State of Iowa

Iowa Administrative Code Supplement

Biweekly
December 17, 2008

KATHLEEN K. WEST
Administrative Code Editor

STEPHANIE A. HOFF
Deputy Editor

Published by the
STATE OF IOWA
UNDER AUTHORITY OF IOWA CODE SECTION 17A.6

The Iowa Administrative Code Supplement is published biweekly pursuant to Iowa Code section 17A.6. The Supplement contains replacement chapters to be inserted in the loose-leaf Iowa Administrative Code (IAC) according to instructions included with each Supplement. The replacement chapters incorporate rule changes which have been adopted by the agencies and filed with the Administrative Rules Coordinator as provided in Iowa Code sections 7.17 and 17A.4 to 17A.6. To determine the specific changes in the rules, refer to the Iowa Administrative Bulletin bearing the same publication date.

In addition to the changes adopted by agencies, the replacement 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(4); an effective date delay imposed by the ARRC pursuant to section 17A.4(5) or 17A.8(9); rescission of a rule by the Governor pursuant to section 17A.4(6); or nullification of a rule by the General Assembly pursuant to Article III, section 40, of the Constitution of the State of Iowa.

The Supplement may also contain replacement pages for the IAC Index or the Uniform Rules on Agency Procedure.

INSTRUCTIONS

FOR UPDATING THE

IOWA ADMINISTRATIVE CODE

Agency names and numbers in bold below correspond to the divider tabs in the IAC binders. New and replacement chapters included in this Supplement are listed below. Carefully remove and insert chapters accordingly.

Editor's telephone (515) 281-3355 or (515) 281-8157

Real Estate Commission[193E]

Replace Chapter 17

Utilities Division[199]

Replace Analysis
Replace Chapter 44

Historical Division[223]

Replace Chapter 21

Education Department[281]

Replace Chapter 17
Replace Chapter 21
Replace Chapter 24
Replace Chapter 84

College Student Aid Commission[283]

Replace Chapter 9
Replace Chapters 16 and 17
Replace Chapter 33

Natural Resource Commission[571]

Replace Analysis
Replace Chapter 45
Replace Chapter 81
Replace Chapter 85
Replace Chapter 88
Replace Chapter 106

Professional Licensure Division[645]

Replace Analysis
Replace Reserved Chapters 184 to 198 with Reserved Chapters 184 to 199
Remove Chapter 199
Replace Chapter 200
Replace Chapters 202 and 203
Replace Chapters 204 and 205 with Reserved Chapters 204 and 205
Replace Chapters 206 and 207
Replace Chapter 209

Remove Chapter 210
Replace Reserved Chapters 211 to 219 with Reserved Chapters 210 to 219

Pharmacy Board[657]

Replace Analysis
Replace Chapter 2
Replace Chapters 6 and 7
Replace Chapter 18
Replace Reserved Chapters 32 and 33 with Chapter 32 and Reserved Chapter 33
Replace Chapter 36

Public Safety Department[661]

Replace Chapter 552

Telecommunications and Technology Commission, Iowa[751]

Replace Chapter 7

Treasurer of State[781]

Replace Chapter 16

Index

Replace “H”

CHAPTER 17
APPROVAL OF SCHOOLS, COURSES AND INSTRUCTORS
[Prior to 9/4/02, see 193E—3.5(543B)]

193E—17.1(543B) Administrative requirements for schools, courses and instructors. All schools, courses and instructors of prelicense and continuing education must receive advance approval of the commission.

17.1(1) Schools, courses and instructors are approved on forms prescribed by the commission for 24-month periods, including the month of approval. Approval must be obtained for each course that an instructor proposes to teach.

17.1(2) A course outline and all required forms shall be submitted for approval at least 30 days prior to the first offering of the program, course or activity.

17.1(3) Evidence of compliance with or exemption from Iowa Code sections 714.14 to 714.25 must be furnished to the commission.

17.1(4) Potential participants of all approved courses shall be clearly informed of the hours to be credited, policies concerning registration, payment of fees, refunds and attendance requirements.

17.1(5) School staff and instructors shall allow access to any classes conducted to any member of the commission or its duly appointed representatives.

17.1(6) No part of any approved course shall be used to advertise or solicit orally or in writing any product or service.

17.1(7) The school must show that procedures are in place to ensure that the student who completes an approved course is the student who enrolled in the course.

17.1(8) School staff and instructors shall be available during normal business hours to answer student questions and provide assistance as necessary.

17.1(9) The commission may at any time evaluate an approved school or instructor. If the commission finds there is a basis for consideration of revocation of the approval of the school or the instructor, the commission shall give notice by ordinary mail to the coordinator of that school or to the instructor of a hearing on the possible revocation at least 20 days prior to the hearing.

17.1(10) The commission may deny or withdraw approval of a program, course, or activity, but the decision to deny or withdraw approval may be appealed within 20 days of the date of mailing the notice of denial or withdrawal.

17.1(11) Each application for approval shall designate an individual as coordinator for the school in responsible charge of its operation who shall be the contact with the commission. The coordinator is responsible for complying with the commission's rules relating to schools and for submitting reports and information as may be required by the commission.

17.1(12) An approved school shall not apply to itself either as part of its name or in any other manner the designation of "college" or "university" in such a way as to give the impression that it is an educational institution conforming to the standards and qualifications prescribed for colleges and universities unless the school, in fact, meets those standards and qualifications.

17.1(13) Advertising and prospectus information. No approved school shall provide any information to the public or to prospective students that is misleading in nature.

17.1(14) Maximum hours of instruction. There shall be no more than eight classroom hours in any single day of instruction.

17.1(15) Each approved school shall establish and maintain for each individual student a complete, accurate and detailed record of instruction undertaken and satisfactorily completed in the areas of study prescribed by these rules. The records shall be maintained for a period of not less than five years. The commission shall assign a number to each approved school and shall assign a number to each approved program, course or activity. The approved school shall include these reference numbers in correspondence with the commission and must include these numbers on certificates of attendance issued by the approved school.

193E—17.2(543B) Certificates of attendance.

17.2(1) Each approved school under rule 193E—17.1(543B) shall provide an individual certificate of attendance to each licensee upon completion of the program, course, or activity. The certificate shall contain the following information:

a. School name and number;

b. Program, course or activity name and number;

c. Name and address of licensee;

d. Date program, course or activity was completed;

e. Number of approved credit hours;

f. Signature of coordinator or other person authorized by the commission; and

g. A notation as to whether credit hours are to be used as prelicense or as continuing education.

17.2(2) Salespersons taking broker prelicense courses may request two certificates, one identified as prelicense course credit and one identified as continuing education course credit.

17.2(3) The attendance certificate shall be no larger than 8 ½″ × 11″.

17.2(4) An attendance certificate shall not be issued to a licensee who is absent from a continuing education program, course, or activity. The program, course, or activity must be completed in its entirety. A student who arrives late, leaves during class or leaves early may not receive an attendance certificate.

193E—17.3(543B) Instructors taking license examinations for auditing purposes.

17.3(1) Instructors who take the salesperson or broker examination for auditing purposes must first obtain written consent from the commission.

17.3(2) Any instructor who wishes to retake an examination for auditing purposes may be granted permission after 12 months have passed.

193E—17.4(543B) Continuing education credit for instructors.

17.4(1) Commission-approved instructors may receive up to six hours of continuing education credit toward renewal of a real estate license for verified attendance at an instructor development workshop approved by the commission. The instructor may use continuing education credit only once in each three-year renewal period.

17.4(2) An instructor may receive continuing education credit for approved education courses that the instructor teaches, but not more than six hours of credit in any three-year license renewal period.

193E—17.5(543B) Acceptable course topics.

17.5(1) The commission will consider courses in the following areas to be acceptable for approval:

a. Real estate ethics;

b. Legislative issues that influence real estate practice, including both pending and recent legislation;

c. The administration of licensing provisions of real estate law and rules, including compliance and regulatory practices;

d. Real estate financing, including mortgages and other financing techniques;

e. Real estate market analysis and evaluation, including site evaluations, market data, and feasibility studies;

f. Real estate brokerage administration, including office management, trust accounts, and employee contracts;

g. Real estate mathematics;

h. Real property management, including leasing agreements, accounting procedures, and management contracts;

i. Real property exchange;

j. Land use planning and zoning;

k. Real estate securities and syndications;

l. Estate building and portfolio management;

m. Accounting and taxation as applied to real property;

n. Land development;
o. Market analysis; and
p. Real estate market procedures.

17.5(2) Other course topics. A course topic may be approved if it is determined that it includes such facts, concepts and current information about which licensees must be knowledgeable to conduct real estate negotiations and transactions and better protect client, customer and public interest. The same criteria will be used to evaluate courses that do not otherwise qualify under rule 193E—17.5(543B).

193E—17.6(543B) Nonqualifying courses. The following course offerings do not qualify as continuing education:

17.6(1) Courses of instruction designed to prepare a student for passing the real estate salesperson examination;

17.6(2) Sales promotion or other meetings held in conjunction with a licensee's general business;

17.6(3) Course time devoted to breakfast, lunch, or dinner;

17.6(4) A course certified by the use of a challenge examination. All students must complete the required number of classroom hours to receive certification;

17.6(5) Meetings which are a normal part of in-house staff or employee training;

17.6(6) Orientation courses for licensees, such as those offered through local real estate boards.

193E—17.7(543B) Standards for approval of courses of instruction. The commission may approve live classroom instruction, distance education programs and paper and pencil home-study courses, subject to the following conditions:

17.7(1) The course pertains to real estate topics that are integrally related to the real estate industry; and

17.7(2) The course allows the participants to achieve a high level of competence in serving the objectives of consumers who engage the services of licensees; and

17.7(3) The course qualifies for at least one credit hour.

193E—17.8(543B) Responsibilities of instructors and course developers.

17.8(1) Instructors shall be competent in the subject matter and skilled in the use of appropriate teaching methods that have been proven effective through educational research and development.

17.8(2) Course content and materials must be accurate and consistent with currently accepted standards relating to the program's subject matter.

17.8(3) Instructor and student materials must be updated no later than 30 days after the effective date of a change in standards, laws or rules. Course content will not be considered current and up-to-date unless the new standards have been incorporated into the course or the instructor informs the participants of the new standards.

17.8(4) Instructors shall attend workshops or instructional programs, as reasonably requested by the commission, to ensure that effective teaching techniques are used and current, relevant and accurate information is taught.

17.8(5) All courses shall have an appropriate means of written evaluation by the participants. Evaluations shall include but not be limited to relevance of material, effectiveness of presentation and course content.

193E—17.9(543B) Standards for approval of classroom courses.

17.9(1) The commission may approve live classroom courses, subject to the following requirements.

17.9(2) The course application shall be accompanied by a comprehensive course outline that includes:

a. Description of course.
b. Purpose of course.
c. Level of difficulty.

d. Detailed learning objectives for each major topic that specify the level of knowledge or competency the student should demonstrate upon completing the course.

e. Description of the instructional methods utilized to accomplish the learning objectives.

f. Copies of all instructor and student course materials.

g. Course examination(s) or the diagnostic assessment method(s) utilized to achieve the course learning objectives, when applicable.

h. A description of the plan in place to periodically review course material with regard to changing federal and state statutes.

i. A statement of any attendance make-up policy that the school has in place.

193E—17.10(543B) Standards for approval of distance education courses. The commission may approve distance education courses, subject to the following requirements:

17.10(1) The provider's purpose or mission statement is available to the public.

17.10(2) The course outline must include clearly stated learning objectives and desired student competencies for each module of instruction and a description of how the program promotes interaction between the learner and the program.

17.10(3) The course content must be accurate and up-to-date. The provider must describe the plan in place to periodically review course material with regard to changing federal and state statutes.

17.10(4) The course must be designed to ensure that student progress is evaluated at appropriate intervals and mastery of the material is achieved before a student can progress through the course material.

17.10(5) The provider must show that qualified individuals are involved in the design of the course.

17.10(6) The provider must list individuals who provide technical support to students and state the specific times when support is available.

17.10(7) A manual shall be provided to each registered student. It shall include, but not be limited to, faculty contact information, student assignments and course requirements, broadcast schedules, testing information, passing scores, resource information, fee schedule and refund policy.

17.10(8) The provider must retain a statement signed by the student that affirms that the student completed the required work and examinations.

17.10(9) The provider must state in the course materials that the information presented in the course should not be used as a substitute for competent legal advice.

17.10(10) Courses submitted for approval must be sufficient in scope and content to justify the hours requested by the provider.

17.10(11) Courses that have obtained approval from the Association of Real Estate License Law Officials (ARELLO) are automatically approved in Iowa.

17.10(12) All computer-based continuing education and prelicense courses must be completed within six months of the date of purchase.

193E—17.11(543B) Standards for approval of paper and pencil home-study courses. The commission may approve paper and pencil home-study courses, subject to the following requirements:

17.11(1) Courses must be arranged in chapter format and include a table of contents.

17.11(2) Overview statements that preview the content of the chapter must be included for each chapter.

17.11(3) Courses must be designed to ensure that student progress is evaluated at appropriate intervals. The assessment process shall measure what each student has learned and not learned at regular intervals throughout each module of the course. The student must complete and return quizzes to the provider to receive credit for the course.

17.11(4) Final examinations must contain a minimum of 30 questions for a three-hour course and 60 questions for a six-hour course.

17.11(5) A passing score of 90 percent is required for course credit to be granted. There is no limit to the number of times a final examination may be taken to achieve a passing score.

17.11(6) A licensee has six months from the date of purchase to complete all quizzes and assignments and to pass the final examination.

17.11(7) The provider must include information that clearly informs the licensee of the course completion deadline, passing score required, chapter quiz completion requirements and any other relevant information regarding the course.

17.11(8) The provider shall state in the course materials that the information presented in the course should not be used as a substitute for competent legal advice.

17.11(9) The provider shall retain a statement signed by the student that affirms that the student completed the required work and examinations.

17.11(10) The provider must be available to answer student questions or provide assistance as necessary during normal business hours.

17.11(11) Courses submitted for approval must be sufficient in scope and content to justify the hours requested by the provider.

193E—17.12(543B) Qualifying as an instructor.

17.12(1) Individuals may be approved to teach prelicense and continuing education when they have shown proof of attendance at an instructor development workshop approved by the commission within 12 months preceding approval and have met the instructor qualification criteria.

17.12(2) Guest speakers and individuals currently certified by a nationally recognized organization, such as a DREI, that requires similar instructor standards are exempt, with prior approval of the commission, from the instructor qualification criteria and the instructor development workshop requirement.

17.12(3) An applicant may be approved as an instructor when it is determined that the applicant evidences the ability to teach and communicate and possesses in-depth knowledge of the subject matter to be taught.

a. The applicant shall demonstrate the ability to teach by meeting at least one of the following requirements:

(1) Holds a bachelor's degree or higher in education from an accredited college (copy(ies) of transcript(s) to be attached); or

(2) Holds a current teaching credential or certificate in any field (copy to be attached); or

(3) Holds a certificate of completion from a real estate instructor institute, workshop or school approved by the real estate commission and has experience in the area of instruction (specific teaching experiences to be detailed); or

(4) Holds a full-time current appointment to the faculty of an accredited college; or

(5) Holds a current teaching designation from an organization approved by the real estate commission (evidence to be attached).

b. The applicant shall demonstrate in-depth knowledge of the subject matter by meeting at least one of the following requirements:

(1) Holds a bachelor's degree or higher from an accredited college with a major in a field of study directly related to the subject matter of the course the applicant proposes to teach, such as business, economics, accounting, real estate or finance (copy of transcript to be attached); or

(2) Holds a bachelor's degree or higher from an accredited college and five years of real estate experience directly related to the subject matter of the course the applicant proposes to teach (copy of transcript to be attached and documentation to explain how applicant's experience is directly related to the subject matter the applicant proposes to teach); or

(3) Be a licensed attorney in practice for at least three years in an area directly related to the subject matter of the course the applicant proposes to teach; or

(4) Be a highly qualified professional with a generally recognized professional designation such as, but not limited to, FLI, MAI, SIOR, SREA, CRB, CRS, CPM, but not including GRI, and two years of education from a postsecondary institution (evidence of both to be attached); or

(5) Have extensive instructional background in real estate education and experience in real estate as evidenced by a valid broker's license or five years of active real estate experience as a salesperson

(evidence to be provided). In addition, three recently written letters of recommendation that attest to the applicant's in-depth knowledge combined with the ability to teach and communicate the subject the applicant proposes to teach; or

(6) Other, as the commission may determine.

These rules are intended to implement Iowa Code chapters 17A, 272C, and 543B.

[Filed 8/9/02, Notice 6/26/02—published 9/4/02, effective 10/9/02]

[Filed 11/18/08, Notice 8/27/08—published 12/17/08, effective 1/21/09]

UTILITIES DIVISION[199]

Former Commerce Commission[250] renamed Utilities Division[199]
under the "umbrella" of Commerce Department[181] by 1986 Iowa Acts, Senate File 2175, section 740.

CHAPTER 1
ORGANIZATION AND OPERATION

1.1(17A,474) Purpose
1.2(17A,474) Scope of rules
1.3(17A,474,476,78GA,HF2206) Waivers
1.4(17A,474) Duties of the board
1.5(17A,474) Organization
1.6(68B) Consent for the sale or lease of goods and services
1.7 Reserved
1.8(17A,474) Matters applicable to all proceedings
1.9(22) Public information and inspection of records

CHAPTER 2
FORMS

2.1(17A,474) Forms—general
2.2(17A,474) Specific forms
2.3 Reserved
2.4(17A,474) Forms

CHAPTER 3
RULE MAKING

3.1(17A,474) Purpose and scope
3.2(17A,474) Notice of inquiry
3.3(17A,474) Petition for adoption of rules
3.4(17A,474) Commencement of proceedings
3.5(17A,474) Written statements of position
3.6(17A,474) Counterstatements of position
3.7(17A,474) Requests for oral presentation
3.8(17A,474) Rule-making oral presentation
3.9(17A,474) Rule-making decisions
3.10(17A,474) Regulatory analysis
3.11(17A,474) Review of rules

CHAPTER 4
DECLARATORY ORDERS

4.1(17A) Petition for declaratory order
4.2(17A) Notice of petition
4.3(17A) Intervention
4.4(17A) Briefs
4.5(17A) Inquiries
4.6(17A) Service and filing of petitions and other papers
4.7(17A) Agency consideration
4.8(17A) Action on petition
4.9(17A) Refusal to issue order
4.10(17A) Contents of declaratory order—effective date
4.11(17A) Copies of orders
4.12(17A) Effect of a declaratory order

CHAPTER 5
PROCEDURE FOR DETERMINING THE COMPETITIVENESS
OF A COMMUNICATIONS SERVICE OR FACILITY

5.1(476) Purpose
5.2(476) Petition
5.3(476) Docketing
5.4(476) Statement of position
5.5(476) Oral presentation
5.6(476) Decision
5.7(476) Extent of deregulation
5.8(476) Hearing and order

CHAPTER 6
COMPLAINT PROCEDURES

6.1(476) Inquiry
6.2(476) Complaint
6.3(476) Processing the complaint
6.4(476) Proposed resolution
6.5(476) Initiating formal complaint proceedings
6.6(476) Applicable procedures
6.7(476) Record
6.8(476) Special procedures for complaints alleging unauthorized changes in telecommunications services

CHAPTER 7
PRACTICE AND PROCEDURE

7.1(17A,474,476) Scope and applicability
7.2(17A,476) Definitions
7.3(17A,476) Presiding officers
7.4(17A,474,476) General information
7.5(17A,476) Time requirements
7.6(17A,476) Telephone proceedings
7.7(17A,476) Electronic information
7.8(17A,476) Delivery of notice of hearing
7.9(17A,476) Pleadings and answers
7.10(17A,476) Prefiled testimony and exhibits
7.11(17A,476) Documentary evidence in books and materials
7.12(17A,476) Motions
7.13(17A,476) Intervention
7.14(17A,476) Consolidation and severance
7.15(17A,476) Discovery
7.16(17A,476) Subpoenas
7.17(17A,476) Prehearing conference
7.18(17A,476) Settlements
7.19(17A,476) Stipulations
7.20(17A,476) Investigations
7.21(17A,476) Withdrawals
7.22(17A,476) Ex parte communication
7.23(17A,476) Hearings
7.24(17A,476) Reopening record
7.25(17A,476) Interlocutory appeals
7.26(17A,476) Appeals to board from a proposed decision of a presiding officer

7.27(17A,476) Rehearing and reconsideration
7.28(17A,476) Stay of agency decision
7.29(17A,476) Emergency adjudicative proceedings

CHAPTER 8
CIVIL PENALTIES

8.1(476) Civil penalty for willful violation
8.2(476) Procedure
8.3(476) Penalties assessed
8.4(476) Payment of penalty
8.5(476) Rate-regulated utilities

CHAPTER 9
RESTORATION OF AGRICULTURAL LANDS
DURING AND AFTER PIPELINE CONSTRUCTION

9.1(479,479B) General information
9.2(479,479B) Filing of land restoration plans
9.3(479,479B) Procedure for review of plan
9.4(479,479B) Restoration of agricultural lands
9.5(479,479B) Designation of a pipeline company point of contact for landowner inquiries or claims
9.6(479,479B) Separate agreements
9.7(479,479B) Enforcement

CHAPTER 10
INTRASTATE GAS AND UNDERGROUND GAS STORAGE

10.1(479) General information
10.2(479) Petition for permit
10.3(479) Informational meetings
10.4(479) Notice of hearing
10.5(479) Objections
10.6(479) Hearing
10.7(479) Pipeline permit
10.8(479) Renewal permits
10.9(479) Amendment of permits
10.10(479) Fees and expenses
10.11(479) Inspections
10.12(479) Standards for construction, operation and maintenance
10.13 Reserved
10.14(479) Crossings of highways, railroads, and rivers
10.15 Reserved
10.16(479) When a permit is required
10.17(479) Accidents and incidents
10.18(479) Reportable changes to pipelines under permit
10.19(479) Sale or transfer of permit

CHAPTER 11
ELECTRIC LINES

11.1(478) General information
11.2(478) Forms of petition for franchise, extension, or amendment of franchise
11.3(478) Additional filing instructions
11.4(478) Informational meetings
11.5(478) Notices

11.6(478) Common and joint use
11.7(478) Termination of franchise petition proceedings
11.8(478) Fees and expenses

CHAPTER 12
INTERSTATE NATURAL GAS PIPELINES
AND UNDERGROUND STORAGE

12.1(479A) Authority
12.2(479A) Inspections
12.3 to 12.5 Reserved
12.6(479A) Incident reporting

CHAPTER 13
HAZARDOUS LIQUID PIPELINES AND UNDERGROUND STORAGE

13.1(479B) General information
13.2(479B) Petition for permit
13.3(479B) Informational meetings
13.4(479B) Notice of hearing
13.5(479B) Objections
13.6(479B) Hearing
13.7(479B) Pipeline permit
13.8(479B) Renewal permits
13.9(479B) Amendment of permits
13.10(479B) Fees and expenses
13.11 Reserved
13.12(479B) Land restoration
13.13 Reserved
13.14(479B) Crossings of highways, railroads, and rivers
13.15 to 13.17 Reserved
13.18(479B) Reportable changes to pipelines under permit
13.19(479B) Sale or transfer of permit

CHAPTER 14
ELECTRONIC FILING

14.1(17A,476) Purpose
14.2(17A,476) Scope and applicability of electronic filing requirement
14.3(17A,476) Definitions
14.4(17A,476) Exceptions; number of paper copies required
14.5(17A,476) Electronic filing procedures and required formats
14.6(17A,476) Registration
14.7(17A,476) Electronic file
14.8(17A,476) Paper copies required
14.9(17A,476) When electronic filings can be made; official filing date
14.10(17A,476) Notice of system unavailability
14.11(17A,476) Technical difficulties
14.12(17A,476) Documents containing confidential material
14.13(17A,476) Signatures
14.14(17A,476) Original documents
14.15(17A,476) Transcripts
14.16(17A,476) Electronic service

UTILITIES AND
TRANSPORTATION DIVISIONS

CHAPTER 15
COGENERATION AND SMALL POWER PRODUCTION

15.1(476) Definitions
15.2(476) Scope
15.3(476) Information to board
15.4(476) Rate-regulated electric utility obligations under this chapter regarding qualifying facilities
15.5(476) Rates for purchases from qualifying facilities by rate-regulated electric utilities
15.6(476) Rates for sales to qualifying facilities and AEP facilities by rate-regulated utilities
15.7(476) Additional services to be provided to qualifying facilities and AEP facilities by rate-regulated electric utilities
15.8(476) Interconnection costs
15.9(476) System emergencies
15.10(476) Standards for interconnection, safety, and operating reliability
15.11(476) Additional rate-regulated utility obligations regarding AEP facilities
15.12 to 15.16 Reserved
15.17(476) Alternate energy purchase programs
15.18(476B) Certification of eligibility for wind energy tax credits under Iowa Code chapter 476B
15.19(476C) Certification of eligibility for wind energy and renewable energy tax credits under Iowa Code chapter 476C
15.20(476B) Applications for wind energy tax credits under Iowa Code chapter 476B
15.21(476C) Applications for renewable energy tax credits under Iowa Code chapter 476C

CHAPTER 16
ACCOUNTING

16.1(476) Accounting—general information
16.2(476) Uniform systems of accounts—electric
16.3(476) Uniform systems of accounts—gas
16.4(476) Uniform systems of accounts—water
16.5(476) Uniform systems of accounts—telephone
16.6(476) Uniform systems of accounts—telegraph
16.7(476) Filing of present promotional practices
16.8(476) Compiling advertisements and expenses
16.9(476) Postemployment benefits other than pensions

CHAPTER 17
ASSESSMENTS

17.1(475A,476,546) Purpose
17.2(475A,476) Definitions
17.3(476) Expenses to be included in direct assessments
17.4(476) Direct assessments under Iowa Code Supplement section 476.10
17.5(476) Reporting of operating revenues
17.6(475A,476) Compilation and billing of assessment
17.7(476) Funding of Iowa energy center and global warming center
17.8(476) Assessments under Iowa Code section 476.101(10)
17.9(478,479,479A,479B) Assessments under Iowa Code chapters 478, 479, 479A, and 479B

CHAPTER 18
UTILITY RECORDS

18.1(476)	Definitions
18.2(476)	Location of records
18.3(476)	Availability of records
18.4(476)	Electric utilities other than rural electric cooperatives
18.5(476)	Rural electric cooperatives
18.6(476)	Gas utilities
18.7(476)	Water utilities
18.8(476)	Telephone utilities

CHAPTER 19
SERVICE SUPPLIED BY GAS UTILITIES

19.1(476)	General information
19.2(476)	Records, reports, and tariffs
19.3(476)	General service requirements
19.4(476)	Customer relations
19.5(476)	Engineering practice
19.6(476)	Metering
19.7(476)	Standards of quality of service
19.8(476)	Safety
19.9	Reserved
19.10(476)	Purchased gas adjustment (PGA)
19.11(476)	Periodic review of gas procurement practices [476.6(15)]
19.12(476)	Flexible rates
19.13(476)	Transportation service
19.14(476)	Certification of competitive natural gas providers and aggregators
19.15(476)	Customer contribution fund
19.16(476)	Reserve margin
19.17(476)	Incident notification and reports

CHAPTER 20
SERVICE SUPPLIED BY ELECTRIC UTILITIES

20.1(476)	General information
20.2(476)	Records, reports, and tariffs
20.3(476)	General service requirements
20.4(476)	Customer relations
20.5(476)	Engineering practice
20.6(476)	Metering
20.7(476)	Standards of quality of service
20.8(476)	Safety
20.9(476)	Electric energy sliding scale or automatic adjustment
20.10(476)	Ratemaking standards
20.11(476)	Customer notification of peaks in electric energy demand
20.12	Reserved
20.13(476)	Periodic electric energy supply and cost review [476.6(16)]
20.14(476)	Flexible rates
20.15(476)	Customer contribution fund
20.16	Reserved
20.17(476)	Ratemaking treatment of emission allowances
20.18(476,478)	Service reliability requirements for electric utilities
20.19(476,478)	Notification and reporting of outages

CHAPTER 21
SERVICE SUPPLIED BY WATER UTILITIES

21.1(476) Application of rules
21.2(476) Records and reports
21.3(476) General service requirements
21.4(476) Customer relations
21.5(476) Engineering practice
21.6(476) Meter testing
21.7(476) Standards of quality of service
21.8(476) Applications for water costs for fire protection services
21.9(476) Incident reports

CHAPTER 22
RATES CHARGED AND SERVICE SUPPLIED BY TELEPHONE UTILITIES

22.1(476) General information
22.2(476) Records and reports
22.3(476) General service requirements
22.4(476) Customer relations
22.5(476) Telephone utility service standards
22.6(476) Standards of quality of service
22.7(476) Safety
22.8(476) Nontoll interexchange trunking service (EAS) survey procedure
22.9(476) Terminal equipment
22.10(476) Unfair practices
22.11(476) Inside station wiring standards
22.12(476) Contents of tariff filings proposing rates
22.13(476) Methodology for determining costs to serve
22.14(476) Intrastate access charge application, tariff procedures, and rates
22.15(476) Interexchange utility service and access
22.16(476) Discontinuance of service
22.17(476) Resale of service
22.18 Reserved
22.19(476) Alternative operator services
22.20(476) Service territories
22.21(476) Toll dialing patterns
22.22 Reserved
22.23(476) Unauthorized changes in telephone service
22.24(476) Applications for numbering resources

CHAPTER 23
ANNUAL REPORT

23.1(476) General information
23.2(476) Annual report requirements—rate-regulated utilities
23.3(476) Annual report requirements—non-rate-regulated utilities
23.4(476,476A)

CHAPTER 24
LOCATION AND CONSTRUCTION OF ELECTRIC POWER
GENERATING FACILITIES

24.1(476A) Authority, purpose, and policy
24.2(476A) Definitions
24.3(476A) Form of application, place of filing
24.4(476A) Application for a certificate—contents

24.5(476A) Initial board review: Application acceptance
24.6(476A) Procedural schedule
24.7(476A) Informational meeting
24.8(476A) Hearing procedure
24.9(476A) Separate hearings on separate issues
24.10(476A) Certification decision
24.11(476A) Site preparation
24.12(476A) Issuance of a certificate
24.13(476A) Exemptions from certification application; application for amendment for certificate: Contents
24.14(476A) Assessment of costs
24.15(476A) Waiver

CHAPTER 25
IOWA ELECTRICAL SAFETY CODE
25.1(476,476A,478) General information
25.2(476,476A,478) Iowa electrical safety code defined
25.3(476,478) Inspection and maintenance plans
25.4(476,478) Correction of problems found during inspections
25.5(476,478) Accident reports

CHAPTER 26
RATE CASES, TARIFFS, AND
RATE REGULATION ELECTION PRACTICE AND PROCEDURE
26.1(17A,476) Scope and applicability
26.2(17A,476) Defective filings
26.3(17A,476) Proposal of settlements
26.4(476) Rate case expense
26.5(476) Applications and petitions
26.6(476) Answers
26.7(476) Rate investigation
26.8(476) Procedural schedule in Iowa Code sections 476.3 and 476.6 proceedings
26.9(476) Consumer comment hearing in docketed rate case of an investor-owned utility company
26.10(476) Appeal from administrative law judge's decision
26.11(476) Consideration of current information in rate regulatory proceedings
26.12(476) Rate regulation election—electric cooperative corporations and associations

CHAPTERS 27 and 28
Reserved

CHAPTER 29
MANAGEMENT EFFICIENCY STANDARDS
29.1(476) Policy and purpose
29.2(476) Efficiency considered in rate case
29.3(476) Management efficiency standards
29.4(476) Rewards and penalties

CHAPTER 30
TAX REFORM REVENUE ADJUSTMENT
30.1(476) Applicability
30.2(476) General filing requirement
30.3(476) Revenue adjustment

30.4(476) Revised revenue requirement
30.5(476) Rate filing
30.6(476) Board approval

CHAPTER 31
ACCESS TO AFFILIATE RECORDS, REQUIREMENTS FOR ANNUAL FILINGS, AND ASSET AND SERVICE TRANSFERS

31.1(476) Applicability and definition of terms
31.2(476) Availability of records
31.3(476) Annual filing
31.4(476) Additional filing requirements for affiliated telecommunications service providers
31.5(476) Verified copies and confidential treatment
31.6(476) Comparable information
31.7(476) Standards for costing service transfers between regulated operations and nonregulated affiliates
31.8(476) Standards for costing asset transfers between regulated operations and non-regulated affiliates valued at less than $2 million
31.9(476) Waivers

CHAPTER 32
REORGANIZATION

32.1(476) Applicability and definition of terms
32.2(476) Substantial part of a public utility's assets
32.3(476) Declaratory rulings
32.4(476) Proposal for reorganization—filing requirements
32.5(476) Effective date
32.6(476) Insufficient filing
32.7(476) Additional information authorized
32.8(476) Waivers
32.9(476) Procedural matters

CHAPTER 33
NONUTILITY ACTIVITIES—RECORD KEEPING AND COST ALLOCATIONS

33.1(476) Applicability
33.2(476) Definitions
33.3(476) Availability of records
33.4(476) Costing methodology
33.5(476) Cost allocation manuals
33.6(476) Standards for costing service transfers within a regulated subsidiary or utility
33.7(476) Standards for costing asset transfers within a regulated subsidiary or utility

CHAPTER 34
NONUTILITY SERVICE

34.1(476) Statement of purpose
34.2(476) Definition—nonutility service
34.3(476) Definition—systematic marketing effort
34.4(476) Engaged primarily in providing the same competitive nonutility services in the area—defined
34.5(476) Charges permitted
34.6(476) Procedures for utilization of billing and collection system
34.7(476) Complaints

CHAPTER 35
ENERGY EFFICIENCY PLANNING AND COST REVIEW

35.1(476) Policy and purpose
35.2(476) Definitions
35.3(476) Applicability
35.4(476) Schedule of filings
35.5 Reserved
35.6(476) Procedures
35.7(476) Waivers
35.8(476) Assessment of potential and energy efficiency plan requirements
35.9(476) Additional requirements for electric utilities
35.10(476) Additional requirements for gas utilities
35.11(476) Additional filing requirements
35.12(476) Energy efficiency cost recovery
35.13(476) Prudence review
35.14(476) New structure energy conservation standards
35.15(476) Exterior flood lighting

CHAPTER 36
ENERGY EFFICIENCY PLANNING AND REPORTING
FOR NON-RATE-REGULATED GAS AND ELECTRIC UTILITIES

36.1(476) Non-rate-regulated utilities
36.2(476) Definitions
36.3(476) Schedule of filings
36.4(476) Joint filing of plans
36.5(476) Energy efficiency plan requirements
36.6(476) Program selection criteria
36.7(476) New Structure energy conservation standards
36.8(476) Exterior flood lighting

CHAPTER 37
EQUIPMENT DISTRIBUTION PROGRAM

37.1(477C) Policy and purpose
37.2(477C) Program structure
37.3(477C) Eligibility
37.4(477C) Equipment
37.5(477C) Complaints

CHAPTER 38
LOCAL EXCHANGE COMPETITION

38.1(476) General information
38.2(476) Number portability
38.3(476) Interconnection requirements
38.4(476) Unbundled facilities, services, features, functions, and capabilities
38.5(476) Cost standards
38.6(476) Compensation for termination of telecommunications services
38.7(476) Mediation and arbitration

CHAPTER 39
UNIVERSAL SERVICE

39.1(476) Definition of terms
39.2(476) Eligible carrier requirements

39.3(476) Low-income connection assistance program (Link-Up) and low-income Lifeline assistance
39.4(476) Universal service support for schools and libraries
39.5(476) Quality of service reporting by eligible telecommunications carriers
39.6(476) Universal service certification

CHAPTER 40
COMPETITIVE BIDDING PROCESS

40.1(476) General information
40.2(476) Competitive resource acquisition procedure
40.3(476) Utility-build or lease cost estimates
40.4(476) Utility affiliate bids
40.5(476) Request for proposals (RFP)
40.6(476) Complaints

CHAPTER 41
Reserved

CHAPTER 42
CROSSING OF RAILROAD RIGHTS-OF-WAY

42.1(476) Definitions
42.2(476) Applicability and purpose
42.3(476) General notice and specification exhibit requirements and payment of fee
42.4(476) Emergency notice and repairs
42.5(476) Relocation of public utility facilities
42.6(476) Engineering standards for electric and communications lines
42.7(476) Engineering standards for pipelines
42.8(476) Liability
42.9(476) Insurance
42.10(476) Removal of equipment
42.11(476) Assignment
42.12(476) Prohibition against mechanic's liens
42.13(476) Taxes
42.14(476) Protection of signal systems
42.15(476) Safety regulations
42.16(476) Recording
42.17(17A,476) Complaints and petitions for relief—general information
42.18(17A,476) Filing of complaint or petition
42.19(17A,476) Presiding officer
42.20(17A,476) Answer
42.21(17A,476) Parties and appearances
42.22(17A,476) Procedural order and notice of hearing
42.23(17A,476) Discovery
42.24(17A,476) Hearing procedures
42.25(17A,476) Decision

CHAPTER 43
IOWA BROADBAND INITIATIVE

43.1(476) Authority and purpose
43.2(476) Definitions
43.3(476) Applicability
43.4(476) Procedures
43.5(476) Broadband initiative plan requirements

43.6(476) Upon completion of approved plan
43.7(17A) Confidentiality
43.8(476) Project reports

CHAPTER 44
CERTIFICATES OF FRANCHISE AUTHORITY FOR
CABLE AND VIDEO SERVICE

44.1(17A,476,82GA,SF554) Authority and purpose
44.2(17A,476,477A,82GA,SF2248) Definitions
44.3(17A,476,477A,82GA,SF2248) Certificate of franchise authority
44.4(17A,476,82GA,SF554) Notice to municipality and incumbent cable provider
44.5(17A,476,82GA,SF554) Conversion of municipal franchise by incumbent cable provider
44.6(17A,476,82GA,SF554) Filing fees

CHAPTER 44
CERTIFICATES OF FRANCHISE AUTHORITY FOR CABLE AND VIDEO SERVICE

199—44.1(17A,476,82GA,SF554) Authority and purpose. These rules are intended to implement 2007 Iowa Acts, Senate File 554, relating to certificates of franchise authority issued by the board for the provision of cable service or video service. The purpose of these rules is to establish procedures and filing fees for initial applications for and subsequent modifications, transfers, terminations, or updates of certificates of franchise authority issued by the board.

199—44.2(17A,476,477A,82GA,SF2248) Definitions. The following words and terms, when used in this chapter, shall have the meanings shown below:

"Board" means the utilities board within the utilities division of the department of commerce.

"Cable operator" means the same as defined in 47 U.S.C. Section 522.

"Cable service" means the same as defined in 47 U.S.C. Section 522.

"Cable system" means the same as defined in 47 U.S.C. Section 522.

"Certificate of franchise authority" means the certificate issued by the board authorizing the construction and operation of a cable system or video service provider's network in a public right-of-way.

"Competitive cable service provider" means a person who provides cable service over a cable system in an area other than the incumbent cable provider providing service in the same area.

"Competitive video service provider" means a person who provides video service other than a cable operator.

"Franchise" means an initial authorization, or renewal of an authorization, issued by the board or a municipality, regardless of whether the authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, that authorizes the construction and operation of a cable system or video service provider's network in a public right-of-way.

"Franchise fee" means the fee imposed pursuant to 2007 Iowa Acts, Senate File 554, section 8.

"Incumbent cable provider" means the cable operator serving the largest number of cable subscribers in a particular franchise service area on January 1, 2007.

"Municipality" means a city.

"Public right-of-way" means the area on, below, or above a public roadway, highway, street, bridge, cartway, bicycle lane, or public sidewalk in which the municipality has an interest, including other dedicated rights-of-way for travel purposes and utility easements. "Public right-of-way" does not include the airwaves above a public right-of-way with regard to cellular or other nonwire telecommunications or broadcast services or utility poles owned by a municipality or a municipal utility.

"Video programming" means the same as defined in 47 U.S.C. Section 522.

"Video service" means video programming services provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including Internet protocol technology. "Video service" does not include any video programming provided by a provider of commercial mobile service as defined in 47 U.S.C. Section 332 or cable service provided by an incumbent cable provider or a competitive cable service provider or any video programming provided solely as part of, and via, a service that enables users to access content, information, electronic mail, or other services offered over the public Internet.

199—44.3(17A,476,477A,82GA,SF2248) Certificate of franchise authority. As provided in 2007 Iowa Acts, Senate File 554, section 3, after July 1, 2007, a person shall not provide cable service or video service in Iowa without a franchise. The franchise may be issued by either the board pursuant to this chapter or by a municipality pursuant to Iowa Code section 364.2.

44.3(1) *Existing franchise agreements.* A person providing cable service or video service pursuant to a franchise agreement with a municipality in effect before July 1, 2007, is not subject to the requirement to obtain a franchise with respect to such municipality until the franchise agreement expires or, in the

case of an incumbent cable provider, until the franchise is converted to a certificate of franchise authority issued by the board. Upon expiration of a franchise, a person may choose to renegotiate a franchise agreement with a municipality or may apply for a certificate of franchise authority from the board. An application for a certificate of franchise authority from a person subject to an existing municipal franchise agreement may be filed within 60 days prior to the expiration of the agreement and, if granted, shall take effect upon the expiration date of the agreement.

44.3(2) *Municipal utilities.* A municipal utility that provides cable service or video service in Iowa is not required to obtain a certificate of franchise authority in the municipality in which the provision of cable service or video service by the municipality was originally approved.

44.3(3) *Initial application.* Within 15 business days after receiving an application and affidavit from an applicant using a form developed by and available from the board, the board shall issue a certificate of franchise authority or notify the applicant that the application is incomplete. The application must be signed by an officer or general partner of the applicant and shall provide the following information:

a. A statement that the applicant has filed or will timely file with the Federal Communications Commission (FCC) all forms required by the FCC in advance of offering cable service or video service in Iowa;

b. A statement that the applicant agrees to comply with all applicable federal and state statutes, regulations, and rules;

c. A statement that the applicant agrees to comply with all applicable state laws and nondiscriminatory municipal ordinances and regulations regarding the use and occupation of a public right-of-way in the delivery of the cable service or video service, including the police powers of the municipalities in which the service is delivered;

d. A description of the service area to be served and the municipalities to be served by the applicant, including descriptions of unincorporated areas, if applicable;

e. The address of the applicant's principal place of business and the names and titles of the applicant's principal executive officers with direct authority over and responsibility for the applicant's cable or video operations; and

f. The telephone number for customer service contact.

The service area description must be sufficiently detailed to enable the board to ascertain the boundaries of the applicant's proposed service area. Applicants certificated by the board as local exchange carriers pursuant to Iowa Code section 476.29 may choose to refer to descriptions (including maps) of local exchange service areas on file with the board.

44.3(4) *Content of certificate.* A certificate of franchise authority issued by the board shall contain all of the following:

a. A grant of authority to provide cable service or video service in the service area designated in the application;

b. A grant of authority to use and occupy the public right-of-way in the delivery of cable service or video service, subject to the laws of Iowa, including the police powers of the municipalities in which the service is delivered;

c. A statement that the grant of authority provided by the certificate is subject to the lawful operation of the cable service or video service by the applicant or the applicant's successor; and

d. A statement that the franchise is for a term of ten years, is renewable, and is nonexclusive.

44.3(5) *Modification of service area.* At least 14 days before expanding cable service or video service to a previously undesignated service area or making any other change to its previously designated service area, the holder of a certificate of franchise authority shall update the description of its service area on file with the board and shall notify the board of the effective date of the expansion or other change in service area using a form developed by and available from the board. The board will acknowledge receipt of a notice of service area modification by letter.

44.3(6) *Transfer of certificate of franchise authority.* The holder of a certificate of franchise authority may transfer the certificate to any successor by filing a notice of transfer with the board and each affected municipality using a form developed by and available from the board. The notice of transfer shall include the address of the successor's principal place of business and the names and titles of the successor's

principal executive officers with direct authority over and responsibility for the successor's cable or video operations. A notice of transfer shall be effective on the date which is the later of (1) 14 business days after the date of filing of the notice of transfer with the board or (2) the effective date of transfer as designated by the certificate holder, provided such date is not less than 14 business days after the date the notice of transfer is filed with the board, unless the certificate holder files a notice of rescheduling of the transfer and provides a copy of such notice to each affected municipality. As of the effective date of the transfer, the successor shall assume all regulatory rights and responsibilities of the holder of the certificate. The board will acknowledge receipt of a notice of transfer by letter.

44.3(7) *Termination of certificate of franchise authority.* The holder of a certificate of franchise authority may terminate the certificate by providing written notice of the effective date of termination to the board and to each affected municipality using a form developed by and available from the board. The board will acknowledge receipt of a notice of termination by letter.

44.3(8) *Updates.* The holder of a certificate of franchise authority shall notify the board of any change in the name of the entity holding the certificate, contact personnel, principal executive officers, address of principal place of business, telephone number, and customer service contact information by sending a letter to the board specifying the change and certificate number. The notice shall be provided within 14 days after the effective date of the change.

199—44.4(17A,476,82GA,SF554) Notice to municipality and incumbent cable provider. A competitive service provider shall notify affected municipalities and incumbent cable providers of its plan to offer service as provided in this rule.

44.4(1) At least 30 days before providing service in any part of a competitive cable or video service provider's certificated service area in which the provider has not yet offered service pursuant to a board-issued certificate of franchise authority, a competitive cable service provider or competitive video service provider shall notify each municipality with authority to grant a franchise in the part of the competitive provider's service area to be served and the incumbent cable provider in that area that the competitive provider will provide service within the jurisdiction of the municipality and when such service will begin. A competitive cable service provider or competitive video service provider shall not provide service without having provided the notice required by this rule.

44.4(2) The competitive cable service provider or competitive video service provider shall file a copy of the notice required by this rule with the board.

44.4(3) If the competitive cable service provider or competitive video service provider determines that its entry into the market will be delayed, no further notice will be required unless market entry is delayed for more than 30 days after the date service was expected to begin.

199—44.5(17A,476,82GA,SF554) Conversion of municipal franchise by incumbent cable provider. If a competitive cable service provider or a competitive video service provider applies for a certificate of franchise authority to operate within a municipality, the incumbent cable provider in that municipality may apply for a certificate of franchise authority for that same municipality using an application form developed by the board and providing the information required in 44.3(3). The board shall automatically grant the incumbent's application, if complete, effective on the same day a competitive cable service provider or competitive video service provider files the 30 days' notice of offering service as required pursuant to 44.4(17A,476,82GA,SF554) if the incumbent cable provider files its application within 30 days of the day the competitive service provider provides the 30 days' notice. If the incumbent cable provider files its application more than 30 days after the date the competitive service provider provides the 30 days' notice, the board shall grant the incumbent's application, if complete, to be effective on the date the application is filed with the board.

199—44.6(17A,476,82GA,SF554) Filing fees. Each applicant shall submit one or more of the following fees, as applicable:

1. A filing fee of $100 with an initial application; and
2. A filing fee of $50 with a notice of modification or transfer; and

3. A filing fee of $25 with a notice of termination.

These rules are intended to implement Iowa Code sections 17A.4 and 476.10 and 2007 Iowa Acts, Senate File 554.

[Filed 11/1/07, Notice 8/1/07—published 11/21/07, effective 12/26/07]
[Filed 11/25/08, Notice 9/24/08—published 12/17/08, effective 1/21/09]

TITLE IV
PUBLIC ACCESS PROCEDURES

CHAPTER 21
MEMBERSHIP IN THE SOCIETY

[Prior to 5/31/89, see [490] Ch 5 and [223] Ch 13]

223—21.1(303) Function. The society operates a membership organization for the purpose of encouraging the study of Iowa history. Membership is open to all individuals and groups according to the policies and fee schedule established by the society. Life memberships are not available. Existing life members shall be serviced as provided in the original membership agreement.

223—21.2(303) Fees. Fees are charged for benefits and services provided to members. The membership program is administered by the Historical Division of the Department of Cultural Affairs, 600 East Locust Street, Des Moines, Iowa 50319, telephone (515)281-8741.

223—21.3(303) Awards.

21.3(1) *Purpose.* The society shall make annual awards to individuals, groups, or organizations for the purposes of encouraging and rewarding contributions to the field of Iowa history; establishing an image of tradition and continuity; creating greater public and academic visibility for the society; and promoting high-quality rehabilitation of historic buildings.

21.3(2) *Award programs.* Awards shall be made in four programs.

a. William J. Petersen/Edgar Harlan Award. This award recognizes an individual, group, or organization that has made significant long-term or continuing contributions to Iowa history. No more than one award shall be given annually.

b. Loren Horton Community History Award. This award recognizes an individual, group, or organization that has made a significant contribution to local history through a local history project during the previous calendar year. No more than one award shall be given annually. One certificate of recognition may be awarded in each of the following categories each year:

(1) Program or event;
(2) Volunteers;
(3) Project in museum, library, archives, historic preservation, or education;
(4) Research or publications;
(5) Youth.

c. Mildred Throne/Charles Aldrich Award. This award recognizes the author of the most significant article on Iowa history in a professional history journal during the previous calendar year. The board may give one award annually. Up to two certificates of recognition may be also awarded.

d. George Mills/Louise Noun Award. This award recognizes the author of the most significant illustrated article on an Iowa history topic published in a popular history periodical during the previous calendar year. The board may give one award annually. Up to two certificates of recognition may also be awarded.

e. Benjamin F. Shambaugh Award. This award recognizes the author of the most significant book published on Iowa history during the previous calendar year. The board may give one award annually. Up to two certificates of recognition may also be awarded.

f. Kids Count! Award. This award recognizes outstanding library, archives, historic site and museum service provided to National History Day student researchers in Iowa during the previous program year. The board may give up to two certificates of merit and one certificate of achievement annually.

g. Preservation Projects of Merit Award. This award recognizes historic preservation projects that exemplify the best of preservation practices, meet the U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Buildings, and utilize the state historic preservation and cultural and entertainment district tax credit program. The board may give one award annually in each of the following four categories.

(1) Judith A. McClure Award. This award recognizes outstanding preservation of a residential property using state historic preservation and cultural and entertainment district tax credit program incentives. For purposes of this award, residential property shall be as defined in rule 223—48.2(303,404A).

(2) Adrian D. Anderson Award. This award recognizes outstanding preservation of a small historic preservation project using state historic preservation and cultural and entertainment district tax credit program incentives. For purposes of this award, small projects are defined as those projects having total qualified costs, as determined by Iowa Code chapter 404A as amended by 2007 Iowa Acts, chapter 165, of $500,000 or less.

(3) Margaret Keyes Award. This award recognizes outstanding preservation of a large historic preservation project using state historic preservation and cultural and entertainment district tax credit program incentives. For purposes of this award, large projects are defined as those projects having total qualified costs, as determined by Iowa Code chapter 404A as amended by 2007 Iowa Acts, chapter 165, of more than $500,000.

(4) William J. Wagner Award. This award recognizes the historic preservation project which best exemplified use of the U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Buildings while using state historic preservation and cultural and entertainment district tax credit program incentives.

21.3(3) *Selection.*

a. Committees. The chairperson of the society board of trustees shall appoint awards committees at the first meeting of the board held in each fiscal year. The nonvoting staff member on each committee shall be appointed by the administrator of the society to coincide with the other committee appointments. The term of office shall be one year.

(1) William J. Petersen/Edgar Harlan and Loren Horton awards committees. Nominations for these categories shall be reviewed by an awards committee composed of, at a minimum, three voting members, including at least one member of the society board of trustees. The committee shall also include one staff member of the society serving in a nonvoting capacity.

(2) Mildred Throne/Charles Aldrich, George Mills/Louise Noun and Benjamin F. Shambaugh awards committees. Nominations for these categories shall be reviewed by awards committees composed of, at a minimum, three voting members, including at least one member of the society board of trustees. The committees shall also include one staff member of the society serving in a nonvoting capacity.

(3) Kids Count! Award. Nominations for this category shall be reviewed by an awards committee composed of, at a minimum, three voting members, including at least one member of the society board of trustees and one practicing History Day teacher. The committee shall also include one staff member of the society serving in a nonvoting capacity.

(4) Preservation Projects of Merit Award. Nominations for this category shall be reviewed by an awards committee composed of, at a minimum, three voting members, including at least one member of the society board of trustees, one licensed architect who specializes in historic preservation, and one member of the state nominations review committee appointed in accordance with 223—subrule 35.6(6). The committee shall also include one staff member of the society serving in a nonvoting capacity.

b. Period of eligibility. Awards in the Mildred Throne/Charles Aldrich, George Mills/Louise Noun, Benjamin F. Shambaugh, and Loren Horton categories shall be made for activities and publications produced during the calendar year prior to the nomination. Awards in the Kids Count! category shall be made for activities during the most recently completed National History Day competition in Iowa. Awards in the Preservation Projects of Merit category shall be made for state historic preservation and cultural and entertainment district tax credit projects completed in the previous fiscal year.

c. Call for nominations.

(1) William J. Petersen/Edgar Harlan Award. The public may nominate entries for the William J. Petersen/Edgar Harlan Award by mail. Nominators shall submit the name and address of the nominee and a detailed description of significant long-term or continuing contributions to Iowa history.

Nominations must be postmarked by February 1 and must be submitted to the Administrator, State Historical Society of Iowa, 600 East Locust Street, Des Moines, Iowa 50319-0290. Nominations may be submitted electronically to the E-mail address posted on the State Historical Society of Iowa Web page: www.iowahistory.org.

(2) Loren Horton Award. The public may nominate entries for the Horton Award by mail. Required nomination papers for the Loren Horton Award shall be obtained from the Administrator, State Historical Society of Iowa, 600 East Locust Street, Des Moines, Iowa 50319-0290. Nominations shall be postmarked by February 1 and shall be returned to the administrator at the society.

(3) Mildred Throne/Charles Aldrich Award. The public may nominate articles for the Mildred Throne/Charles Aldrich Award by mail. Nominators shall submit the title of the article, name of author, name and address of publication, and year of publication to the Administrator, State Historical Society of Iowa, 600 East Locust Street, Des Moines, Iowa 50319-0290. Nominations may be submitted electronically to the E-mail address posted on the State Historical Society of Iowa Web page: www.iowahistory.org.

(4) George Mills/Louise Noun Award. The public may nominate articles for the George Mills/Louise Noun Award by mail. Nominators shall submit the title of the article, name of author, name and address of publication, and year of publication to the Administrator, State Historical Society of Iowa, 600 East Locust Street, Des Moines, Iowa 50319-0290. Nominations may be submitted electronically to the E-mail address posted on the State Historical Society of Iowa Web page: www.iowahistory.org.

(5) Benjamin F. Shambaugh Award. The public may nominate entries for the Shambaugh Award by mail. Nominators shall submit the title of the book, name and address of author, name and address of publisher, and year of publication to the Editor, The Annals of Iowa, State Historical Society of Iowa, 402 Iowa Avenue, Iowa City, Iowa 52240-1806. Nominations may be submitted electronically to the E-mail address posted on the State Historical Society of Iowa Web page: www.iowahistory.org.

(6) Kids Count! Award. National History Day student researchers may nominate research libraries, archives, historic sites and museums on forms provided by the National History Day in Iowa program. Nominations shall include the name of the library, archive, historic site or museum nominated for the award and a description of the services provided by that library, archive, historic site or museum to National History Day student researchers in Iowa.

(7) Preservation Projects of Merit Award. All historic rehabilitation projects completed in the previous fiscal year, as determined by state historic preservation and cultural and entertainment district tax credit program staff, shall be considered for this award.

d. *Number of nominations.* The awards committees shall report no more than three nominations for each award program and category to the society board of trustees for final selection. The awards committees shall transmit nominations to the board prior to the regularly scheduled meeting which permits the board to act 30 days prior to an annual awards meeting.

e. *Board ineligibility.* No member of the board of trustees shall be eligible for nomination in any award category during the member's term as a trustee.

f. *Voting.* Selection in each category shall be by vote of the board of trustees in accordance with Iowa Code chapter 21 and Robert's Rules of Order, Revised Edition. Evaluation shall be based on the criteria stated in 21.3(4). The society board of trustees reserves the right to decline any or all nominations based upon the awards criteria.

21.3(4) *Criteria.*

a. *William J. Petersen/Edgar Harlan Award.* Nominees shall have contributed a body of work advancing the preservation and interpretation of Iowa history. Each body of work shall be evaluated for significance, professionalism, and influence on Iowans' perceptions of themselves. These criteria shall be weighted equally.

b. *Loren Horton Award.* Nominees shall have contributed a local history project that:

(1) Increases awareness and appreciation for local or community history;

(2) Encourages collaboration and support between individuals, groups, and the community;

(3) Promotes future interest in the history of the community and continues to generate enthusiasm;

(4) Shows a diverse base of support from the members of the community;

(5) Provides long-term protection of community history, whether tangible or intangible; and

(6) Demonstrates an effort to include all interested members of the community.

c. *Mildred Throne/Charles Aldrich Award.* Each nominated article shall be evaluated on its contribution to knowledge about Iowa history, scholarship, readability, and appropriateness for the intended audience. These criteria shall be weighted equally.

d. *George Mills/Louise Noun Award.* Each nominated article shall be evaluated on its contribution to knowledge about Iowa history, scholarship, readability, and appropriateness for the intended audience. These criteria shall be weighted equally.

e. *Benjamin F. Shambaugh Award.* Each nominated book shall be evaluated on its contribution to knowledge about Iowa history, scholarship, readability, and appropriateness for the intended audience. These criteria shall be weighted equally.

f. *Kids Count! Award.* Each nominated institution shall be evaluated on its commitment to research support for young historical researchers as demonstrated by the institution's positive attitude toward young researchers, its level of research knowledge, and its assistance to individual researchers. These criteria shall be weighted equally.

g. *Preservation Projects of Merit Award.* Each preservation project shall demonstrate outstanding application of the U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Buildings, the project's impact on the local historic preservation community, and the project's impact on economic development in the local community. These criteria shall be weighted equally.

21.3(5) *Notification.* Award recipients shall be notified by mail at least 21 days prior to an annual awards meeting.

21.3(6) *Presentation.* The award shall be presented by a member of the board of trustees at an annual awards meeting.

These rules are intended to implement Iowa Code section 303.7.

[Filed 7/15/75]
[Filed 9/14/76, Notice 6/14/76—published 10/6/76, effective 11/10/76]
[Filed emergency 8/15/80—published 9/3/80, effective 9/1/80]
[Filed emergency 10/30/87—published 11/18/87, effective 10/30/87][1]
[Filed 2/19/88, Notice 11/18/87—published 3/9/88, effective 4/13/88]
[Filed 5/12/89, Notices 11/30/88, 3/22/89—published 5/31/89, effective 7/5/89]
[Filed emergency 12/2/93—published 12/22/93, effective 12/2/93]
[Filed 1/27/94, Notice 12/22/93—published 2/16/94, effective 3/23/94]
[Filed without Notice 2/23/96—published 3/13/96, effective 4/17/96]
[Filed 2/7/97, Notice 1/1/97—published 2/26/97, effective 4/2/97]
[Filed 12/12/07, Notice 11/7/07—published 1/2/08, effective 2/6/08]
[Filed 11/26/08, Notice 10/22/08—published 12/17/08, effective 1/21/09]

[1] Filed 229—Ch 13, IAB 3/9/88

CHAPTER 17
OPEN ENROLLMENT

281—17.1(282) Intent and purpose. It is the intent of Iowa Code section 282.18 to maximize parental choice in providing a wide range of educational opportunities which are not available for pupils because of where they live. It is the purpose of this chapter to give guidance and direction to parents/guardians, public school district administrators and boards in making quality decisions regarding school district choice for the education of pupils.

281—17.2(282) Definitions. For the purpose of this chapter the indicated terms are defined as follows:

"Alternative receiving district" means a district to which a parent/guardian petitions for the open enrollment of a pupil from a receiving district. An alternative receiving district could be the district of residence of the parents/guardians.

"Attendance center" means a public school building that contains classrooms used for instructional purposes for elementary, middle, or secondary school students.

"Court-ordered desegregation plan" means a plan that is under direct court order to avoid racial isolation in the district.

"Department" means the department of education.

"Director" means the director of the department of education or the director's designee.

"Diversity plan" or "*voluntary diversity plan"* means a plan that is voluntarily adopted by a local school board to promote diversity and to avoid minority student isolation in the district.

"Eligible district" means a school district whose board had adopted a voluntary desegregation plan under this chapter prior to June 28, 2007.

"Minority student" shall be defined by a local school board in its diversity plan, and may include consideration of any one characteristic or a combination of any of the following characteristics except that race may not be either the sole or the determinative characteristic: socioeconomic status, ethnicity/national origin, English language learner status, or race.

"Open enrollment" is the procedure allowing a parent/guardian to enroll one or more pupils in a public school district other than the district of residence at no tuition cost.

"Receiving district" is the public school district in which a parent/guardian desires to have the pupil enrolled or the district accepting the application for enrollment of a pupil under the provisions of Iowa Code section 282.18.

"Resident district" is the district of residence for school purposes of the parent/guardian and the district in which an open enrollment pupil shall be counted for the purpose of generating state aid regardless of the district in which the pupil is enrolled.

"Sending district" is synonymous with the term resident district.

"Sibling" means a child residing primarily in the same household as the child for whom an open enrollment request is filed and who is related by adoption, blood or marriage to the child for whom an open enrollment request is filed. "Sibling" also includes a foster child who is placed in the same household as the child for whom an open enrollment request is filed.

"Socioeconomic status" means the income level of a student or the student's family, and shall be measured by whether a student or the student's family meets the financial eligibility criteria for free meals or reduced price meals offered under the Child Nutrition Program.

281—17.3(282) Application process. The following procedure shall be used by parents/guardians and school districts in processing open enrollment applications.

17.3(1) *Parent/guardian responsibilities.* On or before March 1 of the school year preceding the school year for which open enrollment is requested, a parent/guardian shall formally notify both the district of residence and the receiving district of the request for open enrollment. The request for open enrollment shall be made on forms provided by the department of education. The parent/guardian is required to indicate on the form if the request is for a pupil requiring special education, as provided

by Iowa Code chapter 256B. The forms for open enrollment application are available from each public school district, area education agency, and the state department of education.

17.3(2) *School district responsibilities.* The board of the resident district shall take no action on an open enrollment request except for a request made under rule 17.5(282) or 17.14(282). The board of the receiving district shall act on an open enrollment request no later than June 1 of the school year preceding the school year for which the request is made.

The receiving district superintendent shall provide notification of either approval or denial of the request to the parent/guardian and to the resident district within five days of board action.

As an alternative procedure, the receiving board may by policy authorize the superintendent to approve, but not deny, applications filed on or before March 1. The board of directors of a receiving school district may adopt a policy granting the superintendent of the school district authority to approve open enrollment applications submitted after the March 1 deadline, but the board of the receiving district shall take action to approve the request if good cause exists. The board shall have the discretion to determine the scope of the authorization. The authorization may be for regular applications filed on or before March 1, good cause applications, kindergarten applications and continuation applications filed on or before September 1, or any combination that the board determines. The same timelines for approval, forwarding, and notification shall apply.

The parent/guardian may withdraw an open enrollment request anytime prior to the first day of school in the resident district. After the first day of school, an open enrollment request can only be changed during the term of the approval by the procedures of subrules 17.8(3) and 17.8(4).

The board of the receiving district shall comply with the provisions of rule 17.11(282) if the application for open enrollment is for a pupil requiring special education as provided by Iowa Code chapter 256B.

By September 30 of each school year, all districts shall notify parents of the following:

a. Open enrollment deadlines;

b. Transportation assistance;

c. That within 30 days of a denial of an open enrollment request by a district board of education, the parent/guardian may file an appeal with the state board of education only if the open enrollment request was based on repeated acts of harassment or a serious health condition of the student that the district cannot adequately address; and that all other denials must be appealed to the district court in the county in which the primary business office of the district is located; and

d. Possible loss of athletic eligibility for open enrollment pupils.

This notification may be published in a school newsletter, a newspaper of general circulation, or a parent handbook provided to all patrons of the district. This information shall also be provided to any parent/guardian of a pupil who enrolls in the district during the school year.

17.3(3) *Exception to process when resident district is under voluntary or court-ordered desegregation.* If the resident district has a voluntary or court-ordered desegregation plan requiring the district to maintain minority and nonminority student ratios, the request for open enrollment shall be filed solely with the district of residence on or before March 1 of the school year preceding the school year for which open enrollment is requested. The superintendent of the resident district may deny a request under this subrule unless the request is made on behalf of a student whose sibling already actively participates in open enrollment to the same receiving district to which open enrollment is sought for this student. A denial by the superintendent may be appealed to the board of the district in which the request was denied. A decision of the local board to uphold the denial may only be appealed to the district court in the county in which is located the primary business office of the district that upheld the denial of the open enrollment request.

281—17.4(282) Filing after the March 1 deadline—good cause. A parent/guardian may apply for open enrollment after the filing deadline of March 1 of the school year preceding the school year for which open enrollment is requested and before the date specified in Iowa Code section 257.6, subsection 1, of that calendar year if good cause exists for the failure to meet the deadline. Good cause is a change in the status of the pupil's residence or a change in the status of the pupil's resident district taking place

after March 1, or the closing or loss of accreditation of a nonpublic school of attendance after March 1 resulting in the desire of the parent/guardian to obtain open enrollment for the following school year. If good cause can be established, the parent/guardian shall be permitted to apply for open enrollment in the same manner as if the deadline had been met pursuant to rule 17.3(282).

Consideration of an open enrollment request filed under the provision of good cause does not preclude the authority, as appropriate, for the resident or receiving district to administer board policy related to insufficient classroom space or the requirements of a desegregation plan or order in acting to approve or deny the request. (See subrules 17.6(2) and 17.6(3).)

17.4(1) Good cause related to change in the pupil's residence shall include:

a. A change in the family residence due to the family's moving from the district of residence anytime after March 1 of the school year preceding the school year for which open enrollment is requested.

b. A change in the state of residence allowing a parent/guardian moving into an Iowa school district from out of state to obtain open enrollment to a different district from their new district of residence.

c. A change in the marital status of the pupil's parents.

d. A guardianship or custody proceeding.

e. Placement of the child in foster care.

f. Adoption.

g. Participation in a foreign exchange program.

h. Participation in a substance abuse or mental health treatment program.

17.4(2) Good cause related to change in status of the pupil's resident district or nonpublic school of attendance shall include:

a. Reorganization action.

(1) Failure of the area education board to vote in favor of a reorganization proposal,

(2) Failure of the area education board to act on objections to exclude territory from a reorganization proposal,

(3) Failure of a reorganization election,

(4) Rescinded IAB 3/8/00, effective 4/12/00.

b. Dissolution action.

(1) Failure of a dissolution commission to make a recommendation to the board of directors,

(2) Failure of the board to take positive action on objections filed by residents of the district to a dissolution proposal,

(3) Failure of contiguous districts to accept a dissolution proposal,

(4) Failure of an election on a dissolution proposal.

c. Whole grade sharing action.

(1) Failure of the board to pursue negotiations for a whole grade sharing proposal for which it has given public notice by board action of its intent to pursue,

(2) Failure of the board to approve a request by a parent/guardian to send an affected pupil to a contiguous district rather than to the district party to the agreement,

(3) Failure of the board to extend or renew a whole grade sharing agreement,

(4) Unilateral rejection by one board of a whole grade sharing agreement prior to expiration of the term of the agreement.

d. Loss of accreditation.

(1) Removal of accreditation by the state board after March 1.

(2) Surrender of accreditation after March 1.

(3) Permanent closure of a nonpublic school after March 1.

e. Rescinded IAB 8/21/02, effective 9/25/02.

On open enrollment requests for good cause related to a change in status of the pupil's school district of residence, action by a parent/guardian must be taken to file notification within 45 days of the last board action or within 30 days of the certification of an election, whichever circumstance is applicable.

17.4(3) Good cause shall not include:

a. Actions of a board of education in the designation of attendance centers within a school corporation and in the assignment of pupils to such centers as provided by Iowa Code section 279.11.

b. Actions of a board of education in making its own rules of government for the internal organization and operation of the school corporation as provided by Iowa Code section 279.8.

17.4(4) Rescinded IAB 8/21/02, effective 9/25/02.

17.4(5) Timelines for board action on applications filed after March 1 for good cause. The board of the receiving district shall act on the request within 30 days of its receipt. The same timelines for approval, forwarding, and notification shall apply.

The receiving district superintendent shall provide notification of either approval or denial of the request to the parent/guardian and to the resident district within five days of board action.

17.4(6) If the resident district believes that the board of the receiving district approved a late-filed open enrollment request that does not meet the definition of "good cause" under Iowa Code section 282.18(4)*"b,"* the resident district may appeal to the director.

a. Upon affirmative vote of a majority of its board to do so, the resident district shall file a written appeal to the director within 30 days of receipt by the resident district of notification by the board of the receiving district of the approval by the receiving district of a late-filed open enrollment request. The written appeal shall state the name and grade level of the affected student, the name of the receiving district, the date of approval by the board of the receiving district, the date the resident district was notified of the approval, and a brief statement explaining why the resident district board believes there is no good cause for the request to have been filed and approved after March 1. The appeal shall be signed by the president of the board of the resident district and shall have attached to it a copy of the disputed open enrollment request and the minutes of the board meeting at which the resident district board voted to appeal. An appeal is timely filed if it is postmarked or delivered personally or via facsimile transmission to the director within the 30-day time period.

b. The director shall, upon receipt of an appeal, first attempt to mediate the dispute. If mediation is unsuccessful, the director shall schedule a telephonic hearing for the purpose of hearing testimony from both boards.

c. If a hearing is necessary, the boards may stipulate to any or all facts to be considered by the director. At the sole discretion of the director, an in-person hearing may be scheduled. The director shall issue a written decision within ten days of the hearing, upholding or reversing the decision of the board of the receiving district.

d. Within five days of the issuance of the decision of the director, the aggrieved board may appeal the decision to the state board of education under the procedures in Iowa Code chapter 290.

281—17.5(282) Filing after the March 1 deadline—harassment or serious health condition. A parent/guardian may apply for open enrollment after the filing deadline of March 1 of the school year preceding the school year for which open enrollment is requested if the parent's/guardian's child is the victim of repeated acts of harassment or if the child has a serious health condition that the resident district cannot adequately address. If either of these conditions exists, the parent/guardian shall be permitted to apply for open enrollment by sending notification to both the resident and receiving districts.

17.5(1) The board of the resident district shall act on the request within 30 days of its receipt. If the request is denied, the parent/guardian shall be notified by the district superintendent within 3 days following board action. If the request is approved, the district superintendent shall forward the approved application form to the receiving district within 5 days following board action and shall notify the parent/guardian within 3 days of this action. The board of the receiving district shall act to approve or deny an open enrollment request within 30 days following receipt of the notice of approval from the resident district. The receiving district superintendent shall provide notification of either approval or denial of the request to the parent/guardian and to the resident district within 15 days of board action.

17.5(2) A denial by either board of a request made under this rule involving repeated acts of harassment of the student or serious health condition of the student that the resident district cannot adequately address may be appealed by a parent/guardian to the state board of education pursuant to

Iowa Code section 290.1. The state board shall exercise broad discretion to achieve just and equitable results that are in the best interest of the affected child or children.

281—17.6(282) Restrictions to open enrollment requests. A district board may exercise the following restrictions related to open enrollment requests.

17.6(1) *Enrollment loss caps.* Rescinded IAB 12/8/93, effective 1/12/94.

17.6(2) *Voluntary diversity plans or court-ordered desegregation plans.* In districts with court-ordered desegregation or voluntary diversity plans where there is a requirement to maintain minority and nonminority student ratios according to the plan, the superintendent of the district may deny a request for open enrollment if it is found that the enrollment or release of a pupil will adversely affect the district's court-ordered desegregation plan or voluntary diversity plan. Open enrollment requests that would facilitate the court-ordered desegregation plan or voluntary diversity plan shall be given priority over other open enrollment requests received by the district. A parent/guardian whose request for open enrollment is denied by the superintendent of the district on the basis of its adverse effect on the district's court-ordered desegregation plan or voluntary diversity plan may appeal that decision to the district board.

17.6(3) *Policy on insufficient classroom space.* No receiving district shall be required to accept an open enrollment request if it has insufficient classroom space to accommodate the pupil(s). Each district board shall adopt a policy which defines the term "insufficient classroom space" for that district. This policy shall establish a basis for the district to make determinations on the acceptance or denial, as a receiving district, of an open enrollment request. This policy may include, but shall not be limited to, one or more of the following: nature of the educational program, grade level, available instructional staff, instructional method, physical space, pupil-teacher ratio, equipment and materials, facilities either being planned or under construction, facilities planned to be closed, finances available, sharing agreement in force or planned, bargaining agreement in force, law or rules governing special education class size, or board-adopted district educational goals and objectives. This policy shall be reviewed annually by the district board.

17.6(4) *Designation of attendance center.* The right of a parent/guardian to request open enrollment is to a district other than the district of residence, not to an attendance center within the nonresident district. In accepting an open enrollment pupil, the receiving district board has the same authority it has in regard to its resident pupils as provided by Iowa Code section 279.11, to "determine the particular school which each child shall attend." In the application process, however, the parent or guardian may request an attendance center of preference.

281—17.7(282) Open enrollment for kindergarten. While the regular time frame in requesting open enrollment is that an application should be made no later than March 1 of the school year preceding the school year for which the enrollment is requested, a parent/guardian requesting to enroll a kindergarten pupil in a district other than the district of residence may make such application on or before September 1 of that school year. In considering an application for a kindergarten pupil, the resident and the receiving district are not precluded from administering board-adopted policies related to insufficient classroom space or the requirements of a desegregation plan or order.

As an alternative procedure, the receiving board may by policy authorize the superintendent to approve, but not deny, applications filed on or before September 1 under this rule. The timelines established in rule 17.4(282) shall apply to applications for a kindergarten pupil.

281—17.8(282) Requirements applicable to parents/guardians and students.

17.8(1) *Expelled or suspended students.* A pupil who has been suspended or expelled by action of the administration or board of the resident district shall not be permitted to enroll if an open enrollment request is filed until the pupil is reinstated for school attendance in the resident district. Once reinstated, the application for open enrollment shall be considered in the same manner as any other open enrollment request. If a pupil for whom an open enrollment request has been filed is subsequently expelled by action of the resident district board, the pupil may be denied enrollment by the receiving district board until

the pupil is reinstated for school attendance by the resident district. The provisions of this subrule shall also apply to a pupil who has been suspended or expelled in a receiving district and is requesting open enrollment to an alternative receiving district or is seeking to return to the resident district as outlined in subrule 17.8(4).

17.8(2) *Restrictions on participation in interscholastic athletic contests and competitions.* A pupil who changes school districts under open enrollment in any of the grades 9 through 12 shall not be eligible to participate in varsity interscholastic athletic contests and competitions during the first 90 school days of enrollment. This restriction also shall apply to enrollments resulting from an approved petition filed by a parent/guardian to open enroll to an alternative receiving district and when the pupil returns to the district of residence using the process outlined in subrule 17.8(4). This 90-school-day restriction does not prohibit the pupil from practicing with an athletic team during the 90 school days of ineligibility. This 90-school-day restriction is not applicable to a pupil who:

a. Participates in an athletic activity in the receiving district that is not available in the district of residence.

b. Participates in an athletic activity for which the resident district and the receiving district have a "cooperative student participation agreement" in place as provided by rule 281—36.20(280).

c. Has paid tuition for one or more years to the receiving school district prior to making application and being approved for open enrollment.

d. Has attended the receiving district for one or more years, prior to making application and being approved for open enrollment, under a sharing or mutual agreement between the resident district and the receiving district.

e. Has been participating in open enrollment and whose parents/guardians move out of their district of residence but exercise the option of maintaining the open enrollment agreement as provided in subrule 17.8(6) except that the period of 90 school days of ineligibility shall apply to a student who open enrolls to another school district. If the pupil has established athletic eligibility under open enrollment, it is continued despite the parent's or guardian's change in residence.

f. Obtains open enrollment as provided in subrule 17.8(7) except that the period of 90 school days of ineligibility shall apply to a student who open enrolls to another school district.

g. Obtains open enrollment due to the dissolution and merger of the former district of residence under Iowa Code subsection 256.11(12).

h. Obtains open enrollment due to the pupil's district of residence entering into a whole-grade sharing agreement on or after July 1, 1990, including the grade in which the pupil would be enrolled at the start of the whole-grade sharing agreement.

i. Participates in open enrollment and the parent/guardian is an active member of the armed forces and resides in permanent housing on government property provided by a branch of the armed services.

j. Rescinded IAB 5/15/02, effective 6/19/02.

17.8(3) *Term of enrollment.* Rescinded IAB 10/9/96, effective 11/13/96.

17.8(4) *Petition for attendance in an alternative receiving district.* Once the pupil of a parent/guardian has been accepted for open enrollment, attendance in an alternative receiving district under open enrollment can be initiated by filing a petition for change with the receiving district. The petition shall be filed by the parent/guardian with the receiving district on or before March 1 of the year preceding the school year for which the change is requested. The timelines and notification requirements for such a request shall be the same as outlined in subrule 17.3(2). If the request is approved, the alternative district shall send notice of this action to the parent/guardian, to the original receiving district, and to the resident district of the pupil. Petitions for change shall be effectuated at the start of the next school year.

As an alternative procedure, the receiving and alternative receiving district boards by mutual agreement may effectuate the change in enrollment of an open enrollment pupil at any time following receipt of a written request for such change which is approved by the two boards. The parent/guardian and the resident district board shall be notified of the approval and the date for change in open enrollment within 15 days of the mutual agreement action of the receiving and alternative receiving boards.

A pupil in good standing may return to the district of residence at any time following written notice from the parent/guardian to both the resident district and the receiving district.

17.8(5) *Renewal of an open enrollment agreement.* An open enrollment agreement shall remain in place unless canceled by the parent/guardian or terminated as outlined in the provisions of subrule 17.8(10).

17.8(6) *Change in residence when participating in open enrollment.* If the parent/guardian of a pupil who is participating in open enrollment changes the school district of residence during the term of the agreement, the parent/guardian shall have the option to leave the pupil in the receiving district under open enrollment, to open enroll to another school district, or to enroll the pupil in the new district of residence, thus terminating the open enrollment agreement. If the choice is to leave the pupil under open enrollment or to open enroll to another school district, the original district of residence shall be responsible for payment of the cost per pupil plus any applicable weightings or special education costs for the balance of the school year, if any, in which the move took place, providing the move took place on or after the date specified in Iowa Code section 257.6, subsection 1. The new district of residence shall be responsible for these payments during succeeding years of the agreement.

If the move takes place between the end of one school year and the date specified in Iowa Code section 257.6, subsection 1, of the following school year, the new district of residence shall be responsible for that year's payment as well as succeeding years.

If the pupil is to remain under open enrollment or to open enroll to another school district, the parent/guardian shall write a letter, delivered by mail or by hand on or before the date specified in Iowa Code section 257.6, subsection 1, to notify the original resident district, the new resident district, and the receiving district of this decision.

Timely requests under this rule shall not be denied. If the request is for a high school pupil, the pupil shall not be subject to the initial 90-school-day ineligibility period of subrule 17.8(2).

17.8(7) *Change in residence when not participating in open enrollment.* If a parent/guardian moves out of the school district of residence, and the pupil is not currently under open enrollment, the parent/guardian has the option for the pupil to remain in the original district of residence as an open enrollment pupil with no interruption in the education program or to open enroll to another school district. This option is not available to the parent/guardian of a student who is entering kindergarten for the first time. The parent/guardian exercising this option shall file an open enrollment request form with the new district of residence for processing and record purposes. This request shall be made on or before the date specified in Iowa Code section 257.6, subsection 1. Timely requests under this subrule shall not be denied. If the request is for a high school pupil, the pupil shall not be subject to the initial 90-school-day ineligibility period of subrule 17.8(2). If the move is on or after the date specified in Iowa Code section 257.6, subsection 1, the new district of residence is not required to pay per-pupil costs or applicable weighting or special education costs to the receiving district until the first full year of the open enrollment.

17.8(8) *Pupil governance.* An open enrollment pupil, and where applicable the pupil's parent/guardian, shall be governed by the rules and policies established by the board of directors of the receiving district. Any complaint or appeal by the parent/guardian concerning the educational system, its process, or administration in the receiving district shall be initially directed to the board of directors of that district in compliance with the policy of that district.

17.8(9) *Appeal procedure.* A parent/guardian may appeal the decision of the board of directors of a school district (resident or receiving) only on an application for open enrollment under Iowa Code section 282.18(5) as amended by 2002 Iowa Acts, House File 2515. This appeal is to the state board of education and shall comply with the provisions of Iowa Code section 290.1. The appeal shall be filed within 30 days of the decision of the district board and shall be in the form of an affidavit signed by the parent/guardian. It shall state in a plain and concise manner what the parent/guardian feels to be the basis for appeal.

17.8(10) *Open enrollment termination.* Open enrollment ends when:

a. The pupil graduates, moves into the receiving district, moves into a third district and does not elect to continue attending in the receiving district, moves out of state, elects to attend a nonpublic school

instead of the receiving district, or any other circumstance not excepted below that results in the pupil no longer attending the receiving district.

EXCEPTIONS: This rule shall not apply if the pupil is placed temporarily in foster care, a juvenile detention center, mental health or substance abuse treatment facility, or other similar placement. In such cases, the open enrollment status will automatically be reinstated when the pupil returns.

b. The pupil drops out of school. In this instance, if the pupil desires to return to the resident district during the term of the original open enrollment, notice must be given as outlined in the provisions of subrule 17.8(4).

281—17.9(282) Transportation.

17.9(1) *Parent responsibilities.* The parent/guardian of a pupil who has been accepted for open enrollment shall be responsible to transport the pupil without reimbursement, except as provided in subrule 17.9(2), to and from a point on a regular school bus route of the receiving district. This point shall be a designated stop on the bus route of the receiving district. If this point—designated stop— is within the distances established by Iowa Code section 285.1 from the school designated for attendance by the receiving district, that district may, but is not required to, provide transportation for an open enrollment pupil. A receiving district may send buses into a resident district solely for the purpose of transporting an open enrollment pupil if the boards of both the sending and receiving districts agree to this arrangement. Bus routes that are outside the boundary of the receiving district that have been authorized by an area education agency board of directors, as provided by Iowa Code subsection 285.9(3), may be used to transport open enrollment pupils if boards of directors of the resident and receiving districts have both taken action to approve such an arrangement. Bus routes that have been established by the receiving district for the purpose of transporting nonpublic school or special education pupils that operate in the resident district of an open enrollment pupil shall not be utilized for the transportation of such pupil for the portion of the route that is within the resident district unless the boards of directors of the resident and receiving districts have both taken action to approve such an arrangement. Bus routes transporting pupils for the purpose of whole-grade sharing shall not be used to transport open enrollment pupils for the portion of the route that is within the resident district unless the boards of directors of the resident and receiving districts have both taken action to approve such an arrangement.

17.9(2) *Qualifications and provisions for transportation assistance.* Open enrollment pupils that meet the economic eligibility requirements established by the department of education shall receive transportation assistance from their resident district under the following conditions. The resident district is not required to provide any transportation assistance for a pupil involved in open enrollment with a district that is not contiguous with the pupil's resident district. The resident district shall provide transportation for the pupil to a point that is a designated stop on a regular bus route of a contiguous receiving district, or as an alternative, the resident district shall pay the parent/guardian for providing this transportation. In either situation the resident district is not obligated to expend more than the average cost per pupil transported amount established for that district for the previous school year. If the resident district provides the transportation, it shall determine that it is able to perform this function at a cost not in excess of the average cost per pupil transported for the resident district as established the previous year. It shall not assess any additional cost to the parent/guardian for providing transportation. If the district chooses to reimburse the parent/guardian for providing transportation, to determine the amount to be reimbursed, the district shall use the provisions of Iowa Code subsection 285.1(3). This reimbursement shall not exceed the average cost per pupil transported for the resident district as established the previous year. The resident district may withhold from the amount it is required to pay to a receiving district for an open enrollment pupil the actual amount or the average cost per pupil transported amount it pays for transportation assistance, whichever is the lesser amount.

17.9(3) *Economic eligibility requirements for transportation.* A parent/guardian shall be eligible for transportation assistance from the resident district if the household income of the parent/guardian is at or below 160 percent of the federal income poverty guidelines as stated by household size. Since the

federal income poverty guidelines are adjusted each year, the department of education shall provide revised eligibility guidelines to school districts each year.

281—17.10(282) Method of finance. Open enrollment options shall be made available for pupils at no instructional cost to their parents/guardians. Open enrollment pupils shall be considered enrolled resident pupils in the resident district and shall be included in the certified enrollment count of that district for the purposes of generating school foundation aid.

17.10(1) *Full-time pupils.* Unless otherwise agreed to in the mediation under paragraph 17.4(6)*"b,"* for full-time pupils, the resident district shall pay each year to the receiving district an amount equal to the state cost per pupil for the previous year plus any moneys received for the pupil as a result of non-English speaking weighting provided by Iowa Code section 280.4.

17.10(2) *Dual enrolled pupils.* Unless otherwise agreed to in the mediation under paragraph 17.4(6)*"b,"* for pupils who receive competent private instruction and are dual enrolled, the resident district shall pay each year to the receiving district an amount equal to .1 times the state cost per pupil for the previous year plus any moneys received for the pupil as a result of non-English speaking weighting provided by Iowa Code section 280.4. However, a pupil dual enrolled in grades nine through twelve shall be counted by the receiving district in the same manner as a shared-time pupil under Iowa Code section 257.6(1)*"c."*

17.10(3) *Home school assistance program pupils.* Unless otherwise agreed to in the mediation under paragraph 17.4(6)*"b,"* for pupils who receive competent private instruction and are registered for a home school assistance program, the resident district shall pay each year to the receiving district an amount equal to .3 times the state cost per pupil under Iowa Code chapter 257 for the previous year plus any moneys received for the pupil as a result of non-English speaking weighting provided by Iowa Code section 280.4.

17.10(4) *Transportation assistance.* The resident district may deduct any transportation assistance funds for which the pupil is eligible as provided by subrule 17.9(2).

17.10(5) *Method of payment.* These moneys shall be paid to the receiving district on a quarterly basis. The district cost per pupil for nonspecial education students shall be the cost calculated each year for the school year preceding the school year for which the open enrollment takes place. Costs for special education students shall be as outlined in rule 17.11(282).

17.10(6) *Partial-year situations.* In the event that the pupil who is under open enrollment withdraws from school, moves into the district of attendance, moves out of state, moves to another district in the state of Iowa and elects to attend that district, graduates at midyear, is allowed to return to the district of residence during the school year, or other similar set of circumstances that result in the pupil no longer attending in the receiving district, payment of cost per pupil will be prorated.

17.10(7) *Late changes of open enrollment.* The resident district and the receiving district boards by mutual agreement may effectuate the change in enrollment of an open enrollment pupil at any time following receipt of a petition for such change which is approved by the two boards. A change due to good cause is a late change in enrollment. If any change in enrollment is made on or after the date specified in Iowa Code section 257.6, subsection 1, the resident district is not required to pay per-pupil costs or applicable weighting or special education costs to the receiving district until the first full year of the open enrollment.

17.10(8) *Whole grade sharing pupils.* Rescinded IAB 7/7/04, effective 8/11/04.

281—17.11(282) Special education students. If a parent/guardian requests open enrollment for a pupil requiring special education, as provided by Iowa Code chapter 256B, this request shall receive consideration under the following conditions. The request shall be granted only if the receiving district is able to provide within that district the appropriate special education program for that student in accordance with Iowa rules of special education, 281—41.84(256B,273,34CFR300). This determination shall be made by the receiving district in consultation with the resident district and the appropriate area education agency(ies) before approval of the application. In a situation where the appropriateness of the program is in question, the pupil shall remain enrolled in the program of the

resident district until a final determination is made. If the appropriateness of the special education program in the resident district is questioned by the parent, then the parent should request a due process hearing as provided by 281—41.113(1). If the appropriateness of the special education program in the receiving district is at issue, the final determination of the appropriateness of a special education instructional program shall be the responsibility of the director of special education of the area education agency in which the receiving district is located, based upon the decision of a diagnostic-education team from the receiving district which shall include a representative from the resident district that has the authority to commit district resources.

District transportation requirements, parent/guardian responsibilities and, where applicable, financial assistance for an open enrollment special education pupil shall be as provided by rule 17.9(282).

The district of residence shall pay to the receiving district on a quarterly basis the actual costs incurred by the receiving district in providing the appropriate special education program. These costs shall be based on the current year expenditures with needed adjustments made in the fourth quarter payment. The responsibility for ensuring that an appropriate program is maintained for an open enrollment special education pupil shall rest with the resident district. The receiving district and the receiving area education agency director shall provide, at least on an annual basis, evaluation reports and information to the resident district on each special education open enrollment pupil. The receiving district shall provide notice to the resident district of all staffings scheduled for each open enrollment pupil. For an open enrolled special education pupil where the receiving district is located in an area education agency other than the area education agency within which the resident district is located, the resident district and the receiving district are required to forward a copy of any approved open enrollment request to the director of special education of their respective area education agencies. Any moneys received by the area education agency of the resident district for an approved open enrollment special education pupil shall be forwarded to the receiving district's area education agency.

281—17.12(282) Laboratory school provisions. A parent/guardian may make a request for open enrollment transfer to a laboratory school operated by the state board of regents. The regents institution operating a laboratory school and the board of directors of the public school district in which the laboratory school is located shall develop a transfer policy. This policy shall include:

1. A provision that the total number of pupils enrolled in a laboratory school in any one year shall not exceed 670 pupils.
2. Provisions to protect and promote the quality and integrity of the teacher education program of the laboratory school.
3. Provisions to protect and promote the viability of the education program of the public school district.
4. The order in which and the reasons why requests to transfer to the laboratory school shall be considered.

The denial of a request to transfer to a laboratory school is not subject to appeal by a parent/guardian under Iowa Code section 290.1.

A pupil that is accepted for open enrollment transfer to a laboratory school shall not be included in the basic enrollment of the resident district with the laboratory school reporting the enrollment directly to the department of education with the following exception. If the number of pupils enrolled in the laboratory school from a school district during the current year exceeds the number enrolled from that district during the 1989-1990 school year, the pupils representing the difference between the current and the 1988-1989 school year enrollment for the district shall be included in the basic enrollment of the resident district with the district retaining the money generated through the foundation aid formula.

281—17.13(282) Applicability. For implementing the open enrollment provisions of Iowa Code section 282.18, the provisions of this chapter shall be retroactively applicable to June 5, 1989.

281—17.14(282) Voluntary diversity plans or court-ordered desegregation plans.

17.14(1) *Applicability.* These rules govern only the components of a voluntary diversity plan or court-ordered desegregation plan as the plan affects open enrollments. Nothing herein shall prohibit a district from implementing a lawful voluntary diversity plan or court-ordered desegregation plan or components thereof for transfers other than open enrollment.

17.14(2) *Eligibility to adopt and implement a plan applicable to open enrollments.*

a. *Adoption.* The board of an eligible school district may adopt a voluntary diversity plan with a component that applies to open enrollments if either of the following conditions exists: (1) The percentage of minority students in the district exceeds the percentage of minority students in the state by at least 20 percentage points; or (2) the percentage of minority students in one or more attendance centers in the district exceeds the percentage of minority students in the district as a whole by at least 20 percentage points.

b. *Implementation.* The open enrollment component of the plan adopted by the district board shall only be implemented by the district if other components of the diversity plan describe the steps the district is taking internally to avoid or reduce minority student isolation, and the district demonstrates the extent to which it has implemented those steps. For districts with multiple attendance centers at the same grade level, such steps may include intradistrict student transfer policies, pairing of attendance centers, revision of boundaries of attendance centers, selecting school sites, realignment of feeder systems, magnet schools, and the placement of specialized programs and services. In a district without multiple attendance centers at the same grade level, such steps may include pupil assignments to classrooms, classroom pairing, community and family outreach programs, student-to-student mentoring or grouping designed to promote understanding and acceptance of and positive interactions with all groups of minority students, and professional development activities designed to promote understanding and acceptance of and positive interactions with all groups of minority students. The open enrollment component of the plan adopted by the district board may remain in effect for so long as the district's total minority student population exceeds 15 percent, and shall remain in effect for so long as the district demonstrates is necessary to avoid minority student isolation in the district.

17.14(3) *Open enrollment elements of a diversity plan.*

a. All applicable deadlines for the filing and determination of open enrollment requests, including the exceptions for good cause under rule 17.4(282), apply to open enrollment requests filed in a district that has adopted an open enrollment component in its voluntary diversity plan.

b. The plan shall establish a districtwide ratio of minority-to-nonminority students to be maintained, consistent with subrule 17.14(2). All open enrollment requests, both those into and out of the district, shall be acted on according to whether the request will adversely affect or will positively affect the implementation of the plan. Under Iowa Code section 282.18, if an open enrollment request would positively affect the plan, the district shall give priority to granting the request over other requests.

c. A district with multiple attendance centers at the same grade level shall specify in the open enrollment component of its diversity plan which attendance centers are affected by the open enrollment component. For each of those attendance centers, the district shall establish and specify the individual attendance center ratios of minority-to-nonminority students, consistent with subrule 17.14(2). The plan may provide for an initial determination of whether a requested open enrollment will negatively affect the specific attendance center ratio. With respect to a request to open enroll out of the district, if such enrollment will negatively affect the ratio established for the student's current attendance center, the request may be denied by the district with no further determination of the impact of the request on the districtwide ratio. For a request to open enroll either into or out of the district, if the open enrollment will not negatively affect the attendance center ratio, the request shall be denied only if there would be a negative impact on the districtwide ratio. As of July 1, 2003, if a district's plan sets a threshold lower than allowed in paragraph 17.14(2)*"a"* and that plan has not been disapproved by a court of competent jurisdiction, the district may implement its individual attendance center ratios in addition to its districtwide ratio.

d. The plan shall include provision for the formation and operation of a waiting list for those requests that could not be granted immediately. A parent/guardian of a child on the waiting list must be

informed by the district of the details of the operation of the list and whether the parent/guardian must refile a timely request for open enrollment in order to remain on the waiting list.

e. The plan shall specify a district contact person to whom questions may be directed from parents/guardians.

f. The plan shall include a provision whereby a parent/guardian has a means to request that the district determine whether a hardship exists for granting a request that may not otherwise be granted under the plan.

17.14(4) *Exceptions.* The following exceptions shall apply:

a. If an open enrollment request is filed on behalf of a student whose sibling is already participating in open enrollment to the same district to which the student desires open enrollment, the request shall be granted.

b. If an open enrollment request is filed on behalf of a student whose parent/guardian moves out of the school district of residence and who wishes to remain in the district of residence as an open enrolled student without interruption in the student's educational program under subrule 17.8(7), the request shall be granted. This option is not available to the parent/guardian of a student who is entering kindergarten for the first time.

c. A request for open enrollment based on repeated acts of harassment of the student shall not be denied on the basis that such request would have an adverse impact on the district's ratio of minority-to-nonminority students.

d. A request for open enrollment based on a serious health condition of the student that the district cannot adequately address shall not be denied on the basis that such request would have an adverse impact on the district's ratio of minority-to-nonminority students.

17.14(5) *Review by department.* All voluntary desegregation plans adopted under this rule prior to June 28, 2007, are no longer valid. An eligible district whose board desires to adopt a voluntary diversity plan for open enrollment must do so by March 1, 2008. The district shall submit a copy of its plan to the department for review within 10 days of the adoption of the plan. Open enrollment requests received prior to March 1, 2008, by a district that has a voluntary diversity plan may be held by the district for action pursuant to the district's new voluntary diversity plan.

The department shall inform the district within 10 days of receipt of the district's voluntary diversity plan whether the plan complies with this rule. All changes to voluntary diversity plans for open enrollment shall be submitted to the department within 60 days of local board action.

These rules are intended to implement Iowa Code Supplement section 282.18.

[Filed emergency 7/7/89—published 7/26/89, effective 7/7/89]
[Filed 2/2/90, Notices 7/26/89, 8/9/89—published 2/21/90, effective 3/28/90]
[Filed emergency 5/25/90—published 6/13/90, effective 5/25/90]
[Filed 9/28/90, Notice 6/13/90—published 10/17/90, effective 11/21/90]
[Filed 11/22/91, Notice 10/2/91—published 12/11/91, effective 1/15/92]
[Filed 8/26/92, Notice 6/24/92—published 9/16/92, effective 10/21/92]
[Filed 11/19/93, Notice 9/29/93—published 12/8/93, effective 1/12/94]
[Filed 11/17/94, Notice 9/28/94—published 12/7/94, effective 1/11/95]
[Filed 11/21/95, Notice 9/13/95—published 12/20/95, effective 1/24/96]
[Filed 9/13/96, Notice 7/17/96—published 10/9/96, effective 11/13/96]
[Filed 3/20/98, Notice 2/11/98—published 4/8/98, effective 5/13/98]
[Filed 2/11/00, Notice 12/15/99—published 3/8/00, effective 4/12/00]
[Filed emergency 8/4/00—published 8/23/00, effective 8/7/00]
[Filed 4/19/02, Notice 2/6/02—published 5/15/02, effective 6/19/02]
[Filed 8/2/02, Notice 6/26/02—published 8/21/02, effective 9/25/02]
[Filed emergency 11/21/02—published 12/11/02, effective 11/21/02]
[Filed 1/17/03, Notice 12/11/02—published 2/5/03, effective 3/12/03]
[Filed 6/17/04, Notice 5/12/04—published 7/7/04, effective 8/11/04]

[Filed 11/15/06, Notice 10/11/06—published 12/6/06, effective 1/10/07]
[Filed 7/27/07, Notice 5/9/07—published 8/15/07, effective 9/19/07]
[Filed 2/8/08, Notice 12/19/07—published 2/27/08, effective 4/2/08]
[Filed 11/20/08, Notice 8/27/08—published 12/17/08, effective 1/21/09]

TITLE III
COMMUNITY COLLEGES

CHAPTER 21
COMMUNITY COLLEGES

[Prior to 9/7/88, see Public Instruction Department[670] Ch 5]
[Former Ch 21 Rescinded, IAB 9/7/88]

DIVISION I
APPROVAL STANDARDS

281—21.1(280A) Form and content of notice of intent. Rescinded IAB 4/3/91, effective 5/8/91.

[Rules 21.2(260C) to 21.12(260C) were filed as joint rules with the Board of Regents and the Board of Education.]

281—21.2(260C) Administration.

21.2(1) *Policy manual.* A community college board of directors shall develop and maintain a policy manual which adequately describes the official policies of the institution.

21.2(2) *Administrative staff.* A community college shall develop an administrative staff appropriate to the size and the purpose of the institution and one which permits the institution to function effectively and efficiently. This administrative staff shall provide effective leadership for the major divisions of the institution including administrative services, adult and continuing education, career education, college parallel education, and student services.

21.2(3) *Chief executive officer.* A community college shall have a chief executive officer who shall also be the executive officer of the board of directors. The executive officer shall be responsible for the operation of the community college with respect to its educational program, its faculty and student services programs, and the use of its facilities. The executive officer shall delegate to the staff all necessary administrative and supervisory responsibilities to ensure an efficient operation of the institution.

21.2(4) *Certification.* All administrative staff except for the superintendent shall hold certificates as required to authorize service in their respective areas of responsibility.

21.2(5) *Financial records and reports.* The community college shall maintain accurate financial records and make reports in the form prescribed by the state department of education and other state agencies.

21.2(6) *Enrollment.* A community college shall meet minimum enrollment requirements if it offers instruction as authorized in Iowa Code chapter 260C, and if, to the satisfaction of the state board of education, it is able to provide classes of reasonable economic size as needed by students, meets the needs of the students, and shows by its past and present enrollment and placement record that it meets individual and employment needs.

21.2(7) *Catalog.* The catalog shall be the official publication of the area school. It shall include accurate information on institutional policies and other information as recommended by the state department of education.

21.2(8) *Admission requirements.*

a. Postsecondary age students. The community college shall maintain an open-door admission policy for students of postsecondary age. This admission policy shall recognize that students should demonstrate a reasonable prospect for success in the program in which admitted. Applicants who cannot demonstrate a reasonable prospect for success in the program for which they apply should be assisted to enroll in courses where deficiencies may be remedied or into other programs appropriate to the individual's preparation and objectives.

b. High school age students. High school age students who can be better served by community college programs may be authorized to undertake such work with the cooperative approval of the community college administration and the administration of the local school district.

21.2(9) *School year.* The length of the school year of the community college shall provide for the effective use of the physical plant and include a minimum of 48 weeks of operation. The school year may consist of: two semester terms and one summer term, three trimester terms, or four quarter terms. A community college may use any one or more of the three school years identified above or may offer instruction in units of length keyed to the identified scope and depth of the instructional content.

21.2(10) *Graduation requirements.* Graduation from a community college shall be certified by the issuance of appropriate recognition indicating the type of program the student has completed.

a. *Associate in arts or an associate in science.* The degree issued to a person who has satisfied curricular requirements that consist of content equivalent to a two-year college parallel curriculum shall certify that its recipient is either an associate in arts or an associate in science.

b. *Associate in applied arts or an associate in applied science.* The degree issued to a person having satisfied curricular requirements and demonstrated competence for employment in the occupational field for which the program was designed shall certify that its recipient is either an associate in applied arts or an associate in applied science. Typically, these degrees apply to occupations requiring significant amounts of applied scientific and mathematical knowledge or occupations in which the individual will work in direct support of a professional.

c. *Associate in general studies.* The degree issued to a person who has satisfied the curricular requirements of a two-year program other than set forth in subrule 21.2(10) shall certify that its recipient is an associate in general studies.

d. *Diploma.* The recognition granted to a person who has been graduated from a curriculum other than set forth in 21.2(10) but of not less than 12 weeks in length shall be a diploma.

e. *Certificate.* A certificate of completion may be issued to certify that a student has satisfactorily completed a course of instruction other than the above.

21.2(11) *Academic records.* The community college shall maintain in perpetuity for each student the complete academic record including every course attempted and grade received. These records should be kept in fire-resistant storage, unless other equivalent safeguards are used, such as maintaining a duplicate file (microfilm or otherwise) in a separate building.

21.2(12) *Resident policy.* There shall be adopted for all community colleges a uniform policy for the determination of permanent residence for tuition purposes.

21.2(13) *Credit hour.* Credit hours shall be determined in line with the following procedures.

a. Specifically stated criteria are minimal requirements only, which institutions may exceed at their discretion.

b. Instruction is subdivided into four instructional methods as herein defined.

(1) Classroom work — lecture and formalized classroom instruction under the supervision of an instructor.

(2) Laboratory work — experimentation and practice by students under the supervision of an instructor.

(3) Clinical practice — applied learning experience in a health agency or office under the supervision of an instructor.

(4) Work experience — work experience planned and coordinated by an institutional representative and the employer, with control and supervision of the student on the job being the responsibility of the employer.

c. Structured culminating activity(ies) for each course offering is above and beyond the minimal instructional requirements. Appropriate activities for structured culminating activity(ies) include but are not limited to:

(1) Written final examinations.

(2) Oral final examinations.

(3) Skill performance evaluations.

(4) Other structured activities deemed supplementary to the instructional process.

d. No registration or orientation hours may be included when determining credit hours.

e. Institutions shall take into account the soundness of the learning environment being created by the scheduling sequence and length of classroom, laboratory, clinical, and work experience sessions.

However, the final decision on these matters is left to the institutional administration so long as minimal standards are met.

f. A fractional unit of credit may be awarded in a manner consistent with the specific minimal credit course requirements.

g. Only minutes for students officially registered for courses or programs, including audit registration, may be included when determining credit hours.

h. Credit hours shall be identified for self-paced courses or programs in accordance with the credit hours that would have been assigned if the program had been taught by conventional methods.

i. Individualized learning experiences for which an equivalent course is not offered shall have the program length computed from records of attendance using such procedures as a time clock or sign-in records.

j. Classroom work.

(1) The minimal requirements for one semester hour of credit shall be 800 minutes of scheduled instruction plus (when applicable) a scheduled culminating activity.

(2) The minimal requirements for one quarter hour of credit shall be 533 minutes of scheduled instruction plus (when applicable) a scheduled culminating activity.

k. Laboratory work.

(1) The minimal requirement for one semester hour of credit shall be 1,600 minutes of scheduled laboratory work plus (when applicable) a scheduled culminating activity.

(2) The minimal requirement for one quarter hour of credit shall be 1,066 minutes of scheduled laboratory work plus (when applicable) a scheduled culminating activity.

l. Clinical practice.

(1) The minimal requirements for one semester hour of credit shall be 2,400 minutes of scheduled clinical practice plus (when applicable) a scheduled culminating activity.

(2) The minimal requirement for one quarter hour of credit shall be 1,599 minutes of scheduled clinical practice plus (when applicable) a scheduled culminating activity.

m. Work experience.

(1) The minimal requirement for one semester hour of credit shall be 3,200 minutes of scheduled work experience plus (when applicable) a scheduled culminating activity.

(2) The minimal requirement for one quarter hour of credit shall be 2,132 minutes of scheduled work experience plus (when applicable) a scheduled culminating activity.

This rule will be effective in the fall term of 1987-1988 school year.

This rule is intended to implement Iowa Code section 260C.33.

281—21.3(260C) Faculty.

21.3(1) *Minimum standards.* Community college-employed instructors who are under contract for at least half-time or more and teach in career and technical education or arts and sciences shall meet minimum standards. By July 1, 2011, all instructors who teach in career and technical education or arts and sciences shall meet minimum standards. In accordance with Iowa Code Supplement section 260C.48(1) as amended by 2008 Iowa Acts, House File 2679, standards shall at a minimum require that community college instructors who are under contract for at least half-time or more, and by July 1, 2011, all instructors, meet the following requirements:

a. Instructors in the subject area of career and technical education shall be registered, certified, or licensed in the occupational area in which the state requires registration, certification, or licensure, and shall hold the appropriate registration, certificate, or license for the occupational area in which the instructor is teaching, and shall meet either of the following qualifications:

(1) A baccalaureate or graduate degree in the area or a related area of study or occupational area in which the instructor is teaching classes.

(2) Special training and at least 6,000 hours of recent and relevant work experience in the occupational area or related occupational area in which the instructor teaches classes if the instructor possesses less than a baccalaureate degree.

b. Instructors in the subject area of arts and sciences shall meet either of the following qualifications:

(1) Possess a master's degree from a regionally accredited graduate school, and have successfully completed a minimum of 12 credit hours of graduate level courses in each field of instruction in which the instructor is teaching classes.

(2) Have two or more years of successful experience in a professional field or area in which the instructor is teaching classes and in which postbaccalaureate recognition or professional licensure is necessary for practice, including but not limited to the fields or areas of accounting, engineering, law, law enforcement, and medicine.

c. Developmental education and adult education instructors employed half-time or more may or may not meet minimum requirements depending on their teaching assignments and the relevancy of standards to the courses they are teaching and the transferability of such courses. If instructors are teaching credit courses reported in arts and sciences or career and technical education, it is recommended that these instructors meet minimum standards set forth in subrule 21.3(1), paragraph *"a"* or *"b."* By July 1, 2011, all instructors teaching credit courses designed to transfer or to complete a degree shall meet minimum standards.

21.3(2) *Definitions.* For purposes of interpreting this rule, the following definitions shall apply:

"Field of instruction." The determination of what constitutes each field of instruction should be based on accepted practices of regionally accredited two- and four-year institutions of higher education.

"Full-time instructor." An instructor is considered to be full-time if the community college board of directors designates the instructor as full-time. Consideration of determining full-time status shall be based on local board approved contracts.

"Instructors meeting minimum requirements." A community college instructor meeting the minimum requirements of Iowa Code Supplement section 260C.48(1) as amended by 2008 Iowa Acts, House File 2679, is an instructor under contract for at least half-time or more, teaching college credit courses. Beginning July 1, 2011, a community college instructor meeting the minimum requirements is an instructor teaching college credit courses. Credit courses shall meet requirements as specified in rule 281—21.2(260C), and meet program requirements for college parallel, career and technical education, and career-option programs as specified in rule 281—21.4(260C) and Iowa Code chapter 260C.

"Minimum of 12 graduate hours." Full-time arts and sciences instructors must possess a master's degree and complete a minimum of 12 graduate hours in their field of instruction. The 12 graduate hours may be within the master's degree requirements or independent of the master's degree.

"Relevant work experience." An hour of recent and relevant work experience is equal to 60 minutes. The community college will determine what constitutes recent and relevant work experience that relates to the instructor's occupational and teaching area. The college should maintain documentation of the instructor's educational and work experience.

21.3(3) *Accreditation status.* The state accreditation process shall incorporate the standards developed pursuant to Iowa Code Supplement section 260C.36 as amended by 2008 Iowa Acts, House File 2679.

21.3(4) *Faculty load.*

a. College parallel. The full-time teaching load of an instructor in college parallel programs shall not exceed a maximum of 16 credit hours per traditional semester or the equivalent. An instructor may also have a teaching assignment outside of the normal school hours; provided the instructor consents to this additional assignment and the total workload does not exceed the equivalent of 18 credit hours within a traditional semester.

b. Career and technical education. The full-time teaching load of an instructor in career and technical education programs shall not exceed 6 hours per day, and an aggregate of 30 hours per week or the equivalent. An instructor may also teach the equivalent of an additional 3 credit hours provided the instructor consents to this additional assignment. When the teaching assignment includes classroom subjects (nonlaboratory), consideration shall be given to establishing the teaching load more in conformity with that of paragraph *"a"* of this subrule.

21.3(5) *Faculty organization.* The faculty shall be organized in such a way as to promote communication among administration, faculty and students and to encourage faculty participation in the development of the curriculum, instructional procedures, general policies, and such other matters as are appropriate.

21.3(6) *Quality faculty plan.* The community college must establish a quality faculty committee consisting of instructors and administrators to develop and maintain a plan for hiring and developing quality faculty. The committee must have equal representatives of arts and sciences and career and technical faculty with no more than a simple majority of members of the same gender. Faculty must be appointed by the certified employee organization representing faculty, if any, and administrators must be appointed by the college's administration. If no faculty-certified employee organization representing faculty exists, the faculty will be appointed by administration pursuant to Iowa Code section 260C.48(4). The committee must submit the plan to the board of directors for consideration, approval and submittal to the department of education.

a. For purposes of this subrule, the following definitions shall apply.

(1) "Counselor" means those who are classified as counselors as defined in the college's collective bargaining agreement or written policy.

(2) "Media specialist" means those who are classified as media specialists as defined in the college's collective bargaining agreement or written policy.

b. The institutional quality faculty plan is applicable to all community college-employed faculty teaching college credit courses, counselors, and media specialists. The plan requirements may be differentiated for each type of employee. The plan shall include, at a minimum, each of the following components:

(1) Plan maintenance. The quality faculty committee shall submit proposed plan modifications to the board of directors for consideration and approval. It is recommended that the plan be updated at least annually.

(2) A determination of the faculty and staff to be included in the plan including, but not limited to, all instructors teaching college credit courses, counselors, and media specialists.

(3) Orientation for new faculty. It is recommended that new faculty orientation be initiated within six months from the hiring date. It is recommended that the orientation of new faculty be flexible to meet current and future needs and provide options other than structured college courses for faculty to improve teaching strategies, curriculum development and evaluation strategies. It is recommended that the college consider developing a faculty mentoring program.

(4) Continuing professional development for faculty. It is recommended that the plan clearly specify required components including time frame for continuing professional development for faculty. It is recommended that the plan include the number of hours, courses, workshops, professional and academic conferences or other experiences such as industry internships, cooperatives and exchange programs that faculty may use for continuing professional development. It is recommended that the plan include prescribed and elective topics such as discipline-specific content and educational trends and research. Examples of topics that may be considered include dealing with the complexities of learners, skills in teaching adults, curriculum development, assessment, evaluation, enhancing students' retention and success, reaching nontraditional and minority students, improving skills in implementing technology and applied learning, leadership development, and issues unique to a particular college. The institutional quality faculty plan shall include professional development components for all instructional staff, counselors, and media specialists, and may include reciprocity features that facilitate movement from one college to another.

(5) Procedures for accurate record keeping and documentation for plan monitoring. It is recommended that the plan identify the college officials or administrators responsible for the administration, record keeping and ongoing evaluation and monitoring of the plan. It is recommended that the plan monitoring, evidence collected, and records maintained showing implementation of the plan be comprehensive in scope. It is recommended that the plan provide for the documentation that each faculty member appropriately possesses, attains or progresses toward attaining minimum competencies.

(6) Consortium arrangements where appropriate, cost-effective and mutually beneficial. It is recommended that the plan provide an outline of existing and potential consortium arrangements including a description of the benefits, cost-effectiveness, and method of evaluating consortium services.

(7) Specific activities that ensure that faculty attain and demonstrate instructional competencies and knowledge in their subject or technical areas. It is recommended that the plan identify faculty minimum competencies and explain the method or methods of determining and assessing competencies. It is recommended that the plan contain procedures for reporting faculty progress. It is recommended that faculty be notified at least once a year of their progress in attaining competencies. It is recommended that the plan include policies and provisions for length of provisional status for faculty who do not meet the minimum standards in Iowa Code section 260C.48. It is recommended that provisional status of individual faculty members not exceed five years.

(8) Procedures for collection and maintenance of records demonstrating that each faculty member has attained or documented progress toward attaining minimum competencies. It is recommended that the plan specify data collection procedures that demonstrate how each full-time faculty member has attained or has documented progress toward attaining minimum competencies. It is recommended that the plan incorporate the current department of education management information system data submission requirements by which each college submits complete human resources data files electronically as a part of the college's year-end reporting.

(9) Compliance with the faculty accreditation standards of the North Central Association of Colleges and Schools and with faculty standards required under specific programs offered by the community college that are accredited by other accrediting agencies. It is recommended that the plan provide for the uniform reports with substantiating data currently required for North Central Association of Colleges and Schools accreditation.

c. The department of education shall notify the community college when the department requires a modified quality faculty plan be submitted. The department shall review the plan during the state accreditation on-site visits to ensure each community college's compliance and progress in implementing a quality faculty plan as approved by the local board of directors. The department shall review the following:

(1) Documents submitted by the college that demonstrate that the plan includes each component required by paragraph 21.3(6)*"b."*

(2) Documentation submitted by the college that the board of directors approved the plan.

(3) Documentation submitted by the college that the college is implementing the approved plan, including, but not limited to, evidence of plan monitoring, evaluation and updating; evidence that the faculty has attained, or is progressing toward attaining, minimum competencies and standards contained in Iowa Code section 260C.48 as amended by 2008 Iowa Acts, House File 2679, and 2007 Iowa Acts, Senate File 588; evidence that faculty members have been notified of their progress toward attaining minimum competencies and standards; and evidence that the college meets the minimum accreditation requirements for faculty required by the North Central Association of Colleges and Schools.

(4) Documentation that the college administration encourages the continued development of faculty potential as defined in Iowa Code Supplement section 260C.36 as amended by 2008 Iowa Acts, House File 2679.

(5) Documentation of the human resources report submitted by the college through the department's community college management information system.

21.3(7) *Faculty salary allocation plan.* Pursuant to the appropriation of funds from the state general fund to the department for the purpose of supplementing community college faculty salaries, the department follows the formula herein when distributing such funds to community colleges.

a. For purposes of this subrule, the following definitions apply.

(1) "Full-time faculty" means those nonadministrative instructors, counselors, and librarians who are classified as full-time employees as defined in the college's collective bargaining agreement or written policy.

(2) "Part-time faculty" means those nonadministrative instructors, counselors, and librarians who are employed less than full-time as defined in the college's collective bargaining agreement and

who are covered by the college's collective bargaining agreement. For purposes of the definition of "eligible full-time equivalent instructor," each part-time faculty person shall be counted as a fraction that accurately reflects the person's percentage of employment by the college when compared to a full-time faculty person.

(3) "Temporary/seasonal faculty" means those nonadministrative instructors, counselors, and librarians who are employed, full-time or part-time, by the college for short periods of time for specific purposes.

(4) "Adjunct faculty" means those nonadministrative instructors, counselors, and librarians who are employed without a continuing contract, whose teaching load does not exceed one-half time for two full semesters or three full quarters per calendar year.

(5) "Eligible full-time equivalent instructor" means the total of full-time faculty and part-time faculty where each full-time faculty counts as one, and each part-time faculty counts as a fraction that accurately reflects the person's percentage of employment by the college when compared to a full-time faculty person.

b. The appropriation shall be distributed to the community colleges based on their proportional share of eligible full-time equivalent instructors.

c. Moneys distributed to each community college hereunder shall be rolled into the funding allocation for all future years. The use of the funds shall remain as described herein for all future years. The appropriation will be distributed to the community colleges in equal monthly payments made on or about the fifteenth of each month.

d. Moneys appropriated and distributed to community colleges herein shall be used to supplement and not supplant any approved faculty salary increases or negotiated agreements, excluding the distribution of the funds herein. Eligible expenditures for the moneys appropriated are for salary expenditures and the required college contribution to FICA and IPERS or alternative retirement benefits system. These moneys shall then be considered as part of the instructor's salary in future years.

e. Moneys distributed to a community college hereunder shall be allocated to all full-time faculty and shall include part-time faculty covered by a collective bargaining agreement. The moneys shall be allocated pursuant to any existing negotiated agreements according to Iowa Code chapter 20. If no language exists to specify the method of allocation, the moneys shall be allocated equally to all full-time faculty with part-time faculty who are covered by a collective bargaining agreement receiving a prorated share.

281—21.4(260C) Curriculum and evaluation.

21.4(1) *College parallel.*

a. This program shall offer courses that are the equivalent of the first two years of a baccalaureate program and may also include: such courses as may be necessary to develop skills that are prerequisite to other courses and objectives; and specialized courses required to provide career options within the college parallel program. A follow-up of students terminating shall be conducted to determine how well students have succeeded and which adjustments in the curriculum, if any, need to be made.

b. Courses of a remedial nature or prefreshman level shall not bear college transfer credit and shall be clearly identified in the college catalog and on transcripts.

21.4(2) *Vocational education.* Instruction shall be offered in vocational education programs in no less than five different occupational fields as defined by the state department of education. College parallel courses may be offered as needed in career education programs. Instruction shall be offered in vocational education programs, ensuring that they are competency based, contain all minimum competencies required by the department of education, articulate with local school districts vocational education programs, and comply with any applicable requirements in Iowa Code chapter 258. The occupational fields in which instruction is offered shall be determined by merged area and geographical area needs as identified by surveys in these areas. Occupational advisory committees may be used to assist in developing and maintaining instructional content, including leadership development.

21.4(3) *Adult education.* Adult education shall be offered and may include adult basic education, adult continuing and general education, college parallel, high school completion, supplementary and

preparatory career education programs, and other programs and experiences as may be required to meet the needs of people in the merged area.

21.4(4) *Programs for the handicapped.* Surveys shall be conducted in each merged area to determine the educational needs of persons who, due to academic, socioeconomic, or other handicaps, are prevented from succeeding in regular educational programs. These surveys would then serve as a basis for appropriate modifications in facilities, materials, and instructional arrangements. The modifications would then make it possible for those whose abilities and interests warrant it to enroll in such programs.

21.4(5) *Community services.* The community colleges shall provide a program of community services designed to meet the needs of persons residing in the merged area. The purpose of the community service program shall be to foster agricultural, business, cultural, industrial, recreational and social development in the area.

21.4(6) *Vocational education.*

a. Each course offered in the area of vocational education shall be taught in the shortest practical period of time at a standard consistent with the quality and quantity of work needed to prepare the student for successful employment in the occupation for which instruction is being offered.

b. A full-time student in vocational education shall be defined as one who is taking 12 or more credit hours or the equivalent in vocational education.

c. Curricula in full-time vocational education programs shall ordinarily be offered on the basis of a workload of 20 to 30 contact hours per week.

281—21.5(260C) Library or learning resource center.

21.5(1) *Facilities.* Community college libraries or learning resource centers shall provide the facilities and resources needed to support the total educational program of the institution and should show evidence that the facilities and the resources are being used effectively and efficiently. Adequate consideration shall be given to the seating, comfort and setting of the facility used to house the collection.

21.5(2) *Staffing.* The library or learning resource center shall be adequately staffed with qualified and certified professionals and skilled nonprofessional personnel.

21.5(3) *Collection.* The collection of a community college shall be adequate in size and scope to serve effectively the number and variety of programs offered and the number of students enrolled. The collection shall show evidence of having been selected by faculty as well as professional library or learning resource staff and shall be kept up-to-date through a planned program of acquisition and deletion. The collection shall contain an appropriate range and number of print and nonprint materials, effectively organized and quartered in a manner which maximizes use.

21.5(4) *Expenditures.* The budget of the library or learning resource center shall be appropriate for the programs and services offered by the institution. New programs and new curricula shall be reflected in library or learning resource center expenditures.

281—21.6(260C) Student services. A program of student services shall be provided to meet the needs of students in the community college. The program of student services shall include the following seven functional areas:

a. Orientation to college and career opportunities and requirements.

b. Appraisal of individual potential.

c. Consultation with students about their plans, progress and problems.

d. Participation of students in activities that supplement classroom experiences.

e. Regulation to provide an optimal climate for social and academic development.

f. Services that facilitate community college attendance through a program of financial assistance, and facilitate transition to further education or employment.

g. Organization that provides for continuing articulation, evaluation and improvement of the student services program.

281—21.7(260C) Laboratories, shops, equipment and supplies. Laboratories, shops, equipment and supplies comparable with that used in the occupations for which instruction is offered shall be provided in accordance with the conditions of the most recent state plan for vocational education. Similarly, college parallel courses shall be supported in a manner comparable to those conditions which prevail in standard, regionally accredited colleges and universities in which students may wish to transfer college credits.

281—21.8(260C) Physical plant. The site, buildings and equipment of the community college shall be well maintained and in good repair. A consistent plan of systematic maintenance shall be in evidence. The physical plant shall be adequate in size and properly equipped for the program offered and shall conform to Iowa Code chapter 104A. All remodeling of existing facilities shall comply with the "American Standard Specifications for Making Building and Facilities Accessible to and Usable by the Physically Handicapped."

281—21.9(260C) Building and site approval.

21.9(1) *Site size.* All sites for community colleges shall be approved by the director of education. The minimum size for a community college site shall be 80 acres for the first 100,000 in total population in the merged area plus an additional ten acres for each additional 25,000 in population or major portion thereof. Provided, however, that the director of education may waive said requirements for good cause shown.

21.9(2) *Building plans.* All building plans and specifications for construction shall be submitted to the director of education for review and approval of educational adequacy.

21.9(3) *Preliminary planning.* Each community college board shall present evidence of adequate planning along with the preliminary building plans and specifications. Preliminary planning includes tentative program approval, a master campus plan, written educational specifications, site plot showing location of proposed facilities, and existing facilities, elevations and floor plans, and specifications of materials.

21.9(4) *Other governmental approval.* After a tentative approval has been received from the director of education, evidence shall be submitted indicating the approval by the state fire marshal and by the state department of public health, when required, before final approval will be made by the director of education.

21.9(5) *Parking lots.* All weather and adequately lighted parking lots of adequate size to accommodate the enrollment shall be included as part of the planned construction and shall include ramps on curbs to allow persons with mobility problems easy access to the building. Special parking spaces shall be provided for handicapped students.

21.9(6) *Flexibility and expansion.* Evidence shall be presented to show that flexibility and expansion of the proposed construction is possible.

21.9(7) *Physically handicapped.* The facilities planned shall be accessible to and functional for the physically handicapped and shall conform to Iowa Code chapter 104A.

21.9(8) *Adequate facilities.* All administrative facilities, classrooms, laboratories and related facilities shall be educationally adequate for the purpose for which they are designed.

21.9(9) *Air-conditioning.* All buildings may be air-conditioned, to accommodate year-round use of such facilities except for areas where air-conditioning is impractical.

21.9(10) *Library or learning resource center.* A library or learning resource center shall be planned as a part of the master campus plan and space made available for library or learning resource center services within the initial construction.

21.9(11) *Student center.* An area of the school plan shall be provided where students may gather informally and where food is available.

21.9(12) *Nonreimbursable facilities.* No facility intended primarily for events for which admission may be charged nor any facility specially designed for athletic or recreational activities other than physical education, shall be constructed with state-appropriated funds.

281—21.10(260C) Accreditation.

21.10(1) *Purpose.* The purpose of accreditation of Iowa's community colleges is to confirm that each college is offering quality programs and services consistent with state standards.

21.10(2) *Scope.* Each community college is subject to accreditation by the state board of education, as provided in Iowa Code section 260C.47. The state board of education shall grant accreditation if a community college meets the standards established in this chapter.

21.10(3) *Accreditation components.* In order to be accredited by the state board of education and maintain accreditation status, a community college must be accredited by the North Central Association of Colleges and Schools, and meet the additional requirements stated for each component, as follows:

a. *Mission and governance.*

(1) Have a mission statement which reflects community needs.

(2) Have an organizational structure which reflects the mission of the institution.

(3) Provide broad involvement and participation in the governance of the institution.

1. Provide a current board policy manual, as set forth in subrule 21.2(1).

2. Document that policies are in place, communicated and implemented, as set forth in subrule 21.2(1).

(4) Have policies and procedures which are accessible, revised periodically, are communicated on a regular basis, reflect the needs of the constituencies, and serve as a basis for college operations.

(5) Ensure efforts to make education and services available to all learners, as outlined in Iowa Code subsection 260C.48(3).

(6) Demonstrate awareness and understanding of diverse cultures.

b. *Instruction and curriculum.*

(1) Utilize criteria for awarding certificates, diplomas, and degrees which include a general education component in degree and diploma programs, as set forth in subrule 21.2(10).

(2) Meet, to the greatest extent possible, educational opportunities and services, when applicable, but not be limited to:

1. The first two years of college work including preprofessional education.

2. Vocational and technical training.

3. Programs for in-service training and retraining of workers.

4. Programs for high school completion for students of post-high school age.

5. Programs for all students of high school age, who may best serve themselves by enrolling for vocational and technical training, while also enrolled in a local high school, public or private.

6. Programs for students of high school age to provide advanced college placement courses not taught at a student's high school while the student is also enrolled in the high school.

7. Student personnel services.

8. Community services.

9. Vocational education for persons who have academic, socioeconomic, or other disabilities which prevent succeeding in regular vocational education programs.

10. Training, retraining, and all necessary preparation for productive employment of all citizens.

11. Vocational and technical training for persons who are not enrolled in a high school and who have not completed high school.

12. Developmental education for persons who are academically or personally underprepared to succeed in their program of study, as set forth in Iowa Code section 260C.1.

(3) Provide learning resource services which support the instructional and informational needs of the students, staff, college, and community, as set forth in rule 21.5(260C).

(4) Provide educational services which are responsive to the needs of individuals, business, industry, labor, and community.

(5) Have an articulation process with secondary and postsecondary educational institutions.

c. *Student support systems and services.*

(1) Provide a catalog which shall be the official publication of the community college, as set forth in subrule 21.2(7).

(2) Follow a defined process for developing and maintaining educational programs, including assessing student academic achievement.

(3) Maintain accurate, confidential, and accessible student records, as set forth in subrule 21.2(11).

(4) Provide services which address recruitment, admissions, assessment/placement, advisement, orientation, financial assistance, counseling, records retention, and student activities which are responsive to the needs and expectations of students.

(5) Provide a student-centered environment.

(6) Provide curricular support services through counseling, academic advisement, and placement transition assistance based on identified student needs.

d. Administration and human resources.

(1) Demonstrate ethical practices in both internal and external relationships.

(2) Utilize a comprehensive, ongoing strategic planning process in which staff analyze and evaluate data and information for continued institutional effectiveness.

(3) Demonstrate effective internal and external communications.

(4) Employ qualified and appropriately licensed personnel, as set forth in rule 21.3(260C).

(5) Identify needs and provide opportunities for staff development.

e. Finances and facilities.

(1) Organize financial resources to support its offerings and services.

(2) Provide physical resources and appropriate technologies to support its offerings and services, as set forth in rule 21.6(260C).

281—21.11(260C) Community college accreditation process.

21.11(1) *Components.* The community college accreditation process shall include two components as follows:

a. Each community college shall submit required data to be monitored on an annual basis by the department of education for compliance with program evaluation requirements adopted by the state board of education.

b. The department of education shall conduct an on-site comprehensive evaluation of each community college during the same year as the evaluation by the North Central Association of Colleges and Schools. The department of education shall conduct an interim evaluation midway between comprehensive evaluations. The comprehensive evaluation will be conducted no less than once each ten-year period, and the interim evaluation will be conducted five years following each comprehensive evaluation.

21.11(2) *Accreditation team.* The size and composition of the accreditation team shall be determined by the director, but the team shall include members of the department of education staff and staff members from community colleges other than the community college being evaluated for accreditation.

21.11(3) *Accreditation team action.* After a visit to a community college, the accreditation team shall determine whether the accreditation standards have been met and shall make a report to the director and the state board of education, together with a recommendation as to whether the community college should remain accredited. The accreditation team shall report strengths and weaknesses, if any, for each standard and shall advise the community college of available resources and technical assistance to further enhance strengths and improve areas of weakness. A community college may respond to the accreditation team's report.

21.11(4) *State board of education consideration of accreditation.* All community colleges shall be deemed accredited on October 1, 1997. The state board of education shall determine whether a community college shall remain accredited. Approval of a community college by the state board of education shall be based on the recommendation of the director of the department of education after study of the factual and evaluative evidence on record pursuant to the standards described in this chapter, and based upon the timely submission of information required by the department of education in a format provided by the department of education.

a. Accreditation granted. Continuation of accreditation, if granted, shall be for a term of ten years; however, approval for a lesser term may be granted by the state board of education if it determines conditions so warrant.

b. Accreditation denied or conditional accreditation. If the state board of education denies accreditation or grants conditional accreditation, the director of the department of education, in cooperation with the board of directors of the community college, shall establish a plan prescribing the procedures that must be taken to correct deficiencies in meeting the standards and shall establish a deadline for correction of the deficiencies. The deadline for correction of deficiencies under a plan shall be no later than June 30 of the year following the on-site visit of the accreditation team. The plan is subject to approval of the state board of education. Plans shall include components which address correcting deficiencies, sharing or merger options, discontinuance of specific programs or courses of study, and any other options proposed by the state board of education or the accreditation team to allow the college to meet the standards.

c. Implementation of plan. During the time specified in the plan for its implementation, the community college remains accredited. The accreditation team shall revisit the community college and shall determine whether the deficiencies in the standards have been corrected and shall make a report and recommendation to the director and the state board of education. The state board of education shall review the report and recommendation, may request additional information, and shall determine whether the deficiencies have been corrected.

d. Removal of accreditation. The director shall give a community college which fails to meet accreditation standards at least one year's notice prior to removal of accreditation. The notice shall be given by certified mail or restricted certified mail addressed to the chief executive officer of the community college and shall specify the reasons for removal of accreditation. The notice shall also be sent to each member of the board of directors of the community college. If, during the year, the community college remedies the reasons for removal of accreditation and satisfies the director that the community college will comply with the accreditation standards in the future, the director shall continue the accreditation and shall transmit notice of the action to the community college by certified mail or restricted certified mail.

e. Failure to correct deficiencies. If the deficiencies have not been corrected in a program of a community college, the community college board shall take one of the following actions within 60 days from removal of accreditation:

(1) Merge the deficient program or programs with a program or programs from another accredited community college.

(2) Contract with another educational institution for purposes of program delivery at the community college.

(3) Discontinue the program or programs which have been identified as deficient.

f. Appeal process provided. The action of the director to remove a community college's accreditation may be appealed to the state board of education as provided in Iowa Code subsection 260C.47(7).

281—21.12(260C) Standards for community colleges. All community colleges are subject to the same standards. However, vocational technical institutions are not expected to offer a program equivalent to the first two years of baccalaureate college work including preprofessional education nor provide the instructors, facilities and equipment for such college work.

281—21.13 to **21.19** Reserved.

The rules in this division are intended to implement Iowa Code chapter 260C and 2007 Iowa Acts, Senate File 601.

DIVISION II
COMMUNITY COLLEGE ENERGY APPROPRIATIONS

281—21.20 to **21.29** Reserved.

DIVISION III
INSTRUCTIONAL COURSE FOR DRINKING DRIVERS

281—21.30(321J) Purpose. The purpose of the instructional course for drinking drivers is designed to inform the offender about drinking and driving and encourage the offender to assess the offender's own drinking and driving behavior in order to select practical alternatives.

281—21.31(321J) Course. A course provided according to this chapter shall be offered on a regular basis at each community college or by a substance abuse treatment program licensed under Iowa Code chapter 125, and may be offered at a state correctional facility listed in Iowa Code section 904.102. However, a community college shall not be required to offer the course if a substance abuse treatment program licensed under Iowa Code chapter 125 offers the course within the merged area served by the community college.

Enrollment in the course is not limited to persons ordered to enroll, attend, and successfully complete the course required under Iowa Code sections 321J.1 and 321J.17, subsection 2. However, any person under the age of 18 who is required to attend the courses for violation of Iowa Code section 321J.2 or 321J.17 must attend a course offered by a substance abuse treatment program licensed under Iowa Code chapter 125.

Any instructional course shall be approved by the department of education in consultation with the community colleges, substance abuse treatment programs licensed under Iowa Code chapter 125, the Iowa department of public health, and the Iowa department of corrections. Each course of instruction shall establish the following:

1. An understanding that alcohol-related problems could happen to anyone and that a person's drinking choices matter. The course illustrates common views of society that prevent people from taking drinking choices seriously. Research is presented to challenge common views with an understanding that alcohol problems are related to lifestyle choices.
2. An understanding that specific low-risk choices will help reduce the risk of experiencing alcohol-related problems at any point in life. The course presents research-based, low-risk guidelines.
3. Methods of providing support for making low-risk choices.
4. An accurate description of the progression of drinking to the development of alcoholism to help people weigh the risk involved with high-risk drinking and to see how high-risk choices may jeopardize their lives and the lives of others.
5. Opportunities to develop a specific plan of action to follow through with low-risk choices. A list of community resources is provided for ongoing support and treatment as needed.

281—21.32(321J) Tuition fee established.

1. Each person enrolled in an instructional course for drinking drivers shall pay to the community college, a substance abuse treatment program licensed under Iowa Code chapter 125, or a state correctional facility a tuition fee of $85 for the approved 12-hour course, plus a reasonable book fee or $185 for the court-ordered approved 28-hour weekend course, plus a reasonable book fee. For the court-ordered approved 28-hour weekend course, the community college or the substance abuse treatment program licensed under Iowa Code chapter 125 shall set a reasonable fee for lodging, meals, and security.
2. A person shall not be denied enrollment in a course by reason of a person's indigency. For court-ordered placement, the court shall determine a person's indigency. In all other instances, the community college, substance abuse treatment program licensed under Iowa Code chapter 125, or state correctional facility shall determine indigence upon application.

281—21.33(321J) Administrative fee established.

21.33(1) *Students enrolled in Iowa.* Beginning January 1, 2003, each person enrolled in Iowa in an instructional course for drinking drivers under this chapter shall be charged an administrative fee of $10. This fee is in addition to tuition and shall be collected by the provider of the instructional course in conjunction with the tuition fee established under 281—21.32(321J). The administrative fee shall be

forwarded to the department of education on a quarterly basis as prescribed by the department. If a student has been declared by the court as indigent, no administrative fee will be charged to that student.

21.33(2) *Students enrolled in another state.* Beginning January 1, 2004, each person enrolled outside the state of Iowa in an instructional course for drinking drivers under this chapter shall be charged an administrative fee of $25. This fee is in addition to tuition and shall be paid directly to the department of education by the student. Upon payment of the fee, the department of education shall review the educational component of the course taken by the student and shall inform the department of transportation whether the educational component is approved by the department of education.

281—21.34 Reserved.

The rules in this division are intended to implement Iowa Code section 321J.22 as amended by 2008 Iowa Acts, House File 2651, section 16.

DIVISION IV
JOBS NOW CAPITALS ACCOUNT

281—21.35 to **21.44** Reserved.

DIVISION V
STATE COMMUNITY COLLEGE FUNDING PLAN

281—21.45(260C) Purpose. A distribution plan for general state financial aid to Iowa's community colleges is established for the fiscal year commencing July 1, 1999, and succeeding fiscal years. Funds appropriated by the general assembly to the department of education for general financial aid to community colleges shall be allocated to each community college in the manner defined in this chapter.

21.45(1) Definitions. For the purpose of this rule, the following definitions shall apply:

"Academic year" means a period of time which begins with the first day of the fall term for each community college and continues through the day preceding the start of the next fall term as indicated in the official college calendar.

"Base funding" means the amount of general state financial aid each community college received as an allocation from appropriations made from the state general fund in the base year.

"Base year" means the fiscal year ending during the calendar year in which a budget is certified.

"Contact hour" for a noncredit course equals 50 minutes of contact between an instructor and students in a scheduled course offering for which students are registered.

"Credit hour," for purposes of community college funding distribution, shall be as defined in subrule 21.2(13).

"Eligible credit courses" means all credit courses that are eligible for general state financial aid and which must be part of an approved program of study. Developmental education courses that award credit hours are eligible for inclusion in the FTEE calculation. The department of education shall review and provide a determination should a question of eligibility occur.

"Eligible noncredit courses" means all noncredit courses eligible for general state financial aid that must fit one of the following ten eligible categories for noncredit courses:

1. Community resource development: courses that provide participants with information which may result in improved and enhanced community resources or community development programs.

2. State-mandated or state-approved: organized educational instruction designed to meet legislated or licensing requirements as defined in the Code of Iowa. The educational curriculum for such instruction is approved by the department of education, licensing boards, or state departments.

3. Legal and consumer rights: a group of instructional courses that provide the opportunity to become a better-informed and more thoughtful consumer and identify the consumer's rights and obligations under a contract.

4. Health: courses designed to enhance understanding, attitudes, and practices relating to individual, family, and community health. Instruction is based on scientific facts that serve as a foundation for decision making and action to achieve health potentials.

5. Employment and business: learning activities that are designed to develop skills needed to obtain and enhance employment. The activities will provide an understanding of business principles and practices having applications in business and industry locally, regionally, nationally, and internationally.

6. Programs for individuals with restricted incomes: a group of instructional courses designed for individuals living on a restricted income. These individuals include the elderly, widows and widowers, unemployed or those receiving financial aid from federal and state welfare agencies and organizations. Each course offered in this classification must clearly indicate that it is offered for restricted-income individuals, and enrollment efforts must be directed to these individuals.

7. Environmental education: instructional courses designed to assist individuals to understand the effect upon one's health and well-being of environmental factors such as water supply, pollution control, food contamination, air pollution, radiation exposure, and hazardous materials.

8. Consumer and homemaking adult education: instructional courses designed to include instruction on child development, care and guidance; clothing and textiles; consumer education; family/individual health; family living and parenthood; food and nutrition; home management (including resource management); and housing, home furnishing and equipment.

9. Adult vocational training/retraining education: individual vocational courses, each complete in itself and designed for the specific purposes of training persons for upgrading the skills of persons presently employed, and retraining persons for new employment.

10. ABE/adult high school completion/ESL: includes adult basic education, adult high school completion and English as a second language.

The department of education shall review and provide a determination should a question of eligibility occur.

"Eligible student" means a student enrolled in eligible credit or eligible noncredit courses. Ineligible students include students enrolled in courses that deal with recreation, hobbies, casual culture, or self-enjoyment subjects; programs or contracts funded from 260E sources; students in high school completion programs registered with a community college on or before the third Friday in September, which are claimed for funding by a K-12 school district; students registered as a part of the department of corrections contracts through the state penal institutions; students served for the sole purpose of testing; or students who reside in nursing homes. The department of education shall review and provide a determination should a question of eligibility occur.

"Enrollment," for the purposes of calculating the distribution of the proportional share of state general aid, means full-time equivalent enrollment (FTEE).

"Fiscal year" means a year beginning July 1 of a given calendar year and ending June 30 of the next calendar year.

"Full-time equivalent enrollment (FTEE)" means that one FTEE equals 24 credit hours for credit courses or 600 contact hours for noncredit courses generated by all eligible students enrolled in eligible courses.

"Inflation rate" shall be calculated by determining the percent change in the consumer price index for all urban consumers (CPI-U) as a percent change from the value for the quarter ending June 30 twelve months prior to the beginning of the base year to the value for the quarter ending June 30 prior to the base year.

21.45(2) Moneys appropriated by the general assembly from the general fund to the department of education for community college purposes for general state financial aid for a fiscal year shall be allocated to each community college by the department of education based on each community college's base funding, the inflation rate, and the college's proportional share of the total FTEE. The appropriations shall be allocated in the following manner and sequence:

a. Base funding. The amount of general state financial aid each community college received as an allocation from appropriations made from the state general fund in the base year.

b. Inflation rate. After the base funding has been determined, a 2 percent inflation increase shall be multiplied by each college's state aid allocation from the base year.

c. If the increase in the total state general aid exceeds 2 percent, an amount up to 1 percent shall be distributed based upon each college's most recently determined proportional share of FTEE.

d. Additional inflation rate. If the inflation rate exceeds 2 percent and the increase in total state aid permits, each community college's allocation shall be increased until the inflation rate is satisfied.

e. Additional proportional share of total FTEE. If the increase in the total state general aid exceeds the funds needed to meet the allocation requirements in paragraphs *"a"* through *"d"* above, the remaining amount shall be distributed based on each college's most recent proportional share of total FTEE.

If the total increase in total state general aid is equal to or less than 2 percent, the increase shall be distributed as inflation.

21.45(3) Program length for the associate of applied sciences (AAS) degree in vocational-technical subjects and for the associate of applied arts (AAA) degrees shall consist of an academic program being the equivalent of a maximum of four semesters and two summer sessions of instruction. AAS and AAA degree programs shall not exceed a maximum of 86 credit hours unless the department of education has granted a waiver pursuant to 21.45(5).

21.45(4) All credit-bearing courses required for program admittance or graduation, or both, must be included in the 86-credit-hour maximum, with the exception of developmental credit hours. Prerequisites that provide an option to students for credit or noncredit shall be counted toward the program maximum of 86 credit hours. Noncredit prerequisites will not be counted toward the 86-credit-hour maximum.

21.45(5) AAS and AAA programs that receive accreditation from nationally recognized accrediting bodies may appeal maximum credit-hour-length requirements to the department of education for consideration of a waiver. All AAS and AAA degree programs over the 86-semester-hour maximum must have approved program-length waivers.

21.45(6) All credit certificate and diploma programs as defined in subrule 21.2(10) shall not exceed 48 credit hours.

21.45(7) Each community college shall provide information in the manner and form as determined by the department of education to implement this chapter. If the community college fails to provide the information as requested, the department shall estimate the FTEE of that college.

21.45(8) Each community college is required to complete and submit an annual student enrollment audit to the department of education. Adjustments to community college state general aid allocations shall be made based on student enrollment audit outcomes.

This rule is intended to implement Iowa Code sections 260C.14(21) and 260C.49.

DIVISION VI
INTERCOLLEGIATE ATHLETIC COMPETITION

281—21.46 to **21.56** Reserved.

DIVISION VII
QUALITY INSTRUCTIONAL CENTER INITIATIVE

281—21.57(260C) Purpose. The purpose of quality instructional centers is to stimulate the pursuit of excellence in community college instruction by promoting the creation or enhancement of high quality, unique, high cost, capital intensive, or highly specialized vocational-technical and occupational programs, which cannot be practically or economically offered at more than a few colleges.

281—21.58(260C) Definitions.

"Center" refers to a program or programs of instruction (not to a facility) and to any related instructional activities that have been approved to receive quality instructional center funds.

"Excellence 2000" refers to the account from which funds will be allocated for quality instructional centers.

"Occupational education" includes career option degree programs at community colleges.

"Program" refers to a state board approved program of instruction at a community college.

"Unique" refers to a center that meets the specific needs of a community, and may be unduplicated within a specified geographic area or the state; may be interdisciplinary; or may include a cluster of related programs.

"Vocational-technical education" refers to a vocational-technical diploma or degree program at a community college.

281—21.59(260C) Eligibility requirements. A proposed quality instructional center that has as its central component a new or existing approved full-time vocational-technical or occupational, diploma or degree program shall be considered for approval. In addition, the program must be unique, and the proposal shall demonstrate improvement of quality that exceeds previous or normally expected student and instructional outcomes. A new program, or an existing program that requires significant modification to meet quality instructional center evaluation criteria, shall be approved prior to the first term of operation.

281—21.60(260C) Timelines. The department shall solicit and receive proposals by November 1 of the calendar year prior to the fiscal year for which funds are to be appropriated. Successful applications shall be approved and tentative allocations of funds shall be made by the department by February 1. Final allocations shall be determined by June 15. Applications for continuation of approval of a center beyond the first year shall be subject to these timelines. During the calendar year prior to the first fiscal year of operation, timelines shall be adjusted as necessary. Center implementation is subject to the appropriation of funds.

281—21.61(260C) Evaluation and selection criteria. Each institution applying for approval of a quality instructional center shall prepare a proposal identifying the rationale for program selection and the enhancements that would be made if the proposal were approved, including specific program objectives for enhancing program quality.

Applications for the continuation of approved quality instructional centers shall be subject to the same submission and evaluation process as applications for new centers. Proposals shall be organized according to the following criteria:

21.61(1) *Background.* For existing programs, a brief history shall be provided. For new programs, a three-year plan shall be outlined and described. This section shall include current and projected enrollment and placement data, and advisory committee participation.

21.61(2) *Description of the program.* The proposal shall include a brief description of the purpose of the program, current and projected faculty, curriculum, equipment, facilities, articulation, business/industry linkages, and current and projected student participation figures. A center may be proposed as unique to a geographic area or the state. In this case, the central program must be either an existing program or a proposed new program that does not exist in the state or specified geographic area.

21.61(3) *Opportunity for enhancement.* This section of the proposal shall:

a. Provide a brief rationale for the center as a quality instructional center (if a center is proposed for a geographic region or the state, rationale shall be provided and the geographic area shall be clearly defined);

b. Identify how Excellence 2000 funds will raise the practice of the program to an exemplary level;

c. Delineate changes that will occur with Excellence 2000 funding;

d. Explain how these changes will enhance student access, student outcomes and institutional effectiveness;

e. Specify center objectives for enhancing program quality and measuring program effectiveness including how the center will meet the needs of members of special populations;

f. Address how advisory committee members will be involved in program enhancement; and

g. For continuation applications, explain how the institution is reducing its reliance on Excellence 2000 funds for the continuation of the program.

21.61(4) *Budget and budget narrative.* For an existing program, the current base budget shall be identified, and the areas to be enhanced shall be identified and explained, including specific

expenditures and overall budget activity. For a new program, the proposal shall include a detailed listing and explanation of planned expenditures. Excellence 2000 funds shall be used to supplement, not to supplant, existing institutional resources.

21.61(5) *Evaluation.* An evaluation plan shall be included in the proposal. This plan shall include strategies for evaluating:

a. The center's effectiveness in enhancing quality by meeting the stated goals and objectives;

b. The impact of Excellence 2000 funds on the center; and

c. Recommendations for continuing instructional program improvements.

281—21.62(260C) Funding. Quality instructional centers shall be funded out of the Community College Excellence 2000 account as specified in Iowa Code section 260D.14A.

281—21.63(260C) Annual report. A community college with an approved quality instructional center shall submit by October 1 a report indicating how funds received during the preceding fiscal year were spent and the projections of the next year's funding needs. In addition, the annual report shall include an assessment of the center based on the evaluation plan submitted with the application.

The rules in this division are intended to implement Iowa Code section 260C.45.

DIVISION VIII
PROGRAM AND ADMINISTRATIVE SHARING INITIATIVE
Rules 281—21.64(280A) to 21.71(280A), effective 12/20/91 were rescinded IAB 2/5/92, effective 1/7/92; these rules were readopted IAB 4/1/92, effective 5/6/92.

281—21.64(260C) Purpose. The purpose of the program and administrative sharing initiative is to establish agreements to be entered into by two or more community colleges or by a community college and a higher education institution under the control of the board of regents. The initiative is designed to increase student access, enhance educational offerings throughout the state, and enhance interinstitutional cooperation.

281—21.65(260C) Definitions.

"Administrative" refers to management and supervisory activities which support services necessary for direction and control of an institution.

"Excellence 2000" refers to the account from which funds will be allocated for the sharing initiative.

"Program" refers to a state board-approved program of instruction offering a certificate, diploma or degree at a community college.

"Sharing agreement" refers to a 28E Joint Exercise of Governmental Powers entered into by two or more eligible institutions to provide instructional or administrative services jointly, to the mutual advantage of the constituents of each institution.

281—21.66(260C) Eligibility requirements. The sharing agreement may be for a program provided by one or both sharing institutions or a new program designed by the sharing institutions. Shared administrative activities shall include existing positions and functions. The proposed sharing agreement shall be designed to increase student access to programs and services, enhance educational offerings throughout the state, enhance interinstitutional cooperation, and reduce unnecessary duplication. In addition, the sharing agreement must be between two or more community colleges, or between one or more community colleges and a higher education institution under the control of the board of regents.

281—21.67(260C) Timelines. The department shall solicit and receive proposals by February 1 of the calendar year prior to the fiscal year for which funds are to be appropriated. Successful applications shall be approved and tentative allocations of funds shall be made by April 1. Final allocations shall be determined by June 15. Applications for continuation of approval of a sharing agreement beyond the first year shall be subject to these timelines. Sharing agreement implementation is subject to the appropriation of funds.

281—21.68(260C) Evaluation and selection criteria. Proposed sharing agreements submitted for approval shall identify the rationale for using a sharing agreement to increase student access; increase cost-effectiveness for sharing institutions; use educational resources effectively; and reduce unnecessary duplication. Proposals shall include the following criteria:

21.68(1) *Background.*

a. Program sharing. A brief history of the program(s) to be shared. This section shall include current and projected enrollment, placement data, and involvement of faculty and advisory committee in planning.

b. Administrative sharing. A brief history of the administrative position or function to be shared.

21.68(2) *Description of existing program(s) or function(s).*

a. Program sharing. A brief description of the purpose of the program(s), current faculty, curriculum, equipment, facilities, articulation and business/industry linkages.

b. Administrative sharing. A brief description of the administrative position or function, and purpose.

21.68(3) *Proposed sharing arrangement.* A brief rationale for the sharing arrangement; description of the sharing arrangement; and identification of how the Excellence 2000 funds will enhance student access, be cost-effective, enhance educational resources, enhance interinstitutional cooperation, and reduce unnecessary duplication.

21.68(4) *Budget and budget narrative.* The current base budget for the existing program(s) or administrative activity and the proposed shared program or administrative activity shall be identified, including specific expenditures and overall budget activities. Excellence 2000 funds shall be used to supplement, not supplant, existing institutional resources.

21.68(5) *Evaluation.* An evaluation plan which includes strategies for evaluating: effectiveness of the sharing agreement in enhancing student access; cost-effectiveness; enhancement of interinstitutional cooperation; reduction of duplication of programs and services; and the impact of Excellence 2000 funds on the institutions involved in the sharing agreement.

281—21.69(260C) Funding. Sharing agreements shall be funded from the Community College Excellence 2000 account as specified in Iowa Code section 260D.14A.

281—21.70(260C) Annual report. Institutions involved in a sharing agreement shall submit by October 1 a report indicating how funds received during the preceding fiscal year were spent. In addition, the annual report shall include an assessment of the agreement based on the evaluation plan submitted with the application and recommendations for improvement in the sharing agreement.

281—21.71(260C) Combining merged areas—election. An administrative sharing agreement could ultimately result in combining merged areas, as specified in Iowa Code section 260C.39.

The rules in this division are intended to implement Iowa Code section 260C.46.

DIVISION IX
APPRENTICESHIP PROGRAM

281—21.72(260C) Purpose. The purpose of the apprenticeship program is to provide individuals, at least 16 years of age, except where a higher minimum age standard is otherwise fixed by law, employment to learn a skilled trade or an occupation; and to authorize each community college to establish or contract for the establishment of apprenticeship programs for apprenticeable occupations.

281—21.73(260C) Definitions.

"Apprentice" shall mean a worker at least 16 years of age, except where a higher minimum age standard is otherwise fixed by law, who is employed to learn a skilled trade or occupation under the standards of apprenticeship.

"Apprenticeable occupation" is a skilled trade which possesses all of the following characteristics:

1. It is customarily learned in a practical way through a structured, systematic program of on-the-job, supervised training.

2. It is clearly identified and commonly recognized throughout an industry.

3. It involves manual, mechanical or technical skills and knowledge which require a minimum of 2,000 hours of on-the-job work experience.

4. It requires related instruction to supplement on-the-job training.

"Apprenticeship agreement" shall mean a written agreement between an apprentice and the apprentice's employer, or an apprenticeship committee acting as the agent for the employer(s). The agreement contains the terms and conditions of the employment and training of the apprentice.

"Apprenticeship committee" shall mean those persons designated by the sponsor to act for it in the administration of the program. A committee may be "joint," i.e., composed of an equal number of representatives of the employer(s) and of the employees represented by a bona fide collective bargaining agent(s), and is established to conduct, operate, or administer an apprenticeship program and enter into apprenticeship agreements with apprentices. A committee may be "unilateral" or "nonjoint" and shall mean a program sponsor in which a bona fide collective bargaining agent is not a participant.

"Apprenticeship program" shall mean a plan containing all terms and conditions for the qualification, recruitment, selection, employment and training of apprentices, including such matters as the requirement for a written apprenticeship agreement.

"Bureau" shall mean the Bureau of Apprenticeship and Training, Employment and Training Administration, U.S. Department of Labor.

"Cancellation" shall mean the termination of the registration or approval status of a program at the request of the sponsor or termination of an apprenticeship agreement at the request of the apprentice.

"Certification" shall mean written approval by the Bureau of: (1) a set of apprenticeship standards developed by a national committee or organization, joint or unilateral, for policy or guidelines used by local affiliates, as substantially conforming to the standards of apprenticeship; or (2) an individual as eligible for probationary employment as an apprentice under a registered apprenticeship program.

"Employer" shall mean any person or organization employing an apprentice whether or not such person or organization is a party to an apprenticeship agreement with the apprentice.

"Registration agency" shall mean the Bureau.

"Registration of an apprenticeship agreement" shall mean the acceptance and recording thereof by the Bureau as evidence of the participation of the apprentice in a particular registered apprenticeship program.

"Related instruction" shall mean an organized and systematic form of instruction designed to provide the apprentice with knowledge of the theoretical and technical subjects related to the trade or occupation.

"Sponsor" shall mean any person, association, committee or organization operating an apprenticeship program and in whose name the program is (or is to be) registered or approved.

281—21.74(260C) Apprenticeship programs. For an apprenticeship program to be offered by a community college or a local educational agency, the program must be approved by the U.S. Department of Labor, Bureau of Apprenticeship and Training, and meet all requirements outlined in Title 29, Part 29, of the National Apprenticeship Act.

The rules in this division are intended to implement Iowa Code section 260C.44 and Title 29, Part 29, of the National Apprenticeship Act.

DIVISION X
MISCELLANEOUS PROVISIONS

281—21.75(260C,82GA,SF358) Used motor vehicle dealer education program. An applicant for a license from the department of transportation as a used motor vehicle dealer shall complete a minimum of eight hours of prelicensing education program courses pursuant to 2007 Iowa Acts, Senate File 358, prior to submitting the application. The education program courses are provided by community colleges

or by the Iowa Independent Automobile Dealers Association in conjunction with a community college. The fee for both the prelicensing education program courses and continuing education courses shall not exceed $50 per contact hour of instruction, which shall include course materials and administrative costs.

This rule is intended to implement Iowa Code chapter 260C and 2007 Iowa Acts, Senate File 358.

[Filed 1/11/66, amended 10/5/66, 10/10/66, 4/17/67, 3/11/74]
[Filed 11/20/81, Notice 9/30/81—published 12/9/81, effective 1/13/82]
[Filed 7/16/82, Notice 5/12/82—published 8/4/82, effective 9/8/82]
[Filed 9/15/83, Notice 7/20/83—published 10/12/83, effective 11/16/83]
[Filed 8/27/85, Notice 7/3/85—published 9/25/85, effective 10/30/85]
[Filed 12/13/85, Notice 11/6/85—published 1/1/86, effective 2/6/86]
[Filed 1/9/87, Notice 12/3/86—published 1/28/87, effective 10/1/87]
[Filed 6/12/87, Notice 5/6/87—published 7/1/87, effective 8/5/87]
[Filed 3/17/88, Notice 2/10/88—published 4/6/88, effective 7/1/88]
[Filed 8/19/88, Notice 6/29/88—published 9/7/88, effective 10/12/88]
[Filed 3/15/89, Notice 2/8/89—published 4/5/89, effective 7/1/89]
[Filed 3/13/90, Notice 2/7/90—published 4/4/90, effective 7/1/90]
[Filed emergency 3/14/91—published 4/3/91, effective 3/14/91]
[Filed 3/15/91, Notice 2/6/91—published 4/3/91, effective 5/8/91]
[Filed 8/16/91, Notice 5/29/91—published 9/4/91, effective 10/9/91]
[Filed 9/13/91, Notice 2/6/91—published 10/2/91, effective 11/6/91]
[Filed emergency 12/20/91—published 1/8/92, effective 12/20/91]
[Filed emergency 1/7/92—published 2/5/92, effective 1/7/92]
[Filed 3/13/92, Notice 1/8/92—published 4/1/92, effective 5/6/92]
[Filed 4/15/94, Notice 1/19/94—published 5/11/94, effective 6/15/94]
[Filed 7/12/95, Notice 3/1/95—published 8/2/95, effective 9/9/95]
[Filed 8/8/97, Notice 6/4/97—published 8/27/97, effective 10/1/97]
[Filed 9/16/98, Notice 7/15/98—published 10/7/98, effective 11/11/98][◊]
[Filed emergency 8/4/00—published 8/23/00, effective 8/7/00]
[Filed 8/2/02, Notice 6/26/02—published 8/21/02, effective 9/25/02]
[Filed 11/21/02, Notice 10/2/02—published 12/11/02, effective 1/15/03]
[Filed 5/9/03, Notice 4/2/03—published 5/28/03, effective 7/2/03]
[Filed 11/19/03, Notice 9/17/03—published 12/10/03, effective 1/14/04]
[Filed 11/14/07, Notice 8/15/07—published 12/5/07, effective 1/9/08][◊]
[Filed 11/20/08, Notice 8/27/08—published 12/17/08, effective 1/21/09]

◊ Two or more ARCs

CHAPTER 24
COMMUNITY COLLEGE ACCREDITATION

281—24.1(260C) Purpose. As set forth in Iowa Code section 260C.1, the purpose of accreditation of Iowa's community colleges is to confirm that each college is offering, to the greatest extent possible, educational opportunities and services, when applicable, but not be limited to:

1. The first two years of college work including preprofessional education.
2. Vocational and technical training.
3. Programs for in-service training and retraining of workers.
4. Programs for high school completion for students of post-high school age.
5. Programs for all students of high school age, who may best serve themselves by enrolling for vocational and technical training, while also enrolled in a local high school, public or private.
6. Programs for students of high school age to provide advanced college placement courses not taught at a student's high school while the student is also enrolled in the high school.
7. Student personnel services.
8. Community services.
9. Vocational education for persons who have academic, socioeconomic, or other disabilities which prevent succeeding in regular vocational education programs.
10. Training, retraining, and all necessary preparation for productive employment of all citizens.
11. Vocational and technical training for persons who are not enrolled in a high school and who have not completed high school.
12. Developmental education for persons who are academically or personally underprepared to succeed in their program of study.

281—24.2(260C) Scope. Each community college is subject to accreditation by the state board of education, as provided in Iowa Code section 260C.47. The state board of education shall grant accreditation if a community college meets the standards established in this chapter.

281—24.3(260C) Definitions. For purposes of interpreting rule 281—24.5(260C), the following definitions shall apply:

"Field of instruction." The determination of what constitutes each field of instruction should be based on accepted practices of regionally accredited two- and four-year institutions of higher education.

"Full-time instructor." An instructor is considered to be full-time if the community college board of directors designates the instructor as full-time. Consideration of determining full-time status shall be based on local board-approved contracts.

"Higher Learning Commission." The Higher Learning Commission is the accrediting authority within the North Central Association of Colleges and Schools. Iowa Code sections 260C.47 and 260C.48 require that the state accreditation process be integrated with that of the North Central Association of Colleges and Schools.

"Instructors meeting minimum requirements." A community college instructor meeting the minimum requirements of Iowa Code Supplement section 260C.48(1) as amended by 2008 Iowa Acts, House File 2679, is an instructor under contract for at least half-time or more teaching college credit courses. Beginning July 1, 2011, a community college instructor meeting the minimum requirements is an instructor teaching college credit courses. Credit courses shall meet requirements as specified in rule 281—21.2(260C), and meet program requirements for college parallel, career and technical education, and career-option programs as specified in rule 281—21.4(260C) and Iowa Code chapter 260C.

"Minimum of 12 graduate hours." The 12 graduate hours may be within the master's degree requirements or independent of the master's degree, but all hours must be in the instructor's field of instruction.

"Relevant work experience." An hour of recent and relevant work experience is equal to 60 minutes. The community college will determine what constitutes recent and relevant work experience that relates

to the instructor's occupational and teaching area. The college shall maintain documentation of the instructor's educational and work experience.

281—24.4(260C) Accreditation components and criteria—Higher Learning Commission. In order to be accredited by the state board of education and maintain accreditation status, a community college must meet the accreditation criteria of the Higher Learning Commission and additional state standards. The Higher Learning Commission accreditation criteria are as follows:

24.4(1) *Mission and integrity.*

a. The organization's mission documents are clear and articulate publicly the organization's commitments.

b. In its mission documents, the organization recognizes the diversity of its learners, other constituencies, and the greater society it serves.

c. Understanding of and support for the mission pervade the organization.

d. The organization's governance and administrative structures promote effective leadership and support collaborative processes that enable the organization to fulfill its mission.

e. The organization upholds and protects its integrity.

24.4(2) *Preparing for the future.*

a. The organization realistically prepares for a future shaped by multiple societal and economic trends.

b. The organization's resource base supports its educational programs and its plans for maintaining and strengthening the program's quality in the future.

c. The organization's ongoing evaluation and assessment processes provide reliable evidence of institutional effectiveness that clearly informs strategies for continuous improvement.

d. All levels of planning align with the organization's mission, thereby enhancing the organization's capacity to fulfill that mission.

24.4(3) *Student learning and effective teaching.*

a. The organization's goals for student learning outcomes are clearly stated for each educational program and make effective assessment possible.

b. The organization values and supports effective teaching.

c. The organization creates effective learning environments.

d. The organization's learning resources support student learning and effective teaching.

24.4(4) *Acquisition, discovery, and application of knowledge.*

a. The organization demonstrates, through the actions of its board, administrators, students, faculty, and staff, that it values a life of learning.

b. The organization demonstrates that acquisition of a breadth of knowledge and skills and the exercise of intellectual inquiry are integral to its educational programs.

c. The organization assesses the usefulness of its curricula to students who will live and work in a global, diverse, and technological society.

d. The organization provides support to ensure that faculty, students, and staff acquire, discover, and apply knowledge responsibly.

24.4(5) *Engagement and service.*

a. The organization learns from the constituencies it serves and analyzes its capacity to serve their needs and expectations.

b. The organization has the capacity and the commitment to engage with its identified constituencies and communities.

c. The organization demonstrates its responsiveness to those constituencies that depend on the organization for service.

d. Internal and external constituencies value the services the organization provides.

281—24.5(260C) Accreditation components and criteria—additional state standards. To be granted accreditation by the state board of education, an Iowa community college must also meet

five additional standards pertaining to minimum standards for faculty; faculty load; special needs; vocational education evaluation; and quality faculty plan.

24.5(1) *Faculty.* Community college-employed instructors who are under contract for at least half-time or more, and by July 1, 2011, all instructors who teach in career and technical education or arts and sciences shall meet minimum standards. In accordance with Iowa Code Supplement section 260C.48(1) as amended by 2008 Iowa Acts, House File 2679, standards shall at a minimum require that community college instructors who are under contract for at least half-time or more, and by July 1, 2011, all instructors meet the following requirements:

a. Instructors in the subject area of career and technical education shall be registered, certified, or licensed in the occupational area in which the state requires registration, certification, or licensure, and shall hold the appropriate registration, certificate, or license for the occupational area in which the instructor is teaching, and shall meet either of the following qualifications:

(1) A baccalaureate or graduate degree in the area or a related area of study or occupational area in which the instructor is teaching classes.

(2) Special training and at least 6,000 hours of recent and relevant work experience in the occupational area or related occupational area in which the instructor teaches classes if the instructor possesses less than a baccalaureate degree.

b. Instructors in the subject area of arts and sciences shall meet either of the following qualifications:

(1) Possess a master's degree from a regionally accredited graduate school, and have successfully completed a minimum of 12 credit hours of graduate level courses in each field of instruction in which the instructor is teaching classes.

(2) Have two or more years of successful experience in a professional field or area in which the instructor is teaching classes and in which postbaccalaureate recognition or professional licensure is necessary for practice, including but not limited to the fields or areas of accounting, engineering, law, law enforcement, and medicine.

c. Developmental education and adult education instructors employed half-time or more may or may not meet minimum requirements depending on their teaching assignments and the relevancy of standards to the courses they are teaching and the transferability of such courses. If instructors are teaching credit courses reported in arts and sciences or career and technical education, it is recommended that these instructors meet minimum standards set forth in 281—subrule 21.3(1), paragraph *"a"* or *"b."* By July 1, 2011, all instructors teaching credit courses shall meet minimum standards.

24.5(2) *Faculty load.*

a. *College parallel.* The full-time teaching load of an instructor in college parallel programs shall not exceed a maximum of 16 credit hours per school term or the equivalent. An instructor may also have a teaching assignment outside of the normal school hours, provided the instructor consents to this additional assignment and the total workload does not exceed the equivalent of 18 credit hours within a traditional semester.

b. *Career and technical education.* The full-time teaching load of an instructor in career and technical education programs shall not exceed 6 hours per day, and an aggregate of 30 hours per week or the equivalent. An instructor may also teach the equivalent of an additional 3 credit hours, provided the instructor consents to this additional assignment. When the teaching assignment includes classroom subjects (nonlaboratory), consideration shall be given to establishing the teaching load more in conformity with that of paragraph 24.5(2)*"a."*

24.5(3) *Special needs.* Community colleges shall provide equal access in recruitment, enrollment, and placement activities for students with disabilities. Students with disabilities shall be given access to the full range of course offerings at a college through reasonable accommodations.

24.5(4) *Career and technical education evaluation.* The community college career and technical program review and evaluation system must ensure that the programs:

a. Are compatible with educational reform efforts.

b. Are capable of responding to technological change and innovation.

c. Meet educational needs of the students and employment community, including students with disabilities, both male and female students, and students from diverse racial and ethnic groups.

d. Enable students enrolled to perform the minimum competencies independently.

e. Are articulated/integrated with the total school curriculum.

f. Enable students with a secondary vocational background to pursue other educational interests in a postsecondary setting, if desired.

g. Provide students with support services and eliminate access barriers to education and employment for both traditional and nontraditional students, men and women, persons from diverse racial and ethnic groups, and persons with disabilities.

24.5(5) *Quality faculty plan.* The community college shall establish a quality faculty committee consisting of instructors and administrators to develop and maintain a plan for hiring and developing quality faculty. The committee shall have equal representatives of arts and sciences and career and technical faculty with no more than a simple majority of members of the same gender. Faculty shall be appointed by the certified employee organization representing faculty, if any, and administrators shall be appointed by the college's administration. If no faculty-certified employee organization representing faculty exists, the faculty shall be appointed by administration pursuant to Iowa Code section 260C.48(4). The committee shall submit the plan to the board of directors for consideration, approval and submittal to the department of education.

a. For purposes of this subrule, the following definitions shall apply.

(1) "Counselor" means those who are classified as counselors as defined in the college's collective bargaining agreement or written policy.

(2) "Media specialist" means those who are classified as media specialists as defined in the college's collective bargaining agreement or written policy.

b. The institutional quality faculty plan is applicable to all community college-employed faculty teaching college credit courses, counselors, and media specialists. The plan requirements may be differentiated for each type of employee. The plan shall include, at a minimum, each of the following components:

(1) Plan maintenance. The quality faculty committee shall submit proposed plan modifications to the board of directors for consideration and approval. It is recommended that the plan be updated at least annually.

(2) A determination of the faculty and staff to be included in the plan including, but not limited to, all instructors teaching college credit courses, counselors, and media specialists.

(3) Orientation for new faculty. It is recommended that new faculty orientation be initiated within six months from the hiring date. It is recommended that the orientation of new faculty be flexible to meet current and future needs and provide options other than structured college courses for faculty to improve teaching strategies, curriculum development and evaluation strategies. It is recommended that the college consider developing a faculty mentoring program.

(4) Continuing professional development for faculty. It is recommended that the plan clearly specify required components including time frame for continuing professional development for faculty. It is recommended that the plan include the number of hours, courses, workshops, professional and academic conferences or other experiences such as industry internships, cooperatives and exchange programs that faculty may use for continuing professional development. It is recommended that the plan include prescribed and elective topics such as discipline-specific content and educational trends and research. Examples of topics that may be considered include dealing with the complexities of learners, skills in teaching adults, curriculum development, assessment, evaluation, enhancing students' retention and success, reaching nontraditional and minority students, improving skills in implementing technology and applied learning, leadership development, and issues unique to a particular college. The institutional quality faculty plan shall include professional development components for all instructional staff, counselors, and media specialists and may include reciprocity features that facilitate movement from one college to another.

(5) Procedures for accurate record keeping and documentation for plan monitoring. It is recommended that the plan identify the college officials or administrators responsible for the

administration, record keeping and ongoing evaluation and monitoring of the plan. It is recommended the plan monitoring, evidence collected, and records maintained showing implementation of the plan be comprehensive in scope. It is recommended that the plan provide for the documentation that each faculty member appropriately possesses, attains or progresses toward attaining minimum competencies.

(6) Consortium arrangements where appropriate, cost-effective and mutually beneficial. It is recommended that the plan provide an outline of existing and potential consortium arrangements including a description of the benefits, cost-effectiveness, and method of evaluating consortium services.

(7) Specific activities that ensure that faculty attain and demonstrate instructional competencies and knowledge in their subject or technical areas. It is recommended that the plan identify faculty minimum competencies and explain the method or methods of determining and assessing competencies. It is recommended that the plan contain procedures for reporting faculty progress. It is recommended that faculty be notified at least once a year of their progress in attaining competencies. It is recommended that the plan include policies and provisions for length of provisional status for faculty who do not meet the minimum standards in Iowa Code section 260C.48. It is recommended that provisional status of individual faculty members not exceed five years.

(8) Procedures for collection and maintenance of records demonstrating that each faculty member has attained or documented progress toward attaining minimum competencies. It is recommended that the plan specify data collection procedures that demonstrate how each full-time faculty member has attained or has documented progress toward attaining minimum competencies. It is recommended that the plan incorporate the current department of education management information system data submission requirements by which each college submits complete human resources data files electronically as a part of the college's year-end reporting.

(9) Compliance with the faculty accreditation standards of the North Central Association of Colleges and Schools and with faculty standards required under specific programs offered by the community college that are accredited by other accrediting agencies. It is recommended that the plan provide for the uniform reports with substantiating data currently required for North Central Association of Colleges and Schools accreditation.

c. The department of education shall notify the community college when the department requires that a modified quality faculty plan be submitted. The department shall review the plan during the state accreditation on-site visits to ensure each community college's compliance and progress in implementing a quality faculty plan as approved by the local board of directors. The department shall review the following:

(1) Documents submitted by the college that demonstrate that the plan includes each component required by paragraph *"b"* of this subrule.

(2) Documentation submitted by the college that the board of directors approved the plan.

(3) Documentation submitted by the college that the college is implementing the approved plan, including, but not limited to, evidence of plan monitoring, evaluation and updating; evidence that the faculty has attained, or is progressing toward attaining, minimum competencies and standards contained in Iowa Code section 260C.48 as amended by 2008 Iowa Acts, House File 2679, and 2007 Iowa Acts, Senate File 588; evidence that faculty members have been notified of their progress toward attaining minimum competencies and standards; and evidence that the college meets the minimum accreditation requirements for faculty required by the North Central Association of Colleges and Schools.

(4) Documentation that the college administration encourages the continued development of faculty potential as defined in Iowa Code Supplement section 260C.36 as amended by 2008 Iowa Acts, House File 2679.

(5) Documentation of the human resources report submitted by the college through the department's community college management information system.

281—24.6(260C) Accreditation process.

24.6(1) *Components.* The community college accreditation process shall include the following components:

a. Each community college shall submit information on an annual basis to the department of education to comply with program evaluation requirements adopted by the state board of education.

b. The department of education shall conduct an on-site accreditation evaluation of each community college during the same year as the evaluation by the Higher Learning Commission.

24.6(2) *Accreditation team.* The size and composition of the accreditation team shall be determined by the director of the department, but the team shall include members of the department of education staff and staff members from community colleges other than the community college being evaluated for accreditation, and any other technical experts as needed.

24.6(3) *Accreditation team action.* After a visit to a community college, the accreditation team shall evaluate whether the accreditation standards have been met and shall make a report to the director of the department and the state board of education, together with a recommendation as to whether the community college should remain accredited. The accreditation team shall report strengths and opportunities for improvement, if any, for each standard and shall advise the community college of available resources and technical assistance to further enhance strengths and address areas for improvement. A community college may respond to the accreditation team's report.

24.6(4) *State board of education consideration of accreditation.* The state board of education shall determine whether a community college shall remain accredited. Approval of a community college by the state board of education shall be based on the recommendation of the director of the department after study of the factual and evaluative evidence on record pursuant to the standards described in this chapter, and based upon the timely submission of information required by the department of education in a format provided by the department of education. With the approval of the director of the department, a focus visit may be conducted if the situation at a particular college warrants such a visit.

a. *Accreditation granted.* Continuation of accreditation, if granted, shall be for a term consistent with the term of accreditation by the Higher Learning Commission; however, approval for a lesser term may be granted by the state board of education if the board determines that conditions so warrant.

b. *Accreditation denied or conditional accreditation.* If the state board of education denies accreditation or grants conditional accreditation, the director of the department of education, in cooperation with the board of directors of the community college, shall establish a plan prescribing the procedures that must be taken to correct deficiencies in meeting the standards and shall establish a deadline for correction of the deficiencies. The plan is subject to approval of the state board of education. The plan shall include components which address correcting deficiencies, sharing or merger options, discontinuance of specific programs or courses of study, and any other options proposed by the state board of education or the accreditation team to allow the college to meet the standards.

c. *Implementation of plan.* During the time specified in the plan for its implementation, the community college remains accredited. The accreditation team shall revisit the community college to evaluate whether the deficiencies in the standards have been corrected and shall make a report and recommendation to the director and the state board of education. The state board of education shall review the report and recommendation, may request additional information, and shall determine whether the deficiencies have been corrected.

d. *Removal of accreditation.* The director shall give a community college which fails to meet accreditation standards at least one year's notice prior to removal of accreditation. The notice shall be sent by certified mail or restricted certified mail addressed to the chief executive officer of the community college and shall specify the reasons for removal of accreditation. The notice shall also be sent to each member of the board of directors of the community college. If, during the year, the community college remedies the reasons for removal of accreditation and satisfies the director that the community college will comply with the accreditation standards in the future, the director shall continue the accreditation and shall transmit notice of the action to the community college by certified mail or restricted certified mail.

e. *Failure to correct deficiencies.* If the deficiencies have not been corrected in a program of a community college, the community college board shall take one of the following actions within 60 days from removal of accreditation:

(1) Merge the deficient program or programs with a program or programs from another accredited community college.

(2) Contract with another educational institution for purposes of program delivery at the community college.

(3) Discontinue the program or programs which have been identified as deficient.

f. *Appeal process provided.* The action of the director to remove the accreditation of a community college may be appealed to the state board of education as provided in Iowa Code section 260C.47, subsection 7.

These rules are intended to implement Iowa Code chapter 260C.

[Filed 7/27/06, Notice 6/7/06—published 8/16/06, effective 9/20/06]

[Filed 11/20/08, Notice 8/27/08—published 12/17/08, effective 1/21/09]

CHAPTER 84
FINANCIAL INCENTIVES FOR NATIONAL BOARD CERTIFICATION

281—84.1(256) Purpose. National Board Certification (NBC) is available to teachers nationwide and requires candidates to demonstrate their teaching practice as measured against high and rigorous standards. NBC teachers enhance the educational experience of their students and motivate fellow teachers toward excellence in classroom teaching. These rules implement the two financial incentive pilot programs enacted by the Iowa legislature to increase the number of NBC teachers in Iowa.

NOTE: Pursuant to Iowa Code Supplement section 256.44, the financial incentives for NBC teachers are available only to teachers who registered for National Board Certification on or before December 31, 2007. Funds are available to honor the registration reimbursements in rule 84.3(256) and the annual awards in rule 84.4(256) for eligible individuals.

281—84.2(256) Definitions. For the purpose of these rules, the following definitions shall apply:

"A person who receives a salary as a classroom teacher" means a teacher employed by a school district in Iowa who receives any salary compensation from the school district for providing classroom instruction to students in the school district. The term also means a teacher employed by an area education agency in Iowa who receives all salary compensation through pooled school district funds provided to the area education agency to provide classroom instruction to elementary (including prekindergarten) or secondary students in one or more school districts.

"Department" means the state department of education.

"Director" means the director of the state department of education.

"Employed by a school district in Iowa" means a teacher employed in a nonadministrative position in an Iowa school district pursuant to a contract issued by a board of directors of a school district under Iowa Code section 279.13 and any full-time permanent substitute teacher employed under individual contracts not included under Iowa Code section 279.13 but who is receiving retirement and health benefits as part of the substitute teacher's contract.

"National Board Certification (NBC)" is a nationwide certification program administered by the National Board for Professional Teaching Standards. The certification program requires candidates to participate in a rigorous two-part assessment consisting of portfolio entries and assessment center exercises.

"National Board for Professional Teaching Standards (NBPTS)" is a private nonprofit organization whose goal is to develop professional standards for early childhood, elementary and secondary school teaching. NBPTS administers the NBC program.

"School district" means a public school district.

"Teacher" means an Iowa-licensed teacher as defined in Iowa Code section 272.1.

281—84.3(256) Registration fee reimbursement program. If funds are appropriated by the Iowa legislature, the department shall administer a registration fee reimbursement program.

84.3(1) *Eligibility.* Teachers seeking reimbursement shall apply to the department within one year of registration with NBPTS. Teachers eligible for the registration fee reimbursement program shall meet all of the following qualifications:

a. The individual has all qualifications required by NBPTS for application for certification.

b. The individual is a teacher.

c. The individual is employed by a school district in Iowa.

d. The individual receives a salary as a classroom teacher.

e. The individual completes the department's application process, which includes submitting verification of NBC registration. The teacher must have registered with NBPTS no later than December 31, 2007.

f. The individual has not received reimbursement from this program at any previous time.

84.3(2) *Registration fee reimbursement.* If funds are appropriated by the legislature, all teachers who apply to the department shall receive registration fee reimbursement. If, however, in any fiscal year the

number of eligible teachers that apply for the reimbursement exceeds the funds available, the department shall prorate the amount of the registration fee reimbursement among all eligible teachers.

84.3(3) *Reimbursement.* Teachers determined eligible shall receive reimbursement in the following manner:

a. Initial registration fee reimbursement. Each eligible teacher shall receive an initial reimbursement of one-half of the reimbursement fee charged by NBPTS or, if necessary, a prorated amount upon submission to the department of the NBC registration confirmation form provided to each teacher by NBPTS.

b. Final registration fee reimbursement. The final registration fee reimbursement of one-half of the reimbursement fee charged by NBPTS or, if necessary, a prorated amount shall be awarded when the eligible teacher notifies the department of the teacher's certification achievement and submits verification of certification. If an eligible teacher fails to receive certification, the teacher can receive the remaining reimbursement if the teacher achieves certification within three years of the initial NBC score notification.

84.3(4) *Withdrawal from NBC process.* A teacher who has received the initial registration fee reimbursement from the department and withdraws from the NBC process shall reimburse the department the amount received from the department within 30 days of receiving any fee reimbursement from NBPTS if the reimbursement from NBPTS is equal to or greater than the amount received from the department. If the reimbursement amount from NBPTS is less than the amount the teacher received from the department, the teacher shall reimburse the department any amount received from NBPTS.

281—84.4(256) NBC annual award. If funds are appropriated by the legislature, each eligible NBC teacher can qualify for one of the following NBC annual awards. If in any fiscal year the funds appropriated are insufficient to pay the maximum amount of the annual awards to each eligible teacher or the number of teachers eligible to receive annual awards exceed 1,100 individuals, the funds shall be prorated among all eligible teachers.

1. $5,000 annual award. An eligible teacher who receives NBC certification prior to May 1, 2000, will receive an annual award of up to $5,000 per year or a prorated amount for a period of ten years or until the teacher's total state annual award amount reaches $50,000, whichever occurs first.

2. $2,500 annual award. An eligible teacher who receives NBC certification after May 1, 2000, will receive an annual award of up to $2,500 per year or a prorated amount for a maximum period of ten years.

3. An otherwise-eligible teacher who possesses a teaching contract that is less than full-time shall receive an award prorated to reflect the type of contract (i.e., half-time, quarter-time, etc.).

84.4(1) *Eligibility.* In addition to having registered with NBPTS no later than December 31, 2007, and achieving certification within NBPTS-established timelines and policies, individuals eligible for the NBC annual award shall meet all of the following qualifications:

a. The individual is an NBC teacher.

b. The individual is a teacher.

c. The individual is employed by a school district in Iowa.

d. The individual receives a salary as a classroom teacher.

e. The individual completes the department's annual application process, which includes submitting verification of certification.

f. The individual has not received an NBC annual award for more than ten years.

g. The individual has not received state NBC annual awards totaling more than $50,000.

h. The individual is applying for the award within one year of being eligible for the award.

84.4(2) *Application.* An NBC teacher shall submit an application verifying eligibility for an NBC award to the department by May 1 of each fiscal year the NBC teacher is eligible for the award. NBC awards shall be issued to eligible NBC teachers no later than June 1 of each fiscal year.

84.4(3) *Taxes.* The NBC award is not considered salary for purposes of Iowa Code chapter 97B. The eligible NBC teacher will be responsible to pay the appropriate state and federal taxes. The department

will notify state and federal taxing authorities of the award and the NBC teacher will be issued an IRS Form 1099.

281—84.5(256) Appeal of denial of a registration fee reimbursement award or an NBC annual award. Any applicant may appeal the denial of a registration fee reimbursement award or an NBC annual award to the director of the department. Appeals must be in writing and received within ten working days of the date of the notice of denial and must be based on a contention that the process was conducted outside statutory authority or violated state or federal law, regulation or rule. The hearing and appeal procedures found in 281—Chapter 6 that govern director's decisions shall be applicable to any appeal of denial.

In the notice of appeal, which shall be notarized, the applicant shall give a short and plain statement of the reasons for the appeal.

The director shall issue a decision within a reasonable time, not to exceed 30 days from the date of the hearing.

These rules are intended to implement Iowa Code section 256.44.

[Filed emergency 9/16/98—published 10/7/98, effective 9/16/98]
[Filed 11/19/98, Notice 10/7/98—published 12/16/98, effective 1/20/99]
[Filed emergency 8/16/99—published 9/8/99, effective 8/16/99]
[Filed 10/21/99, Notice 9/8/99—published 11/17/99, effective 12/22/99]
[Filed 6/4/04, Notice 2/4/04—published 6/23/04, effective 7/28/04]
[Filed 11/20/08, Notice 8/27/08—published 12/17/08, effective 1/21/09]

TITLE XIV—A
TEACHERS AND PROFESSIONAL LICENSING
(Effective through September 30, 1988)

CHAPTER 9
ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM

283—9.1(261) Basis of aid. Financial assistance under the all Iowa opportunity foster care grant program is available to students who have been in Iowa foster care, who demonstrate financial need, and who are enrolled at eligible Iowa colleges and universities.

283—9.2(261) Definitions. As used in this chapter:

"Adopted youth" means a youth who was adopted after the age of 16.

"Aged out" means youth who leave foster care at age 18 or older.

"Eligible child" means a child who meets the definition of "aged out" of foster care or who was adopted on or after the child's sixteenth birthday.

"Eligible college or university" means an Iowa community college, an institution of higher education governed by the state board of regents, or an accredited private institution located in Iowa that meets all eligibility requirements set forth in Iowa Code section 261.9. All eligible colleges and universities must submit annual reports which include student and faculty information, enrollment and employment information, and other information required by the commission as described in Iowa Code sections 261.9 through 261.16.

"Financial need" means the need of an applicant for financial assistance. Need shall be evaluated annually on the basis of a confidential statement of family finances filed on a form designated by the commission. For the purposes of determining financial need, the commission has adopted the use of the Free Application for Federal Student Aid (FAFSA), a federal form used to calculate a formula developed by the U.S. Department of Education, the results of which are used to determine relative need. The FAFSA must be received by the processing agent by the date specified in the application instructions.

"Foster care" means substitute care furnished on a 24-hour-a-day basis to an eligible child, in a licensed foster care facility or approved shelter care facility, by a person or agency other than the child's parent or guardian, but does not include care provided in a family home through an informal arrangement for a period of less than 30 days. Child foster care shall include but is not limited to the provision of food, lodging, training, education, supervision, and health care.

"Full-time" means enrollment at an eligible college or university in a course of study including at least 12 semester hours or the trimester or quarter equivalent.

"Iowa resident" means an individual who meets the criteria used by the state board of regents to determine residency for tuition purposes as described in 681—1.4(262).

"Part-time" means enrollment at an eligible college or university in a course of study including at least three semester hours or the trimester or quarter equivalent.

283—9.3(261) Eligibility requirements.

9.3(1) Applicants for the all Iowa opportunity foster care grant program must complete the Free Application for Federal Student Aid (FAFSA) and an application specific to the program as provided by the commission. The applicant's initial application date must be subsequent to the applicant's reaching the age of 17, and the start date of the education or training program must be subsequent to the applicant's reaching the age of 18 and prior to the applicant's reaching the age of 23. In addition to completing the required applications, a recipient must be:

a. An Iowa resident;

b. A youth who has either a general equivalency diploma (GED) or a high school diploma;

c. A youth who is at least 18 years of age and who has not yet reached 24 years of age and:

(1) Was in a licensed foster care placement under a court order as described in Iowa Code chapter 232 under the care and custody of the department of human services or juvenile court services on the date the youth reached the age of 18 or during the 30 calendar days before or after that date;

(2) Was under court order under Iowa Code chapter 232 to live with a relative or other suitable person on the date the youth reached the age of 18 or during the 30 calendar days before or after that date;

(3) Was in a licensed foster care placement under an order entered under Iowa Code chapter 232 prior to being legally adopted after reaching the age of 16; or

(4) Was in the state training school or the Iowa juvenile home under court order under Iowa Code chapter 232 under the care and custody of the department of human services on the date the youth reached the age of 18 or during the 30 calendar days before or after that date; and

d. A student enrolled for at least three semester hours, or the trimester or quarter equivalent, in a program leading to a degree or certificate from an eligible college or university.

9.3(2) To maintain eligibility, recipients must maintain satisfactory academic progress as defined by the eligible institution.

283—9.4(261) Awarding of funds.

9.4(1) *Selection criteria.* All applicants who submit FAFSAs and program applications will be considered for funding.

9.4(2) *Priority for grants.* Awards will first be made to returning students who submit renewal applications by the application deadline. After all on-time renewals have been funded, awards will be made to new students and renewal students based on the application receipt date.

When all funds have been committed, applicants not awarded grants who meet the eligibility requirements will be placed on a waiting list. Applicants on the waiting list will be awarded grants if funds become available based on the date the completed application was received. In the event multiple applications are received on the same date, preference will be given as follows:

a. Applicants who were placed in the state training school or the Iowa juvenile home pursuant to a court order under Iowa Code chapter 232 under the care and custody of the department of human services.

b. Applicants who aged out of foster care.

(1) In the event there are multiple applicants who aged out of care, preference will be given to the applicant closest to the age of 24.

(2) In the event multiple applicants have the same birthday, preference will be given to the applicant with the highest financial need as determined by the FAFSA.

c. Applicants who were adopted.

(1) In the event there are multiple adopted applicants, preference will be given to the applicant closest to the age of 24.

(2) In the event multiple applicants have the same birthday, preference will be given to the applicant with the highest financial need as determined by the FAFSA.

d. Applicants, regardless of foster care placement, who received awards previously but withdrew from school.

(1) In the event there are multiple applicants, preference will be given to the applicant closest to the age of 24.

(2) In the event multiple applicants have the same birthday, preference will be given to the applicant with the highest financial need as determined by the FAFSA.

9.4(3) *Award notification.* The commission will notify all recipients and the colleges or universities they attend in writing of the amount of their awards. Ineligible applicants, or applicants who are on the waiting list, will be notified in writing of their ineligibility or waiting-list status. The commission will coordinate all financial aid received by recipients to ensure compliance with student eligibility requirements and allowable award amounts.

9.4(4) *Award transfers and adjustments.* Recipients are responsible for promptly notifying the appropriate college or university of any change in enrollment or financial situation. The college or university will make necessary changes and notify the commission.

9.4(5) *Academic-year awards.* All Iowa opportunity foster care grants are provided during the traditional nine-month academic year, which is generally defined as September through May. Awards shall not exceed the full cost of attendance as determined by the college or university minus other federal, state, or college or university gift aid and work study aid provided to the student.

9.4(6) *Renewal.* Applicants must complete and file annual applications for the all Iowa opportunity foster care grant program by the deadline established by the commission. If funds remain available after the application deadline, the commission will continue to accept applications. To be eligible for renewal, a recipient must maintain satisfactory academic progress as defined by the eligible college or university.

283—9.5(261) Disbursement of grant. The full amount of the grant will be disbursed in multiple installments to the eligible college or university upon receipt of certification from the college or university that the grant recipient is enrolled and in good academic standing. The college or university will first use the funds to pay any outstanding charges of the student. Once the student account balance has been settled, the remaining funds, if any, may be refunded to the student.

If the student withdraws from the university and is entitled to a refund of tuition and fees, the pro-rata share of the refund attributable to the grant shall be refunded to the commission.

283—9.6(261) Award transfers and adjustments. Recipients are responsible for notifying the commission immediately of any change in name, enrollment status, or address.

283—9.7(261) Restrictions. A student who is in default on a Stafford Loan, SLS Loan, or a Perkins/National Direct/National Defense Student Loan or who owes a repayment on any Title IV grant assistance or state award shall be ineligible for assistance under the all Iowa opportunity foster care grant program. Eligibility for state aid may be reinstated upon payment in full of the delinquent obligation or by commission ruling on the basis of adequate extenuating evidence presented in an appeal under the procedures set forth in 283—Chapters 4 and 5. Credits that a student receives through "life experience credit" and "credit by examination" are not eligible for grant funding.

These rules are intended to implement Iowa Code Supplement section 261.6.

[Filed emergency 6/14/07—published 7/4/07, effective 6/14/07]
[Filed emergency 7/19/07—published 8/15/07, effective 7/19/07]
[Filed 1/18/08, Notice 10/10/07—published 2/13/08, effective 3/19/08]
[Filed 11/26/08, Notice 10/8/08—published 12/17/08, effective 1/21/09]

CHAPTER 16
WASHINGTON, D.C., INTERNSHIP GRANT

283—16.1(82GA,HF2679) Washington, D.C., internship grant.

16.1(1) The Washington, D.C., internship grant is a state-supported and state-administered grant to a national nonprofit organization to be used to assist Iowa students in financing the costs of internship programs in Washington, D.C.

16.1(2) Definitions. As used in this chapter:

"Internship" means a placement in Washington, D.C., for which the recipient receives college credit that is directly applied to the recipient's transcript at the Iowa college or university in which the recipient is enrolled.

"National nonprofit organization" or *"organization"* means the Washington Center for Internships and Academic Seminars located at 1333 16th Street N.W., Washington, D.C. 20036-2205.

283—16.2(82GA,HF2679) Awarding of grant.

16.2(1) At the beginning of each fiscal year, the college student aid commission shall enter into a statewide affiliation agreement with, and award funding to, the national nonprofit organization as provided by 2008 Iowa Acts, House File 2679. All Iowa students shall be given an equal opportunity to apply for funding under the internship program.

16.2(2) Restrictions. The following restrictions on the funding apply:

a. One hundred percent of the funding must go directly to students in the form of academic scholarships.

b. All awards must be reported to the college student aid commission by June 30 for each fiscal year in which funding is distributed. Information must be reported in a format prescribed by the commission, and information about each recipient shall, at a minimum, include:

(1) Student-specific information including name and address;

(2) Iowa college or university at which the student is enrolled;

(3) Amount of award provided to the student; and

(4) Name of the organization to which the student is assigned.

c. Up to 50 percent of the funding shall be dedicated to students participating in the two-to-one federal and state matching agricultural biofuels from biomass internship pilot program if the program is funded by the U.S. Congress.

283—16.3(82GA,HF2679) Student eligibility.

16.3(1) Applicants must:

a. Be residents of the state of Iowa;

b. Be enrolled in Iowa-accredited higher education institutions, as defined in Iowa Code section 261.92, subsection 1; and

c. Complete and file the Free Application for Federal Student Aid (FAFSA).

16.3(2) Applicants must complete and file annual applications for the internship program by the deadline established by the national nonprofit organization. If funds remain available after the application deadline, the organization will continue to accept applications. To ensure equal access to the application process, the application and information about the grant will be provided on the commission's Web site.

16.3(3) Applicants must begin their first internship positions in Washington, D.C., on or after July 1, 2008.

283—16.4(82GA,HF2679) Awarding of funds.

16.4(1) *Selection criteria.* All applications received on or before the published deadline will be considered for funding. In the event that all applications for the program cannot be funded with the available appropriations, criteria for selection of recipients will be prioritized under standards established by the national nonprofit organization.

16.4(2) *Award amount.* The maximum annual award to an eligible intern shall be $2,000.

16.4(3) *Extent of assistance.* Recipients may receive grant assistance for no more than one semester.

16.4(4) *Disbursement of funds.* The national nonprofit organization will disburse funds to recipients in accordance with the established payment schedule developed by the organization.

283—16.5(82GA,HF2679) Restrictions. An applicant who is in default on a Federal Stafford Loan, SLS Loan, Perkins/National Direct/National Defense Student Loan, Health Professions Student Loan (HPSL), or Health Education Assistance Loan (HEAL) or who owes a repayment on any Title IV grant assistance or state award shall be ineligible for internship benefits. Eligibility for state aid may be reinstated upon payment in full of the delinquent obligation or by commission ruling on the basis of adequate extenuating evidence presented in appeal under the procedures set forth in 283—Chapters 4 and 5.

These rules are intended to implement 2008 Iowa Acts, House File 2679.

[Filed emergency 8/1/08—published 8/27/08, effective 8/1/08]
[Filed 11/26/08, Notice 8/27/08—published 12/17/08, effective 1/21/09]

CHAPTER 17
BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION GRANT PROGRAM

283—17.1(261) Tuition grant based on financial need to Iowa residents enrolled in barber and cosmetology arts and sciences programs at colleges in the state.

17.1(1) *Financial need.*

a. Financial need is defined as the lesser of the difference between the average expenses for tuition, fees, and books and supplies, as determined by the commission, and the amount of the federal Pell Grant for which the student qualifies or the difference between the average total budget at a college, as determined by the commission, and the expected family contribution.

b. Financial need shall be evaluated annually on the basis of a confidential financial statement filed on a form designated by the commission. For the purposes of determining financial need, the commission has adopted the use of the Free Application for Federal Student Aid (FAFSA), a federal form used to calculate a formula developed by the U.S. Department of Education, the results of which are used to determine relative need. The FAFSA must be received by the processing agent by the priority date specified in the application instructions.

17.1(2) *Student eligibility.*

a. A recipient must be an Iowa resident as defined by the Iowa department of education's "Iowa community college uniform policy on student residency status."

b. A recipient must be enrolled for at least three semester hours, or the trimester or quarter equivalent, in a barber or cosmetology arts and sciences program at an eligible Iowa college.

c. A full-time recipient may receive an award under this program for not more than four semesters or the trimester or quarter equivalent of two full years of study. A part-time recipient may receive an award under this program for not more than eight semesters or the trimester or quarter equivalent of two full years of full-time study.

d. A full-time recipient may receive no more than the amount specified by Iowa law or the amount of the student's established financial need, whichever is less. A part-time recipient's award shall be a prorated portion of the full-time award. The proration will be established by the commission in a manner consistent with federal Pell Grant Program proration. Part-time recipients taking from 3 to 5 credit hours will receive awards equal to one-fourth of the full-time award; recipients taking from 6 to 8 credit hours will receive awards equal to one-half of the full-time award; and recipients taking from 9 to 11 credit hours will receive awards equal to three-fourths of the full-time award.

17.1(3) *Priority for grants.* Applicants who apply by the priority date specified in the application are ranked in order of the estimated amount of the family's contribution toward college expenses, and awards are granted to those who demonstrate need, as defined by the commission. In the event that all on-time applicants for the program cannot be funded with the available appropriation, priority will be given to full-time students enrolled in their first term of instruction at an eligible institution.

17.1(4) *Award notification.* A grant recipient is notified of the award by the college to which application is made. The college is responsible for completing necessary verification and for coordinating other aid to ensure compliance with student eligibility requirements and allowable award amounts. The college reports changes in student eligibility to the commission.

17.1(5) *Full year of study.* For purposes of this program, the commission has defined "full year of study" as either four quarters or two semesters. Grant payments are prorated according to this definition.

17.1(6) *Award transfers and adjustments.* Recipients are responsible for promptly notifying the appropriate college of any change in enrollment or financial situation. The college will make necessary changes and notify the commission.

17.1(7) *Restrictions.* A student who is in default on a Stafford Loan, SLS Loan, or a Perkins/National Direct/National Defense Student Loan or who owes a repayment on any Title IV grant assistance or state award shall be ineligible for assistance under the Iowa vocational-technical tuition grant program. Eligibility for state aid may be reinstated upon payment in full of the delinquent obligation or by commission ruling on the basis of adequate extenuating evidence presented in an appeal under the procedures set forth in 283—Chapters 4 and 5.

283—17.2(261) Tuition grant institutional eligibility requirements.

17.2(1) *Institutional eligibility.* An Iowa college or university requesting participation in the barber and cosmetology arts and sciences tuition grant program must apply to the college student aid commission using the commission's designated application. A college participating in the barber and cosmetology arts and sciences tuition grant program must:

a. Be a barber school licensed under Iowa Code section 158.7; or

b. Be a school of cosmetology arts and sciences licensed under Iowa Code chapter 157; and

c. Be accredited by a national accrediting agency recognized by the United States Department of Education; and

d. Be located in Iowa. "Located in Iowa" means a college or university accredited by a national accrediting agency that has made a substantial investment in a permanent Iowa campus and staff, and that offers a full range of courses leading to the degrees offered by the institution as well as a full range of student services; and

e. Meet the criteria in Iowa Code section 261.9, subsection 1, paragraphs *"d"* through *"g"*; and

f. Submit an annual report which includes student and faculty information, enrollment and employment information, and other information required by the commission as described in Iowa Code sections 261.9 through 261.16; and

g. Report to the commission any information requested in the time frame required by the commission.

17.2(2) *Processing college applications.* Application forms will be provided by the commission.

a. Applicant colleges are required to provide a completed application and to provide the commission with any additional documentation establishing eligibility.

b. Colleges seeking to participate in the barber and cosmetology arts and sciences tuition grant program must submit applications by January 1 of the year prior to the beginning of the academic year for which they are applying for participation.

17.2(3) *Notice of change of status.* Any college that loses accreditation must immediately notify the commission. Failure to comply with this notice of change requirement may result in the college being required to return tuition grant funds to the commission.

17.2(4) *Review of eligibility.*

a. The commission shall periodically, at least every three years, investigate and review compliance of institutions participating in the tuition grant program according to criteria described in the Iowa Code and this rule.

b. If the commission finds that a college fails to comply with the provisions of the Iowa Code and this rule, participation in the tuition grant program shall be suspended.

These rules are intended to implement 2008 Iowa Acts, House File 2679, section 32.

[Filed emergency 8/1/08—published 8/27/08, effective 8/1/08]

[Filed 11/26/08, Notice 8/27/08—published 12/17/08, effective 1/21/09]

CHAPTER 33
CHIROPRACTIC LOAN FORGIVENESS PROGRAM

283—33.1(261) Chiropractic loan forgiveness program.

33.1(1) The chiropractic loan forgiveness program is a state-supported and state-administered loan forgiveness program for Iowans who are chiropractors practicing in Iowa.

33.1(2) Definition. As used in this chapter, "chiropractic practice" means working as a licensed chiropractor in the state of Iowa as certified by the state board of chiropractic under Iowa Code chapter 151.

283—33.2(261) Eligibility.

33.2(1) Applicants must be:

a. Residents of the state of Iowa; and

b. Employed in chiropractic practice in Iowa.

33.2(2) Applicants must complete and file annual applications for the chiropractic loan forgiveness program by the deadline established by the commission. If funds remain available after the application deadline, the commission will continue to accept applications.

33.2(3) Applicants must annually complete and return to the commission affidavits of practice verifying that they are employed as licensed chiropractors in Iowa.

33.2(4) Applicants must begin their first licensed chiropractic positions in Iowa on or after July 1, 2008.

283—33.3(261) Awarding of funds.

33.3(1) *Selection criteria.* All applications received on or before the published deadline will be considered for funding. In the event that all applications for the program cannot be funded with the available appropriations, criteria for selection of recipients will be prioritized as follows.

a. Applicant renewal status:

(1) Date of application;

(2) Applicant debt level;

b. Full-time employment status:

(1) Date of application;

(2) Applicant debt level;

c. Part-time employment status:

(1) Date of application;

(2) Applicant debt level.

33.3(2) *Annual award.* The maximum annual award to an eligible chiropractor shall be the lesser of:

a. The average resident tuition rate established for students attending universities governed by the Iowa board of regents for the first year following the chiropractor's graduation from a college of chiropractic approved by the board of chiropractic in accordance with Iowa Code section 151.4; or

b. Twenty percent of the chiropractor's total federally guaranteed Stafford loan balance, including principal and interest, under the Federal Family Education Loan Program (FFELP) or the Federal Direct Loan Program (FDLP). Eligible loans include subsidized and unsubsidized Stafford loans and consolidated loans. Only the outstanding portion of a Federal Consolidation Loan that was used to repay an eligible subsidized or unsubsidized Federal Stafford Loan, an eligible Direct Subsidized Loan, or an eligible Direct Unsubsidized Loan qualifies for loan forgiveness.

33.3(3) *Extent of forgiveness.* Recipients may receive loan forgiveness for no more than five consecutive years. Recipients who fail to complete five consecutive years as chiropractors in Iowa will not be considered for subsequent years of forgiveness.

33.3(4) *Disbursement of loan forgiveness funds.*

a. Loan payments will be disbursed upon completion of the year for which forgiveness was approved and upon certification from the employer or by submission of an affidavit of practice that the chiropractor was employed during the entire year and completed the year in good standing.

b. Loan proceeds will be distributed to the recipient's student loan holder and applied directly to eligible loans. Unless otherwise instructed by the recipient, the holder will be instructed to apply the proceeds of the loan forgiveness program first to any outstanding unsubsidized Stafford loan balances, next to any outstanding subsidized Stafford loan balances, then to any eligible outstanding consolidation loan balances.

283—33.4(261) Loan forgiveness cancellation.

33.4(1) Within 30 days following termination of employment as a chiropractor in Iowa, the recipient shall notify the commission of the nature of the chiropractor's employment status.

33.4(2) The chiropractor is responsible for notifying the commission immediately of a change in name, place of employment, home address, or lender.

283—33.5(261) Restrictions. A chiropractor who is in default on a Federal Stafford Loan, SLS Loan, Perkins/National Direct/National Defense Student Loan, Health Professions Student Loan (HPSL), or Health Education Assistance Loan (HEAL) or who owes a repayment on any Title IV grant assistance or state award shall be ineligible for loan forgiveness benefits. Eligibility for state aid may be reinstated upon payment in full of the delinquent obligation or by commission ruling on the basis of adequate extenuating evidence presented in appeal under the procedures set forth in 283—Chapters 4 and 5.

These rules are intended to implement 2008 Iowa Acts, House File 2679, section 34.

[Filed emergency 8/1/08—published 8/27/08, effective 8/1/08]
[Filed 11/26/08, Notice 8/27/08—published 12/17/08, effective 1/21/09]

NATURAL RESOURCE COMMISSION[571]

[Prior to 12/31/86, see Conservation Commission [290], renamed Natural Resource Commission[571] under the "umbrella" of Department of Natural Resources by 1986 Iowa Acts, chapter 1245]

TITLE I
GENERAL

CHAPTER 1
OPERATION OF NATURAL RESOURCE COMMISSION

1.1(17A,455A) Scope
1.2(17A,455A) Time of meetings
1.3(17A,455A) Place of meetings
1.4(17A,455A) Notification of meetings
1.5(17A,455A) Attendance and participation by the public
1.6(17A,455A) Quorum and voting requirements
1.7(17A,455A) Conduct of meeting
1.8(17A,455A) Minutes, transcripts, and recordings of meetings
1.9(17A,455A) Officers and duties
1.10(17A,455A) Election and succession of officers
1.11(68B) Sales of goods and services

CHAPTER 2
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

2.1(22) Adoption by reference

CHAPTER 3
SUBMISSION OF INFORMATION AND
COMPLAINTS—INVESTIGATIONS

3.1(17A) Adoption by reference

CHAPTER 4
AGENCY PROCEDURE FOR RULE MAKING

4.1(17A) Adoption by reference

CHAPTER 5
PETITIONS FOR RULE MAKING

5.1(17A) Adoption by reference

CHAPTER 6
DECLARATORY RULINGS

6.1(17A) Adoption by reference

CHAPTER 7
RULES OF PRACTICE IN CONTESTED CASES

7.1(17A) Adoption by reference

CHAPTER 8
CONTRACTS FOR PUBLIC IMPROVEMENTS AND PROFESSIONAL SERVICES

8.1(17A) Adoption by reference

CHAPTER 9
STATE MIGRATORY WATERFOWL, TROUT AND HABITAT
STAMP DESIGN CONTESTS

9.1(483A,484A) Design contests
9.2(483A,484A) Selection of promoter
9.3(483A,484A) Stamp design—related proceeds

9.4(483A,484A) Design
9.5(483A,484A) Commissioned design
9.6(483A,484A) Financial records
9.7(483A,484A) Title to property

CHAPTER 10
FORFEITED PROPERTY

10.1(809) Purpose
10.2(809) Definitions
10.3(809) Jurisdiction
10.4(809) Supervisor approval
10.5(809) Disposition of general property
10.6(809) Disposition of weapons
10.7(809) Property destroyed
10.8(809) Disposition of furs

CHAPTER 11
WAIVERS OR VARIANCES FROM ADMINISTRATIVE RULES

11.1(17A) Adoption by reference
11.2(17A) Report to commission

CHAPTER 12
CONSERVATION EDUCATION

12.1(455A) Purpose
12.2(455A) Conservation education program policy
12.3(455A) Conservation education program board
12.4(455A) Definitions
12.5(455A) Eligibility for funds
12.6(455A) Grant applications, general procedures
12.7(455A) Conflict of interest
12.8(455A) Criteria
12.9(455A) Grantee responsibilities
12.10(455A) Board review and approval
12.11(455A) Waivers of retroactivity
12.12(455A) Penalties
12.13(455A) Remedy
12.14(455A) Termination for convenience
12.15(455A) Termination for cause
12.16(455A) Responsibility of grantee at termination
12.17(455A) Appeals

CHAPTER 13
PERMITS AND EASEMENTS FOR CONSTRUCTION AND
OTHER ACTIVITIES ON PUBLIC LANDS AND WATERS

13.1(461A) Purpose
13.2(461A) Definitions
13.3(461A) Permit required
13.4(461A) Application
13.5(461A) Permit issued or denied
13.6(461A) Additional information or analysis required
13.7(461A) Leases and easements
13.8(461A) Appeals
13.9(461A) Unauthorized construction

TITLE II
LICENSES, PERMITS AND CONCESSION CONTRACTS

CHAPTER 14
CONCESSIONS

14.1(461A) Definitions
14.2(461A) Advertising or notice procedure
14.3(461A) Bidding process
14.4(461A) Selection of a concessionaire
14.5(461A) Concession contract—general
14.6(461A) Dispute resolution
14.7(461A) Suspension or termination for cause
14.8(461A) Severability

CHAPTER 15
GENERAL LICENSE REGULATIONS

15.1(483A) Hunter safety and ethics education program
15.2(483A) License depositaries
15.3(483A) Lost or destroyed license blanks
15.4(483A) Fishing license exemption for patients of substance abuse facilities
15.5(481A) Authorization to use a crossbow for deer and turkey hunting during the bow season by handicapped individuals
15.6(481A) Multiple offenders—revocation and suspension of hunting, fishing, and trapping privileges from those persons who are determined to be multiple offenders
15.7(483A) Free hunting and fishing license for low-income persons 65 years of age and older, or low-income persons who are permanently disabled
15.8(483A) Free lifetime fishing license for persons who have severe physical or mental disabilities
15.9(483A) Volunteer bow and fur harvester education instructors, snowmobile and all-terrain vehicle (ATV) safety instructors, boating safety instructors and hunter education instructors
15.10(483A) Transportation tags for military personnel on leave from active duty
15.11(483A) Refunds or changes for special deer and turkey permits and general licenses
15.12(483A) Electronic license sales
15.13(456A) Wildlife violator compact

CHAPTER 16
DOCKS AND OTHER STRUCTURES ON PUBLIC WATERS

16.1(461A,462A) Definitions

DIVISION I
PRIVATE, COMMERCIAL AND PUBLIC DOCKS

16.2(461A,462A) Scope of division and classes of permits
16.3(461A,462A) Standard requirements for all docks
16.4(461A,462A) Class I permits for standard private docks
16.5(461A,462A) Class I permits for docks permitted by Corps of Engineers
16.6(461A,462A) Class II permits for docks authorized by cities and counties that own or otherwise control shoreline property
16.7(461A,462A) Class III permits for nonstandard private docks
16.8(461A,462A) Class IV permits for commercial docks
16.9(461A,462A) Exceptions for renewal of Class III and Class IV permits for existing docks
16.10(461A,462A) Exceptions to Class III and Class IV permits for new structures
16.11 Reserved

16.12(461A,462A) Initial decision and right of appeal
16.13(461A,462A) Application forms and administrative fees
16.14 to 16.16 Reserved
16.17(461A,462A) Duration and transferability of permits; refund of application fees; suspension, modification, or revocation of permits; complaint investigation; property line location
16.18(461A,462A) Exemptions from winter removal requirement
16.19(461A,462A) General conditions of all dock permits
16.20(461A,462A) Permit criteria for rafts, platforms, or other structures
16.21 to 16.24 Reserved

DIVISION II
DOCK MANAGEMENT AREAS

16.25(461A) Designation or modification of dock management areas
16.26(461A) Procedures and policies for dock site permits and hoist or slip assignments in dock management areas
16.27(461A) Standard requirements for dock management area docks
16.28(461A) Dock management area permit restrictions and conditions
16.29(461A) Fees for docks in dock management areas
16.30(461A) Suspension, modification or revocation of dock management area permits
16.31(461A) Persons affected by DMA permit—hearing request

CHAPTER 17
BARGE FLEETING REGULATIONS

17.1(461A) Purpose
17.2(461A) Policy
17.3(461A) Applicability
17.4(461A) Definitions
17.5(461A) Barge fleeting leases
17.6(461A) Restricted areas
17.7(461A) Prohibited areas
17.8(461A) Riparian rights
17.9(461A) Standards
17.10(461A) Application
17.11(461A) Application review and approval
17.12(461A) Lease fee
17.13(461A) Renewals
17.14(461A) Disputes concerning leases
17.15(461A) Lease revocation
17.16(461A) Nonuse

CHAPTER 18
RENTAL FEE SCHEDULE FOR STATE-OWNED PROPERTY, RIVERBED, LAKEBED, AND WATERFRONT LANDS

18.1(461A) General
18.2(461A) Table 1—Areas designated for industrial or commercial use by the natural resource commission
18.3(461A) Table 2—Areas designated for noncommercial use or use by nonprofit organizations
18.4(461A) Other fees

CHAPTER 19
SAND AND GRAVEL PERMITS

19.1(461A) Purpose
19.2(461A) Definitions
19.3(461A) Permit applications
19.4(461A) Permit conditions and operating procedures

CHAPTER 20
MANUFACTURER'S CERTIFICATE OF ORIGIN

20.1(462A) Definitions
20.2(462A) Applicability
20.3(462A) Certificate of origin—content
20.4(462A) Procedure—manufacturer
20.5(462A) Procedure—dealer
20.6(462A) Procedure—purchaser
20.7(462A) Procedure—county recorder
20.8(462A) Vessel titling

TITLE III
ASSISTANCE PROGRAMS

CHAPTER 21
AGRICULTURAL LEASE PROGRAM

21.1(456A) Purpose
21.2(456A) Definitions
21.3(456A) Agricultural lease policy
21.4(456A) Lease procedures

CHAPTER 22
WILDLIFE HABITAT ON PRIVATE LANDS PROMOTION PROGRAM

22.1(456A,483A) Purpose
22.2(456A,483A) Authority
22.3(456A,483A) Project scope
22.4(456A,483A) Availability of funds
22.5(483A) Winter habitat areas
22.6(456A,483A) Shelterbelts
22.7(456A,483A) Pheasant and quail restoration practices
22.8(456A,483A) Cost reimbursement
22.9(456A,483A) Wildlife habitat enhancement on public and private lands

CHAPTER 23
WILDLIFE HABITAT PROMOTION WITH LOCAL ENTITIES PROGRAM

23.1(483A) Purpose and definitions
23.2(483A) Availability of funds
23.3(483A) Eligibility
23.4(483A) Project limitations
23.5(483A) Eligibility for cost-sharing assistance
23.6(483A) Application for assistance
23.7(483A) Project review and selection
23.8(483A) Commission review
23.9(483A) Grant amendments
23.10(483A) Timely commencement of projects
23.11(483A) Project period
23.12(483A) Payments

23.13(483A) Record keeping and retention
23.14(483A) Penalties

CHAPTER 24
BLUFFLANDS PROTECTION PROGRAM AND REVOLVING LOAN FUND

24.1(161A) Purpose
24.2(161A) Allocation of funds
24.3(161A) Definitions
24.4(161A) Types of acquisitions
24.5(161A) Application for loans
24.6(161A) Approval of loan applications
24.7(161A) Interest and other terms of loan agreements
24.8(161A) Eligible expenditures with loan funds
24.9(161A) Custody and management of land during loan term
24.10(161A) Loans not to exceed appraised value

CHAPTER 25
CERTIFICATION OF LAND AS NATIVE PRAIRIE OR WILDLIFE HABITAT

25.1(427) Purpose
25.2(427) Definitions
25.3(427) Restrictions
25.4(427) Maintenance
25.5(427) Certification
25.6(427) Application for exemption
25.7(427) Decertification

CHAPTER 26
RELOCATION ASSISTANCE

26.1(316) Definitions
26.2(316) Actual reasonable moving costs and related expenses
26.3(316) Replacement housing payments for homeowners
26.4(316) Replacement housing payments for tenants and certain others
26.5(316) Notice of relocation assistance advisory service
26.6(316) Preconstruction project certificate
26.7(316) Record of payment determinations and claims for benefits paid
26.8(316) Last resort housing

CHAPTER 27
LANDS AND WATERS CONSERVATION FUND PROGRAM

27.1(456A) Purpose
27.2(456A) Apportionment distribution
27.3(456A) Eligibility requirements
27.4(456A) Assistance ceiling
27.5(456A) Grant application submission
27.6(456A) Project review and selection
27.7(456A) Public participation
27.8(456A) Commission review
27.9(456A) Federal review
27.10(456A) Grant amendments
27.11(456A) Timely commencement of projects
27.12(456A) Project period
27.13(456A) Reimbursements

27.14(456A) Ineligible items
27.15(456A) Record keeping and retention

CHAPTER 28
SNOWMOBILE AND ALL-TERRAIN VEHICLE REGISTRATION
REVENUE COST-SHARE PROGRAM

28.1(321G) Definitions
28.2(321G) Purpose and intent
28.3(321G) Distribution of funds
28.4(321G) Application procedures
28.5(321G) Review and selection committees
28.6(321G) Director's review of approved projects
28.7(321G) Project selection criteria
28.8(321G) Eligibility of projects
28.9(321G) Use of funded items
28.10(321G) Disposal of equipment, facilities or property
28.11(321G) Record keeping
28.12(321G) Sponsors bonded
28.13(321G) Items eligible for funding specific to the all-terrain vehicle program
28.14(321G) Items eligible for funding specific to the snowmobile program
28.15(321G) Competitive bids
28.16(321G) Prepayment for certain anticipated costs
28.17(321G) Expense documentation, balance payment or reimbursement
28.18(321G) Use of funds

CHAPTER 29
LOCAL RECREATION INFRASTRUCTURE GRANTS PROGRAM

29.1(8,77GA,ch1219) Purpose
29.2(8,77GA,ch1219) Definitions
29.3(8,77GA,ch1219) Eligibility requirements
29.4(8,77GA,ch1219) Assistance ceiling and cost share
29.5(8,77GA,ch1219) Minimum grant amount
29.6(8,77GA,ch1219) Grant application submission
29.7(8,77GA,ch1219) Project review and selection
29.8(8,77GA,ch1219) Rating system not used
29.9(8,77GA,ch1219) Applications not approved for funding
29.10(8,77GA,ch1219) Commission review
29.11(8,77GA,ch1219) Grant amendments
29.12(8,77GA,ch1219) Timely commencement of projects
29.13(8,77GA,ch1219) Payments
29.14(8,77GA,ch1219) Record keeping and retention
29.15(8,77GA,ch1219) Eligible projects
29.16(8,77GA,ch1219) Project life and recovery of funds
29.17(8,77GA,ch1219) Unlawful use of funds
29.18(8,77GA,ch1219) Remedy
29.19(8,77GA,ch1219) Ineligibility

CHAPTER 30
WATERS COST-SHARE AND GRANT PROGRAMS

DIVISION I
WATER RECREATION ACCESS COST-SHARE PROGRAM

30.1(452A) Title and purpose
30.2(452A) Availability of funds

30.3(452A) Eligibility of development projects
30.4(452A) Eligibility of acquisition projects
30.5(452A) Projects not eligible
30.6(452A) Waiver of retroactivity
30.7(452A) Establishing project priorities
30.8(452A) Application procedures
30.9(452A) Cost-sharing rates
30.10(452A) Joint sponsorship
30.11(452A) Control of project site
30.12(452A) Project agreements
30.13(452A) Reimbursement procedures
30.14(77GA,SF2381) Implementation of pilot program for state and local cooperative lake rehabilitation
30.15 to 30.50 Reserved

DIVISION II
WATER TRAILS DEVELOPMENT PROGRAM AND LOW-HEAD DAM PUBLIC HAZARD PROGRAM

30.51(455A,461A,462A) Definitions
30.52(455A,461A,462A) Purpose and intent
30.53(455A,461A,462A) Program descriptions
30.54(455A,461A,462A) Announcement of funding opportunity
30.55(455A,461A,462A) Grant requirements
30.56(455A,461A,462A) Application procedures
30.57(455A,461A,462A) Proposal evaluation
30.58(455A,461A,462A) Sponsor eligibility
30.59(455A,461A,462A) Project eligibility
30.60(455A,461A,462A) Cost-share requirements
30.61(455A,461A,462A) Evaluation criteria
30.62(455A,461A,462A) Disbursement of awards
30.63(455A,461A,462A) Water trails advisory committee

CHAPTER 31
PUBLICLY OWNED LAKES PROGRAM

31.1(456A) Purpose
31.2(456A) Definitions
31.3(456A) Priority of watersheds
31.4(456A) Application
31.5(456A) Application review
31.6(456A) Commission approvals

CHAPTER 32
PRIVATE OPEN SPACE LANDS

32.1(9H) Applicability
32.2(9H) Definition

CHAPTER 33
RESOURCE ENHANCEMENT AND PROTECTION PROGRAM:
COUNTY, CITY AND PRIVATE OPEN SPACES GRANT PROGRAMS

Part 1
GENERAL PROVISIONS

33.1(455A) Purpose
33.2(455A) Resource enhancement policy
33.3(455A) Definitions
33.4(455A) Restrictions

33.5(455A) Grant applications, general procedures
33.6(455A) Appraisals
33.7(455A) Groundwater hazard statements
33.8(455A) Rating systems not used
33.9(455A) Applications not selected for grants
33.10(455A) Similar development projects
33.11(455A) Commission review and approval
33.12(455A) Timely commencement and completion of projects
33.13(455A) Waivers of retroactivity
33.14(455A) Project amendments
33.15(455A) Payments
33.16(455A) Record keeping and retention
33.17(455A) Penalties
33.18 Reserved
33.19(455A) Property tax reimbursement
33.20(455A) Public hearing
33.21(455A) Conflict of interest
33.22(455A) Public communications
33.23 to 33.29 Reserved

Part 2
COUNTY GRANTS

33.30(455A) County conservation account
33.31 to 33.39 Reserved

Part 3
CITY GRANTS

33.40(455A) Competitive grants to cities
33.41 to 33.49 Reserved

Part 4
PRIVATE GRANTS

33.50(455A) Private cost-sharing program

CHAPTER 34
COMMUNITY FORESTRY
GRANT PROGRAM (CFGP)

34.1(461A) Purpose
34.2(461A) Definitions
34.3(461A) Availability of funds
34.4(461A) Eligibility of forestry development projects
34.5(461A) Eligibility of community tree planting projects
34.6(461A) Projects not eligible
34.7(461A) Eligible applicants
34.8(461A) Establishing project priorities
34.9(461A) Application procedures
34.10(461A) Requirements for funding
34.11(461A) Project agreements
34.12(461A) Reimbursement procedures

CHAPTER 35
FISH HABITAT PROMOTION FOR COUNTY CONSERVATION BOARDS

35.1(483A) Purpose and definitions
35.2(483A) Availability of funds
35.3(483A) Program eligibility

35.4(483A) Eligibility for cost-sharing assistance
35.5(483A) Application for assistance
35.6(483A) Project review and selection
35.7(483A) Commission review
35.8(483A) Grant amendments
35.9(483A) Timely commencement of projects
35.10(483A) Project period
35.11(483A) Payments
35.12(483A) Record keeping and retention
35.13(483A) Penalties

TITLE IV
RECREATIONAL VESSEL AND VEHICLE REGISTRATION AND SAFETY

CHAPTER 36
GREEN VALLEY LAKE SPECIAL WATER ACTIVITY RULES

36.1(462A) General
36.2(462A) Inboard boats
36.3(462A) Racing craft
36.4(462A) Wake
36.5(462A) Speed
36.6(462A) Hours
36.7(462A) Ski zone
36.8(462A) Traffic pattern
36.9(462A) Designated activities in ski zone
36.10(462A) Designated areas
36.11(462A) Traffic
36.12(462A) Lifesaving device
36.13(462A) Speed
36.14(462A) Distance from shore
36.15(462A) Horsepower limitation

CHAPTER 37
BOATING SAFETY EQUIPMENT

37.1(462A) Fire extinguishers
37.2(462A) Flame arrester required
37.3 to 37.5 Reserved
37.6(462A) Lights on vessels
37.7(462A) Lighting requirements for sailing vessels
37.8(462A) Sailing vessels with auxiliary power
37.9 to 37.12 Reserved
37.13(462A) Buoyant safety equipment

CHAPTER 38
BOAT REGISTRATION AND NUMBERING

38.1(462A) Emblem placed
38.2 to 38.5 Reserved
38.6(462A) Procedure for application for boat registration number—content
38.7 to 38.9 Reserved
38.10(462A) Information on certificate
38.11(462A) Registration applied for card
38.12(462A) Vessels in storage
38.13 and 38.14 Reserved

38.15(462A) Numbering pattern to be used
38.16 to 38.18 Reserved
38.19(462A) Display of number on vessel, as to size, block type and contrasting color
38.20(462A) Special certificates for boat dealers or manufacturers
38.21(462A) Boat dealer's annual report of vessels with expired registrations
38.22 to 38.24 Reserved
38.25(462A) Number designating passenger capacity
38.26(462A) Monthly reports by county recorders
38.27 to 38.29 Reserved
38.30(462A) Boats for hire

CHAPTER 39
BOATING PASSENGER CAPACITY

39.1(462A) U.S. Coast Guard capacity rating
39.2(462A) Vessels assigned a capacity rating by the manufacturer
39.3(462A) Vessels not containing capacity rating information
39.4(462A) Incorrect registration

CHAPTER 40
BOATING SPEED AND DISTANCE ZONING

40.1(462A) Restricted areas
40.2(462A) Uniform buoy system
40.3(462A) Commission approval
40.4(462A) Right for aggrieved party to appeal
40.5(462A) Rathbun Lake, Appanoose County—zoned areas
40.6(462A) Red Rock Lake, Marion County—zoned areas
40.7(462A) Coralville Lake, Johnson County—zoned areas
40.8(462A) Saylorville Lake, Polk County—zoned areas
40.9(462A) Lake Odessa in Louisa County
40.10(462A) Mississippi River lock and dam safety zone
40.11(462A) Joyce Slough Area
40.12(462A) Swan Slough, Camanche, Iowa
40.13(462A) Massey Slough
40.14(462A) Black Hawk County waters
40.15(462A) Mitchell County waters
40.16(462A) Maquoketa River
40.17(462A) Zoning of off-channel waters of the Wapsipinicon River in Pinicon Ridge Park in Linn County
40.18(462A) Speed restrictions on Lake Manawa
40.19(462A) Zoning of Little Wall Lake
40.20(462A) Lake Icaria, Adams County—watercraft use
40.21(462A) Zoning of the Des Moines River
40.22(462A) Upper Gar Lake, Dickinson County
40.23(462A) Zoning of the Mississippi River, Guttenberg river mile 616, Clayton County
40.24(462A) Mt. Ayr City Lake (Loch Ayr)
40.25(462A) Iowa River in Iowa City, Johnson County
40.26(462A) Zoning of the Mississippi River, Dubuque, Dubuque County
40.27(462A) Zoning Harpers Slough, Harpers Ferry, Allamakee County
40.28(462A) Black Hawk Lake, Sac County—zoned areas
40.29(462A) Speed and other restrictions on Brown's Lake, Woodbury County
40.30(462A) Speed and other restrictions on Snyder Bend Lake, Woodbury County
40.31(462A) Speed restrictions on East Okoboji and West Okoboji Lakes in Dickinson County

40.32(462A) Spirit Lake, Dickinson County—zoned areas
40.33(462A) Speed restrictions on the Mississippi River, Jackson County, at Spruce Creek County Park
40.34(462A) Speed restrictions on the Mississippi River, Jackson County, at the city of Sabula
40.35(462A) Speed restrictions on the Greene Impoundment of the Shell Rock River
40.36(462A) Zoning of the Iowa River, Iowa Falls, Hardin County
40.37(462A) Zoning of Crystal Lake
40.38(462A) Five Island Lake, Palo Alto County
40.39(462A) Lost Island Lake, Palo Alto and Clay Counties
40.40(462A) Ingham Lake, Emmet County
40.41(462A) Storm Lake, Buena Vista County
40.42(462A) Raccoon River Regional Park Lake, Polk County
40.43(462A) Zoning of the Mississippi River, Bellevue, Jackson County
40.44(462A) Three Mile Lake, Union County—watercraft use
40.45(462A) Zoning of the Cedar River
40.46(462A) Zoning of Carter Lake, Pottawattamie County
40.47(462A) Zoning of the Mississippi River, McGregor, Clayton County
40.48(462A) Zoning of the Mississippi River, Marquette, Clayton County
40.49(462A) Zoning of Green Island, Jackson County
40.50(462A) Mooring of vessels on riparian property of the state of Iowa
40.51(462A) Little River Lake, Decatur County
40.52(462A) Zoning of the Mississippi River, Johnson Slough, Clayton County
40.53(462A) Zoning of the Mississippi River, Mud Lake, Dubuque County
40.54(462A) Nighttime speed limit, Dickinson County
40.55(462A) Zoning of Clear Lake, Cerro Gordo County
40.56 Reserved
40.57(462A) Zoning of Catfish Creek, Mines of Spain State Recreation Area, Dubuque County
40.58(462A) Zoning of Lake Cornelia, Wright County

CHAPTER 41
BOATING NAVIGATION AIDS

41.1(462A) Definitions
41.2(462A) Waterway markers
41.3(462A) Authority to place markers
41.4(462A) Maintenance of waterway markers
41.5 and 41.6 Reserved
41.7(462A) Display of waterway markers
41.8(462A) Specifications for waterway markers
41.9(462A) Waterway marking devices
41.10(462A) The diver's flag

CHAPTER 42
BOATING ACCIDENT REPORTS

42.1(462A) Accident report
42.2(462A) Procedure
42.3(462A) Contents

CHAPTER 43
MOTORBOAT NOISE

43.1(462A) Definitions
43.2(462A) Sound level limitation
43.3(462A) Serviceability

CHAPTER 44
BOATING, SPECIAL EVENTS

44.1(462A) Registration exemption
44.2(462A) Sponsoring organizations

CHAPTER 45
BOAT MOTOR REGULATIONS

45.1(462A) Horsepower rating
45.2(462A) Alteration of horsepower rating
45.3(462A) Propulsion mechanism not in use
45.4(462A) Horsepower limitations on artificial lakes
45.5(462A) Artificial marshes

CHAPTER 46
ALL-TERRAIN VEHICLE AND SNOWMOBILE BONDING

46.1(321G) Bond required before issuance of title or registration

CHAPTER 47
VESSEL BONDING

47.1(462A) Bond required before issuance of title or registration

CHAPTER 48
INSPECTION OF PERMANENTLY MOORED VESSELS

48.1(462A) Purpose
48.2(462A) Definitions
48.3(462A) Inspection requirements
48.4(462A) Inspectors
48.5(462A) Statewide inspection contract
48.6(462A) Submission
48.7(462A) Notification to the commission

CHAPTER 49
OPERATION OF MOTOR VEHICLES IN MEANDERED
STREAMS, NAVIGABLE STREAMS AND TROUT STREAMS

49.1(462A) Purpose and intent
49.2(462A) Definitions
49.3(462A) Stream identification process
49.4(462A) Motor vehicle prohibition in meandered streams, trout streams and navigable streams
49.5(462A) Motor vehicle prohibition in meandered streams

CHAPTER 50
ALL-TERRAIN VEHICLE AND SNOWMOBILE
ACCIDENT REPORTS, TITLING, REGISTRATION AND NUMBERING

50.1(321G) Accident report
50.2(321G) Registration and titling—required forms
50.3(321G) All-terrain vehicle and snowmobile safety-education classes
50.4 Reserved
50.5(321G) Registration applied for card and proof of purchase
50.6(321G) Placement in storage
50.7(321G) Application for and placement of new or replacement vehicle identification number (VIN)
50.8(321G) Identification number
50.9(321G) Procedure for placement of registration decal

50.10(321G) Special certificates for dealers or manufacturers
50.11(321G) Dealer's annual report of expired registrations
50.12(321G) Monthly all-terrain vehicle reports by county recorders
50.13(321G) Monthly snowmobile vehicle reports by county recorders

TITLE V
MANAGEMENT AREAS AND PRACTICES

CHAPTER 51
GAME MANAGEMENT AREAS

51.1(481A) Definitions
51.2(481A) Jurisdiction
51.3(481A) Use of firearms
51.4(481A) Use of horses on game management areas
51.5(481A) Dogs prohibited—exception
51.6(481A) Use of blinds and decoys on game management areas
51.7(481A) Trapping on game management areas
51.8(481A) Motor vehicle restrictions
51.9(481A) Employees exempt
51.10(481A) Use of nontoxic shot on wildlife areas
51.11(481A) Rock climbing and rappelling
51.12(481A) Camping restrictions

CHAPTER 52
WILDLIFE REFUGES

52.1(481A) Established

CHAPTER 53
CONTROLLED HUNTING AREAS

53.1(481A) Definitions
53.2 Reserved
53.3(481A) Waterfowl hunting on Lake Odessa

CHAPTER 54
RESTRICTION ON REMOVAL OF PLANT LIFE

54.1(461A) Mushrooms and asparagus
54.2(461A) Fruit
54.3(461A) American ginseng
54.4(461A) Trees

CHAPTER 55
NONPERMANENT STRUCTURES

55.1(461A) Ice fishing shelters

CHAPTERS 56 to 60
Reserved

TITLE VI
PARKS AND RECREATION AREAS

CHAPTER 61
STATE PARKS AND RECREATION AREAS

61.1(461A) Applicability
61.2(461A) Definitions
61.3(461A) Establishment of centralized reservation system operating procedures and policies
61.4(461A) Camping

61.5(461A) Rental facilities
61.6(461A) Vessel storage fees
61.7(461A) Restrictions—area and use
61.8(461A) Certain conditions of public use applicable to specific parks and recreation areas
61.9(461A) Mines of Spain hunting, trapping and firearms use
61.10(461A) After-hours fishing—exception to closing time
61.11(461A) Designated areas for after-hours fishing
61.12(461A) Vessels prohibited
61.13(461A) Severability
61.14(461A) Restore the outdoors program
61.15(461A,463C) Honey Creek Resort State Park

CHAPTER 62
STATE FOREST CAMPING

62.1(461A) Applicability
62.2(461A) Definitions
62.3(461A) Camping areas established and marked
62.4(461A) Campground reservations
62.5(461A) Camping fees and registration
62.6(461A) Camping restrictions
62.7(461A) Camping time limit
62.8(461A) Camping refused
62.9(461A) Firearms use prohibited
62.10(461A) Hours
62.11(461A) Horses and pets
62.12(461A) Noise

CHAPTER 63
KEG BEER RULES

63.1(111,123) Purpose
63.2(111,123) Applicability
63.3(111,123) Definitions
63.4(111,123) Prohibited areas
63.5(111,123) Procedure
63.6(461A,123) Deposit disposition
63.7(111,123) Responsibility agreement

CHAPTER 64
METAL DETECTORS USE IN STATE AREAS

64.1(461A) Definitions
64.2(461A) Use areas
64.3(461A) Archaeological/scientific studies
64.4(461A) Found items
64.5(461A) Lost item search by owner
64.6(461A) Tools used
64.7(461A) Digging limitations and restoration
64.8(461A) Disposal of litter

CHAPTER 65
FIREWORKS DISPLAYS—
STATE PARKS AND RECREATION AREAS

65.1(461A) Entities eligible for permits
65.2(461A) Application procedure
65.3(461A) Fireworks display procedures

CHAPTER 66
SAYLORVILLE MULTIUSE TRAIL

66.1(461A,481A) Applicability
66.2(456A,481A) Wildlife refuge
66.3(481A) Hunting and trapping restrictions
66.4(461A) Area use restrictions

CHAPTER 67
DEVELOPMENT AND MANAGEMENT OF RECREATION TRAILS
ON STATE FORESTS, PARKS, PRESERVES AND RECREATION AREAS

67.1(456A,461A) Applicability
67.2(456A,461A) Definitions
67.3(456A,461A) Purpose
67.4(456A,461A) Establishment of trails
67.5(456A,461A) Designation of recreation trails
67.6(456A,461A) Guidelines for trail location
67.7(456A,461A) Control of trail use
67.8(456A,461A) Use of designated trails

CHAPTERS 68 to 70
Reserved

TITLE VII
FORESTRY

CHAPTER 71
NURSERY STOCK SALE TO THE PUBLIC

71.1(456A,461A) Purpose
71.2(456A,461A) Procedures
71.3(456A,461A) Nursery stock prices

CHAPTER 72
TIMBER BUYERS

72.1(456A) Definitions
72.2(456A) Applicability of rules
72.3(456A) Forms

CHAPTER 73
FOREST AND FRUIT-TREE RESERVATIONS

73.1(427C,456A) Criteria for establishing and maintaining forest and fruit-tree reservations
73.2(427C,456A) County assessor's annual report on forest and fruit-tree reservations to the department of natural resources

CHAPTER 74
FOREST LAND ENHANCEMENT PROGRAM (FLEP)

74.1(461A) Purpose
74.2(461A) Definitions
74.3(461A) Project scope

74.4(461A) Availability of funds
74.5(461A) Forest land enhancement program areas
74.6(461A) Cost reimbursement

CHAPTER 75
Reserved

TITLE VIII
SEASONS, LIMITS, METHODS OF TAKE

CHAPTER 76
UNPROTECTED NONGAME

76.1(481A) Species

CHAPTER 77
ENDANGERED AND THREATENED PLANT AND ANIMAL SPECIES

77.1(481B) Definitions
77.2(481B) Endangered, threatened, and special concern animals
77.3(481B) Endangered, threatened, and special concern plants
77.4(481B) Exemptions

CHAPTER 78
GINSENG HARVESTING AND SALE

78.1(456A) Definitions
78.2(456A) Season for legal harvest
78.3(456A) Ginseng permits
78.4(456A) Dealer's records
78.5(456A) Certification of shipments
78.6(456A) Inspection
78.7(456A) Restrictions

CHAPTER 79
FISH STOCKING PROCEDURES AND FEES FOR PRIVATE WATERS

79.1(481A) Purpose
79.2(481A) Application procedures
79.3(481A) Fish stocks
79.4(481A) Fees

CHAPTER 80
SALVAGE OF FISH AND GAME

80.1(481A) Salvage
80.2(481A) Game killed by motor vehicle
80.3(481A) Confiscated fish or game

CHAPTER 81
FISHING REGULATIONS

81.1(481A) Seasons, territories, daily bag limits, possession limits, and length limits
81.2(481A) Exceptions to seasons and limits, set in 81.1(481A)

CHAPTER 82
COMMERCIAL FISHING

INLAND WATERS

82.1(482) Contract policy

MISSISSIPPI AND MISSOURI RIVERS

82.2(482) Commercial taking

CHAPTER 83
SCUBA AND SKIN SPEARING OF ROUGH FISH

83.1(481A) When permitted
83.2(481A) Prohibited areas
83.3(481A) Permitted equipment
83.4(481A) Prohibited equipment
83.5(481A) Diver's flag
83.6(481A) Employees exempt

CHAPTER 84
PROMISCUOUS FISHING

84.1(481A) General

CHAPTER 85
TROTLINES

85.1(481A) Trotlines

CHAPTER 86
TURTLES

86.1(481A,482) Taking

CHAPTER 87
MUSSEL REGULATIONS

87.1(481A) Seasons, areas, methods, species, limits

CHAPTER 88
FISHING TOURNAMENTS

88.1(462A,481A) Definition
88.2(462A,481A) Permit required
88.3(462A,481A) Application procedures
88.4(462A,481A) Permit conditions

CHAPTER 89
AQUACULTURE

89.1(481A) Approved aquaculture species
89.2(481A) Importation permit
89.3(481A) Disease-free certification

CHAPTER 90
AQUATIC INVASIVE SPECIES

90.1(456A) Definitions
90.2(456A) Aquatic invasive species
90.3(456A) Restrictions
90.4(456A) Infested waters

CHAPTER 91
WATERFOWL AND COOT HUNTING SEASONS

91.1(481A) Duck hunting
91.2(481A) Coots (split season)
91.3(481A) Goose hunting
91.4(481A) Closed areas
91.5(481A) Canada goose hunting within closed areas
91.6(481A) Youth waterfowl hunt

CHAPTER 92
MIGRATORY GAME BIRDS

92.1(481A) General
92.2(481A) Duck stamp
92.3(481A) Hunting methods
92.4(481A) Restrictions applicable to possession, tagging, and record-keeping requirements
92.5(481A) Transportation within the state or between states
92.6(481A) Wounded, live migratory game birds
92.7(481A) Harvest information program (HIP)

CHAPTER 93
COMMERCIAL USE OF CAPTIVE-REARED WATERFOWL

93.1(481A) General
93.2(481A) Required markings
93.3(481A) Definitions
93.4(484B) Marked for shooting
93.5(481A) Commercial sale of captive-reared waterfowl by a taxidermist

CHAPTER 94
NONRESIDENT DEER HUNTING

94.1(483A) Licenses
94.2(483A) Season dates
94.3(483A) Shooting hours
94.4(481A) Limits
94.5(483A) Zones open to hunting
94.6(483A) License quotas
94.7(483A) Method of take
94.8(483A) Application procedure
94.9(483A) Transportation tag
94.10(481A) Deer hunting season for severely disabled persons
94.11(481A) Harvest reporting

CHAPTER 95
GAME HARVEST REPORTING AND LANDOWNER-TENANT REGISTRATION

95.1(481A) Harvest reporting system
95.2(481A) Verifying eligibility for free landowner or tenant licenses

CHAPTER 96
PHEASANT, QUAIL AND GRAY (HUNGARIAN)
PARTRIDGE HUNTING SEASONS

96.1(481A) Pheasant season
96.2(481A) Gray (Hungarian) partridge season
96.3(481A) Quail season

CHAPTER 97
COMMON SNIPE, VIRGINIA RAIL AND SORA, WOODCOCK AND RUFFED GROUSE HUNTING SEASONS

97.1(481A) Common snipe season
97.2(481A) Virginia rail and sora season
97.3(481A) Woodcock season
97.4(481A) Ruffed grouse season

CHAPTER 98
WILD TURKEY SPRING HUNTING

RESIDENT WILD TURKEY SPRING HUNTING

98.1(483A) General
98.2(483A) Means and method of take
98.3(483A) Procedures to obtain licenses
98.4(483A) Transportation tag
98.5(483A) Eligibility for free landowner/tenant turkey licenses
98.6(483A) Youth spring wild turkey hunt
98.7(481A) Harvest reporting
98.8 Reserved

NONRESIDENT WILD TURKEY SPRING HUNTING

98.9(483A) General
98.10(483A) Zones open to hunting
98.11(483A) License quotas
98.12(483A) Means and method of take
98.13(483A) Application procedure
98.14(483A) Transportation tag
98.15(481A) Harvest reporting

CHAPTER 99
WILD TURKEY FALL HUNTING BY RESIDENTS

99.1(481A) General
99.2(481A) Licenses
99.3(481A) Seasons
99.4(481A) Zones
99.5(481A) Quotas
99.6(481A) Daily, season, and possession bag limits
99.7(481A) Shooting hours
99.8(481A) Means and method of take
99.9(481A) Procedures to obtain licenses
99.10(481A) Transportation tag
99.11(481A) Eligibility for free landowner/tenant turkey licenses
99.12(481A) Harvest reporting

CHAPTER 100
CROW AND PIGEON REGULATIONS

100.1(481A) Crow season
100.2(481A) Pigeons

CHAPTER 101
FALCONRY REGULATIONS

101.1(481A) Falconry regulations
101.2(481A) Facilities and equipment

101.3(481A) Taking and possession provision
101.4(481A) Annual reports
101.5(481A) Other provisions
101.6(481A) Compliance

CHAPTER 102
FALCONRY REGULATIONS FOR HUNTING GAME
102.1(481A) General
102.2(481A) Migratory bird regulations
102.3(481A) Small game
102.4(481A) Means and methods of take
102.5(481A) Exclusions

CHAPTER 103
MOBILE RADIO TRANSMITTERS
103.1(481A) Definitions
103.2(481A) Falconry
103.3(481A) Hunting dogs

CHAPTER 104
WILDLIFE IMPORTATION, TRANSPORTATION AND DISEASE MONITORING
104.1(481A) Definitions
104.2(481A) Chronic wasting disease in captive cervids
104.3(481A) Chronic wasting disease in captive cervids—herd monitoring program
104.4(481A) Identification of animals
104.5(481A) Supervision of the CCWDSI program
104.6(481A) Surveillance procedures
104.7(481A) Official cervid CWD tests
104.8(481A) Investigation of CWD affected animals identified through surveillance
104.9(481A) Duration of quarantine
104.10(481A) Herd plan
104.11(481A) Identification and disposal requirements
104.12(481A) Cleaning and disinfecting
104.13(481A) Methods for obtaining certified CWD cervid herd status
104.14(481A) Recertification of CWD cervid herds
104.15(481A) Movement into a certified CWD cervid herd
104.16(481A) Movement into a monitored CWD cervid herd
104.17(481A) Recognition of monitored CWD cervid herds
104.18(481A) Recognition of certified CWD cervid herds
104.19(481A) Intrastate movement requirements
104.20(481A) Import requirements
104.21(481A) Prohibited movement of cervid carcasses
104.22(481A) Inspection

CHAPTER 105
DEER POPULATION MANAGEMENT ZONES
105.1(481A) Purpose
105.2(481A) Definitions
105.3(481A) Special deer management zones
105.4(481A) State parks and recreation areas
105.5(481A) Urban deer management zones
105.6(481A) Iowa Army Ammunition Plant (IAAP) deer management zone

105.7(481A) County park deer management zones
105.8(481A) Special deer management zones on private land

CHAPTER 106
DEER HUNTING BY RESIDENTS

106.1(481A) Licenses
106.2(481A) Season dates
106.3(481A) Shooting hours
106.4(481A) Limits
106.5(481A) Areas closed to hunting
106.6(481A) Paid deer license quotas and restrictions
106.7(481A) Method of take
106.8(481A) Procedures to obtain licenses
106.9(481A) Transportation tag
106.10(481A) Youth deer and severely disabled hunts
106.11(481A) Deer depredation management
106.12(481A) Eligibility for free landowner/tenant deer licenses
106.13(481A) Harvest reporting

CHAPTER 107
RABBIT AND SQUIRREL HUNTING

107.1(481A) Cottontail rabbit season
107.2(481A) Jackrabbit season
107.3(481A) Squirrel season

CHAPTER 108
MINK, MUSKRAT, RACCOON, BADGER, OPOSSUM, WEASEL,
STRIPED SKUNK, FOX (RED AND GRAY), BEAVER, COYOTE, RIVER OTTER,
BOBCAT, GRAY (TIMBER) WOLF AND SPOTTED SKUNK SEASONS

108.1(481A) Mink, muskrat and weasel
108.2(481A) Raccoon, badger, opossum and striped skunk
108.3(481A) Red and gray fox
108.4(481A) Beaver
108.5(481A) Coyote
108.6(481A) Gray (timber) wolf and spotted skunk
108.7(481A) River otter and bobcat
108.8(481A) Accidental capture of a river otter or bobcat during a closed season
108.9(481A) Trapping restrictions

CHAPTER 109
GROUNDHOG SEASON

109.1(481A) Groundhog

CHAPTER 110
TRAPPING LIMITATIONS

110.1(481A) Public roadside limitations—snares, body-gripping, and conibear type traps
110.2(481A) Snares
110.3(481A) Body-gripping and conibear type traps
110.4(481A) Foothold and leghold traps
110.5(481A) Removal of animals from traps and snares
110.6(481A) Trap tag requirements
110.7(481A) Colony traps

CHAPTER 111
SCIENTIFIC COLLECTING AND WILDLIFE REHABILITATION

111.1(481A) Definitions
111.2(481A) Scientific collector's license
111.3(481A) Wildlife salvage permit
111.4(481A) Educational project permit
111.5(481A) Wildlife rehabilitation permit
111.6(481A) Application qualifications
111.7(481A) Evaluation committee
111.8(481A) Disposition of animals
111.9(481A) General conditions for permits

CHAPTER 112
HUNTING PRESERVES

112.1(484B) Definitions
112.2(484B) Hunting preserve operator's license
112.3(484B) Land leases required
112.4(484B) Boundary signs required
112.5(484B) Fencing required—ungulates
112.6(484B) Records and annual report
112.7(484B) Game bird transportation tags
112.8(484B) Ungulate transportation tags
112.9(484B) Processed game birds
112.10(484B) Processed ungulates
112.11(484B) Health requirements—game birds and ungulates
112.12(484B) General conditions for permits

CHAPTER 113
RESTITUTION FOR POLLUTION CAUSING INJURY TO WILD ANIMALS

113.1(481A) Applicability
113.2(481A) Definitions
113.3(481A) Liability to the state
113.4(481A) Assessment
113.5(481A) Compensation

CHAPTER 114
NUISANCE WILDLIFE CONTROL

114.1(456A) Nuisance wildlife control program
114.2(456A) Definitions
114.3(456A) Nuisance wildlife control operator's permit
114.4(456A) Application requirements
114.5(456A) Nuisance wildlife control operator's guidebook
114.6(456A) Nuisance wildlife control operator's test and interview
114.7(456A) Records and record-keeping requirements
114.8(456A) Annual activity report
114.9(456A) Permit renewal
114.10(456A) Helper
114.11(456A) Capture methods and trap tagging
114.12(456A) Endangered and threatened wildlife species
114.13(456A) Special Canada goose control permits
114.14(456A) Disposition of captured nuisance wildlife
114.15(456A) General conditions for permits

114.16(456A) Permit refusal
114.17(456A) Penalties

CHAPTER 115
WHITETAIL HUNTING PRESERVES

115.1(81GA,SF206) Definitions
115.2(81GA,SF206) Hunting preserve operator's registration
115.3(81GA,SF206) Boundary signs required
115.4(81GA,SF206) Fencing required
115.5(81GA,SF206) Records and annual report
115.6(81GA,SF206) Whitetail transportation tags
115.7(81GA,SF206) Processed whitetail
115.8(81GA,SF206) Health requirements—whitetail
115.9(81GA,SF206) Chronic wasting disease testing
115.10(81GA,SF206) Positive chronic wasting disease test results
115.11(81GA,SF206) General conditions for registration

CHAPTER 116
HELP US STOP HUNGER PROGRAM ADMINISTRATION

116.1(483A) Purpose
116.2(483A) Definitions
116.3(483A) Restrictions
116.4(483A) HUSH council
116.5(483A) Duties of the department
116.6(483A) Duties of venison distributor
116.7(483A) Meat processors
116.8(483A) Partnerships with other organizations

CHAPTER 45
BOAT MOTOR REGULATIONS
[Prior to 12/31/86, Conservation Commission[290] Ch 40]

571—45.1(462A) Horsepower rating. The horsepower rating of an outboard motor permitted on artificial lakes under the authority of Iowa Code chapter 462A, and these rules, shall be as determined by the manufacturer when the motor was originally produced.

571—45.2(462A) Alteration of horsepower rating. An outboard motor which has been altered to increase its horsepower in excess of ten as rated by the original manufacturer shall not be permitted on artificial lakes.

571—45.3(462A) Propulsion mechanism not in use. Any power unit mounted or carried aboard a vessel, while not being used or operated as a source of propulsion, shall be lawful on artificial lakes, so long as the auxiliary power unit being used or operated as a source of propulsion is within the lawful horsepower limitation established for that lake.

571—45.4(462A) Horsepower limitations on artificial lakes.

45.4(1) *General horsepower limitation.* On artificial lakes of 100 acres or less, a vessel shall only be operated with an electric motor or with an outboard motor where permitted by subrule 45.4(2).

45.4(2) *Horsepower limitation exceptions for artificial lakes of 100 acres or less.* Motors larger than 1½ horsepower may be operated on the following lakes as designated:

Avenue of the Saints Lake, Bremer County—unrestricted horsepower at a no-wake speed.

Banner Lakes at Summerset State Park, Warren County—motor boats of outboard or inboard/outdrive type and unrestricted horsepower at a no-wake speed.

Beaver Lake, Dallas County—unrestricted horsepower operated at a no-wake speed.

Beeds Lake, Franklin County—unrestricted horsepower operated at a no-wake speed.

Black Hawk Pits, Sac County—unrestricted horsepower operated at a no-wake speed.

Crawford Creek Recreation Area Lake, Ida County—unrestricted horsepower operated at a no-wake speed.

Deer Creek Lake, Plymouth County—unrestricted horsepower operated at a no-wake speed.

Fogle Lake, Ringgold County—unrestricted horsepower operated at a no-wake speed.

George Wyth Lake, Black Hawk County—unrestricted horsepower operated at a no-wake speed.

Lake Iowa, Iowa County—unrestricted horsepower operated at a no-wake speed.

Lake of Three Fires, Taylor County—unrestricted horsepower operated at a no-wake speed.

Loch Ayr, Ringgold County—outboard motors not greater than 100 horsepower.

Meadow Lake, Adair County—unrestricted horsepower operated at a no-wake speed.

Otter Creek Lake, Tama County—unrestricted horsepower operated at a no-wake speed.

Silver Lake, Delaware County—unrestricted horsepower operated at a no-wake speed.

Thayer Lake, Union County—unrestricted horsepower operated at a no-wake speed.

Williamson Pond, Lucas County—unrestricted horsepower operated at a no-wake speed.

45.4(3) *Horsepower limitations for artificial lakes of more than 100 acres in size.* On artificial lakes of more than 100 acres, vessels may be operated with unrestricted horsepower at a no-wake speed except as otherwise permitted by subrule 45.4(2). The following artificial lakes have special horsepower restrictions:

a. Green Valley Lake, Union County—no inboard or racing-type craft are permitted. Vessels must be operated at a no-wake speed except in designated ski areas as established in 571—36.7(462A).

b. Lake Icaria, Adams County—motorboats of outboard or inboard/outdrive type. Vessels must be operated at a no-wake speed when within 50 feet of another vessel which is not underway or is operating at a no-wake speed. Additional speed and distance regulations apply as established in 571—40.20(462A).

c. Lake McBride, Johnson County—unrestricted horsepower operated at a no-wake speed only from September 8 through May 20 of each year. A motorboat with a power unit exceeding 10 horsepower shall not be permitted the remainder of the year.

d. Three Mile Lake, Union County—motorboats of outboard or inboard/outdrive type with power not to exceed 200 horsepower. Vessels must be operated at a no-wake speed when within 50 feet of another vessel which is not underway or is operating at a no-wake speed. Additional speed and distance regulations apply as established in 571—40.44(462A).

571—45.5(462A) Artificial marshes. A motorboat equipped with any power unit mounted or carried aboard the vessel may be operated on the following listed artificial marshes under the jurisdiction of the department of natural resources at a no-wake speed between January 1 and August 31 and with no speed restrictions between September 1 and December 31.

Bays Branch, Guthrie County
Big Marsh, Butler County
Brown's Slough, Lucas County
Cardinal Marsh, Winneshiek County
Dudgeon Lake, Benton County
Elk Creek Marsh, Worth County
Green Island, Jackson County
Hendrickson Marsh, Story County
Hooper Pond, Warren County
North Colyn, Lucas County
Otter Creek Marsh, Tama County
Princeton Area, Scott County
Riverton, Fremont County
Round Pond, Johnson County
South Colyn, Lucas County
Sweet Marsh, Bremer County
Walnut Creek Marsh, Ringgold County
Willow Slough, Mills County
Woodpecker Marsh, Wayne County

Nothing in this rule is to be construed as limiting motorboat horsepower on natural marshes under the jurisdiction of the department of natural resources.

These rules are intended to implement Iowa Code sections 462A.3, 462A.9, 462A.26, and 462A.31.

[Filed 7/13/82, Notice 4/28/82—published 8/4/82, effective 9/8/82]
[Filed 12/2/83, Notice 10/26/83—published 12/21/83, effective 2/1/84]
[Filed 4/5/85, Notice 1/30/85—published 4/24/85, effective 5/29/85]
[Filed 2/7/86, Notice 9/25/85—published 2/26/86, effective 4/16/86]
[Filed 4/4/86, Notice 2/26/86—published 4/23/86, effective 5/28/86]
[Filed 10/17/86, Notice 7/30/86—published 11/5/86, effective 12/10/86]
[Filed without Notice 12/12/86—published 12/31/86, effective 2/4/87]
[Filed 2/20/87, Notice 12/3/86—published 3/11/87, effective 4/15/87]
[Filed 6/11/87, Notice 4/8/87—published 7/1/87, effective 8/5/87]
[Filed 5/13/88, Notice 3/23/88—published 6/1/88, effective 7/6/88]
[Filed 8/5/88, Notice 6/29/88—published 8/24/88, effective 9/28/88]
[Filed 10/14/88, Notice 8/24/88—published 11/2/88, effective 12/7/88]
[Filed 3/17/89, Notice 12/28/88—published 4/5/89, effective 5/10/89]
[Filed 10/12/90, Notice 8/8/90—published 10/31/90, effective 12/5/90]
[Filed 5/10/91, Notice 3/6/91—published 5/29/91, effective 7/3/91]
[Filed 6/7/91, Notice 4/3/91—published 6/26/91, effective 7/31/91]
[Filed 10/11/91, Notice 8/7/91—published 10/30/91, effective 12/4/91]
[Filed 10/8/93, Notice 9/1/93—published 10/27/93, effective 12/1/93]

[Filed 12/3/93, Notice 10/27/93—published 12/22/93, effective 1/26/94]
[Filed emergency 5/20/94—published 6/8/94, effective 5/20/94]
[Filed 11/4/94, Notice 8/31/94—published 11/23/94, effective 12/28/94]
[Filed 5/15/96, Notice 12/6/95—published 6/5/96, effective 7/10/96]
[Filed 9/20/96, Notice 7/3/96—published 10/9/96, effective 11/13/96]
[Filed 8/22/97, Notice 6/4/97—published 9/10/97, effective 10/15/97]
[Filed 12/11/98, Notice 10/7/98—published 12/30/98, effective 2/3/99]
[Filed 12/19/01, Notice 10/31/01—published 1/9/02, effective 2/13/02]
[Filed 6/18/04, Notice 1/7/04—published 7/7/04, effective 8/11/04]
[Filed 11/20/08, Notice 10/8/08—published 12/17/08, effective 1/21/09]

CHAPTER 81
FISHING REGULATIONS

[Prior to 12/31/86, Conservation Commission[290] Ch 108]

571—81.1(481A) Seasons, territories, daily bag limits, possession limits, and length limits.

INLAND WATERS OF THE STATE					BOUNDARY RIVERS
KIND OF FISH	OPEN SEASON	DAILY BAG LIMIT	POSSESSION LIMIT	MINIMUM LENGTH LIMITS	MISSISSIPPI RIVER MISSOURI RIVER BIG SIOUX RIVER
Rock Sturgeon	Closed	0	0		Same as inland waters
Shovelnose Sturgeon	Continuous	None	None	None	Same as inland waters except no harvest allowed in the Big Sioux River and aggregate daily bag limit 10, aggregate possession limit 20, in the Missouri River
Paddlefish*	Continuous	2	4	None	Same as inland waters
Yellow Perch	Continuous	25	50	None	Same as inland waters except no bag or possession limit in the Missouri River
Trout	Continuous	5	10	None*	Same as inland waters
Catfish*	Continuous	8 Lakes 15 Streams	30	None	Same as inland waters except no bag or possession limit in the Mississippi River
Black Bass (Largemouth Bass) (Smallmouth Bass) (Spotted Bass)	Continuous	3 In Aggregate	6	See below*	Continuous open season; aggregate daily bag limit 5, aggregate possession limit 10 See below*
Combined Walleye, Sauger and Saugeye	Continuous*	5*	10*	None*	Continuous open season; aggregate daily bag limit 6, aggregate possession limit 12; except aggregate daily bag limit 4, aggregate possession limit 8, in the Big Sioux and Missouri Rivers See below*
Northern Pike	Continuous*	3	6	None	Continuous open season; daily bag limit 5, possession limit 10; except daily bag limit 6, possession limit 12, in the Big Sioux River
Muskellunge or Hybrid Muskellunge	Continuous*	1	1	40″	Same as inland waters
Crappie	Continuous	25*	None	None	Same as inland waters except 50 in possession

	INLAND WATERS OF THE STATE				BOUNDARY RIVERS
Bluegill	Continuous	25*	None	None	Same as inland waters except in aggregate with pumpkinseed on the Mississippi River
All other fish species*	Continuous	None	None	None	See below*
Frogs (except Bullfrogs)	Continuous	48	96	None	Same as inland waters
Bullfrogs (Rana Catesbeiana)	Continuous	12	12	None	Same as inland waters

*Also see 81.2(481A), Exceptions.

571—81.2(481A) Exceptions to seasons and limits, set in 81.1(481A).

81.2(1) Exception closed season. In Lakes West Okoboji and East Okoboji and Spirit Lake, there shall be a closed season on walleye beginning February 15 each year. The annual opening for walleye in these three lakes shall be the first Saturday in May. In these three lakes there shall be a closed season on muskellunge and tiger muskie beginning December 1 each year. The annual opening for muskellunge and tiger muskie in these three lakes shall be May 21 the following year.

Fishing in any manner is prohibited from December 1 of each year through March 15 the following year in the following areas of the Mississippi River.

a. From Lock and Dam Number 11 downstream to the railroad bridge near river mile 579.9.

b. From Lock and Dam Number 12 downstream to the mouth of Mill Creek near river mile 556.

c. From Lock and Dam Number 13 downstream to the downstream end of Stamp Island near river mile 521.5.

81.2(2) Black bass. A 15-inch minimum length limit shall apply on black bass in all public lakes except as otherwise posted. On federal flood control reservoirs, a 15-inch minimum length limit shall apply on black bass at Coralville, Rathbun, Saylorville, and Red Rock. All black bass caught from Lake Wapello, Davis County, and Brown's Lake, Jackson County, must be immediately released alive. A 12-inch minimum length limit shall apply on black bass in all interior streams, river impoundments, and the Missouri River including chutes and backwaters of the Missouri River where intermittent or constant flow from the river occurs. A 14-inch minimum length limit shall apply to the Mississippi River including chutes and backwaters where intermittent or constant flow from the river occurs. All black bass caught from the following stream segments must be immediately released alive:

1. Middle Raccoon River, Guthrie County, extending downstream from below Lennon Mills Dam at Panora as posted to the dam at Redfield.

2. Maquoketa River, Delaware County, extending downstream from below Lake Delhi Dam as posted to the first county gravel road bridge.

3. Cedar River, Mitchell County, extending downstream from below the Otranto Dam as posted to the bridge on County Road T26 south of St.Ansgar.

4. Upper Iowa River, Winneshiek County, extending downstream from the Fifth Street bridge in Decorah as posted to the Upper Dam.

81.2(3) Walleye.

a. Lakes West Okoboji, East Okoboji, Spirit, Upper Gar, Minnewashta, and Lower Gar in Dickinson County, and Storm Lake in Buena Vista County. A 17-inch to 22-inch protected-slot length limit shall apply. Walleye less than 17 inches in length and walleye greater than 22 inches in length may be harvested. The daily bag limit shall be three, with a possession limit of six. No more than one walleye greater than 22 inches in length may be taken per day.

b. Clear Lake, Cerro Gordo County. A 14-inch minimum length limit shall apply. The daily bag limit shall be three, with a possession limit of six. No more than one walleye greater than 22 inches in length may be taken per day.

c. *Black Hawk Lake, Sac County.* A 15-inch minimum length limit shall apply. The daily bag limit shall be three, with a possession limit of six.

d. *Big Creek Lake, Polk County.* A 15-inch minimum length limit shall apply. The daily bag limit shall be three, with a possession limit of six. No more than one walleye greater than 20 inches in length may be taken per day.

e. *Mississippi River.* A 15-inch minimum length limit shall apply. All walleye from 20 inches to 27 inches in length that are caught from Mississippi River Pools 12 through 20 must be immediately released alive. No more than one walleye greater than 27 inches in length may be taken per day from Pools 12 through 20.

81.2(4) Paddlefish snagging is permitted in all waters of the state, except as follows:

a. There shall be no open season in the Missouri River and Big Sioux River, nor in any tributary of these streams within 200 yards immediately upstream of its confluence with the Missouri or Big Sioux Rivers.

b. Snagging for paddlefish on the Mississippi River is restricted to the area within 500 yards below the navigation dams and their spillways. The open season on the Mississippi River is the period from January 1 through April 15.

c. Snagging for paddlefish is not permitted at any time in those areas where snagging is prohibited as a method of take as listed in subrule 81.2(11).

81.2(5) Special trout regulations. A 14-inch minimum length limit shall apply on brown trout, rainbow trout, and brook trout in Spring Branch Creek, Delaware County, from the spring source to County Highway D5X as posted, and on brown trout only in portions of Bloody Run Creek, Clayton County, where posted. All trout caught from the posted portion of Waterloo Creek, Allamakee County, Hewitt and Ensign Creeks (Ensign Hollow), Clayton County, McLoud Run, Linn County, and South Pine Creek, Winneshiek County, and all brown trout caught from French Creek, Allamakee County, must be immediately released alive. Fishing in the posted area of Spring Branch Creek, Bloody Run Creek, Waterloo Creek, Hewitt and Ensign Creeks (Ensign Hollow), South Pine Creek, McLoud Run, and French Creek shall be by artificial lure only. Artificial lure means lures that do not contain or have applied to them any natural or synthetic substances designed to attract fish by the sense of taste or smell.

81.2(6) Exception border lakes. In Little Spirit Lake, Dickinson County; Iowa and Tuttle (Okamanpedan) Lakes, Emmet County; Burt (Swag) Lake, Kossuth County; and Iowa Lake, Osceola County, the following shall apply:

a. Walleye daily bag and possession limit six;

b. Northern pike daily bag and possession limit three;

c. Largemouth and smallmouth bass daily bag and possession limit six;

d. Channel catfish daily bag and possession limit eight. Open season on the above fish shall be the Saturday nearest May 1 to February 15 each year.

e. Yellow perch, white bass, and sunfish daily bag and possession limit 30, and crappie daily bag and possession limit 15. There is a continuous open season on these species.

f. Spears and bow and arrow may be used to take carp, buffalo, dogfish, gar, sheepshead, and carpsucker from sunrise to sunset during the period from the first Saturday in May to February 15 each year in the above lakes.

81.2(7) DeSoto Bend Lake. All fishers shall conform with federal refuge regulations as posted under the authority of Section 33.19 of Title 50 CFR. The text of the rules will be contained on the signs as posted.

81.2(8) General restriction. Anglers must comply with the most restrictive set of regulations applicable to the water on which they are fishing. Where length limits apply, fish less than the legal length must be immediately released into the water from which they were caught.

81.2(9) Catfish. For the purpose of this rule, stream catfish bag and possession limits apply at the federal flood control impoundments of Rathbun Lake, Red Rock Lake, Saylorville Lake, and Coralville Lake.

81.2(10) Identification of catch. No person shall transport or possess on any waters of the state any fish unless (a) the species of any such fish can be readily identified and a portion of the skin (at least

1 square inch) including scales is left on all fish or fillets and (b) the length of fish can be determined when length limits apply. "On any waters of the state" includes from the bank or shoreline in addition to wading and by boat.

81.2(11) Method of take. Artificial light may be used in the taking of any fish. The following species of fish may be taken by hand fishing, snagging, spearing, and bow and arrow: common carp, bighead carp, grass carp. silver carp, black carp, bigmouth buffalo, smallmouth buffalo, black buffalo, quillback carpsucker, highfin carpsucker, river carpsucker, spotted sucker, white sucker, shorthead redhorse, golden redhorse, silver redhorse, sheepshead, shortnose gar, longnose gar, dogfish, gizzard shad, and goldfish. All other species of fish not hooked in the mouth, except paddlefish legally taken by snagging, must be returned to the water immediately with as little injury as possible. A fish is foul hooked when caught by a hook in an area other than in the fish's mouth. Snagging is defined as the practice of jerking any type of hook or lure, baited or unbaited, through the water with the intention of foul hooking fish. Exceptions to snagging as a method of take are as follows:

No snagging is permitted in the following areas:

1. Des Moines River from directly below Saylorville Dam to the Southeast 14th Street bridge in Des Moines.
2. Cedar River in Cedar Rapids from directly below the 5 in 1 Dam under I-380 to the 1st Avenue bridge.
3. Cedar River in Cedar Rapids from directly below the "C" Street Roller Dam to 300 yards downstream.
4. Iowa River from directly below the Coralville Dam to 300 yards downstream.
5. Chariton River from directly below Lake Rathbun Dam to 300 yards downstream.
6. Spillway area from directly below the Spirit Lake outlet to the confluence at East Okoboji Lake.
7. Northeast bank of the Des Moines River from directly below the Ottumwa Dam, including the catwalk, to the Jefferson Street Bridge. Snagging from the South Market Street Bridge is also prohibited.
8. Missouri River and the Big Sioux River from the I-29 bridge to the confluence with the Missouri River.
9. Des Moines River from directly below the Hydroelectric Dam (Big Dam) to the Hawkeye Avenue Bridge in Fort Dodge.
10. Des Moines River from directly below the Little Dam to the Union Pacific Railroad Bridge in Fort Dodge.
11. Clear Lake and Ventura Marsh from the Ventura Grade, Jetty and Bridge.

81.2(12) Panfish. The daily bag limit for crappie and bluegill applies only to public waters of the state. In all waters of the Mississippi River, the daily bag and possession limit applied individually to crappie, yellow perch and rock bass shall be 25 and 50, respectively. In all waters of the Mississippi River, the daily bag and possession limit applied in the aggregate for bluegill and pumpkinseed and for white bass and yellow bass shall be 25 and 50, respectively.

81.2(13) Culling. It is prohibited to sort, cull, high-grade, or replace any fish already in possession. Participants in permitted black bass tournaments are exempted. Any fish taken into possession by holding in a live well, on a stringer or in other fish-holding devices is part of the daily bag limit. Once the daily bag limit of a particular species is reached, fishing for that species is permitted as long as all fish of that species caught are immediately released.

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.67 and 481A.76.

[Filed emergency 1/9/76—published 1/26/76, effective 1/9/76]
[Filed 2/1/77, Notice 12/15/76—published 2/23/77, effective 3/30/77]
[Filed emergency 1/13/78—published 2/8/78, effective 1/13/78]
[Filed 3/15/78, Notice 2/8/78—published 4/5/78, effective 5/10/78]
[Filed 1/9/79, Notice 11/29/78—published 2/7/79, effective 3/14/79]
[Filed 10/10/79, Notice 9/5/79—published 10/31/79, effective 1/1/80]
[Filed 10/8/80, Notice 9/3/80—published 10/29/80, effective 1/1/81]
[Filed 10/7/81, Notice 8/5/81—published 10/28/81, effective 1/1/82]
[Filed 10/7/82, Notice 9/1/82—published 10/27/82, effective 1/1/83]

[Filed 11/4/83, Notice 9/28/83—published 11/23/83, effective 1/1/84]
[Filed 10/5/84, Notice 8/29/84—published 10/24/84, effective 1/1/85]
[Filed 10/4/85, Notice 7/31/85—published 10/23/85, effective 1/1/86]
[Filed 10/17/86, Notice 8/27/86—published 11/5/86, effective 1/1/87]
[Filed without Notice 12/12/86—published 12/31/86, effective 2/4/87]
[Filed 10/16/87, Notice 8/26/87—published 11/4/87, effective 1/1/88]
[Filed 10/14/88, Notice 8/24/88—published 11/2/88, effective 1/1/89]
[Filed 9/15/89, Notice 7/26/89—published 10/4/89, effective 1/1/90]
[Filed emergency 12/7/90 after Notice 10/3/90—published 12/26/90, effective 1/1/91]
[Filed 11/8/91, Notice 8/21/91—published 11/27/91, effective 1/1/92]
[Filed 11/6/92, Notice 9/2/92—published 11/25/92, effective 1/1/93]
[Filed 11/5/93, Notice 9/1/93—published 11/24/93, effective 12/29/93]
[Filed 10/20/95, Notice 8/30/95—published 11/8/95, effective 12/13/95]
[Filed 11/15/96, Notice 8/28/96—published 12/4/96, effective 1/10/97]
[Filed 11/14/97, Notice 9/10/97—published 12/3/97, effective 1/7/98]
[Filed 11/12/99, Notice 9/8/99—published 12/1/99, effective 1/5/00]
[Filed 11/13/00, Notice 9/6/00—published 11/29/00, effective 1/3/01]
[Filed 11/9/01, Notice 9/5/01—published 11/28/01, effective 1/2/02]
[Filed 11/19/03, Notice 9/3/03—published 12/10/03, effective 1/14/04]
[Filed emergency 12/30/04 after Notice 9/1/04—published 1/19/05, effective 12/30/04]
[Filed 11/16/05, Notice 8/31/05—published 12/7/05, effective 1/11/06]
[Filed 11/15/06, Notice 8/30/06—published 12/6/06, effective 1/10/07]
[Filed 11/20/08, Notice 9/10/08—published 12/17/08, effective 1/21/09]

CHAPTER 85
TROTLINES

[Prior to 12/31/86, Conservation Commission[290] Ch 20]

571—85.1(481A) Trotlines.

85.1(1) *Where permitted.* It shall be lawful to use trotlines or throw lines in all rivers and streams of the state, except in Mitchell, Howard, Winneshiek, Allamakee, Fayette, Clayton, Delaware, Dubuque, and Jackson Counties. Trotlines or throw lines may be used in the above nine counties in the following stream segments: Maquoketa River, mouth to Backbone State Park dam; North Fork Maquoketa River, mouth to Jones-Dubuque County line; Turkey River, mouth to the Elkader dam; and Upper Iowa River, mouth to the first dam upstream in Winneshiek County.

85.1(2) *Removal of lines.* All trotlines and parts thereof shall be removed from the shore when they are not being actively fished. A trotline shall be considered actively fished if at least once daily the trotline is left with at least one baited hook in the water.

This rule is intended to implement Iowa Code sections 481A.38, 481A.39, and 481A.74.

[Filed 1/9/79, Notice 11/29/78—published 2/7/79, effective 3/14/79]
[Filed 10/5/84, Notice 8/29/84—published 10/24/84, effective 1/1/85]
[Filed 11/14/86, Notice 9/24/86—published 12/3/86, effective 1/7/87]
[Filed without Notice 12/12/86—published 12/31/86, effective 2/4/87]
[Filed 11/5/93, Notice 9/1/93—published 11/24/93, effective 12/29/93]
[Filed 11/20/08, Notice 7/30/08—published 12/17/08, effective 1/21/09]

CHAPTER 88
FISHING TOURNAMENTS

571—88.1(462A,481A) Definition. *"Fishing tournament"* means any organized fishing event with 6 or more boats or 12 or more participants where an entry fee is charged or prizes or other inducements are awarded, except for waters of the Mississippi River, where the number of boats shall be 20 or more and the number of participants shall be 40 or more.

571—88.2(462A,481A) Permit required. A permit issued by the department of natural resources is required to conduct a fishing tournament on public waters under the jurisdiction of the state. The administrative fee for each fishing tournament permit is $25. Fishing clinics and youth fishing days are excluded.

571—88.3(462A,481A) Application procedures. The following procedures shall be used to administer fishing tournaments:

1. Application shall be made on a standard form provided by the department and shall include the name, address and telephone number of the sponsoring organization or individual, the location and date of the tournament, total value of the prizes, and expected number of participants.
2. The application shall be received by the department area fisheries management biologist at least 30 days prior to the proposed event.
3. Applications will not be accepted prior to July 1 of the year preceding the calendar year in which the tournament is scheduled.
4. The number of tournaments at any one access area during a given day may be restricted if deemed necessary to avoid congestion with the public or competing tournaments. The capacity of facilities as boat ramps, docks and parking lots shall be considered when assigning tournament sites.
5. Permits are not transferable.

571—88.4(462A,481A) Permit conditions. The department may impose special conditions not specifically covered herein for any fishing tournament if deemed necessary to protect the resource or to ensure public safety. Special conditions may include, but not be limited to:

1. Release of live fish.
2. Fish measured to length and released from boat.
3. Multiple weigh-ins when water temperatures exceed 70°F.
4. Aerated live wells.
5. Designated release areas.
6. Designated release persons.

571—88.5(462A,481A) Reports. Rescinded IAB 3/5/03, effective 4/9/03.

These rules are intended to implement Iowa Code sections 462A.16 and 481A.38.

[Filed 10/14/88, Notice 8/24/88—published 11/2/88, effective 1/1/89]
[Filed 2/14/03, Notice 12/11/02—published 3/5/03, effective 4/9/03]
[Filed 11/20/08, Notice 7/30/08—published 12/17/08, effective 1/21/09]

CHAPTER 106
DEER HUNTING BY RESIDENTS

[Prior to 12/31/86, Conservation Commission[290] Ch 106]

571—106.1(481A) Licenses. When hunting deer, all hunters must have in their possession a valid deer hunting license and a valid resident hunting license and must have paid the habitat fee (if normally required to have a hunting license and to pay the habitat fee to hunt). No person while hunting deer shall carry or have in possession any license or transportation tag issued to another person. No one who is issued a deer hunting license and transportation tag shall allow another person to use or possess that license or transportation tag while that person is deer hunting or tagging a deer.

106.1(1) *Type of license.*

a. Any-deer licenses. Any-deer licenses shall be valid for taking deer of either sex. Paid any-deer licenses shall be valid statewide or in a deer population management zone and in one season as selected at the time the license is purchased. Free any-deer licenses shall be valid only on the farm unit of an eligible landowner or tenant in the season or seasons selected at the time the license is obtained.

b. Antlerless-deer-only licenses. Antlerless-deer-only licenses shall be valid for taking deer that have no forked antler. Paid antlerless-deer-only licenses shall be valid in one county or in one deer population management zone and in one season as selected at the time the license is purchased. Free and reduced-fee antlerless-deer-only licenses shall be valid on the farm unit of an eligible landowner or tenant in the season or seasons selected at the time the license is obtained.

106.1(2) *Bow season licenses.* Any-deer and antlerless-deer-only licenses, paid or free, shall be valid in both segments of the bow season.

106.1(3) *Regular gun season licenses.* Paid any-deer and antlerless-deer-only licenses shall be valid in either the first or the second regular gun season, as designated on the license. Free any-deer licenses and antlerless-deer-only licenses shall be valid in both the first and second regular gun seasons.

106.1(4) *Muzzleloader season licenses.* Any-deer and antlerless-deer-only licenses, paid or free, shall be valid in either the early or the late muzzleloader season, as designated on the license.

106.1(5) *November antlerless-deer-only licenses.* Only antlerless-deer-only licenses, paid or free, will be issued for the November antlerless-deer-only season.

106.1(6) *January antlerless-deer-only licenses.* Only antlerless-deer-only licenses, paid or free, will be issued for the January antlerless-deer-only season. Free antlerless-deer-only licenses shall be available only in the portion of the farm unit located in a county where paid antlerless-deer-only licenses are available during that season.

106.1(7) *Free and reduced-fee deer licenses for landowners and tenants.* A maximum of one free any-deer license, two free antlerless-deer-only licenses, and two reduced-fee antlerless-deer-only licenses may be issued to a qualifying landowner or eligible family member and a qualifying tenant or eligible family member. Eligibility for licenses is described in 571—106.12(481A). The free any-deer license shall be available for one of the following seasons: the youth/disabled hunter season (if eligible), bow season, early muzzleloader season, late muzzleloader season or first and second regular gun seasons. One free antlerless-deer-only license shall be available for one of the following seasons: youth/disabled hunter season (if eligible), bow season, early muzzleloader season, late muzzleloader season, first and second regular gun seasons, or November antlerless-deer-only season. The second free antlerless-deer-only license shall be valid only for the January antlerless-deer-only season and will be available only if a portion of the farm unit lies within a county where paid antlerless-deer-only licenses are available during that season. Each reduced-fee antlerless-deer-only license shall be valid for one of the following seasons: youth/disabled hunter season (if eligible), bow season, early muzzleloader season, late muzzleloader season, first and second regular gun seasons, November antlerless-deer-only season or January antlerless-deer-only season. January antlerless-deer-only licenses will be available only if a portion of the farm unit is located in a county where paid antlerless-deer-only licenses are available in that season.

106.1(8) *Antlerless-deer-only crossbow licenses for senior citizens.* Persons 70 years old or older may obtain one paid antlerless-deer-only license valid statewide for taking antlerless deer with a crossbow. The license will be valid only during the bow season.

571—106.2(481A) Season dates. Deer may be taken only during the following seasons:

106.2(1) *Bow season.* Deer may be taken in accordance with the type of license issued from October 1 through the Friday before the first Saturday in December and from the Monday following the third Saturday in December through January 10 of the following year.

106.2(2) *Regular gun seasons.* Deer may be taken in accordance with the type, season and zone designated on the license from the first Saturday in December and continuing for five consecutive days (first regular gun season) or from the second Saturday in December and continuing for nine consecutive days (second regular gun season).

106.2(3) *Muzzleloader seasons.* Deer may be taken in accordance with the type, season and zone designated on the license from the Saturday closest to October 14 and continuing for nine consecutive days (early muzzleloader season) or from the Monday following the third Saturday in December through January 10 of the following year (late muzzleloader season).

106.2(4) *November antlerless-deer-only season.* Antlerless deer may be taken for three days beginning the Friday after Thanksgiving.

106.2(5) *January antlerless-deer-only season.* Antlerless deer may be taken from January 11 through the third following Sunday.

571—106.3(481A) Shooting hours. Legal shooting hours shall be from one-half hour before sunrise to one-half hour after sunset in all seasons.

571—106.4(481A) Limits.

106.4(1) *Bow season.* The daily bag limit is one deer per license. The possession limit is one deer per license. A person may shoot and tag a deer only by utilizing the license and tag issued in the person's name.

106.4(2) *Muzzleloader seasons.* The daily bag limit is one deer per license. The possession limit is one deer per license. A person may shoot and tag a deer only by utilizing the license and tag issued in the person's name.

106.4(3) *Regular gun seasons.* The bag limit is one deer for each hunter in the party who has a valid deer transportation tag. The possession limit is one deer per license. "Possession" shall mean that the deer is in the possession of the person whose license number matches the number of the transportation tag on the carcass of the deer.

106.4(4) *November antlerless-deer-only season.* The bag and possession limits and the tagging requirements are the same as for the regular gun seasons.

106.4(5) *January antlerless-deer-only season.* The daily bag and possession limit and the tagging requirements are the same as for the regular gun seasons.

106.4(6) *Maximum annual possession limit.* The maximum annual possession limit for a resident deer hunter is one deer for each legal license and transportation tag obtained.

571—106.5(481A) Areas closed to hunting. There shall be no open seasons for hunting deer on the county roads immediately adjacent to or through Union Slough National Wildlife Refuge, Kossuth County, where posted accordingly. There shall be no open seasons for hunting deer on all portions of rights-of-way on Interstate Highways 29, 35, 80 and 380.

571—106.6(481A) Paid deer license quotas and restrictions. Paid deer licenses, including antlerless-deer-only licenses, will be restricted in the type and number that may be purchased.

106.6(1) *Paid any-deer licenses.* Residents may purchase no more than two paid any-deer licenses, one for the bow season and one for one of the following seasons: early muzzleloader season, late muzzleloader season, first regular gun season, or second regular gun season. No more than 7,500 paid statewide any-deer licenses will be sold for the early muzzleloader season. Fifty additional paid

early muzzleloader season licenses will be sold through and will be valid only for the Iowa Army Ammunition Plant. There will be no quota on the number of paid any-deer licenses issued in the bow season, late muzzleloader season, first regular gun season, or second regular gun season.

106.6(2) *Paid antlerless-deer-only licenses.* Paid antlerless-deer-only licenses have quotas for each county and will be sold for each county until quotas are reached.

a. Paid antlerless-deer-only licenses may be purchased for any season in counties where licenses are available, except as outlined in 106.6(2)*"b."* A license must be used in the season, county or deer population management area selected at the time the license is purchased.

b. No one may obtain paid licenses for both the first regular gun season and second regular gun season regardless of whether the licenses are valid for any deer or antlerless deer only. Paid antlerless-deer-only licenses for the early muzzleloader season may only be purchased by hunters who have already purchased one of the 7,500 paid statewide any-deer licenses.

c. Prior to September 15, a hunter may purchase one antlerless-deer-only license for any season for which the hunter is eligible. Beginning September 15, a hunter may purchase an unlimited number of antlerless-deer-only licenses for any season for which the hunter is eligible, as set forth in 106.6(2)*"b,"* until the county or population management area quotas are filled. Licenses purchased for deer population management areas will not count in the county quota.

106.6(3) *November antlerless-deer-only season.* Antlerless-deer-only licenses for the November antlerless-deer-only season shall be available in the following counties: Adair, Adams, Allamakee, Appanoose, Benton, Bremer, Buchanan, Cass, Cedar, Chickasaw, Clarke, Clayton, Clinton, Dallas, Davis, Decatur, Delaware, Des Moines, Dubuque, Fayette, Fremont, Guthrie, Harrison, Henry, Howard, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Lucas, Madison, Mahaska, Marion, Mills, Monona, Monroe, Montgomery, Muscatine, Page, Polk, Pottawattamie, Poweshiek, Ringgold, Scott, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, Winneshiek, and Woodbury. Beginning the second Saturday prior to the opening of the November antlerless-deer-only season, an unlimited number of paid antlerless-deer-only licenses may be purchased for the November antlerless-deer-only season. These licenses may be obtained regardless of any other paid any-deer or paid antlerless-deer-only licenses that may have been obtained. Licenses will be sold until county quotas are filled.

106.6(4) *January antlerless-deer-only licenses.* Antlerless-deer-only licenses for the January antlerless-deer-only season shall be available in the following counties: Adair, Adams, Allamakee, Appanoose, Benton, Bremer, Buchanan, Cass, Cedar, Chickasaw, Clarke, Clayton, Clinton, Dallas, Davis, Decatur, Delaware, Des Moines, Dubuque, Fayette, Fremont, Guthrie, Harrison, Henry, Howard, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Lucas, Madison, Mahaska, Marion, Mills, Monona, Monroe, Montgomery, Muscatine, Page, Polk, Pottawattamie, Poweshiek, Ringgold, Scott, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, Winneshiek, and Woodbury.

106.6(5) *Free landowner/tenant licenses.* A person obtaining a free landowner/tenant license may purchase any combination of paid bow and paid gun licenses available to persons who are not eligible for landowner/tenant licenses as described in 571—106.12(481A).

106.6(6) *Antlerless-deer-only licenses.* Paid antlerless-deer-only licenses will be available by county as follows:

County	Quota	County	Quota	County	Quota
Adair	2100	Floyd	250	Monona	1350
Adams	1950	Franklin	150	Monroe	3000
Allamakee	4500	Fremont	1300	Montgomery	1150
Appanoose	3300	Greene	150	Muscatine	1700
Audubon	100	Grundy	0	O'Brien	0
Benton	1000	Guthrie	3300	Osceola	0
Black Hawk	0	Hamilton	100	Page	1500

County	Quota	County	Quota	County	Quota
Boone	650	Hancock	0	Palo Alto	0
Bremer	700	Hardin	400	Plymouth	100
Buchanan	400	Harrison	1350	Pocahontas	0
Buena Vista	0	Henry	2000	Polk	1250
Butler	250	Howard	800	Pottawattamie	1600
Calhoun	0	Humboldt	0	Poweshiek	750
Carroll	100	Ida	0	Ringgold	2600
Cass	1000	Iowa	1200	Sac	0
Cedar	1300	Jackson	1800	Scott	800
Cerro Gordo	0	Jasper	1300	Shelby	250
Cherokee	0	Jefferson	2150	Sioux	0
Chickasaw	600	Johnson	2000	Story	500
Clarke	1900	Jones	1500	Tama	800
Clay	0	Keokuk	1900	Taylor	2450
Clayton	5800	Kossuth	0	Union	2100
Clinton	1200	Lee	2500	Van Buren	5400
Crawford	150	Linn	1900	Wapello	2150
Dallas	2300	Louisa	1500	Warren	2400
Davis	3600	Lucas	1800	Washington	2250
Decatur	2800	Lyon	0	Wayne	3000
Delaware	1700	Madison	3000	Webster	100
Des Moines	2000	Mahaska	1350	Winnebago	0
Dickinson	0	Marion	1750	Winneshiek	3500
Dubuque	2000	Marshall	650	Woodbury	1250
Emmet	0	Mills	1150	Worth	100
Fayette	3000	Mitchell	250	Wright	0

571—106.7(481A) Method of take. Permitted weapons and devices vary according to the type of season.

106.7(1) *Bow season.* Only longbow, compound or recurve bows shooting broadhead arrows are permitted during the bow season. Arrows must be at least 18 inches long.

a. Crossbows may be used during the bow season in the following two situations:

(1) By persons with certain afflictions of the upper body as provided in 571—15.5(481A); and

(2) By persons over the age of 70 with an antlerless-deer-only license as provided in Iowa Code section 483A.8A.

b. No explosive or chemical devices may be attached to the arrow, broadhead or bolt (if used with a crossbow).

106.7(2) *Regular gun seasons.* Only 10-, 12-, 16- and 20-gauge shotguns shooting single slugs and muzzleloaders and handguns as described in 106.7(3) will be permitted for taking deer during the regular gun seasons.

106.7(3) *Muzzleloader seasons.* Only muzzleloading rifles and muzzleloading pistols will be permitted for taking deer during the early muzzleloader season. During the late muzzleloader season, deer may be taken with a muzzleloader, centerfire handgun, or bow as described in 106.7(1). Muzzleloading rifles are defined as flintlock or percussion cap lock muzzleloaded rifles and muskets of not less than .44 and not larger than .775 caliber, shooting single projectiles only. Centerfire handguns must be .357 caliber or larger shooting straight-walled cartridges propelling an expanding-type bullet (no full-metal jacket) and complying with all other requirements provided in Iowa Code section

481A.48. Legal handgun calibers are listed on the department of natural resources list of Acceptable Handgun Calibers for Hunting Deer in Iowa. Revolvers, pistols and black powder handguns must have a 4-inch minimum barrel length. There can be no shoulder stock or long-barrel modifications to handguns. Muzzleloading handguns must be .44 caliber or larger, shooting single projectiles only.

106.7(4) *November antlerless-deer-only season.* Bows, shotguns, muzzleloaders and handguns as described in this rule may be used.

106.7(5) *January antlerless-deer-only season.* Bows, shotguns, muzzleloaders and handguns as described in this rule may be used during the January antlerless-deer-only season. Centerfire rifles .24 caliber or larger may be used in the southern two tiers of counties.

106.7(6) *Prohibited weapons and devices.* The use of dogs, domestic animals, bait, rifles other than muzzleloaded or as provided in 106.7(5), handguns except as provided in 106.7(3), crossbows except as provided in 106.7(1), automobiles, aircraft, or any mechanical conveyance or device, including electronic calls, is prohibited, except that paraplegics and single or double amputees of the legs may hunt from any stationary motor-driven land conveyance. "Bait" means grain, fruit, vegetables, nuts, hay, salt, mineral blocks, or any other natural food materials; commercial products containing natural food materials; or by-products of such materials transported to or placed in an area for the intent of attracting wildlife. Bait does not include food placed during normal agricultural activities. "Paraplegic" means an individual with paralysis of the lower half of the body with involvement of both legs, usually due to disease of or injury to the spinal cord. It shall be unlawful for a person, while hunting deer, to carry or have in possession a rifle except as provided in 106.7(3) and 106.7(5). It shall be unlawful for a person hunting with a bow license to carry a handgun unless that person also has a valid deer hunting license and an unfilled transportation tag that permits a handgun to be used to take deer.

106.7(7) *Discharge of firearms from roadway.* No person shall discharge a rifle, including a muzzleloading rifle or musket, or a handgun from a highway while deer hunting. In addition, no person shall discharge a shotgun shooting slugs from a highway north of U.S. Highway 30. A "highway" means the way between property lines open to the public for vehicle traffic, including the road ditch, as defined in Iowa Code section 321.1(78).

106.7(8) *Hunting from blinds.* No person shall use a blind for hunting deer during the regular gun deer seasons as defined in 106.2(3), unless such blind exhibits a solid blaze orange marking visible in all directions with a minimum height of 12 inches and a minimum width of 12 inches. Such blaze orange shall be affixed directly on or directly on top of the blind. For the purposes of this subrule, the term "blind" is defined as a place of concealment constructed, either wholly or partially from man-made materials, and used by a person who is hunting for the purpose of hiding from sight. A blind is not a naturally occurring landscape feature or an arrangement of natural or agricultural plant material that a hunter uses for concealment. In addition to the requirements in this subrule, hunters using blinds must also satisfy the requirements of wearing blaze orange as prescribed in Iowa Code section 481A.122.

571—106.8(481A) Procedures to obtain licenses. All resident deer hunting licenses must be obtained using the electronic licensing system for Iowa (ELSI). Licenses may be purchased from ELSI license agents, or online at www.iowadnr.com, or by calling the ELSI telephone ordering system.

106.8(1) *Licenses with quotas.* All paid deer hunting licenses for which a quota is established may be obtained from the ELSI system on a first-come, first-served basis beginning August 15 until the quota fills, or through the last day of the hunting period for which the license is valid.

106.8(2) *Licenses without quotas.* All deer hunting licenses that have no quota may be obtained from the ELSI system beginning August 15 through the last day of the hunting period for which a license is valid.

106.8(3) *Providing false information.*

a. Any person who provides false information about the person's identity or eligibility for any paid or free landowner/tenant deer license and tag and who attests that the information is correct by accepting and signing the license or tag shall have the person's hunting license revoked as a part of the sentencing for such criminal conviction, and the person shall not be issued a hunting license for one year pursuant to the authority of Iowa Code Supplement section 483A.24(2)*"f"* and rule 571—15.6(483A).

b. In addition to any legal penalties that may be imposed, the obtaining of a license in violation of this rule shall invalidate that deer license and transportation tag and any other deer hunting license and transportation tag obtained during the same year.

571—106.9(481A) Transportation tag. A transportation tag bearing the license number of the licensee, year of issuance, and date of kill properly shown shall be visibly attached to the carcass of each deer in such a manner that the tag cannot be removed without mutilating or destroying the tag. This tag shall be attached to the carcass of the deer within 15 minutes of the time the deer is killed or before the carcass is moved in any manner, whichever occurs first. No person shall tag a deer with a transportation tag issued to another person. During the youth/disabled hunter season, bow season, early muzzleloader season and late muzzleloader season, the hunter who killed the deer must tag the deer by using the transportation tag issued in that person's name. During the first and second regular gun seasons and the November and January antlerless-deer-only seasons, anyone present in the hunting party may tag a deer with a tag issued in that person's name. This tag shall be proof of possession and shall remain affixed to the carcass until such time as the animal is processed for consumption. The head, and antlers if any, shall remain attached to the deer while being transported by any means whatsoever from the place where taken to the processor or commercial preservation facility or until the deer has been processed for consumption.

571—106.10(481A) Youth deer and severely disabled hunts.

106.10(1) *Licenses.*

a. *Youth deer hunt.* A youth deer license may be issued to any Iowa resident who is not over 15 years old on the day the youth obtains the license. The youth license may be paid or free to persons eligible for free licenses. If the youth obtains a free landowner/tenant license, it will count as the one free any-deer license for which the youth's family is eligible.

Each participating youth must be accompanied by an adult who possesses a regular hunting license and has paid the habitat fee (if the adult is normally required to have a hunting license and to pay the habitat fee to hunt). Only one adult may participate for each youth hunter. The accompanying adult must not possess a firearm or bow and must be in the direct company of the youth at all times.

A person may obtain only one youth any-deer license but may also obtain any other paid or free any-deer and antlerless-deer-only licenses that are available to other hunters. Antlerless-deer-only licenses must be obtained in the same manner with which other hunters obtain them, as described in 106.6(2).

b. *Severely disabled hunt.* Any severely disabled Iowa resident meeting the requirements of Iowa Code section 321L.1(8) may be issued one any-deer license to hunt deer during the youth season. A person applying for this license must either possess a disability parking permit or provide a completed form from the department of natural resources. The form must be signed by a physician verifying that the person's disability meets the criteria defined in Iowa Code section 321L.1(8). Forms are available online at www.iowadnr.com, by visiting the DNR central office or any district office, or by calling (515)281-5918. A person between 16 and 65 years of age must also possess a regular hunting license and have paid the habitat fee to obtain a license (if normally required to have a hunting license and to pay the habitat fee to hunt). A severely disabled person obtaining this license may obtain any other paid and free any-deer and antlerless-deer-only licenses that are available to other hunters. Antlerless-deer-only licenses must be obtained in the same manner by which other hunters obtain them, as described in 106.6(2).

106.10(2) *Season dates.* Deer of either sex may be taken statewide for 16 consecutive days beginning on the third Saturday in September. A person who is issued a youth deer hunting license and does not take a deer during the youth deer hunting season may use the deer hunting license and unused tag during the early muzzleloader, late muzzleloader, and one of the shotgun seasons. The license will be valid for the type of deer and in the area specified on the original license. The youth must follow all other rules specified in this chapter for each season. A youth hunting in one of the other seasons must obtain a hunting license and habitat stamp or hunt with a licensed adult if required by Iowa Code

section 483A.24. If the tag is filled during one of the seasons, the license will not be valid in subsequent seasons.

106.10(3) *Shooting hours.* Legal shooting hours will be one-half hour before sunrise to one-half hour after sunset each day regardless of weapon used.

106.10(4) *Limits and license quotas.* An unlimited number of licenses may be issued. The daily and season bag and possession limit is one deer per license. A person may shoot and tag a deer only by utilizing the license and tag issued in the person's name.

106.10(5) *Method of take and other regulations.* Deer may be taken with shotgun, bow or muzzleloaded rifles as permitted in 571—106.7(481A). All participants must meet the deer hunters' orange apparel requirement in Iowa Code section 481A.122. All other regulations for obtaining licenses or hunting deer shall apply.

106.10(6) *Procedures for obtaining licenses.* Paid and free youth season licenses and licenses for severely disabled hunters may be obtained through ELSI beginning August 15 through the last day of the youth season.

571—106.11(481A) Deer depredation management. The deer depredation management program provides assistance to producers through technical advice and additional deer licenses and permits where the localized reduction of female deer is needed to reduce damage. Upon signing a depredation management agreement with the department, producers of agricultural or high-value horticultural crops may be issued deer depredation permits to shoot deer causing excessive crop damage. If immediate action is necessary to forestall serious damage, depredation permits may be issued before an agreement is signed. Further permits will not be authorized until an agreement is signed.

106.11(1) *Method of take and other regulations.* Legal weapons and restrictions will be governed by 571—106.7(481A). For deer shooting permits only, there are no shooting hour restrictions; however, taking deer with an artificial light is prohibited by Iowa Code section 481A.93. The producer or designee must meet the deer hunters' orange apparel requirement in Iowa Code section 481A.122.

106.11(2) *Eligibility.* Producers growing typical agricultural crops (such as corn, soybeans, hay and oats and tree farms and other forestlands under a timber management program) and producers of high-value horticultural crops (such as Christmas trees, fruit or vegetable crops, nursery stock, and commercially grown nuts) shall be eligible to enter into depredation management agreements if these crops sustain excessive damage.

a. The producer may be the landowner or a tenant, whoever has cropping rights to the land.

b. Excessive damage is defined as crop losses exceeding $1,000 in a single growing season, or the likelihood that damage will exceed $1,000 if preventive action is not taken, or a documented history of at least $1,000 of damage annually in previous years.

c. Producers who lease their deer hunting rights are not eligible for the deer depredation management program.

106.11(3) *Depredation management plans.* Upon request from a producer, field employees of the wildlife bureau will inspect and identify the type and amount of crop damage sustained from deer. If damage is not excessive, technical advice will be given to the producer on methods to reduce or prevent future damage. If damage is excessive and the producer agrees to participate, a written depredation management plan will be developed by depredation biologists in consultation with the producer.

a. The goal of the management plan will be to reduce damage to below excessive levels within a specified time period through a combination of producer-initiated preventive measures and the issuance of deer depredation permits.

(1) Depredation plans written for producers of typical agricultural crops may require preventive measures such as harassment of deer with pyrotechnics and cannons, guard dogs, and temporary fencing, as well as allowing more hunters, increasing the take of antlerless deer, and other measures that may prove effective.

(2) Depredation plans written for producers of high-value horticultural crops may include all of the measures in (1) above, plus permanent fencing where necessary. Fencing will not be required if the cost of a fence exceeds $1,000.

(3) Depredation permits to shoot deer may be issued to Iowa residents to reduce deer numbers until long-term preventive measures become effective. Depredation permits will not be used as a long-term solution to deer damage problems.

b. Depredation management plans will normally be written for a three-year period with progress reviewed annually by the department and the producer.

(1) The plan will become effective when signed by the depredation biologist and the producer.

(2) Plans may be modified or extended if mutually agreed upon by the department and the producer.

(3) Depredation permits will not be issued after the initial term of the management plan if the producer fails to implement preventive measures outlined in the plan.

106.11(4) *Depredation permits.* Two types of permits may be issued under a depredation management plan.

a. Deer depredation licenses. Deer depredation licenses may be sold to resident hunters only for the regular deer license fee for use during one or more legal hunting seasons. Depredation licenses will be available to producers of agricultural and horticultural crops.

(1) Depredation licenses will be issued up to the number specified in the management plan.

(2) The landowner or an eligible family member, which shall include the landowner's spouse or domestic partner and juvenile children, may obtain one depredation license for each season established by the commission. No other individual may initially obtain more than three depredation licenses per management plan. When a deer is reported harvested on one of these licenses, then another license may be obtained.

(3) Depredation licenses will be valid only for hunting antlerless deer, regardless of restrictions that may be imposed on regular deer hunting licenses in that county.

(4) Hunters may keep any deer legally tagged with a depredation license.

(5) All other regulations for the hunting season specified on the license will apply.

(6) Depredation licenses will be valid only on the land where damage is occurring and the immediately adjacent property unless the land is within a designated block hunt area as described in subparagraph (7). Other parcels of land in the farm unit not adjacent to the parcels receiving damage will not qualify.

(7) Block hunt areas are areas designated and delineated by wildlife biologists of the wildlife bureau to facilitate herd reduction in a given area where all producers may not qualify for the depredation program or in areas of persistent deer depredation. Depredation licenses issued to producers within the block hunt area are valid on all properties within the delineated boundaries. Individual landowner permission is required for hunters utilizing depredation licenses within the block hunt area boundaries. Creation of a given block hunt area does not authorize trespass.

b. Deer shooting permits. Permits for shooting deer outside an established hunting season may be issued to producers of high-value horticultural crops when damage cannot be controlled in a timely manner during the hunting seasons (such as late summer buck rubs in an orchard and winter browsing in a Christmas tree plantation) and to other agricultural producers who have an approved DNR deer depredation plan, and on areas such as airports where public safety may be an issue.

(1) Deer shooting permits will be issued at no cost to the applicant.

(2) The applicant or one or more designees approved by the department may take all the deer specified on the permit.

(3) Permits available to producers of high-value horticultural crops or agricultural crops may be valid for taking deer outside of a hunting season depending on the nature of the damage. The number and type of deer to be killed will be determined by a department depredation biologist and will be part of the deer depredation management plan.

(4) Permits issued due to public safety concerns may be used for taking any deer, as necessary, to address unpredictable intrusion which could jeopardize public safety. Permits may be issued for an entire year (January 1 through December 31) if the facility involved signs an agreement with the department.

(5) All deer killed must be recovered and processed for human consumption.

(6) The times, dates, place and other restrictions on the shooting of deer will be specified on the permit.

(7) Antlers from all deer recovered must be turned over to the conservation officer to be disposed of according to department rules.

(8) For out-of-season shooting permits, there are no shooting hour restrictions; however, taking deer with an artificial light is prohibited by Iowa Code section 481A.93.

c. Depredation licenses and shooting permits will be issued in addition to any other licenses for which the hunters may be eligible.

d. Depredation licenses and shooting permits will not be issued if the producer restricts the legal take of deer from the property sustaining damage by limiting hunter numbers below levels required to control the deer herd. This restriction does not apply in situations where shooting permits are issued for public safety concerns.

e. A person who receives a depredation permit pursuant to this paragraph shall pay a $1 fee for each license that shall be used and is appropriated for the purpose of deer herd population management, including assisting with the cost of processing deer donated to the help us stop hunger (HUSH) program administered by the commission and a $1 writing fee for each license to the license agent.

106.11(5) *Disposal.* Rescinded IAB 7/16/08, effective 8/20/08.

571—106.12(481A) Eligibility for free landowner/tenant deer licenses.

106.12(1) *Who qualifies for free deer hunting licenses.*

a. Owners and tenants of a farm unit and the spouse and juvenile child of an owner or tenant who reside with the owner or tenant are eligible for free deer licenses. The owner or tenant does not have to reside on the farm unit but must be actively engaged in farming it. Nonresident landowners do not qualify.

b. Juvenile child defined. "Juvenile child" means a person less than 18 years of age or a person who is 18 or 19 years of age and is in full-time attendance at an accredited school pursuing a course of study leading to a high school diploma or a high school equivalency diploma. A person 18 years of age or older who has received a high school diploma or high school equivalency diploma does not qualify.

106.12(2) *Who qualifies as a tenant.* A "tenant" is a person other than the landowner who is actively engaged in the operation of the farm. The tenant may be a member of the landowner's family, including in some circumstances the landowner's spouse or child, or a third party who is not a family member. The tenant does not have to reside on the farm unit.

106.12(3) *What "actively engaged in farming" means.* Landowners and tenants are "actively engaged in farming" if they personally participate in decisions about farm operations and those decisions, along with external factors such as weather and market prices, determine their profit or loss for the products they produce. Tenants qualify if they farm land owned by another and pay rent in cash or in kind. A farm manager or other third party who operates a farm for a fee or a laborer who works on the farm for a wage and is not a family member does not qualify as a tenant.

106.12(4) *Landowners who qualify as active farmers.* These landowners:

a. Are the sole operator of a farm unit (along with immediate family members), or

b. Make all decisions about farm operations, but contract for custom farming or hire labor to do some or all of the work, or

c. Participate annually in decisions about farm operations such as negotiations with federal farm agencies or negotiations about cropping practices on specific fields that are rented to a tenant, or

d. Raise specialty crops from operations such as orchards, nurseries, or tree farms that do not necessarily produce annual income but require annual operating decisions about maintenance or improvements, or

e. May have portions of the farm enrolled in a long-term land retirement program such as the Conservation Reserve Program (CRP) as long as other farm operations occur annually, or

f. Place their entire cropland in the CRP or other long-term land retirement program with no other active farming operation occurring on the farm.

106.12(5) *Landowners who do not qualify.* These landowners:

a. Use a farm manager or other third party to operate the farm, or

b. Cash rent the entire farm to a tenant who is responsible for all farm operations including following preapproved operations plans.

106.12(6) *Where free licenses are valid.* A free license is valid only on that portion of the farm unit that is in a zone open to deer hunting. "Farm unit" means all parcels of land in tracts of two or more contiguous acres that are operated as a unit for agricultural purposes and are under lawful control of the landowner or tenant regardless of how that land is subdivided for business purposes. Individual parcels of land do not need to be adjacent to one another to be included in the farm unit. "Agricultural purposes" includes but is not limited to field crops, livestock, horticultural crops (e.g., from nurseries, orchards, truck farms, or Christmas tree plantations), and land managed for timber production.

106.12(7) *Registration of landowners and tenants.* Landowners and tenants and their eligible family members who want to obtain free deer hunting licenses must register with the department before the free licenses will be issued. Procedures for registering are described in 571—95.2(481A).

571—106.13(481A) Harvest reporting. Each hunter who bags a deer must report that kill according to procedures described in 571—95.1(481A).

571—106.14(481A) Extension to the regular gun seasons. Rescinded IAB 7/16/08, effective 8/20/08.

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.24, 483A.24B, and 483A.24C.

[Filed 7/16/75]
[Filed emergency 6/11/76—published 6/28/76, effective 6/11/76]
[Filed emergency 6/13/77—published 7/13/77, effective 6/13/77]
[Filed emergency 9/1/77—published 9/21/77, effective 9/1/77]
[Filed 6/8/78, Notice 3/8/78—published 6/28/78, effective 8/2/78]
[Filed 6/5/79, Notice 3/7/79—published 6/27/79, effective 8/1/79]
[Filed 6/6/80, Notice 3/5/80—published 6/25/80, effective 7/30/80]
[Filed 6/5/81, Notice 3/4/81—published 6/24/81, effective 7/29/81]
[Filed 6/3/82, Notice 3/3/82—published 6/23/82, effective 7/28/82]
[Filed 6/3/83, Notice 3/30/83—published 6/22/83, effective 8/1/83]
[Filed emergency after Notice 6/13/84, Notice 2/29/84—published 7/4/84, effective 6/15/84]
[Filed 5/31/85, Notice 2/27/85—published 6/19/85, effective 7/24/85]
[Filed emergency 8/16/85—published 9/11/85, effective 8/16/85]
[Filed 6/11/86, Notice 2/26/86—published 7/2/86, effective 8/6/86]
[Filed without Notice 12/12/86—published 12/31/86, effective 2/4/87]
[Filed 6/11/87, Notice 3/11/87—published 7/1/87, effective 8/10/87]
[Filed 5/13/88, Notice 2/24/88—published 6/1/88, effective 7/6/88]
[Filed 6/10/88, Notice 2/24/88—published 6/29/88, effective 8/10/88]
[Filed 5/12/89, Notice 3/8/89—published 5/31/89, effective 7/5/89]
[Filed 5/11/90, Notice 3/7/90—published 5/30/90, effective 7/4/90]
[Filed 5/10/91, Notice 3/6/91—published 5/29/91, effective 7/3/91]
[Filed 5/8/92, Notice 3/4/92—published 5/27/92, effective 7/6/92]
[Filed emergency 12/4/92—published 12/23/92, effective 12/4/92]
[Filed emergency 3/12/93—published 3/31/93, effective 3/12/93]
[Filed 5/7/93, Notice 3/31/93—published 5/26/93, effective 7/6/93]
[Filed 5/20/94, Notice 3/2/94—published 6/8/94, effective 7/13/94]
[Filed emergency 5/15/95—published 6/7/95, effective 5/15/95]
[Filed 5/15/95, Notice 3/1/95—published 6/7/95, effective 7/14/95]
[Filed 8/11/95, Notice 6/7/95—published 8/30/95, effective 10/4/95]
[Filed 5/15/96, Notice 2/28/96—published 6/5/96, effective 7/15/96]
[Filed emergency 12/13/96 after Notice 11/6/96—published 1/1/97, effective 12/13/96]
[Filed 5/15/97, Notice 3/12/97—published 6/4/97, effective 7/14/97]
[Filed 8/22/97, Notice 6/4/97—published 9/10/97, effective 10/15/97]

[Filed 9/19/97, Notice 7/16/97—published 10/8/97, effective 11/12/97]
[Filed 5/29/98, Notice 3/11/98—published 6/17/98, effective 7/22/98]
[Filed 5/14/99, Notice 3/10/99—published 6/2/99, effective 7/7/99]
[Filed emergency 9/13/99—published 10/6/99, effective 9/13/99]
[Filed emergency 11/12/99 after Notice 9/8/99—published 12/1/99, effective 11/12/99]
[Filed 5/12/00, Notice 3/8/00—published 5/31/00, effective 7/5/00]
[Filed 5/11/01, Notice 3/7/01—published 5/30/01, effective 7/4/01]
[Filed 5/9/02, Notice 3/6/02—published 5/29/02, effective 7/3/02]
[Nullified language editorially removed 5/28/03]†
[Filed 6/20/03, Notice 3/5/03—published 7/9/03, effective 8/13/03]
[Filed 10/10/03, Notice 7/9/03—published 10/29/03, effective 12/3/03]
[Filed 6/18/04, Notice 3/3/04—published 7/7/04, effective 8/11/04]
[Filed 6/17/05, Notice 3/30/05—published 7/6/05, effective 8/10/05]
[Filed 6/16/06, Notice 3/29/06—published 7/5/06, effective 8/9/06]
[Filed 6/14/07, Notice 3/28/07—published 7/4/07, effective 8/8/07]
[Filed emergency 12/14/07—published 1/16/08, effective 12/14/07]
[Filed 6/24/08, Notice 4/9/08—published 7/16/08, effective 8/20/08]
[Filed 11/20/08, Notice 9/10/08—published 12/17/08, effective 1/21/09]

†See HJR 5 of 2003 Session of Eightieth General Assembly.

PROFESSIONAL LICENSURE DIVISION[645]

Created within the Department of Public Health[641] by 1986 Iowa Acts, chapter 1245.
Prior to 7/29/87, for Chs. 20 to 22 see Health Department[470] Chs. 152 to 154.

CHAPTERS 1 to 3
Reserved

CHAPTER 4
BOARD ADMINISTRATIVE PROCESSES

4.1(17A) Definitions
4.2(17A) Purpose of board
4.3(17A,147,272C) Organization of board and proceedings
4.4(17A) Official communications
4.5(17A) Office hours
4.6(21) Public meetings
4.7(147) Licensure by reciprocal agreement
4.8(147) Duplicate certificate or wallet card
4.9(147) Reissued certificate or wallet card
4.10(17A,147,272C) License denial
4.11(272C) Audit of continuing education report
4.12(272C) Automatic exemption
4.13(272C) Grounds for disciplinary action
4.14(272C) Continuing education exemption for disability or illness
4.15(272C) Order for mental, physical, or clinical competency examination or alcohol or drug screening

CHAPTER 5
FEES

5.1(147,152D) Athletic training license fees
5.2(147,158) Barbering license fees
5.3(147,154D) Behavioral science license fees
5.4(151) Chiropractic license fees
5.5(147,157) Cosmetology arts and sciences license fees
5.6(147,152A) Dietetics license fees
5.7(147,154A) Hearing aid dispensers license fees
5.8(147) Massage therapy license fees
5.9(147,156) Mortuary science license fees
5.10(147,155) Nursing home administrators license fees
5.11(147,148B) Occupational therapy license fees
5.12(147,154) Optometry license fees
5.13(147,148A) Physical therapy license fees
5.14(148C) Physician assistants license fees
5.15(147,149) Podiatry license fees
5.16(147,154B) Psychology license fees
5.17(147,152B) Respiratory care license fees
5.18(147,154E) Sign language interpreters and transliterators license fees
5.19(147,154C) Social work license fees
5.20(147) Speech pathology and audiology license fees

CHAPTER 6
PETITIONS FOR RULE MAKING

6.1(17A) Petition for rule making
6.2(17A) Inquiries

CHAPTER 7
AGENCY PROCEDURE FOR RULE MAKING

7.1(17A) Adoption by reference

CHAPTER 8
DECLARATORY ORDERS
(Uniform Rules)

8.1(17A) Petition for declaratory order
8.2(17A) Notice of petition
8.3(17A) Intervention
8.5(17A) Inquiries

CHAPTER 9
COMPLAINTS AND INVESTIGATIONS

9.1(272C) Complaints
9.2(272C) Report of malpractice claims or actions or disciplinary actions
9.3(272C) Report of acts or omissions
9.4(272C) Investigation of complaints or reports
9.5(17A,272C) Issuance of investigatory subpoenas
9.6(272C) Peer review committees
9.7(17A) Appearance

CHAPTER 10
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
(Uniform Rules)

10.1(17A,22) Definitions
10.3(17A,22) Requests for access to records
10.5(17A,22) Request for treatment of a record as a confidential record and its withholding from examination
10.6(17A,22) Procedures by which additions, dissents, or objections may be entered into certain records
10.9(17A,22) Disclosures without the consent of the subject
10.10(17A,22) Routine use
10.11(17A,22) Consensual disclosure of confidential records
10.12(17A,22) Release to subject
10.13(17A,22) Availability of records
10.14(17A,22) Personally identifiable information
10.15(22) Other groups of records routinely available for public inspection
10.16(17A,22) Applicability

CHAPTER 11
CONTESTED CASES

11.1(17A) Scope and applicability
11.2(17A) Definitions
11.3(17A) Time requirements
11.4(17A) Probable cause
11.5(17A) Legal review
11.6(17A) Statement of charges and notice of hearing
11.7(17A,272C) Legal representation

11.8(17A,272C) Presiding officer in a disciplinary contested case
11.9(17A) Presiding officer in a nondisciplinary contested case
11.10(17A) Disqualification
11.11(17A) Consolidation—severance
11.12(17A) Answer
11.13(17A) Service and filing
11.14(17A) Discovery
11.15(17A,272C) Issuance of subpoenas in a contested case
11.16(17A) Motions
11.17(17A) Prehearing conferences
11.18(17A) Continuances
11.19(17A,272C) Hearing procedures
11.20(17A) Evidence
11.21(17A) Default
11.22(17A) Ex parte communication
11.23(17A) Recording costs
11.24(17A) Interlocutory appeals
11.25(17A) Applications for rehearing
11.26(17A) Stays of agency actions
11.27(17A) No factual dispute contested cases
11.28(17A) Emergency adjudicative proceedings
11.29(17A) Appeal
11.30(272C) Publication of decisions
11.31(272C) Reinstatement
11.32(17A,272C) License denial

CHAPTER 12
INFORMAL SETTLEMENT
12.1(17A,272C) Informal settlement

CHAPTER 13
DISCIPLINE
13.1(272C) Method of discipline
13.2(272C) Discretion of board
13.3(272C) Conduct of persons attending meetings

CHAPTER 14
CHILD SUPPORT NONCOMPLIANCE
14.1(252J) Adoption by reference

CHAPTER 15
NONCOMPLIANCE OF LOAN REPAYMENT
15.1(261) Adoption by reference

CHAPTER 16
IMPAIRED PRACTITIONER REVIEW COMMITTEE
16.1(272C) Definitions
16.2(272C) Purpose
16.3(272C) Composition of the committee
16.4(272C) Organization of the committee
16.5(272) Eligibility
16.6(272C) Meetings
16.7(272C) Terms of participation

16.8(272C) Noncompliance
16.9(272C) Practice restrictions
16.10(272C) Limitations
16.11(272C) Confidentiality

CHAPTER 17
MATERIALS FOR BOARD REVIEW
17.1(147) Materials for board review

CHAPTER 18
WAIVERS OR VARIANCES FROM ADMINISTRATIVE RULES
18.1(17A,147,272C) Definitions
18.2(17A,147,272C) Scope of chapter
18.3(17A,147,272C) Applicability of chapter
18.4(17A,147,272C) Criteria for waiver or variance
18.5(17A,147,272C) Filing of petition
18.6(17A,147,272C) Content of petition
18.7(17A,147,272C) Additional information
18.8(17A,147,272C) Notice
18.9(17A,147,272C) Hearing procedures
18.10(17A,147,272C) Ruling
18.11(17A,147,272C) Public availability
18.12(17A,147,272C) Summary reports
18.13(17A,147,272C) Cancellation of a waiver
18.14(17A,147,272C) Violations
18.15(17A,147,272C) Defense
18.16(17A,147,272C) Judicial review

CHAPTER 19
Reserved

BARBERS

CHAPTER 20
ADMINISTRATIVE AND REGULATORY AUTHORITY
FOR THE BOARD OF BARBERING
20.1(17A) Definitions
20.2(17A) Purpose of board
20.3(17A,147,272C) Organization of board and proceedings
20.4(17A) Official communications
20.5(17A) Office hours
20.6(21) Public meetings

CHAPTER 21
LICENSURE OF BARBERS
21.1(158) Definitions
21.2(158) Requirements for licensure
21.3(158) Examination requirements for barbers and barber instructors
21.4(158) Educational qualifications
21.5(158) Licensure by endorsement
21.6(158) Licensure by reciprocal agreement
21.7(158) Temporary permits to practice barbering
21.8(158) Demonstrator's permit
21.9(158) License renewal

21.10 and 21.11 Reserved
21.12(158) Barbershop license renewal
21.13(147) Duplicate certificate or wallet card
21.14(147) Reissued certificate or wallet card
21.15(272C) License denial
21.16(17A,147,272C) License reactivation
21.17(17A,147,272C) License reinstatement

CHAPTER 22
SANITATION FOR BARBERSHOPS AND BARBER SCHOOLS

22.1(158) Definitions
22.2(158) Posting of sanitation rules and inspection report
22.3(147) Display of licenses
22.4(158) Responsibilities of barbershop owner and supervisor
22.5(158) Building standards
22.6(158) Barbershops in residential buildings
22.7(158) Barbershops adjacent to other businesses
22.8(158) Smoking
22.9(158) Personal cleanliness
22.10(158) Universal precautions
22.11(158) Minimum equipment and supplies
22.12(158) Disinfecting nonelectrical instruments and equipment
22.13(158) Disinfecting electrical instruments
22.14(158) Instruments and supplies that cannot be disinfected
22.15(158) Semisolids, dusters, and styptics
22.16(158) Disposal of materials
22.17(158) Prohibited hazardous substances and use of products
22.18(158) Proper protection of neck
22.19(158) Proper laundering and storage
22.20(158) Pets
22.21(158) Records

CHAPTER 23
BARBER SCHOOLS

23.1(158) Definitions
23.2(158) Licensing for barber schools
23.3(158) School license renewal
23.4(272C) Inactive school license
23.5(147) Duplicate certificate or wallet card
23.6(158) Physical requirements for barber schools
23.7(158) Minimum equipment requirements
23.8(158) Course of study requirements
23.9(158) Instructors
23.10(158) Students
23.11(158) Attendance requirements
23.12(158) Graduate of a barber school
23.13(147) Records requirements
23.14(158) Public notice
23.15(158) Apprenticeship

CHAPTER 24
CONTINUING EDUCATION FOR BARBERS

24.1(158) Definitions
24.2(158) Continuing education requirements
24.3(158,272C) Standards
24.4(158,272C) Audit of continuing education report
24.5(158,272C) Automatic exemption
24.6(158,272C) Continuing education exemption for disability or illness
24.7(158,272C) Grounds for disciplinary action

CHAPTER 25
DISCIPLINE FOR BARBERS, BARBER INSTRUCTORS,
BARBERSHOPS AND BARBER SCHOOLS

25.1(158) Definitions
25.2(272C) Grounds for discipline
25.3(158,272C) Method of discipline
25.4(272C) Discretion of board
25.5(158) Order for mental, physical, or clinical competency examination or alcohol or drug screening

CHAPTER 26
FEES

26.1(147,158) License fees

CHAPTERS 27 to 29
Reserved

BEHAVIORAL SCIENTISTS

CHAPTER 30
ADMINISTRATIVE AND REGULATORY AUTHORITY
FOR THE BOARD OF BEHAVIORAL SCIENCE EXAMINERS

30.1(17A,154D) Definitions
30.2(17A,154D) Purpose of board
30.3(17A,147,272C) Organization of board and proceedings
30.4(17A) Official communications
30.5(17A) Office hours
30.6(21) Public meetings

CHAPTER 31
LICENSURE OF MARITAL AND FAMILY THERAPISTS
AND MENTAL HEALTH COUNSELORS

31.1(154D) Definitions
31.2(154D) Requirements for licensure
31.3(154D) Examination requirements
31.4(154D) Educational qualifications for marital and family therapists
31.5(154D) Clinical experience requirements for marital and family therapists
31.6(154D) Educational qualifications for mental health counselors
31.7(154D) Clinical experience requirements for mental health counselors
31.8(154D) Licensure by endorsement
31.9(147) Licensure by reciprocal agreement
31.10(147) License renewal
31.11 Reserved
31.12(147) Licensee record keeping

31.13(147) Duplicate certificate or wallet card
31.14(147) Reissued certificate or wallet card
31.15(17A,147,272C) License denial
31.16(17A,147,272C) License reactivation
31.17(17A,147,272C) License reinstatement
31.18(154D) Marital and family therapy and mental health counselor services subject to regulation

CHAPTER 32
CONTINUING EDUCATION FOR MARITAL AND FAMILY THERAPISTS AND MENTAL HEALTH COUNSELORS

32.1(272C) Definitions
32.2(272C) Continuing education requirements
32.3(154D,272C) Standards
32.4(154D,272C) Audit of continuing education report
32.5(154D,272C) Automatic exemption
32.6(154D,272C) Grounds for disciplinary action
32.7 and 32.8 Reserved
32.9(154D,272C) Continuing education exemption for disability or illness

CHAPTER 33
DISCIPLINE FOR MARITAL AND FAMILY THERAPISTS AND MENTAL HEALTH COUNSELORS

33.1(154D) Definitions
33.2(154D,272C) Grounds for discipline
33.3(147,272C) Method of discipline
33.4(272C) Discretion of board
33.5(154D) Order for mental, physical, or clinical competency examination or alcohol or drug screening

CHAPTER 34
FEES

34.1(147,154D) License fees

CHAPTERS 35 to 39
Reserved

CHIROPRACTIC

CHAPTER 40
Reserved

CHAPTER 41
LICENSURE OF CHIROPRACTIC PHYSICIANS

41.1(151) Definitions
41.2(151) Requirements for licensure
41.3(151) Examination requirements
41.4(151) Educational qualifications
41.5(151) Temporary certificate
41.6(151) Licensure by endorsement
41.7 Reserved
41.8(151) License renewal
41.9 to 41.13 Reserved

41.14(17A,147,272C) License reactivation
41.15(17A,147,272C) License reinstatement

CHAPTER 42
COLLEGES FOR CHIROPRACTIC PHYSICIANS

42.1(151) Definitions
42.2(151) Board-approved chiropractic colleges
42.3(151) Practice by chiropractic interns and chiropractic residents
42.4(151) Approved chiropractic preceptorship program
42.5(151) Approved chiropractic physician preceptors
42.6(151) Termination of preceptorship

CHAPTER 43
PRACTICE OF CHIROPRACTIC PHYSICIANS

43.1(151) Definitions
43.2(147,272C) Principles of chiropractic ethics
43.3(514F) Utilization and cost control review
43.4(151) Chiropractic insurance consultant
43.5(151) Acupuncture
43.6 Reserved
43.7(151) Adjunctive procedures
43.8(151) Physical examination
43.9(151) Gonad shielding
43.10(151) Record keeping
43.11(151) Billing procedures
43.12(151) Chiropractic assistants

CHAPTER 44
CONTINUING EDUCATION FOR CHIROPRACTIC PHYSICIANS

44.1(151) Definitions
44.2(272C) Continuing education requirements
44.3(151,272C) Standards

CHAPTER 45
DISCIPLINE FOR CHIROPRACTIC PHYSICIANS

45.1(151) Definitions
45.2(151,272C) Grounds for discipline
45.3(147,272C) Method of discipline
45.4(272C) Discretion of board

CHAPTERS 46 to 58
Reserved

COSMETOLOGISTS

CHAPTER 59
ADMINISTRATIVE AND REGULATORY AUTHORITY
FOR THE BOARD OF COSMETOLOGY ARTS AND SCIENCES

59.1(17A,157) Definitions
59.2(17A) Purpose of board
59.3(17A) Organization of board and proceedings
59.4(17A) Official communications
59.5(17A) Office hours
59.6(21) Public meetings

CHAPTER 60
LICENSURE OF COSMETOLOGISTS, ELECTROLOGISTS, ESTHETICIANS, MANICURISTS, NAIL TECHNOLOGISTS, AND INSTRUCTORS OF COSMETOLOGY ARTS AND SCIENCES

60.1(157) Definitions
60.2(157) Requirements for licensure
60.3(157) Criteria for licensure in specific practice disciplines
60.4(157) Practice-specific training requirements
60.5(157) Licensure restrictions relating to practice
60.6(157) Consent form requirements
60.7(157) Licensure by endorsement
60.8(157) License renewal
60.9(157) Temporary permits
60.10 and 60.11 Reserved
60.12(147) Reissued certificate or wallet card
60.13 and 60.14 Reserved
60.15(147) Duplicate certificate or wallet card
60.16(272C) License denial
60.17(17A,147,272C) License reactivation
60.18(17A,147,272C) License reinstatement

CHAPTER 61
LICENSURE OF SALONS AND SCHOOLS OF COSMETOLOGY ARTS AND SCIENCES

61.1(157) Definitions
61.2(157) Salon licensing
61.3(157) Salon license renewal
61.4(272C) Inactive salon license
61.5(157) Display requirements for salons
61.6(147) Duplicate certificate or wallet card for salons
61.7(157) Licensure for schools of cosmetology arts and sciences
61.8(157) School license renewal
61.9(272C) Inactive school license
61.10(157) Display requirements for schools
61.11(147) Duplicate certificate or wallet card for schools
61.12(157) Physical requirements for schools of cosmetology arts and sciences
61.13(157) Minimum equipment requirements
61.14(157) Course of study requirements
61.15(157) Instructors
61.16(157) Student instructors
61.17(157) Students
61.18(157) Attendance requirements
61.19(157) Accelerated learning
61.20(157) Mentoring program
61.21(157) Graduate of a school of cosmetology arts and sciences
61.22(157) Records requirements
61.23(157) Classrooms used for other educational purposes
61.24(157) Public notice

CHAPTER 62
FEES

62.1(147,157) License fees

CHAPTER 63
SANITATION FOR SALONS AND SCHOOLS OF
COSMETOLOGY ARTS AND SCIENCES

63.1(157) Definitions
63.2(157) Posting of sanitation rules and inspection report
63.3 Reserved
63.4(157) Responsibilities of salon owners and independent contractors
63.5(157) Building standards
63.6(157) Salons in residential buildings
63.7(157) Salons adjacent to other businesses
63.8(157) Smoking
63.9(157) Personal cleanliness
63.10(157) Universal precautions
63.11(157) Minimum equipment and supplies
63.12(157) Disinfecting nonelectrical instruments and equipment
63.13(157) Disinfecting electrical instruments
63.14(157) Instruments and supplies that cannot be disinfected
63.15(157) Sterilizing instruments
63.16(157) Sanitary method for creams, cosmetics, dusters and styptics
63.17(157) Disposal of materials
63.18(157) Prohibited hazardous substances and use of products and equipment
63.19(157) Proper protection of neck
63.20(157) Proper laundering and storage
63.21(157) Pets
63.22(157) Workstations
63.23(157) Records
63.24(157) Salons providing electrology or esthetics
63.25(157) Cleaning and disinfecting whirlpool foot spas and hydrotherapy baths

CHAPTER 64
CONTINUING EDUCATION FOR COSMETOLOGY ARTS AND SCIENCES

64.1(157) Definitions
64.2(157) Continuing education requirements
64.3(157,272C) Standards
64.4(157,272C) Audit of continuing education report
64.5(157,272C) Automatic exemption
64.6(157,272C) Grounds for disciplinary action
64.7 and 64.8 Reserved
64.9(157,272C) Continuing education exemption for disability or illness

CHAPTER 65
DISCIPLINE FOR COSMETOLOGY ARTS AND SCIENCES LICENSEES,
INSTRUCTORS, SALONS, AND SCHOOLS

65.1(157,272C) Definitions
65.2(157,272C) Grounds for discipline
65.3(157,272C) Method of discipline
65.4(272C) Discretion of board

65.5(157) Civil penalties against nonlicensees
65.6(157) Order for mental, physical, or clinical competency examination or alcohol or drug screening

CHAPTERS 66 to 79
Reserved

DIETITIANS

CHAPTER 80
ADMINISTRATIVE AND REGULATORY AUTHORITY
FOR THE BOARD OF DIETETIC EXAMINERS

80.1(17A,152A) Definitions
80.2(17A) Purpose of board
80.3(17A,152A,272C) Organization of board and proceedings
80.4(17A) Official communications
80.5(17A) Office hours
80.6(17A) Public meetings

CHAPTER 81
LICENSURE OF DIETITIANS

81.1(152A) Definitions
81.2(152A) Nutrition care
81.3(152A,272C) Principles
81.4(152A) Requirements for licensure
81.5(152A) Educational qualifications
81.6(152A) Supervised experience
81.7(152A) Licensure by endorsement
81.8(152A) Licensure by reciprocal agreement
81.9(152A) License renewal
81.10 Reserved
81.11(147) Duplicate certificate or wallet card
81.12(147) Reissued certificate or wallet card
81.13 Reserved
81.14(17A,147,272C) License denial
81.15(17A,147,272C) License reactivation
81.16(17A,147,272C) License reinstatement

CHAPTER 82
CONTINUING EDUCATION FOR DIETITIANS

82.1(152A) Definitions
82.2(152A) Continuing education requirements
82.3(152A,272C) Standards
82.4(152A,272C) Audit of continuing education report
82.5(152A,272C) Automatic exemption
82.6(152A,272C) Grounds for disciplinary action
82.7 and 82.8 Reserved
82.9(152A,272C) Continuing education exemption for disability or illness

CHAPTER 83
DISCIPLINE FOR DIETITIANS

83.1(152A) Definitions
83.2(152A,272C) Grounds for discipline
83.3(152A,272C) Method of discipline

83.4(272C) Discretion of board
83.5(152A) Order for mental, physical, or clinical competency examination or alcohol or drug screening

CHAPTER 84
FEES

84.1(147,152A) License fees

CHAPTERS 85 to 99
Reserved

FUNERAL DIRECTORS

CHAPTER 100
PRACTICE OF FUNERAL DIRECTORS, FUNERAL ESTABLISHMENTS, AND CREMATION ESTABLISHMENTS

100.1(156) Definitions
100.2(156) Funeral director duties
100.3(156) Permanent identification tag
100.4(142,156) Removal and transfer of dead human remains and fetuses
100.5(135,144) Burial transit permits
100.6(156) Prepreparation and embalming activities
100.7(156) Arranging and directing funeral and memorial ceremonies
100.8(142,156) Unclaimed dead human remains for scientific use
100.9(144) Disinterments
100.10(156) Cremation of human remains and fetuses

CHAPTER 101
LICENSURE OF FUNERAL DIRECTORS, FUNERAL ESTABLISHMENTS, AND CREMATION ESTABLISHMENTS

101.1(156) Definitions
101.2(156) Requirements for licensure
101.3(156) Educational qualifications
101.4(156) Examination requirements
101.5(147,156) Internship and preceptorship
101.6(156) Student practicum
101.7(156) Funeral establishment license or cremation establishment license or both establishment licenses
101.8(156) Licensure by endorsement
101.9 Reserved
101.10(156) License renewal
101.11 and 101.12 Reserved
101.13(272C) Renewal of a funeral establishment license or cremation establishment license or both establishment licenses
101.14(272C) Inactive funeral establishment license or cremation establishment license or both establishment licenses
101.15(17A,147,272C) License reinstatement
101.16 and 101.17 Reserved
101.18(17A,147,272C) License reactivation
101.19(17A,147,272C) License reinstatement

CHAPTER 102
CONTINUING EDUCATION FOR FUNERAL DIRECTORS

102.1(272C) Definitions
102.2(272C) Continuing education requirements
102.3(156,272C) Standards

CHAPTER 103
DISCIPLINARY PROCEEDINGS

103.1(156) Definitions
103.2(17A,147,156,272C) Disciplinary authority
103.3(17A,147,156,272C) Grounds for discipline against funeral directors
103.4(17A,147,156,272C) Grounds for discipline against funeral establishments and cremation establishments
103.5(17A,147,156,272C) Method of discipline
103.6(17A,147,156,272C) Board discretion in imposing disciplinary sanctions
103.7(156) Order for mental, physical, or clinical competency examination or alcohol or drug screening
103.8(17A,147,156,272C) Informal discussion

CHAPTER 104
ENFORCEMENT PROCEEDINGS AGAINST NONLICENSEES

104.1(156) Civil penalties against nonlicensees
104.2(156) Unlawful practices
104.3(156) Investigations
104.4(156) Subpoenas
104.5(156) Notice of intent to impose civil penalties
104.6(156) Requests for hearings
104.7(156) Factors to consider
104.8(156) Enforcement options

CHAPTERS 105 to 119
Reserved

HEARING AID DISPENSERS

CHAPTER 120
ADMINISTRATIVE AND REGULATORY AUTHORITY FOR THE BOARD OF EXAMINERS FOR THE LICENSING AND REGULATION OF HEARING AID DISPENSERS

120.1(17A,154A) Definitions
120.2(17A,154A) Purpose of board
120.3(17A,154A) Organization of board and proceedings
120.4(17A) Official communications
120.5(154A) Office hours
120.6(21) Public meetings

CHAPTER 121
LICENSURE OF HEARING AID DISPENSERS

121.1(154A) Definitions
121.2(154A) Temporary permits
121.3(154A) Supervision requirements
121.4(154A) Requirements for initial licensure
121.5(154A) Examination requirements
121.6(154A) Licensure by endorsement
121.7(154A) Licensure by reciprocal agreement

121.8(154A) Display of license
121.9(154A) License renewal
121.10 and 121.11 Reserved
121.12(154A,147) Duplicate certificate or wallet card
121.13(272C) License denial
121.14(17A,147,272C) License reactivation
121.15(17A,147,272C) License reinstatement

CHAPTER 122
CONTINUING EDUCATION FOR HEARING AID DISPENSERS
122.1(154A) Definitions
122.2(154A) Continuing education requirements
122.3(154A,272C) Standards
122.4(154A,272C) Audit of continuing education report
122.5(154A,272C) Automatic exemption
122.6(154A,272C) Continuing education exemption for disability or illness
122.7(154A,272C) Grounds for disciplinary action

CHAPTER 123
Reserved

CHAPTER 124
DISCIPLINE FOR HEARING AID DISPENSERS
124.1(154A,272C) Definitions
124.2(154A,272C) Grounds for discipline
124.3(154A,272C) Method of discipline
124.4(272C) Discretion of board
124.5(154A) Order for mental, physical, or clinical competency examination or alcohol or drug screening

CHAPTER 125
FEES
125.1(147,154A) License fees

CHAPTERS 126 to 130
Reserved

MASSAGE THERAPISTS

CHAPTER 131
LICENSURE OF MASSAGE THERAPISTS
131.1(152C) Definitions
131.2(152C) Requirements for licensure
131.3(152C) Educational qualifications
131.4(152C) Examination requirements
131.5(152C) Temporary licensure of a licensee from another state
131.6(152C) Licensure by endorsement
131.7 Reserved
131.8(152C) License renewal
131.9 to 131.13 Reserved
131.14(17A,147,272C) License reactivation
131.15(17A,147,272C) License reinstatement

CHAPTER 132
MASSAGE THERAPY EDUCATION CURRICULUM

132.1(152C) Definitions
132.2(152C) Application for approval of massage therapy education curriculum
132.3(152C) Curriculum requirements
132.4(152C) Student clinical practicum standards
132.5(152C) School certificate or diploma
132.6(152C) School records retention
132.7(152C) Massage school curriculum compliance
132.8(152C) Denial or withdrawal of approval

CHAPTER 133
CONTINUING EDUCATION FOR MASSAGE THERAPISTS

133.1(152C) Definitions
133.2(152C) Continuing education requirements
133.3(152C,272C) Continuing education criteria

CHAPTER 134
DISCIPLINE FOR MASSAGE THERAPISTS

134.1(152C) Definitions
134.2(152C,272C) Grounds for discipline
134.3(147,272C) Method of discipline
134.4(272C) Discretion of board
134.5(152C) Civil penalties

CHAPTERS 135 to 139
Reserved

NURSING HOME ADMINISTRATORS

CHAPTER 140
ADMINISTRATIVE AND REGULATORY AUTHORITY FOR THE
BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

140.1(17A,155) Definitions
140.2(17A,155) Purpose of board
140.3(17A,147,272C) Organization of board and proceedings
140.4(17A) Official communications
140.5(17A) Office hours
140.6(21) Public meetings

CHAPTER 141
LICENSURE OF NURSING HOME ADMINISTRATORS

141.1(155) Definitions
141.2(155) Requirements for licensure
141.3(155) Examination requirements
141.4(155) Educational qualifications
141.5(155) Practicum experience
141.6(155) Provisional administrator
141.7(155) Licensure by endorsement
141.8(155) Licensure by reciprocal agreement
141.9(155) License renewal
141.10 and 141.11 Reserved
141.12(155) Duplicate certificate or wallet card
141.13(155) Reissued certificate or wallet card

141.14(272C) License denial
141.15(17A,147,272C) License reactivation
141.16(17A,147,272C) License reinstatement

CHAPTER 142
Reserved

CHAPTER 143
CONTINUING EDUCATION FOR NURSING HOME ADMINISTRATION

143.1(272C) Definitions
143.2(272C) Continuing education requirements
143.3(155,272C) Standards
143.4(155,272C) Audit of continuing education report
143.5(155,272C) Automatic exemption
143.6(272C) Continuing education exemption for disability or illness
143.7(155,272C) Grounds for disciplinary action

CHAPTER 144
DISCIPLINE FOR NURSING HOME ADMINISTRATORS

144.1(155) Definitions
144.2(155,272C) Grounds for discipline
144.3(155,272C) Method of discipline
144.4(272C) Discretion of board
144.5(155) Order for mental, physical, or clinical competency examination or alcohol or drug screening

CHAPTER 145
FEES

145.1(147,155) License fees

CHAPTERS 146 to 179
Reserved

OPTOMETRISTS

CHAPTER 180
LICENSURE OF OPTOMETRISTS

180.1(154) Definitions
180.2(154) Requirements for licensure
180.3(154) Licensure by endorsement
180.4 Reserved
180.5(154) License renewal
180.6 to 180.10 Reserved
180.11(17A,147,272C) License reactivation
180.12(17A,147,272C) License reinstatement

CHAPTER 181
CONTINUING EDUCATION FOR OPTOMETRISTS

181.1(154) Definitions
181.2(154) Continuing education requirements
181.3(154,272C) Standards

CHAPTER 182
PRACTICE OF OPTOMETRISTS

182.1(154) Code of ethics
182.2(154,272C) Record keeping
182.3(154) Furnishing prescriptions
182.4(155A) Prescription drug orders

CHAPTER 183
DISCIPLINE FOR OPTOMETRISTS

183.1(154) Definitions
183.2(154,272C) Grounds for discipline
183.3(147,272C) Method of discipline
183.4(272C) Discretion of board

CHAPTERS 184 to 199
Reserved

PHYSICAL AND OCCUPATIONAL THERAPISTS

CHAPTER 200
LICENSURE OF PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS

200.1(147) Definitions
200.2(147) Requirements for licensure
200.3 Reserved
200.4(147) Examination requirements for physical therapists and physical therapist assistants
200.5(147) Educational qualifications
200.6(272C) Supervision requirements
200.7(147) Licensure by endorsement
200.8 Reserved
200.9(147) License renewal
200.10 to 200.14 Reserved
200.15(17A,147,272C) License reactivation
200.16(17A,147,272C) License reinstatement

CHAPTER 201
PRACTICE OF PHYSICAL THERAPISTS
AND PHYSICAL THERAPIST ASSISTANTS

201.1(148A,272C) Code of ethics for physical therapists and physical therapist assistants
201.2(147) Record keeping

CHAPTER 202
DISCIPLINE FOR PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS

202.1(148A) Definitions
202.2(272C) Grounds for discipline
202.3(147,272C) Method of discipline
202.4(272C) Discretion of board

CHAPTER 203
CONTINUING EDUCATION FOR PHYSICAL THERAPISTS
AND PHYSICAL THERAPIST ASSISTANTS

203.1(272C) Definitions
203.2(148A) Continuing education requirements
203.3(148A,272C) Standards

CHAPTERS 204 and 205
Reserved

CHAPTER 206
LICENSURE OF OCCUPATIONAL THERAPISTS
AND OCCUPATIONAL THERAPY ASSISTANTS

206.1(147) Definitions
206.2(147) Requirements for licensure
206.3(147) Limited permit to practice pending licensure
206.4(147) Applicant occupational therapist and occupational therapy assistant
206.5(147) Practice of occupational therapy limited permit holders and endorsement applicants prior to licensure
206.6(147) Examination requirements
206.7(147) Educational qualifications
206.8(272C) Supervision requirements
206.9(147) Occupational therapy assistant responsibilities
206.10(147) Licensure by endorsement
206.11 Reserved
206.12(147) License renewal
206.13 to 206.17 Reserved
206.18(17A,147,272C) License reactivation
206.19(17A,147,272C) License reinstatement

CHAPTER 207
CONTINUING EDUCATION FOR OCCUPATIONAL THERAPISTS
AND OCCUPATIONAL THERAPY ASSISTANTS

207.1(148B) Definitions
207.2(272C) Continuing education requirements
207.3(148B,272C) Standards

CHAPTER 208
PRACTICE OF OCCUPATIONAL THERAPISTS
AND OCCUPATIONAL THERAPY ASSISTANTS

208.1(148B,272C) Code of ethics for occupational therapists and occupational therapy assistants
208.2(147) Record keeping

CHAPTER 209
DISCIPLINE FOR OCCUPATIONAL THERAPISTS
AND OCCUPATIONAL THERAPY ASSISTANTS

209.1(148B) Definitions
209.2(272C) Grounds for discipline
209.3(147,272C) Method of discipline
209.4(272C) Discretion of board

CHAPTERS 210 to 219
Reserved

PODIATRISTS

CHAPTER 220
LICENSURE OF PODIATRISTS

220.1(149) Definitions
220.2(149) Requirements for licensure
220.3(149) Written examinations

220.4(149) Educational qualifications
220.5(149) Title designations
220.6(147,149) Temporary license
220.7(149) Licensure by endorsement
220.8 Reserved
220.9(149) License renewal
220.10 to 220.14 Reserved
220.15(17A,147,272C) License reactivation
220.16(17A,147,272C) License reinstatement

CHAPTER 221
Reserved

CHAPTER 222
CONTINUING EDUCATION FOR PODIATRISTS
222.1(149,272C) Definitions
222.2(149,272C) Continuing education requirements
222.3(149,272C) Standards

CHAPTER 223
PRACTICE OF PODIATRY
223.1(149) Definitions
223.2(149) Requirements for administering conscious sedation
223.3(139A) Preventing HIV and HBV transmission
223.4(149) Unlicensed graduate of a podiatric college

CHAPTER 224
DISCIPLINE FOR PODIATRISTS
224.1(149) Definitions
224.2(149,272C) Grounds for discipline
224.3(147,272C) Method of discipline
224.4(272C) Discretion of board

CHAPTERS 225 to 239
Reserved

PSYCHOLOGISTS

CHAPTER 240
LICENSURE OF PSYCHOLOGISTS
240.1(154B) Definitions
240.2(154B) Requirements for licensure
240.3(154B) Educational qualifications
240.4(154B) Examination requirements
240.5(154B) Title designations
240.6(154B) Supervised professional experience
240.7(154B) Certified health service provider in psychology
240.8(154B) Exemption to licensure
240.9(154B) Psychologists' supervision of unlicensed persons in a practice setting
240.10(147) Licensure by endorsement
240.11(147) Licensure by reciprocal agreement
240.12(147) License renewal
240.13 to 240.17 Reserved

240.18(17A,147,272C) License reactivation
240.19(17A,147,272C) License reinstatement

CHAPTER 241
CONTINUING EDUCATION FOR PSYCHOLOGISTS

241.1(272C) Definitions
241.2(272C) Continuing education requirements
241.3(154B,272C) Standards

CHAPTER 242
DISCIPLINE FOR PSYCHOLOGISTS

242.1(154B) Definitions
242.2(147,272C) Grounds for discipline
242.3(147,272C) Method of discipline
242.4(272C) Discretion of board
242.5(154B) Order for mental, physical, or clinical competency examination or alcohol or drug screening

CHAPTERS 243 to 260
Reserved

RESPIRATORY CARE PRACTITIONERS

CHAPTER 261
LICENSURE OF RESPIRATORY CARE PRACTITIONERS

261.1(152B) Definitions
261.2(152B) Requirements for licensure
261.3(152B) Educational qualifications
261.4(152B) Examination requirements
261.5(152B) Students
261.6(152B) Licensure by endorsement
261.7 Reserved
261.8(152B) License renewal
261.9 to 261.13 Reserved
261.14(17A,147,272C) License reactivation
261.15(17A,147,272C) License reinstatement

CHAPTER 262
CONTINUING EDUCATION FOR RESPIRATORY CARE PRACTITIONERS

262.1(152B,272C) Definitions
262.2(152B,272C) Continuing education requirements
262.3(152B,272C) Standards
262.4(152B,272C) Audit of continuing education report
262.5(152B,272C) Automatic exemption
262.6(152B,272C) Grounds for disciplinary action
262.7(152B,272C) Continuing education exemption for disability or illness

CHAPTER 263
DISCIPLINE FOR RESPIRATORY CARE PRACTITIONERS

263.1(152B) Definitions
263.2(152B,272C) Grounds for discipline
263.3(147,272C) Method of discipline
263.4(272C) Discretion of board

CHAPTER 264
Reserved

CHAPTER 265
PRACTICE OF RESPIRATORY CARE PRACTITIONERS

265.1(152B,272C) Code of ethics
265.2(152B,272C) Intravenous administration

CHAPTERS 266 to 278
Reserved

SOCIAL WORKERS

CHAPTER 279
ADMINISTRATIVE AND REGULATORY AUTHORITY
FOR THE BOARD OF SOCIAL WORK EXAMINERS

279.1(17A) Definitions
279.2(17A) Purpose of board
279.3(17A,147,272C) Organization of board and proceedings
279.4(17A) Official communications
279.5(17A) Office hours
279.6(21) Public meetings

CHAPTER 280
LICENSURE OF SOCIAL WORKERS

280.1(154C) Definitions
280.2(154C) Social work services subject to regulation
280.3(154C) Requirements for licensure
280.4(154C) Written examination
280.5(154C) Educational qualifications
280.6(154C) Supervised professional practice for the LISW
280.7(154C) Licensure by endorsement
280.8(154C) Licensure by reciprocal agreement
280.9(154C) License renewal
280.10 and 280.11 Reserved
280.12(272C) Duplicate certificate or wallet card
280.13(17A,147,272C) License denial
280.14(17A,147,272C) License reactivation
280.15(17A,147,272C) License reinstatement

CHAPTER 281
CONTINUING EDUCATION FOR SOCIAL WORKERS

281.1(154C) Definitions
281.2(154C) Continuing education requirements
281.3(154C,272C) Standards
281.4(154C,272C) Audit of continuing education report
281.5(154C,272C) Automatic exemption
281.6(154C,272C) Continuing education exemption for disability or illness
281.7(154C,272C) Grounds for disciplinary action

CHAPTER 282
PRACTICE OF SOCIAL WORKERS

282.1(154C) Definitions
282.2(154C) Rules of conduct

CHAPTER 283
DISCIPLINE FOR SOCIAL WORKERS

283.1(154B) Definitions
283.2(272C) Grounds for discipline
283.3(147,272C) Method of discipline
283.4(272C) Discretion of board
283.5(154C) Order for mental, physical, or clinical competency examination or alcohol or drug screening

CHAPTER 284
FEES

284.1(147,154C) License fees

CHAPTERS 285 to 298
Reserved

SPEECH PATHOLOGISTS AND AUDIOLOGISTS

CHAPTER 299
ADMINISTRATIVE AND REGULATORY AUTHORITY FOR THE BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY EXAMINERS

299.1(17A,147) Definitions
299.2(17A) Purpose of board
299.3(17A,272C) Organization of board and proceedings
299.4(17A) Official communication
299.5(17A) Office hours
299.6(21) Public meetings
299.7(147) Hearing tests supervised by a physician

CHAPTER 300
LICENSURE OF SPEECH PATHOLOGISTS AND AUDIOLOGISTS

300.1(147) Definitions
300.2(147) Speech pathology and audiology services subject to regulation
300.3(147) Requirements for licensure
300.4(147) Educational qualifications
300.5(147) Examination requirements
300.6(147) Temporary clinical license
300.7(147) Temporary permit
300.8(147) Use of assistants
300.9(147) Licensure by endorsement
300.10(147) Licensure by reciprocal agreement
300.11(147) License renewal
300.12 and 300.13 Reserved
300.14(147) Duplicate certificate or wallet card
300.15(147) Reissued certificate or wallet card
300.16(17A,147,272C) License denial
300.17(17A,147,272C) License reactivation
300.18(17A,147,272C) License reinstatement

CHAPTERS 301 and 302
Reserved

CHAPTER 303
CONTINUING EDUCATION FOR SPEECH PATHOLOGISTS
AND AUDIOLOGISTS

303.1(147) Definitions
303.2(147) Continuing education requirements
303.3(147,272C) Standards
303.4(147,272C) Audit of continuing education report
303.5(147,272C) Automatic exemption
303.6(147,272C) Continuing education exemption for disability or illness
303.7(147,272C) Grounds for disciplinary action

CHAPTER 304
DISCIPLINE FOR SPEECH PATHOLOGISTS AND AUDIOLOGISTS

304.1(147) Definitions
304.2(272C) Grounds for discipline
304.3(272C) Method of discipline
304.4(272C) Discretion of board
304.5(147) Order for mental, physical, or clinical competency examination or alcohol or drug screening

CHAPTER 305
FEES

305.1(147) License fees

CHAPTERS 306 to 325
Reserved

PHYSICIAN ASSISTANTS

CHAPTER 326
LICENSURE OF PHYSICIAN ASSISTANTS

326.1(148C) Definitions
326.2(148C) Requirements for licensure
326.3(148C) Temporary licensure
326.4(148C) Licensure by endorsement
326.5 Reserved
326.6(148C) Examination requirements
326.7(148C) Educational qualifications
326.8(148C) Supervision requirements
326.9(148C) License renewal
326.10 to 326.14 Reserved
326.15(148C) Use of title
326.16(148C) Address change
326.17(148C) Student physician assistant
326.18(148C) Recognition of an approved program
326.19(17A,147,272C) License reactivation
326.20(17A,147,272C) License reinstatement

CHAPTER 327
PRACTICE OF PHYSICIAN ASSISTANTS

327.1(148C) Duties
327.2(148C) Prohibition
327.3 Reserved
327.4(148C) Remote medical site

327.5(147) Identification as a physician assistant
327.6(147) Prescription requirements
327.7(147) Supplying—requirements for containers, labeling, and records

CHAPTER 328
CONTINUING EDUCATION FOR PHYSICIAN ASSISTANTS

328.1(148C) Definitions
328.2(148C) Continuing education requirements
328.3(148C,272C) Standards

CHAPTER 329
DISCIPLINE FOR PHYSICIAN ASSISTANTS

329.1(148C) Definitions
329.2(148C,272C) Grounds for discipline
329.3(147,272C) Method of discipline
329.4(272C) Discretion of board

CHAPTERS 330 to 350
Reserved

ATHLETIC TRAINERS

CHAPTER 351
LICENSURE OF ATHLETIC TRAINERS

351.1(152D) Definitions
351.2(152D) Requirements for licensure
351.3(152D) Educational qualifications
351.4(152D) Examination requirements
351.5(152D) Documentation of physician direction
351.6(152D) Athletic training plan for direct service
351.7(152D) Licensure by endorsement
351.8 Reserved
351.9(147) License renewal
351.10(272C) Exemptions for inactive practitioners
351.11 and 351.12 Reserved
351.13(272C) Lapsed licenses
351.14 Reserved
351.15(17A,147,272C) License reactivation
351.16(17A,147,272C) License reinstatement

CHAPTER 352
CONTINUING EDUCATION FOR ATHLETIC TRAINERS

352.1(272C) Definitions
352.2(152D) Continuing education requirements
352.3(152D,272C) Standards
352.4(152D,272C) Audit of continuing education report
352.5 and 352.6 Reserved
352.7(152D,272C) Continuing education waiver for active practitioners
352.8(152D,272C) Continuing education exemption for inactive practitioners
352.9 Reserved
352.10(152D,272C) Reinstatement of inactive practitioners
352.11(272C) Hearings

CHAPTER 353
DISCIPLINE FOR ATHLETIC TRAINERS

353.1(152D) Definitions
353.2(152D,272C) Grounds for discipline
353.3(152D,272C) Method of discipline
353.4(272C) Discretion of board

CHAPTERS 354 to 360
Reserved

SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS

CHAPTER 361
LICENSURE OF SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS

361.1(154E) Definitions
361.2(154E) Requirements for licensure
361.3(154E) Licensure by endorsement
361.4 Reserved
361.5(154E) License renewal
361.6 to 361.8 Reserved
361.9(17A,147,272C) License reactivation
361.10(17A,147,272C) License reinstatement

CHAPTER 362
CONTINUING EDUCATION FOR SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS

362.1(154E,272C) Definitions
362.2(154E,272C) Continuing education requirements
362.3(154E,272C) Standards

CHAPTER 363
DISCIPLINE FOR SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS

363.1(154E) Definitions
363.2(154E,272C) Grounds for discipline
363.3(147,272C) Method of discipline
363.4(272C) Discretion of board

CHAPTER 184
FEES
[Prior to 6/13/01, see 645—Ch 180]
[Prior to 8/7/02, see 645—Ch 183]
Rescinded IAB 11/5/08, effective 12/10/08

CHAPTER 185

CHAPTER 186
AGENCY PROCEDURE FOR RULE MAKING
Rescinded IAB 6/16/99, effective 7/21/99

CHAPTER 187
DECLARATORY RULINGS
[Prior to 10/16/91, see 645—180.11(17A)]
Rescinded IAB 6/16/99, effective 7/21/99

CHAPTER 188
PETITIONS FOR RULE MAKING
[Prior to 10/16/91, see 645—180.4(154)]
Rescinded IAB 6/16/99, effective 7/21/99

CHAPTER 189
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
Rescinded IAB 6/16/99, effective 7/21/99

CHAPTER 190
CHILD SUPPORT NONCOMPLIANCE
Rescinded IAB 6/16/99, effective 7/21/99

CHAPTER 191
IMPAIRED PRACTITIONER REVIEW COMMITTEE
Rescinded IAB 6/16/99, effective 7/21/99

CHAPTERS 192 to 198
Reserved

CHAPTER 199
ADMINISTRATIVE AND REGULATORY AUTHORITY FOR THE BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY—PHYSICAL THERAPY
[Prior to 11/16/88, see Health Department[470] Ch 137]
[Prior to 12/24/03, see 645—Ch 200]
Rescinded IAB 12/17/08, effective 1/21/09

PHYSICAL AND OCCUPATIONAL THERAPISTS

CHAPTER 200 LICENSURE OF PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS
CHAPTER 201 PRACTICE OF PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS
CHAPTER 202 DISCIPLINE FOR PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS
CHAPTER 203 CONTINUING EDUCATION FOR PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS
CHAPTER 204 RESERVED
CHAPTER 205 RESERVED
CHAPTER 206 LICENSURE OF OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS
CHAPTER 207 CONTINUING EDUCATION FOR OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS
CHAPTER 208 PRACTICE OF OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS
CHAPTER 209 DISCIPLINE FOR OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS

CHAPTER 200
LICENSURE OF PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS

[Prior to 3/6/02, see 645—200.3(147) to 645—200.8(147), 645—200.11(272C), and 645—202.3(147) to 645—202.7(147)]
[Prior to 12/24/03, see 645—ch 201]

645—200.1(147) Definitions. For purposes of these rules, the following definitions shall apply:

"Active license" means a license that is current and has not expired.

"Assistive personnel" means any person who carries out physical therapy and is not licensed as a physical therapist or physical therapist assistant. This definition does not include students as defined in Iowa Code section 148A.3(2).

"Board" means the board of physical and occupational therapy.

"Department" means the department of public health.

"Grace period" means the 30-day period following expiration of a license when the license is still considered to be active. In order to renew a license during the grace period, a licensee is required to pay a late fee.

"Impairment" means a mechanical, physiological or developmental loss or abnormality, a functional limitation, or a disability or other health- or movement-related condition.

"Inactive license" means a license that has expired because it was not renewed by the end of the grace period. The category of "inactive license" may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

"Licensee" means any person licensed to practice as a physical therapist or physical therapist assistant in the state of Iowa.

"License expiration date" means the fifteenth day of the birth month every two years after initial licensure.

"Licensure by endorsement" means the issuance of an Iowa license to practice physical therapy to an applicant who is or has been licensed in another state.

"Mandatory training" means training on identifying and reporting child abuse or dependent adult abuse required of physical therapists or physical therapist assistants who are mandatory reporters. The full requirements on mandatory reporting of child abuse and the training requirements are found in Iowa Code section 232.69. The full requirements on mandatory reporting of dependent adult abuse and the training requirements are found in Iowa Code section 235B.16.

"On site" means:

1. To be continuously on site and present in the department or facility where assistive personnel are performing services;

2. To be immediately available to assist the person being supervised in the services being performed; and

3. To provide continued direction of appropriate aspects of each treatment session in which a component of treatment is delegated to assistive personnel.

"Physical therapist" means a person licensed under this chapter to practice physical therapy.

"Physical therapist assistant" means a person licensed under this chapter to assist in the practice of physical therapy.

"Physical therapy" means that branch of science that deals with the evaluation and treatment of human capabilities and impairments, including:

1. Evaluation of individuals with impairments in order to determine a diagnosis, prognosis, and plan of therapeutic treatment and intervention, and to assess the ongoing effects of intervention;

2. Use of the effective properties of physical agents and modalities, including but not limited to mechanical and electrotherapeutic devices, heat, cold, air, light, water, electricity, and sound, to prevent, correct, minimize, or alleviate an impairment;

3. Use of therapeutic exercises to prevent, correct, minimize, or alleviate an impairment;

4. Use of rehabilitative procedures to prevent, correct, minimize, or alleviate an impairment, including but not limited to the following procedures:

- Manual therapy, including soft-tissue and joint mobilization and manipulation;
- Therapeutic massage;
- Prescription, application, and fabrication of assistive, adaptive, orthotic, prosthetic, and supportive devices and equipment;
- Airway clearance techniques;
- Integumentary protection and repair techniques; and
- Debridement and wound care;

5. Interpretation of performances, tests, and measurements;

6. The establishment and modification of physical therapy programs;

7. The establishment and modification of treatment planning;

8. The establishment and modification of consultive services;

9. The establishment and modification of instructions to the patient, including but not limited to functional training relating to movement and mobility;

10. Participation, administration and supervision attendant to physical therapy and educational programs and facilities.

"PT" means physical therapist.

"PTA" means physical therapist assistant.

"Reactivate" or *"reactivation"* means the process as outlined in rule 200.15(17A,147,272C) by which an inactive license is restored to active status.

"Reciprocal license" means the issuance of an Iowa license to practice physical therapy to an applicant who is currently licensed in another state which has a mutual agreement with the Iowa board of physical and occupational therapy to license persons who have the same or similar qualifications to those required in Iowa.

"Reinstatement" means the process as outlined in 645—11.31(272C) by which a licensee who has had a license suspended or revoked or who has voluntarily surrendered a license may apply to have the license reinstated, with or without conditions. Once the license is reinstated, the licensee may apply for active status.

645—200.2(147) Requirements for licensure. The following criteria shall apply to licensure:

200.2(1) The applicant shall complete a board-approved application packet. Application forms may be obtained from the board's Web site (http://www.idph.state.ia.us/licensure) or directly from the board office. All applications shall be sent to Board of Physical and Occupational Therapy, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.

200.2(2) The applicant shall complete the application form according to the instructions contained in the application. If the application is not completed according to the instructions, the application will not be reviewed by the board.

200.2(3) Each application shall be accompanied by the appropriate fees payable by check or money order to the Board of Physical and Occupational Therapy. The fees are nonrefundable.

200.2(4) No application will be considered by the board until official copies of academic transcripts sent directly from the school to the board of physical and occupational therapy have been received by the board. An applicant shall have successfully completed a physical therapy education program accredited by a national accreditation agency approved by the board.

200.2(5) Notification of eligibility for the examination shall be sent to the applicant by the board.

200.2(6) The candidate shall have the examination score sent directly from the testing service to the board.

200.2(7) Licensees who were issued their initial licenses within six months prior to the renewal date shall not be required to renew their licenses until the renewal date two years later.

200.2(8) Incomplete applications that have been on file in the board office for more than two years shall be:

a. Considered invalid and shall be destroyed; or

b. Maintained upon written request of the candidate. The candidate is responsible for requesting that the file be maintained.

645—200.3(147) Requirements for practice prior to licensure. Rescinded IAB 12/19/07, effective 1/23/08.

645—200.4(147) Examination requirements for physical therapists and physical therapist assistants. The following criteria shall apply to the written examination(s):

200.4(1) The applicant shall take and pass the National Physical Therapy Examination (NPTE) or other nationally recognized equivalent examination as defined by the board.

200.4(2) The applicant shall abide by the following criteria:

a. For examinations taken prior to July 1, 1994, satisfactory completion shall be defined as receiving an overall examination score exceeding 1.5 standard deviations below the national average.

b. For examinations completed after July 1, 1994, satisfactory completion shall be defined as receiving an overall examination score equal to or greater than the criterion-referenced passing point recommended by the Federation of State Boards of Physical Therapy.

200.4(3) Before the board may approve an applicant for testing beyond three attempts, an applicant shall reapply for licensure and shall demonstrate evidence satisfactory to the board of having successfully completed additional clinical training or coursework, or both.

200.4(4) The applicant shall be notified by the board in writing of examination results.

645—200.5(147) Educational qualifications.

200.5(1) The applicant must present proof of meeting the following requirements for licensure as a physical therapist or physical therapist assistant:

a. Educational requirements—physical therapists. Physical therapists shall graduate from a physical therapy program accredited by a national accreditation agency approved by the board.

(1) If the degree is granted on or before January 31, 2004, the degree must be equivalent to at least a baccalaureate degree. The baccalaureate program shall consist of a minimum of 60 hours of general education and 60 hours of professional education.

(2) If the degree is granted on or after February 1, 2004, the degree must be equivalent to a postbaccalaureate degree.

b. Educational requirements—physical therapist assistants. Physical therapist assistants shall graduate from a PTA program accredited by a national accreditation agency approved by the board.

200.5(2) Foreign-trained applicants shall:

a. Submit an English translation and an equivalency evaluation of their educational credentials through the following organization: Foreign Credentialing Commission on Physical Therapy, Inc., 124 West Street South, Third Floor, Alexandria, VA 22314; telephone (703)684-8406; Web site www.fccpt.org. The credentials of foreign-educated physical therapist licensure applicants should be evaluated using the version of the Federation of State Boards of Physical Therapy (FSBPT) Coursework Evaluation Tool (CWT) that covers the date the applicant graduated from the applicant's respective physical therapy education program. A credentialing agency should use the version for the CWT that coincides with the professional educational criteria that were in effect on the date the applicant graduated from the applicant's respective physical therapy education program. This same process should be used for first-time licensees and for those seeking licensure through endorsement. The professional curriculum must be equivalent to the Commission on Accreditation in Physical Therapy Education standards. An applicant shall bear the expense of the curriculum evaluation.

b. Submit certified proof of proficiency in the English language by achieving on the Test of English as a Foreign Language (IBT-TOEFL) a total score of at least 89 on the Internet-based TOEFL as well as accompanying minimum scores in the four test components as follows: 24 in writing; 26 in speaking; 21 in reading comprehension; and 18 in listening comprehension. This examination is administered by Educational Testing Services, Inc., P.O. Box 6157, Princeton, NJ 08541-6157. An applicant shall bear the expense of the TOEFL examination. Applicants may be exempt from the TOEFL examination when the native language is English, physical therapy education was completed in a school approved by the Commission on Accreditation in Physical Therapy Education (CAPTE), language of instruction in physical therapy was English, language of the textbooks was English, and the applicant's transcript was in English.

c. Submit an official statement from each country's or territory's board of examiners or other regulatory authority regarding the status of the applicant's license, including issue date, expiration date and information regarding any pending or prior investigations or disciplinary action. The applicants shall request such statements from all entities in which they are currently or formerly licensed.

d. Receive a final determination from the board regarding the application for licensure.

645—200.6(272C) Supervision requirements.

200.6(1) Physical therapist supervisor responsibilities. The supervisor shall:

a. Provide supervision to a PTA.

b. Provide on-site supervision or supervision by telecommunication as long as the physical therapy services are rendered in accordance with the minimum frequency standards set forth in subrule 200.6(4).

c. Assume responsibility for all delegated tasks and shall not delegate a service which exceeds the expertise of the PTA.

d. Provide evaluation and development of a treatment plan for use by the PTA.

e. Supervise not more than the equivalent of two full-time PTAs, not to exceed four part-time PTAs, who are providing physical therapy per calendar day, including supervision by telecommunication.

f. Rescinded IAB 12/19/07, effective 1/23/08.

g. Ensure that a PTA under the PT's supervision has a current license to practice as a PTA.

h. Rescinded IAB 12/19/07, effective 1/23/08.

i. Ensure that the signature of a PTA on a physical therapy treatment record indicates that the physical therapy services were provided in accordance with the rules and regulations for practicing as a PTA.

200.6(2) The following are functions that only a physical therapist may provide and cannot be delegated to a PTA:

a. Interpretation of referrals;

b. Initial physical therapy evaluation and reevaluations;

c. Identification, determination or modification of patient problems, goals, and care plans;

d. Final discharge evaluation and establishment of the discharge plan;

e. Assurance of the qualifications of all assistive personnel to perform assigned tasks through written documentation of their education or training that is maintained and available at all times;

f. Delegation of and instruction in the services to be rendered by the PTA or other assistive personnel including, but not limited to, specific tasks or procedures, precautions, special problems, and contraindicated procedures; and

g. Timely review of documentation, reexamination of the patient and revision of the plan when indicated.

200.6(3) Supervision of other assistive personnel. PTs are responsible for patient care provided by assistive personnel under their supervision. Physical therapy aides and other assistive personnel shall not provide independent patient care unless each of the following standards is satisfied:

a. The supervising PT has physical participation in the patient's treatment or evaluation, or both, each treatment day;

b. The assistive personnel may provide independent patient care only while under the on-site supervision of the supervising PT;

c. Documentation made in physical therapy records by unlicensed assistive personnel shall be cosigned by the supervising PT; and

d. The PT provides periodic reevaluation of assistive personnel's performance in relation to the patient.

200.6(4) The PT must provide patient evaluation and participate in treatment based upon the health care admission or residency status of the patient being treated. Participation shall include direct client contact according to the following schedule:

Patient's Health Care Residency or Admission Status	Maximum of Physical Therapist Delegation (whichever comes first)
Hospital, acute care	3 visits or 2 consecutive calendar days
Hospital, non-CARF	3 visits or 2 consecutive calendar days
Hospital, CARF-accredited beds	4 visits or 4 consecutive calendar days
Skilled nursing	4 visits or 7 consecutive calendar days
Home health	4 visits or 9 consecutive calendar days
Nursing facility	9 visits or 9 consecutive calendar days
Iowa educational agency	4 visits or 29 consecutive calendar days
Other facility/admissions status	4 visits or 9 consecutive calendar days

Calendar days include weekends and holidays.

200.6(5) Physical therapist assistant responsibilities. The physical therapist assistant:

a. Shall provide only those services for which the PTA has the skills necessary and shall consult the supervising physical therapist if the procedures are believed not to be in the best interest of the patient;

b. Shall gather data relating to the patient's disability, but not interpret the data as it pertains to the plan of care;

c. Shall communicate any change, or lack of change, which occurs in the patient's condition and which may need the assessment of the PT;

d. Shall provide physical therapy services only under the supervision of the physical therapist;

e. Shall provide treatment only after evaluation and development of a treatment plan by the physical therapist;

f. Shall refer inquiries that require interpretation of patient information to the physical therapist;

g. May have on-site or immediate telecommunicative supervision as long as the physical therapy services are rendered in accordance with the minimum frequency standards set forth in subrule 200.6(4); and

h. May receive supervision from any number of physical therapists.

i. Shall record on every patient chart the name of the PTA's supervisor for each treatment session.

The signature of a PTA on a physical therapy treatment record indicates that the physical therapy services were provided in accordance with the rules and regulations for practicing as a PTA.

200.6(6) Other assistive personnel. Physical therapy aides and other assistive personnel may assist a PTA in providing patient care in the absence of a PT only if the PTA maintains in-sight supervision of the physical therapy aide or other assistive personnel and the PTA is primarily and significantly involved in that patient's care.

645—200.7(147) Licensure by endorsement.

200.7(1) An applicant who has been a licensed PT or PTA under the laws of another jurisdiction shall file an application for licensure by endorsement with the board office. The board may receive by endorsement any applicant from the District of Columbia or another state, territory, province or foreign country who:

a. Submits to the board a completed application;

b. Pays the licensure fee;

c. Shows evidence of licensure requirements that are similar to those required in Iowa;

d. Submits a copy of the scores from the appropriate professional examination to be sent directly from the examination service to the board;

e. Provides official copies of the academic transcripts sent directly from the school to the board; and

f. Provides verification of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification direct from the jurisdiction's board office if the verification provides:

(1) Licensee's name;

(2) Date of initial licensure;

(3) Current licensure status; and

(4) Any disciplinary action taken against the license.

200.7(2) In addition to the requirements of 200.7(1), a physical therapist applicant shall:

a. Have completed 40 hours of board-approved continuing education during the immediately preceding two-year period; or

b. Have practiced as a licensed physical therapist for a minimum of 2,080 hours during the immediately preceding two-year period; or

c. Have served the equivalent of one year as a full-time faculty member teaching physical therapy in an accredited school of physical therapy for at least one of the immediately preceding two years; or

d. Have successfully passed the examination within a period of one year from the date of examination to the time application is completed for licensure.

200.7(3) In addition to the requirements of 200.7(1), a physical therapist assistant applicant shall:

a. Have completed 20 hours of board-approved continuing education during the immediately preceding two-year period; or

b. Have practiced as a licensed physical therapist assistant for a minimum of 2,080 hours during the immediately preceding two-year period; or

c. Have successfully passed the examination for physical therapist assistants within a period of one year from the date of examination to the time application for licensure is completed.

200.7(4) Individuals who were issued their licenses by endorsement within six months of the license renewal date will not be required to renew their licenses until the next renewal two years later.

200.7(5) An applicant for licensure under subrule 200.7(1) must include with this application a sworn statement of previous physical therapy practice from an employer or professional associate, detailing places and dates of employment and verifying that the applicant has practiced physical therapy at least 2,080 hours or taught as the equivalent of a full-time faculty member for at least one of the immediately preceding years during the last two-year time period.

200.7(6) Foreign-trained applicants applying for licensure by endorsement shall also meet the requirements outlined in subrule 200.5(2).

645—200.8(147) Licensure by reciprocal agreement. Rescinded IAB 12/17/08, effective 1/21/09.

645—200.9(147) License renewal.

200.9(1) The biennial license renewal period for a license to practice as a physical therapist or physical therapist assistant shall begin on the sixteenth day of the birth month and end on the fifteenth day of the birth month two years later. The board shall send a renewal notice by regular mail to each licensee at the address on record at least 60 days prior to the expiration of the license. The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive the notice does not relieve the licensee of the responsibility for renewing the license.

200.9(2) An individual who was issued a license within six months of the license renewal date will not be required to renew the license until the subsequent renewal two years later.

200.9(3) A licensee seeking renewal shall:

a. Meet the continuing education requirements of rule 645—203.2(148A) and the mandatory reporting requirements of subrule 200.9(4). A licensee whose license was reactivated during the current renewal compliance period may use continuing education credit earned during the compliance period for the first renewal following reactivation; and

b. Submit the completed renewal application and renewal fee before the license expiration date.

200.9(4) Mandatory reporter training requirements.

a. A licensee who in the scope of professional practice regularly examines, attends, counsels or treats children in Iowa shall indicate on the renewal application completion of two hours of training in child abuse identification and reporting in the previous five years of condition(s) for waiver of this requirement as identified in paragraph *"e."*

b. A licensee who in the scope of professional practice regularly examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of two hours of training in dependent adult abuse identification and reporting in the previous five years or condition(s) for waiver of this requirement as identified in paragraph *"e."*

c. A licensee who in the scope of professional practice regularly examines, attends, counsels or treats both adults and children in Iowa shall indicate on the renewal application completion of training in abuse identification and reporting for dependent adults and children in the previous five years or condition(s) for waiver of this requirements as identified in paragraph *"e."*

Training may be completed through separate courses as identified in paragraphs *"a"* and *"b"* or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse. The course shall be a curriculum approved by the Iowa department of public health abuse education review panel.

d. The licensee shall maintain written documentation for five years after mandatory training as identified in paragraphs *"a"* to *"c,"* including program date(s), content, duration, and proof of participation.

e. The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

(1) Is engaged in active duty in the military service of this state or the United States.

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in 645—Chapter 4.

f. The board may select licensees for audit of compliance with the requirements in paragraphs *"a"* to *"e."*

200.9(5) Upon receiving the information required by this rule and the required fee, board staff shall administratively issue a two-year license and shall send the licensee a wallet card by regular mail. In the event the board receives adverse information on the renewal application, the board shall issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

200.9(6) Persons licensed to practice as physical therapists or physical therapist assistants shall keep their renewal licenses displayed in a conspicuous public place at the primary site of practice.

200.9(7) Late renewal. The license shall become a late license when the license has not been renewed by the expiration date on the wallet card. The licensee shall be assessed a late fee as specified in 645—subrule 5.13(4). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

200.9(8) Inactive license. A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice as a physical therapist or a physical therapist assistant in Iowa until the license is reactivated. A licensee who practices as a physical therapist or a physical therapist assistant in the state of Iowa with an inactive license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

645—200.10(272C) Exemptions for inactive practitioners. Rescinded IAB 9/14/05, effective 10/19/05.

645—200.11(272C) Lapsed licenses. Rescinded IAB 9/14/05, effective 10/19/05.

645—200.12(147) Duplicate certificate or wallet card. Rescinded IAB 12/17/08, effective 1/21/09.

645—200.13(147) Reissued certificate or wallet card. Rescinded IAB 12/17/08, effective 1/21/09.

645—200.14(17A,147,272C) License denial. Rescinded IAB 12/17/08, effective 1/21/09.

645—200.15(17A,147,272C) License reactivation. To apply for reactivation of an inactive license, a licensee shall:

200.15(1) Submit a reactivation application on a form provided by the board.

200.15(2) Pay the reactivation fee that is due as specified in 645—subrule 5.13(5).

200.15(3) Provide verification of current competence to practice physical therapy by satisfying one of the following criteria:

a. If the license has been on inactive status for five years or less, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of 20 hours of continuing education for a physical therapy assistant and 40 hours of continuing education for a physical therapist within two years of application for reactivation.

b. If the license has been on inactive status for more than five years, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of 40 hours of continuing education for a physical therapy assistant and 80 hours of continuing education for a physical therapist within two years of application for reactivation; or evidence of successful completion of the professional examination required for initial licensure completed within one year prior to the submission of an application for reactivation.

645—200.16(17A,147,272C) License reinstatement. A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with 645—11.31(272C) and must apply for and be granted reactivation of the license in accordance with 200.15(17A,147,272C) prior to practicing physical therapy in this state.

These rules are intended to implement Iowa Code chapters 17A, 147, 148A and 272C.

[Filed 2/13/02, Notice 10/3/01—published 3/6/02, effective 4/10/02]
[Filed 8/28/02, Notice 6/12/02—published 9/18/02, effective 10/23/02]
[Filed 11/26/03, Notice 9/17/03—published 12/24/03, effective 1/28/04]
[Filed 8/22/05, Notice 6/22/05—published 9/14/05, effective 10/19/05][◊]
[Filed 11/30/07, Notice 9/26/07—published 12/19/07, effective 1/23/08]
[Filed 11/26/08, Notice 9/24/08—published 12/17/08, effective 1/21/09]

◊ Two or more ARCs

CHAPTER 202
DISCIPLINE FOR PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS

[Prior to 3/6/02, see 645—200.10(272C) and 645—202.8(272C)]

645—202.1(148A) Definitions.

"Board" means the board of physical and occupational therapy.

"Discipline" means any sanction the board may impose upon licensees.

"Licensee" means a person licensed to practice as a physical therapist or a physical therapist assistant in Iowa.

645—202.2(272C) Grounds for discipline. The board may impose any of the disciplinary sanctions provided in rule 645—202.3(147,272C) when the board determines that the licensee is guilty of any of the following acts or offenses:

202.2(1) Fraud in procuring a license. Fraud in procuring a license includes, but is not limited to, an intentional perversion of the truth in making application for a license to practice in this state, which includes the following:

a. False representations of a material fact, whether by word or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed when making application for a license in this state; or

b. Attempting to file or filing with the board or the department of public health any false or forged diploma or certificate or affidavit or identification or qualification in making an application for a license in this state.

202.2(2) Professional incompetency. Professional incompetency includes, but is not limited to:

a. A substantial lack of knowledge or ability to discharge professional obligations within the scope of practice.

b. A substantial deviation from the standards of learning or skill ordinarily possessed and applied by other physical therapists or physical therapist assistants in the state of Iowa acting in the same or similar circumstances.

c. A failure to exercise the degree of care which is ordinarily exercised by the average physical therapist or physical therapist assistant acting in the same or similar circumstances.

d. Failure to conform to the minimal standard of acceptable and prevailing practice of the licensed physical therapist or licensed physical therapist assistant in this state.

e. Mental or physical inability reasonably related to and adversely affecting the licensee's ability to practice in a safe and competent manner.

f. Being adjudged mentally incompetent by a court of competent jurisdiction.

202.2(3) Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of physical therapy or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

202.2(4) Practice outside the scope of the profession.

202.2(5) Use of untruthful or improbable statements in advertisements. Use of untruthful or improbable statements in advertisements includes, but is not limited to, an action by a licensee in making information or intention known to the public which is false, deceptive, misleading or promoted through fraud or misrepresentation.

202.2(6) Habitual intoxication or addiction to the use of drugs.

a. The inability of a licensee to practice with reasonable skill and safety by reason of the excessive use of alcohol on a continuing basis.

b. The excessive use of drugs which may impair a licensee's ability to practice with reasonable skill or safety.

202.2(7) Obtaining, possessing, attempting to obtain or possess, or administering controlled substances without lawful authority.

202.2(8) Falsification of patient records.

202.2(9) Acceptance of any fee by fraud or misrepresentation.

202.2(10) Negligence by the licensee in the practice of the profession. Negligence by the licensee in the practice of the profession includes a failure to exercise due care, including negligent delegation of duties or supervision of employees or other individuals, whether or not injury results; or any conduct, practice or conditions which impair the ability to safely and skillfully practice the profession.

202.2(11) Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect the licensee's ability to practice physical therapy. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

202.2(12) Violation of a regulation, rule or law of this state, another state, or the United States which relates to the practice of physical therapy, including, but not limited to, the code of ethics found in rule 645—201.1(148A,272C).

202.2(13) Revocation, suspension, or other disciplinary action taken by a licensing authority of this state, another state, territory, or country; or failure of the licensee to report in writing such action within 30 days of the final action by the licensing authority. A stay by an appellate court shall not negate this requirement; however, if such disciplinary action is overturned or reversed by a court of last resort, the report shall be expunged from the records of the board.

202.2(14) Failure of a licensee or an applicant for licensure in this state to report any voluntary agreements restricting the individual's practice of physical therapy in another state, district, territory or country.

202.2(15) Failure to notify the board of a criminal conviction within 30 days of the action, regardless of the jurisdiction where it occurred.

202.2(16) Failure to notify the board within 30 days after occurrence of any judgment or settlement of a malpractice claim or action.

202.2(17) Engaging in any conduct that subverts or attempts to subvert a board investigation.

202.2(18) Failure to comply with a subpoena issued by the board, or failure to cooperate with an investigation of the board.

202.2(19) Failure to respond within 30 days of receipt of communication from the board which was sent by registered or certified mail.

202.2(20) Failure to comply with the terms of a board order or the terms of a settlement agreement or consent order.

202.2(21) Failure to pay costs assessed in any disciplinary action.

202.2(22) Submission of a false report of continuing education or failure to submit the required report of continuing education.

202.2(23) Failure to report another licensee to the board for any violations listed in these rules, pursuant to Iowa Code section 272C.9.

202.2(24) Knowingly aiding, assisting or advising a person to unlawfully practice physical therapy.

202.2(25) Failure to report a change of name or address within 30 days after it occurs.

202.2(26) Representing oneself as a licensed physical therapist or physical therapist assistant when one's license has been suspended or revoked, or when the license is on inactive status.

202.2(27) Permitting another person to use the licensee's license for any purpose.

202.2(28) Permitting an unlicensed employee or person under the licensee's control to perform activities that require a license.

202.2(29) Unethical conduct. In accordance with Iowa Code section 147.55(3), behavior (i.e., acts, knowledge, and practices) which constitutes unethical conduct may include, but need not be limited to, the following:

a. Verbally or physically abusing a patient, client or coworker.

b. Improper sexual contact with, or making suggestive, lewd, lascivious or improper remarks or advances to a patient, client or coworker.

c. Betrayal of a professional confidence.

d. Engaging in a professional conflict of interest.

202.2(30) Repeated failure to comply with standard precautions for preventing transmission of infectious diseases as issued by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.

202.2(31) Violation of the terms of an initial agreement with the impaired practitioner review committee or violation of the terms of an impaired practitioner recovery contract with the impaired practitioner review committee.

645—202.3(147,272C) Method of discipline. The board has the authority to impose the following disciplinary sanctions:

1. Revocation of license.
2. Suspension of license until further order of the board or for a specific period.
3. Prohibit permanently, until further order of the board, or for a specific period the licensee's engaging in specified procedures, methods, or acts.
4. Probation.
5. Require additional education or training.
6. Require a reexamination.
7. Order a physical or mental evaluation, or order alcohol and drug screening within a time specified by the board.
8. Impose civil penalties not to exceed $1000.
9. Issue a citation and warning.
10. Such other sanctions allowed by law as may be appropriate.

645—202.4(272C) Discretion of board. The following factors may be considered by the board in determining the nature and severity of the disciplinary sanction to be imposed:

1. The relative serious nature of the violation as it relates to ensuring a high standard of professional care for the citizens of this state;
2. The facts of the particular violation;
3. Any extenuating facts or other countervailing considerations;
4. The number of prior violations or complaints;
5. The seriousness of prior violations or complaints;
6. Whether remedial action has been taken; and
7. Such other factors as may reflect upon the competency, ethical standards, and professional conduct of the licensee.

645—202.5(148A) Order for mental, physical, or clinical competency examination or alcohol or drug screening. Rescinded IAB 12/17/08, effective 1/21/09.

These rules are intended to implement Iowa Code chapters 147, 148A and 272C.

[Filed 2/13/02, Notice 10/3/01—published 3/6/02, effective 4/10/02]
[Filed 11/26/03, Notice 9/17/03—published 12/24/03, effective 1/28/04]
[Filed 8/22/05, Notice 6/22/05—published 9/14/05, effective 10/19/05]
[Filed 11/19/05, Notice 9/14/05—published 12/21/05, effective 1/25/06]
[Filed 2/17/06, Notice 12/21/05—published 3/15/06, effective 4/19/06]
[Filed 11/30/07, Notice 9/26/07—published 12/19/07, effective 1/23/08]
[Filed 11/26/08, Notice 9/24/08—published 12/17/08, effective 1/21/09]

CHAPTER 203
CONTINUING EDUCATION FOR PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS

645—203.1(272C) Definitions. For the purpose of these rules, the following definitions shall apply:

"Active license" means a license that is current and has not expired.

"Audit" means the selection of licensees for verification of satisfactory completion of continuing education requirements during a specified time period.

"Board" means the board of physical and occupational therapy.

"Continuing education" means planned, organized learning acts designed to maintain, improve, or expand a licensee's knowledge and skills in order for the licensee to develop new knowledge and skills relevant to the enhancement of practice, education, or theory development to improve the safety and welfare of the public.

"Hour of continuing education" means at least 50 minutes spent by a licensee in actual attendance at and completion of an approved continuing education activity.

"Inactive license" means a license that has expired because it was not renewed by the end of the grace period. The category of "inactive license" may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

"Independent study" means a subject/program/activity that a person pursues autonomously and that meets standards for approval criteria in the rules and includes a posttest.

"License" means license to practice.

"Licensee" means any person licensed to practice as a physical therapist or physical therapist assistant in the state of Iowa.

645—203.2(148A) Continuing education requirements.

203.2(1) The biennial continuing education compliance period shall extend for a two-year period that begins on the sixteenth day of the birth month and ends two years later on the fifteenth day of the birth month.

a. Requirements for physical therapist licensees. Each biennium, each person who is licensed to practice as a physical therapist in this state shall be required to complete a minimum of 40 hours of continuing education approved by the board.

b. Requirements for physical therapist assistant licensees. Each biennium, each person who is licensed to practice as a physical therapist assistant in this state shall be required to complete a minimum of 20 hours of continuing education approved by the board.

203.2(2) Requirements of new licensees. Those persons licensed for the first time shall not be required to complete continuing education as a prerequisite for the first renewal of their licenses. Continuing education hours acquired anytime from the initial licensing until the second license renewal may be used. The new licensee will be required to complete a minimum of 40 hours of continuing education per biennium for physical therapists and a minimum of 20 hours for physical therapist assistants each subsequent license renewal.

203.2(3) Hours of continuing education credit may be obtained by attending and participating in a continuing education activity. These hours must be in accordance with these rules.

203.2(4) No hours of continuing education shall be carried over into the next biennium except for a new licensee. A licensee whose license was reactivated during the current renewal compliance period may use continuing education earned during the compliance period for the first renewal following reactivation.

203.2(5) It is the responsibility of each licensee to finance the cost of continuing education.

645—203.3(148A,272C) Standards.

203.3(1) *General criteria.* A continuing education activity which meets all of the following criteria is appropriate for continuing education credit if the continuing education activity:

a. Constitutes an organized program of learning which contributes directly to the professional competency of the licensee;

b. Pertains to subject matters which integrally relate to the practice of the profession;

c. Is conducted by individuals who have specialized education, training and experience by reason of which said individuals should be considered qualified concerning the subject matter of the program. At the time of audit, the board may request the qualifications of presenters;

d. Fulfills stated program goals, objectives, or both; and

e. Provides proof of attendance to licensees in attendance including:

(1) Date, location, course title, presenter(s);

(2) Number of program contact hours; and

(3) Certificate of completion or evidence of successful completion of the course provided by the course sponsor.

203.3(2) *Specific criteria.* Licensees may obtain continuing education hours of credit by:

a. Presenting professional programs which meet the criteria listed in this rule. Two hours of credit will be awarded for each hour of presentation. A course schedule or brochure must be maintained for audit.

b. Providing official transcripts indicating successful completion of academic courses which apply to the field of physical therapy in order to receive the following continuing education credits:

1 academic semester hour = 15 continuing education hours of credit

1 academic trimester hour = 12 continuing education hours of credit

1 academic quarter hour = 10 continuing education hours of credit

c. Attending workshops, conferences, symposiums or electronically transmitted, live interactive conferences which relate directly to the professional competency of the licensee.

d. Authoring research or other activities the results of which are published in a recognized professional publication. The licensee shall receive five hours of credit per page.

e. Viewing videotaped presentations if the following criteria are met:

(1) There is a sponsoring group or agency;

(2) There is a facilitator or program official present;

(3) The program official may not be the only attendee; and

(4) The program meets all the criteria specified in this rule.

f. Participating in home study courses that have a certificate of completion and a postcourse test.

g. Participating in courses that have business-related topics: marketing, time management, government regulations, and other like topics.

h. Participating in courses that have personal skills topics: career burnout, communication skills, human relations, and other like topics.

i. Participating in courses that have general health topics: clinical research, CPR, child abuse reporting, and other like topics.

j. Having the following maximums per biennium:

(1) Twenty hours of credit for physical therapists and ten hours for physical therapist assistants for presenting professional programs.

(2) Twenty hours of credit for physical therapists and ten hours for physical therapist assistants for authoring research.

(3) Twenty hours of credit for physical therapists and ten hours for physical therapist assistants for viewing videotaped presentations and electronically transmitted material that have a postcourse test.

(4) Twenty hours of credit for physical therapists and ten hours for physical therapist assistants for business-related topics, personal skills topics and general health topics.

(5) Twenty hours of credit for physical therapists and ten hours for physical therapist assistants for home study courses.

k. Completing per biennium continuing education of a clinical nature at a minimum of twenty hours for physical therapists and ten hours for physical therapist assistants.

645—203.4(148A,272C) Audit of continuing education report. Rescinded IAB 12/17/08, effective 1/21/09.

645—203.5(148A,272C) Automatic exemption. Rescinded IAB 12/17/08, effective 1/21/09.

645—203.6(272C) Continuing education exemption for disability or illness. Rescinded IAB 12/17/08, effective 1/21/09.

645—203.7(148A,272C) Grounds for disciplinary action. Rescinded IAB 12/17/08, effective 1/21/09.

645—203.8(272C) Continuing education exemption for disability or illness. Rescinded IAB 9/14/05, effective 10/19/05.

645—203.9(148A,272C) Reinstatement of inactive practitioners. Rescinded IAB 9/14/05, effective 10/19/05.

645—203.10(272C) Hearings. Rescinded IAB 9/14/05, effective 10/19/05.

These rules are intended to implement Iowa Code section 272C.2 and chapter 148A.

[Filed 11/9/00, Notice 7/26/00—published 11/29/00, effective 1/3/01]
[Filed 2/13/02, Notice 10/3/01—published 3/6/02, effective 4/10/02]
[Filed 8/22/05, Notice 6/22/05—published 9/14/05, effective 10/19/05][◊]
[Filed 11/30/07, Notice 9/26/07—published 12/19/07, effective 1/23/08]
[Filed 11/26/08, Notice 9/24/08—published 12/17/08, effective 1/21/09]

◊ Two or more ARCs

CHAPTER 204
FEES
Rescinded IAB 12/17/08, effective 1/21/09

CHAPTER 205
ADMINISTRATIVE AND REGULATORY AUTHORITY FOR THE BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY—OCCUPATIONAL THERAPY
[Prior to 3/6/02, see 645—201.1(148B) and 645—201.2(147,148B)]
Rescinded IAB 12/17/08, effective 1/21/09

CHAPTER 206
LICENSURE OF OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS

[Prior to 3/6/02, see 645—201.3(147,148B,272C) to 645—201.7(147) and 645—201.9(272C)]

645—206.1(147) Definitions. For purposes of these rules, the following definitions shall apply:

"Active license" means a license that is current and has not expired.

"Board" means the board of physical and occupational therapy.

"Department" means the department of public health.

"Grace period" means the 30-day period following expiration of a license when the license is still considered to be active. In order to renew a license during the grace period, a licensee is required to pay a late fee.

"Inactive license" means a license that has expired because it was not renewed by the end of the grace period. The category of "inactive license" may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

"Licensee" means any person licensed to practice as an occupational therapist or occupational therapy assistant in the state of Iowa.

"License expiration date" means the fifteenth day of the birth month every two years after initial licensure.

"Licensure by endorsement" means the issuance of an Iowa license to practice occupational therapy to an applicant who is or has been licensed in another state.

"Licensure examination" means the examination administered by the National Board for Certification in Occupational Therapy.

"Mandatory training" means training on identifying and reporting child abuse or dependent adult abuse required of occupational therapists or occupational therapy assistants who are mandatory reporters. The full requirements on mandatory reporting of child abuse and the training requirements are found in Iowa Code section 232.69. The full requirements on mandatory reporting of dependent adult abuse and the training requirements are found in Iowa Code section 235B.16.

"NBCOT" means the National Board for Certification in Occupational Therapy.

"Occupational therapist" means a person licensed under this chapter to practice occupational therapy.

"Occupational therapy assistant" means a person licensed under this chapter to assist in the practice of occupational therapy.

"Occupational therapy screening" means a brief process which is directed by an occupational therapist in order for the occupational therapist to render a decision as to whether the individual warrants further, in-depth evaluation and which includes:

1. Assessment of the medical and social history of an individual;
2. Observations related by that individual's caregivers; or
3. Observations or nonstandardized tests, or both, administered to an individual by the occupational therapist or an occupational therapy assistant under the direction of the occupational therapist.

Nothing in this definition shall be construed to prohibit licensed occupational therapists and occupational therapy assistants who work in preschools or school settings from providing short-term interventions, not to exceed four months, to children prior to an evaluation, in accordance with state and federal educational policy.

"On site" means:

1. To be continuously on site and present in the department or facility where the assistive personnel are performing services;
2. To be immediately available to assist the person being supervised in the services being performed; and
3. To provide continued direction of appropriate aspects of each treatment session in which a component of treatment is delegated to assistive personnel.

"OT" means occupational therapist.

"OTA" means occupational therapy assistant.

"Reactivate" or *"reactivation"* means the process as outlined in rule 206.18(17A,147,272C) by which an inactive license is restored to active status.

"Reciprocal license" means the issuance of an Iowa license to practice occupational therapy to an applicant who is currently licensed in another state which has a mutual agreement with the Iowa board of physical and occupational therapy to license persons who have the same or similar qualifications to those required in Iowa.

"Reinstatement" means the process as outlined in 645—11.31(272C) by which a licensee who has had a license suspended or revoked or who has voluntarily surrendered a license may apply to have the license reinstated, with or without conditions. Once the license is reinstated, the licensee may apply for active status.

645—206.2(147) Requirements for licensure. The following criteria shall apply to licensure:

206.2(1) The applicant shall complete a board-approved application packet. Application forms may be obtained from the board's Web site (http://www.idph.state.ia.us/licensure) or directly from the board office. All applications shall be sent to Board of Physical and Occupational Therapy, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.

206.2(2) The applicant shall complete the application form according to the instructions contained in the application. If the application is not completed according to the instructions, the application will not be reviewed by the board.

206.2(3) Each application shall be accompanied by the appropriate fees payable by check or money order to the Board of Physical and Occupational Therapy. The fees are nonrefundable.

206.2(4) No application will be considered by the board until official copies of academic transcripts sent directly from the school to the board have been received by the board.

206.2(5) The applicant shall provide a notarized copy of the certificate or diploma indicating the degree awarded to the applicant, if the degree is not indicated on the official transcript.

206.2(6) The licensure examination score shall be sent directly from the examination service to the board to confirm a passing score on the examination.

206.2(7) Licensees who were issued their initial licenses within six months prior to the renewal date shall not be required to renew their licenses until the renewal date two years later.

206.2(8) Incomplete applications that have been on file in the board office for more than two years shall be:

a. Considered invalid and shall be destroyed; or

b. Maintained upon written request of the candidate. The candidate is responsible for requesting that the file be maintained.

645—206.3(147) Limited permit to practice pending licensure. A limited permit holder who is applying for licensure in Iowa by taking the licensure examination for the first time and has never been licensed as an occupational therapist or occupational therapy assistant in any state, the District of Columbia, or another country must have completed the educational and experience requirements for licensure as an occupational therapist or occupational therapy assistant. The limited permit holder shall:

1. Make arrangements to take the examination and have the official results of the examination sent directly from the examination service to the board;

2. Apply for licensure on forms provided by the board. The applicant must include on the application form the name of the Iowa-licensed occupational therapist(s) who will provide supervision of the limited permit holder until the limited permit holder is licensed;

3. Practice only under the supervision of an Iowa-licensed OT for a period not to exceed six months from the date the application was received in the board office;

4. Submit to the board the name of the OT providing supervision within seven days after a change in supervision occurs; and

5. If the applicant fails the national examination, the limited permit holder must cease practicing immediately.

645—206.4(147) Applicant occupational therapist and occupational therapy assistant. An applicant who has never been licensed in Iowa, but has taken the licensure examination and held licensure in another state, the District of Columbia, or another country may practice under these rules prior to licensure if the complete application for endorsement and fees are on file at the board office. The occupational therapist applicant and occupational therapy assistant applicant shall:

1. Apply for licensure on forms provided by the board. The applicant must include on the application form the name of the Iowa-licensed OT who will provide supervision of the applicant until the applicant is licensed;
2. Practice only under the supervision of an Iowa-licensed OT for a period not to exceed three months from the date the application was received in the board office;
3. Submit to the board the name of the occupational therapist(s) providing supervision within seven days after a change in supervision occurs; and
4. The applicant shall not practice as an OT applicant or OTA applicant if the applicant has never passed the licensure examination.

645—206.5(147) Practice of occupational therapy limited permit holders and endorsement applicants prior to licensure.

206.5(1) Occupational therapist limited permit holders and endorsement applicants working prior to licensure may:

a. Evaluate clients, plan treatment programs, and provide periodic reevaluations only under supervision of a licensed OT who shall bear full responsibility for care provided under the OT's supervision; and

b. Perform the duties of the occupational therapist under the supervision of an Iowa-licensed occupational therapist, except for providing supervision to an occupational therapy assistant.

206.5(2) Occupational therapy assistants, limited permit holders and endorsement applicants working prior to licensure shall:

a. Follow the treatment plan written by the supervising OT outlining the elements that have been delegated; and

b. Perform occupational therapy procedures delegated by the supervising OT as required in subrule 206.8(4).

645—206.6(147) Examination requirements. The following criteria shall apply to the written examination(s):

206.6(1) The applicant for licensure as an occupational therapist shall have received a passing score on the licensure examination for occupational therapists. It is the responsibility of the applicant to make arrangements to take the examination and have the official results submitted directly from the examination service to the board of physical and occupational therapy.

206.6(2) The applicant for licensure as an occupational therapy assistant shall have received a passing score on the licensure examination for occupational therapy assistants. It is the responsibility of the applicant to make arrangements to take the examination and have the official results submitted directly from the examination service to the board of physical and occupational therapy.

645—206.7(147) Educational qualifications.

206.7(1) The applicant must present proof of meeting the following requirements for licensure as an occupational therapist or occupational therapy assistant:

a. *Occupational therapist.* The applicant for licensure as an occupational therapist shall have completed the requirements for a degree in occupational therapy in an occupational therapy program accredited by the Accreditation Council for Occupational Therapy Education of the American

Occupational Therapy Association. The transcript shall show completion of a supervised fieldwork experience.

b. *Occupational therapy assistant.* The applicant for licensure as an occupational therapy assistant shall be a graduate of an educational program approved by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association. The transcript shall show completion of a supervised fieldwork experience.

206.7(2) Foreign-trained occupational therapists and occupational therapy assistants. To become eligible to take the licensure examination, internationally educated occupational therapists must meet NBCOT eligibility requirements and undergo prescreening based on the status of their occupational therapy educational programs.

645—206.8(272C) Supervision requirements.

206.8(1) Care rendered by unlicensed personnel shall not be documented or charged as occupational therapy unless direct in-sight supervision is provided by an OT or an OTA.

206.8(2) Occupational therapy screening shall be directed by an occupational therapist and shall not be delegated to an unlicensed person.

206.8(3) A licensed OTA, OTA limited permit holder or OTA applicant working prior to licensure shall be supervised by a licensed occupational therapist. The occupational therapist must be involved in the delivery of services during all aspects of service delivery, including screening, evaluation, intervention and outcome evaluation. The occupational therapist may delegate responsibilities to the occupational therapy assistant. The occupational therapist shall:

a. Ensure that the OTA has a current occupational therapy license and that the OTA limited permit holder or applicant working prior to licensure has a copy of the letter from the board verifying that a current application is on file;

b. Provide direct on-site and in-sight supervision for a minimum of four hours per month;

c. Complete a patient evaluation prior to treatment by the licensed OTA, OTA limited permit holder, or the OTA applicant working prior to licensure. The time spent evaluating the patient by the supervising OT shall not be considered time spent supervising;

d. Complete a written treatment plan outlining which elements have been delegated to the licensed OTA, OTA limited permit holder, or OTA applicant working prior to licensure;

e. Monitor patient progress;

f. Complete an evaluation of the treatment plan and write a discharge plan; and

g. Assign to the licensed OTA, OTA limited permit holder, or OTA applicant only those duties and responsibilities for which the assistant, limited permit holder, or applicant has been specifically trained and is qualified to perform.

206.8(4) Supervision of an OT limited permit holder or an OT applicant. An OT limited permit holder or an OT applicant working prior to licensure shall be supervised by a licensed OT. The supervisor shall:

a. Ensure that the OT limited permit holder or OT applicant working prior to licensure has a copy of the letter from the board verifying that a current application is on file;

b. Provide one-to-one supervision for a minimum of two hours per week.

The applicant who is practicing prior to licensure may perform the duties of the occupational therapist under the supervision of an Iowa-licensed occupational therapist, except for providing supervision to an occupational therapy assistant.

206.8(5) Occupational therapist limited permit holders and occupational therapist applicants working prior to licensure may evaluate clients, plan treatment programs, and provide periodic reevaluations only under supervision of a licensed occupational therapist who shall bear full responsibility for care provided under the occupational therapist's supervision.

645—206.9(147) Occupational therapy assistant responsibilities. An occupational therapy assistant shall:

1. Follow the treatment plan written by the supervising occupational therapist outlining which elements have been delegated;
2. Maintain a plan of supervision; and
3. Maintain documentation of supervision on a daily basis that shall be available for review upon request of the board.

645—206.10(147) Licensure by endorsement. An applicant who has been a licensed occupational therapist or occupational therapy assistant under the laws of another jurisdiction shall file an application for licensure by endorsement with the board office. The board may receive by endorsement any applicant from the District of Columbia, another state, territory, province or foreign country who:

1. Submits to the board a completed application;
2. Pays the licensure fee;
3. Shows evidence of licensure requirements in the jurisdiction in which the applicant has been licensed that are similar to those required in Iowa;
4. Submits official results from the appropriate professional examination sent directly from the examination service to the board;
5. Provides official copies of the academic transcripts sent directly from the school to the board;
6. Provides verification of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification direct from the jurisdiction's board office if it provides:

- Licensee's name;
- Date of initial licensure;
- Current licensure status; and
- Any disciplinary action taken against the license; and

7. Shows evidence of one of the following:

- Completion of 30 hours for an occupational therapist and 15 hours for an occupational therapy assistant of board-approved continuing education during the immediately preceding two-year period;
- The practice of occupational therapy for a minimum of 2,080 hours during the immediately preceding two-year period as a licensed occupational therapist or occupational therapy assistant;
- Serving as a full-time equivalent faculty member teaching occupational therapy in an accredited school of occupational therapy for at least one of the immediately preceding two years; or
- Successfully passing the examination within a period of one year from the date of examination to the time application is completed for licensure.

Individuals who were issued their licenses by endorsement within six months of the license renewal date will not be required to renew their licenses until the next renewal two years later.

645—206.11(147) Licensure by reciprocal agreement. Rescinded IAB 12/17/08, effective 1/21/09.

645—206.12(147) License renewal.

206.12(1) The biennial license renewal period for a license to practice as an occupational therapist or occupational therapy assistant shall begin on the sixteenth day of the birth month and end on the fifteenth day of the birth month two years later. The board shall send a renewal notice by regular mail to each licensee at the address on record at least 60 days prior to the expiration of the license. The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive the notice does not relieve the licensee of the responsibility for renewing the license.

206.12(2) An individual who was issued a license within six months of the license renewal date will not be required to renew the license until the subsequent renewal two years later.

206.12(3) A licensee seeking renewal shall:

a. Meet the continuing education requirements of rule 645—207.2(272C) and the mandatory reporting requirements of subrule 206.12(4). A licensee whose license was reactivated during the current renewal compliance period may use continuing education earned during the compliance period for the first renewal following reactivation; and

b. Submit the completed renewal application and renewal fee before the license expiration date.

206.12(4) Mandatory reporter training requirements.

a. A licensee who in the scope of professional practice regularly examines, attends, counsels or treats children in Iowa shall indicate on the renewal application completion of two hours of training in child abuse identification and reporting in the previous five years or condition(s) for waiver of this requirement as identified in paragraph *"e."*

b. A licensee who in the scope of professional practice regularly examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of two hours of training in dependent adult abuse identification and reporting in the previous five years or condition(s) for waiver of this requirement as identified in paragraph *"e."*

c. A licensee who in the scope of professional practice regularly examines, attends, counsels or treats both adults and children in Iowa shall indicate on the renewal application completion of training in abuse identification and reporting for dependent adults and children in the previous five years or condition(s) for waiver of this requirement as identified in paragraph *"e."*

Training may be completed through separate courses as identified in paragraphs *"a"* and *"b"* or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse. The course shall be a curriculum approved by the Iowa department of public health abuse education review panel.

d. The licensee shall maintain written documentation for five years after mandatory training as identified in paragraphs *"a"* to *"c,"* including program date(s), content, duration, and proof of participation.

e. The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

(1) Is engaged in active duty in the military service of this state or the United States.

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in 645—Chapter 4.

f. The board may select licensees for audit of compliance with the requirements in paragraphs *"a"* to *"e."*

206.12(5) Upon receiving the information required by this rule and the required fee, board staff shall administratively issue a two-year license and shall send the licensee a wallet card by regular mail. In the event the board receives adverse information on the renewal application, the board shall issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

206.12(6) Persons licensed to practice as occupational therapists or occupational therapy assistants shall keep their renewal licenses displayed in a conspicuous public place at the primary site of practice.

206.12(7) Late renewal. The license shall become a late license when the license has not been renewed by the expiration date on the wallet card. The licensee shall be assessed a late fee as specified in 645—subrule 5.11(4). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

206.12(8) Inactive license. A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice as an occupational therapist or occupational therapy assistant in Iowa until the license is reactivated. A licensee who practices as an occupational therapist or occupational therapy assistant in the state of Iowa with an inactive license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

645—206.13(272C) Exemptions for inactive practitioners. Rescinded IAB 9/14/05, effective 10/19/05.

645—206.14(272C) Lapsed licenses. Rescinded IAB 9/14/05, effective 10/19/05.

645—206.15(147) Duplicate certificate or wallet card. Rescinded IAB 12/17/08, effective 1/21/09.

645—206.16(147) Reissued certificate or wallet card. Rescinded IAB 12/17/08, effective 1/21/09.

645—206.17(17A,147,272C) License denial. Rescinded IAB 12/17/08, effective 1/21/09.

645—206.18(17A,147,272C) License reactivation. To apply for reactivation of an inactive license, a licensee shall:

206.18(1) Submit a reactivation application on a form provided by the board.

206.18(2) Pay the reactivation fee that is due as specified in 645—subrule 5.11(5).

206.18(3) Provide verification of current competence to practice occupational therapy by satisfying one of the following criteria:

a. If the license has been on inactive status for five years or less, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of 15 hours of continuing education for an occupational therapy assistant and 30 hours of continuing education for an occupational therapist within two years of application for reactivation.

b. If the license has been on inactive status for more than five years, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of 30 hours of continuing education for an occupational therapy assistant and 60 hours of continuing education for an occupational therapist within two years of application for reactivation; or evidence of successful completion of the professional examination required for initial licensure completed within one year prior to the submission of an application for reactivation.

645—206.19(17A,147,272C) License reinstatement. A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with 645—11.31(272C) and must apply for and be granted reactivation of the license in accordance with 206.18(17A,147,272C) prior to practicing occupational therapy in this state.

These rules are intended to implement Iowa Code chapters 17A, 147, 148B and 272C.

[Filed 2/14/02, Notice 10/3/01—published 3/6/02, effective 4/10/02]
[Filed 11/26/03, Notice 9/17/03—published 12/24/03, effective 1/28/04]
[Filed 8/22/05, Notice 6/22/05—published 9/14/05, effective 10/19/05][◊]
[Filed 5/19/06, Notice 3/29/06—published 6/21/06, effective 7/26/06]
[Filed 11/30/07, Notice 9/26/07—published 12/19/07, effective 1/23/08]
[Filed 5/28/08, Notice 3/26/08—published 6/18/08, effective 7/23/08]
[Filed 11/26/08, Notice 9/24/08—published 12/17/08, effective 1/21/09]

◊ Two or more ARCs

CHAPTER 207
CONTINUING EDUCATION FOR OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS

645—207.1(148B) Definitions. For the purpose of these rules, the following definitions shall apply:

"Active license" means a license that is current and has not expired.

"Audit" means the selection of licensees for verification of satisfactory completion of continuing education requirements during a specified time period.

"Board" means the board of physical and occupational therapy.

"Continuing education" means planned, organized learning acts designed to maintain, improve, or expand a licensee's knowledge and skills in order for the licensee to develop new knowledge and skills relevant to the enhancement of practice, education, or theory development to improve the safety and welfare of the public.

"Hour of continuing education" means at least 50 minutes spent by a licensee in actual attendance at and completion of an approved continuing education activity.

"Inactive license" means a license that has expired because it was not renewed by the end of the grace period. The category of "inactive license" may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

"Independent study" means a subject/program/activity that a person pursues autonomously and that meets standards for approval criteria in the rules and includes a posttest.

"License" means license to practice.

"Licensee" means any person licensed to practice as an occupational therapist or occupational therapy assistant in the state of Iowa.

645—207.2(272C) Continuing education requirements.

207.2(1) The biennial continuing education compliance period shall extend for a two-year period that begins on the sixteenth day of the licensee's birth month and ends two years later on the fifteenth day of the birth month.

a. Requirements for occupational therapist licensees. Each biennium, each person who is licensed to practice as an occupational therapist in this state shall be required to complete a minimum of 30 hours of continuing education approved by the board.

b. Requirements for occupational therapy assistant licensees. Each biennium, each person who is licensed to practice as an occupational therapy assistant in this state shall be required to complete a minimum of 15 hours of continuing education approved by the board.

207.2(2) Requirements of new licensees. Those persons licensed for the first time shall not be required to complete continuing education as a prerequisite for the first renewal of their licenses. Continuing education hours acquired anytime from the initial licensing until the second license renewal may be used. The new licensee will be required to complete a minimum of 30 hours of continuing education per biennium for occupational therapists and 15 hours for occupational therapy assistants each subsequent license renewal.

207.2(3) Hours of continuing education credit may be obtained by attending and participating in a continuing education activity. These hours must be in accordance with these rules.

207.2(4) With the exception of continuing education hours obtained by new licensees, no hours of continuing education shall be carried over into the next biennium. A licensee whose license was reactivated during the current renewal compliance period may use continuing education earned during the compliance period for the first renewal following reactivation.

207.2(5) It is the responsibility of each licensee to finance the cost of continuing education.

645—207.3(148B,272C) Standards.

207.3(1) *General criteria.* A continuing education activity which meets all of the following criteria is appropriate for continuing education credit if the continuing education activity:

a. Constitutes an organized program of learning which contributes directly to the professional competency of the licensee;

b. Pertains to subject matters which integrally relate to the practice of the profession;

c. Is conducted by individuals who have specialized education, training and experience by reason of which said individuals should be considered qualified concerning the subject matter of the program. At the time of audit, the board may request the qualifications of presenters;

d. Fulfills stated program goals, objectives, or both; and

e. Provides proof of attendance to licensees in attendance including:

(1) Date, location, course title, presenter(s);

(2) Number of program contact hours; and

(3) Certificate of completion or evidence of successful completion of the course provided by the course sponsor.

207.3(2) *Specific criteria.*

a. Licensees may obtain continuing education hours of credit by:

(1) Presenting professional programs which meet the criteria listed in this rule. Two hours of credit will be awarded for each hour of presentation. A course schedule or brochure must be maintained for an audit;

(2) Providing official transcripts indicating successful completion of academic courses which apply to the field of occupational therapy. Credit hour equivalents are:

1 academic semester hour = 15 continuing education hours of credit

1 academic trimester hour = 12 continuing education hours of credit

1 academic quarter hour = 10 continuing education hours of credit

(3) Authoring research or other activities the results of which are published in a recognized professional publication. The licensee shall receive five hours of credit per page;

(4) Viewing videotaped presentations if the following criteria are met:

1. There is a sponsoring group or agency;
2. There is a facilitator or program official present;
3. The program official may not be the only attendee; and
4. The program meets all the criteria specified in this rule;

(5) Participating in home study courses that have a certificate of completion and a postcourse test;

(6) Attending courses/activities that have business-related topics: marketing, time management, government regulations, and other like topics;

(7) Attending courses/activities that have personal skills topics: career burnout, communication skills, human relations, and other like topics;

(8) Attending courses/activities that have general health topics: clinical research, CPR, child abuse reporting, and other like topics;

(9) Attending workshops, conferences and symposiums which relate directly to the professional competency of the licensee.

b. The maximum number of hours in each category in each biennium is as follows:

(1) Fifteen hours of credit for occupational therapists and eight hours of credit for occupational therapy assistants for presenting professional programs.

(2) Fifteen hours of credit for occupational therapists and eight hours of credit for occupational therapy assistants for participating in research.

(3) Fifteen hours of credit for occupational therapists and eight hours of credit for occupational therapy assistants for viewing videotaped presentations and electronically transmitted material that have a postcourse test.

(4) Fifteen hours of credit for occupational therapists and eight hours of credit for occupational therapy assistants for business-related topics, personal skills topics and general health topics.

(5) Fifteen hours of credit for occupational therapists and eight hours of credit for occupational therapy assistants for home study courses.

c. Each biennium, a minimum of 15 hours of continuing education for occupational therapists and a minimum of 8 hours for occupational therapy assistants shall be of a clinical nature.

645—207.4(148B,272C) Audit of continuing education report. Rescinded IAB 12/17/08, effective 1/21/09.

645—207.5(148B,272C) Automatic exemption. Rescinded IAB 12/17/08, effective 1/21/09.

645—207.6(272C) Continuing education exemption for disability or illness. Rescinded IAB 12/17/08, effective 1/21/09.

645—207.7(148B,272C) Grounds for disciplinary action. Rescinded IAB 12/17/08, effective 1/21/09.

645—207.8(272C) Continuing education exemption for disability or illness. Rescinded IAB 9/14/05, effective 10/19/05.

645—207.9(272C) Reinstatement of inactive practitioners. Rescinded IAB 9/14/05, effective 10/19/05.

645—207.10(272C) Hearings. Rescinded IAB 9/14/05, effective 10/19/05.

These rules are intended to implement Iowa Code section 272C.2 and chapter 148B.

[Filed 11/9/00, Notice 7/26/00—published 11/29/00, effective 1/3/01]
[Filed 2/14/02, Notice 10/3/01—published 3/6/02, effective 4/10/02]
[Filed 8/22/05, Notice 6/22/05—published 9/14/05, effective 10/19/05][◊]
[Filed 11/30/07, Notice 9/26/07—published 12/19/07, effective 1/23/08]
[Filed 11/26/08, Notice 9/24/08—published 12/17/08, effective 1/21/09]

◊ Two or more ARCs

CHAPTER 209
DISCIPLINE FOR OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS

[Prior to 3/6/02, see 645—201.10(272C)]
[Prior to 12/24/03, see 645—Ch 208]

645—209.1(148B) Definitions.

"Board" means the board of physical and occupational therapy.

"Discipline" means any sanction the board may impose upon licensees.

"Licensee" means a person licensed to practice as an occupational therapist or an occupational therapy assistant in Iowa.

645—209.2(272C) Grounds for discipline. The board may impose any of the disciplinary sanctions provided in rule 645—209.3(147,272C) when the board determines that the licensee is guilty of any of the following acts or offenses:

209.2(1) Fraud in procuring a license. Fraud in procuring a license includes, but is not limited to, an intentional perversion of the truth in making application for a license to practice in this state, which includes the following:

a. False representations of a material fact, whether by word or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed when making application for a license in this state; or

b. Attempting to file or filing with the board or the department of public health any false or forged diploma or certificate or affidavit or identification or qualification in making an application for a license in this state.

209.2(2) Professional incompetency. Professional incompetency includes, but is not limited to:

a. A substantial lack of knowledge or ability to discharge professional obligations within the scope of practice.

b. A substantial deviation from the standards of learning or skill ordinarily possessed and applied by other occupational therapists or occupational therapy assistants in the state of Iowa acting in the same or similar circumstances.

c. A failure to exercise the degree of care which is ordinarily exercised by the average occupational therapist or occupational therapy assistant acting in the same or similar circumstances.

d. Failure to conform to the minimal standard of acceptable and prevailing practice of the licensed occupational therapist or licensed occupational therapy assistant in this state.

e. Mental or physical inability reasonably related to and adversely affecting the licensee's ability to practice in a safe and competent manner.

f. Being adjudged mentally incompetent by a court of competent jurisdiction.

209.2(3) Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of occupational therapy or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

209.2(4) Practice outside the scope of the profession.

209.2(5) Use of untruthful or improbable statements in advertisements. Use of untruthful or improbable statements in advertisements includes, but is not limited to, an action by a licensee in making information or intention known to the public which is false, deceptive, misleading or promoted through fraud or misrepresentation.

209.2(6) Habitual intoxication or addiction to the use of drugs.

a. The inability of a licensee to practice with reasonable skill and safety by reason of the excessive use of alcohol on a continuing basis.

b. The excessive use of drugs which may impair a licensee's ability to practice with reasonable skill or safety.

209.2(7) Obtaining, possessing, attempting to obtain or possess, or administering controlled substances without lawful authority.

209.2(8) Falsification of patient records.

209.2(9) Acceptance of any fee by fraud or misrepresentation.

209.2(10) Negligence by the licensee in the practice of the profession. Negligence by the licensee in the practice of the profession includes a failure to exercise due care, including negligent delegation of duties or supervision of employees or other individuals, whether or not injury results; or any conduct, practice or conditions which impair the ability to safely and skillfully practice the profession.

209.2(11) Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect the licensee's ability to practice occupational therapy. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

209.2(12) Violation of a regulation, rule or law of this state, another state, or the United States which relates to the practice of occupational therapy, including, but not limited to, the code of ethics found in rule 645—208.1(148B,272C).

209.2(13) Revocation, suspension, or other disciplinary action taken by a licensing authority of this state, another state, territory, or country; or failure of the licensee to report in writing such action within 30 days of the final action by the licensing authority. A stay by an appellate court shall not negate this requirement; however, if such disciplinary action is overturned or reversed by a court of last resort, the report shall be expunged from the records of the board.

209.2(14) Failure of a licensee or an applicant for licensure in this state to report any voluntary agreements restricting the individual's practice of occupational therapy in another state, district, territory or country.

209.2(15) Failure to notify the board of a criminal conviction within 30 days of the action, regardless of the jurisdiction where it occurred.

209.2(16) Failure to notify the board within 30 days after occurrence of any judgment or settlement of a malpractice claim or action.

209.2(17) Engaging in any conduct that subverts or attempts to subvert a board investigation.

209.2(18) Failure to comply with a subpoena issued by the board, or failure to cooperate with an investigation of the board.

209.2(19) Failure to respond within 30 days of receipt of communication from the board which was sent by registered or certified mail.

209.2(20) Failure to comply with the terms of a board order or the terms of a settlement agreement or consent order.

209.2(21) Failure to pay costs assessed in any disciplinary action.

209.2(22) Submission of a false report of continuing education or failure to submit the required report of continuing education.

209.2(23) Failure to report another licensee to the board for any violations listed in these rules, pursuant to Iowa Code section 272C.9.

209.2(24) Knowingly aiding, assisting or advising a person to unlawfully practice occupational therapy.

209.2(25) Failure to report a change of name or address within 30 days after it occurs.

209.2(26) Representing oneself as a licensed occupational therapist or occupational therapy assistant when one's license has been suspended or revoked, or when the license is on inactive status.

209.2(27) Permitting another person to use the licensee's license for any purpose.

209.2(28) Permitting an unlicensed employee or person under the licensee's control to perform activities that require a license.

209.2(29) Unethical conduct. In accordance with Iowa Code section 147.55(3), behavior (i.e., acts, knowledge, and practices) which constitutes unethical conduct may include, but need not be limited to, the following:

a. Verbally or physically abusing a patient, client or coworker.

b. Improper sexual contact with, or making suggestive, lewd, lascivious or improper remarks or advances to a patient, client or coworker.

c. Betrayal of a professional confidence.

d. Engaging in a professional conflict of interest.

209.2(30) Repeated failure to comply with standard precautions for preventing transmission of infectious diseases as issued by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.

209.2(31) Violation of the terms of an initial agreement with the impaired practitioner review committee or violation of the terms of an impaired practitioner recovery contract with the impaired practitioner review committee.

645—209.3(147,272C) Method of discipline. The board has the authority to impose the following disciplinary sanctions:

1. Revocation of license.
2. Suspension of license until further order of the board or for a specific period.
3. Prohibit permanently, until further order of the board, or for a specific period the licensee's engaging in specified procedures, methods, or acts.
4. Probation.
5. Require additional education or training.
6. Require a reexamination.
7. Order a physical or mental evaluation, or order alcohol and drug screening within a time specified by the board.
8. Impose civil penalties not to exceed $1000.
9. Issue a citation and warning.
10. Such other sanctions allowed by law as may be appropriate.

645—209.4(272C) Discretion of board. The following factors may be considered by the board in determining the nature and severity of the disciplinary sanction to be imposed:

1. The relative serious nature of the violation as it relates to ensuring a high standard of professional care for the citizens of this state;
2. The facts of the particular violation;
3. Any extenuating facts or other countervailing considerations;
4. The number of prior violations or complaints;
5. The seriousness of prior violations or complaints;
6. Whether remedial action has been taken; and
7. Such other factors as may reflect upon the competency, ethical standards, and professional conduct of the licensee.

645—209.5(148B) Order for mental, physical, or clinical competency examination or alcohol or drug screening. Rescinded IAB 12/17/08, effective 1/21/09.

These rules are intended to implement Iowa Code chapters 147, 148B and 272C.

[Filed 2/14/02, Notice 10/3/01—published 3/6/02, effective 4/10/02]
[Filed 11/26/03, Notice 9/17/03—published 12/24/03, effective 1/28/04]
[Filed 8/22/05, Notice 6/22/05—published 9/14/05, effective 10/19/05]
[Filed 11/19/05, Notice 9/14/05—published 12/21/05, effective 1/25/06]
[Filed 2/17/06, Notice 12/21/05—published 3/15/06, effective 4/19/06]
[Filed 11/30/07, Notice 9/26/07—published 12/19/07, effective 1/23/08]
[Filed 11/26/08, Notice 9/24/08—published 12/17/08, effective 1/21/09]

CHAPTER 210
FEES

[Prior to 3/6/02, see 645—201.8(147)]
[Prior to 12/24/03, see 645—Ch 209)]

Rescinded IAB 12/17/08, effective 1/21/09

CHAPTERS 211 to 218
Reserved

CHAPTER 219
ADMINISTRATIVE AND REGULATORY AUTHORITY FOR THE BOARD OF PODIATRY EXAMINERS

[Prior to 5/18/88, see Health Department[470], Ch 139]
[Prior to 2/6/02, see 645—Chapter 220]

Rescinded IAB 11/5/08, effective 12/10/08

PHARMACY BOARD[657]

[Prior to 2/10/88, see Pharmacy Examiners, Board of [620], renamed Pharmacy Examiners Board[657] under the "umbrella" of Public Health Department by 1986 Iowa Acts, ch 1245; renamed by 2007 Iowa Acts, Senate File 74]

CHAPTER 1
PURPOSE AND ORGANIZATION

1.1(17A) Board mission
1.2(17A,147,272C) Description and organization of board
1.3(17A,272C) Responsibilities
1.4(17A,272C) Submission of complaints and requests
1.5(17A,21) Meetings
1.6(124,147,155A) Fee for returned check
1.7(124,124B,147,155A) Overpayment of fees

CHAPTER 2
PHARMACIST LICENSES

2.1(147,155A) Licensure by examination
2.2(155A) Application for examination—requirements
2.3(147,155A) Examination fee
2.4(155A) Internship requirements
2.5(155A) College graduate certification
2.6(147) Reexamination applications and fees
2.7(147) Examination results
2.8(155A) Transfer of examination scores
2.9(147,155A) Licensure by license transfer/reciprocity
2.10(155A) Foreign pharmacy graduates
2.11(147,155A) License expiration and renewal
2.12(272C) Continuing education requirements
2.13(272C) Active and inactive license status
2.14(155A) Fees for additional license certificates
2.15(155A) Notifications to the board
2.16(235B,272C) Mandatory training for identifying and reporting abuse

CHAPTER 3
PHARMACY TECHNICIANS

3.1(155A) Definitions
3.2(155A) Purpose of registration
3.3(155A) Registration required
3.4 Reserved
3.5(155A) Certification of pharmacy technicians
3.6 and 3.7 Reserved
3.8(155A) Application form
3.9(155A) Registration term and renewal
3.10(155A) Registration fee
3.11(155A) Late applications and fees
3.12(155A) Registration certificates
3.13(155A) Notifications to the board
3.14 to 3.16 Reserved
3.17(155A) Training and utilization of pharmacy technicians
3.18(147,155A) Identification of pharmacy technician
3.19 Reserved
3.20(155A) Responsibility of supervising pharmacist

3.21(155A) Delegation of technical functions
3.22(155A) Technical functions
3.23(155A) Tasks a pharmacy technician shall not perform
3.24(155A) New prescription drug orders or medication orders
3.25(155A) Delegation of nontechnical functions
3.26 and 3.27 Reserved
3.28(147,155A) Unethical conduct or practice
3.29(155A) Denial of registration
3.30(155A) Discipline of pharmacy technicians

CHAPTER 4
PHARMACIST-INTERNS
4.1(155A) Definitions
4.2(155A) Goal and objectives of internship
4.3(155A) 1500-hour requirements
4.4(155A) Iowa colleges of pharmacy clinical internship programs
4.5(155A) Out-of-state internship programs
4.6(155A) Registration, reporting, and authorized functions
4.7(155A) Foreign pharmacy graduates
4.8(155A) Fees
4.9(155A) Preceptor requirements
4.10(155A) Denial of pharmacist-intern registration
4.11(155A) Discipline of pharmacist-interns

CHAPTER 5
Reserved

CHAPTER 6
GENERAL PHARMACY PRACTICE
6.1(155A) Purpose and scope
6.2(155A) Pharmacist in charge
6.3(155A) Reference library
6.4(155A) Exemption from duplicate requirements
6.5 and 6.6 Reserved
6.7(124,155A) Security
6.8(124,155A) Prescription processing documentation
6.9(124,155A) Transfer of prescription
6.10(126,155A) Prescription label requirements
6.11 and 6.12 Reserved
6.13(155A) Patient record system
6.14(155A) Patient counseling and instruction
6.15(124,126) Return of drugs and other items
6.16(124,155A) Records

CHAPTER 7
HOSPITAL PHARMACY PRACTICE
7.1(155A) Purpose and scope
7.2(155A) Pharmacist in charge
7.3(155A) Reference library
7.4 and 7.5 Reserved
7.6(124,155A) Security
7.7(155A) Verification by pharmacist when pharmacy is closed
7.8(124,126,155A) Drug distribution and control

7.9(124,155A) Drug information
7.10(124,155A) Ensuring rational drug therapy
7.11 Reserved
7.12(124,126,155A) Drugs dispensed to patients as a result of an emergency room visit
7.13(124,155A) Records

CHAPTER 8
UNIVERSAL PRACTICE STANDARDS

8.1(155A) Purpose and scope
8.2(155A) Pharmaceutical care
8.3(155A) Responsibility
8.4(155A) Pharmacist identification
8.5(155A) Environment and equipment requirements
8.6(155A) Health of personnel
8.7(155A) Procurement, storage, and recall of drugs and devices
8.8(124,155A) Out-of-date drugs or devices
8.9(124,155A) Records
8.10 Reserved
8.11(147,155A) Unethical conduct or practice
8.12(126,147) Advertising
8.13(135C,155A) Personnel histories
8.14(155A) Training and utilization of pharmacy technicians
8.15(155A) Delivery of prescription drugs and devices
8.16(124,155A) Confidential information
8.17 and 8.18 Reserved
8.19(124,126,155A) Manner of issuance of a prescription drug or medication order
8.20(155A) Valid prescriber/patient relationship
8.21(155A) Prospective drug use review
8.22 to 8.25 Reserved
8.26(155A) Continuous quality improvement program
8.27 to 8.31 Reserved
8.32(124,155A) Individuals qualified to administer
8.33(147,155A) Supervision of pharmacists who administer adult immunizations
8.34(155A) Collaborative drug therapy management
8.35(155A) Pharmacy license

CHAPTER 9
AUTOMATED MEDICATION DISTRIBUTION SYSTEMS AND
TELEPHARMACY SERVICES

9.1(155A) Purpose and scope
9.2(147,155A) Definitions
9.3(147,155A) Pharmacist in charge responsibilities
9.4 Reserved
9.5(124,155A) General requirements for telepharmacy
9.6(155A) Duties of pharmacist in telepharmacy practice
9.7 to 9.9 Reserved
9.10(147,155A) Quality assurance and performance improvement
9.11(147,155A) Policies and procedures
9.12(147,155A) System, site, and process requirements
9.13(147,155A) Records
9.14 Reserved
9.15(147,155A) Decentralized unit dose AMDS

9.16(147,155A) Centralized unit dose AMDS
9.17(147,155A) Outpatient AMDS
9.18(124,155A) Remote dispensing site operations
9.19 Reserved
9.20(124,155A) Drugs at a remote dispensing site
9.21(124,155A) Record keeping

CHAPTER 10
CONTROLLED SUBSTANCES

10.1(124) Who shall register
10.2(124) Application forms
10.3(124) Registration and renewal
10.4(124) Exemptions—registration fee
10.5(124) Separate registration for independent activities; coincident activities
10.6(124) Separate registrations for separate locations; exemption from registration
10.7 to 10.9 Reserved
10.10(124,147,155A) Inspection
10.11(124) Modification or termination of registration
10.12(124) Denial, modification, suspension, or revocation of registration
10.13 and 10.14 Reserved
10.15(124,155A) Security requirements
10.16(124) Report of theft or loss
10.17(124) Accountability of stock supply
10.18(124) Disposal
10.19 and 10.20 Reserved
10.21(124,126,155A) Prescription requirements
10.22(124) Schedule II emergency prescriptions
10.23(124) Schedule II prescriptions—partial filling
10.24(124) Schedule II medication order
10.25 and 10.26 Reserved
10.27(124,155A) Facsimile transmission of a controlled substance prescription
10.28(124,155A) Schedule III, IV, or V refills
10.29(124,155A) Schedule III, IV, or V partial fills
10.30(124,155A) Schedule III, IV, and V medication order
10.31(124,155A) Dispensing Schedule V controlled substances without a prescription
10.32(124,155A) Dispensing products containing ephedrine, pseudoephedrine, or phenylpropanolamine
10.33(124,155A) Schedule II perpetual inventory in pharmacy
10.34(124,155A) Records
10.35(124,155A) Physical count and record of inventory
10.36(124) Samples and other complimentary packages—records
10.37(124,126) Revision of controlled substances schedules
10.38(124) Temporary designation of controlled substances
10.39(124,126) Excluded substances
10.40(124,126) Anabolic steroid defined

CHAPTER 11
DRUGS IN EMERGENCY MEDICAL SERVICE PROGRAMS

11.1(124,147A,155A) Definitions
11.2(124,147A,155A) Ownership of drugs—options
11.3(124,147A,155A) General requirements
11.4(124,147A,155A) Procurement and storage

11.5(124,147A,155A) Records
11.6(124,147A,155A) Inspections
11.7(124,147A,155A) Security and control

CHAPTER 12
PRECURSOR SUBSTANCES

12.1(124B) Precursor substance identified
12.2(124B) Reports required
12.3(124B) Form of reports
12.4(124B) Monthly reporting option
12.5(124B) Exemptions
12.6(124B) Identification of purchaser or other recipient
12.7(124B) Permits
12.8(124B) Denial, modification, suspension, or revocation of permit

CHAPTER 13
STERILE COMPOUNDING PRACTICES

13.1(124,126,155A) Purpose and scope
13.2(124,126,155A) Definitions
13.3(155A) Responsibilities
13.4 Reserved
13.5(155A) References required
13.6(126,155A) Policies and procedures
13.7(126,155A) Labeling requirements
13.8 and 13.9 Reserved
13.10(126,155A) Microbial contamination risk levels
13.11(155A) Low-risk preparations and low-risk preparations with 12-hour or less beyond-use date
13.12(155A) Medium-risk preparations
13.13(155A) High-risk preparations
13.14(155A) Immediate-use preparations
13.15(155A) Utilization of single-dose and multiple-dose containers
13.16(155A) Utilization of proprietary bag and vial systems
13.17 to 13.19 Reserved
13.20(124,155A) Sterile preparation of hazardous drugs
13.21 and 13.22 Reserved
13.23(124,155A) Verification of compounding accuracy and sterility
13.24(124,155A) Sterilization methods
13.25(155A) Media-fill testing by personnel
13.26 Reserved
13.27(124,126,155A) Physical environment requirements
13.28(155A) Cleaning, maintenance, and supplies
13.29(126,155A) Environmental monitoring requirements
13.30 Reserved
13.31(155A) Quality assurance (QA)
13.32(155A) Patient or caregiver education and training
13.33(124,155A) Storage and delivery of sterile preparations

CHAPTER 14
PUBLIC INFORMATION AND INSPECTION OF RECORDS

14.1(22,124,155A) Definitions
14.2(22,124,155A) Purpose and scope
14.3(22,124,155A) Requests for access to records

14.4(22,124,155A) Access to confidential records
14.5(22,124,155A) Requests for treatment of a record as a confidential record and its withholding from examination
14.6(22,124,155A) Procedure by which additions, dissents, or objections may be entered into certain records
14.7(22,124,155A) Consent to disclosure by the subject of a confidential record
14.8(22,124,155A) Notice to suppliers of information
14.9(22,124,155A) Disclosures without the consent of the subject
14.10(22,124,155A) Routine use
14.11(22,124,155A) Consensual disclosure of confidential records
14.12(22,124,155A) Release to subject
14.13(22,124,155A) Availability of records
14.14(22,124,155A) Personally identifiable information
14.15(22,124,155A) Other groups of records
14.16(22,124,155A) Computer

CHAPTER 15
CORRECTIONAL FACILITY PHARMACY PRACTICE

15.1(155A) Purpose and scope
15.2(126,155A) Definitions
15.3(155A) Pharmacist in charge
15.4(155A) Reference library
15.5(124,155A) Security
15.6 and 15.7 Reserved
15.8(124,126,155A) Drug distribution and dispensing controls
15.9 Reserved
15.10(124,126,155A) Policies and procedures

CHAPTER 16
NUCLEAR PHARMACY PRACTICE

16.1(155A) Purpose and scope
16.2(155A) Definitions
16.3(155A) General requirements for qualified nuclear pharmacist
16.4(155A) General requirements for pharmacies providing radiopharmaceutical services
16.5(155A) Library
16.6(155A) Minimum equipment requirements

CHAPTER 17
WHOLESALE DRUG LICENSES

17.1(155A) Definitions
17.2 Reserved
17.3(155A) Wholesale drug license
17.4(155A) Minimum qualifications
17.5(155A) Personnel
17.6(155A) Responsibility for conduct
17.7(124,155A) Distribution to authorized licensees
17.8(124,155A) Written policies and procedures
17.9(155A) Facilities
17.10(124,155A) Security
17.11(155A) Storage
17.12 Reserved
17.13(155A) Drugs in possession of representatives
17.14(155A) Examination of materials

17.15(155A) Returned, damaged, and outdated prescription drugs
17.16(124,155A) Record keeping
17.17(124,155A) Compliance with federal, state, and local laws
17.18(155A) Discipline

CHAPTER 18
CENTRALIZED PRESCRIPTION FILLING AND PROCESSING

18.1(155A) Purpose and scope
18.2(155A) Definitions
18.3(155A) General requirements
18.4 Reserved
18.5(155A) Patient notification and authorization
18.6 to 18.9 Reserved
18.10(155A) Policy and procedures
18.11 to 18.14 Reserved
18.15(155A) Records

CHAPTER 19
NONRESIDENT PHARMACY PRACTICE

19.1(155A) Definitions
19.2(155A) Application and license requirements
19.3(124,155A) Applicability of board rules
19.4 to 19.6 Reserved
19.7(155A) Confidential data
19.8(124,155A) Storage and shipment of drugs and devices
19.9(155A) Patient record system, prospective drug use review, and patient counseling
19.10(155A) Discipline

CHAPTER 20
PHARMACY COMPOUNDING PRACTICES

20.1(124,126,155A) Purpose and scope
20.2(124,126,155A) Definitions
20.3(124,126,155A) General requirements
20.4(126,155A) Organization and personnel
20.5(126,155A) Drug compounding facilities
20.6(126,155A) Sterile products and radiopharmaceuticals
20.7 Reserved
20.8(126,155A) Equipment
20.9(126,155A) Control of bulk drug substances, components, containers, and closures
20.10(124,126,155A) Drug compounding controls
20.11(126) Bulk compounding
20.12(124,126,155A) Records

CHAPTER 21
ELECTRONIC DATA IN PHARMACY PRACTICE

21.1(124,155A) Definitions
21.2(124,155A) System security and safeguards
21.3(124,155A) Verifying authenticity of an electronically transmitted prescription
21.4(124,155A) Automated data processing system
21.5(124,155A) Pharmacist verification of controlled substance refills—daily printout or logbook
21.6 Reserved
21.7(124,155A) Electronically prepared prescriptions
21.8(124,155A) Computer-to-computer transmission of a prescription

21.9(124,155A) Facsimile transmission (fax) of a prescription
21.10 and 21.11 Reserved
21.12(124,155A) Prescription drug orders for Schedule II controlled substances
21.13(124,155A) Prescription drug orders for Schedule II controlled substances—emergency situations
21.14(124,155A) Facsimile transmission of a prescription for Schedule II narcotic substances—parenteral
21.15(124,155A) Facsimile transmission of Schedule II controlled substances—long-term care facility patients
21.16(124,155A) Facsimile transmission of Schedule II controlled substances—hospice patients

CHAPTER 22
UNIT DOSE, ALTERNATIVE PACKAGING, AND EMERGENCY BOXES
22.1(155A) Unit dose dispensing systems
22.2 Reserved
22.3(126) Prepackaging
22.4 Reserved
22.5(126,155A) Patient med paks
22.6 Reserved
22.7(124,155A) Emergency/first dose drug supply
22.8 Reserved
22.9(155A) Home health agency/hospice emergency drugs

CHAPTER 23
LONG-TERM CARE PHARMACY PRACTICE
23.1(155A) Definitions
23.2(124,155A) Applicability of rules
23.3(124,155A) Freedom of choice
23.4(124,155A) Pharmacy responsibilities
23.5(124,155A) Emergency drugs
23.6(124,155A) Space, equipment, and supplies
23.7(124,155A) Policies and procedures
23.8 Reserved
23.9(124,155A) Medication orders
23.10(124,155A) Stop orders
23.11(124,155A) Drugs dispensed—general requirements
23.12 Reserved
23.13(124,155A) Labeling drugs under special circumstances
23.14(124,155A) Labeling of biologicals and other injectables supplied to a facility
23.15(124,155A) Return and reuse of drugs and devices
23.16(124,155A) Destruction of outdated and improperly labeled drugs
23.17(124,155A) Accountability of controlled substances
23.18(124,155A) Schedule II orders
23.19(124,155A) Dispensing Schedule II controlled substances
23.20(124,155A) Partial filling of Schedule II controlled substances
23.21(124,155A) Destruction of controlled substances

CHAPTER 24
Reserved

CHAPTER 25
CHILD SUPPORT NONCOMPLIANCE

25.1(252J) Definitions
25.2(252J) Issuance or renewal of license—denial
25.3(252J) Suspension or revocation of a license
25.4(17A,22,252J) Share information

CHAPTER 26
PETITIONS FOR RULE MAKING
(Uniform Rules)

26.1(17A) Petition for rule making
26.2(17A) Briefs
26.3(17A) Inquiries
26.4(17A) Board consideration

CHAPTER 27
DECLARATORY ORDERS
(Uniform Rules)

27.1(17A) Petition for declaratory order
27.2(17A) Notice of petition
27.3(17A) Intervention
27.4(17A) Briefs
27.5(17A) Inquiries
27.6(17A) Service and filing of petitions and other papers
27.7(17A) Consideration
27.8(17A) Action on petition
27.9(17A) Refusal to issue order
27.10(17A) Contents of declaratory order—effective date
27.11(17A) Copies of orders
27.12(17A) Effect of a declaratory order

CHAPTER 28
AGENCY PROCEDURE FOR RULE MAKING
(Uniform Rules)

28.1(17A) Applicability
28.2(17A) Advice on possible rules before notice of proposed rule adoption
28.3(17A) Public rule-making docket
28.4(17A) Notice of proposed rule making
28.5(17A) Public participation
28.6(17A) Regulatory analysis
28.7(17A,25B) Fiscal impact statement
28.8(17A) Time and manner of rule adoption
28.9(17A) Variance between adopted rule and published notice of proposed rule adoption
28.10(17A) Exemptions from public rule-making procedures
28.11(17A) Concise statement of reasons
28.12(17A) Contents, style, and form of rule
28.13(17A) Board rule-making record
28.14(17A) Filing of rules
28.15(17A) Effectiveness of rules prior to publication
28.16(17A) General statements of policy
28.17(17A) Review by board of rules

CHAPTER 29
SALES OF GOODS AND SERVICES

29.1(68B) Selling of goods or services by members of the board
29.2(68B) Conditions of consent for board members
29.3(68B) Authorized sales
29.4(68B) Application for consent
29.5(68B) Limitation of consent

CHAPTER 30
IMPAIRED PHARMACY PROFESSIONAL
AND TECHNICIAN RECOVERY PROGRAM

30.1(155A) Definitions
30.2(155A) Purpose, function, and responsibilities
30.3(155A) Program committee and personnel; confidentiality; liability
30.4(155A) Identification and referral of impaired professionals and technicians
30.5(155A) Recovery contract requirements
30.6(155A) Program provider contract
30.7(155A) Disclosure of information
30.8(155A) Program funds

CHAPTER 31
STUDENT LOAN DEFAULT OR NONCOMPLIANCE
WITH AGREEMENT FOR PAYMENT OF OBLIGATION

31.1(261) Definitions
31.2(261) Issuance or renewal of a license—denial
31.3(261) Suspension or revocation of a license
31.4(17A,22,261) Share information

CHAPTER 32
NONPAYMENT OF STATE DEBT

32.1(272D) Definitions
32.2(272D) Issuance or renewal of a license—denial
32.3(272D) Suspension or revocation of a license
32.4(17A,22,272D) Share information

CHAPTER 33
Reserved

CHAPTER 34
RULES FOR WAIVERS AND VARIANCES

34.1(17A) Definition
34.2(17A,124,126,147,155A,205,272C) Scope of chapter
34.3(17A,124,126,147,155A,205,272C) Applicability of chapter
34.4(17A) Criteria for waiver or variance
34.5(17A,124,126,147,155A,205,272C) Filing of petition
34.6(17A) Content of petition
34.7(17A) Additional information
34.8(17A) Notice
34.9(17A) Hearing procedures
34.10(17A) Ruling
34.11(17A,22) Public availability
34.12(17A) Summary reports
34.13(17A) Cancellation of a waiver

34.14(17A,124,126,147,155A,205,272C) Violations
34.15(17A,124,126,147,155A,205,272C) Defense
34.16(17A) Judicial review

CHAPTER 35
CONTESTED CASES

35.1(17A,124,124B,126,147,155A,205,272C) Scope and applicability
35.2(17A,272C) Definitions
35.3(17A) Time requirements
35.4 Reserved
35.5(17A,124B,126,147,155A,205,272C) Notice of hearing
35.6(17A,272C) Presiding officer for nondisciplinary hearings
35.7(17A,124B,147,155A,272C) Waiver of procedures
35.8(17A,272C) Telephone or network proceedings
35.9(17A) Disqualification
35.10(17A,272C) Consolidation—severance
35.11(17A,272C) Service and filing of pleadings and other papers
35.12(17A,272C) Discovery
35.13(17A,272C) Subpoenas
35.14(17A,272C) Motions
35.15(17A,272C) Prehearing conference
35.16(17A,272C) Continuances
35.17(17A) Withdrawals
35.18 Reserved
35.19(17A,124B,126,147,155A,205,272C) Hearing procedures in contested cases
35.20(17A,272C) Evidence
35.21(17A,272C) Default
35.22(17A,272C) Ex parte communication
35.23(17A,272C) Recording costs
35.24(17A,272C) Interlocutory appeals
35.25(17A) Final decision
35.26(17A,124B,126,147,155A,205,272C) Appeals and review
35.27(17A,124B,126,147,155A,205,272C) Applications for rehearing
35.28(17A,272C) Stays of board actions
35.29(17A,272C) No factual dispute contested cases
35.30(17A,124B,126,147,155A,205,272C) Emergency adjudicative proceedings

CHAPTER 36
DISCIPLINE

36.1(147,155A,272C) Authority and grounds for discipline
36.2(155A,272C) Investigations
36.3(147,272C) Peer review committees
36.4(17A,124,124B,126,147,155A,272C) Disciplinary proceedings
36.5(17A,124,124B,126,147,155A,272C) Notice of disciplinary hearing
36.6(17A,124B,147,155A,272C) Informal settlement
36.7(272C) Appearance
36.8(17A,124B,147,155A,272C) Order of proceedings
36.9(272C) Confidentiality
36.10(17A,272C) Notification of decision
36.11(272C) Board decision
36.12(17A,272C) Publication of decisions
36.13(17A,124B,147,155A,272C) Reinstatement

36.14(17A,124B,147,155A,272C) Informal reinstatement conference
36.15(17A,124B,147,155A,272C) Voluntary surrender of a license, permit, or registration
36.16(17A,124B,147,155A,272C) License, permit, or registration denial
36.17(155A,272C) Order for mental or physical examination
36.18(272C) Disciplinary hearings—fees and costs

CHAPTER 2
PHARMACIST LICENSES

[Prior to 2/10/88, see Pharmacy Examiners[620] Chs 1, 5]

657—2.1(147,155A) Licensure by examination. The board of pharmacy, in conjunction with the National Association of Boards of Pharmacy (NABP), shall provide for the administration of pharmacist licensure examinations.

2.1(1) *Components.* Applicants shall take and pass the following components: the North American Pharmacist Licensure Examination (NAPLEX); the Multistate Pharmacy Jurisprudence Examination (MPJE), Iowa Edition. A total scaled score of no less than 75 is required to pass each examination.

2.1(2) *Timeliness.* To be eligible for a license by examination, the candidate shall pass all components in Iowa within a period of one year beginning with the date the candidate passed an initial component. A candidate may request waiver or variance from this deadline pursuant to the procedures and requirements of 657—Chapter 34.

657—2.2(155A) Application for examination—requirements. Application for examination shall be on forms provided by the board, and all requested information shall be provided on or with such application. An applicant shall complete the NABP Computerized Examination Registration Form to apply for registration to take the NAPLEX. An applicant shall complete an additional registration form to apply for registration to take the MPJE, Iowa Edition.

2.2(1) *Required information.* The application for examination shall require that the applicant provide, at a minimum, the following: name; address; telephone number; date of birth; social security number; name and location of college of pharmacy and date of graduation; one current photograph of a quality at least similar to a passport photograph; and internship experience. Each applicant shall also declare the following: history of prior pharmacist licensure examinations and record of offenses including but not limited to charges, convictions, and fines which relate to the profession or that may affect the licensee's ability to practice pharmacy.

2.2(2) *Sworn statement.* The application for examination shall be made as a sworn statement before a notary public, and the notary public shall witness the signature of the applicant.

657—2.3(147,155A) Examination fee. The fee for examination shall consist of the biennial license fee, a processing fee, administration fees, and examination registration fees.

2.3(1) *Fees to the board.* The biennial license fee shall be the fee established by rule 2.11(147,155A), including surcharge. The processing fee shall be $80. No refunds of the processing fee shall be made for cancellation or withdrawal of applications. The license fee and processing fee shall be payable to the Iowa Board of Pharmacy and may be remitted in the form of personal check, money order, or certified check. No refund of fees shall be made for failure to complete all licensure requirements within the period specified in subrule 2.1(2).

2.3(2) *Fees to NABP.* The examination registration and administration fees shall be amounts determined by NABP, shall be payable to the National Association of Boards of Pharmacy, and shall be in the form of a certified check or money order. Refunds of fees paid to NABP shall be at the discretion of NABP.

2.3(3) *Submission of forms and fees.* The biennial license fee including surcharge, the processing fee, the administration fees, and the examination registration fees shall accompany the applications and registration forms and shall be submitted to the Board of Pharmacy, 400 S.W. Eighth Street, Suite E, Des Moines, Iowa 50309-4688, or as otherwise directed by the board.

657—2.4(155A) Internship requirements. Each applicant shall furnish to the board evidence certifying completion of satisfactory internship experience. The board will not certify an applicant eligible to take any of the examination components prior to receipt of evidence of satisfactory completion of internship experience. Internship experience shall comply with the requirements in 657—Chapter 4. Internship experience completed in compliance with the requirements in 657—Chapter 4 shall be valid for application for licensure in Iowa by examination or score transfer for a period of three years

following graduation from an approved college of pharmacy or as otherwise approved by the board on a case-by-case basis.

657—2.5(155A) College graduate certification. Each applicant shall furnish a certificate from a recognized college of pharmacy stating that the applicant has successfully graduated from a school or college of pharmacy with either a bachelor of science degree in pharmacy or a doctor of pharmacy (Pharm.D.) degree. Certification shall be completed by an individual authorized by the college on a form provided by the board. A recognized college of pharmacy is a United States institution that meets the minimum standards of the American Council on Pharmaceutical Education and appears on its list of accredited colleges of pharmacy published by the council as of July 1 of each year.

657—2.6(147) Reexamination applications and fees. A candidate who fails to pass the NAPLEX once shall be allowed to schedule a time to retake the examination no less than 91 days following administration of the failed examination. A candidate who fails to pass the MPJE, Iowa Edition, once shall be allowed to schedule a time to retake the examination no less than 30 days following administration of the failed examination. A candidate who fails to pass either examination following a second or subsequent examination may petition the board for permission to take the examination again. Determination of a candidate's eligibility to take an examination more than two times shall be at the discretion of the board.

Each applicant for reexamination shall file an application on forms provided by the board. Processing fees of $40 each will be charged to take NAPLEX or MPJE, Iowa Edition, and shall be paid to the board as provided in subrule 2.3(1). In addition, candidates will be required to complete the appropriate examination registration application as provided in rule 2.2(155A) and to pay to NABP the registration and administration fees for each examination as provided in subrule 2.3(2). All applications, registration forms, and fees shall be submitted as provided in subrules 2.3(2) and 2.3(3).

657—2.7(147) Examination results. Examination scores and original license certificates shall be provided to each new licensee as soon after the examinations as possible.

657—2.8(155A) Transfer of examination scores. The board of pharmacy participates in the NAPLEX score transfer program offered by NABP. This program allows candidates for pharmacist licensure to take the standardized NAPLEX in one state and have the score from that examination transferred to other participant states in which the candidate is seeking licensure. MPJE scores cannot be transferred.

2.8(1) *Score transfer application.* The NAPLEX Score Transfer Form must be completed and submitted with the proper fee to NABP prior to, or postmarked no later than, the date on which the candidate takes the NAPLEX. The fee to NABP for score transfer is determined by NABP. Payment shall be made in the form of a money order or certified check payable to the National Association of Boards of Pharmacy. NABP makes no refunds of score transfer fees.

2.8(2) *Requirements and deadline.* Score transfer candidates shall meet the requirements established in rules 2.1(147,155A) through 2.5(155A) within 12 months of the date of transfer. No refund of fees paid to the board will be made for failure to complete all licensure requirements within this one-year period.

2.8(3) *Fees.* In addition to the score transfer fee identified in subrule 2.8(1), fees for licensure pursuant to the NABP score transfer program shall consist of the fees identified in rule 2.3(147,155A) excluding the NAPLEX examination registration and administration fees.

657—2.9(147,155A) Licensure by license transfer/reciprocity. An applicant for license transfer/reciprocity must be a pharmacist licensed by examination in a state or territory of the United States with which Iowa has a reciprocal agreement, and the license by examination must be in good standing at the time of the application. All candidates shall take and pass the MPJE, Iowa Edition, as provided in subrule 2.1(1). Any candidate who fails to pass the examination shall be eligible for reexamination as provided in rule 2.6(147).

2.9(1) *Eligibility.* Each applicant for license transfer to this state who obtains the applicant's original license after January 1, 1980, must have passed the NABP Licensure Examination (NABPLEX), the NAPLEX, or an equivalent examination as determined by NABP.

a. Preliminary application. Each applicant for license transfer/reciprocity to Iowa shall complete and submit to NABP, with the appropriate fee as indicated on the application, the NABP Preliminary Application for Transfer of Pharmaceutic Licensure. Refunds of fees paid to NABP shall be at the discretion of NABP.

b. Foreign pharmacy graduates. If the applicant is a graduate of a school or college of pharmacy located outside the United States that has not been recognized and approved by the board, proof of qualifications shall include certification from the FPGEC pursuant to subrule 2.10(1).

2.9(2) *Application requirements.* Application to the board shall consist of the final application for license transfer prepared by NABP pursuant to the NABP license transfer program. A foreign pharmacy graduate shall submit certification from the FPGEC as provided in subrule 2.10(1). Applications, together with other required information and fees, shall be submitted as provided in subrule 2.3(3).

2.9(3) *MPJE required.* An applicant shall also be required to submit the registration application for MPJE, Iowa Edition, as provided in rule 2.2(155A). The form and fees shall be submitted as provided in subrules 2.3(2) and 2.3(3).

2.9(4) *Fees.* The fee for license transfer shall consist of the biennial license fee established by rule 2.11(147,155A) including surcharge and a processing fee of $100. No refunds of the processing fee shall be made for cancellation or withdrawal of an application. The license fee and processing fee shall be payable to the Iowa Board of Pharmacy and may be remitted in the form of personal check, money order, or certified check.

2.9(5) *Timeliness.* A final application for license transfer is valid for 12 months following the date of issuance by NABP. A candidate for license transfer shall complete, within that one-year period, all licensure requirements established by this rule. No refund of fees will be made for failure to complete all licensure requirements within this one-year period.

657—2.10(155A) Foreign pharmacy graduates.

2.10(1) *Education equivalency.* Any applicant who is a graduate of a school or college of pharmacy located outside the United States that has not been recognized and approved by the board shall be deemed to have satisfied the requirements of Iowa Code section 155A.8, subsection 1, by certification by the Foreign Pharmacy Graduate Examination Committee (FPGEC). Each applicant shall have successfully passed the Foreign Pharmacy Graduate Equivalency Examination (FPGEE) given by the FPGEC established by the NABP. The FPGEE is hereby recognized and approved by the board. Each applicant shall also demonstrate proficiency in written English by passing the Test of English as a Foreign Language (TOEFL) and proficiency in spoken English by passing the Test of Spoken English (TSE) or proficiency in basic English language skills by passing the Internet Based TOEFL (TOEFL iBT). The TOEFL, TOEFL iBT, and TSE are hereby recognized and approved by the board. Certification by the FPGEC shall be evidence of the applicant's successfully passing the FPGEE, TSE, and TOEFL, or the FPGEE and TOEFL iBT, and certification is a prerequisite to taking the licensure examinations required in subrule 2.1(1).

2.10(2) *Internship.* A foreign pharmacy graduate applicant shall also be required to obtain internship experience in one or more board-licensed community or hospital pharmacies as provided in rule 657—4.7(155A). Internship requirements shall, in all other aspects, meet the requirements established in 657—Chapter 4.

657—2.11(147,155A) License expiration and renewal. A license to practice pharmacy shall expire on the second thirtieth day of June following the date of issuance of the license, with the exception that a new pharmacist license issued between April 1 and June 29 shall expire on the third thirtieth day of June following the date of issuance. The license renewal certificate shall be issued upon completion of the renewal application and timely payment of a $200 fee plus applicable surcharge pursuant to 657—30.8(155A).

2.11(1) *Late payment penalty.* Failure to renew the license before July 1 following expiration shall require payment of the renewal fee, a penalty fee of $200, and applicable surcharge pursuant to 657—30.8(155A). Failure to renew the license before August 1 following expiration shall require payment of the renewal fee, a penalty fee of $300, and applicable surcharge pursuant to 657—30.8(155A). Failure to renew the license before September 1 following expiration shall require payment of the renewal fee, a penalty fee of $400, and applicable surcharge pursuant to 657—30.8(155A). Failure to renew the license before October 1 following expiration may require an appearance before the board and shall require payment of the renewal fee, a penalty fee of $500, and applicable surcharge pursuant to 657—30.8(155A). In no event shall the combined fee and penalty fee for late renewal of the license exceed $700 plus applicable surcharge pursuant to 657—30.8(155A). The provisions of Iowa Code section 147.11 shall apply to a license that is not renewed within five months of the expiration date.

2.11(2) *Delinquent license.* If a license is not renewed before its expiration date, the license is delinquent and the licensee may not practice pharmacy in the state of Iowa until the licensee reactivates the delinquent license. Reactivation of a delinquent license shall include submission of a completed application and appropriate fees and may include requirements relating to the reactivation of an inactive license pursuant to subrule 2.13(2). A pharmacist who continues to practice pharmacy in Iowa without a current license may be subject to disciplinary sanctions pursuant to the provisions of 657—subrule 36.1(4).

657—2.12(272C) Continuing education requirements.

2.12(1) *Continuing education program attendance.* Continuing education programs that carry the seal of an American Council on Pharmaceutical Education (ACPE) approved provider will automatically qualify for continuing education credit. Program attendance is mandated in order to receive credit unless the program is a correspondence course that ACPE approved.

a. Non-ACPE provider program. A pharmacist requesting individual credit for completing a non-ACPE provider program shall submit a request for approval of the program to the board office no later than the date the program commences. The request shall be made on forms provided by the board office.

b. Exemption for health-related graduate studies. A pharmacist who is continuing formal education in health-related graduate programs may be exempted from meeting the continuing education requirements during the period of such enrollment. An applicant for this exemption shall petition the board, as soon as possible following enrollment in the qualifying graduate program, on forms provided by the board office.

2.12(2) *Continuing education unit required.* The nationally accepted measurement of continuing education is referred to as CEU (continuing education unit), and the board of pharmacy employs that measurement. Ten contact hours of approved continuing education are equivalent to one CEU. The board of pharmacy will require 3.0 CEUs each renewal period. For purposes of this rule, "renewal period" means the 27-month period commencing April 1 prior to the previous license expiration and ending June 30, the date of current license expiration. A pharmacist who fails to complete the required CEUs within the renewal period shall be required to complete one and one-half times the number of delinquent CEUs prior to reactivation of the license. CEUs that are used to satisfy the continuing education requirement for one renewal period shall not be used to satisfy the requirement for a subsequent renewal period.

2.12(3) *Continuing education program attendance certificate.*

a. An approved provider will be required to make available to an individual pharmacist a certificate that indicates successful completion and participation in a continuing education program. The certificate will carry the following information:

(1) Pharmacist's full name.
(2) Pharmacist's license number.
(3) Number of contact hours for program attended.
(4) Date and place of continuing education program.
(5) Name of program provider.

(6) An indicator of the type or category of continuing education program completed.

b. A pharmacist must retain certificates in the pharmacist's personal files for four years.

2.12(4) *Continuing education program topics.* Each pharmacist is required to obtain a minimum of 50 percent of the pharmacist's required 3.0 CEUs in ACPE-approved courses dealing with drug therapy. Programs qualifying for the drug therapy course requirement will include the ACPE topic designator "01" in the last two digits of the program number.

2.12(5) *New license holders licensed by examination.* After the initial license is issued by examination, the new license holder is exempt from meeting continuing education requirements for the first license renewal. However, if the licensee qualifies as a mandatory abuse reporter, the licensee shall not be exempt from mandatory training for identifying and reporting abuse pursuant to rule 2.16(235B,272C). Regardless of when the license is first issued, the new license holder will be required to obtain, prior to the second renewal, 30 contact hours (3.0 CEUs) of continuing education pursuant to subrules 2.12(1) through 2.12(4).

2.12(6) *New license holders licensed by license transfer/reciprocity.* After the initial license is issued by license transfer, the new license holder will be required to obtain, prior to the first license renewal, 30 contact hours (3.0 CEUs) of continuing education credits pursuant to subrules 2.12(1) through 2.12(4).

2.12(7) *Reporting continuing education credits.*

a. A pharmacist shall submit on or with the renewal application form documentation that the continuing education requirements have been met. Documentation shall be in a format that includes the following:

(1) The total number of credits accumulated for the renewal period;

(2) The individual programs attended;

(3) The dates of participation;

(4) The credits awarded for each course;

(5) The name of the provider of each course; and

(6) Identification of the programs completed to comply with the drug therapy course requirements in subrule 2.12(4).

b. The board may require a pharmacist to submit the program attendance certificates that document completion of the programs included with or on the renewal application.

c. Failure to receive the renewal application shall not relieve the pharmacist of the responsibility of meeting continuing education requirements.

2.12(8) *Relicensure examination.* Nothing in these rules precludes the board from requiring an applicant for renewal to submit to a relicensure examination.

2.12(9) *Physical disability or illness.* The board may, in individual cases involving physical disability or illness, grant waivers of the minimum continuing education requirements or extensions of time within which to fulfill the same or make the required reports. No waiver or extension of time shall be granted unless written application is made and signed by the licensee and the licensee's physician. The board may grant waivers of the minimum continuing education requirements for physical disability or illness for any period of time not to exceed one renewal period. In the event that the physical disability or illness upon which a waiver has been granted continues beyond the period of the waiver, the licensee must reapply for an extension of the waiver. The board may, as a condition of any waiver granted, require the licensee to make up all or any portion of the waived continuing education requirements by any method prescribed by the board.

657—2.13(272C) Active and inactive license status.

2.13(1) *Active license.* Active license status applies to a pharmacist who has submitted the renewal application and fee and has met Iowa requirements for continuing education. Active license status also applies to a pharmacist who has submitted the renewal application and fee and who is a resident of another state, is licensed to practice pharmacy in that state, and has met the continuing education requirements of that state. A pharmacist who meets the continuing education requirements of another state shall provide documentation on the renewal application of the pharmacist's license status in that state. An

Iowa licensee actively practicing in a state that does not require continuing education for license renewal shall be required to meet Iowa continuing education requirements.

2.13(2) *Inactive license.* Failure of a pharmacist to comply with the continuing education requirements during the renewal period will result in the issuance of a renewal card marked "inactive" upon submission of the renewal application and fee. Reactivation of an inactive pharmacist license shall be accomplished by the appropriate method described below. Internship, in each instance where internship is mentioned below, shall be in a pharmacy approved by the board. The pharmacist will be issued an intern registration certificate.

a. An inactive pharmacist who wishes to become active and who has been actively practicing pharmacy during the last five years in any state or states which required continuing education during that five-year period shall submit proof of continued licensure in good standing in the state or states of such practice.

b. An inactive pharmacist who wishes to become active and who has been actively practicing pharmacy during the last five years in a state which does not require continuing education shall submit proof of continued licensure in good standing in the state or states of such practice. The pharmacist shall also complete one of the following options:

(1) Take and successfully pass the MPJE, Iowa Edition, as provided in subrule 2.1(1);

(2) Complete 160 hours of internship for each year the pharmacist was on inactive status (not to exceed 1,000 hours); or

(3) Obtain one and one-half times the number of continuing education credits required under 2.12(2) for each renewal period the pharmacist was inactive.

c. An inactive pharmacist who wishes to become active and who has not been actively practicing pharmacy during the past five years, and whose license has been inactive for not more than five years, shall complete one of the following options:

(1) Successfully pass all components of the licensure examination as required in rule 2.1(147,155A);

(2) Complete 160 hours of internship for each year the pharmacist was on inactive status; or

(3) Obtain one and one-half times the number of continuing education credits required under 2.12(2) for each renewal period the pharmacist was inactive.

d. An inactive pharmacist who wishes to become active and who has not been actively practicing pharmacy for more than five years shall petition the board for reactivation of the license to practice pharmacy under one or more of the following options:

(1) Successfully pass all components of the licensure examination as required in rule 2.1(147,155A);

(2) Complete 160 hours internship for each year the pharmacist was on inactive status (not to exceed 1,000 hours); or

(3) Obtain one and one-half times the number of continuing education credits required under 2.12(2) for each renewal period the pharmacist was inactive.

657—2.14(155A) Fees for additional license certificates. Only original license certificates issued by the board of pharmacy for licensed pharmacists are valid. Additional original license certificates for licensed pharmacists may be obtained from the board of pharmacy for a prepaid fee of $20 each. The fee shall be considered a repayment receipt as defined in Iowa Code section 8.2.

657—2.15(155A) Notifications to the board. A pharmacist shall report to the board within ten days a change of the pharmacist's name, address, or pharmacy employment.

657—2.16(235B,272C) Mandatory training for identifying and reporting abuse. "Mandatory training for identifying and reporting abuse" means training on identifying and reporting child abuse or dependent adult abuse required of a pharmacist who qualifies as a mandatory abuse reporter under Iowa Code section 232.69 or 235B.16. A licensed pharmacist shall be responsible for determining whether

or not, by virtue of the pharmacist's practice or employment, the pharmacist qualifies as a mandatory abuse reporter under either or both of these sections.

2.16(1) *Training required.* A licensed pharmacist who qualifies as a mandatory abuse reporter shall have completed approved abuse education training as follows.

a. Mandatory reporter of child abuse. A pharmacist who qualifies as a mandatory reporter of child abuse shall have completed two hours of training in child abuse identification and reporting within the previous five years.

b. Mandatory reporter of dependent adult abuse. A pharmacist who qualifies as a mandatory reporter of dependent adult abuse shall have completed two hours of training in dependent adult abuse identification and reporting within the previous five years.

c. Mandatory reporter of child abuse and dependent adult abuse. A pharmacist who qualifies as a mandatory reporter of child abuse and dependent adult abuse may complete separate courses pursuant to paragraphs *"a"* and *"b"* or may complete, within the previous five years, one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse.

2.16(2) *Persons exempt from training requirements.* The requirements of this rule shall not apply to a pharmacist during periods that the pharmacist serves honorably on active duty in the military or during periods that the pharmacist resides outside Iowa and does not practice pharmacy in Iowa.

2.16(3) *Mandatory training records.* A pharmacist subject to the requirements of this rule shall maintain documentation of completion of the mandatory training for identifying and reporting abuse, including dates, subjects, duration of programs, and proof of participation, for five years following the date of the training. The board may audit this information at any time within the five-year period.

2.16(4) *Approved programs.* "Approved abuse education training" means a training program using a curriculum approved by the abuse education review panel of the Iowa department of public health.

These rules are intended to implement Iowa Code sections 147.10, 147.36, 147.94, 147.96, 155A.8, 155A.9, 155A.11, 155A.39, and 272C.2.

[Filed 4/11/68; amended 11/14/73]
[Filed 11/24/76, Notice 10/20/76—published 12/15/76, effective 1/19/77]
[Filed 1/30/80, Notice 12/26/79—published 2/20/80, effective 6/1/80]
[Filed 9/24/80, Notice 6/25/80—published 10/15/80, effective 11/19/80]
[Filed 12/1/80, Notice 9/3/80—published 12/24/80, effective 1/28/81]
[Filed 2/12/81, Notice 9/3/80—published 3/4/81, effective 4/8/81]
[Filed 6/16/83, Notice 5/11/83—published 7/6/83, effective 8/10/83]
[Filed 11/14/85, Notice 8/28/85—published 12/4/85, effective 1/8/86]
[Filed 5/14/86, Notice 4/9/86—published 6/4/86, effective 7/9/86]
[Filed 1/28/87, Notice 11/19/86—published 2/25/87, effective 4/1/87]
[Filed 8/5/87, Notice 6/3/87—published 8/26/87, effective 9/30/87]
[Filed emergency 1/21/88—published 2/10/88, effective 1/22/88]
[Filed 4/26/88, Notice 3/9/88—published 5/18/88, effective 6/22/88]
[Filed 11/17/88, Notice 8/24/88—published 12/14/88, effective 1/18/89]
[Filed emergency 5/16/89—published 6/14/89, effective 5/17/89]
[Filed 1/29/91, Notice 9/19/90—published 2/20/91, effective 3/27/91]
[Filed emergency 5/10/91—published 5/29/91, effective 5/10/91]
[Filed 2/27/97, Notices 8/28/96, 1/1/97—published 3/26/97, effective 4/30/97]
[Filed 6/23/97, Notice 4/9/97—published 7/16/97, effective 8/20/97]
[Filed 11/19/97, Notice 10/8/97—published 12/17/97, effective 1/21/98]
[Filed 7/31/98, Notice 5/20/98—published 8/26/98, effective 10/15/98]
[Filed 9/8/99, Notice 6/2/99—published 10/6/99, effective 11/10/99]
[Filed 8/14/02, Notice 6/12/02—published 9/4/02, effective 10/9/02]
[Filed 7/15/03, Notice 4/16/03—published 8/6/03, effective 9/10/03]
[Filed emergency 7/16/04 after Notice 6/9/04—published 8/4/04, effective 7/16/04]
[Filed emergency 6/30/05 after Notice 5/11/05—published 7/20/05, effective 7/1/05]
[Filed 3/22/06, Notice 1/18/06—published 4/12/06, effective 5/17/06]

[Filed 5/17/06, Notice 4/12/06—published 6/7/06, effective 7/12/06]
[Filed 2/7/07, Notice 10/25/06—published 2/28/07, effective 4/4/07]
[Filed emergency 11/13/07 after Notice 8/29/07—published 12/5/07, effective 11/13/07]
[Filed 11/24/08, Notice 10/8/08—published 12/17/08, effective 1/21/09]

CHAPTER 6
GENERAL PHARMACY PRACTICE

[Prior to 2/10/88, see Pharmacy Examiners[620] Ch 2]

657—6.1(155A) Purpose and scope. A general pharmacy is a location where a pharmacist provides pharmaceutical services or dispenses pharmaceutical products to patients in accordance with pharmacy laws. This chapter does not apply to a hospital pharmacy as defined in 657—Chapter 7. The requirements of these rules for general pharmacy practice are in addition to the requirements of 657—Chapter 8 and other rules of the board relating to services provided by the pharmacy.

657—6.2(155A) Pharmacist in charge. One professionally competent, legally qualified pharmacist in charge in each pharmacy shall be responsible for, at a minimum, the following:

1. Ensuring that the pharmacy utilizes an ongoing, systematic program for achieving performance improvement and ensuring the quality of pharmaceutical services.
2. Ensuring that the pharmacy employs an adequate number of qualified personnel commensurate with the size and scope of services provided by the pharmacy.
3. Ensuring the availability of any equipment and references necessary for the particular practice of pharmacy.
4. Ensuring that a pharmacist performs prospective drug use review as specified in rule 657—8.21(155A).
5. Ensuring that a pharmacist provides patient counseling as specified in rule 6.14(155A).
6. Dispensing drugs to patients, including the packaging, preparation, compounding, and labeling functions performed by pharmacy personnel.
7. Delivering drugs to the patient or the patient's agent.
8. Ensuring that patient medication records are maintained as specified in rule 6.13(155A).
9. Training pharmacy technicians and supportive personnel.
10. Procuring and storing prescription drugs and devices and other products dispensed from the pharmacy.
11. Distributing and disposing of drugs from the pharmacy.
12. Maintaining records of all transactions of the pharmacy necessary to maintain accurate control over and accountability for all drugs as required by applicable state and federal laws, rules, and regulations.
13. Establishing and maintaining effective controls against the theft or diversion of prescription drugs and records for such drugs.
14. Establishing and implementing policies and procedures for all operations of the pharmacy.
15. Ensuring the legal operation of the pharmacy, including meeting all inspection and other requirements of state and federal laws, rules, and regulations governing the practice of pharmacy.
16. Ensuring that there is adequate space within the prescription department or a locked room not accessible to the public for the storage of prescription drugs, devices, and controlled substances and to support the operations of the pharmacy.

657—6.3(155A) Reference library. References may be printed or computer-accessed. A reference library shall be maintained which includes, as a minimum, one current reference from each of the following categories, including access to current periodic updates.

1. The Iowa Pharmacy Law and Information Manual.
2. A patient information reference that includes or provides patient information in compliance with rule 6.14(155A).
3. A reference on drug interactions.
4. A general information reference.
5. A drug equivalency reference.
6. A reference on natural or herbal medicines.
7. The readily accessible telephone number of a poison control center that serves the area.

8. Additional references as may be necessary for the pharmacist to adequately meet the needs of the patients served.

657—6.4(155A) Exemption from duplicate requirements. A pharmacy established in the same location as another licensed pharmacy and with direct and immediate access to required references, patient counseling area, refrigerator, or sink with hot and cold running water may utilize the references, counseling area, refrigerator, or sink of the other pharmacy to satisfy the requirements of rule 6.3(155A), subrule 6.14(3), or rule 657—8.5(155A), paragraphs "1" and "2."

657—6.5 and **6.6** Reserved.

657—6.7(124,155A) Security. While on duty, each pharmacist shall be responsible for the security of the prescription department, including provisions for effective control against theft of, diversion of, or unauthorized access to prescription drugs, records for such drugs, and patient records as provided in 657—Chapter 21.

6.7(1) *Department locked.* The prescription department shall be locked by key or combination so as to prevent access when a pharmacist is not on site except as provided in subrule 6.7(2).

6.7(2) *Temporary absence of pharmacist.* In the temporary absence of the pharmacist, only the pharmacist in charge may designate persons who may be present in the prescription department to perform technical and nontechnical functions designated by the pharmacist in charge. Activities identified in subrule 6.7(3) may not be performed during such temporary absence of the pharmacist. A temporary absence is an absence of short duration not to exceed two hours. In the absence of the pharmacist, the pharmacy shall notify the public that the pharmacist is temporarily absent and that no prescriptions will be dispensed until the pharmacist returns.

6.7(3) *Activities prohibited in absence of pharmacist.* Activities which shall not be designated and shall not be performed during the temporary absence of the pharmacist include:

a. Dispensing or distributing any prescription drugs or devices to patients or others.

b. Providing the final verification for the accuracy, validity, completeness, or appropriateness of a filled prescription or medication order.

c. Conducting prospective drug use review or evaluating a patient's medication record for purposes identified in rule 657—8.21(155A).

d. Providing patient counseling, consultation, or drug information.

e. Making decisions that require a pharmacist's professional judgment such as interpreting or applying information.

f. Transferring prescriptions to or from other pharmacies.

657—6.8(124,155A) Prescription processing documentation. All prescriptions shall be dated and assigned a unique identification number that shall be recorded on the original prescription. The original prescription, whether transmitted orally, electronically, or in writing, shall be retained by the pharmacy filling the prescription. Refill documentation shall include date of refill and the initials or other unique identification of the pharmacist. The name, strength, and either the manufacturer's name or the National Drug Code (NDC) of the actual drug product dispensed shall be maintained and be readily retrievable.

657—6.9(124,155A) Transfer of prescription. The transmission of a prescription drug order from a pharmacy to a pharmacy engaged in centralized prescription filling or processing on behalf of the originating pharmacy pursuant to the requirements of 657—Chapter 18 shall not constitute the transfer of a prescription. Upon the request of a patient or the patient's caregiver, a pharmacy shall transfer original prescription drug order information and prescription refill information to a pharmacy designated by the patient or the patient's caregiver, central fill or processing pharmacies excepted, subject to the following requirements:

6.9(1) *Schedule III, IV, or V prescriptions.* The transfer of original prescription drug order information for controlled substances listed in Schedule III, IV, or V is permissible between pharmacies on a one-time basis except as provided in subrule 6.9(9).

6.9(2) *Noncontrolled substances prescriptions.* The transfer of original prescription drug order information for noncontrolled prescription drugs between pharmacies is permissible as long as the number of transfers does not exceed the number of originally authorized refills and the original prescription is still valid.

6.9(3) *Communication.* The transfer is communicated directly between pharmacists or as authorized in subrule 6.9(9).

6.9(4) *Prescriptions maintained.* Both the original and the transferred prescription drug orders are maintained for a period of two years from the date of last refill.

6.9(5) *Record of transfer out.* The pharmacist transferring the prescription drug order information shall:

a. Invalidate the prescription drug order;

b. Record on or with the invalidated prescription drug order the following information:

(1) The name, address, and, for a controlled substance, the DEA registration number of the pharmacy to which such prescription is transferred;

(2) The name of the pharmacist receiving the prescription drug order information;

(3) The name of the pharmacist transferring the prescription drug order information; and

(4) The date of the transfer.

6.9(6) *Original prescription status.* The original prescription drug order shall be invalidated in the data processing system for purposes of filling or refilling, but shall be maintained in the data processing system for refill history purposes.

6.9(7) *Controlled substance prescription status.* The data processing system shall have a mechanism to prohibit the transfer or refilling of controlled substance prescription drug orders that have been previously transferred.

6.9(8) *Record of transfer received.* The pharmacist receiving the transferred prescription drug order information shall:

a. Indicate that the prescription drug order has been transferred;

b. Record on or with the transferred prescription drug order the following information:

(1) Original date of issuance and date of dispensing, if different from date of issuance;

(2) Original prescription number;

(3) Number of valid refills remaining, the date of last refill, and, for a controlled substance, the dates and locations of all previous refills;

(4) Name, address, and, for a controlled substance, the DEA registration number of the pharmacy from which such prescription drug order information is transferred;

(5) The date of the transfer;

(6) Name of the pharmacist receiving the prescription drug order information;

(7) Name of the pharmacist transferring the prescription drug order information; and

(8) If transferring a controlled substance prescription from a pharmacy utilizing a shared electronic database system as described in subrule 6.9(9) to a pharmacy outside that shared system, the pharmacy name, location, DEA registration number, and prescription number from which the prescription was originally filled.

6.9(9) *Electronic transfer between pharmacies.* Pharmacies electronically accessing the same prescription drug order records via a real-time, on-line database may electronically transfer prescription information, including controlled substance prescription information, up to the maximum refills permitted by law and the prescriber's authorization, if the following requirements are met.

a. The data processing system shall have a mechanism to send a message to the transferring pharmacy containing the following information:

(1) The fact that the prescription drug order was transferred;

(2) The unique identification number of the prescription drug order transferred;

(3) The name, address, and DEA registration number of the pharmacy to which the prescription drug order was transferred and the name of the pharmacist receiving the prescription information; and

(4) The date and time of transfer.

b. A pharmacist in the transferring pharmacy shall review the message and document the review by signing and dating a hard copy of the message or logbook containing the information required on the message as soon as practical, but in no event more than 72 hours from the time of such transfer.

c. For transfers of controlled substance prescriptions, all information requirements included in subrules 6.9(1) and 6.9(3) through 6.9(8) shall be satisfied in the electronic system. Transfers of controlled substance prescriptions shall also identify the pharmacy name, address, DEA registration number, and prescription number from which the prescription was originally filled.

657—6.10(126,155A) Prescription label requirements.

6.10(1) *Required information.* The label affixed to or on the dispensing container of any prescription drug or device dispensed by a pharmacy pursuant to a prescription drug order shall bear the following:

a. Serial number (a unique identification number of the prescription);

b. The name, telephone number, and address of the pharmacy;

c. The name of the patient or, if such drug is prescribed for an animal, the species of the animal and the name of its owner;

d. The name of the prescribing practitioner;

e. The date the prescription is dispensed;

f. The directions or instructions for use, including precautions to be observed;

g. Unless otherwise directed by the prescriber, the label shall bear the name, strength, and quantity of the drug dispensed.

(1) If a pharmacist selects an equivalent drug product for a brand name drug product prescribed by a practitioner, the prescription container label shall identify the generic drug and may identify the brand name drug for which the selection is made, such as "(generic name) Generic for (brand name product)."

(2) If a pharmacist selects a brand name drug product for a generic drug product prescribed by a practitioner, the prescription container label shall identify the brand name drug product dispensed and may identify the generic drug product ordered by the prescriber, such as "(brand name product) for (generic name)";

h. The initials or other unique identification of the dispensing pharmacist.

6.10(2) *Exceptions.* The requirements of subrule 6.10(1) do not apply to unit dose dispensing systems, 657—22.1(155A); sterile products, 657—Chapter 13; and patient med paks, 657—22.5(126,155A).

657—6.11 and **6.12** Reserved.

657—6.13(155A) Patient record system.

6.13(1) *Information required.* A patient record system shall be maintained by all pharmacies for patients for whom prescription drug orders are dispensed. The patient record system shall provide for the immediate retrieval of information necessary for the dispensing pharmacist to identify previously dispensed drugs at the time a prescription drug order is presented for dispensing. The pharmacist shall be responsible for obtaining, recording, and maintaining the following information:

a. Full name of the patient for whom the drug is intended;

b. Address and telephone number of the patient;

c. Patient's age or date of birth;

d. Patient's gender;

e. Known allergies;

f. Significant patient information including a list of all prescription drug orders dispensed by the pharmacy during the two years immediately preceding the most recent entry showing the name of the drug or device, prescription number, name and strength of the drug, the quantity and date received, and the name of the prescriber; and

g. Pharmacist comments relevant to the individual's drug therapy, including:

(1) Known drug reactions,

(2) Identified idiosyncrasies,

(3) Known chronic conditions or disease states of the patient,

(4) The identity of any other drugs, over-the-counter drugs, herbals, other alternative medications, or devices currently being used by the patient that may relate to prospective drug review.

6.13(2) *Record retained.* A patient record shall be maintained for a period of not less than two years from the date of the last entry in the patient record. This record may be a hard copy or a computerized form.

6.13(3) *Confidential.* Information in the patient record shall be deemed to be confidential and may be released only as provided in rule 657—8.16(124,155A).

657—6.14(155A) Patient counseling and instruction.

6.14(1) *Counseling required.* Upon receipt of a new prescription drug order and following a prospective drug use review pursuant to 657—8.21(155A), a pharmacist shall counsel each patient or patient's caregiver. An offer to counsel shall not fulfill the requirements of this rule. Patient counseling shall be on matters which, in the pharmacist's professional judgment, will enhance or optimize drug therapy. Appropriate elements of patient counseling may include:

a. The name and description of the drug;

b. The dosage form, dose, route of administration, and duration of drug therapy;

c. Intended use of the drug, if known, and expected action;

d. Special directions and precautions for preparation, administration, and use by the patient;

e. Common severe side effects or adverse effects or interactions and therapeutic contraindications that may be encountered, including their avoidance, and the action required if they occur;

f. Techniques for self-monitoring drug therapy;

g. Proper storage;

h. Prescription refill information;

i. Action to be taken in the event of a missed dose;

j. Pharmacist comments relevant to the individual's drug therapy including any other information peculiar to the specific patient or drug.

6.14(2) *Instruction.* A pharmacist may instruct patients and demonstrate procedures for self-monitoring of medical conditions and for self-administration of drugs.

6.14(3) *Counseling area.* A pharmacy shall contain an area which is suitable for confidential patient counseling. Such area shall:

a. Be easily accessible to both patient and pharmacists and not allow patient access to prescription drugs;

b. Be designed to maintain the confidentiality and privacy of the pharmacist/patient communication.

6.14(4) *Oral counseling not practicable.* If in the pharmacist's professional judgment oral counseling is not practicable, the pharmacist may use alternative forms of patient information. "Not practicable" refers to patient variables including, but not limited to, the absence of the patient or patient's caregiver, the patient's or caregiver's hearing impairment, or a language barrier. "Not practicable" does not include pharmacy variables such as inadequate staffing, technology failure, or high prescription volume. Alternative forms of patient information may include written information leaflets, pictogram labels, video programs, or information generated by electronic data processing equipment. When used in place of oral counseling, alternative forms of patient information shall advise the patient or caregiver that the pharmacist may be contacted for consultation in person at the pharmacy by toll-free telephone or collect telephone call. A combination of oral counseling and alternative forms of counseling is encouraged.

6.14(5) *Exception.* Patient counseling, as described above, shall not be required for inpatients of an institution where other licensed health care professionals are authorized to administer the drugs.

6.14(6) *Refusal of consultation.* A pharmacist shall not be required to counsel a patient or caregiver when the patient or caregiver refuses such consultation. A patient's or caregiver's refusal of consultation shall be documented by the pharmacist. The absence of any record of a refusal of the pharmacist's

attempt to counsel shall be presumed to signify that the offer was accepted and that counseling was provided.

657—6.15(124,126) Return of drugs and other items. For the protection of the public health and safety, prescription drugs and devices, controlled substances, and items of personal contact nature may be returned to the pharmacy for reuse or resale only as herein provided:

6.15(1) *Integrity maintained.* Prescription drugs and devices may be returned, exchanged, or resold only if, in the professional judgment of the pharmacist, the integrity of the prescription drug has not in any way been compromised.

6.15(2) *Controlled substances.* Under no circumstances shall pharmacy personnel accept from a patient or a patient's agent any controlled substances for return, exchange, or resale except to the same patient.

6.15(3) *Unit dose returns.* Prescription drugs dispensed in unit dose packaging, excluding controlled substances, may be returned and reused as authorized in 657—subrule 22.1(6).

6.15(4) *Personal contact items.* Pharmacy personnel shall not accept for reuse or resale any items of personal contact nature that have been removed from the original package or container after sale.

657—6.16(124,155A) Records. Every inventory or other record required to be kept under Iowa Code chapters 124 and 155A or rules of the board shall be kept by the pharmacy and be available for inspection and copying by the board or its representative for at least two years from the date of the inventory or record except as specifically identified by law or rule. Controlled substance records shall be maintained in a readily retrievable manner in accordance with federal requirements and 657—Chapter 10.

6.16(1) *Combined records.* If controlled substances, prescription drugs, or nonprescription drug items are listed on the same record, the controlled substances shall be asterisked, red-lined, or in some other manner made readily identifiable from all other items appearing on the records.

6.16(2) *Prescriptions maintained.* The original prescription drug order shall be maintained for a period of two years following the date of last activity on the prescription.

6.16(3) *Number imprinted.* The original hard-copy prescription shall be imprinted with the prescription or control number assigned to the prescription drug order.

6.16(4) *Alternative data retention system.* Records, except when specifically required to be maintained in original or hard-copy form, may be maintained in an alternative data retention system, such as a data processing system or direct imaging system provided:

a. The records maintained in the alternative system contain all of the information required on the manual record; and

b. The data processing system is capable of producing a hard copy of the record, within two business days, upon the request of the board, its representative, or other authorized local, state, or federal law enforcement or regulatory agencies.

These rules are intended to implement Iowa Code sections 124.301, 124.303, 124.306, 126.10, 126.11, 155A.6, 155A.13, 155A.27, 155A.28, 155A.31, and 155A.33 through 155A.36.

[Filed 5/16/67; amended 11/14/73]
[Filed 6/1/84, Notice 3/14/84—published 6/20/84, effective 7/25/84]
[Filed 5/14/86, Notice 4/9/86—published 6/4/86, effective 7/9/86]
[Filed 1/28/87, Notice 11/19/86—published 2/25/87, effective 4/1/87]
[Filed 11/25/87, Notice 10/7/87—published 12/16/87, effective 1/20/88]
[Filed emergency 1/21/88—published 2/10/88, effective 1/22/88]
[Filed 11/17/88, Notice 8/24/88—published 12/14/88, effective 1/18/89]
[Filed emergency 5/16/89—published 6/14/89, effective 5/17/89]
[Filed 9/12/89, Notice 6/14/89—published 10/4/89, effective 11/8/89]
[Filed emergency 5/10/91—published 5/29/91, effective 5/10/91]
[Filed 7/30/91, Notice 5/29/91—published 8/21/91, effective 9/25/91]
[Filed 9/23/93, Notice 5/26/93—published 10/13/93, effective 11/17/93]
[Filed 3/21/94, Notice 10/13/93—published 4/13/94, effective 5/18/94]

[Filed 2/27/97, Notice 1/1/97—published 3/26/97, effective 4/30/97]
[Filed 9/16/97, Notice 7/16/97—published 10/8/97, effective 11/12/97]
[Filed 4/24/98, Notice 3/11/98—published 5/20/98, effective 6/24/98]
[Filed 2/22/99, Notices 10/21/98—published 3/10/99, effective 4/14/99][◊]
[Filed 4/22/99, Notice 3/10/99—published 5/19/99, effective 6/23/99]
[Filed 9/8/99, Notice 6/2/99—published 10/6/99, effective 11/10/99]
[Filed 2/7/01, Notice 10/18/00—published 3/7/01, effective 4/11/01]
[Filed 8/14/02, Notice 6/12/02—published 9/4/02, effective 10/9/02]
[Filed emergency 3/26/03 after Notice 11/13/02—published 4/16/03, effective 3/26/03]
[Filed 7/15/03, Notice 4/16/03—published 8/6/03, effective 9/10/03]
[Filed 10/22/04, Notice 3/31/04—published 11/10/04, effective 12/15/04]
[Filed 6/2/05, Notice 1/19/05—published 6/22/05, effective 7/27/05]
[Filed 6/2/05, Notice 3/16/05—published 6/22/05, effective 7/27/05]
[Filed 3/22/06, Notice 12/21/05—published 4/12/06, effective 5/17/06]
[Filed 3/22/06, Notice 1/18/06—published 4/12/06, effective 5/17/06]
[Filed 2/7/07, Notice 10/25/06—published 2/28/07, effective 4/4/07]
[Filed 8/2/07, Notice 6/20/07—published 8/29/07, effective 10/3/07]
[Filed 3/5/08, Notice 12/5/07—published 3/26/08, effective 4/30/08]
[Filed 11/24/08, Notice 10/8/08—published 12/17/08, effective 1/21/09]

◊ Two or more ARCs

CHAPTER 7
HOSPITAL PHARMACY PRACTICE

[Prior to 2/10/88, see Pharmacy Examiners[620] Ch 12]

657—7.1(155A) Purpose and scope. Hospital pharmacy means and includes a pharmacy licensed by the board and located within any hospital, health system, institution, or establishment which maintains and operates organized facilities for the diagnosis, care, and treatment of human illnesses to which persons may or may not be admitted for overnight stay at the facility. A hospital is a facility licensed pursuant to Iowa Code chapter 135B. This chapter does not apply to a pharmacy located within such a facility for the purpose of providing outpatient prescriptions. A pharmacy providing outpatient prescriptions is and shall be licensed as a general pharmacy subject to the requirements of 657—Chapter 6. The requirements of these rules for hospital pharmacy practice apply to all hospitals, regardless of size or type, and are in addition to the requirements of 657—Chapter 8 and other rules of the board relating to services provided by the pharmacy.

657—7.2(155A) Pharmacist in charge. One professionally competent, legally qualified pharmacist in charge in each pharmacy shall be responsible for, at a minimum, the items identified in this rule. A part-time pharmacist in charge has the same obligations and responsibilities as a full-time pharmacist in charge. Where 24-hour operation of the pharmacy is not feasible, a pharmacist shall be available on an "on call" basis. The pharmacist in charge, at a minimum, shall be responsible for:

1. Ensuring that the pharmacy utilizes an ongoing, systematic program for achieving performance improvement and ensuring the quality of pharmaceutical services.
2. Ensuring that the pharmacy employs an adequate number of qualified personnel commensurate with the size and scope of services provided by the pharmacy and sufficient to ensure adequate levels of quality patient care services. Drug dispensing by nonpharmacists shall be minimized and eliminated wherever possible.
3. Ensuring the availability of any equipment and references necessary for the particular practice of pharmacy.
4. Ensuring that a pharmacist performs therapeutic drug monitoring and drug use evaluation.
5. Ensuring that a pharmacist provides drug information to other health professionals and to patients.
6. Dispensing drugs to patients, including the packaging, preparation, compounding, and labeling functions performed by pharmacy personnel.
7. Delivering drugs to the patient or the patient's agent.
8. Ensuring that patient medication records are maintained as specified in rule 7.10(124,155A).
9. Training pharmacy technicians and supportive personnel.
10. Ensuring adequate and appropriate pharmacist oversight and supervision of pharmacy technicians and supportive personnel.
11. Procuring and storing prescription drugs and devices and other products dispensed from the pharmacy.
12. Distributing and disposing of drugs from the pharmacy.
13. Maintaining records of all transactions of the pharmacy necessary to maintain accurate control over and accountability for all drugs as required by applicable state and federal laws, rules, and regulations.
14. Establishing and maintaining effective controls against the theft or diversion of prescription drugs, controlled substances, and records for such drugs.
15. Preparing a written operations manual governing pharmacy functions; periodically reviewing and revising those policies and procedures to reflect changes in processes, organization, and other pharmacy functions; and ensuring that all pharmacy personnel are familiar with the contents of the manual.
16. Ensuring the legal operation of the pharmacy, including meeting all inspection and other requirements of state and federal laws, rules, and regulations governing the practice of pharmacy.

657—7.3(155A) Reference library. References may be printed or computer-accessed. A reference library shall be maintained which includes, as a minimum, one current reference from each of the following categories, including access to current periodic updates.

1. The Iowa Pharmacy Law and Information Manual.
2. A patient information reference that includes or provides patient information in compliance with rule 657—6.14(155A).
3. A reference on drug interactions.
4. A general information reference.
5. A drug equivalency reference.
6. An injectable-drug compatibility reference.
7. A drug identification reference to enable identification of drugs brought into the facility by patients.
8. The readily accessible telephone number of a poison control center that serves the area.
9. Additional references as may be necessary for the pharmacist to adequately meet the needs of the patients served. For example, the treatment of pediatric patients and oncology patients would require additional references unique to those specialties.

657—7.4 and **7.5** Reserved.

657—7.6(124,155A) Security. The pharmacy shall be located in an area or areas that facilitate the provision of services to patients and shall be integrated with the facility's communication and transportation systems. The following conditions must be met to ensure appropriate control over drugs and chemicals in the pharmacy:

7.6(1) *Pharmacist responsibility.* Each pharmacist, while on duty, shall be responsible for the security of the pharmacy area, including provisions for effective control against theft of, diversion of, or unauthorized access to drugs or devices, controlled substances, records for such drugs, and patient records as provided in 657—Chapter 21. Policies and procedures shall identify the minimum amount of time that a pharmacist is available at the hospital pharmacy.

7.6(2) *Access when pharmacist absent.* When the pharmacist is absent from the facility, the pharmacy is closed. Policies and procedures shall be established that identify who will have access to the pharmacy when the pharmacy is closed and the procedures to be followed for obtaining drugs, devices, and chemicals to fill an emergent need during the pharmacist's absence.

a. The pharmacist in charge may designate pharmacy technicians who may be present in the pharmacy to perform technical and nontechnical functions designated by the pharmacist in charge. Activities identified in paragraph *"d"* of this subrule may not be performed when the pharmacy is closed.

b. If the pharmacist in charge has authorized the presence in the pharmacy of a pharmacy technician to perform designated functions when the pharmacy is closed, the technician may assist another authorized, licensed health care professional to locate a drug or device pursuant to an emergent need. The pharmacy technician may not dispense or deliver the drug, chemical, or device to the licensed health care professional. The licensed health care professional shall comply with established policies and procedures for obtaining drugs, devices, and chemicals when the pharmacy is closed. The licensed health care professional shall not ask or expect the pharmacy technician to verify that the appropriate drug, chemical, or device has been obtained from the pharmacy.

c. A pharmacy technician who is present in the pharmacy when the pharmacy is closed shall prepare and maintain in the pharmacy a log identifying each period of time that the technician worked in the pharmacy while the pharmacy was closed and identifying each activity performed during that time period. Each entry shall be dated and each daily record shall be signed by the pharmacy technician who prepared the record. The log shall be periodically reviewed by the pharmacist in charge.

d. Activities which shall not be performed by a pharmacy technician when the pharmacist is absent from the facility include:

(1) Dispensing, delivering, or distributing any prescription drugs or devices to patients or others, including health care professionals, prior to pharmacist verification. Verification by a nurse or other licensed health care professional shall not supplant verification by a pharmacist.

(2) Providing the final verification for the accuracy, validity, completeness, or appropriateness of a filled prescription or medication order.

(3) Conducting prospective drug use review or evaluating a patient's medication record for purposes identified in rule 657—8.21(155A).

(4) Providing patient counseling, consultation, or drug information.

(5) Making decisions that require a pharmacist's professional judgment such as interpreting or applying information.

(6) Preparing compounded drug products for immediate administration by other hospital staff or health care professionals without verification by a pharmacist.

7.6(3) *Locked areas.* All pharmacy areas where drugs or devices are maintained or stored and where a pharmacist is not continually present shall be locked.

7.6(4) *Verification by pharmacist.* When the pharmacy is open, patient-specific drugs or devices shall not be distributed prior to the pharmacist's final verification and approval.

7.6(5) *Drugs or devices in patient care areas.* Drugs or devices maintained or stored in patient care areas shall be in locked storage unless the patient care unit is staffed by health care personnel and the medication area is visible to staff at all times.

657—7.7(155A) Verification by pharmacist when pharmacy is closed. A hospital pharmacy may contract with another pharmacy for remote pharmacist preview and verification of patient-specific drugs or devices ordered for a patient when the hospital pharmacy is closed. Contracted services may include pharmacist order entry pursuant to subrule 7.8(3). Pharmacies entering into a contract or agreement pursuant to this rule shall comply with the following requirements:

7.7(1) *Nonsupplanting service.* A contract or agreement for remote pharmacist services shall not relieve the hospital pharmacy from employing or contracting with a pharmacist to provide routine pharmacy services within the facility. The activities authorized by this rule are intended to supplement hospital pharmacy services when the pharmacy is closed and are not intended to eliminate the need for an on-site hospital pharmacy or pharmacist.

7.7(2) *Hospital-staff pharmacist.* Nothing in this rule shall prohibit a pharmacist employed by or contracting with a hospital pharmacy for on-site services from also providing remote preview and verification of patient-specific drugs or devices ordered for a patient when the hospital pharmacy is closed. A pharmacist previewing and verifying drug or device orders from a remote location shall have access to patient information pursuant to subrule 7.7(4) or 7.7(5), shall have access to the prescriber as provided in subrule 7.7(6), and shall be identified on the drug or device order as provided in subrule 7.7(7).

7.7(3) *Licenses required.* A pharmacy contracting with a hospital pharmacy to provide services pursuant to this rule shall maintain with the board a current Iowa pharmacy license. A remote pharmacist providing pharmacy services as an employee or agent of a contracting pharmacy pursuant to this rule shall be licensed to practice pharmacy in Iowa.

7.7(4) *Electronic access to patient information.* The remote pharmacist shall have secure electronic access to the hospital pharmacy's patient information system and to all other electronic systems that the on-site pharmacist has access to when the pharmacy is open. The remote pharmacist shall receive training in the use of the hospital's electronic systems.

7.7(5) *Nonelectronic patient information.* If a hospital's patient information is not maintained in an electronic data system or if the hospital pharmacy is not able to provide remote electronic access to the patient information system, the hospital pharmacy may petition for a waiver of subrule 7.7(4) pursuant to 657—Chapter 34 and this subrule. In addition to the information required pursuant to 657—Chapter 34, the petition for waiver shall identify the hospital pharmacy's alternative to the electronic sharing of patient information, shall explain in detail how the alternative method will ensure timely provision of patient information necessary for the remote pharmacist to effectively review the patient's drug regimen

and history, and shall detail the processes involved in the alternative proposal including identification of all individuals involved in each of those processes.

7.7(6) *Access to prescriber.* The remote pharmacist shall be able to contact the prescriber to discuss any concerns identified during the pharmacist's review of the patient's information.

7.7(7) *Pharmacist identified.* The record of each patient-specific drug or device order processed pursuant to this rule shall identify, by name or other unique identifier, each pharmacist involved in the preview and verification of the order.

657—7.8(124,126,155A) Drug distribution and control. Policies and procedures governing drug distribution and control shall be developed by the pharmacist in charge with input from other involved hospital staff such as physicians and nurses, from committees such as the pharmacy and therapeutics committee or its equivalent, and from any related patient care committee. It is essential that the pharmacist in charge or designee routinely be available to or on all patient care areas to establish rapport with the personnel and to become familiar with and contribute to medical and nursing procedures relating to drugs.

7.8(1) *Drug preparation.* The pharmacist shall institute the control procedures needed to ensure that patients receive the correct drugs at the proper times. Adequate quality assurance procedures shall be developed.

a. All drugs dispensed by the pharmacist for administration to patients shall be in single unit packages if practicable. The need for nurses to manipulate drugs prior to their administration shall be minimized.

b. Pharmacy personnel shall, except as specified in policies and procedures, prepare all sterile products in conformance with 657—Chapter 13.

c. Pharmacy personnel shall compound or prepare drug formulations, strengths, dosage forms, and packages useful in the care of patients.

7.8(2) *Drug formulary.* The pharmacist in charge shall maintain a current formulary of drug products approved for use in the institution and shall be responsible for specifications for those drug products and for selecting their source of supply.

7.8(3) *Medication orders.* Except as provided in subrule 7.8(14), a pharmacist shall receive a copy of the original medication order for review except when the prescriber directly enters the medication order into an electronic medical record system or when the prescriber issues a verbal medication order directly to a registered nurse or pharmacist who then enters the order into an electronic medical record system. If an individual other than the prescriber enters a medication order into an electronic medical record system, the pharmacist shall review and verify the entry against the original order before the drug is dispensed except for emergency use, when the pharmacy is closed, or when the original order is a verbal order from the prescriber to the registered nurse or pharmacist, or as provided in rule 7.7(155A). When the pharmacy is closed, a registered nurse or pharmacist may enter a medication order into an electronic medical record system for the purpose of creating an electronic medication administration record and a pharmacist shall verify the entry against the original medication order as soon as practicable. Hospitalwide and pharmacy stand-alone computer systems shall be secure against unauthorized entry. The use of abbreviations and chemical symbols on medication orders shall be discouraged but, if used, shall be limited to abbreviations and chemical symbols approved by the appropriate patient care committee.

7.8(4) *Stop order.* A written policy or other system concerning stop orders shall be established to ensure that medication orders are not inappropriately continued.

7.8(5) *Emergency drug supplies and floor stock.* Supplies of drugs for use in medical emergencies shall be immediately available at each nursing unit or service area as specified in policies and procedures. Authorized stocks shall be periodically reviewed in a multidisciplinary manner. All drug storage areas within the hospital shall be routinely inspected to ensure that no outdated or unusable items are present and that all stock items are properly labeled and stored.

7.8(6) *Disaster services.* The pharmacy shall be prepared to provide drugs and pharmaceutical services in the event of a disaster affecting the availability of drugs or internal access to drugs or access to the pharmacy.

7.8(7) *Drugs brought into the institution.* Policies and procedures shall be established governing the use of drugs brought into the institution. Procedures shall address identification of the drug and methods for ensuring the integrity of the product prior to permitting its use by the patient.

7.8(8) *Samples.* The use of drug samples within the institution shall be eliminated to the extent possible. Sample use is prohibited for hospital inpatient use. If the use of drug samples is permitted for hospital outpatients, that use of samples shall be controlled and the samples shall be distributed through the pharmacy or through a process developed in cooperation with the pharmacy and the institution's appropriate patient care committee, subject to oversight by the pharmacy.

7.8(9) *Investigational drugs.* If investigational drugs are used in the institution:

a. A pharmacist shall be a member of the institutional review board.

b. The pharmacy shall be responsible, in cooperation with the principal investigator, for providing information about investigational drugs used in the institution and for the distribution and control of those drugs.

7.8(10) *Hazardous drugs and chemicals.* The pharmacist, in cooperation with other hospital staff, shall establish policies and procedures for handling drugs and chemicals that are known occupational hazards. The procedures shall maintain the integrity of the drug or chemical and protect hospital personnel.

7.8(11) *Leave meds.* Labeling of prescription drugs for a patient on leave from the facility for a period in excess of 24 hours shall comply with 657—subrule 6.10(1). The dispensing pharmacy shall be responsible for packaging and labeling leave meds in compliance with this subrule.

7.8(12) *Discharge meds.* Drugs authorized for a patient being discharged from the facility shall be labeled in compliance with 657—subrule 6.10(1) before the patient removes those drugs from the facility premises. The dispensing pharmacy shall be responsible for packaging and labeling discharge meds in compliance with this subrule.

7.8(13) *Own-use outpatient prescriptions.* If the hospital pharmacy dispenses own-use outpatient prescriptions, the pharmacy shall comply with all requirements of 657—Chapter 6 except rule 657—6.1(155A).

7.8(14) *Influenza and pneumococcal vaccines.* As authorized by federal law, a written or verbal patient-specific medication administration order shall not be required prior to administration to an adult patient of influenza and pneumococcal polysaccharide vaccines pursuant to physician-approved hospital policy and after the patient has been assessed for contraindications. Administration shall be recorded in the patient's medical record.

657—7.9(124,155A) Drug information. The pharmacy is responsible for providing the institution's staff and patients with accurate, comprehensive information about drugs and their use and shall serve as its center for drug information.

7.9(1) *Staff education.* The pharmacist shall keep the institution's staff well informed about the drugs used in the institution and their various dosage forms and packagings.

7.9(2) *Patient education.* The pharmacist shall help ensure that all patients are given adequate information about the drugs that they receive. This is particularly important for ambulatory, home care, and discharged patients. These patient education activities shall be coordinated with the nursing and medical staffs and patient education department, if any.

657—7.10(124,155A) Ensuring rational drug therapy. An important aspect of pharmaceutical services is that of maximizing rational drug use. The pharmacist, in concert with the medical staff, shall develop policies and procedures for ensuring the quality of drug therapy.

7.10(1) *Patient profile.* Sufficient patient information shall be collected, maintained, and reviewed by the pharmacist to ensure meaningful and effective participation in patient care. This requires that a drug profile be maintained for each patient receiving care at the hospital. A pharmacist-conducted drug history from patients may be useful in this regard.

a. Appropriate clinical information about patients shall be available and accessible to the pharmacist for use in daily practice.

b. The pharmacist shall review each patient's current drug regimen and directly communicate any suggested changes to the prescriber.

7.10(2) *Adverse drug events.* The pharmacist, in cooperation with the appropriate patient care committee, shall develop a mechanism for the reporting and review, by the committee or other appropriate medical group, of adverse drug events. The pharmacist shall be informed of all reported adverse drug events occurring in the facility. Adverse drug events include but need not be limited to adverse drug reactions and medication errors.

657—7.11 Reserved.

657—7.12(124,126,155A) Drugs dispensed to patients as a result of an emergency room visit. In those facilities with 24-hour pharmacy services, only a pharmacist or prescribing practitioner may dispense any drugs to an outpatient, including emergency department patients. In those facilities without 24-hour pharmacy services, or in those facilities without outpatient pharmacy services or when the facility's outpatient pharmacy is closed, the following procedures shall be observed in dispensing drugs:

7.12(1) *Patients examined in emergency room.* Drugs shall be dispensed only to patients who have been examined in the emergency room.

7.12(2) *Accountability.* Drugs shall be dispensed only in accordance with the system of control and accountability for drugs administered or dispensed from the emergency room.

a. The system shall be developed and supervised by the pharmacist in charge and the facility's emergency department committee, or a similar group or person responsible for policy in that department.

b. The system shall identify drugs of the nature and type to meet the immediate needs of emergency room patients.

c. Controlled substances maintained in the emergency room are kept for use by, or at the direction of, prescribers in the emergency room. In order to receive a controlled substance, a patient must be examined in the emergency room by a prescriber who shall determine the need for the drug. It is not permissible under state and federal requirements for a prescriber to see a patient outside the emergency room setting, or talk to the patient on the telephone, and then proceed to call the emergency room and order the administration of a stocked controlled substance upon the patient's arrival at the emergency room. A prescriber may authorize, without again examining the patient, the administration of additional doses of a previously authorized drug to a patient presenting to the emergency department within 24 hours of the patient's examination and treatment in the emergency department.

d. In an emergency situation when a health care practitioner authorized to prescribe controlled substances is not available on site and regardless of the provisions of paragraph *"c,"* the emergency room nurse may examine the patient in the emergency room and contact the on-call prescriber. The on-call prescriber may then authorize the nurse to administer a controlled substance to the patient pending the arrival of the prescriber. As soon as possible, the prescriber shall examine the patient in the emergency room and determine the patient's further treatment needs.

e. The pharmacist in charge is responsible for maintaining accurate records of dispensing of drugs from the emergency room, and for ensuring the accuracy of prepackaged drugs and the complete and accurate labeling of prepackaged drugs pursuant to subrule 7.12(3).

f. Except as provided in subrule 7.12(6), a practitioner who authorizes dispensing to a patient of a prescription drug from the emergency department drug supply is responsible for the accuracy of the dispensed drug and for the accurate completion of label information pursuant to subrule 7.12(4).

7.12(3) *Prepackaging.* Except as provided in subrule 7.12(6), drugs dispensed in greater than a 24-hour supply may be dispensed only in prepackaged quantities not to exceed a 72-hour supply or the minimum prepackaged quantity in suitable containers. Prepackaged drugs shall be prepared pursuant to the requirements of 657—22.3(126). Drugs dispensed pursuant to this subrule shall be appropriately labeled as required in subrule 7.12(4), including necessary auxiliary labels.

7.12(4) *Labeling.* Except as provided in subrule 7.12(6), at the time of delivery of the drug, the practitioner shall appropriately complete the label, such that the dispensing container bears a label with at least the following information:

a. Name and address of the hospital;

b. Date dispensed;

c. Name of prescriber;

d. Name of patient;

e. Directions for use;

f. Name and strength of drug.

7.12(5) *Delivery of drug to patient.* Except as provided in subrule 7.12(6), the practitioner, or a licensed nurse under the supervision of the practitioner, shall give the appropriately labeled, prepackaged drug to the patient or patient's caregiver. The practitioner, or a licensed nurse under the supervision of the practitioner, shall explain the correct use of the drug and shall explain to the patient that the dispensing is for an emergency or starter supply of the drug. If additional quantities of the drug are required to complete the needed course of treatment, the prescriber shall provide the patient with a prescription for the additional quantities.

7.12(6) *Use of InstyMeds dispensing system.* A hospital located in an area of the state where 24-hour outpatient pharmacy services are not available within 15 miles of the hospital may implement the InstyMeds dispensing system in the hospital emergency department only as provided by this subrule.

a. Access to the dispensing machine for the purposes of stocking, inventory, and monitoring shall be limited to pharmacists, pharmacy technicians, and pharmacist-interns.

b. The InstyMeds dispensing system shall be used only in the hospital emergency department for the benefit of patients examined or treated in the emergency department.

c. The dispensing machine shall be located in a secure and professionally appropriate environment.

d. The stock of drugs maintained and dispensed utilizing the InstyMeds dispensing system shall be limited to acute care drugs provided in appropriate quantities for a 72-hour supply or the minimum commercially available package size, except that antimicrobials may be dispensed in a quantity to provide the full course of therapy.

e. Drugs dispensed utilizing the InstyMeds dispensing system shall be appropriately labeled as provided in 657—subrule 6.10(1), paragraphs *"a"* through *"g."*

f. Prior to authorizing the dispensing of a drug utilizing the InstyMeds dispensing system, the prescriber shall offer the patient the option of being provided a prescription that may be filled at the pharmacy of the patient's choice.

g. When appropriate for an acute condition, the prescriber shall provide to the patient or the patient's agent a prescription for the remainder of drug therapy beyond the supply available utilizing the InstyMeds dispensing system. During consultation with the patient or the patient's agent, the prescriber shall clearly explain the appropriate use of the drug supplied, the need to have a prescription for any additional supply of the drug filled at a pharmacy of the patient's choice, and the need to complete the full course of drug therapy.

h. The pharmacy shall, in conjunction with the hospital emergency department, implement policies and procedures to ensure that a patient utilizing the InstyMeds dispensing system has been positively identified.

i. The hospital pharmacist shall review the printout of drugs provided utilizing the InstyMeds dispensing system within 24 hours unless the pharmacy is closed, in which case the printout shall be reviewed during the first day the pharmacy is open following the provision of the drugs. The purpose of the review is to identify any dispensing errors, to determine dosage appropriateness, and to complete a retrospective drug use review of any antimicrobials dispensed in a quantity greater than a 72-hour supply. Any discrepancies found shall be addressed by the pharmacy's continuous quality improvement program.

657—7.13(124,155A) Records. Every inventory or other record required to be kept under this chapter or other board rules or under Iowa Code chapters 124 and 155A shall be kept by the pharmacy and be available for inspection and copying by the board or its representative for at least two years from the date of such inventory or record unless a longer retention period is specified for the particular inventory or record.

7.13(1) *Medication order information.* Each original medication order contained in inpatient records shall bear the following information:

a. Patient name and identification number;

b. Drug name, strength, and dosage form;

c. Directions for use;

d. Date ordered;

e. Practitioner's signature or electronic signature or that of the practitioner's authorized agent.

7.13(2) *Medication order maintained.* The original medication order shall be maintained with the medication administration record in the medical records of the patient following discharge.

7.13(3) *Documentation of drug administration.* Each dose of medication administered shall be properly recorded in the patient's medical record.

These rules are intended to implement Iowa Code sections 124.301, 124.303, 124.306, 126.10, 126.11, 155A.6, 155A.13, 155A.27, 155A.28, 155A.31, and 155A.33 through 155A.36.

[Filed 11/25/87, Notice 10/7/87—published 12/16/87, effective 1/20/88]
[Filed emergency 1/21/88—published 2/10/88, effective 1/22/88]
[Filed emergency 5/16/89—published 6/14/89, effective 5/17/89]
[Filed 9/12/89, Notice 6/14/89—published 10/4/89, effective 11/8/89]
[Filed emergency 5/10/91—published 5/29/91, effective 5/10/91]
[Filed 7/30/91, Notice 5/29/91—published 8/21/91, effective 9/25/91]
[Filed 9/23/93, Notice 5/26/93—published 10/13/93, effective 11/17/93]
[Filed 3/21/94, Notice 10/13/93—published 4/13/94, effective 5/18/94]
[Filed 12/6/95, Notice 8/16/95—published 1/3/96, effective 2/7/96]
[Filed 12/10/96, Notice 8/28/96—published 1/1/97, effective 2/5/97]
[Filed 2/27/97, Notice 1/1/97—published 3/26/97, effective 4/30/97]
[Filed 9/16/97, Notice 7/16/97—published 10/8/97, effective 11/12/97]
[Filed 4/24/98, Notice 3/11/98—published 5/20/98, effective 6/24/98]
[Filed 2/22/99, Notice 10/21/98—published 3/10/99, effective 4/14/99]
[Filed 4/22/99, Notice 3/10/99—published 5/19/99, effective 6/23/99]
[Filed 9/8/99, Notice 6/2/99—published 10/6/99, effective 11/10/99]
[Filed 2/7/01, Notice 10/18/00—published 3/7/01, effective 4/11/01]
[Filed 8/14/02, Notice 6/12/02—published 9/4/02, effective 10/9/02]
[Filed 6/2/05, Notice 3/16/05—published 6/22/05, effective 7/27/05][◊]
[Filed 2/7/07, Notice 10/25/06—published 2/28/07, effective 4/4/07]
[Filed 3/5/08, Notice 12/5/07—published 3/26/08, effective 4/30/08]
[Filed 3/5/08, Notice 12/19/07—published 3/26/08, effective 4/30/08]
[Filed 11/24/08, Notice 10/8/08—published 12/17/08, effective 1/21/09]

◊ Two or more ARCs

CHAPTER 18
CENTRALIZED PRESCRIPTION FILLING AND PROCESSING

657—18.1(155A) Purpose and scope. The purpose of this chapter is to provide standards for centralized prescription drug order filling or centralized prescription processing by a pharmacy. Any facility established for the purpose of filling or processing prescription drug orders on behalf of other pharmacies shall be licensed as a pharmacy and shall hold all necessary registrations. A hospital pharmacy may participate in centralized prescription filling only of prescription drug orders for noncontrolled substances pursuant to these rules. A hospital pharmacy may engage in centralized prescription processing pursuant to the requirements of rule 657—7.7(155A). Except as specifically identified in the rules, the requirements of these rules for centralized prescription filling or centralized prescription processing are in addition to the requirements of 657—Chapters 6, 7, and 8, and other rules of the board relating to services provided by pharmacies.

657—18.2(155A) Definitions. For the purposes of this chapter, the following definitions shall apply:

"Central fill pharmacy" means a pharmacy contracting with an originating pharmacy, or having the same owner as an originating pharmacy, that provides centralized prescription drug order filling on behalf of the originating pharmacy pursuant to these rules.

"Centralized prescription drug order filling" or *"centralized filling"* means the filling of a prescription drug order by a pharmacy on behalf of another pharmacy. "Centralized filling" does not include the processing or dispensing of a prescription drug order but may include any of the following filling functions:

1. Receiving prescription drug orders from the originating pharmacy;
2. Interpreting or clarifying prescription drug orders;
3. Entering prescription drug order information into a pharmacy's prescription record system;
4. Selecting, counting, and placing the prescribed drug into an appropriate prescription container;
5. Affixing the prescription label, including any auxiliary labels, to the prescription container;
6. Obtaining refill and substitution authorizations;
7. Verifying all filling processes performed by the central fill pharmacy.

"Centralized prescription drug order processing" or *"centralized processing"* means the processing of a prescription drug order by a pharmacy on behalf of another pharmacy. "Centralized processing" does not include the filling or dispensing of a prescription drug order but may include any of the following processing functions:

1. Interpreting or clarifying prescription drug orders;
2. Entering prescription drug order information into a pharmacy's prescription record system;
3. Interpreting clinical data for prior authorization for dispensing;
4. Performing formulary-directed therapeutic interchange.

"Central processing pharmacy" means a pharmacy contracting with an originating pharmacy, or having the same owner as an originating pharmacy, that provides centralized prescription drug order processing on behalf of the originating pharmacy pursuant to these rules.

"DEA" means the U.S. Department of Justice, Drug Enforcement Administration.

"Dispense" means the delivery of a prescription drug or device to an ultimate user or the ultimate user's agent by or pursuant to the lawful order of a practitioner. "Dispense" includes:

1. Receiving the prescription drug order from the patient, the patient's agent, or the prescriber;
2. Delivering the filled prescription to the patient or the patient's agent;
3. Providing drug information concerning a patient's drug therapy;
4. Providing patient counseling;
5. Providing medication therapy management.

"Hospital" means a facility licensed pursuant to Iowa Code chapter 135B.

"Hospital pharmacy" means and includes a pharmacy licensed by the board and located within any hospital, health system, institution, or establishment which maintains and operates organized facilities

for the diagnosis, care, and treatment of human illnesses to which persons may or may not be admitted for overnight stay at the facility.

"Mail order pharmacy" means a pharmacy located within a United States jurisdiction whose primary business is to dispense a prescription drug or device pursuant to a valid prescription drug order and to deliver the drug or device to a patient, including a patient in this state, via the United States Postal Service, a common carrier, or a delivery service. "Mail order pharmacy" includes a pharmacy that does business via the Internet or other electronic media.

"Medication therapy management" means the review of drug therapy regimens of a patient by a pharmacist for the purpose of evaluating and rendering advice to a practitioner, or for the purpose of evaluating and modifying the drug regimen in accordance with a collaborative drug therapy management protocol pursuant to rule 657—8.34(155A).

"Originating pharmacy" means a pharmacy that receives a prescription drug order from a patient, the patient's agent, or a prescriber, outsources prescription filling or processing functions to another pharmacy, and ultimately dispenses the prescription drug or device to the patient or the patient's agent.

657—18.3(155A) General requirements.

18.3(1) *Essential qualifications.* An originating pharmacy may outsource prescription drug filling to a central fill pharmacy or prescription drug order processing to a central processing pharmacy provided the pharmacies:

a. Have the same owner or have entered into a written contract or agreement that outlines the services to be provided and the responsibilities and accountabilities of each pharmacy in compliance with federal and state laws, rules, and regulations; and

b. Share a common electronic file or have appropriate technology to allow access to sufficient information necessary or required to perform the contracted functions.

18.3(2) *Legal compliance.* An originating pharmacy, a central fill pharmacy, and a central processing pharmacy shall comply with all provisions applicable to the pharmacy contained in federal and state laws, rules, and regulations to the extent applicable for the specific filling or processing activity and these rules, including but not limited to the following:

a. Each pharmacy located within Iowa shall maintain Iowa pharmacy licensure and, if the pharmacy dispenses controlled substances, the pharmacy shall maintain DEA and Iowa controlled substances registrations.

b. Each pharmacy located outside Iowa shall maintain Iowa nonresident pharmacy licensure in addition to the licensure requirements of the pharmacy's home state.

c. Each pharmacist providing centralized prescription drug order processing or filling functions as an employee or agent of a central processing or central fill pharmacy located within Iowa shall maintain active licensure to practice pharmacy in Iowa.

d. Pharmacies shall comply with Iowa board rules relating to the duties that must be performed by a pharmacist.

e. Pharmacies shall comply with Iowa requirements for supervision of pharmacy technicians.

18.3(3) *Originating pharmacy responsibility.* Except as specifically provided by this subrule, the originating pharmacy shall be responsible for all dispensing functions as the term "dispense" is defined in rule 18.2(155A). An originating pharmacy contracting only for centralized filling shall retain responsibility for all processing functions, and an originating pharmacy contracting only for centralized processing shall retain responsibility for all filling functions.

a. A mail order pharmacy engaged in the centralized filling of prescription drug orders may deliver a filled prescription directly to the patient and shall not be required to return the filled prescription to the originating pharmacy.

b. A central fill or a central processing pharmacy that shares a common central processing unit with the originating pharmacy may perform prospective drug use review (DUR) pursuant to rule 657—8.21(155A). Only a pharmacist shall perform the DUR; the review shall not be delegated to a pharmacy technician, registered nurse, or other pharmacy support person. The pharmacist performing the DUR shall document in the shared patient record all concerns, recommendations, observations, and

comments resulting from that review. The pharmacist at the originating pharmacy shall utilize the DUR notes in counseling the patient pursuant to rule 657—6.14(155A).

18.3(4) *Central fill label requirements.* The label affixed to the prescription container filled by a central fill pharmacy on behalf of an originating pharmacy shall include the following:

a. A unique identifier indicating that the prescription was filled at the central fill pharmacy;

b. Serial number (a unique identification number of the prescription) as assigned by the originating pharmacy;

c. The name, address, and telephone number of the originating pharmacy;

d. The name of the patient or, if such drug is prescribed for an animal, the species of the animal and the name of its owner;

e. The name of the prescribing practitioner;

f. The date the prescription is filled by the central fill pharmacy;

g. The directions or instructions for use, including precautions to be observed;

h. Unless otherwise directed by the prescriber, the name, strength, and quantity of the drug dispensed.

(1) If a pharmacist selects an equivalent drug product for a brand name drug product prescribed by a practitioner, the prescription container label shall identify the generic drug and may identify the brand name drug for which the selection is made, such as "(generic name) Generic for (brand name product)".

(2) If a pharmacist selects a brand name drug product for a generic drug product prescribed by a practitioner, the prescription container label shall identify the brand name drug product dispensed and may identify the generic drug product ordered by the prescriber, such as "(brand name product) for (generic name)";

i. The initials or other unique identification of the pharmacist in the originating pharmacy who performed drug use review and transmitted the prescription drug order to the central fill pharmacy.

657—18.4 Reserved.

657—18.5(155A) Patient notification and authorization.

18.5(1) *Prior notification and authorization.* A pharmacy that outsources prescription drug order filling or prescription drug order processing to another pharmacy shall, prior to outsourcing a patient's prescription:

a. Notify the patient or the patient's agent that prescription filling or processing may be outsourced to another pharmacy.

b. Provide the name of the pharmacy that will be filling or processing the prescription or, if the pharmacy is part of a network of pharmacies under common ownership and any of the network pharmacies may fill or process the prescription, the patient shall be notified of this fact. Notification shall be provided through a notice to the patient or the patient's agent by means of a sign prominently displayed in the originating pharmacy and through written notice provided to the patient or the patient's agent prior to implementation of the program or upon commencement of services to a new patient, as applicable.

c. If a patient provides the originating pharmacy with notification that the patient no longer authorizes the originating pharmacy to outsource the patient's prescription drug orders, the originating pharmacy shall discontinue outsourcing the filling or processing of the patient's prescription drug orders.

18.5(2) *Exception.* The provisions of this rule do not apply to a patient in a facility, such as a hospital or long-term care facility, where Iowa law requires that drugs be administered to the patient by a health care professional.

657—18.6 to **18.9** Reserved.

657—18.10(155A) Policy and procedures.

18.10(1) *Manual maintained.* A policy and procedure manual relating to centralized filling or centralized processing activities shall be maintained at all pharmacies involved in centralized filling or centralized processing and shall be available for inspection and copying by the board or an agent of the board.

18.10(2) *Manual contents.* The manual shall:

a. Outline the responsibilities of each of the pharmacies;

b. Include a list of the names, addresses, telephone numbers, and all license and registration numbers of the pharmacies involved in centralized filling or centralized processing;

c. Include evidence that all licenses and registrations have been verified to be current and in good standing, identifying the individual verifying license and registration status and the method used to verify status; and

d. Include, but not necessarily be limited to, policies and procedures for:

(1) Protecting the confidentiality and integrity of patient information;

(2) Protecting each patient's freedom of choice of pharmacy services;

(3) Maintaining appropriate records to identify the name, the initials or unique identification code, and the specific activities of each pharmacist or pharmacy technician who performed any centralized filling or centralized processing function;

(4) Complying with federal and state laws, rules, and regulations;

(5) Operating a continuous quality improvement program for pharmacy services designed to objectively and systematically monitor and evaluate the quality and appropriateness of patient care, pursue opportunities to improve patient care, and resolve identified problems; and

(6) Reviewing, at least annually, the written policies and procedures and documenting that review.

657—18.11 to **18.14** Reserved.

657—18.15(155A) Records. Central fill or central processing pharmacies shall maintain appropriate records that identify, by prescription drug order, the name and initials or unique identification code of each pharmacist or pharmacy technician who performs a centralized filling or centralized processing function for a prescription drug order. Originating pharmacies shall maintain appropriate records that identify, by prescription drug order, the name and initials or unique identification code of the pharmacist who performed drug use review and the pharmacist who transmitted the prescription drug order to the central fill or central processing pharmacy. These records may be maintained separately by each pharmacy or in a common electronic file as long as the data processing system is capable of producing a printout that lists the functions performed by each pharmacy and pharmacist or technician and identifies the pharmacist or technician who performed each function.

These rules are intended to implement Iowa Code sections 124.301, 124.306, 124.308, 155A.13, and 155A.28.

[Filed 6/2/05, Notice 1/19/05—published 6/22/05, effective 7/27/05]
[Filed 3/6/08, Notice 12/19/07—published 3/26/08, effective 4/30/08][1]
[Filed emergency 6/9/08—published 7/2/08, effective 7/9/08]
[Filed 11/24/08, Notice 10/8/08—published 12/17/08, effective 1/21/09]

[1] April 30, 2008, effective date of ARC 6671B delayed 70 days by the Administrative Rules Review Committee at its meeting held April 4, 2008.

CHAPTER 32
NONPAYMENT OF STATE DEBT

657—32.1(272D) Definitions. For the purpose of this chapter, the following definitions shall apply:

"Act" means Iowa Code chapter 272D.

"Board" means the Iowa board of pharmacy.

"Certificate" means a document known as a certificate of noncompliance provided by the unit certifying that the named licensee has outstanding liability placed with the unit and has not entered into an approved payment plan to pay the liability.

"Denial notice" means a board notification denying an application for the issuance or renewal of a license as required by the Act.

"Liability" means a debt or obligation placed with the unit for collection that is greater than $1000. For purposes of this chapter, "liability" does not include support payments collected pursuant to Iowa Code chapter 252J.

"License" means a license to practice pharmacy, a registration to practice as a pharmacist-intern, a registration to practice as a pharmacy technician, or a registration to possess, prescribe, dispense, administer, distribute, or otherwise handle controlled substances under Iowa Code chapter 124.

"Licensee" means an individual to whom a license has been issued or who is seeking the issuance of a license.

"Revocation or suspension notice" means a board notification suspending a license for an indefinite or specified period of time or a notification revoking a license as required by the Act.

"Unit" means the centralized collection unit of the department of revenue.

"Withdrawal certificate" means a document known as a withdrawal of a certificate of noncompliance provided by the unit certifying that the certificate is withdrawn and that the board may proceed with issuance, reinstatement, or renewal of a license.

657—32.2(272D) Issuance or renewal of a license—denial. The board shall deny the issuance or renewal of a license upon receipt of a certificate from the unit according to the procedures set forth in the Act.

32.2(1) *Service of denial notice.* Notice shall be served upon the licensee by restricted certified mail, return receipt requested, or by personal service in accordance with the Iowa Rules of Civil Procedure. Alternatively, the licensee may accept service personally or through authorized counsel.

32.2(2) *Effective date of denial.* The effective date of the denial of issuance or renewal of a license, as specified in the notice, shall be 60 days following service of the notice upon the licensee.

32.2(3) *Preparation and service of denial notice.* The executive director of the board is authorized to prepare and serve the notice upon the licensee.

32.2(4) *Licensee responsible to inform board.* Licensees shall keep the board informed of all court actions and all unit actions taken under or in connection with the Act and shall provide the board copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 272D.9, all court orders entered in such actions, and any withdrawal certificates issued by the unit.

32.2(5) *Reinstatement following license denial.* All board fees required for application, license renewal, or license reinstatement shall be paid by the licensee and all continuing education requirements shall be met before a license will be issued, renewed, or reinstated after the board has denied the issuance or renewal of a license pursuant to the Act.

32.2(6) *Effect of filing in district court.* In the event a licensee timely files a district court action following service of a board notice pursuant to Iowa Code sections 272D.8 and 272D.9, the board shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the board to proceed. For purposes of determining the effective date of the denial of the issuance or renewal of a license, the board shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

32.2(7) *Final notification.* The board shall notify the licensee in writing through regular first-class mail, or such other means as the board deems appropriate in the circumstances, within ten days of the effective date of the denial of the issuance or renewal of a license and shall similarly notify the licensee when the license is issued or renewed following the board's receipt of a withdrawal certificate.

657—32.3(272D) Suspension or revocation of a license. The board shall suspend or revoke a license upon receipt of a certificate from the unit according to the procedures set forth in the Act. This rule shall apply in addition to the procedures set forth in the Act.

32.3(1) *Service of revocation or suspension notice.* Notice shall be served upon the licensee by restricted certified mail, return receipt requested, or by personal service in accordance with the Iowa Rules of Civil Procedure. Alternatively, the licensee may accept service personally or through authorized counsel.

32.3(2) *Effective date of revocation or suspension.* The effective date of the revocation or suspension of a license, as specified in the notice, shall be 60 days following service of the notice upon the licensee.

32.3(3) *Preparation and service of revocation or suspension notice.* The executive director of the board is authorized to prepare and serve the notice upon the licensee and is directed to notify the licensee that the license will be suspended unless the license is already suspended on other grounds. In the event that the license is on suspension, the executive director shall notify the licensee of the board's intention to revoke the license.

32.3(4) *Licensee responsible to inform board.* Licensees shall keep the board informed of all court actions and all unit actions taken under or in connection with the Act and shall provide the board copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 272D.9, all court orders entered in such actions, and any withdrawal certificates issued by the unit.

32.3(5) *Reinstatement following license suspension, revocation, or denial of renewal.* All board fees required for license renewal or license reinstatement shall be paid by the licensee and all continuing education requirements shall be met before a license will be renewed or reinstated after the board has suspended a license pursuant to the Act. A licensee whose license to practice pharmacy has been revoked shall complete the examination components as indicated in rule 657—2.10(155A) and shall pay all required examination fees pursuant to rule 657—2.2(155A). A licensee whose registration to practice as a pharmacist-intern or as a pharmacy technician or whose registration to handle controlled substances under Iowa Code chapter 124 has been revoked shall complete an application and pay all board fees required for new registration.

32.3(6) *Effect of filing in district court.* In the event a licensee timely files a district court action following service of a board notice pursuant to Iowa Code sections 272D.8 and 272D.9, the board shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the board to proceed. For purposes of determining the effective date of the suspension or revocation of a license, the board shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

32.3(7) *Final notification.* The board shall notify the licensee in writing through regular first-class mail, or such other means as the board deems appropriate in the circumstances, within ten days of the effective date of the suspension or revocation of a license and shall similarly notify the licensee when the license is reinstated following the board's receipt of a withdrawal certificate.

657—32.4(17A,22,272D) Share information. Notwithstanding any statutory confidentiality provision, the board may share information with the unit through manual or automated means for the sole purpose of identifying applicants or licensees subject to enforcement under the Act.

These rules are intended to implement Iowa Code chapter 272D.

[Filed 11/24/08, Notice 10/8/08—published 12/17/08, effective 1/21/09]

CHAPTER 33
Reserved

CHAPTER 36
DISCIPLINE

657—36.1(147,155A,272C) Authority and grounds for discipline.

36.1(1) *Jurisdiction of the board.* The board has the authority to impose discipline for any violations of Iowa Code chapters 124, 124A, 124B, 126, 147, 155A, 205, and 272C or the rules promulgated thereunder.

36.1(2) *Disciplinary sanctions.* The board has the authority to impose the following disciplinary sanctions:

a. Revocation of a registration, a permit, or a license issued by the board.

b. Suspension of a registration, a permit, or a license issued by the board until further order of the board or for a specified period.

c. Nonrenewal of a registration, a permit, or a license issued by the board.

d. Prohibit permanently, until further order of the board, or for a specified period, the engaging in specified procedures, methods or acts.

e. Probation.

f. Require a pharmacist or a pharmacist-intern to complete additional education or training.

g. Require a pharmacist to successfully complete any reexamination for licensure.

h. Order a pharmacist, pharmacist-intern, or pharmacy technician to undergo a physical or mental examination.

i. Impose civil penalties not to exceed $25,000.

j. Issue citation and warning.

k. Such other sanctions allowed by law as may be appropriate.

36.1(3) *Considerations in determining sanctions.* The board may consider the following factors in determining the nature and severity of the disciplinary sanction to be imposed:

a. The relative seriousness of the violation as it relates to assuring the citizens of this state a high standard of professional care.

b. The facts of the particular violation.

c. Any extenuating circumstances or other countervailing considerations.

d. Number of prior violations or complaints.

e. Seriousness of prior violations or complaints.

f. Whether remedial action has been taken.

g. Any other factors as may reflect upon the competency, ethical standards, and professional conduct of the licensee, registrant, or permittee.

36.1(4) *Grounds for discipline.* The board may impose any of the disciplinary sanctions set out in subrule 36.1(2) when the board determines that the licensee, registrant, or permittee is guilty of the following acts or offenses:

a. Fraud in procuring a license. Fraud in procuring a license includes but is not limited to an intentional perversion of the truth in making application for a license to practice pharmacy, to operate a pharmacy doing business in this state, or to operate as a wholesale drug distributor doing business in this state, or in making application for a registration to practice as a pharmacist-intern or a pharmacy technician. It includes false representations of a material fact, whether by word or conduct, by false or misleading allegations, or by concealment of that which should have been disclosed when making application, or attempting to file or filing with the board any false or forged diploma, certificate, affidavit, identification, or qualification in making application for a license or registration in this state.

b. Professional incompetency. Professional incompetency includes but is not limited to:

(1) A substantial lack of knowledge or ability to discharge professional obligations within the scope of the pharmacist's practice.

(2) A substantial deviation by a pharmacist from the standards of learning or skill ordinarily possessed and applied by other pharmacists in the state of Iowa acting in the same or similar circumstances.

(3) A failure by a pharmacist to exercise in a substantial respect that degree of care which is ordinarily exercised by the average pharmacist in the state of Iowa acting under the same or similar circumstances.

(4) A willful or repeated departure from, or the failure to conform to, the minimal standard or acceptable and prevailing practice of pharmacy in the state of Iowa.

c. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of pharmacy or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

d. Habitual intoxication or addiction to the use of drugs. Habitual intoxication or addiction to the use of drugs includes, but is not limited to:

(1) The inability of a licensee or registrant to practice with reasonable skill and safety by reason of the excessive use of alcohol on a continuing basis.

(2) The excessive use of drugs which may impair a licensee's or registrant's ability to practice with reasonable skill or safety.

e. Conviction of a felony related to the profession or occupation of the licensee or registrant, or a conviction of a felony that would affect the licensee's or registrant's ability to practice within the licensee's or registrant's profession. A copy of the record of conviction or a plea of guilty shall be conclusive evidence.

f. Fraud in representations as to skill or ability. Fraud in representations as to skill or ability includes, but is not limited to, a pharmacist having made deceptive or untrue representations as to competency to perform professional services which the pharmacist is not qualified to perform by virtue of training or experience.

g. Use of untrue or improbable statements in advertisements.

h. Distribution of drugs for other than lawful purposes. The distribution of drugs for other than lawful purposes includes, but is not limited to, the disposition of drugs in violation of Iowa Code chapters 124, 126, and 155A.

i. Willful or repeated violations of the provisions of Iowa Code chapter 147 or Iowa Code chapter 272C. Willful or repeated violations of these Acts include, but are not limited to, a pharmacist's, pharmacist-intern's, or pharmacy technician's intentionally or repeatedly violating a lawful rule or regulation promulgated by the board of pharmacy or the state department of public health, violating a lawful order of the board in a disciplinary hearing, or violating the provisions of Title IV (Public Health) of the Code of Iowa.

j. Violating a statute or law of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, which statute or law relates to the practice of pharmacy or the distribution of controlled substances, prescription drugs, or nonprescription drugs.

k. Failure to notify the board within 30 days after a final decision entered by the licensing authority of another state, territory, or country which decision resulted in a license or registration revocation, suspension, or other disciplinary sanction.

l. Knowingly aiding, assisting, procuring, or advising another person to unlawfully practice pharmacy or to unlawfully perform the functions of a pharmacy technician or a pharmacist-intern.

m. Inability of a licensee or registrant to practice with reasonable skill and safety by reason of mental or physical impairment or chemical abuse.

n. Being adjudged mentally incompetent by a court of competent jurisdiction. Such adjudication shall automatically suspend a license or registration for the duration of the license or registration unless the board otherwise orders.

o. Submission of a false report of continuing education or failure to submit biennial reports of continuing education.

p. Failure to notify the board within 30 days after occurrence of any judgment or settlement of a malpractice court claim or action.

q. Failure to file the reports required by subrule 36.2(3) concerning acts or omissions committed by another licensee or registrant.

r. Willful or repeated malpractice.

s. Willful or gross negligence.

t. Obtaining any fee by fraud or misrepresentation.

u. Violating any of the grounds for revocation or suspension of a license or registration listed in Iowa Code sections 147.55, 155A.12, and 155A.15 or any of the rules of the board.

v. Practicing pharmacy without an active and current Iowa pharmacist license, operating a pharmacy without a current pharmacy license, operating a prescription drug wholesale facility without a current wholesale drug license, practicing as a pharmacist-intern without a current pharmacist-intern registration, or assisting a pharmacist with technical functions associated with the practice of pharmacy without a current pharmacy technician registration except as provided in rule 657—3.3(155A), introductory paragraph.

w. Attempting to circumvent the patient counseling requirements, or discouraging patients from receiving patient counseling concerning their prescription drug orders.

x. Noncompliance with a child support order or with a written agreement for payment of child support as evidenced by a certificate of noncompliance issued pursuant to Iowa Code chapter 252J.

y. Student loan default or noncompliance with the terms of an agreement for payment of a student loan obligation as evidenced by a certificate of noncompliance issued pursuant to Iowa Code chapter 261 or default on a repayment or service obligation under any federal or state educational loan or service-conditional scholarship program upon certification by the program of such a default.

z. Engaging in any conduct that subverts or attempts to subvert a board investigation.

aa. Employing or continuing to employ as a practicing pharmacist any person whose Iowa pharmacist license is not current and active, or employing or continuing to employ a person to assist a pharmacist with technical functions associated with the practice of pharmacy who is not currently registered as a pharmacy technician except as provided in rule 657—3.3(155A), introductory paragraph.

ab. Retaliatory action. Retaliating against a pharmacist, pharmacist-intern, or a pharmacy technician for making allegations of illegal or unethical activities, making required reports to the board, or cooperating with a board investigation or survey.

ac. Failing to create and maintain complete and accurate records as required by state or federal law, regulation, or rule of the board.

ad. Violating the pharmacy or drug laws or rules of another state while under the jurisdiction of that state.

ae. Having a license to practice pharmacy issued by another state canceled, revoked, or suspended for conduct substantially equivalent to any of the grounds for disciplinary action in Iowa. A copy of the record from the state taking the disciplinary action shall be conclusive evidence of the action taken by that state.

af. Failure to comply with mandatory child or dependent adult abuse reporter training requirements.

ag. Failure to timely provide to the board or a representative of the board prescription fill data or other required pharmacy or controlled substances records.

ah. Nonpayment of a state debt as evidenced by a certificate of noncompliance issued pursuant to Iowa Code chapter 272D.

657—36.2(155A,272C) Investigations.

36.2(1) *General.* The board may, upon receipt of a written or verbal complaint or upon its own motion pursuant to other evidence received by the board, review and investigate alleged acts or omissions that the board reasonably believes constitute cause under applicable law or administrative rules for licensee, registrant, or permittee discipline.

36.2(2) *Reporting of judgments or settlements.* Each licensee or registrant shall report to the board every adverse judgment in a malpractice action to which the pharmacy, pharmacist, pharmacist-intern, or pharmacy technician is a party, and every settlement of a claim alleging malpractice. The report must be filed within 30 days from the date of the judgment or settlement.

36.2(3) *Reporting of acts or omissions.* Each licensee or registrant having firsthand knowledge of acts or omissions set forth in subrule 36.1(4) shall report to the board within 30 days of initially acquiring the information those acts or omissions committed by another person licensed to practice pharmacy or

registered to practice as a pharmacist-intern or as a pharmacy technician. The report shall include the name and other available information identifying the licensee or registrant and the date, time, and place of the incident.

36.2(4) *Confidentiality of investigative files.* Complaint files, investigation files, and all other investigation reports and investigative information in the possession of the board or its employees or agents that relate to licensee, permittee, or registrant discipline shall be privileged and confidential pursuant to Iowa Code section 272C.6(4).

36.2(5) *Investigation of allegations.* In order to determine if probable cause exists for a disciplinary hearing, the board, the executive secretary/director, or someone designated by the executive secretary/director shall cause an investigation to be made into the allegations of the complaint. The licensee, registrant, or permittee complained of shall be given the opportunity to present to the investigator a position or defense respecting the allegations of the complaint prior to the commencement of a contested case.

36.2(6) *Investigatory subpoena powers.* The board is authorized by law to subpoena books, papers, records, and any other real evidence, whether or not privileged or confidential under law, to help determine whether a contested case proceeding (hearing) should be commenced.

36.2(7) *Investigative report.* Upon completion of the investigation, the investigator(s) shall prepare a report for the board's consideration. The report may contain the position or defense of the respondent, discuss jurisdiction, and set forth any legal arguments and authorities that appear applicable to the case.

36.2(8) *Board consideration.* The board shall review all investigations. Participation in the review shall not bar any board member from participating in any subsequent disciplinary proceeding.

a. *Board action.* After reviewing an investigation, the board may either institute a disciplinary proceeding by filing one or more statements of charges, send a confidential letter of education or administrative warning to the licensee, registrant or permittee, request additional investigation, or close the case without further investigation.

b. *Confidential action.* If the board determines that formal disciplinary action is not warranted, the board may send a confidential letter of education or administrative warning to the licensee, registrant or permittee. The purpose of a confidential letter of education or administrative warning is to alert the licensee, registrant or permittee to possible violations of Iowa law or board rules so that the licensee, registrant or permittee may address the issues. Confidential letters of education and administrative warnings do not constitute formal disciplinary action and are not public records. The board shall maintain a copy of the confidential letter of education or administrative warning in the confidential investigative file regarding the licensee, registrant or permittee. Confidential letters of education and administrative warnings may be used as evidence against a licensee, registrant or permittee in future administrative hearings.

657—36.3(147,272C) Peer review committees.

36.3(1) *Establish committee.* The board may establish and register peer review committees.

36.3(2) *Referral to committee.* The board shall determine which complaints or other matters shall be referred to a peer review committee for investigation, review, and report to the board.

36.3(3) *Services to committee.* The board may provide investigatory and related services to a peer review committee upon request.

36.3(4) *Investigation by committee.* A peer review committee may determine the method to be used in making its investigation, or that it is unable to investigate the report upon a complaint and return the complaint, together with an explanation, to the board.

36.3(5) *Confidentiality.* A peer review committee shall observe the requirements of confidentiality imposed by Iowa Code section 272C.6.

36.3(6) *Immunity from civil liability.* Members of a peer review committee shall not be liable for acts, omissions, or decisions made in connection with service on a peer review committee. However, immunity from civil liability shall not apply if the act is done with malice.

36.3(7) *Committee procedures.* A peer review committee shall submit to the board for approval the procedures to be used for review, investigation, and handling of all complaints.

657—36.4(17A,124,124B,126,147,155A,272C) Disciplinary proceedings. The proceeding for revocation, suspension, or other disciplinary sanctions against a pharmacy license, a wholesale drug license, a pharmacy technician registration, a pharmacist-intern registration, or a license to practice pharmacy, or the denial of or refusal to issue or renew a license or registration, or the suspension, denial, or revocation of a permit to handle precursor substances shall be substantially in accordance with the procedures set forth in 657—Chapter 35 and these rules, which are in addition to the procedures stated in Iowa Code sections 147.58 et seq., and 155A.16.

657—36.5(17A,124,124B,126,147,155A,272C) Notice of disciplinary hearing.

36.5(1) *Preparation of notice.* The executive secretary/director shall prepare the notice of hearing upon direction to do so by the board upon a probable cause determination.

36.5(2) *Contents.* The notice of hearing shall contain the information set forth in 657—subrule 35.5(2).

36.5(3) *Delivery.* Delivery of the notice shall constitute the commencement of the contested case proceeding, and delivery may be executed by one of the methods provided for in 657—subrule 35.5(1).

36.5(4) *Timely service – denial of renewal.* Notice of a hearing involving denial of license, permit, or registration renewal shall be served no later than 30 days before the expiration of the license, permit, or registration.

36.5(5) *Timely service – revocation or suspension.* Notice of a hearing involving revocation or suspension of a license, permit, or registration shall be served no less than 30 days before the time set for the hearing.

657—36.6(17A,124B,147,155A,272C) Informal settlement.

36.6(1) *Negotiating parties.*

a. A contested case may be resolved by informal settlement. The respondent or the board may initiate negotiation of an informal settlement.

b. The board chairperson may designate the executive secretary/director or one or more board members with authority to negotiate on behalf of the board.

36.6(2) *Waiver of notice and opportunity to be heard.* The decision to enter into informal settlement negotiations is voluntary on the part of the respondent. By entering into informal settlement negotiations, the respondent waives the right to seek disqualification of a board member pursuant to Iowa Code section 17A.17 and 657—35.9(17A) based on that board member's participation in the settlement negotiations. Upon initiation of negotiation, the assistant attorney general is authorized to discuss informal settlement with the board's designee. Consent to negotiation by the respondent also constitutes a waiver of notice and opportunity to be heard pursuant to Iowa Code section 17A.17 during informal settlement negotiation.

36.6(3) *Board approval.* All informal settlements are subject to approval of a majority of the full board. If the board fails to approve an informal settlement, it shall be of no force or effect to either party.

36.6(4) *Participation of designee.* A board member who is designated to act in negotiation of an informal settlement may review investigative material in the course of conducting the negotiation. The designated board member is not disqualified from participating in the adjudication of the contested case by virtue of reviewing the investigative material or having participated in negotiation discussions.

657—36.7(272C) Appearance. The respondent shall have the right to appear before the board in person or by attorney at the respondent's expense.

657—36.8(17A,124B,147,155A,272C) Order of proceedings. Before testimony is presented, the record shall show the identity of any board members present, the presiding hearing officer, the primary parties and their representatives, and the fact that all testimony is being recorded.

Hearings before the board generally follow the order established by this rule.

1. The presiding officer may read the specification of charges and the answer thereto, or other responsive pleading, filed by the respondent prior to the hearing.

2. The assistant attorney general representing the public interest before the board may make an opening statement.

3. Each respondent shall be offered the opportunity to make an opening statement. A respondent may elect to reserve an opening statement until just prior to the presentation of evidence by the respondent.

4. Evidence is presented on behalf of the public.

5. Evidence is presented on behalf of the respondent(s).

6. Rebuttal evidence is presented on behalf of the public.

7. Rebuttal evidence is presented on behalf of the respondent(s).

8. The parties are offered the opportunity to make closing arguments, first on behalf of the public, then on behalf of the respondent, and then on behalf of the public.

657—36.9(272C) Confidentiality. At no time prior to the release of the final decision by the board shall any portion or the whole thereof be made public or be distributed to any persons other than the parties.

657—36.10(17A,272C) Notification of decision. All parties to a proceeding hereunder shall be promptly furnished with a copy of any final decision or order either in person or by first-class mail, or by telephone if necessary to ensure that the parties learn of the decision or order first.

657—36.11(272C) Board decision. The board's decision and order to discipline a licensee, registrant, or permittee, or to revoke or suspend a license to practice pharmacy, a wholesale drug license, a license to operate a pharmacy, a registration to practice as a pharmacist-intern or as a pharmacy technician, or a permit to handle precursor substances, shall remain in force and effect until the appeal is finally determined and disposed of upon its merit unless the board grants a stay of its decision as provided for in rule 657—35.28(17A).

657—36.12(17A,272C) Publication of decisions. Final decisions of the board relating to disciplinary proceedings are public records subject to Iowa Code chapter 22, examination of public records, and may be transmitted to the appropriate professional association and a newspaper of general circulation to be selected by the board.

657—36.13(17A,124B,147,155A,272C) Reinstatement. Any person whose license to practice pharmacy or to operate a pharmacy or whose wholesale drug license or permit to handle precursor substances or whose pharmacy technician registration or pharmacist-intern registration has been revoked or suspended shall meet the following eligibility requirements for reinstatement:

36.13(1) *Prerequisites.* The individual shall satisfy all terms of the order of revocation or suspension or court proceedings as they apply to that revocation or suspension. If the order of revocation or suspension did not establish terms and conditions upon which reinstatement might occur, or if the license, registration, or permit was voluntarily surrendered, an initial application for reinstatement may not be made until one year has elapsed from the date of the board's order or the date of voluntary surrender.

36.13(2) *Pharmacist license revoked or surrendered—examinations required.* A person whose license to practice pharmacy was revoked or voluntarily surrendered must successfully pass the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination as determined by NABP and the Multistate Pharmacy Jurisprudence Examination (MPJE), Iowa Edition.

36.13(3) *Proceedings.* The respondent shall initiate all proceedings for reinstatement by filing with the board an application for reinstatement of the license, registration, or permit. The application shall be docketed in the original case in which the license, registration, or permit was revoked, suspended, or surrendered. All proceedings upon petition for reinstatement, including all matters preliminary and ancillary thereto, shall be subject to the same rules of procedure as other cases before the board. The board and the respondent may informally settle the issue of reinstatement. The respondent may choose to have an informal reinstatement conference before the board, as provided in rule 36.14(17A,124B,147,155A,272C).

36.13(4) *Burden of proof.* An application for reinstatement shall allege facts which, if established, will be sufficient to enable the board to determine that the basis for the revocation or suspension no longer exists and that it will be in the public interest for the license, registration, or permit to be reinstated. The burden of proof to establish such facts shall be on the respondent.

36.13(5) *Order.* An order for reinstatement shall be based upon a decision that incorporates findings of facts and conclusions of law and shall be based upon the affirmative vote of a quorum of the board. This order shall be available to the public as provided in 657—Chapter 14.

657—36.14(17A,124B,147,155A,272C) Informal reinstatement conference.

36.14(1) *Request.* Upon written request of the respondent and approval by the executive secretary/director of the board, an informal reinstatement conference may be held before the board.

36.14(2) *Confidentiality.* The conference shall be open to the public except as provided in Iowa Code chapter 21 and Iowa Code section 272C.6. Material submitted to the board regarding a licensee, registrant, or permittee subject to suspension or revocation and received prior to the filing of an application for reinstatement shall be deemed to be investigatory in nature and therefore confidential. If a request for an informal settlement conference is made and approved, all material submitted by the respondent to the board for its consideration shall be deemed public records and is not confidential. Upon filing a request for an informal reinstatement conference, the respondent consents to the provision of relevant materials to board members prior to the time of the informal reinstatement conference.

36.14(3) *Disposition.* After conducting an informal reinstatement conference, the board may issue a proposed order for reinstatement, may issue a proposed order denying reinstatement, or may order a formal hearing on the application.

36.14(4) *Appeal—formal hearing.* Upon appeal of a proposed order or upon the board's order for formal hearing, application for reinstatement shall be set for formal hearing subject to the same rules of procedure as other cases before the board. By consenting to the informal settlement conference, respondent waives any objection to any board member participating in a formal hearing by virtue of the board member's participation at the informal settlement conference. All materials submitted and statements made by the respondent at the informal settlement conference shall be admissible at a subsequent formal hearing.

36.14(5) *Final order.* A proposed order resulting from an informal reinstatement conference becomes the final decision of the board without further proceedings unless there is an appeal to, or review on motion of, the board within the time provided in rule 657—35.26(17A,124B,126,147,155A,205,272C).

657—36.15(17A,124B,147,155A,272C) Voluntary surrender of a license, permit, or registration. The voluntary surrender of a license to practice pharmacy, a license to operate a pharmacy, a wholesale drug license, a permit to handle precursor substances, a pharmacy technician registration, or a pharmacist-intern registration shall be considered a revocation of license, permit, or registration. A request for reinstatement shall be handled under the terms established by rule 36.13(17A,124B,147, 155A,272C).

657—36.16(17A,124B,147,155A,272C) License, permit, or registration denial. Any request for a hearing before the board concerning the denial of a license, permit, or registration shall be submitted by the applicant in writing to the board by certified mail, return receipt requested, within 30 days of a mailing of a notice of denial of license, permit, or registration.

657—36.17(155A,272C) Order for mental or physical examination. A pharmacist, pharmacist-intern, or pharmacy technician who is licensed or registered by the board is, as a condition of licensure or registration, under a duty to submit to a mental or physical examination within a time period specified by order of the board. Such examination may be ordered upon a showing of probable cause and shall be at the expense of the pharmacist, pharmacist-intern, or pharmacy technician.

36.17(1) *Content of order.* A board order for mental or physical examination shall include the following items:

a. A description of the type of examination to which the pharmacist, pharmacist-intern, or pharmacy technician must submit.

b. The name and address of the examiner or treatment facility that the board has identified to perform the examination on the pharmacist, pharmacist-intern, or pharmacy technician.

c. The time period in which the pharmacist, pharmacist-intern, or pharmacy technician must schedule the required examination.

d. The amount of time in which the pharmacist, pharmacist-intern, or pharmacy technician is required to complete the examination.

e. A requirement that the pharmacist, pharmacist-intern, or pharmacy technician cause a report of the examination results to be provided to the board within a specified period of time.

f. A requirement that the pharmacist, pharmacist-intern, or pharmacy technician communicate with the board regarding the status of the examination.

g. A provision allowing the pharmacist, pharmacist-intern, or pharmacy technician to request additional time to schedule or complete the examination or to request that the board approve an alternative examiner or treatment facility. The board shall, in its sole discretion, determine whether to grant such a request.

36.17(2) *Objection to order.* A licensee or registrant who is the subject of a board order and who objects to the order may file a request for hearing. The request for hearing shall specifically identify the factual and legal issues upon which the licensee or registrant bases the objection. The hearing shall be considered a contested case proceeding and shall be governed by the provisions of 657—Chapter 35. A contested case involving an objection to an examination order will be captioned in the name of Jane or John Doe in order to maintain the licensee's or registrant's confidentiality.

36.17(3) *Closed hearing.* Any hearing on an objection to the board order shall be closed pursuant to Iowa Code section 272C.6(4).

36.17(4) *Order and reports—confidential.* An examination order and any subsequent examination reports issued in the course of a board investigation are confidential investigative information pursuant to Iowa Code section 272C.6(4).

657—36.18(272C) Disciplinary hearings—fees and costs.

36.18(1) *Definitions.* As used in this chapter in relation to a formal disciplinary action filed by the board against a licensee or registrant:

"Deposition" means the testimony of a person pursuant to subpoena or at the request of the state of Iowa taken in a setting other than a hearing.

"Expenses" means costs incurred by persons appearing pursuant to subpoena or at the request of the state of Iowa for purposes of providing testimony on the part of the state of Iowa in a hearing or other official proceeding and shall include mileage reimbursement at the rate specified in Iowa Code section 70A.9 or, if commercial air or ground transportation is used, the actual cost of transportation to and from the proceeding. Also included are actual costs incurred for meals and necessary lodging.

"Medical examination fees" means actual costs incurred by the board in a physical, mental, chemical abuse, or other impairment-related examination or evaluation of a licensee or registrant when the examination or evaluation is conducted pursuant to an order of the board.

"Transcript" means a printed verbatim reproduction of everything said on the record during a hearing or other official proceeding.

"Witness fees" means compensation paid by the board to persons appearing pursuant to subpoena or at the request of the state of Iowa, for purposes of providing testimony on the part of the state of Iowa. For the purposes of this rule, compensation shall be the same as outlined in Iowa Code section 622.69 or 622.72 as the case may be.

36.18(2) *Hearing fee and recoverable costs.* The board may charge a fee not to exceed $75 for conducting a disciplinary hearing that results in disciplinary action taken by the board against the license

or registration. In addition to the fee, the board may recover from the licensee or registrant costs for the following procedures and personnel:

a. Transcript.

b. Witness fees and expenses.

c. Depositions.

d. Medical examination fees incurred relating to a person licensed or registered under Iowa Code chapter 147 or 169.

36.18(3) *Fees, costs are part of disciplinary order.* Fees and costs assessed by the board pursuant to subrule 36.18(2) shall be calculated by the board's executive secretary/director and shall be entered as part of the board's final disciplinary order. The board's final disciplinary order shall specify the time period in which the licensee or registrant shall pay the assessed fees and costs.

36.18(4) *Board treatment of collected fees, costs.* Fees and costs collected by the board pursuant to subrule 36.18(2) shall be allocated to the expenditure category of the board in which the hearing costs were incurred. The fees and costs shall be considered repayment receipts as defined in Iowa Code section 8.2.

36.18(5) *Failure to pay assessed fees, costs.* Failure of a licensee or registrant to pay the fees and costs assessed herein within the time period specified in the board's final disciplinary order shall constitute a violation of a lawful order of the board.

These rules are intended to implement Iowa Code sections 17A.10 to 17A.23, 124.301, 124.304, 124B.12, 126.16 to 126.18, 155A.6, 155A.12, 155A.13, 155A.13A, 155A.15 to 155A.18, 155A.25, 205.11, 272C.3 to 272C.6, 272C.9, and 272C.10.

[Filed 4/22/99, Notice 3/10/99—published 5/19/99, effective 6/23/99]
[Filed 2/18/00, Notice 12/15/99—published 3/22/00, effective 4/26/00]
[Filed 10/24/02, Notice 7/24/02—published 11/13/02, effective 12/18/02]
[Filed 7/15/03, Notice 4/16/03—published 8/6/03, effective 9/10/03]
[Filed 11/30/06, Notice 9/27/06—published 12/20/06, effective 1/24/07]
[Filed 3/5/08, Notice 12/19/07—published 3/26/08, effective 4/30/08][1]
[Filed 11/24/08, Notice 10/8/08—published 12/17/08, effective 1/21/09]

[1] April 30, 2008, effective date of 36.1(4)*"i," "v,"* and *"aa"* delayed 70 days by the Administrative Rules Review Committee at its meeting held April 4, 2008.

CHAPTER 552
ELECTRICAL INSPECTION PROGRAM—PERMITS AND INSPECTIONS

661—552.1(103) Required permits and inspections. Permits and inspections are required for any of the following electrical installations that are initiated on or after February 1, 2009:

1. All new electrical installations for commercial or industrial applications, including installations both inside and outside buildings, and for public-use buildings and facilities and any installation at the request of the owner.
2. All new electrical installations for residential applications in excess of single-family residential applications.
3. All new electrical installations for single-family residential applications requiring new electrical service equipment.
4. Any existing electrical installation observed during inspection which constitutes an electrical hazard. Existing installations shall not be deemed to constitute electrical hazards if the wiring was originally installed in accordance with the electrical code in force at the time of installation and has been maintained in that condition.
5. Installations of alarm systems or alarm system components as provided in 661—Chapter 560.

EXCEPTION 1: Installations in political subdivisions which perform electrical inspections and which are inspected by the political subdivision are not required to be inspected by the state electrical inspection program. Any installation which is subject to inspection and is on property owned by the state or an agency of the state shall be inspected by the state electrical inspection program.

EXCEPTION 2: Any electrical work which is limited to routine maintenance shall not require an inspection.

661—552.2(103) Request for inspection. Prior to commencement of any electrical installation, the person making such installation shall notify the electrical inspection section of the installation by applying for a permit and shall request an inspection of the installation through one of the following methods:

552.2(1) An inspection may be requested by completing and electronically submitting a Request for Permit form, available on the Web site of the electrical inspection program. Payment of the permit and inspection fees shall be submitted with the form in accordance with the instructions on the electrical inspection section Web site.

NOTE: The Web site to obtain, complete, and submit a Request for Permit form is, as of October 29, 2008: www.dps.state.ia.us/fm/electrical/inspection/.

552.2(2) An inspection may be requested by completing a Request for Inspection form and mailing it to the electrical inspection section as provided in rule 661—550.2(103). The Request for Inspection form may be obtained upon request to the electrical inspection section or from the Web site of the electrical inspection program. If a Request for Inspection form is submitted by mail, it shall be postmarked no less than seven days prior to the commencement of the installation.

552.2(3) An inspection may be requested by completing a Request for Inspection form and submitting it by fax transmission to the electrical inspection section at (515)725-6151. The Request for Inspection form may be obtained upon request to the electrical inspection section or from the Web site of the electrical inspection program.

661—552.3(103) Scheduling of inspections. Subject to the availability of electrical inspectors, the electrical inspector whose territory includes the location of a requested inspection shall schedule the requested inspection to be completed within three business days of the receipt of the request. If an inspection for which a timely request has been made is not completed within three business days of the completion of the installation, a licensee who completed the installation may energize any new circuits included in the installation, although the installation remains subject to condemnation and disconnection if found to be out of compliance with any applicable provision of 661—Chapter 504 when inspected.

661—552.4(103) Report of inspection. After the completion of an inspection, the inspector shall issue an inspection report on a form prescribed by the board. The report shall indicate the results of the inspection, which may be any of the following:

552.4(1) *Approval.* If the inspector finds that the installation is in compliance with applicable requirements, the inspector shall issue a report indicating that the installation is approved.

552.4(2) *Order of correction.* If the inspector finds that the installation is not in compliance with applicable requirements but does not present an imminent threat to the health or safety of any person, the inspector shall issue an order of correction, prescribing a time frame during which corrective action shall be taken by the licensee responsible for the installation to bring the installation fully into compliance.

552.4(3) *Order of disconnection.* If the inspector finds that the installation is not in compliance with applicable requirements and presents an imminent threat to the health or safety of any person, the inspector shall issue an order of disconnection, requiring that the installation be disconnected until corrective action has been taken which brings the installation into full compliance with applicable requirements. The installation shall not be reconnected until corrective action has been completed and the corrected installation has been approved by an inspector as in compliance with all applicable requirements. The inspector issuing an order of disconnection shall notify the utility providing electrical service to the location of the order and shall notify the utility when the order of disconnection is no longer effective.

661—552.5(103) Appeals. An order of correction or an order of disconnection may be appealed. However, an order of disconnection shall be complied with immediately, and the installation shall not be reconnected pending the outcome of the appeal.

552.5(1) A person who has received an order of correction or disconnection may request an informal appeal to the chief electrical inspector within 14 days of receiving the order by contacting the electrical inspection section by telephone, fax, E-mail, or mail. The informal appeal may be heard in any manner agreed to by the person filing the appeal and the chief electrical inspector. If the order is upheld by the chief electrical inspector, the person receiving the order may file a formal appeal pursuant to subrule 552.5(2).

552.5(2) A person who has received an order of correction or disconnection may file a request for a formal appeal to the board within 30 days of receiving the order or, if the person has filed a request for an informal appeal, within 30 days of having been notified that the chief electrical inspector has upheld the order. Formal appeals shall be processed as provided in 661—Chapter 10, except that wherever "commissioner" or "department of public safety" appears in those rules, "electrical examining board" shall be substituted.

These rules are intended to implement 2007 Iowa Acts, chapter 197.

[Filed 10/29/08, Notice 9/24/08—published 11/19/08, effective 1/1/09]
[Filed emergency 11/23/08—published 12/17/08, effective 1/1/09]

CHAPTER 7
AUTHORIZED USE AND USERS

751—7.1(8D) Definitions. For the purposes of interpreting these rules, the following definitions are applicable.

"Authorized facility" means a site operated by an authorized user that is consistent with the written mission of the authorized user.

"Authorized use" means use of the network by an authorized user or by persons acting on behalf of an authorized user as provided in this chapter for the following purposes of the authorized user: (1) state or federal communications as defined in this chapter; (2) education or educational purposes as defined in this chapter; (3) training programs provided under state law and training programs developed by authorized users; (4) telemedicine or related purposes as defined in this chapter; (5) official governmental use by a state agency or a federal agency as defined in this chapter consistent with authorized purposes under applicable state or federal law; (6) establishing and operating a shared data only network for law enforcement, emergency management, disaster services, emergency warning and other emergency information dissemination services to federal, state and local law enforcement agencies and local emergency management offices; or (7) city of Des Moines.

"Authorized user" means a private or public agency except for a public or private agency which was required pursuant to Iowa Code section 8D.9(1) to certify to the commission not later than July 1, 1994, of the agency's intent to become a part of the network and which did not provide such certification. Agencies that obtain legislative approval to join the network after July 1, 1994, will be treated as a public or private agency for purposes of this definition and all provisions of Iowa Code chapter 8D.

"Commission" means the Iowa telecommunications and technology commission.

"Dial-up access" means the ability of an authorized user using technical or mechanical means to access a computer network using a telecommunications facility and modem.

"Direct connection" means a connection to the network by an authorized facility using owned, leased or contracted telecommunications facilities.

"Educational use" means a use that is within the written mission of an accredited nonpublic school, a nonprofit institution of higher education eligible for tuition grants, an institution under the control of the board of regents, a school corporation, a city library, a regional library as provided in Iowa Code chapter 256, and a county library as provided in Iowa Code chapter 336.

"Federal agency" means each board, commission, department, or agency of the executive, legislative, and judicial branches of the United States, or the U.S. Post Office which receives a federal grant for pilot or demonstration projects or the independent establishments and corporations of the federal government as identified from time to time in The United States Government Manual, the official handbook of the federal government, published on an annual basis by the Office of the Federal Register as a special edition of the Federal Register. The Manual includes comprehensive information on the agencies of the legislative, judicial, and executive branches. The Manual also includes information on quasi-official agencies; international organizations in which the United States participates and boards, commissions and committees of the federal government. For example, independent establishments and corporations may include the following:

Central Intelligence Agency
Commodity Futures Trading Commission
Consumer Product Safety Commission
Defense Nuclear Facilities Safety Board
Environmental Protection Agency
Export-Import Bank of the United States
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Election Commission
Federal Emergency Management Agency
Federal Reserve System

Federal Trade Commission
Federal Trade Commission's Consumer Line
General Services Administration
National Aeronautics and Space Administration
National Archives and Records Administration
National Credit Union Administration
National Foundation on the Arts and the Humanities
National Endowment for the Arts
National Endowment for the Humanities
National Railroad Passenger Corporation (Amtrak)
National Science Foundation
Nuclear Regulatory Commission
Peace Corps
Pension Benefit Guaranty Corporation
Railroad Retirement Board
Securities and Exchange Commission
Selective Service System
Small Business Administration
Social Security Administration
Tennessee Valley Authority
United States Arms Control and Disarmament Agency
United States Information Agency
United States International Development Cooperation Agency
United States International Trade Commission
United States Postal Service
United States Trade Representative

"Internet access" means access to the Internet and its successors.

"Internet service provider" means a private for-profit or a not-for-profit service provider who acts as a gateway to the Internet and its successors.

"Library" means a city library, a regional library as provided in Iowa Code chapter 256, or a county library as provided in Iowa Code chapter 336, or a library that is part of an authorized user facility and which may be a center for lifelong learning within a community, provides equity of access to information and publications in all formats whether actually stored at the library or off site, to enhance the lives of its customers regardless of age, color, creed, national origin, race, religion, marital status, gender, physical disability or familial status, economic or social status, or location, and is a place for people to gather for meetings, classes and discussion groups.

"Network" means the Iowa communications network, the fiberoptic network owned and leased by the state of Iowa and operated by the commission.

"Part I" means the communications connections between the central switching hub of the network located at joint forces headquarters (JFHQ) armory and the 15 community colleges, the universities governed by the board of regents and Iowa public television and the other regional switching centers for the remainder of the network. These are state-owned facilities.

"Part II" means the communications connections between the Part I regional switching centers and each of the 99 counties located in the state. These are state-owned facilities.

"Part III" means the communication connections between the secondary switching centers and the school districts and libraries and any other private or public agency authorized by the general assembly to connect to the network. Part III consists of primarily leased equipment and telecommunications facilities except that some sites are owned by the state as designated by the general assembly.

"Person" means an individual, corporation, limited liability company, or any other legal entity.

"Private agency" means an accredited nonpublic school, a nonprofit institution of higher education eligible for tuition grants, a hospital licensed pursuant to Iowa Code chapter 135B or a physician clinic to the extent provided in Iowa Code section 8D.13, subsection 16, or the Iowa Hospital Association.

"Public agency" means a state agency, an institution under the control of the board of regents, the judicial department as provided in Iowa Code section 8D.13, subsection 17, a school corporation, a city library, a regional library as provided in Iowa Code chapter 256, a county library as provided in Iowa Code chapter 336, or a judicial district department of correctional services established in Iowa Code section 905.2 to the extent provided in Iowa Code section 8D.13, subsection 15, an agency of the federal government, or a U.S. Post Office which receives a federal grant for pilot and demonstration projects. "Public agency" also includes any homeland security or defense facility or disaster response agency established by the administrator of the homeland security and emergency management division of the department of public defense or the governor, or any facility connected with a security or defense system or disaster response as required by the administrator of the homeland security and emergency management division of the department of public defense or the governor.

"Requesting authorized user" means an authorized user initiating a network video scheduling request regardless of the specific site from which the event originates.

"School" means an accredited nonpublic school, a nonprofit institution of higher education eligible for tuition grants, an institution under the control of the board of regents, or a school corporation.

"State agency" means each board, commission, or department of the executive, legislative, or judicial branches of the state of Iowa and other entities created or authorized by the general assembly.

"State communications" refers to the transmission of voice, data, video, the written word or other visual signals by electronic means but does not include radio and television facilities and other educational telecommunications systems and services including narrowcast and broadcast systems under the public broadcasting division of the department of education, department of transportation distributed data processing and mobile radio network, or law enforcement communications systems.

"Telecommunications facility" means a collection of fibers which originates at an access point and ends at the fiberoptic termination connector attached to other electronic and optronic equipment necessary to transmit voice, video or data transmissions across the fiberoptic network.

"Telemedicine" means use of a telecommunications system for diagnostic, clinical, consultative, data, and educational services for the delivery of health care services or related health care activities by licensed health care professionals, licensed medical professionals, and staff who function under the direction of a physician, a licensed health care professional, or hospital for the purpose of developing a comprehensive, statewide telemedicine network or education.

751—7.2(8D) Internet access provided by the network. The commission may offer Internet access to authorized users as permitted by these rules as one of the services of the network.

751—7.3 Reserved.

751—7.4(8D) Authorized facility connectivity. The following facilities used by authorized users shall be permitted to connect directly to the network.

7.4(1) *Educational facilities.* The following educational facilities may have a direct connection to the network for voice, video and data transmissions including Internet access.

a. Public or private K-12 schools;
b. Public or private school administration facilities;
c. Area education agencies;
d. Local school board offices;
e. Accredited private nonprofit colleges or universities eligible for tuition grants;
f. Regents facilities;
g. Community colleges;
h. Off-site, dedicated classrooms, wherever located;
i. Iowa law enforcement academy;
j. University-affiliated research facilities.

7.4(2) *State agency facilities.* The following state agency facilities may have a direct connection to the network for voice, video and data transmissions including Internet access.

a. State departments, agencies, and field offices;
b. Iowa National Guard facilities;
c. Judicial branch facilities;
d. Community-based correction facilities;
e. Buildings owned or leased by the state;
f. Iowa state fairgrounds;
g. Legislative branch facilities.

7.4(3) *Federal government facilities.* The following federal agency facilities may have a direct connection to the network for voice, video and data transmissions including Internet access.

a. Federal departments and agencies including regional, territorial, zone and state offices;
b. Federal judicial branch facilities;
c. Federal legislative branch facilities;
d. Buildings owned or leased by the federal government.

7.4(4) *U.S. Post Office.* A U.S. Post Office may have a direct connection to the network for voice, video and data transmissions if it receives a federal grant for a pilot or demonstration project.

7.4(5) *Telemedicine connectivity.*

a. The following telemedicine facilities may connect directly to the network for video and data transmissions including Internet access.

(1) Hospitals licensed pursuant to Iowa Code chapter 135B;
(2) Physician clinics to the extent provided in Iowa Code section 8D.13(16).

b. Access is offered to the Iowa Hospital Association for the purposes of collection, maintenance, and dissemination of health and financial data for hospitals and for hospital education services.

7.4(6) *Library connectivity.* The following libraries may connect to the network for voice, video and data transmissions including Internet access.

a. City public libraries;
b. Regional public libraries as provided in Iowa Code chapter 256;
c. County libraries as provided in Iowa Code chapter 336.

7.4(7) *County and local government facilities.* The following county and local government facilities may have a direct connection to the network for voice, video and data transmissions including Internet access.

a. County courthouses or other state judicial facilities to the extent the courthouse or other state judicial facilities are used by state judicial branch employees or its vendors or service providers;
b. The city of Des Moines governmental facilities.

7.4(8) *Emergency services for county and local government facilities.* The following facilities may be connected to the network for data transmissions only:

a. Emergency management facilities;
b. Federal, state and local enforcement agency facilities as provided in Iowa Code section 80.9;
c. Disaster services sites or facilities;
d. Emergency warning sites, facilities, or telecommunications facilities;
e. Other emergency information dissemination service sites, facilities, or telecommunications facilities;
f. Local emergency management offices established under the authority of Iowa Code sections 29C.9 and 29C.10.

751—7.5(8D) Use or access to all services. The following persons may use or access the network for voice, video and data transmissions including Internet access that exist or may be available in the future at the facility of an authorized user if the use is consistent with the written mission of the authorized user allowing access to the network at its site:

1. All students;
2. Faculty and educational staff;
3. Educational board members and staff;
4. School foundation members;

5. Alumni organization members;
6. State and federal employees;
7. State and federal members of boards, commissions, councils, advisory groups and committees;
8. State and federal elected officials;
9. State and federal appointed officials;
10. State and federal judges, judiciary employees, administrative law judges, associate judges, magistrates, referees, mediators and participants;
11. State and federal judicial board or commission members;
12. Employees of the city of Des Moines;
13. Community-based corrections employees;
14. Library employees or volunteer staff members;
15. Library board and staff members;
16. Library users.
17. Persons under the care, control or custody of the department of corrections, judicial district department correctional services, the department of human services, or their agents serving persons under the care, control or custody of the agent.

751—7.6(8D) Use or access to voice and data services. The following persons may use or access the network for voice and data transmissions including Internet access that exists or may be available in the future at the facility of an authorized user if the use is consistent with the written mission of the authorized user and the person or persons are acting on behalf of the authorized user:

1. Alumni of educational institutions;
2. Educational member associations;
3. Parent-teacher organizations, for example, parent-teacher associations, home and school associations;
4. Professional boards where educational employees serve, for example, a university professor serves on the board of the Iowa Association of Economists;
5. State and federal government-sponsored entity employees, for example, Federal Home Loan Bank Board employees, Federal Deposit Insurance Corporation employees;
6. Vendors and service providers;
7. State or federal governmental association members;
8. State or federal governmental employee union members;
9. Other state governmental employees;
10. Professional boards where state or federal employees serve, for example, state employees serving on the Association of Business and Industry;
11. City and county employees;
12. Local elected officials;
13. Local boards, commissions, advisory councils or committees;
14. Fire department employees and staff whether paid or volunteer;
15. Local government associations, for example, League of Cities, ISAC.

751—7.7(8D) Use or access to full motion interactive video services—prerequisites. The full motion interactive video services may be used by certain persons and entities if the use meets the following conditions:

1. The use is within the requesting authorized user's written mission; and
2. A representative of the authorized user is present and participating in the session; or
3. The authorized user has a written contract with the person accessing the network; and
4. The use does not facilitate or enable a private person or entity to use the network for direct pecuniary gain.

7.7(1) *Use or access to full motion interactive video services.* The following persons may access the network for video transmissions at the facility of an authorized user if the use satisfies the conditions outlined above:

a. Alumni of educational institutions;

b. Educational member associations;

c. Parent-teacher organizations, for example, parent-teacher associations, home and school associations;

d. Professional boards where educational employees serve, for example, a university professor serves on the board of the Iowa Association of Economists;

e. State and federal government-sponsored entity employees, for example, Federal Home Loan Bank Board employees, Federal Deposit Insurance Corporation employees;

f. Vendors and service providers;

g. State or federal governmental association members;

h. State or federal governmental employee union members;

i. Other state governmental employees;

j. Professional boards where state or federal employees serve, for example, state employees serving on the Association of Business and Industry;

k. City and county employees;

l. Local elected officials;

m. Local boards, commissions, advisory councils or committees;

n. Fire department employees and staff whether paid or volunteer;

o. Federal, state and local law enforcement employees and staff;

p. Emergency management employees and staff;

q. County sheriff's office employees and staff;

r. Local government associations, for example, League of Cities, ISAC;

s. Patients acting under the direction of a licensed health care professional;

t. Health care employees of facilities that have a contractual agreement with a hospital or physician clinic;

u. Health care employees of facilities that do not have a contractual agreement with a hospital or physician clinic;

v. Medical association members, for example, members of the Association of Iowa Hospitals and Health Systems, members of Iowa Medical Society, members of the Iowa Osteopathic Medical Association, members of the Iowa Chiropractic Society, members of the Iowa Nurses Association;

w. Professional boards on which health professionals serve, for example, a physician serving on the board of the American Cancer Society.

7.7(2) Reserved.

751—7.8(8D) Use or access for home-schooled students with dual enrollment. A home-schooled student with dual enrollment may use the ICN at the school district at which the student is enrolled subject to a written local school district policy for serving home-schooled students with dual enrollment.

751—7.9(8D) Use or access for U.S. Post Office employees. U.S. Post Office employees acting under a contractual pilot or demonstration project may use or access the voice, data, and video services of the network including Internet access if the use or access is part of an authorized or contractual pilot or demonstration project.

751—7.10(8D) Use or access by shared data network users. The following persons may use or access the shared data network described in Iowa Code section 8D.13(19) if the use is for the purpose of establishing and operating a shared data only network providing law enforcement, emergency management, disaster service, emergency warning, and other emergency information dissemination services to federal, state, and local law enforcement agencies as provided in Iowa Code section 80.9, and local emergency management offices established under the authority of Iowa Code sections 29C.9 and 29C.10:

1. Federal, state or local law enforcement personnel;
2. Emergency management personnel;

3. Disaster management site and facility personnel;
4. Other emergency information dissemination personnel;
5. Local emergency management personnel.

751—7.11(8D) Use or access to telemedicine users. The following persons and entities may use or access the network for data and video services including access to the Internet if the use is for telemedicine or educational purposes:

1. Licensed health care professionals or licensed health care professionals who function under the direction of or in collaboration with a physician or a hospital, or both, for example, other doctors, students, nurses, physician's assistants, therapists, clinical social workers, psychologists;
2. Hospital or physician clinic staff members;
3. Professional boards on which health professionals serve, for example, a nurse serving on the board of the American Cancer Society;
4. Patients acting under the direction of a licensed health care professional;
5. Health care employees of facilities that have a contractual agreement with the hospital or physician;
6. Health care employees of facilities that do not have a contractual agreement with the hospital or physician clinic;
7. Employees of health care associations for various health care employees, for example, Association of Iowa Hospitals and Health Systems, Iowa Medical Society, Iowa Osteopathic Medical Association, Iowa Chiropractic Society, Iowa Nurses Association;
8. Professional board members where a health care professional serves as a member of a board, for example, a physician serving on the board of the American Cancer Society.

This chapter is intended to implement Iowa Code sections 8D.2, 8D.3(1), 8D.3(3)*"b,"* and 8D.13(14) to 8D.13(17).

[Filed emergency 7/7/97—published 7/30/97, effective 8/1/97]
[Filed 12/1/04, Notice 10/13/04—published 12/22/04, effective 1/26/05]
[Filed 3/24/06, Notice 2/15/06—published 4/12/06, effective 5/17/06]
[Filed 9/21/07, Notice 6/20/07—published 10/10/07, effective 11/14/07]
[Filed 11/24/08, Notice 8/13/08—published 12/17/08, effective 1/21/09]

CHAPTER 16
IOWA EDUCATIONAL SAVINGS PLAN TRUST

781—16.1(12D) Purpose. The purpose of these rules is to provide for the administration and operation of the Iowa educational savings plan trust.

781—16.2(12D) Definitions. In addition to the terms defined in Iowa Code section 12D.1, the following terms apply to this chapter:

"Academic period" means one semester or one quarter or such other equivalent period as may be defined by the qualified institution of higher education.

"Account" means an account established and maintained under the Iowa educational savings plan trust for a beneficiary.

"Account balance" means the fair market value of an account.

"College savings Iowa" means the name and logo registered under Iowa law to represent the direct-sold Iowa 529 plan under the Iowa educational savings plan trust.

"Iowa 529 plan" means college savings Iowa, the Iowa advisor 529 plan, and any other college savings plan established by the program administrator, collectively, under the Iowa educational savings plan trust.

"Iowa advisor 529 plan" means the name and logo registered to represent the advisor-sold Iowa 529 plan under the Iowa educational savings plan trust.

"Payments" means the money paid by the participant to the trust under the participation agreement.

"Plan" means either (1) college savings Iowa, (2) Iowa advisor 529 plan, or (3) any other college savings plan established by the program administrator under the Iowa educational savings plan trust.

"Program administrator" means the treasurer of state.

"Program description" means the description of each plan provided to participants setting forth information with respect to the plan.

"Qualified higher education costs" means tuition, fees, and the cost of books, supplies and equipment required for the enrollment or attendance of the beneficiary at a qualified institution of higher education. Room and board shall be treated as qualified higher education costs for a beneficiary, subject to maximum annual dollar amounts determined by the program administrator, if room and board are incurred during an academic period in which the beneficiary is enrolled or accepted for enrollment in a degree, certificate or other program that leads to a recognized educational credential (such as a bachelor's degree or an associate's degree) awarded by a qualified institution of higher education. The beneficiary must be enrolled at least half-time for board expenses to be qualified.

"Qualified institution of higher education" means an institution described in Section 481 of the federal Higher Education Act of 1965 that is eligible to participate in the United States Department of Education's student aid programs. State universities in Iowa and other states qualify, as do community colleges and private accredited four-year and two-year colleges. Some vocational and technical schools qualify as well.

781—16.3(12D) Participation agreement and program description. The following material shall be used to administer the Iowa educational savings plan trust.

16.3(1) "Participation agreement" means the form that the participant submits to the program administrator to identify the participant, beneficiary, plan, and other information that may be requested by the program administrator. The participation agreement shall be signed and dated by the participant to verify that the participant agrees to the terms and conditions of the program. For online applications, participants must confirm that they have read the terms and conditions prior to submitting the application.

16.3(2) Each plan will have a program description setting forth the terms of the plan and describing the investments and procedures applicable to that plan. Persons interested in a plan should consult the plan description. A plan description may be changed at any time by the program administrator, and any such change may impact the rights of participants and beneficiaries under the plan.

781—16.4(12D) Forms.

16.4(1) Appropriate forms must be completed in paper, online or via telephone (whichever is applicable for the requested actions) to perform the actions listed. Current forms are available online at www.collegesavingsiowa.com for college savings Iowa and at www.iowaadvisor529.com for the Iowa advisor 529 plan. Actions which require the completion of an appropriate form include the following:

a. Terminate a participation agreement.

b. Transfer ownership rights of an Iowa 529 plan account to another person pursuant to Iowa Code section 12D.6(5).

c. Request the substitution of a beneficiary.

d. Exchange investments.

e. Establish, delete or change automatic investments.

f. Establish, delete or change banking information.

g. Request a qualified withdrawal.

h. Request an allocation update.

i. Request for payroll deduction.

j. Establish, delete or change electronic bank transfer information.

k. Establish, delete or change interested party information.

l. Establish, delete or change successor information.

m. Change E-mail address on file.

n. Change address on file.

o. Request a rollover to another 529 plan.

p. Establish, delete or change power of attorney on an account.

q. Change beneficiary information on an account.

16.4(2) The program administrator may from time to time provide additional forms for use by participants and beneficiaries in connection with actions involving the Iowa 529 plan and will make those forms available online and in paper format.

781—16.5(12D) Participant eligibility. Iowa Code section 12D.3 provides that the trust may enter into participation agreements with participants to effectuate the purposes, objectives and provisions of the trust. This rule establishes the eligibility criteria for a participant.

16.5(1) A participant must be at least 18 years old and a resident of the United States.

16.5(2) A participant shall execute a participation agreement with the program administrator that specifies the plan selected by the participant and the terms and conditions under which the participant shall participate in the trust.

16.5(3) A participant shall, on signing a participation agreement, provide the program administrator with the participant's social security number.

781—16.6(12D) Beneficiary eligibility. A beneficiary of a participation agreement may be designated anytime after birth and assignment of a social security number. This rule establishes the eligibility criteria for a beneficiary.

16.6(1) A beneficiary may be a resident of any state.

16.6(2) A participant shall, on signing a participation agreement, provide the program administrator a valid social security number for the beneficiary.

781—16.7(12D) Payments and payment schedules. Iowa Code section 12D.3(1) states that participation agreements may require participants to agree to invest a specific amount of money in the trust for a specific period of time for the benefit of a specific beneficiary. This rule provides for implementation of this provision.

16.7(1) The program administrator will provide each participant a quarterly statement. Participants are allowed to make contributions at any time during the calendar year provided that each contribution is made in accordance with the minimum contribution and other requirements set forth in the program description.

16.7(2) The program administrator shall actuarially determine an account balance limit applicable to all accounts of each beneficiary. No additional payments may be made on behalf of a beneficiary if the account balances of all accounts held for the beneficiary exceed the applicable account balance limit.

16.7(3) Beginning in 2000 and each year thereafter, the program administrator shall determine the maximum amount that a participant may contribute and deduct from Iowa income taxes pursuant to Iowa Code chapter 422 on behalf of a beneficiary for the calendar year by applying the applicable inflation adjustment. The adjusted annual maximum shall be communicated to participants in Iowa 529 plans and to the public in any reasonable manner determined by the program administrator.

781—16.8(12D) Substitution or change of beneficiary. Iowa Code section 12D.3(3)*"a"* provides that beneficiaries may be changed subject to the rules and regulations of the treasurer of state. This rule establishes the criteria for substituting one beneficiary for another. Beneficiary changes shall also be subject to the procedures set forth in the applicable program description.

16.8(1) At the time of the substitution, the substitute beneficiary must be an eligible beneficiary pursuant to rule 781—16.6(12D) and must be a member of the family of the beneficiary being substituted as defined by the IRS. That definition may be found at Internal Revenue Code Section 529(e).

16.8(2) A participant may request that a beneficiary be substituted by submitting the appropriate form to the program administrator.

781—16.9(12D) Change of participant or account owner. The participant is the initial owner of the account established under an Iowa 529 plan and, as such, has the exclusive right to cancel the participation agreement or change the designated beneficiary in accordance with these rules and the applicable program description.

16.9(1) A participant may transfer the participant's current ownership rights in an account to another eligible individual or to a minor beneficiary. To do so, the participant shall complete the appropriate form.

16.9(2) A participant may also designate on the participation agreement a successor, who shall succeed to the ownership of the account in the event of the death of the participant. A participant may change the designated successor by completing the appropriate form.

16.9(3) In the event a participant or other account owner dies and has not designated a successor to the account, the following criteria will be used.

a. The designated beneficiary, if 18 years of age or older at the time of the participant's death, shall become the owner of the Iowa 529 plan account as well as remaining the beneficiary.

b. If the designated beneficiary is under the age of 18, account ownership will be transferred to the beneficiary's surviving parent or other legal guardian.

16.9(4) The participant may name a successor to the account even though the successor may already have established or may have plans to establish an Iowa 529 plan account.

781—16.10(12D) Payment of benefits and qualified distributions. This rule establishes the procedures for the payment of benefits.

16.10(1) The participant must initiate distributions for qualified or nonqualified expenses. The participant must file the appropriate form with the program administrator.

16.10(2) Benefits will be paid in one of three ways once the request has been received by the program administrator:

a. Directly to the institution of higher education for qualified expenses only.

b. Directly to the participant for qualified or nonqualified expenses.

c. Directly to the beneficiary for qualified expenses only.

16.10(3) Each distribution of benefits will be comprised partly of contributions and partly of earnings, based upon the same proportion that contributions and earnings comprise the participant's account at the time of the distribution.

16.10(4) Funds that are distributed to a participant pursuant to this rule shall be reported to the IRS on a 1099Q in the tax year in which such distribution is made. The participant will receive the 1099Q for any distributions made to the participant. The beneficiary will receive the 1099Q for any distributions

made to the beneficiary or institution of higher education. The individual receiving the 1099Q must determine whether the distribution was qualified or nonqualified. Nonqualified distributions may be subject to state and federal taxes and penalties.

16.10(5) A participant may transfer any remaining balance in one account to an existing or new account for another designated beneficiary by completing a new participation agreement with the program administrator.

781—16.11(12D) Withdrawals and cancellation. Iowa Code section 12D.5 provides that any participant may cancel a participation agreement at will. This rule establishes the criteria for withdrawals from or the cancellation of a participation agreement.

16.11(1) A participant may at any time withdraw a portion of the amount in an account or cancel a participation agreement, without cause, by submitting to the program administrator the appropriate form.

16.11(2) If the participation agreement is canceled, the participant is entitled to the amount in the account, subject to any applicable fees and expenses. The balance shall be mailed or otherwise sent to the participant after receipt by the program administrator of the appropriate form.

16.11(3) Funds that are distributed to a participant pursuant to this rule shall be reported to the IRS on a 1099Q in the tax year in which such distribution is made. The participant will receive the 1099Q for any distributions made to the participant. The beneficiary will receive the 1099Q for any distributions made to the beneficiary or institution of higher education. The individual receiving the 1099Q must determine whether the distribution was qualified or nonqualified. Nonqualified distributions may be subject to state and federal taxes and penalties.

16.11(4) Pursuant to Iowa Code section 642.2, funds held by the program administrator under the Iowa 529 plan are not subject to garnishment.

These rules are intended to implement Iowa Code chapter 12D.

[Filed emergency 9/18/98—published 10/7/98, effective 9/18/98]
[Filed emergency 10/15/99—published 11/3/99, effective 10/15/99]
[Filed emergency 1/2/02—published 1/23/02, effective 1/2/02]
[Filed 2/6/08, Notice 1/2/08—published 2/27/08, effective 4/2/08]
[Filed 11/13/08, Notice 10/22/08—published 12/17/08, effective 1/21/09]

HALFWAY HOUSES (WORK RELEASE)
See also SUBSTANCE ABUSE
Admissions **201**—44.1(3), 44.9(1)*c*
Community programs, offender placement **201**—20.17
Discharge **201**—44.7, 44.9(5)
Employment **201**—44.8
Finances, residents **201**—44.4, 44.9(3)
Furloughs **201**—44.5
Home **201**—44.9
Policies **201**—44.1
Records **201**—44.1(5), 44.9(1)*f*
Restitution **201**—44.3, 44.9(2)
Services **201**—44.2
Substance abuse programs **641**—ch 155, *see also PUBLIC HEALTH DEPARTMENT*
Violations **201**—44.6, 44.9(4)

HANDGUNS
See FIREARMS

HANDICAPPED
See DISABILITIES

HATCH ACT
State employees **11**—65.3

HAWK-I (HEALTHY AND WELL KIDS IN IOWA)
See CHILDREN: Health Care

HAZARDOUS SUBSTANCES
See also BIOTERRORISM; CARRIERS; ECONOMIC DEVELOPMENT DEPARTMENT: Brownfield Redevelopment Program; ENVIRONMENTAL PROTECTION COMMISSION; FIRE AND FIRE PROTECTION; LABOR SERVICES DIVISION; PIPELINES
Homeland security/emergency management division **605**—chs 9, 104

HEALTH BOARDS
See PUBLIC HEALTH DEPARTMENT: Boards

HEALTH CARE FACILITIES
See also HOSPITALS; NURSING HOME ADMINISTRATORS
Abuse, *see Personnel: Crime/Abuse, History below; Residents below*
Activities program **441**—81.13(8)*d,f*; **481**—57.23, 58.26, 62.9(3)*f–i*, 63.21, 65.9(3)*d,e*, 65.13, *see also Design/Building Requirements: Recreation Areas below; Residents below*
Administrators
See also Managers, Temporary below
Abuse investigations, *see Investigations below*
Appointment **441**—81.13(19)*d*(2), 82.2(1)*a*(3); **481**—57.9(1,4,5), 58.8(1,4,5), 62.7(1,6), 63.8(1,4,5), 65.7
Assistant **481**—58.8(6), 62.7(2,3), 65.7(2,3)
Care review committee, *see Committee, Resident Advocate below*
Change **481**—57.6(5), 58.5(5), 62.6, 63.5(5), 64.5(5), 65.6(1)*d*
Definitions **481**—57.1, 58.1, 62.1, 63.1
Duties **441**—81.5, 82.10; **481**—57.6, 57.9(2), 57.10(2), 57.11(9), 57.19(1)*b*(11), 57.25, 57.35(8)*b*, 58.5, 58.8, 58.9(2), 58.25(1), 58.28(2), 58.39(9)*b*, 62.7, 62.8(2), 62.15(5)*b*(8), 63.5, 63.8(2,7), 63.9(9), 63.18(1)*b*(11), 63.20, 63.23(2), 63.33(8), 64.5, 65.8, 65.15(10), *see also Investigations: Abuse below*
Guardianship, *see Residents below*
Hours, duty **481**—57.9(2), 58.8(2,7), 62.7(4), 63.8(2,3), 65.7(3)

Licensees **481**—57.9(3), 58.8(3), 62.7(5), 63.8(3), *see also Licensees, Duties below*
Licensure **283**—37.1; **645**—140.1, 140.4, chs 141, 145, *see also NURSING HOME ADMINISTRATORS*
Nurse supervision **481**—58.11(2)
Qualifications **481**—57.4, 57.9(1,3,5), 57.11(9), 57.12, 58.8(1,3,5), 58.11, 62.7, 63.8(1,3,5), 63.9(9), 63.11, 65.7
Substitute/provisional **481**—57.9(4,5), 58.8(4,5), 62.7(6), 63.8(4,5), 65.7(5,6)

Admission **441**—81.3, 81.5(2), 81.13(6,9), 82.2(4)*b*, 82.6; **481**—57.6(1), 57.13, 57.15(2,7), 57.16(1), 57.35(2), 58.1, 58.5(1), 58.12, 58.14(2,7), 58.15, 58.39(2), 58.54(4)*a*, 62.6, 62.10, 62.11(1), 62.23(3), 63.5(1), 63.13(1), 63.15(2,7), 63.17, 63.33(2), 64.5(1), 64.6, 65.10, *see also Contracts below; Residents: Orientation below*
Air conditioning **481**—57.27(7), 58.32(7), 63.25(7), *see also Design/Building Requirements below*
Alarms **481**—60.12(6)*f*, 61.11(3)*l*, 61.12(5), 61.12(10)*e*, *see also Nurses: Call System below*
Ambulatory **661**—205.1, 205.20, 301.3(1)*d*
Animals/birds **481**—57.21(4)*p*, 57.32, 58.24(7)*n*, 58.37, 62.21(7), 63.19(4)*p*, 63.30, 65.23(7)
Appeals, *see Hearings below*
Architects **481**—60.3(5)*c*, 61.3(4)*c*
Audiology **441**—81.10(5)*c*, 82.2(3)*b*(5)"7"; **481**—58.22(2)
Audits **441**—54.3(1), 54.5(4), 54.8, 79.3(4)*d*, 81.4(3), 81.14, 82.9, 82.17; **481**—5.12(2), ch 22
Award, quality care **441**—ch 54
Bedrooms, *see Design/Building Requirements below*
Beds
See also Design/Building Requirements below
Certificate of need **641**—chs 202, 203
Linens/blankets **441**—81.13(18)*d*(2), 82.2(7)*b*(4); **481**—57.17(1), 57.26(8), 57.30(4), 57.34, 58.16(1), 58.31(8), 58.35(4), 58.38(1,3), 62.19(11)*d*, 62.21(1), 63.12(1), 63.24(8), 63.28(4), 63.32(1)
Locations **481**—57.30(4)*g,i,j*, 58.35(4)*g,i,j*, 60.5(6)*j,k,n*, 61.5(7)*b,j,k*, 63.28(4)*g,i,j*, 65.23(3)*i,j*
Number **441**—81.13(18)*d*, 82.2(7)*b*; **481**—57.13(1)*b–d*, 58.12(1)*c,d*, 60.5(1,6,9), 61.5(7)*j*, 63.13(1)*b–d*
Retention **441**—52.1(3)*f*, 81.10(4)*e*, 81.10(5)*e*; **481**—57.14(7), 58.13(7), 62.17(2)*j*, 63.14(7), 64.17(7), 65.19(2)*j*, 65.19(4)
Specifications **441**—82.2(7)*b*(4); **481**—57.30(4), 58.35(4)*a,b*, 63.28(4)

Blind/deaf **441**—50.1, 50.2(1), 82.2(7)*a*(2); **481**—57.35(6)*b,e*, 58.39(7)*b,d*, 62.23(3)*b,d*, 63.33(6)*b,e*, 65.25(2)*b*
Buildings, *see Design/Building Requirements below*
Businesses/activities **481**—57.50, 58.55, 62.25, 63.49, 64.62, 65.29
Capital expenditures **641**—ch 202
Certificates of need, *generally* **641**—chs 202, 203
Charges, *see Fees, Residents below*
Children **481**—57.13(1)*j*, 57.31, 58.12(1)*j*, 58.36(1), 62.10"9," 63.13(1)*j*, 63.29(1), 65.10"9"
Chronic confusion/dementing illness (CCDI), unit/facility **481**—58.54
Closure **441**—81.12, 81.36(4), 81.45, 81.52(4)*a*(2), 82.16; **481**—57.6(4), 58.5(4), 58.15(5), 62.18(4), 63.5(4), 63.17(3), 64.5(4), 65.6(1), *see also Sale/Lease below*
Committee, resident advocate **321**—ch 9; **481**—57.24, 57.37(3), 58.27, 58.41, 62.22, 62.23(9), 63.22, 63.35(3), 64.35, 65.2(2)*f,g*, 65.24, 65.25(10), *see also Ombudsman below*
Communication system **481**—60.12(5), 61.12(9)
Complaints **321**—ch 9; **481**—57.24, 58.27, 62.9(4)*b*, 62.22, 62.23(2), 63.22, 64.35, 65.9(4)*b*, 65.24, *see also Residents below*
Compliance **441**—ch 81 Div. II; **481**—63.47(1)*a*, *see also Investigations below*
Construction **441**—ch 162, *see also Design/Building Requirements below*
Consultants **441**—81.13(16)*b,f*, 81.13(19)*g,h*; **481**—57.40(1), 58.24(2)*e,f*, 58.24(2)*b*(1), 58.44(1), 62.9(1), 62.18(2)*a*, 63.38(1), 64.18(2)*a*, 65.9(1)*a*, 65.20(2)*a*, *see also Nurses below*
Contracts **441**—54.1, 82.3, 82.9, 162.6; **481**—57.14, 57.35(7), 57.51(3), 58.13, 58.15(3), 58.24(1), 58.39(8), 58.56(4), 62.17(2), 62.26(3), 63.14, 63.33(7), 63.50(3), 64.17, 64.63(3), 65.19(2–4), 65.30(3)
County care facilities **441**—151.22(2)*b*(8); **481**—57.13(1)*l*, 57.35(9), 57.49, 58.53, 62.16(6), 62.24, 63.13(1)*l*, 63.48, 64.59, 65.18(5), 65.27

Deaf, *see Audiology above; Blind/Deaf above*
Definitions **481**—54.2, 57.1, 58.1, 60.1, 62.1, 63.1, 63.47(8,9,11–13), ch 64 guidelines, 65.1; **641**—202.1; **661**—205.1, 205.100
Dental services **441**—78.4(10), 81.10(5)*d*, 81.13(15), 82.2(6)*e–h*; **481**—57.20, 58.15(2)*f,l*, 58.23(1), 62.19(6), 63.16, 65.21(7)
Design/building requirements
Generally **481**—57.30(1), 58.35(1), chs 60, 61, 63.28(1)
Administrative/staff areas **481**—60.8, 61.8
Air conditioning **441**—82.2(7)*e*; **481**—60.11(2,3), 60.13(2), 61.11(3), 61.14
Barber/beauty shops **481**—60.6(6), 61.6(5)
Bathrooms **441**—82.2(7)*d*; **481**—57.30(5), 57.31(3), 58.36, 60.4(8,11), 60.5(8), 60.11(3) Table 2, 61.4(8,11), 61.5(1,7–9), 61.11(3) Table 2, 63.28(5), 63.29(3,4), 65.23(4), *see also Toilets below*
Bedrooms **441**—81.13(18)*d*, 82.2(7)*b,c*; **481**—57.30(1,4), 58.35(1,4), 60.5(6), 61.5(7), 62.21(3), 63.28(4), 65.23(3,6)
Ceilings **481**—60.4(18–20), 61.4(18–20)
Closets **481**—57.30(1)*a,i*, 57.30(4)*h*, 58.35(4)*h*, 60.4(9), 60.5(6)*d,g*, 60.7(2)*r*, 60.7(3), 60.7(4)*d*(6), 60.8, 60.11(3) Table 2, 61.4(9), 61.5(7)*d,e*, 61.7(3), 61.7(4)*f*, 61.11(3) Table 2, 63.25(10), 63.28(1,4)
Codes/standards, *see Standards below*
Corridors **441**—81.13(18)*h*(3); **481**—60.4(2,5), 60.4(20)*a*, 61.4(2,5), 61.4(20)*a*
Decks/porches **481**—57.33, 60.3(4)*c*, 60.4(15), 61.3(3)*c*, 61.4(15), 63.31
Dining/living areas **441**—81.13(18)*g*; **481**—60.4(19), 60.6(1,4), 61.4(19), 61.6(1,4), 61.7(2)*b*, 61.13(4), *see also Dining/Living Rooms below*
Disabilities **481**—60.3(7), 60.5(8)*f,j*, 60.6(5), 60.9, 60.13(2), 61.3(3)*e*(3), 61.3(7), 61.4(4,11,23), 61.5(9), 61.9, 61.14; **661**—302.7, *see also Disabilities below*
Doors/exits
Generally **481**—57.3(1)*d*, 57.3(2)*d*, 58.3(1)*d*, 58.3(2)*d*, 60.5(6)*d*, 61.5(7)*i*, 63.28(1)*n*
Alarms **481**—61.12(5)
Divided **481**—57.25(4), 58.43(4), 58.43(7)*j,k*, 63.23(4), 65.15"1"
Food service, *see Service Areas: Dietary this subheading below*
Glass **481**—57.30(1)*g*, 58.35(1)*g*, 60.4(21), 61.4(21), 62.21(9), 63.28(1)*g*, 65.23(9)*c*
Lighting **481**—60.12(6)*e*
Ramps **481**—61.4(6)
Screen **481**—57.30(1)*l,m*, 60.4(13,14), 61.4(13,14), 63.28(1)*l,m*
Swing-type **481**—57.30(1), 58.35(1), 58.35(4)*n*, 60.4(9,10,14), 60.5(6)*b,i*, 60.5(7), 61.4(9,10,14), 61.5(7)*i*, 61.5(12)*b*
Width **481**—60.4(2,4), 61.4(2,4)
Drainage, foundation **481**—60.3(9), 61.3(9)
Drinking fountains **481**—60.4(3), 60.9, 60.11(4)*e*, 61.4(3)
Electrical/mechanical **441**—81.13(18)*b*; **481**—60.3(5)*c*, 60.4(19), 60.7(6)*a*, 60.11, 60.12, 60.13(2), 60.14, 61.4(19), 61.11, 61.12, 61.14, *see also Lighting below*
Elevators, *see Service Areas this subheading below*
Energy conservation/management **565**—ch 6
Fans **481**—57.30(1)*f*, 58.35(1)*f*, 60.4(17), 61.4(17), 61.11(3)*a*, 63.28(1)*f*
Fire safety **441**—81.13(18)*a*, 82.2(7)*j*; **481**—60.3(5)*c–e*, 60.4(14,15,22), 60.7(6)*d*, 60.11, 60.12(6)*e,f*, 60.13(2), 61.3(4)*e*, 61.3(10), 61.4(14,15,22), 61.5(12)*h*, 61.7(10)*c*(3), 61.11(2), 61.11(3)*m,n*, 61.12(10)*d,e*, 61.13(1), 61.14; **661**—ch 5 Table 8-A p.31, 205.1, 205.10, 205.15, 205.20, 205.100, 301.3(1), *see also Storage: Flammable Materials below*
Floors **441**—82.2(7)*f*; **481**—60.4(18,19), 61.4(18,19)
Food service, *see Service Areas this subheading below*
Handicapped, *see Disabilities this subheading above*
Hazards **481**—60.3(12), 60.4, 60.12(3), 61.12(7)*e*, *see also Hazards below*
Heating **481**—57.30(1,6), 58.35(1,5), 60.4(16), 60.11(1,3), 60.12(1)*c*, 60.12(6)*g*, 60.13(2), 61.5(12)*h*, 61.11(3), 61.12(2), 61.12(10)*f*, 61.14, 63.28(1)*e*, 63.28(6), *see also Service Areas: Boilers/Mechanical Equipment this subheading below; Heating System below*

Inspections **481**—60.3(5)*f*, 61.3(5)
Insulation **481**—60.4(22), 60.11(2), 61.4(20)*e*, 61.4(22), 61.11(2)
Laundry, *see Service Areas this subheading below*
Medication room **481**—60.5, 60.8
Mirrors **481**—60.4(11), 60.7(2)*f*, 61.4(11)
Noise reduction **481**—60.4(19), 61.4(19)
Partitions **481**—57.30(1)*i*, 58.35(1)*i*, 60.4(19), 60.5(6)*g*, 61.4(19), 61.5(7)*h*, 63.28(1)*i*
Plans/drawings/specifications **481**—57.3(1)*d*, 57.3(2)*d*, 58.3(1)*d*, 58.3(2)*d*, 60.3(5,11), 60.7(2), 61.3(4), 61.7(2), 62.2(1), 63.3(1,2), 64.3(1,2), 65.2(1)
Plumbing **481**—60.7(3)*d*, 60.11(4), 60.13(2), 61.11(4), 61.14, 63.28(8), *see also Service Areas this subheading below; Toilets this subheading below*
Recreation areas **481**—57.33(2), 58.36(5), 60.3(4)*c*, 60.6, 61.3(3)*c,d*, 61.6, *see also Dining/Living Areas this subheading above*
Service areas
Generally **481**—60.4(19), 60.7, 61.7
Boilers/mechanical equipment **481**—60.4(19,20), 60.7(6)*a*, 60.11(1,2), 61.4(19,20), 61.11
Care units, nurses **481**—61.5
Dietary **481**—60.7(2), 60.11(3) Table 2, 61.4(19), 61.7(2), 61.11(3) Table 2
Elevators **481**—60.4(19), 60.10, 60.12(6)*e,f*, 61.4(19), 61.10
Janitor's closet **481**—60.7(1,3), 61.7(3)
Laundry **481**—60.4(19), 60.7(1,4), 60.11(3) Table 2, 61.4(19), 61.4(20)*e*, 61.7(4–8), 61.11(3) Table 2
Stations, attendants **481**—57.30(9), 63.28(9)
Sewage systems **481**—57.30(8), 60.3(9), 60.11(4)*f*, 60.12(6)*f*(3), 61.11(4)*d*, 63.28(8)
Site **481**—57.33, 60.3(4,5), 61.3(3), 61.3(4)*b*, 63.31
Stairways **481**—57.30(1)*j,k*, 60.4(5)*c*, 60.4(6,7), 61.4(5–7), 63.28(1)
Standards, *see Standards below*
Toilets **441**—81.13(18)*e*, 82.2(7)*d*; **481**—57.30(5), 57.31(3), 58.36, 60.4(4,8,11), 60.5(1,7,8), 60.7(2)*k*, 60.8, 60.11(3) Table 2, 61.4(4,8,11), 61.5(1), 61.5(7)*l,n*, 61.5(9)*b,j,k*, 61.7(2)*k*, 61.7(8), 61.8, 61.9, 61.11(3) Table 2, 61.13(6), 62.21(4,6), 63.28(5), 63.29(3,4), 65.23(4)
Vending machines **481**—60.4(3), 61.4(3)
Ventilation **441**—81.13(18)*h*(2), 82.2(7)*e*; **481**—57.30(1)*i*, 58.35(1)*i*, 60.4(8), 60.5(6)*c,g*, 60.5(7), 60.5(8)*e*, 60.7(2)*n,p*, 60.11(3), 61.5(7)*c,h*, 61.5(8)*d*, 61.5(9)*d*, 61.5(12)*m*, 61.7(2)*o*, 61.11(3), 63.28(1,5)
Windows **441**—81.13(18)*d*, 82.2(7)*b*(2), 82.2(7)*e*; **481**—57.3(1)*d*, 57.3(2)*d*, 57.30(4)*p*, 57.30(5)*h*, 58.3(1)*d*, 58.3(2)*d*, 60.4(8,13,21), 60.5(6)*c*, 61.4(8,13,21), 61.5(7)*c,k*, 61.5(12)*k,l*, 63.28(4)*p*, 63.28(5)*h*
Diabetics **481**—58.23(2)*g*, *see also Drugs: Insulin below*
Diagnostic/radiologic service **441**—81.13(19)*k*
Disasters **481**—50.7(2), *see also Emergencies below*
Dining/living rooms **441**—81.13(18)*g*; **481**—57.30(3), 58.35(3), 63.28(3), 65.23(5), *see also Design/Building Requirements above; Food Service below*
Disabilities **441**—82.2(4)*c*(6)"5," 82.2(7)*a*; **481**—57.4, 57.17(10), 58.35(3,7), 63.47, *see also Design/Building Requirements above; Personnel below*
Discrimination **441**—81.13(4); **481**—57.36(2)*b*, 58.40(2)*b*, 62.10(5), 62.23(8), 63.34(2)*b*, 64.36(2)*b*, 65.16(2)*b*
Diseases/infections **441**—81.13(17), 82.2(6)*a*(3), 82.2(6)*c*(5)"2," 82.2(7)*l*; **481**—57.1, 57.11(8,10–12), 57.12(1)*c*, 57.21(5), 58.1, 58.10, 58.11(1), 58.24(8), 58.54, 62.9(2), 62.19, 63.1, 63.9(3,8,10–12), 63.11(1), 63.19(5), 65.21(4,6); **641**—1.11, *see also DISEASES*
Distinct parts **441**—81.13(3), *see also Licenses below*
Drugs
See also Pharmacists/Pharmacies below
Addiction/abuse **481**—57.1, 57.12(1), 58.1, 58.11(1), 62.11(5)*c*, 63.1, 63.11(1)
Administration **441**—81.13(5)*n*, 82.2(6)*k*; **481**—57.16(1)*p,q*, 57.19(2,3), 58.11(1)*i*, 58.15(2)*h,i*, 58.19(2), 58.21(6–8,11), 58.21(14)*o,p*, 58.21(15), 62.15(2,6–8), 63.18(2,3), 64.4(9), 65.17(1), 65.17(5)*h,j*, 65.17(6)
Antipsychotic **441**—81.13(10)*l*

Controlled substances **441**—81.13(16)*e*(2), 82.2(6)*l*(3–5); **481**—57.19(1)*b*(5,12), 57.19(2)*h*,*i*, 57.19(3)*j*, 58.15(2)*i*(2), 58.21(1)*e*, 58.21(9), 58.21(14)*j*,*k*, 58.21(15)*b*, 62.15(2)*l*, 62.15(5)*b*(9), 62.15(6)*d*, 62.15(8), 63.18(1)*b*(4), 63.18(2)*h*,*i*, 63.18(3)*k*, 65.17(5)*d*, 65.17(7); **657**—ch 10, 23.17–23.21

Definitions **481**—57.1, 58.1, 63.1

Dilution/reconstitution **481**—58.21(13)

Disposal **481**—57.19(2), 58.21(14)*j*,*k*, 63.18(2)*e*,*h*,*i*, 65.17(5); **657**—23.16, 23.21

Distribution **481**—57.19(2)*m*, 57.47, 58.21(11), 58.51, 62.15(7), 62.23(21), 63.18(2)*m*, 63.45

Emergencies **441**—81.13(16), 82.2(6)*i*; **481**—58.21(12,13); **657**—10.35(1)*c*, 22.7, 23.4"6," 23.5

Fees **481**—57.14(2)*d*, 58.13(2)*d*, 62.17(2)*f*, 63.14(2)*d*, 64.17(2)*d*, 65.19(2)*f*

Immunizations **657**—23.9(4)

Inspections **481**—57.19(1)*b*(11), 58.21(12,13), 62.15(5)*b*(8), 63.18(1)*b*(11), 65.17(4)*a*(8)

Insulin **481**—57.19(3)*i*, 58.21(15), 62.15(2)*k*, 63.18(3)*j*

Labels/containers **441**—81.13(16)*d*, 82.2(6)*m*; **481**—57.19(2), 58.21(11,13,14), 58.51, 62.15(6,7), 63.18(2), 65.17(5), 65.17(6)*a*; **657**—23.7, 23.11, 23.13, 23.14, 23.16

Medical assistance providers **441**—79.1(8)*f*, 81.10(5)*d*, 81.13(16), 82.2(5)*e*, 82.2(6)*i–m*

Medication aides **481**—57.19(3)*c–f*, 58.21(6), 58.54(6)*b*, 62.15(2)*c–f*, 63.18(3)*c–g*, 64.4(9), 65.17(1)*c–e*

Orders **481**—57.16(1)*l*, 57.19(2)*d*,*j*,*l*, 58.21(14)*q*, 62.15(1), 62.18(1)*l*, 65.17"1,3," 65.17(5)*h*,*i*, 65.20(1)*l*; **657**—23.1, 23.5(1), 23.9, 23.10, 23.11(2), 23.18, 23.20

Reactions **441**—82.2(6)*k*(8); **481**—58.21(10), 62.15(3)*d*, 65.17(2)*d*

Records/reports **441**—78.1(2)*c*, 81.9, 82.2(6)*j*, 82.2(6)*k*(8), 82.2(6)*l*(3); **481**—57.16(1), 57.19(1)*b*, 57.19(3)*i*,*j*, 58.15(2)*e*,*h*,*i*, 58.21(7–9,12,14), 58.21(14)*p*, 58.21(15), 62.11(5), 62.15(2,3), 62.15(5)*b*(8), 62.18, 63.17(1), 63.18(1)*b*(11), 63.18(2)*e*,*k*, 63.18(3)*k*, 65.17(2), 65.20(1)*l*; **657**—23.9(4), 23.17, 23.20, 23.21

Repositories, prescription donation **641**—ch 109

Restraints **441**—81.13(7)*a*, 82.2(5)*e*; **481**—57.35(3), 57.39(3), 58.39(4), 58.43(3), 62.13(3), 63.33(3), 63.37(3)

Safeguards **481**—57.19(1,2), 58.21(14), 62.15(6), 63.18(2), 65.17(5)

Storage **441**—81.13(16)*e*, 82.2(6)*l*; **481**—57.19(1), 58.21(1–5,12–14), 60.5(4), 60.8, 61.5(4), 62.15(5), 63.18, 65.17(4), 65.17(5)*a*

Unit dose dispensing system **657**—ch 22

Electrical systems **481**—57.27(5), 58.32(5), 63.25(5), *see also Design/Building Requirements above; Lighting below*

Elevators **481**—57.17(10)*b*, 58.35(7), *see also Design/Building Requirements: Service Areas above*

Emergencies **441**—81.13(13)*d*, 81.13(18)*b*, 81.13(19)*m*, 82.2(7)*h–j*; **481**—50.7(6), 57.25, 57.30(1)*b*, 57.36(1)*c*,*m*, 57.36(2)*d*, 58.28, 58.40(1)*c*,*n*, 58.40(2)*d*, 58.54(4)*b*, 60.12(6)*f*, 61.12(10)*e*, 62.7(3)*g*, 62.9(1)*f*, 62.14(2)*d*, 62.14(4)*a*, 62.19, 62.21(9), 63.23, 63.34(1)*c*,*m*, 63.34(2)*d*, 64.36(1)*c*,*d*,*n*, 64.36(2)*d*, 65.9(2)*c*, 65.16(2)*d*, 65.16(4), 65.16(6)*k*, 65.21(2,3,9), 65.23(9), *see also Drugs above; Residents: Restraints below*

Employees, *see Food Service below; Nurses below; Personnel below*

Engineers **481**—60.3(5)*c*, 61.3(4)

Equipment, *see Supplies/Equipment below*

Evacuation plan, *see Emergencies above*

Families **441**—82.2(2)*c*; **481**—57.31, 57.46, 58.36, 58.50, 62.21(6), 63.29, 63.44, 65.23(6), *see also Residents: Visitors below*

Federal requirements, *see Standards below*

Fees, residents **441**—52.1(3), 81.14; **481**—57.14, 57.35(7), 57.36, 58.13, 58.39(8), 58.40, 62.17(2), 63.14, 63.33(7), 63.34, 64.17, 65.19(2), *see also Financial Assistance below*

Financial assistance

See also Records/Reports below

Certificate of need **641**—203.5

County reimbursement, court-ordered care **441**—151.22(2)*b*(8)

Grants **441**—ch 162

Loan program **265**—ch 6

Medical, *generally* **441**—chs 75–82; **481**—ch 73, *see also HUMAN SERVICES DEPARTMENT: Medical Assistance (Medicaid) subheadings Intermediate Care Facilities; Nursing Facilities; Residential Care Facilities*
State supplementary **441**—chs 50–52, 54

Fire safety **481**—50.7(7), 57.25(1–3), 58.28, 62.19(7), 63.23(1–3), 65.21(8), *see also Design/Building Requirements above; Emergencies above; Licenses: Application below; Nursing Facilities below; Storage below*
First aid **481**—57.34(2), 58.38(2), 62.19(3), 63.32(2), 65.21(3)
Food service
Contracts **481**—58.24(1)
Dietitians/menus **441**—81.13(12), 82.2(3)*b*(5)"9," 82.2(8); **481**—57.21(2), 58.24(2–4), 62.20, 63.19(2), 65.22(1)
Dining area **441**—81.13(18)*g*, 82.2(8)*d*; **481**—57.21(4)*c*, 58.24(7)*c*, 60.7(2)*c*, 61.6, 61.7(2)*b*, 62.20(4)*c*, 63.19(4)*c*, 65.22(3)*b*, *see also Dining/Living Rooms above*
Employees **441**—81.13(12)*b*, 82.2(8); **481**—57.6(1), 57.21(1,5), 58.5(1), 58.11(1)*f*, 58.24(1,2,4,8,9), 62.6, 62.20(1,5), 63.5(1), 63.19(1,5), 64.5(1), 65.6, 65.22, *see also Design/Building Requirements: Service Areas: Dietary above*
Equipment **441**—81.13(12)*g*, 82.2(8)*d*(3); **481**—57.21(4), 58.24(7), 60.7(2), 60.11(3)*p,q,* 61.7(2), 63.19(4)
Inspections **481**—1.5, 58.24(1)
Mealtime **441**—81.13(12), 82.2(8)*b*; **481**—57.21(2)*c*, 58.24(3)*c*, 62.20(2)*c*, 63.19(2)*c,* 65.22(1)
Plumbing/piping systems **481**—60.11(4)
Preparation **441**—82.2(8)*a*(6), 82.2(8)*c*; **481**—57.21(3,4), 58.24(5,7), 62.20, 63.19(3,4), 65.22(2)
Sanitation **441**—81.13(12)*h*; **481**—57.21(3,4,6), 58.24(5–7), 60.7, 61.14, 62.20(4,5), 63.19(3–6), 65.22(3)
Shared facilities **481**—57.8(2)*e*, 58.7(2)*e*, 62.3(2)*e*, 63.7(2)*e*, 64.7(2)*e,* 65.3
Storage **441**—81.13(12)*h*; **481**—57.21, 58.24(6,7), 60.7(2)*g–j,o,p*, 60.7(5)*c*, 60.11(3)*g*, 61.7(2)*f,g*, 61.11(3)*g*, 62.20(3), 63.19(3,4), 65.22(2)
Supplies **481**—57.21(3,4), 58.24(6), 62.20(3)*d*, 63.19(3), 65.22(2)
Ventilation **481**—60.7(2)*p*, 60.11(3)*q*, 61.11(3)*g*

Furnishings **441**—81.13(5)*l*, 82.2(7)*b*(4); **481**—57.30, 58.35, 62.21, 63.28, 65.23(9)
Garbage **481**—57.21(4)*k*, 57.26(13), 57.29, 58.24(7)*j*, 58.31(3), 58.34, 60.7(2)*j*, 61.7(2)*j*, 62.21(2), 63.19(4)*k*, 63.24(13), 63.27, 65.23(2)
Grants/loans, *see Financial Assistance above*
Group homes, loans **265**—ch 6
Guidelines, interpretive (federal) **481**—ch 64 [**483.410(b)** et al.]
Handicapped, *see Disabilities above*
Hazards **481**—57.23(4)*c*, 57.26, 57.30, 58.26(4)*c*, 58.31, 58.35, 58.54(4)*b*, 60.6(5)*c*, 61.6(3)*c*, 62.13(10)*d*, 62.19(10), 63.21(5), 63.24, 63.28, 65.15(10)*g*, 65.21(11), *see also Design/Building Requirements above; Residents: Safety below*
Health facilities council **641**—202.8(1)*d*
Health maintenance organizations (HMOs) **191**—40.5(4)
Health services supervisor **481**—58.11(1,2), 58.20, 58.21(13,15)
Hearings/appeals **441**—81.16(6,7), 81.18(1)*c*, 81.18(2)*f*, 81.47, 81.49, 81.51, 81.52, 82.7(4); **481**—1.6"7," 50.5(2), 50.6, 57.36, 58.40, 62.14(4), 63.34, 64.36(1)*d,e,f,h*, 65.16(6)
Heating system **441**—82.2(7)*e*; **481**—57.27(7), 58.32(7), 63.25(7), *see also Design/Building Requirements above*
Hospitals
Nursing facilities **441**—78.3(6,16), 79.1(2)p. 6, 81.6, 81.10(4)*b*, 81.13(3)*b*, 81.20(1), 85.41–85.46
Service agreements **441**—81.13(19)*n*; **481**—57.11(7), 58.10(7), 58.23(2), 63.9(7), 64.4(6)

Housekeeping **441**—81.13(8)*h*; **481**—57.26, 58.11(1)*f*, 58.24(2)*d*, 58.31, 58.54(6)*b*, 62.21, 63.24, 65.23(1,2,8), *see also Food Service: Sanitation above; Maintenance below; Storage below*
Human services department authority, *see County Care Facilities above; Financial Assistance above*
Inspections **481**—1.12, 50.1, 63.3(4), ch 66; **661**—5.5(2), *see also Design/Building Requirements above; Drugs above; Food Service above; Heating System above; Investigations below; Maintenance below; Records/Reports below*
Insurance, residents **191**—36.4(3–5), 36.6(1)*g*, 37.4, 37.15(4), ch 39, *see also Financial Assistance above; INSURANCE: Long-Term Care*

Intermediate care, *generally* **441**—75.1(5–7), 75.5, 75.9, 75.24(3)*b*(4), 77.30(5), 78.1(9), 78.10(4)*b*, 79.1(2) p.5,9, 79.14(1), ch 82; **481**—chs 22, 50, 54, 64, 65; **661**—205.1, 205.15, 301.3(1)*c*

Investigations

Generally **321**—ch 9; **481**—1.12, 57.24, 58.27, 62.9(4)*b*, 62.22, 62.23(2)*b*, 63.22, 64.35, 65.9(4)*b*, 65.24

Abuse **441**—81.13(7)*c*, 81.16(6), 82.2(2)*d*(3,4); **481**—57.39(4,5), 58.43(9,10), 62.23(24), 63.37(4,5), 64.33, 65.25(4), *see also Personnel: Crime/Abuse, History below*

Clinical, federal compliance **481**—57.35(8)*d*, 58.39(9)*e*, 62.23(5), 63.33(8)*d*, 65.25(7)

Laboratories **441**—81.13(19)*j*, 82.2(6)*n*

Laundry/linens **441**—54.4(3); **481**—57.21(4)*n*, 57.28, 57.34, 58.24(2)*d*, 58.31(15,17), 58.33, 58.38(1), 62.19(11), 62.20(4)*g*, 63.19(4)*n*, 63.26, 63.32, 65.21(12), *see also Design/Building Requirements: Service Areas above; Licenses: Distinct Parts below*

Leases, *see Sale/Lease below*

Licensees, duties **481**—57.2, 57.6(7,8), 57.10(1), 57.13(1)*j*, 57.16(1,4), 57.25, 58.5(7,8), 58.9(1), 58.12(1)*j*, 58.15(6), 58.28, 62.4, 62.6, 62.8, 62.18, 62.19(8), 63.2, 63.5(7,8), 63.8(6), 63.13(1)*j*, 63.17(1,4), 63.23, 64.2, 64.5(7,8), 65.4(1), 65.6, 65.20, 65.21(8), *see also Administrators above; Committees above*

Licenses

See also Sale/Lease below

Administrators, *see Administrators above*

Application **481**—50.3, 57.3, 57.30(7)*b*, 58.3, 58.35(6)*b*, 62.2, 63.3, 63.28(7)*b*, 64.3, 65.2

Category change **481**—57.3(3), 57.6(6), 58.3(3), 58.5(6), 62.2(2), 62.6, 63.3(3), 63.5(6), 64.3(3), 64.5(6), 65.6(1)*e*

Combined facilities, *see Distinct Parts this subheading below*

Compliance, rules **481**—57.49, 58.53, 60.3(5)*g*(6), 62.24, 63.48, 64.59, 65.27

Denial **283**—37.1; **481**—50.5, 57.30(7), 58.35(6)*c*, 62.21(10), 63.28(7)*c*, 65.23(10)

Display **481**—50.3(4), 57.5, 58.4, 62.5(1), 63.4, 64.4, 65.5

Distinct parts **481**—41.4, 57.1, 57.8, 57.13(1)*j*, 58.1, 58.7, 58.12(1)*j*, 58.54, 62.3, 63.1, 63.7, 63.13(1)*j*, 64.7, 65.3

Expiration **481**—57.5, 58.4, 62.5(4), 63.4, 64.4, 65.5

Hearings **481**—1.6"7," 50.5(2), 50.6

Inspections, *see Inspections above*

Intermediate facilities **441**—82.2; **481**—64.3, 64.4, 64.7, 65.2, 65.3, 65.5

Nursing facilities **441**—81.13(19)*a*, 82.2, 85.41, 162.7(3); **481**—58.3, 58.4, 58.7, 58.35(6)*c*, 61.3(2,4)

Renewal **283**—37.1; **481**—50.3(2), 57.3(3), 57.30(7), 58.3(3), 58.35(6), 62.2(2), 63.3(3), 63.28(7), 64.3(3), 65.2(3), 65.23(10)

Residential facilities **481**—57.3, 57.5, 57.8, 57.30(7)*c*, 60.3(3,5), 62.2, 62.3, 62.5, 62.21(10)*a*, 62.24, 63.3, 63.4, 63.7, 63.28(7)*c*

Respite care exemption **481**—57.51(1), 58.56(2), 62.26(1), 63.50(1), 64.63(1), 65.30(1)

Revocation/suspension **283**—37.1; **481**—ch 8, 50.5, 57.30(7)*c*, 58.35(6)*c*, 58.54(8), 62.21(10), 63.28(7)*c*, 65.23(10)*a*

Separate functions, *see Distinct Parts this subheading above*

Specialized **481**—63.47

Validity **481**—57.5, 58.4, 62.5, 63.4, 64.4, 65.5

Lighting **481**—57.30(1,4), 58.35(1,4), 60.5(6)*c*,*g*, 60.12(3), 60.12(6)*d*,*e*,*j*, 61.5(7)*h*, 61.12(7), 61.12(9)*d*, 61.12(10)*i*, 62.21(9), 63.28(1,2), 63.28(4)*k*,*p*, *see also Design/Building Requirements: Electrical/ Mechanical above*

Loans, finance authority **265**—ch 6

Maintenance **481**—57.26(7), 57.27, 58.31(7), 58.32, 62.19(10), 62.21, 63.24(7), 63.25, 65.23(2,8), *see also Licenses: Distinct Parts above*

Managers, temporary **441**—81.31, 81.34, 81.36, 81.39, 81.56(3)

Medicare/Medicaid, *see Financial Assistance: Medical, Generally above*

Mental illness **441**—81.3(3), 81.13(9)*f*, 85.41–85.46; **481**—chs 41, 54, 57.4, 57.35(9), 58.39(2), ch 62, 63.47, ch 65; **661**—205.15

Mental retardation, *generally* **441**—75.1(6,7), 75.24, 77.30(5), 78.10(4)*b*, 79.1(2)p. 5,6,9, 81.3(3), 81.13(9)*f*, chs 82, 116; **481**—chs 22, 54, 57.4, chs 63, 64, Interpretive Guidelines following **481**—ch 64 [**483.410(b)** et al.]; **661**—205.15

Notices, inspections/appeals department **481**—57.6, 57.9(4), 58.5, 58.8(4), 60.3(5), 61.3(4,5), 62.6, 62.7(6), 63.5, 63.8(4), 64.5, 65.6, 65.7(5), *see also Records/Reports below*

Nurses
See also Design/Building Requirements: Service Areas
Aides **441**—81.1, 81.13(19)*e,f*, 81.16; **481**—57.19(3)*c–f*, 58.11(1), 58.20(7), 58.54(6)*b*, 62.15(2)*c–f*, 63.18(3)*c–g*, 64.4(9)*d*
Call system **441**—81.13(18)*f*; **481**—58.18(4), 60.12(5), 61.5(12)*o*, 61.12(9)
Consultants **441**—82.2(6)*d*(4); **481**—58.11(2)*j*, 58.24(2)*f*
Definitions **441**—81.1; **481**—58.1, 62.1
Drugs, *see Drugs above*
Psychiatric **481**—65.1
Records/reports, *see Records/Reports below*
Restraints, patients **481**—57.39, 58.43(6,7), 63.37, *see also Residents: Restraints below*
Students, challenge examination **481**—57.19(3)*e*, 58.21(6)*d*, 62.15(2)*e*, 63.18(3)*e*, 64.4(9)*c*, 65.17(1)*d*
Supervision/staff **441**—81.13(11), 82.2(6)*d*; **481**—57.15(6), 58.11(1,2), 58.14(8), 58.20, 58.24(9)*c*, 58.54(7), 63.15(6), 65.9(3)*c*; **655**—6.5(1)*b*(1,2)
Training **441**—81.13(16)*f*, 81.13(19)*e*, 81.16, 82.2(6)*c*(5)"3"; **481**—57.19(3), 58.11(1)*i,k*, 62.15(2), 63.18(3), 64.4(9), 65.17(1)
Volunteer program **641**—ch 88

Nursing facilities
Generally **441**—ch 81; **481**—chs 50, 54, 58
Fire standards **441**—81.13(18)*a*; **661**—205.1, 205.10, 301.3(1)*b*, *see also Design/Building Requirements above*
Grants, facility conversion **441**—ch 162
Licenses, *see Licenses above*
Medical assistance, *see Insurance, Residents above; HUMAN SERVICES DEPARTMENT*
Senior living trust fund **441**—chs 161, 162
Standards, physical **481**—ch 61

Occupancy **481**—57.30(1)*h*, 57.31, 58.35(1)*h*, 58.36, 60.3(8), 63.28(1)*h*, 63.29, 65.23(6), *see also Admission above*

Occupational therapy, *see Physical/Occupational Therapy below*

Ombudsman **481**—57.36(1)*f*, 57.37(3), 58.40(1)*f*, 62.9(4)*b*, 62.14(4)*b*, 62.23(9), 63.35(3), 65.9(4), 65.16(6), 65.25(10), *see also ELDER AFFAIRS DEPARTMENT*

Optical services **441**—81.10(5)*d*

Ownership
Change, *see Sale/Lease below*
Nonstate, medical assistance **441**—81.6(16), 81.20

Oxygen **441**—78.10(2)*a*; **481**—57.25(3), 58.19(2)*g*, 58.28(3), 63.23(3)

Parking **481**—60.3(4)*d*, 60.12(3), 61.3(3)*e*, 61.12(7)

Patients, *see Residents below*

Personnel
See also Administrators above; Physicians below
Accommodations **481**—57.31, 58.36, 62.21(6), 63.29, 65.23(6)
Activity coordinator, *see Activities Program above*
Affirmative action **481**—62.9(1)*f*, 65.9(1)*f*
Alcoholism **481**—57.1, 57.12(1), 58.1, 58.11(1), 63.1, 63.11(1)
Continuing education, *see Nurses above; Training below*
Counselors **481**—57.36(1)*l*, 58.40(1)*m*, 62.1, 62.14(4)*b*(9), 63.34(1)*l*, 65.16(6)*h*
Crime/abuse, history **441**—7.1"8," 81.13(7)*c*, 82.2(2)*d*, ch 119; **481**—57.12(3), 58.11(3), 58.15(7)*a*, 62.9(5), 63.11(3), 64.34, 65.9(5)
Definitions **481**—57.1, 58.1, 62.1, 63.1, 65.1
Disabilities **481**—57.12(1)*e*, 58.11(1)*e*, 63.11(1)*e*
Discipline **481**—62.9(1)*h*, 62.9(4)

Drug addiction, *see Drugs above*
Duties, simultaneous **481**—58.24(2)*d*, 62.20(5), 63.19(5)*a*, 65.22(4)
Education, *see Training below*
Evaluation **441**—81.16; **481**—58.20(13), 62.9(1)*c*, 65.9(1)*b*, *see also Crime/Abuse, History this subheading above*
Food service, *see Food Service above*
Health **481**—57.11, 57.12(1), 57.21(5), 58.10(3,4), 58.11(1), 58.24(8), 62.9(2), 63.9, 63.11(1), 63.19(5), 65.9(2)
Hours, duty **441**—82.2(3)*c*,*d*; **481**—57.11(1), 57.12(2), 57.21, 57.23(2), 58.11(2), 58.24(2), 58.26(2), 62.9(3), 62.20(1)*b*, 63.9(9), 63.11(2)*b*, 63.19(1), 63.21(3), 65.9(3)*c*, *see also Administrators above*
Housekeeping, *see Housekeeping above*
Interdisciplinary team **441**—81.13(5)*n*, 81.13(9)*d*(2), 82.2(5)*e*, 82.2(6)*b*, 82.2(8)*d*, 82.6; **481**—58.43(8), 58.54(3)*j*, 62.1, 62.11(4), 62.12(1), 62.18(2)*b*, 63.1, 63.21, 63.47(13), 63.47(14)*i*, 63.47(16), 65.12, 65.20(2)*b*
Job descriptions **481**—57.11(2), 58.10(2), 62.9, 63.9(2), 65.9(1)
Maintenance, *see Maintenance above*
Nurses, *see Nurses above*
Orderlies/attendants **481**—58.11(1)*i*,*k*
Policies **441**—81.13(7)*c*, 82.2(3); **481**—57.11(1,3,6), 58.10(1,3,6), 58.54(4)*d*, 62.9, 62.13(1,5), 63.9(1,3,6), 65.9, 65.14
Records, *see Records/Reports below*
Reduction/loss **481**—57.6(1), 58.5(1), 62.6, 63.5(1), 64.5(1), 65.6
Reports, abuse **481**—57.39(6), 58.43(11), 62.23(25), 63.37(6), 65.25(5), *see also Residents: Abuse below*
Staff qualifications **441**—81.13(19)*f*,*g*, 82.2(3)*a*,*b*; **481**—57.8(2)*d*, 57.12(1), 58.7(2)*d*, 58.11(1), 58.54(4)*d*, 62.3(2)*d*, 62.9(3), 63.7(2)*d*, 63.11(1), 64.7(2)*d*, 65.3, 65.9(3), *see also Food Service above*
Therapists, *see Physical/Occupational Therapy below*
Training **441**—81.34, 81.35(3), 81.44, 82.2(3)*b*,*e*, 82.2(7)*h*,*i*; **481**—57.10(2), 57.11(1), 57.25(2), 57.35(9)*c*, 58.9(2), 58.11(1), 58.24(2), 58.28, 58.54(6), 62.9(1)*f*, 62.13(11), 62.19(8), 63.8(7), 63.9(1), 63.19(1)*a*, 63.23(2), 65.9(1)*f*, 65.9(3)*d*, 65.9(3)*e*(4), 65.15(11), 65.21(9)*b*, *see also Administrators: Qualifications above; Food Service: Employees above; Nurses above*
Uniforms/clothing **481**—57.21(5), 57.26(6), 58.24(8), 58.31(6), 62.20(5)*b*, 63.19(5), 63.24(6), 65.22(4)

Pets, *see Animals/Birds above*
Pharmacists/pharmacies **441**—81.13(16), 82.2(6)*i*,*j*; **481**—57.47, 58.15(2), 58.51, 63.18(1)*c*, 63.18(2)*m*, 63.45, 65.25(17); **657**—chs 22, 23, *see also Drugs above*
Physical/occupational therapy **441**—81.10(5)*c*, 81.13(14), 82.2(3)*b*(5); **481**—58.15(2)*f*,*l*, 58.22, 61.6(1,9), 65.9(3)*d*
Physicians
See also Admission above; Financial Assistance above; Records/Reports: Clinical below
Death, patient **481**—57.16(1)*s*, 58.15(2)*j*, 62.18(1), 63.17(1)*s*, 65.20(1)*p*
Definitions **481**—62.1, 65.1
Designation **481**—57.15(1), 58.14(1), 62.19(1,2), 63.15(1)
Diet orders **441**—81.13(12)*e*; **481**—57.16(1)*l*, 57.21(2)*a*, 58.15(2)*e*,*k*, 58.24(3,4), 62.20(2)*e*, 63.17(1)*l*, 63.19(2), 65.20(1)*l*, 65.22(1)*a*,*b*,*d*
Discharge, patients, *see Residents below*
Diseases, *see Diseases/Infections above*
Drugs, *see Drugs above*
Medical director **441**—81.13(19)*i*
Orders **441**—81.13(14)*b*; **481**—57.15(7), 57.21(2)*c*(2), 57.36(1)*c*(1), 58.23(2), 58.29(6), 62.13(6–8), 62.14(4), 62.18(1)*l*, 64.18(1)*k*, 65.10"2," 65.15, 65.17, 65.20(1)*l*, *see also Diet Orders this subheading above; Drugs above*
Patients, medical condition **481**—57.35(8), 58.39(9), 62.23(4), 63.33(8), 65.25(6)
Plans, care **441**—81.13(13), 82.2(6); **481**—57.35(8), 58.39(9)*d*, 63.33(8), *see also Residents: Care below*
Psychiatrists **481**—62.1
Restraining devices/seclusion, *see Residents below*

Visits, patient **441**—81.13(13); **481**—57.15(6), 58.14(8), 63.15(6), 65.20
Volunteer program **641**—ch 88

Plumbing/pipes, *see Design/Building Requirements above; Maintenance above*
Poisons, *see Storage below*
Policies/programs, *generally* **441**—82.2; **481**—57.10(1)*c*, 57.11, 57.35, 58.9(1)*c*, 58.10, 58.21(11), 58.39, 58.54, 62.11, 62.12, 62.14(1,2), 62.15(7), 62.18(2), 62.20(4)*b*, 62.23, 63.8(6)*c*, 63.33, 65.12, 65.25, *see also Admission above; Personnel above; Residents: Care below*
Psychological services **441**—78.24, 82.2(3)*b*(5)"5"; **481**—62.14(4)*b*(9)
Records/reports
See also Notices, Inspections/Appeals Department above
Generally **441**—81.6, 81.9, 81.13(5)*c*(4), 81.13(19)*l*, 82.13; **481**—50.8(1), 57.16, 58.15, 62.18, 63.17, 64.18, 65.20
Abuse, *see Investigations above; Personnel above*
Admission, *see Admission above*
Annual **641**—ch 204
Audits, *see Audits above*
Case **441**—54.2, 54.6, 82.10(2)
Clinical **321**—8.4(5); **441**—79.3(2), 79.6, 81.13(5)*e*, 82.2(1)*c*, 82.2(6)*h*, 82.9(4)*c*; **481**—57.15, 57.16, 57.19(3)*i*, 57.20, 57.23(3)*c*, 58.14, 58.15(2), 58.22(1), 58.23, 58.26(3)*c*, 58.43(6), 62.13(9–11), 62.14(4)*b*(9), 62.15(3), 62.18(2)*b*, 62.23(20), 63.15–63.17, 63.37, 65.15(10), 65.17(2)
Complaint investigations, *see Investigations above*
Confidentiality **441**—78.16(4), 81.13(5)*e*, 82.2(1)*c*(2); **481**—41.16, 50.8(1), 57.6(7,8), 57.24, 57.35(5), 57.40, 58.5(7,8), 58.27, 58.39(6), 58.44, 62.6, 62.9, 62.14(1), 62.18(2), 62.22, 63.5(7,8), 63.22, 63.33(5), 63.38, 64.5(7,8), 64.18(2), 64.35, 65.20(2)
Cost reports **441**—81.6(17), 82.5(3), 82.5(14)*a–d*
Death **481**—57.16(1)*s*, 58.15(2)*j*, 58.15(2)*h*(4), 63.17(1)*s*, 64.18(1)*o*
Discharge/transfer **441**—81.5, 82.2(4)*b*(4,5), 82.10; **481**—57.13(2)*e*, 57.36, 58.12(2)*e*, 58.15(2)*k*, 58.40, 62.14(1), 63.13(2), 63.34, 64.18(1)*n*,*p*, 64.36(1)*a*,*l–n*, 64.36(2)*a*(3), 65.16
Division, state **481**—50.8
Drugs, *see Drugs above*
Evaluations, *see Residents below*
Finance **441**—54.3, 54.8, 79.3(1), 79.6, 81.4(3), 81.6, 81.9(1)*d*, 81.14, 82.5, 82.9, 82.13(1)*e*, 82.17(1), 162.7; **481**—57.38, 57.40(2), 58.15(3)*a*, 58.26(3)*a*, 58.42, 62.17(1), 62.18(2)*a*, 63.36, 64.18(2)*a*, 65.19(1)*d*, 65.20(2)*a*
Incidents **481**—57.16(2), 58.15(4), 62.18(3), 63.17(2), 64.18(3), 65.20(3)
Menus **441**—82.2(8)*c*(2); **481**—57.21(2)*f*, 58.24(3)*f*, 62.20(2)*h*, 63.19(2), 65.22(1)*g*
Open **481**—50.8(1)
Personnel/payroll **481**—57.10(2), 57.16(5), 58.9(2), 58.15(7), 62.9(1,4), 62.13(11), 63.8(7), 63.17(5), 65.9
Retention **441**—79.3, 81.9(2,3), 82.13(2); **481**—57.16(3), 57.21(2), 58.15(5), 58.24(3,6), 62.18(4), 62.20(2)*h*, 63.17(3), 63.19(2)*f*, 64.18(4), 65.20(4)
Statistics **441**—81.6, 81.14, 82.5, 82.17; **481**—57.16(4), 58.15(6), 62.8(1)*d*, 63.17(4), 65.8(1)*d*
Violations **441**—54.3, 54.8, 56.9(7), 79.6(3), 81.6(1), 81.9(1)*f*(3), 81.13(7)*c*, 81.14, 82.5(1,3), 82.17
Water tests **481**—57.30(7), 58.35(6), 62.21(10), 63.28(7), 65.23(10)

Recreation, *see Activities Program above*
Rehabilitation program, *see Physical/Occupational Therapy above*
Religious activities, *see Residents below*
Research, experimental **441**—81.13(5)*b*(4); **481**—57.35(8), 58.39(9), 62.23(5), 63.33(8), 65.25(7)
Residential care, *generally* **441**—chs 50–52, 54, 114–116, 156.19; **481**—chs 41, 50, 54, 57, 60, 62, 63; **661**—205.100, *see also Assisted Living Programs above; HUMAN SERVICES DEPARTMENT*
Residents
See also Committee, Resident Advocate above
Absence **441**—81.10(4)*d–f*, 81.10(5)*e*, 82.18(3); **481**—57.14(7), 58.13(7), 62.17(2)*j*, 64.17(7), 65.19(2)*j*, 65.19(4), *see also Leaves this subheading below*

Abuse **321**—8.4(4)*b*; **441**—81.1, 81.13(5)*b*(7)"4," 81.13(7), 81.13(19)*c*, 81.16(3)*b*(7)"6," 81.16(5,6), 82.2(2)*a*(5), 82.2(2)*c*(6), 82.2(2)*d*, 176.10(6)*e*; **481**—57.39, 58.43, 62.1, 62.13(2), 62.23(23–25), 63.37, 64.33, 65.1, 65.14, 65.25(3–5), *see also Personnel: Crime/Abuse, History above*

Accidents/incidents **441**—81.13(5)*b*(10), 82.2(2)*c*(6); **481**—50.7, 57.11(6), 57.15(5), 57.16(2), 58.10(6), 58.14(5), 58.15(4), 62.18(3), 63.9(6), 63.15(5), 63.17(2), 64.18(3), 65.20(3)

Activities, participation **441**—81.13(8)*d*; **481**—57.17(5), 57.43(8), 57.44, 58.16(5), 58.47(8), 58.48, 62.23(18), 63.12(5), 63.21(2)*d*, 63.41(8), 63.42, 65.25(14), *see also Activities Program above*

Admission, *see Admission above*

Advocate/ombudsman program, *see Committee, Resident Advocate above; ELDER AFFAIRS DEPARTMENT*

Assessments, *see Evaluations this subheading below*

Behavior

See also Abuse this subheading above

Dangerous/disturbing **481**—57.35(9), 58.39(2), *see also Discharge/Transfer this subheading below*

Management **441**—82.2(5), *see also subheadings Restraints below; Seclusion below*

Modification program **481**—58.43, 62.14(2)

Blind, *see Blind/Deaf above*

Care

See also Audiology above; Committee, Resident Advocate above; Drugs above; Food Service above; Physical/Occupational Therapy above; Social Services below

Agreement **441**—82.9(1)

Medical services **441**—78.4(10), 81.10(5)*d*, 81.13(10,11,13,15), 82.2(6); **481**—57.4, 57.15, 57.20, 58.10(7), 58.14, 58.19, 58.22, 58.23, 62.19, 63.9(7), 63.15, 63.16, 64.4(6), 65.21(2,7), *see also Financial Assistance above*

Need, certification **441**—81.3, 82.6(3)

Personal **441**—54.4(2), 81.10(5), 81.13(10), 82.2(4)*c*(6); **481**—57.1, 57.17, 57.41, 58.1, 58.16, 58.19(1), 58.29, 62.23, 63.1, 63.12, 63.39

Policies/programs **441**—81.7, 81.13(7), 81.13(9)*d*, 82.2(4–6); **481**—57.1, 57.11, 57.13(1)*j*, 57.35(8,9), 58.1, 58.10(6–10), 58.12(1)*j*, 58.18–58.20, 58.39(9), 58.54(3), 62.13, 62.19, 62.23, 63.1, 63.9(6–9), 63.12, 63.13(1)*j*, 63.15, 63.21, 63.33(8), 63.37, 63.47(1), 65.14

Children, *see Children above*

Choices **441**—81.13(5)*d*; **481**—57.41(2), 57.47, 58.45, 58.51, 62.23, 63.39, 63.45

Clothing, *see Possessions, Personal this subheading below*

Complaints/grievances **441**—81.13(5)*f*, 82.2(2)*a*; **481**—57.35(4), 57.37, 57.39(5), 58.39(5), 58.41, 58.43(10), 62.23(2,3), 63.33(4), 63.35, 63.37(5), 65.25(1), *see also Committee, Resident Advocate above*

Confinement, *see subheadings Restraints below; Seclusion below*

Contracts, *see Contracts above*

Deaf, *see Blind/Deaf above*

Death **441**—54.5(5), 81.4(3)*e*, 81.10(4)*c*, 82.9(3)*f*, 82.14(4)*c*; **481**—50.7(1), 57.11(10), 57.14(6), 57.16(1)*s*, 57.19(2)*e*, 58.10(11), 58.13(6), 58.15(2)*h*,*j*, 58.21(14)*g*, 62.18(1)*p*, 63.9(12), 63.14(6), 63.17(1)*s*, 63.18(2)*e*,*h*, 64.17(6), 64.18(1)*o*, 65.17(5)*b*, 65.19(2)*i*, 65.20(1)*p*; **641**—1.11(2)

Discharge/transfer **441**—78.11(3), 81.1, 81.5, 81.13(4), 81.13(5)*o*, 81.13(6), 81.13(9)*e*, 81.45, 82.2(4)*b*, 82.10; **481**—57.13(2), 57.14(6,8,9), 57.17(8), 57.19(2)*d*, 57.35(2), 57.36, 57.51(2,3), 58.12(2), 58.13(6,8,9), 58.16(8), 58.20(8), 58.21(14)*f*, 58.39(3), 58.40, 58.56(3,4), 62.8, 62.14, 62.17(2)*l*, 62.23(19)*c*, 62.26(2,3), 63.12(8), 63.13(2), 63.14(6,8,9), 63.18(2), 63.33(2), 63.34, 63.50(2,3), 64.17(6,8,9), 64.36, 64.63(2), 65.16, 65.30(2,3), *see also Closure above; Hearings above; Hospitals: Service Agreements above; Records/Reports above*

Drugs, *see Drugs above*

Evaluations **441**—81.13(9), 81.18, 82.2(4)*b*,*c*, 82.6(1,2); **481**—57.48(1), 58.43(7), 58.52(1), 58.54(5), 62.11, 62.13(6), 63.46(1), 65.11, 65.15(6,7,10)

Funds, *see Money/Property this subheading below*

Grievances, *see Complaints/Grievances this subheading above*

Guardian/responsible party **441**—81.4(3,4), 81.13(5)*b*(10), 81.13(11)*c*(7), 82.2(2)*c*; **481**—57.1, 57.13, 58.1, 58.12, 62.1, 62.12(4), 62.14, 62.16, 62.17, 62.18(1)*f*, 62.18(2)*b*, 63.1, 63.13, 65.12(1), 65.16(1), *see also Rights this subheading below*

Hearing/speech, *see Audiology above*

Hospitalization **441**—52.1(3)*f*, 81.10(4,5), 81.13(19)*n*, 82.14(4)*e*,*f*, 82.18(3), *see also Absence this subheading above; Hospitals above*

Identification **441**—81.4(4)*a*, 82.9(4)*a*; **481**—57.28(4), 58.29(5), 58.33(4), 62.19(11)*b*, 63.26(4), 65.21(12)*b*

Income, *see Money/Property this subheading below*

Incompetency **481**—57.48, 58.52, 62.23(22), 63.46, 65.26

Indigent, *see Financial Assistance above*

Injuries **481**—50.7(1,3,6)

Insurance, *see Insurance, Residents above*

Interdisciplinary team, *see Personnel above*

Isolation, *see Seclusion this subheading below*

Leaves **481**—57.19(2)*d*, 57.43(7), 58.21(11), 58.21(14)*f*, 58.47(7), 62.15(7), 62.23(16), 63.14(7), 63.18(2)*d*,*m*, 63.41(7), *see also subheadings Absence above; Discharge/Transfer above*

Mail **441**—81.4(4), 81.13(5)*i*, 82.2(2)*a*(9), 82.9(4); **481**—57.43, 58.47, 62.23(11), 63.41, 65.25(12)

Married **441**—81.13(5)*m*; **481**—57.46, 58.50, 63.44, 65.25(16)

Medical assistance, *see Financial Assistance above*

Medications, *see Drugs above*

Mental illness **441**—81.13(9)*f*; **481**—57.35(9)*b*, 58.39(2), ch 62, 63.47, ch 65

Mental retardation, *see Mental Retardation, Generally above*

Money/property **441**—54.5, 75.16(2)*a*, 81.4, 81.5(5), 81.13(5)*c*, 81.23, 82.2(2)*a*(4), 82.2(2)*b*, 82.9, 82.10(5), 82.19, 85.47; **481**—57.13(1), 57.38, 58.12(1), 58.42, 62.16, 62.17, 63.13(1), 63.36, 64.4(7,8), 65.18, 65.19

Nonambulatory, *see Disabilities above*

Orientation **481**—57.22, 58.25, 62.10"8," 63.20, 65.10"8"

Possessions, personal **441**—54.4(4), 81.4(4), 81.13(5)*l*, 81.52(4), 82.2(2)*a*(12), 82.9(4); **481**—57.13(1), 57.26(14), 57.28(4), 57.45, 58.12(1), 58.16(3), 58.31(20), 58.33(4), 58.49, 62.16, 62.19(11), 62.23(19), 63.13(1), 63.26(4), 63.43, 64.4(7,8), 65.18, 65.21(12)*b*, 65.25(15)

Privacy **441**—81.13(5)*e*, 82.2(2)*a*(7); **481**—57.17(6), 57.41, 57.46, 58.16(6), 58.45, 58.50, 60.5(6)*n*, 60.5(8)*d*, 60.5(9), 61.5(7)*m*, 62.23, 63.12(6), 63.39, 63.41, 63.44, 65.25(11)

Religion **481**—57.23(3), 57.44, 58.26(3), 58.48, 62.11(5)*c*, 62.14(2)*b*, 63.42, 65.25(14)

Relocation, *see Discharge/Transfer this subheading above*

Research, *see Research, Experimental above*

Restraints **441**—81.13(7), 82.2(5)*b*,*d*,*e*; **481**—57.1(18), 57.25(4), 57.35(3), 57.39, 58.1, 58.39(4), 58.43, 62.1, 62.13, 63.1, 63.23(4), 63.33(3), 63.37, 65.1, 65.15

Rights **441**—81.13(4–8), 82.2(2)*a*; **481**—56.9(8), 57.35(6), 57.37, 57.48, 58.39, 58.41, 58.52, 58.54(4)*e*, 62.23, 63.33, 63.35, 63.46, 64.61, 65.25, 65.26; **657**—23.3

Rooms

- Basement **481**—60.3(8), 61.3(8,11)
- Layout, *see Design/Building Requirements above*
- Sharing **481**—57.46, 58.50, 62.23(20), 63.44, 65.25(16)
- Transfer **441**—81.13(5)*o*; **481**—57.36(2), 58.40(2), 60.5(9), 62.14(2), 63.34(2), 64.36(2)

Safety **441**—81.13(5)*l*, 81.13(6)*a*(2,5), 81.13(8)*e*,*h*, 82.2(1)*b*, 82.2(7)*h*–*l*, 82.3(2)*d*,*f*; **481**—57.13(1)*f*, 57.25, 58.12(1)*f*, 58.28, 58.54(4)*b*, 62.19, 63.13(1)*f*, 63.23, 65.21(8,10), *see also Design/Building Requirements: Fire Safety above; Drugs above; Emergencies above; Hazards above*

Seclusion **441**—81.13(17)*b*, 82.2(5)*c*; **481**—57.25(4), 58.43(7)*h*, 60.5(9), 61.5(12), 61.6(10), 62.1, 62.13, 63.23(4), 65.1, 65.15

Suicide attempt **481**—50.7(5)

Taxation, homestead **701**—73.13, 80.1(2)*j*

Telephones, *see Telephones below*

Training, academic/self-care **441**—82.2(6)*c*(5); **481**—62.12(1)*b*, 65.12(1)*b*, 65.25(8), *see also Work/Vocational Training this subheading below*

Transfers, *see Discharge/Transfer this subheading above*

Transportation **441**—81.6(11)*e*, 81.10(5)*b*,*c*, 81.13(10)*b*(2), 81.13(15)*b*, 81.13(19)*j*,*k*, 82.5(11)*k*; **481**—57.20(2), 58.19(2)*i*, 58.23, 62.12, 62.19(6), 63.16(2), 65.21(7)

Valuables, *see Money/Property above*

Veterans, *see VETERANS*
Visitors **441**—81.13(5)*j*, 82.2(2)*c*; **481**—57.43, 57.46, 58.47, 58.50, 58.54(4)*e*, 62.23(12), 63.41, 63.44, 65.25(13)
Wanderers **481**—50.7(4), 58.29(5)
Work/vocational training **441**—81.13(5)*h*, 82.2(2)*a*(8); **481**—57.42, 58.46, 62.1, 62.2(1)*a*, 62.12(1)*b*, 62.23(6,7), 63.40, 65.1, 65.2(2)*d*, 65.12(1)*b*, 65.25(8)

Respite care **481**—57.51, 58.56, 62.26, 63.50, 64.63, 65.30, *see also HUMAN SERVICES DEPARTMENT: Medical Assistance (Medicaid)*
Restraints, *see Residents above*
Safety, *see Residents above*
Sale/lease **441**—54.1, 54.3(12–15), 81.6(12,15), 81.9(3), 81.13(19)*p*, 81.38(4)*c*, 82.2(1)*e*, 82.5(11)*j*, 82.5(12,15), 82.13(3); **481**—57.3(1)*c*, 57.6(7,8), 57.16(3), 58.3(1)*c*, 58.5(7,8), 58.15(5), 62.2(2), 62.6, 62.18(4), 63.3(1)*c*, 63.5(7,8), 63.17(3), 64.3(1)*b*, 64.5(7,8), 65.6
Sanctions **441**—79.2, 81.18
Service agreements **441**—82.2(1)*d*, *see also Hospitals above*
Service areas, *see Design/Building Requirements above*
Smoking/tobacco **481**—57.21(5)*f*, 57.25(3), 58.24(8), 58.28(3), 62.19(8), 63.19(5)*f*, 63.23(3), 65.21(9)*c*; **641**—153.4(4)
Social services **441**—81.10(5)*a*, 81.13(8)*g*, 82.2(3)*b*(5)"6"; **481**—57.22, 58.25, 62.2(1)*a*, 63.21, 64.17(7)*c*, 65.2(2), *see also Financial Assistance above*
Speech pathology **441**—81.13(14), 82.2(3)*b*(5)"7"
Standards
Generally **481**—50.3, 57.1, 57.3(1,2), 57.4(2), 57.8(2), 58.1, 58.3(1,2), 58.7(2), 60.3(5)*b*, 60.13(2), 61.3(4)*b*, 61.14, 62.1, 62.2(1), 62.3(2), 63.1, 63.3(1,2), 63.7(2), 64.3(1)*g*, 64.3(2), 64.7(2), 64.60, 64.61
Air-conditioning/heating/ventilation **481**—60.11(3), 60.13(2), 61.11(3), 61.14
Auditing, Medicaid providers **481**—73.1
Dietary **481**—57.21, 58.24, 60.7(2)*b*, 61.7(2), 61.14, 62.20, 63.19, 65.22
Disabilities **481**—60.9, 60.13(2), 61.3(7), 61.9(1), 61.14
Electrical **481**—60.12(6)*e*(2), 60.13(2), 61.12, 61.14, *see also Electrical Systems above*
Elevators **481**—60.10, 61.10, *see also Noise Reduction this subheading below*
Fire safety **441**—81.13(18)*a*, 82.2(7)*j*; **481**—60.4(22), 60.11(2,3), 60.12(6)*e*, 60.13(2), 61.4(22), 61.11(2), 61.11(3)*m*,*n*, 61.12(10)*d*, 61.14; **661**—205.1, 205.10, 205.15, 205.100, 301.3(1)
Guidelines, interpretive, *see Guidelines, Interpretive (Federal) above*
Mental retardation/developmental disabilities **481**—63.47(1)*a*, 64.60, 64.61
Noise reduction **481**—60.4(19), 61.4(19)
Plumbing **481**—60.13(2), 61.11(4), 61.14
Research, resident, *see Research, Experimental above*
Respite care, medical assistance **481**—58.56(1)
Review organization **481**—58.40
Rooms, seclusion **481**—61.5(12), 62.13(5)*c*
Telephone **481**—57.43(5), 58.47(5), 62.23(14), 63.41(5), 65.25(12)

Storage
Generally **481**—57.34(3), 63.32(3)
Chemicals, *see Poisons/Chemicals this subheading below*
Closets, *see Design/Building Requirements above*
Clothing, off-season **481**—60.6(8)
Drugs, *see Drugs above*
Equipment areas **481**—60.6(7), 60.7(5)*b*, 60.7(6), 61.6(1,6), 61.7(10)
Flammable materials **481**—57.26(12), 58.21(5), 58.31(12), 60.7(6)*a*(2), 63.24(12)
Food/equipment, *see Food Service above*
General **481**—60.6(7,8), 60.7(1,5), 60.7(6)*c*, 61.7(9,10)
Hallways **481**—57.26(4), 58.31(4), 62.21(2)*a*, 63.24(4), 65.23(2)*a*
Hazards **481**—57.23(4)*c*, 57.26(14), 58.26(4)*c*, 58.31(20), 60.6(5)*c*, 61.6(3)*c*, 62.19(10), 63.21(5), 65.21(11), *see also Poisons/Chemicals this subheading below*

Housekeeping equipment/supplies **481**—57.26(12), 57.27(10), 58.31, 60.7(3), 60.7(5)*c*, 61.7(3), 62.19(9), 62.21, 63.24(4,12), 63.25(10), 63.32(3), 65.21(10), 65.23(2)
Laundry supplies/equipment **481**—60.7(4)*d*, 61.7(4)*e*
Linens **441**—81.13(17)*c*, 82.2(7)*g*(3); **481**—57.34, 58.38(1), 60.7(4)*d*, 60.7(5)*c*, 61.7(4,8,9), 63.32
Nursing equipment **481**—58.31(18), 61.6(6,7)
Office equipment **481**—60.7(5)*c*, 60.8, 61.7(9)*a*
Oxygen **481**—57.25(3), 58.28(3), 63.23(3)
Poisons/chemicals **481**—57.19(1)*b*, 57.21(3)*h*, 57.23(4), 58.21(4), 58.24(6)*g*, 58.26(4), 60.6(5)*c*, 61.6(3)*c*, 62.15(5)*b*(7), 62.19(9), 62.20(3)*f*, 63.18(1)*b*(8), 63.19(3)*h*, 63.21(5), 63.24(12), 65.17(4)*a*(7), 65.21(10), 65.22(2)*f*, *see also Housekeeping Equipment/Supplies this subheading above*
Recreational equipment **481**—57.23(4), 58.26(4), 60.6(5)*c*, 60.7(5)*c*, 61.6(3)*c*, 62.19(12), 63.21(5), 65.21(13)
Yard equipment **481**—60.7(1), 60.7(6)*c*, 61.7(10)*c*(2)

Supplementary assistance program, state, *see Financial Assistance above*
Supplies/equipment
See also Food Service above; Housekeeping above; Residents: Restraints above; Storage above
Generally **441**—81.10(5), 82.2(7)*g*; **481**—57.23(4), 57.34, 58.26(4), 58.29, 58.31(18), 58.38, 62.19(12), 62.21(9), 63.21(5), 63.32, 65.21(13), 65.23(9)

Telephones **441**—81.13(5)*k*, 82.2(2)*a*(10); **481**—57.43(5), 58.47(5), 60.4(3), 60.12(6)*f*(7), 61.9(2), 61.12(10)*e*(7), 62.23(14), 63.41(5), 65.25(12)
Television **481**—57.23(4)*a*, 58.26(4), 58.35(3)*f*, 60.12(4), 63.21(5)
Tornadoes, *see Emergencies above*
Transfer, ownership, *see Sale/Lease above*
Variances **481**—57.2, 57.4, 58.2, 60.2, 60.3(5)*g*, 61.2, 62.4, 62.22, 62.24, 63.2, 64.2, 65.4
Violations **441**—79.2, 81.6(16)*g*(11), 81.18, 82.2(2)*d*(3,4); **481**—50.4, ch 56, 57.5(5), 57.49, 58.4(6), 58.53, 60.5(9)*b*, 62.5(6), 62.24, 63.4(5), 63.48, 64.4(5), 64.59–64.61, 65.5(4), 65.28, *see also Compliance above; Records/Reports above*
Visitors, *see Residents above*
Volunteers **481**—57.23(3), 58.26(3), 63.21(4), 65.9(1)*d*, 65.9(3)*e*; **641**—ch 88
Water supply **481**—57.19(1)*b*(10), 57.30(7), 58.35(6), 60.11(4)*e*, 61.11(4), 62.21(10), 63.18(1)*b*(10), 63.28(7), 65.23(10)

HEALTH CLUBS
See CLUBS, PRIVATE

HEALTH DEPARTMENT
See PUBLIC HEALTH DEPARTMENT

HEALTH MAINTENANCE ORGANIZATIONS (HMOs)
Generally **191**—ch 40; **361**—ch 6; **441**—ch 88
Accreditation **11**—64.1(2)
Advance directives **441**—79.12
Approval, benefit programs **11**—64.1(2)
Bonds **191**—40.13
Certificate of authority **191**—40.11
Certificates, group insurance **191**—40.25
Complaints **191**—40.9, 40.21; **441**—88.8
Consumer guide **191**—35.36–35.39
Definitions **191**—40.1
Disclosure **191**—40.23
Drugs/medical equipment **191**—40.23
Forms **191**—40.2, 40.10(2), 40.11, 40.14; **441**—88.4(3)
Hearings **191**—40.10(3)*e,f,h*, 40.10(4,5)
Insurance producers, duties **191**—40.19
Investments **191**—40.15

Long-term care **191**—chs 39, 72
Managed health care, utilization review **191**—ch 70
Medicaid program **441**—ch 88, *see also HUMAN SERVICES DEPARTMENT*
Medicare, *see INSURANCE: Accident/Health*
Membership, cancellation **191**—40.10
Organization **191**—40.4, 40.5, 40.11, 40.12
Organized delivery systems (ODSs), insolvency **641**—201.12(4)
Ownership/name changes **191**—40.6, 40.7
Peer review, internal/external **191**—40.5(8,11)
Personnel, licensure/certification **191**—40.5
Physician/patient ratio **191**—40.5(2)
Postdelivery benefits/care **191**—ch 81
Prohibitions **191**—40.22
Providers, preferred **191**—ch 27
Records/reports **191**—40.5(2,9,10), 40.9, 40.14; **441**—88.8(2), 88.9
Refunds **191**—40.3
Reinsurance **191**—40.17
Services
  Care, quality **191**—40.5
  Contracts **191**—40.18; **441**—88.2, 88.22
  Coverage **191**—40.3, 80.5; **441**—88.5–88.7
  Emergency **191**—27.2, 27.4(1)*a*, 40.20, 40.21
  Health education/disease prevention **191**—40.5(9); **441**—88.11
  Health facility accreditation/certification **191**—40.5(4)
  Obstetrical/gynecological **191**—40.24
  Pediatric preventative care **191**—40.24, ch 80
  Termination **191**—40.8
State employees, coverage **11**—64.1(2); **361**—ch 6
Utilization review **191**—ch 70

HEARING AID DISPENSERS
Abuse identification/reporting **645**—121.9(2,4)
Address/name change **645**—4.4(2,3), 124.2(30)
Advertising **645**—124.2(5,6,8)
Board
  *See also PROFESSIONAL LICENSURE DIVISION**
  Address **645**—121.4(1)
  Discipline **645**—4.2(3), 4.13, 4.15(7), ch 124
  Examinations **645**—121.5
  Hearings **645**—4.15(3,4), 5.7(10)
  Meetings **645**—4.3, 4.6
Child support noncompliance **441**—98.101–98.107; **641**—ch 192
Clients **645**—124.2(12,34)
Continuing education **645**—121.6(6), 121.9(4), ch 122, 124.2(27)
Definitions **645**—4.1, 121.1, 122.1, 124.1
Drug abuse **645**—124.2(10,11), 124.3"7"
Employees **645**—121.2, 124.2(15,33)
Ethics **645**—124.2(1,4,34)
Fraud **645**—124.2(4)
Impaired practitioner review committee **641**—ch 193; **645**—124.2(36)
Inactive practitioners **645**—121.1, 121.9(6), 121.14, 122.1
Incompetence **645**—124.2(3), 124.2(34)*d*,*e*

*Rules **645**—chs 6–18 apply to all professional licensure boards

Licenses
Applications **645**—5.7(1), 121.4
Certificates/wallet cards **645**—4.8, 4.9, 5.7(7), 121.9(5)
Denial **283**—37.1; **641**—192.1, 195.2; **645**—4.10
Display **645**—121.8
Endorsements **645**—5.7(1), 121.1, 121.6
Examinations **645**—4.15, 5.7(2), 121.1, 121.4(4–6), 121.5, 121.6(5), 124.3"6"
Fees **641**—192.2(5), 195.3(7); **645**—5.7, 121.9(2,3,5)
Public health department authority **641**—170.4(1)
Reactivation **645**—5.7(6), 121.1, 121.9(2), 121.14
Reciprocity **645**—4.7, 5.7(1), 121.1
Reinstatement **641**—192.2(5,7), 195.3(7); **645**—121.1, 121.15
Renewal **283**—37.1; **641**—192.1, 192.2(5), 195.2, 195.3(7); **645**—5.7(3), 121.4(7), 121.9
Suspension/revocation **283**—37.1; **441**—98.101–98.107; **641**—192.2, 195.3; **645**—124.2(18,31), 124.3; **701**—ch 153

Loans, student, noncompliance **641**—ch 195; **645**—ch 15
Malpractice **645**—124.2(21)
Medical assistance providers **441**—77.13, 78.14(6), 79.1(2)p.8, 79.1(13)*c*
Mental health **645**—124.2(34)*d*, 124.3"7"
Permits, temporary **645**—5.7(4), 121.1–121.3, 121.4(6)
Reports **645**—4.11, 124.2(19–21,27,28,30)
Sales, hearing aids **645**—124.2(9)
Scope of practice **645**—124.2(7)
Speech pathologists **645**—304.2(31)*h*
Supervisors, temporary permit holders **645**—121.3
Violations **645**—124.2

HERBICIDES
See also PESTICIDES
Applications, Command 6EC **21**—45.46
Definition **21**—45.1
Fertilizers **21**—43.4
Irrigation **567**—52.2(1)*e*, 52.2(4)*b*
Sales, taxation exemption **701**—17.9(3), 18.57(1)
Water, standards **567**—ch 42 Appendixes A,C, 83.6(7)*a*(3)
Wildlife habitats **571**—22.6(5)*f*

HFI (HEALTHY FAMILIES IOWA)
See CHILDREN: Health Care

HIGHER EDUCATION LOAN AUTHORITY
Address **284**—1.2(1), 5.3(1), 5.6
Declaratory orders **284**—ch 3
Organization **284**—ch 1
Records, *generally*, public/fair information **284**—ch 5
Rule making **284**—chs 2, 4, 5.15(1)

HIGHWAY PATROL
Communication system **661**—ch 15
Complaints **661**—ch 35
Dismissal, appeal **486**—ch 6
Duties **661**—1.2(2)
Game refuge entry **571**—52.1(2)
Impoundment, motor vehicles **661**—ch 6

Law enforcement academy **501**—chs 1–8, 10–12
Missing persons **661**—ch 89
Retirement, benefits **661**—ch 400
Salvage theft examinations **501**—ch 11; **761**—405.15
Tests, alcohol/drug **661**—ch 157

HIGHWAYS
See also CARRIERS
Access, *see Primary Roads below; Secondary Roads below*
Accidents **661**—ch 20; **761**—chs 40, 640, 802
Adopt-a-highway program **761**—ch 121
Advertising
See also Signs below
Generally **761**—ch 117
Definitions **761**—117.1
Interstates **761**—106.6(1), 117.2, 117.4–117.7
Permits/fees **761**—117.5(5)*a*, 117.6
Primary/freeway-primary **761**—117.2, 117.5–117.7
Sign removal/acquisition **761**—117.2(3,5), 117.5(3), 117.8, 117.9, 119.6(7)

Bridges
Construction
Flood plains **567**—71.1, 72.1
Funds **761**—chs 160, 161, 163.7(1)*b*, ch 164
Standards **761**—ch 125

Machinery, weight limits **761**—ch 181
Maintenance **761**—150.2(2)*b*(6)
Utility facilities, attachments **761**—115.11, 115.12, 115.16(2)*d*

Cities, *see Urban Systems below*
Construction **27**—40.6; **261**—53.5; **761**—ch 112, 115.25–115.30, chs 125, 150, 163, 164, 173.1, ch 178; **871**—23.82(2)*d*, *see also Bridges above; Primary Roads below*
Contractors, procurement **761**—20.8
Counties, *see COUNTIES: Roads*
Damages, recovery **761**—ch 40
Detours, *see Primary Roads below*
Divided **761**—112.9(3,4)
Division **761**—1.8(4)
Drainage
Entrances **761**—112.3(4)*b*, 112.6, 112.13(3)*c*
Extensions, primary freeways/nonfreeways **761**—150.2(1)*b*, 150.3(2)*a*(3)
Priority V, VI crossovers **761**—112.9(4)*c*
Urban-designed area **761**—112.2
Utility appurtenances, placement **761**—115.17(1)*e*

Embankments, flood plains **567**—72.1
Emergency work, utility notification **761**—115.19(3)
Engineers **761**—chs 172, 173
Extensions, *see Primary Roads below*
Farm-to-market roads **761**—chs 101, 102, 178
Freeways, utility facilities **761**—115.13(12)*a*, 115.14–115.16, 115.19(2)

Frontage roads, *see Primary Roads: Access below*
Funds
Farm-to-market **761**—chs 102, 170, 172, 174.2
RISE (revitalize Iowa's sound economy) **761**—ch 163
Road use tax **761**—chs 160, 164

Governor's safety program **661**—ch 20
Hunting, deer **571**—94.7(5), 106.5, 106.7(7)
Improvement program **761**—ch 164
Interstates **761**—112.1(4), *see also Advertising above*
Junkyard control **761**—ch 116
Lighting, intersections **761**—ch 136, 150.2(3), 150.3(3)
Litter **761**—ch 121
Maintenance
Boundary changes **263**—8.3(15)
Emergency **761**—115.19(3)

Maps, Iowa **761**—ch 28
Monuments **193C**—11.7
Oversize/overweight vehicle permits **761**—150.3(5), 410.2(3), ch 511
Primary roads
Access
Generally **761**—112.1, 112.3, 112.4, 112.11
Commercial/industrial/residential **761**—112.5
Definitions **761**—112.2
Denial **761**—112.12(5)
Emergency/temporary, *see Special this subheading below*
Enforcement **761**—112.3
Frontage roads **761**—112.2, 112.3(2), 112.8, 112.9
Information **761**—112.1(5)
Interchanges **761**—112.11(5)
Intersections **761**—112.8(2), 112.9(2), 112.11(3,4)
Permits, entrance **761**—112.1(2), 112.3(3), 112.4, 112.5(2)
Predetermination **761**—112.2, 112.12
Priority highways **761**—112.2, 112.8, 112.9, 112.12(3), 112.14
Revisions **761**—112.12(5)
Special **761**—112.13
Surface **761**—112.12(4)
Trails, recreational **761**—112.2, 112.14
Utility facilities **761**—115.14(1), 115.15, 115.19(2)*a*

Adopt-a-highway program **761**—ch 121
Bikeway/walkway facilities **761**—150.3(2)*b*, 150.4(3,4)
Definitions **761**—112.2, 150.1, 511.1
Detours **761**—ch 151
Entrances, *see Access this subheading above*
Extensions **761**—112.4(5), chs 150, 151
Funds **761**—chs 163, 164
Lighting, intersections **761**—ch 136, 150.2(3), 150.3(3)
Scenic byways **761**—ch 132
Signs **761**—105.5(2), 117.5, chs 118, 130, 131, 150.3(2)*a*(2), 150.4(1,2)
Speed limit/sight distance **761**—112.2, ch 142
Traffic signals/beacons **761**—112.5(2), ch 140, 150.2(4), 150.3(2)*c*(2), 150.3(4), 164.6(2)
Utility accommodation policy **761**—ch 115, 150.4(5), *see also Utility Easements below*

Project planning **761**—ch 110
Railroad grade crossings, *see RAILROADS*
Relocation
Assistance **761**—ch 111
Appeals **761**—111.1(2)*d*
Utilities **761**—150.4(5), *see also Right-Of-Way below*

Rest stops
Agricultural products, promotion **761**—ch 106
Funding **761**—163.7(1)*e*
Holiday **761**—ch 105

Right-of-way
Access **761**—112.2, 112.3(3)*c*, 112.3(4), 112.5(1)*d*, 112.5(3)*c*, 112.8(2)*c*, 117.6(7), 120.10(7)
Acquisition policies, *see Relocation: Assistance above*
Drainage structures **761**—112.3(4)*b*, 112.6(3)
Extensions, cities **761**—112.4(5)*d*, ch 150
Junkyard control **761**—116.1, 116.4
Signs, placement **761**—ch 117, 118.1, 119.3(5), 120.5, 120.8, 120.10(7,8), 131.10(3–5), 150.4(1)
Utilities, public/private **199**—10.14; **761**—ch 115, 117.7(2)

RISE (revitalize Iowa's sound economy) program
Administration **761**—163.3, 163.11
Applications **761**—163.6, 163.8, 163.9
Eligibility **761**—163.6, 163.7
Funding **761**—163.4, 163.5

Safety, governor's traffic bureau **661**—ch 20
Schools, *see Signs below*
Secondary roads
Access **761**—112.11(3,6)
Budgets/programs **761**—ch 173
County engineers **761**—102.1, 102.5, chs 172, 173
County reimbursement **761**—ch 174
Funds **761**—ch 102, 160.2(1), chs 163, 164
Lighting, intersections **761**—ch 136
Scenic byways **761**—ch 132
Signs, primary intersections **761**—ch 131

Signs
Advertising, *see Advertising above*
Agricultural products, promotion **761**—106.6(1), 119.4(3)
Business **761**—117.15, ch 118, 119.4(3), 131.2
Camps **761**—118.4(6), 131.4, 131.7
Church **761**—117.7(3)
City **761**—119.6(2)
Clubs, service **761**—117.1, 117.7(3)
Destination **761**—131.1
Development directory **761**—117.15
Directional
Private **761**—ch 120
Tourist-oriented **761**—ch 119

Historical markers/signs **223**—ch 23; **761**—117.7(1), 118.4(7)*c*, ch 120, 131.1(1)*d*(6), 131.10(1,4)
Landfills **761**—131.5
LED displays **761**—117.1, 117.3(1)*e*, 117.5(5)*d*

Lodging **761**—118.4(5)
Memorial **761**—131.10
Parking **761**—131.9
Parks **761**—120.1, 131.1(1)*d*(4), 131.8
Primary roads, *see Primary Roads above*
Recreational vehicle (RV) accommodations **761**—118.8
Rest stops **761**—105.4, 105.5
Scenic byways **761**—132.4(4)
Schools **761**—130.1, 131.3
Secondary roads, *see Secondary Roads above*
Service **761**—ch 118, 119.4(1), 131.4
Special events **761**—131.6
Tourists, activities/attractions **761**—118.4(7), 118.5(3), ch 119
Traffic control, *see Traffic below*
Trailblazing **761**—118.2, 118.3(4)
Trails, historic/scenic **761**—131.10
Utilities **761**—115.16(5), 117.7(2)

Speed limit/sight distance, *see Primary Roads above*
Telephones, emergency **661**—1.2(2)
Traffic
Governor's safety bureau **661**—ch 20
Improvement program **761**—ch 164
Signs/signals **761**—112.5(2), 115.9, 115.19(3), 118.3(4)*d*, chs 130, 131, 140, 143, 150.2(2,4), 150.3(2,4), 150.4, 151.1(2), 163.7(1)*c*, 164.6(2), ch 811

Trails
Access **761**—112.2, 112.14
Signs **761**—131.10

Tree/grass plantings **761**—116.5, ch 121
Urban systems
Access **761**—112.4(1)*d*, 112.4(7)*d*, 112.9(1), 112.11(3,6)
Bikeways/walkways **761**—150.3(2)*b*, 150.4(3,4)
Bridges **761**—chs 160, 161, 164.6(1)*b*
Extensions, primary roads **761**—chs 150, 151
RISE program (revitalize Iowa's sound economy) **761**—ch 163
Scenic byways **761**—ch 132
Traffic safety **761**—ch 164

Utility easements
See also Right-Of-Way above
Electric **199**—11.4, 11.5(2), 11.6
Gas **199**—10.2, 10.14
Policy, transportation department **761**—ch 115, 150.4(5)

Vehicles, length/width/weight restrictions **761**—150.5(3), ch 511
Welcome centers **261**—ch 34; **761**—163.7(1)*e*

HISTORICAL DIVISION
Addresses **221**—1.6(3); **223**—1.4(1), 1.5(2), 3.3, 3.6, 22.3, 35.5(4,7), 35.7(1)*b*(5), 35.7(2)*b*(6), 38.3, 39.3, 41.3(5), 42.3(2), 43.3"4," 47.5(5)
Awards, society, *see Society below*
Board of trustees **223**—1.2, 1.6, 13.6(2)*b*, 13.6(4)*c*, 21.3(3)*a*,*e*,*f*, 21.3(6)

Bureaus **223**—1.4, 13.4
Collections
Acquisitions **223**—13.5
Committee **223**—13.4(2)
Definitions **223**—13.2, 22.2
Disposition **223**—13.4(2)*a*(9), 13.6
Documentary, grant eligibility **223**—49.2, 49.3(2)*c*
Donations **223**—13.5(1)*c*,*h*
Library/archives **223**—ch 22
Loans **221**—ch 7; **223**—13.4(2)*a*(7,10), 13.8
Management **223**—13.4
Museum
Evaluations **223**—14.5(11)
Grants **223**—49.3(2)*b*
Loans **221**—ch 7; **223**—13.8(2)*e–k*
Locations **223**—14.2
Originals **223**—14.3(1), 14.4
Proposals **223**—14.5(8)
Reproductions **223**—14.3, 14.4
Staff **223**—14.6
Standards **223**—14.5
Records
Generally **223**—13.6(4)*e*, 13.7
State agency **223**—13.5(2)
Declaratory orders **223**—ch 6
Definitions **223**—1.2, 1.6(6), 3.1, 13.2, 22.2, 35.2, 49.2, 50.2
Facilities/sites
Generally **223**—1.5(1,3–5)
Abbey Gardner Sharp Cabin **223**—1.5(6)*c*
Addresses **11**—100.4(3); **223**—1.5(1), *see also specific site*
American Gothic House **223**—1.5(6)*d*
Blood Run National Historic Landmark **223**—1.5(6)*e*
Centennial building **223**—1.5(6)*b*
Historical building **11**—100.4(3,12); **223**—1.5(6)*a*
Matthew Edel Blacksmith Shop **223**—1.5(6)*f*
Montauk, Union Sunday School **223**—1.5(6)*g*
Plum Grove **223**—1.5(6)*h*
Surveys, archaeological **223**—ch 41
Toolesboro Mounds **223**—1.5(6)*i*
Western Historic Trails Center **223**—1.5(6)*j*
Fees **223**—1.5(4), 1.5(6)*a*(2), 1.9(2), 21.2
Gift shops **223**—1.9
Grants, *see Historical Preservation below*
Historical markers/signs **223**—ch 23; **761**—120.1, 120.7(5)*a*
Historical preservation
Advisory committees **223**—35.6
Building code **661**—ch 350
Definitions **223**—35.2
Educational programs
Generally **223**—ch 39
Preservation partnership **223**—ch 40

Grants **223**—1.8, 35.5–35.8, 36.5, chs 49, 50, *see also BUILDINGS: Grants; CULTURAL AFFAIRS DEPARTMENT: Community Cultural Grants (ICCG) Program*
Landfills, impact assessment **567**—113.6(2)*h*, 113.6(4)*m*
Loans **223**—ch 46; **265**—ch 11
Local government programs **223**—ch 36
Organization **223**—35.3
Power plant construction, impact **199**—24.4(3)
Registers, historic **223**—chs 38, 44, 48.3
Rehabilitation, taxation benefits **223**—chs 37, 47, 48, *see also TAXATION subheadings Income Tax, Corporation: Credits: Property, Historic Preservation and Cultural/Entertainment Districts; Income Tax, Individual: Credits: Property, Historic Preservation and Cultural/Entertainment Districts*
Review/compliance **223**—ch 42, 49.3(3)
State preserves **575**—2.1(2)*c*
Surveys **223**—ch 41
Technical assistance **223**—35.2, 35.3, chs 40, 43, 50.6(9)

Library, *see Collections above*
Loans, *see Collections above; Historical Preservation above*
Museums, taxation exemption **701**—17.24, 19.12, *see also Collections above*
Organization **223**—ch 1
Publications
Annals of Iowa **223**—15.3
Books/monographs, generally **223**—15.6
Goldfinch **223**—15.4
Iowa Heritage Illustrated **223**—15.2
Iowa Historian **223**—15.5
Reprints **223**—15.7

Procurement **261**—ch 54; **541**—ch 10, *see also ADMINISTRATIVE SERVICES DEPARTMENT (DAS)*
Records
Generally, public/fair information **223**—ch 3
Confidential **223**—3.4, 3.5, 3.7, 3.9(2), 41.7

Rule making **223**—chs 4, 5
Society
See also Collections above
Award program **223**—21.3
Gifts/bequests/endowments/grants **223**—1.7, 1.8
Membership **223**—15.5(4), 21.1, 21.2
Sales, mementos **223**—1.9

Terrace Hill commission, *see ADMINISTRATIVE SERVICES DEPARTMENT (DAS): General Services Enterprise*

HOGS
See LIVESTOCK: Swine

HOLDING COMPANIES
See BANKS AND BANKING

HOLIDAYS
Employees, leaves **11**—53.11(6), 63.3(6), 63.8

HOME CARE SERVICES
Area agencies on aging (AAAs) **321**—6.14(1)*b*
Chore service **321**—28.1(2); **641**—ch 80, *see also HUMAN SERVICES DEPARTMENT: Medical Assistance (Medicaid)*
Home care aides/agencies **191**—72.7(1)*d*; **481**—50.9; **641**—ch 80; **657**—22.9; **871**—23.25(11), *see also HUMAN SERVICES DEPARTMENT: Medical Assistance (Medicaid)*

Insurance coverage **191**—39.9, 72.7(1)*d*
Medical assistance providers, *see HUMAN SERVICES DEPARTMENT: Medical Assistance (Medicaid) subheadings AIDS/HIV Waiver Services; Chore Service; Consumer-Directed Attendant Care; Elderly Waiver Services; Home- and Community-Based Services (HCBS); Home Health Agencies; Home Health Aide Services; Homemaker Services; Meals, Home Delivery; Nursing Services; Respite Care*
Nursing service **191**—72.7(1)*d*; **441**—ch 177, *see also HUMAN SERVICES DEPARTMENT: Medical Assistance (Medicaid)*
Respite care **265**—ch 21; **321**—ch 25, 28.2, *see also HUMAN SERVICES DEPARTMENT*
Supplementary assistance **441**—50.2(3), 52.1(5)

HOMELAND SECURITY
See BIOTERRORISM; PUBLIC DEFENSE DEPARTMENT

HOMELESS
Children **281**—ch 33; **441**—ch 133
Food assistance, *see HUMAN SERVICES DEPARTMENT*
Housing, *see HOMES, HOUSING; SHELTERS*

HOMEMAKERS, DISPLACED
See GRANTS

HOMES, HOUSING
See also BUILDINGS; CITIES; COUNTIES; DAY CARE/SERVICE; ELDERLY; FINANCE AUTHORITY, IOWA; FOSTER CARE; HEALTH CARE FACILITIES; JUVENILES; PROPERTY; REAL ESTATE; RESIDENTIAL CARE FACILITIES
Apartment living, supervised, *see CHILDREN*
Bed and breakfast establishments
  Fire safety **661**—202.3
  Licensure **481**—30.2
  Signs, highway **761**—118.4(5)
Brownfield sites **261**—ch 65; **701**—42.13(2), 52.15, 58.8
Condominiums, *see CONDOMINIUMS*
Development organizations, community housing (CHDO) **261**—25.2, 25.3
Disabled, *see DISABILITIES*
Discrimination **161**—1.5(2), ch 9
Energy assistance, low-income **427**—chs 5, 10, 11, 23.5(6)*b*; **441**—58.24(1), *see also ENERGY*
Enterprise zones, *see Taxation: Credit below*
Factory-built **193C**—1.5(5,6); **661**—ch 323; **761**—511.7, 511.9, *see also BUILDINGS: Building Code*
Fair Housing Act **661**—302.1, 302.20
Federal Housing Authority (FHA), property, taxation **701**—78.6(1)*b*(1)
Food establishments **481**—30.2, 30.8(4), 31.1(2), ch 34
Funds
  See also Grants/Loans below
  Emergency assistance **441**—ch 58
  Energy assistance, *see Energy Assistance, Low-Income above*
  Foster care recipients, rent subsidy **265**—ch 22
  Low-income assistance, *see Low-Income below*
  Trust **265**—ch 19
Grants/loans
  Community **261**—21.2(3), chs 23, 25, 28, 29, 41, 59.6(3)*a*(3); **265**—ch 11; **427**—chs 22, 23, *see also Energy Assistance, Low-Income above; GRANTS: Block: Community Development*
  Disasters **265**—ch 29; **441**—ch 58 Div. I
  Individual **197**—12.3, 12.4; **265**—ch 2
  Military service members **265**—ch 27
  Multifamily **265**—ch 3, 25.8(8)

Senior living **265**—ch 20
Shelters, *see SHELTERS*
Transitional housing **261**—25.4; **265**—ch 23

Group homes **265**—ch 6; **321**—ch 29; **441**—65.9; **661**—5.5(2), *see also FIRE AND FIRE PROTECTION subheadings Residential; Transient Lodging*
HART (housing application review team) **261**—25.1, 25.5
Heating
Fuel set-aside **565**—3.13(2)*a*
Low-income programs, *see Energy Assistance, Low-Income above*

Home investment partnership program (HOME), *see Housing Fund (HOME/CDBG) Program below*
Homeless **261**—21.2(2,4), chs 24, 28, 29; **265**—ch 14; **281**—ch 33, 41.19; **427**—ch 23; **441**—ch 58 Div. II, 65.31
Homesteading program, *see Grants/Loans: Multifamily above*
Housing fund (HOME/CDBG) program **261**—21.2(2,3), 23.2, ch 25
HUD (Housing and Urban Development) **261**—23.2, 23.14, ch 25
LIHTC, *see Taxation: Credit: Rental Developments below*
Loans, *see Grants/Loans above; LOANS: Mortgages*
Low-income
See also Grants/Loans above
Assessment/valuation **701**—71.5(2)
Construction/rehabilitation **261**—ch 25
Energy assistance, *see Energy Assistance, Low-Income above*
Home investment partnership program (HOME), *see Housing Fund (HOME/CDBG) Program above*
Home ownership assistance **261**—25.4(1)
Housing trust fund **265**—ch 19
Individual development accounts (IDAs) **441**—ch 10
Mortgage/rental payment **427**—23.5(6)*a*
Rental housing, *see Rental below*
Taxation
Credits **261**—25.2, 25.5(5); **265**—3.7, ch 12, 20.2, 20.3, 20.4(1)*a*, ch 23
Exemptions **701**—80.4, 80.19

Tax increment financing (TIF) **261**—ch 26

Manufactured **661**—chs 322, 372, 374; **761**—400.4(5), 400.5(2)*a*, 400.7(4)*i*, 400.7(9), 400.40, *see also Taxation below; BUILDINGS: Building Code*
Military, *see Grants/Loans above*
Mobile, *see MOBILE HOMES*
Modular, *see Taxation below*
Mortgage credit certificates (MCC) **265**—ch 10
Motor, *see MOTOR VEHICLES*
Moving **701**—19.1, 26.25; **871**—23.82(2)*n*(6)
Multifamily, *see Grants/Loans above*
Private, employees, unemployment benefits **871**—23.25, 23.46(4)
Relocation assistance, *see RELOCATION ASSISTANCE*
Rental
Enterprise zones, assistance **261**—59.6(3)*a*(2,3)
Foster care services, aftercare **265**—ch 22
Home- and community-based services (HCBS), subsidy program **265**—ch 24

Low-income
Grants, emergency **427**—23.5(6)*a*
Housing fund (HOME/CDBG) program **261**—25.4(1), 25.7(3,4), 25.8(3,6), 25.9(5)*b*(1,3)
Multifamily loan program **265**—ch 3

Taxation, *see Taxation below*

Shelters, *see SHELTERS*
Single-family **261**—25.8(7)
Target, *see LEAD: Housing, Target, Remodeling/Renovation/Repainting*
Taxation
Credit
Enterprise zones
Construction/rehabilitation **261**—59.8(2)*a*; **701**—42.13, 52.15, 58.8
Withholding, housing assistance **261**—59.6(3)*a*(2); **701**—46.9(2)

Low-income housing, *see Low-Income above*
Mortgage
Certificates **265**—ch 10
Interest **701**—41.12

Property **701**—chs 73, 80
Rental developments
Enterprise zones **261**—59.6(3)*a*(2)
Housing tax credit, low-income (LIHTC) **261**—25.2, 25.5(5); **265**—ch 12
Multifamily loan program **265**—3.7

Homeowners associations **701**—52.1
Increment financing projects **261**—ch 26
Manufactured **701**—18.40, 19.6, 19.13(2)*l*, 26.18(2)*c*, 32.3, 33.9, 33.10, 73.11, ch 74
Mobile homes, *see MOBILE HOMES*
Modular **701**—17.22, 19.6, 19.10(2)*f*, 19.13(2)*l*, 73.11, ch 74, 219.10(2)*f*
Moving **701**—19.1, 26.25
Property **261**—ch 26; **701**—chs 71, 73, 74, 78–80, *see also TAXATION*
Refunds, developers/contractors **261**—59.6(3)*e*, 59.8(2)*b*
Rentals
See also Credit this subheading above
Deposits **701**—26.18(2)*e*
Exemptions **701**—26.18(2)*e*, 80.4, 107.9"4"
Reimbursement **701**—ch 73

Transitional **261**—25.4; **265**—chs 22, 23
Weatherization assistance program, *see WEATHERIZATION ASSISSTANCE PROGRAM*

HORSES
Breeders, fund
Generally **21**—62.2
Registration
Application **21**—62.3, 62.10, 62.12, 62.13, 62.15(4), 62.16, 62.22, 62.23, 62.26(1), 62.32, 62.33, 62.36(1)
Definitions **21**—62.1
Denial/suspension/revocation **21**—62.4
Eligibility **21**—62.10–62.12, 62.15, 62.16, 62.20–62.22, 62.25, 62.26, 62.30, 62.32, 62.35–62.37
Fees **21**—62.6(1)
Inspections **21**—62.12(4), 62.14(1), 62.15(2), 62.22(4), 62.24(1), 62.25(2)
Notification, location changes **21**—62.11, 62.21, 62.31
Ownership transfer **21**—62.15(5), 62.25(5), 62.35(5)
Records/reports **21**—6.14(4)*d*, 62.2, 62.14, 62.15, 62.24, 62.34

Sale **21**—62.12(2,3), 62.22(2), 62.32(2)

Bureau, duties **21**—1.3(7)
Campgrounds **571**—61.4(1)*g*, 61.4(5)*k*, 61.4(6)*a*, 61.8(4), 62.11
Definition **571**—67.2

Disease control
Anemia, equine infectious (EIA) **21**—64.1, 64.34(6), 65.8; **491**—9.4(5)*g*, 9.5(1)*a*(12), 9.6(1)*j*, 10.5(1)*a*(12), 10.6(16)
Brucellosis **21**—65.8(1)*b*
Coggins test **491**—9.4(5)*g*, 9.5(1)*a*(11), 9.6(1)*j*, 10.4(5)*k*, 10.6(16)*c*
Encephalomyelitis **21**—64.1
Exhibitions **21**—64.34(6)
Glanders/farcy **21**—64.10–64.13, 64.17
Reporting **21**—64.1, 64.17; **491**—9.7(4)*e*, 10.5(1)*a*(12,16), 10.7(4)*e*
Scabies/mange **21**—64.1, 64.17, 64.30
Vehicles **21**—65.1(3)
Vesicular stomatitis (VS) **21**—65.1, 65.3(4)
Veterinary inspection certificates **21**—64.34(6), 65.2(3), 65.3(4), 65.8, 66.4(5)

Draft, sales tax **701**—17.16
Fairgrounds, facilities **371**—7.4, 7.5
Feeding operations **567**—65.1, 65.5(2)*a,* ch 65 Table 6
Game management areas **571**—51.4
Parks/recreation areas **571**—61.7(1)*a*, 61.8(4), *see also Campgrounds above*
Quarter horses, *see Stallions below*
Racing, *see RACING AND GAMING*
Registration, *see Breeders, Fund above*
Sales/shows **371**—7.4, 7.5
Stallions
Quarter horses **21**—62.3, 62.30–62.36
Standardbreds **21**—62.3, 62.20–62.26
Thoroughbreds **21**—62.3, 62.10–62.16; **491**—ch 10

Taxation **701**—17.16, 39.10, 40.38(2), 46.4(6)*a*, 54.1(2), 89.8(7)*k*
Thoroughbreds, *see Stallions above*
Trail use **571**—66.4(3), 67.5, 67.8

HOSPICE
Administration **481**—53.4
Building/life safety codes, *see Fire Safety below*
Care plan **481**—53.5, 53.8, 53.11
Contracts, health care providers **481**—53.17
Counseling/bereavement services **481**—53.13, 53.15, 53.19
Definitions **481**—53.1; **661**—205.1
Employees, background checks **481**—50.9
Fire safety **661**—205.1, 205.10, 301.3(1)*b*
Hospitalizations, short-term services **481**—53.18
License **481**—ch 8, 50.3(3)*b*, 53.2
Medical assistance **191**—37.7(4)*f*, 37.15(4); **441**—77.30(6)*b*, 77.32, 77.34(1)*b*, 77.39(21)*b*, 77.39(23)*b*(2), 78.36, 79.1(2)p.9, 79.1(14), 79.12, 80.2(2)*a*(5)
Nursing **481**—53.9
Patient rights **441**—79.12; **481**—53.3
Personnel, training **641**—11.35(1)
Physicians **441**—78.36(1)*a*(3), 78.36(4); **481**—53.6, 53.7
Prescriptions
Electronic transmission **657**—21.16
Emergency supply **657**—22.9

Records **481**—53.20; **657**—22.9(4)
Reports **481**—53.5

Services, optional **481**—53.16
Social services **481**—53.12
Taxation, exemption **701**—17.34
Volunteers **481**—53.9(3), 53.14

HOSPITAL-SCHOOLS
See MENTALLY RETARDED: Resource Centers

HOSPITALS
See also HEALTH CARE FACILITIES
Abuse, *see Patients below*
Access, handicapped **661**—302.7
Accreditation **481**—51.2(5,6), 51.53(7)
Administration, *see Governing Board below*
Admissions **441**—28.2, 78.3, 79.1(5)*g*,*n*,*p*,*q*, 79.1(16)*n*,*o*, 79.10, 79.12; **481**—51.12(2)*a*, *see also Health Care Facility Residents below*
Alcoholic liquors, special permit **185**—5.3(4), 5.4
Alcoholism, *see Substance Abuse Treatment below*
Ambulance services **441**—78.11, 79.1(5)*j*, 79.1(16)*b*(2), 79.1(16)*f*(1)"3," *see also AMBULANCES/RESCUE VEHICLES*
American Hospital Association **641**—203.2(8), 203.3(8), 203.8(4), 203.10(8)
Anesthesia **481**—51.28, *see also Nurses below*
Audits
  Administration **481**—1.3
  County, fees **81**—ch 21
  Medical assistance records **441**—79.3(4)
  Workforce investment Act (WIA) program, contractors **877**—7.18
Babies, *see Infants, Newborn below; Obstetrics below; Pediatric Unit below*
Beds, need determination **641**—chs 202, 203
Births **481**—51.12(2)*c*, *see also Obstetrics below*
Building requirements
  See also Construction below
  Access, handicapped **661**—302.7
  Dietary areas **481**—51.20(5)
  Electrical **481**—51.50(7), 51.51(7), 51.52(7)
  Elevators **481**—51.50(4), 51.51(4), 51.52(4)
  Fire safety **481**—51.4(6), 51.50(3), 51.51(3), 51.52(3); **661**—ch 5 Table 8-A p.28–30, 5.4–5.6, 5.11, 205.1, 205.5, 301.3(1)
  Heating systems **481**—51.50(6), 51.51(6), 51.52(6)
  Plans **661**—5.3
  Plumbing **481**—51.50(5), 51.51(5), 51.52(5)
  Radiology **481**—51.50(8), 51.51(8), 51.52(8)
  Rooms
    Isolation **481**—51.24
    Operating, recovery **481**—51.26(5,6)
  Standards **481**—51.50–51.52; **661**—ch 5
  Surgical facilities **481**—51.26(6)
  Waste storage/disposal **481**—51.50(9), 51.51(9), 51.52(9)
Call system, *see Building Requirements above*
Cancer treatment **641**—203.3, 203.4
Cardiac care standards, *generally* **641**—203.2

Certificates of need **641**—chs 202, 203
Charges
See also Medical Assistance Providers below
University of Iowa, *see University of Iowa below*

Children **441**—79.1(5)*a*, 79.1(5)*b*(2), 79.1(5)*c*(2), 79.1(5)*d*(2), 79.1(5)*e*, 79.1(5)*y*(7,9,10), 86.14(1), 156.10(1)*b*, *see also Neonatal Services below; Nurseries below;Obstetrics below; Pediatric Unit below; Perinatal Care below; MENTAL HEALTH*
Classification **481**—51.2
Committee, ethics, medical decision-making board **641**—85.3(1)
Construction
See also Building Requirements above
Certificate of need program standards **641**—chs 202, 203
Inspections **481**—1.12

Corporations, health service **191**—ch 34
Costs, *see Finances below*
Counseling services, radiation therapy **641**—203.3(8)
Critical access (CAH) **481**—51.1, 51.2, 51.53, *see also Medical Assistance Providers below*
Deaths **441**—79.2(2)*m*; **481**—51.8, 51.12(2)*b*, 51.24(4); **641**—ch 5, 21.4, ch 101; **645**—100.8(3)
Definitions **481**—51.1; **661**—205.1, *see also Medical Assistance Providers below*
Delivery rooms, *see Obstetrics below*
Dental care **441**—78.3(11), 78.4(9)
Dietary areas, *see Building Requirements above*
Dietitians, *see Food Service below*
Disease control
See also Sanitation below; DISEASES: Communicable
Generally **481**—51.24
AIDS **641**—11.47, 11.50, 11.52, *see also DISEASES*
Deaths, communicable disease **481**—51.24"4"
Exposure, emergency care providers **641**—11.47, 11.48, 11.50, 11.52, 11.53
Isolation, patients **481**—51.24(1), 51.32, 51.34(3); **641**—1.8
Obstetrics/neonatology **481**—51.32
Quarantines **641**—1.8, 1.9
Reports **641**—1.6(2), 11.47(6), 11.52
Surgical patients **481**—51.26(1)*g*
Tuberculosis cases **641**—11.48(2)*b*

Disproportionate share facilities
See also Medical Assistance Providers below
FIP applications **441**—40.23, 40.24(2)

Drugs
See also Pharmacy below; Substance Abuse Treatment below
Generally **481**—51.14; **657**—chs 7, 10
Collaborative drug therapy management **653**—13.4
Dispensation **481**—51.14(2); **657**—7.8, 7.12, 10.21(1), *see also Emergencies below*
Infants **641**—1.7
Medical assistance **441**—78.3(5)*b*, 78.31(4)*d*(7)"3," 79.1(8)
Orders **481**—51.14(3,4)
Records **481**—51.12(2)*d*, 51.14(4)*e*, 51.14(5); **657**—7.2"8,13,14," 7.6(1,2), 7.7(7), 7.8(3), 7.12(2)*e*, 7.13
Repositories, prescription donation **641**—ch 109
Sales, taxation **701**—20.7(5), 231.6(6)

Emergencies
Association, PAC membership **641**—114.4(1)*i*
Critical access facilities, *see Critical Access (CAH) above*

Disasters **641**—ch 113; **657**—7.8(6)
Drug supplies/prescriptions **657**—7.8(5,6), 7.12, 22.7
Mental health institutes, admission **441**—28.2(8), 28.4(2)*a*
Paramedics/medical technicians, *see Disease Control above; EMERGENCY MEDICAL CARE*
Physicians, *see Physicians below*
Restraining devices **481**—51.7(2)
Services
Medical assistance **441**—75.11(1), 78.1(13)*c*, 78.1(21), 78.3(12), 78.21(1), 78.23(2), 78.31(1)*a*, 78.39(1), 78.40(3), 79.1(16)*b*(4), 88.6(2), 88.9(3)*c*, 88.26(2), 88.48(3), 88.65(3)*a*(2), 88.66; **481**—51.53(5), *see also Ambulance Services above*
Policies/procedures **481**—51.18(2), 51.30

Trauma facilities **641**—chs 134–137

Emissions, *see Standards below*
Employees **481**—51.20(2)*i*, 51.20(3), 51.24(3); **495**—11.5(2), *see also Nurses below*
Energy conservation/management **565**—ch 6
Equipment/supplies
See also Certificates of Need above
Generally **481**—51.22
Kitchen **481**—51.20(4)*a*
Purchases, *see Certificates of Need above*
Restraining devices **481**—51.7(2)
Storage, *see Building Requirements above*
Surgical **481**—51.26(5)
Taxation **701**—20.7(5)
X-ray **481**—51.16, *see also Building Requirements: Radiology above*

Finances
See also Medical Assistance Providers below
Capital expenditures **641**—202.1(1)
Costs, feasibility **641**—203.2(4), 203.3(4), 203.4(4), 203.5(7), 203.7(4), 203.8, 203.9(4), 203.10(4), 203.12(6)

Fire safety, *see Building Requirements above*
Food service **481**—51.20
Governing board **481**—51.1, 51.6
Health care facility residents
Admission agreements **441**—81.13(19)*n*; **481**—57.11(7), 58.10(7), 63.9(7), 64.4(6)
Payment, facility **441**—52.1(3)*f*, 82.14(4)*e,f*, 82.18(3), *see also Medical Assistance Providers: Nursing Facilities, Hospital-Based below*

Heating/ventilating, *see Building Requirements above*
Infants, newborn **481**—51.32; **641**—1.7, ch 4, 73.7(3), chs 75, 150, *see also Neonatal Services below*
Inspections **481**—1.12, 50.1, 51.2(5,6), 51.53(7); **661**—5.4, 5.11
Insurance coverage **191**—ch 36, 37.7(4,5), 37.15(3), 71.14
Intensive care **441**—79.1(5)*b*(2); **641**—203.9
Investigations **481**—1.12
IMCC (Iowa medical and classification center) **201**—ch 20
Laboratory
Biological agents **641**—112.6
Facilities **481**—51.18, 51.26(1)*f*; **641**—203.2(6)*c*
Medical assistance **441**—78.3(10)*b*(5), 78.31(1)*c*, 79.1(16)*c*(4)
Service agreements, nursing facilities **481**—58.23(2)

Licenses **481**—1.6"7," 1.11, 1.12, ch 8, 41.4, ch 50, 51.2; **657**—ch 7
Long-term care **481**—51.1, 51.4, 51.38; **641**—202.1(9,13), 203.5; **661**—302.7
Magnetic resonance imaging (MRI) standards **641**—203.12

Medical assistance providers
See also HUMAN SERVICES DEPARTMENT: Medical Assistance (Medicaid): Providers
Billing **441**—79.1(5)*g,o,q*
Claims **441**—75.4(4), 79.1(5)*c,f,n,o*, 79.1(16)*d,l,u*, 79.1(22), 79.14(10), 80.2(2)*a*(2), 80.4
Critical access hospitals (CAH) **441**—79.1(1)*g*, 79.1(2)p.8, 79.1(5)*a,k,y,aa*, 79.1(16)*d–f,h,i*; **481**—51.53(5)
Definitions **441**—79.1(5)*a*, 79.1(16)*a*
Drugs, *see Drugs above*
Eligibility
Institution **441**—77.3, 77.30(5)*a*(3), *see also Nursing Facilities, Hospital-Based this subheading below*
Patient **441**—75.1(5–7), 79.1(5)*l*
Government-owned facilities **441**—79.1(16)*t*
Medical education
Disproportionate share fund payments, graduates **441**—79.1(5)*a,c,e,k,m,y,ab*, 79.1(16)*a,j,v*, 85.7(1)*f*
Enhanced graduate payment **441**—79.1(5)*ac*
Mergers, rate adjustments **441**—79.1(5)*w*
Nursing facilities, hospital-based **441**—78.3(6,13,14,16), 79.1(2)p.5,10, 81.6, 81.10(4)*e,f*, 81.13(3)*b*, 81.20, 85.41–85.46, *see also HUMAN SERVICES DEPARTMENT*
Out-of-state **441**—79.1(5)*m*, 79.1(16)*k* , 81.20
Outpatients, *generally* **441**—79.1(16)
Records **441**—79.3, 79.12(2), 85.6
Reports, cost **441**—79.1(5)*a,m*, 79.1(16)*a,e,i,j,t,v*
Sanctions **441**—79.2
Services, coverage, *see Nursing Facilities, Hospital-Based this subheading above; HUMAN SERVICES DEPARTMENT: Medical Assistance (Medicaid)*
Supplement policies **191**—37.7(2,4), 37.15(1)*f*, 37.15(4)
Trust fund **441**—164.4
Mental health, *see MENTAL HEALTH*
MRI, *see Magnetic Resonance Imaging (MRI) Standards above*
Neonatal services **441**—79.1(5)*b*(2), 79.1(5)*r*(3); **481**—51.32; **641**—chs 4, 150, 203.9, *see also Infants, Newborn above*
Nurseries **481**—51.32; **641**—203.9; **661**—ch 5 Table 8-A p.29
Nurses
Advanced registered practitioners **481**—51.5(3)
Anesthetists **441**—79.1(5)*j*, 79.1(16)*c*(4)
Call system, *see Building Requirements above*
Definitions **481**—51.1
Drug control/dispensation **481**—51.14(2); **657**—7.8(3), 7.12(2)*d*
Maternity **481**—51.32
Obstetrics **481**—51.32; **641**—150.6(5)
Pediatrics **481**—51.34(1)
Private duty **441**—78.3(2)
Psychiatric **481**—51.36(2)
Requirements **481**—51.9
Surgical **481**—51.26
Trauma education/training **641**—ch 137
Volunteer program **641**—ch 88
Nursing facilities
Medical assistance **191**—37.7(4)*e*, *see also Medical Assistance Providers above*
Transfers, agreements **441**—81.13(19)*n*
Obstetrics **441**—92.8(3); **481**—51.32; **641**—1.7, chs 75, 150, 203.9
Oncology services **641**—203.3(2)*i*, 203.4(2)*n*, 203.4(6)*d*

OOH DNR, *see Resuscitation Orders (OOH DNR) below*
Operating rooms, *see Building Requirements: Rooms above*
Organ/tissue donation **481**—51.8, *see also Transplants below*
Outpatients, *see Patients below*
Patients
Abuse **481**—51.7
Admission, *see Admissions above*
Bills
Compounded prescriptions **657**—20.3(4)
Obstetrical care, indigents **641**—75.6
Care, medical decision-making board **641**—ch 85
Deaths, *see Deaths above*
Equipment, care **481**—51.22
Financial assistance **441**—52.1(3)*f*, 81.10(4)*e*,*f*, *see also Charges above*
Indigents, Medicaid reimbursement **441**—79.1(5)*a* p.17
Inpatients **441**—78.3, 78.11(2,4), 79.1(2)p.9, 79.1(5)*j*,*n*,*p*,*q*, 79.1(16)*l*,*n*, 79.1(22), 79.10, 85.3, 85.6(3), 85.7(1)*d*, 85.22, 85.24(3), 88.5(2)*a*(1), 88.25(2)*a*, 88.48, 88.65(3)*a*(3), 151.22(1)*b*(4)
Insurance **191**—ch 36, 71.14, *see also INSURANCE*
Isolation, *see Disease Control above*
Long-term care **481**—51.1, 51.4, 51.38
Mentally ill **481**—51.36, *see also MENTAL HEALTH*
Outpatients **441**—78.1(1)*g*, 78.11, 78.31, 79.1(2)p.9, 79.1(5)*n*,*p*,*q*, 79.1(16,22), 88.5(2)*a*(2), 88.25(2)*a*, 88.48, 88.65(3)*a*(4), 151.22(1)*b*(2); **481**—75.2"7"
Records **441**—79.3, 85.6; **481**—51.7(3,4), 51.8(1)*e*,*f*, 51.8(2)*d*, 51.8(6), 51.12, 51.14(4)*e*, 51.14(5), 51.20(2)*h*(3), 51.30(1)*c*
Restraints **481**—51.7(2)
Rights **441**—79.12; **481**—51.6; **641**—203.2(8), 203.3(8), 203.4(8), 203.7(8), 203.9(8), 203.10(8)
Rooms, *see Building Requirements above*
Transfers **441**—79.1(5)*g*, *see also Health Care Facility Residents: Admission Agreements above*
Visitors, *see Visitors below*
Pediatric unit **481**—51.34; **641**—203.2, 203.10
Perinatal care **641**—ch 150
Pharmacy **481**—51.14; **657**—ch 7, *see also PHARMACISTS AND PHARMACY*
Physicians
Clinical privileges **481**—51.5(3,4)
Diet orders **481**—51.20(2)*a*,*d*
Drugs, *see Drugs above*
Emergency services **481**—51.5(2); **641**—132.9(6)
Interns/residents, education costs, payment **441**—79.1(5)*a*,*m*,*y*,*ab*,*ac*, 79.1(16)*a*,*b*,*v*
Laboratories, supervision **481**—51.18(4)
Payment, *see Medical Assistance Providers above*
Records **481**—51.12(1), *see also Patients above*
Trauma education/training **641**—ch 137
Volunteer program **641**—ch 88
Planning/development **641**—chs 202, 203, *see also Building Requirements above*
Plumbing, *see Building Requirements above*
Psychiatric care, *see MENTAL HEALTH: Hospitals*
Radiation therapy **481**—51.16; **641**—39.4(22)*i*(4)"2," 39.4(29)*h*(4), ch 39 Appendix J, 40.42(6), 40.62(2,5), 203.3, 203.4, *see also Building Requirements: Radiology above*
Records **441**—9.11 p.31; **481**—50.8(2), 51.12(2)*c*, *see also Drugs above; Medical Assistance Providers above; Patients above*
Rehabilitation facilities **281**—56.24; **441**—78.3(1), 79.1(5)*b*,*g*–*i*,*r*; **641**—202.1(9,13)

Renal dialysis standards **641**—203.7
Reports
Abuse **481**—51.7(4)
Agriculturally related injuries **641**—1.3(1)*d*
Annual **481**—51.12(3); **641**—204.1, 204.2
Brain/spinal cord injuries **641**—ch 21
Communicable diseases **641**—1.6(2)
Cost, Medicaid, *see Medical Assistance Providers above*
Pregnancies, terminations **641**—ch 106
Surgery, postoperative **481**—51.26(4)
Trauma care facilities **481**—136.2(2)

Resuscitation orders (OOH DNR) **641**—142.5(4)
Rural health center **641**—110.3
Sanitation
Disinfection **641**—1.10
Food service **481**—51.20
Waste processing **481**—51.50(9)

Specialized **481**—51.1, 51.2(1,2), 51.32, 51.34
Staff, *see Nurses above; Physicians above*
Standards
See also Building Requirements above
Certificate of need review **641**—ch 203
Emissions
Incinerators, *see Wastes, Medical/Infectious, Incinerator Emissions (HMIWI) below*
Sterilization facilities **567**—23.1(4)*dw*

Food service **481**—51.20

Storage, *see Building Requirements above*
Substance abuse treatment **441**—78.31(1)*g*, 78.31(4)*a*, 79.1(5)*b,r*, 79.1(16)*b*(5), 88.61–88.75; **641**—203.11, *see also PUBLIC HEALTH DEPARTMENT*
Surgery
Facilities **481**—51.26; **641**—203.2
Medical assistance, *see HUMAN SERVICES DEPARTMENT*

Taxation, sales, exemption **701**—17.1(6), 18.24, 18.59, 26.71(1)*f*
Telecommunications, network access **751**—7.4(5), 7.11, 12.5
Tomography standards **641**—203.4, 203.13
Transplants **191**—71.14(8), 75.10(5); **441**—75.11(4), 78.1(12,20), 78.3(10), *see also Organ/Tissue Donation above*
Trauma facilities, *see Emergencies above*
Trust fund **441**—ch 164
University of Iowa
See also LABORATORIES: State Hygienic
Generally **681**—12.1(3)
Certificates of need **641**—203.1(4)*g*, 203.4(3), 203.7(3)*c*(6)
Indigent patients **201**—45.1(6); **441**—92.8, 92.9; **641**—75.1, 75.2"5," 75.5(9), 75.6

Veterans, educational programs **281**—ch 52
Visitors
Infection control **481**—51.24(2)
Iowa medical and classification center (IMCC) **201**—ch 20

Wastes, medical/infectious, incinerator emissions (HMIWI) **567**—23.1(2)*ttt*, 23.1(5)*b*
X-ray facilities **481**—51.50(8); **641**—203.3, 203.4, *see also Radiation Therapy above*

HOTELS AND MOTELS
See also BUILDINGS
Bed/breakfast inns **481**—30.2; **661**—202.3
Fire safety, *generally*, *see FIRE AND FIRE PROTECTION*
Inspections/licensure **481**—1.5, chs 8, 30, 35, 37
Restaurants **481**—ch 35
Signs, highway **761**—118.4(5)
Smoking areas **641**—153.4(2)
Taxation **701**—10.110, 10.111, 18.40, chs 103–105, *see also TAXATION*

HOUSING
See HOMES/HOUSING

HOUSING FINANCE AUTHORITY
See FINANCE AUTHORITY, IOWA

HUMAN RIGHTS DEPARTMENT
Community action agencies division **427**—chs 2, 5, 10, 11, 22, 23, *see also COMMUNITY ACTION AGENCIES*
Contested cases **421**—ch 6, 7.11
Criminal and juvenile justice planning division **428**—chs 1–3
Deaf services **429**—chs 1–9, *see also DEAF SERVICES DIVISION*
Declaratory orders **421**—ch 5
Director **349**—1.6
Family development/self-sufficiency grants **441**—ch 165
Latino affairs division **433**—chs 1, 2, 6
Persons with disabilities division **431**—chs 1, 2
Records, *generally*, public/fair information **421**—ch 2
Rule making **421**—chs 3, 4, 7
Status of African-Americans division **434**—chs 1–6
Status of Iowans of Asian and Pacific Islander Heritage division **436**—chs 1, 2
Status of women division **435**—chs 1–5

HUMAN SERVICES DEPARTMENT
Abuse
Adult, *see ABUSE: Dependent Adults; HEALTH CARE FACILITIES subheadings Personnel: Crime/Abuse, History; Residents*
Child, *see CHILDREN*

Address **441**—3.4(2,3), 3.6(2), 3.11(1), 4.1, 4.3, 5.1, 5.5, 79.4(5)*a*(2)
Adjudicative proceedings, emergency **441**—7.24
Adoptions, *see Medical Assistance (Medicaid): Children below; ADOPTION*
Adult support program **441**—ch 183
Affirmative action **441**—1.3(1)*d*, 105.3(1), 150.3(3)*f*, 150.5(3)*f*, 152.2(8)
AIDS/HIV, *see Medical Assistance (Medicaid) below*
Attorney general representation **61**—1.3(1)*a*
Audits **441**—9.10(2), 54.8(2), 57.3, 79.4, 88.69(6), 150.3(5)*a*(9), 150.3(10), 185.13; **481**—1.3"3," ch 22
Brain injury, services **441**—chs 22, 24, 25; **641**—56.5, *see also Medical Assistance (Medicaid) below*
Burials **441**—156.8(5), 201.6(1)*a*(8)
Casework, *generally* **441**—130.2(5), 130.6, 130.7, ch 131
Children
See also JUVENILES
Abuse, *see CHILDREN*
Adoption, *see ADOPTION*
Aid to dependent, *see Family Investment Program (FIP) this subheading below*
Apartment living, supervised, *see CHILDREN*

Care services **441**—ch 58 Div. III, 77.46(5)*a*(3), 79.1(2) p.5, chs 109, 110, 118, 150.4(1), chs 159, 168–170; **641**—ch 7, *see also CHILDREN*

Case management services **441**—ch 24, 77.29(2), 78.33, 80.2(2)*g*, 83.7, 83.47, 83.61(2)*g*(4), 83.82(2)*a*, 83.87(2), 88.73(2)*c*, ch 90, 130.7

Community care services **441**—ch 186

Court-ordered services **441**—chs 98, 99, 150.3(6)*b*, ch 151, 153.15(4), 153.17, 175.31(1), 200.7, 200.10(1)

Death review team **641**—ch 90

Disabled , *see Developmental Disabilities below; DISABILITIES*

Emergency assistance **441**—9.10(4)*f*, chs 58, 133

Empowerment program **349**—ch 1

Family-centered program, *see Family-Centered Services below*

Family investment program (FIP) **441**—7.5(2)*f*, 7.5(6,8), 7.7(1), 9.10(4,16), 9.11, 9.12(1)*a*, 9.12(2)*b*(7,8), 9.15(2)*a*, chs 13, 40, 41, 43, 45–47, 58 Div. II, III, 65.5(3)*c*, 65.28(19), ch 93, 95.18–95.20, ch 165, 170.3(5); **481**—1.4"6," 1.6"1," chs 71, 72, 74, *see also Medical Assistance (Medicaid) below; FAMILY INVESTMENT PROGRAM (FIP)*

Family support program **441**—ch 184

Foster care, *see Foster Care below*

Funds, welfare/juvenile justice decaterization **441**—ch 153 Div. II

Guardianship program **441**—75.1(11), ch 204

Healthy and well kids in Iowa (HAWK-I) program **441**—1.10, ch 58 Div. III, 76.1(2)*b*, 76.1(3)*c*, 76.11(4), ch 86; **481**—71.5(1)

Homeless, assistance **441**—ch 58 Div. II, *see also Food Assistance Program below*

Hospitals, *see HOSPITALS*

Immunization, *see Medical Assistance* (*Medicaid*) *below*

Insurance, health, *see CHILDREN*

Medical assistance, *see Medical Assistance (Medicaid) below*

Medical support, *see CHILDREN: Support*

Mental health, *see MENTAL HEALTH*

Mental retardation **441**—chs 24, 116, 202.2(5); **481**—ch 40, *see also Mental Retardation below*

Placements, *see ADOPTION; CHILDREN: Apartment Living*, *Supervised; FOSTER CARE*

Pregnancy, *see CHILDREN: Adolescents*

Psychiatric care, *see MENTAL HEALTH*

Refugees **441**—60.1(2), 60.7, 61.1, 61.14, 156.20(1)*b*(3)

Rehabilitative treatment, *see Rehabilitative Treatment Services below*

Residential facilities

Generally **441**—chs 115, 116, 156.19; **481**—ch 40

Community living providers, supported **441**—77.37(23), 78.41(10), 79.1(2)p.7, 79.1(15), 83.61(1)*a*,*k*, 83.62(3)*g*, 83.70(3)

Respite care, *see Respite Care below*

Runaways **441**—85.25(2)*c*, ch 143, 156.10(1)*c*, 156.10(2)*c*

Shelters/detention facilities **441**—85.25(2)*c*, ch 105, 143.5, 150.3(5)*a*(8), 150.3(5)*p*, 156.10(3), 156.11(3), 172.13(3)*e*, 182.3(4)*b*,*c*; **481**—40.1

Special needs **441**—9.12(1)*b*(5), 41.27(9)*j*, 41.28(3), 45.25, 156.1, 156.6(4), 156.8, 157.2(2), 157.5, ch 160, 170.1, 170.2(2)*a*, 170.4(7)*a*, ch 184 Div. I, 200.1, 200.3(2), 200.4(1)*a*(12), 200.4(1)*b*, 201.3, 201.4(4), 201.5(9), 201.6(1)*a*(3,6), 201.6(3), 201.10, ch 203

Support, *see CHILDREN*

Claims

Burial **441**—156.8(5)

Commodity losses **441**—66.7

Counties, debts, offset **441**—ch 14

Court-ordered services, juveniles **441**—151.3(4,5), 151.4, 151.31(5)*b*, 151.31(7)

Crossover **441**—79.1(22), 81.6(20)

Food stamps, *see Food Assistance Program below*

Forms **441**—75.2(1), 75.4(4), 78.1(16)*f*, 78.1(17), 78.8(2)*b*, 78.13(11), 78.37(15)*i*, 78.38(8)*i*, 78.41(8)*i*, 80.2, 82.15, 150.3(8), 150.5(5), 151.4(1,2), 156.8(3–5), 158.3, 167.5, 176.16(3), 185.121
Foster care
Insurance **441**—ch 158
Medical/funeral expense **441**—156.8(3–5)
Fraudulent **441**—79.2(2)*a*, *see also Medical Assistance (Medicaid): Payment: Overpayments below*
Health examinations, dependent adult abuse **441**—176.16
Hospitals, *see HOSPITALS: Medical Assistance Providers*
Liens **441**—75.4
Overpayments, *see Medical Assistance (Medicaid): Payment below*
Prepaid health plan providers **441**—88.26(3)
Processing **441**—1.3(1)*b*
Reassignment **441**—79.1(10)
Small, payment **441**—ch 8
Submission **441**—9.10(8), 78.13(11), 78.16(1)*b*, 78.19(1)*a*(4,6), 78.19(1)*b*(16), 79.1(5)*o*, 79.14(10), 80.2, 80.4, 82.15, 88.6(3), 88.26(3), 88.64(3), 88.73, 92.9, 150.3(8), 150.5(5), 151.4, 156.8(3–5), 158.3, 158.4, 167.5, 185.121
Commodities, *see Food, The Emergency Assistance Program (TEFAP) below*
Community care, *see Children above*
Comprehensive family support **441**—184.21–184.27
Confidential information **441**—28.12, 34.3(5), 75.22(10), 110.11, 111.13, 200.14(2); **481**—72.4, *see also Purchase of Service Contracts: Provider Agencies/Contractors below; Records below*
Contested cases **441**—ch 7, *see also Hearings below*
Contracts **441**—1.10(2)*b*, ch 2, 3.7, 9.8(1), 9.10(4), 9.11, 9.12(1)*f*, 38.3–38.5, 38.9, 38.11, 54.1, ch 66, 82.3, 93.103, 93.123(2), 93.150, 151.4(6), 151.6, 151.30(5)*c*, 151.30(6–8), 151.31(5–8), 151.32(6,8), 151.33, ch 155, 156.7, 160.6–160.9, 162.6, 163.6, 168.7–168.9, 182.5, 182.8(4), 186.3, *see also Medical Assistance (Medicaid): Providers below; Purchase of Service Contracts below; Rehabilitative Treatment Services: Providers below*
Council on human services **441**—1.2
Day care, *see Medical Assistance (Medicaid) below; CHILDREN: Care Services*
Debts
See also CHILDREN: Support
Food assistance **441**—ch 11
Medical assistance **441**—76.12, ch 89
Offsets
Generally **11**—ch 40
Counties, claims **441**—ch 14
Senior living grant program **441**—162.8
Taxation refunds **441**—11.4, 11.5, 95.6, 95.7, 98.81; **701**—43.3(3), ch 150
Unemployment benefits **441**—95.8
Recovery unit **481**—ch 71
Declaratory orders **441**—ch 5, 9.11
Developmental disabilities
See also Grants below; Medical Assistance (Medicaid) below; Personal Assistance Services Program below
Casework **441**—24.4(9), 24.5(1)*a*, 78.33, 130.2(4), 130.6, 130.7, 202.2(5)
Council, governor's **441**—1.7, ch 38
Counties, expenditures **441**—ch 25
Definitions **441**—22.1, 24.1, 38.1
Family support subsidy, *see Children: Special Needs above*
Foster care **441**—202.2(5)
Services, standards **441**—ch 22, 24.2–24.4
Director **349**—1.6; **441**—1.1–1.3, 25.14–25.16; **641**—90.9

Discrimination **441**—65.11, 79.5, 152.2(10), *see also Purchase of Service Contracts: Provider Agencies/ Contractors: Affirmative Action/Equal Opportunity below*
Diversity programs unit **441**—150.3(3), 150.5(3)
Drug subsidy, Medicare **441**—ch 91
Emergency assistance programs **441**—7.5(2)*f*, 7.7(1), 9.10(4)*f*, chs 58, 133
Family-centered services
Appeals **441**—172.5
Casework **441**—172.14(1), 172.24(1), 172.33
Definitions **441**—172.1
Duration **441**—133.5
Eligibility **441**—130.2(5), 130.3(1)*e*, 133.3(4), 172.12, 172.22
Nonrehabilitative treatment **441**—ch 152, 185.1
Providers **441**—ch 172
Rates **441**—150.3(4)*c*, 150.3(6)*c*
Rehabilitative treatment **441**—chs 152, 185
Safety plan **441**—172.10–172.15, 172.20–172.25
Supportive services **441**—172.30–172.34
Family development/self-sufficiency (FaDSS) **441**—7.7(1), 60.9(3), 61.1, ch 165, *see also WORK AND TRAINING PROGRAMS: PROMISE JOBS*
Family/group homes, *see CHILDREN: Care Services: Development Homes*
Family investment program (FIP), *see Children above*
Family-life homes **441**—51.7, 52.1(1), ch 111
Family medical assistance program (FMAP), *see Medical Assistance (Medicaid) below*
Family planning **441**—ch 58 Div. III, ch 87, 93.103(1), 93.109(2)*a*, 93.118, ch 163, *see also Medical Assistance (Medicaid) below*
Family support subsidy **441**—ch 184 Div. I
Food assistance program
Generally **441**—ch 65
Administration **441**—65.3
Agreements, agency **441**—9.10(4)*b*,*c*, 65.21
Aliens/noncitizens **441**—65.29(11), 65.37, 65.52
Allotments **441**—65.32
Applications/interviews **441**—65.2, 65.6, 65.13, 65.44
Children **441**—65.24, 65.28(2)*a*,*d*, 65.28(11)
Child support payments, deductions **441**—65.22(1)*g*
Claims processing **441**—11.5(1), 65.6, 65.13, 65.21
Complaints **441**—65.11, 65.16
Debts, *see Errors/Violations this subheading below*
Deductions **441**—65.8, 65.22(1)*g*, 65.22(2), 65.33, 65.38
Definitions **441**—65.1; **481**—72.1
Dependents **441**—65.28(11), 65.33
Disabled **441**—65.30(2), 65.37(1)
Disasters **441**—ch 58 Div. III
Electronic benefit transfer (EBT) **441**—65.4
Eligibility **441**—9.10(4)*c*, ch 13, 65.5, 65.6, 65.8, 65.17, 65.22–65.24, 65.26–65.32, 65.37–65.39, 65.41, 65.44, 65.51, 76.8; **481**—72.4, *see also Errors/Violations this subheading below*
Errors/violations
See also Suspension/Expiration/Cancellation/Denial/Disqualification this subheading below
Benefits, reduction **441**—65.50
Disqualifications **441**—65.27, 65.28(12–14), 65.46
Repayment **441**—7.5(10), 11.2(2), 65.21; **481**—ch 71
Expiration **441**—65.20

Group living arrangements/treatment centers **441**—65.9
Hearings/appeals **441**—7.5(10), 7.7, 7.8(1,2), 7.9, 7.21, 11.4(5,6), 11.5(5), 65.12, 65.21(4); **481**—1.6"1"
Homeless, *see Shelters this subheading below*
Investigations **481**—1.4"6," chs 71, 72, 74
Issuance **441**—65.4
Job insurance benefits (JIB) **441**—65.29(2)
Medical expenses **441**—65.8(7), 65.22(1)*c,g*
Overpayment, *see Errors/Violations: Repayment this subheading above*
Proration, benefits **441**—65.15
Recertification **441**—65.22
Recipients, employment/training **441**—65.28, 93.105(2)*f*; **877**—8.4(8), 8.12
Records **441**—9.10(4)*b,c*, 9.11, 9.12(1)*a*, 9.12(2)*a*(2), 9.12(2)*b*(6)
Reports **441**—65.5, 65.9, 65.20
Sales tax exemption **701**—20.1–20.6
Setoff, taxation recovery **441**—11.5; **701**—43.3(3)
Shelters **441**—65.31
Students **441**—65.26, 65.29(6), 65.30(5), 65.38
Suspension/expiration/cancellation/denial/disqualification **441**—7.7, 7.9, 9.12(2)*b*(6), 40.27(4)*d*, 65.1, 65.20, 65.27, 65.44, 65.46; **481**—72.4
Taxation
Credits **441**—65.30(4)
Exemptions **701**—ch 20
Termination/reinstatement **441**—65.44
Utility allowance **441**—65.8
Violations, *see Errors/Violations this subheading above*
Vouchers **441**—65.4(4)*a*, 65.4(5)
Work registration **441**—65.28

Food, the emergency assistance program (TEFAP) **441**—ch 66
Foster care **441**—9.10(4)*c*, 9.10(13), 65.9, 65.24, 75.57(7)*d*, 108.1–108.8, chs 112–114, 117, 130.7(3), ch 133, 150.3(6)*b*, ch 152, 153.5(2)*b*, chs 156, 158, 172.13(3)*d*, 185.105(1)*f*, ch 187, 200.1, 200.3(1), ch 202; **481**—1.12"4," 5.12(2), ch 40; **489**—chs 1–4, *see also Medical Assistance (Medicaid): Children below; Rehabilitative Treatment Services below; FOSTER CARE*
Governor's developmental disabilities council (DD) **441**—1.7, ch 38
Grants
Abuse prevention **441**—9.11, ch 155
Block
Generally **441**—130.3(1)*b*, 130.7(1), 153.1–153.5
Volunteer services **441**—12.2
Child care **441**—chs 159, 168, 169
Developmental disabilities **441**—9.11, ch 38, 153.51–153.58
Disasters **441**—ch 58 Div. I
Diversion initiatives/self-sufficiency **441**—ch 47
Empowerment areas **441**—ch 169
Exceptions **441**—1.8(2)*b*(4), 61.6(3)*f*
Family development/self-sufficiency **441**—ch 165
Family investment program (FIP), *see FAMILY INVESTMENT PROGRAM (FIP)*
Foster care **441**—156.9
Hospital trust fund **441**—ch 164
Mental health/retardation allocation **441**—9.11, ch 38
Pregnancy prevention **441**—ch 163
Records **441**—9.11
Refugees, training **441**—61.6(3)*f*

Senior living trust fund **441**—chs 161, 162, *see also ELDER AFFAIRS DEPARTMENT: Funds/Grants*
Special needs children, adoption **441**—ch 160

Handicapped services **441**—ch 83 Div. I, ch 184, *see also Developmental Disabilities above; Medical Assistance (Medicaid): Disabilities below*

HAWK-I program, *see Children above*

Health care, in-home **441**—50.2(3), 52.1(5), ch 83, 150.2(1)*c*, 150.4(2), ch 177; **481**—50.9, *see also Medical Assistance (Medicaid) subheadings Home Care; Home Health Agencies; Home Health Aide Services; Homemaker Services below*

Health maintenance organizations (HMOs), *see Medical Assistance (Medicaid) below*

Hearings/appeals **441**—1.8(1)*a,g*, ch 7, 9.11, 9.12(1)*a*(1,5), 9.12(1)*b*(4), 9.14(7), 11.4(5,6), 22.5, 24.8, 25.13(2)*j*, 47.25(3,4), 58.7, 83.129, 86.12, 90.7, 91.8, 92.15, 95.13, 98.81(3), 98.97(3), 103.34(2,4), 103.35, 107.11, 119.5, 150.3(3)*i*, 153.58, 158.5, 159.10, 162.9, 163.10, 168.6, 169.9, 170.6, 183.9, 184.9, 184.26, 186.4, 200.16, 204.8; **481**—1.6, 5.12(2)"5," 73.9, *see also Food Assistance Program above; Medical Assistance (Medicaid) below*

Homeless, assistance **441**—ch 58 Div. II, 65.31

Hospice, *see Medical Assistance (Medicaid) below*

Hospitals, trust fund **441**—ch 164

Ill/handicapped waiver services, *see Medical Assistance (Medicaid) below*

Individual and family direct support **441**—ch 184

Individual development accounts (IDAs) **441**—ch 10, 75.57(6)*ab*

Intermediate care facilities **441**—ch 36, *see also Medical Assistance (Medicaid) below*

Investigations **441**—40.27(4)*d*, 40.28, ch 76; **481**—1.4"4," 40.1, chs 71–74

IowaCare, *see Medical Assistance (Medicaid) below*

Juveniles, *see CHILDREN; JUVENILES*

Long-term care **441**—chs 161, 162, *see also ELDER AFFAIRS DEPARTMENT*

Managed health care, *see Medical Assistance (Medicaid) below*

Medical assistance (Medicaid)
Abortions **441**—78.1(16)*i*, 78.1(17), 78.26(1)
Acupuncture **441**—75.1(35)*g*(2)"4"
Advance directives **441**—78.34(7)*m*, 78.37(15)*m*, 78.38(8)*m*, 78.41(8)*m*, 78.43(13)*m*, 78.46(1)*m*, 79.12, 81.1
Advisory council **441**—79.7
AIDS/HIV waiver services **441**—75.22, 75.27, 77.34, 78.38, 79.1(2)p.4, 79.1(14)*e*, 83.41–83.49
Alcoholism/substance abuse, *see Substance Abuse this subheading below*
Aliens **441**—75.11, 76.6(3)
Ambulance **441**—77.11, 78.11, 79.1(2)p.3, 79.1(5)*i*, 79.1(13)*c*, 79.1(16)*b*(2), 79.3(2)*d*(29), 80.2(2)*a*, 81.10(5)*c*, 88.5(2)*a*(12), 88.65(3)*a*(1), 88.65(4)*h*, *see also Transportation this subheading below*
Anesthesia **441**—79.1(2) p.10, *see also Nurse Anesthetists this subheading below*
APC (ambulatory payment classification) **441**—79.1(16)
Application/investigation **441**—ch 76, 83.23, 83.43, 83.62, 83.103, 92.3
Approvals/authorizations/reviews, prior **441**—78.1(3)*b*, 78.2(4)*a*, 78.2(5), 78.4(5,7,8), 78.9(10)*b*, 78.10(3)*c*, 78.14(7)*d*, 78.28, 79.1(16)*l*, 79.8, 88.48, *see also Surgery: Preprocedure Review this subheading below*
Area education agencies (AEAs) **441**—77.28, 77.43, 78.32, 79.1(2)p.3, 79.3(2)*d*(26)
Assets/home equity **441**—75.13, 75.15, 75.23, ch 89, *see also subheadings Spouses, Institutionalized below; Trusts below*
Assisted living programs **441**—77.30(7)*g*, 77.33(6)*a*(7), 77.33(15)*g*, 77.34(8)*g*, 77.37(21)*g*, 77.39(24)*g*, 77.41(2)*g*, 77.46(5)*a*(8), 78.37(15)*c*, 79.1(2)p.6, *see also Respite Care this subheading below*
Audiologists **441**—77.14, 77.28(1), 77.43(1)*a*, 77.44(1)*a*, 78.1(13), 78.14, 78.49, 78.50, 79.1(2)p.3, 79.1(13)*c*, 88.48(1)*h*
Authorizations, *see Approvals/Authorizations/Reviews, Prior this subheading above*
Behavioral health services **441**—77.26, 78.29, 79.1(2)p.3, 79.3(2)*d*(39)
Birth centers **441**—77.27, 78.30, 79.1(2) p.3, 79.3(2)*d*(15), *see also Maternal Health Centers this subheading below*
Birth control, *see subheadings Family Planning below; Sterilization below*
Blind **441**—75.1(4,5,17,25), 75.5(3)*c*(5), 75.13, 75.58(1)*b*(3)"4," 77.44, 83.1–83.9, 83.102, *see also Eyeglasses/Contact Lenses this subheading below*

Brain injury waiver services **441**—77.30(5), 77.39, 77.41(3)*a*, 78.43, 79.1(2)p.6, 83.81–83.90; **641**—ch 56, *see also Home- and Community-Based Services(HCBS) this subheading below*

Camps **441**—77.30(5)*a*(5), 77.33(6)*a*(3), 77.34(5)*a*(5), 77.37(15)*a*(5), 77.39(14)*a*(4), 77.46(5), 78.43(3), 79.1(2)p.5, *see also Respite Care this subheading below*

Cancellation, *see Termination this subheading below*

Cancer **441**—75.1(40), 76.6(3), 78.1(20)*a*(2,3)

Case management providers **441**—77.25(5), 77.29, 77.33(21), 77.39, 77.39(12), 78.27, 78.33, 78.37(17), 78.43(1), 78.49(1,2), 79.1(2)p.6,8, 79.1(24), 79.3(2)*d*(33), 80.2(2)*g*, 82.7, 83.7, 83.22(2), 83.26, 83.27, 83.30, 83.47, 83.61(2)*a–c,f,g*, 83.67(5), 83.82, 83.83(2)*c,d,g*, 83.86, 83.87, 83.121, 83.127, 88.61, 88.73(2)*c*, 88.121, ch 90, 130.7

Children

See also subheadings Infants below; Newborns below

Adoption, subsidized **441**—75.1(10,16), 76.7(4), 201.6, 201.10

Day treatment **441**—78.16(7), 78.31(4)*d*(7)"7," 79.1(2) p.8, 85.25(3), 85.26

Eligibility **441**—75.1(7,10,11,14–17,20,28,35,38,43), 75.2, 75.4(3), 75.7(2), 75.11(2)*g*(1), 75.13(1,3), 75.14, 75.16(1)*a*, 75.16(2)*e*, 75.19, 75.21(1), 75.54, 75.55, 75.56(1,2), 76.1, 76.2(1)*a,d*, 76.7, 76.11(4), 78.9(9)*c,d*, 78.9(9–11), 78.14(6), 78.28(4,9), 78.33(3), 83.1–83.9, 83.41–83.49, 83.60–83.70, 83.81–83.90, 83.125, ch 84, 85.3, 85.22, 86.2(5), 86.3(6), 86.4, 92.2(1)*c*, 201.10, 204.9

Eyewear **441**—78.6(1)*d,f*

Family investment program (FIP) members **441**—75.16(2)*d,e*

Family medical assistance program (FMAP), *see Family Medical Assistance Program (FMAP) this subheading below*

Family support subsidy **441**—184.4

Fluoride, topical varnish **441**—78.1(24)

Foster care **441**—75.1(10,42), 75.16(1)*f*, 76.1, 76.7(4), 77.30(5)*a*(4), 77.34(5)*a*(4), 77.37(15)*a*(1), 77.39(14)*a*(3), 77.46(5)*a*(2), 79.1(2)p.5, *see also Respite Care this subheading below*

Guardianship program **441**—75.1(11), 204.9

Hospitals, *see HOSPITALS*

Immunization, *see Immunization this subheading below*

Intensive care **441**—78.9(10)*a*(1), 79.1(5)*b*(2), 79.1(5)*r*(3)

Mental health, *see Mental Health this subheading below*

Mental retardation, *see Mental Retardation this subheading below*

Nonresidents **441**—75.1(10,16), 201.10(2)

Nursing/personal care services **441**—78.9(10)*a(*1)

Nutritional counseling/services **441**—78.1(14), 78.18(7), 78.31(1)*n*, 78.31(4)*h*, 78.49(1), 78.50(1)

Paternity **441**—75.14

Psychiatric medical institutions (PMIC), *see MENTAL HEALTH*

Respite care **441**—77.30(5), 77.37(15), 78.41(2), 78.52(5), 79.1(2) p.5, 83.126

Vaccines for children program, *see Immunization this subheading below*

Chiropractors **441**—77.8, 78.8, 79.1(2)p.3, 79.1(13)*b*, 79.3(2)*d*(37)

Chore service **441**—77.30(7)*d*, 77.33(7), 77.33(15)*d*, 77.34(8)*d*, 77.37(21)*d*, 77.39(24)*d*, 77.41(2)*d*, 78.37(7), 79.1(2)p.5, 83.26

Clinics **441**—77.21, 77.43, 78.1, 78.21–78.23, 78.31(1)*e*, 78.40(1), 79.1(2)p.3, 79.3(2), 84.3, 88.5(2)*a(*8,11), 88.14, 88.44(2), 88.45, 88.48(1)*e*

Community action agencies **441**—77.30(7)*e*, 77.30(9)*b*, 77.30(11)*b*, 77.30(12)*b*, 77.33(7)*b*, 77.33(8)*b*, 77.33(9)*b*, 77.33(11)*b*, 77.33(12)*b*, 77.33(15)*e*, 77.34(6)*f*, 77.34(8)*e*, 77.37(21)*e*, 77.39(18)*b*, 77.39(24)*e*, 77.41(2)*e*, 77.41(6)*b*

Community living, supported **441**—77.25(7), 77.30(7)*f*, 77.37, 77.37(12)*b*, 77.37(14), 77.37(22)*a*(5), 77.37(23), 77.39, 77.39(13), 77.41(2)*f*, 77.46(2)*d*, 78.41(1,10), 78.43(2), 79.1(2)p.6,7, 79.1(15), 83.61(1)*a,k*, 83.67(4)*b*, 83.70(3), 83.86

Companionship, senior **441**—77.33(14), 78.37(14), 79.1(2)p.6

Consumer choices option **441**—77.30(13-17), 77.33, 77.33(16-20), 77.34(9-13), 77.37, 77.37(28–32), 77.39, 77.39(26-30), 77.41, 77.41(7-11), 78.34(13), 78.37(16), 78.38(9), 78.41(15), 78.43(15), 78.46(6), 79.1(9)

Consumer-directed attendant care **441**—77.30(7), 77.33(15), 77.34(8), 77.37, 77.37(21), 77.39, 77.39(24), 77.41(2), 78.34(5)*d*, 78.34(7), 78.37(6)*h*, 78.37(15), 78.38(5)*h*, 78.38(8), 78.41(2)*g*, 78.41(8), 78.43(3)*d*, 78.43(13), 78.46(1), 79.1(2)p.6, 83.6, 83.26, 83.46, 83.66, 83.86, 83.106
Contraceptives, *see Birth Control this subheading above*
Copayments **441**—79.1(13)
Counseling **441**—77.30(6), 77.34(1), 77.39, 77.39(21), 78.34(6), 78.38(1), 78.43(10), 78.49(1), 79.1(2)p.6,7, 83.6, 83.86, *see also Nutrition: Counseling/Services this subheading below*
Counties, *see COUNTIES*
Day care, adult **441**—77.30(3), 77.30(5)*a*(7), 77.33(1), 77.33(6)*a*(6), 77.34(5)*a*(7), 77.34(7), 77.37(15)*a*(6), 77.37(25), 77.39, 77.39(14)*a*(2), 77.39(20), 77.41(2)*h*, 77.46(5)*a*(7), 78.34(3), 78.37(1), 78.38(7), 78.41(12), 79.1(2)p.4,5, 83.6, 83.26, 83.46, 83.66, 83.86
Day habilitation **441**—77.25(6), 77.37(27), 78.27(8), 78.41(14), 79.1(2)p.8, 83.61(1)*l*, 83.66
Day services, adult **441**—77.30(7)*h*, 77.33(15)*h*, 77.34(8)*h*, 77.37(21)*h*, 77.39(20), 77.39(24)*h*, 77.41(2)*h*
Deaf, State School **441**—77.44
Debts
See also Payment, Overpayment this subheading below
Asset transfer **441**—ch 89; **481**—ch 75
Deaths/errors, recovery **441**—76.12
Definitions **441**—75.1(39)*d*, 75.10, 75.11(1), 75.25, 75.50, 76.12(1), 77.9, 77.25(1), 78.27(1), 78.41(1)*a*, 79.1(5)*a*, 79.1(7,16,22), 79.2(1), 79.4(1), 81.1, 81.6(20), 81.31, 82.1, 83.1, 83.21, 83.41, 83.60, 83.81, 83.101, 83.121, 88.1, 89.1, 92.1; **641**—74.4
Dental services **441**—77.24, 78.1(4)*b*(1), 78.1(24), 78.2(1), 78.3(11), 78.4, 78.18(3,8), 78.25(2)*e*, 78.26, 78.28(2), 79.1(2)p.3, 79.1(3), 79.1(13)*d*, 79.1(20), 79.6, 79.8(1), 80.2(2)*d*, 81.10(5)*d*, 81.13(15), 84.3
Diabetics **441**—78.1(2)*b*(7), 78.1(20)*a*(7), 78.10(2)*d*(2), 78.28(1)*h*, 78.31(4)*f*
Dietitians **441**—77.30(12), 77.33(12), 78.1(14), 78.18(7), 78.31(4)*b*(2), 78.31(4)*c*(2), 78.31(4)*f*(3), 78.31(4)*h*, *see also Nutrition this subheading below*
Disabilities **441**—75.1(4,5,17,25,33), 75.1(35)*l*, 75.1(38,39,43), 75.5(3)*c*(5), 75.13, 75.20, 75.24(3), 75.58(1)*b*, 77.43, 78.37(13), 79.5, 201.6, 201.10, *see also subheadings Brain Injury Waiver Services above; Employment, Supported below; Home/Vehicle Modification below; Ill/Handicapped Waiver Services below; Physical Disability Waiver Services below*
Drugs **441**—76.9, 77.2, 77.37(5), 78.1(1–3), 78.2, 78.3(5), 78.4(13), 78.5(3), 78.9(11), 78.13(3), 78.25(2)*b*(8), 78.28(1), 78.31(4)*d*(7)"3," 78.36(1)*a*(6), 78.36(1)*b*(4), 79.1(2)p.11, 79.1(8), 79.1(13)*a*, 79.8, 80.2(1)*b*, 80.2(1)*c*(4), 81.9(1)*b*, 81.10(5)*a*,*d*, 81.13(10)*l*,*m*, 81.13(16), 82.2(5)*e*, 82.2(6)*i–m*, 92.8(5), *see also Drug Subsidy, Medicare above; subheadings Immunization below; Nurse Anesthetists below*
Eating disorders **441**—78.31(1)*h*, 78.31(4)*b*
Education agencies, area/local **441**—77.43, 77.44, 78.50, 79.1(2)p.3,9, 79.3(2)*d*(26), 88.5(3)*k*
Elderly waiver services **441**—75.1(18), 77.33, 77.41(3)*a*, 78.37, 79.1(2)p.4,5,7, 83.21–83.30
Eligibility, client **441**—9.10(4)*c*,*d*, 9.12(1)*a*(3), 9.12(2)*a*(2,3), 9.12(2)*b*(3), chs 13, 75, 76, 78.27(2), 79.1(13)*m*, 80.5, 82.6, 82.7, 82.14, 83.2, 83.3, 83.5, 83.22, 83.23, 83.25, 83.42, 83.43, 83.45, 83.61(1)*i*, 83.64, 83.82–83.85, 83.102, 83.103, 84.2, 85.3, 85.8, 92.1, 92.2, 92.4–92.6, 92.7(4), 92.8(3), 92.11, 92.12, 92.14, 92.15, *see also Children this subheading above*
Emergency care **441**—75.1(20), 75.11, 76.9(3), 76.9(7)*b*, 77.30(10), 77.33(2), 77.37(18), 77.39, 77.39(17), 77.41(4), 78.1(13)*c*, 78.1(16)*f*,*g*, 78.1(21), 78.3(12), 78.4(12), 78.11, 78.21(1), 78.23(2), 78.28(1)*a*, 78.31(1)*a*, 78.34(10), 78.37(2), 78.39(1), 78.40(2,3), 78.41(3), 78.43(6), 78.46(3), 79.1(2)p.4, 83.6, 83.7(4), 83.26, 83.27(2), 83.47(4), 83.66, 83.67(4)*h*, 83.86, 83.87(1)*h*, 83.106, 83.107(1)*f*, 88.6, 88.9(3)*c*, 88.26, 88.31(1), 88.41, 88.48(3), 88.61, 88.65(3)*a*(2), 88.66
Employment, supported **441**—77.25(9), 77.37(12)*b*, 77.39, 77.39(15), 78.27(10), 78.41(7), 78.43(4), 79.1(2)p.7, 79.1(15,24), 83.66, 83.86
Enteral therapy **441**—78.10(3), 78.28(1)*c*
Environmental modifications/adaptive devices/therapeutic resources **441**—77.46(2), 78.52(2), 79.1(2)p.8, 83.126
EPSDT, *see Screening Services this subheading below*
Equipment/devices/supplies, medical **441**—77.33(13), 77.39, 77.39(19), 77.41(5), 78.1(2)*b*, 78.1(4)*e*, 78.2, 78.10, 78.15, 78.28(1)*c*, 78.28(3,4,10), 78.36(1)*a*(6), 78.37(13), 78.43(8), 78.46(4), 79.1(2)p.3,7, 79.1(4,12), 79.1(13)*c*, 79.3(2)*d*(31), 81.10(5)*a*,*c*,*d*, 83.106
Eyeglasses/contact lenses **441**—78.1(18), 78.6, 78.7, 78.28(3), *see also subheadings Opticians below; Optometrists below; Vision Services below*

Family/community support services **441**—77.46(2,3), 78.52(3), 79.1(2)p.8, 83.126
Family investment program, *see Children this subheading above*
Family medical assistance program (FMAP) **441**—65.5(3)*c*, 75.1(6,14,21,31), 75.1(35)*c*(3), 75.13(1), 75.14(2), 75.16(1)*a*, 75.50–75.60, 76.1, 76.5(2), 76.7(2), 76.10(2)
Family planning **441**—58.41–58.45, 75.1(41), 76.1(2)*d*, 76.7(5), 78.22, 79.1(2)p.3, 79.3(2)*d*(13), ch 87, 88.5(2)*a*(4), 88.5(2)*b*, 88.25(2), *see also subheadings Birth Control above; Sterilization below*
Fee schedules **441**—ch 79
Foster care, *see Children this subheading above*
FQHC, *see Health Centers, Federally Qualified (FQHC) below*
Fraud **441**—9.10(6), 79.2(2)*a*, 79.15; **481**—chs 72–74
Habilitation services **441**—77.25, 78.27, 79.1(2)p. 8, 79.1(24), 79.3(2)*d*(24)
Health care facilities, *see subheadings Intermediate Care Facilities below; Nursing Facilities below; Residential Care Facilities below*
Health centers, federally qualified (FQHC) **441**—77.35, 78.39, 79.1(2)p.3, 84.3, 88.14
Health maintenance organizations (HMOs)
  Audits **441**—88.13
  Contracts **441**—88.2, 88.4(4), 88.14
  Cost-effectiveness **441**—88.4(4)*e*
  Definitions **441**—88.1
  Disenrollment **441**—88.4
  Eligibility, identification card **441**—88.3(5)
  Emergencies, liability **441**—88.6
  Enrollment **441**—88.3
  Federal standards **441**—88.13
  Grievances **441**—88.8
  Incentive/rate reduction **441**—88.12(3)
  Location **441**—88.7(2)
  Marketing **441**—88.10
  Nonparticipating providers **441**—88.6(3)
  Patient education/rights **441**—88.11
  Preferred provider arrangements **191**—ch 27
  Records/reports **441**—88.8(2,5), 88.9
  Referral system **441**—88.7(5)
  Reimbursement **441**—88.12
  Services **441**—88.5–88.7, 88.11
Hearing aids/services **441**—77.13, 78.14, 78.28(4), 79.1(2)p.8, 79.1(13)*c*
Hearings/appeals **441**—7.5(7), 75.5(3)*e,f*, 76.12(6), 76.12(7)*g*(3), 82.7(4), 83.29, 83.49, 83.69, 83.89, 83.129, 86.12, 88.8(4), 88.28(4), 88.49(6), 88.68(2), 89.6–89.8; **481**—1.6"1," *see also Providers: Appeals this subheading below;*
INSPECTIONS AND APPEALS DEPARTMENT
Home care **441**—77.30(5)*a*(6), 77.30(7)*b*, 77.33(6)*a*(5), 77.33(8)*h*, 77.33(15)*b*, 77.34(5)*a*(6), 77.34(6)*b*, 77.34(8)*b*, 77.37(15)*a*(7), 77.37(21)*b*, 77.39(14)*a*(5), 77.39(24)*b*, 77.41(2)*b*, 77.46(5)*a*(6), 79.1(2)p.5, *see also subheadings Home Health Agencies below; Homemaker Services below; In-Home Family Therapy below*
Home- and community-based services (HCBS) **441**—75.24(3)*b*(7), 77.30, 77.33, 77.34, 77.37, 77.39, 77.41, 77.46, 78.33(1)*c*, 78.34, 78.37, 78.38, 78.41, 78.43, 78.46, 78.52, 79.1(2)p.3,4, 79.1(15,17), 79.3(2)*d*(35), 80.2(2)*f*, ch 83, *see also subheadings AIDS/HIV Waiver Services above; Brain Injury Waiver Services above; Elderly Waiver Services above; Habilitation Services above; Ill/Handicapped Waiver Services below; Mental Health below; Menta lRetardation below; Physical Disability Waiver Services below; FINANCE AUTHORITY, IOWA*
Home health agencies **441**—77.9, 77.30(4), 77.30(5)*a*(1), 77.30(7)*c*, 77.30(8)*a*(4), 77.33(3–6,12), 77.33(15)*c*, 77.34(5)*a*(1), 77.34(8)*c*, 77.37(15)*a*(4), 77.37(19), 77.37(21)*c*, 77.37(22), 77.39(14)*a*(8), 77.39(24)*c*, 77.41(2)*c*, 77.46(5)*a*(5), 78.9, 78.28(9), 78.34(2), 79.1(2)p.4,5,9, 79.3(2)*d*(27), 79.12, 80.2(2)*a*(1), 80.2(2)*f*, 83.2(2)*a*(3), 83.6, 88.25(2), 88.48, 88.65(3)*a*(13)

Home health aide services **441**—77.30(2), 77.33(3), 77.33(7)*c*, 77.33(8)*f*, 77.34(2,6), 77.37(20), 78.37(3), 78.38(2), 78.41(6), 79.1(2)p.4, 83.26, 83.46, 83.66
Homemaker services **441**—77.30(1), 77.33(4), 77.34(3), 78.34(1), 78.37(4), 78.38(3), 79.1(2)p.4, 83.6, 83.26, 83.46
Home/vehicle modification **441**—77.30(9), 77.33(9), 77.37(17), 77.39, 77.39(16), 77.41(3), 77.46(2)*c*, 78.34(9), 78.37(9), 78.41(4), 78.43(5), 78.46(2), 79.1(2)p.6, 79.1(17), 83.2(2)*b*, 83.6, 83.26, 83.66, 83.82(2)*d*, 83.86, 83.102(2)*b*, 83.106
Hospice **441**—77.30(6)*b*, 77.32, 77.34(1)*b*, 77.39(21)*b*, 77.39(23)*b*(2), 78.36, 79.1(2)p.9, 79.1(14), 79.3(2)*d*(22), 79.12, 80.2(2)*a*(5)
Hospitals **441**—75.1(5–7), 76.1, 77.3, 77.30(5)*a*(3), 77.33(12), 77.34(5), 77.34(6)*c*, 77.37(15), 77.39(14)*a*(6), 78.1(12,15,19), 78.3, 78.11(4), 78.28(5), 78.31, 79.1(1)*g*, 79.1(2)p.9,10, 79.1(5), 79.1(8)*d*, 79.1(13)*g*, 79.1(16,22), 79.3(2)*d*(17,18), 79.10–79.12, 80.2(2)*a*(2), 81.20, 85.1–85.8, 86.14(1), 88.5(2)*a*(1), 88.6(2), 88.25(2)*a*, 88.48, 88.65, 88.66, 92.8, 164.4, *see also subheadings Physicians below; Surgery below; Surgical Centers, Ambulatory below; MENTAL HEALTH: Children*
Hysterectomy **441**—78.1(16)*a,j*
Ill/handicapped waiver services **441**—75.1(18), 77.30, 77.41(3)*a*, 78.34, 79.1(2)p.4,6, 83.1–83.9
IME (Iowa Medicaid Enterprise) **441**—75.1(35)*f*, 75.4(1)*c*, 76.12(7)*e*, 79.1(5)*f,o,p*, 79.1(16)*u*, 79.2, 79.10, 79.11, 79.14, ch 83, 92.7(2)*a*, 92.9, 92.13(2), 156.9(1)*c,d*
Immunization **441**—78.1(2)*e*, 78.1(3), 78.3(5), 78.9(11), 78.18(1), 78.21(3), 78.22(2), 78.23(4), 78.25, 78.30(2), 78.31(2)*h*, 78.39(3), 78.40(4), 78.50(1), 79.1(8)*d*, 82.2(6)*a*(3), 84.3(3)
Indians **441**—77.45, 78.51, 79.1(1)*h*, 79.1(2)p.9, 88.2(4)*i*, 88.22(4)*i*, 88.42(2)*i*
Individual directed services, *see Consumer Choices Option this subheading above*
Infants **441**—75.1(28), 77.43, 78.9(9)*c*, 78.49, 79.1(2)p.9, 88.5(3), *see also Pregnancy this subheading below*
In-home family therapy **441**—77.46(4), 78.52(4), 79.1(2)p.8, 83.126
Institutions, state-operated **441**—79.1(2)p.13, *see also specific institution*
Insurance
  Carriers, health data match program **441**—76.13
  Health, premium payment (HIPP) **441**—75.21, 75.22
  Long-term care **441**—75.5(5)
  Medical resources **441**—75.2
  Termination **441**—75.4(3)*c*(1)
Intermediate care facilities **441**—9.10(9), 36.2, 75.1(7), 75.5, 75.9, 75.24(3)*b*(4), 76.12(5), 77.30(5)*a*(3), 77.34(5), 77.37(5)*b–d*, 77.37(15)*a*(2), 77.39(14)*a*(6), 78.10(4)*b*, 79.1(2)p.5,9, 79.14(1)*b*, ch 82, 83.2(1)*d*, 83.2(2)*b*, 83.8(2)*c*; **481**—ch 22, 64.17(7)*c*
Investigations, inspections/appeals department **441**—76.8; **481**—1.3"3," 1.4"6," chs 71–74
IowaCare program **441**—ch 58 Div. III, 76.6(2), ch 92
Iowa Plan for Behavioral Health
  Advisory committee **441**—88.75
  Audits **441**—88.69(6)
  Contracts **441**—88.61, 88.62, 88.65(6), 88.69, 88.72, 88.74
  Definitions **441**—88.61
  Enrollment **441**—88.63, 88.64
  Grievances **441**—88.68
  Marketing **441**—88.70
  Patients, education/rights **441**—88.71
  Payment **441**—88.72, 88.73
  Records/reports **441**—88.68(4,6), 88.69
  Reviews, decisions **441**—88.68
  Services **441**—79.1(16)*q*, 88.48(1), 88.65–88.67, 88.70, 88.71
  Standards, federal **441**—88.74
Kidney disease, *see Renal Disease this subheading below*
Laboratory service **441**—77.20, 78.1(10), 78.3(10)*b*(5), 78.18(2), 78.20, 78.31(1)*c*, 78.31(4)*a*(4), 79.1(2)p.9, 79.1(6), 79.1(16)*b*(5), 79.1(16)*c*(4), 79.3(2)*d*(28), 79.13, 82.2(6)*n*, 88.5(2)*a*(7), 88.25(2)*a*, 88.48(1)*f*
Lead inspection **441**—77.40, 78.44, 79.1(2)p.9
Liens **441**—75.4

Managed health care **441**—25.41(1)*a*, 79.1(16)*q*, ch 88, *see also subheadings Health Maintenance Organizations (HMOs) above; Iowa Plan for Behavioral Health above; Medicaid Patient Access to Service System (MediPASS) below; PACE (Program for All-Inclusive Care for the Elderly); Prepaid Health Plans (PHPs) below*

Marital/family therapists, *see Behavioral Health Services this subheading below*

Maternal health centers **441**—77.23, 78.25, 79.1(2)p.9, 79.3(2)*d*(14)

Meals, home delivery **441**—77.30(11), 77.33(8), 77.34(6), 78.34(11), 78.37(8), 78.38(6), 79.1(2)p.5, 83.6, 83.26

Medicaid patient access to service system (MediPASS)
- Contracts **441**—88.45
- Cost-effectiveness **441**—88.47(1)*c*(6)
- Counties, project **441**—88.43
- Definitions **441**—88.41
- Eligibility
  - Members **441**—88.42, 88.46(5)
  - Providers/clinics **441**—88.44, 88.45(1)
- Enrollment/disenrollment **441**—88.3(7), 88.46, 88.47
- Grievances **441**—88.49
- Marketing **441**—88.52
- Monitoring **441**—88.51
- Payment **441**—88.50
- Screening, early/periodic, diagnosis/treatment (EPSDT) **441**—79.1(2)p.11
- Services **441**—88.48

Medical equipment, *see Equipment/Devices/Supplies, Medical this subheading above*

Medically needy program **441**—75.1(35), 75.21(5), 76.1, 76.3(1), 76.11(4)

Medical monitoring/treatment, interim **441**—77.30(8), 77.37, 77.37(22), 77.39, 77.39(25), 78.34(8), 78.41(9), 78.43(14), 79.1(2)p.7, 79.1(15), 83.1, 83.2(1)*e*, 83.2(2)*c*, 83.6, 83.60, 83.61(1)*i*, 83.61(2)*h*, 83.66, 83.81, 83.82(1)*j*, 83.82(2)*b*, 83.86

MediPASS, *see Medicaid Patient Access to Service System (MediPASS) this subheading above*

Mental health
- *See also MENTAL HEALTH subheadings Centers; Hospitals, Psychiatric Care; Medical Assistance*
- Access plan (MHAP), *see Iowa Plan for Behavioral Health this subheading above*
- Brain injury, *see Brain Injury Waiver Services this subheading above*
- Children, waiver services **441**—77.46, 78.52, 83.121–83.129, ch 90
- Iowa Plan for Behavioral Health, *see Iowa Plan for Behavioral Health this subheading above*

Mental retardation **441**—9.1, 9.10(9), 36.2, 75.1(7), 77.29(1), 77.30(5), 77.34(5), 77.37, 77.41(3)*a*, 78.10(4)*b*, 78.33, 78.41, 79.1(1)*d*, 79.1(2)p.4–7, 79.3(2)*d*(20), 81.3(3), ch 82, 83.1–83.9, 83.60–83.64, 83.66–83.70, 83.72, ch 90, s*ee also Brain Injury Waiver Services this subheading above*

MR/CMI/DD **441**—77.29(1), 78.33, 79.1(2)p.9, ch 90

Newborns **441**—75.1(20,28), 79.1(5)*b*(2), 79.1(5)*r*, 92.1, 92.2(1)*c*, 92.8(3)

Nurse aides **441**—81.1

Nurse anesthetists **441**— 77.36(3), 79.1(5)*j*, 79.1(16)*c*(4)

Nurse practitioners, advanced registered **441**—77.28(4)*e*, 77.36, 77.43(1)*d*(5), 77.43(1)*i*(9), 77.44(1)*d*(5), 78.1(9,13,21), 78.2(1), 78.10(1)*c*, 78.10(2)*a*,*c*, 78.10(3), 78.15(2), 78.23, 78.25(1,3), 78.28(1)*c*(1), 78.39(1), 78.40, 79.1(2)p.3, 84.3, 88.5(2)*a*(9), 88.25(2)*a*(9), 88.44(1)*a*, 88.44(3), 88.48(1)*h*, 92.8

Nursing facilities **441**—36.7, 75.1(7), 75.5, 75.15, 75.23, 75.24(3)*b*(1), 75.25, 76.12(5), 77.30(5)*a*(3), 77.33(6)*a*(2), 77.33(12)*c*, 77.34(5)*a*(2), 77.34(6)*d*, 77.37(15)*a*(2), 77.39(14)*a*(6), 78.1(9), 78.3(6,13,14,16), 78.4(10), 78.10(2)*a*, 78.10(4)*b*, 78.11, 78.24, 78.36(3), 79.1(2)p.5,9,10, 79.1(8)*f*, 79.1(13)*g*, 79.1(14)*b*, 79.2(3)*j*, 79.3(2)*d*(19), 79.14(1)*a*(1), 80.2, 80.2(2)*a*(6–9), 80.2(2)*b*, ch 81, 83.2, 85.41–85.46; **481**—58.11(2)*i*, 58.12(1)*l*, 58.56, *see also Respite Care this subheading below*

Nursing care **441**—77.28(5,6), 77.33(5), 77.34(4), 77.37(19), 77.43(1)*e*,*f*, 77.43(1)*i*(7,9), 77.44(1)*e*,*f*, 77.44(1)*i*(7,9), 78.1(7,13), 78.3(16), 78.9(3,10), 78.16, 78.28(9), 78.31(4)*c*(2), 78.34(4), 78.37(5), 78.38(4), 78.41(5), 78.49(1), 78.50(1), 79.1(2)p.4,8,10, 83.6, 83.26, 83.66, 88.65(3)*a*(13), *see also Nurse Practitioners, Advanced Registered this subheading above*

Nutrition
Counseling/services **441**—77.30(12), 77.33(12), 78.1(14), 78.18(7), 78.25, 78.25(3)*c*, 78.31(1)*n*, 78.31(4)*h*, 78.34(12), 78.37(12), 78.49, 78.50(1), 79.1(2)p.6, 83.6, 83.26
Products/therapy **441**—78.10(3)*b*, 78.10(3)*c*(2,3), 78.28(1)*c*,*i*

Obesity treatment **441**—78.3(4)
Obstetrics, *see Pregnancy this subheading below*
Occupational therapy **441**—77.28(3), 77.43(1)*c*, 77.43(1)*i*(5), 77.44(1)*c*, 77.44(1)*i*(5), 78.1(13), 78.9(5), 78.19(1)*a*,*c*, 78.31(4)*b*(2), 78.31(4)*c*(2), 78.49, 78.50(1), *see also Physical Therapy this subheading below*
Offenders, institutionalized **441**—75.12
Opticians **441**—77.7, 78.2(1), 78.7, 79.1(2)p.10, 79.1(13)*c*
Optometrists **441**—77.6, 77.28(6)*c*, 77.43(1)*f*(3), 77.44(1)*f*(3), 78.6, 78.28(3), 79.1(2)p.10, 79.1(13)*c*
Orthodontists, *see Dental Services this subheading above*
Orthopedic shoes **441**—77.18, 78.1(6), 78.5, 78.15, 79.1(2)p.10, 79.1(13)*c*, 79.3(2)*d*(32)
Outpatients **441**—78.2, 78.11, 78.21, 78.23, 78.31, 78.39(1), 78.40(3), 79.1(2)p.8,11, 79.1(5)*n*,*p*,*q*, 79.1(16,22), 81.21, 88.5(2)*a*(2), 88.25(2)*a*, 88.48, 88.65(3)*a*(4), 88.65(4)*a*,*b*, *see also Hospitals this subheading above*
Overuse, *see Utilization Review this subheading below*
Oxygen **441**—78.10(2)*a*–*c*
PACE (program of all-inclusive care for the elderly) **441**—88.81–88.88
Part B premium **441**—75.1(36)
Patient
See also Outpatients this subheading above
Managers, *see Medicaid Patient Access to Service System (MediPASS) this subheading above*
Transfers **441**—78.11, 79.1(5)*a*,*g*

Payment
See also specific service; subheadings Debts above; Insurance above; Providers: Reimbursement below
Client participation **441**—75.16, 79.1(13), 81.22, 82.9(2), 83.4, 83.24, 83.44, 83.63, 83.84, 83.124, 85.5, 85.23, 92.7
Copayment **441**—79.1(13)
Corrective **441**—75.8, 80.6(1)
Liens, third-party claims **441**—75.4
Limit **441**—79.1(16)*s*
Overpayments **441**—7.5(7), ch 11, 76.12, 79.2(3)*j*, 79.4(1,4–7); **481**—chs 71, 74
Pay and chase **441**—75.2(1), 75.25, 80.5(2)
Prohibitions **441**—79.1(10,11)

Pharmacies **441**—77.2, 78.2, 78.47, 79.1(2)p.10, 79.1(8,18), 80.2(1)*b*, 80.2(2)*c*, 81.13(16), 82.2(6)*i*,*j*, *see also Drugs this subheading above*
Physical disability waiver services **441**—75.1(18), 77.41, 78.46, 83.101–83.109
Physical therapy **441**—77.17, 77.28(2), 77.43(1)*b*, 77.43(1)*i*(6), 77.44(1)*b*, 77.44(1)*i*(6), 78.1(13), 78.9(4), 78.17, 78.19(1)*a*,*b*, 78.31(4)*c*(2), 78.49, 78.50(1), 79.1(2)p.10, 79.1(13)*b*, 79.3(2)*d*(36), 88.48(1)*h*, *see also Occupational Therapy this subheading above*
Physician assistants **441**—78.1(9,13), 78.2(1), 78.10(1)*c*, 78.10(2)*a*,*c*, 78.10(3), 78.15(2), 78.25(1), 78.28(1)*c*(1)
Physicians **441**—76.9(3)*b*,*c*, 77.1, 77.28(4)*d*, 77.28(6)*b*, 77.43(1)*d*(4), 77.43(1)*f*(2), 77.43(1)*i*(10), 77.44(1)*d*(4), 77.44(1)*f*(2), 78.1, 78.2(1), 78.10(1)*c*, 78.10(2)*a*,*c*, 78.10(3), 78.14, 78.15, 78.23, 78.28(1), 78.31(2)*b*, 78.31(4), 78.47, 79.1(2)p.10, 79.1(3,5,7,10), 79.1(13)*d*, 79.1(18), 79.10, 79.11, 84.3, 88.5(2)*a*(3), 88.25(2)*a*, 88.26, 88.44, 88.45, 92.8; **641**—85.3(1), *see also specific type*
Podiatrists **441**—77.5, 78.2(1), 78.5, 78.10(1)*c*, 78.10(3), 78.15, 79.1(2)p.10, 88.26, 88.48(1)*j*
Pregnancy **441**—75.1(15,24,28,30,35), 75.13(1), 75.14(6,7), 75.17, 75.18, 75.21(3)*d*, 76.6(1), 78.1(22), 78.9(9), 78.21(2), 78.23(3), 78.25, 78.30, 78.39, 78.40(5), 88.2(4)*h*, 88.22(4)*h*, 88.42(2)*h*, 92.2, 92.8(3), *see also subheadings Abortions above; Birth Centers above; Family Planning above; Maternal Health Centers above*

Prepaid health plans (PHPs)
Contracts **441**—88.22
Cost-effectiveness **441**—88.24(4)*e*
Definitions **441**—88.21
Disenrollment **441**—88.24
Eligibility **441**—88.22(4)
Grievances **441**—88.28
Identification **441**—88.23(5)
Marketing **441**—88.30
Payment **441**—88.32
Records/reports **441**—88.29
Rights, patient **441**—88.31
Services **441**—88.25–88.27

Prevocational services **441**—77.25(8), 77.37(26), 77.39(22), 78.27(9), 78.41(13), 79.1(2)p.7,8, 79.1(24), 83.66
Prosthetic devices **441**—78.1(5), 78.4(7), 78.10, 79.1(2)p.3, 79.1(4), 79.1(13)*c*
Providers
See also specific provider
Advance directives **441**—79.12
Agreements, participation **441**—79.6, 79.14(6), 81.13, 82.3, *see also Termination this subheading below*
Appeals **441**—1.8, ch 7, 79.4(7), 79.14(11); **481**—73.9
Approvals, *see Approvals/Authorizations/Reviews, Prior this subheading above*
Audits, Medicaid services **441**—79.4; **481**—ch 73
Case management, *see Case Management Providers this subheading above*
Claims, false **441**—79.15
Contracts **441**—77.37(3), 82.3, 88.1, 88.2, 88.4(4), 88.22, 88.45, 88.61–88.75, *see also Purchase of Service Contracts below*
Designation **441**—76.9
Discrimination **441**—79.5
Eligibility **441**—76.9(2), ch 77, 82.2, 88.2, 88.22, 88.44, 88.45
Enrollment **441**—79.14
Health care facilities, *see specific facility*
IowaCare program **441**—ch 92
Lock-in, members **441**—76.9
Out-of-state **441**—79.1, 79.1(5)*m*, 79.1(16)*k*, 81.20, 82.18
Records/reports **441**—9.11, 9.12(1)*f,g*, 77.37(13), 77.43(2), 78.16(4), 79.1(15)*a*(5), 79.3, 79.4, 79.6, 79.12(2), 79.15(2), 85.6, 88.8(2,5), 88.9, 88.28(2,5), 88.29; **481**—73.4, 73.6
Reimbursement **441**—76.9(2), 77.27, chs 78–80, 81.6, 81.10, 81.20, 82.5(16), 82.14, 82.18, 85.7, 88.12, 88.32, 88.50, 88.72, 88.73, 151.3(3), 151.6(4)*b*; **481**—ch 73, *see also Claims above*
Sanctions **441**—79.2, 79.15(3)
School districts, *see Education Agencies, Area/Local above*
Services, *generally* **441**—76.9, chs 78, 79, 82.2(4,6), 88.5, 88.6, 88.25, 88.26, 88.48, 88.65
Termination **441**—79.2(1), 79.2(2)*s*, 79.2(3,5), 79.14(10,11), 81.13(19)*c*, 81.36, 81.37, 81.39(3)*a*, 81.51(5–7), 81.54(4), 81.55(2), 81.57, 82.5(1,2), 83.68(3), 86.22(1)*c*, 88.2(1)*b*(5), 88.2(1)*c*, 88.2(3), 88.22(1)*b*(5), 88.22(1)*c*, 88.22(3), 88.45(5), 88.62(1)*b*(5), 88.83, 90.6
Violations **441**—79.2, 79.14(11), ch 81 Div. II

Psychiatrists **441**—77.39(23), 78.16, ch 85, 88.5(3)*i*, 88.65(3)*a*(2–4,7,14), *see also MENTAL HEALTH subheadings Centers; Children; Hospitals, Psychiatric Care; Medical Assistance*
Psychologists **441**—77.22, 77.28(4)*a,b*, 77.39(23), 77.43(1)*d*, 77.43(1)*i*(2), 77.44(1)*d*, 77.44(1)*i*(2), 78.1(13)*a*, 78.16, 78.24, 78.31(4)*a,b,d*, 78.49, 78.50(1), 79.1(2)p.11, 79.1(13)*c*, 88.65(3)*a*(8,14)
Records **61**—2.14(12); **441**—9.10–9.12, 75.14, *see also Providers this subheading above*
Recovery, benefits **441**—75.4, 76.12, 92.13; **481**—chs 71, 74; **701**—43.3(3)
Refugees **441**—9.10(11), 75.1(1,17,32), *see also Aliens this subheading above*

Rehabilitation
See also Prevocational Services this subheading above
Agencies **441**—77.19, 77.37(27), 78.19, 79.1(2)p.11, 79.1(13)*c*, 79.1(21), 79.3(2)*d*(23), 80.2(2)*a*(4), 88.5(2)*a*(15), 88.48(1)*h*
Cardiac **441**—78.31(1)*i*, 78.31(4)*c*
Hospitals/units **441**—78.3(1), 79.1(5)*b*,*g–i*,*r*
Pulmonary **441**—78.31(1)*m*, 78.31(4)*g*

Remedial services **441**—77.12, 78.12, 79.1(2)p. 11, 79.1(23)
Renal disease **441**—78.1(12), 78.1(20)*a*, 78.3(10)
Residency/citizenship requirements **441**—75.10, 75.11
Residential care facilities **441**—77.30(5)*a*, 77.37(15), 77.39(14), 77.46(5)*a*(9), 79.1(2)p.5
Respite care **441**—77.30(5), 77.33(6), 77.34(5), 77.37, 77.37(15), 77.39, 77.39(14), 77.46(5), 78.34(5), 78.37(6), 78.38(5), 78.41(2), 78.43(3), 78.52(5), 79.1(2)p.5, 79.1(15), ch 83
Retirement/life care communities **441**—75.6
Rural health clinics (RHCs) **441**—77.21, 78.21, 79.1(2)p.11, 88.5(2)*a*(8), 88.14, 88.44(2), 88.48(1)*e*
Screening services **441**—77.16, 78.1(24), 78.18, 79.1(2)p.11, 79.3(2)*d*(12), 81.3(3), ch 84, 88.5(2)*a*(6), 88.25(2)*a*(7)
Sexual dysfunction, drugs **441**—78.2(4)*b*(9)
Skilled nursing, *see Nursing Facilities this subheading above*
Social security recipients **441**—75.1(12,13,23,25), 75.20
Social workers **441**—77.28(4)*c*, 77.43(1)*d*(3), 77.43(1)*i*(8), 77.44(1)*d*(3), 77.44(1)*i*(8), 78.1(13), 78.9(8), 78.16, 78.31(4)*c*(2), 78.31(4)*d*(5,7), 78.50(1), 82.2(3)*b*(5)"6," *see also Behavioral Health Services this subheading above*
Speech/language therapy **441**—77.43(1)*i*(3), 77.44(1)*i*(3), 78.9(6), 78.10(3)*c*, 78.19(1)*d*, 78.28(1)*e*, 78.49, 78.50(1), 82.2(3)*b*(5)"7," 88.5(2)*a*(14)
Spouses, institutionalized **441**—75.5, 75.16(1)*d*, 75.16(2), 75.23, 75.25
Sterilization **441**—78.1(16), 78.3(9), 78.22(1), 78.23(1), 78.26(2)
Substance abuse **441**—78.31(1)*g*, 78.31(4)*a*, 79.1(5)*b*,*r*, 79.1(16)*b*(5), ch 88 Div. IV
Supplemental security income (SSI) recipients **441**—75.1(4,7,8,13,23,25,33–35), 75.5(2), 75.13(2,3), 75.16(1)*b*,*c*, 75.16(2), 75.20, 75.56(2)*d*, 75.60, 76.1, 76.2(1)*b*, 76.2(3), 76.5(1)*d*, 76.5(2)*b*, 76.7(3,4), 76.10, 83.2(1)*b*,*c*, 83.2(2)*b*
Supplementary assistance, state (SSA) recipients **441**—75.1(9,13,23,25), 75.16(1)*b*,*c*,*e*, 75.16(2)*b*,*c*, 76.5(2)*b*, *see also Supplementary Assistance, State (SSA) below*
Supplies, sickroom, *see Equipment/Devices/Supplies, Medical this subheading above*
Surgery
Cosmetic **441**—78.1(4)
Dental, *see Dental Services this subheading above*
Hysterectomy **441**—78.1(16)*a*,*j*
Outpatient/inpatient, approval **441**—78.1(1)*g*, 78.3(15)
Preprocedure review **441**—78.1(19,20), 78.3(15,18), 78.26(3), 78.28(1)*f*, 78.28(2,5,6), 79.11
Sex reassignment **441**—78.1(4)
Transplants **441**—78.1(12,20), 78.3(10)

Surgical centers, ambulatory **441**—77.24, 78.1(19), 78.26, 78.28(1)*f*, 78.28(6), 79.1(2)p.3, 79.1(3), 79.3(2)*d*(16), 79.11(1,3)
Termination
Members/consumers **441** —7.7, 75.2(2), 75.4(3), 75.20(5), 75.21(1), 76.2, 76.7, 76.8, 83.62(4)*d*, 83.68(3)*h*, 83.88(1)*h*, 83.88(3), 83.103(3)*c*, 83.108(1)*h*, 83.108(3), 90.6
Providers, *see Providers this subheading above*

Title XVI recipients, *see Supplemental Security Income (SSI) Recipients this subheading above*
Transplants, *see Surgery this subheading above*
Transportation **441**—77.33(11), 77.37(24), 77.39, 77.39(18), 77.41(6), 77.43(1)*h*, 77.44(1)*h*, 78.13, 78.25(2)*d*, 78.37(11), 78.41(1), 78.41(7)*b*,*c*, 78.41(11), 78.43(7), 78.46(5), 78.49(1), 78.50(1), 79.1(2)p.6, 83.66, 83.106, 88.25(3), *see also Ambulance this subheading above*

Trusts **441**—75.5(1)*b*, 75.9, 75.13(2), 75.24, 76.12(7)*g*
Utilization review **441**—76.9, 78.1(21), 78.21(1), 78.23(2), 78.39(1), 78.40(3)
Vaccines, *see Immunization this subheading above*
Veterans **441**—75.11(2)*a*, 75.16(2)*a*, 79.1(2)p.4, *see also VETERANS*
Vibrotactile aids **441**—78.10(3)*b*, 78.28(10)
Vision services **441**—77.28(6), 78.32, 78.49(1), 78.50(1)
Vitamins/minerals **441**—78.1(3)*b*, *see also Nutrition this subheading above*
Waiver services **441**—79.12, *see also subheadings AIDS/HIV above; Brain Injury Waiver Services above; Elderly Waiver Services above; Home- and Community-Based Services (HCBS) above; Ill/Handicapped Waiver Services above*
Widows/widowers **441**—75.1(27)
X-rays **441**—78.8(3), 78.31(1)*c*, 88.5(2)*a*(7)

Mental health **441**—chs 15, 22, 24, 25, 28–30, 34, 38, 85, 88, 90, 153.51–153.58, *see also MENTAL HEALTH*
Mental retardation **441**—1.6, 1.7, 9.12(1)*c*, chs 22, 24, 25, 28.3, 28.9, 28.10, 28.11(2), 28.12, chs 30, 36, 38, 112, 116, 130.2(4), 130.6, 130.7, 153.51–153.58, ch 182, 202.2(5); **481**—22.1, 40.1, *see also Medical Assistance (Medicaid) above; MENTALLY RETARDED*
Nonrehabilitative services, *see Family-Centered Services above*
Nursing facilities **441**—chs 161, 162, *see also Medical Assistance (Medicaid) above*
Organization **441**—ch 1
Pregnancy, adolescent, *see CHILDREN*
Prepaid health plans (PHPs), *see Medical Assistance (Medicaid) above*
PROMISE JOBS program **441**—7.7(1), 9.10(4)*e*, 40.21, 41.24, chs 47, 93, *see also WORK AND TRAINING PROGRAMS*
Property, state, leasing, taxation **701**—78.6(1)*c*
Public assistance
See also FAMILY INVESTMENT PROGRAM (FIP)
Debts, collection **441**—ch 11
Food stamps, *see Food Assistance Program above*
Fraud **481**—5.11(3), chs 71–74, *see also Debts, Collection this subheading above*
HAWK-I program, *see Children above*
Interim assistance reimbursement **441**—ch 57
IowaCare program, *see IowaCare Program above*
Medical assistance, *see Medical Assistance (Medicaid) above*
Program review **441**—ch 13
PROMISE JOBS, *see PROMISE JOBS Program above*
Refugees, *see Refugees below*
Supplementary assistance, *see Supplementary Assistance, State (SSA) below*
Work/training programs **441**—65.28, ch 93

Purchase of service contracts
Administrative support **441**—150.2(2), 150.5
Adoptions **441**—150.3(5)*p*(2), ch 157
Definitions **441**—150.1, 152.1
Donations, funds **441**—150.2(4), 150.3(5)*a*(8)
Emergency assistance **441**—133.4
Family-centered services **441**—172.31
Foster care **441**—156.7, 156.20(2)
Mental health/retardation/developmental disabilities **441**—9.10(7)*b*, 153.55
Proposals **441**—150.3(1)
Provider agencies/contractors
Affirmative action/equal opportunity **441**—150.3(3)*c–f*, 150.5(3)*c–f*, 152.2(8,9)
Appeals **441**—150.3(3)*i*, 150.3(9)*d*, 150.5(6)*d*
Approval **441**—150.3(1)*d*, 150.5(3)

HUMAN SERVICES DEPARTMENT (cont'd)
Purchase of service contracts
Provider agencies/contractors

Claims/vouchers/invoices **441**—150.3(8), 150.5(5), 157.4(3), 170.4(7)
Confidentiality **441**—150.3(3)*h*, 150.5(3)*h*, 150.9
Definitions **441**—150.1, 152.1
Fees **441**—150.3(3)*n*, 150.3(7)
Out-of-state **441**—150.3(4)*b*
Rates/payment **441**—150.3(4,5), 150.5(4), 151.3(3)*c*, 153.55, 153.56, 156.20(2), 157.4(1)
Records/reports
Abuse **441**—150.3(3)*g*, 150.5(3)*g*
Financial **441**—150.3(3)*j–l*, 150.3(5)*a*,*b*, 150.5(3)*i*, 150.5(7)

Referrals **441**—9.10(7)
Reviews **441**—150.3(9), 150.5(6,7)
Standards **441**—150.3(3), 150.5(3), 151.32(6)
Transit services **441**—150.3(3)*p*, 150.5(3)*j*

Rehabilitative treatment/supportive services **441**—ch 152, 156.20(2)
Social services **441**—150.2(1), 150.3, 150.4
Types **441**—150.2

Records
See also Medical Assistance (Medicaid) above
Generally, public/fair information **441**—ch 9
Abuse, adult/child, *see ABUSE: Dependent Adults; CHILDREN*
Adoption, *see ADOPTION*
Assistance, financial, *see specific programs*
Attorney general, collections **61**—2.14(12)
Audits **441**—9.10(2), 57.3, 79.4, 88.69(6), 151.3(4), 185.121(3); **481**—ch 22
Complaints, child care **441**—109.3, 110.11
Confidential **61**—2.14(12); **441**—9.1, 9.2, 9.3(4), 9.4, 9.5, 9.7, 9.9–9.11, 22.3(2), 28.4(8), 107.9(3), 114.13(2), 150.3(3)*h*, 175.32, 175.33, 200.15; **481**—40.4, *see also Confidential Information above*
Health, protected information **441**—9.10(2,15,17–19,21,22,24–29)
Hearings **441**—7.8(8), 7.13(1,2), 7.15, 7.16, 7.18(1,6), 7.23
Open **441**—1.8(1)*i*, 9.1, 9.2, 9.3(2–4,6), 9.5(3), 9.10, 9.11, 150.9
Patient management, grievances **441**—88.49(1)
Rule-making **441**—3.3(3)*l*, 3.13

Refugees
Cash assistance **441**—7.5(6), 7.7(1), 9.10(4)*c*, 9.12(1)*a*, ch 60, 75.1(1,17,32); **481**—ch 72
Food assistance program **441**—65.37
Foster care **441**—156.20(1)*b*(3)
Medical assistance **441**—75.1(1,17,32)
Records **441**—9.10(4)*b*,*c*, 9.10(11), 9.12(1)*a*
Services program **441**—ch 61

Rehabilitation
Facilities, Council On Accreditation (CARF) **441**—24.6(1), 77.37(12)*b*, 77.37(26)*a*, 77.37(27), 77.39(10)*b*, 77.39(22)
Medical assistance providers, *see Medical Assistance (Medicaid) above*
Mental disabilities **441**—22.4(2), 22.4(3)*a*(6), 22.4(6)*b*, 24.1, 24.4(10,11,13), 24.5(4)*b*, 24.6(1)

Rehabilitative treatment services
Generally **441**—185.1, 185.10, 185.12, 185.13
Authorization **441**—152.24, 152.25
Contracts, *see Providers this subheading below*
Definitions **441**—152.1, 185.1, 185.101
Eligibility **441**—152.24
Family-centered **441**—185.1, 185.10

Fees **441**—152.26
Foster care **441**—185.1, 185.10(1)*a*(1,6), 185.105(1)*f*, 185.105(7,12), 185.107(4)
Providers
Audits **441**—185.13, 185.102(4), 185.103(5), 185.109(6,9), 185.112(8), 185.121(3)
Certification **441**—152.2(19), 185.10
Claims, payment **441**—185.121, 185.122, 185.126
Contracts **441**—ch 152, 185.102(3,4), 185.103(1,4,7), 185.106(3)*c*, 185.107, 185.109(4,8,10), 185.112(2), 185.112(4)*b*, 185.112(6)*c*, 185.112(11)
Insurance **441**—152.2(19,21)
Medical assistance, *see Medical Assistance (Medicaid) above*
Rates **441**—185.101–185.107, 185.109–185.112
Records **441**—152.2(16), 185.10(2,6), 185.102(1,3), 185.109(5), 185.112(7), *see also Audits this subheading above*
Reports
Financial/statistical **441**—152.2(15), 185.102, 185.103, 185.109(1,2,6,8)
Treatment **441**—185.10(6)
Sanctions **441**—185.12, 185.122
Treatment plan **441**—185.10(4,5)
Referral **441**—130.2(8)
Residential, *see Residential Care Facilities below*
Review organization **441**—152.24, 152.25, 185.1, 185.10(5)*a*(2)
Reports, holdings, state institutions **428**—1.2(2)*d*
Residential care facilities
Audits **481**—ch 22
Community **441**—ch 114, 185.106(2), 185.107(4)
Comprehensive **441**—ch 115, 185.106(2), 185.107(4)
Inspections **481**—ch 40
Medical assistance, *see Medical Assistance (Medicaid) above*
Mentally retarded **441**—chs 112, 116
Payment **441**—chs 50–52, 54, 156.19, 185.126
Resource centers **61**—2.14(12); **441**—25.41(1)*a*, 28.3, ch 30
Respite care **441**— 156.8(7), 185.105(1)*d*, *see also Medical Assistance (Medicaid) above*
Rule making **441**—1.8, chs 3, 4, 9.11
Senior living trust, *see Grants above*
Shelter/detention, *see Children above*
Supplemental security income (SSI) **441**—ch 57, 60.4(2), 65.13(1), 65.28(16), 65.30(3), 177.4(1,7,8), *see also Medical Assistance (Medicaid) above*
Supplementary assistance, state (SSA) **441**—7.5(7), 7.7(1), 9.10(4)*c*, 9.11, 9.12(1)*a*, 25.41(1)*a*, chs 50–52, 54, 58 Div. III, 177.9(3), 177.11(6); **481**—1.4"6," 1.6"1," chs 71, 72, 74, *see also Medical Assistance (Medicaid) above; SUPPLEMENTARY ASSISTANCE*
Training school, Eldora **441**—ch 103
Transportation services **441**—79.1(2)p.6, 170.4(4), *see also Medical Assistance* (*Medicaid*) *subheadings Ambulance above; Transportation above*
Volunteer services **441**—ch 12
Warrants, assistance **441**—ch 45
Work/training programs **441**—ch 93, *see also WORK AND TRAINING PROGRAMS*

HUNTING
Badger **571**—108.2, *see also Trapping below*
Beaver **571**—108.4, *see also Trapping below*
Blinds **571**—51.6, 53.3(4), 94.7(6), 106.7(8)
Bobcat **571**—108.7, 108.8, *see also Trapping below*
Bows/arrows **571**—15.5, 15.9, 61.9(2), 94.1, 94.2, 94.4, 94.6, 94.7, 94.10(6), chs 98, 99, 106

Brant **571**—92.2, 92.3
Controlled sites **571**—53.3(1)
Coot **571**—91.2, 91.4(1), 92.3
Coyote **571**—108.5, *see also Trapping below*
Crow **571**—100.1
Decoys **571**—51.6, 53.3(4), 92.3(7), 98.2(2), 98.12(2), 99.8(2)
Deer **571**—15.5, 15.10, 15.11, 61.7(15), 61.9(4), chs 94, 95, 105, 106, 115
Devices, prohibition **571**—92.3, 94.7(4), 98.2(2), 98.12(2), 99.8(2), 106.7(6), *see also Weapons, Prohibition below*
Disabled **571**—15.5, 15.8, 51.1, 51.8, 92.3(5), 94.7(4), 94.8(2), 94.10, 98.2(2), 98.12(2), 99.8(2), 106.1(7), 106.7(6), 106.9, 106.10(1)*b*, 106.12(7)
Dogs, *see ANIMALS: Dogs*
Duck
  Generally **571**—chs 91–93
  Blinds, *see Blinds above*
  Falconry **571**—ch 102
  Permits **571**—ch 53
  Split season **571**—91.1
  Stamps **571**—ch 9, 92.2
  Youth **571**—91.6
Education
  See also Safety/Ethics below
  Definition **571**—105.2
  Instructors **571**—15.9
  Youth **571**—105.3(7), 106.10(1)
Falcons **571**—chs 101–103
Firearms **571**—51.3, 51.10, 52.1(2), ch 53, 61.7(5), 61.9, 92.3, 94.1–94.4, 94.6, 94.7, 94.10(6), 98.2, 98.7(1,4), 98.9, 98.12, 99.8, 100.2(1), 102.4, 105.3(3,4), 106.2(2,3), 106.6(2), 106.7, 106.10(5)
Fox **571**—108.3, *see also Trapping below*
Furbearing animals **571**—51.7, 51.10, chs 107–109, *see also Trapping below*
Game birds **571**—15.5, chs 92, 96–100, 102, 112.7, 112.9, 112.11
Game management areas **571**—ch 51, 108.1(2)
Geese **571**—ch 53, 91.3, 91.4(2), 91.5, 92.3, 102.2
Ginseng **571**—ch 78
Groundhog **571**—ch 109, *see also Trapping below*
Grouse **571**—97.4, 102.3
Guns, *see Firearms above*
Harvest information program (HIP) **571**—92.7, *see also Instructors below; Report, Harvest below*
Instructors **571**—15.9
Landowners/tenants, permits **571**—91.5, 106.11(2), *see also Licenses below*
Licenses
  Deer **571**—15.1(5), ch 94, 105.3(2,6), 105.3(7)*c*, 106.1, 106.4, 106.6, 106.8–106.10, 106.11(4)*a*, 106.12
  Definitions **571**—15.1(1)
  Denial **283**—37.1; **701**—ch 153
  Depositaries **571**—15.2, 15.3
  Disabled **571**—15.7, 94.10, 106.1(7), 106.10(1)*b*, 106.12(7)
  Duplicate **571**—15.11(5)
  Elderly, low-income **571**—15.7
  Falconry **571**—101.1(2), 102.1(2)
  Fees **571**—15.1(1,7), 94.10(7), 106.1(7)
  Landowner/tenant **571**—15.1(4), 94.8(2), 95.2, 98.3(3), 98.5, 98.6, 99.2(3), 99.11, 99.12, 106.1(7), 106.6(5), 106.8(3), 106.11, 106.12
  Nonresident **571**—ch 94, 98.3(3), 98.9, 98.13, 106.12(1)

Pheasant **571**—96.1(3)
Preserves **571**—112.2, 112.12
Revocation/suspension **283**—37.1; **441**—98.101–98.107; **571**—15.6, 15.13, 95.2(7), 106.8(3); **701**—ch 153
Sales
Electronic **571**—15.12, 98.3, 99.9
Limits **571**—106.6
Locations **571**—15.1(1), 15.2, 15.3
Wild turkey **571**—15.1(5), chs 98, 99
Youth **571**—91.6, 98.6, 105.3(7), 106.1(7), 106.9, 106.10
Migratory birds **571**—ch 92, 102.2
Mink **571**—108.1, *see also Trapping below*
Mushrooms **571**—54.1
Muskrat **571**—108.1, *see also Trapping below*
Natural resources authority **561**—1.2(4), 1.3(2)*c*(4), 1.3(2)*h*
Nuts **571**—54.2
Offenses **571**—15.6(3)
Opossum **571**—108.2, *see also Trapping below*
Otter, river **571**—108.7, 108.8, *see also Trapping below*
Parks/recreation areas **571**—52.1(1), 61.7(5,15), 105.3, 105.4, 105.7
Partridge **571**—96.2, 102.3
Permits **571**—15.11, 53.3(1), 91.5, 101.1, 101.5(3), 101.6, 106.11
Pheasant **571**—96.1, 102.3
Pigeon **571**—100.2
Preserves **571**—104.4, chs 112, 115, *see also Wildlife Refuges below*
Quail **571**—96.3, 102.3
Rabbit **571**—102.3, 107.1, 107.2
Raccoon **571**—108.2, *see also Trapping below*
Rail **571**—92.3, 97.2
Raptors, *see Falcons above*
Report, harvest **571**—95.1, 98.7, 98.15, 99.12, 106.13, 108.7(5)
Research studies **561**—1.3(2)*h*(3)
Ruffed grouse **571**—97.4
Safety/ethics **571**—15.1, 105.3(4), 105.5(1), 105.7(2)
Saylorville, multiuse trail **571**—66.2, 66.3
Shotguns, *see Firearms above*
Skunk **571**—108.2, 108.6, *see also Trapping below*
Snipe **571**—92.3, 97.1, 102.2(3)
Sora **571**—97.2
Sparrow/starling **571**—76.1
Squirrel **571**—102.3, 107.3
Stamps
Habitat **571**—chs 9, 22, 23, 94.1, 106.10(2)
Migratory bird (duck) **571**—ch 9, 92.2
Swan **571**—92.2
Tags **571**—15.10, 91.5(1)*c*, 92.4, 94.4, 94.9, 95.1(3), 98.1(1), 98.4, 98.9, 98.14, 99.1, 99.10, 106.1, 106.4(3–6), 106.9, 106.10(2,4), 106.11(4)*a*(4), 108.7(5,6), 110.6, 112.7–112.9, 115.1, 115.6, 115.7, 115.11"3"
Trapping **561**—1.2(4), 1.3(2)*h*(3); **571**—15.6(3), 51.7, 61.9(2,7), 66.3(2), 100.2(2), chs 108, 110
Turkeys, *see Wild Turkey below*
Ungulates, preserves **571**—112.1, 112.5, 112.6, 112.8, 112.10
Vehicles **571**—51.8, 92.3(5,6,9), 98.2(2), 98.12(2), 99.8(2)
Waterfowl **571**—51.6(3,4), chs 53, 91–93, 102.2

Weapons, prohibition **571**—51.10, 92.3, 94.7(1,4,5), 98.12(1), 99.8, 102.4, 105.3(3), 106.7(1,6), 106.11(1), *see also Devices, Prohibition above*
Weasel **571**—108.1, *see also Trapping above*
Wildlife habitat stamps, *see Stamps above*
Wildlife refuges **571**—ch 52, 61.9(1,2), 66.2, *see also Controlled Sites above*
Wild turkey **571**—15.1(5), 15.5, 15.10, 15.11, 61.9(5), 95.1(1)*b*, chs 98, 99
Wolf **571**—108.6, *see also Trapping above*
Woodcock **571**—92.3, 97.3, 102.2(3)
Youth, *see Licenses above*

HYGIENIC LABORATORY
See REGENTS BOARD