

State of Iowa

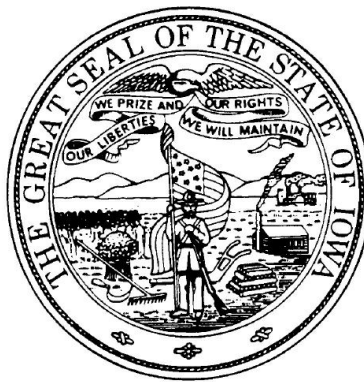
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The Iowa Administrative Code (IAC) Supplement is published biweekly pursuant to Iowa Code sections 2B.5A and 17A.6. The Supplement is a compilation of updated Iowa Administrative Code chapters that reflect rule changes which have been adopted by agencies 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(7); 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; 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

Human Services Department[441]

- Replace Analysis
- Replace Chapter 103
- Replace Chapter 107
- Replace Chapter 152
- Replace Chapter 158
- Replace Chapter 172

Inspections, Appeals, and Licensing Department[481]

- Replace Analysis
- Replace Chapter 1

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

CHAPTERS 2 to 7

Reserved

CHAPTER 8

PAYMENT OF SMALL CLAIMS

- 8.1(217) Authorization to reimburse

CHAPTERS 9 and 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)	Grievances
31.4(229A)	Photographing and recording patients
31.5(229A)	Public media
31.6(229A)	Communication with patients
31.7(229A)	Building and grounds
31.8(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(217,42USC144)	Administering agency
38.2(217,42USC144)	Definitions
38.3(217,42USC144)	Program eligibility
38.4(217,42USC144)	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
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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

CHAPTER 58 COMMUNITY SERVICES BLOCK GRANT (CSBG)

58.1(216A,PL97-35)	Definitions
58.2(216A,PL97-35)	Purposes
58.3(216A,PL97-35)	Uses of funds
58.4(216A,PL97-35)	Apportionment distribution
58.5(216A,PL97-35)	Eligibility requirements
58.6(216A,PL97-35)	Community action plan
58.7(216A,PL97-35)	Review and acceptance of community action plans
58.8(216A,PL97-35)	Ineligible items
58.9(216A)	Audits and records
58.10(216A,PL97-35)	Designating eligible entities for unserved areas
58.11(216A,PL97-35)	Termination and reduction of funding
58.12(216A,PL97-35)	Client grievance and appeal process
58.13(216A,PL97-35)	Further criteria

CHAPTER 59 LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

59.1(216A,PL97-35,PL98-558)	Definitions
59.2(216A,PL97-35,PL98-558)	Household eligibility
59.3(216A,PL97-35,PL98-558)	LAAs
59.4(216A,PL97-35,PL98-558)	Application period
59.5(216A,PL97-35,PL98-558)	Payments
59.6(216A,PL97-35,PL98-558)	Change in status
59.7(216A,PL97-35,PL98-558)	Vendor agreement

59.8(216A,PL97-35,PL98-558)	Crisis assistance
59.9(216A,PL97-35,PL98-558)	Assurance 16 activities
59.10(216A,PL97-35,PL98-558)	Grievances and appeals
59.11(216A,PL97-35,PL98-558)	Further criteria

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

CHAPTER 63 WEATHERIZATION

63.1(216A,PL94-385,PL98-558)	Eligible households
63.2(216A,PL94-385,PL98-558)	Local administering agencies (LAAs)
63.3(216A,PL94-385,PL98-558)	Application period
63.4(216A,PL94-385,PL98-558)	Payments
63.5(216A,PL94-385,PL98-558)	Grievances and appeals
63.6(216A,PL94-385,PL98-558)	Further criteria

CHAPTER 64 INDIVIDUAL DEVELOPMENT ACCOUNT (IDA)

64.1(541A)	Definitions
64.2(541A)	Establishment of individual development accounts
64.3(541A)	Eligibility, state match payments, and state tax provisions
64.4(541A)	Requests for proposals—operation of IDAs
64.5(541A)	Authorized withdrawals of principal and income
64.6(541A)	Notice of nonapproved withdrawals and closure of the account
64.7(541A)	Transfers of assets of an IDA

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 (LOC) assessment
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)	Pharmacists
77.4(249A)	Hospitals
77.5(249A)	Dentists
77.6(249A)	Podiatrists
77.7(249A)	Optometrists
77.8(249A)	Opticians
77.9(249A)	Chiropractors
77.10(249A)	Home health agencies
77.11(249A)	Medical equipment and appliances, prosthetic devices and medical supplies
77.12(249A)	Ambulance service
77.13(249A)	Behavioral health intervention
77.14(249A)	Hearing aid dispensers
77.15(249A)	Audiologists
77.16(249A)	Community mental health centers
77.17(249A)	Screening centers
77.18(249A)	Physical therapists
77.19(249A)	Orthopedic shoe dealers and repair shops
77.20(249A)	Rehabilitation agencies
77.21(249A)	Independent laboratories
77.22(249A)	Rural health clinics
77.23(249A)	Psychologists
77.24(249A)	Maternal health centers
77.25(249A)	Ambulatory surgical centers
77.26(249A)	Federally qualified health centers
77.27(249A)	Advanced registered nurse practitioners
77.28(249A)	Speech-language pathologists
77.29(249A)	Physician associates
77.30(249A)	HCBS habilitation services
77.31(249A)	Behavioral health services
77.32(249A)	Birth centers
77.33(249A)	Area education agencies
77.34(249A)	Case management provider organizations
77.35(249A)	HCBS health and disability waiver service providers
77.36(249A)	Occupational therapists
77.37(249A)	Hospice providers
77.38(249A)	HCBS elderly waiver service providers
77.39(249A)	HCBS AIDS/HIV waiver service providers
77.40(249A)	HCBS intellectual disability waiver service providers

77.41(249A)	Assertive community treatment
77.42(249A)	HCBS brain injury (BI) waiver service providers
77.43(249A)	HCBS physical disability waiver service providers
77.44(249A)	Public health agencies
77.45(249A)	Infant and toddler program providers
77.46(249A)	Local education agency (LEA) services providers
77.47(249A)	Indian health facilities
77.48(249A)	HCBS children's mental health waiver service providers
77.49(249A)	Ordering and referring providers
77.50(249A)	Child care medical services
77.51(249A)	Community-based neurobehavioral rehabilitation services
77.52(249A)	Qualified Medicare beneficiary (QMB) providers
77.53(249A)	Health insurance premium payment (HIPP) providers
77.54(249A)	Crisis response services
77.55(249A)	Subacute mental health services

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)	Dental services
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)	ARNPs
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)	Speech-language pathology services
78.54(249A)	Services rendered via telehealth
78.55(249A)	Community-based neurobehavioral rehabilitation services
78.56(249A)	Child care medical services
78.57(249A)	Qualified Medicare beneficiary (QMB) provider services
78.58(249A)	Health insurance premium payment (HIPPP) provider services
78.59(249A)	Crisis response services
78.60(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)	Medicaid advisory council
79.8(249A)	Beneficiary advisory council
79.9(249A)	Requests for prior authorization
79.10(249A)	General provisions for Medicaid coverage applicable to all Medicaid providers and services
79.11(249A)	Requests for preadmission review
79.12(249A)	Requests for preprocedure surgical review
79.13(249A)	Advance directives
79.14(249A)	Requirements for enrolled Medicaid providers supplying laboratory services
79.15(249A)	Provider enrollment
79.16(249A)	Education about false claims recovery
79.17(249A)	Requirements for prescribing controlled substances

CHAPTER 80

PROCEDURE AND METHOD OF PAYMENT

80.1(249A)	Submission of claims
80.2(249A)	Payment from other sources
80.3(249A)	Time limit for submission of claims and claim adjustments
80.4(249A)	Authorization process
80.5(249A)	Payment to provider—exception
80.6(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(249A)	Rent subsidy program
83.71 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

FEE-FOR-SERVICE CASE MANAGEMENT

90.1(249A)	Definitions
90.2(249A)	Targeted case management
90.3(249A)	Termination of TCM 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

CHILDREN'S INSTITUTIONS

TITLE XI

CHAPTER 103

STATE TRAINING SCHOOL

103.1(218)	Definitions
103.2(218)	Admission
103.3(218)	Plan of care
103.4(218)	Communication with students
103.5(218)	Photographing and recording of students
103.6(218)	Employment of students
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(68B,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(600,234)	Definitions
107.2(600,234)	Application
107.3(600,234)	Requirements for certification
107.4(600,234)	Granting, denial, or revocation of certification
107.5(600,234)	Certificate
107.6(600,234)	Renewal of certification
107.7(600,234)	Investigative services
107.8(600,234)	International adoptions postplacement report
107.9(600,234)	Retention of adoption records
107.10(600,234)	Reporting of violations
107.11(600,234)	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

CERTIFICATE OF NEED PROGRAM

CHAPTER 123

CERTIFICATE OF NEED PROGRAM

- 123.1(135) Definitions
- 123.2(135) Letter of intent
- 123.3(135) Determination of reviewability
- 123.4(135) Submission of application
- 123.5(135) Organizational procedures
- 123.6(135) Summary review
- 123.7(135) Extension of review time
- 123.8(135) Rehearing of certificate of need decision
- 123.9(135) Finality
- 123.10(135) Request for extension of certificate
- 123.11(135) Application changes after approval
- 123.12(135) Sanctions

CHAPTER 124

STANDARDS FOR CERTIFICATE OF NEED REVIEW

- 124.1(135) Cardiac catheterization and cardiovascular surgery standards
- 124.2(135) Radiation therapy standards
- 124.3(135) Computerized tomography standards
- 124.4(135) Long-term care
- 124.5(135) MRI services standards
- 124.6(135) PET services standards

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

CHAPTERS 131 and 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(232)	Article III(a) procedures
142.4(232)	Article III(c)
142.5(232)	Article V(c)
142.6(232)	Article VIII(a)
142.7(232)	Applicability
142.8(232)	NEICE database

CHAPTER 143

INTERSTATE COMPACT FOR 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)	Definitions
158.2(237)	Payments from the foster home insurance fund
158.3(237)	Payment limits
158.4(237)	Claim procedures

CHAPTERS 159 to 163

Reserved

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)	Family-centered services
172.3(234)	Authorization
172.4(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
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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) Definitions
 177.2(249) Eligibility and application
 177.3(249) Qualifications of providers of health care services
 177.4(249) Physician's certification
 177.5(249A) Department duties
 177.6(249) Supervising practitioner duties
 177.7(249) Written agreements
 177.8(249) Payment
 177.9(249) Termination conditions

CHAPTERS 178 to 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

BEHAVIORAL HEALTH SERVICES

CHAPTER 300

DEFINITIONS

300.1(225A)	Definitions
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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

CHAPTERS 311 to 2503
Reserved

CHAPTER 2504
RULE WAIVERS

2504.3(17A) Evaluation

CHAPTER 2505
FAIR INFORMATION PRACTICES

2505.1(17A,22) Definitions
 2505.5(17A,22) Requests for treatment of a record as a confidential record and its withholding from examination
 2505.7(17A,22) Consent to disclosure by the subject of a confidential record
 2505.9(22,252G) Personally identifiable information

CHAPTER 2506
CONTESTED CASES

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
 2506.10(17A) Consolidation—severance
 2506.11(17A) Pleadings
 2506.12(17A) Electronic service and filing of pleadings and other papers
 2506.18(17A) Withdrawals
 2506.20(17A) Hearing procedures
 2506.27(17A) Appeals and review
 2506.32(17A) Timelines for contested case hearings
 2506.33(17A) Medical assistance expedited review
 2506.34(17A) SNAP administrative disqualification hearings
 2506.35(17A) Continuation and reinstatement of benefits

CHILDREN'S INSTITUTIONS

TITLE XI

CHAPTER 103

STATE TRAINING SCHOOL

[Prior to 7/1/83, Social Services[770] Ch 103]

[Prior to 2/11/87, Human Services[498]]

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/1/31

441—103.1(218) Definitions.

“Child” means a person under the age of 18 years.

“Contraband” means weapons; ammunition; tobacco; alcohol; drugs; money; altered authorized property; mood-altering plant material; obscene material as defined in Iowa Code section 728.1(5); explosives; material that can be used in the manufacture of explosives; or material advocating disruption of or injury to students, employees, programs, or physical facilities. “Contraband” includes anything that is illegal to possess under federal or state law and materials that are used in the production of drugs or alcohol or used in conjunction with the taking of illicit drugs. “Contraband” also includes anything determined to be banned from individual possession by published facility rules.

“Division director” means the administrator of the division of state-operated specialty care within the department.

“Facility” means the state training school.

“Family” means spouse, child, parent, sibling, or grandparent.

“Gift or bequest” means anything of value that a facility receives that is intended for use directly by the employees of the facility. Items intended for public distribution, such as clothes or furniture, do not constitute a gift to the facility.

“Grievance” means a written or oral complaint by or on behalf of a student that involves:

1. A rights violation or unfairness to the student, or
2. Any aspect of the student’s life with which the student does not agree.

“Iowa sex offender registry” means a central registry of sex offenders established under Iowa Code chapter 692A that is maintained by the department of public safety.

“Juvenile court officer” means the same as defined in Iowa Code section 232.2(35).

“Juvenile offender” means a juvenile who is required to be registered with the Iowa sex offender registry and with the sheriff of the juvenile’s county of residence.

“Legal representative” means a person, including an attorney, who is authorized by law to act on behalf of a student.

“Money” means all forms of currency, checks, money orders, stocks, bonds, and any other item that can be used as a medium of exchange for payment for goods or services.

“Parent” means a natural or adoptive mother or father of a child but does not include a mother or father whose parental rights have been terminated.

“Registration” means the submission of registration forms to the Iowa sex offender registry and to the sheriff of the person’s county of residence.

“Rights” means the human, civil, and constitutional liberties an individual possesses through federal and state constitutions and laws.

“State training school” means the same as defined in Iowa Code section 233A.1(3).

“Student,” as used in this chapter, means any child who is committed to the director and is admitted to and receives services from the state training school. The terms “resident,” “juvenile,” and “youth” are synonymous with the term “student.” For purposes of the state training school, the term also includes a person whose stay is extended beyond the age of 18 under the provisions of Iowa Code section 232.53(2) and 232.53(4).

“Superintendent” means the same as defined in Iowa Code section 233A.1(3).

“Tobacco” means all forms of tobacco.

“*Weapon*” means any gun, knife, tool, object, or chemical that can be used to inflict harm on oneself or another.

This rule is intended to implement Iowa Code section 218.4.

[ARC 0668D, IAB 10/14/26, effective 12/1/26]

441—103.2(218) Admission.

103.2(1) *Population guidelines.* The facility population level will be based on the population guidelines that the judicial branch, in consultation with the department, develops on the number of students who may be placed at a juvenile facility at any one time. Pursuant to those guidelines and the responsibility of the superintendent for admission of students, the superintendent and the chief juvenile court officers will allocate to each judicial district the number of children from each district who may be placed in the facility for diagnosis and evaluation and for treatment.

103.2(2) *Acceptance of child.* A certified copy of the court order that complies with Iowa Code chapter 232 shall accompany the child to the facility, along with the relevant petitions.

a. A child will be accepted for evaluation as specified in the court order only when a diagnostic bed is available.

b. A child will be accepted into the regular program as specified in the court order only when a treatment bed is available.

c. A child adjudicated as a child in need of assistance shall not be admitted to the state training school, except:

(1) For diagnosis and evaluation and then only when a current petition is on file that alleges the child to have committed a delinquent act, or

(2) When the child is also adjudicated delinquent and meets admission criteria for the state training school as a delinquent.

d. The superintendent or chief juvenile court officer shall notify the court when the appropriate space, service, or program is not available so that admission can be ordered when the facility can meet the child's needs.

103.2(3) *Time of admission.* When a child is to be admitted to the facility, arrangements will be agreed to by the facility for the date and time of the actual admission.

This rule is intended to implement Iowa Code section 218.4.

[ARC 0668D, IAB 10/14/26, effective 12/1/26]

441—103.3(218) Plan of care.

103.3(1) *Individual care plan conference.* The facility will schedule an individual care plan conference and provide prior notice to:

a. The student;

b. The student's parents or guardians;

c. The student's legal representative;

d. The student's juvenile court officer; and

e. The court.

103.3(2) *Prerelease conference.* A prerelease conference will be held 30 days before any anticipated release of a student from the regular program. The focus of the conference will be to help the student plan for a successful transition into the community by leveraging local community services. The facility will provide written notice of the time, date, and purpose of the conference to:

a. The student;

b. The student's parents or guardians;

c. The student's legal representative;

d. The student's juvenile court officer; and

e. The court.

This rule is intended to implement Iowa Code section 218.4.

[ARC 0668D, IAB 10/14/26, effective 12/1/26]

441—103.4(218) Communication with students.

103.4(1) *Incoming telephone calls.* The superintendent or superintendent's designee must approve all incoming telephone calls for a student before the conversation occurs. An authorized employee will verify the identity of the caller before approval is given. Approved telephone calls will not be monitored.

103.4(2) *Mail and packages.*

a. The facility will maintain policies and procedures for outgoing or incoming letters and packages, including the facility's ability to search for and seize contraband by:

(1) Opening, but not reading, incoming and outgoing letters and packages in the presence of the student to whom the letters and packages belong; or

(2) Requiring that the student open the letters and packages in an employee's presence and disclose the contents.

b. Letters or packages found to contain contraband will be confiscated. Both the sender and the intended receiver of the confiscated letters and packages will be notified and given reasons for the action.

c. The superintendent or superintendent's designee may terminate correspondence between a student and another person when the student's treatment team has determined that the correspondence is not in the student's best interest and is detrimental to the student's treatment plan. Termination will be based on the circumstances of each case.

(1) The superintendent or superintendent's designee will provide justification to terminate the correspondence in a written notice to the correspondents.

(2) Correspondents may file a grievance concerning the termination.

103.4(3) *Visits.* The facility will maintain policies and procedures to allow for reasonable visitation. Visits by a student's family or legal representative will be encouraged. Flexibility in the hours and days of visitation will be considered as necessary.

a. Applicability. Other than a family member or legal representative, a person who wants to visit a student shall obtain prior approval from the student's juvenile court officer and the superintendent or superintendent's designee before visiting. Visitation rights will be denied to:

(1) A former facility resident unless the former resident is a family member or has prior approval of the superintendent or superintendent's designee;

(2) A parent whose parental rights have been terminated or limited by court order;

(3) A person who is restricted by court order from contact with the student;

(4) A visitor who refuses to cooperate with the rules of the facility;

(5) A visitor who creates a disturbance or is hostile to the point of being disruptive;

(6) A visitor who passes or attempts to pass contraband to a student or who aids in an escape or attempted escape;

(7) A visitor who is under the influence of or has been partaking of drugs or alcoholic beverages; and

(8) Any other person who, based on reasonable cause, is believed to pose a risk to the student's treatment or to the safety or security of the facility.

b. Limitations.

(1) A student shall not be permitted to visit with the family of another student unless the student's juvenile court officer and the superintendent or superintendent's designee have given prior approval. A student shall have written authorization of the student's juvenile court officer and the superintendent or superintendent's designee before accompanying the parents of another student off grounds on a visit.

(2) The superintendent reserves the right to limit or terminate visiting in all cases when doing so is in the best interests of the student's personal and therapeutic needs. When limitation or termination of visiting rights occurs, the superintendent or superintendent's designee will:

1. Immediately notify persons involved why the action was taken; and

2. Document the action in the student's file.

103.4(4) *Attorney contacts.* A student's attorney shall have the right to visit or have telephone contact with the student at any reasonable time.

a. A student shall have the right to contact the student's attorney during normal business hours and at other times with prior approval of the attorney. Responsibility for payment for the cost of the contact shall be determined before the contact is made.

b. A student who does not have an attorney will be referred to the committing court for an attorney to be appointed.

103.4(5) Interviews and statements.

a. Request. Requests to interview a student made by media (newspapers, television stations, radio stations, etc.), groups, or persons not related to the student shall be made through the superintendent's office.

(1) The superintendent or superintendent's designee will inform the student of the request and of the student's right to agree to participate in the interview or to remain silent and not participate.

(2) If an interview may have an impact on the student's legal status, the superintendent or superintendent's designee will contact the student's attorney to determine if the attorney has any objection to the student's participation.

b. Decision. When a student agrees to participate, the interview will be granted at the discretion of the superintendent. The superintendent may deny an interview in situations deemed detrimental to the student. The person requesting the interview may appeal the superintendent's decision to the division director or division director's designee.

c. Procedure.

(1) Whenever an interview is granted, at least one facility employee will be present for the entirety of the interview and will have the authority to terminate the interview anytime the employee believes the best interests of the student are not being served. Exceptions to this requirement will be made when the student's interview is with the student's own attorney or with state officials acting in an official capacity.

(2) The student shall be represented by legal counsel during any interview that is conducted to obtain information that will be or may be used in court.

d. Depositions. The superintendent may grant permission for written depositions according to the procedures for granting interviews. Voice recording of depositions will not be permitted. One copy of the deposition shall be submitted to the superintendent. This rule shall in no way restrict depositions ordered by the court.

This rule is intended to implement Iowa Code section 218.4.

[ARC 0668D, IAB 10/14/26, effective 12/1/26]

441—103.5(218) Photographing and recording of students. A student's parent or legal representative may take photographs or make audio or video recordings of that student but shall not be authorized to take photographs or make recordings of any other student.

103.5(1) With the authorization of the superintendent or superintendent's designee, a student may take a photograph of another student with that student's consent.

103.5(2) Use of still or video cameras or voice recorders to photograph or record a student by anyone other than the student, parent, legal representative, or authorized employee will be allowed only with the prior authorization of the superintendent or superintendent's designee.

a. When granted, authorization to photograph or record will be for one specific use and will not extend to any other use.

b. Photographs and voice or video recordings of a student for public distribution will be permitted only with a signed informed consent from the superintendent and the individual's parent or legal representative.

c. The facility will maintain and implement policies and procedures for authorizing or denying photographing or recording of students. A person authorized to take photographs or recordings of a student shall make every effort to preserve the inherent dignity of the student and to preclude exploitation or embarrassment of the student or the family of the student.

This rule is intended to implement Iowa Code section 218.4.

[ARC 0668D, IAB 10/14/26, effective 12/1/26]

441—103.6(218) Employment of students. The facility will maintain and implement policies and procedures for the employment of students to help ensure the employer's compliance with all applicable state and federal laws. Employers that want to hire a student must obtain approval from the superintendent or superintendent's designee. The employer, the superintendent or superintendent's designee, or the student shall have the right to terminate the employment at any time.

This rule is intended to implement Iowa Code section 218.4.

[ARC 0668D, IAB 10/14/26, effective 12/1/26]

441—103.7(218) Temporary home visits.

103.7(1) The facility will maintain and implement policies and procedures for the granting or denial of temporary home visits.

103.7(2) The superintendent or superintendent's designee and the student's juvenile court officer shall approve a temporary home visit before the visit is scheduled and only after the juvenile court officer has investigated and approved in writing the temporary home visit placement.

This rule is intended to implement Iowa Code section 218.4.

[ARC 0668D, IAB 10/14/26, effective 12/1/26]

441—103.8(218) Grievances. Any student who believes the student's rights have been violated by the facility or who has a complaint concerning the student's treatment at the facility may file a grievance. The student's parent, guardian, family, or legal representative may file a grievance on behalf of the student by submitting the grievance in writing to the superintendent. If the grievance directly concerns the superintendent, the grievance will be reviewed by the division director or the division director's designee. At any time during the grievance process, students retain their right to contact their attorney, juvenile court officer, the Iowa office of ombudsman, the division director or the division director's designee, regardless of the outcome determined by the facility or the superintendent.

This rule is intended to implement Iowa Code section 218.4.

[ARC 0668D, IAB 10/14/26, effective 12/1/26]

441—103.9(692A) Sex offender registration. A student who has been determined to be a sex offender as defined in Iowa Code section 692A.101(26) must register as a sex offender before release from the facility unless the juvenile court finds that the student is exempted from this requirement.

103.9(1) Notification. When a student who is a juvenile offender has not previously registered, the superintendent or superintendent's designee will provide the student with Form DCI-144, Notification of Registration Requirement, as required by the department of public safety in 661—subrule 83.3(1). Failure to provide a juvenile offender with the notification form does not relieve the juvenile offender of the duty to register with the Iowa sex offender registry.

103.9(2) Exemption from registration. To exempt a juvenile offender from registration, the language in the order of adjudication or disposition must clearly state that the juvenile offender is exempted from the registration requirement. If a court order is silent, the registration requirement applies.

a. If the order language does not clearly state that the juvenile offender is exempted from the registration process, then the responsibility rests with the juvenile offender to seek a clarifying order to be exempt from the registration process. A juvenile offender who seeks an exemption from the registration requirement has the obligation to prove that the juvenile offender deserves the exemption.

b. When the judicial decision is deferred, registration shall be assumed to be required until the court orders otherwise. If the court order defers the decision to grant an exemption from registration until the juvenile offender's treatment is completed, the language in the order should specify who tracks the case until the new court order is issued. If it is not clear who tracks the case, the juvenile offender is responsible to seek a clarifying order to be exempt from the registration process.

103.9(3) Registration. The superintendent or superintendent's designee will provide the juvenile offender with Form DCI-145, Sex Offender Registration, as required by the department of public safety in 661—subrule 83.3(2).

a. When the juvenile offender is released from the facility, the superintendent or superintendent's designee will submit the registration form to the division of criminal investigation of the department of public safety unless, by the time of release, the juvenile court finds that the juvenile should not be required to register as allowed by Iowa Code chapter 692A.

b. Copies of the sex offender registration will be maintained in the juvenile offender's file at the facility.

This rule is intended to implement Iowa Code section 692A.109.

[ARC 0668D, IAB 10/14/26, effective 12/1/26]

441—103.10(218) Alleged child abuse. The department will arrange for the investigation of any reported case of alleged child abuse. For cases in which the alleged perpetrator is a facility employee, contractor, or volunteer, or some other department employee, the investigation shall be conducted by an agency other than the department.

This rule is intended to implement Iowa Code section 218.4.

[ARC 0668D, IAB 10/14/26, effective 12/1/26]

441—103.11(233A) Cost of care. The facility will seek to recover a portion of the cost of care pursuant to Iowa Code section 233A.17. In determining the amount to be recovered:

103.11(1) The student will be allowed to retain a personal allowance equal to the personal allowance amount established by the Social Security Administration for the Supplemental Security Income program.

103.11(2) The amount recovered shall not exceed the actual cost of care.

103.11(3) The cost of care will be determined using the average per diem multiplied by the total days of care.

103.11(4) The superintendent may grant a one-time exception to recovery of up to \$1,000 for a personal needs living expense if a student is being discharged and has no viable means of support upon release.

This rule is intended to implement Iowa Code section 233A.17.

[ARC 0668D, IAB 10/14/26, effective 12/1/26]

441—103.12(218) Buildings and grounds.

103.12(1) Tours. Tours of the facility will be subject to the prior approval of the superintendent or superintendent's designee.

103.12(2) Public use. Facility space is for the primary use of the facility. All public use of facility space shall require prior approval of the superintendent or superintendent's designee. Approval for use will be based on the order of requests received and on space availability after the programmatic and security needs of the facility are met.

This rule is intended to implement Iowa Code section 218.4.

[ARC 0668D, IAB 10/14/26, effective 12/1/26]

441—103.13(68B,218) Gifts and bequests. Gifts or bequests of money, clothing, books, games, recreational equipment or other items shall be made directly to the superintendent.

103.13(1) The superintendent or superintendent's designee will evaluate the gift or bequest in terms of the nature of the contribution to the facility program.

103.13(2) The superintendent will be responsible for accepting the gift or bequest and reporting it to the division director.

a. All monetary gifts or bequests will be acknowledged in writing to the donor.

b. All gifts or bequests with a value of \$50 or more shall be reported to the Iowa ethics and campaign disclosure board pursuant to Iowa Code section 68B.22A.

This rule is intended to implement Iowa Code sections 68B.22A and 218.4.

[ARC 0668D, IAB 10/14/26, effective 12/1/26]

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CHAPTER 107
CERTIFICATION OF ADOPTION INVESTIGATORS
[Prior to 2/11/87, Human Services[498]]

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/1/31

441—107.1(600,234) Definitions.

“Adoption work experience” means supervised employment in adoption services, which includes direct provision of adoption services, developing adoption policies, conducting training related to adoption services, oversight and review of adoption documents and activities, and direct supervision of adoption workers. Only the percentage of time related to provision of adoption services shall be considered as adoption work experience when job duties involve activities other than adoption services.

“Certified adoption investigator” means a person authorized by the department to provide background reports on birth parents, adoption preplacement investigations, postplacement supervision, and reports to the court within the state of Iowa.

[ARC 0669D, IAB 10/14/26, effective 12/1/26]

441—107.2(600,234) Application.

107.2(1) *Application form.* Application for certification as an adoption investigator shall be made on a form obtained from the department.

107.2(2) *Employees of licensed child-placing agencies and the department.* Persons employed as social workers in licensed child-placing agencies who meet the requirements for certification in rule 441—107.3(600,234) are eligible to apply for certification as adoption investigators unless the agency employing them objects in writing.

a. The applicant shall furnish a letter of approval from the agency as part of the certification process.

b. Persons employed as social workers for the department who meet the requirements for certification in rule 441—107.3(600,234) are eligible to apply for certification as adoption investigators for services provided outside of their current job duties unless their current job duties include any of the following:

- (1) Any of the activities described in rule 441—107.7(600,234).
- (2) Immediate supervision of employees engaged in activities described in rule 441—107.7(600,234).
- (3) Certification of adoption investigators.
- (4) Placement of children for adoption.
- (5) Development of adoption policies used in administration of the adoption program.

[ARC 0669D, IAB 10/14/26, effective 12/1/26]

441—107.3(600,234) Requirements for certification. Persons with academic qualifications and adoption work experience may be certified by the department to provide adoption preplacement investigations, postplacement supervision, and reports to the court.

107.3(1) *Office location.* The applicant shall retain an office in Iowa where all Iowa adoption reports and records of fees are maintained and are available for inspection.

107.3(2) *Education and experience.*

a. If the applicant was initially certified as an adoption investigator before October 1, 1991, the applicant shall have one of the following combinations of education and experience:

(1) Graduation from an accredited four-year college or university and adoption work experience equivalent to a total of three years of full-time experience.

(2) A bachelor's degree in social work from an accredited four-year college or university in a program accredited by the council on social work education and adoption work experience equivalent to a total of two years of full-time experience.

(3) A master's degree in social work from an accredited college or university in a program accredited by the council on social work education and adoption work experience equivalent to a total of one year of full-time experience.

b. If the applicant is initially certified as an adoption investigator on or after October 1, 1991, the applicant shall have one of the following combinations of education and experience:

(1) Graduation from an accredited four-year college or university with a bachelor's degree in social work, psychology, counseling, family therapy, family living, or other family-oriented degree and postgraduation adoption work experience equivalent to a total of three years of full-time experience.

(2) Graduate education in a master's program in social work, psychology, counseling, family therapy, family living, or other family-oriented program from an accredited four-year college or university may be substituted for required adoption work experience on the basis of 30 semester hours for one year of full-time experience, for up to two full years of the required three years of adoption work experience.

(3) A master's degree in social work, psychology, counseling, family therapy, family living, or other family-oriented degree from an accredited college or university and postgraduation adoption work experience equivalent to a total of one year of full-time experience.

107.3(3) Verification of qualifications.

a. The applicant shall provide a certified transcript of college credits; and

b. The applicant shall provide a record of all adoption work experience, including dates and location; and

c. The applicant shall provide the name(s) of employer(s) and supervisor(s) to enable the department to verify the applicant's adoption work experience; and

d. The applicant shall give names of at least two additional persons as character references who will be contacted by the certifier.

107.3(4) Statement of activities and duties. Prior to certification, the applicant shall prepare a written statement identifying the proposed activities, duties and fees of the applicant as a certified adoption investigator.

a. The statement shall indicate that the services described in rule 441—107.7(600,234) are being provided by the individual investigator, not a child-placing agency, and are not provided in the course of the individual investigator's employment with a child-placing agency or the department.

b. The activities and duties identified in the statement cannot exceed the scope of an investigator's services as defined in rule 441—107.7(600,234).

c. The statement shall include the fee schedule to be used in the determination of a charge for investigative services.

d. A copy of the statement shall be provided to the department to be maintained as a public record.

e. Upon request, this statement shall be provided by the investigator to persons requesting services from the investigator.

107.3(5) Record checks. The department of inspections, appeals, and licensing shall submit record checks for each new applicant and those applying for recertification to determine whether they have any founded child abuse reports, dependent adult abuse reports or convictions or have been placed on the sex offender registry.

a. The department of inspections, appeals, and licensing shall use the Request for Child Abuse and Dependent Adult Abuse Information form, and the Iowa Division of Criminal Investigation Criminal History Record Check Request form, for this purpose. The department will not certify the applicant with a record of founded child abuse, dependent adult abuse, a criminal conviction, or placement on the sex offender registry as an adoption investigator unless evaluation of the founded abuse or crime indicates approval for certification.

b. The applicant shall complete and return a Record Check Evaluation form, within ten calendar days of the date on the form, to be used by the department to assist in the evaluation. Failure of the applicant to complete and return the Record Check Evaluation form within the specified time frame will result in denial of certification.

c. The department will evaluate the nature and seriousness of the founded abuse or crimes, the time elapsed since the commission of the founded abuse or crimes, the circumstances under which the founded abuse or crime was committed, the degree of rehabilitation, the likelihood that the person will commit the abuse or crime again, and the number of founded abuses or crimes committed by the applicant. The

department will issue a notice of decision to the applicant of the results of the evaluation. The department will issue the notice of decision even in cases when the applicant fails to complete the evaluation form.

d. Investigators applying for recertification are subject to the same record checks as new applicants. The department will evaluate only abuses, convictions of crimes, and placement on the sex offender registry since the last record check using the same process.

107.3(6) *Certification actions for nonpayment of child support.* The department will revoke or deny the issuance or renewal of a certification of an adoption investigator upon the receipt of a certificate of noncompliance from child support services. In addition to the procedures set forth in Iowa Code chapter 252J, the rules in this chapter apply.

a. The notice required by Iowa Code section 252J.8 will be provided to the applicant in writing.

b. The effective date of the revocation or denial of the certification as specified in the notice required by Iowa Code section 252J.8 will be 60 days following service of the notice upon the applicant or certified investigator.

c. The department is authorized to prepare and serve the notice as required by Iowa Code section 252J.8 upon the applicant or certified investigator.

d. Applicants and certified investigators shall keep the department informed of all court actions, and all child support services actions taken under or in connection with Iowa Code chapter 252J, and shall provide the department copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 252J.9, all court orders entered in these actions, and withdrawals of certificates of noncompliance by child support services.

e. An applicant or certified investigator may file an application with the district court within 30 days of service of a department notice pursuant to Iowa Code sections 252J.8 and 252J.9.

(1) The filing of the application shall stay the department action until the department receives a court order lifting the stay, dismissing the action, or otherwise directing the department to proceed.

(2) For purposes of determining the effective date of the revocation, or denial of the issuance or renewal of a certification, the department will count the number of days before the action was filed and the number of days after the action was disposed of by the court.

f. The department will notify the applicant or certified investigator in writing within ten days of the effective date of the revocation of certification or the denial of the issuance or renewal of a certificate of adoption investigator and will similarly notify the applicant or certified investigator when the certificate is issued, renewed, or reinstated following the department's receipt of a withdrawal of the certificate of noncompliance.

g. Notwithstanding Iowa Code section 17A.18, the registrant does not have the right to a hearing regarding this issue, but may request a court hearing pursuant to Iowa Code section 252J.9.

[ARC 0669D, IAB 10/14/26, effective 12/1/26]

441—107.4(600,234) Granting, denial, or revocation of certification.

107.4(1) *Granting of certification.* When all of the requirements of this chapter are met, certification will be granted.

107.4(2) *Denial or revocation of certification.*

a. Certification or recertification will be denied or revoked when one or more of the following conditions exist:

(1) The applicant does not comply with the requirements listed in subrules 107.3(1), 107.3(2), and 107.3(4) and rules 441—107.9(600,234) and 441—107.10(600,234).

(2) The applicant does not provide information required in subrule 107.3(3).

(3) The applicant has willfully or knowingly misrepresented information regarding qualifications for certification.

(4) When information about the certified investigator is received and verified by the department of inspections, appeals, and licensing, such as but not limited to failure to carry out the activities and duties as stated in this chapter, charging fees in excess of those specified in subrule 107.7(5) and breaches of confidentiality, and the effect of the investigator's actions would be detrimental to any of the parties to the

adoption. Complaints involving the reasonable exercise of professional judgment in the denial or approval of a preplacement investigation are not grounds for decertification.

(5) The investigator, after being warned in writing by the licensor, provided incomplete or inadequate information or inaccurate information in required reports as described in rule 441—107.7(600,234).

(6) The applicant has a founded child abuse, dependent adult abuse or criminal record conviction unless an evaluation of the founded abuse or criminal conviction is conducted by the department of inspections, appeals, and licensing that concludes that the abuse or crime does not merit prohibition of certification.

(7) The investigator aids or participates in an illegal placement or violates the statutes of Iowa Code chapter 600.

b. If an applicant is denied certification or recertification based on an inability to meet the requirements, the applicant may reapply when the requirements for certification have been met.

[ARC 0669D, IAB 10/14/26, effective 12/1/26]

441—107.5(600,234) Certificate.

107.5(1) Contents. The State of Iowa Certificate of Adoption Investigator form will contain the name of the investigator and the expiration date of the certificate and be signed by a person designated by the director of the department.

107.5(2) Time limit. The investigator will be certified for two years. Certification will expire at the end of two years unless the investigator has made timely application for recertification. No provisional certificates will be issued.

107.5(3) Records of certifications.

a. The department will keep records of certifications, including the application and verifications.

b. The department will keep a list of certified adoption investigators by districts and will update the list at least semiannually. Lists of certified adoption investigators will be made available on the department's website.

[ARC 0669D, IAB 10/14/26, effective 12/1/26]

441—107.6(600,234) Renewal of certification.

107.6(1) Request for renewal. To be recertified, the person shall submit a new Application for Certification of Adoption Investigator form at least 30 days before the expiration of the certificate. If no application is submitted, the certification will expire.

107.6(2) Evaluation of investigator. Upon receipt of the request for recertification, the department investigators' records shall be reviewed and evaluated by the licensor to determine whether the requirements of these rules have been met.

a. This evaluation shall include the review of 20 percent or no fewer than four of the adoption records opened since the last review for certification and the fees assessed to clients. Reports of investigations will be available to the licensor during the review for recertification, or at any other time upon request by the licensor.

b. When deficiencies are noted at the time of review, the investigator shall be given up to 30 days to meet the standards set forth in 441—Chapter 107.

c. The deficiencies shall be noted in writing and the investigator shall sign a statement that includes agreement to the following:

(1) The deficiencies noted by the licensor, including the areas of 441—Chapter 107 that are not met.

(2) A plan for correcting the deficiencies.

(3) The date by which the deficiencies will be corrected.

d. When the deficiencies are corrected within the time frame granted, the certificate will be renewed. Deficiencies not corrected within the allowed time frame are grounds for revocation of the investigator's certificate.

107.6(3) Notification. The department will notify the investigator of the decision regarding the initial application, and any applications for recertification, within 60 days of receipt of the application. When

the request for recertification is not received prior to the date of expiration, the department will notify the investigator that the certification has expired.

[ARC 0669D, IAB 10/14/26, effective 12/1/26]

441—107.7(600,234) Investigative services.

107.7(1) *Preplacement investigations.* When a certified adoption investigator provides a preplacement investigation of a prospective adoptive family, the investigation shall meet the requirements of Iowa Code section 600.8(1) “a.”

a. The preplacement investigation shall include at a minimum two contacts, one face-to-face interview with the applicants and each member of the household and at least one home visit.

b. The certified adoption investigator shall have on file a written assessment of the family that shall be used to approve or deny a prospective adoptive family. The written home study assessment shall include the date the home study was completed, shall be signed by the investigator and the signature notarized. The assessment shall include the following:

- (1) Motivation for adoption and whether the family has biological, adopted, or foster children;
- (2) Family and extended family’s attitude toward accepting an adopted child, and plans for discussing adoption with the child;
- (3) The attitude toward adoption of other people involved with the family in a significant way;
- (4) Emotional maturity; marital history, including verification of marriages and divorces; assessment of marital relationship; and compatibility of the adoptive parents;
- (5) Ability to cope with problems, stress, frustrations, crises, separation, and loss;
- (6) Medical, mental, or emotional conditions that would affect the applicant’s ability to parent a child;
- (7) Ability to provide for the child’s physical and emotional needs and to respect the child’s cultural and religious identity;
- (8) Description of biological children and previously adopted children, if any, including their attitudes toward adoption, relationships with others, and school performance;
- (9) Capacity to give and receive affection;
- (10) Statements from at least three references provided by the family and other unsolicited references that the investigator may wish to contact;
- (11) Attitudes of the adoptive applicants toward the birth parent(s) and the reason(s) the child is available for adoption;
- (12) Income information, including the family’s ability to financially provide for a child;
- (13) Disciplinary practices that will be used;
- (14) History of abuse involving family members, including how the abuse was addressed and how that history impacts the applicant’s ability to be an adoptive parent;
- (15) Assessment of, commitment to, and capacity to maintain other significant relationships;
- (16) Substance use or abuse by members of the household, treatment history and current status of treatment;
- (17) Recommendations for the number, age, sex, characteristics, and unique needs of children best served by this family; and
- (18) The family’s ability to anticipate and understand the unique needs of an adopted child as the child becomes older and how the family will manage those needs.

c. Record checks. The certified adoption investigator shall perform record checks for each applicant and for the other persons living in the home of the applicant as follows:

- (1) The records of the applicants shall be checked:
 1. On the Iowa central abuse registry using the Request for Child Abuse and Dependent Adult Abuse Information form;
 2. By the Iowa division of criminal investigation, using the Criminal History Record Check form;
 3. On the Iowa sex offender registry;
 4. On the child abuse and dependent adult abuse registry of any state where the applicant has lived during the five years prior to the issuance of the investigative report; and

5. For a national criminal history through fingerprinting or another biometric identification-based process accepted by the federal government.

(2) The records of persons aged 14 or older living in the home of the applicant shall be checked:

1. On the Iowa central abuse registry using the Request for Child Abuse and Dependent Adult Abuse Information form;

2. By the Iowa division of criminal investigation, using the Criminal History Record Check form; and

3. On the Iowa sex offender registry.

(3) Out-of-state child abuse checks, dependent adult abuse checks and national criminal history checks may be completed on any adult in the home of the applicant if the certified adoption investigator has reason to do so.

(4) The person making the investigation shall not approve a prospective applicant and cannot perform an evaluation if the applicant or any other adult living in the home of the applicant has been convicted of a felony offense as set forth in Iowa Code section 600.8(2) "b."

(5) The person making the investigation shall not approve a prospective applicant and cannot perform an evaluation if the applicant or any other adult living in the home of the applicant has committed a crime in a state other than Iowa that would be a forcible felony if the crime would have been committed in Iowa as set forth in Iowa Code section 600.8(2) "b."

d. Evaluation of record. If there is a record of founded child abuse, dependent adult abuse or a criminal conviction for the applicant or any other adult living in the home of the applicant, the applicant shall not be approved to adopt, unless an evaluation determines that the abuse or criminal conviction does not warrant prohibition of approval.

(1) The evaluation shall consider the nature and seriousness of the founded child abuse, dependent adult abuse or crime in relation to adoption, the time elapsed since the commission of the founded abuse or crime, the circumstances under which the abuse or crime was committed, the degree of rehabilitation, the likelihood that the person will commit the abuse or crime again, and the number of abuses or crimes committed by the person.

(2) The person with the founded child abuse, dependent adult abuse or criminal conviction report shall complete and return the Record Check Evaluation form within ten calendar days of the date on the form to be used to assist in the evaluation. Failure of the person to complete and return the form within the specified time frame may result in a written denial of approval for adoption.

(3) If the applicant, or any other adult living in the home of the applicant, has been convicted of a simple misdemeanor or a serious misdemeanor that occurred five or more years prior to application, the evaluation and decision may be made by a certified adoption investigator. The certified adoption investigator shall notify the applicant of the results of the evaluation in writing. The notice shall contain information on appeal rights.

(4) If the applicant, or any other person living in the home of the applicant, has a founded child or dependent adult abuse report, has been convicted of an aggravated misdemeanor or felony at any time, or has been convicted of a simple or serious misdemeanor that occurred within five years prior to application, a certified adoption investigator shall initially conduct the evaluation.

1. If the certified adoption investigator determines that the abuse or crime does warrant prohibition of approval, the certified adoption investigator shall notify the applicant of the results of the evaluation in writing.

2. If the certified adoption investigator determines that the applicant should be approved despite the abuse or criminal conviction, the certified adoption investigator shall provide copies of the child abuse report, dependent adult abuse report or criminal history record and the Record Check Evaluation form to the department. Within 30 days, the department will determine whether the abuse or crime merits prohibition of approval and will notify the certified adoption investigator in writing of that decision. The certified adoption investigator will notify the applicant of the department's written decision regarding the evaluation of an abuse or crime.

e. Decision. The certified adoption investigator shall notify the applicant in writing no later than 30 days after completion of the home study of the investigator's decision regarding approval for placement of a child.

(1) If the applicant is denied, the certified adoption investigator shall state the reasons for denial in the written decision.

(2) The certified adoption investigator shall date, sign and notarize the adoptive home study.

(3) The certified adoption investigator shall provide a copy of the home study to the family at the time the written decision is sent.

(4) A home study shall be valid for up to two years from the date signed by the certified adoption investigator.

f. Denial. The certified adoption investigator shall deny approval of an adoption application when:

(1) The applicant or any other person living in the home of the applicant has been convicted of a felony offense as set forth in Iowa Code section 600.8(2) "b."

(2) The standards set forth in these rules are not met and cannot be corrected.

(3) The applicant or any person residing in the home has been convicted of a crime unless an evaluation of the crime has been made by the department that concludes that the crime does not merit prohibition of approval of an adoption application.

(4) The applicant or any person residing in the home has a record of founded child abuse or dependent adult abuse unless an evaluation of the founded child abuse or dependent adult abuse has been made by the department that concluded that the founded child abuse or dependent adult abuse does not merit prohibition of approval of an adoption application.

(5) The applicant has knowingly made false statements or has knowingly concealed information that is material to the investigation.

g. Updates. An update to the home study shall be completed no later than 24 months from the previous home study or previous home study update in order for the home study to remain valid. The home study update shall consist of completion of the following:

(1) The child abuse, dependent adult abuse and criminal history record checks, except for national criminal history checks, shall be repeated. If there are new founded abuses or convictions of crimes that were not evaluated in the previous home study, they shall be evaluated using the process set forth in paragraph 107.7(1) "d."

(2) One face-to-face visit shall be conducted with the approved family annually.

(3) The information in the approved home study shall be reviewed.

(4) An updated report of the adoptive home study shall be written, dated, signed and notarized and a copy provided to the applicant.

h. Annual visits to the adoptive home. The certified adoption investigator shall complete a minimum of one visit each year in the homes of families approved to adopt by the investigator.

(1) The visit shall include, at a minimum, an assessment of the following areas:

1. Home environment.

2. Persons present at the time of the visit.

3. Changes in the home or household members, or other areas addressed in the home study.

(2) When a person aged 14 or older moves into the home, the investigator shall perform checks on the Iowa central child and dependent adult abuse registry, by the division of criminal investigation, and on the sex offender registry. The record check evaluation process shall be completed if the person has a criminal conviction, founded child abuse report, founded dependent adult abuse report or is on the sex offender registry.

(3) The findings from the visit shall be documented and maintained in the file.

107.7(2) Background information investigation. When a certified adoption investigator is requested to complete a background information investigation on the child to be adopted, the investigation shall include a complete medical, mental health and criminal history of the family and developmental history of the child to be adopted.

a. A personal interview with each parent of the child is mandatory unless a parent's identity or whereabouts is unknown.

b. If a parent's identity or whereabouts is unknown, as much information as possible shall be obtained from the other parent or other sources if available.

c. A copy of the background information shall be provided to prospective adoptive families before placement of the child.

107.7(3) *Postplacement supervision.* Postplacement reports shall be written after each postplacement visit, and copies shall be kept in the permanent family file retained by the investigator.

a. Postplacement supervision shall address the unique needs of the child, including but not limited to the following areas:

- (1) Integration and interaction of the child with the family.
- (2) Changes in the family functioning that may be due to the child's placement.
- (3) Social and emotional adjustment of the child.
- (4) Child's growth and development since placement with the adoptive family.
- (5) Changes and adjustments that have been made in the family since the child's placement.
- (6) Family's method of dealing with testing behaviors and discipline.
- (7) Behavioral evidence of the degree of bonding that is taking place and the degree to which the child is becoming a permanent member of the adoptive family.

(8) School adjustment of a child who is attending a school.

(9) The behavioral needs of the child.

(10) The psychological and mental health needs of the child.

(11) Services and supports that will assist the family in the future.

b. Postplacement visits shall be completed at a minimum as follows:

(1) One no later than 30 days after placement.

(2) One no later than 90 days after placement.

(3) A final visit prior to requesting a consent to adopt, no later than 180 days after placement.

(4) Postplacement visits shall be completed as often as necessary if the adoptive family is experiencing problems, and the visits may extend to finalization or beyond 180 days if the department or certified adoption investigator believes additional time is needed.

c. The certified adoption investigator shall prepare a written report based on observations made during each home visit. Each report shall address the specific needs of the child and the family's ability to meet those needs. The reports shall be used by the certified adoption investigator in making a written recommendation to the court regarding finalization of the adoption.

107.7(4) *Reports of investigations.* The certified adoption investigator is authorized to provide reports to the courts concerning the above investigations and reports to the guardian or custodian of the child and the attorney for the adoptive family.

107.7(5) *Fees for services.* Certified adoption investigators may charge a fee for the services described in subrules 107.7(1), 107.7(2), and 107.7(3). The department will review the amount of fees for services charged to families at the time that the investigator's records are reviewed for recertification. Information shall also be retained regarding fees charged to a family by another party and collected by the investigator.

[ARC 0669D, IAB 10/14/26, effective 12/1/26]

441—107.8(600,234) International adoptions postplacement report.

107.8(1) For an adoption based on a decree issued by another state's jurisdiction within the United States, the certified adoption investigator shall conduct a postplacement investigation and issue a postplacement report as required in 441—subrule 108.9(5).

107.8(2) For an adoption based on a decree issued by a jurisdiction outside the United States, a certified adoption investigator shall conduct a postplacement investigation that consists of a minimum of three face-to-face visits with the minor person and the adoptive parents during the first year after

placement, with the first such visit to be conducted within 60 days of the placement of the minor person in the adoptive home. Additional visits may be conducted if required by the jurisdiction that issued the decree.

107.8(3) The postplacement investigation and report under this rule shall include documentation that any unique needs of the minor person are being met appropriately through the placement.

[ARC 0669D, IAB 10/14/26, effective 12/1/26]

441—107.9(600,234) Retention of adoption records. The adoption investigator shall maintain a record of each family or child when one or more of the required reports have been completed. The record shall contain copies of all completed reports and a statement of fees charged by the investigator.

107.9(1) Access to records. The provisions regarding sealing of and access to adoption records in Iowa Code section 600.16 shall be followed, except that access under subrule 107.9(3) for recertification is permitted.

107.9(2) Disposition of records. Upon revocation, denial of renewal, or expiration of certification, all sealed records held by investigators shall be forwarded to the department.

107.9(3) Access for recertification. Authorized representatives of the department shall have access to all records of reports completed within a two-year period prior to recertification for purposes of recertification.

[ARC 0669D, IAB 10/14/26, effective 12/1/26]

441—107.10(600,234) Reporting of violations. All violations or suspected violations under Iowa Code chapter 600 or 600A that come to the attention of the investigator shall be reported in writing to the district court having jurisdiction of the matter and to the department. The investigator shall provide copies of these written reports to the district court having jurisdiction of the matter and to the department.

[ARC 0669D, IAB 10/14/26, effective 12/1/26]

441—107.11(600,234) Appeals. Certified investigators or applicants may appeal decisions of the department according to rules in 441—Chapter 2506.

[ARC 0669D, IAB 10/14/26, effective 12/1/26]

These rules are intended to implement Iowa Code chapters 600 and 234.

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CHAPTER 152
FOSTER CARE CONTRACTING

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/1/31

441—152.1(234) Definitions.

“Affiliates” means persons having a relationship such that any one of them directly or indirectly controls or has the power to control another.

“Authorized representative” means that person appointed to carry out audit procedures, including an assigned auditor, fiscal consultant, or agent contracted for a specific audit or audit procedure.

“Child” means the same as defined in Iowa Code section 234.1.

“Claim” means each record the department receives that tells the amount of requested payment and the service rendered by a provider to a child and family.

“Client” means a child who has been found to be eligible for foster care services through the department.

“Confidence level” means the probability that an overpayment or underpayment rate determined from a random sample of charges is less than or equal to the rate that exists in the sample from which the sample was drawn.

“Contract” means a formal written agreement between the department and a provider of foster care services.

“Extrapolation” means using sample data meeting the confidence level requirement to estimate the total dollars of overpayment or underpayment.

“Family,” for purposes of child welfare service delivery, includes the following:

1. The natural or adoptive parents, stepparents, domestic partner of the natural or adoptive parent, and children who reside in the same household.

2. A child who lives with an adult related to the child within the fourth degree of consanguinity and the adult relatives within the fourth degree of consanguinity in the child’s household who are responsible for the child’s supervision. Relatives within the fourth degree of consanguinity include full or half-siblings, aunts, uncles, great-aunts, great-uncles, nieces, great-nieces, nephews, great-nephews, grandparents, great-grandparents, great-great-grandparents, and first cousins.

3. A child who lives alone or who resides with a person or persons not legally responsible for the child’s support.

“Fiscal record” means a tangible and legible history that documents financial and statistical records.

“Juvenile court officer” means a person appointed as a juvenile court officer or chief juvenile court officer under Iowa Code chapter 602.

“Overpayment” means any payment or portion of a payment made to a provider that is incorrect according to the laws and rules applicable to foster care services and results in a payment greater than that to which the provider is entitled.

“Probation” means a specified period of conditional participation in the provision of foster care services.

“Provider” means the entity that has executed a contract with the department to provide services.

“Random sample” means a systematic (or every “nth” unit) sample for which each item in the sample has an equal probability of being selected.

“Referral worker” means the department worker or juvenile court officer who refers the case to a provider and who is responsible for carrying out the follow-up activities of determining client eligibility and ensuring that the service authorization is completed.

“Service authorization” means the process of determining service necessity and the level of care and number of units of service to be provided to a child.

“Service record” means an individual, tangible, and legible file that records service-related activities set forth in subrule 152.2(4).

“Site” means each licensed location of the foster care provider.

“*Underpayment*” means any payment or portion of a payment not made to a provider for services delivered to eligible recipients according to the laws and rules applicable to the foster care services program and to which the provider is entitled.

“*Unit of service*” means one day for group care and child welfare emergency services shelter.

“*Withholding of payments*” means a reduction or adjustment of the amounts paid to a provider on pending and subsequently submitted claims for purposes of offsetting overpayments previously made to the provider.

[ARC 0670D, IAB 10/14/26, effective 12/1/26]

441—152.2(234) Conditions of participation.

152.2(1) *Provider licensure.* A provider facility shall obtain licensure prior to accepting placements from the department.

152.2(2) *Provider staffing.* At a minimum, all providers shall meet all licensure requirements for staff qualifications, training, and number of staff pursuant to 441—Chapter 105, 108, or 114.

152.2(3) *Provider charges.* A provider cannot charge department clients more than it receives for the same foster care services provided to nondepartment clients. The provider shall agree not to require any fee from department clients unless a fee is required by the department and is consistent with federal regulation and state policy.

152.2(4) *Maintenance of service records.* A provider shall maintain complete and legible records as required in this subrule.

a. For foster group care and shelter care, the provider shall establish and maintain confidential, individual service records for each client receiving foster care services. The service records must adequately support the provision of child welfare services and group care maintenance. The service record shall include, at a minimum, those items identified in rule 441—114.11(237) and 441—Chapter 105 and shall also include all of the following:

- (1) Additional reports, if requested by the referral worker.
- (2) Referral and Authorization Form.
- (3) Daily documentation of billed per diem services. The documentation shall include:
 1. The child’s first and last name;
 2. The month, day, and year service was provided;
 3. The first and last names of the persons who or organizations that provided the service;
 4. A clear description of the specific service rendered, including interventions, actions, and activities performed that support the provision of child welfare services.
- (4) Notes, which shall be entered no less than every seven calendar days, indicating the child’s general progress in regard to the child’s care plan.
- (5) Any problem areas or unusual behavior for the child.

b. For supervised apartment living, the provider shall establish and maintain confidential, individual service records for each client receiving supervised apartment living services.

c. Failure to maintain records or failure to make records available to the department or to its authorized representatives upon request may result in a notice of violation and recoupment of payments.

152.2(5) *Maintenance of financial and statistical records.* The provider shall maintain sufficient financial and statistical records, including program and census data, to document the validity of the reports submitted to the department. The records shall be available for review at any time during normal business hours by department personnel, the department’s fiscal consultant, and state or federal audit personnel.

a. At a minimum, financial and statistical records shall include all revenue and expenses supported by a provider’s general ledger and documentation on file in the provider’s office. These records include, at a minimum:

- (1) Payroll information.
- (2) Capital asset schedules.
- (3) All canceled checks, deposit slips, and invoices (paid and unpaid).
- (4) Audit reports (if any).

- (5) The board of directors' minutes (if applicable).
- (6) Loan agreements and other contracts.
- (7) Reviewable, legible census reports and documentation of units of service provided to department clients that identify the individual client and are kept on a daily basis and summarized in a monthly report.
- (8) For nondepartment clients, sufficient documentation of utilization to establish a complete unit of service count.

b. The provider shall maintain a list of all staff and supervisors providing foster care services and their qualifications for each program.

c. When a provider has an independent audit conducted, a firm not related to the provider shall conduct the audit. The provider shall submit a copy of the independent audit report to the department within 30 days of receipt of the report.

152.2(6) Cost report. Providers shall complete the Combined Cost Report Form as required by contract.

a. Due date. The cost report shall be submitted to the department no later than three months after the close of the provider's established fiscal year. The provider may request a one-month extension.

b. Opinion of accountant. The department may require that an opinion of a certified public accountant or public accountant accompany the report when adjustments made to prior reports indicate noncompliance with reporting instructions.

c. County reimbursement for child welfare services shelter costs. If a shelter care provider's actual and allowable costs as set forth in 441—Chapter 156 for a child's shelter care placement exceed the amount the department is authorized to pay and the provider is reimbursed by the child's county of legal settlement for the difference between actual and allowable costs and the amount reimbursed by the department, the amount paid by the county cannot be included by the department in its reimbursement rate determination, as long as the amount paid is not greater than the provider's actual and allowable costs or the statewide average of actual and allowable costs as identified in annual appropriations, whichever is less.

[ARC 0670D, IAB 10/14/26, effective 12/1/26]

441—152.3(234) Provider reviews. The department may, at its discretion, review any provider at any time. Records generated and maintained by the department or its fiscal agent may be used by reviewers and in all proceedings of the department.

152.3(1) Review of provider records. The department has the authority to conduct a scheduled or unannounced visit to evaluate the adequacy of service records in compliance with the policies and procedures for foster care services.

152.3(2) Purpose. Upon proper identification, authorized representatives of the department have the right to review the service and fiscal records of the provider to determine whether:

- a.* The department has accurately paid claims for services.
- b.* The provider has furnished the services.
- c.* The provider has retained service records and fiscal records that substantiate claims submitted for payment during the review period.
- d.* Expenses reported to the department have been handled as required under subrule 152.2(6).

152.3(3) Method. The department will select the appropriate method of conducting a review and will protect the confidential nature of the records being reviewed. The provider may be required to furnish records to the department. The provider may select the method of delivering any requested records to the department. Review procedures may include but are not limited to the following:

- a.* Comparing service and fiscal records with each claim.
- b.* Interviewing clients and employees of providers.

152.3(4) Sampling. The department's procedures for reviewing a provider's service records may include the use of random sampling and extrapolation. When these procedures are used, all sampling will be performed within acceptable statistical methods, yielding not less than a 95 percent confidence level.

a. Findings. The review findings generated through the review procedure constitute prima facie evidence in all department proceedings of the number and amount of requests for payment as submitted by the provider.

b. Extrapolation. Findings of the sample will be extrapolated for the review period. The total of the payments determined to be in error in the review sample will be divided by the total payments in the reviewed sample to calculate the percentage of dollars paid in error. This percentage will then be multiplied by the total payments in the review sample to determine the extrapolated overpayment.

c. Disagreement with findings. When the provider disagrees with the department's review findings and the findings have been generated through sampling and extrapolation, the provider may present evidence to show that the sample was invalid. The burden of proof of compliance rests with the provider. The evidence may include a 100 percent review of the provider records used by the department in the drawing of the department's sample. This review shall:

- (1) Be arranged and paid for by the provider.
- (2) Be conducted by a certified public accountant.
- (3) Demonstrate that bills and records not reviewed in the department's sample complied with program regulations and requirements.

- (4) Be submitted to the department with all supporting documentation.

152.3(5) Actions based on review findings.

a. The department will report the results of a review of provider records to concerned parties consistent with the provisions of 441—Chapter 2505.

b. When an overpayment is found, the department may do one or more of the following:

- (1) Request repayment in writing.
- (2) Impose sanctions provided for in rule 441—152.4(234).
- (3) Investigate and refer the matter to an agency empowered to prosecute.

[ARC 0670D, IAB 10/14/26, effective 12/1/26]

441—152.4(234) Sanctions against providers. Failure to meet the requirements relevant to provider contracting, financial recordkeeping, billing and payment, and client recordkeeping may subject providers to sanctions.

152.4(1) Grounds for sanction. The department may impose sanctions against a provider for committing one or more of the following actions:

a. Failing to provide and maintain the quality of the services to children and families within established standards, including:

- (1) Failing to meet standards required by state or federal law for licensure.
- (2) Failing to correct deficiencies in provider operations after receiving notice of these deficiencies from the department.
- (3) Engaging in a course of conduct or performing an act that is in violation of state or federal regulations or continuing that conduct following notification that it should cease.
- (4) Violating any laws, regulations, or code of ethics governing the conduct of occupations or professions subject to this chapter.
- (5) Receiving a formal reprimand or censure by an association of the provider's peers for unethical practices.

- (6) Being suspended or terminated from participation in another governmental program.

- (7) Committing a negligent practice resulting in client death or injury.

b. Failing to disclose or make available to the department or its authorized agent records of services provided to a child and family and records of payments made for those services.

c. Failing to provide accurate and auditable cost report information or engaging in deceptive billing practices, such as:

- (1) Presenting or causing to be presented for payment any false or deceptive claim for services.
- (2) Submitting or causing to be submitted false information for the purpose of obtaining greater compensation than that to which the provider is legally entitled.

d. Submitting or causing to be submitted false information to meet service authorization requirements.

e. Inducing, furnishing or otherwise causing the child or family to receive foster care services that are not authorized (overutilization of services).

f. Rebating or accepting a fee or portion of a fee or a charge for referrals of a child or family.

g. Failing to repay or arrange for the repayment of identified overpayments or other erroneous payments.

h. Failing to submit the cost report on time or failing to submit complete responses to follow-up questions from the department or its fiscal consultant within 14 days of request without written approval from the department.

152.4(2) Notice of violation.

a. Should the department have information that indicates a provider may have done the following, the department will notify the provider of the discrepancies noted.

(1) Submitted bills or been practicing in a manner inconsistent with the program requirements, or

(2) Received payment for which the provider may not be properly entitled.

b. Notification to the provider will set forth:

(1) The nature of the discrepancies or violations.

(2) The known dollar value of the discrepancies or violations.

(3) The method of computing the dollar value.

(4) Further actions to be taken or sanctions to be imposed by the department.

(5) Any actions required of the provider.

152.4(3) Sanctions. The following sanctions may be imposed on providers based on the grounds specified in subrule 152.4(1):

a. A term of probation for provision of foster care services.

b. Termination from participation in the provision of foster care services.

c. Suspension from provision of foster care services.

d. Suspension or withholding of payments to the provider.

e. Review of 100 percent of the provider's claims before payment.

f. Referral to the appropriate state licensing board for investigation.

g. Referral of the matter to appropriate federal or state legal authorities for investigation and prosecution under applicable federal or state laws.

h. Suspension of foster care services licensure.

i. Termination of foster care services licensure.

j. Reduction of payment to 75 percent of the current rate for failure to submit the cost report or cost report clarifications timely.

k. Termination of the provider's contract for failure to submit the report within six months of the end of the fiscal year.

152.4(4) Imposition and extent of sanction. The department will determine the sanction to impose. The following factors will be considered in determining the sanction or sanctions to be imposed:

a. Seriousness of the offense.

b. Extent of violations.

c. History of prior violations.

d. Prior imposition of sanctions.

e. Prior provision of technical assistance.

f. Pattern of failure to follow program rules.

g. Whether a lesser sanction will be sufficient to remedy the problem.

h. Actions taken or recommended by peer review groups or licensing bodies.

152.4(5) Scope of sanction.

a. The sanction may be applied to all known affiliates of a provider. Each decision to include an affiliate will be made on a case-by-case basis after giving due regard to all relevant factors and circumstances. The violation, failure, or inadequacy of performance may be imputed to a person with

whom the violator is affiliated when the conduct was committed in the course of official duty or was effectuated with the knowledge or approval of that person.

b. When there are grounds for sanction pursuant to subrule 152.4(1) against a provider facility, campus, or site, the department may suspend or terminate the provision of foster care services by:

- (1) The provider; or
- (2) The specific facility, campus, or site; or
- (3) Any individual within the provider's organization who is responsible for the violation.

c. No provider shall submit claims for payments to the department for any services provided by any facility, campus, site, or person within the organization that has been suspended or terminated from provision of foster care services, except for those services provided before the suspension or termination.

d. Suspension or termination from provision of foster care services shall preclude the submission of claims to the department for payment for any services provided after suspension or termination, whether submitted personally or through the provider.

152.4(6) *Suspension or withholding of payments pending a final determination.* When the department has notified a provider of a violation and has demanded repayment of an identified overpayment, the department may withhold payments on pending and subsequently received claims in an amount reasonably calculated to approximate the amounts in question or may suspend payments pending a final determination. When the department intends to withhold or suspend payments, it will notify the provider in writing.

152.4(7) *Notice of sanction.* When a provider has been sanctioned, the department will notify, as appropriate, the applicable professional society, board of registration or licensure, and federal or state agencies of the findings made and the sanctions imposed.

[ARC 0670D, IAB 10/14/26, effective 12/1/26]

441—152.5(234) Adverse actions. Notice of adverse actions shall be given in accordance with 441—Chapter 16. The right to appeal the licensing decision shall be given in accordance with 441—Chapter 2506.

[ARC 0670D, IAB 10/14/26, effective 12/1/26]

These rules are intended to implement Iowa Code section 234.6.

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CHAPTER 158
FOSTER HOME INSURANCE FUND

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/1/31

441—158.1(237) Definitions.

“Foster family home” means the same as defined in Iowa Code section 237.1.

“Personal property” means any movable thing of value that is owned, rented, or leased by a person and not recognized as real property.

“Real property” means anything owned, leased, or rented that is permanently affixed to, or built upon, a piece of land. Real property is best characterized as property that does not move or that is attached to the land.

“Third-party property” means property belonging to any person or entity other than the foster family or foster child.

[ARC 0671D, IAB 10/14/26, effective 12/1/26]

441—158.2(237) Payments from the foster home insurance fund.

158.2(1) Eligible foster family claims. The foster home insurance fund shall pay the following within the limits defined in Iowa Code section 237.13(1):

- a. Valid and approved claims of a licensed foster family home.
- b. Compensation to licensed foster families for personal or real property damage and auto physical damage as a result of the activities of the family foster care child. Coverage also extends to third-party property damages caused by actions of the family foster care child.

158.2(2) Non-property-based liability, bodily injury, sexual abuse or molestation, auto liability, and professional liability are not covered.

[ARC 0671D, IAB 10/14/26, effective 12/1/26]

441—158.3(237) Payment limits. The fund is not liable for the first \$150 per claim deductible per family. Each claim is limited to one incident/occurrence. The fund is not liable for damages in excess of \$5,000 for all claims arising out of one or more occurrences during a fiscal year related to a single home. Claims for losses related to bedbugs or other insect infestations will have an annual sublimit set by the department.

[ARC 0671D, IAB 10/14/26, effective 12/1/26]

441—158.4(237) Claim procedures. Claims against the fund are filed with the department’s approved contractor. Claims shall be filed on the Foster Home Property Fund Notice of Loss form. The decision to approve or deny the claim will be made by the department. The claimant will be notified of the decision within 180 days of the date the claim is received.

158.4(1) *Time frame for filing claims.* Claims shall be submitted within six months of the date of the occurrence.

158.4(2) *Appeals.* Claimants dissatisfied with the decision may request a fair hearing under the provisions of 441—Chapter 2506.

[ARC 0671D, IAB 10/14/26, effective 12/1/26]

These rules are intended to implement Iowa Code section 237.13.

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CHAPTER 172
FAMILY-CENTERED SERVICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/1/31

441—172.1(234) Definitions.

“*Case*” means at least one child in a household is involved in department services with a department social work case manager.

“*Child*” or “*children*” means a person or persons who meet the definition of a child in Iowa Code section 232.68(1).

“*Child abuse*” means one or more of the categories of child abuse defined in Iowa Code section 232.68(2).

“*Child abuse assessment*” means an assessment process by which the department responds to all accepted reports that allege child abuse as defined in Iowa Code section 232.68(2), or that allege child abuse as defined in Iowa Code section 232.68(2) that also allege imminent danger, death, or injury to a child. A child abuse assessment results in a disposition and a determination of whether a case meets the definition of child abuse and a determination of whether criteria for placement on the registry are met.

“*Child in need of assistance*” means the same as set forth in Iowa Code section 232.2(8).

“*Contractor*” means a private organization authorized to do business in Iowa that has entered into a contract with the department to provide one or more of the services defined in Iowa Code section 232.102A(2) “b.”

“*Family-centered services*” means the services provided by contract pursuant to Iowa Code section 232.102A(2) “b.”

“*Family risk assessment*” means the assessment of probability or likelihood a child will suffer maltreatment in the future.

“*Household*” means the place where a child resides.

“*Kinship foster caregiver*” means the same as set forth in 441—Chapter 125.

“*Permanency*” means a child has a safe, stable, custodial environment in which to grow up and a lifelong relationship with a nurturing caregiver.

“*Protective capacities*” means the family strengths or resources that reduce, control, or prevent risks from arising or from having an unsafe impact on a child.

“*Risk*” means the probability or likelihood that a child will experience maltreatment.

“*Safe*” or “*safety*” means that no signs of present or impending danger to a child are identified or that one or more signs of present or impending danger are identified but the child’s degree of vulnerability or the caregiver’s protective capacities offset the current threat. The child is not likely to be in imminent danger of maltreatment.

[ARC 0672D, IAB 10/14/26, effective 12/1/26]

441—172.2(234) Family-centered services. Family-centered services are services designed to prevent the child from entering foster care and to assist the family when the needs of the child, parent, or kinship foster caregiver are directly related to the safety, permanency, or well-being of the child. The outcome of the services may be to maintain the child with a parent or in the home of the kinship foster caregiver, to reunify the child safely with a parent or kinship foster caregiver, or to achieve permanent family connections for the child.

172.2(1) Family-centered services provide interventions and supports based on identified needs of children and families that have come to the department’s attention because of:

- a. Evaluation of a child abuse assessment or child in need of assistance assessment and the family’s risk assessment score; or
- b. The child’s adjudication as a child in need of assistance pursuant to Iowa Code section 232.2; or
- c. The child’s placement out of home under the department’s care and supervision.

172.2(2) Family-centered services are designed to:

- a. Identify and build on the family's strengths and enhance the family's protective capacities;
- b. Address the risk factors that affect the child's safety, permanency, and well-being; and
- c. Strengthen family connections to community resources and informal support systems in order to promote greater self-reliance.

172.2(3) Family-centered services will utilize evidence-based interventions to the greatest possible extent.

172.2(4) Family-centered services may be offered to the following persons:

- a. A child eligible for services under the provisions laid out in this rule;
- b. Any sibling of that child who resides in the same household at the time of service referral or moves into the household during the service delivery period; and
- c. A parent, stepparent, or kinship foster caregiver of the child.

172.2(5) During the time that a child and the child's family are approved to receive family-centered services on an open case, the department will be responsible for maintaining case management, including contact with the child and family to ensure that:

- a. The factors that present risks of harm to the safety and well-being of all children in the family are being adequately addressed; and
- b. Services and supports are in place to achieve the child's permanency goal.

[ARC 0672D, IAB 10/14/26, effective 12/1/26]

441—172.3(234) Authorization. When the department has approved provision of family-centered services for a child and family, the department will notify the contractor by issuing the referral and authorization for child welfare services form. This authorization form will indicate:

172.3(1) The specific service category authorized; and

172.3(2) The duration of the authorization.

[ARC 0672D, IAB 10/14/26, effective 12/1/26]

441—172.4(234) Client appeals. Clients may appeal the department's decision pursuant to 441—Chapter 2506 when:

- 1. The client's application for services as described in this chapter is denied, or
- 2. The services are terminated.

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These rules are intended to implement Iowa Code section 234.6.

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INSPECTIONS, APPEALS, AND LICENSING DEPARTMENT[481]

[Prior to 9/30/26, see Inspections and Appeals Department[481]]

CHAPTER 1 ADMINISTRATION

1.1(10A)	Definitions
1.2(10A)	Organization
1.3(10A)	Information
1.4(10A,17A)	Subpoenas
1.5(10A,68B)	Consent for the sale of goods and services

CHAPTERS 2 to 4 Reserved

CHAPTER 5 PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

5.1(10A,17A,22)	Definitions
5.9(17A,22)	Personally identifiable information, storage, and data processing systems

CHAPTER 6 Reserved

CHAPTER 7 MILITARY SERVICE, VETERAN RECIPROCITY, AND SPOUSES OF ACTIVE-DUTY SERVICE MEMBERS

7.1(272C)	Applicability and definitions
7.2(272C)	Military education, training, and service credit
7.3(272C)	Veteran and active-duty military spouse reciprocity

CHAPTER 8 LICENSING AND CHILD SUPPORT NONCOMPLIANCE, STUDENT LOAN REPAYMENT NONCOMPLIANCE, AND NONPAYMENT OF STATE DEBT

8.1(252J,272D)	Definitions
	CHILD SUPPORT NONCOMPLIANCE
8.2(252J)	Definitions
8.3(252J)	Child support certificates of noncompliance
	STUDENT LOAN REPAYMENT NONCOMPLIANCE
8.4(272C)	Student loan repayment noncompliance
	NONPAYMENT OF STATE DEBT
8.5(272D)	Definitions
8.6(272D)	State debt certificates of noncompliance

CHAPTER 9 Reserved

CHAPTER 10 RULES OF PROCEDURE AND PRACTICE BEFORE THE ADMINISTRATIVE HEARINGS DIVISION

10.1(10A)	Scope and application
10.2(10A)	Definitions
10.3(10A,17A)	Time requirements
10.4(10A)	Requests for a contested case hearing
10.5(10A)	Transmission of contested cases
10.6(17A)	Notices of hearing and prehearing conference
10.7(10A,17A)	Manner of proceedings
10.8(10A,17A)	Scheduling
10.9(17A)	Disqualification

10.10(10A,17A)	Consolidation—severance
10.11(10A,17A)	Pleadings
10.12(17A)	Service and filing of documents
10.13(17A)	Discovery
10.14(10A,17A)	Subpoenas
10.15(10A,17A)	Motions
10.16(10A)	Continuances
10.17(10A,17A)	Withdrawals
10.18(10A,17A)	Intervention
10.19(17A)	Hearing procedures
10.20(17A)	Evidence
10.21(17A)	Default
10.22(17A)	Ex parte communication
10.23(10A,17A)	ALJ decisions
10.24(10A,17A,272C)	Board hearings
10.25(10A)	Recordings
10.26(10A)	Agency reporting requirements
10.27(724)	Appeals in cases involving permits to carry weapons and acquire firearms

CHAPTERS 11 to 14

Reserved

CHAPTER 15

IOWA CODE OF ADMINISTRATIVE JUDICIAL CONDUCT

15.1(10A)	Canon 1
15.2(10A)	Canon 2
15.3(10A)	Canon 3
15.4(10A)	Canon 4
15.5(10A)	Scope, definitions, and application

CHAPTER 16

ADMINISTRATIVE ELECTRONIC DOCUMENT MANAGEMENT SYSTEM

16.1(10A)	Scope
16.2(10A)	Definitions
16.3(10A)	Registration, username, and passwords
16.4(10A)	Electronic filing not mandatory
16.5(10A)	Filing of paper documents
16.6(10A)	Date and time of filing
16.7(10A)	Signatures
16.8(10A)	Confidentiality and redaction of electronic documents
16.9(10A)	General requirements when filing documents
16.10(10A)	Case initiation and service

CHAPTERS 17 to 19

Reserved

AUDITS DIVISION

CHAPTERS 20 to 29

Reserved

INSPECTIONS DIVISION

CHAPTER 30

FOOD AND CONSUMER SAFETY

30.1(10A,137C,137F)	Food and consumer safety bureau
30.2(10A,137C,137F)	Definitions
30.3(137C,137F)	Licensing and postings
30.4(137C,137F)	License fees
30.5(137F)	Penalty and delinquent fees
30.6(137C,137F)	Returned checks

30.7(137F)	Double licenses
30.8(137C,137F)	Inspection frequency
30.9(22)	Examination of records
30.10(17A,137C,137F)	Denial, suspension, or revocation of a license to operate
30.11(10A,137C,137F)	Formal hearing
30.12(137F)	Primary servicing laboratory
30.13(10A,137F)	Cottage food

CHAPTER 31

FOOD ESTABLISHMENT AND FOOD PROCESSING PLANT INSPECTIONS

31.1(137F)	Inspection standards for food establishments
31.2(137F)	Inspection standards for food processing plants
31.3(137F)	Adulterated food and disposal
31.4(137F)	False label or defacement
31.5(137F)	Temporary food establishments and farmers market time/temperature control for safety food licensees

CHAPTERS 32 and 33

Reserved

CHAPTER 34

HOME FOOD PROCESSING ESTABLISHMENTS

34.1(137D)	Definitions
34.2(137D)	Licensing
34.3(137D)	Physical facilities and equipment
34.4(137D)	Management and personnel
34.5(137D)	Receiving, storage, and distribution
34.6(137D)	Food preparation and protection
34.7(137D)	Packaging and labeling requirements
34.8(137D)	Sanitation
34.9(137D)	Maintenance of records by licensee
34.10(137D)	Violations and enforcement
34.11(137D)	Denial, suspension, or revocation of license
34.12(137D)	Inspection and access to records
34.13(137D)	Public examination of records
34.14(137D)	Appeals

CHAPTER 35

CONTRACTOR REQUIREMENTS

35.1(137C,137D,137F)	Definitions
35.2(137C,137D,137F)	Contracts
35.3(137C,137D,137F)	Contractor
35.4(137C,137D,137F)	Contractor inspection personnel
35.5(137C,137D,137F)	Investigation
35.6(137C,137D,137F)	Inspection standards
35.7(137C,137D,137F)	Enforcement
35.8(137C,137D,137F)	Licensing
35.9(137C,137D,137F)	Records
35.10(137C,137D,137F)	Contract rescinded

CHAPTER 36

Reserved

CHAPTER 37

HOTEL AND MOTEL INSPECTIONS

37.1(137C)	Building and grounds
37.2(137C)	Guest rooms
37.3(137C)	Bedding
37.4(137C)	Lavatory facilities

37.5(137C)	Glasses and ice
37.6	Reserved
37.7(137C)	Room rates
37.8(137C)	Inspections
37.9(137C)	Enforcement
37.10(137C)	Criminal offense—conviction of license holder

CHAPTERS 38 to 40

Reserved

CHAPTER 41

PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN (PMIC)

41.1(135H)	Definitions
41.2(135H)	Application for license
41.3(135H)	Renewal application or change of ownership
41.4(135H)	Licenses for distinct parts
41.5(135H)	Waivers
41.6(135H)	Notice to the department
41.7(135H)	Inspection of complaints
41.8(135H)	General requirement
41.9(135H)	Certification of need for services
41.10(135H)	Active treatment
41.11(135H)	Individual plan of care
41.12(135H)	Individual written plan of care
41.13(135H)	Plan of care team
41.14(135H)	Required discharge
41.15(135H)	Criminal behavior involving children
41.16(22,135H)	Confidential or open information
41.17(135H)	Additional provisions concerning physical restraint

CHAPTERS 42 to 48

Reserved

CHAPTER 49

AMBULATORY SURGICAL CENTERS

49.1(135R)	Definitions
49.2(135R,10A)	Application and licensing
49.3(135R,10A)	Inspections
49.4(135R)	General licensing standards
49.5(135R)	Enforcement and penalties
49.6(135R,10A)	Public and confidential information
49.7(135R,10A)	Waivers

CHAPTER 50

HEALTH CARE FACILITIES ADMINISTRATION

50.1(10A)	Inspections
50.2(10A)	Definitions
50.3(135B,135C)	Licensing
50.4(135C)	Fines and citations
50.5(135C)	Denial, suspension or revocation
50.6(10A)	Formal hearing
50.7(10A,135C)	Additional notification
50.8(22,135B,135C)	Records
50.9(135C)	Criminal, dependent adult abuse, and child abuse record checks
50.10(135C)	Inspections, exit interviews, plans of correction, and revisits
50.11(135C)	Complaint and self-reported incident investigation procedure
50.12(135C)	Requirements for service
50.13(135C)	Inspectors' conflicts of interest

CHAPTER 51

HOSPITALS

51.1(135B)	Definitions
51.2(135B)	Classification, compliance and license
51.3(135B)	Quality improvement program
51.4(135B)	Long-term acute care hospital located within a general hospital
51.5(135B)	Medical staff
51.6(135B)	Patient rights and responsibilities
51.7(135B)	Abuse
51.8(135B)	Organ, tissue and eye procurement
51.9(135B)	Nursing services
51.10(135B)	Records and reports
51.11(135B)	Pharmaceutical service
51.12(135B)	Verbal orders
51.13(135B)	Radiological services
51.14(135B)	Laboratory service
51.15(135B)	Food and nutrition service
51.16(135B)	Equipment for patient care
51.17(135B)	Infection control
51.18(135B)	Surgical services
51.19(135B)	Anesthesia services
51.20(135B)	Emergency services
51.21(135B)	Obstetric and neonatal services
51.22(135B)	Pediatric services
51.23(135B)	Psychiatric services
51.24(135B)	Long-term care service
51.25(135B)	Criminal, dependent adult abuse, and child abuse record checks
51.26(135B)	Minimum standards for construction
51.27(135B)	Critical access hospitals
51.28(135B)	Rural emergency hospitals
51.29(135B)	Specialized hospitals

CHAPTER 52

DEPENDENT ADULT ABUSE IN FACILITIES AND PROGRAMS

52.1(235E)	Definitions
52.2(235E)	Reporting
52.3(235E)	Reports and central registry
52.4(235E)	Separation mandatory
52.5(235E)	Interviews, examination of evidence, and investigation
52.6(235E)	Notification to subsequent employers

CHAPTER 53

HOSPICE LICENSE STANDARDS

53.1(135J)	Definitions
53.2(135J)	License
53.3(135J)	Patient rights
53.4(135J)	Governing body
53.5(135J)	Quality assurance and utilization review
53.6(135J)	Attending physician services
53.7(135J)	Medical director
53.8(135J)	Interdisciplinary team (IDT)
53.9(135J)	Nursing services
53.10	Reserved
53.11(135J)	Coordinator of patient care
53.12(135J)	Social services
53.13(135J)	Counseling services
53.14(135J)	Volunteer services
53.15(135J)	Spiritual counseling
53.16(135J)	Optional services
53.17(135J)	Contracted services
53.18(135J)	Short-term hospital services
53.19(135J)	Bereavement services

53.20(135J)

Records

CHAPTER 54

GOVERNOR'S AWARD FOR QUALITY CARE

54.1(135C)

Purpose

54.2(135C)

Definitions

54.3(135C)

Nomination

54.4(135C)

Applicant eligibility

54.5(135C)

Nomination information

54.6(135C)

Evaluation

54.7(135C)

Selection of finalists

54.8(135C)

Certificate of recognition

CHAPTER 55

HEALTH CARE EMPLOYMENT AGENCIES
AND HEALTH CARE TECHNOLOGY PLATFORMS

55.1(135Q)

Definitions

55.2(135Q)

Registration

55.3(135Q)

General requirements

55.4(135Q)

Prohibitions

55.5(135Q)

Record retention and reporting

55.6(135Q)

Complaints

55.7(135Q)

Investigations

55.8(135Q)

Penalties

55.9(135Q)

Public and confidential information

CHAPTER 56

FINING AND CITATIONS

56.1(135C)

Authority for citations

56.2(135C)

Classification of violations—classes

56.3(135C)

Fines

56.4(135C)

Time for compliance

56.5(135C)

Failure to correct a violation within the time specified—penalty

56.6(135C)

Treble and double fines

56.7(135C)

Notation of classes of violations

56.8(135C)

Notation for more than one class of violation

56.9(135C)

Factors determining selection of class of violation

56.10(135C)

Factors determining imposition of citation and fine

56.11(135C)

Class I violation not specified in the rules

56.12(135C)

Class I violation as a result of multiple lesser violations

56.13(135C)

Form of citations

56.14(135C)

Licensee's response to a citation

56.15(135C)

Informal conference

56.16(135C)

Procedure for facility after informal conference

56.17(135C)

Formal contest

CHAPTER 57

RESIDENTIAL CARE FACILITIES

57.1(135C)

Definitions

57.2(135C,17A)

Waiver

57.3(135C)

Application for licensure

57.4(135C)

Issuance of license

57.5(135C)

Licenses for distinct parts

57.6(135C)

Special classifications

57.7(135C)

General requirements

57.8(135C)

Certified volunteer long-term care ombudsman program

57.9(135C)

Required notifications to the department

57.10(135C)

Administrator

57.11(135C)

Personnel

57.12(135C)

General policies

57.13(135C)	Admission, transfer and discharge
57.14(135C)	Involuntary discharge or transfer
57.15(135C)	Residency agreement
57.16(135C)	Medical examinations
57.17(135C)	Records
57.18(135C)	Resident care and personal services
57.19(135C)	Drugs
57.20(135C)	Dental services
57.21(135C)	Dietary
57.22(135C)	Orientation and service plan
57.23(135C)	Resident activities program
57.24(135C)	Residents' rights
57.25(135C)	Dignity preserved
57.26(135C)	Communications
57.27(135C)	Resident activities
57.28(135C)	Resident property
57.29(135C)	Financial affairs—management
57.30(135C)	Resident work
57.31(135C)	Family—shared rooms
57.32(135C)	Resident abuse prohibited
57.33(135C)	Crisis intervention
57.34(135C)	Safety
57.35(135C)	Housekeeping
57.36(135C)	Maintenance
57.37(135C)	Laundry
57.38(135C)	Garbage and waste disposal
57.39(135C)	Supplies
57.40(135C)	Buildings, furnishings, and equipment
57.41(135C)	Family and employee accommodations
57.42(135C)	Animals
57.43(135C)	Another business or activity in a facility
57.44(135C)	Respite care services

CHAPTER 58 NURSING FACILITIES

58.1(135C)	Definitions
58.2(135C)	Waivers
58.3(135C)	Application for licensure
58.4(135C)	General requirements
58.5(135C)	Notifications required by the department
58.6	Reserved
58.7(135C)	Licenses for distinct parts
58.8(135C)	Administrator
58.9(135C)	Administration
58.10(135C)	General policies
58.11(135C)	Personnel
58.12(135C)	Admission, transfer, and discharge
58.13(135C)	Contracts
58.14(135C)	Medical services
58.15(135C)	Records
58.16(135C)	Resident care and personal services
58.17	Reserved
58.18(135C)	Nursing care
58.19(135C)	Required nursing services for residents
58.20(135C)	Duties of health service supervisor
58.21(135C)	Drugs, storage, and handling
58.22(135C)	Rehabilitative services
58.23(135C)	Dental, diagnostic, and other services
58.24(135C)	Dietary
58.25(135C)	Social services program

58.26(135C)	Resident activities program
58.27	Reserved
58.28(135C)	Safety
58.29(135C)	Resident care
58.30	Reserved
58.31(135C)	Housekeeping
58.32(135C)	Maintenance
58.33(135C)	Laundry
58.34(135C)	Garbage and waste disposal
58.35(135C)	Buildings, furnishings, and equipment
58.36(135C)	Family and employee accommodations
58.37(135C)	Animals
58.38(135C)	Supplies
58.39(135C)	Residents' rights in general
58.40(135C)	Involuntary discharge or transfer
58.41(135C)	Residents' rights
58.42(135C)	Financial affairs—management
58.43(135C)	Resident abuse prohibited
58.44(135C)	Resident records
58.45(135C)	Dignity preserved
58.46(135C)	Resident work
58.47(135C)	Communications
58.48(135C)	Resident activities
58.49(135C)	Resident property
58.50(135C)	Family visits
58.51(135C)	Choice of physician and pharmacy
58.52(135C)	Incompetent resident
58.53	Reserved
58.54(135C)	Special unit or facility dedicated to the care of persons with chronic confusion or a dementing illness (CCDI unit or facility)
58.55(135C)	Another business or activity in a facility
58.56(135C)	Respite care services
58.57(135C)	Training of inspectors

CHAPTER 59

TUBERCULOSIS (TB) SCREENING

59.1(135B,135C)	Purpose
59.2(135B,135C)	Definitions
59.3(135B,135C)	TB risk assessment
59.4(135B,135C)	Health care facility or hospital risk classification
59.5(135B,135C)	Baseline TB screening procedures for health care facilities and hospitals
59.6(135B,135C)	Serial TB screening procedures for health care facilities and hospitals
59.7(135B,135C)	Screening of HCWs who transfer to other health care facilities or hospitals
59.8(135B,135C)	Baseline TB screening procedures for residents of health care facilities
59.9(135B,135C)	Serial TB screening procedures for residents of health care facilities
59.10(135B,135C)	Performance of screening and testing

CHAPTER 60

MINIMUM PHYSICAL STANDARDS FOR RESIDENTIAL CARE FACILITIES

60.1(135C)	Definitions
60.2(135C)	General requirements
60.3(135C)	Submission of construction documents
60.4(135C)	Waivers
60.5(135C)	Additional notification requirements
60.6(135C)	Construction requirements
60.7(135C)	Typical construction
60.8(135C)	Sleeping, bathing, and medication rooms
60.9(135C)	Dining, activity, and storage rooms
60.10(135C)	Service area
60.11(135C)	Administration and staff area

- 60.12(135C) Public area
- 60.13(135C) Specialized unit or facility for persons with chronic confusion or a dementing illness (memory care unit or facility)
- 60.14(135C) Elevator requirements

CHAPTER 61

MINIMUM PHYSICAL STANDARDS FOR NURSING FACILITIES

- 61.1(135C) Definitions
- 61.2(135C) General requirements
- 61.3(135C) Submission of construction documents
- 61.4(135C) Waivers
- 61.5(135C) Additional notification requirements
- 61.6(135C) Construction requirements
- 61.7(135C) Nursing care unit
- 61.8(135C) Dietetic and other service areas
- 61.9(135C) Specialized unit or facility for persons with chronic confusion or a dementing illness (CCDI unit or facility)

CHAPTER 62

RESIDENTIAL CARE FACILITIES FOR PERSONS WITH MENTAL ILLNESS (RCFs/PMI)

- 62.1(135C) Applicability
- 62.2(135C) Definitions
- 62.3(135C) Personnel
- 62.4(135C) Admission criteria
- 62.5(135C) Evaluation services

CHAPTER 63

RESIDENTIAL CARE FACILITY—THREE- TO FIVE-BED SPECIALIZED LICENSE

- 63.1(135C) Definitions
- 63.2(135C,17A) Waiver
- 63.3(135C) Application for licensure
- 63.4(135C) Issuance of license
- 63.5(135C) General requirements
- 63.6(135C) Required notifications to the department
- 63.7(135C) Administrator
- 63.8(135C) Personnel
- 63.9(135C) General policies
- 63.10(135C) Admission, transfer and discharge
- 63.11(135C) Involuntary discharge or transfer
- 63.12(135C) Residency agreement
- 63.13(135C) Medical examinations
- 63.14(135C) Records
- 63.15(135C) Resident care and personal services
- 63.16(135C) Drugs
- 63.17(135C) Dental services
- 63.18(135C) Dietary
- 63.19(135C) Orientation and service plan
- 63.20(135C) Resident activities program
- 63.21(135C) Residents' rights
- 63.22(135C) Dignity preserved
- 63.23(135C) Communications
- 63.24(135C) Resident property
- 63.25(135C) Financial affairs—management
- 63.26(135C) Resident work
- 63.27(135C) Resident abuse prohibited
- 63.28(135C) Crisis intervention
- 63.29(135C) Safety
- 63.30(135C) Housekeeping
- 63.31(135C) Maintenance
- 63.32(135C) Laundry

63.33(135C)	Garbage and waste disposal
63.34(135C)	Supplies
63.35(135C)	Buildings, furnishings, and equipment
63.36(135C)	Family and employee accommodations
63.37(135C)	Animals

CHAPTER 64 INTERMEDIATE CARE FACILITIES FOR THE INTELLECTUALLY DISABLED

64.1	Reserved
64.2(135C)	Waivers
64.3(135C)	Application for license
64.4(135C)	General requirements
64.5(135C)	Notifications required by the department
64.6(135C)	Veteran eligibility
64.7(135C)	Licenses for distinct parts
64.8 to 64.16	Reserved
64.17(135C)	Contracts
64.18(135C)	Records
64.19 to 64.32	Reserved
64.33(135C)	Allegations of dependent adult abuse
64.34(135C)	Employee criminal record checks, child abuse checks and dependent adult abuse checks and employment of individuals who have committed a crime or have a founded abuse
64.35	Reserved
64.36(135C)	Involuntary discharge or transfer
64.37 to 64.59	Reserved
64.60(135C)	Federal regulations adopted—conditions of participation
64.61	Reserved
64.62(135C)	Another business or activity in a facility
64.63(135C)	Respite care services

CHAPTER 65 INTERMEDIATE CARE FACILITIES FOR PERSONS WITH MENTAL ILLNESS (ICF/PMI)

65.1(135C)	Definitions
65.2(135C)	Application for license
65.3(135C)	Licenses for distinct parts
65.4(135C)	Waivers
65.5(135C)	General requirements
65.6(135C)	Notification required by the department
65.7(135C)	Administrator
65.8(135C)	Administration
65.9(135C)	Personnel
65.10(135C)	General admission policies
65.11(135C)	Evaluation services
65.12(135C)	Individual program plan (IPP)
65.13(135C)	Activity program
65.14(135C)	Crisis intervention
65.15(135C)	Restraint or seclusion
65.16(135C)	Discharge or transfer
65.17(135C)	Medication management
65.18(135C)	Resident property and personal affairs
65.19(135C)	Financial affairs
65.20(135C)	Records
65.21(135C)	Health and safety
65.22(135C)	Nutrition
65.23(135C)	Physical facilities and maintenance

65.24	Reserved
65.25(135C)	Residents' rights in general
65.26(135C)	Incompetent residents
65.27(135C)	County care facilities
65.28(135C)	Violations
65.29(135C)	Another business or activity in a facility
65.30(135C)	Respite care services

CHAPTER 66 BOARDING HOMES

66.1(135O)	Definitions
66.2(135O)	Registration of boarding homes
66.3(135O)	Occupancy reports
66.4(135O)	Complaints and investigations
66.5	Reserved
66.6(135O)	Penalties
66.7(135O)	Public and confidential information

CHAPTER 67 GENERAL PROVISIONS FOR ELDER GROUP HOMES, ASSISTED LIVING PROGRAMS, AND ADULT DAY SERVICES

67.1(231B,231C,231D)	Definitions
67.2(231B,231C,231D)	Program policies and procedures
67.3(231B,231C,231D)	Tenant rights
67.4(231B,231C,231D)	Program notification to the department
67.5(231B,231C,231D)	Medications
67.6(231B,231C,231D)	Another business or activity located in a program
67.7(231B,231C,231D)	Waiver of criteria for retention of a tenant in the program
67.8(231B,231C,231D)	All other waiver requests
67.9(231B,231C,231D)	Staffing
67.10(17A,231B,231C,231D)	Monitoring
67.11(231B,231C,231D)	Complaint and program-reported incident report investigation procedure
67.12(17A,231B,231C,231D,85GA,HF2365)	Exit interview, final report, plan of correction
67.13(17A,231B,231C,231D,85GA,HF2365)	Response to final report
67.14(17A,231B,231C,231D)	Denial, suspension or revocation of a certificate
67.15(17A,231B,231C,231D)	Conditional certification
67.16(17A,231B,231C,231D)	Civil penalties
67.17(17A,231B,231C,231D)	Judicial review
67.18(135C,231B,231C,231D)	Criminal, dependent adult abuse, and child abuse record checks
67.19(17A,231C,231D)	Emergency removal of tenants
67.20(231C)	Nursing assistant work credit
67.21(231B,231C,231D)	Public or confidential information

CHAPTER 68 ELDER GROUP HOMES

68.1(231B)	Definitions
68.2(231B)	Program certification and posting requirements
68.3(231B)	Certification—application process
68.4(231B)	Certification—application content
68.5(231B)	Initial certification process
68.6(231B)	Expiration of program certification
68.7(231B)	Recertification process
68.8(231B)	Notification of recertification
68.9(231B)	Listing of all certified programs
68.10(231B)	Change of ownership—notification to the department
68.11(231B)	Cessation of program operation that includes seeking decertification
68.12(231B)	Occupancy agreement
68.13(231B)	Evaluation of tenant
68.14(231B)	Criteria for admission and retention of tenants
68.15(231B)	Involuntary transfer from the program

68.16(231B)	Tenant documents
68.17(231B)	Service plans
68.18(231B)	Nurse review
68.19(231B)	Staffing
68.20(231B)	Managed risk policy and managed risk consensus agreements
68.21(231B)	Transportation
68.22(231B)	Identification of veteran's benefit eligibility
68.23	Reserved
68.24(231B)	Life safety—emergency policies and procedures and structural safety requirements
68.25(231B)	Structural standards

CHAPTER 69 ASSISTED LIVING PROGRAMS

69.1(231C)	Definitions
69.2(231C)	Program certification
69.3(231C)	Certification of a nonaccredited program—application process
69.4(231C)	Nonaccredited program—application content
69.5(231C)	Initial certification process for a nonaccredited program
69.6(231C)	Expiration of the certification of a nonaccredited program
69.7(231C)	Recertification process for a nonaccredited program
69.8(231C)	Notification of recertification for a nonaccredited program
69.9(231C)	Certification or recertification of an accredited program—application process
69.10(231C)	Certification or recertification of an accredited program—application content
69.11(231C)	Initial certification process for an accredited program
69.12(231C)	Recertification process for an accredited program
69.13(231C)	Listing of all certified programs
69.14(231C)	Recognized accrediting entity
69.15(231C)	Requirements for an accredited program
69.16(231C)	Maintenance of program accreditation
69.17(231C)	Change of ownership—notification to the department
69.18(231C)	Plan reviews of a building for a new program
69.19(231C)	Plan review prior to the remodeling of a building for a certified program
69.20(231C)	Cessation of program operation that includes seeking decertification
69.21(231C)	Occupancy agreement
69.22(231C)	Evaluation of tenant
69.23(231C)	Criteria for admission and retention of tenants
69.24(231C)	Involuntary transfer from the program
69.25(231C)	Tenant documents
69.26(231C)	Service plans
69.27(231C)	Nurse review
69.28(231C)	Food service
69.29(231C)	Staffing
69.30(231C)	Dementia-specific education for program personnel
69.31(231C)	Managed risk policy and managed risk consensus agreements
69.32(231C)	Life safety—emergency policies and procedures and structural safety requirements
69.33(231C)	Transportation
69.34(231C)	Activities
69.35(231C)	Structural requirements
69.36(231C)	Dwelling units in dementia-specific programs
69.37	Reserved
69.38(83GA,SF203)	Identification of veteran's benefit eligibility
69.39(231C)	Respite care services

CHAPTER 70 ADULT DAY SERVICES

70.1(231D)	Definitions
70.2(231D)	Program certification
70.3(231D)	Certification of a nonaccredited program—application process
70.4(231D)	Nonaccredited program—application content
70.5(231D)	Initial certification process for a nonaccredited program

70.6(231D)	Expiration of the certification of a nonaccredited program
70.7(231D)	Recertification process for a nonaccredited program
70.8(231D)	Notification of recertification for a nonaccredited program
70.9(231D)	Certification or recertification of an accredited program—application process
70.10(231D)	Certification or recertification of an accredited program—application content
70.11(231D)	Initial certification process for an accredited program
70.12(231D)	Recertification process for an accredited program
70.13(231D)	Listing of all certified programs
70.14(231D)	Recognized accrediting entity
70.15(231D)	Requirements for an accredited program
70.16(231D)	Maintenance of program accreditation
70.17(231D)	Change of ownership—notification to the department
70.18(231D)	Plan reviews of a building for a new program
70.19(231D)	Plan review prior to the remodeling of a building for a certified program
70.20(231D)	Cessation of program operation that includes seeking decertification
70.21(231D)	Contractual agreement
70.22(231D)	Evaluation of participant
70.23(231D)	Criteria for admission and retention of participants
70.24(231D)	Involuntary discharge from the program
70.25(231D)	Participant documents
70.26(231D)	Service plans
70.27(231D)	Nurse review
70.28(231D)	Food service
70.29(231D)	Staffing
70.30(231D)	Dementia-specific education for program personnel
70.31(231D)	Managed risk policy and managed risk consensus agreements
70.32(231D)	Life safety—emergency policies and procedures and structural safety requirements
70.33(231D)	Transportation
70.34(231D)	Activities
70.35(231D)	Structural requirements
70.36(231D)	Identification of veteran's benefit eligibility

CHAPTER 71

SUBACUTE MENTAL HEALTH CARE FACILITIES

71.1(135G)	Purpose—subacute mental health services
71.2(135G)	Definitions
71.3(135G)	Application for licensure
71.4(135G)	Licenses for distinct parts
71.5(135G)	Waivers
71.6(135G)	Provisional license
71.7(135G)	General requirements
71.8(135G)	Required notifications to the department
71.9(135G)	Reports of dependent adult abuse
71.10(135G)	Administrator
71.11(135G)	Administration
71.12(135G)	Personnel
71.13(135G)	Admission, transfer, and discharge
71.14(135G)	Treatment plan
71.15(135G)	Crisis intervention
71.16(135G)	Seclusion and restraint
71.17(135G)	Medication management
71.18(135G)	Dietary
71.19(135G)	Buildings, furnishings, and equipment
71.20(135G)	Records
71.21(135G)	Residents' rights in general
71.22(135G)	Health and safety

INVESTIGATIONS DIVISION

CHAPTERS 72 to 81

Reserved

CHAPTER 82

ECONOMIC FRAUD BUREAU

82.1(10A)	Definitions
82.2(10A)	Economic fraud bureau (EFB or bureau)
82.3(10A)	Investigation procedures
82.4(10A)	EBT trafficking investigations
82.5(10A)	Findings
82.6(10A)	Confidentiality

CHAPTER 83

MEDICAID FRAUD CONTROL UNIT

83.1(10A)	Definitions
83.2(10A)	Investigative authority
83.3(10A)	Access to records
83.4(10A)	Subpoenas
83.5(10A)	Confidentiality

CHAPTER 84

AUDITS UNIT

84.1(10A)	Audit occurrence
84.2(10A)	Confidentiality

CHAPTERS 85 to 89

Reserved

CHAPTER 90

PUBLIC ASSISTANCE DEBT RECOVERY UNIT (PADRU)

90.1(10A)	Definitions
90.2(10A)	Recovery process
90.3(10A)	Records
90.4(10A)	Debt repayment
90.5(10A)	Further collection action
90.6(10A)	Appeal rights
90.7(10A)	Data processing systems matches
90.8(10A)	Confidentiality

CHAPTERS 91 to 99

Reserved

GAMES OF SKILL, CHANCE, BINGO AND RAFFLES

CHAPTER 100

GENERAL PROVISIONS FOR SOCIAL AND CHARITABLE GAMBLING

100.1(99B)	Definitions
100.2(99B)	Licensure
100.3(99B)	License application
100.4	Reserved
100.5(99B)	Returned checks
100.6(99B)	Payment systems
100.7(99B)	Participation—game of skill, game of chance or raffle
100.8(99B)	Posted rules—games other than bingo and raffles
100.9	Reserved
100.10(99B)	Rules—raffles
100.11(99B)	Prizes
100.12(99B)	Games of chance—prohibited games
100.13(99B)	Records
100.14(99B)	Reports
100.15(10A,17A,99B)	Appeal rights

100.16(99B)	Raffles
100.17(99B)	Expenses
100.18(99B)	Net receipts
100.19(99B)	Licensure of manufacturers and distributors of bingo equipment and supplies and electronic raffle systems
100.20(99B)	Bingo supplies and equipment
100.21(99B)	Electronic raffles

CHAPTER 101

AMUSEMENT CONCESSIONS

101.1(99B)	License requirements
101.2(99B)	Prizes

CHAPTER 102

Reserved

CHAPTER 103

BINGO

103.1(99B)	Definitions
103.2(99B)	License
103.3	Reserved
103.4(99B)	Game of bingo
103.5(99B)	State rules and rules established by the licensee
103.6(99B)	Prizes
103.7(99B)	Workers
103.8(99B)	Expenses
103.9(99B)	Location
103.10(10A,725)	Advertising
103.11(10A,99B)	Equipment
103.12(99B)	Records
103.13(99B)	Bingo checking account
103.14(10A,99B)	Bingo savings account and bingo change fund
103.15(99B)	Annual gambling reports
103.16(10A,99B)	Inspections and audits
103.17(99B)	Electronic bingo
103.18(99B)	Bingo at a fair or community festival

CHAPTER 104

GENERAL PROVISIONS FOR ALL AMUSEMENT DEVICES

104.1(10A,99B)	Definitions
104.2(99B)	Device restrictions
104.3(99B)	Prohibited games/devices
104.4(99B)	Prizes
104.5(99B)	Registration
104.6(99B)	Violations
104.7(99B,17A)	Declaratory orders

CHAPTER 105

REGISTERED AMUSEMENT DEVICES

105.1(10A,99B)	Definitions
105.2(99B)	Registered amusement devices
105.3(99B)	Prohibited registered amusement devices
105.4(99B)	Prizes
105.5(99B)	Registration by a manufacturer, distributor, or an owner that operates for profit
105.6(99B)	Registration of registered amusement devices
105.7(99B)	Violations
105.8(10A,99B)	Appeal rights
105.9(10A,99B)	Procedure for denial, revocation, or suspension of a registration
105.10(99B)	Annual verification of device location
105.11(99B)	Criteria for approval or denial of a registration

105.12(10A,99B) Suspension or revocation of a registration

CHAPTER 106

CARD GAME TOURNAMENTS BY VETERANS ORGANIZATIONS

106.1(99B) Definitions
 106.2(99B) Licensing
 106.3(99B) Card game tournament
 106.4(99B) Records

CHAPTERS 107 to 202

Reserved

IOSHA DIVISION

CHAPTER 203

POSTING, INSPECTIONS, CITATIONS AND PROPOSED PENALTIES

203.1(88) Posting of notice; availability of the Act, regulations and applicable standards
 203.2(88) Objection to inspection
 203.3(88) Entry not a waiver
 203.4(88) Advance notice of inspections
 203.5(88) Conduct of inspections
 203.6(88) Representatives of employers and employees
 203.7(88) Complaints by employees
 203.8(88) Trade or governmental secrets
 203.9(88) Imminent danger
 203.10(88) Consultation with employees
 203.11(88) Citations
 203.12(88) Informal conferences
 203.13(88) Petitions for modification of abatement date
 203.14 to 203.18 Reserved
 203.19(88) Abatement verification
 203.20(88) Policy regarding employee rescue activities
 203.21 Reserved
 203.22(88,89B) Additional hazard communication training requirements
 203.23(88) Definitions

CHAPTER 204

RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES

204.1(88) Purpose and scope
 204.2(88) First reports of injury
 204.3(88) Recording and reporting regulations

CHAPTER 205

RULES OF PRACTICE FOR OSHA VARIANCES

205.1(17A,88) Purpose and scope
 205.2(17A,88) Definitions
 205.3 Reserved
 205.4(88) Effect of variances
 205.5(17A,88) Submission of waiver information
 205.6 Reserved
 205.7(88) Temporary variance
 205.8(88) Permanent variance
 205.9(88) Special variance
 205.10(88) Modification and revocation of rules or orders
 205.11(88) Action on applications
 205.12(88) Requests for hearings on applications
 205.13(88) Consolidation of proceedings
 205.14(88) Notice of hearing
 205.15(88) Manner of service
 205.16(88) Hearing examiner; powers and duties
 205.17(88) Prehearing conferences

205.18(88)	Consent findings and rules or orders
205.19(88)	Discovery
205.20(88)	Hearings
205.21(88)	Decisions of hearing examiner
205.22(88)	Motion for summary decision
205.23(88)	Summary decision
205.24(88)	Finality for purposes of judicial review

CHAPTERS 206 and 207

Reserved

CHAPTER 208

CONSULTATIVE SERVICES

208.1(88)	Purpose and scope
208.2(88)	Definitions
208.3(88)	Requesting and scheduling of on-site consultation visit
208.4(88)	Conducting a visit
208.5(88)	Relationship to enforcement

CHAPTER 209

OSHA DISCRIMINATION AGAINST EMPLOYEES

209.1(88)	Complaints and proceedings under or related to the Iowa occupational safety and health Act
209.2(88)	Unprotected activities distinguished
209.3(88)	Filing of complaint for discrimination
209.4(88)	Notice of determination
209.5(88)	Arbitration or other agency proceedings

CHAPTER 210

GENERAL INDUSTRY SAFETY AND HEALTH RULES

210.1(88)	Applicability of standards
210.2(88)	Incorporation by reference
210.3(88)	Definitions and requirements for a nationally recognized testing laboratory
210.4(88)	Adoption by reference

CHAPTER 211

CONSTRUCTION SAFETY AND HEALTH RULES

211.1(88)	Adoption by reference
211.2(88)	Beryllium exposure limits

CHAPTER 212

OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR AGRICULTURE

212.1(88)	Adoption by reference
-----------	-----------------------

CHAPTER 213

SANITATION AND SHELTER RULES FOR RAILROAD EMPLOYEES

213.1(88)	Definitions
213.2(88)	Water supply—requirements
213.3(88)	Toilets—requirements
213.4(88)	Eating places and lunchrooms—requirements
213.5(88)	Sleeping accommodations—requirements
213.6(88)	Cleanliness and maintenance—requirements
213.7(88)	Conflicts resolved

CHAPTERS 214 to 219

Reserved

CHAPTER 220

COMMUNITY RIGHT TO KNOW HAZARDOUS CHEMICALS

220.1(89B)	Employer's duty
220.2(89B)	Records accessibility
220.3(89B)	Application for exemption

220.4(89B)	Burden of proof and criteria
220.5(89B)	Formal ruling
220.6(89B)	Request for information
220.7(89B)	Filing with division
220.8(89B)	Grounds for complaint against the employer
220.9(89B)	Investigation or inspection upon complaint
220.10(89B)	Order to comply

CHAPTER 221

PUBLIC SAFETY/EMERGENCY RESPONSE RIGHT TO KNOW

221.1(89B)	Employer waiver applications
221.2(89B)	Agreement between an employer and fire department
221.3(89B)	Information submitted to local fire department
221.4(89B)	Procedure for noncompliance
221.5(89B)	Notice of noncompliance

CHAPTERS 222 to 224

Reserved

INVESTIGATIONS DIVISION: WAGE AND CHILD LABOR UNIT

CHAPTER 225

WAGE CLAIMS

225.1(91A)	Definitions
225.2(91A)	Right of private action
225.3(91A)	Filing a claim
225.4(91A)	Investigation
225.5(91A)	Legal action on wage claims

CHAPTER 226

Reserved

CHAPTER 227

WAGE CIVIL PENALTIES

227.1(91A)	Civil penalties for Iowa Code chapter 91A violations
227.2(91A)	Investigation
227.3(91A)	Calculation of penalty
227.4(91A)	Settlement opportunity
227.5(91A)	Notice of penalty assessment; contested case proceedings
227.6(91A)	Judicial review

CHAPTERS 228 and 229

Reserved

CHAPTER 230

MINIMUM WAGE SCOPE AND COVERAGE

230.1(91D)	Initial employment wage rate
230.2(91D)	Definitions
230.3(91D)	Exceptions
230.4(91D)	Interpretative guidelines

CHAPTER 231

DOMESTIC SERVICE

231.1(91D)	Purpose and scope
231.2(91D)	Domestic service employment
231.3(91D)	Babysitting services
231.4(91D)	Casual basis
231.5(91D)	Companionship services for the aged or infirm
231.6(91D)	Application of minimum wage provisions
231.7(91D)	Domestic service employment
231.8(91D)	Live-in domestic service employees

231.9(91D)	Babysitting services in general
231.10(91D)	Babysitting services performed on a casual basis
231.11(91D)	Individuals performing babysitting services in their own homes
231.12(91D)	Companionship services for the aged or infirm
231.13(91D)	Yard maintenance workers
231.14(91D)	Third-party employment

CHAPTER 232

EMPLOYEES OF STATE AND LOCAL GOVERNMENTS

232.1(91D)	Definition
232.2(91D)	Exclusion for elected officials and their appointees
232.3(91D)	Exclusion for employees of legislative branches
232.4(91D)	Introduction
232.5(91D)	Compensatory time and compensatory time off
232.6(91D)	Payments for unused compensatory time
232.7(91D)	Other compensatory time

OTHER EXEMPTIONS

232.8(91D)	Substitution
------------	--------------

RECORDKEEPING

232.9(91D)	Records to be kept of compensatory time
------------	---

VOLUNTEERS

232.10(91D)	General
232.11(91D)	Volunteer defined
232.12(91D)	Employment by the same public agency
232.13(91D)	Same type of services defined
232.14(91D)	Private individuals who volunteer services to public agencies
232.15(91D)	Payment of expenses, benefits, or fees

FIRE PROTECTION AND LAW ENFORCEMENT

EMPLOYEES OF PUBLIC AGENCIES

232.16(91D)	Compensable hours of work
232.17(91D)	Sleep time
232.18(91D)	Early relief
232.19(91D)	Training time

CHAPTER 233

WAGES

233.1(91D)	Purpose and scope
233.2(91D)	Reasonable cost
233.3(91D)	Free and clear payment; kickbacks
233.4(91D)	General characteristics of tips
233.5(91D)	Payments that constitute tips
233.6(91D)	Tip pooling
233.7(91D)	Dual jobs

CHAPTER 234

RECORDS TO BE KEPT BY EMPLOYERS

234.1(91D)	Employees subject to minimum wage
234.2(91D)	Exempt employees
234.3(91D)	Posting of notices
234.4(91D)	Records to be preserved three years
234.5(91D)	Records to be preserved two years
234.6(91D)	Tipped employees
234.7(91D)	Industrial homeworkers
234.8(91D)	Employees in agriculture
234.9(91D)	Relationship to other recordkeeping and reporting requirements

CHAPTER 235

Reserved

CHAPTER 236

WAGE DISCRIMINATION

236.1(91A)	Definitions
236.2(91A)	General requirements
236.3(91A)	Unprotected activities distinguished
236.4(91A)	Complaint under or related to the Act
236.5(91A)	Proceedings related to the Act
236.6(91A)	Filing of complaint for discrimination or discharge
236.7(91A)	Decision of the director

CHAPTERS 237 to 239

Reserved

CHAPTER 240 CHILD LABOR

240.1(92)	Definitions
240.2 to 240.4	Reserved
240.5(92)	Terms
240.6(92)	Terms
240.7	Reserved
240.8(92)	Terms
240.9(92)	Terms
240.10	Reserved
240.11(92)	Civil penalty calculation
240.12(92)	Civil penalty procedures

CHAPTERS 241 to 244

Reserved

CHAPTER 245 EMPLOYER REQUIREMENTS FOR NON-ENGLISH SPEAKING EMPLOYEES

245.1(91E)	Purpose and scope
245.2(91E)	Definitions
245.3(91E)	Knowledge of English
245.4(91E)	Community services referral agent requirements
245.5(91E)	Exemptions
245.6(91E)	Inspections
245.7(91E)	Enforcement and penalties

CHAPTERS 246 to 249

Reserved

IOWA ATHLETIC COMMISSION

CHAPTER 250 GENERAL REQUIREMENTS FOR ATHLETIC COMMISSION EVENTS

250.1(90A)	Scope and application
250.2(92)	Definitions
250.3(90A)	Prohibited events
250.4(90A)	Advance notice of event
250.5(90A)	Event license
250.6(90A)	Promoter responsibilities
250.7(90A)	Taxes

CHAPTER 251 PROFESSIONAL BOXING

251.1(90A)	Limitation of rounds
251.2(90A)	Weight restrictions
251.3(90A)	Injury
251.4(90A)	Knockdown
251.5(90A)	Limitation on number of bouts
251.6(90A)	Contestants' arrival

251.7(90A)	Persons allowed in the ring
251.8(90A)	Protection of hands
251.9(90A)	Scoring
251.10(90A)	Gloves
251.11(90A)	Proper attire
251.12(90A)	Use of substances
251.13(90A)	“Down”
251.14(90A)	Foul
251.15(90A)	Penalties
251.16(90A)	Weight classes
251.17(90A)	Attendance of commissioner
251.18(90A)	Weighing of contestants
251.19(90A)	General requirements
251.20(90A)	Excessive coaching
251.21(90A)	Abusive language
251.22 to 251.24	Reserved
251.25(90A)	Ring requirements
251.26(90A)	Ring posts
251.27(90A)	Ropes
251.28(90A)	Ring floor
251.29(90A)	Bell
251.30(90A)	Gloves
251.31(90A)	Referee’s duties
251.32(90A)	Chief second
251.33(90A)	Naming referee
251.34(90A)	Reasons for stopping bout
251.35(90A)	Forfeit of purse
251.36(90A)	Shaking hands
251.37(90A)	Assessing fouls
251.38(90A)	Delaying prohibited
251.39(90A)	Count
251.40(90A)	Intentional foul
251.41(90A)	Use of the ropes
251.42(90A)	Attending ring physician
251.43(90A)	Technical knockout
251.44(90A)	Timekeeper
251.45(90A)	Seconds
251.46(90A)	Requirements for seconds
251.47 to 251.49	Reserved
251.50(90A)	Use of water
251.51(90A)	Stopping the fight
251.52(90A)	Removing objects from ring
251.53(90A)	Decision
251.54(90A)	Boxer registration

CHAPTER 252

ELIMINATION TOURNAMENTS

252.1(90A)	Purpose and scope
252.2(90A)	Bouts, rounds and rest periods
252.3(90A)	Required protective equipment
252.4(90A)	Weight restrictions
252.5(90A)	Down
252.6(90A)	Suspension
252.7(90A)	Training requirements
252.8(90A)	Judges
252.9(90A)	Impartiality of timekeeper
252.10(90A)	Ringside

CHAPTER 253

Reserved

CHAPTER 254 MIXED MARTIAL ARTS

254.1(90A)	Definitions
254.2(90A)	Equipment specifications
254.3(90A)	Event requirements
254.4(90A)	Contestants
254.5(90A)	Procedural rules
254.6(90A)	Decision
254.7(90A)	Forfeit of purse
254.8(90A)	Professional fighter registration

CHAPTER 255 PROFESSIONAL KICKBOXING

255.1(90A)	Scope and purpose
255.2(90A)	GLORY rules adopted by reference
255.3(90A)	Professional boxing rules followed
255.4(90A)	Additional provisions

CHAPTER 256 Reserved

CHAPTER 257 PROFESSIONAL WRESTLING

257.1(90A)	General requirements
257.2(90A)	Separation of boxing and wrestling
257.3(90A)	Safety

CHAPTERS 258 and 259 Reserved

CHAPTER 260 GRANT APPLICATIONS AND AWARDS

260.1(90A)	Scope
260.2(90A)	Application process
260.3(90A)	Grant process
260.4(90A)	Evaluation

HEALTH AND SAFETY DIVISION: FIRE SAFETY BUREAU

CHAPTER 261 FIRE SAFE CIGARETTE CERTIFICATION PROGRAM

261.1(101B)	Definitions
261.2(101B)	Certification and fee
261.3(101B)	Test method, performance standard, test report
261.4(101B)	Notification of certification
261.5(101B)	Marking fire safe cigarette packaging
261.6(17A)	Violations and penalties

CHAPTERS 262 and 263 Reserved

CHAPTER 264 CONSUMER FIREWORKS RETAIL SELLER LICENSING AND WHOLESALER REGISTRATION

264.1(10A)	Definitions
264.2(10A)	Sale of consumer fireworks—safety standards
264.3(10A)	Sales allowed
264.4(10A)	License fees—consumer fireworks seller licenses
264.5(10A)	Application and issuance of license
264.6(10A)	Fireworks site plan review, approval, and inspection
264.7(10A)	Unauthorized use of license

264.8(10A)	Revocation of license
264.9(10A)	Consumer fireworks wholesalers—registration—safety—insurance
264.10(10A)	Consumer fireworks fee fund
264.11(10A)	Local fire protection and emergency medical service providers grant program

CHAPTER 265

LICENSING OF FIRE PROTECTION SYSTEM CONTRACTORS

265.1(100C)	Establishment of program
265.2(100C)	Definitions
265.3(100C)	Responsible managing employee
265.4(100C)	License requirements
265.5(100C)	Application and fees
265.6(100C)	Complaints
265.7(100C)	Denial, suspension, or revocation of licensure; civil penalties; and appeals

CHAPTER 266

LICENSING OF FIRE PROTECTION SYSTEM TECHNICIANS

266.1(100D)	Establishment of program
266.2(100D)	Definitions
266.3(100D)	Licensing requirements
266.4(100D)	Application and fees
266.5(100D)	Complaints
266.6(100D)	Denial, suspension, or revocation of licensure; civil penalties; appeals

CHAPTER 267

LICENSING OF ALARM SYSTEM CONTRACTORS AND TECHNICIANS

267.1(100C)	Establishment of program
267.2(100C)	Definitions
267.3(100C)	Responsible managing employee
267.4(100C)	Contractor licensing
267.5(100C)	Contractor application and fees
267.6(100C)	Technician licensure requirements
267.7(100C)	Technician application and fees
267.8(100C)	Complaints
267.9(100C)	Denial, suspension, or revocation of licensure; civil penalties; and appeals

CHAPTER 268

MANUFACTURING, STORAGE, HANDLING, USE OF EXPLOSIVE MATERIALS, AND LICENSING FOR COMMERCIAL EXPLOSIVE CONTRACTORS AND BLASTERS

268.1(101A)	Explosive materials
268.2(101A)	Definitions
268.3(101A)	Licenses required
268.4(101A,272C)	License application process
268.5(101A)	Issuance of commercial explosive contractor license
268.6(101A)	Issuance of a commercial explosive blaster license
268.7(272C)	Licensure of persons licensed in other jurisdictions
268.8(101A)	Inventory and records
268.9(101A)	Complaints
268.10(101A,252J)	Grounds for suspension, revocation, or denial of commercial explosive licenses; appeals

CHAPTERS 269 to 279

Reserved

CHAPTER 280

FIRE CONTROL ADMINISTRATION

280.1(10A)	Fire control administration description and contact information
280.2(10A)	Definitions
280.3(10A)	Building plan submission
280.4(10A,101,101A)	Inspections and inspection fees
280.5(10A)	Certificates for licensure

280.6(10A)	Fire drills
280.7(10A)	Inspection based on complaint
280.8(10A)	General provisions
280.9(10A)	Electrical installations
280.10(10A)	Existing buildings or structures
280.11(10A)	Recognition of local fire ordinances and enforcement
	REQUIREMENTS FOR SPECIFIC OCCUPANCIES
280.12(10A)	Scope of rules related to specific occupancies
280.13(10A,135C)	Residential care facilities with a three- to five-bed specialized license and facilities in which foster care is provided by agencies to fewer than six children pursuant to Iowa Code chapter 237
	FIRE SAFETY REQUIREMENTS FOR HOSPITALS AND HEALTH CARE FACILITIES
280.14(10A)	Fire safety requirements for ambulatory surgical centers, hospitals, and health care facilities
	SMOKE ALARMS/DETECTORS
280.15(10A)	Scope, definitions, and requirements for smoke alarms and smoke detectors
	CARBON MONOXIDE ALARMS
280.16(10A)	Scope and definitions
280.17(10A)	Requirements for carbon monoxide alarms and detection systems

CHAPTER 281

Reserved

CHAPTER 282

FLAMMABLE OR COMBUSTIBLE LIQUIDS

282.1(101)	Scope and definitions
282.2	Reserved
282.3(101)	Compliance
282.4(101)	Flammable or combustible liquids
282.5(101)	Motor fuel dispensing facilities and repair garages
282.6(101)	Temporary storage in disaster emergencies
282.7(101)	Aircraft fueling
282.8(101)	Helicopter fueling
282.9(101)	Fuel-fired appliances
282.10(101)	Stationary combustion engines and gas turbines
282.11(101)	Plans and plan review fees
282.12(101)	Approval of plans
282.13(101)	Inspections
282.14(101)	Registration of existing and new tanks—fees
282.15(101)	Inspections and orders
282.16(101)	Leaks, spills, or damage
282.17(101)	Civil penalty
282.18(17A,101)	Appeals

CHAPTERS 283 to 285

Reserved

CHAPTER 286

LIQUEFIED PETROLEUM GAS

286.1(101)	General requirements
------------	----------------------

CHAPTER 287

Reserved

CHAPTER 288

LIQUEFIED NATURAL GAS

288.1(101)	Transportation, storage, handling, and use of liquefied natural gas
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CHAPTERS 289 to 299

Reserved

CHAPTER 300
STATE BUILDING CODE—ADMINISTRATION

300.1(103A)	State building code promulgated; definitions
300.2(103A)	Building code commissioner
300.3(103A)	Building code advisory council
300.4(103A)	Plan reviews
300.5(103A)	Inspections
300.6(103A)	Local code enforcement

CHAPTER 301
STATE BUILDING CODE

PART 1
GENERAL PROVISIONS

301.1(103A)	Scope and applicability
301.2(103A)	Definitions
301.3(103A)	General provisions
301.4(103A)	Mechanical requirements
301.5(103A)	Electrical requirements
301.6(103A)	Plumbing requirements
301.7(103A)	Existing buildings
301.8(103A)	Residential construction requirements
301.9(103A)	Fuel gas piping requirements
301.10(103A)	Transition period
301.11 to 301.15	Reserved

PART 2
ACCESSIBILITY OF BUILDINGS AND FACILITIES AVAILABLE TO THE PUBLIC

301.16(103A,104A)	Purpose and scope
301.17(103A,104A)	Definitions
301.18(103A,104A)	Accessibility of buildings and facilities available to the public
301.19(103A,104A)	Making apartments accessible and functional for persons with disabilities
301.20 to 301.22	Reserved

PART 3
REQUIREMENTS FOR ENERGY CONSERVATION IN CONSTRUCTION

301.23(103A)	Scope and applicability of energy conservation requirements
301.24(103A)	Residential energy code
301.25(103A)	Adoption of nonresidential energy code
301.26 and 301.27	Reserved

PART 4
LIFE CYCLE COST ANALYSIS OF PUBLIC FACILITIES

301.28(470)	Life cycle cost analysis
301.29	Reserved

PART 5
SUSTAINABLE DESIGN STANDARDS

301.30(103A)	Scope and purpose
301.31(103A)	Definitions
301.32(103A)	Submission of projects
301.33(103A)	Sustainable design criteria for residential projects
301.34(103A)	Sustainable design criteria for commercial projects
301.35(103A)	Fees
301.36	Reserved

PART 6
WEATHER SAFE ROOMS

301.37(103A)	Scope
301.38(103A)	Definition
301.39(103A)	Standards
301.40	Reserved

PART 7

	STATE HISTORIC BUILDING CODE
301.41(103A)	Scope and definition
301.42(103A)	Adoption
	CHAPTERS 302 to 320
	Reserved
	CHAPTER 321
	STATE BUILDING CODE—FACTORY-BUILT STRUCTURES
321.1 to 321.609	Reserved
	PART 1—MODULAR FACTORY-BUILT STRUCTURES
321.610(103A)	“Modular factory-built structures”
321.611 to 321.619	Reserved
	PART 2—MANUFACTURED HOUSING
321.620(103A)	Manufactured home construction
321.621(103A)	Installation of manufactured homes
321.622	Reserved
321.623(103A)	Installation seal and certificate procedures for manufactured homes
321.624 to 321.626	Reserved
321.627(103A)	Approval of existing manufactured home tie-down systems
321.628(103A)	Procedure for governmental subdivisions for installation of factory-built structures
321.629(103A)	Support and anchoring systems submission
	CHAPTER 322
	STATE BUILDING CODE—MANUFACTURED HOUSING SUPPORT AND ANCHORAGE SYSTEMS
322.1	Reserved
322.2(103A)	Definitions
322.3 to 322.10	Reserved
322.11(103A)	Support and anchorage of manufactured homes
322.12(103A)	Suspension of installation requirements in proclaimed disaster emergencies
322.13 to 322.19	Reserved
322.20(103A)	Fees
	CHAPTER 323
	TEMPORARY EMERGENCY USE OF FACTORY-BUILT STRUCTURES—COMMERCIAL USE
323.1(103A)	Temporary factory-built structures for commercial use
	CHAPTER 324
	MANUFACTURED OR MOBILE HOME RETAILERS, MANUFACTURERS, AND DISTRIBUTORS
324.1(103A)	Definitions
324.2(103A)	Criteria for obtaining a manufactured or mobile home retailer’s license
324.3(103A)	Operation under distinct name
324.4(103A)	Supplemental statements
324.5(103A)	Denial, suspension, or revocation—civil penalties
324.6(103A,321)	Sale or transfer of manufactured or mobile homes
324.7(103A)	Right of inspection
324.8(103A)	Criteria for obtaining a manufactured or mobile home manufacturer’s or distributor’s license
324.9(17A,103A)	Waivers
	CHAPTER 325
	MANUFACTURED HOUSING INSTALLER CERTIFICATION
325.1(103A)	Certification program
325.2(103A)	Certified installer required
325.3(103A)	Requirements for installer certification
325.4(103A)	Certification fee
325.5(103A)	Certification period
325.6(103A)	Review of application for certification

325.7(103A)	Certification renewal and continuing education
325.8(103A)	Suspension or revocation of certification
325.9(103A)	Civil penalties
325.10(103A)	Inspections
325.11(103A)	Temporary certification during proclaimed disaster emergencies

CHAPTERS 326 to 364

Reserved

ELEVATOR SAFETY BOARD

CHAPTER 365

ELEVATOR SAFETY BOARD ADMINISTRATIVE AND REGULATORY AUTHORITY

365.1(89A)	Definitions
365.2(89A)	Authority of the board
365.3(21,89A)	Board officers
365.4(21,89A)	Public meetings
365.5(17A,89A)	Procedures for waivers in addition to 7—Chapter 2504
365.6(17A,89A)	Procedures for contested cases in addition to 7—Chapter 2506
365.7(89A)	Official communications

CHAPTERS 366 to 370

Reserved

CHAPTER 371

ADMINISTRATION OF THE CONVEYANCE SAFETY PROGRAM

371.1(89A)	Definitions
371.2(89A)	Registration of conveyances
371.3(89A)	State identification number
371.4(89A)	Responsibility for obtaining permits
371.5(89A)	Installation permit requirements
371.6(89A)	Construction permits—requirements
371.7(89A)	Operating permits—requirements
371.8(89A)	Controller upgrade permits—requirements
371.9(89A)	Alteration permits—requirements
371.10(89A)	Alteration requirements
371.11(89A)	Inspection requirements
371.12(89A,252J,272D)	Special inspector commissions
371.13(89A)	Safety tests
371.14(89A)	Authorized companies—requirements
371.15(89A)	Fees
371.16(89A)	Publications available for review
371.17(89A)	Accidents and injuries—requirements
371.18(89A)	Temporary removal from service
371.19(89A)	Other regulations affecting elevators

CHAPTER 372

CONVEYANCES INSTALLED ON OR AFTER JANUARY 1, 1975

372.1(89A)	Purpose and scope
372.2(89A)	Definitions
372.3(89A)	Accommodating the physically disabled
372.4(89A)	Electric elevators
372.5(89A)	Hydraulic elevators
372.6(89A)	Power sidewalk elevators
372.7(89A)	Performance-based safety code
372.8(89A)	Hand and power dumbwaiters
372.9(89A)	Escalators and moving walks
372.10(89A)	General requirements
372.11(89A)	Wind tower lifts
372.12(89A)	Alterations, repairs, replacements and maintenance
372.13(89A)	Power-operated special purpose elevators

372.14(89A)	Inclined and vertical wheelchair lifts
372.15(89A)	Hand-powered elevators
372.16(89A)	Limited-use/limited-application elevators
372.17(89A)	Rack and pinion, screw-column elevators
372.18(89A)	Inclined elevators
372.19(89A)	Material lift elevators
372.20(89A)	Elevators used for construction
372.21(89A)	Construction personnel hoists
372.22(89A)	Alarm bell
372.23(89A)	Child entrapment safeguards
372.24(89A)	Handicapped restricted use elevators
372.25(89A)	Elevators in broadcast towers

CHAPTER 373

CONVEYANCES INSTALLED PRIOR TO JANUARY 1, 1975

373.1(89A)	Scope, definitions, and schedule
373.2(89A)	Electrical protective devices
373.3(89A)	Maintenance, repair and alteration requirements
373.4(89A)	Existing hand elevators
373.5(89A)	Dumbwaiters
373.6(89A)	Child entrapment safeguard requirements
373.7(89A)	Elevators in broadcast towers
373.8(89A)	Handicapped restricted use elevator requirements

CHAPTERS 374 to 379

Reserved

BOILER AND PRESSURE VESSEL BOARD

CHAPTER 380

BOILER AND PRESSURE VESSEL BOARD

ADMINISTRATIVE AND REGULATORY AUTHORITY

380.1(89)	Definitions
380.2(89)	Authority of the board
380.3(89)	Organization of board officers
380.4(21,89)	Public meetings
380.5(17A,89)	Procedures for waivers in addition to 7—Chapter 2504
380.6(17A,89)	Procedures for contested cases in addition to 7—Chapter 2506
380.7(89)	Official communications

CHAPTERS 381 to 389

Reserved

CHAPTER 390

ADMINISTRATION OF THE BOILER AND PRESSURE VESSEL PROGRAM

390.1(89)	Purpose and scope
390.2(89,252J,272D)	Definitions
390.3(89)	Iowa identification numbers
390.4(89)	Preinspection owner or user preparation
390.5(89)	Inspections
390.6(89)	Fees
390.7(89)	Certificate
390.8(89,252J,272D)	Special inspector commissions
390.9(89)	Quality reviews, surveys and audits
390.10(89)	Reporting requirements
390.11(89)	Publications available for review
390.12(89)	Notice prior to installation
390.13(89)	Temporary objects
390.14(89)	Conversion of a power boiler to a low-pressure boiler
390.15(89)	Definitions regarding objects

**CHAPTER 391
GENERAL REQUIREMENTS FOR ALL OBJECTS**

391.1(89)	Codes and code cases adopted by reference
391.2(89)	Safety appliance
391.3(89)	Blowoff equipment
391.4(89)	Location of discharge piping outlets
391.5(89)	Pipe, valve, and fitting requirements
391.6(89)	Repairs and alterations to unfired steam pressure vessels
391.7(89)	Plugging boiler tubes
391.8(89)	Equipment room
391.9(89)	Fall protection
391.10(89)	Air and ventilation requirements
391.11(89)	Condensate return tank
391.12(89)	Conditions not covered
391.13(89)	English language and U.S. customary units required
391.14(89)	National Board registration
391.15(89)	ASME stamp

**CHAPTER 392
POWER BOILERS**

392.1(89)	Scope
392.2(89)	Codes adopted by reference
392.3(89)	Maximum allowable working pressure for steel boilers
392.4(89)	Maximum allowable working pressure and temperature for cast iron headers and mud drums
392.5(89)	Rivets
392.6(89)	Safety valve requirements
392.7(89)	Boiler feeding requirements
392.8(89)	Water level indicator requirements
392.9(89)	Pressure gage requirements
392.10(89)	Steam stop valve requirements
392.11(89)	Blowoff connection requirements

**CHAPTER 393
MINIATURE POWER BOILERS INSTALLED PRIOR TO SEPTEMBER 20, 2006**

393.1(89)	Scope
393.2(89)	Code adopted by reference
393.3(89)	Maximum working pressure
393.4(89)	Safety valve requirements
393.5(89)	Steam stop valves
393.6(89)	Water gage requirements
393.7(89)	Feedwater supply requirements
393.8(89)	Blowoff
393.9(89)	Washout opening requirements
393.10(89)	Fixtures and fittings

**CHAPTER 394
STEAM HEATING BOILERS, HOT WATER HEATING BOILERS AND
HOT WATER SUPPLY BOILERS**

394.1(89)	Scope
394.2(89)	Codes adopted by reference
394.3(89)	General requirements
394.4(89)	Steam heating boilers installed before July 1, 1960—requirements
394.5(89)	Hot water heating boilers installed before July 1, 1960—requirements
394.6(89)	Hot water supply boilers installed before July 1, 1960—requirements

**CHAPTER 395
UNFIRED STEAM PRESSURE VESSELS**

395.1(89)	Codes adopted by reference
395.2(89)	Objects installed prior to July 1, 1983—requirements

CHAPTERS 396 to 399

Reserved

ELECTRICAL EXAMINING BOARD

CHAPTER 400

ELECTRICIAN AND ELECTRICAL CONTRACTOR LICENSING PROGRAM—
ORGANIZATION AND ADMINISTRATION

- 400.1(103) Establishment of program
- 400.2(103) Definitions

CHAPTER 401

ELECTRICIAN AND ELECTRICAL CONTRACTOR LICENSING PROGRAM—LICENSING
REQUIREMENTS, PROCEDURES, AND FEES

- 401.1(103) License categories and authority
- 401.2(103) License requirements
- 401.3(103) License terms and fees
- 401.4(103) Disqualifications for licensure
- 401.5(103) License application
- 401.6(103) Restriction of use of class B licenses by political subdivisions
- 401.7(103) Financial responsibility
- 401.8(272C) Use of criminal convictions in eligibility determinations and initial licensing decisions
- 401.9(272C) Licensure by verification
- 401.10(272C) Licensure by work experience in jurisdictions without licensure requirements

CHAPTER 402

ELECTRICIAN AND ELECTRICAL CONTRACTOR LICENSING PROGRAM—
COMPLAINTS AND DISCIPLINE

- 402.1(103) Complaints
- 402.2(103) Discipline
- 402.3(103) Action against an unlicensed person
- 402.4(103) Appeals

CHAPTER 403

ELECTRICIAN AND ELECTRICAL CONTRACTOR
LICENSING PROGRAM—EDUCATION

DIVISION I

POSTSECONDARY ELECTRICAL EDUCATION PROGRAMS

- 403.1 to 403.100 Reserved
- 403.101(103) Program approval
- 403.102(103) Standards for postsecondary electrical education programs

DIVISION II

CONTINUING EDUCATION

- 403.103 to 403.200 Reserved
- 403.201(103) Continuing education requirements
- 403.202(103) Course approval
- 403.203(103) Requirements for continuing education programs

CHAPTER 404

ELECTRICAL INSPECTION PROGRAM

- 404.1(103) Electrical inspection program
- 404.2(103) Definitions
- 404.3(103) Installation requirements
- 404.4(103) Qualifications of inspectors
- 404.5(103) Required permits and inspections
- 404.6(103) Requests for permit and inspection
- 404.7(103) Fees
- 404.8(103) Scheduling of inspections
- 404.9(103) Report of inspection

404.10(103)	Appeals
404.11(103)	Civil penalty
404.12(103)	Civil penalty—appeal

CHAPTERS 405 to 424

Reserved

PLUMBING AND MECHANICAL SYSTEMS BOARD

CHAPTER 425

STATE PLUMBING CODE

425.1(105)	Adoption
425.2(105)	Applicability
425.3(105)	Fuel gas piping
425.4(105)	Amendments to Uniform Plumbing Code
425.5(105)	Backflow prevention with containment

CHAPTER 426

STATE MECHANICAL CODE

426.1(105)	Definitions
426.2(105)	Adoption by reference
426.3(105)	Amendments to International Mechanical Code
426.4(105)	Hospitals and health care facilities
426.5(105)	Enforcement

CHAPTER 427

PLUMBING AND MECHANICAL SYSTEMS BOARD—ADMINISTRATIVE AND REGULATORY AUTHORITY

427.1(17A,105)	Definitions
427.2(17A,105)	Purpose of board
427.3(17A,105)	Organization of board and proceedings
427.4(17A,105)	Official communications
427.5(21)	Public meetings
427.6(17A)	Contested cases
427.7(17A)	Decisions
427.8(17A)	Client notification

CHAPTER 428

PLUMBING AND MECHANICAL SYSTEMS BOARD—LICENSURE FEES

428.1(105)	Fees
428.2(105)	Annual review of fee schedule
428.3(105)	Waiver of fees

CHAPTER 429

PLUMBING AND MECHANICAL SYSTEMS BOARD—APPLICATION, LICENSURE, AND EXAMINATION

429.1(105)	Definitions
429.2(105)	Available licenses and general requirements
429.3(105)	Medical gas piping certification
429.4(105)	Minimum qualifications for licensure
429.5(105)	General requirements for application for licensure
429.6(105)	Examination
429.7(105)	License renewal
429.8(105)	Waiver from examination for military service
429.9(105)	Reactivation of an inactive license
429.10(105)	Review of applications
429.11(105)	Grounds for denial of an application
429.12(105)	Use of criminal convictions in eligibility determinations and initial licensing decisions

CHAPTER 430
PLUMBING AND MECHANICAL SYSTEMS BOARD—ALTERNATIVE
LICENSURE PATHWAYS

430.1(105)	Definitions
430.2(105)	Reciprocity agreements
430.3(105)	Licensure by reciprocity
430.4(105)	Licensure by verification
430.5(105)	Licensure by work experience in jurisdictions without licensure requirements

CHAPTER 431
PLUMBING AND MECHANICAL SYSTEMS BOARD—LICENSEE PRACTICE

431.1(105)	Definitions
431.2(105)	Duties of all licensees, specialty licensees, and certificate holders
431.3(105)	Contractor license
431.4(105)	Master license
431.5(105)	Journeyman license
431.6(105)	Apprentice license
431.7(105)	Specialty licenses and certifications
431.8(105)	Inactive license

CHAPTER 432
CONTINUING EDUCATION FOR PLUMBING AND
MECHANICAL SYSTEMS PROFESSIONALS

432.1(105)	Definitions
432.2(105)	Continuing education requirements
432.3(105)	Continuing education programs/activities
432.4(105)	Course instructor(s)
432.5(105)	Compliance review of continuing education requirements
432.6(105)	Continuing education exemptions
432.7(105)	Continuing education extensions
432.8(105)	Continuing education reporting requirements

CHAPTER 433
PLUMBING AND MECHANICAL SYSTEMS BOARD—COMPLAINTS AND
INVESTIGATIONS

433.1(272C)	Complaints
433.2(272C)	Report of malpractice claims or actions or disciplinary actions
433.3(272C)	Report of acts or omissions
433.4(272C)	Investigation of complaints or reports
433.5(17A,272C)	Issuance of investigatory subpoenas
433.6(272C)	Peer review
433.7(17A)	Appearance

CHAPTER 434
PLUMBING AND MECHANICAL SYSTEMS BOARD—LICENSEE DISCIPLINE

434.1(105,272C)	Definitions
434.2(105,272C)	Grounds for discipline
434.3(105,272C)	Method of discipline
434.4(272C)	Discretion of board
434.5(105)	Civil penalties—unlicensed penalties
434.6(105,272C)	Collection of delinquent civil penalties and discipline-related debts

CHAPTERS 435 to 460

Reserved

AMUSEMENT RIDE REQUIREMENTS AND INSPECTIONS

CHAPTER 461
AMUSEMENT RIDE INSPECTIONS

461.1(88A)	Scope
------------	-------

461.2(88A)	Definitions
461.3(88A)	Owner and operator requirements
461.4(88A)	Inspection requirements
461.5(88A)	Amusement inspection sticker requirements
461.6(88A,252J,272D)	Termination, denial, suspension, or revocation of an operating permit
461.7(17A,88A,252J,272D)	Procedures for revocation, suspension, or denial of an application certificate or amusement inspection sticker

CHAPTER 462 SAFETY RULES FOR AMUSEMENT RIDES, AMUSEMENT DEVICES, AND CONCESSION BOOTHS

462.1(88A)	Scope
462.2(88A)	Other codes
462.3(88A)	Site requirements
462.4(88A)	Design and manufacture of covered equipment
462.5(88A)	Maintenance of covered equipment—requirements
462.6(88A)	Operations—requirements
462.7(88A)	Patrons

CHAPTER 463 SAFETY RULES FOR BUNGEE JUMPS

463.1(88A)	Definitions
463.2(88A)	Prohibited activities
463.3(88A)	Site requirements
463.4(88A)	Design requirements
463.5(88A)	Maintenance requirements
463.6(88A)	Operations requirements

CHAPTER 464 Reserved

BUILDING AND CONSTRUCTION DIVISION: ENVIRONMENTAL HEALTH AND CONTRACTOR BUREAU

CHAPTER 465 CONSTRUCTION CONTRACTOR REGISTRATION

465.1(91C)	Scope
465.2(91C)	Definitions
465.3(91C)	Registration required
465.4(91C)	Application
465.5(91C)	Amendments to application
465.6(91C)	Fee
465.7(91C)	Registration number issuance
465.8(91C)	Workers' compensation insurance cancellation notifications
465.9(91C)	Investigations and complaints
465.10(91C)	Citations/penalties and appeal hearings
465.11(91C)	Revocation of registrations and appeal hearings
465.12(91C)	Concurrent actions
465.13(91C)	Bond release

CHAPTERS 466 to 468 Reserved

CHAPTER 469 RENOVATION, REMODELING, AND REPAINTING—LEAD HAZARD NOTIFICATION PROCESS

469.1(10A)	Applicability
469.2(10A)	Definitions
469.3(10A)	Notification required in target housing
469.4(10A)	Notification required in multifamily housing
469.5(10A)	Emergency renovation, remodeling, or repainting in target housing
469.6(10A)	Certification of attempted delivery in target housing

469.7(10A)	Notification required in child-occupied facilities
469.8(10A)	Emergency renovation, remodeling, or repainting in child-occupied facilities
469.9(10A)	Certification of attempted delivery for child-occupied facilities
469.10(10A)	Subcontracts
469.11(10A)	Exemption
469.12(10A)	Recordkeeping requirements
469.13(10A)	Compliance inspections
469.14(10A)	Enforcement
469.15(10A)	Waivers

BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY

CHAPTER 470

LEAD-BASED PAINT ACTIVITIES

470.1(10A)	Applicability
470.2(10A)	Definitions
470.3(10A)	Lead professional certification
470.4(10A)	Course approval and standards
470.5(10A)	Certification, interim certification, and recertification
470.6(10A)	Work practice standards for lead professionals conducting lead-based paint activities in target housing and child-occupied facilities
470.7(10A)	Firms
470.8	Reserved
470.9(10A)	Compliance inspections
470.10(10A)	Denial, suspension, or revocation of certification; denial, suspension, revocation, or modification of course approval; and imposition of penalties
470.11(10A)	Waivers
470.12(10A)	References to federal law

CHAPTERS 471 to 474

Reserved

CHAPTER 475

ASBESTOS REMOVAL AND ENCAPSULATION

475.1(88B)	Definitions
475.2(88B)	Permit application procedures
475.3(88B)	Other asbestos regulations
475.4(88B)	Asbestos project records
475.5(88B)	Ten-day notices
475.6(88B)	License application procedures
475.7(88B)	Duplicate permits and licenses
475.8(17A,88B,252J,272D)	Denial, suspension and revocation
475.9(17A,88B)	Contested cases

CHAPTER 476

BACKFLOW PREVENTION ASSEMBLY TESTER REGISTRATION

476.1(135K)	Definitions
476.2(135K)	Registration
476.3(135K)	Returned checks
476.4(135K)	Backflow prevention assembly tester training
476.5(135K)	Registration
476.6(135K)	Standards of conduct
476.7(135K)	Penalty
476.8(135K)	Denial, probation, suspension or revocation

CHAPTERS 477 to 480

Reserved

CHAPTER 481

GENERAL RULES FOR MIGRATORY LABOR CAMPS

481.1(138)	Shelters
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481.2(138)	Water supply
481.3(138)	Waste disposal
481.4(138)	Bathing facilities
481.5(138)	Central dining facilities
481.6(138)	Safety and fire

CHAPTERS 482 to 484

Reserved

CHAPTER 485

SWIMMING POOLS, SPAS, AND SPRAY PADS

485.1(135I)	Applicability
485.2	Reserved
485.3(135I)	Definitions
	SWIMMING POOLS
485.4(135I)	Swimming pool operations
485.5(135I)	Construction and reconstruction
	ADMINISTRATION
485.6(135I)	Enforcement
485.7(135I)	Waivers
485.8(135I)	Penalties
485.9(135I)	Registration
485.10(135I)	Training courses
485.11(135I)	Swimming pool/spa operator qualifications
485.12(135I)	Fees
485.13(135I)	Inspection and enforcement agreements
485.14(135I)	Application denial or partial denial—appeal
485.15 to 485.50	Reserved
	SPAS
485.51(135I)	Spa operations
485.52(135I)	Construction and reconstruction

CHAPTERS 486 to 491

Reserved

CHAPTER 492

PRACTICE OF TATTOOING

492.1	Reserved
492.2(10A)	Definitions
492.3(10A)	General provisions
492.4(10A)	Sanitation and infection control
492.5(10A)	Equipment
492.6(10A)	Procedures
492.7(10A)	Permit issuance and renewal
492.8(10A)	Fees
492.9(10A)	Tattoo establishment permit criteria
492.10(10A)	Tattoo artist permit criteria
492.11(10A)	Temporary establishment permit criteria
492.12(10A)	Mobile tattoo unit permit criteria
492.13(10A)	Inspections
492.14(10A)	Tattoo inspector qualifications
492.15(10A)	Enforcement
492.16(10A)	Adverse actions and appeals

CHAPTERS 493 to 495

Reserved

CHAPTER 496

MINIMUM REQUIREMENTS FOR TANNING FACILITIES

496.1(136D)	Purpose and scope
496.2(136D)	Definitions

496.3(136D)	Exemptions
496.4(136D)	Permits and fees
496.5(136D)	Construction and operation of tanning facilities
496.6(136D)	Inspections, violations and injunctions

CHAPTERS 497 to 499

Reserved

MODEL RULES GOVERNING PROFESSIONAL LICENSING DIVISION PROGRAMS

CHAPTER 500

MODEL RULES FOR BOARD ADMINISTRATIVE PROCESSES

500.1(17A)	Definitions
500.2(17A)	Purpose of board
500.3(17A,147,272C)	Organization of board and proceedings
500.4(17A)	Name and address changes
500.5(147)	Duplicate certificate
500.6(17A,147,272C)	License denial
500.7(272C)	Audit of continuing education
500.8(272C,83GA,SF2325)	Automatic exemption
500.9(272C)	Continuing education exemption for disability or illness
500.10(147,272C)	Order for physical, mental, substance abuse or clinical competency examination
500.11(252J,272D)	Noncompliance rules regarding child support and nonpayment of state debt

CHAPTER 501

MODEL RULES FOR LICENSURE BY VERIFICATION OR WORK EXPERIENCE

501.1(272C)	Licensure by verification
501.2(272C)	Applicants with work experience in jurisdictions without licensure requirements

CHAPTER 502

MODEL RULES FOR USE OF CRIMINAL CONVICTIONS IN ELIGIBILITY DETERMINATIONS AND INITIAL LICENSING DECISIONS

502.1(272C)	Definitions
502.2(272C)	License application
502.3(272C)	Eligibility determination
502.4(272C)	Appeal
502.5(272C)	Future petitions or applications

CHAPTER 503

MODEL RULES FOR COMPLAINTS AND INVESTIGATIONS

503.1(272C)	Complaints
503.2(272C)	Report of malpractice claims or actions or disciplinary actions
503.3(272C)	Report of acts or omissions
503.4(272C)	Investigation of complaints or reports
503.5(17A,272C)	Issuance of investigatory subpoenas
503.6(272C)	Peer review
503.7(17A)	Appearance

CHAPTER 504

MODEL RULES FOR DISCIPLINE

504.1(272C)	Definitions
504.2(147,272C)	Grounds for discipline
504.3(272C)	Method of discipline
504.4(272C)	Discretion of board

CHAPTER 505

MODEL RULES FOR LICENSEE REVIEW COMMITTEE

505.1(272C)	Definitions
505.2(272C)	Purpose
505.3(272C)	Composition of the committee

505.4(272C)	Eligibility
505.5(272C)	Terms of participation in the impaired practitioner recovery program
505.6(272C)	Confidentiality

CHAPTER 506

MODEL RULES FOR CONTESTED CASES BEFORE LICENSING BOARDS AND SETTLEMENTS

506.1(17A)	Scope and applicability
506.2(17A)	Definitions
506.3(17A)	Time requirements
506.4(17A)	Probable cause
506.5(17A)	Statement of charges and notice of hearing
506.6(17A,272C)	Legal representation
506.7(17A,272C)	Presiding officer in a disciplinary contested case
506.8(17A,272C)	Delegation by board to administrative law judge
506.9(17A)	Presiding officer in a nondisciplinary contested case
506.10(17A)	Disqualification
506.11(17A)	Consolidation—severance
506.12(17A)	Pleadings
506.13(17A)	Service and filing
506.14(17A)	Discovery
506.15(17A,272C)	Subpoenas in a contested case
506.16(17A)	Motions
506.17(17A)	Prehearing conferences
506.18(17A)	Continuances
506.19(17A,272C)	Hearing procedures
506.20(17A)	Evidence
506.21(17A)	Default
506.22(17A)	Ex parte communication
506.23(17A)	Recording costs
506.24(17A)	Interlocutory appeals
506.25(17A)	Decisions
506.26(17A)	Applications for rehearing
506.27(17A)	Stays of agency actions
506.28(17A)	No factual dispute contested cases
506.29(17A)	Emergency adjudicative proceedings
506.30(17A)	Appeal
506.31(272C)	Public record
506.32(272C)	Reinstatement
506.33(17A,272C)	License denial
506.34(272C)	Disciplinary hearings—fees and costs
506.35(17A,272C)	Settlement agreements
506.36(17A)	Waiver of procedures

CHAPTER 507

PROFESSIONAL LICENSING DIVISION FEES

507.1(147,152D)	Athletic training license fees
507.2	Reserved
507.3(147,154D)	Behavioral science license fees
507.4(151)	Chiropractic license fees
507.5(147,157)	Barbering and cosmetology arts and sciences license fees
507.6(147,152A)	Dietetics license fees
507.7(147,154A)	Hearing aid specialists license fees
507.8(147)	Massage therapy license fees
507.9(147,156)	Mortuary science license fees
507.10(147,155)	Nursing home administrators license fees
507.11(147,148B)	Occupational therapy license fees
507.12(147,154)	Optometry license fees
507.13(147,148A)	Physical therapy license fees
507.14(148C)	Physician associates license fees

507.15(147,148F,149)	Podiatry license fees
507.16(147,154B)	Psychology license fees
507.17(147,152B)	Respiratory care and polysomnography license fees
507.18(147,154E)	Sign language interpreters and transliterators license fees
507.19(147,154C)	Social work license fees
507.20(147)	Speech pathology and audiology license fees

CHAPTERS 508 to 549

Reserved

BOARD OF PHARMACY

CHAPTER 550

DEFINITIONS

550.1(124,147,155A,272C)	Definitions
--------------------------	-------------

CHAPTER 551

LICENSES, REGISTRATIONS, AND PERMITS

551.1(124,147,155A,272C)	Definitions
551.2(124,124B,147,155A,272C)	General requirements
551.3(124,124B,147,155A,272C)	Notifications to the board
551.4(147,155A,272C)	Pharmacists
551.5(155A)	Nonresident pharmacists in charge
551.6(155A)	Pharmacist-interns
551.7(155A)	Pharmacy technicians
551.8(155A)	Pharmacy support persons
551.9(124)	CSA—individuals
551.10(124,155A)	Pharmacies
551.11(124)	CSA—businesses
551.12(124B)	Precursor substances
551.13(155A)	Wholesale distributors
551.14(155A)	Outsourcing facilities
551.15(155A)	Limited distributors
551.16(155A)	Third-party logistics providers

CHAPTER 552

STANDARDS—PRACTICE OF PHARMACY

552.1(124,155A)	Definitions
552.2(155A)	Pharmacy department
552.3(155A)	Security
552.4(155A)	Pharmacy personnel standards
552.5(155A)	Standard of care
552.6(155A)	Patient confidentiality
552.7(155A)	Pharmacist-interns
552.8(155A)	Supervision of nonpharmacist personnel
552.9(155A)	Delegation of functions
552.10(155A)	Technician product verification
552.11(155A)	Unprofessional conduct
552.12(155A)	Manner of issuance of prescriptions
552.13(124,155A)	Electronic transmission mandate—exemptions and petition
552.14(155A)	Manner of issuance of medication orders
552.15(155A)	Prospective drug use review
552.16(155A)	Transfer of prescriptions
552.17(155A)	Contract pharmacy services
552.18(155A)	Telepharmacy
552.19(155A)	Packaging
552.20(155A)	AMDS
552.21(155A)	Labeling
552.22(155A)	Compounding
552.23(155A)	Patient counseling
552.24(155A)	Provision of emergency kits

552.25(155A)	Continuous quality improvement program
552.26(155A)	Statewide protocols
552.27(155A)	Collaborative pharmacy practice
552.28(155A)	Pharmacy pilot or demonstration research projects
552.29(155A)	Nuclear pharmacy
552.30(155A)	Records

CHAPTER 553

CONTROLLED AND PRECURSOR SUBSTANCES

553.1(124,124B)	Definitions
553.2(124,124B)	General requirements
553.3(124,124B)	Security
553.4(124)	Policies and procedures
553.5(124)	Physical count and record of inventory
553.6(124)	Controlled substance accountability
553.7(124)	Report of theft or significant loss—controlled substances
553.8(124,124B)	Disposal of registrant stock
553.9(124)	Prescription requirements—valid prescriber-patient relationship
553.10(124)	Schedule II prescription changes
553.11(124)	Dispensing scheduled listed chemical products without a prescription
553.12(124)	PTS access
553.13(124,124B)	Temporary designation of controlled and precursor substances
553.14(124)	Excluded and exempt substances
553.15(124B)	Precursor substances—reports
553.16(124B)	Precursor substances—identification of purchaser or other recipient

CHAPTER 554

OPERATIONAL STANDARDS—DISTRIBUTION AND DRUG SUPPLY CHAIN

554.1(124,124B)	Definitions
554.2(155A)	Compliance with federal laws and regulations
554.3(155A)	Policies and procedures
554.4(155A)	Records
554.5(155A)	Facilities
554.6(155A)	Standards for outsourcing facilities
554.7(155A)	Standards for limited distributors

CHAPTER 555

STANDARDS—DRUGS IN EMERGENCY MEDICAL SERVICES PROGRAMS

555.1(124,155A)	Definitions
555.2(124)	Registration required
555.3(124,155A)	Identification
555.4(124,155A)	Policies and procedures
555.5(124,155A)	Storage
555.6(124,155A)	Removal of drugs from program stock
555.7(124,155A)	Administration wastage
555.8(124,155A)	Monthly inspections
555.9(124,155A)	Records

CHAPTER 556

IOWA PRESCRIPTION MONITORING PROGRAM

556.1(124,155A)	Definitions
556.2(124)	PMP advisory committee
556.3(124)	Registration
556.4(124)	Reporting requirements
556.5(124)	Security
556.6(124)	Access to and reporting of PMP information

CHAPTER 557

BOARD OF PHARMACY OPERATIONS

557.1(17A,147,155A,272C)	Board of pharmacy operations
--------------------------	------------------------------

CHAPTERS 558 to 569

Reserved

DENTAL BOARD

CHAPTER 570

DENTAL BOARD ADMINISTRATION

570.1(153)	Definitions
570.2(17A,147,153,272C)	Purpose of the board
570.3(17A,147,153)	Organization of the board
570.4(153)	Organization of the dental hygiene committee
570.5(153)	Committees of the board
570.6(17A,21,147,153)	Meetings
570.7(17A,272C)	Adoption of uniform and model rules

CHAPTER 571

DENTAL BOARD FEES

571.1(147,153)	Establishment of fees
571.2(153)	Application fees
571.3(153)	Renewal fees
571.4(153)	Late renewal fees
571.5(147,153)	Reinstatement fees
571.6(153)	Miscellaneous fees
571.7(153)	Contested case hearings—fees and costs
571.8(153)	Facility inspection fee
571.9(22,147,153)	Public records
571.10(22,147,153)	Data or mailing lists
571.11(147,153)	Returned checks
571.12(147,153,272C)	Copies of the laws and rules
571.13(17A,147,153,272C)	Waiver prohibited

CHAPTER 572

DENTAL LICENSURE, REGISTRATION,
RENEWAL, REACTIVATION AND REINSTATEMENT

572.1(147,153)	Applicant responsibilities
572.2(147,153)	Review of applications
572.3(147,153)	Licensure
572.4(153)	Graduates of foreign dental schools
572.5(153)	Dental assistant registration
572.6(136C,153)	Dental radiography qualification
572.7(272C)	Licensure or registration by verification
572.8(153)	Resident license
572.9(153)	Dental college and dental hygiene program faculty permits
572.10(147,153)	Requirements for issuance and renewal of a local anesthesia permit
572.11(153)	Requirements for issuance or renewal of a moderate sedation or general anesthesia permit
572.12(153)	Temporary permit
572.13(153)	Retired volunteer license
572.14(147,153)	Clinical examination required for licensure
572.15(147,153)	Jurisprudence examination
572.16(147,153)	Examinations for registration or qualification
572.17(147,153,272C)	Renewal of a license, permit, registration, or qualification
572.18(147,153,272C)	Grounds for nonrenewal
572.19(147,153,272C)	Late renewal
572.20(147,153,272C)	Reinstatement or reactivation of a lapsed license, permit, registration or qualification
572.21(136C,153)	Reactivation of lapsed radiography qualification
572.22(147,153,272C)	Grounds for action against a license, permit, registration or qualification

CHAPTER 573

DENTAL CONTINUING EDUCATION

573.1(153)	Continuing education requirements
------------	-----------------------------------

573.2(153)	Documentation of continuing education hours
573.3(153)	Acceptable programs and activities
573.4(153)	Unacceptable programs and activities
573.5(153)	Extensions and exemptions
573.6(153)	Continuing education sponsors
573.7(153)	Review of programs or sponsors
573.8(153)	Noncompliance with continuing dental education requirements
573.9(153)	Dental hygiene continuing education

CHAPTER 574

GENERAL REQUIREMENTS AND STANDARDS OF PRACTICE

574.1(153)	Licensed, registered or trained personnel
574.2(147,153)	Display of current license, registration, permit or qualification
574.3(147,153,272C)	Change of name or address
574.4(147,153,272C)	Other requirements
574.5(153)	Use of personnel
574.6(153,272C)	Patient acceptance
574.7(153)	Emergency service
574.8(153)	Consultation and referral
574.9(153,272C)	Patient records
574.10(153)	Teledentistry
574.11(153)	Public health supervision allowed
574.12(153)	Representation of treatment and fees
574.13(153)	Retention of patient records and discontinuance of practice
574.14(153)	Unethical and unprofessional conduct
574.15(153)	Communications
574.16(153)	Advertising standards
574.17(153)	Fees
574.18(153)	Public representation
574.19(153)	Responsibility for advertisements
574.20(147,153,272C)	Mandatory reporting requirements
574.21(17A,147,153,272C)	Waiver prohibited

CHAPTER 575

DENTAL ASSISTANTS, DENTAL RADIOGRAPHY QUALIFICATIONS, AND DENTAL LABORATORY TECHNICIANS

575.1(153)	Registration required
575.2(136C,153)	Qualification required
575.3(153)	Dental assistants
575.4(153)	Scope of practice
575.5(153)	Supervision required
575.6(153)	Continuing education
575.7(153)	Students enrolled in dental assisting programs
575.8(153)	Unlawful practice
575.9(153)	Advertising and soliciting of dental services prohibited

CHAPTER 576

DENTAL HYGIENISTS

576.1(153)	Authorized practice of a dental hygienist
576.2(153)	Scope of practice and supervision requirements
576.3(153)	Unauthorized practice of a dental hygienist
576.4(153)	Students enrolled in dental hygiene programs

CHAPTER 577

EXPANDED FUNCTIONS

577.1(153)	Expanded function requirements and eligibility
577.2(153)	Expanded function categories
577.3(153)	Level 1 expanded function procedures
577.4(153)	Level 2 expanded function procedures for dental hygienists and dental assistants
577.5(153)	Expanded function training

CHAPTER 578

PRESCRIBING, ADMINISTERING, AND DISPENSING DRUGS

- 578.1(153) Scope of authority and prescribing requirements
- 578.2(153) Dispensing—requirements for containers and labeling
- 578.3(153) Prescription requirements
- 578.4(153) Required use of the prescription monitoring program (PMP)

CHAPTER 579

SEDATION AND NITROUS OXIDE

- 579.1(153) Nitrous oxide inhalation analgesia
- 579.2(153) Minimal sedation standards
- 579.3(153) Shared standards for moderate sedation, deep sedation and general anesthesia
- 579.4(153) Moderate sedation standards
- 579.5(153) Deep sedation or general anesthesia standards
- 579.6(153) Training and certification requirements for patient monitors
- 579.7(153) Recordkeeping requirements for nitrous oxide, sedation or anesthesia
- 579.8(153) Facility and equipment requirements for moderate sedation, deep sedation or general anesthesia
- 579.9(153) Use of another licensed sedation provider or permit holder
- 579.10(153) Advertising
- 579.11(153) Noncompliance

CHAPTER 580

DENTAL BOARD COMPLAINTS AND INVESTIGATIONS

- 580.1(147,153,272C) Complaint review
- 580.2(153) Form, content and submission of complaints
- 580.3(153) Investigation
- 580.4(17A,153,272C) Investigatory subpoenas
- 580.5(153) Board appearances
- 580.6(153) Peer review
- 580.7(272C) Duties of peer review committees
- 580.8(272C) Board review
- 580.9(272C) Confidentiality of investigative files
- 580.10(272C) Investigation of reports of judgments and settlements
- 580.11(147,272C) Immunities

CHAPTER 581

DENTAL BOARD DISCIPLINE

- 581.1(147,153,272C) Authority and methods of discipline
- 581.2(153,272C) Discretion of the board
- 581.3(147,153,272C) Grounds for discipline
- 581.4(272C) Prohibited grounds for discipline

CHAPTERS 582 to 614

Reserved

NURSING BOARD

CHAPTER 615

ADMINISTRATIVE AND REGULATORY AUTHORITY

- 615.1(17A,147,152,152E,272C) Description and organization of the board
- 615.2(17A,152,152E,272C) Responsibilities
- 615.3(17A,272) Submission of requests, obtaining information, and board office
- 615.4(17A,21) Meetings
- 615.5(147,152,272C) Communications
- 615.6(17A,272C) Adoption of uniform and model rules

CHAPTER 616

NURSING EDUCATION PROGRAMS

- 616.1(152) Definitions
- 616.2(152) Programs eligible for board approval

616.3(152)	Application for interim approval of a nursing program
616.4(152)	Approval and reapproval of in-state nursing programs
616.5(152)	Conditional approval
616.6(152)	Denial or withdrawal of approval
616.7(152)	Closure of an approved program
616.8(152)	Organization and administration of the program
616.9(152)	Resources of the controlling institution
616.10(152)	Curriculum
616.11(152)	Faculty
616.12(152)	Program responsibilities
616.13(152)	Student criminal history checks
616.14(152)	Clinical facilities
616.15(152)	Undergraduate and non-ARNP graduate program preceptorship
616.16(152)	ARNP program preceptorship
616.17(152)	Results of graduates who take the licensure examination for the first time
616.18(152)	Reports to the board

CHAPTER 617

LICENSURE TO PRACTICE—REGISTERED NURSE/LICENSED PRACTICAL NURSE

617.1(17A,147,152,152E,272C)	Definitions
617.2(17A,147,152,152E,272C)	Fees for licensure
617.3(17A,147,152,272C)	Mandatory licensure
617.4(17A,147,152,272C)	Licensure qualifications for registered nurse and licensed practical nurse
617.5(17A,147,152,272C)	Licensure by examination
617.6(17A,147,152,272C)	Licensure by endorsement
617.7(17A,147,152,272C)	Applicants educated in a foreign country or in a U.S. territory that is not a member of NCSBN
617.8(17A,147,152,272C)	License renewal and reactivation
617.9(17A,147,152,272C)	Verification
617.10(17A,272C)	License denial
617.11(152)	Nurse refresher course
617.12(272C)	Use of criminal convictions in eligibility determinations and initial licensing decisions

CHAPTER 618

COMPLAINTS, INVESTIGATIONS AND DISCIPLINE

618.1(17A,147,152,272C)	Complaints and investigations
618.2(17A,147,152,272C)	Board action
618.3(17A,147,152,272C)	Peer review committee
618.4(17A,147,152,272C)	Grounds for discipline
618.5(17A,147,152,272C)	Voluntary surrender
618.6(272C)	Disciplinary hearing—fees and costs

CHAPTER 619

CONTINUING EDUCATION

619.1(272C)	Definitions
619.2(272C)	Continuing education—licensees

CHAPTER 620

NURSING PRACTICE FOR REGISTERED NURSES/LICENSED PRACTICAL NURSES

620.1(152)	Definitions
620.2(152)	Standards of nursing practice for registered nurses
620.3(152)	Standards of nursing practice for licensed practical nurses
620.4(152)	Telehealth

CHAPTER 621

ADVANCED REGISTERED NURSE PRACTITIONERS

621.1(17A,124,147,152)	Definitions
621.2(152)	Requirements for licensure as an ARNP
621.3(17A,147,152)	Application process
621.4(17A,147,152)	Advanced nursing practice

- 621.5(17A,147,152) Standards of practice for treating patients
- 621.6(17A,124,147,152,272C) Standards of practice for controlled substances
- 621.7(124) Use of the prescription monitoring program
- 621.8(152) Prescribing epinephrine auto-injectors, bronchodilator canisters, bronchodilator canisters and spacers, or opioid antagonists in the name of a facility or school
- 621.9(152) Standards of practice for telehealth

CHAPTER 622

REGISTERED NURSE CERTIFYING ORGANIZATIONS/ UTILIZATION AND COST CONTROL REVIEW

- 622.1(509,514,514B,514F) Purpose
- 622.2 Reserved
- 622.3(509,514,514B) National certifying organizations
- 622.4(514F) Utilization and cost control review (U.C.C.R.) committee
- 622.5(514F) Selection and composition of the U.C.C.R. committee
- 622.6(514F) Scope of review
- 622.7(514F) Procedures for utilization and cost control review

CHAPTER 623

CERTIFIED PROFESSIONAL MIDWIVES

- 623.1(148I) Definitions
- 623.2(148I) Licensure
- 623.3(148I) Practice standards
- 623.4(148I) Delegation to another CPM
- 623.5(148I) Testing and drugs
- 623.6(148I) Discipline
- 623.7(148I) Telehealth

CHAPTERS 624 to 649

Reserved

BOARD OF MEDICINE

CHAPTER 650

ADMINISTRATIVE AND REGULATORY AUTHORITY

- 650.1(17A,147) Definitions
- 650.2(17A) Purpose of board
- 650.3(17A) Organization of board
- 650.4(17A) Official communications
- 650.5(17A) Office hours
- 650.6(17A) Meetings
- 650.7(17A,272C) Adoption of uniform and model rules

CHAPTER 651

FEES

- 651.1(147,148,272C) Definitions
- 651.2(147,148,272C) Application and licensure fees for acupuncturists
- 651.3(147,148,272C) Interstate medical licensure compact (IMLC) fees
- 651.4(147,148,272C) Application and licensure fees to practice medicine and surgery or osteopathic medicine and surgery or administrative medicine
- 651.5(147,148,272C) Fees for verification of physician licensure and certification of examination scores
- 651.6(147,148,272C) Public records
- 651.7(147,148,272C) Licensee data list
- 651.8(147,148,272C) Returned checks
- 651.9(147,148,272C) Copies of the laws and rules
- 651.10(147,148,272C) Refunds
- 651.11(17A,147,148,272C) Waiver prohibited
- 651.12(8,147,148,272C) Monitoring fee
- 651.13(147,148,272C) Application and licensure fees for genetic counselors

CHAPTER 652

PERMANENT AND ADMINISTRATIVE MEDICINE PHYSICIAN LICENSURE

652.1(147,148)	Definitions
652.2(147,148)	General licensure provisions
652.3(147,148)	Eligibility for licensure
652.4(147,148)	Licensure application
652.5(272C)	Licensure by verification
652.6(147,148)	Licensure examinations
652.7(147,148)	Permanent licensure application review process
652.8(147,148)	Licensure application cycle
652.9(147,148)	Discretionary board actions on licensure applications
652.10(147,148)	Issuance of a license
652.11(147,148)	Notification required to change the board's data system
652.12(147,148)	Renewal of a permanent or administrative medicine license
652.13(147,148)	Inactive status of a license
652.14(147,148)	Reactivation of an unrestricted Iowa license
652.15(147,148)	Reinstatement of a restricted Iowa license
652.16(147,148)	Relinquishment of license to practice
652.17(147,148)	Administrative medicine licensure
652.18(147,147B,148)	Licensure through IMLC
652.19(147,148)	Denial of licensure, determination of ineligibility for licensure through the IMLC, or termination of a license issued through the IMLC

CHAPTER 653

RESIDENT, SPECIAL AND TEMPORARY PHYSICIAN LICENSURE

653.1(147,148)	Definitions
653.2(148)	Licensure required
653.3(147,148)	Resident physician licensure
653.4(147,148)	Special licensure
653.5(147,148)	Temporary licensure
653.6(147,148,148J)	Provisional licensure for foreign medical graduates

CHAPTER 654

CONTINUING EDUCATION AND TRAINING REQUIREMENTS

654.1(272C)	Definitions
654.2(272C)	Continuing education credit and alternatives
654.3(272C)	Continuing education and training requirements for renewal or reactivation
654.4(272C)	Failure to fulfill requirements for continuing education and training for identifying and reporting abuse

CHAPTER 655

STANDARDS OF PRACTICE AND PRINCIPLES OF MEDICAL ETHICS

655.1(148,272C)	Standards of practice—packaging, labeling and records of prescription drugs dispensed by a physician
655.2(124,148,272C)	Standards of practice—appropriate pain management
655.3(147,148)	Standards of practice—chelation therapy
655.4(79GA,HF726)	Standards of practice—automated dispensing systems
655.5(147,148,272C)	Standards of practice—office practices
655.6(148,272C)	Standards of practice—medical directors at medical spas—delegation and supervision of medical aesthetic services performed by qualified licensed or certified nonphysician persons or qualified laser technicians
655.7(147,148,272C)	Standards of practice—interventional chronic pain management
655.8(147,148,272C)	Standards of practice—physicians who prescribe or administer abortion-inducing drugs
655.9(147,148,272C)	Standards of practice—telemedicine
655.10(135,147,148,272C,280)	Standards of practice—prescribing epinephrine auto-injectors, bronchodilator canisters, bronchodilator canisters and spacers, or opioid antagonists in the name of an authorized facility
655.11(144E,147,148,272C)	Standards of practice—experimental treatments for patients with a terminal illness
655.12(147,148,272C)	Standards of practice—tick-borne disease diagnosis and treatment
655.13(124E,147,148,272C)	Standards of practice—medical cannabidiol

- 655.14(146A) Abortion prerequisites
- 655.15(135L,146A,146E,147,148,272C) Standards of practice for physicians who perform or induce abortions—definitions—detection of fetal heartbeat—fetal heartbeat exceptions—discipline
- 655.16(147,148) Principles of medical ethics
- 655.17(147A) Emergency medical care provider

CHAPTER 656

LICENSURE OF ACUPUNCTURISTS

- 656.1(148E) Scope of chapter
- 656.2(148E) Definitions
- 656.3(147,148E) Eligibility for licensure
- 656.4(147,148E) Application requirements
- 656.5(147,148E,272C) Biennial renewal of license required
- 656.6(147,272C) Reactivation of an inactive license
- 656.7(272C) Continuing education requirements
- 656.8(147,148E,272C) General provisions

CHAPTER 657

PRESCRIBING PSYCHOLOGISTS

- 657.1(148,154B) Joint rules adopted
- 657.2(17A,124,147,148,154B,272C) Standards of practice—supervision of a conditional prescribing psychologist
- 657.3(17A,124,147,148,154B,272C) Standards of practice—collaboration with a prescribing psychologist
- 657.4(17A,124,147,148,272C) Grounds for discipline

CHAPTER 658

LICENSURE OF GENETIC COUNSELORS

- 658.1(148H) Scope of chapter
- 658.2(148H) Definitions
- 658.3(148H) Titles used
- 658.4(148H) Qualifications for licensure
- 658.5(148H) Qualifications for provisional licensure
- 658.6(147,148H) Application requirements
- 658.7(147,148H) Display of license and notification required to change the board's data system
- 658.8(147,148H,272C) Biennial renewal of license required
- 658.9(147,272C) Reactivation of an inactive license
- 658.10(272C) Code of ethics
- 658.11(148H,272C) Surrender of license to the board

CHAPTER 659

PHYSICIAN SUPERVISION OF A PHYSICIAN ASSOCIATE PURSUANT TO IOWA CODE CHAPTER 148C

- 659.1(148,272C) Ineligibility determinants
- 659.2(148,272C) Exemptions from this chapter
- 659.3(148) Board notification
- 659.4(148,272C) Requirements for supervising
- 659.5(148,272C) Grounds for discipline
- 659.6(148,272C) Disciplinary sanction
- 659.7(148,272C) Communication with physician associate supervisees

CHAPTER 660

MANDATORY REPORTING

- 660.1(272C) Mandatory reporting—judgments or settlements
- 660.2(272C) Mandatory reporting—wrongful acts or omissions
- 660.3(272C) Mandatory reporting—disciplinary action in another jurisdiction
- 660.4(272C) Mandatory reporting—child abuse and dependent adult abuse
- 660.5(272C) Mandatory reporting—hospital disciplinary action

CHAPTER 661 GROUNDS FOR DISCIPLINE

661.1(272C) Grounds for discipline

CHAPTER 662 COMPLAINTS AND INVESTIGATIONS

662.1(17A,147,148,272C) Complaints
662.2(17A,147,148,272C) Processing complaints and investigations
662.3(272C) Peer review
662.4(272C) Order for physical, mental, or clinical competency evaluation

CHAPTER 663 REINSTATEMENT AFTER DISCIPLINARY ACTION

663.1(17A) Reinstatement

CHAPTERS 664 to 699 Reserved

BOARD OF PODIATRY

CHAPTER 700 LICENSURE OF PODIATRISTS

700.1(149) Definitions
700.2(149) Requirements for licensure
700.3(149) Written examinations
700.4(149) Educational qualifications
700.5(149) Title designations
700.6(147,149) Temporary license
700.7(149) Licensure by endorsement
700.8(149) License renewal
700.9(17A,147,272C) License reactivation
700.10(17A,147,272C) License reinstatement

CHAPTER 701 LICENSURE OF ORTHOTISTS, PROSTHETISTS, AND PEDORTHISTS

701.1(148F) Definitions
701.2(148F) Requirements for licensure
701.3(148F) Written examinations
701.4(148F) Educational qualifications
701.5(148F) Licensure by endorsement
701.6(148F) License renewal
701.7(17A,147,272C) License reactivation
701.8(17A,147,272C) License reinstatement

CHAPTER 702 CONTINUING EDUCATION FOR PODIATRISTS

702.1(149,272C) Definitions
702.2(149,272C) Continuing education requirements
702.3(149,272C) Standards

CHAPTER 703 PRACTICE OF PODIATRY

703.1(149) Definitions
703.2(149) Requirements for administering conscious sedation
703.3(139A) Preventing HIV and HBV transmission
703.4(149) Unlicensed graduate of a podiatric college
703.5(149) Prescribing opioids

CHAPTER 704 DISCIPLINE FOR PODIATRISTS, ORTHOTISTS, PROSTHETISTS, AND PEDORTHISTS

704.1(148F,149,272C) Grounds for discipline

- 704.2(148F,149,272C) Indiscriminately prescribing, administering or dispensing any drug for other than a lawful purpose

CHAPTER 705

CONTINUING EDUCATION FOR ORTHOTISTS, PROSTHETISTS, AND PEDORTHISTS

- 705.1(148F) Definitions
 705.2(148F,272C) Continuing education requirements
 705.3(148F,272C) Standards
 705.4(148F,272C) Audit of continuing education report

CHAPTER 706

ADOPTION OF UNIFORM AND MODEL RULES

- 706.1(17A,272C) Board of podiatry adoption of uniform and model rules

CHAPTERS 707 to 719

Reserved

BOARD OF RESPIRATORY CARE AND POLYSOMNOGRAPHY

CHAPTER 720

LICENSURE OF RESPIRATORY CARE PRACTITIONERS, POLYSOMNOGRAPHIC TECHNOLOGISTS, AND RESPIRATORY CARE AND POLYSOMNOGRAPHY PRACTITIONERS

- 720.1(148G,152B) Definitions
 720.2(148G,152B) General requirements for licensure
 720.3(152B) Additional requirements for respiratory care practitioner licensure
 720.4(148G,152B) Additional requirements for polysomnographic technologist licensure
 720.5(148G,152B) Requirements for dual licensure
 720.6(148G,152B) License renewal
 720.7(17A,147,272C) License reactivation
 720.8(17A,147,272C) License reinstatement

CHAPTER 721

CONTINUING EDUCATION FOR RESPIRATORY CARE PRACTITIONERS AND POLYSOMNOGRAPHIC TECHNOLOGISTS

- 721.1(148G,152B,272C) Definitions
 721.2(148G,152B,272C) Continuing education requirements
 721.3(148G,152B,272C) Standards

CHAPTER 722

PRACTICE OF RESPIRATORY CARE PRACTITIONERS AND POLYSOMNOGRAPHIC TECHNOLOGISTS

- 722.1(148G,152B,272C) Definitions
 722.2(148G,152B,272C) Code of ethics
 722.3(152B,272C) Intravenous administration
 722.4(152B,272C) Setup and delivery of respiratory care equipment
 722.5(152B,272C) Respiratory care as a practice
 722.6(148G,272C) Practice of polysomnography
 722.7(148G,152B,272C) Students
 722.8(148G,272C) Location of polysomnography services

CHAPTER 723

ADOPTION OF UNIFORM AND MODEL RULES

- 723.1(17A,272C) Board of respiratory care and polysomnography adoption of uniform and model rules

CHAPTERS 724 to 739

Reserved

BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY

CHAPTER 740

LICENSURE OF SPEECH PATHOLOGISTS AND AUDIOLOGISTS

740.1(147)	Definitions
740.2(147)	Initial licensure
740.3(147)	Educational qualifications
740.4(147)	Examination requirements
740.5(147)	Audiology and speech-language pathology interstate compact
740.6(147)	Temporary clinical license
740.7(147)	Temporary permit
740.8(147)	Use of assistants
740.9(147)	License renewal
740.10(17A,147,272C)	License reactivation
740.11(17A,147,272C)	License reinstatement

CHAPTER 741

PRACTICE OF SPEECH PATHOLOGISTS AND AUDIOLOGISTS

741.1(147)	Telehealth visits
741.2(147)	Hearing aid dispensing

CHAPTER 742

CONTINUING EDUCATION FOR SPEECH PATHOLOGISTS
AND AUDIOLOGISTS

742.1(147)	Definitions
742.2(147)	Continuing education requirements
742.3(147,272C)	Standards

CHAPTER 743

DISCIPLINE FOR SPEECH PATHOLOGISTS AND AUDIOLOGISTS

743.1(272C)	Grounds for discipline
-------------	------------------------

CHAPTER 744

ADOPTION OF UNIFORM AND MODEL RULES

744.1(17A,272C)	Board of speech pathology and audiology adoption of uniform and model rules
-----------------	---

CHAPTERS 745 to 759

Reserved

BOARD OF OPTOMETRY

CHAPTER 760

LICENSURE OF OPTOMETRISTS

760.1(154)	Definitions
760.2(154)	Requirements for licensure
760.3(154)	Licensure by endorsement
760.4(154)	License renewal
760.5(17A,147,272C)	License reactivation
760.6(17A,147,272C)	License reinstatement

CHAPTER 761

CONTINUING EDUCATION FOR OPTOMETRISTS

761.1(154)	Definitions
761.2(154)	Continuing education requirements
761.3(154,272C)	Standards

CHAPTER 762

PRACTICE OF OPTOMETRISTS

762.1(154)	Code of ethics
762.2(154,272C)	Recordkeeping
762.3(154)	Furnishing prescriptions
762.4(155A)	Prescription drug orders

- 762.5(154) Use of injectables
- 762.6(154) Education and training approval
- 762.7(154) Education and training

CHAPTER 763

DISCIPLINE FOR OPTOMETRISTS

- 763.1(154,272C) Grounds for discipline

CHAPTER 764

ADOPTION OF UNIFORM AND MODEL RULES

- 764.1(17A,272C) Board of optometry adoption of uniform and model rules

CHAPTERS 765 to 779

Reserved

BOARD OF PHYSICIAN ASSOCIATES

CHAPTER 780

LICENSURE OF PHYSICIAN ASSOCIATES

- 780.1(148C) Definitions
- 780.2(148C) Initial licensure
- 780.3(148C) Temporary licensure
- 780.4(148C) Physician supervision not required
- 780.5(148C) Physician supervision required
- 780.6(148C) Physician eligibility to supervise physician associates
- 780.7(148C) Collaborative practice
- 780.8(148C) License renewal
- 780.9(17A,147,272C) Requirements for reactivation
- 780.10(17A,147,272C) License reinstatement
- 780.11(148C) Use of title
- 780.12(148C) Address change
- 780.13(148C) Student physician associate

CHAPTER 781

PRACTICE OF PHYSICIAN ASSOCIATES

- 781.1(148C,88GA,ch1020) Duties
- 781.2(148C) Prohibition
- 781.3(147,88GA,ch1020) Identification as a physician associate
- 781.4(147) Prescription requirements
- 781.5(147) Supplying—requirements for containers, labeling, and records
- 781.6(147,148C,272C) Standards of practice—telemedicine

CHAPTER 782

CONTINUING EDUCATION FOR PHYSICIAN ASSOCIATES

- 782.1(148C) Definitions
- 782.2(148C) Continuing education requirements
- 782.3(148C,272C) Standards

CHAPTER 783

DISCIPLINE FOR PHYSICIAN ASSOCIATES

- 783.1(148C) Definitions
- 783.2(147,272C) Grounds for discipline

CHAPTER 784

ADOPTION OF UNIFORM AND MODEL RULES

- 784.1(17A,272C) Board of physician associates adoption of uniform and model rules

CHAPTERS 785 to 799

Reserved

BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY

CHAPTER 800

LICENSURE OF PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS

800.1(147)	Definitions
800.2(147)	Initial licensure
800.3(147)	Physical therapy compact
800.4(147)	Examination requirements for physical therapists and physical therapist assistants
800.5(147)	Educational qualifications
800.6(147)	License renewal
800.7(17A,147,272C)	License reactivation
800.8(17A,147,272C)	License reinstatement

CHAPTER 801

PRACTICE OF PHYSICAL THERAPISTS
AND PHYSICAL THERAPIST ASSISTANTS

801.1(148A,272C)	Code of ethics for physical therapists and physical therapist assistants
801.2(147)	Recordkeeping
801.3(147)	Telehealth visits
801.4(147)	Delegation by a supervising physical therapist

CHAPTER 802

DISCIPLINE FOR PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS

802.1(148A)	Definitions
802.2(272C)	Grounds for discipline

CHAPTER 803

CONTINUING EDUCATION FOR PHYSICAL THERAPISTS
AND PHYSICAL THERAPIST ASSISTANTS

803.1(272C)	Definitions
803.2(148A)	Continuing education requirements
803.3(148A,272C)	Standards

CHAPTER 804

LICENSURE OF OCCUPATIONAL THERAPISTS
AND OCCUPATIONAL THERAPY ASSISTANTS

804.1(147)	Definitions
804.2(147)	Initial licensure
804.3(147)	Licensure by endorsement
804.4(147E)	Occupational therapy licensure compact
804.5(147)	Limited permit to practice pending licensure
804.6(147)	Examination requirements
804.7(147)	Educational qualifications
804.8(147)	License renewal
804.9(17A,147,272C)	License reactivation
804.10(17A,147,272C)	License reinstatement

CHAPTER 805

CONTINUING EDUCATION FOR OCCUPATIONAL THERAPISTS
AND OCCUPATIONAL THERAPY ASSISTANTS

805.1(148B)	Definitions
805.2(272C)	Continuing education requirements
805.3(148B,272C)	Standards

CHAPTER 806

PRACTICE OF OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY
ASSISTANTS

806.1(148B,272C)	Code of ethics for occupational therapists and occupational therapy assistants
806.2(147)	Recordkeeping
806.3(147)	Telehealth visits
806.4(147)	Practice of occupational therapy limited permit holders

806.5(148B) Supervision requirements

CHAPTER 807
DISCIPLINE FOR OCCUPATIONAL THERAPISTS
AND OCCUPATIONAL THERAPY ASSISTANTS

807.1(148B) Definitions
807.2(272C) Grounds for discipline

CHAPTER 808
ADOPTION OF UNIFORM AND MODEL RULES
808.1(17A,272C) Board of physical and occupational therapy adoption of uniform and model rules

CHAPTERS 809 to 820
Reserved

BOARD OF MASSAGE THERAPY

CHAPTER 821
LICENSURE OF MASSAGE THERAPISTS

821.1(152C) Definitions
821.2(272C) Licensure by examination
821.3(152C) Educational qualifications for foreign-trained massage therapists
821.4(152C) Licensure by endorsement
821.5(152C) Licensure by verification
821.6(152C) Temporary license
821.7(152C) License display
821.8(152C) License renewal
821.9(17A,147,272C) License reactivation
821.10(17A,147,272C) License reinstatement

CHAPTER 822
MASSAGE THERAPY EDUCATION CURRICULUM

822.1(152C) Definitions
822.2(152C) Application for approval of massage therapy education curriculum
822.3(152C) Curriculum requirements
822.4(152C) Student clinical practicum standards
822.5(152C) School records retention
822.6(152C) Massage school curriculum compliance
822.7(152C) Denial or withdrawal of approval

CHAPTER 823
CONTINUING EDUCATION FOR MASSAGE THERAPISTS

823.1(152C) Definitions
823.2(152C) Continuing education requirements
823.3(152C,272C) Continuing education criteria

CHAPTER 824
DISCIPLINE FOR MASSAGE THERAPISTS

824.1(152C) Civil penalties

CHAPTER 825
ADOPTION OF UNIFORM AND MODEL RULES
825.1(17A,272C) Board of massage therapy adoption of uniform and model rules

CHAPTERS 826 to 840
Reserved

BOARD OF CHIROPRACTIC

CHAPTER 841
LICENSURE OF CHIROPRACTIC PHYSICIANS

841.1(151) Definitions

841.2(151)	Initial licensure
841.3(151)	Examination requirements
841.4(151)	Educational qualifications
841.5(151)	Temporary certificate
841.6(151)	License renewal
841.7(17A,147,272C)	Requirements for reactivation
841.8(17A,147,272C)	License reinstatement

CHAPTER 842

COLLEGES FOR CHIROPRACTIC PHYSICIANS

842.1(151)	Definitions
842.2(151)	Board-approved chiropractic colleges
842.3(151)	Practice by chiropractic interns and chiropractic residents
842.4(151)	Approved chiropractic preceptorship program
842.5(151)	Approved chiropractic physician preceptors
842.6(151)	Termination of preceptorship

CHAPTER 843

PRACTICE OF CHIROPRACTIC PHYSICIANS

843.1(151)	Definitions
843.2(147,272C)	Principles of chiropractic ethics
843.3	Reserved
843.4(151)	Chiropractic insurance consultant
843.5(151)	Acupuncture
843.6(151)	Adjunctive procedures
843.7(151)	Physical examination
843.8(151)	Recordkeeping
843.9(151)	Billing procedures
843.10(151)	Certified chiropractic assistants

CHAPTER 844

CONTINUING EDUCATION FOR CHIROPRACTIC PHYSICIANS

844.1(151)	Definitions
844.2(272C)	Continuing education requirements
844.3(151,272C)	Standards

CHAPTER 845

DISCIPLINE FOR CHIROPRACTIC PHYSICIANS

845.1(151,272C)	Grounds for discipline
-----------------	------------------------

CHAPTER 846

ADOPTION OF UNIFORM AND MODEL RULES

846.1(17A,272C)	Board of chiropractic adoption of uniform and model rules
-----------------	---

CHAPTERS 847 to 860

Reserved

BOARD OF ATHLETIC TRAINING

CHAPTER 861

LICENSURE OF ATHLETIC TRAINERS

861.1(152D)	Definitions
861.2(152D)	Initial licensure
861.3(152D)	Educational qualifications
861.4(152D)	Examination requirements
861.5(152D)	Documentation of physician direction
861.6(152D)	Athletic training standards of professional practice
861.7(147)	License renewal
861.8(17A,147,272C)	License reactivation
861.9(17A,147,272C)	License reinstatement

CHAPTER 862

CONTINUING EDUCATION FOR ATHLETIC TRAINERS

- 862.1(272C) Definitions
- 862.2(152D) Continuing education requirements
- 862.3(152D,272C) Standards

CHAPTER 863

DISCIPLINE FOR ATHLETIC TRAINERS

- 863.1(152D) Definitions
- 863.2(152D,272C) Grounds for discipline

CHAPTER 864

ADOPTION OF UNIFORM AND MODEL RULES

- 864.1(17A,272C) Board of athletic training adoption of uniform and model rules

CHAPTERS 865 to 879

Reserved

BOARD OF BEHAVIORAL HEALTH PROFESSIONALS

CHAPTER 880

BEHAVIORAL HEALTH PROFESSIONALS LICENSING

- 880.1(148,154B,154C,154D) Definitions
- 880.2(154B,154C,154D) License requirements
- 880.3(154B,154C,154D) Examination requirements
- 880.4(154B,154C,154D) Educational requirements
- 880.5(154D) Licensure by endorsement for mental health counselors and marital and family therapists
- 880.6(147) Licensure by endorsement for psychologists
- 880.7(154C,154D) Supervised clinical experience
- 880.8(154B) Psychology postdoctoral residency
- 880.9(154B) Psychologists' supervision of persons other than postdoctoral residents in a practice setting
- 880.10(147) License renewal for mental health counselors and marriage and family therapists
- 880.11(272C) Initial licensing, reactivation, and license renewal for behavior analysts and assistant behavior analysts
- 880.12(147) Psychology license renewal
- 880.13(154C) Social work license renewal
- 880.14(17A,147,272C) License reactivation for mental health counselors, marital and family therapists, psychologists, and social workers
- 880.15(17A,147,272C) License reinstatement
- 880.16(154C) Social work services subject to regulation
- 880.17(147,154B) Psychology title designations
- 880.18(147) Professional counselor licensing compact
- 880.19(147) Professional social work licensure compact (SWLC)
- 880.20(154D) Temporary licensees

CHAPTER 881

CONTINUING EDUCATION FOR MARITAL AND FAMILY THERAPISTS, MENTAL HEALTH COUNSELORS, SOCIAL WORKERS, AND PSYCHOLOGISTS

- 881.1(272C) Definitions
- 881.2(272C) Continuing education requirements

CHAPTER 882

DISCIPLINE FOR MARITAL AND FAMILY THERAPISTS, MENTAL HEALTH COUNSELORS, BEHAVIOR ANALYSTS, PSYCHOLOGISTS, AND SOCIAL WORKERS

- 882.1(154D,272C) Mental health counselors, marriage and family therapists, and behavioral analysts—grounds for discipline
- 882.2(147,272C) Psychologists—grounds for discipline
- 882.3(272C) Social workers—grounds for discipline

CHAPTER 883 PRESCRIBING PSYCHOLOGISTS

883.1(148,154B)	Definitions—joint rule
883.2(154B)	Conditional prescription certificate
883.3(148,154B)	Educational requirements for conditional prescription certificate—joint rule
883.4(148,154B)	Supervised practice as a conditional prescribing psychologist—joint rule
883.5(154B)	Prescription certificate
883.6(148,154B)	Prescribing—joint rule
883.7(148,154B)	Consultation with primary care providers—joint rule
883.8(148,154B)	Collaborative practice—joint rule
883.9(154B)	Grounds for discipline
883.10(154B)	List of psychologists
883.11(148,154B)	Complaints—joint rule
883.12(148,154B)	Joint waiver—joint rule
883.13(148,154B)	Amendment—joint rule

CHAPTER 884 PRACTICE OF SOCIAL WORKERS, PSYCHOLOGISTS, MARRIAGE AND FAMILY THERAPISTS, AND MENTAL HEALTH COUNSELORS

884.1(154B,154C)	Definitions
884.2(147,154B,272C)	Purpose and scope
884.3(147)	Mental health counselor and marriage and family therapist recordkeeping
884.4(154C)	Social work rules of conduct

CHAPTER 885 ADOPTION OF UNIFORM AND MODEL RULES

885.1(17A,272C)	Board of behavioral health professions adoption of uniform and model rules
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CHAPTERS 886 to 899

Reserved

BOARD OF MORTUARY SCIENCE

CHAPTER 900 PRACTICE OF FUNERAL DIRECTORS, FUNERAL ESTABLISHMENTS, AND CREMATION ESTABLISHMENTS

900.1(156)	Definitions
900.2(156)	Funeral director duties
900.3(156)	Permanent identification tag
900.4(142,156)	Removal and transfer of human remains
900.5(135,144)	Burial transit permits
900.6(156)	Preparation and embalming activities
900.7(156)	Arranging and directing funeral and memorial ceremonies
900.8(142,156)	Unclaimed human remains for scientific use
900.9(144)	Disinterments
900.10(156)	Cremation of human remains
900.11(156)	Records to be retained by a funeral establishment

CHAPTER 901 LICENSURE OF FUNERAL DIRECTORS, FUNERAL ESTABLISHMENTS, AND CREMATION ESTABLISHMENTS

901.1(156)	Definitions
901.2(156)	Requirements for licensure
901.3(147,156)	Internship and preceptorship
901.4(156)	Student practicum
901.5(156)	Funeral establishment license or cremation establishment license
901.6(156)	Renewal of funeral director license
901.7(272C)	Renewal of a funeral establishment license or a cremation establishment license
901.8(272C)	Inactive funeral establishment license or cremation establishment license
901.9(17A,147,272C)	Reinstatement of a funeral establishment license or a cremation establishment license

901.10(17A,147,272C)	License reactivation
901.11(17A,147,272C)	Reinstatement of a funeral director license
901.12(156)	Removal technician education and training requirements
901.13(156)	Removal technician supervision and requirements

CHAPTER 902

CONTINUING EDUCATION FOR FUNERAL DIRECTORS

902.1(272C)	Definitions
902.2(272C)	Continuing education requirements
902.3(156,272C)	Standards
902.4(272C)	Automatic exemption

CHAPTER 903

Reserved

CHAPTER 904

DISCIPLINARY PROCEEDINGS

904.1(156)	Definitions
904.2(17A,147,156,272C)	Disciplinary authority
904.3(17A,147,156,272C)	Grounds for discipline against funeral directors
904.4(17A,147,156,272C)	Grounds for discipline against funeral establishments and cremation establishments
904.5(17A,147,156,272C)	Method of discipline
904.6(17A,147,156,272C)	Board discretion in imposing disciplinary sanctions
904.7	Reserved
904.8(17A,147,156,272C)	Informal discussion

CHAPTER 905

ENFORCEMENT PROCEEDINGS AGAINST NONLICENSEES

905.1(156)	Civil penalties against nonlicensees
905.2(156)	Unlawful practices
905.3(156)	Investigations
905.4(156)	Subpoenas
905.5(156)	Notice of intent to impose civil penalties
905.6(156)	Requests for hearings
905.7(156)	Factors to consider
905.8(156)	Enforcement options

CHAPTER 906

ADOPTION OF UNIFORM AND MODEL RULES

906.1(17A,272C)	Board of mortuary science adoption of uniform and model rules
-----------------	---

CHAPTER 907

PLACES WHERE DEAD HUMAN BODIES ARE PREPARED
FOR BURIAL OR ENTOMBMENT

907.1(156)	Purpose
907.2(156)	Definitions
907.3(156)	Licensing
907.4(156)	Public access areas
907.5(156)	Preparation room
907.6(156)	Crematorium chambers
907.7(156)	Inspection fees

CHAPTERS 908 to 920

Reserved

BOARD OF DIETETICS

CHAPTER 921

LICENSURE OF DIETITIANS

921.1(152A)	Definitions
-------------	-------------

921.2(152A)	Nutrition care
921.3(152A)	Requirements for licensure
921.4(152A)	Educational qualifications
921.5(152A)	Supervised experience
921.6(152A)	Licensure by endorsement
921.7(152A)	License renewal
921.8(17A,147,272C)	License reactivation
921.9(17A,147,272C)	License reinstatement
921.10(152A,272C)	Telehealth visits

CHAPTER 922

CONTINUING EDUCATION FOR DIETITIANS

922.1(152A)	Definitions
922.2(152A)	Continuing education requirements
922.3(152A,272C)	Standards

CHAPTER 923

DISCIPLINE FOR DIETITIANS

923.1(152A,272C)	Grounds for discipline
------------------	------------------------

CHAPTER 924

ADOPTION OF UNIFORM AND MODEL RULES

924.1(17A,272C)	Board of dietetics adoption of uniform and model rules
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CHAPTERS 925 to 939

Reserved

BOARD OF BARBERING AND COSMETOLOGY ARTS AND SCIENCES

CHAPTER 940

LICENSURE OF BARBERS AND COSMETOLOGISTS, ELECTROLOGISTS,
ESTHETICIANS, NAIL TECHNOLOGISTS, AND INSTRUCTORS OF BARBERING
AND COSMETOLOGY ARTS AND SCIENCES

940.1(157)	Definitions
940.2(157)	Initial licensure
940.3(157)	Examination requirements
940.4(157)	Criteria for licensure in prescribed practice disciplines
940.5(157)	Prescribed practice training requirements
940.6(157)	Licensure restrictions relating to practice
940.7(157)	Consent form requirements
940.8(157)	License renewal
940.9(17A,147,272C)	License reactivation
940.10(17A,147,272C)	License reinstatement

CHAPTER 941

LICENSURE OF ESTABLISHMENTS AND SCHOOLS OF BARBERING AND COSMETOLOGY
ARTS AND SCIENCES

941.1(157)	Definitions
941.2(157)	Establishment licensing
941.3(157)	Readily movable establishment
941.4(157)	Establishment license renewal
941.5(272C)	Inactive establishment license
941.6(157)	Display requirements for establishments
941.7(147)	Duplicate certificate for establishments
941.8(157)	Licensure for schools of barbering and cosmetology arts and sciences
941.9(157)	School license renewal
941.10(272C)	Inactive school license
941.11(157)	Display requirements for schools
941.12(157)	Physical requirements for schools of barbering and cosmetology arts and sciences
941.13(157)	Minimum equipment requirements

941.14(157)	Course of study requirements
941.15(157)	Instructors
941.16(157)	Student instructors
941.17(157)	Students
941.18(157)	Attendance requirements
941.19(157)	Accelerated learning
941.20(157)	Mentoring program
941.21(157)	Graduate of a school of barbering and cosmetology arts and sciences
941.22(157)	Records requirements
941.23(157)	Classrooms used for other educational purposes

CHAPTER 942

Reserved

CHAPTER 943

INFECTION CONTROL FOR ESTABLISHMENTS AND SCHOOLS OF BARBERING AND COSMETOLOGY ARTS AND SCIENCES

943.1(157)	Definitions
943.2(157)	Infection control rules and inspection report
943.3(157)	Responsibilities of establishment owners
943.4(157)	Responsibilities of licensees
943.5(157)	Joint responsibility
943.6(157)	Building standards
943.7(157)	Establishments in residential buildings
943.8(157)	Establishments adjacent to other businesses
943.9(157)	Smoking
943.10(157)	Personal cleanliness
943.11(157)	Universal precautions
943.12(157)	Blood exposure procedures
943.13(157)	Disinfecting and sterilizing instruments and equipment
943.14(157)	Porous instruments and supplies that cannot be disinfected
943.15(157)	Infection control methods for creams, cosmetics and applicators
943.16(157)	Events and services provided outside of a licensed establishment
943.17(157)	Prohibited hazardous substances and use of products and equipment
943.18(157)	Proper protection of neck
943.19(157)	Proper laundering and storage
943.20(157)	Animals
943.21(157)	General maintenance
943.22(157)	Records
943.23(157)	Establishments and schools providing electrology or esthetics
943.24(157)	Cleaning and disinfecting circulating and noncirculating tubs, bowls, and spas
943.25(157)	Paraffin wax

CHAPTER 944

CONTINUING EDUCATION FOR BARBERING AND COSMETOLOGY ARTS AND SCIENCES

944.1(157)	Definitions
944.2(157)	Continuing education requirements
944.3(157,272C)	Standards

CHAPTER 945

DISCIPLINE FOR BARBERING AND COSMETOLOGY ARTS AND SCIENCES LICENSEES, INSTRUCTORS, ESTABLISHMENTS, AND SCHOOLS

945.1(157,272C)	Definitions
945.2(157,272C)	Grounds for discipline
945.3(157,272C)	Unlawful practices

CHAPTER 946

ADOPTION OF UNIFORM AND MODEL RULES

946.1(17A,272C)	Board of barbering and cosmetology arts and sciences adoption of uniform and model rules
-----------------	--

CHAPTERS 947 to 960

Reserved

BOARD OF SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS

CHAPTER 961

LICENSURE OF SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS

961.1(154E)	Definitions
961.2(154E)	Requirements for licensure
961.3(154E)	Requirements for temporary license
961.4(154E)	Licensure by endorsement
961.5(154E)	License renewal
961.6(17A,147,272C)	License reactivation
961.7(17A,147,272C)	License reinstatement

CHAPTER 962

CONTINUING EDUCATION FOR SIGN LANGUAGE INTERPRETERS AND
TRANSLITERATORS

962.1(154E,272C)	Definitions
962.2(154E,272C)	Continuing education requirements
962.3(154E,272C)	Standards

CHAPTER 963

DISCIPLINE FOR SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS

963.1(154E)	Definition
963.2(154E,272C)	Grounds for discipline

CHAPTER 964

ADOPTION OF UNIFORM AND MODEL RULES

964.1(17A,272C)	Board of sign language interpreters and transliterators adoption of uniform and model rules
-----------------	---

CHAPTER 965

LICENSURE OF EMPLOYERS FOR SIGN LANGUAGE
INTERPRETERS AND TRANSLITERATORS

965.1(154E)	Definition
965.2(154E)	Requirements for licensure
965.3(154E)	License renewal
965.4(17A,147,272C)	License reactivation
965.5(17A,147,272C)	License reinstatement
965.6(154E,272C)	License discipline

CHAPTERS 966 to 979

Reserved

BOARD OF NURSING HOME ADMINISTRATORS

CHAPTER 980

LICENSURE OF NURSING HOME ADMINISTRATORS

980.1(155)	Definitions
980.2(155)	Requirements for licensure
980.3(147,155)	Foreign-trained applicants
980.4(155)	Preceptor qualifications
980.5(155)	Provisional license
980.6(155)	Licensure by endorsement
980.7(147,155)	License renewal
980.8(17A,147,272C)	License reactivation
980.9(17A,147,272C)	License reinstatement

CHAPTER 981

CONTINUING EDUCATION FOR NURSING HOME ADMINISTRATION

981.1(272C)	Definitions
-------------	-------------

- 981.2(272C) Continuing education requirements
- 981.3(155,272C) Standards
- 981.4(155,272C) Exemptions

CHAPTER 982

DISCIPLINE FOR NURSING HOME ADMINISTRATORS

- 982.1(155,272C) Grounds for discipline

CHAPTER 983

ADOPTION OF UNIFORM AND MODEL RULES

- 983.1(17A,272C) Board of nursing home administrators adoption of uniform and model rules

CHAPTERS 984 to 1000

Reserved

INTERIOR DESIGN EXAMINING BOARD

CHAPTER 1001

DESCRIPTION OF ORGANIZATION

- 1001.1(544C,17A) Definitions
- 1001.2(544C) Description
- 1001.3(544C,17A) Organization and duties
- 1001.4(544C,17A) Meetings
- 1001.5(544C) Other meetings
- 1001.6(544C) Administrative committees
- 1001.7(544C,17A) Waivers

CHAPTER 1002

REGISTRATION

- 1002.1(544C) Certificate of registration
- 1002.2(17A,272C,544C) Renewal of certificates of registration
- 1002.3(544A,17A,272C) Grounds for denial of registration renewal
- 1002.4(544A,17A) Reinstatement of certificates of registration
- 1002.5(544A) Applications

CHAPTER 1003

CONTINUING EDUCATION

- 1003.1(17A,272C,544C) Definitions
- 1003.2(17A,272C,544C) Continuing education requirements
- 1003.3(17A,272C,544C) Controls and reporting
- 1003.4(17A,544C) Exemptions

CHAPTER 1004

PROFESSIONAL CONDUCT

- 1004.1(544C) Rules of conduct

CHAPTER 1005

GROUNDS FOR DISCIPLINE, DISCIPLINARY INVESTIGATIONS, AND DISCIPLINARY PROCEEDINGS

- 1005.1(17A,272C,544C) Grounds for discipline
- 1005.2(17A,272C,544C) Initiation of disciplinary investigations
- 1005.3(17A,272C,544C) Conflict of interest
- 1005.4(272C,544C) Complaints
- 1005.5(272C,544C) Case numbers
- 1005.6(17A,272C,544C) Investigation procedures
- 1005.7(17A,272C,544C) Informal discussion
- 1005.8(17A,272C,544C) Closing complaint files
- 1005.9(17A,272C,544C) Initiation of disciplinary proceedings
- 1005.10(17A,272C,544C) Disciplinary contested case procedures
- 1005.11(272C,544C) Disciplinary sanctions
- 1005.12(272C,544C) Publication of decisions

1005.13(272C,544C) Reinstatement

CHAPTERS 1006 to 1020

Reserved

ACCOUNTANCY EXAMINING BOARD

CHAPTER 1021

DEFINITIONS

1021.1(542) Definitions

CHAPTER 1022

ORGANIZATION AND ADMINISTRATION

1022.1(542) Description
 1022.2(542) Advisory committees
 1022.3(542) Annual meeting
 1022.4(542) Other meetings
 1022.5(542) Board administrator's duties
 1022.6(542) Disclosure of confidential information
 1022.7(17A,21,22,272C,542) Uniform rules

CHAPTER 1023

CERTIFICATION OF CPAs

1023.1(542) Qualifications for a certificate as a certified public accountant
 1023.2(542) Colleges or universities recognized by the board
 1023.3(542) Accounting concentration
 1023.4(542) Examination applications
 1023.5(542) Content and grading of the examination
 1023.6(542) Conditional requirements
 1023.7(542) Extension of conditional status
 1023.8(542) Transfer of credit from another jurisdiction
 1023.9(542) Examination procedures
 1023.10(542) Conduct of the examination
 1023.11(542) Refunding of examination fees
 1023.12(542) Experience for certificate
 1023.13(542) Ethics course and examination
 1023.14(542) Obtaining the certificate
 1023.15(542) Use of title

CHAPTER 1024

LICENSURE OF LPAs

1024.1(542) Qualifications for a license as a licensed public accountant
 1024.2(542) Examination application
 1024.3(542) Major in accounting
 1024.4(542) Transcripts needed
 1024.5 Reserved
 1024.6(542) Content and grading of the examination
 1024.7(542) Conditional requirements
 1024.8(542) Examination procedures
 1024.9(542) Refunding of examination fees
 1024.10(542) Credit for an examination taken in another state
 1024.11(542) Experience for license
 1024.12(542) Ethics course and examination
 1024.13(542) Statements on standards for accounting and review services (SSARS) education
 1024.14(542) Obtaining the license
 1024.15(542) Licensure by reciprocity
 1024.16(542) Use of title

CHAPTER 1025

LICENSURE STATUS AND RENEWAL OF CERTIFICATES AND LICENSES

1025.1(542) Licensure status and practice privilege

1025.2(542)	Notices
1025.3(542)	Renewal procedures
1025.4(542)	Failure to renew
1025.5(272C,542)	Certificates and licenses—property of the board
1025.6(542)	Licensee's continuing duty to report
1025.7(272C,542)	Inactive status

CHAPTER 1026

ATTEST AND COMPILATION SERVICES

1026.1(542)	Who may perform attest services
1026.2(542)	Necessary attest experience
1026.3(542)	Attest qualification
1026.4(542)	Compilation services

CHAPTER 1027

CERTIFIED PUBLIC ACCOUNTING FIRMS

1027.1(542)	When licensure is needed
1027.2(542)	Application process
1027.3(542)	Application contents
1027.4(542)	Renewal procedures
1027.5(542)	Failure to renew permit
1027.6(542)	Notice to the board
1027.7(542)	Noncompliance

CHAPTER 1028

LICENSED PUBLIC ACCOUNTING FIRMS

1028.1(542)	Initial permit to practice
1028.2(542)	Renewal procedures
1028.3(542)	Failure to renew permit
1028.4(542)	Notice to the board
1028.5(542)	Noncompliance
1028.6(542)	Peer review obligations

CHAPTER 1029

RECIPROCITY AND SUBSTANTIAL EQUIVALENCY

1029.1(542)	Iowa CPA certificate necessary
1029.2(542)	Application forms
1029.3(542)	Background and character
1029.4(542)	Verification of state licensure
1029.5(542)	Qualifications for a CPA certificate
1029.6(542)	Continuing obligations
1029.7(542)	Expedited application processing

CHAPTER 1030

CONTINUING EDUCATION

1030.1(542)	Scope
1030.2(542)	Definitions
1030.3(542)	Applicability
1030.4(542)	Cost of continuing professional education
1030.5(542)	Basic continuing professional education
1030.6(542)	Measurement standards
1030.7(542)	Mandatory education
1030.8(542)	Programs that qualify and CPE limitations
1030.9(542)	Controls and reporting
1030.10(542)	Grounds for discipline
1030.11(272C,542)	Alternative continuing education cycles authorized

CHAPTER 1031

PEER REVIEW

1031.1(542)	Peer review obligations
-------------	-------------------------

1031.2(542)	Three-year cycle
1031.3(542)	System of internal quality control
1031.4(542)	Peer review programs that qualify
1031.5(542)	Waiver of peer review
1031.6(542)	Submission of peer review reports

CHAPTER 1032

FEES

1032.1(542)	Fees
1032.2(542)	Reinstatement
1032.3(542)	Prorating of certain fees

CHAPTER 1033

RULES OF PROFESSIONAL ETHICS AND CONDUCT

1033.1(542)	Applicability
1033.2(542)	Rules applicable to all CPAs and LPAs
1033.3(542)	Rules applicable to CPAs and LPAs who use the titles in offering or rendering products or services to clients
1033.4(542)	Audit, review and other attest services
1033.5(542)	Compilation
1033.6(542)	Rules applicable to tax practice

CHAPTER 1034

DISCIPLINARY AUTHORITY AND GROUNDS FOR DISCIPLINE

1034.1(17A,272C,542)	Disciplinary authority
1034.2(17A,272C,542)	Disciplinary policy
1034.3(17A,272C,542)	Grounds for discipline

CHAPTER 1035

DISCIPLINARY INVESTIGATIONS

1035.1(17A,272C,542)	Initiation of disciplinary investigations
1035.2(17A,272C,542)	Conflict of interest
1035.3(272C,542)	Complaints
1035.4(272C,542)	Case numbers
1035.5(272C,542)	Confidentiality of complaint and investigative information
1035.6(17A,272C,542)	Subpoena authority
1035.7(17A,272C,542)	Informal discussion
1035.8(17A,272C,542)	Closing complaint files

CHAPTER 1036

DISCIPLINARY PROCEEDINGS

1036.1(17A,272C,542)	Initiation of disciplinary proceedings
1036.2(17A,272C,542)	Disciplinary contested case procedures
1036.3(272C,542)	Disciplinary sanctions
1036.4(272C,542)	Notification of decisions
1036.5(272C,542)	Reinstatement

CHAPTER 1037

ENFORCEMENT PROCEEDINGS AGAINST NONLICENSEES

1037.1(542)	Civil penalties against nonlicensees
1037.2(17A,542)	Investigations
1037.3(17A,542)	Notice of intent to impose civil penalties
1037.4(17A,542)	Request for hearing
1037.5(542)	“Safe harbor” language
1037.6(542)	Enforcement options

CHAPTER 1038

LICENSEES’ DUTY TO REPORT

1038.1(272C,542)	Reporting acts or omissions committed by licensees
1038.2(272C,542)	Reporting judgments and settlements alleging malpractice

1038.3(272C,542)	Timely reporting
1038.4(272C,542)	Failure to make reports

CHAPTER 1039

PRACTICE PRIVILEGE FOR OUT-OF-STATE CERTIFIED PUBLIC ACCOUNTANTS

1039.1(542)	Overview and timing
1039.2(542)	Out-of-state licensure status
1039.3(542)	When Iowa licensure may be necessary
1039.4(542)	Individuals ineligible for a practice privilege
1039.5(542)	Attest and compilation services
1039.6(542)	Rights and duties
1039.7(542)	Penalties
1039.8(542)	Relationship between Iowa licensure and the exercise of a practice privilege

CHAPTER 1040

PRACTICE PRIVILEGE FOR OUT-OF-STATE CERTIFIED PUBLIC ACCOUNTING FIRMS

1040.1(542)	Overview and timing
1040.2(542)	Out-of-state licensure status
1040.3(542)	When Iowa licensure may be necessary
1040.4(542)	CPA firms, revocation of practice privilege
1040.5(542)	Attest and compilation services
1040.6(542)	Rights and duties
1040.7(542)	Penalties
1040.8(542)	Relationship between Iowa licensure and the exercise of a practice privilege

CHAPTERS 1041 to 1044

Reserved

ENGINEERING AND LAND SURVEYING EXAMINING BOARD

CHAPTER 1045

ADMINISTRATION

1045.1(542B)	General statement
1045.2(542B)	Definitions
1045.3(542B)	Declaratory orders
1045.4(542B)	Waivers
1045.5(542B)	Licensed professional engineers and building construction

CHAPTER 1046

FEES AND CHARGES

1046.1(542B)	General statement
1046.2(542B)	Nonrefundable fees

CHAPTER 1047

APPLICATION AND RENEWAL PROCESS

1047.1(542B)	General statement
1047.2(542B)	Application components and due dates
1047.3(542B)	Comity applications
1047.4(542B)	Renewal applications
1047.5(542B)	Reinstatement of licensure

CHAPTER 1048

ENGINEERING LICENSURE

1048.1(542B)	Licensure by examination
1048.2(542B)	Requirements for licensure by comity
1048.3(542B)	Requirements for a licensee requesting additional examination

CHAPTER 1049

LAND SURVEYING LICENSURE

1049.1(542B)	Requirements for licensure by examination
1049.2(542B)	Requirements for licensure by comity

1049.3(542B,272C) Licensure by verification

CHAPTER 1050

SEAL AND CERTIFICATE OF RESPONSIBILITY

1050.1(542B) Seal and certificate of responsibility

CHAPTER 1051

PROFESSIONAL DEVELOPMENT

1051.1(542B,272C) General statement
 1051.2(542B,272C) Definitions
 1051.3(542B,272C) Professional development hours
 1051.4(542B,272C) Professional development guidelines
 1051.5(542B,272C) Biennial requirement
 1051.6(542B,272C) Exemptions
 1051.7(542B,272C) Hardships or extenuating circumstances
 1051.8(542B,272C) Reports, records, and compliance review

CHAPTER 1052

PROFESSIONAL CONDUCT OF LICENSEES

1052.1(542B) General statement
 1052.2(542B) Code of professional conduct
 1052.3(542B) Reporting of acts or omissions
 1052.4(542B) Standards of integrity
 1052.5(542B) Engineering and land surveying services offered by business entities

CHAPTER 1053

COMPLAINTS, INVESTIGATIONS AND DISCIPLINARY ACTION

1053.1(542B) Complaints and investigations
 1053.2(542B) Ruling on the initial inquiry
 1053.3(10A,17A,272C,542B) Grounds for discipline
 1053.4(542B) Disciplinary findings and sanctions
 1053.5(272C) Civil penalties
 1053.6(542B) Publication of decisions
 1053.7(542B) Disputes between licensees and clients
 1053.8(272C,542B) Confidentiality of complaint and investigative information

CHAPTER 1054

PEER REVIEW

1054.1(542B,272C) Peer review
 1054.2(542B,272C) Reports
 1054.3(542B,272C) Confidentiality
 1054.4(542B,272C) Testimony

CHAPTER 1055

MINIMUM STANDARDS FOR PROPERTY SURVEYS

1055.1(542B) Scope
 1055.2(542B) Definitions
 1055.3(542B) Boundary location
 1055.4(542B) Descriptions
 1055.5(542B) Plats
 1055.6(542B) Measurements
 1055.7(542B) Monuments

CHAPTER 1056

MINIMUM STANDARDS FOR U.S. PUBLIC LAND SURVEY CORNER CERTIFICATES

1056.1(542B) General statement
 1056.2(355) U.S. Public Land Survey Corner Certificate

CHAPTER 1057
CIVIL PENALTIES FOR UNLICENSED PRACTICE

1057.1(542B) General statement

CHAPTERS 1058 to 1060
Reserved

ARCHITECTURAL EXAMINING BOARD

CHAPTER 1061
DESCRIPTION OF ORGANIZATION

1061.1(544A,17A) Duties
1061.2(544A,17A) Meetings
1061.3(544A,17A) Certificates

CHAPTER 1062
LICENSURE

1062.1(544A,17A) Definitions
1062.2(544A,17A) Licensure
1062.3(17A,272C,544A) Renewal of certificates of licensure
1062.4(544A,17A) Reinstatement of lapsed certificate of licensure to active status
1062.5(544A) Reinstatement from inactive status to active status
1062.6(544A,17A) Finding of probable cause for unlicensed practice
1062.7(544A,272C) Responsibility for accuracy of applications
1062.8(544A,272C) Application denial
1062.9(544A,17A) Fee schedule

CHAPTER 1063
CONTINUING EDUCATION

1063.1(544A,272C) Continuing education
1063.2(544A,272C) Definitions
1063.3(544A,272C) Basic requirements
1063.4(544A,272C) Authorized structured educational activities
1063.5(544A,272C) Exemptions

CHAPTER 1064
RULES OF CONDUCT

1064.1(544A,17A) Rules of conduct

CHAPTER 1065
EXCEPTIONS

1065.1(544A) Definitions
1065.2(544A) Exceptions
1065.3(544A) Building use
1065.4(544A) Exceptions matrix

CHAPTER 1066
DISCIPLINARY ACTION AGAINST LICENSEES

1066.1(544A,272C) Disciplinary action
1066.2(544A,272C) Investigation of complaints
1066.3(544A,272C) Peer investigative committee
1066.4(544A,272C) Investigation report
1066.5(544A,272C) Informal discussion
1066.6(544A,272C) Decisions
1066.7(544A,272C) Voluntary surrender

CHAPTER 1067
DISCIPLINARY ACTION—UNLICENSED PRACTICE

1067.1(544A,272C) Disciplinary action
1067.2(544A,272C) Investigation of complaints
1067.3(544A) Civil penalties against unlicensed person

CHAPTERS 1068 to 1080

Reserved

LANDSCAPE ARCHITECTURAL EXAMINING BOARD

CHAPTER 1081

DESCRIPTION OF ORGANIZATION

1081.1(544B,17A)	Definitions
1081.2(544B,17A)	Organization and duties
1081.3(544B,17A)	Meetings
1081.4(544B,17A)	Order of business
1081.5(17A)	Interim waivers

CHAPTER 1082

EXAMINATIONS AND LICENSING

1082.1(544B,17A)	Application for licensure by examination
1082.2(544B,17A)	Procedure for processing applications
1082.3(544B,17A)	Registration of applicants
1082.4(544B,17A)	Written examination
1082.5(544B,17A)	Exemption from written examination
1082.6(544B,17A)	Certificate of licensure
1082.7(17A,272C,544B)	Renewal of certificates of licensure
1082.8(544B,17A)	Reinstatement
1082.9(544B,17A)	Responsibility for accuracy of applications
1082.10(544B,17A)	Fee schedule

CHAPTER 1083

CONTINUING EDUCATION

1083.1(544B,17A)	Definitions
1083.2(544B,17A)	Continuing education requirements
1083.3(544B,17A)	Compliance
1083.4(544B,17A)	Hearings
1083.5(544B,17A)	Physical disability, illness, hardship, or extenuating circumstances
1083.6(544B,17A)	Methods of compliance and exemptions
1083.7(544B,17A)	Grounds for denial of license renewal

CHAPTER 1084

RULES OF PROFESSIONAL CONDUCT AND DISCIPLINE PROCEDURES

1084.1(544B,17A)	Rules of conduct
1084.2(544B,17A)	Receipt of complaints
1084.3(544B,17A)	Peer review committee
1084.4(544B,272C)	Investigation report of complaints
1084.5(544B,272C)	Dispensation

CHAPTERS 1085 to 2000

Reserved

REAL ESTATE COMMISSION

CHAPTER 2001

ADMINISTRATION

2001.1(543B)	Mission of the commission
2001.2(543B)	Correspondence and communications
2001.3(543B)	Meetings of the commission
2001.4	Reserved
2001.5(543B)	Investigation and subpoena
2001.6(543B)	Impaired licensee review committees

CHAPTER 2002

DEFINITIONS

2002.1(543B)	Definitions
--------------	-------------

CHAPTER 2003 BROKER LICENSE

2003.1(543B)	Broker licensure
2003.2(543B)	License examination
2003.3(543B)	Application for broker license
2003.4(543B)	Broker continuing education
2003.5(17A,272C,543B)	Renewing a broker license
2003.6(272C,543B)	Reinstatement of an expired broker license

CHAPTER 2004 SALESPERSON LICENSE

2004.1(543B)	General criteria for salesperson license
2004.2(543B)	License examination
2004.3(543B)	Application for salesperson license
2004.4(543B)	Salesperson continuing education requirements
2004.5(543B)	Renewing a license
2004.6(272C,543B)	Reinstatement of an expired salesperson license

CHAPTER 2005 LICENSEES OF OTHER JURISDICTIONS AND RECIPROCITY

2005.1(543B)	Licensees of other jurisdictions
2005.2(543B)	Nonresident application
2005.3(543B)	License by examination
2005.4(543B)	Licensure by reciprocity
2005.5(543B)	Renewal of a license issued by reciprocity
2005.6(543B)	Reinstatement of a license issued by reciprocity
2005.7(543B)	Nonresident real estate offices and licenses required
2005.8(543B)	Actions against nonresidents
2005.9(543B)	Nonresident continuing education
2005.10(543B)	License discipline reporting
2005.11(543B)	Licensure by verification

CHAPTER 2006 TERMINATION AND TRANSFER

2006.1(543B)	Terminating employment or association
2006.2(543B)	Transfer of license and necessary transfer application

CHAPTER 2007 OFFICES AND MANAGEMENT

2007.1(543B)	Real estate offices and licenses needed
2007.2(543B)	Notification needed
2007.3(543B)	Suspended and revoked licenses
2007.4(543B)	Barred practices
2007.5(543B)	Loan finder fees
2007.6(543B)	Lotteries barred
2007.7(543B)	Broker needed to furnish progress report
2007.8(543B)	Disclosure of licensee interest, acting as a principal, and status as a licensee
2007.9(543B)	Financial interest disclosure needed
2007.10(543B)	Agency-designated broker responsibilities
2007.11(543B)	Supervision needed
2007.12(543B)	Compensation controversies
2007.13(543B)	Support personnel for licensees; permitted and barred activities
2007.14(543B)	Information provided by nonlicensed support personnel limited
2007.15(543B)	Presenting purchase agreements

CHAPTER 2008 CLOSING A REAL ESTATE BUSINESS

2008.1(543B)	Closing a real estate firm
2008.2(543B)	Involuntary closing of a sole-proprietor brokerage
2008.3(543B)	Involuntary closing of a corporation, partnership, or association brokerage firm

CHAPTER 2009

FEES

2009.1(543B)	Fees
2009.2(543B)	Refunds and bad payments
2009.3(543B)	Examination fee

CHAPTER 2010

ADVERTISING

2010.1(543B)	Advertising
2010.2(543B)	Advertising under own name
2010.3(543B)	Signs on property

CHAPTER 2011

BROKERAGE AGREEMENTS AND LISTINGS

2011.1(543B)	Brokerage agreements
2011.2(543B)	Cooperation, compensation, and compliance
2011.3(543B)	Terms or conditions
2011.4(543B)	Distribution of executed instruments
2011.5(543B)	Enforcing a protective clause
2011.6(543B)	Rebates and inducements
2011.7(543B)	New construction

CHAPTER 2012

DISCLOSURE OF RELATIONSHIPS

2012.1(543B)	Written company policy needed
2012.2(543B)	Disclosure of agency
2012.3(543B)	Single agent representing a seller or landlord
2012.4(543B)	Single agent representing a buyer or tenant
2012.5(543B)	Disclosed dual agent
2012.6(543B)	Appointed agents within a brokerage
2012.7(543B)	Appointed agent procedures and disclosure

CHAPTER 2013

TRUST ACCOUNTS AND CLOSINGS

2013.1(543B)	Trust account
2013.2(543B)	Closing transactions
2013.3(543B)	Salesperson cannot handle closing
2013.4(543B)	Consent to return earnest money not necessary
2013.5(543B)	File recordkeeping
2013.6(543B)	Licensee acting as a principal

CHAPTER 2014

SELLER PROPERTY CONDITION DISCLOSURE

2014.1(543B)	Property condition disclosure
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CHAPTER 2015

PROPERTY MANAGEMENT

2015.1(543B)	Property management
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CHAPTER 2016

PRELICENSE EDUCATION AND CONTINUING EDUCATION

2016.1(543B)	Definitions
2016.2(543B)	Salesperson prelicense criteria
2016.3(543B)	Broker prelicense education criteria
2016.4(543B)	Continuing education criteria
2016.5(543B)	Continuing education records
2016.6(543B)	Reactivating an inactive license
2016.7(543B)	Full-time attendance
2016.8(543B)	Education criteria for out-of-state licensees
2016.9(543B)	Examination as a substitute for continuing education

- 2016.10(543B) Use of prelicense courses as continuing education
- 2016.11(543B) Requests for prior approval or postapproval of a course(s)

CHAPTER 2017

APPROVAL OF SCHOOLS, COURSES AND INSTRUCTORS

- 2017.1(543B) Administrative criteria for schools, courses and instructors
- 2017.2(543B) Certificates of attendance
- 2017.3(543B) Instructors taking license examinations for auditing purposes
- 2017.4(543B) Continuing education credit for instructors
- 2017.5(543B) Acceptable course topics
- 2017.6(543B) Nonqualifying courses
- 2017.7(543B) Standards for approval of courses of instruction
- 2017.8(543B) Responsibilities of instructors and course developers
- 2017.9(543B) Standards for approval of classroom courses
- 2017.10(543B) Standards for approval of distance learning courses
- 2017.11(543B) Standards for approval of paper and pencil home-study courses
- 2017.12(543B) Qualifying as an instructor

CHAPTER 2018

INVESTIGATIONS AND DISCIPLINARY PROCEDURES

- 2018.1(17A,272C,543B) Disciplinary and investigative authority
- 2018.2(17A,272C,543B) Grounds for discipline
- 2018.3(17A,272C,543B) Initiation of disciplinary investigations
- 2018.4(272C,543B) Sources of information
- 2018.5(17A,272C,543B) Conflict of interest
- 2018.6(272C,543B) Complaints
- 2018.7(272C,543B) Case numbers
- 2018.8(272C,543B) Confidentiality of complaint and investigative information
- 2018.9(17A,272C,543B) Investigation procedures
- 2018.10(17A,272C,543B) Informal discussion
- 2018.11(17A,272C,543B) Closing complaint files
- 2018.12(17A,272C,543B) Initiation of disciplinary proceedings
- 2018.13(17A,272C,543B) Disciplinary contested case procedures
- 2018.14(272C,543B) Disciplinary sanctions
- 2018.15(17A,272C,543B) Reinstatement

CHAPTER 2019

REQUIREMENTS FOR MANDATORY ERRORS AND OMISSIONS INSURANCE

- 2019.1(543B) Insurance definitions
- 2019.2(543B) Insurance criteria—general
- 2019.3(543B) Other coverage
- 2019.4(543B) Administrative criteria—general
- 2019.5(543B) Commission responsibilities
- 2019.6(543B) Compliance
- 2019.7(543B) Records and retention

CHAPTER 2020

TIME-SHARE FILING

- 2020.1(557A) Time-share interval filing fees

CHAPTER 2021

ENFORCEMENT PROCEEDINGS AGAINST UNLICENSED PERSONS

- 2021.1(17A,543B) Civil penalties against unlicensed persons
- 2021.2(17A,543B) Unlawful practices
- 2021.3(17A,543B) Investigations
- 2021.4(17A,543B) Subpoenas
- 2021.5(17A,543B) Notice of intent to impose civil penalty
- 2021.6(17A,543B) Requests for hearings
- 2021.7(17A,543B) Alternative procedure
- 2021.8(17A,543B) Factors to consider

2021.9(17A,543B) Enforcement options

CHAPTER 2022

WHOLESALEING OF RESIDENTIAL PROPERTY

2022.1(543B) Real estate wholesaling
 2022.2(543B) Disclosure of wholesaling
 2022.3(543B) Penalties

CHAPTERS 2023 to 2030

Reserved

REAL ESTATE APPRAISER EXAMINING BOARD

CHAPTER 2031

ORGANIZATION AND ADMINISTRATION

2031.1(543D) Description
 2031.2(543D) Administrative authority
 2031.3(543D) Annual meeting
 2031.4(543D) Other meetings
 2031.5(543D) Executive officer's duties
 2031.6 and 2031.7 Reserved
 2031.8(543D) Types of appraiser classifications
 2031.9(543D) Qualified state appraiser certifying agency
 2031.10(543D) AQB criteria

CHAPTER 2032

DEFINITIONS

2032.1(543D) Applicability

CHAPTER 2033

GENERAL PROVISIONS FOR EXAMINATIONS

2033.1(543D) Examinations
 2033.2(543D) Conduct of applicant
 2033.3(543D) Application for certification or registration

CHAPTER 2034

ASSOCIATE REAL ESTATE APPRAISER

2034.1(543D) Qualifications to register as an associate appraiser
 2034.2(543D) Supervision of associate appraisers
 2034.3(543D) Renewal of associate appraiser registration
 2034.4(543D) Progress toward certification as a certified residential appraiser or certified general appraiser
 2034.5(543D) Applying for certification as a certified residential appraiser or certified general appraiser
 2034.6(272C,543D) Reinstating or reactivating an associate registration
 2034.7(543D) Supervisory appraiser requirements

CHAPTER 2035

CERTIFIED REAL ESTATE APPRAISER

2035.1(543D) General
 2035.2(543D) Education
 2035.3(543D) Examination
 2035.4(543D) Supervised experience needed for initial certification
 2035.5(543D) Demonstration of experience
 2035.6(543D) Work product review
 2035.7(543D) PAREA
 2035.8(543D) Upgrade from a certified residential real estate appraiser to a certified general real estate appraiser

CHAPTER 2036

DISCIPLINARY ACTIONS AGAINST CERTIFIED AND ASSOCIATE APPRAISERS

2036.1(17A,272C,543D) Disciplinary authority

- 2036.2(543D) Standards of practice
- 2036.3(17A,272C,543D) Grounds for discipline

CHAPTER 2037

INVESTIGATIONS AND DISCIPLINARY PROCEDURES

- 2037.1(272C,543D) Disciplinary action
- 2037.2(17A,272C,543D) Initiation of disciplinary investigations
- 2037.3(17A,272C,543D) Conflict of interest
- 2037.4(272C,543D) Complaints
- 2037.5(272C,543D) Case numbers
- 2037.6(17A,272C,543D) Investigation procedures
- 2037.7(17A,272C,543D) Informal discussion
- 2037.8(272C,543D) Peer review committee (PRC)
- 2037.9(17A,272C,543D) Closing complaint files
- 2037.10(17A,272C,543D) Initiation of disciplinary proceedings
- 2037.11(543D) Decisions
- 2037.12(272C,543D) Mitigating and aggravating factors
- 2037.13(272C,543D) Voluntary surrender
- 2037.14(272C,543D) Reinstatement

CHAPTER 2038

RENEWAL, EXPIRATION AND REINSTATEMENT OF CERTIFICATES AND REGISTRATIONS, RETIRED STATUS, AND INACTIVE STATUS

- 2038.1(272C,543D) Biennial renewal
- 2038.2(272C,543D) Notices
- 2038.3(272C,543D) Renewal procedures
- 2038.4(272C,543D) Failure to renew
- 2038.5(272C,543D) Inactive status
- 2038.6(272C,543D) Retired status
- 2038.7(272C,543D) Property of the board

CHAPTER 2039

RECIPROCITY

- 2039.1(543D) Nonresident certification by reciprocity
- 2039.2(543D) Temporary practice permit

CHAPTER 2040

CONTINUING EDUCATION

- 2040.1(272C,543D) Definitions
- 2040.2(272C,543D) Continuing education obligations
- 2040.3(272C,543D) Minimum program qualifications
- 2040.4(272C,543D) Standards for provider and program approval
- 2040.5(272C,543D) Acceptable distance education courses
- 2040.6(272C,543D) Applications for approval of programs
- 2040.7(272C,543D) Waiver of application fees
- 2040.8(272C,543D) Authority to approve education
- 2040.9(272C,543D) Appraiser request for preapproval of continuing education programs
- 2040.10(272C,543D) Appraiser request for postapproval of continuing education program
- 2040.11(272C,543D) Review of provider or program
- 2040.12(272C,543D) Hearings

CHAPTER 2041

FEES

- 2041.1(543D) Fees
- 2041.2(543D) Prorating of registration fees

CHAPTER 2042

ENFORCEMENT PROCEEDINGS AGAINST NONLICENSEES

- 2042.1(543D) Civil penalties against nonlicensees
- 2042.2(543D) Grounds for imposing civil penalties

- 2042.3(543D) Notice of intent to impose civil penalties
- 2042.4(543D) Request for hearing

CHAPTER 2043

LICENSURE OF PERSONS LICENSED IN OTHER JURISDICTIONS

- 2043.1(272C) Definitions
- 2043.2(272C) Licensure of persons licensed in other jurisdictions

CHAPTERS 2044 to 2049

Reserved

APPRAISAL MANAGEMENT COMPANIES

CHAPTER 2050

APPRAISAL MANAGEMENT COMPANIES

- 2050.1(17A,543E) Definitions
- 2050.2(17A,543E) Application for registration
- 2050.3(17A,543E) Grounds for denial of a registration
- 2050.4(17A,543E) Renewal of registration
- 2050.5(17A,543E) Reinstatement of lapsed registration
- 2050.6(17A,543E) Changes in the registrant's name, location, or ownership
- 2050.7(17A,543E) Notice of significant events
- 2050.8(17A,543E) Fees
- 2050.9(17A,543E) Registrant records
- 2050.10(17A,543E) Examinations, investigations, and complaints
- 2050.11(17A,543E) Disciplinary action
- 2050.12(17A,543E) Appraisal management company national registry maintained by the appraisal subcommittee
- 2050.13(17A,543E) Preregistration

CHAPTERS 2051 to 2059

Reserved

HEARING AID SPECIALISTS

CHAPTER 2060

LICENSURE OF HEARING AID SPECIALISTS

- 2060.1(154A) Definitions
- 2060.2(154A) Temporary permits
- 2060.3(154A) Supervision requirements
- 2060.4(154A) Requirements for initial licensure
- 2060.5(154A) Licensure by endorsement
- 2060.6(154A) Display of license
- 2060.7(154A) License renewal
- 2060.8(17A,147,272C) License reactivation
- 2060.9(17A,147,272C) License reinstatement

CHAPTER 2061

CONTINUING EDUCATION FOR HEARING AID SPECIALISTS

- 2061.1(154A) Definitions
- 2061.2(154A) Continuing education requirements
- 2061.3(154A,272C) Standards

CHAPTER 2062

PRACTICE OF HEARING AID DISPENSING

- 2062.1(154A) Definitions
- 2062.2(154A) Requirements prior to sale of a hearing aid
- 2062.3(154A) Requirements for sales receipt
- 2062.4(154A) Requirements for recordkeeping
- 2062.5(154A) Telehealth appointments

CHAPTER 2063

DISCIPLINE FOR HEARING AID SPECIALISTS

2063.1(154A,272C) Grounds for discipline

CHAPTER 2064

ADOPTION OF UNIFORM AND MODEL RULES

2064.1(17A,272C) Board of hearing aid specialists adoption of uniform and model rules

CHAPTERS 2065 to 2201

Reserved

CERTIFICATE OF NEED PROGRAM

CHAPTER 2202

CERTIFICATE OF NEED PROGRAM

2202.1(10A) Definitions
 2202.2(10A) Letter of intent
 2202.3(10A) Determination of reviewability
 2202.4(10A) Submission of application
 2202.5(10A) Organizational procedures
 2202.6(10A) Public hearing on application
 2202.7(10A) Summary review
 2202.8(10A) Extension of review time
 2202.9(10A) Rehearing of certificate of need decision
 2202.10(10A) Status reports to affected persons
 2202.11(10A) Finality
 2202.12(10A) Project progress reports
 2202.13(10A) Request for extension of certificate
 2202.14(10A) Application changes after approval
 2202.15(10A) Sanctions
 2202.16(10A) Reporting requirements

CHAPTER 2203

STANDARDS FOR CERTIFICATE OF NEED REVIEW

2203.1 Reserved
 2203.2(10A) Cardiac catheterization and cardiovascular surgery standards
 2203.3(10A) Radiation therapy standards
 2203.4(10A) Computerized tomography standards
 2203.5(10A) Long-term care
 2203.6 to 2203.11 Reserved
 2203.12(10A) Magnetic resonance imaging services standards
 2203.13(10A) Positron emission tomography services standards

CHAPTERS 2204 to 2499

Reserved

UNIFORM RULES ON AGENCY PROCEDURE

CHAPTER 2500

DEFINITIONS

2500.2(17A) Scope and applicability

CHAPTER 1 ADMINISTRATION

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/4/30

481—1.1(10A) Definitions. For purposes of this chapter, the definitions set forth in Iowa Code section 10A.101 are incorporated herein.

[ARC 9151C, IAB 4/30/25, effective 6/4/25]

481—1.2(10A) Organization.

1.2(1) Overview of the department. The department of inspections, appeals, and licensing is established by Iowa Code section 10A.102 and was created for the purpose of coordinating and conducting various audits, appeals, hearings, inspections, investigations, and licensing activities related to the operations of the executive branch of state government and administering the laws relating to employment safety, labor standards, and workers' compensation. The department's mission is to achieve compliance through education, regulation, and due process for a safe and healthy Iowa.

1.2(2) Director and delegation of director authority. The director of the department is appointed in accordance with Iowa Code section 10A.102. The director may designate employee(s) to administer the department in the director's absence. The director may also delegate the director's authority to administer the department to other employees as determined necessary for efficient and effective department operations. Delegations of the director's authority will be documented by the department.

1.2(3) Divisions. The department is comprised of divisions as described in Iowa Code section 10A.106 and on the department's website. The director may, from time to time, reorganize the department into administrative divisions to most efficiently and effectively carry out the department's responsibilities, as permitted by law. Reorganization may include creating new divisions, eliminating existing divisions, or combining divisions as the director deems necessary. Nothing herein prevents flexibility in interdepartmental operations or forbids divisional allocations of duties in the discretion of the director.

1.2(4) Attached units. The state public defender, racing and gaming commission, Iowa office of civil rights, and employment appeal board operate as attached units to the department for administrative support in accordance with Iowa Code chapter 10A and their authorizing statutes.

[ARC 9151C, IAB 4/30/25, effective 6/4/25]

481—1.3(10A) Information. The general public may obtain information about the department by contacting the department at its offices located at 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321; by telephone at 515.281.3425; or through its website at dial.iowa.gov. The department maintains additional contact information for divisions and programs on its website.

[ARC 9151C, IAB 4/30/25, effective 6/4/25]

481—1.4(10A,17A) Subpoenas.

1.4(1) Issuance of subpoenas. The director, or designee of the director, is authorized to issue subpoenas in accordance with the provisions of Iowa Code sections 10A.104(6), 10A.209, and 17A.13. In connection with audits, appeals, investigations, inspections, hearings, and any other permissible matters conducted by the department, the director, or designee of the director, may, upon written request or the director's own initiative, issue the following:

a. Subpoenas duces tecum for the production and delivery of books, papers, records, and other real evidence; and

b. Subpoenas for the appearance of persons to provide statements, statements under oath, and depositions.

1.4(2) Contents of subpoenas. Each subpoena shall contain the following:

a. The name and address of the person to whom the subpoena is directed;

b. The date, time, and location for the appearance of the person;

- c. A description of the books, papers, records, or other real evidence requested;
- d. The date, time, and location for production, inspections, or copying of the books, papers, records, or other real evidence;
- e. The signature and address of the director or designee;
- f. The name, address, and telephone number of a department employee who can be contacted for purposes of providing clarification or assistance in compliance with the subpoena;
- g. The date of issuance; and
- h. A return of service.

1.4(3) *Motions to quash or modify subpoena.* A person who desires to challenge a subpoena directed to that person must, within ten days after service of the subpoena, or before the time specified for compliance, if such time is less than ten days, file with the director a motion to quash or modify the subpoena. Upon receipt of a timely motion to quash or modify a subpoena, the director or the director's designee may issue a decision or request an administrative law judge to issue a decision. Oral argument may be scheduled and conducted at the discretion of the director, the director's designee, or the administrative law judge. The director, the director's designee, or the administrative law judge may quash or modify the subpoena, deny the motion, or issue other appropriate orders. A person who is aggrieved by a ruling of an administrative law judge and who desires to challenge that ruling must appeal the ruling to the director by serving the director, either in person or by certified mail, a notice of appeal within ten days after service of the decision of the administrative law judge. The decision of the director or the director's designee is final for purposes of judicial review.

1.4(4) *Failure to comply with subpoena.* If the person to whom the subpoena is directed refuses or fails to obey the subpoena, the director, or the director's designee, may cause a petition to be filed in the Iowa district court seeking an order for the person's compliance.

[ARC 9151C, IAB 4/30/25, effective 6/4/25]

481—1.5(10A,68B) Consent for the sale of goods and services. An official or employee of the department shall not directly or indirectly sell or lease any goods, real estate, or services to individuals, associations, or corporations subject to the regulatory authority of the official's or employee's agency except as provided by Iowa Code section 68B.4 and rule 351—6.11(68B).

[ARC 9151C, IAB 4/30/25, effective 6/4/25]

These rules are intended to implement Iowa Code chapters 10A, 17A, and 68B.

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