

CHAPTER 11
COMPLAINTS, INVESTIGATIONS, CONTESTED CASE HEARINGS
[Prior to 6/15/88, see Professional Teaching Practices Commission[640] Ch 2]
[Prior to 5/16/90, see Professional Teaching Practices Commission[287] Ch 2]

Chapter rescission date pursuant to Iowa Code section 17A.7: 2/26/30

282—11.1(17A,256) Scope and applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.2(17A) Definitions. Except where otherwise specifically defined by law:

“*Board*” means the board of educational examiners.

“*Complainant*” means any qualified party who files a complaint with the board.

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

“*In-person hearing*” means an appeal hearing where the administrative law judge and appellant are physically present in the same location but witnesses are not required to be physically present.

“*Issuance*” means the date of mailing of a decision or order or date of delivery if service is by other means unless another date is specified in the order.

“*Party*” means each person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party.

“*Presiding officer*” means an administrative law judge from the department of inspections, appeals, and licensing or the full board or a three-member panel of the board.

“*Proposed decision*” means the presiding officer’s recommended findings of fact, conclusions of law, decision, and order in a contested case in which the full board did not preside.

“*Respondent*” means any individual who is charged in a complaint with violating the criteria of professional practices or the criteria of competent performance.

[ARC 8810C, IAB 1/22/25, effective 2/26/25]

282—11.3(17A,256) Jurisdictional requirements.

11.3(1) The case must relate to alleged violation of the criteria of professional practices or the criteria of competent performance.

11.3(2) The magnitude of the alleged violation must be adequate to warrant a hearing by the board.

11.3(3) There must be sufficient evidence to support the complaint.

11.3(4) The complaint must be filed by a person who has personal knowledge of an alleged violation and must include a concise statement of facts that clearly and specifically apprises the respondent of the details of the allegation(s).

11.3(5) The complaint must be filed within three years of the occurrence of the conduct upon which it is based or discovery of the conduct by the complainant unless good cause can be shown for extension of this limitation or unless the conduct constitutes conduct described in Iowa Code section 256.160(1) “a”(1) (a).

11.3(6) The jurisdictional requirements must be met on the face of the complaint before the board may order an investigation of the allegation(s) of the complaint.

[ARC 8810C, IAB 1/22/25, effective 2/26/25]

282—11.4(17A,256) Complaint.

11.4(1) *Who may initiate.* The following entities may initiate a complaint:

- a. Licensed practitioners.
- b. School human resource directors.
- c. Recognized educational entities or local or state professional organizations.
- d. Local boards of education.
- e. Parents or guardians of students involved in the alleged complaint.

f. The executive director of the board of educational examiners if the following circumstances have been met:

- (1) The executive director receives information that a practitioner:
 1. Has been convicted of a felony criminal offense, or a misdemeanor criminal offense wherein the victim of the crime was 18 years of age or younger, and the executive director expressly determines within the complaint that the nature of the offense clearly and directly impacts the practitioner's fitness or ability to retain the specific license(s) or authorization(s) that the practitioner holds; or
 2. Has been the subject of a founded report of child abuse placed upon the central registry maintained by the department of health and human services pursuant to Iowa Code section 232.71D, and the executive director expressly determines within the complaint that the nature of the offense clearly and directly impacts the practitioner's fitness or ability to retain the specific license(s) or authorization(s) that the practitioner holds; or
 3. Has not met a reporting requirement stipulated by Iowa Code section 256.160, Iowa Code section 279.43, 281—subrule 102.11(2), 282—Chapter 11, or 282—Chapter 25; or
 4. Has falsified a license or authorization issued by the board; or
 5. Has submitted false information on a license or authorization application filed with the board; or
 6. Does not hold the appropriate license for the assignment for which the practitioner is currently employed; or
 7. Has assigned another practitioner to perform services for which the practitioner is not properly licensed; or
 8. Has failed to comply with a board order as prohibited by 282—paragraph 25.3(7)“c”; and
- (2) The executive director verifies the information or the alleged misconduct through review of official records maintained by the board, a court, the department of health and human services registry of founded child abuse reports, the practitioner licensing authority of another state, the department of education, the local school district, area education agency, or authorities in charge of the nonpublic school, or the executive director is presented with the falsified license; and
- (3) No other complaint has been filed.

g. The department of transportation if the licensee named in the complaint holds a behind-the-wheel instructor's certification issued by the department and the complaint relates to an incident or incidents arising during the course of driver's education instruction.

h. An employee of the department of education who, while performing official duties, becomes aware of any alleged misconduct by an individual licensed under Iowa Code section 256.146.

11.4(2) Form and content of the complaint.

a. The complaint will be in writing and signed by at least one complainant who has personal knowledge of an alleged violation of the board's rules or related state law or an authorized representative if the complainant is an organization. (An official form may be used. This form may be obtained from the board upon request, and a typed signature may be accepted.)

b. The complaint will show venue as “BEFORE THE BOARD OF EDUCATIONAL EXAMINERS” and will be captioned “COMPLAINT.”

c. The complaint will contain the following information:

- (1) The full name, address and telephone number of the complainant.
- (2) The full name, address and telephone number, if known, of the respondent.
- (3) A concise statement of the facts that clearly and specifically apprises the respondent of the details of the alleged violation of the criteria of professional practices or the criteria of competent performance and the relief sought by the complainant.
- (4) An explanation of the basis of the complainant's personal knowledge of the facts underlying the complaint.

11.4(3) Required copies—place and time of filing the complaint.

a. A copy of the complaint will be filed with the board.

b. The complaint will be delivered personally, electronically, or by mail to the office of the board. The current office address is 701 East Court Avenue, Suite A, Des Moines, Iowa 50309.

11.4(4) *Amendment or withdrawal of complaint.* A complaint or any specification thereof may be amended or withdrawn by the complainant at any time unless the complaint was filed in accordance with the required reporting requirements set forth in Iowa Code sections 256.146, 260.160, and 279.73. The parties to a complaint may mutually agree to the resolution of the complaint prior to a finding of probable cause unless the complaint was filed in accordance with the required reporting requirements set forth in Iowa Code sections 256.146, 256.160, and 279.73. The resolution must be committed to a written agreement and filed with the board. The agreement is not subject to approval by the board but will be acknowledged by the board and may be incorporated into an order of the board.

11.4(5) *Respondent entitled to copy of the complaint.* Immediately upon the board's determination that jurisdictional requirements have been met, the respondent will be provided a copy of the complaint or amended complaint and any supporting documents attached to the complaint at the time of filing.

11.4(6) *Voluntary surrender of license—agreement to accept lesser sanction.* A practitioner may voluntarily surrender the practitioner's license or agree to accept a lesser sanction from the board prior to or after the filing of a complaint with the board without admitting the truth of the allegations of the complaint if a complaint is on file with the board. In order to voluntarily surrender a license or submit to a sanction, the practitioner must waive the right to hearing before the board and notify the board of the intent to surrender or accept sanction. The board may issue an order permanently revoking the practitioner's license if it is surrendered, or implementing the agreed upon sanction. The board may decline to issue an agreed upon sanction if, in the board's judgment, the agreed upon sanction is not appropriate for the circumstances of the case.

11.4(7) *Investigation of license reports.*

a. Reports received by the board from another state, territory or other jurisdiction concerning licenses or certificate revocation or suspension will be reviewed and investigated by the board in the same manner as is prescribed in these rules for the review and investigation of written complaints.

b. Failure to report a license revocation, suspension or other disciplinary action taken by licensing authority of another state, territory or jurisdiction within 30 days of the final action by such licensing authority will constitute cause for initiation of an investigation.

11.4(8) *Timely resolution of complaints.* Complaints filed with the board will be resolved within 180 days unless good cause can be shown for an extension of this limitation. The board will provide notice to the parties to a complaint prior to taking action to extend this time limitation upon its own motion.

11.4(9) *Confidentiality.* Confidentiality requirements are set forth in Iowa Code section 256.158. Records related to written complaints will be collected and retained and will be evaluated if a similar complaint has been filed against the same licensed practitioner. A finding of probable cause, a final written decision, and a finding of fact by the board in a disciplinary proceeding constitute a public record.

[ARC 8810C, IAB 1/22/25, effective 2/26/25]

282—11.5(256) Investigation of complaints or license reports. The chairperson of the board or the chairperson's designee may request an investigator to investigate the complaint or report received by the board from another state, territory or other jurisdiction concerning license or certificate revocation or suspension pursuant to subrule 11.4(7); providing that the jurisdictional requirements have been met on the face of the complaint. The investigation will be limited to the allegations contained on the face of the complaint. The investigator may consult an assistant attorney general concerning the investigation or evidence produced from the investigation. Upon completion of the investigation, the investigator will prepare a report of the investigation for consideration by the board in determining whether probable cause exists.

[ARC 8810C, IAB 1/22/25, effective 2/26/25]

282—11.6(256) Ruling on the initial inquiry. Upon review of the investigator's report, the board may take any of the following actions:

11.6(1) Reject the case. If a determination is made by the board to reject the case, the complaint will be returned to the complainant along with a statement specifying the reasons for rejection. A letter of explanation concerning the decision of the board will be sent to the respondent.

11.6(2) Require further inquiry. If determination is made by the board to order further inquiry, the complaint and recommendations by the investigator(s) will be returned to the investigator(s) along with a statement specifying the information deemed necessary.

11.6(3) Accept the case. If a determination is made by the board that probable cause exists to conclude that the criteria of professional practices or the criteria of competent performance have been violated, notice may be issued, pursuant to rule 282—11.7(17A,256), and a formal hearing may be conducted in accordance with rules 282—11.7(17A,256) through 282—11.21(17A,256) unless a voluntary waiver of hearing has been filed by the respondent pursuant to the provisions of subrule 11.4(6). In determining whether to issue a notice of hearing, the board may consider the following:

- a. Whether the alleged violation is of sufficient magnitude to warrant a hearing by the board.
- b. Whether there is sufficient evidence to support the complaint.
- c. Whether the alleged violation was an isolated incident.
- d. Whether adequate steps have been taken at the local level to ensure similar behavior does not occur in the future.

11.6(4) Release the investigative report. If the board finds probable cause of a violation, the investigative report will be available to the respondent upon request. Information contained within the report is confidential and may be used only in connection with the disciplinary proceedings before the board.

[ARC 8810C, IAB 1/22/25, effective 2/26/25]

282—11.7(17A,256) Notice of hearing. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.8(17A,256) Presiding officer. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.9(17A,256) Waiver of procedures. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.10(17A,256) Telephone or electronic proceedings. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.11(17A,256) Disqualification. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.12(17A,256) Consolidation—severance. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.13(17A,256) Pleadings. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.14(17A,256) Service and filing of pleadings and other papers. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.15(17A,256) Discovery. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.16(17A,256) Subpoenas. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.17(17A,256) Motions. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.18(17A,256) Prehearing conference. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.19(17A,256) Continuances. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.20(17A,256) Intervention. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.21(17A,256) Hearing procedures. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.22(17A,256) Evidence. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.23(17A,256) Default. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.24(17A,256) Ex parte communication. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.25(17A,256) Recording costs. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.26(17A,256) Interlocutory appeals. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.27(17A,256) Final decision. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.28(17A,256) Appeals and review. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.29(17A,256) Applications for rehearing. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.30(17A,256) Stays of board actions. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.31(17A,256) No factual dispute contested cases. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.32(17A,256) Emergency adjudicative proceedings. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

282—11.33(256) Methods of discipline. The board has the authority to impose the following disciplinary sanctions:

1. Revoke a practitioner's license, certificate or authorization.
2. Suspend a practitioner's license, certificate or authorization until further order of the board or for a specific period.
3. Prohibit permanently, until further order of the board, or for a specific period, a practitioner from engaging in specified practices, methods, or acts.
4. Probation.
5. Require additional education or training.

6. Order a physical or mental evaluation, or order alcohol and drug screening within a time specified by the board.
7. Issue a public letter of reprimand.
8. Order any other resolution appropriate to the circumstances of the case.
9. Impose fees as provided in Iowa Code section 256.146(22).

[ARC 8810C, IAB 1/22/25, effective 2/26/25]

282—11.34(256) Reinstatement. Any person whose license, certificate or authorization to practice has been suspended may apply to the board for reinstatement in accordance with the terms and conditions of the order of the suspension.

11.34(1) All proceedings for reinstatement will be initiated by the respondent, who will file with the board an application for reinstatement. Such application will be docketed in the original case in which the license, certificate or authorization was suspended. All proceedings upon the application for reinstatement will be subject to the same rules of procedure as other cases before the board.

11.34(2) An application for reinstatement will allege facts that, if established, will be sufficient to enable the board to determine that the basis for the suspension of the respondent's license, certificate or authorization no longer exists and that it will be in the public interest for the license, certificate or authorization to be reinstated. The burden of proof to establish such facts will be on the respondent.

11.34(3) An order denying or granting reinstatement will be based upon a decision that incorporates findings of fact and conclusions of law. The board may grant reinstatement with or without conditions.

[ARC 8810C, IAB 1/22/25, effective 2/26/25]

282—11.35(256) Application denial and appeal. The executive director is authorized by Iowa Code section 256.151 to grant or deny applications for licensure. If the executive director denies an application for a license, certificate, or authorization, the executive director will send to the applicant by regular first-class mail written notice identifying the factual and legal basis for denying the application.

11.35(1) *Mandatory grounds for license denial.* The executive director will deny an application based on the grounds set forth in Iowa Code section 256.146(13).

11.35(2) *Conviction of a crime and founded child abuse.*

a. Disqualifying criminal convictions. The board shall deny an application for licensure pursuant to Iowa Code section 256.146(13), regardless of whether the judgment of conviction or sentence was deferred.

b. Other criminal convictions and founded child abuse. When determining whether a person should be denied licensure based on the conviction of any other crime, including a felony, or a founded report of child abuse, the executive director and the board will consider the following:

- (1) The nature and seriousness of the crime or founded abuse in relation to the position sought;
- (2) The time elapsed since the crime or founded abuse was committed;
- (3) The degree of rehabilitation that has taken place since the crime or founded abuse was committed;
- (4) The likelihood that the person will commit the same crime or abuse again;
- (5) The number of criminal convictions or founded abuses committed; and
- (6) Such additional factors as may in a particular case demonstrate mitigating circumstances or heightened risk to public safety.

11.35(3) *Speech and intellectual freedom protections.* The board may deny a license to or revoke the license of a person upon the board's finding by a preponderance of evidence that the person knowingly and intentionally discriminated against a student in violation of Iowa Code section 261H.2(3) or 279.73.

11.35(4) *Fraudulent applications.* An application will be considered fraudulent pursuant to Iowa Code section 256.146(13) "b"(2) if it contains any false representation of a material fact or any omission of a material fact that should have been disclosed at the time of application for licensure or is submitted with a false or forged diploma, certificate, affidavit, identification, or other document material to the applicant's qualification for licensure or material to any of the grounds for denial set forth in Iowa Code section 256.146(13).

11.35(5) *Appeal procedure.*

a. An applicant who is aggrieved by the denial of an application for licensure and who desires to challenge the decision of the executive director must appeal the decision and request a hearing before the board within 30 calendar days of the date the notice of license denial is mailed. An appeal and request for hearing must be in writing and is deemed made on the date of the United States Postal Service nonmetered postmark or the date of personal service to the board office. The request for hearing will specify the factual or legal errors the applicant contends were made by the executive director, must identify any factual disputes upon which the applicant desires an evidentiary hearing, and may provide additional written information or documents in support of licensure. If a request for hearing is timely made, the executive director will promptly issue a notice of contested case hearing on the grounds asserted by the applicant.

b. The board, in its discretion, may act as presiding officer at the contested case hearing, may hold the hearing before a panel of three board members, or may request that an administrative law judge act as presiding officer. The applicant may request that an administrative law judge act as presiding officer and render a proposed decision pursuant to rule 282—11.8(17A,256). A proposed decision by a panel of board members or an administrative law judge is subject to appeal or review by the board pursuant to rule 282—11.28(17A,256).

c. Hearings concerning licensure denial will be conducted according to the contested case procedural rules in this chapter. Evidence supporting the denial of the license may be presented by an assistant attorney general. While each party will have the burden of establishing the affirmative of matters asserted, the applicant will have the ultimate burden of persuasion as to the applicant's qualification for licensure.

d. On appeal, the board may grant or deny the application for licensure. If the application for licensure is denied, the board will state the reason or reasons for the denial and may state conditions under which the application could be granted, if applicable.

11.35(6) *Judicial review.* Judicial review of a final order of the board denying licensure may be sought in accordance with the provisions of Iowa Code section 17A.19, which are applicable to judicial review of an agency's final decision in a contested case. In order to exhaust administrative remedies, an applicant aggrieved by the executive director's denial of an application for licensure must timely appeal the adverse decision to the board.

[ARC 8810C, IAB 1/22/25, effective 2/26/25]

282—11.36(256) Denial of renewal application. If the executive director denies an application to renew a license, certificate or authorization, a notice of hearing will be issued to commence a contested case proceeding. The executive director may deny a renewal application on the same grounds as those that apply to an application for licensure described in subrules 11.35(1) through 11.35(4).

11.36(1) *Hearing procedure.* Hearings on denial of an application to renew a license will be conducted according to the contested case procedural rules in this chapter. Evidence supporting the denial of the license may be presented by an assistant attorney general.

11.36(2) *Judicial review.* Judicial review of a final order of the board denying renewal of licensure may be sought in accordance with the provisions of Iowa Code section 17A.19, which are applicable to judicial review of an agency's final decision in a contested case.

11.36(3) *Impact of denial of renewal application.* Pursuant to Iowa Code section 17A.18(2), if the licensee has made timely and sufficient application for renewal, an existing license will not expire until the last day for seeking judicial review of the board's final order denying the application or a later date fixed by order of the board or reviewing court.

11.36(4) *Timeliness of renewal application.* Within the meaning of Iowa Code section 17A.18(2), a timely and sufficient renewal application will be:

- a.* Received by the board on or before the date the license is set to expire or lapse;
- b.* Signed by the licensee and certified as accurate if submitted electronically;
- c.* Fully completed; and
- d.* Accompanied by the proper fee. The fee will be deemed improper if the amount is incorrect, the fee was not included with the application, or the licensee's check is unsigned or returned for insufficient funds.

[ARC 8810C, IAB 1/22/25, effective 2/26/25]

282—11.37(256) Required reports. Reports are required to be made pursuant to Iowa Code sections 256.146, 256.160, and 279.73.

[ARC 8810C, IAB 1/22/25, effective 2/26/25]

282—11.38(256) Denial of application during a pending professional practices case. The executive director may deny an application for a license, authorization, certificate, or statement of recognition if the applicant is currently under investigation and probable cause has been determined by the board.

[ARC 8810C, IAB 1/22/25, effective 2/26/25]

These rules are intended to implement Iowa Code chapters 17A and 256.

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◇ Two or more ARCs

- ¹ Effective date of 282—Ch 11 delayed 45 days by the Administrative Rules Review Committee at its meeting held March 10, 2000; delay lifted by the Committee at its meeting held April 7, 2000, effective April 8, 2000.
- ¹ Effective date of ARC 8406B delayed until the adjournment of the 2010 Session of the General Assembly by the Administrative Rules Review Committee at its meeting held January 5, 2010.