

## CHAPTER 10A

## DEPARTMENT OF INSPECTIONS, APPEALS, AND LICENSING

Referred to in §15E.208, 235.5, 322C.6, 324A.5

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1. “*Administrator*” means a person coordinating the administration of a division of the department.

2. “*Department*” means the department of inspections, appeals, and licensing.

3. “*Director*” means the director of inspections, appeals, and licensing.

86 Acts, ch 1245, §501; 88 Acts, ch 1109, §1; 89 Acts, ch 231, §1; 2000 Acts, ch 1148, §1; 2002 Acts, ch 1119, §200, 201; 2002 Acts, ch 1162, §1; 2003 Acts, ch 44, §4; 2023 Acts, ch 19, §1426

#### **10A.102 Department established.**

The department of inspections, appeals, and licensing is established. The director of the department shall be appointed by the governor to serve at the pleasure of the governor subject to confirmation by the senate no less frequently than every four years, whether or not there has been a new director appointed during that time. If the office becomes vacant, the vacancy shall be filled in the same manner as provided for the original appointment.

86 Acts, ch 1245, §502; 2023 Acts, ch 19, §1427

Referred to in §7E.5

Confirmation, see §2.32

#### **10A.103 Purpose of the department.**

The department is created for the purpose of coordinating and conducting various audits, appeals, hearings, inspections, investigations, and licensing activities related to the operations of the executive branch of state government, and administering the laws relating to employment safety, labor standards, and workers’ compensation.

86 Acts, ch 1245, §503; 2023 Acts, ch 19, §1428

#### **10A.104 Powers and duties of the director.**

The director or designees of the director shall:

1. Coordinate the internal operations of the department and develop and implement policies and procedures designed to ensure the efficient administration of the department.

2. Appoint the administrators of the divisions within the department and all other personnel deemed necessary for the administration of [this chapter](#), except the state public defender, assistant state public defenders, administrator of the racing and gaming commission, labor commissioner, workers’ compensation commissioner, director of the Iowa office of civil rights, and members of the employment appeal board. All persons appointed and employed in the department are covered by the provisions of [chapter 8A, subchapter IV](#), but persons not appointed by the director are exempt from the merit system provisions of [chapter 8A, subchapter IV](#).

3. Prepare an annual budget for the department.

4. Develop and recommend legislative proposals deemed necessary for the continued efficiency of department functions, and review legislative proposals generated outside of the department which are related to matters within the department’s purview.

5. Except for rules required or authorized by law to be adopted by another entity, adopt rules deemed necessary for the implementation and administration of [this chapter](#) in accordance with [chapter 17A](#).

6. Issue subpoenas and distress warrants, administer oaths, and take depositions in connection with audits, appeals, investigations, inspections, and hearings conducted by the department. If a person refuses to obey a subpoena or distress warrant issued by the department or otherwise fails to cooperate in proceedings of the department, the director may enlist the assistance of a court of competent jurisdiction in requiring the person’s compliance. Failure to obey orders of the court renders the person in contempt of the court and subject to penalties provided for that offense.

7. Enter into contracts for the receipt and provision of services as deemed necessary. The director and the governor may obtain and accept federal grants and receipts to or for the state to be used for the administration of [this chapter](#).

8. Administer and enforce [this chapter](#), and [chapters 99B, 135B, 135C, 135H, 135J, 135O, 137C, 137D, and 137F](#).

9. Enter into and implement agreements or compacts between the state of Iowa and Indian tribes located in the state which are entered into under the authority of the Indian Gaming

Regulatory Act, 25 U.S.C. §2701 et seq. The agreements or compacts shall contain provisions intended to implement the policies and objectives of the Indian Gaming Regulatory Act.

10. Administer inspection and licensing of social and charitable gambling pursuant to [chapter 99B](#).

11. Administer inspections and licensing of hotels and home food processing establishments.

12. Administer inspections and licensing of food establishments, including but not limited to restaurants, vending machines, food processing plants, grocery stores, convenience stores, temporary food establishments, and mobile food units.

13. Administer inspections for sanitation in any locality of the state upon the written petition of five or more residents of the locality.

14. Administer inspections of cosmetology establishments under [chapter 157](#).

15. Perform fire control duties pursuant to [section 10A.511](#).

16. Serve as the state building code commissioner pursuant to [section 103A.4](#) and administer [chapters 101, 101A, 101B, 103, 103A, 104A, 104B, and 105](#).

17. Establish, publish, and enforce rules not inconsistent with law for the enforcement of those provisions of [Title IV, subtitle 2](#), the administration and supervision of which are imposed upon the department.

18. Enforce the law relative to “Health-related Professions”, [Title IV, subtitle 3](#), excluding [chapter 147A](#).

19. Regulate and supervise real estate appraisers under [chapter 543D](#) and real estate appraisal management companies under [chapter 543E](#).

86 Acts, ch 1245, §504; 88 Acts, ch 1273, §3; 89 Acts, ch 231, §2 – 4; 92 Acts, ch 1141, §1; 93 Acts, ch 53, §1; 94 Acts, ch 1076, §1; 95 Acts, ch 67, §2; 96 Acts, ch 1052, §1; 96 Acts, ch 1079, §1; 98 Acts, ch 1162, §1, 30; 98 Acts, ch 1202, §1, 46; 2000 Acts, ch 1155, §1; 2002 Acts, ch 1162, §2, 3, 15, 75; 2003 Acts, ch 145, §128; 2004 Acts, ch 1026, §1; 2008 Acts, ch 1184, §34; 2009 Acts, ch 136, §1; 2011 Acts, ch 16, §1, 5; 2014 Acts, ch 1026, §4; 2016 Acts, ch 1086, §1; 2017 Acts, ch 160, §4; 2022 Acts, ch 1129, §1; 2023 Acts, ch 19, §1429, 1430; 2023 Acts, ch 99, §1; 2023 Acts, ch 108, §30; 2024 Acts, ch 1170, §136

Referred to in §216A.167  
Subsection 2 amended

### **10A.105 Confidentiality.**

1. For the purposes of [this section](#), “governmental entity” includes an administrative division within the department.

2. The confidentiality of all information in the department produced or collected during or as a result of a hearing, appeal, investigation, inspection, audit, or other function performed by the department on behalf of another governmental entity is governed by the law applicable to the records of that governmental entity. The department may provide information to a governmental entity for which it is conducting a hearing, appeal, inspection, audit, investigation, or other function.

3. The state shall maintain records and materials related to an agreement or compact entered into pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. §2701 et seq., as confidential records if confidentiality is required by the terms of the agreement or compact.

4. The lawful custodian of all records produced or collected during or as a result of any function performed by the department on behalf of another governmental entity is that governmental entity for the purpose of examination and copying pursuant to [chapter 22](#).

5. If information in the possession of the department indicates that a criminal or regulatory offense may have been committed, the information may be reported to the appropriate criminal justice or regulatory agency.

6. However, [this section](#) does not prohibit the department from releasing the minimal amount of information necessary in its judgment to conduct audits, inspections, investigations, appeals, and hearings, and does not prohibit the introduction of the information as evidence at any hearing conducted by the department.

7. The director, administrators, and their designees shall have access to all records

deemed by the department to be pertinent to a hearing, appeal, audit, investigation, inspection, or other related function assigned under [this chapter](#).

[86 Acts, ch 1245, §505; 89 Acts, ch 231, §5; 2014 Acts, ch 1026, §5; 2024 Acts, ch 1073, §1](#)

Subsection 5 amended

#### **10A.106 Divisions of the department.**

1. The department is comprised of the administrative hearings division, labor services division, workers' compensation division, and other divisions as appropriate.

2. The allocation of departmental duties to the divisions of the department in [sections 10A.202, 10A.301, and 10A.801](#) does not prohibit the director from reallocating departmental duties within the department.

[86 Acts, ch 1245, §506; 87 Acts, ch 234, §420; 88 Acts, ch 1134, §9; 89 Acts, ch 231, §6, 7; 98 Acts, ch 1202, §2, 46; 2000 Acts, ch 1155, §2; 2002 Acts, ch 1162, §4, 5; 2004 Acts, ch 1026, §2; 2008 Acts, ch 1032, §201; 2023 Acts, ch 19, §1431](#)

Referred to in [§88.2](#)

#### **10A.107 Appropriated receipts.**

The department may charge state departments, agencies, and commissions for services rendered and the payment received shall be considered appropriated receipts as defined in [section 8.2](#).

[90 Acts, ch 1247, §2; 2024 Acts, ch 1185, §95](#)

Section amended

#### **10A.108 Improper health and human services entitlement benefits or provider payments — debt, lien, collection.**

1. *a.* If a person refuses or neglects to repay benefits or provider payments inappropriately obtained from the department of health and human services, the amount inappropriately obtained, including any interest, penalty, or costs attached to the amount, constitutes a debt and is a lien in favor of the state upon all property and any rights or title to or interest in property, whether real or personal, belonging to the person for the period established in [subsection 2](#), with the exception of property which is exempt from execution pursuant to [chapter 627](#).

*b.* A lien under [this section](#) shall not attach to any amount of inappropriately obtained benefits or provider payments, or portions of the benefits or provider payments, attributable to errors by the department of health and human services. Liens shall only attach to the amounts of inappropriately obtained benefits or provider payments or portions of the benefits or provider payments which were obtained due to false, misleading, incomplete, or inaccurate information submitted by a person in connection with the application for or receipt of benefits or provider payments.

2. *a.* The lien attaches at the time the notice of the lien is filed under [subsection 3](#), and continues for ten years from that date, unless released or otherwise discharged at an earlier time.

*b.* The lien may be extended, within ten years from the date of attachment, if a person files a notice with the county recorder or other appropriate county official of the county in which the property is located at the time of filing the extension. From the time of the filing of the notice, the lien period shall be extended for ten years to apply to the property in the county in which the notice is filed, unless released or otherwise discharged at an earlier time. The number of extensions is not limited.

*c.* The department shall discharge any lien which is allowed to lapse and may charge off any account and release the corresponding lien before the lien has lapsed if the department determines, under uniform rules prescribed by the director, that the account is uncollectible or collection costs involved would not warrant collection of the amount due.

3. To preserve the lien against subsequent mortgagees, purchasers, or judgment creditors, for value and without notice of the lien, on any property located in a county, the director shall file a notice of the lien with the recorder of the county in which the property is located at the time of filing of the notice.

4. The county recorder of each county shall prepare and maintain in the recorder's

office an index of liens of debts established based upon benefits or provider payments inappropriately obtained from and owed the department of health and human services, containing the applicable entries specified in [sections 558.49](#) and [558.52](#), and providing appropriate columns for all of the following data, under the names of debtors, arranged alphabetically:

- a. The name of the debtor.
- b. “State of Iowa, Department of Health and Human Services” as claimant.
- c. The time that the notice of the lien was filed for recording.
- d. The date of notice.
- e. The amount of the lien currently due.
- f. The date of the assessment.
- g. The date of satisfaction of the debt.
- h. Any extension of the time period for application of the lien and the date that the notice for extension was filed.

5. The recorder shall endorse on each notice of lien the day and time filed for recording and the document reference number, and shall preserve the notice. The recorder shall index the notice and shall record the lien in the manner provided for recording real estate mortgages. The lien is effective from the time of the indexing.

6. The department shall pay, from moneys appropriated to the department for this purpose, recording fees as provided in [section 331.604](#), for the recording of the lien.

7. Upon payment of a debt for which the department has filed notice with a county recorder, the department shall provide to the debtor a satisfaction of the debt. The debtor shall be responsible for filing the satisfaction of the debt with the recorder and the recorder shall enter the satisfaction on the notice on file in the recorder’s office.

8. The department of inspections, appeals, and licensing, as provided in [this chapter](#) and [chapter 626](#), shall proceed to collect all debts owed the department of health and human services as soon as practicable after the debt becomes delinquent. If service has not been made on a distress warrant by the officer to whom addressed within five days from the date the distress warrant was received by the officer, the authorized investigators of the department of inspections, appeals, and licensing may serve and make return of the warrant to the clerk of the district court of the county named in the distress warrant, and all subsequent procedures shall be in compliance with [chapter 626](#).

9. The distress warrant shall be in a form as prescribed by the director, shall be directed to the sheriff of the appropriate county, and shall identify the debtor, the type of debt, and the delinquent amount. The distress warrant shall direct the sheriff to distrain, seize, garnish, or levy upon, and sell, as provided by law, any real or personal property belonging to the debtor to satisfy the amount of the delinquency plus costs. The distress warrant shall also direct the sheriff to make due and prompt return to the department or to the district court under [chapter 626](#) of all amounts collected.

10. The attorney general, upon the request of the director of inspections, appeals, and licensing, shall bring an action, as the facts may justify, without bond, to enforce payment of any debts under [this section](#), and in the action the attorney general shall have the assistance of the county attorney of the county in which the action is pending.

11. The remedies of the state shall be cumulative and no action taken by the director of inspections, appeals, and licensing or attorney general shall be construed to be an election on the part of the state or any of its officers to pursue any remedy to the exclusion of any other remedy provided by law.

[94 Acts, ch 1112, §1; 96 Acts, ch 1052, §2; 97 Acts, ch 23, §2, 3; 2002 Acts, ch 1113, §1; 2009 Acts, ch 27, §1; 2010 Acts, ch 1061, §180; 2013 Acts, ch 24, §1; 2023 Acts, ch 19, §12](#)

#### **10A.109 Statutory board, commission, committee, or council — teleconference option.**

Any statutorily established board, commission, committee, or council established under the purview of the department relative to “Health-related Professions”, [Title IV, subtitle 3](#), excluding [chapter 147A](#), shall provide for a teleconference option for board, commission, committee, or council members to participate in official meetings.

[2023 Acts, ch 19, §1432](#)



**10A.110 through 10A.199** Reserved.

## SUBCHAPTER II LABOR SERVICES

Referred to in [§331.756\(16\)](#), [455B.135](#), [455B.390](#)

### **10A.200 Definitions.**

As used in [this subchapter](#), unless the context otherwise requires:

1. “*Commissioner*” means the labor commissioner appointed pursuant to [section 10A.203](#), or the commissioner’s designee.
2. “*Division*” means the division of labor services of the department of inspections, appeals, and licensing.

[2023 Acts, ch 19, §1444](#)

### **10A.201 Definition of additional terms.**

The expressions “*factory*”, “*mill*”, “*workshop*”, “*mine*”, “*store*”, “*railway*”, “*business house*”, and “*public or private work*”, as used in [this subchapter](#), shall be construed to mean any factory, mill, workshop, mine, store, railway, business house, or public or private work, where wage earners are employed for a compensation.

[C97, §2473; SS15, §2473; C24, 27, 31, 35, 39, §1524; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §91.15]

[2023 Acts, ch 19, §1456, 1459](#)

C2024, §10A.201

### **10A.202 Labor services — responsibilities.**

1. The division is responsible for the administration of the laws of this state under [chapters 88](#) and [89B](#) and [sections 85.67A](#) and [85.68](#), and such other duties assigned to the division or commissioner. The executive head of the division is the commissioner, appointed pursuant to [section 10A.203](#).

2. The department is responsible for the administration of the laws of this state under [chapters 88A](#), [88B](#), [89](#), [89A](#), [90A](#), [91A](#), [91C](#), [91D](#), [91E](#), [92](#), and such other labor-services duties assigned to the department or director.

[2023 Acts, ch 19, §1445](#)

Referred to in [§10A.106](#), [10A.206](#)

### **10A.203 Labor commissioner — appointment.**

The governor shall appoint, subject to confirmation by the senate, a labor commissioner who shall serve at the pleasure of the governor. If the office becomes vacant, the vacancy shall be filled in the same manner as provided for the original appointment.

[C97, §2469; S13, §2470; C24, 27, 31, 35, 39, §1511; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 82, §91.2]

[85 Acts, ch 51, §1, 2](#); [86 Acts, ch 1245, §919](#); [2023 Acts, ch 19, §1448, 1459](#)

C2024, §10A.203

Referred to in [§10A.200](#), [10A.202](#), [88.2](#), [88.3](#), [89B.3](#)

Confirmation, see [§2.32](#)

### **10A.204 Duties and powers — labor services.**

1. The duties of the commissioner or director, as applicable, pursuant to [this subchapter](#) shall be as follows:

a. To safely keep all records, papers, documents, correspondence, and other property pertaining to or coming into the commissioner’s or director’s hands by virtue of the office, and deliver the same to the commissioner’s or director’s successor, except as otherwise provided.

b. To collect, assort, and systematize statistical details relating to programs of the division or department under [this subchapter](#).

c. To issue from time to time bulletins containing information of importance to the industries of the state and to the safety of wage earners.

d. To conduct and to cooperate with other interested persons and organizations in conducting educational programs and projects on employment safety.

2. The commissioner shall serve as an ex officio member of the state fire service and emergency response council created in [section 100B.1](#), or shall appoint a designee to serve as an ex officio member of such council, to assist the council in the development of rules relating to fire fighting training standards and any other issues relating to occupational safety and health standards for fire fighters.

3. The director, in consultation with the labor commissioner, shall, at the time provided by law, make an annual report to the governor setting forth in appropriate form the business and expense of the division and department under [this subchapter](#) for the preceding year, the number of remedial actions taken under [chapter 89A](#), the number of disputes or violations processed by the division or department and the disposition of the disputes or violations, and other matters pertaining to the division or department under [this subchapter](#) which are of public interest, together with recommendations for change or amendment of the laws in [this chapter](#) and [chapters 88, 88A, 88B, 89, 89A, 89B, 90A, 91A, 91C, 91D, 91E, and 92](#), and [sections 85.67A and 85.68](#), and the recommendations, if any, shall be transmitted by the governor to the first general assembly in session after the report is filed.

4. The commissioner or director, as applicable, with the assistance of the office of the attorney general if requested by the commissioner or director, may commence a civil action in any court of competent jurisdiction to enforce the statutes under the commissioner's or director's jurisdiction under [this subchapter](#).

5. The division or department, as applicable, may sell documents printed by the division or department as it relates to [this subchapter](#) at cost according to rules established by the commissioner or director pursuant to [chapter 17A](#). Receipts from the sale shall be deposited to the credit of the department and may be used by the division for administrative expenses of the division and department under [this subchapter](#).

6. Except as provided in [chapter 91A](#), the commissioner or director, as applicable, may recover interest, court costs, and any attorney fees incurred in recovering any amounts due under [this subchapter](#). The recovery shall only take place after final agency action is taken under [chapter 17A](#), or upon judicial review, after final disposition of the case by the court. Attorney fees recovered in an action brought under the jurisdiction of the commissioner or director under [this subchapter](#) shall be deposited in the general fund of the state. The commissioner and director are exempt from the payment of any filing fee or other court costs including but not limited to fees paid to county sheriffs.

7. The commissioner or director may establish rules pursuant to [chapter 17A](#) to assess and collect interest on fees, penalties, and other amounts due the division or department, as applicable, under [this subchapter](#). The commissioner or director may delay or, following written notice, deny the issuance of a license, commission, registration, certificate, or permit authorized under [chapter 88A, 89, 89A, 90A, or 91C](#) if the applicant for the license, commission, registration, certificate, or permit owes a liquidated debt to the commissioner or director.

[C97, §2469, 2470; S13, §2469, 2470; C24, 27, 31, 35, 39, §1513; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §91.4]

[86 Acts, ch 1244, §15; 86 Acts, ch 1245, §920; 91 Acts, ch 136, §3; 92 Acts, ch 1098, §6; 93 Acts, ch 180, §58; 96 Acts, ch 1186, §23; 99 Acts, ch 68, §14, 15; 99 Acts, ch 130, §8; 2000 Acts, ch 1117, §7; 2006 Acts, ch 1053, §1; 2006 Acts, ch 1185, §117; 2007 Acts, ch 211, §34; 2010 Acts, ch 1015, §7; 2011 Acts, ch 34, §23; 2023 Acts, ch 19, §1449, 1459](#)

C2024, §10A.204

#### **10A.205 Other duties — jurisdiction in general.**

As provided by [this subchapter](#), the commissioner or director shall have jurisdiction and it shall be the commissioner's or director's duty to supervise the enforcement of:

1. All laws relating to safety appliances and inspection thereof and health conditions in manufacturing and mercantile establishments, workshops, machine shops, other industrial concerns within the commissioner's jurisdiction and sanitation and shelter for railway employees.



2. All laws of the state relating to child labor.

3. Such other provisions of law relating to [this subchapter](#) within the commissioner's or director's jurisdiction.

[S13, §2477-f; SS15, §2477-g1, 4999-a5, -a10; C24, 27, 31, 35, 39, §1514; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §91.5]

[86 Acts, ch 1245, §921](#); [2023 Acts, ch 19, §1450, 1459](#)

C2024, §10A.205

#### **10A.206 Labor commissioner — rules.**

The commissioner shall adopt rules pursuant to [chapter 17A](#) for the purpose of administering chapters under the commissioner's jurisdiction as provided in [section 10A.202, subsection 1](#).

[89 Acts, ch 26, §1](#)

CS89, §91.6

[2023 Acts, ch 19, §1451, 1459](#)

C2024, §10A.206

#### **10A.207 Traveling expenses.**

The director, commissioner, inspectors, and other employees of the division or department shall be allowed their necessary traveling expenses while in the discharge of their duties under [this subchapter](#).

[C97, §2477; S13, §2477; C24, 27, 31, 35, 39, §1517; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §91.8; [81 Acts, ch 10, §10](#)]

[2023 Acts, ch 19, §1452, 1459](#)

C2024, §10A.207

#### **10A.208 Right to enter premises.**

The director, commissioner, and the inspectors shall have the power to enter any factory or mill, workshop, mine, store, railway facility, including locomotive or caboose, business house, or public or private work, when the same is open or in operation, for the purpose of gathering facts and statistics such as are contemplated by [this subchapter](#), and to examine into the methods of protection from danger to employees, and the sanitary conditions in and around such buildings and places, and make a record thereof.

[C97, §2472; S13, §2472; C24, 27, 31, 35, 39, §1518; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §91.9]

[2023 Acts, ch 19, §1453, 1459](#)

C2024, §10A.208

#### **10A.209 Power to secure evidence.**

The director or commissioner, as applicable, may issue subpoenas, administer oaths, and take testimony in all matters relating to the duties required of the director or commissioner under [this subchapter](#). Witnesses subpoenaed and testifying before the director or commissioner shall be paid the same fees as witnesses under [section 622.69](#), payment to be made out of the funds appropriated to the department or division, as applicable.

[C97, §2471; S13, §2471; C24, 27, 31, 35, 39, §1519; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §91.10]

[83 Acts, ch 186, §10041, 10201](#); [99 Acts, ch 68, §16](#); [2023 Acts, ch 19, §1454, 1459](#)

C2024, §10A.209

#### **10A.210 Prosecutions for violations — labor services.**

1. If the director or commissioner learns of any violation of any law administered by the department or division under [this subchapter](#), the director or commissioner may give the county attorney of the county in which the violation occurred written notice of the facts, whereupon that officer shall institute the proper proceedings against the person charged with the offense.

2. If the director or commissioner is of the opinion that the violation is not willful, or

is an oversight or of a trivial nature, the director or commissioner may at the director's or commissioner's discretion fix a time within which the violation shall be corrected and notify the owner, operator, superintendent, or person in charge. If the violation is corrected within the time fixed, then the director or commissioner shall not cause prosecution to be begun.

[C97, §2472; S13, §2472; C24, 27, 31, 35, 39, §1520; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §91.11]

99 Acts, ch 68, §17; 2021 Acts, ch 76, §21; 2023 Acts, ch 19, §1455, 1459

C2024, §10A.210

Referred to in §331.756(16)

### **10A.211 Violations — penalties.**

Persons violating any of the provisions of [this subchapter](#) shall be punished as in [this section](#) provided, respectively:

1. Any owner, superintendent, manager, or person in charge of any factory, mill, workshop, store, mine, hotel, restaurant, cafe, railway, business house, or public or private work, who shall refuse to allow the director, commissioner, or any inspector or employee of the department or division to enter the same, or who shall hinder or deter the director, commissioner, inspector, or employee in collecting information which it is that person's duty to collect shall be guilty of a simple misdemeanor.

2. Any officer or employee of the department or division, or any person making unlawful use of names or information obtained under [this subchapter](#) by virtue of the person's office, shall be guilty of a serious misdemeanor.

3. Any owner, operator, or manager of a factory, mill, workshop, mine, store, railway, business house, or public or private work, who shall neglect or refuse for thirty days after receipt of notice from the director or commissioner to furnish any reports or returns the director or commissioner may require to enable the director or commissioner to discharge the director's or commissioner's duties under [this subchapter](#) shall be guilty of a simple misdemeanor.

[C97, §2471, 2472, 2474, 2475; S13, §2471, 2472, 2474; C24, 27, 31, 35, 39, §1525; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §91.16]

2007 Acts, ch 22, §24; 2023 Acts, ch 19, §1457, 1459

C2024, §10A.211

**10A.212 through 10A.300** Reserved.

## SUBCHAPTER III

### WORKERS' COMPENSATION

Referred to in §8A.457, 8A.512, 22.7(31), 85.3, 85.26, 85.31, 85.34, 85.35, 85.55, 85.59, 85.60, 85.61, 85B.14, 87.1, 87.2, 87.11, 87.13, 87.14A, 87.21, 92.24, 331.324, 515B.5, 729.6

### **10A.301 Definitions.**

As used in [this subchapter](#), unless the context otherwise requires:

1. "Commissioner" means the workers' compensation commissioner appointed pursuant to [section 10A.303](#), or the commissioner's designee.

2. "Division" means the division of workers' compensation of the department of inspections, appeals, and licensing.

2023 Acts, ch 19, §1460

Referred to in §10A.106

### **10A.302 Workers' compensation — responsibilities.**

The division is responsible for the administration of the laws of this state relating to workers' compensation under [this subchapter](#) and [chapters 85, 85A, 85B, and 87](#). The executive head of the division is the workers' compensation commissioner, appointed pursuant to [section 10A.303](#).

2023 Acts, ch 19, §1461

**10A.303 Workers' compensation commissioner — appointment.**

The governor shall appoint, subject to confirmation by the senate, a workers' compensation commissioner who shall serve at the pleasure of the governor. If the office becomes vacant, the vacancy shall be filled in the same manner as provided for the original appointment. The workers' compensation commissioner must be a lawyer admitted to practice in this state.

[S13, §2477-m22; C24, 27, 31, 35, 39, §1423; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.1]

98 Acts, ch 1061, §11; 2023 Acts, ch 19, §1462, 1477

C2024, §10A.303

Referred to in §10A.301, 10A.302

Confirmation, see §2.32

**10A.304 Appointment of deputies.**

1. The commissioner may appoint:

a. Chief deputy workers' compensation commissioners for whose acts the commissioner is responsible, who are exempt from the merit system provisions of [chapter 8A, subchapter IV](#), and who shall serve at the pleasure of the commissioner.

b. Deputy workers' compensation commissioners for whose acts the commissioner is responsible and who shall serve at the pleasure of the commissioner.

2. All chief deputies and deputies must be lawyers admitted to practice in this state.

3. The commissioner may appoint one or more chief deputy workers' compensation commissioners and one or more deputy workers' compensation commissioners. A chief deputy workers' compensation commissioner or a deputy workers' compensation commissioner shall perform such additional administrative responsibilities as are deemed reasonably necessary and assigned by the commissioner.

[C24, 27, 31, 35, 39, §1424; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.2]

89 Acts, ch 60, §3; 90 Acts, ch 1261, §26; 98 Acts, ch 1061, §11; 2003 Acts, ch 145, §158; 2008 Acts, ch 1031, §26; 2023 Acts, ch 19, §1477

C2024, §10A.304

**10A.305 Duties of deputies.**

Notwithstanding the provisions of [chapter 17A](#), in the absence or disability of the workers' compensation commissioner, or when written delegation of authority to perform specified functions is made by the commissioner, the deputies shall have any necessary specified powers to perform any necessary or specified duties of the workers' compensation commissioner pertaining to the commissioner's office. Notwithstanding the definitions and terms of [chapter 17A](#), pertaining to the issuance of final decisions, when the above circumstances exist a deputy commissioner shall have the power to issue a final decision as if issued by the agency.

[C24, 27, 31, 35, 39, §1425; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.3]

98 Acts, ch 1061, §11; 2023 Acts, ch 19, §1477

C2024, §10A.305

**10A.306 Political activity and contributions.**

It shall be unlawful for the commissioner, or a chief deputy workers' compensation commissioner while in office, to espouse the election or appointment of any candidate to any political office, and any person violating the provisions of [this section](#) shall be guilty of a simple misdemeanor.

[S13, §2477-m23, -m37; C24, 27, 31, 35, 39, §1427; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.4]

90 Acts, ch 1261, §27; 98 Acts, ch 1061, §11; 2023 Acts, ch 19, §1477

C2024, §10A.306

**10A.307 Political promises.**

Any person who is a candidate for appointment as commissioner who makes any promise to another, express or implied, in consideration of any assistance or influence given or recommendation made that the candidate will, if appointed as a commissioner, appoint

such person or one whom the person may recommend to any office within the power of the commissioner to appoint, shall be guilty of a simple misdemeanor.

[S13, §2477-m38; C24, 27, 31, 35, 39, §1428; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.5]

[2023 Acts, ch 19, §1477](#)

C2024, §10A.307

#### **10A.308 Recommendations of commissioner.**

All recommendations to the governor of any person asking the appointment of another as commissioner shall be reduced to writing, signed by the person presenting the same, which shall be filed by the governor in the governor's office and open at all reasonable times for public inspection, and all recommendations made by any person to the commissioner for the appointment of another within the power of the commissioner to appoint, shall be reduced to writing, signed by the person presenting the same, and filed by the commissioner and open for public inspection at all reasonable times. If any person recommending the appointment of another within the contemplation of [this section](#) refuses to reduce the same to writing, it shall be the duty of the person to whom the recommendation is made, to make a memorandum thereof, stating the name of the person recommended and the name of the person who made the same, which shall be filed in the office of the governor or the commissioner as the case may be.

[S13, §2477-m39; C24, 27, 31, 35, 39, §1429; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.6]

[2023 Acts, ch 19, §1477](#)

C2024, §10A.308

#### **10A.309 Interest in affected business.**

The commissioner shall not be financially interested in any business enterprise coming under or affected by [this subchapter](#) while in office, and if the commissioner violates this statute, it shall be sufficient grounds for removal from office, and in such case the governor shall at once declare the office vacant and appoint another to fill the vacancy.

[S13, §2477-m39; C24, 27, 31, 35, 39, §1430; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.7]

[2023 Acts, ch 19, §1463, 1477](#)

C2024, §10A.309

[2024 Acts, ch 1182, §2](#)

Section amended

#### **10A.310 Duties.**

1. The commissioner shall:

a. Adopt and enforce rules necessary to implement [this subchapter](#) and [chapters 85, 85A, 85B, and 87](#).

b. Prepare and distribute the necessary blanks relating to computation, adjustment, and settlement of compensation.

c. Prepare and publish statistical reports and analyses regarding the cost, occurrence, and sources of employment injuries.

d. Administer oaths and examine books and records of parties subject to the workers' compensation laws.

e. Provide a seal for the authentication of orders and records and for other purposes as required.

2. Subject to the approval of the director, the commissioner may enter into contracts with any state agency, with or without reimbursement, for the purpose of obtaining the services, facilities, and personnel of the agency and with the consent of any state agency or political subdivision of the state, accept and use the services, facilities, and personnel of the agency or political subdivision, and employ experts and consultants or organizations in order to expeditiously, efficiently, and economically effectuate the purposes of [this chapter](#).

The agreements under [this subsection](#) are subject to approval by the executive council if approval is required by law.

[S13, §2477-m24; C24, 27, 31, 35, 39, §1431; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.8]

[86 Acts, ch 1245, §911](#); [96 Acts, ch 1186, §23](#); [2008 Acts, ch 1032, §172](#); [2023 Acts, ch 19, §1464, 1477](#)

C2024, §10A.310

[2024 Acts, ch 1182, §3](#)

Subsection 2 amended

#### **10A.311 Reports.**

1. The director, in consultation with the commissioner, shall, at the time provided by law, make an annual report to the governor setting forth in appropriate form the business and expense of the division of workers' compensation for the preceding year, the number of claims processed by the division and the disposition of the claims, and other matters pertaining to the division which are of public interest, together with recommendations for change or amendment of the laws in [this subchapter](#) and [chapters 85, 85A, 85B, and 87](#), and the recommendations, if any, shall be transmitted by the governor to the first general assembly in session after the report is filed.

2. The commissioner, after consultation with the director, may compile an annual report setting forth the final decisions, rulings, and orders of the division for the preceding year and setting forth other matters or information which the commissioner considers desirable for publication.

3. These annual reports may be distributed by the state on request to public officials as set forth in [chapter 7A](#). Members of the public may obtain an annual report upon payment of its cost as set by the commissioner.

[S13, §2477-m24; C24, 27, 31, 35, 39, §1432; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.9; [81 Acts, ch 6, §13](#)]

[84 Acts, ch 1067, §16](#); [86 Acts, ch 1245, §912](#); [96 Acts, ch 1186, §23](#); [98 Acts, ch 1061, §5](#); [2018 Acts, ch 1026, §32](#); [2023 Acts, ch 19, §1465, 1477](#)

C2024, §10A.311

#### **10A.312 Records of employer — right to inspect.**

1. All books, records, and payrolls of the employers, showing or reflecting in any way upon the amount of wage expenditure of such employers, shall always be open for inspection by the workers' compensation commissioner or any of the commissioner's representatives presenting a certificate of authority from said commissioner for the purpose of ascertaining the correctness of the wage expenditure, the number of persons employed, and such other information as may be necessary for the uses and purposes of the commissioner in the administration of the law.

2. Information so obtained shall be used for no other purpose than to advise the commissioner or insurance association with reference to such matters.

3. Upon a refusal on the part of the employer to submit the employer's books, records, or payrolls for the inspection of the commissioner or the commissioner's authorized representatives presenting written authority from the commissioner, the commissioner may enter an order requiring the employer to do so.

[S13, §2477-m36; C24, 27, 31, 35, 39, §1433; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.10]

[98 Acts, ch 1061, §11](#); [2017 Acts, ch 54, §76](#); [2023 Acts, ch 19, §1477](#)

C2024, §10A.312

Referred to in [§10A.314](#)

#### **10A.313 Reports of injuries.**

Every employer shall keep a record of all injuries, fatal or otherwise, alleged by an employee to have been sustained in the course of the employee's employment and resulting in incapacity for a longer period than one day. If the injury results only in temporary disability, causing incapacity for a longer period than three days, then within four days

thereafter, not counting Sundays and legal holidays, the employer or insurance carrier having had notice or knowledge of the occurrence of such injury and resulting disability shall file a report with the workers' compensation commissioner in the form and manner required by the commissioner. If such injury to the employee results in permanent total disability, permanent partial disability, or death, then the employer or insurance carrier, upon notice or knowledge of the occurrence of the employment injury, shall file a report with the workers' compensation commissioner within four days after having notice or knowledge of the permanent injury to the employee or the employee's death. The report to the workers' compensation commissioner of injury shall be without prejudice to the employer or insurance carrier and shall not be admitted in evidence or used in any trial or hearing before any court, the workers' compensation commissioner, or a deputy workers' compensation commissioner except as to the notice under [section 85.23](#).

[S13, §2477-m36; C24, 27, 31, 35, 39, §1434; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.11]

98 Acts, ch 1061, §6, 11; 2000 Acts, ch 1007, §4; 2019 Acts, ch 59, §37; 2023 Acts, ch 19, §1477

C2024, §10A.313

Referred to in §10A.314

#### **10A.314 Failure to report.**

1. The workers' compensation commissioner may require any employer to supply the information required by [section 10A.312](#) or to file a report required by [section 10A.313](#) or [10A.315](#) or by agency rule, by written demand sent to the employer's last known address. Upon failure to supply such information or file such report within thirty days, the employer may be ordered to appear and show cause why the employer should not be subject to assessment of one thousand dollars for each occurrence. Upon such hearing, the workers' compensation commissioner shall enter a finding of fact and may enter an order requiring such assessment to be paid into the second injury fund created by [sections 85.63 through 85.69](#). In the event the assessment is not voluntarily paid within thirty days, the workers' compensation commissioner may file a certified copy of such finding and order with the clerk of the court for the district in which the employer maintains a place of business. If the employer maintains no place of business in this state, service shall be made as provided in [chapter 85](#) for nonresident employers. In such case the finding and order may be filed in any court of competent jurisdiction within this state.

2. The workers' compensation commissioner may thereafter petition the court for entry of judgment upon such order, serving notice of such petition on the employer and any other person in default. If the court finds the order valid, the court shall enter judgment against the person or persons in default for the amount due under the order. No fees shall be required for the filing of the order or for the petition for judgment, or for the entry of judgment or for any enforcement procedure thereupon. No supersedeas shall be granted by any court to a judgment entered under [this section](#).

3. When a report is required under [section 10A.313](#) or [10A.315](#) or by agency rule, and the employer's insurance carrier possesses the information necessary to file the report, the insurance carrier shall be responsible for filing the report in the same manner and to the same extent as an employer under [this section](#).

[S13, §2477-m36; C24, 27, 31, 35, 39, §1435; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.12]

98 Acts, ch 1061, §11; 2003 Acts, 1st Ex, ch 1, §122, 124, 133

[2003 Acts, 1st Ex, ch 1, §122, 124, 133, amendments to this section rescinded pursuant to *Rants v. Vilsack*, 684 N.W.2d 193]

2004 Acts, 1st Ex, ch 1001, §14, 19; 2017 Acts, ch 54, §76; 2021 Acts, ch 80, §42; 2023 Acts, ch 19, §1477

C2024, §10A.314

#### **10A.315 Compensation payments.**

1. If an employer or insurance carrier pays weekly compensation benefits to an employee,



the employer or insurance carrier shall file with the workers' compensation commissioner in the form and manner required by the workers' compensation commissioner a notice of the commencement of the payments. The payments establish conclusively that the employer and insurance carrier have notice of the injury for which benefits are claimed but the payments do not constitute an admission of liability under [this subchapter](#) or [chapter 85, 85A, or 85B](#).

2. If an employer or insurance carrier fails to file the notice required by [this section](#), the failure stops the running of the time periods in [section 85.26](#) as of the date of the first payment. If commenced, the payments shall be terminated only when the employee has returned to work, or upon thirty days' notice stating the reason for the termination and advising the employee of the right to file a claim with the workers' compensation commissioner.

3. [This section](#) does not prevent the parties from reaching an agreement for settlement regarding compensation. However, the agreement is valid only if signed by all parties and approved by the workers' compensation commissioner.

4. a. If a denial, a delay in payment, or a termination of benefits occurs without reasonable or probable cause or excuse known to the employer or insurance carrier at the time of the denial, delay in payment, or termination of benefits, the workers' compensation commissioner shall award benefits in addition to those benefits payable under [this subchapter](#), or [chapter 85, 85A, or 85B](#), up to fifty percent of the amount of benefits that were denied, delayed, or terminated without reasonable or probable cause or excuse.

b. The workers' compensation commissioner shall award benefits under [this subsection](#) if the commissioner finds both of the following facts:

(1) The employee has demonstrated a denial, delay in payment, or termination of benefits.

(2) The employer has failed to prove a reasonable or probable cause or excuse for the denial, delay in payment, or termination of benefits.

c. In order to be considered a reasonable or probable cause or excuse under paragraph "b", an excuse shall satisfy all of the following criteria:

(1) The excuse was preceded by a reasonable investigation and evaluation by the employer or insurance carrier into whether benefits were owed to the employee.

(2) The results of the reasonable investigation and evaluation were the actual basis upon which the employer or insurance carrier contemporaneously relied to deny, delay payment of, or terminate benefits.

(3) The employer or insurance carrier contemporaneously conveyed the basis for the denial, delay in payment, or termination of benefits to the employee at the time of the denial, delay, or termination of benefits.

[S13, §2477-m25; C24, 27, 31, 35, 39, §1436; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.13; [82 Acts, ch 1161, §23](#)]

[98 Acts, ch 1061, §7, 11; 2009 Acts, ch 179, §110; 2023 Acts, ch 19, §1466, 1467, 1477](#)

C2024, §10A.315

Referred to in [§10A.314](#), [10A.317](#), [85.26](#), [85.72](#)

### **10A.316 Compliance monitoring and enforcement.**

1. The workers' compensation commissioner shall monitor the rate of compliance of each employer and each insurer with the requirement to commence benefit payments within the time specified in [section 85.30](#). The commissioner shall determine the percentage of reported injuries where the statutory standard was met and the average number of days that commencement of voluntary benefits was delayed for each employer and each insurer individually, and for all employers and all insurers as separate groups.

2. If during any fiscal year commencing after June 30, 2006, the general business practices of an employer or insurer result in the delay of the commencement of voluntary weekly compensation payments after the date specified in [section 85.30](#) more frequently and for a longer number of days than the average number of days for the entire group of employers or insurers, the commissioner may impose an assessment on the employer or insurer payable to the second injury fund created in [section 85.66](#). The amount of the assessment shall be ten dollars, multiplied by the average number of days that weekly compensation payments were delayed after the date specified in [section 85.30](#), and multiplied by the number of injuries the employer or insurer reported during the fiscal year. Notwithstanding the foregoing, an

assessment shall not be imposed if the employer or insurer commenced voluntary weekly compensation benefits within the time specified in [section 85.30](#) for more than seventy-five percent of the injuries reported by the employer or insurer.

3. The commissioner may waive or reduce an assessment under [this section](#) if an employer or insurer demonstrates to the commissioner that atypical events during the fiscal year, including but not limited to a small number of cases, made the statistical data for that employer or insurer unrepresentative of the actual payout practices of the employer or insurer for that year.

[2003 Acts, 1st Ex, ch 1, §123, 124, 133](#)

CS2003, §86.13A

[2003 enactment of section rescinded pursuant to *Rants v. Vilsack*, 684 N.W.2d 193]

[2004 Acts, 1st Ex, ch 1001, §15, 16, 19; 2017 Acts, ch 54, §76; 2023 Acts, ch 19, §1477](#)

C2024, §10A.316

#### **10A.317 Contested cases.**

1. In an original proceeding, all matters relevant to a dispute are subject to inquiry.

2. In a proceeding to reopen an award for payments or agreement for settlement as provided by [section 10A.315](#), inquiry shall be into whether or not the condition of the employee warrants an end to, diminishment of, or increase of compensation so awarded or agreed upon.

[S13, §2477-m26, -m28; C24, 27, 31, 35, 39, §1437, 1438; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.14]

[2023 Acts, ch 19, §1477](#)

C2024, §10A.317

#### **10A.318 Hearings — presiding officer — venue.**

1. Notwithstanding the provisions of [section 17A.11](#), the workers' compensation commissioner or a deputy workers' compensation commissioner shall preside over any contested case proceeding brought under [this subchapter](#), or [chapter 85, 85A](#), or [85B](#) in the manner provided by [chapter 17A](#). The deputy commissioner or the commissioner may make such inquiries in contested case proceedings as shall be deemed necessary, so long as such inquiries do not violate any of the provisions of [section 17A.17](#).

2. Hearings in contested case proceedings under [this subchapter](#) and [chapters 85 and 85A](#) shall be held in the judicial district where the injury occurred. By written stipulation of the parties or by the order of a deputy workers' compensation commissioner or the commissioner, a hearing may be held elsewhere. If the injury occurred outside this state, or if the proceeding is not one for benefits resulting from an injury, hearings shall be held in Polk county or as otherwise stipulated by the parties or by order of a deputy workers' compensation commissioner or the workers' compensation commissioner.

[S13, §2477-m29; C24, 27, 31, 35, 39, §1437, 1440, 1460; C46, 50, 54, 58, 62, 66, 71, 73, 75, §86.15, 86.17; C77, §86.17, 86.37; C79, 81, §86.17]

[98 Acts, ch 1061, §11; 98 Acts, ch 1202, §29, 46; 2000 Acts, ch 1058, §12; 2023 Acts, ch 19, §1468, 1477](#)

C2024, §10A.318

Referred to in [§10A.322](#)

#### **10A.319 Hearings — evidence.**

1. Evidence, process and procedure in contested case proceedings or appeal proceedings within the agency under [this subchapter](#) and [chapters 85 and 85A](#) shall be as summary as practicable consistent with the requirements of [chapter 17A](#).

2. The deposition of any witness may be taken and used as evidence in any pending proceeding or appeal within the agency.

[C24, 27, 31, 35, 39, §1441, 1444; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §86.18, 86.21; C79, 81, §86.18]

[2023 Acts, ch 19, §1469, 1477](#)

C2024, §10A.319

**10A.320 Reporting of proceedings.**

1. The workers' compensation commissioner, or a deputy commissioner, may appoint or may direct a party to furnish at the party's initial expense a certified shorthand reporter to be present and report, or to furnish mechanical means to record, and if necessary, transcribe proceedings of any contested case under [this subchapter](#) and [chapters 85 and 85A](#) and fix the reasonable amount of compensation for such service. The charges shall be taxed as costs and the party initially paying the expense of the presence or transcription shall be reimbursed. The reporter shall faithfully and accurately report the proceedings.

2. Notwithstanding the requirements of [section 17A.12, subsection 7](#), a certified shorthand reporter, appointed by the presiding officer in a contested case proceeding or by the workers' compensation commissioner in an appeal proceeding, may maintain and thus have the responsibility for the recording or stenographic notes for the period required by [section 17A.12, subsection 7](#).

[C24, 27, 31, 35, 39, §1442; C46, 50, 54, 58, 62, 66, 71, 73, §86.19; C75, 77, §86.19, 86.28; C79, 81, §86.19]

[98 Acts, ch 1061, §11](#); [2023 Acts, ch 19, §1470, 1477](#)

C2024, §10A.320

Taxation of costs, [§10A.328](#)

**10A.321 Appeals within the agency.**

1. Any party aggrieved by a decision, order, ruling, finding or other act of a deputy commissioner in a contested case proceeding arising under [this subchapter](#) or [chapter 85](#) or [85A](#) may appeal to the workers' compensation commissioner in the time and manner provided by rule. The hearing on an appeal shall be in Polk county unless the workers' compensation commissioner shall direct the hearing be held elsewhere.

2. In addition to the provisions of [section 17A.15](#), the workers' compensation commissioner may affirm, modify, or reverse the decision of a deputy commissioner or the commissioner may remand the decision to the deputy commissioner for further proceedings.

3. In addition to the provisions of [section 17A.15](#), the workers' compensation commissioner, on appeal, may limit the presentation of evidence as provided by rule.

4. A transcript of a contested case proceeding shall be provided to the workers' compensation commissioner by an appealing party at the party's cost.

5. The decision of the workers' compensation commissioner is final agency action.

[S13, §2477-m29, -m32; C24, 27, 31, 35, 39, §1447; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.24; [82 Acts, ch 1161, §24](#)]

[86 Acts, ch 1238, §46](#); [86 Acts, ch 1245, §913](#); [88 Acts, ch 1158, §10](#); [98 Acts, ch 1061, §11](#); [2005 Acts, ch 168, §13, 23](#); [2023 Acts, ch 19, §1471, 1477](#)

C2024, §10A.321

**10A.322 Judicial review.**

1. Judicial review of decisions or orders of the workers' compensation commissioner may be sought in accordance with [chapter 17A](#). Notwithstanding [chapter 17A](#), the Iowa administrative procedure Act, petitions for judicial review may be filed in the district court of the county in which the hearing under [section 10A.318](#) was held, the workers' compensation commissioner shall transmit to the reviewing court the original or a certified copy of the entire record of the contested case which is the subject of the petition within thirty days after receiving written notice from the party filing the petition that a petition for judicial review has been filed, and an application for stay of agency action during the pendency of judicial review shall not be filed in the division of workers' compensation but shall be filed with the district court. Such a review proceeding shall be accorded priority over other matters pending before the district court.

2. Notwithstanding [section 17A.19, subsection 5](#), a timely petition for judicial review filed pursuant to [this section](#) shall stay execution or enforcement of a decision or order of the workers' compensation commissioner if the party seeking judicial review posts a bond securing any compensation awarded pursuant to the decision or order with the district court within thirty days of filing the petition, in a reasonable amount as fixed and approved by

the court. Unless either the party posting the bond files an objection with the court, within twenty days from the date that the bond is fixed and approved by the court, that the amount of the bond is not reasonable, or the party whose interests are protected by the bond files an objection with the court, within twenty days from the date that the amount of the bond is fixed and approved by the court, that the amount of the bond is not reasonable or adequate, the amount of the bond shall be deemed reasonable and adequate. If, upon objection, the district court orders the amount of the bond posted to be modified, the party seeking judicial review shall repost the bond in the amount ordered, within twenty days of the date of the order modifying the bond, in order to continue the stay of execution or enforcement of the decision or order of the workers' compensation commissioner.

[S13, §2477-m33; C24, 27, 31, 35, 39, §1449, 1451; C46, 50, 54, 58, 62, 66, 71, 73, §86.26, 86.28; C75, 77, 79, 81, §86.26]

86 Acts, ch 1238, §47; 88 Acts, ch 1158, §11; 95 Acts, ch 140, §3; 98 Acts, ch 1061, §11; 2001 Acts, ch 87, §7; 2017 Acts, ch 23, §20, 24; 2023 Acts, ch 19, §1472, 1477

C2024, §10A.322

Referred to in §10A.330, 85.70

### **10A.323 Settlement of controversy.**

Notwithstanding the terms of the Iowa administrative procedure Act, [chapter 17A](#), no party to a contested case under any provision of the “Workers’ Compensation Act” may settle a controversy without the approval of the workers’ compensation commissioner.

[C75, 77, 79, 81, §86.27]

98 Acts, ch 1061, §11; 2003 Acts, ch 44, §114; 2023 Acts, ch 19, §1477

C2024, §10A.323

### **10A.324 The judicial review petition.**

Notwithstanding [chapter 17A](#), the Iowa administrative procedure Act, in a petition for judicial review of a decision of the workers’ compensation commissioner in a contested case under [this subchapter](#) or [chapter 85, 85A, 85B](#), or [87](#), the opposing party shall be named the respondent, and the agency shall not be named as a respondent.

[C75, 77, 79, 81, §86.29]

83 Acts, ch 105, §8; 86 Acts, ch 1238, §48; 88 Acts, ch 1158, §12; 98 Acts, ch 1061, §11; 2023 Acts, ch 19, §1473, 1477

C2024, §10A.324

### **10A.325 Costs of judicial review.**

In proceedings for judicial review of compensation cases the clerk shall charge no fee for any service rendered except the filing fee and transcript fees when the transcript of a judgment is required. The taxation of costs on judicial review shall be in the discretion of the court.

[C24, 27, 31, 35, 39, §1455; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.32]

86 Acts, ch 1238, §49; 88 Acts, ch 1158, §13; 2023 Acts, ch 19, §1477

C2024, §10A.325

### **10A.326 Examination by physician — fee.**

The workers’ compensation commissioner may appoint a duly qualified, impartial physician to examine the injured employee and make report. The fee for this service shall be five dollars, to be paid by the workers’ compensation commissioner, together with traveling expenses, but the commissioner may allow additional reasonable amounts in extraordinary cases. Any physician so examining any injured employee shall not be prohibited from testifying before the workers’ compensation commissioner, or any other person, commission, or court, as to the results of the examination or the condition of the injured employee.

[S13, §2477-m30; C24, 27, 31, 35, 39, §1461; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.38]

98 Acts, ch 1061, §11; 2023 Acts, ch 19, §1477

C2024, §10A.326

Referred to in §85.27

**10A.327 Fees — approval.**

1. All fees or claims for legal, medical, hospital, and burial services rendered under [this subchapter](#) and [chapters 85, 85A, 85B, and 87](#) are subject to the approval of the workers' compensation commissioner. For services rendered in the district court and appellate courts, the attorney fee is subject to the approval of a judge of the district court.

2. An attorney shall not recover fees for legal services based on the amount of compensation voluntarily paid or agreed to be paid to an employee for temporary or permanent disability under [this subchapter](#), or [chapter 85, 85A, 85B, or 87](#). An attorney shall only recover a fee based on the amount of compensation that the attorney demonstrates would not have been paid to the employee but for the efforts of the attorney. Any disputes over the recovery of attorney fees under [this subsection](#) shall be resolved by the workers' compensation commissioner.

[S13, §2477-m20, -m35; C24, 27, 31, 35, 39, §1462; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.39]

[86 Acts, ch 1238, §50; 88 Acts, ch 1158, §14; 98 Acts, ch 1061, §11; 2000 Acts, ch 1007, §5; 2017 Acts, ch 23, §21, 24; 2023 Acts, ch 19, §1474, 1477](#)

C2024, §10A.327

Referred to in [§85.27](#)

**10A.328 Costs.**

All costs incurred in the hearing before the commissioner shall be taxed in the discretion of the commissioner.

[S13, §2477-m31; C24, 27, 31, 35, 39, §1463; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.40]

[2023 Acts, ch 19, §1477](#)

C2024, §10A.328

**10A.329 Witness fees.**

Witness fees and mileage on hearings before the workers' compensation commissioner shall be the same as in the district court.

[S13, §2477-m24; C24, 27, 31, 35, 39, §1464; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.41]

[98 Acts, ch 1061, §11; 2023 Acts, ch 19, §1477](#)

C2024, §10A.329

Witness fees and mileage, [§622.69 – 622.75](#)

**10A.330 Judgment by district court on award.**

Any party in interest may present a file-stamped copy of an order or decision of the commissioner, from which a timely petition for judicial review has not been filed or if judicial review has been filed, which has not had execution or enforcement stayed as provided in [section 17A.19, subsection 5](#), or [section 10A.322, subsection 2](#), or an order or decision of a deputy commissioner from which a timely appeal has not been taken within the agency and which has become final by the passage of time as provided by rule and [section 17A.15](#), or an agreement for settlement approved by the commissioner, and all papers in connection therewith, to the district court where judicial review of the agency action may be commenced. The court shall render a decree or judgment and cause the clerk to notify the parties. The decree or judgment, in the absence of a petition for judicial review or if judicial review has been commenced, in the absence of a stay of execution or enforcement of the decision or order of the workers' compensation commissioner as provided in [section 17A.19, subsection 5](#), or [section 10A.322, subsection 2](#), or in the absence of an act of any party which prevents a decision of a deputy workers' compensation commissioner from becoming final, has the same effect and in all proceedings in relation thereto is the same as though rendered in a suit duly heard and determined by the court.

[S13, §2477-m33; C24, 27, 31, 35, 39, §1465; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.42; [82 Acts, ch 1161, §25](#)]

86 Acts, ch 1238, §51; 88 Acts, ch 1158, §15; 98 Acts, ch 1061, §11; 2003 Acts, ch 140, §4; 2017 Acts, ch 23, §22, 24; 2023 Acts, ch 19, §1477  
C2024, §10A.330

#### **10A.331 Judgment — modification.**

Upon the presentation to the court of a file-stamped copy of a decision of the workers' compensation commissioner, ending, diminishing, or increasing the compensation under the provisions of [this subchapter](#), the court shall revoke or modify the decree or judgment to conform to such decision.

[S13, §2477-m33; C24, 27, 31, 35, 39, §1466; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.43]

98 Acts, ch 1061, §11; 2003 Acts, ch 140, §5; 2023 Acts, ch 19, §1475, 1477

C2024, §10A.331

#### **10A.332 Confidentiality.**

1. All verbal or written information relating to the subject matter of an agreement and transmitted between any party to a dispute and a mediator to resolve a dispute pursuant to [this subchapter](#) or [chapter 85, 85A, or 85B](#), during any stage of a mediation or a dispute resolution process conducted by a mediator as provided in [this section](#), whether reflected in notes, memoranda, or other work products in the case files, is a confidential communication except as otherwise expressly provided in [this chapter](#). Mediators involved in a mediation or a dispute resolution process shall not be examined in any judicial or administrative proceeding regarding confidential communications and are not subject to judicial or administrative process requiring the disclosure of confidential communications.

2. For purposes of [this section](#), “mediator” means a chief deputy workers' compensation commissioner or deputy workers' compensation commissioner acting in the capacity to resolve a dispute pursuant to [this subchapter](#) or [chapter 85, 85A, or 85B](#), or an employee of the division of workers' compensation involved during any stage of a process to resolve a dispute.

94 Acts, ch 1064, §2

C95, §86.44

98 Acts, ch 1061, §8, 11; 2019 Acts, ch 24, §104; 2023 Acts, ch 19, §1476, 1477

C2024, §10A.332

Referred to in [§22.7\(31\)](#)

#### **10A.333 Confidential information.**

1. “Confidential information”, for the purposes of [this section](#), means all information that is filed with the workers' compensation commissioner as a result of an employee's injury or death that would allow the identification of the employee or the employee's dependents. Confidential information includes first reports of injury and subsequent reports of claim activity. Confidential information does not include pleadings, motions, decisions, opinions, or applications for settlement that are filed with the workers' compensation commissioner.

2. The workers' compensation commissioner shall not disclose confidential information except as follows:

a. Pursuant to the terms of a written waiver of confidentiality executed by the employee or the dependents of the employee whose information is filed with the workers' compensation commissioner.

b. To another governmental agency, or to an advisory, rating, or research organization, for the purpose of compiling statistical data, evaluating the state's workers' compensation system, or conducting scientific, medical, or public policy research, where such disclosure will not allow the identification of the employee or the employee's dependents.

c. To the employee or to the agent or attorney of the employee whose information is filed with the workers' compensation commissioner.

d. To the person or to the agent of the person who submitted the information to the workers' compensation commissioner.

e. To an agent, representative, attorney, investigator, consultant, or adjuster of an



employer, or insurance carrier or third-party administrator of workers' compensation benefits, who is involved in administering a claim for such benefits related to the injury or death of the employee whose information is filed with the workers' compensation commissioner.

f. To all parties to a contested case proceeding before the workers' compensation commissioner in which the employee or a dependent of the employee, whose information is filed with the workers' compensation commissioner, is a party.

g. In compliance with a subpoena.

h. To an agent, representative, attorney, investigator, consultant, or adjuster of the employee, employer, or insurance carrier or third-party administrator of insurance benefits, who is involved in administering a claim for insurance benefits related to the injury or death of the employee whose information is filed with the workers' compensation commissioner.

i. To another governmental agency that is charged with the duty of enforcing liens or rights of subrogation or indemnity.

3. [This section](#) does not create a cause of action for a violation of its provisions against the workers' compensation commissioner or against the state or any governmental subdivision of the state.

[2005 Acts, ch 168, §14, 23](#)

[CS2005, §86.45](#)

[2023 Acts, ch 19, §1477](#)

[C2024, §10A.333](#)

Referred to in [§22.7\(49\)](#)

**10A.334 through 10A.400** Reserved.

## SUBCHAPTER IV

### INVESTIGATIONS

**10A.401 Definitions.** Repealed by 2023 Acts, ch 19, §1442.

#### **10A.402 Responsibilities.**

The director shall coordinate the department's conduct of various audits and investigations as provided by law including but not limited to the following:

1. Investigations relative to the practice of regulated professions and occupations, except those within the jurisdiction of the board of medicine, the board of pharmacy, the dental board, and the board of nursing.

2. Audits relative to the administration of hospitals and health care facilities.

3. Audits relative to administration and disbursement of funding under the state supplementary assistance program and the medical assistance program.

4. Investigations and collections relative to the liquidation of overpayment debts owed to the department of health and human services. Collection methods include but are not limited to small claims filings, debt setoff, distress warrants, and repayment agreements, and are subject to approval by the department of health and human services.

5. Investigations relative to the administration of the state supplementary assistance program, the state medical assistance program, the supplemental nutrition assistance program, the family investment program, and any other state or federal benefit assistance program.

6. Investigations relative to the internal affairs and operations of agencies and departments within the executive branch of state government, except for institutions governed by the state board of regents.

[86 Acts, ch 1245, §512; 90 Acts, ch 1204, §1; 91 Acts, ch 107, §1; 93 Acts, ch 53, §2; 93 Acts, ch 97, §23; 2000 Acts, ch 1155, §3; 2002 Acts, ch 1162, §7; 2007 Acts, ch 10, §6; 2007 Acts, ch 218, §191; 2009 Acts, ch 23, §2; 2013 Acts, ch 18, §1; 2023 Acts, ch 19, §13, 1433](#)

Referred to in [§10A.403](#)

**10A.403 Investigators — peace officer status.**

Investigators of the department shall have the powers and authority of peace officers when acting within the scope of their responsibilities to conduct investigations as specified in [section 10A.402, subsection 5](#). An investigator shall not carry a weapon to perform responsibilities as described in [this section](#).

[99 Acts, ch 80, §1; 2023 Acts, ch 19, §1434](#)

**10A.404 through 10A.500** Reserved.

SUBCHAPTER V  
LICENSING AND REGULATION

PART 1  
GENERAL PROVISIONS

**10A.501** Repealed by [2004 Acts, ch 1026, §4](#).

**10A.502 Responsibilities.**

The director shall coordinate the department's conduct of various licensing and regulatory functions of the state under the administrative authority of the department including but not limited to all of the following:

1. Licensing and regulation of certain fire control and building code-related activities and professions.
2. Licensing and regulation of certain health-related professions.
3. Licensing and regulation of certain business and commerce-related professions.

[2023 Acts, ch 19, §1478](#)

**10A.503 Licensing boards — expenses — fees.**

1. Each board under [chapter 100C, 103, 103A, 105, or 147](#) that is under the administrative authority of the department shall receive staff support from the department and may not employ its own support staff.

2. The department and the licensing boards referenced in [subsection 1](#) may expend funds in addition to amounts budgeted, if those additional expenditures are directly the result of actual examination and exceed funds budgeted for examinations. Before the department or a licensing board expends or encumbers an amount in excess of the funds budgeted for examinations, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the department of management shall determine that the examination expenses exceed the funds budgeted by the general assembly to the department or board and the department or board does not have other funds from which examination expenses can be paid. Upon approval of the department of management, the department or licensing board may expend and encumber funds for excess examination expenses. The amounts necessary to fund the excess examination expenses shall be collected as fees from additional examination applicants and shall be treated as appropriated receipts as defined in [section 8.2](#).

[86 Acts, ch 1245, §1105](#)

C87, §135.11A

[91 Acts, ch 268, §306; 92 Acts, ch 1163, §34; 2007 Acts, ch 10, §19; 2007 Acts, ch 218, §192; 2018 Acts, ch 1041, §127; 2019 Acts, ch 85, §58; 2023 Acts, ch 19, §1580, 1711; 2023 Acts, ch 108, §38; 2023 Acts, ch 119, §18](#)

C2024, §10A.503

[2024 Acts, ch 1170, §55; 2024 Acts, ch 1185, §96](#)

Section amended

**10A.504 Appointment of certain executive directors.**

1. The director shall appoint and supervise an executive director for each of the following boards:

- a. The board of medicine.
- b. The board of nursing.
- c. The dental board.
- d. The board of pharmacy.

2. Each board listed in [subsection 1](#) shall advise the director in evaluating potential candidates for the position of executive director, consult with the director in the hiring of the executive director, and review and advise the director on the performance of the executive director in the discharge of the executive director's duties.

3. Each board listed in [subsection 1](#) shall retain sole discretion and authority to execute the core functions of the board including but not limited to policymaking, advocating for and against legislation, rulemaking, licensing, licensee investigations, licensee disciplinary proceedings, and oversight of professional health programs. The director's supervision of the executive director shall not interfere with the board's discretion and authority in executing the core functions of the board.

[2019 Acts, ch 85, §59](#)

[C2020, §135.11B](#)

[2023 Acts, ch 19, §1711](#)

[C2024, §10A.504](#)

[2024 Acts, ch 1170, §56; 2024 Acts, ch 1182, §4](#)

Referred to in [§152.2, 153.33](#)

See Code editor's note on simple harmonization at the beginning of this Code volume  
Subsection 1, unnumbered paragraph 1 amended

**10A.505 Location of boards of certain health care professions — rulemaking.**

The offices for the board of medicine, the board of pharmacy, the board of nursing, and the dental board shall be located within the department. The individual boards shall have policymaking and rulemaking authority.

[86 Acts, ch 1245, §1107](#)

[C87, §135.31](#)

[2005 Acts, ch 3, §30; 2007 Acts, ch 10, §21; 2007 Acts, ch 218, §194; 2023 Acts, ch 19, §1582, 1711](#)

[C2024, §10A.505](#)

**10A.506 Licensing and regulation of business and commerce-related professions.**

1. a. The department shall administer and coordinate the licensing and regulation of several professions by bringing together the following licensing boards:

(1) The engineering and land surveying examining board created pursuant to [chapter 542B](#).

(2) The Iowa accountancy examining board created pursuant to [chapter 542](#).

(3) The real estate commission created pursuant to [chapter 543B](#).

(4) The real estate appraiser examining board created pursuant to [chapter 543D](#).

(5) The architectural examining board created pursuant to [chapter 544A](#).

(6) The landscape architectural examining board created pursuant to [chapter 544B](#).

(7) The interior design examining board created pursuant to [chapter 544C](#).

b. The director shall administer [chapter 543E](#).

2. The director shall appoint and supervise staff and shall coordinate activities for the licensing boards within the department pursuant to [subsection 1](#) and for the administration of [chapter 543E](#).

3. The licensing and regulation examining boards included in the department pursuant to [subsection 1](#) retain the powers granted them pursuant to the chapters in which they are created, except for budgetary and personnel matters which shall be handled by the director. Each licensing board shall adopt rules pursuant to [chapter 17A](#). Decisions by a licensing board are final agency actions for purposes of [chapter 17A](#).

4. The department may expend additional funds, including funds for additional

personnel, if those additional expenditures are directly the cause of actual examination expenses exceeding funds budgeted for examinations. Before the department expends or encumbers an amount in excess of the funds budgeted for examinations, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the director of the department of management shall determine that the examination expenses exceed the funds budgeted by the general assembly to the department and the department does not have other funds from which the expenses can be paid. Upon approval of the director of the department of management, the department may expend and encumber funds for excess examination expenses. The amounts necessary to fund the examination expenses shall be collected as fees from additional examination applicants and shall be treated as appropriated receipts as defined in [section 8.2](#).

5. All expenses required in the discharge of the duties and responsibilities imposed upon the department, the director, and the licensing boards by the laws of this state shall be paid from moneys appropriated for those purposes.

6. The licensing boards included in the department pursuant to [subsection 1](#) may refuse to issue or renew a license to practice a profession to any person otherwise qualified upon any of the grounds for which a license may be revoked or suspended or a licensee may otherwise be disciplined, or upon any other grounds set out in the chapter governing the respective board.

7. The licensing boards included in the department pursuant to [subsection 1](#) may suspend, revoke, or refuse to issue or renew a license, or may discipline a licensee based upon a suspension, revocation, or other disciplinary action taken by a licensing authority in this or another state, territory, or country. For purposes of [this subsection](#), “disciplinary action” includes the voluntary surrender of a license to resolve a pending disciplinary investigation or proceeding. A certified copy of the record or order of suspension, revocation, voluntary surrender, or other disciplinary action is prima facie evidence of such fact.

8. Notwithstanding any other provision of law to the contrary, the licensing boards included within the department pursuant to [subsection 1](#) may by rule establish the conditions under which an individual licensed in a different jurisdiction may be issued a reciprocal or comity license, if, in the board’s discretion, the applicant’s qualifications for licensure are substantially equivalent to those required of applicants for initial licensure in this state.

9. Notwithstanding [section 272C.6](#), the licensing boards included within the department pursuant to [subsection 1](#) may by rule establish the conditions under which the board may supply to a licensee who is the subject of a disciplinary complaint or investigation, prior to the initiation of a disciplinary proceeding, all or such parts of a disciplinary complaint, disciplinary or investigatory file, report, or other information, as the board in its sole discretion believes would aid the investigation or resolution of the matter.

10. Notwithstanding [section 17A.6](#), [subsection 3](#), the licensing boards included within the department pursuant to [subsection 1](#) may adopt standards by reference to another publication without posting the publication to the boards’ internet sites if the publication containing the standards is readily accessible on the internet at no cost and the internet site at which the publication may be found is included in the administrative rules that adopt the standard.

11. Renewal periods for all licenses and certificates of the licensing boards included within the department pursuant to [subsection 1](#) may be annual or multiyear, as provided by rule.

12. A quorum of a licensing board included within the department pursuant to [subsection 1](#) shall be a majority of the members of the board and action may be taken upon a majority vote of board members present at a meeting who are not disqualified.

[86 Acts, ch 1245, §710](#)

[C87, §546.10](#)

[88 Acts, ch 1274, §41](#); [90 Acts, ch 1247, §18](#); [90 Acts, ch 1261, §42](#); [91 Acts, ch 260, §1246](#); [93 Acts, ch 131, §24](#); [94 Acts, ch 1107, §94, 95](#); [94 Acts, ch 1187, §22](#); [2001 Acts, ch 55, §33, 34, 38](#); [2002 Acts, 2nd Ex, ch 1003, §33, 35](#); [2003 Acts, ch 145, §286](#); [2005 Acts, ch 19, §115](#); [2006 Acts, ch 1030, §66](#); [2006 Acts, ch 1177, §52](#); [2007 Acts, ch 170, §7](#); [2010 Acts, ch 1055, §3](#); [2011 Acts, ch 34, §131](#); [2012 Acts, ch 1023, §157](#); [2013 Acts, ch 93, §2](#); [2016 Acts, ch 1124,](#)

§30 – 32; 2019 Acts, ch 59, §195; 2023 Acts, ch 19, §1704, 1711; 2023 Acts, ch 108, §49, 50; 2023 Acts, ch 119, §28

C2024, §10A.506

2024 Acts, ch 1169, §3; 2024 Acts, ch 1185, §97

Referred to in §543D.5, 544A.8

Subsections 4 and 10 amended

#### **10A.507 Licensing and regulation fund.**

1. A licensing and regulation fund is created in the state treasury under the control of the department of inspections, appeals, and licensing. Moneys in the fund are appropriated to the department to be used to fulfill the administration and enforcement responsibilities of the department and boards under the purview of the department under [this subchapter](#).

2. The fund shall consist of moneys and fees collected by the department for deposit in the fund and other moneys as provided by law.

3. Notwithstanding [section 8.33](#), moneys in the fund that remain unencumbered or not obligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated in succeeding fiscal years. Notwithstanding [section 12C.7, subsection 2](#), interest or earnings on moneys deposited in the fund shall be credited to the fund.

2023 Acts, ch 108, §31; 2024 Acts, ch 1182, §5

Referred to in §88A.5, 89.9, 89A.19, 91C.4, 101A.12, 103.7, 105.9, 147.82, 542.4, 542B.12, 543B.14, 543D.6, 543E.10, 544A.11, 544B.14, 544C.3

Subsection 2 amended

#### **10A.508 through 10A.510 Reserved.**

### **PART 2**

#### **FIRE CONTROL**

Referred to in §100.41, 237A.12, 237C.4, 279.49, 455B.390

#### **10A.511 Fire control duties.**

The duties of the director as it relates to fire control shall be as follows:

1. To enforce all laws, and the rules and regulations of the department concerned with all of the following:

- a. The prevention of fires.
- b. The storage, transportation, handling, and use of flammable liquids, combustibles, fireworks, and explosives.
- c. The storage, transportation, handling, and use of liquid petroleum gas.
- d. The electric wiring and heating, and adequate means of exit in case of fire, from churches, schools, hotels, theaters, amphitheaters, asylums, hospitals, health care facilities as defined in [section 135C.1](#), college buildings, lodge halls, public meeting places, and all other structures in which persons congregate from time to time, whether publicly or privately owned.

2. To promote fire safety and reduction of loss by fire through educational methods.

3. To promulgate fire safety rules in consultation with the state fire marshal. The director shall have exclusive right to promulgate fire safety rules as they apply to enforcement or inspection requirements by the department, but the rules shall be promulgated pursuant to [chapter 17A](#). Wherever by any statute the director or the department is authorized or required to promulgate, proclaim, or amend rules and minimum standards regarding fire hazards or fire safety or protection in any establishment, building, or structure, the rules and standards shall promote and enforce fire safety, fire protection, and the elimination of fire hazards as the rules may relate to the use, occupancy, and construction of the buildings, establishments, or structures. The word “*construction*” shall include but is not limited to electrical wiring, plumbing, heating, lighting, ventilation, construction materials, entrances and exits, and all other physical conditions of the building which may affect fire hazards, safety, or protection. The rules and minimum standards shall be in substantial compliance except as otherwise

specifically provided in [this part](#), with the standards of the national fire protection association relating to fire safety as published in the national fire codes.

4. To adopt rules designating a fee to be assessed to each building, structure, or facility for which a fire safety inspection or plan review by the director is required by law. The fee designated by rule shall be set in an amount that is reasonably related to the costs of conducting the applicable inspection or plan review. The fees collected by the department shall be deposited in the general fund of the state.

5. To administer the fire extinguishing system contractor, alarm system contractor, and alarm system installer certification program established in [chapter 100C](#).

6. To order the suspension of the use of consumer fireworks, display fireworks, or novelties, as described in [section 727.2](#), if the state fire marshal determines that the use of such devices would constitute a threat to public safety.

[2023 Acts, ch 19, §1479; 2024 Acts, ch 1043, §5](#)

Referred to in [§10A.104, 237.3, 727.2](#)

Subsection 3 amended

### **10A.512 Inspections.**

The director, and the director's designated subordinates, in the performance of their duties under [this part](#), shall have authority to enter any building or premises and to examine the same and the contents thereof.

[2023 Acts, ch 19, §1480](#)

### **10A.513 Fire escapes.**

It shall be the duty of the director to enforce all laws relating to fire escapes.

[C39, §[1632.1](#); C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §100.11]

[2023 Acts, ch 19, §1488, 1711](#)

C2024, §10A.513

### **10A.514 Authority for inspection — orders.**

The chief of a fire department or an authorized subordinate who is trained in fire prevention safety standards may enter a building or premises at a reasonable hour to examine the building or premises and its contents. The examining official shall order the correction of a condition which is in violation of [this part](#), a rule adopted under [this part](#), or a city or county fire safety ordinance. The order shall be in writing or, if the danger is imminent, orally followed by a written order. The examining official shall enforce the order in accordance with the applicable law or ordinance. At the request of the examining official the director may assist in an enforcement action.

[C31, 35, §[1632-c1](#); C39, §[1632.2](#); C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §100.12; [82 Acts, ch 1157, §1](#)]

[84 Acts, ch 1095, §5; 2023 Acts, ch 19, §1489, 1711](#)

C2024, §10A.514

[2024 Acts, ch 1043, §6](#)

Section amended

### **10A.515 Violations — orders.**

1. If a person has violated or is violating a provision of [this part](#) or a rule adopted pursuant to [this part](#), the director, the chief of any fire department, or the fire prevention officer of a fire department organized under [chapter 400](#) may issue an order directing the person to desist in the practice which constitutes the violation and to take corrective action as necessary to ensure that the violation will cease. The order shall be in writing and shall specify a reasonable time by which the person shall comply with the order. The person to whom the order is issued may appeal the order as provided in [chapter 17A](#). On appeal, the administrative law judge may affirm, modify, or vacate the order. Judicial review may be sought in accordance with [chapter 17A](#).

2. Notwithstanding any other provision of law to the contrary, if the director determines that an emergency exists respecting any matter affecting or likely to affect the public safety, the director may issue any order necessary to terminate the emergency without notice or



hearing. An emergency order is binding and effective immediately, until or unless the order is modified, vacated, or stayed at an administrative hearing or by a district court.

[S13, §2468-j; C24, 27, 31, 35, 39, §1633; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §100.13; 82 Acts, ch 1157, §2]

94 Acts, ch 1078, §1; 2023 Acts, ch 19, §1490, 1711

C2024, §10A.515

2024 Acts, ch 1043, §7

Referred to in §10A.516

Subsection 1 amended

#### **10A.516 Legal proceedings — penalties — injunctive relief.**

At the request of the director, the county attorney shall institute any legal proceedings on behalf of the state necessary to obtain compliance or enforce the penalty provisions of [this part](#) or rules or orders adopted or issued pursuant to [this part](#), including but not limited to a legal action for injunctive relief. The county attorney or any other attorney acting on behalf of the chief of a fire department or a fire prevention officer may institute legal proceedings, including but not limited to a legal action for injunctive relief, to obtain compliance or enforce the penalty provisions or orders issued pursuant to [section 10A.515](#).

[C24, 27, 31, 35, 39, §1634; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §100.14]

94 Acts, ch 1078, §2; 2023 Acts, ch 19, §1491, 1711; 2023 Acts, ch 64, §17

C2024, §10A.516

2024 Acts, ch 1043, §8

Referred to in §10A.517

Section amended

#### **10A.517 Judicial review — court costs.**

1. Judicial review of actions of the director may be sought in accordance with the terms of the Iowa administrative procedure Act pursuant to [chapter 17A](#). If legal proceedings have been instituted pursuant to [section 10A.516](#), all related issues which could otherwise be raised in a proceeding for judicial review shall be raised in the legal proceedings instituted pursuant to [section 10A.516](#).

2. Upon judicial review of the director's action, if the court affirms the agency action, the court shall tax all court costs of the review proceeding against the appellant. However, if the court reverses, revokes, or annuls the director's action, the court shall tax all court costs of the review proceeding against the agency. If the director's action is modified or the matter is remanded to the agency for further proceedings, the court shall apportion the court costs within the discretion of the court.

[S13, §2468-j; C24, 27, 31, 35, 39, §1636; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §100.16]

94 Acts, ch 1078, §3; 2023 Acts, ch 19, §1492, 1711

C2024, §10A.517

#### **10A.518 Smoke detectors.**

1. As used in [this section](#):

a. “Carbon monoxide alarm” means a device which detects carbon monoxide and which incorporates an alarm-sounding unit operated from a power supply either in the unit or obtained at the point of installation.

b. “Dormitory” means a residential building or portion of a building at an educational institution which houses students in rooms not individually equipped with cooking facilities.

c. “Fuel” means coal, kerosene, oil, fuel gases, or other petroleum products or hydrocarbon products such as wood that emit carbon monoxide as a by-product of combustion.

d. “Multiple-unit residential building” means a residential building, an apartment house, or a portion of a building or an apartment house with two or more units, hotel, motel, dormitory, or rooming house.

e. “Smoke detector” means a device which detects visible or invisible particles of

combustion and which incorporates control equipment and an alarm-sounding unit operated from a power supply either in the unit or obtained at the point of installation.

2. a. Except as provided in [subsection 4](#), multiple-unit residential buildings and single-family dwellings the construction of which is begun on or after July 1, 1991, shall include the installation of smoke detectors in compliance with the rules established by the director under [subsection 5](#).

b. The rules shall require the installation of smoke detectors in existing single-family rental units and multiple-unit residential buildings. Existing single-family dwelling units shall be equipped with approved smoke detectors. A person who files for a homestead credit pursuant to [chapter 425](#) shall certify that the single-family dwelling unit for which the credit is filed has a smoke detector installed in compliance with [this section](#), or that one will be installed within thirty days of the date the filing for the credit is made. The director shall adopt rules and establish appropriate procedures to administer [this subsection](#).

c. An owner or an owner's agent of a multiple-unit residential building or single-family dwelling shall supply light-emitting smoke detectors, upon request, for a tenant who is deaf or hard of hearing.

3. a. Multiple-unit residential buildings and single-family dwellings, the construction of which is begun on or after July 1, 2018, and that have a fuel-fired heater or appliance, a fireplace, or an attached garage, shall include the installation of carbon monoxide alarms in compliance with the rules established by the director under [subsection 5](#).

b. The rules shall require the installation of carbon monoxide alarms in existing single-family rental units and multiple-unit residential buildings that have a fuel-fired heater or appliance, a fireplace, or an attached garage. Existing single-family dwellings that have a fuel-fired heater or appliance, a fireplace, or an attached garage shall be equipped with approved carbon monoxide alarms. For purposes of this paragraph, "*approved carbon monoxide alarm*" means a carbon monoxide alarm that meets the standards established by the underwriters' laboratories or is approved by the director as established by rule under [subsection 5](#). A person who files for a homestead credit pursuant to [chapter 425](#) shall certify that the single-family dwelling for which the credit is filed and that has a fuel-fired heater or appliance, a fireplace, or an attached garage, has carbon monoxide alarms installed in compliance with [this section](#), or that such alarms will be installed within thirty days of the date the filing for the credit is made. The director shall adopt rules and establish appropriate procedures to administer [this subsection](#).

c. An owner of a multiple-unit residential building or a single-family rental unit that has a fuel-fired heater or appliance, a fireplace, or an attached garage, or an owner's agent, shall supply light-emitting carbon monoxide alarms, upon request, for a tenant who is deaf or hard of hearing.

d. The owner of a building requiring the installation of carbon monoxide alarms under [this subsection](#) shall install a carbon monoxide alarm in a location as specified by rules established by the director under [subsection 5](#), taking into account the number and location of all fuel sources in the building.

4. [This section](#) does not require the following:

a. The installation of smoke detectors in multiple-unit residential buildings which, on July 1, 1981, are equipped with heat detection devices or a sprinkler system with alarms approved by the director.

b. The installation of smoke detectors in hotels, motels, and dormitories equipped with an automatic smoke detection system approved by the director.

5. The director shall enforce the requirements of [subsections 2 and 3](#) and may implement a program of inspections to monitor compliance with the provisions of those subsections. Upon inspection, the director shall issue a written notice to the owner or manager of a multiple-unit residential building or single-family rental unit informing the owner or manager of compliance or noncompliance with [this section](#). The director may contract with any political subdivision without fee assessed to either the director or the political subdivision, for the performance of the inspection and notification responsibilities. The inspections authorized under [this section](#) are limited to the placement, repair, and operability of smoke detectors and carbon monoxide alarms. Any broader inspection authority is not

derived from [this section](#). The director shall adopt rules under [chapter 17A](#) as necessary to enforce [this section](#) including rules concerning the placement of smoke detectors and carbon monoxide alarms and the use of acceptable smoke detectors and carbon monoxide alarms. The smoke detectors and carbon monoxide alarms shall display a label or other identification issued by an approved testing agency or another label specifically approved by the director.

6. The inspection of a building or notification of compliance or noncompliance under [this section](#) is not the basis for a legal cause of action against the political subdivision, director, the director's subordinates, chiefs of local fire departments, building inspectors, or other fire, building, or safety officials due to a failure to discover a latent defect in the course of the inspection.

7. If a smoke detector or carbon monoxide alarm is found to be inoperable, the owner or manager of the multiple-unit residential building or single-family rental unit shall correct the situation within thirty days after written notification to the owner or manager by the tenant, guest, roomer, director, director's subordinates, chiefs of local fire departments, building inspectors, or other fire, building, or safety officials. If the owner or manager of a multiple-unit residential building or single-family rental unit fails to correct the situation within the thirty days the tenant, guest, or roomer may cause the smoke detector or carbon monoxide alarm to be repaired or purchase and install a smoke detector or carbon monoxide alarm required under [this section](#) and may deduct the repair cost or purchase price from the next rental payment or payments made by the tenant, guest, or roomer. However, a lessor or owner may require a lessee, tenant, guest, or roomer who has a residency of longer than thirty days to provide the battery for a battery operated smoke detector or carbon monoxide alarm.

8. No person may render inoperable a smoke detector or carbon monoxide alarm which is required to be installed by [this section](#) by tampering.

9. A person who violates a provision of [this section](#) or a rule adopted pursuant to [this section](#) is guilty of a simple misdemeanor.

[81 Acts, ch 45, §1, 2; 82 Acts, ch 1157, §7]

C83, §100.18

83 Acts, ch 198, §13; 91 Acts, ch 64, §1 – 6; 94 Acts, ch 1078, §4; 2008 Acts, ch 1032, §17; 2016 Acts, ch 1092, §1 – 4; 2020 Acts, ch 1102, §3, 4; 2023 Acts, ch 19, §1493, 1711

C2024, §10A.518

#### **10A.519 Consumer fireworks seller licensing — penalty — fund.**

1. As used in [this section](#):

a. “APA 87-1” means the American pyrotechnics association standard 87-1, as published in December 2001.

b. “Community group” means a nonprofit entity that is open for membership to the general public which is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code or a fraternal benefit society, as that term is defined in [section 512B.3](#).

c. “First-class consumer fireworks” means the following consumer fireworks, as described in APA 87-1, chapter 3:

- (1) Aerial shell kits and reloadable tubes.
- (2) Chasers.
- (3) Helicopter and aerial spinners.
- (4) Firecrackers.
- (5) Mine and shell devices.
- (6) Missile-type rockets.
- (7) Roman candles.
- (8) Sky rockets and bottle rockets.
- (9) Multiple tube devices under this paragraph “c” that are manufactured in accordance with APA 87-1, section 3.5.

d. “Retailer” means as defined in [section 423.1](#).

e. “Second-class consumer fireworks” means the following consumer fireworks, as described in APA 87-1, chapter 3:

- (1) Cone fountains.
- (2) Cylindrical fountains.

- (3) Flitter sparklers.
- (4) Ground and hand-held sparkling devices, including multiple tube ground and hand-held sparkling devices that are manufactured in accordance with APA 87-1, section 3.5.
- (5) Ground spinners.
- (6) Illuminating torches.
- (7) Toy smoke devices that are not classified as novelties pursuant to APA 87-1, section 3.2.
- (8) Wheels.
- (9) Wire or dipped sparklers that are not classified as novelties pursuant to APA 87-1, section 3.2.

2. a. The director shall establish a consumer fireworks seller license. An application for a consumer fireworks seller license shall be made on a form provided by the director. The director shall adopt rules consistent with [this section](#) establishing minimum requirements for a retailer or community group to be issued a consumer fireworks seller license.

b. A person shall possess a consumer fireworks seller license under [this section](#) in order to sell consumer fireworks.

3. a. The director shall establish a fee schedule for consumer fireworks seller licenses as follows:

(1) For a retailer at a permanent building who devotes fifty percent or more of the retailer's retail floor space to the sale or display of first-class consumer fireworks, an annual fee of one thousand dollars.

(2) For a retailer at a temporary structure who devotes fifty percent or more of the retailer's retail floor space to the sale or display of first-class consumer fireworks, an annual fee of five hundred dollars.

(3) For a retailer who devotes less than fifty percent of the retailer's retail floor space to the sale or display of first-class consumer fireworks, an annual fee of four hundred dollars.

(4) For a community group that offers for sale, exposes for sale, or sells first-class consumer fireworks, an annual fee of four hundred dollars.

(5) For a retailer or community group that offers for sale, exposes for sale, or sells second-class consumer fireworks, but not first-class consumer fireworks, an annual fee of one hundred dollars.

b. A license issued to a retailer or community group pursuant to paragraph "a", subparagraph (1), (2), (3), or (4), shall allow the licensee to sell both first-class consumer fireworks and second-class consumer fireworks.

4. The director shall adopt rules to:

a. Require that any retailer or community group offering for sale at retail any consumer fireworks, as described in APA 87-1, chapter 3, shall do so in accordance with the national fire protection association standard 1124, published in the code for the manufacture, transportation, storage, and retail sales of fireworks and pyrotechnic articles, 2006 edition.

b. Require that a retailer or community group to be issued a license pursuant to [this section](#) provide proof of and maintain commercial general liability insurance with minimum per occurrence coverage of at least one million dollars and aggregate coverage of at least two million dollars.

c. Permit a retailer or community group issued a license pursuant to [this section](#) to sell consumer fireworks, as described in APA 87-1, chapter 3, at the following locations as specified:

(1) At a permanent building that meets the requirements of paragraph "a", between June 1 and July 8 and between December 10 and January 3 each year, all dates inclusive.

(2) At a temporary structure that meets the requirements of paragraph "a" between June 13 and July 8 each year, both dates inclusive.

5. A retailer or community group shall not transfer consumer fireworks, as described in APA 87-1, chapter 3, to a person who is under eighteen years of age.

6. a. The director shall adopt rules to provide that a person's consumer fireworks seller license may be revoked for the intentional violation of [this section](#). The proceedings for revocation shall be held before the department, which may revoke the license or licenses involved as provided in paragraph "b".

b. (1) If, upon the hearing of the order to show cause, the department finds that the licensee intentionally violated [this section](#), then the license or licenses under which the licensed retailer or community group sells first-class consumer fireworks or second-class consumer fireworks, shall be revoked.

(2) Judicial review of actions of the department may be sought in accordance with the terms of the Iowa administrative procedure Act, [chapter 17A](#). If the licensee has not filed a petition for judicial review in district court, revocation shall date from the thirty-first day following the date of the order of the department. If the licensee has filed a petition for judicial review, revocation shall date from the thirty-first day following entry of the order of the district court, if action by the district court is adverse to the licensee.

(3) A new license shall not be issued to a person whose license has been revoked, or to the business in control of the premises on which the violation occurred if it is established that the owner of the business had actual knowledge of the violation resulting in the license revocation, for the period of one year following the date of revocation.

7. a. A consumer fireworks fee fund is created in the state treasury under the control of the director. Notwithstanding [section 12C.7](#), interest or earnings on moneys in the consumer fireworks fee fund shall be credited to the consumer fireworks fee fund. Moneys in the fund are appropriated to the director to be used to fulfill the responsibilities of the director for the administration and enforcement of [this section](#) and [section 10A.520](#) and to provide grants pursuant to paragraph “b”. The fund shall include the fees collected by the director under the fee schedule established pursuant to [subsection 3](#) and the fees collected by the director under [section 10A.520](#) for wholesaler registration.

b. The director shall establish a local fire protection and emergency medical service providers grant program to provide grants in the following order of priority:

(1) Local fire protection service providers and local emergency medical service providers to establish or provide fireworks safety education programming to members of the public, and for the purchase of necessary enforcement, protection, or emergency response equipment related to the sale and use of consumer fireworks in this state.

(2) Local volunteer fire protection service providers for the purchase of necessary enforcement, protection, or emergency response equipment.

8. The director shall adopt rules for the administration of [this section](#).

9. A person who violates a provision of [this section](#) or a rule adopted pursuant to [this section](#) is guilty of a simple misdemeanor.

[2017 Acts, ch 115, §3, 12](#)

[C2018, §100.19](#)

[2018 Acts, ch 1041, §37, 38; 2021 Acts, ch 110, §1; 2023 Acts, ch 19, §1494 – 1497, 1711](#)

[C2024, §10A.519](#)

Referred to in [§10A.520, 92.8, 335.2A, 414.1, 727.2](#)

#### **10A.520 Consumer fireworks wholesaler — registration — penalty.**

1. For purposes of [this section](#):

a. “Consumer fireworks” means first-class consumer fireworks and second-class consumer fireworks, as those terms are defined in [section 10A.519](#).

b. “Wholesaler” means a person who engages in the business of selling or distributing consumer fireworks for the purpose of resale in this state.

2. The director shall adopt rules to require all wholesalers to annually register with the director. The director may also adopt rules to regulate the storage or transfer of consumer fireworks by wholesalers and to require wholesalers to maintain insurance.

3. The director shall establish an annual registration fee of one thousand dollars for wholesalers of consumer fireworks within the state. Registration fees collected pursuant to [this section](#) shall be deposited in the consumer fireworks fee fund created in [section 10A.519](#).

4. A person who violates a provision of [this section](#) or a rule adopted pursuant to [this section](#) is guilty of a simple misdemeanor.

[2017 Acts, ch 115, §4, 12](#)

[C2018, §100.19A](#)

2023 Acts, ch 19, §1498, 1711

C2024, §10A.520

Referred to in §10A.519

#### **10A.521 Time for compliance with order — penalty.**

If a petition of review has not been filed or the court on review has affirmed or modified an order for the removal, destruction, or repair of a building, or the removal of any of its contents, or the change of any of its conditions, the owner, lessee, or occupant shall comply with the order within thirty days after the delivery of the order or a copy of the order to the person, either personally or by certified letter to the last known address, or by service upon the person's appointed agent. Failure of the owner, lessee, or occupant to comply with the order shall subject the owner, lessee, or occupant to a penalty of ten dollars for each day of failure or neglect after the expiration of the period. The penalty shall be recovered in the name of the state and paid into the treasury of the political subdivision which issues the order or the treasurer of state if the order is issued by the state. If the owner, lessee, or occupant cannot reasonably comply with the order within thirty days and a good faith effort at compliance has been made within thirty days, the owner, lessee, or occupant shall not be subject to a penalty under [this section](#). However, the penalty may be imposed on the person upon a failure to continue the good faith compliance with the order.

[S13, §2468-j; C24, 27, 31, 35, 39, §1646; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §100.26]

84 Acts, ch 1095, §6; 94 Acts, ch 1078, §5; 2023 Acts, ch 19, §1711

C2024, §10A.521

#### **10A.522 Fire and tornado drills in schools — warning systems — inspections.**

1. It shall be the duty of the director and the director's designated subordinates to require all private and public school officials and teachers to conduct not less than four fire drills and not less than four tornado drills in all school buildings during each school year when school is in session; and to require the officials and teachers of all schools to keep all doors and exits of their respective rooms and buildings unlocked when occupied during school hours or when such areas are being used by the public at other times. Not less than two drills of each type shall be conducted between July 1 and December 31 of each year and not less than two drills of each type shall be conducted between January 1 and June 30 of each year.

2. Every school building with two or more classrooms shall have a warning system for fires of a type approved by the underwriters' laboratories and by the director. The warning system shall be used only for fire drills or as a warning for emergency. Schools may modify the fire warning system for use as a tornado warning system or shall install a separate tornado warning system. Every school building shall also be equipped with portable fire extinguishers, with the type, size and number in accordance with national fire protection association standards and approved by the director.

3. The director or the director's deputies shall cause each public or private school, college, or university to be inspected at least once every two years to determine whether each school meets the fire safety standards of this Code and is free from other fire hazards. Provided, however, that cities which employ fire department inspectors shall cause such inspections to be made.

[S13, §2468-k; C24, 27, 31, 35, 39, §1651; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §100.31]

94 Acts, ch 1078, §6; 2022 Acts, ch 1032, §33; 2023 Acts, ch 19, §1499, 1711

C2024, §10A.522

Referred to in §280.30

#### **10A.523 Fire control rules of director — penalties.**

1. The director shall adopt, and may amend rules under [chapter 17A](#), which include standards relating to exits and exit lights, fire escapes, fire protection, fire safety and the elimination of fire hazards, in and for churches, schools, hotels, theaters, amphitheaters, hospitals, health care facilities as defined in [section 135C.1](#), boarding homes or housing, rest homes, dormitories, college buildings, lodge halls, club rooms, public meeting places, places



of amusement, apartment buildings, food establishments as defined in [section 137F.1](#), and all other buildings or structures in which persons congregate from time to time, whether publicly or privately owned. Violation of a rule adopted by the director is a simple misdemeanor. However, upon proof that the director gave written notice to the defendant of the violation, and proof that the violation constituted a clear and present danger to life, and proof that the defendant failed to eliminate the condition giving rise to the violation within thirty days after receipt of notice from the director, the penalty is that provided by law for a serious misdemeanor. Each day of the continuing violation of a rule after conviction of a violation of the rule is a separate offense. A conviction is subject to appeal as in other criminal cases.

2. Rules by the director affecting the construction of new buildings, additions to buildings or rehabilitation of existing buildings and related to fire protection, shall be substantially in accord with the provisions of the nationally recognized building and related codes adopted as the state building code pursuant to [section 103A.7](#) or with codes adopted by a local subdivision which are in substantial accord with the codes comprising the state building code.

3. The rules adopted by the director under [this section](#) shall provide standards for fire resistance of cellulose insulation sold or used in this state, whether for public or private use. The rules shall provide for approval of the cellulose insulation by at least one nationally recognized independent testing laboratory.

[S13, §2514-j, -k, -l; SS15, §2514-i, -n, -o, 4999-a10; C24, 27, 31, 35, 39, §1671, 2843 – 2850; C46, 50, 54, §103.12, 170.38 – 170.45; C58, §100.35, 103.12, 170.38 – 170.45; C62, 66, 71, 73, 75, 77, §100.35, 103.12, 107.38; C79, 81, §100.35, 103.12, 170.38, 170A.9, 170B.13; 81 Acts, ch 46, §2, 4; 82 Acts, ch 1157, §3]

C83, §100.35

88 Acts, ch 1278, §23; 98 Acts, ch 1162, §2, 30; 2004 Acts, ch 1086, §28; 2017 Acts, ch 54, §76; 2023 Acts, ch 19, §1500, 1711

C2024, §10A.523

Referred to in [§100.51](#), [137C.18](#), [137C.35](#), [137F.15](#)

#### **10A.524 Fire extinguishers in high-rise buildings.**

1. All buildings approved for construction after July 1, 1998, that exceed four stories in height, or seventy-five feet above grade, shall require the installation of an approved automatic fire extinguishing system designed and installed in conformity with rules promulgated by the director pursuant to [this part](#).

2. The requirements of [this section](#) shall not apply to the following:

a. Any noncombustible elevator storage structure or any noncombustible plant building with noncombustible contents.

b. Any combustible elevator storage structure that is equipped with an approved drypipe, nonautomatic sprinkler and automatic alarm system.

c. Buildings in existence or under construction on August 15, 1975. However, if subsequent to that date any building is enlarged or altered beyond the height limitations applicable to new buildings, such building in its entirety shall be subject to all the provisions of [this section](#).

d. Any open parking garage structure which is in compliance with rules adopted by the director.

3. Plans and installation of systems shall be approved by the director, a designee of the director, or local authorities having jurisdiction. Except where local fire protection regulations are more stringent, the provisions of [this section](#) shall be applicable to all buildings, whether privately or publicly owned. The definition of terms shall be in conformity, insofar as possible, with definitions found in the state building code adopted pursuant to [section 103A.7](#).

4. Any person violating the provisions of [this section](#) is guilty of a misdemeanor and shall,

upon conviction, be subject to a fine not to exceed one hundred dollars or by imprisonment in the county jail for not more than thirty days, or be subject to both such fine and imprisonment.

[C77, 79, 81, §100.39]

90 Acts, ch 1029, §1; 98 Acts, ch 1008, §1; 2004 Acts, ch 1086, §30; 2008 Acts, ch 1032, §201; 2023 Acts, ch 19, §1502, 1711

C2024, §10A.524

#### **10A.525 Conflicting statutes.**

Provisions of [this part](#) in conflict with the state building code, as adopted pursuant to [section 103A.7](#), shall not apply where the state building code has been adopted or when the state building code applies throughout the state.

[C73, 75, 77, 79, 81, §100.38]

2004 Acts, ch 1086, §29; 2023 Acts, ch 19, §1501, 1711

C2024, §10A.525

**10A.526 through 10A.530** Reserved.

### PART 3

#### TATTOOING AND HAIR BRAIDING

#### **10A.531 Tattooing — permit requirement — penalty.**

1. A person shall not own, control and lease, act as an agent for, conduct, manage, or operate an establishment to practice the art of tattooing or engage in the practice of tattooing without first applying for and receiving a permit from the department.

2. The department shall not require an applicant for a permit to perform tattooing to show proof of a high school diploma, high school equivalency diploma, or degree from an accredited college as a condition of issuing a permit to perform tattooing.

3. A minor shall not obtain a tattoo and a person shall not provide a tattoo to a minor. For the purposes of [this section](#), “minor” means an unmarried person who is under the age of eighteen years.

4. A person who fails to meet the requirements of [subsection 1](#) or a person providing a tattoo to a minor is guilty of a serious misdemeanor.

5. The department shall:

a. Adopt rules pursuant to [chapter 17A](#) and establish and collect all fees necessary to administer [this section](#). The provisions of [chapter 17A](#), including licensing provisions, judicial review, and appeal, shall apply to [this section](#).

b. Establish minimum safety and sanitation criteria for the operation of tattooing establishments.

6. If the department determines that a provision of [this section](#) has been or is being violated, the department may order that a tattooing establishment not be operated until the necessary corrective action has been taken. If the establishment continues to be operated in violation of the order of the department, the department may request that the county attorney or the attorney general make an application in the name of the state to the district court of the county in which the violations have occurred for an order to enjoin the violations. This remedy is in addition to any other legal remedy available to the department.

7. As necessary to avoid duplication and promote coordination of public health inspection and enforcement activities, the department may enter into agreements with local boards of health to provide for inspection of tattooing establishments and enforcement activities in accordance with the rules and criteria implemented under [this section](#).

89 Acts, ch 154, §1

CS89, §135.37

2008 Acts, ch 1058, §4; 2009 Acts, ch 133, §33; 2023 Acts, ch 19, §1583, 1711; 2023 Acts, ch 102, §1

C2024, §10A.531

Referred to in §157.3A

#### **10A.532 Natural hair braiding.**

A person shall register with the department in order to perform a commercial service involving natural hair braiding. For purposes of [this section](#), “*natural hair braiding*” means a method of natural hair care consisting of braiding, locking, twisting, weaving, cornrowing, or otherwise physically manipulating hair without the use of chemicals to alter the hair’s physical characteristics that incorporates both traditional and modern styling techniques.

2016 Acts, ch 1138, §12

C2017, §135.37A

2023 Acts, ch 19, §1711

C2024, §10A.532

#### **10A.533 Enforcement.**

1. If any local board, as defined in [section 135.1](#), shall fail to enforce the rules of the department under [this part](#) or carry out the department’s lawful directions under [this part](#), the department may enforce the same within the territorial jurisdiction of such local board, and for that purpose it may exercise all of the powers given by statute to the local board, and may employ the necessary assistants to carry out its lawful directions.

2. All expenses incurred by the department in determining whether its rules are enforced by a local board under [this part](#), and in enforcing the same when a local board has failed to do so, shall be paid in the same manner as the expenses of enforcing such rules when enforced by the local board.

3. All peace officers of the state when called upon by the department shall enforce the department’s rules under [this part](#) and execute the lawful orders of the department under [this part](#) within their respective jurisdictions.

2023 Acts, ch 19, §1481

#### **10A.534 Penalties.**

1. Any person who knowingly violates any provision of [this part](#), or of the rules of the department under [this part](#), or any lawful order, written or oral, of the department or of its officers, or authorized agents under this part, shall be guilty of a simple misdemeanor.

2. Any person resisting or interfering with the department, its employees, or authorized agents, in the discharge of any duty imposed by law under [this part](#) shall be guilty of a simple misdemeanor.

2023 Acts, ch 19, §1482

**10A.535 through 10A.600** Reserved.

## SUBCHAPTER VI

### EMPLOYMENT APPEAL BOARD

#### **10A.601 Employment appeal board — created — duties.**

1. A full-time employment appeal board is created within the department of inspections, appeals, and licensing to hear and decide contested cases under [chapter 8A](#), [subchapter IV](#), and [chapters 80](#), [88](#), [91C](#), [96](#), and [97B](#).

2. The employment appeal board is composed of three members appointed by the governor, subject to confirmation by the senate, to six-year staggered terms beginning and ending as provided in [section 69.19](#). One member shall be qualified by experience and affiliation to represent employers, one member shall be qualified by experience and affiliation to represent employees, and one member shall represent the general public.

No more than two members shall be members of the same political party. A vacancy in membership shall be filled in the same manner as the original appointment. A member of the appeal board may be removed by the governor for inefficiency, neglect of duty, or malfeasance in office. The members of the employment appeal board shall receive an annual salary as set by the governor.

3. The members of the appeal board shall select a chairperson and vice chairperson from their membership. The appeal board may meet as often as necessary. Meetings shall be set by a majority of the appeal board or upon the call of the chairperson, or in the chairperson's absence, upon the call of the vice chairperson. The employment appeal board, subject to the approval of the director, may appoint personnel necessary for carrying out its functions and duties.

4. The appeal board may on its own motion affirm, modify, or set aside a decision of an administrative law judge on the basis of the evidence previously submitted in the contested case, or direct the taking of additional evidence, or may permit any of the parties to the decision to initiate further appeals before the appeal board. The appeal board shall permit further appeal by any of the parties interested in a decision of an administrative law judge and by the representative whose decision has been overruled or modified by the administrative law judge. The appeal board shall review the case pursuant to rules adopted by the appeal board. The appeal board shall promptly notify the interested parties of its findings and decision.

5. The appeal board may order testimony to be taken by deposition, and may compel persons to appear and testify and to produce books, papers, and documents in the same manner as witnesses may be deposed and compelled to appear and testify and produce documentary evidence before the district court. In the discharge of the duties imposed by [this chapter](#), the chairperson of the appeal board and any duly authorized representative designated by the appeal board, may administer oaths and affirmations, take depositions, certify official acts, and issue subpoenas. Persons deposed or compelled to testify or produce documentary evidence shall be allowed the same fees and traveling expenses as allowed witnesses in the district court.

6. The appeal board shall adopt rules pursuant to [chapter 17A](#) to establish the manner in which contested cases are to be presented, reports are to be required from the parties, and hearings and appeals are to be conducted. The appeal board shall keep a full and complete record of all proceedings in connection with a contested case. All testimony at a hearing shall be recorded, but need not be transcribed unless the contested case is further appealed. The appeal board shall retain the record for at least sixty days following the final date for appeal of a contested case. A decision of the appeal board is final agency action and an appeal of the decision shall be made directly to the district court. Any party to a contested case may appeal the decision to the district court.

7. An application for rehearing before the appeal board shall be filed pursuant to [section 17A.16](#), unless otherwise provided in [chapter 8A, subchapter IV](#), or [chapter 80, 88, 91C, 96, or 97B](#). A petition for judicial review of a decision of the appeal board shall be filed pursuant to [section 17A.19](#). The appeal board may be represented in any such judicial review by an attorney who is a regular salaried employee of the appeal board or who has been designated by the appeal board for that purpose, or at the appeal board's request, by the attorney general. Notwithstanding the petitioner's residency requirement in [section 17A.19, subsection 2](#), a petition for judicial review may be filed in the district court of the county in which the petitioner was last employed or resides, provided that if the petitioner does not reside in this state, the action shall be brought in the district court of Polk county, Iowa, and any other party to the proceeding before the appeal board shall be named in the petition. Notwithstanding the thirty-day requirement in [section 17A.19, subsection 6](#), the appeal board shall, within sixty days after filing of the petition for judicial review or within a longer period of time allowed by the court, transmit to the reviewing court the original or a certified copy of the entire records of a contested case. The appeal board may also certify to the court, questions of law involved in any decision by the appeal board. Petitions for judicial review and the questions so certified shall be given precedence over all other civil cases except cases arising under the workers' compensation law of this state. No bond shall

be required for entering an appeal from any final order, judgment, or decree of the district court to the supreme court.

86 Acts, ch 1245, §515; 88 Acts, ch 1025, §1; 88 Acts, ch 1162, §10; 88 Acts, ch 1109, §3; 2003 Acts, ch 145, §129; 2004 Acts, ch 1107, §1, 30; 2023 Acts, ch 19, §1435; 2024 Acts, ch 1170, §84

Referred to in §20.3, 80.15, 88.3, 88.9, 91C.8, 96.1A, 96.6, 97B.27, 357A.21

Confirmation, see §2.32

Subsection 3 amended

**10A.602 through 10A.700** Reserved.

## SUBCHAPTER VII HEALTH FACILITIES

Referred to in §249K.2

### PART 1 GENERAL PROVISIONS

**10A.701 Definitions.** Repealed by 2023 Acts, ch 19, §1442.

#### **10A.702 Responsibilities.**

The director shall coordinate the department's conduct of various inspections and investigations as otherwise provided by law including, but not limited to, all of the following:

1. Investigations relative to the standards and practices of hospitals, hospices, and health care facilities.
2. Inspections and other licensing procedures relative to the hospice program, hospitals, and health care facilities. The department is designated as the sole licensing authority for these programs and facilities.
3. Inspections relative to hospital and health care facility construction projects.
4. Inspections of child foster care facilities and private institutions for the care of dependent, neglected, and delinquent children.

2000 Acts, ch 1155, §6; 2002 Acts, ch 1162, §76; 2023 Acts, ch 19, §1436, 1437

**10A.703 through 10A.710** Reserved.

### PART 2 HEALTH FACILITIES COUNCIL

#### **10A.711 Definitions.**

As used in [this part](#), unless the context otherwise requires:

1. "*Affected persons*" means, with respect to an application for a certificate of need:
  - a. The person submitting the application.
  - b. Consumers who would be served by the new institutional health service proposed in the application.
  - c. Each institutional health facility or health maintenance organization which is located in the geographic area which would appropriately be served by the new institutional health service proposed in the application. The appropriate geographic service area of each institutional health facility or health maintenance organization shall be determined on a uniform basis in accordance with criteria established in rules adopted by the department.
  - d. Each institutional health facility or health maintenance organization which, prior to receipt of the application by the department, has formally indicated to the department pursuant to [this part](#) an intent to furnish in the future institutional health services similar to the new institutional health service proposed in the application.

- e. Any other person designated as an affected person by rules of the department.
- f. Any payer or third-party payer for health services.
- 2. “*Ambulatory surgical center*” means a distinct facility that operates primarily for the purpose of providing surgical services to patients not requiring hospitalization and in which the expected duration of services does not exceed twenty-four hours following an admission. “*Ambulatory surgical center*” includes a facility certified or seeking certification as an ambulatory surgical center under the federal Medicare program or under the medical assistance program established pursuant to [chapter 249A](#). “*Ambulatory surgical center*” does not include the individual or group practice office of a private physician, podiatrist, or dentist who there engages in the lawful practice of surgery, or the portion of a licensed hospital designated for outpatient surgical treatment.
- 3. “*Birth center*” means a facility or institution, which is not an ambulatory surgical center or a hospital or in a hospital, in which births are planned to occur following a normal, uncomplicated, low-risk pregnancy.
- 4. “*Consumer*” means any individual whose occupation is other than health services, who has no fiduciary obligation to an institutional health facility, health maintenance organization or other facility primarily engaged in delivery of services provided by persons in health service occupations, and who has no material financial interest in the providing of any health services.
- 5. “*Council*” means the state health facilities council established by [this part](#).
- 6. “*Develop*”, when used in connection with health services, means to undertake those activities which on their completion will result in the offer of a new institutional health service or the incurring of a financial obligation in relation to the offering of such a service.
- 7. “*Financial reporting*” means reporting by which hospitals and health care facilities shall respectively record their revenues, expenses, other income, other outlays, assets and liabilities, and units of services.
- 8. “*Health care facility*” means health care facility as defined in [section 135C.1](#).
- 9. “*Health care provider*” means a person licensed or certified under [chapter 147](#), [148](#), [148A](#), [148C](#), [149](#), [151](#), [152](#), [153](#), [154](#), [154B](#), [154F](#), or [155A](#) to provide in this state professional health care service to an individual during that individual’s medical care, treatment, or confinement.
- 10. “*Health maintenance organization*” means health maintenance organization as defined in [section 514B.1, subsection 6](#).
- 11. “*Health services*” means clinically related diagnostic, curative, or rehabilitative services, and includes substance use disorder and mental health services.
- 12. “*Hospital*” means hospital as defined in [section 135B.1, subsection 3](#).
- 13. “*Institutional health facility*” means any of the following, without regard to whether the facilities referred to are publicly or privately owned or are organized for profit or not or whether the facilities are part of or sponsored by a health maintenance organization:
  - a. A hospital.
  - b. A health care facility.
  - c. An organized outpatient health facility.
  - d. An ambulatory surgical center.
  - e. A community mental health facility.
  - f. A birth center.
- 14. “*Institutional health service*” means any health service furnished in or through institutional health facilities or health maintenance organizations, including mobile health services.
- 15. “*Mobile health service*” means equipment used to provide a health service that can be transported from one delivery site to another.
- 16. “*Modernization*” means the alteration, repair, remodeling, replacement or renovation of existing buildings or of the equipment previously installed therein, or both.
- 17. “*New institutional health service*” or “*changed institutional health service*” means any of the following:
  - a. The construction, development or other establishment of a new institutional health facility regardless of ownership.
  - b. Relocation of an institutional health facility.



c. Any capital expenditure, lease, or donation by or on behalf of an institutional health facility in excess of one million five hundred thousand dollars within a twelve-month period.

d. A permanent change in the bed capacity, as determined by the department, of an institutional health facility. For purposes of this paragraph, a change is permanent if it is intended to be effective for one year or more.

e. Any expenditure in excess of five hundred thousand dollars by or on behalf of an institutional health facility for health services which are or will be offered in or through an institutional health facility at a specific time but which were not offered on a regular basis in or through that institutional health facility within the twelve-month period prior to that time.

f. The deletion of one or more health services, previously offered on a regular basis by an institutional health facility or health maintenance organization or the relocation of one or more health services from one physical facility to another.

g. Any acquisition by or on behalf of a health care provider or a group of health care providers of any piece of replacement equipment with a value in excess of one million five hundred thousand dollars, whether acquired by purchase, lease, or donation.

h. Any acquisition by or on behalf of a health care provider or group of health care providers of any piece of equipment with a value in excess of one million five hundred thousand dollars, whether acquired by purchase, lease, or donation, which results in the offering or development of a health service not previously provided. A mobile service provided on a contract basis is not considered to have been previously provided by a health care provider or group of health care providers.

i. Any acquisition by or on behalf of an institutional health facility or a health maintenance organization of any piece of replacement equipment with a value in excess of one million five hundred thousand dollars, whether acquired by purchase, lease, or donation.

j. Any acquisition by or on behalf of an institutional health facility or health maintenance organization of any piece of equipment with a value in excess of one million five hundred thousand dollars, whether acquired by purchase, lease, or donation, which results in the offering or development of a health service not previously provided. A mobile service provided on a contract basis is not considered to have been previously provided by an institutional health facility.

k. Any air transportation service for transportation of patients or medical personnel offered through an institutional health facility at a specific time but which was not offered on a regular basis in or through that institutional health facility within the twelve-month period prior to the specific time.

l. Any mobile health service with a value in excess of one million five hundred thousand dollars.

m. Any of the following:

(1) Cardiac catheterization service.

(2) Open heart surgical service.

(3) Organ transplantation service.

(4) Radiation therapy service applying ionizing radiation for the treatment of malignant disease using megavoltage external beam equipment.

18. “*Offer*”, when used in connection with health services, means that an institutional health facility, health maintenance organization, health care provider, or group of health care providers holds itself out as capable of providing, or as having the means to provide, specified health services.

19. “*Organized outpatient health facility*” means a facility, not part of a hospital, organized and operated to provide health care to noninstitutionalized and nonhomebound persons on an outpatient basis; it does not include private offices or clinics of individual physicians, dentists or other practitioners, or groups of practitioners, who are health care providers.

20. “*Technologically innovative equipment*” means equipment potentially useful for diagnostic or therapeutic purposes which introduces new technology in the diagnosis or treatment of disease, the usefulness of which is not well enough established to permit a specific plan of need to be developed for the state.

[C79, 81, §135.61; 82 Acts, ch 1194, §1, 2]

87 Acts, ch 215, §39; 91 Acts, ch 225, §1; 97 Acts, ch 93, §1, 2; 2002 Acts, ch 1162, §77; 2008 Acts, ch 1088, §86; 2019 Acts, ch 24, §104; 2023 Acts, ch 16, §32 – 34; 2023 Acts, ch 19, §140, 1443, 1584 – 1587

C2024, §10A.711

2024 Acts, ch 1012, §1

Referred to in §10A.713, 135.131, 135P.1, 505.27, 708.3A

Subsection 2 amended

**10A.712 Department to administer part — health facilities council established — appointments — powers and duties.**

1. **This part** shall be administered by the department. The director shall employ or cause to be employed the necessary persons to discharge the duties imposed on the department by **this part**.

2. There is established a state health facilities council consisting of five persons appointed by the governor. The council shall be within the department for administrative and budgetary purposes.

*a. Qualifications.* The members of the council shall be chosen so that the council as a whole is broadly representative of various geographical areas of the state and no more than three of its members are affiliated with the same political party. Each council member shall be a person who has demonstrated by prior activities an informed concern for the planning and delivery of health services. A member of the council and any spouse of a member shall not, during the time that member is serving on the council, do either of the following:

(1) Be a health care provider nor be otherwise directly or indirectly engaged in the delivery of health care services nor have a material financial interest in the providing or delivery of health services.

(2) Serve as a member of any board or other policymaking or advisory body of an institutional health facility, a health maintenance organization, or any health or hospital insurer.

*b. Appointments.* Terms of council members shall be six years, beginning and ending as provided in [section 69.19](#). A member shall be appointed in each odd-numbered year to succeed each member whose term expires in that year. Vacancies shall be filled by the governor for the balance of the unexpired term. Each appointment to the council is subject to confirmation by the senate. A council member is ineligible for appointment to a second consecutive term, unless first appointed to an unexpired term of three years or less.

*c. Chairperson.* The governor shall designate one of the council members as chairperson. That designation may be changed not later than July 1 of any odd-numbered year, effective on the date of the organizational meeting held in that year under paragraph “d”.

*d. Meetings.* The council shall hold an organizational meeting in July of each odd-numbered year, or as soon thereafter as the new appointee or appointees are confirmed and have qualified. Other meetings shall be held as necessary to enable the council to expeditiously discharge its duties. Meeting dates shall be set upon adjournment or by call of the chairperson upon five days’ notice to the other members.

*e. Duties.* The council shall do all of the following:

(1) Make the final decision, as required by [section 10A.719](#), with respect to each application for a certificate of need accepted by the department.

(2) Determine and adopt such policies as are authorized by law and are deemed necessary to the efficient discharge of its duties under **this part**.

(3) Have authority to direct staff personnel of the department assigned to conduct formal or summary reviews of applications for certificates of need.

(4) Advise and counsel with the director concerning the provisions of **this part** and the policies and procedures adopted by the department pursuant to **this part**.

(5) Review and approve, prior to promulgation, all rules adopted by the department under **this part**.

[C79, 81, §135.62]

86 Acts, ch 1245, §1109; 88 Acts, ch 1277, §26; 90 Acts, ch 1256, §30; 91 Acts, ch 225, §2, 3; 97 Acts, ch 93, §3; 2009 Acts, ch 41, §40; 2019 Acts, ch 24, §104; 2019 Acts, ch 85, §83; 2023 Acts, ch 19, §1443, 1588, 1589

C2024, §10A.712

Confirmation, see §2.32

#### **10A.713 Certificate of need required — exclusions.**

1. A new institutional health service or changed institutional health service shall not be offered or developed in this state without prior application to the department for and receipt of a certificate of need, pursuant to [this part](#). The application shall be made upon forms furnished or prescribed by the department and shall contain such information as the department may require under [this part](#). The application shall be accompanied by a fee equivalent to three-tenths of one percent of the anticipated cost of the project with a minimum fee of six hundred dollars and a maximum fee of twenty-one thousand dollars. The fee shall be remitted by the department to the treasurer of state, who shall place it in the general fund of the state. If an application is voluntarily withdrawn within thirty calendar days after submission, seventy-five percent of the application fee shall be refunded; if the application is voluntarily withdrawn more than thirty but within sixty days after submission, fifty percent of the application fee shall be refunded; if the application is withdrawn voluntarily more than sixty days after submission, twenty-five percent of the application fee shall be refunded. Notwithstanding the required payment of an application fee under [this subsection](#), an applicant for a new institutional health service or a changed institutional health service offered or developed by an intermediate care facility for persons with an intellectual disability or an intermediate care facility for persons with mental illness as defined pursuant to [section 135C.1](#) is exempt from payment of the application fee.

2. [This part](#) shall not be construed to augment, limit, contravene, or repeal in any manner any other statute of this state which may authorize or relate to licensure, regulation, supervision, or control of, nor to be applicable to:

a. Private offices and private clinics of an individual physician, dentist, or other practitioner or group of health care providers, except as provided by [section 10A.711, subsection 17](#), paragraphs “g”, “h”, and “m”, and [section 10A.711, subsections 2 and 19](#).

b. Dispensaries and first aid stations, located within schools, businesses, or industrial establishments, which are maintained solely for the use of students or employees of those establishments and which do not contain inpatient or resident beds that are customarily occupied by the same individual for more than twenty-four consecutive hours.

c. Establishments such as motels, hotels, and boarding houses which provide medical, nursing personnel, and other health related services as an incident to their primary business or function.

d. The remedial care or treatment of residents or patients in any home or institution conducted only for those who rely solely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any recognized church or religious denomination.

e. A health maintenance organization or combination of health maintenance organizations or an institutional health facility controlled directly or indirectly by a health maintenance organization or combination of health maintenance organizations, except when the health maintenance organization or combination of health maintenance organizations does any of the following:

(1) Constructs, develops, renovates, relocates, or otherwise establishes an institutional health facility.

(2) Acquires major medical equipment as provided by [section 10A.711, subsection 17](#), paragraphs “i” and “j”.

f. A residential care facility, as defined in [section 135C.1](#), including a residential care facility for persons with an intellectual disability, notwithstanding any provision in [this part](#) to the contrary.

g. (1) A reduction in bed capacity of an institutional health facility, notwithstanding any provision in [this part](#) to the contrary, if all of the following conditions exist:

(a) The institutional health facility reports to the department the number and type of beds

reduced on a form prescribed by the department at least thirty days before the reduction. In the case of a health care facility, the new bed total must be consistent with the number of licensed beds at the facility. In the case of a hospital, the number of beds must be consistent with bed totals reported to the department of inspections, appeals, and licensing for purposes of licensure and certification.

(b) The institutional health facility reports the new bed total on its next annual report to the department.

(2) If these conditions are not met, the institutional health facility is subject to review as a “new institutional health service” or “changed institutional health service” under [section 10A.711, subsection 17](#), paragraph “d”, and is subject to sanctions under [section 10A.723](#). If the institutional health facility reestablishes the deleted beds at a later time, review as a “new institutional health service” or “changed institutional health service” is required pursuant to [section 10A.711, subsection 17](#), paragraph “d”.

h. (1) The deletion of one or more health services, previously offered on a regular basis by an institutional health facility or health maintenance organization, notwithstanding any provision of [this part](#) to the contrary, if all of the following conditions exist:

(a) The institutional health facility or health maintenance organization reports to the department the deletion of the service or services at least thirty days before the deletion on a form prescribed by the department.

(b) The institutional health facility or health maintenance organization reports the deletion of the service or services on its next annual report to the department.

(2) If these conditions are not met, the institutional health facility or health maintenance organization is subject to review as a “new institutional health service” or “changed institutional health service” under [section 10A.711, subsection 17](#), paragraph “f”, and is subject to sanctions under [section 10A.723](#).

(3) If the institutional health facility or health maintenance organization reestablishes the deleted service or services at a later time, review as a “new institutional health service” or “changed institutional health service” may be required pursuant to [section 10A.711, subsection 17](#).

i. A residential program exempt from licensing as a health care facility under [chapter 135C](#) in accordance with [section 135C.6, subsection 8](#).

j. The construction, modification, or replacement of nonpatient care services, including parking facilities, heating, ventilation and air conditioning systems, computers, telephone systems, medical office buildings, and other projects of a similar nature, notwithstanding any provision in [this part](#) to the contrary.

k. (1) The redistribution of beds by a hospital within the acute care category of bed usage, notwithstanding any provision in [this part](#) to the contrary, if all of the following conditions exist:

(a) The hospital reports to the department the number and type of beds to be redistributed on a form prescribed by the department at least thirty days before the redistribution.

(b) The hospital reports the new distribution of beds on its next annual report to the department.

(2) If these conditions are not met, the redistribution of beds by the hospital is subject to review as a new institutional health service or changed institutional health service pursuant to [section 10A.711, subsection 17](#), paragraph “d”, and is subject to sanctions under [section 10A.723](#).

l. The replacement or modernization of any institutional health facility if the replacement or modernization does not add new health services or additional bed capacity for existing health services, notwithstanding any provision in [this part](#) to the contrary. With respect to a nursing facility, “replacement” means establishing a new facility within the same county as the prior facility to be closed. With reference to a hospital, “replacement” means establishing a new hospital that demonstrates compliance with all of the following criteria through evidence submitted to the department:

(1) Is designated as a critical access hospital pursuant to 42 U.S.C. §1395i-4.

(2) Serves at least seventy-five percent of the same service area that was served by the prior hospital to be closed and replaced by the new hospital.

(3) Provides at least seventy-five percent of the same services that were provided by the prior hospital to be closed and replaced by the new hospital.

(4) Is staffed by at least seventy-five percent of the same staff, including medical staff, contracted staff, and employees, as constituted the staff of the prior hospital to be closed and replaced by the new hospital.

m. Hemodialysis services provided by a hospital or freestanding facility, notwithstanding any provision in [this part](#) to the contrary.

n. Hospice services provided by a hospital, notwithstanding any provision in [this part](#) to the contrary.

o. The change in ownership, licensure, organizational structure, or designation of the type of institutional health facility if the health services offered by the successor institutional health facility are unchanged. This exclusion is applicable only if the institutional health facility consents to the change in ownership, licensure, organizational structure, or designation of the type of institutional health facility and ceases offering the health services simultaneously with the initiation of the offering of health services by the successor institutional health facility.

p. The conversion of an existing number of beds by an intermediate care facility for persons with an intellectual disability to a smaller facility environment, including but not limited to a community-based environment which does not result in an increased number of beds, notwithstanding any provision in [this part](#) to the contrary, including [subsection 4](#), if all of the following conditions exist:

(1) The intermediate care facility for persons with an intellectual disability reports the number and type of beds to be converted on a form prescribed by the department at least thirty days before the conversion.

(2) The intermediate care facility for persons with an intellectual disability reports the conversion of beds on its next annual report to the department.

q. Cosmetic, reconstructive, or plastic surgery services provided in an ambulatory surgical center licensed under [chapter 135R](#).

3. [This part](#) shall not be construed to be applicable to a health care facility operated by and for the exclusive use of members of a religious order, which does not admit more than two individuals to the facility from the general public, and which was in operation prior to July 1, 1986. However, [this part](#) is applicable to such a facility if the facility is involved in the offering or developing of a new or changed institutional health service on or after July 1, 1986.

4. A copy of the application shall be sent to the department of health and human services at the time the application is submitted to the department. The department shall not process applications for and the council shall not consider a new or changed institutional health service for an intermediate care facility for persons with an intellectual disability unless both of the following conditions are met:

a. The new or changed beds shall not result in an increase in the total number of medical assistance certified intermediate care facility beds for persons with an intellectual disability in the state, exclusive of those beds at the state resource centers or other state institutions, beyond one thousand six hundred thirty-six beds.

b. A letter of support for the application is provided by the county board of supervisors, or the board's designee, in the county in which the beds would be located.

[C79, 81, §135.63; 82 Acts, ch 1194, §3]

86 Acts, ch 1150, §1; 86 Acts, ch 1245, §1110; 91 Acts, ch 225, §4; 92 Acts, ch 1043, §1; 92 Acts, ch 1206, §1; 95 Acts, ch 120, §1; 96 Acts, ch 1129, §113; 97 Acts, ch 93, §4 – 8; 2002 Acts, ch 1120, §10; 2006 Acts, ch 1184, §78; 2008 Acts, ch 1191, §47; 2009 Acts, ch 184, §38; 2012 Acts, ch 1019, §7 – 10; 2019 Acts, ch 24, §104; 2023 Acts, ch 19, §1443, 1590 – 1601, 1882

C2024, §10A.713

2024 Acts, ch 1012, §2; 2024 Acts, ch 1043, §9, 10

Referred to in §10A.716, 135B.5A, 135C.2, 231C.3

Subsection 2, paragraph g, subparagraph (2) amended

Subsection 2, paragraph h, subparagraph (2) amended

Subsection 2, NEW paragraph q



**10A.714 Criteria for evaluation of applications.**

1. In determining whether a certificate of need shall be issued, the department and council shall consider the following:

a. The contribution of the proposed institutional health service in meeting the needs of the medically underserved, including persons in rural areas, low-income persons, racial and ethnic minorities, persons with disabilities, and the elderly, as well as the extent to which medically underserved residents in the applicant's service area are likely to have access to the proposed institutional health service.

b. The relationship of the proposed institutional health services to the long-range development plan, if any, of the person providing or proposing the services.

c. The need of the population served or to be served by the proposed institutional health services for those services.

d. The distance, convenience, cost of transportation, and accessibility to health services for persons who live outside metropolitan areas.

e. The availability of alternative, less costly, or more effective methods of providing the proposed institutional health services.

f. The immediate and long-term financial feasibility of the proposal presented in the application, as well as the probable impact of the proposal on the costs of and charges for providing health services by the person proposing the new institutional health service.

g. The relationship of the proposed institutional health services to the existing health care system of the area in which those services are proposed to be provided.

h. The appropriate and efficient use or prospective use of the proposed institutional health service, and of any existing similar services, including but not limited to a consideration of the capacity of the sponsor's facility to provide the proposed service, and possible sharing or cooperative arrangements among existing facilities and providers.

i. The availability of resources, including, but not limited to, health care providers, management personnel, and funds for capital and operating needs, to provide the proposed institutional health services and the possible alternative uses of those resources to provide other health services.

j. The appropriate and nondiscriminatory utilization of existing and available health care providers. Where both allopathic and osteopathic institutional health services exist, each application shall be considered in light of the availability and utilization of both allopathic and osteopathic facilities and services in order to protect the freedom of choice of consumers and health care providers.

k. The relationship, including the organizational relationship, of the proposed institutional health services to ancillary or support services.

l. Special needs and circumstances of those entities which provide a substantial portion of their services or resources, or both, to individuals not residing in the immediate geographic area in which the entities are located, which entities may include but are not limited to medical and other health professional schools, multidisciplinary clinics, and specialty centers.

m. The special needs and circumstances of health maintenance organizations.

n. The special needs and circumstances of biomedical and behavioral research projects designed to meet a national need and for which local conditions offer special advantages.

o. The impact of relocation of an institutional health facility or health maintenance organization on other institutional health facilities or health maintenance organizations and on the needs of the population to be served, or which was previously served, or both.

p. In the case of a construction project, the costs and methods of the proposed construction and the probable impact of the proposed construction project on total health care costs.

q. In the case of a proposal for the addition of beds to a health care facility, the consistency of the proposed addition with the plans of other agencies of this state responsible for provision and financing of long-term care services, including home health services.

r. The recommendations of staff personnel of the department assigned to the area of certificate of need, concerning the application, if requested by the council.

2. In addition to the findings required with respect to any of the criteria listed in [subsection 1 of this section](#), the council shall grant a certificate of need for a new institutional health



service or changed institutional health service only if it finds in writing, on the basis of data submitted to it by the department, that:

a. Less costly, more efficient, or more appropriate alternatives to the proposed institutional health service are not available and the development of such alternatives is not practicable;

b. Any existing facilities providing institutional health services similar to those proposed are being used in an appropriate and efficient manner;

c. In the case of new construction, alternatives including but not limited to modernization or sharing arrangements have been considered and have been implemented to the maximum extent practicable;

d. Patients will experience serious problems in obtaining care of the type which will be furnished by the proposed new institutional health service or changed institutional health service, in the absence of that proposed new service.

3. In the evaluation of applications for certificates of need submitted by the university of Iowa hospitals and clinics, the unique features of that institution relating to statewide tertiary health care, health science education, and clinical research shall be given due consideration. Further, in administering [this part](#), the unique capacity of university hospitals for the evaluation of technologically innovative equipment and other new health services shall be utilized.

[C79, 81, §135.64]

[91 Acts, ch 225, §5](#); [92 Acts, ch 1043, §2](#); [96 Acts, ch 1129, §113](#); [2002 Acts, ch 1120, §11](#); [2014 Acts, ch 1026, §29](#); [2019 Acts, ch 24, §104](#); [2023 Acts, ch 19, §1443, 1602](#)

C2024, §10A.714

Referred to in [§10A.715](#), [10A.716](#), [10A.722](#)

#### **10A.715 Letter of intent to precede application — review and comment.**

1. Before applying for a certificate of need, the sponsor of a proposed new institutional health service or changed institutional health service shall submit to the department a letter of intent to offer or develop a service requiring a certificate of need. The letter shall be submitted as soon as possible after initiation of the applicant's planning process, and in any case not less than thirty days before applying for a certificate of need and before substantial expenditures to offer or develop the service are made. The letter shall include a brief description of the proposed new or changed service, its location, and its estimated cost.

2. Upon request of the sponsor of the proposed new or changed service, the department shall make a preliminary review of the letter for the purpose of informing the sponsor of the project of any factors which may appear likely to result in denial of a certificate of need, based on the criteria for evaluation of applications in [section 10A.714](#). A comment by the department under [this section](#) shall not constitute a final decision.

[C79, 81, §135.65]

[91 Acts, ch 225, §6](#); [97 Acts, ch 93, §9](#); [2023 Acts, ch 19, §1443](#)

C2024, §10A.715

Referred to in [§10A.717](#)

#### **10A.716 Procedure upon receipt of application — public notification.**

1. Within fifteen business days after receipt of an application for a certificate of need, the department shall examine the application for form and completeness and accept or reject it. An application shall be rejected only if it fails to provide all information required by the department pursuant to [section 10A.713, subsection 1](#). The department shall promptly return to the applicant any rejected application, with an explanation of the reasons for its rejection.

2. Upon acceptance of an application for a certificate of need, the department shall promptly undertake to notify all affected persons in writing that formal review of the application has been initiated. Notification to those affected persons who are consumers or third-party payers or other payers for health services may be provided by distribution of the pertinent information to the news media.

3. Each application accepted by the department shall be formally reviewed for the purpose of furnishing to the council the information necessary to enable it to determine whether or not

to grant the certificate of need. A formal review shall consist at a minimum of the following steps:

- a. Evaluation of the application against the criteria specified in [section 10A.714](#).
- b. A public hearing on the application, to be held prior to completion of the evaluation required by paragraph “a”, shall be conducted by the council.
4. When a hearing is to be held pursuant to [subsection 3](#), paragraph “b”, the department shall give at least ten days’ notice of the time and place of the hearing. At the hearing, any affected person or that person’s designated representative shall have the opportunity to present testimony.

[C79, 81, §135.66]

[91 Acts, ch 225, §7; 2023 Acts, ch 19, §1443](#)

C2024, §10A.716

Referred to in [§10A.720](#)

#### **10A.717 Summary review procedure.**

1. The department may waive the letter of intent procedures prescribed by [section 10A.715](#) and substitute a summary review procedure, which shall be established by rules of the department, when it accepts an application for a certificate of need for a project which meets any of the criteria in paragraphs “a” through “e”:

- a. A project which is limited to repair or replacement of a facility or equipment damaged or destroyed by a disaster, and which will not expand the facility nor increase the services provided beyond the level existing prior to the disaster.
- b. A project necessary to enable the facility or service to achieve or maintain compliance with federal, state, or other appropriate licensing, certification, or safety requirements.
- c. A project which will not change the existing bed capacity of the applicant’s facility or service, as determined by the department, by more than ten percent or ten beds, whichever is less, over a two-year period.
- d. A project the total cost of which will not exceed one hundred fifty thousand dollars.
- e. Any other project for which the applicant proposes and the department agrees to summary review.

2. The department’s decision to disallow a summary review shall be binding upon the applicant.

[C79, 81, §135.67]

[91 Acts, ch 225, §8 – 10; 2009 Acts, ch 41, §191; 2023 Acts, ch 19, §1443](#)

C2024, §10A.717

Referred to in [§10A.722](#)

#### **10A.718 Status reports on review in progress.**

While formal review of an application for a certificate of need is in progress, the department shall upon request inform any affected person of the status of the review, any findings which have been made in the course of the review, and any other appropriate information concerning the review.

[C79, 81, §135.68]

[2023 Acts, ch 19, §1443](#)

C2024, §10A.718

#### **10A.719 Council to make final decision.**

1. The department shall complete its formal review of the application within ninety days after acceptance of the application, except as otherwise provided by [section 10A.722, subsection 4](#). Upon completion of the formal review, the council shall approve or deny the application. The council shall issue written findings stating the basis for its decision on the application, and the department shall send copies of the council’s decision and the written findings supporting the decision to the applicant and to any other person who so requests.

2. Failure by the council to issue a written decision on an application for a certificate of need within the time required by [this section](#) shall constitute denial of and final administrative action on the application.

[C79, 81, §135.69]

91 Acts, ch 225, §11; 2018 Acts, ch 1041, §127; 2023 Acts, ch 19, §1443

C2024, §10A.719

Referred to in §10A.712, 10A.720, 10A.722

#### **10A.720 Appeal of certificate of need decisions.**

The council's decision on an application for certificate of need, when announced pursuant to [section 10A.719](#), is a final decision. Any dissatisfied party who is an affected person with respect to the application, and who participated or sought unsuccessfully to participate in the formal review procedure prescribed by [section 10A.716](#), may request a rehearing in accordance with [chapter 17A](#) and rules of the department. If a rehearing is not requested or an affected party remains dissatisfied after the request for rehearing, an appeal may be taken in the manner provided by [chapter 17A](#). Notwithstanding the Iowa administrative procedure Act, [chapter 17A](#), a request for rehearing is not required, prior to appeal under [section 17A.19](#).

[C79, 81, §135.70]

91 Acts, ch 225, §12; 2023 Acts, ch 19, §1443

C2024, §10A.720

#### **10A.721 Period for which certificate is valid — extension or revocation.**

1. A certificate of need shall be valid for a maximum of one year from the date of issuance. Upon the expiration of the certificate, or at any earlier time while the certificate is valid the holder thereof shall provide the department such information on the development of the project covered by the certificate as the department may request. The council shall determine at the end of the certification period whether sufficient progress is being made on the development of the project. The certificate of need may be extended by the council for additional periods of time as are reasonably necessary to expeditiously complete the project, but may be revoked by the council at the end of the first or any subsequent certification period for insufficient progress in developing the project.

2. Upon expiration of certificate of need, and prior to extension thereof, any affected person shall have the right to submit to the department information which may be relevant to the question of granting an extension. The department may call a public hearing for this purpose.

[C79, 81, §135.71]

97 Acts, ch 93, §10; 2018 Acts, ch 1041, §127; 2023 Acts, ch 19, §1443

C2024, §10A.721

#### **10A.722 Authority to adopt rules.**

The department shall adopt, with approval of the council, such administrative rules as are necessary to enable it to implement [this part](#). These rules shall include:

1. Additional procedures and criteria for review of applications for certificates of need.
2. Uniform procedures for variations in application of criteria specified by [section 10A.714](#) for use in formal review of applications for certificates of need, when such variations are appropriate to the purpose of a particular review or to the type of institutional health service proposed in the application being reviewed.
3. Uniform procedures for summary reviews conducted under [section 10A.717](#).
4. Criteria for determining when it is not feasible to complete formal review of an application for a certificate of need within the time limits specified in [section 10A.719](#). The rules adopted under [this subsection](#) shall include criteria for determining whether an application proposes introduction of technologically innovative equipment, and if so, procedures to be followed in reviewing the application. However, a rule adopted under [this subsection](#) shall not permit a deferral of more than sixty days beyond the time when a decision is required under [section 10A.719](#), unless both the applicant and the department agree to a longer deferment.

[C79, 81, §135.72]

91 Acts, ch 225, §13; 2019 Acts, ch 24, §104; 2023 Acts, ch 19, §1443, 1603

C2024, §10A.722

Referred to in §10A.719

**10A.723 Sanctions.**

1. Any party constructing a new institutional health facility or an addition to or renovation of an existing institutional health facility without first obtaining a certificate of need or, in the case of a mobile health service, ascertaining that the mobile health service has received certificate of need approval, as required by [this part](#), shall be denied licensure or change of licensure by the appropriate responsible licensing agency of this state.

2. A party violating [this part](#) shall be subject to penalties in accordance with [this section](#). The department shall adopt rules setting forth the violations by classification, the criteria for the classification of any violation not listed, and procedures for implementing [this subsection](#).

a. A class I violation is one in which a party offers a new institutional health service or changed institutional health service modernization or acquisition without review and approval by the council. A party in violation is subject to a penalty of three hundred dollars for each day of a class I violation. The department may seek injunctive relief which shall include restraining the commission or continuance of an act which would violate the provisions of this paragraph. Notice and opportunity to be heard shall be provided to a party pursuant to [rule of civil procedure 1.1507](#) and contested case procedures in accordance with [chapter 17A](#). The department may reduce, alter, or waive a penalty upon the party showing good faith compliance with the department's request to immediately cease and desist from conduct in violation of [this section](#).

b. A class II violation is one in which a party violates the terms or provisions of an approved application. The department may seek injunctive relief which shall include restraining the commission or continuance of or abating or eliminating an act which would violate the provisions of [this subsection](#). Notice and opportunity to be heard shall be provided to a party pursuant to [rule of civil procedure 1.1507](#) and contested case procedures in accordance with [chapter 17A](#). The department may reduce, alter, or waive a penalty upon the party showing good faith compliance with the department's request to immediately cease and desist from conduct in violation of [this section](#). A class II violation shall be abated or eliminated within a stated period of time determined by the department and specified by the department in writing. The period of time may be modified by the department for good cause shown. A party in violation may be subject to a penalty of five hundred dollars for each day of a class II violation.

3. Notwithstanding any other sanction imposed pursuant to [this section](#), a party offering or developing any new institutional health service or changed institutional health service without first obtaining a certificate of need as required by [this part](#) may be temporarily or permanently restrained from doing so by any court of competent jurisdiction in any action brought by the state, any of its political subdivisions, or any other interested person.

4. The sanctions provided by [this section](#) are in addition to, and not in lieu of, any penalty prescribed by law for the acts against which these sanctions are invoked.

[C79, 81, §135.73]

[91 Acts, ch 225, §14; 2019 Acts, ch 24, §104; 2023 Acts, ch 19, §1443, 1604 – 1606](#)

C2024, §10A.723

Referred to in [§10A.713](#)

**10A.724 Uniform financial reporting.**

1. The department, after study and in consultation with any advisory committees which may be established pursuant to law, shall promulgate by rule pursuant to [chapter 17A](#) uniform methods of financial reporting, including such allocation methods as may be prescribed, by which hospitals and health care facilities shall respectively record their revenues, expenses, other income, other outlays, assets and liabilities, and units of service, according to functional activity center. These uniform methods of financial reporting shall not preclude a hospital or health care facility from using any accounting methods for its own purposes provided these accounting methods can be reconciled to the uniform methods of financial reporting prescribed by the department and can be audited for validity and completeness. Each hospital and each health care facility shall adopt the appropriate system for its fiscal year, effective upon such date as the department shall direct.

2. In establishing uniform methods of financial reporting, the department shall consider all of the following:

a. The existing systems of accounting and reporting currently utilized by hospitals and health care facilities.

b. Differences among hospitals and health care facilities, respectively, according to size, financial structure, methods of payment for services, and scope, type and method of providing services.

c. Other pertinent distinguishing factors.

3. The department shall, where appropriate, provide for modification, consistent with the purposes of [this part](#), of reporting requirements to correctly reflect the differences among hospitals and among health care facilities referred to in [subsection 2](#), and to avoid otherwise unduly burdensome costs in meeting the requirements of uniform methods of financial reporting.

4. The uniform financial reporting methods, where appropriate, shall be structured so as to establish and differentiate costs incurred for patient-related services rendered by hospitals and health care facilities, as distinguished from those incurred in the course of educational, research and other nonpatient-related activities including but not limited to charitable activities of these hospitals and health care facilities.

[C79, 81, §135.74]

[2013 Acts, ch 30, §27; 2019 Acts, ch 24, §104; 2020 Acts, ch 1063, §60; 2023 Acts, ch 19, §1443, 1607](#)

C2024, §10A.724

Referred to in [§10A.727, 10A.728](#)

#### **10A.725 Annual reports by hospitals, health care facilities.**

1. Each hospital and each health care facility shall annually, after the close of its fiscal year, file all of the following with the department:

a. A balance sheet detailing the assets, liabilities and net worth of the hospital or health care facility.

b. A statement of its income and expenses.

c. Such other reports of the costs incurred in rendering services as the department may prescribe.

2. Where more than one licensed hospital or health care facility is operated by the reporting organization, the information required by [this section](#) shall be reported separately for each licensed hospital or health care facility. The department shall require preparation of specified financial reports by a certified public accountant, and may require attestation of responsible officials of the reporting hospital or health care facility that the reports submitted are to the best of their knowledge and belief prepared in accordance with the prescribed methods of reporting. The department shall have the right to inspect the books, audits and records of any hospital or health care facility as reasonably necessary to verify reports submitted pursuant to [this part](#).

3. In obtaining the reports required by [this section](#), the department and other state agencies shall coordinate their reporting requirements.

4. All reports filed under [this section](#), except privileged medical information, shall be open to public inspection.

[C79, 81, §135.75]

[2013 Acts, ch 30, §28; 2019 Acts, ch 24, §104; 2023 Acts, ch 19, §1443, 1608](#)

C2024, §10A.725

Referred to in [§10A.727](#)

#### **10A.726 Analyses and studies by department.**

1. The department shall from time to time undertake analyses and studies relating to hospital and health care facility costs and to the financial status of hospitals or health care facilities, or both, which are subject to the provisions of [this part](#). It shall further require the filing of information concerning the total financial needs of each individual hospital or health care facility and the resources currently or prospectively available to meet these needs,

including the effect of proposals made by health systems agencies. The department shall also prepare and file such summaries and compilations or other supplementary reports based on the information filed with it as will, in its judgment, advance the purposes of [this part](#).

2. The analyses and studies required by [this section](#) shall be conducted with the objective of providing a basis for determining whether or not regulation of hospital and health care facility rates and charges by the state of Iowa is necessary to protect the health or welfare of the people of the state.

3. In conducting its analyses and studies, the department should determine whether:

a. The rates charged and costs incurred by hospitals and health care facilities are reasonably related to the services offered by those respective groups of institutions.

b. Aggregate rates of hospitals and of health care facilities are reasonably related to the aggregate costs incurred by those respective groups of institutions.

c. Rates are set equitably among all purchasers or classes of purchasers of hospital and of health care facility services.

d. The rates for particular services, supplies or materials established by hospitals and by health care facilities are reasonable. Determination of reasonableness of rates shall include consideration of a fair rate of return to proprietary hospitals and health care facilities.

4. All data gathered and compiled and all reports prepared under [this section](#), except privileged medical information, shall be open to public inspection.

[C79, 81, §135.76]

[2019 Acts, ch 24, §104](#); [2023 Acts, ch 19, §1443, 1609](#)

C2024, §10A.726

Referred to in [§10A.727, 10A.729](#)

#### **10A.727 Data to be compiled.**

The department shall compile all relevant financial and utilization data in order to have available the statistical information necessary to properly monitor hospital and health care facility charges and costs. Such data shall include necessary operating expenses, appropriate expenses incurred for rendering services to patients who cannot or do not pay, all properly incurred interest charges, and reasonable depreciation expenses based on the expected useful life of the property and equipment involved. The department shall also obtain from each hospital and health care facility a current rate schedule as well as any subsequent amendments or modifications of that schedule as it may require. In collection of the data required by [this section](#) and [sections 10A.724 through 10A.726](#), the department and other state agencies shall coordinate their reporting requirements.

[C79, 81, §135.78]

[2002 Acts, ch 1119, §14](#); [2003 Acts, ch 108, §34](#); [2023 Acts, ch 19, §1443](#)

C2024, §10A.727

Referred to in [§10A.728, 10A.729](#)

#### **10A.728 Civil penalty.**

Any hospital or health care facility which fails to file with the department the financial reports required by [sections 10A.724 through 10A.727](#) is subject to a civil penalty of not to exceed five hundred dollars for each offense.

[C79, 81, §135.79]

[2021 Acts, ch 80, §67](#); [2023 Acts, ch 19, §1443](#)

C2024, §10A.728

#### **10A.729 Contracts for assistance with analyses, studies, and data.**

In furtherance of the department's responsibilities under [sections 10A.726 and 10A.727](#), the director may contract with the Iowa hospital association and third-party payers, the Iowa health care facilities association and third-party payers, or leading age Iowa and third-party payers for the establishment of pilot programs dealing with prospective rate review in hospitals or health care facilities, or both. Such contract shall be subject to the approval of the executive council and shall provide for an equitable representation of health care providers, third-party payers, and health care consumers in the determination of criteria for rate review. No third-party payer shall be excluded from positive financial incentives based



upon volume of gross patient revenues. No state or federal funds appropriated or available to the department shall be used for any such pilot program.

[C79, 81, §135.83]

98 Acts, ch 1100, §13; 2001 Acts, ch 74, §2; 2002 Acts, ch 1050, §16; 2013 Acts, ch 30, §29; 2023 Acts, ch 19, §1443

C2024, §10A.729

**10A.730 through 10A.800** Reserved.

## SUBCHAPTER VIII

### ADMINISTRATIVE HEARINGS DIVISION

#### **10A.801 Division of administrative hearings — creation, powers, duties.**

1. *Definitions.* For purposes of [this subchapter](#), unless the context otherwise requires:

a. “Administrator” means the person coordinating the administration of the division.

b. “Division” means the administrative hearings division of the department of inspections, appeals, and licensing.

2. The administrator shall coordinate the division’s conduct of appeals and administrative hearings as provided by law, shall serve as chief administrative law judge of the division, and may conduct any proceeding for which the division provides an administrative law judge.

3. a. The department shall employ a sufficient number of administrative law judges to conduct proceedings for which agencies are required, by [section 17A.11](#) or any other provision of law, to use an administrative law judge employed by the division. An administrative law judge employed by the division shall not perform duties inconsistent with the judge’s duties and responsibilities as an administrative law judge and shall be located in an office that is separated from the offices of the agencies for which that person acts as a presiding officer. Administrative law judges, except the chief administrative law judge, shall be covered by the merit system provisions of [chapter 8A, subchapter IV](#).

b. The division shall facilitate, insofar as practicable, specialization by its administrative law judges so that particular judges may become expert in presiding over cases in particular agencies. An agency may, by rule, identify particular classes of its contested cases for which the administrative law judge who acts as presiding officer shall have specified technical expertness. After the adoption of such a rule, the division may assign administrative law judges to preside over those identified particular classes of contested cases only if the administrative law judge possesses the technical expertness specified by agency rule. The division may charge the applicable agency for the costs of any training required by the division’s administrative law judges to acquire or maintain the technical expertise specified by agency rule.

4. If the division cannot furnish one of its administrative law judges in response to an agency request, the administrator shall designate in writing a full-time employee of an agency other than the requesting agency to serve as administrative law judge for the proceeding, but only with the consent of the employing agency. The designee must possess the same qualifications required of administrative law judges employed by the division.

5. The division may furnish administrative law judges on a contract basis to any governmental entity to conduct any proceeding.

6. A person shall not be employed by the division as the administrator or as an administrative law judge to preside over contested case proceedings unless that person has a license to practice law in this state.

7. The division shall adopt rules pursuant to [this chapter](#) and [chapter 17A](#) to do all of the following:

a. To establish procedures for agencies to request and for the administrator to assign administrative law judges employed by the division.

b. To establish procedures and adopt forms, consistent with [chapter 17A](#) and other provisions of law, to govern administrative law judges employed by the division, but any

rules adopted under this paragraph shall be applicable to a particular contested case proceeding only to the extent that they are not inconsistent with the rules of the agency under whose authority that proceeding is conducted. Nothing in this paragraph precludes an agency from establishing procedural requirements otherwise within its authority to govern its contested case proceedings, including requirements with respect to the timeliness of decisions rendered for it by administrative law judges.

c. To establish standards and procedures for the evaluation, training, promotion, and discipline for the administrative law judges employed by the division. The procedures shall include provisions for each agency for whom a particular administrative law judge presides to submit to the division on a periodic basis the agency's views with respect to the performance of that administrative law judge or the need for specified additional training for that administrative law judge. However, the evaluation, training, promotion, and discipline of all administrative law judges employed by the division shall remain solely within the authority of the department.

d. To establish, consistent with the provisions of [this section](#) and [chapter 17A](#), a code of administrative judicial conduct that is similar in function and substantially equivalent to the Iowa code of judicial conduct, to govern the conduct, in relation to their quasi-judicial functions in contested cases, of all persons who act as presiding officers under the authority of [section 17A.11, subsection 1](#). The code of administrative judicial conduct shall separately specify which provisions are applicable to agency heads or members of multimembered agency heads when they act as presiding officers, taking into account the objectives of the code and the fact that agency heads, unlike administrative law judges, have other duties imposed upon them by law. The code of administrative judicial conduct may also contain separate provisions, that are appropriate and consistent with the objectives of such a code, to govern the conduct of agency heads or the members of multimember agency heads when they act as presiding officers. However, a provision of the code of administrative judicial conduct shall not be made applicable to agency heads or members of multimember agency heads unless the application of that provision to agency heads and members of multimember agency heads has previously been approved by the administrative rules coordinator.

e. To facilitate the performance of the responsibilities conferred upon the division by [this section](#), [chapter 17A](#), and any other provision of law.

8. The division may do all of the following:

- a. Provide administrative law judges, upon request, to any agency that is required to or wishes to utilize the services of an administrative law judge employed by the division.
- b. Maintain a staff of reporters and other personnel.
- c. Administer the provisions of [this section](#) and rules adopted under its authority.

9. The division may charge agencies for services rendered and the payment received shall be considered appropriated receipts as defined in [section 8.2](#).

10. Except to the extent specified otherwise by statute, decisions of administrative law judges employed by the division are subject to review by the agencies for which they act as presiding officers as provided by [section 17A.15](#) or any other provision of law.

98 Acts, ch 1202, §3, 46; 2002 Acts, ch 1162, §11 – 13; 2003 Acts, ch 145, §130; 2016 Acts, ch 1057, §1; 2017 Acts, ch 171, §57 – 59, 62; 2023 Acts, ch 19, §1438, 1439; 2024 Acts, ch 1185, §98

Referred to in §10A.106, 10A.802, 17A.11, 20.6, 96.6, 216.15, 225C.61, 256.7, 256.159, 256B.6, 279.24, 453A.2, 455B.174, 476.2, 505.29, 903A.1

Subsection 9 amended

#### **10A.802 Administrative hearing electronic filing system — rules.**

1. Notwithstanding [section 10A.801, subsection 7](#), paragraph “b”, and [section 554D.120](#), the division may adopt rules pursuant to [this chapter](#) and [chapter 17A](#) establishing an electronic filing system for contested case and other administrative proceedings conducted by the division and prescribing whether and to what extent the division will accept, process, distribute, and retain electronic records and electronic signatures from appellants, governmental agencies, and other persons with respect to such proceedings.

2. If the division adopts rules pursuant to [subsection 1](#), the rules may include but are not limited to the following:

- a. Defining terms.

- b. The manner and format in which an electronic record is created, generated, sent, communicated, received, filed, recorded, and stored.
  - c. Establishing the electronic filing system to create, generate, send, communicate, receive, file, record, and store an electronic record.
  - d. How a traditional written signature will relate to an electronic signature.
  - e. The criteria establishing when an electronic document must be electronically signed.
  - f. The type of electronic signature required.
  - g. The manner and format in which an electronic signature is associated with an electronic record.
  - h. Who can create an electronic signature.
  - i. The criteria and procedures to follow when filing an electronic document, including who is allowed to file electronically, how notice is given, and electronic service of process.
  - j. Establishing processes and procedures to ensure adequate preservation, integrity, security, disposition, and audit worthiness of the electronic records.
  - k. Establishing the criteria for the retention of paper documents when deemed necessary to promote the integrity of electronic records.
  - l. Establishing the appropriate level of public access to differing classes of electronic records and other agency records to ensure the confidentiality of any records that are required by law to be confidential.
  - m. Establishing any other process or procedures attributable to creating, generating, communicating, storing, processing, and using electronic records and electronic signatures, and how these electronic records and electronic signatures will relate to nonelectronic agency records.
3. Rules adopted pursuant to [this section](#) shall provide for the division's acceptance of the filing of paper documents.
4. Rules adopted pursuant to [this section](#) shall prevail over any other law, including [chapter 17A](#), or agency rule that specifies the method, manner, or format for sending, receiving, serving, retaining, or creating paper records or other documents related to a contested case proceeding, including but not limited to a request or demand for a contested case proceeding, a notice of hearing, and a proposed or final decision. The division may limit the applicability and scope of any rules adopted pursuant to [this section](#) to one or more agencies or by specific case type for the purpose of testing and implementing an electronic filing system.
5. An electronic record that complies with the rules adopted under [this section](#) shall prevail over any law, including [chapter 17A](#), that requires a written record, and an electronic signature that complies with the rules adopted under [this section](#) shall prevail over any law that requires a written signature. An electronic record or signature that complies with rules adopted under [this section](#) shall not be denied legal effect or enforceability based solely because of the record's or signature's electronic form. The determination of an electronic record's or signature's legal consequence is determined by [this chapter](#), applicable law, and applicable division and agency rules.
6. Any electronic record, including but not limited to a recording or transcription of oral proceedings, maintained in an electronic filing system established by the division shall be the official record of the contested case and maintenance of the record in the system shall satisfy the obligation of an agency to file and maintain any such record.

[2016 Acts, ch 1057, §2](#)

**10A.803 through 10A.900** Reserved.

## SUBCHAPTER IX

### LEAD ABATEMENT PROGRAM

#### **10A.901 Definitions.**

For the purposes of [this subchapter](#), unless the context otherwise requires:

1. *a. “Child-occupied facility” means a building, or portion of a building, constructed prior to 1978, that is described by all of the following:*

(1) The building is visited on a regular basis by the same child, who is less than six years of age, on at least two different days within any week. For purposes of [this subsection](#), a week is a Sunday through Saturday period.

(2) Each day’s visit by the child lasts at least three hours, and the combined annual visits total at least sixty hours.

*b. A child-occupied facility may include but is not limited to a child care center, preschool, or kindergarten classroom. A child-occupied facility also includes common areas that are routinely used by children who are less than six years of age, such as restrooms and cafeterias, and the exterior walls and adjoining space of the building that are immediately adjacent to the child-occupied facility or the common areas routinely used by children under the age of six years.*

2. *“Target housing” means housing constructed prior to 1978 with the exception of housing for the elderly or for persons with disabilities and housing that does not contain a bedroom, unless at least one child, under six years of age, resides or is expected to reside in the housing.*

[2024 Acts, ch 1043, §11](#)

NEW section

#### **10A.902 Lead inspector, lead abater, and lead-safe renovator training and certification program established — civil penalty.**

1. The department shall establish a program for the training and certification of lead inspectors, lead abaters, and lead-safe renovators. The department shall maintain a listing, available to the public and to city and county health departments, of lead inspector, lead abater, and lead-safe renovator training programs that have been approved by the department, and of lead inspectors, lead abaters, and lead-safe renovators who have successfully completed the training program and have been certified by the department. A person may be certified as a lead inspector, a lead abater, or a lead-safe renovator, or may be certified to provide two or more of such services. However, a person who holds more than one such certification shall not provide inspection service and also provide abatement service or renovation service at the same site unless a written consent or waiver, following full disclosure by the person, is obtained from the owner or manager of the site.

2. A person who owns real property which includes a residential dwelling and who performs lead inspection, lead abatement, or renovation of the residential dwelling is not required to obtain certification to perform these measures, unless the residential dwelling is occupied by a person other than the owner or a member of the owner’s immediate family while the measures are being performed. However, the department shall encourage property owners who are not required to be certified to complete the applicable training course to ensure the use of appropriate and safe lead inspection, lead abatement, or lead-safe renovation procedures.

3. Except as otherwise provided in [this section](#), a person shall not perform lead abatement or lead inspections, and shall not perform renovations on target housing or a child-occupied facility, unless the person has completed a training program approved by the department and has obtained certification pursuant to [this section](#). All lead abatement and lead inspections; and lead inspector, lead abater, and lead-safe renovation training programs; and renovations on target housing or a child-occupied facility, shall be performed and conducted in accordance with work practice standards established by the department. A person shall not conduct a training program for lead inspectors, lead abaters, or lead-safe renovators unless the program has been submitted to and approved by the department.

4. A person who violates [this section](#) is subject to a civil penalty not to exceed five thousand dollars for each offense.

5. The department shall adopt rules regarding minimum requirements for lead inspector, lead abater, and lead-safe renovator training programs, certification, work practice standards, and suspension and revocation requirements, and shall implement the training and certification programs. Rules adopted pursuant to [this subsection](#) shall comply with

[chapter 272C](#). The department shall seek federal funding and shall establish fees in amounts sufficient to defray the cost of the programs. The fees shall be used for any of the department's duties under [this subchapter](#), including but not limited to the costs of full-time equivalent positions for program services and investigations. Fees received shall be considered appropriated receipts as defined in [section 8.2](#).

[96 Acts, ch 1161, §1, 4](#)

[C97, §135.105A](#)

[97 Acts, ch 159, §5; 98 Acts, ch 1100, §14; 2004 Acts, ch 1167, §2; 2009 Acts, ch 37, §1; 2010 Acts, ch 1192, §49, 73; 2019 Acts, ch 24, §104; 2020 Acts, ch 1103, §10, 31; 2023 Acts, ch 19, §1711](#)

[C2024, §10A.902](#)

[2024 Acts, ch 1185, §99](#)

Subsection 5 amended

**10A.903 Renovation, remodeling, and repainting — lead hazard notification process established.**

1. *a.* A person who performs renovation, remodeling, or repainting services for target housing or a child-occupied facility for compensation shall provide an approved lead hazard information pamphlet to the owner and occupant of the housing or facility prior to commencing the services. The department shall adopt rules to implement the renovation, remodeling, and repainting lead hazard notification process under [this section](#).

*b.* The rules shall include but are not limited to an authorization that the lead hazard notification to parents or guardians of the children attending a child-occupied facility may be completed by posting an informational sign and a copy of the approved lead hazard information pamphlet. The rules shall also address requirements for notification of parents or guardians of the children visiting a child-occupied facility when the facility is vacant for an extended period of time.

2. A person who violates [this section](#) is subject to a civil penalty not to exceed five thousand dollars for each offense.

[97 Acts, ch 159, §6, 24](#)

[CS97, §135.105C](#)

[2000 Acts, ch 1140, §22; 2001 Acts, ch 58, §4; 2009 Acts, ch 37, §2; 2023 Acts, ch 19, §1711](#)

[C2024, §10A.903](#)

[2024 Acts, ch 1043, §12](#)

Section amended