

661—159.11(901D) Participating jurisdiction requirements.

159.11(1) Program requirements. As a participating jurisdiction of the 24/7 program, the participating jurisdiction shall:

a. Designate the law enforcement agency or third-party provider that will administer, implement and enforce the 24/7 program. More than one law enforcement agency or third-party provider may be designated.

b. Provide one or more locations for testing persons who are participating in the 24/7 program for the presence of alcohol or a controlled substance.

c. Ensure that each designated location is available at least twice per day, seven days per week for persons to be tested, during hours designated by the law enforcement agency.

d. Ensure that personnel who administer tests and collect bodily specimens for testing at the location have all required training and certifications to use or operate the testing equipment or devices.

e. Provide testing equipment and devices.

f. Designate the law enforcement agency that will be responsible to collect program fees from persons subject to testing and use program fees to pay for the participating jurisdiction's costs to administer the program and purchase or maintain testing equipment and devices.

g. Provide for and apply immediate sanctions for failed tests.

h. Provide for and apply timely sanctions for failed tests.

i. Provide test results to the court, prosecutor, and person's attorney and also provide test results and other required program information to the program data management system.

j. Provide for one or more alternative testing methods, if such methods have been approved by the commissioner, in cases of persons for whom testing at least twice per day creates a documented hardship or is geographically impractical.

k. Designate the law enforcement agency to establish and maintain a 24/7 program account, place all program fees collected into the account and use the funds in the account only for the purposes of administering and operating the 24/7 program, including but not limited to paying for the services of a third-party provider. The funds in the account shall be considered public funds and shall be subject to the rules and policies of the state auditor's office.

l. Establish a program that is administered by the law enforcement agency to accept public or private grant funds, gifts, or donations and use the funds received to support program activities, including but not limited to the payment of fees for indigent persons. The funds collected under this program shall be deposited and held in the 24/7 program account.

m. Provide reports to the department as required.

n. Ensure that an audit of the 24/7 program account is conducted at least annually and make the audit report available to the department upon request.

o. Maintain sufficient security protocols to protect the personal information of persons subject to testing from unauthorized use.

p. Be approved by the department as a participating jurisdiction.

159.11(2) Third-party provider. A participating jurisdiction may designate a third-party provider to provide testing services as described in subrule 159.11(1), except, that the third-party provider shall not provide any of the requirements in paragraphs 159.11(1) "f," "g," "h," "k," and "l." The department shall review any third-party provider designated by the participating jurisdiction as a part of the application process. A third-party provider must be approved by the department before providing any service of the 24/7 program.

159.11(3) Application. A county or city that desires to become a participating jurisdiction shall submit an application to the department. The application shall be made on a form provided by the department, which is available at www.dps.state.ia.us/commis/gtsb/index.shtml. The department shall notify the participating jurisdiction whether it has been approved to participate in the 24/7 program. Approval shall be in the sole discretion of the department.

[ARC 4010C, IAB 9/26/18, effective 10/8/18]