall:

a. Calibrate all required scale readings up to 1,000 mrem (ten mSv) per hour with an appropriate radiation source that is traceable to the NIST;

b. Calibrate at least two points on each scale to be calibrated. These points should be at approximately 1/3 and 2/3 of full scale;

c. Consider a point as calibrated if the indicated dose rate differs from the calculated dose rate by not more than 10 percent;

d. Consider a point as calibrated if the indicated dose rate differs from the calculated dose rate by not more than 20 percent if a correction factor or graph is conspicuously attached to the instrument.

42.18(3) The registrant shall retain a record of each calibration required in this rule for three years. The record shall include the following:

a. A description of the calibration procedure;

b. A description of the source used and the certified dose rates from the source, the rates indicated by the instrument being calibrated, the correction factors deduced from the calibration data, the signature of the individual who performed the calibration, and the date of calibration.

42.18(4) The registrant may obtain the services of individuals licensed by this department, the U.S. Nuclear Regulatory Commission, an agreement state, or a licensing state to perform calibrations of survey instruments. Records of calibrations that contain information required in this rule shall be maintained by the registrant.

[**ARC 0182D**, IAB 4/1/26, effective 7/1/26]

641—42.19(136C) Radiation safety requirements for the use of particle accelerators for nonhuman use.

1. This rule establishes procedures for the registration or licensing and the use of particle accelerators.

2. Unless specifically required otherwise, all registrants or licensees performing operations with a particle accelerator are subject to the requirements of 641—Chapters 38 through 40.

42.19(1) *Registration or license requirements.* No person shall receive, possess, use, transfer, own, or acquire a particle accelerator, except as authorized in a registration or license issued by the department and unless the following requirements are met:

a. Each accelerator shall be registered in accordance with the requirements of 641—subrule 37.8(2).

b. Accelerator facilities whose operations result in nuclear transformations that produce, or are likely to produce, radioactive material more than the exempt quantities and concentrations listed in Appendices D and E of 641—Chapter 39 are authorized by the issuance of a radioactive material license. Accelerator facilities that produce or are likely to produce radioactive material less than the exempt quantities and concentrations shall be authorized by registration.

c. For accelerator facilities required to be licensed, those operations that would require personnel monitoring due to the presence of radioactive material shall be performed only by a specific licensee. Such operations would normally include installation, testing and maintenance, and routine operations.

42.19(2) *General requirements for the issuance of a registration or license for particle accelerators.* Along with the requirements of this chapter, an application for use of a particle accelerator will be approved only if the department determines all of the following:

a. The applicant is qualified to use the accelerator in question for the purpose requested and in such a manner as to minimize danger to public health and safety or property;

b. The applicant's proposed or existing equipment, facilities, and operating and emergency procedures are adequate to protect health and minimize danger to public health and safety or property;

c. The issuance of the registration or license will not be detrimental to the health and safety of the public;

d. The applicant satisfies any applicable requirements set forth in this chapter;

e. The applicant has appointed a radiation safety officer responsible for the day-to-day operation of the radiation safety program;

f. The applicant and the applicant's staff have experience in the use of particle accelerators and training sufficient for application to its intended uses;

g. The applicant has an adequate training program for operators of particle accelerators.

42.19(3) *Personnel monitoring.* In addition to the requirements of 641—subrule 40.4(13), personnel monitoring shall be provided to and used by all individuals entering any area for which interlocks are required unless a survey of the area has determined that radiation levels are below that of a high radiation area and at least one of the following conditions is met:

a. Power to an accelerator cannot be activated; or

b. An accelerated beam cannot be directed to the area.

42.19(4) *Operations.*

a. No registrant shall permit any individual to act as an operator of a particle accelerator until all of the following conditions have been met:

(1) The individual has been instructed in radiation safety and has demonstrated an understanding of that instruction;

(2) The individual has received copies of, and instruction in, this rule, the applicable requirements of the pertinent registration, and the registrant's operating and emergency procedures and has demonstrated understanding of that instruction;

(3) The individual has demonstrated competence to use the particle accelerator, related equipment, and survey instruments that will be employed.

b. The radiation safety officer or radiation safety committee, if applicable, shall have the authority to terminate the operations at a particle accelerator facility if such action is deemed necessary to minimize danger to public health and safety or property.

c. Along with the audit required in 641—paragraph 37.11(2)*"c,"* each operator's performance during an actual accelerator operation shall be audited by the radiation safety officer or designee at intervals not to exceed six months.

(1) If an operator has not participated in an accelerator operation for more than six months since the last audit, the individual's performance shall be observed and recorded at the first opportunity the individual participates in an accelerator operation.

(2) Records of the audits shall be maintained by the registrant and made available for inspection by the department for three years from the date of the audit.

d. Operators of particle accelerators used for industrial radiography shall meet the requirements of subrule 42.19(2).

42.19(5) *Shielding and safety design requirements.* A department-qualified expert shall be consulted in the design of a particle accelerator installation and shall perform a radiation survey when the accelerator is first capable of producing radiation.

a. Each particle accelerator installation shall be provided with the primary and secondary barriers necessary to ensure compliance with 641—subrules 37.11(3) and 37.11(11).

b. In addition to the requirements of this chapter, shielded facilities or self-shielded particle accelerators shall meet all of the following requirements:

(1) Authorization, through issuance of a construction permit, shall be granted following review of the initial application, including the shielding design, physical plant and site specifications, and the applicant's proposed equipment, uses, and workloads;

(2) For a shielded facility, the applicant shall submit an evaluation of the shielding design completed by a qualified expert. For a self-shielded particle accelerator, submission of an evaluation of a shielding design is not required if an evaluation has been performed by an appropriate regulatory authority. In such cases, the applicant may reference that evaluation. A copy of any shielding design evaluation shall be maintained by the applicant and made available to the department upon request;

(3) Authorization for installation and testing of an accelerator shall be given only after a determination of adequacy of testing protocols, testing safety procedures, staff training, and radiation detection instrumentation has been made;

(4) Operational use of an accelerator shall be authorized only after the department determines that all criteria specified in subrule 42.19(2) have been met.

42.19(6) *Particle accelerator controls and interlock systems.* Instrumentation, readouts, and controls on the particle accelerator control console shall be clearly identified, easily discernible, and located outside the high radiation area.

a. Each entrance into a target area or other high radiation area shall be provided with two safety interlocks that shut down the machine when the barrier is breached.

b. Each safety interlock shall be on a circuit that allows it to operate independently of all other safety interlocks.

c. All safety interlocks shall be designed so that any defect or component failure in the safety interlock system prevents operation of the accelerator.

d. When a safety interlock system has been tripped, it shall only be possible to resume operation of the accelerator by manually resetting controls at the position where the safety interlock has been tripped and, subsequently, at the main control console.

e. A scram button or other emergency power cutoff switch shall be located and easily identifiable in all high radiation areas. Such a cutoff switch shall include a manual reset so that the accelerator cannot be restarted from the accelerator control console without resetting the cutoff switch.

42.19(7) *Warning devices.* Each location designated as a high radiation area, and each entrance to such location, shall be equipped with easily observable warning lights that operate only when radiation is being produced.

a. Each high radiation area shall have an audible warning device that shall be activated for 15 seconds prior to the possible creation of high radiation in the area. Such warning device shall be clearly discernible in all high radiation areas.

b. Barriers, temporary or otherwise, and pathways leading to high radiation areas shall be posted in accordance with 641—subrule 37.11(20).

42.19(8) *Operating and emergency procedures.*

a. Particle accelerators, when not in operation, shall be secured to prevent unauthorized use.

b. The safety interlock system shall not be used to turn off the accelerator beam, except in an emergency.

c. All safety and warning devices, including interlocks, shall be checked for proper operation at intervals not to exceed three months. Records of such tests shall be maintained at the accelerator facility and made available for inspection by the department for three years.

d. All incidents in which the interlock system fails to operate properly or where the operation is terminated by the interlock system shall be investigated and reported to the radiation safety officer or

the radiation safety committee, if applicable. Documentation shall be maintained and made available for inspection by the department for three years.

e. If, for any reason, it is necessary to intentionally bypass a safety interlock or interlocks, such action shall be:

(1) Authorized by the radiation safety officer and the radiation safety committee, if applicable;

(2) Recorded in a permanent log and a notice posted at the accelerator control console; and

(3) Terminated as soon as possible.

f. The registrant's operating and emergency procedures shall include all of the following:

(1) Operation and safety instructions on the accelerator(s) to be used;

(2) Methods for controlling access to restricted areas;

(3) Methods and occasions for locking and securing sources of radiation;

(4) Use of personnel monitoring equipment;

(5) The procedure for notifying proper personnel in the event of an accident;

(6) Maintenance of records;

(7) Inspections and maintenance of the accelerator;

(8) Steps to be taken in the case of an emergency.

g. A copy of the current operating and emergency procedures shall be maintained at the accelerator control panel.

42.19(9) *Radiation monitoring requirements.* A radiation protection survey shall be performed and documented by a qualified expert when changes have been made in shielding, operation, equipment, or occupancy of adjacent areas.

a. Accelerator facilities shall survey with a radiation detection instrument at intervals not to exceed every 12 months. Records of this survey shall be maintained and made available for inspection by the department for three years.

b. Accelerator facilities registered or licensed pursuant to this chapter shall survey for removable contamination at intervals not to exceed six months.

c. Each time removable shields on self-shielded particle accelerators are opened, a visual survey of the shielding must be performed to observe physical damage.

(1) In addition, when these shields are returned to the closed position, a physical radiation survey shall be conducted upon initial reactivating of the accelerator.

(2) Records of this survey shall be maintained and made available for inspection by the department review for three years.

d. Accelerator facilities registered or licensed pursuant to this chapter shall perform a survey with a radiation detection instrument and surveys for removable contamination before maintenance or servicing of its particle accelerator(s) or associated equipment located in the high radiation areas.

e. Radiation levels in all high radiation areas shall be continuously monitored. The monitoring devices shall be electrically independent of the accelerator control and safety interlock systems and capable of providing a readout at the control panel.

f. Upon installation, all area monitoring equipment shall be tested to ensure proper operation under operating conditions of the particle accelerator. All area monitors shall be calibrated at intervals not to exceed one year and after each servicing and repair.

g. Whenever applicable, accelerator facilities registered or licensed pursuant to this chapter shall perform surveys at intervals not to exceed six months to determine the amount of airborne particulate radioactivity present.

h. All surveys shall be made in accordance with the written procedures established by the radiation safety officer or a qualified expert.

i. Records of all radiation protection surveys, calibrations, and instrumentation tests shall be maintained at the accelerator facility for and made available for inspection by the department.

42.19(10) *Radiation safety officer (RSO).*

a. Each registrant shall appoint a radiation safety officer who meets the following requirements:

(1) Possesses a high school diploma or a certificate of high school equivalency based on the GED test;

(2) Documents at least two years of radiation protection experience.

b. The specific duties of the RSO include but are not limited to the following:

(1) Establishing, reviewing, and overseeing operating, emergency, and ALARA procedures to ensure that the procedures are current and are in compliance with these rules;

(2) Overseeing and approving all phases of the training program for accelerator operators to ensure appropriate and effective radiation protection practices are taught;

(3) Ensuring that required radiation surveys are performed and documented in accordance with these rules, including any corrective measures when levels of radiation exceed established limits;

(4) Ensuring that personnel monitoring devices are calibrated and used properly by occupationally exposed personnel, that records are kept of the monitoring results, and that timely notifications are made as required by rules 641—37.11(136C) and 641—37.14(136C);

(5) Ensuring that any required interlock switches and warning signals are functioning and that radiation signs, ropes, and barriers are properly posted and positioned;

(6) Investigating and reporting to the department each known or suspected case of radiation exposure to an individual or radiation level detected in excess of limits established by these rules; additionally, investigating and reporting each theft or loss of source(s) of radiation to determine the cause of such events and to take steps to prevent its recurrence;

(7) Ensuring that the licensee's radiation safety program is implemented in accordance with approved procedures, including adequate training and experience as required by this chapter.

(8) Assuming control and having the authority to institute corrective actions, including shutdown of operations when necessary, in emergency situations or unsafe conditions;

(9) Maintaining records as required by this chapter;

(10) Ensuring the proper storing, labeling, and use of the accelerator;

(11) Ensuring that proper inspection and maintenance programs are performed as required by this chapter;

(12) Ensuring that personnel are complying with these rules as well as the operating and emergency procedures.

[**ARC 0182D**, IAB 4/1/26, effective 7/1/26]

641—42.20(136C) Radiation safety requirements for analytical X-ray equipment. This rule provides special requirements for analytical X-ray equipment. The requirements of these rules are in addition to, and not in substitution for, 641—Chapters 37, 38, 39, and 40.

1. No person shall receive, possess, use, transfer, own, or acquire an analytical X-ray device except as authorized by a registration issued in accordance with rule 641—37.8(136C).

2. Each analytical X-ray device shall be registered in accordance with the requirements of 641—subrule 37.8(2).

42.20(1) *Equipment requirements.*

a. Safety device. A device that prevents the entry of any portion of an individual's body into the primary X-ray beam path or that causes the beam to be shut off upon entry into its path are required on all open-beam configurations. A registrant or licensee may apply to the department for an exemption from the requirement of a safety device. Such application shall include all of the following:

(1) A description of the various safety devices that have been evaluated;

(2) The reason each of these devices cannot be used;

(3) A description of the alternative methods that will be employed to minimize the possibility of an accidental exposure, including procedures to ensure that operators and others in the area will be informed of the absence of safety devices.

b. Warning devices.

(1) Open-beam configurations shall be provided with a readily discernible indication of the following:

1. X-ray tube "on-off" status located near the radiation source housing if the primary beam is controlled in this manner; or

2. Shutter "open-closed" status located near each port on the radiation source housing if the primary beam is controlled in this manner.

(2) An easily visible warning light labeled with the words "X-RAY ON" or words having a similar intent shall be located:

1. Near any switch that energizes an X-ray tube and shall be illuminated only when the tube is energized; or

2. In the case of a radioactive source, near any switch that opens a housing shutter and shall be illuminated only when the shutter is open.

(3) Warning devices shall be labeled so that their purpose is easily identified. On equipment installed after July 1, 2026, warning devices shall have fail-safe characteristics.

c. Ports. Unused ports on radiation source housings shall be secured in the closed position in a manner that will prevent casual opening.

d. Labeling. All analytical X-ray equipment shall be labeled with a readily discernible sign(s) bearing the radiation symbol and the words:

(1) "CAUTION—HIGH INTENSITY X-RAY BEAM" or words having a similar intent on the X-ray source housing; and

(2) "CAUTION—RADIATION—THIS EQUIPMENT PRODUCES RADIATION WHEN ENERGIZED" or words having a similar intent near any switch that energizes an X-ray tube if the radiation source is an X-ray tube; or

(3) "CAUTION—RADIOACTIVE MATERIAL" or words having a similar intent on the source housing if the radiation source is a radionuclide.

e. Shutters. On open-beam configurations, each port on the radiation source housing shall be equipped with a shutter that cannot be opened unless a collimator or a coupling has been connected to the port.

f. Radiation source housing. Each radiation source housing shall be subject to the following requirements:

(1) Each X-ray tube housing shall be equipped with an interlock that shuts off the tube if it is removed from the radiation source housing or if the housing is disassembled;

(2) Each radioactive source housing or port cover, or each X-ray tube housing, shall be constructed so that with all shutters closed the radiation measured at a distance of five centimeters from its surface is not capable of producing a dose in excess of 2.5 millirems (0.025 mSv) in one hour. For systems utilizing X- ray tubes, this limit shall be met at any specified tube rating.

g. Generator cabinet. Each X-ray generator shall be supplied with a protective cabinet that limits leakage radiation measured at a distance of five centimeters from its surface so that it is not capable of producing a dose in excess of 0.25 millirem (2.5 mSv) in one hour.

42.20(2) *Area requirements.*

a. Radiation levels. The local components of an analytical X-ray system shall be located and arranged, and shall include sufficient shielding or access control, so that no radiation levels exist in any area surrounding the local component group that could result in a dose to an individual present in excess of acceptable dose limits. For systems utilizing X-ray tubes, these levels shall be met at any specified tube rating.

b. Surveys. Radiation surveys of all analytical X-ray systems shall be performed at all of the following frequencies:

(1) Upon installation of the equipment and at least once every 12 months thereafter;

(2) Following any change in the initial arrangement, number, or type of local components in the system;

(3) Following any maintenance requiring the disassembly or removal of a local component in the system;

(4) During the performance of maintenance and alignment procedures if the procedures require the presence of a primary X-ray beam when any local component in the system is disassembled or removed;

(5) Any time a visual inspection of the local components in the system reveals an abnormal condition;

(6) Whenever personnel monitoring devices show a significant increase over the previous monitoring period or the readings are approaching the allowable limits.

c. Compliance. Radiation survey measurements may not be required if a registrant or licensee can demonstrate compliance to the satisfaction of the department.

d. Posting. Each area or room containing analytical X-ray equipment shall be conspicuously posted with a sign(s) bearing the radiation symbol and the words "CAUTION—X-RAY EQUIPMENT" or words having a similar intent.

42.20(3) *Operating requirements.*

a. Procedures. Normal operating procedures shall be written and available to all analytical X-ray equipment workers. No individual shall be permitted to operate analytical X-ray equipment in any manner other than that specified in the procedures unless that individual has obtained written approval of the radiation safety officer.

b. Bypassing. No individual shall bypass a safety device or interlock unless that individual has obtained the approval of the radiation safety officer. Such approval shall be for a specified period of time. When a safety device or interlock has been bypassed, a readily displayed sign bearing the words "SAFETY DEVICE NOT WORKING" or words having a similar intent shall be placed on the radiation source housing.

c. Repair or modification of X-ray tube systems. No operation involving removal of covers, shielding materials, or tube housings or modifications to shutters, collimators, or beam stops shall be performed without ascertaining that the tube is off and will remain off until safe conditions have been restored. The main switch, rather than interlocks, shall be used for routine shutdown in preparation for repairs.

d. Radioactive source replacement, testing, or repair. Radioactive source housings shall be opened for source replacement, leak testing, or other maintenance or repair procedures only by individuals authorized to specifically conduct such procedures under a license issued by the U.S. Nuclear Regulatory Commission, an agreement state, or a licensing state.

42.20(4) *Personnel requirements.*

a. Instruction. No individual shall be permitted to operate or maintain analytical X-ray equipment unless such individual has received instruction in, and demonstrated competence as to, all of the following:

(1) Identification of radiation hazards associated with the use of the equipment;

(2) Significance of the various radiation warnings, safety devices, and interlocks incorporated into the equipment or the reasons they have not been installed on certain pieces of equipment and the extra precautions required in such cases;

(3) Proper operating procedures for the equipment;

(4) Recognition of symptoms of an acute localized exposure;

(5) Proper procedures for reporting an actual or suspected exposure.

b. Personnel monitoring.

(1) Finger or wrist dosimetry devices shall be provided to, and used by, the following:

1. Analytical X-ray equipment workers using systems having an open-beam configuration and not equipped with a safety device; and

2. Personnel maintaining analytical X-ray equipment if the maintenance procedures require the presence of a primary X-ray beam when any local component in the analytical X-ray system is disassembled or removed.

(2) Reported dose values shall not be used for the purpose of determining compliance with 641—subrule 37.2(1) unless evaluated by a qualified expert.

[**ARC 0182D**, IAB 4/1/26, effective 7/1/26]

These rules are intended to implement Iowa Code chapter 136C.

CHAPTER 42—APPENDIX A

QA for Therapeutic Radiation Machines

Frequency	Procedure	Tolerance[a]
Daily	Dosimetry	
	X-ray output constancy	3%
	Electron output constancy[b]	3%
	Mechanical	
	Localizing lasers	2mm
	Distance indicator (ODI)	2mm
	Safety	
	Door interlocks	functional
	Audiovisual monitors	functional
Monthly	Dosimetry	
	X-ray output constancy[c]	2%
	Electron output constancy[c]	2%
	Backup monitor constancy	2%
	X-ray central axis dosimetry parameter (PDD, TAR) constancy	2%
	Electron central axis dosimetry parameter constancy (PDD)	2mm @ therapeutic depth
	X-ray beam flatness constancy	2%
	Electron beam flatness constancy	3%
	X-ray and electron symmetry	3%
	Safety Interlocks	
	Wedge, electron cone interlocks	functional
	Mechanical	
	Light/radiation field coincidence	2mm or 1% on a side[d]
	Gantry/collimator angle indicators	1 degree
	Wedge position	2mm (or 2% change in transmission factor)
	Tray position	2mm
	Applicator position	2mm
	Field size indicators	2mm
	Cross-hair centering	2mm diameter
	Treatment couch position indicators	2mm/1deg
	Latching of wedges, blocking tray	functional
	Jaw symmetry[e]	2mm
	Field Light intensity	functional
Annual	Dosimetry	
	X-ray/electron output calibration constancy	2%
	Field size dependence of X-ray output constancy	2%
	Output factor constancy for electron applicators	2%
	Central axis parameter constancy (PDD, TAR)	2%
	Off-axis factor constancy	2%
	Transmission factor constancy for all treatment accessories	2%
	Wedge transmission factor constancy[f]	2%
	Monitor chamber linearity	1%
	X-ray output constancy vs. gantry angle	2%
	Electron output constancy vs. gantry angle	2%

Frequency	Procedure	Tolerance[a]
	Off-axis factor constancy vs. gantry angle	2%
	Arc mode	Mfrs. specs.
	Safety Interlocks	
	Follow manufacturer's test procedures	functional
	Mechanical	
	Collimator rotation isocenter	2mm diameter
	Gantry rotation isocenter	2mm diameter
	Couch rotation isocenter	2mm diameter
	Coincidence of collimetry, gantry, couch axes with isocenter	2mm diameter
	Coincidence of radiation and mechanical isocenter	2mm diameter

[a] The tolerances listed in the tables should be interpreted to mean that if a parameter either: (1) exceeds the tabulated value (e.g., the measured isocenter under the gantry exceeds 2 mm diameter); or (2) that the change in the parameter exceeds the nominal value (e.g., the output changes by more than 2%), then an action is required. The distinction is emphasized by the use of the term constancy for the latter case. Moreover, for constancy, percent values ± the deviation of the parameter with respect to its nominal value; distances are referenced to the isocenter or nominal SSD.

[b] All electron energies need not be checked daily, but all electron energies are to be checked at least twice weekly.

[c] A constancy check with a field instrument using temperature pressure corrections.

[d] Whichever is greater. Should also be checked after change of light field source.

[e] Jaw symmetry is defined as the difference in distance of each jaw from the isocenter.

[f] Most wedges' transmission factors are field size and depth dependent.

CHAPTER 42—APPENDIX B

INFORMATION ON RADIATION REQUIRED FOR PLAN REVIEWS FOR THERAPY MACHINES

I. All therapeutic radiation machines.

A. Basic facility information including: name, telephone number and department registration number of the individual responsible for preparation of the shielding plan; name and telephone number of the facility supervisor; and the street address (including room number if applicable) of the external beam radiation therapy facility. The plan should also indicate whether this is a new structure or a modification to existing structure(s).

B. All wall, floor, and ceiling areas struck by the useful beam shall have primary barriers.

C. Secondary barriers shall be provided in all wall, floor, and ceiling areas not having primary barriers.

II. Therapeutic machines up to 150 kV (photons only).

In addition to the requirements listed in Section I above, therapeutic radiation machine facilities that produce only photons with a maximum energy less than or equal to 150 kV shall submit shielding plans that contain, as a minimum, the following additional information:

A. Equipment specifications, including the manufacturer and model number of the therapeutic radiation machine, as well as the maximum technique factors.

B. Maximum design workload for the facility including total weekly radiation output (expressed in gray (rad) or air kerma at one meter), total beam-on time per day or week, the average treatment time per patient, along with the anticipated number of patients to be treated per day or week.

C. A facility blueprint/drawing indicating: scale (0.25 inch = 1 foot is typical); direction of north; normal location of the therapeutic radiation machine's radiation port(s); the port's travel and traverse limits; general direction(s) of the useful beam; locations of any windows and doors; and the location of the therapeutic radiation machine control panel. If the control panel is located inside the external beam radiation therapy treatment room, the location of the operator's booth shall be noted on the plan and the operator's station at the control panel shall be behind a protective barrier sufficient to ensure compliance with 641—subrule 37.11(3).

D. The structural composition and thickness or lead/concrete equivalent of all walls, doors, partitions, floor, and ceiling of the room(s) concerned.

E. The type of occupancy of all adjacent areas inclusive of space above and below the room(s) concerned. If there is an exterior wall, show distance to the closest area(s) where it is likely that individuals may be present.

F. At least one example calculation that shows the methodology used to determine the amount of shielding required for each physical condition (i.e., primary and secondary leakage barriers, restricted and unrestricted areas, entry door(s)) and shielding material in the facility.

(1) If commercial software is used to generate shielding requirements, identify the software used and the version/revision date.

(2) If the software used to generate shielding requirements is not in the open literature, submit quality control sample calculations to verify the result obtained with the software.

III. Therapeutic radiation machines over 150 kV.

In addition to the requirements listed in Section I above, therapeutic radiation machine facilities that produce photons or electrons with a maximum energy in excess of 150 kV or electrons shall submit shielding plans that contain, as a minimum, the following additional information:

A. Equipment specifications including the manufacturer and model number of the therapeutic radiation machine, and gray (rad) at the isocenter and the energy(s) and type(s) of radiation produced (i.e., photon, electron). The target to isocenter distance shall be specified.

B. Maximum design workload for the facility including total weekly radiation output (expressed in gray (rad) at one meter), total beam-on time per day or week, the average treatment time per patient, along with the anticipated number of patients to be treated per day or week.

C. Facility blueprint/drawing (including both floor plan and elevation views) indicating relative orientation of the therapeutic radiation machine, scale (0.25 inch = 1 foot is typical), type(s), thickness and minimum density of shielding material(s), direction of north, the locations and size of all penetrations through each shielding barrier (ceiling, walls and floor), as well as details of the door(s) and maze.

D. The structural composition and thickness or concrete equivalent of all walls, doors, partitions, floor, and ceiling of the room(s) concerned.

E. The type of occupancy of all adjacent areas inclusive of space above and below the room(s) concerned. If there is an exterior wall, show distance to the closest area(s) where it is likely that individuals may be present.

F. Description of all assumptions that were in shielding calculations including but not limited to design energy (i.e., room may be designed for 6 MV unit although only a 4 MV unit is currently proposed), workload, presence of integral beam-stop in unit, occupancy and use(s) of adjacent areas, fraction of time that useful beam will intercept each permanent barrier (walls, floor and ceiling) and "allowed" radiation exposure in both restricted and unrestricted areas.

G. At least one example calculation that shows the methodology used to determine the amount of shielding required for each physical condition (i.e., primary and secondary leakage barriers, restricted and unrestricted areas, small angle scatter, entry door(s) and maze) and shielding material in the facility.

(1) If commercial software is used to generate shielding requirements, also identify the software used and the version/revision date.

(2) If the software used to generate shielding requirements is not in the open literature, submit quality control sample calculations to verify the result obtained with the software.

IV. Neutron shielding.

In addition to the requirements listed in Section III above, therapeutic radiation machine facilities that are capable of operating above 10 MV shall submit shielding plans that contain, as a minimum, the following additional information:

A. The structural composition, thickness, minimum density and location of all neutron shielding material.

B. Description of all assumptions that were used in neutron shielding calculations including but not limited to neutron spectra as a function of energy, neutron fluency rate, absorbed dose and dose equivalent (due to neutrons) in both restricted and unrestricted areas.

C. At least one example calculation that shows the methodology used to determine the amount of neutron shielding required for each physical condition (i.e., restricted and unrestricted areas, entry door(s) and maze) and neutron shielding material utilized in the facility.

(1) If commercial software is used to generate shielding requirements, also identify the software used and the version/revision date.

(2) If the software used to generate shielding requirements is not in the open literature, submit quality control sample calculations to verify the result obtained with the software.

D. The method(s) and instrumentation that will be used to verify the adequacy of all neutron shielding installed in the facility.

V. References.

A. NCRP Report 49, "Structural Shielding Design and Evaluation for Medical Use of X-Rays and Gamma Rays of Energies Up to 10 MeV" (1976).

B. NCRP Report 51, "Radiation Protection Design Guidelines for 0.1-100 MeV Particle Accelerator Facilities" (1977).

C. NCRP Report 79, "Neutron Contamination from Medical Electron Accelerator" (1984).

D. NCRP Report 144, "Radiation Protection for Particle Accelerator Facilities" (2003).

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◊ Two or more ARCs

1 Effective date of Ch 42 delayed 70 days by the Administrative Rules Review Committee. [IAC 6/23/82]
Effective date of Ch 42 delayed by the Administrative Rules Review Committee 45 days after convening of the next General Assembly pursuant to §17A.8(9). [IAB 9/29/82]

2 Subparagraph 42.1(4)*"b"*(4) is rescinded two years subsequent to the effective date of rule 470—42.1(136C).

CHAPTER 45
RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS, PARTICLE ACCELERATORS FOR NONHUMAN USE, ANALYTICAL X-RAY EQUIPMENT, AND WELL-LOGGING

[Prior to 8/5/92, see 641—41.4(136C)]

Rescinded **ARC 0183D**, IAB 4/1/26, effective 7/1/26

CHAPTER 46
MINIMUM REQUIREMENTS FOR TANNING FACILITIES

Transferred to 481—Chapter 496, IAC Supplement 4/2/25

CHAPTERS 47 to 49
Reserved

CHAPTER 50
ORAL HEALTH

Rescinded **ARC 9320C**, IAB 5/28/25, effective 8/1/25