

NOV 28 2001

CAPITOL BUILDING
DES MOINES, IA



IOWA ADMINISTRATIVE BULLETIN

Published Biweekly

VOLUME XXIV
November 28, 2001

NUMBER 11
Pages 777 to 864

CONTENTS IN THIS ISSUE

Pages 795 to 857 include **ARC 1131B** to **ARC 1154B**

AGENDA

Administrative rules review committee 782

ALL AGENCIES

Schedule for rule making 780
Publication procedures 781
Administrative rules on CD-ROM 781
Agency identification numbers 793

CITATION OF ADMINISTRATIVE RULES 779

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Filed, Codes of conduct, 12.1 **ARC 1134B** 850

EXECUTIVE DEPARTMENT

Executive Order Number 24 858
Proclamation—Extraordinary session of 79GA 860

HUMAN SERVICES DEPARTMENT[441]

Notice, Burial benefits, rescind ch 56
ARC 1131B 795
Notice, Iowa Veterans Home—submission of
semiannual cost reports; nursing facilities—
Medicaid rates, 81.6, 81.10(7) **ARC 1136B** 795
Notice, PROMISE JOBS—payment to child
care providers, 93.110, 93.114(12), 170.2(4),
170.4, 170.5, 170.8 **ARC 1154B** 796
Notice, Family-life program, 111.1, 111.2,
111.3(1), 111.6, 111.9(1), 111.10 **ARC 1137B** 797

INSURANCE DIVISION[191]

COMMERCE DEPARTMENT[181]"umbrella"

Notice of proposed workers' compensation
rate filing 798
Filed, Financial and health information
regulation, 90.1, 90.2, 90.17 to 90.26
ARC 1135B 850

MEDICAL EXAMINERS BOARD[653]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Notice, Scores on SPEX and
COMVEX-USA, 9.1, 11.1 **ARC 1151B** 798
Notice, Impaired physician review committee,
14.1 to 14.10 **ARC 1153B** 799

NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Notice, Nonresident deer hunting, 94.1 to 94.3,
94.5 to 94.11 **ARC 1149B** 801
Filed, Snowmobile and all-terrain vehicle
registration revenue cost-share program, ch 28
ARC 1152B 852
Filed, Game management areas—shooting
ranges, 51.3(1)"j" **ARC 1148B** 856
Filed, Sport fishing, 81.1, 81.2 **ARC 1150B** 856

PROFESSIONAL LICENSURE DIVISION[645]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Notice, Barbers, rescind chs 20 to 23; adopt
chs 20 to 26 **ARC 1139B** 803
Notice, Cosmetology, 60.1, 60.8(2), 60.9,
60.10, 61.1, 62.1, 64.2(1), 64.6, 64.10(4)
ARC 1140B 813

PUBLIC HEALTH DEPARTMENT[641]

Notice, Maternal and child health program,
76.1, 76.3 to 76.7, 76.9 to 76.12, 76.13(4),
76.15, 76.17 **ARC 1146B** 815
Notice, Abuse education review panel, ch 93
ARC 1145B 819
Notice, EMS provider education/training/
certification, 131.1 to 131.4 **ARC 1144B** 820
Notice, EMS—service program authorization,
132.1, 132.2, 132.7 to 132.9, 132.14, 132.15(1)
ARC 1143B 823
Notice, Adoption by reference—trauma care
facility categorization and verification
and trauma triage and transfer protocols,
134.2(3), 135.2(1) **ARC 1142B** 828
Notice, Appeals—competitive grants,
176.8 **ARC 1141B** 829

PUBLIC HEARINGS

Summarized list 786

REAL ESTATE APPRAISER EXAMINING BOARD[193F]

Professional Licensing and Regulation Division[193]

COMMERCE DEPARTMENT[181]"umbrella"

Notice, Rescind chs 1 to 11; adopt chs 1 to 12
ARC 1132B 830

PREFACE

The Iowa Administrative Bulletin is published biweekly in pamphlet form pursuant to Iowa Code chapters 2B and 17A and contains Notices of Intended Action on rules, Filed and Filed Emergency rules by state agencies.

It also contains Proclamations and Executive Orders of the Governor which are general and permanent in nature; Economic Impact Statements to proposed rules and filed emergency rules; Objections filed by Administrative Rules Review Committee, Governor or the Attorney General; and Delay by the Committee of the effective date of filed rules; Regulatory Flexibility Analyses and Agenda for monthly Administrative Rules Review Committee meetings. Other "materials deemed fitting and proper by the Administrative Rules Review Committee" include summaries of Public Hearings, Attorney General Opinions and Supreme Court Decisions.

The Bulletin may also contain Public Funds Interest Rates [12C.6]; Workers' Compensation Rate Filings [515A.6(7)]; Usury [535.2(3)"a"]; Agricultural Credit Corporation Maximum Loan Rates [535.12]; and Regional Banking—Notice of Application and Hearing [524.1905(2)].

PLEASE NOTE: *Italics* indicate new material added to existing rules; ~~strike through letters~~ indicate deleted material.

Subscriptions and Distribution Telephone: (515)242-5120
Fax: (515)242-5974

KATHLEEN K. BATES, Administrative Code Editor Telephone: (515)281-3355
STEPHANIE A. HOFF, Assistant Editor (515)281-8157
Fax: (515)281-4424

SUBSCRIPTION INFORMATION

Iowa Administrative Bulletin

The Iowa Administrative Bulletin is sold as a separate publication and may be purchased by subscription or single copy. All subscriptions will expire on June 30 of each year. Subscriptions must be paid in advance and are prorated quarterly.

July 1, 2001, to June 30, 2002	\$273.00 plus \$16.38 sales tax
October 1, 2001, to June 30, 2002	\$215.00 plus \$12.90 sales tax
January 1, 2002, to June 30, 2002	\$144.50 plus \$8.67 sales tax
April 1, 2002, to June 30, 2002	\$72.00 plus \$4.32 sales tax

Single copies may be purchased for \$20.50 plus \$1.23 sales tax.

Iowa Administrative Code

The Iowa Administrative Code and Supplements are sold in complete sets and subscription basis only. All subscriptions for the Supplement (replacement pages) must be for the complete year and will expire on June 30 of each year.

Prices for the Iowa Administrative Code and its Supplements are as follows:

Iowa Administrative Code - \$1,252.75 plus \$75.17 sales tax

(Price includes 22 volumes of rules and index, plus a one-year subscription to the Code Supplement and the Iowa Administrative Bulletin. Additional binders may be purchased for \$11.75 plus \$.71 sales tax.)

Iowa Administrative Code Supplement - \$440.50 plus \$26.43 sales tax

(Subscription expires June 30, 2002)

All checks should be made payable to the Iowa State Printing Division. Send all inquiries and subscription orders to:

**Customer Service Center
Department of General Services
Hoover State Office Building, Level A
Des Moines, IA 50319
Telephone: (515)242-5120**

REGENTS BOARD[681]

Filed Emergency, Regent merit system
reduction in force plan, 3.104(4)
ARC 1138B 849

**TELECOMMUNICATIONS AND TECHNOLOGY
COMMISSION, IOWA[751]**

Notice, Contested cases; purchasing, 4.2, 4.5(2),
4.9, 4.29(2), 4.31(1), 5.1, 5.2, 5.17, 5.18(8)
ARC 1147B 842

TRANSPORTATION DEPARTMENT[761]

Notice, Vehicle registration and certificate
of title, 400.1, 400.3, 400.4(5), 400.5,
400.7, 400.12, 400.14, 400.16(3),
400.30(3), 400.40, 400.50(1), 400.57,
400.60 **ARC 1133B** 845

USURY

Notice 848

CITATION of Administrative Rules

The Iowa Administrative Code shall be cited as (agency identification number) IAC (chapter, rule, subrule, lettered paragraph, or numbered subparagraph).

441 IAC 79	(Chapter)
441 IAC 79.1(249A)	(Rule)
441 IAC 79.1(1)	(Subrule)
441 IAC 79.1(1)“a”	(Paragraph)
441 IAC 79.1(1)“a”(1)	(Subparagraph)

The Iowa Administrative Bulletin shall be cited as IAB (volume), (number), (publication date), (page number), (ARC number).

Schedule for Rule Making 2001

NOTICE SUBMISSION DEADLINE	NOTICE PUB. DATE	HEARING OR COMMENTS 20 DAYS	FIRST POSSIBLE ADOPTION DATE 35 DAYS	ADOPTED FILING DEADLINE	ADOPTED PUB. DATE	FIRST POSSIBLE EFFECTIVE DATE	POSSIBLE EXPIRATION OF NOTICE 180 DAYS
Dec. 22 '00	Jan. 10 '01	Jan. 30 '01	Feb. 14 '01	Feb. 16 '01	Mar. 7 '01	Apr. 11 '01	July 9 '01
Jan. 5	Jan. 24	Feb. 13	Feb. 28	Mar. 2	Mar. 21	Apr. 25	July 23
Jan. 19	Feb. 7	Feb. 27	Mar. 14	Mar. 16	Apr. 4	May 9	Aug. 6
Feb. 2	Feb. 21	Mar. 13	Mar. 28	Mar. 30	Apr. 18	May 23	Aug. 20
Feb. 16	Mar. 7	Mar. 27	Apr. 11	Apr. 13	May 2	June 6	Sept. 3
Mar. 2	Mar. 21	Apr. 10	Apr. 25	Apr. 27	May 16	June 20	Sept. 17
Mar. 16	Apr. 4	Apr. 24	May 9	May 11	May 30	July 4	Oct. 1
Mar. 30	Apr. 18	May 8	May 23	May 25	June 13	July 18	Oct. 15
Apr. 13	May 2	May 22	June 6	June 8	June 27	Aug. 1	Oct. 29
Apr. 27	May 16	June 5	June 20	June 22	July 11	Aug. 15	Nov. 12
May 11	May 30	June 19	July 4	July 6	July 25	Aug. 29	Nov. 26
May 25	June 13	July 3	July 18	July 20	Aug. 8	Sept. 12	Dec. 10
June 8	June 27	July 17	Aug. 1	Aug. 3	Aug. 22	Sept. 26	Dec. 24
June 22	July 11	July 31	Aug. 15	Aug. 17	Sept. 5	Oct. 10	Jan. 7 '02
July 6	July 25	Aug. 14	Aug. 29	Aug. 31	Sept. 19	Oct. 24	Jan. 21 '02
July 20	Aug. 8	Aug. 28	Sept. 12	Sept. 14	Oct. 3	Nov. 7	Feb. 4 '02
Aug. 3	Aug. 22	Sept. 11	Sept. 26	Sept. 28	Oct. 17	Nov. 21	Feb. 18 '02
Aug. 17	Sept. 5	Sept. 25	Oct. 10	Oct. 12	Oct. 31	Dec. 5	Mar. 4 '02
Aug. 31	Sept. 19	Oct. 9	Oct. 24	Oct. 26	Nov. 14	Dec. 19	Mar. 18 '02
Sept. 14	Oct. 3	Oct. 23	Nov. 7	Nov. 9	Nov. 28	Jan. 2 '02	Apr. 1 '02
Sept. 28	Oct. 17	Nov. 6	Nov. 21	Nov. 23	Dec. 12	Jan. 16 '02	Apr. 15 '02
Oct. 12	Oct. 31	Nov. 20	Dec. 5	Dec. 7	Dec. 26	Jan. 30 '02	Apr. 29 '02
Oct. 26	Nov. 14	Dec. 4	Dec. 19	***Dec. 19***	Jan. 9 '02	Feb. 13 '02	May 13 '02
Nov. 9	Nov. 28	Dec. 18	Jan. 2 '02	Jan. 4 '02	Jan. 23 '02	Feb. 27 '02	May 27 '02
Nov. 23	Dec. 12	Jan. 1 '02	Jan. 16 '02	Jan. 18 '02	Feb. 6 '02	Mar. 13 '02	June 10 '02
Dec. 7	Dec. 26	Jan. 15 '02	Jan. 30 '02	Feb. 1 '02	Feb. 20 '02	Mar. 27 '02	June 24 '02
Dec. 19	Jan. 9 '02	Jan. 29 '02	Feb. 13 '02	Feb. 15 '02	Mar. 6 '02	Apr. 10 '02	July 8 '02
Jan. 4 '02	Jan. 23 '02	Feb. 12 '02	Feb. 27 '02	Mar. 1 '02	Mar. 20 '02	Apr. 24 '02	July 22 '02

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
13	Friday, December 7, 2001	December 26, 2001
14	Wednesday, December 19, 2001***	January 9, 2002
15	Friday, January 4, 2002	January 23, 2002

PLEASE NOTE:

Rules will not be accepted after **12 o'clock noon** on the Friday filing deadline days unless prior approval has been received from the Administrative Rules Coordinator's office.

If the filing deadline falls on a legal holiday, submissions made on the following Monday will be accepted.

***Note change of filing deadline

PUBLICATION PROCEDURES

TO: Administrative Rules Coordinators and Text Processors of State Agencies
FROM: Kathleen K. Bates, Iowa Administrative Code Editor
SUBJECT: Publication of Rules in Iowa Administrative Bulletin

The Administrative Code Division uses Interleaf 6 to publish the Iowa Administrative Bulletin and can import documents directly from most other word processing systems, including Microsoft Word, Word for Windows (Word 7 or earlier), and WordPerfect.

1. To facilitate the publication of rule-making documents, we request that you send your document(s) as an attachment(s) to an E-mail message, addressed to both of the following:

bruce.carr@legis.state.ia.us and
kathleen.bates@legis.state.ia.us

2. Alternatively, you may send a PC-compatible diskette of the rule making. Please indicate on each diskette the following information: agency name, file name, format used for exporting, and chapter(s) amended. Diskettes may be delivered to the Administrative Code Division, First Floor South, Grimes State Office Building, or included with the documents submitted to the Governor's Administrative Rules Coordinator.

Please note that changes made prior to publication of the rule-making documents are reflected on the hard copy returned to agencies by the Governor's office, but not on the diskettes; diskettes are returned unchanged.

Your cooperation helps us print the Bulletin more quickly and cost-effectively than was previously possible and is greatly appreciated.

IOWA ADMINISTRATIVE RULES and IOWA COURT RULES on CD-ROM 2001 SUMMER EDITION

Containing: **Iowa Administrative Code** (updated through June 2001)
Iowa Administrative Bulletins (January 2001 through June 2001)
Iowa Court Rules (updated through June 2001)

For free brochures and order forms contact:

Legislative Service Bureau
Attn: Ms. Stephanie Runde
State Capitol
Des Moines, Iowa 50319
Telephone: (515)281-3566 Fax: (515)281-8027
lsbinfo@staff.legis.state.ia.us

The Administrative Rules Review Committee will hold a two-day meeting on Tuesday, December 11, 2001, at 10 a.m. and Wednesday, December 12, 2001, at 9 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

ACCOUNTANCY EXAMINING BOARD[193A]

Professional Licensing and Regulation Division[193]
COMMERCE DEPARTMENT[181]"umbrella"

Transitional rules, adopt ch 19, Filed **ARC 1108B** 11/14/01

DENTAL EXAMINERS BOARD[650]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Applications for dental and dental hygiene licensure and local anesthesia permits,
ch 11 title, 11.1 to 11.11, Notice **ARC 1120B** 11/14/01

Examinations for dental and dental hygiene licensure, ch 12 title, 12.1, 12.3, 12.4(3), 12.5, Notice **ARC 1119B** 11/14/01

Licensure renewal, 14.1 to 14.5, Notice **ARC 1118B** 11/14/01

Licensure renewal or reinstatement—proof of current certification in cardiopulmonary resuscitation,
14.1(4), 14.3(4), 14.5(1)"i," 25.2(10), Notice **ARC 1117B** 11/14/01

Continuing education, 25.2(1), 25.2(2), 25.2(4), 25.2(5), 25.2(9), 25.3(3) to 25.3(6), 25.3(7)"b," 25.3(8), 25.4(2), 25.4(3),
25.5, 25.7, 25.10, Notice **ARC 1116B** 11/14/01

Unethical and unprofessional conduct, 27.9, Notice **ARC 1115B** 11/14/01

Oral and maxillofacial radiology, 28.1, 28.10, Notice **ARC 1114B** 11/14/01

Discipline; impaired practitioner review committee, 30.1, 30.2, 30.4"4," "7," "11," "13," "24" to "29," "35" and "37,"
30.5; adopt ch 35; 35.1, 35.1(2), 35.1(4)"a," 35.1(5), Notice **ARC 1113B** 11/14/01

Duties of peer review committees; mandatory reporting; recoupment of costs associated with monitoring
compliance with settlement agreement, 31.8, 31.13, 51.19(9), Notice **ARC 1112B** 11/14/01

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

Iowa jobs training program—entrepreneurial training, 7.17, 7.18, 7.18(1), 7.18(2), 7.19 to 7.21, 7.21(4),
7.22 to 7.33, Filed Emergency After Notice **ARC 1081B** 11/14/01

Certified school to career program, 11.2, 11.3(8) to 11.3(10), 11.4(1), Filed **ARC 1082B** 11/14/01

New jobs and income program, 58.1 to 58.4, Notice **ARC 1079B** 11/14/01

Enterprise zone program, 59.1, 59.2, 59.3(4), 59.5, 59.6, 59.8 to 59.12, 59.12(7), 59.13, 59.14, Notice **ARC 1080B** 11/14/01

Applications for financial assistance—additional points for projects located in brownfield,
blighted or distressed areas, 168.92 to 168.100, ch 168 div III, 168.101 to 168.103, Filed **ARC 1083B** 11/14/01

ENGINEERING AND LAND SURVEYING EXAMINING BOARD[193C]

Professional Licensing and Regulation Division[193]
COMMERCE DEPARTMENT[181]"umbrella"

Administration; fees; licensure; seal and certificate of responsibility; professional development;
professional conduct; complaints, investigations and disciplinary action; peer review; minimum standards
for property surveys; minimum standards for U.S. public land survey corner certificates;
civil penalties for unlicensed practice, rescind chs 1 to 7, adopt chs 1 to 13, Filed **ARC 1094B** 11/14/01

ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Drinking water and wastewater revolving loan funds, 44.1 to 44.4, 44.5(1), 44.5(3), 44.6(1), 44.6(2)"d,"
44.7(1), 44.7(3), 44.7(4), 44.7(7), 44.8(2), 44.9(1), 44.9(2)"f" and "h," 44.9(3), 44.12, 44.13(2)"b,"
44.14, 44.16, 92.2, 92.3, 92.4(1), 92.4(2)"a," 92.4(4), 92.4(6), 92.4(7), 92.4(9), 92.5(1), 92.5(2), 92.6(2),
92.8(1), 92.9(1)"c," 92.10, 92.10(2)"f," 92.10(3), 92.10(3)"d," 92.11(2)"c" to "e" and "g," 92.11(3)"c" and "d,"
93.5(1)"b," Notice **ARC 1122B**, also Filed Emergency **ARC 1121B** 11/14/01

Definition of "storm water discharge associated with industrial activity," 60.2, Notice **ARC 1124B** 11/14/01

Transportation of radioactive materials in Iowa, rescind ch 132, Notice **ARC 1123B** 11/14/01

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Political contributions or attendance at political events by board or staff,
12.1(3), 12.1(5), 12.1(7), Filed **ARC 1134B** 11/28/01

HUMAN SERVICES DEPARTMENT[441]

Granting assistance; PROMISE JOBS program; Iowa transitional assistance for direct education costs program, 41.24(2)"d,"
41.24(7), 41.24(8)"f"(1), 41.27(1)"g," 41.28(1), 41.28(1)"b"(3)"2," 41.28(2)"b"(3), 93.110(6)"e"(1) and (3),
93.114(14)"f"(1), (2) and (8), 93.132, 93.134, 93.134"6," 93.138(2)"b," 93.138(3)"a" and "b,"
93.138(3)"b"(1) and (2), rescind ch 94, Notice **ARC 1076B** 11/14/01

FIP eligibility under self-employment demonstration projects—phase-out of 12-month waiver period,
48.24, Notice **ARC 1075B** 11/14/01

Burial benefits, rescind ch 56, Notice **ARC 1131B** 11/28/01

AIDS/HIV health insurance premium payment program, 75.22, 75.22(1)"c," 75.22(2)"a," 75.22(10), Notice **ARC 1077B** ... 11/14/01

HUMAN SERVICES DEPARTMENT[441] (Cont'd)

Rehabilitative treatment service providers—cross-reference correction, 77.38, <u>Notice ARC 1085B</u>	11/14/01
Indian health service 638 facilities, 77.45, 78.51, 79.1(1)“h,” 79.1(2), 79.14(1)“b”(28), 80.2(2)“as,” <u>Notice ARC 1086B</u> ...	11/14/01
Nurse-midwife services and claims—removal of restrictions, 78.29(1) to 78.29(3), 78.29(5), 78.29(8), <u>Notice ARC 1087B</u>	11/14/01
Nursing facilities—medicaid rates, submission of cost reports by Iowa veterans home, 81.6(3), 81.6(17), 81.10(7), <u>Notice ARC 1136B</u>	11/28/01
PROMISE JOBS program, child care services, 93.110, 93.114(12)“b,” 170.2(4), 170.4(3), 170.4(3)“a,” “d,” “g” and “h,” 170.4(7), 170.5, 170.8, <u>Notice ARC 1154B</u>	11/28/01
Family-life homes, 111.1, 111.2(1), 111.2(3) to 111.2(5), 111.3(1), 111.6(1), 111.6(3), 111.9(1), 111.10, <u>Notice ARC 1137B</u>	11/28/01

INSPECTIONS AND APPEALS DEPARTMENT[481]

Iowa targeted small business certification program—capital contributions, definition of “experience or expertise,” 25.1, 25.4(5)“b” to “d,” <u>Notice ARC 1110B</u>	11/14/01
Overpayment collection for child care assistance program, 71.1, 71.5(1), 71.5(1)“a,” 71.5(1)“d”(2), 71.5(1)“e”(2), 71.5(2)“a,” <u>Notice ARC 1111B</u>	11/14/01
Discounting of raffle tickets, 100.32(3), <u>Notice ARC 1109B</u>	11/14/01

INSURANCE DIVISION[191]

COMMERCE DEPARTMENT[181]“umbrella”

Licensing of insurance producers, ch 10 div I, 10.1 to 10.25, <u>Filed ARC 1125B</u>	11/14/01
Motor vehicle service contracts, ch 23, <u>Filed ARC 1104B</u>	11/14/01
Insurance coverage for approved method of contraception, 35.39(1)“h,” 71.24(1)“h,” 75.18(1)“h,” <u>Filed Emergency ARC 1100B</u>	11/14/01
Disclosure of nonpublic personal health information, ch 90 title, 90.1(1), 90.1(2), 90.2, ch 90 div I title, ch 90 div II, 90.17 to 90.26, 90.26(4), <u>Filed ARC 1135B</u>	11/28/01

LABOR SERVICES DIVISION[875]

WORKFORCE DEVELOPMENT DEPARTMENT[871]“umbrella”

Recording and reporting occupational injuries and illness, 4.1 to 4.19, <u>Notice ARC 1099B</u>	11/14/01
---	----------

LANDSCAPE ARCHITECTURAL EXAMINING BOARD[193D]

Professional Licensing and Regulation Division[193]

COMMERCE DEPARTMENT[181]“umbrella”

Sealing and certifying documents; documentation of experience necessary for registration; frequency of national examination; registration renewal; fees, 1.1, 1.7(1), 2.2(2), 2.4, 2.5(4)“g,” 2.8 to 2.10, <u>Notice ARC 0528B Terminated</u> , also <u>Notice ARC 1090B</u>	11/14/01
--	----------

MEDICAL EXAMINERS BOARD[653]

PUBLIC HEALTH DEPARTMENT[641]“umbrella”

Passing scores for special licensure examination and comprehensive osteopathic medical variable-purpose examination, 9.1, 11.1, <u>Notice ARC 1151B</u>	11/28/01
Passing score for test of English as a foreign language (TOEFL), 10.4(3)“a”(4), <u>Notice ARC 1091B</u>	11/14/01
Impaired physician review committee, ch 14, <u>Notice ARC 1153B</u>	11/28/01
Acupuncturists—English proficiency test requirements, 17.3, 17.4(1)“c”(2), <u>Notice ARC 1092B</u>	11/14/01

NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]“umbrella”

Snowmobile and all-terrain vehicle registration revenue cost-share program, ch 28, <u>Filed ARC 1152B</u>	11/28/01
Removal of Badger Creek area from list of shooting ranges, 51.3(1)“j,” <u>Filed ARC 1148B</u>	11/28/01
Sport fishing—territories, daily bag limits, possession limits, and length limits, 81.1, 81.2(3) to 81.2(5), 81.2(11)“7” and “8,” 81.2(12), <u>Filed ARC 1150B</u>	11/28/01
Nonresident deer hunting, 94.1 to 94.3, 94.5(2) to 94.5(5), 94.6, 94.7(3), 94.7(4), 94.8, 94.10, 94.10(1), 94.10(7), 94.11, <u>Notice ARC 1149B</u>	11/28/01

PERSONNEL DEPARTMENT[581]

IPERS, 21.6(4), 21.6(7), 21.6(8), 21.6(9)“b,” “c” and “e,” 21.8(1), 21.8(1)“b,” 21.8(1)“b”(4), 21.8(4)“b” and “e,” 21.24(14)“a”(1), <u>Notice ARC 1129B</u> , also <u>Filed Emergency ARC 1130B</u>	11/14/01
--	----------

PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD, IOWA COMPREHENSIVE[591]

Petitions for rule making, ch 2, <u>Notice ARC 1106B</u>	11/14/01
Declaratory orders, ch 3, <u>Notice ARC 1105B</u>	11/14/01
Board procedure for rule making, ch 4, <u>Notice ARC 1101B</u>	11/14/01
Remedial or insurance claims, ch 11, <u>Notice ARC 1102B</u>	11/14/01
Guaranteed loan program, ch 12, <u>Notice ARC 1103B</u>	11/14/01

PRESERVES, STATE ADVISORY BOARD FOR[575]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

- Management plans, 2.2(2), Notice ARC 1088B 11/14/01
 State preserves—management and use, 2.2(2), Filed Emergency ARC 1089B 11/14/01

PROFESSIONAL LICENSURE DIVISION[645]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

- Barber examiners, chs 20 to 26, Notice ARC 1139B 11/28/01
 Cosmetology arts and sciences examiners, 60.1, 60.8(2)"c" and "e," 60.9, 60.10(4) to 60.10(6), 61.1(1),
 61.1(6)"a," "c" and "d," 62.1(8), 62.1(16), 62.1(18), 64.2(1), 64.6"4" to "7," 64.10(4), Notice ARC 1140B 11/28/01

PUBLIC HEALTH DEPARTMENT[641]

- Maternal and child health program, 76.1, 76.3 to 76.5, 76.5(1)"c" and "e" to "i," 76.5(2)"c" and "f,"
 76.5(3)"a," "c" and "g" to "i," 76.5(4), 76.6(1)"b" and "c," 76.6(5), 76.7(1), 76.7(7), 76.9, 76.10, 76.11(1) to 76.11(3),
 76.12, 76.13(4), 76.15, 76.17, Notice ARC 1146B 11/28/01
 Abuse education review panel, adopt ch 93, Notice ARC 1145B 11/28/01
 Emergency medical services provider education/training/certification, 131.1, 131.2, 131.3(1)"o" and "r" to "v,"
 131.3(2), 131.3(3)"p" and "h," 131.3(4)"b"(7), 131.3(4)"e"(1), (15) and (16), 131.3(8), 131.3(9), 131.4(1),
 131.4(4), 131.4(6), 131.4(9), Notice ARC 1144B 11/28/01
 Emergency medical services—service program authorization, 132.1, 132.2(2), 132.2(4), 132.2(5), 132.7(1)"i,"
 132.7(3), 132.7(6), 132.8, 132.9(2) to 132.9(6), 132.14(1), 132.14(2), 132.15(1), Notice ARC 1143B 11/28/01
 Trauma care facilities and protocols—cross references updated, 134.2(3), 135.2(1)"a," Notice ARC 1142B 11/28/01
 Appeal process for competitive grants, 176.8, Notice ARC 1141B 11/28/01

RACING AND GAMING COMMISSION[491]

INSPECTIONS AND APPEALS DEPARTMENT[481]"umbrella"

- Purse information, 5.5(10), Notice ARC 1078B 11/14/01

REAL ESTATE APPRAISER EXAMINING BOARD[193F]

Professional Licensing and Regulation Division[193]

COMMERCE DEPARTMENT[181]"umbrella"

- Organization and administration; examinations; associate real property appraiser;
 certified residential real property appraiser; certified general real property appraiser;
 discipline; renewal, expiration and reinstatement of certificates or registration; reciprocity;
 continuing education; fees, rescind chs 1 to 11; adopt new chs 1 to 12, Notice ARC 1132B 11/28/01

REGENTS BOARD[681]

- Reduction in force, 3.104(4), Filed Emergency ARC 1138B 11/28/01

REVENUE AND FINANCE DEPARTMENT[701]

- Sales and use tax, 13.10, 18.20, 19.2, 28.4, 31.7, 32.2, Filed ARC 1127B 11/14/01
 Excise tax; sales tax on services; use, individual, corporation, inheritance, and fiduciary income taxes; accounting procedures
 of public impact, 15.7, 15.13, 15.19(5), 15.19(6), 16.4(1), 16.11, 17.8, 18.12, 18.20(1)"d," 18.40, 26.1, 26.5, 26.6,
 26.18(2)"e," 26.28, 26.43, 26.61, 26.70, 26.71(1)"f," 31.4"5," 31.5(1), 31.5(2), 32.10, 34.1(3), 34.7, 34.14 to 34.21,
 86.1(1), 86.1(6), 86.2(2)"d," 86.5(7)"d," 86.5(11)"b," 86.11(7), 86.11(8), 86.14(9), 86.14(10), 89.3(3),
 adopt ch 202, Filed ARC 1128B 11/14/01
 Phase-out of state sales tax on delivery of electricity and natural gas, 15.13, 17.38, Notice ARC 1126B 11/14/01
 List of property ineligible for department appraisal; rent reimbursement; technical corrections, 71.12(2)"c"(3)"2,"
 71.12(3)"c"(3)"2," 71.13, 72.2(6), 72.12, 72.14(1), 72.16(2), 72.18(5), 72.18(8), 73.13, 73.18, 75.5, 80.1(3),
 80.2(2)"e" and "g," 80.3(6), 80.5(1), 80.11(1)"a"(1), 80.11(1)"a"(2)"4," 81.13(3), 81.16, 82.1(1), 82.1(2), 82.8, 82.9,
 82.10(1)"b," 82.10(2), 82.10(3)"a," 82.11(2), 84.2, 122.2, 125.2, Notice ARC 1107B 11/14/01

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]

- Contested cases; purchasing, 4.2, 4.5(2)"i," 4.9(2), 4.9(4), 4.29(2), 4.31(1), 5.1, 5.2, 5.17, 5.18(8), Notice ARC 1147B 11/28/01

TRANSPORTATION DEPARTMENT[761]

- Statewide standard for permitting certain implements of husbandry, adopt ch 181, Filed ARC 1098B 11/14/01
 Vehicle registration and certificate of title, 400.1(11), 400.1(13), 400.3, 400.4(5), 400.5, 400.7(4)"i," 400.7(9),
 400.7(11), 400.12, 400.14(1), 400.14(1)"a," 400.14(2), 400.16(3), 400.30(3), 400.40, 400.50(1)"f," 400.57,
 400.60(1)"c," 400.60(4), Notice ARC 1133B 11/28/01
 Salvage; weight equalizing hitch and sway control devices for trailers; towing wrecked or disabled vehicles,
 405.2, 405.3, 405.3(2), 405.6(1)"b," 405.15(1)"a"(1), 405.15(1)"b," 405.15(1)"b"(2), 405.15(1)"e,"
 405.15(1)"f"(1), 405.15(1)"h," 405.15(2); rescind ch 453; 454.1, Notice ARC 1084B 11/14/01
 Special permits for operation and movement of vehicles and loads of excess size and weight,
 511.7(4), 511.8(1)"a," 511.9(4), Notice ARC 1095B 11/14/01

TRANSPORTATION DEPARTMENT[761] (Cont'd)

Motor carrier regulations, 529.1, Notice ARC 1096B 11/14/01
 General aviation airport vertical infrastructure program, ch 717 title, 717.1 to 717.6,
 717.8, 717.9(1), 717.10, 717.11, Filed ARC 1097B 11/14/01

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Employer's contribution and charges; nondeductible payments from benefits, 23.1(19), 23.3(2)"g,"
 23.10(1), 23.40(1), 23.40(2), 23.43(11)"a," 23.43(15), 23.51(2), 23.71(3), 23.71(3)"a" and "b," 23.71(4), 23.72(1),
 23.82(1), 23.82(2), 24.13(4)"n," Filed ARC 1093B 11/14/01

ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

Regular statutory meetings are held the second Tuesday of each month at the seat of government as provided in Iowa Code section 17A.8. A special meeting may be called by the Chair at any place in the state and at any time.

EDITOR'S NOTE: Terms ending April 30, 2003.

Senator Merlin E. Bartz
 2081 410th Street
 Grafton, Iowa 50440

Senator Patricia M. Harper
 3336 Santa Maria Drive
 Waterloo, Iowa 50702

Senator JoAnn Johnson
 1405 Court Street
 Adel, Iowa 50003

Senator John P. Kibbie
 P.O. Box 190
 Emmetsburg, Iowa 50536

Senator Sheldon Rittmer
 3539 230th Street
 DeWitt, Iowa 52742

Joseph A. Royce
Legal Counsel
 Capitol, Room 116A
 Des Moines, Iowa 50319
 Telephone (515)281-3084
 Fax (515)281-5995

Representative Clyde Bradley
 835 Blackhawk Lane
 Camanche, Iowa 52730

Representative Danny Carroll
 244 400th Avenue
 Grinnell, Iowa 50112

Representative Marcella R. Frevert
 P.O. Box 324
 Emmetsburg, Iowa 50536

Representative Janet Metcalf
 12954 Oak Brook Drive
 Urbandale, Iowa 50323

Representative Paul Scherrman
 104 Michigan Avenue, Box 309
 Farley, Iowa 52046

Brian Gentry
Administrative Rules Coordinator
 Governor's Ex Officio Representative
 Capitol, Room 11
 Des Moines, Iowa 50319

To All Agencies:

The Administrative Rules Review Committee voted to request that Agencies comply with Iowa Code section 17A.4(1)“b” by allowing the opportunity for oral presentation (hearing) to be held at least **twenty** days after publication of Notice in the Iowa Administrative Bulletin.

AGENCY	HEARING LOCATION	DATE AND TIME OF HEARING
DENTAL EXAMINERS BOARD[650]		
Licensure to practice dentistry or dental hygiene, 11.1 to 11.11 IAB 11/14/01 ARC 1120B	Conference Room, Suite D 400 SW 8th St. Des Moines, Iowa	December 4, 2001 2 to 3 p.m.
Dental and dental hygiene examinations, 12.1 to 12.5 IAB 11/14/01 ARC 1119B	Conference Room, Suite D 400 SW 8th St. Des Moines, Iowa	December 4, 2001 2 to 3 p.m.
Renewal of license; fees; reinstatement of lapsed license or registration, 14.1 to 14.5 IAB 11/14/01 ARC 1118B	Conference Room, Suite D 400 SW 8th St. Des Moines, Iowa	December 4, 2001 2 to 3 p.m.
Evidence of current CPR certification required for license renewal or reinstatement, 14.1(4), 14.3(4), 14.5(1), 25.2(10) IAB 11/14/01 ARC 1117B	Conference Room, Suite D 400 SW 8th St. Des Moines, Iowa	December 4, 2001 2 to 3 p.m.
Continuing education requirements for licensees and responsibilities of continuing education sponsors, 25.2 to 25.5, 25.7, 25.10 IAB 11/14/01 ARC 1116B	Conference Room, Suite D 400 SW 8th St. Des Moines, Iowa	December 4, 2001 2 to 3 p.m.
Unethical and unprofessional conduct, 27.9 IAB 11/14/01 ARC 1115B	Conference Room, Suite D 400 SW 8th St. Des Moines, Iowa	December 4, 2001 2 to 3 p.m.
Oral and maxillofacial radiology, 28.1, 28.10 IAB 11/14/01 ARC 1114B	Conference Room, Suite D 400 SW 8th St. Des Moines, Iowa	December 4, 2001 2 to 3 p.m.
Discipline; impaired practitioner review committee, 30.1, 30.2, 30.4, 30.5, ch 35 IAB 11/14/01 ARC 1113B	Conference Room, Suite D 400 SW 8th St. Des Moines, Iowa	December 4, 2001 2 to 3 p.m.
Duties of peer review committees; mandatory reporting, 31.8, 31.13, 51.19(9) IAB 11/14/01 ARC 1112B	Conference Room, Suite D 400 SW 8th St. Des Moines, Iowa	December 4, 2001 2 to 3 p.m.
ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]		
New jobs and income program, 58.1 to 58.4 IAB 11/14/01 ARC 1079B	ICN Main Conference Room 2nd Floor, 200 E. Grand Ave. Des Moines, Iowa	December 4, 2001 2:30 p.m.
Enterprise zone program, 59.1, 59.2, 59.3(4), 59.5, 59.6, 59.8 to 59.14 IAB 11/14/01 ARC 1080B	ICN Main Conference Room 2nd Floor, 200 E. Grand Ave. Des Moines, Iowa	December 4, 2001 3:30 p.m.

ENVIRONMENTAL PROTECTION COMMISSION[567]

Drinking water revolving fund; state revolving fund loans for wastewater treatment; onsite wastewater treatment assistance program, 44.1 to 44.9, 44.12 to 44.14, 44.16, 92.2 to 92.6, 92.8 to 92.11, 93.5(1) IAB 11/14/01 ARC 1122B (See also ARC 1121B)	Fourth Floor East Conference Room Wallace State Office Bldg. Des Moines, Iowa	December 4, 2001 1 p.m.
Storm water discharge associated with industrial activity, 60.2 IAB 11/14/01 ARC 1124B	Fourth Floor West Conference Room Wallace State Office Bldg. Des Moines, Iowa	December 4, 2001 9 a.m.

HUMAN SERVICES DEPARTMENT[441]

PROMISE JOBS exemption, FIP eligibility, 41.24, 41.27(1), 41.28, 93.110(6), 93.114(14), 93.132, 93.134, 93.138, ch 94 IAB 11/14/01 ARC 1076B	Seventh Floor Conference Room Suite 600, Iowa Bldg. 411 Third St. SE Cedar Rapids, Iowa	December 6, 2001 9 a.m.
	Administrative Conference Room 417 E. Kaneshville Blvd. Council Bluffs, Iowa	December 5, 2001 9 a.m.
	Fifth Floor Conference Room Bicentennial Bldg. 428 Western Davenport, Iowa	December 6, 2001 10 a.m.
	Conference Room 100 City View Plaza 1200 University Des Moines, Iowa	December 7, 2001 10 a.m.
	Liberty Room, Mohawk Square 22 N. Georgia Ave. Mason City, Iowa	December 5, 2001 10 a.m.
	Conference Room 3 120 E. Main Ottumwa, Iowa	December 5, 2001 9 a.m.
	Fifth Floor 520 Nebraska St. Sioux City, Iowa	December 5, 2001 2:30 p.m.
	Conference Room 420 Pinecrest Office Bldg. 1407 Independence Ave. Waterloo, Iowa	December 6, 2001 10 a.m.
Nurse-midwives, 78.29 IAB 11/14/01 ARC 1087B	Seventh Floor Conference Room Iowa Bldg. 411 Third St. SE Cedar Rapids, Iowa	December 6, 2001 10:30 a.m.
	Administrative Conference Room 417 E. Kaneshville Blvd. Council Bluffs, Iowa	December 6, 2001 9 a.m.

HUMAN SERVICES DEPARTMENT[441] (Cont'd)

	Fifth Floor Conference Room Bicentennial Bldg. 428 Western Davenport, Iowa	December 6, 2001 11:30 a.m.
	Conference Room 102 City View Plaza 1200 University Des Moines, Iowa	December 5, 2001 2 p.m.
	Liberty Room, Mohawk Square 22 N. Georgia Ave. Mason City, Iowa	December 6, 2001 10 a.m.
	Conference Room 3 120 E. Main Ottumwa, Iowa	December 5, 2001 1 p.m.
	Fifth Floor 520 Nebraska St. Sioux City, Iowa	December 5, 2001 1:30 p.m.
	Conference Room 420 Pinecrest Office Bldg. 1407 Independence Ave. Waterloo, Iowa	December 7, 2001 10 a.m.
Nursing facilities, 81.6(16) IAB 10/31/01 ARC 1054B	Fifth Floor Conference Room Bicentennial Bldg. 428 Western Davenport, Iowa	November 28, 2001 10 a.m.
	Conference Room 102 City View Plaza 1200 University Des Moines, Iowa	November 28, 2001 10 a.m.
	Conference Room 3 120 E. Main Ottumwa, Iowa	November 28, 2001 10 a.m.

INSPECTIONS AND APPEALS DEPARTMENT[481]

Iowa targeted small business certification program, 25.1, 25.4(5) IAB 11/14/01 ARC 1110B	Conference Room 422 Lucas State Office Bldg. Des Moines, Iowa	December 7, 2001 9 a.m.
Sale of raffle tickets at discounted rate, 100.32(3) IAB 11/14/01 ARC 1109B	Conference Room 422 Lucas State Office Bldg. Des Moines, Iowa	December 7, 2001 9:30 a.m.

LABOR SERVICES DIVISION[875]

Recording and reporting occupational injuries and illnesses, 4.1 to 4.19 IAB 11/14/01 ARC 1099B	Stanley Room 1000 E. Grand Ave. Des Moines, Iowa	December 4, 2001 3 p.m.
--	--	----------------------------

MEDICAL EXAMINERS BOARD[653]

Passing scores for SPEX and COMVEX-USA, 9.1, 11.1 IAB 11/28/01 ARC 1151B	Suite C 400 SW 8th St. Des Moines, Iowa	January 2, 2002 2:45 p.m.
Resident, special and temporary licensure—passing score on the TOEFL, 10.4(3) IAB 11/14/01 ARC 1091B	Suite C 400 SW 8th St. Des Moines, Iowa	December 4, 2001 3 p.m.
Impaired physician review committee, 14.1 to 14.10 IAB 11/28/01 ARC 1153B	Suite C 400 SW 8th St. Des Moines, Iowa	January 2, 2002 3 p.m.
Licensure of acupuncturists— clarification of English proficiency test requirements, 17.3, 17.4(1) IAB 11/14/01 ARC 1092B	Suite C 400 SW 8th St. Des Moines, Iowa	December 4, 2001 3:15 p.m.

NATURAL RESOURCE COMMISSION[571]

Nonresident deer hunting, 94.1 to 94.3, 94.5 to 94.8, 94.10, 94.11 IAB 11/28/01 ARC 1149B	Fourth Floor East Conference Room Wallace State Office Bldg. Des Moines, Iowa	December 18, 2001 11 a.m.
---	---	------------------------------

PERSONNEL DEPARTMENT[581]

IPERS, 21.6, 21.8, 21.24(14) IAB 11/14/01 ARC 1129B (See also ARC 1130B)	7401 Register Dr. Des Moines, Iowa	December 4, 2001 9 a.m.
--	---------------------------------------	----------------------------

PRESERVES, STATE ADVISORY BOARD FOR[575]

Management plans for preserves, 2.2(2) IAB 11/14/01 ARC 1088B	Fourth Floor West Conference Room Wallace State Office Bldg. Des Moines, Iowa	December 6, 2001 11 a.m.
--	---	-----------------------------

PROFESSIONAL LICENSURE DIVISION[645]

Barber examiners, chs 20 to 26 IAB 11/28/01 ARC 1139B	Fifth Floor Board Conference Room Lucas State Office Bldg. Des Moines, Iowa	December 20, 2001 9 to 11 a.m.
Cosmetology arts and sciences examiners, 60.1, 60.8(2), 60.9, 60.10, 61.1, 62.1, 64.2(1), 64.6, 64.10(4) IAB 11/28/01 ARC 1140B	Fifth Floor Board Conference Room Lucas State Office Bldg. Des Moines, Iowa	December 20, 2001 9 to 11 a.m.

PUBLIC HEALTH DEPARTMENT[641]

Maternal and child health program, 76.1, 76.3 to 76.7, 76.9 to 76.13, 76.15, 76.17 IAB 11/28/01 ARC 1146B	Via telephone conference call: (515)281-3704 1-800-528-5274	December 19, 2001 10 to 11 a.m.
---	---	------------------------------------

PUBLIC HEALTH DEPARTMENT[641] (Cont'd)

Abuse education review panel, ch 93 IAB 11/28/01 ARC 1145B	Room 518 Lucas State Office Bldg. Des Moines, Iowa	December 18, 2001 9 to 11 a.m.
Emergency medical services provider education/training/certification, 131.1 to 131.4 IAB 11/28/01 ARC 1144B (ICN Network)	National Guard Armory 11 E. 23rd St. Spencer, Iowa	December 18, 2001 1 to 2 p.m.
	National Guard Armory 1712 LaClark Rd. Carroll, Iowa	December 18, 2001 1 to 2 p.m.
	National Guard Armory 1160 Tenth St. SW Mason City, Iowa	December 18, 2001 1 to 2 p.m.
	ICN Room East Side Branch Public Library 2559 Hubbell Ave. Des Moines, Iowa	December 18, 2001 1 to 2 p.m.
	National Guard Armory 195 Radford Rd. Dubuque, Iowa	December 18, 2001 1 to 2 p.m.
	Kirkwood Learning Center 111 Westview Dr. Washington, Iowa	December 18, 2001 1 to 2 p.m.
Emergency medical services— service program authorization, 132.1, 132.2, 132.7 to 132.9, 132.14, 132.15(1) IAB 11/28/01 ARC 1143B (ICN Network)	National Guard Armory 11 E. 23rd St. Spencer, Iowa	December 18, 2001 1 to 2 p.m.
	National Guard Armory 1712 LaClark Rd. Carroll, Iowa	December 18, 2001 1 to 2 p.m.
	National Guard Armory 1160 Tenth St. SW Mason City, Iowa	December 18, 2001 1 to 2 p.m.
	ICN Room East Side Branch Public Library 2559 Hubbell Ave. Des Moines, Iowa	December 18, 2001 1 to 2 p.m.
	National Guard Armory 195 Radford Rd. Dubuque, Iowa	December 18, 2001 1 to 2 p.m.
	Kirkwood Learning Center 111 Westview Dr. Washington, Iowa	December 18, 2001 1 to 2 p.m.

PUBLIC HEALTH DEPARTMENT[641] (Cont'd)

Iowa trauma system—adoption of documents by reference, 134.2(3), 135.2(1) IAB 11/28/01 ARC 1142B (ICN Network)	National Guard Armory 11 E. 23rd St. Spencer, Iowa	December 18, 2001 1 to 2 p.m.
	National Guard Armory 1712 LaClark Rd. Carroll, Iowa	December 18, 2001 1 to 2 p.m.
	National Guard Armory 1160 Tenth St. SW Mason City, Iowa	December 18, 2001 1 to 2 p.m.
	ICN Room East Side Branch Public Library 2559 Hubbell Ave. Des Moines, Iowa	December 18, 2001 1 to 2 p.m.
	National Guard Armory 195 Radford Rd. Dubuque, Iowa	December 18, 2001 1 to 2 p.m.
	Kirkwood Learning Center 111 Westview Dr. Washington, Iowa	December 18, 2001 1 to 2 p.m.

RACING AND GAMING COMMISSION[491]

Purse information, 5.5(10) IAB 11/14/01 ARC 1078B	Suite B 717 E. Court Des Moines, Iowa	December 4, 2001 9 a.m.
---	---	----------------------------

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]

Contested cases; purchasing, 4.2, 4.5(2), 4.9, 4.29(2), 4.31(1), 5.1, 5.2, 5.17, 5.18 IAB 11/28/01 ARC 1147B	Conference Room, Building W-4 Railroad Avenue Camp Dodge Johnston, Iowa	December 19, 2001 1 p.m.
--	--	-----------------------------

TRANSPORTATION DEPARTMENT[761]

Vehicle registration and certificate of title, 400.1, 400.3, 400.4(5), 400.5, 400.7, 400.12, 400.14, 400.16(3), 400.30(3), 400.40, 400.50(1), 400.57, 400.60 IAB 11/28/01 ARC 1133B	DOT Conference Room Park Fair Mall 100 Euclid Ave. Des Moines, Iowa	December 20, 2001 10 a.m. (If requested)
Salvage; weight equalizing hitch and sway control devices for trailers; towing wrecked or disabled vehicles, 405.2, 405.3, 405.6(1), 405.15; rescind ch 453; 454.1 IAB 11/14/01 ARC 1084B	DOT Conference Room Park Fair Mall 100 Euclid Ave. Des Moines, Iowa	December 6, 2001 8 a.m. (If requested)

TRANSPORTATION DEPARTMENT[761] (Cont'd)

Width allowed under annual oversize/ overweight permit; annual permits and all-system permits, 511.7(4), 511.8(1), 511.9(4) IAB 11/14/01 ARC 1095B	Conference Room, Motor Vehicle Div. Park Fair Mall 100 Euclid Ave. Des Moines, Iowa	December 6, 2001 10 a.m. (If requested)
Motor carrier regulations, 529.1 IAB 11/14/01 ARC 1096B	Conference Room, Motor Vehicle Div. Park Fair Mall 100 Euclid Ave. Des Moines, Iowa	December 6, 2001 1 p.m. (If requested)

Due to reorganization of state government by 1986 Iowa Acts, chapter 1245, it was necessary to revise the agency identification numbering system, i.e., the bracketed number following the agency name.

“Umbrella” agencies and elected officials are set out below at the left-hand margin in CAPITAL letters.

Divisions (boards, commissions, etc.) are indented and set out in lowercase type under their statutory “umbrellas.”

Other autonomous agencies which were not included in the original reorganization legislation as “umbrella” agencies are included alphabetically in small capitals at the left-hand margin, e.g., BEEF INDUSTRY COUNCIL, IOWA[101].

The following list will be updated as changes occur:

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Agricultural Development Authority[25]

Soil Conservation Division[27]

ATTORNEY GENERAL[61]

AUDITOR OF STATE[81]

BEEF INDUSTRY COUNCIL, IOWA[101]

BLIND, DEPARTMENT FOR THE[111]

CITIZENS' AIDE[141]

CIVIL RIGHTS COMMISSION[161]

COMMERCE DEPARTMENT[181]

Alcoholic Beverages Division[185]

Banking Division[187]

Credit Union Division[189]

Insurance Division[191]

Professional Licensing and Regulation Division[193]

Accountancy Examining Board[193A]

Architectural Examining Board[193B]

Engineering and Land Surveying Examining Board[193C]

Landscape Architectural Examining Board[193D]

Real Estate Commission[193E]

Real Estate Appraiser Examining Board[193F]

Savings and Loan Division[197]

Utilities Division[199]

CORRECTIONS DEPARTMENT[201]

Parole Board[205]

CULTURAL AFFAIRS DEPARTMENT[221]

Arts Division[222]

Historical Division[223]

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

City Development Board[263]

Iowa Finance Authority[265]

EDUCATION DEPARTMENT[281]

Educational Examiners Board[282]

College Student Aid Commission[283]

Higher Education Loan Authority[284]

Iowa Advance Funding Authority[285]

Libraries and Information Services Division[286]

Public Broadcasting Division[288]

School Budget Review Committee[289]

EGG COUNCIL[301]

ELDER AFFAIRS DEPARTMENT[321]

EMPOWERMENT BOARD, IOWA[349]

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

EXECUTIVE COUNCIL[361]

FAIR BOARD[371]

GENERAL SERVICES DEPARTMENT[401]

HUMAN INVESTMENT COUNCIL[417]

HUMAN RIGHTS DEPARTMENT[421]

Community Action Agencies Division[427]

Criminal and Juvenile Justice Planning Division[428]

Deaf Services Division[429]

Persons With Disabilities Division[431]

Latino Affairs Division[433]

Status of African-Americans, Division on the[434]

Status of Women Division[435]

HUMAN SERVICES DEPARTMENT[441]

INFORMATION TECHNOLOGY DEPARTMENT[471]

INSPECTIONS AND APPEALS DEPARTMENT[481]
 Employment Appeal Board[486]
 Foster Care Review Board[489]
 Racing and Gaming Commission[491]
 State Public Defender[493]
LAW ENFORCEMENT ACADEMY[501]
LIVESTOCK HEALTH ADVISORY COUNCIL[521]
MANAGEMENT DEPARTMENT[541]
 Appeal Board, State[543]
 City Finance Committee[545]
 County Finance Committee[547]
NARCOTICS ENFORCEMENT ADVISORY COUNCIL[551]
NATIONAL AND COMMUNITY SERVICE, IOWA COMMISSION ON[555]
NATURAL RESOURCES DEPARTMENT[561]
 Energy and Geological Resources Division[565]
 Environmental Protection Commission[567]
 Natural Resource Commission[571]
 Preserves, State Advisory Board for[575]
PERSONNEL DEPARTMENT[581]
PETROLEUM UNDERGROUND STORAGE TANK FUND
 BOARD, IOWA COMPREHENSIVE[591]
PREVENTION OF DISABILITIES POLICY COUNCIL[597]
PUBLIC DEFENSE DEPARTMENT[601]
 Emergency Management Division[605]
 Military Division[611]
PUBLIC EMPLOYMENT RELATIONS BOARD[621]
PUBLIC HEALTH DEPARTMENT[641]
 Substance Abuse Commission[643]
 Professional Licensure Division[645]
 Dental Examiners Board[650]
 Medical Examiners Board[653]
 Nursing Board[655]
 Pharmacy Examiners Board[657]
PUBLIC SAFETY DEPARTMENT[661]
RECORDS COMMISSION[671]
REGENTS BOARD[681]
 Archaeologist[685]
REVENUE AND FINANCE DEPARTMENT[701]
 Lottery Division[705]
SECRETARY OF STATE[721]
SEED CAPITAL CORPORATION, IOWA[727]
SHEEP AND WOOL PROMOTION BOARD, IOWA[741]
TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]
TRANSPORTATION DEPARTMENT[761]
 Railway Finance Authority[765]
TREASURER OF STATE[781]
TURKEY MARKETING COUNCIL, IOWA[787]
UNIFORM STATE LAWS COMMISSION[791]
VETERANS AFFAIRS COMMISSION[801]
VETERINARY MEDICINE BOARD[811]
VOTER REGISTRATION COMMISSION[821]
WORKFORCE DEVELOPMENT DEPARTMENT[871]
 Labor Services Division[875]
 Workers' Compensation Division[876]
 Workforce Development Board and
 Workforce Development Center Administration Division[877]

ARC 1131B

HUMAN SERVICES
DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 217.6 and 239B.4, the Department of Human Services proposes to rescind Chapter 56, “Burial Benefits,” appearing in the Iowa Administrative Code.

Under current rules, the Department pays up to \$400 from state funds for burial expenses of:

- Recipients of State Supplementary Assistance (SSA).
- Recipients of Old Age Assistance, Aid to the Blind, and Aid to the Disabled prior to January 1997.
- Children who are Family Investment Program (FIP) or Refugee Cash Assistance (RCA) recipients.

This amendment eliminates the provision of burial assistance by the Department.

Elimination of burial assistance will result in cost savings, making the funds available for other Temporary Assistance for Needy Families (TANF) and Medicaid services. An average of \$12,000 is spent annually for 30 FIP children, and \$927 was spent in fiscal year 2001 for recipients of SSA and former recipients of Old Age Assistance, Aid to the Blind, and Aid to the Disabled.

County general assistance offices may be approached for help with burial expenses to make up for the loss of state funds.

This amendment does not provide for waivers in specific situations, as alternative sources are available to assist families with these burial expenses.

Consideration will be given to all written data, views, and arguments thereto received by the Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut, Des Moines, Iowa 50319-0114, on or before December 19, 2001.

This amendment is intended to implement Iowa Code sections 249.9 and 239B.3(4).

The following amendment is proposed.

Rescind and reserve 441—Chapter 56.

ARC 1136B

HUMAN SERVICES
DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend

Chapter 81, “Nursing Facilities,” appearing in the Iowa Administrative Code.

These amendments allow the Iowa Veterans Home to continue to submit semiannual cost reports and remove the requirement that nursing facilities’ Medicaid rates not exceed their private-pay rates.

The Iowa Veterans Home is a state-operated facility that is required to meet other Iowa Code and rule requirements on budgeting and reimbursement. In order for this facility to operate within the confines of these other regulations, allowing the facility to continue to submit semiannual cost reports is in the best interest of the state. This facility’s information is not included in, and therefore does not impact, the modified price-based case-mix reimbursement methodology used to set rates for nursing facilities.

A modified price-based case-mix reimbursement system, by its nature and principles, alleviates the necessity for the rule that facilities’ Medicaid rates not exceed their private-pay rates. The acuity of the residents is used to determine the case-mix index applied to the costs associated with care given. A facility should not be penalized for having a resident mix that includes higher-to-care-for Medicaid residents and lower-needs private pay residents.

These amendments do not provide for waivers because they confer a benefit on affected providers.

Consideration will be given to all written data, views, and arguments thereto received by the Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut, Des Moines, Iowa 50319-0114, on or before December 19, 2001.

These amendments are intended to implement Iowa Code section 249A.4.

The following amendments are proposed.

ITEM 1. Amend subrule 81.6(3) as follows:

81.6(3) Submission of reports. ~~The report shall be submitted~~ *All nursing facilities, except the Iowa Veterans Home, shall submit reports to the department’s accounting firm no later than three months after the close of the facility’s established fiscal year. The Iowa Veterans Home shall submit the report to the department’s accounting firm no later than three months after the close of each six-month period of the facility’s established fiscal year.* Failure to submit a report that meets the requirements of this rule within this time shall reduce payment to 75 percent of the current rate. The reduced rate shall be paid for no longer than three months, after which time no further payments will be made.

A facility may change its fiscal year one time in any two-year period. If the facility changes its fiscal year, the facility shall notify the department’s accounting firm 60 days prior to the first date of the change.

ITEM 2. Amend subrule 81.6(17), introductory paragraph, as follows:

81.6(17) Cost report documentation. All nursing facilities, *except the Iowa Veterans Home*, shall submit an annual cost report based on the closing date of the facility’s fiscal year that incorporates documentation as set forth below. *The Iowa Veterans Home shall submit semiannual cost reports based on the closing date of the facility’s fiscal year and the midpoint of the facility’s fiscal year that incorporate documentation as set forth below.* The documentation incorporated in ~~the all cost report reports~~ shall include all of the following information:

ITEM 3. Rescind and reserve subrule 81.10(7).

ARC 1154B

HUMAN SERVICES
DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 234.6 and 239B.8, the Department of Human Services proposes to amend Chapter 93, “PROMISE JOBS Program,” and Chapter 170, “Child Care Services,” appearing in the Iowa Administrative Code.

These amendments change the procedures for authorizing payment to child care providers. Under current procedures, a separate payment agreement is negotiated with the provider for each family receiving services. Under these amendments, a provider will have a single agreement with the Department that specifies the provider's rates and the conditions of participation. Any eligible family may be served under this agreement. The Department (or its designee, for PROMISE JOBS) specifies the number of units authorized for care in a notice of decision issued to the family and the chosen provider. The family is required to report changes affecting eligibility or services.

These amendments change the billing procedure for child care assistance to require the submission of an attendance form signed by the parent and the provider to document the amount of child care used. A new invoice is developed for child care under PROMISE JOBS which also incorporates attendance information. Payment references are removed from PROMISE JOBS rules and replaced with cross references to child care assistance rules.

These amendments also make several changes identified through the rule review conducted under Executive Order Number 8:

- The provision allowing payment to facilities exempt from licensing or registration is revised to clarify that only facilities operated by or under contract to an accredited public or nonpublic school may receive payment under this program.

- Obsolete rules about allocating funds to regions are removed.

- A reference to relative care is deleted. Since payment is now allowed to unregistered providers, special provisions for relatives are unnecessary.

These amendments do not provide for waivers in specified situations because billing processes need to be uniform for all providers.

Consideration will be given to all written data, views, and arguments thereto received by the Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut, Des Moines, Iowa 50319-0114, on or before December 19, 2001.

These amendments are intended to implement Iowa Code sections 234.6(6)“a” and 239B.24.

The following amendments are proposed.

ITEM 1. Amend rule 441—93.110(239B), introductory paragraphs, as follows:

441—93.110(239B) Arranging for services. Staff is responsible for providing or helping the participant to arrange for employment-oriented services, as required, to facilitate the registrants' successful participation, including client assessment or case management, employment education, transportation, child care, referral for medical examination, and supportive services under the family development and self-sufficiency program described in 441—Chapter 165 or other family development programs, described in rule 441—93.119(239B). PROMISE JOBS funds shall be used to pay costs of obtaining a birth certificate when the birth certificate is needed in order for the registrant to complete the employment service registration process described in rule 441—93.106(239B). PROMISE JOBS funds may also be used to pay expenses for clients enrolled in Workforce Investment Act (WIA)-funded components when those expenses are allowable under these rules. Clients shall submit Form 470-0510, Estimate of Cost, to initiate allowances or change the amount of payment for expenses other than child care. ~~Clients shall submit Form 470-2959, Child Care Certificate, to initiate child care payments or change the amount of child care payments. The caretaker, the provider and the worker shall sign Form 470-2959 before the provider is paid.~~

Payment for child care, if required for participation in any PROMISE JOBS component other than orientation, not specifically prohibited elsewhere in these rules, and not available from any other source, shall be provided for participants after service has been received as described at 441—Chapter 170.

ITEM 2. Amend subrule 93.114(12), paragraph “b,” as follows:

b. Participants shall submit Form 470-0510, Estimate of Cost, to initiate allowances or change the amount of payment for expenses other than child care. ~~Clients shall submit Form 470-2959, Child Care Certificate, to initiate child care payments or change the amount of child care payments.~~ Participants shall use PROMISE JOBS allowances which they receive to pay authorized expenses. *Participants are eligible for child care assistance, as described at 441—Chapter 170, if child care is required for participation in any PROMISE JOBS component other than orientation.*

ITEM 3. Amend rule 441—170.2(234) by adopting the following **new** subrule:

170.2(4) Reporting changes. The parent must report any changes in circumstances affecting these eligibility requirements and changes in the choice of provider to the county office worker or the department's designee within ten calendar days of the change.

ITEM 4. Amend rule 441—170.4(234) as follows:

Amend subrule 170.4(3) as follows:

Amend the introductory paragraphs and paragraph “a” as follows:

170.4(3) Method of provision. ~~The department shall issue the Child Care Certificate, Form 470-2959, to the client to select a child care provider.~~ Parents shall be allowed to exercise their choice for in-home care, except when the parent meets the need for service under subparagraph 170.2(2)“b”(3), as long as the conditions in paragraph 170.4(7)“d” are met. When the child meets the need for service under 170.2(2)“b”(3), parents shall be allowed to exercise their choice of licensed, ~~or~~ registered, *or nonregistered* child care provider except when the department service worker determines it is not in the best interest of the child.

~~The department shall make payment for child care provided to eligible families when the Child Care Certificate,~~

HUMAN SERVICES DEPARTMENT[441](cont'd)

~~Form 470-2959, has been completed and signed by the parent, the provider, and the department worker, and when the provider meets must meet one of the applicable requirements set forth below:~~

a. Licensed child care center. A child care center shall be licensed by the department to meet the requirements set forth in 441—Chapter 109 and shall have a current Certificate of License, Form SS-1203-3 470-0618.

Rescind and reserve paragraph “d.”

Amend paragraphs “g” and “h” as follows:

g. Exempt facilities. Child care facilities ~~which operated by or under contract to a public or nonpublic school accredited by the department of education that are exempt from licensing or registration as defined in Iowa Code section 237A.1~~ may receive payment for child care services when selected by a parent.

h. Record checks for nonregistered family child care homes. If a nonregistered child care provider, ~~including a relative,~~ wishes to receive public funds as reimbursement for providing child care for eligible clients, the provider shall complete Form 470-0643, Request for Child Abuse Information, and Form 595-1489, Non-Law Enforcement Record Check Request, Form A, for the provider ~~as though the provider either is being considered for registration or is registered to provide child care,~~ for anyone having access to a child when the child is alone, and for anyone 14 years of age or older living in the home. The county office worker or the PROMISE JOBS worker shall provide ~~the individual with~~ the necessary forms. The provider shall return the forms to the county office or PROMISE JOBS worker.

~~If the nonregistered child care provider, anyone having access to a child when the child is alone, or anyone living in the home who is 14 years of age or older any of these individuals has a record of founded child abuse, a criminal conviction, or placement on the sex offender registry, the division shall notify the regional office to department shall perform an evaluation following the process defined at 441—subrule 110.7(3) or rule 441—110.31(237A). If any of the individuals would be prohibited from registration, employment, or residence, the person shall not provide child care and is not eligible to receive public funds to do so. The regional administrator or department’s designee shall notify the applicant, and shall forward a copy of that notification to the county attorney, the county office, and the PROMISE JOBS worker, if applicable. A person who continues to provide child care in violation of this law is subject to penalty and injunction under Iowa Code chapter 237A.~~

Amend the introductory paragraph of subrule 170.4(7) as follows:

170.4(7) Payment. *The department shall make payment for child care provided to eligible families when the provider has a completed Form 470-3871, Child Care Assistance Provider Agreement, on file with the department. Both the child care provider and the county office worker or PROMISE JOBS worker shall sign this form.*

The county office worker or PROMISE JOBS worker shall determine the number of units of service authorized for each eligible family and inform the family and the family’s provider through the notice of decision required in 441—subrule 130.2(4).

The department shall issue payment when the provider submits correctly completed documentation of attendance and charges. Providers shall submit either Form 470-0020, Purchase of Services Provider Invoice, accompanied by Form 470-3872, Child Care Assistance Attendance Sheet, signed by the parent, or Form 470-3896, PROMISE JOBS Child Care Invoice.

ITEM 5. Amend rule 441—170.5(234) as follows:

441—170.5(234) Adverse service actions. Services may be denied, terminated, or reduced according to rule 441—130.5(234). The department may refuse to enter into or may revoke the ~~Child Care Certificate Child Care Assistance Provider Agreement, Form 470-2959 470-3871,~~ if the department finds a hazard to the safety and well-being of a child ~~is found by the department of human services,~~ and the provider cannot or refuses to correct the hazards; or if the provider has submitted claims for payment for which the provider is not entitled.

ITEM 6. Rescind and reserve rule 441—170.8(234).

ARC 1137B

HUMAN SERVICES
DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 217.6 and 234.6, the Department of Human Services proposes to amend Chapter 111, “Family-Life Homes,” appearing in the Iowa Administrative Code.

These amendments make the following technical corrections to policy governing the Family-Life Program:

- The rule containing program definitions is reformatted to remove the subrule numbers and place the definitions in alphabetical order.
- Departmental terminology and form numbers are updated.

These needed corrections were identified while the Department was completing the rule assessment mandated by Executive Order Number 8.

These amendments do not provide for waivers because the amendments are merely technical in nature.

Consideration will be given to all written data, views, and arguments thereto received by the Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut, Des Moines, Iowa 50319-0114, on or before December 19, 2001.

These amendments are intended to implement Iowa Code section 249.3(2)“a”(1).

The following amendments are proposed.

ITEM 1. Amend rule 441—111.1(249) as follows:

Remove the subrule numbers and place the definitions in alphabetical order.

Adopt the following new definition in alphabetical order: “Department” means the Iowa department of human services.

ITEM 2. Amend subrules 111.2(1), 111.2(3), 111.2(4), and 111.2(5) as follows:

111.2(1) The ~~lowa~~ department of human services shall issue a certificate of approval for the operation of a family-life home upon the recommendation of a local office of the department ~~of human services.~~

HUMAN SERVICES DEPARTMENT[441](cont'd)

111.2(3) Persons wishing to care for adults shall make application to the local office of the department of ~~human services~~.

111.2(4) When an applicant has reached a decision to operate a family-life home, ~~such~~ the applicant shall complete Form ~~SS-1108-0 470-0606~~, Application for Certification.

111.2(5) Each applicant shall supply two ~~(2)~~ references ~~which~~ who may be contacted by the local office.

ITEM 3. Amend subrule 111.3(1) as follows:

111.3(1) No family-life home shall be certified to provide a living arrangement for more than two ~~(2)~~ eligible adults.

ITEM 4. Amend subrules 111.6(1) and 111.6(3) as follows:

111.6(1) Prior to certification the family shall furnish the local department of ~~human services~~ with a medical report on each member of the household. The report shall be on Form ~~SS-1718-0 470-0672~~, ~~Physician's Report Provider Health Assessment Form~~.

111.6(3) Medical reexaminations may be required at the discretion of a physician or the local department of ~~human services~~.

ITEM 5. Amend subrule 111.9(1) as follows:

111.9(1) A physician shall certify that the client is free from any communicable disease, and does not require a higher level of care than that provided by a family-life home. The certification shall be given prior to placement and ~~following~~ an annual medical review thereafter. The certification shall be given on Form ~~SS-1719-0 470-0673~~, Physician's ~~Certification for Family-Life Home Resident Report~~.

ITEM 6. Amend rule 441—111.10(249) as follows:

441—111.10(249) Placement agreement. The head of the family-life home and the resident shall enter into a placement agreement by signing Form ~~SS-1518-0 470-0634~~, Placement Agreement Family-Life Home, provided by the department.

INSURANCE DIVISION

Notice of Proposed Workers' Compensation Rate Filing

Pursuant to Iowa Code section 515A.6(7), notice is hereby given that the National Council on Compensation Insurance has made a rate filing which affects the premium rates for workers' compensation insurance.

The rate filing proposes that sole proprietors and partners that elect workers' compensation coverage have the availability of selecting a payroll base within the minimum and maximum payroll base that applies to executive officers. Effective January 1, 2002, the minimum payroll will be \$273 per week and the maximum is \$2,200 per week for executive officers. This rule change would allow a sole proprietor or partner to select a payroll amount at or in between these limits based on what they believe is more responsive to their benefit level needs or actual wage levels. Premium would be charged based on the amount selected. The filing has a proposed effective date of January 1, 2002.

A workers' compensation policyholder or an established organization with one or more workers' compensation policyholders among its members may request a hearing before the Commissioner of Insurance regarding this rate filing. Such a request must be filed within 15 days of the date of this publication, that is, by December 13, 2001, and shall be

made to the Commissioner of Insurance at the Insurance Division of the State of Iowa, 330 Maple, Des Moines, Iowa 50319. Absent such a request, the Commissioner will issue an order concerning the rates within another 10 days, that is, by December 24, 2001.

ARC 1151B

MEDICAL EXAMINERS BOARD[653]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 147.76 and 272C.3, the Board of Medical Examiners hereby gives Notice of Intended Action to amend Chapter 9, "Permanent Physician Licensure," and Chapter 11, "Continuing Education and Mandatory Training for Identifying and Reporting Abuse," Iowa Administrative Code.

The Board approved the proposed amendments to Chapters 9 and 11 during a telephone conference call on November 1, 2001.

The proposed changes identify 75 as the passing score for SPEX (Special Licensure Examination) and indicate that the National Board of Osteopathic Medical Examiners determines the passing score for COMVEX-USA (Comprehensive Osteopathic Medical Variable-Purpose Examination).

Any interested person may present written comments on these proposed amendments prior to 4 p.m. on January 2, 2002. Such written materials should be sent to Ann E. Mowery, Executive Director, Board of Medical Examiners, 400 S.W. 8th Street, Suite C, Des Moines, Iowa 50309-4686, or ann.mowery@ibme.state.ia.us.

There will be a public hearing January 2, 2002, at 2:45 p.m. in the Board office, at which time persons may present their views either orally or in writing. The Board of Medical Examiners office is located at 400 S.W. 8th Street, Suite C, Des Moines, Iowa.

These amendments are intended to implement Iowa Code chapters 147, 148, 150, 150A and 272C.

The following amendments are proposed.

ITEM 1. Amend rule **653—9.1(147,148,150,150A)**, definitions of "COMVEX-USA" and "SPEX," as follows:

"COMVEX-USA" means the Comprehensive Osteopathic Medical Variable-Purpose Examination for the United States of America, ~~prepared by the~~. The National Board of Osteopathic Medical Examiners *prepares the examination and determines its passing score.* ~~and administered by a~~ A licensing authority in any jurisdiction *administers the examination.* COMVEX-USA is the current evaluative instrument offered to osteopathic physicians who need to demonstrate current osteopathic medical knowledge.

"SPEX" means Special Licensure Examination prepared by the Federation of State Medical Boards and administered by a licensing authority in any jurisdiction. *The passing score on SPEX is 75.*

ITEM 2. Amend rule **653—11.1(272C)**, definitions of "COMVEX-USA" and "SPEX," as follows:

MEDICAL EXAMINERS BOARD[653](cont'd)

"COMVEX-USA" means the Comprehensive Osteopathic Medical Variable-Purpose Examination for the United States of America, prepared by the National Board of Osteopathic Medical Examiners *prepares the examination and determines its passing score, and administered by a* A licensing authority in any jurisdiction *administers the examination.* COMVEX-USA is the current evaluative instrument offered to osteopathic physicians who need to demonstrate current osteopathic medical knowledge.

"SPEX" means Special Licensure Examination prepared by the Federation of State Medical Boards and administered by a licensing authority in any jurisdiction. *The passing score on SPEX is 75.*

ARC 1153B

MEDICAL EXAMINERS BOARD[653]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Medical Examiners hereby gives Notice of Intended Action to amend Chapter 14, "Impaired Physician Review Committee," Iowa Administrative Code.

The proposed amendments were approved at the November 1, 2001, meeting of the Board of Medical Examiners via telephone conference call.

The agency's regulatory review guided the following proposed amendments:

- The committee's name is changed from "Impaired Physician Review Committee" to "Iowa Physician Health Committee."
- The term "impairment" is revised and clearly states that impairment does not include various sexual problems.
- The definition of "self-report" is expanded to allow a physician to self-report via a licensure application.
- The following addition is made to the purpose and type of program: the committee serves physicians impaired by chronic health conditions, in addition to substance abuse, and maintenance may be a more realistic goal than recovery or rehabilitation.
- Procedures are clarified regarding the committee's notification to the Board of a participant's noncompliance with contract provisions.
- Membership, officers and terms are established for members of the committee.
- Eligibility and ineligibility are clarified as well as the committee's responsibility to report to the Board.
- Terms of participation, terms of committee referral to the board, and confidentiality are clarified.
- A section is added that would allow the committee to establish a 28E agreement with another health profession licensing board to serve its impaired professionals.

Any interested person may present written comments on the proposed amendments not later than 4 p.m. on January 2, 2002. Such written materials should be sent to Ann E. Mowery, Executive Director, Board of Medical Examiners,

400 S.W. 8th Street, Suite C, Des Moines, Iowa 50309-4686, or E-mail ann.mowery@ibme.state.ia.us.

There will be a public hearing on January 2, 2002, at 3 p.m. in the Board office, at which time persons may present their views either orally or in writing. The Board of Medical Examiners office is located at 400 S.W. 8th Street, Suite C, Des Moines, Iowa.

These amendments are intended to implement Iowa Code section 272C.3(1)"k."

The following amendments are proposed.

Amend 653—Chapter 14 as follows:

CHAPTER 14

IMPAIRED IOWA PHYSICIAN REVIEW HEALTH COMMITTEE

653—14.1(272C) Impaired Iowa physician review health committee. Pursuant to the authority of Iowa Code section 272C.3(1)"k," the board establishes the ~~impaired Iowa physician review health~~ committee.

653—14.2(272C) Definitions.

"Board" means the board of medical examiners of the state of Iowa.

~~Impaired physician recovery contract~~ "Physician health contract" or "contract" means the written document ~~establishing~~ *executed by a physician and the IPHC which establishes* the terms for participation in the ~~impaired physician recovery program prepared by the impaired physician review committee~~ *Iowa physician health program.*

"Impairment" means an inability, or significant potential for inability, to practice with reasonable safety and skill as a result of alcohol or drug abuse, dependency, or addiction, or any ~~neuropsychiatric mental~~ or physical disorder or disability. *For the purposes of this program, "impairment" does not include sexual dysfunction, sexual addiction, sexual compulsion, paraphilia, or other sexual disorder.*

~~Initial agreement~~ "Agreement" means the written document establishing the initial terms for participation in the ~~impaired Iowa physician recovery health~~ program.

~~IPRC~~ "IPHC" or "committee" means the ~~impaired Iowa physician review health~~ committee.

~~IPRP~~ "IPHP" or "program" means the ~~impaired Iowa physician recovery health~~ program.

"Self-report" means ~~an applicant or a~~ the licensee providing written or oral notification to the ~~board~~ IPHC that the applicant or the licensee has been, is, or may be ~~diagnosed as having an impairment~~ *impaired* prior to the board's receiving a complaint or report alleging the same from a ~~second third~~ party. *Information related to an impairment or a potential impairment which is provided on a license application or renewal form may be considered a self-report upon the request of the applicant or licensee and authorization from the board and agreement by the IPHC.*

653—14.3(272C) Purpose. The ~~impaired physician review committee~~ IPHC evaluates, assists, and monitors and, ~~as necessary, makes reports to the board on~~ the recovery, or rehabilitation, or maintenance of physicians who self-report impairments; ~~and, as necessary, notifies the board in the event of noncompliance with contract provisions.~~ *The IPHC is both an advocate for physician health and a means to protect the health and safety of the public.*

653—14.4(272C) Composition Organization of the committee. The ~~chairperson of the~~ board shall appoint the mem-

MEDICAL EXAMINERS BOARD[653](cont'd)

bers of the ~~IPRC~~ *IPHC*. The membership of the ~~IPRC~~ includes, but is not limited to:

14.4(1) Membership. *The membership of the IPHC includes, but is not limited to:*

1 a. ~~The Executive~~ executive director of the board or the director's designee from the board's staff;

2 b. One physician who has remained free of addiction for a period of no less than two years ~~since following successful completion of a board-approved recovery program, and a board-ordered probation for drug or alcohol dependency~~ alcohol or drug abuse, dependency, or addiction, ~~addiction, or abuse or an IPHC contract;~~

3 c. One practitioner with expertise in substance abuse/addiction treatment programs;

4 d. One ~~physician with expertise in the diagnosis and treatment of neuropsychiatric disorders and disabilities~~ psychiatrist; and

5 e. One public member.

14.4(2) Officers. *The committee shall elect a chairperson and vice chairperson at the last meeting of each calendar year to begin serving a one-year term on January 1.*

14.4(3) Terms. *Committee members shall be appointed for three-year terms, for a maximum of three terms. Terms shall expire on December 31 of the third year of the term.*

653—14.5(272C) Eligibility. To be eligible for participation in the ~~impaired physician recovery program IPHP~~, an applicant or a licensee must self-report an impairment or suspected impairment directly to the office of the board coordinator of the IPHP.

14.5(1) A licensee is deemed ineligible to participate in the program if the board or committee finds sufficient evidence of any of the following:

1 a. The licensee engaged in the unlawful diversion or distribution of controlled substances or illegal substances to a third party or for personal profit or gain;

2 b. At the time of self-reporting, the licensee is already under an Iowa board order ~~for an~~ related to an impairment ~~or any other violation of the laws and rules governing the practice of the profession;~~

3 c. The licensee has caused harm or injury to a patient;

4 d. ~~The board is currently a board investigation of the licensee that concerns serious matters related to the ability to practice with reasonable safety and skill or in accordance with the accepted standards of care; investigating the applicant or licensee for matters related to an alleged impairment; or~~

5. ~~The licensee has been subject to a civil administrative or criminal sanction, or ordered to make reparations or remuneration by a government or regulatory authority of the United States, this or any other state or territory or a foreign nation for actions that the committee determines to be serious infractions of the laws, administrative rules, or professional ethics related to the practice of medicine; or~~

e. *The applicant or licensee provided inaccurate, misleading, or fraudulent information or failed to fully cooperate with the board or committee.*

6. ~~The licensee failed to provide truthful information or to fully cooperate with the board or committee.~~

14.5(2) *The IPHC shall report to the board any knowledge of violations of administrative rules or statutes unrelated to the impairment.*

653—14.6(272C) Type of program. The ~~impaired physician recovery program IPHP~~ is an individualized recovery, ~~or rehabilitation, or maintenance~~ program designed to meet the specific needs of the impaired physician. The committee,

in consultation with the licensee and upon the recommendation of an ~~IPRC~~ *IPHC*-approved evaluator, shall determine the type of recovery, ~~or rehabilitation, or maintenance~~ program required to treat the applicant's or licensee's impairment. The committee shall prepare an ~~impaired a physician recovery health~~ contract, to be signed by the applicant or licensee, that shall provide a detailed description of the goals of the program, the requirements for successful ~~completion~~ participation, and the applicant's or licensee's obligations therein.

653—14.7(272C) Terms of participation. A licensee or an applicant shall agree to comply with the terms for participation in the ~~IPRC~~ *IPHP* established in the initial agreement and contract. Terms of participation specified in the contract shall include, but are not limited to:

14.7(1) Duration. The length of time an applicant or a licensee shall may participate in the program shall be determined by the committee in accordance with the following:

a. Participation in the program for applicants or licensees impaired as a result of ~~chemical dependency or alcohol or substance abuse or addiction~~ alcohol or drug abuse, dependency, or addiction is set at a minimum of ~~four~~ five years. *The committee may offer a contract with a shorter duration to an applicant or licensee who can demonstrate successful participation in another state's physician health program or who can document similar experience.*

b. Length of participation in the program for applicants or licensees with impairments resulting from ~~neuropsychiatric mental or physical disorders or disabilities~~ will vary depending upon the recommendations for treatment provided by a qualified ~~an approved~~ evaluator designated by the committee to establish an appropriate treatment protocol and the determination of the IPHP following review of all relevant information.

14.7(2) Noncompliance. A licensee or an applicant participating in the program is responsible for notifying the committee of any instance of noncompliance including, but not limited to, a relapse. Notification of noncompliance made to the ~~IPRC~~ *IPHP* by the applicant or licensee, any person responsible for providing or monitoring treatment, or another party shall result in the following:

a. First instance. Upon receiving notification of a first instance of noncompliance including, but not limited to, a relapse, the ~~IPRC~~ *IPHP* shall make a report to the board that includes which identifies the applicant or licensee, describes the relevant terms of the applicant's or licensee's contract and the nature of the noncompliance and includes recommendations as to whether treatment should be augmented or formal charges should be filed the applicant or licensee should be allowed to remain in the program or whether formal disciplinary charges should be filed by the board.

b. Second instance. Upon receiving notification of a second instance of noncompliance including, but not limited to, a relapse, the ~~IPRC~~ *IPHP* shall nullify the contract and refer the case to the board for the filing of formal charges or other appropriate action.

14.7(3) Practice restrictions. The ~~IPRC~~ *IPHP* may impose restrictions on the license to practice medicine as a term of the initial agreement or contract until such time as it receives a report from an approved evaluator that the licensee is capable of practicing with reasonable safety and skill and the IPHC determines, based on all relevant information, that the licensee is capable of practicing with reasonable skill and safety. As a condition of participating in the program, a licensee is required to agree to restrict practice in accordance with the terms specified in the initial agreement or contract.

MEDICAL EXAMINERS BOARD[653](cont'd)

In the event that the licensee refuses to agree to or comply with the restrictions established in the initial agreement or contract, the committee shall refer the licensee to the board for appropriate action.

653—14.8(272C) Limitations.

14.8(1) The ~~IPRC~~ *IPHC* establishes the terms of and monitors a participant's compliance with the program specified in the initial agreement and contract. The ~~IPRC~~ *IPHC* is not responsible for participants who fail to comply with the terms of the initial agreement or contract or who fail to otherwise or successfully complete the ~~IPRP~~ *IPHP*.

14.8(2) Participation A licensee's participation in the program under the auspices of the ~~IPRC~~ shall not relieve the board of any duties and shall not divest the board of any authority or jurisdiction otherwise provided. A licensee who violates the statutes or administrative rules of the board shall be referred to the board in accordance with these administrative rules for appropriate action. Any violation of the statutes or rules governing the practice of medicine by a participant shall be referred to the board for appropriate action.

653—14.9(272C) Confidentiality. The ~~IPRC~~ is subject to the provisions governing confidentiality established in Iowa Code section 272C.6. Accordingly, information in the possession of the board or the committee shall be subject to the confidentiality requirements of Iowa Code section 272C.6. Information about licensees in the program shall not be disclosed to the public except as provided in this rule. Participation in the ~~IPRP~~ under the auspices of the ~~IPRC~~ is not a matter of public record.

14.9(1) The *IPHC* may communicate information about an *IPHP* participant to medical regulatory authorities, medical societies, or impaired physician programs of any jurisdiction of the United States or foreign nations in which the participant is currently licensed to practice medicine or in which the participant may seek licensure.

14.9(2) The *IPHC* may communicate information about an *IPHP* participant to any person assisting in the participant's treatment, recovery, rehabilitation, monitoring, or maintenance.

14.9(3) The *IPHC* may communicate information about an *IPHP* participant to the board in the event a participant does not comply with the terms of the contract. The *IPHC* may provide the board with a participant's *IPHC* file in the event the participant does not comply with the terms of the contract and the *IPHC* refers the case to the board for the filing of formal disciplinary charges.

14.9(4) The *IPHC* shall maintain a participant's complete *IPHP* file for the ten-year period after a participant's contract has expired or is terminated. After that period, the Executive Summary and contract shall be retained.

653—14.10(28E) Authority for 28E agreements. The *IPHC* may enter into 28E agreements with other health professional licensing boards to evaluate, assist, and monitor impaired licensees from other health professions and to report to those professional licensing boards regarding the compliance of individual licensees. In the event of noncompliance, the licensee may be referred to the appropriate licensing board for appropriate disciplinary action. If the *IPHC* enters into a 28E agreement with another health professional licensing board, this chapter applies and the word "physician" shall be replaced with the word "licensee" for the purpose of interpreting this chapter.

These rules are intended to implement Iowa Code section 272C.3.

ARC 1149B**NATURAL RESOURCE
COMMISSION[571]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 94, "Nonresident Deer Hunting," Iowa Administrative Code.

These rules give the regulations for hunting deer and include season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of taking, and transportation tag requirements.

Any interested person may make written suggestions or comments on the proposed amendments on or before December 18, 2001. Such written materials should be directed to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Bureau at (515)281-6156 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

There will be a public hearing on December 18, 2001, at 11 a.m. in the Fourth Floor East Conference Room of the Wallace State Office Building at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39 and 481A.48.

The following amendments are proposed.

ITEM 1. Amend rule 571—94.1(483A) as follows:

571—94.1(483A) Licenses. Every hunter must have in possession a valid *nonresident* deer license, a valid *nonresident hunting license*, and proof that the hunter has paid the current year's wildlife habitat fee when hunting, possessing, or transporting deer. No person, while hunting deer, shall carry or have in possession any license or transportation tag issued to another person. No person shall obtain more than one nonresident deer hunting license.

94.1(1) Bow season license. Bow and arrow deer licenses shall be valid for ~~any-sex~~ *any-sex* deer or *antlerless deer* only during the bow season and in the zone designated.

94.1(2) Regular gun season license. Regular gun season licenses will be issued for ~~antlered deer~~ *any-sex* or ~~any-sex~~ *antlerless deer* depending on the zone and the county or portions of counties within that zone in accordance with ~~571—subrule 106.5(1)~~. Regular gun season licenses will be issued by zone and ~~period~~ *season* and will be valid in the designated zone and for the designated ~~period~~ *season* only. ~~Any applicant who fails to designate the zone on the application form will not receive a license.~~

NATURAL RESOURCE COMMISSION[571](cont'd)

~~94.1(3) Special muzzleloader Muzzleloader season. Special muzzleloader Muzzleloader season licenses will be issued for antlered deer any-sex or any-sex antlerless deer depending on the zone and the county or portions of counties within that zone in accordance with 571—subrule 106.5(1) and shall be valid only during the special muzzleloader season and in the zone designated.~~

ITEM 2. Amend rule 571—94.2(483A) as follows:

571—94.2(483A) Season dates. Deer may be taken only during the following periods.

~~94.2(1) Bow season.~~ Deer may be taken by bow and arrow only in accordance with the type, ~~tenure,~~ and zone of license issued from October 1 through the Friday before the first Saturday in December, and from the Monday following the third Saturday in December through January 10 of the following year.

~~94.2(2) Regular gun season seasons.~~ Deer may be taken with gun only in accordance with the type, ~~tenure season,~~ and zone of license issued, from the first Saturday in December and continuing for five consecutive days or from the second Saturday in December and continuing for nine consecutive days.

~~94.2(3) Special muzzleloader Muzzleloader season.~~ Deer may be taken by muzzleloader only in accordance with the type, ~~tenure,~~ and zone of license issued from the Monday following the third Saturday in December through January 10 of the following year.

ITEM 3. Amend rule 571—94.3(483A) as follows:

571—94.3(483A) Shooting hours. Legal shooting hours ~~vary according to the type of season shall be from one-half hour before sunrise to one-half hour after sunset in all seasons.~~

~~94.3(1) Bow season.~~ Legal shooting hours for hunting deer with bow and arrow shall be one-half hour before sunrise to one-half hour after sunset each day.

~~94.3(2) Regular gun season.~~ Legal shooting hours for hunting deer with a gun shall be sunrise to sunset each day.

~~94.3(3) Special muzzleloader season.~~ Legal shooting hours for hunting deer during the special muzzleloader season shall be one-half hour before sunrise to one-half hour after sunset each day.

ITEM 4. Rescind subrules **94.5(2)** through **94.5(4)** and renumber **94.5(5)** as **94.5(2)**.

ITEM 5. Amend rule 571—94.6(483A) as follows:

571—94.6(483A) License quotas. A limited number of nonresident deer licenses will be issued in zones as follows:

94.6(1) Zone license quotas. Nonresident license quotas are as follows:

	Any-sex Any-sex	Antlerless-only
	All Methods	Bow
Zone 1.	240	84
Zone 2.	240	84
Zone 3.	600	210
Zone 4.	1200	420
Zone 5.	1500	525
Zone 6.	780	273
Zone 7.	360	126
Zone 8.	240	84

	Any-sex Any-sex	Antlerless-only
	All Methods	Bow
Zone 9.	600	210
Zone 10.	240	84
Total	6000	2100

1500 2500 statewide

94.6(2) Quota applicability. The license quota issued for each zone will be the quota for all bow, regular gun and ~~special muzzleloader season~~ licenses combined. No more than 6,000 ~~any-sex any-sex~~ licenses will be issued for all methods of take combined, for the entire state. Of the 6,000 ~~any-sex any-sex~~ licenses, no more than 35 percent in any zone can be bow licenses. A maximum of ~~1,500~~ 2,500 antlerless-only licenses, regardless of ~~weapon season or zone,~~ will be issued for the entire state.

94.6(3) Antlerless defined. For purposes of this chapter, antlerless deer are defined as deer without antlers or with no antler longer than 7 inches.

ITEM 6. Amend subrules 94.7(3) and 94.7(4) as follows:

~~94.7(3) Special muzzleloader Muzzleloader season.~~ Flintlock or percussion cap lock muzzleloaded rifles or muskets of not less than .44 nor larger than .775 caliber, shooting single projectiles only, bows as described in 94.7(1), and handguns as described in 106.7(3), will be permitted in taking deer during the ~~special muzzleloader seasons~~ season.

94.7(4) Prohibited weapons and devices. The use of dogs, domestic animals, salt or bait, rifles other than muzzle-loaded, handguns except as provided in 94.7(3), crossbows except as ~~otherwise provided in 571—15.5(481A),~~ automobiles, aircraft, or any mechanical conveyances or device including electronic calls is prohibited except that paraplegics and single or double amputees of the legs may hunt from any stationary motor-driven land conveyance. "Bait" means grain, fruit, vegetables, nuts, hay, salt or mineral blocks or any other natural food materials, or by-products of such materials transported to or placed in an area for the intent of attracting wildlife. Bait does not include food placed during normal agricultural activities. "Paraplegic" means an individual with paralysis of the lower half of the body with involvement of both legs, usually due to disease of or injury to the spinal cord.

It shall be unlawful for a person, while hunting deer, to have on their person a rifle other than a muzzleloading rifle that meets the requirements of 571—subrule 106.7(3).

ITEM 7. Amend rule 571—94.8(483A) as follows:

571—94.8(483A) Application procedure. Applications for nonresident deer hunting licenses must be made through the electronic licensing system for Iowa (ELSI) telephone order system.

94.8(1) Any-sex deer licenses. Applications for any-sex licenses will be accepted from the first Saturday in May through the ~~last Sunday in May~~ first Sunday in June. No one may submit more than one application during the application period. Hunters may apply as individuals or as a group of up to 15 applicants. All members of a group will be accepted or rejected together in the drawing. If applications have been sold in excess of the license quota for any zone or ~~hunting period~~ season, a drawing will be held to determine which applicants receive licenses. Licenses or refunds of license fees will be mailed to applicants after the drawing is completed. License agent writing fees, department administrative fees and telephone order charges will not be refunded. If any zone's license quota for any-sex licenses has not been filled,

NATURAL RESOURCE COMMISSION[571](cont'd)

the excess *any-sex* licenses will be sold on a first-come, first-served basis through the telephone ordering system beginning the ~~third~~ *fourth* Saturday after the close of the application period until the quota has been filled, or the last day of the hunting period for which the license is valid, or *December 14*, whichever occurs first. ~~No one may obtain more than one nonresident deer hunting license. Hunters may apply as individuals or as a group of up to 15 applicants. All members of a group will be accepted or rejected together in the drawing.~~ Members of a group that is rejected may purchase licenses individually if excess *any-sex* licenses or *antlerless-only* licenses are available.

94.8(2) Antlerless-only deer licenses. Licenses for taking antlerless-only deer will be available on the same date as excess *any-sex* licenses are sold as explained in 94.8(1). Antlerless-only licenses will be sold first-come, first-served until the statewide quota is filled, or until the last day of the season for which a license is valid, or until *December 14*, whichever occurs first. Antlerless-only licenses will be issued by season and zone and will be valid only in the season and zone designated on the license.

a. *Nonresident landowners.* Nonresidents who own land in Iowa will have preference in obtaining antlerless-only licenses. Nonresidents must qualify as landowners following the criteria stated in 571—subrule 106.12(1) and 571—subrules 106.12(3) through 106.12(6), except that nonresident tenants and family members of nonresident landowners and tenants do not qualify and nonresident antlerless-only licenses will not be free of charge. If a farm unit is owned jointly by more than one nonresident, only one owner may obtain a nonresident antlerless-only license in the same year. Nonresidents who own land jointly with a resident do not qualify for preference. Nonresidents who have provided proof to the department that they own land in Iowa and meet the qualifying criteria may exclusively purchase antlerless-only licenses for the first 14 days of the sale period. Such proof must be provided before an antlerless-only license can be purchased and must be resubmitted each year in which an antlerless license is purchased.

b. *Nonresident proof of land ownership.* Nonresidents who request preference for antlerless-only licenses will be required to submit a copy of their state of Iowa property tax statement for the current year or sign an affidavit that lists the legal description of their land, date purchased, and book and page number, or instrument number, where the deed is recorded.

c. *Nonresidents who do not own land in Iowa.* Nonresidents who are not Iowa landowners may purchase antlerless-only licenses beginning the fifteenth day after antlerless-only licenses are available to landowners.

94.8(3) Preference points. Each individual applicant ~~that~~ who is unsuccessful in the drawing for an *any-sex* license will be assigned one preference point for each ~~consecutive~~ year that the applicant applies and individual is unsuccessful. Preference points will not accrue in a year in which an applicant fails to apply, but the applicant will retain any preference points previously earned. Preference points will apply only to obtaining *any-sex* licenses. Once an applicant receives a *any-sex* nonresident deer hunting license, all preference points will be removed until the applicant is again unsuccessful in a drawing. Preference points will apply to any zone or ~~hunting period~~ season for which a hunter applies. The first ~~license~~ drawing for *any-sex* licenses each year will be made from the pool of applicants with the most preference points. If licenses are still available after the first drawing, subsequent drawings will be made from pools of applicants with successively fewer preference points and

continue until the *any-sex* license quota is reached or all applicants have received licenses. Applicants who apply as a group will be included in a pool of applicants with the same number of preference points as that of the member of the group with the fewest preference points assigned.

ITEM 8. Rescind rule 571—94.10(481A) and renumber rule 571—94.11(481A) as 571—94.10(481A).

ITEM 9. Amend renumbered subrule 94.10(1) as follows:

94.10(1) Licenses. A nonresident meeting the requirements of Iowa Code section 321L.1(8) may apply for or purchase a nonresident deer hunting license to participate in a special deer hunting season for severely disabled persons. Nonresidents applying for this license must have on file with the department of natural resources either a copy of a disabilities parking permit issued by a state department of transportation or an Iowa DNR form signed by a physician that verifies their disability.

ITEM 10. Amend renumbered subrule 94.10(7) as follows:

94.10(7) Application procedures. Persons meeting the requirements for this season must apply following the procedures described in 571—94.8(483A). A person who does not have a form on file to verify a disability will not be entered into the drawing or be allowed to purchase a license and will have the license fee refunded, less a \$10 administrative fee to cover the cost of handling the application as provided in 571—subrule 15.11(1). License agent writing fees, department administrative fees and telephone order charges will not be refunded.

ARC 1139B

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Barber Examiners hereby gives Notice of Intended Action to rescind Chapter 20, “Barber Examiners,” Chapter 21, “Sanitary Conditions for Barbershops and Barber Schools,” Chapter 22, “Barber Assistants,” and Chapter 23, “Continuing Education for Barbers,” and adopt new Chapter 20, “Barber Examiners,” Chapter 21, “Licensure for Barbers,” Chapter 22, “Sanitary Conditions for Barbershops and Barber Schools,” Chapter 23, “Barber Schools,” Chapter 24, “Continuing Education for Barbers,” Chapter 25, “Discipline,” and Chapter 26, “Fees,” Iowa Administrative Code.

The proposed amendments rescind the current rules regarding licensure, schools, discipline, sanitary conditions and fees and adopt new chapters for licensure, barber schools, discipline, sanitary conditions, continuing education and fees.

Any interested person may make written comments on the proposed amendments no later than December 20, 2001, addressed to Ella Mae Baird, Professional Licensure Division,

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075.

The Division revised these rules according to Executive Order Number 8. The Division sent ten letters to the public for comment and two letters were received in return. Division staff also had input on these rules. The comments received were discussed by the Board and decisions were based on need, clarity, intent and statutory authority, cost and fairness.

A public hearing will be held on December 20, 2001, from 9 to 11 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

These amendments are intended to implement Iowa Code chapters 158 and 272C.

The following amendments are proposed.

ITEM 1. Rescind 645—Chapter 20 and adopt the following new chapter in lieu thereof:

CHAPTER 20
BARBER EXAMINERS

645—20.1(158) Unlicensed manicurists—definitions. For the purpose of Iowa Code section 158.14, paragraph 2:

“Manicuring” means the practice of cleansing, shaping, polishing the fingernails and massaging the hands and lower arms of any person. It does not include the application of nail extensions, artificial nails or pedicuring.

“Manicurist” means a person who performs the practice of manicuring in a licensed barbershop or a licensed cosmetology salon.

“Such employment” means that a person who was employed by a licensed barbershop to manicure fingernails prior to July 1, 1989, may continue employment in any licensed barbershop without meeting licensing requirements under Iowa Code chapter 158.

This rule is intended to implement Iowa Code section 158.14.

ITEM 2. Rescind 645—Chapter 21 and adopt the following new chapter in lieu thereof:

CHAPTER 21
LICENSURE OF BARBERS

645—21.1(158) Definitions. For purposes of these rules, the following definitions shall apply:

“Board” means the board of barber examiners.

“Lapsed license” means a license that a person has failed to renew as required or the license of a person who has failed to meet stated obligations for renewal within a stated time.

“Licensee” means any person licensed to practice as a barber in the state of Iowa.

“License expiration date” means June 30 of even-numbered years.

“Reciprocal license” means the issuance of an Iowa license to practice barbering to an applicant who is currently licensed in another state and which state has a mutual agreement to license persons who have the same or similar qualifications to those required in Iowa.

645—21.2(158) Requirements for licensure.

21.2(1) The following criteria shall apply to licensure:

a. The applicant shall complete a board-approved application form. Application forms may be obtained from the

board Web site (<http://www.idph.state.ia.us/licensure>), directly from the board office or from the barber school at which the student is enrolled.

b. The applicant shall complete the application form according to the instructions contained in the application. If the application is not completed according to the instructions, the application will not be reviewed by the board.

c. Each application shall be accompanied by the appropriate fees payable by check or money order to the Board of Barber Examiners. The fees are nonrefundable.

d. The applicant shall present a certificate or satisfactory evidence of having successfully completed a tenth grade education or the equivalent.

e. The applicant shall present an official transcript of grades showing completion of training at a school approved by the board of barber examiners.

f. An application for barber or barber instructor examination must be filed with the board at least 30 days preceding the examination.

g. The candidate shall take and pass the written and practical examination required by the board.

h. Licensees who were issued their licenses within six months prior to renewal shall not be required to renew their licenses until the renewal month two years later.

i. Incomplete applications that have been on file in the board office for more than two years shall be:

(1) Considered invalid and shall be destroyed; or

(2) Maintained upon written request of the candidate.

The candidate is responsible for requesting the file to be maintained.

21.2(2) Requirements for an instructor’s license. An applicant for an instructor’s license shall:

a. Submit the completed application form;

b. Submit the appropriate fees payable by check or money order to the Board of Barber Examiners;

c. Be a graduate of an accredited high school or the equivalent thereof;

d. Be licensed in the state of Iowa as a barber for not less than two years;

e. Have completed a board-approved 16-hour teaching class;

f. Pass an instructor’s examination administered by the board or its designee; and

g. Make a written request to be an instructor after completion of the 16-hour teaching class until the date of the next examination.

21.2(3) If an applicant fails the examination the second time, the board will not renew the special permission to instruct.

645—21.3(158) Course of study. Each Iowa school of barbering licensed by the board of barber examiners shall conduct a course of study of at least 2,100 hours to be equally divided over a period of not less than ten months. Such course of study shall include the following:

21.3(1) Supervised practical instruction totaling 1,675 hours shall include:

Scalp care and shampooing

Honing and stropping

Shaving

Facials, massage and packs

Science of hair structure

Haircutting

Hair tonics and singeing

Hair relaxing

Hair coloring and hair body processing

Hair styling

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

Manicuring

Artificial nails (all aspects)

21.3(2) Demonstration and lectures totaling 380 hours shall include:

Law, ethics, economics, equipment, shop management and history of barbering

Sanitation, sterilization, personal hygiene and first aid

Bacteriology

Anatomy

Skin, scalp, hair and their common disorders

Electricity, as applied to barbering

Chemistry and pharmacology

Scalp care

Honing and stropping

Shaving

Facials, massage and packs

Hair relaxing

Science of hair structure

Haircutting

Hair tonics and singeing

Instruments, soaps, shampoos, creams, lotions and tonics

Nails

21.3(3) Special lectures totaling 45 hours must include lectures by a qualified person in the following areas: tax consultant, advertising, insurance, business management, salesmanship and licensed barbers.

21.3(4) Foreign-trained barbers shall:

a. Provide an equivalency evaluation of their educational credentials by one of the following: International Educational Research Foundations, Inc., Credentials Evaluation Service, P.O. Box 3665, Culver City, CA 90231-3665, telephone (310)258-9451, Web site www.ierf.org or E-mail at info@ierf.org; or World Education Services (WES) at (212) 966-6311, electronically at www.wes.org or by writing to WES, P.O. Box 745, Old Chelsea Station, New York, NY 10113-0745. The professional curriculum must be equivalent to those stated in these rules. A candidate shall bear the expense of the curriculum evaluation.

b. Provide a notarized copy of the certificate or diploma awarded to the applicant from a barber school in the country in which the applicant was educated.

c. Receive a final determination from the board regarding the application for licensure.

645—21.4(158) Licensure by endorsement. An applicant who has been a licensed barber under the laws of another jurisdiction shall file an application for licensure by endorsement with the board office. The board may receive by endorsement any applicant from the District of Columbia or another state, territory, province or foreign country who:

21.4(1) Submits to the board a completed application;

21.4(2) Pays the licensure fee;

21.4(3) Shows evidence of licensure requirements that are similar to those required in Iowa;

21.4(4) Obtains verification from the District of Columbia, any state, territory, province or foreign country where the applicant is licensed. Verification(s) of a current barber license in another state requires:

a. A valid licensure for at least 12 months in the 24-month period preceding the submission of the application; and

b. The verification(s) must be mailed directly to the board from the District of Columbia, any state, territory, province or foreign country in which licensure was held; and

21.4(5) Takes and passes the written and practical examination administered by the board.

645—21.5(158) Licensure by reciprocal agreement. The board may enter into a reciprocal agreement with the District of Columbia or any state, territory, province or foreign country with equal or similar requirements for licensure of barber applicants.

645—21.6(158) Temporary permits to practice barbering. An applicant who is applying for initial licensure and is not licensed in another state and who has met the requirements for licensure except for the examination may apply for a temporary permit to practice barbering. The following criteria apply to the temporary permit:

1. The temporary permit is valid from the date the application is completed until passage of the next available examination.

2. An applicant who does not pass the first examination shall take the next available examination administered by the board.

3. The temporary permit of an applicant who does not pass the second examination shall be revoked and the person may not practice barbering.

4. The applicant shall submit the temporary permit to the board before sitting for another examination.

645—21.7(158) Demonstrator's permit. The board may issue a demonstrator's permit to a licensed barber for the purpose of demonstrating barbering to the public. The following criteria apply to the demonstrator's permit:

1. A demonstrator's permit shall be valid for a barber-shop, person or an event. The location, purpose and duration shall be stated on the permit.

2. A demonstrator's permit shall be valid for no more than 10 days.

3. A completed application shall be submitted on a form provided by the board at least 30 days in advance of the intended use dates.

4. An application fee shall be submitted as set forth in these rules.

5. No more than four permits shall be issued to any applicant during a calendar year.

645—21.8(158) License renewal.

21.8(1) The biennial license renewal period for a license to practice barbering shall begin on July 1 of each even-numbered year and end on June 30 of each even-numbered year. All licensees shall renew on a biennial basis.

21.8(2) A renewal of license application and continuing education report form to practice as a barber shall be mailed to the licensee at least 60 days prior to the expiration of the license. Failure to receive the renewal application shall not relieve the license holder of the obligation to pay the biennial renewal fees on or before the renewal date.

a. The licensee shall submit the completed application and continuing education report form with the renewal fee to the board office before the license expiration date.

b. Individuals who were issued their initial licenses within six months of the license renewal beginning date will not be required to renew their licenses until the next renewal two years later.

c. Those persons licensed for the first time shall not be required to complete continuing education as a prerequisite for the first renewal of their licenses. Continuing education hours acquired anytime from the initial licensing until the second license renewal may be used. The new licensee will be required to complete a minimum of eight hours of continuing education per biennium for each subsequent license renewal.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

d. Persons licensed to practice as barbers shall keep their renewal licenses displayed in a conspicuous public place at the primary site of practice.

21.8(3) Late renewal. If the renewal fees, continuing education report and renewal application are received within 30 days after the license renewal expiration date, the late fee for failure to renew before expiration shall be charged.

21.8(4) When all requirements for license renewal are met, the licensee shall be sent a license renewal card by regular mail.

645—21.9(272C) Exemptions for inactive practitioners.

21.9(1) A licensee who is not engaged in practice in the state of Iowa may be granted a waiver of compliance and obtain a certificate of exemption upon written application to the board. The application shall contain a statement that the applicant will not engage in practice in the state of Iowa without first complying with all regulations governing reinstatement after exemption. The application for a certificate of exemption shall be submitted upon the form provided by the board. A licensee shall hold a current license in order to apply for exempt status. A licensee shall apply for inactive status prior to the license expiration date.

21.9(2) Licensees shall renew at the next scheduled renewal time. Licensees who were issued their reinstatement within six months prior to the renewal shall not be required to renew their licenses until the renewal date two years later.

21.9(3) Reinstatement of exempted, inactive practitioners. Inactive practitioners who have requested and been granted a waiver of compliance with the renewal requirements and who have obtained a certificate of exemption shall, prior to engaging in the practice of the profession in Iowa, satisfy the requirements for reinstatement as outlined in 645—24.10(158,272C).

21.9(4) A new licensee who is on inactive status during the initial license renewal time period and reinstates before the first license expiration date will not be required to complete continuing education for that first license renewal time period only. Eight hours of continuing education will be required for every renewal thereafter.

21.9(5) Verifications of license(s) are required from any state in which the licensee has practiced since the Iowa license became inactive.

21.9(6) Reinstatement of inactive license. The following chart illustrates the requirements for reinstatement based on the length of time a license has been considered inactive.

An applicant shall satisfy the following requirements:	1 renewal	2 renewals	3 or more renewals
Submit written application for reinstatement to the board	Required	Required	Required
Pay the reinstatement fee	\$50	\$50	\$50
Pay the renewal fee	\$50	\$50	\$50
Submit license verification(s) from all states in which the licensee has practiced since obtaining inactive status	Required	Required	Required
Furnish evidence of completion of approved continuing education hours completed within the prior two bienniums of date of application for reinstatement OR Furnish evidence of continuing education hours equivalent to those required in Iowa if licensed in another state of the United States or the District of Columbia OR Furnish evidence of successful completion of the professional examination (Examination fee is \$75)	8 hours Current valid license and 8 hours of continuing education Successful completion of examination	16 hours Current valid license and 16 hours of continuing education Successful completion of examination	24 hours Current valid license and 24 hours of continuing education Successful completion of examination
Total fees and continuing education hours required for reinstatement:	\$100 and 8 hours	\$100 and 16 hours	\$100 and 24 hours

645—21.10(272C) Lapsed licenses.

21.10(1) If the renewal fees and continuing education report are received more than 30 days after the license expiration date, the license is lapsed. An application for reinstatement must be filed with the board and be accompanied by the reinstatement fee, the renewal fee for each biennium the license is lapsed and the late fee for failure to renew before expiration. The licensee may be subject to an audit of the licensee's continuing education report.

21.10(2) Licensees who have not fulfilled the requirements for license renewal or for an exemption in the required time frame will have a lapsed license and shall not engage in the practice of barbering. Practicing without a license may be cause for disciplinary action.

21.10(3) In order to reinstate a lapsed license, licensees shall comply with all requirements for reinstatement as outlined in 645—24.6(158).

21.10(4) If an instructor's license has lapsed for more than three bienniums, the instructor shall also pay the examination fee and pass the instructor examination.

21.10(5) After the reinstatement of a lapsed license, the licensee shall renew at the next scheduled renewal cycle and complete the continuing education required for the biennium.

21.10(6) Verifications of license(s) are required from any state in which the licensee has practiced since the Iowa license lapsed.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

21.10(7) Reinstatement of a lapsed license. The following chart illustrates the requirements for reinstatement based on the length of time a license has lapsed.

An applicant shall satisfy the following requirements:	30 days after expiration date up to 1 renewal	2 renewals	3 renewals	4 or more renewals
Submit written application for reinstatement	Required	Required	Required	Required
Pay the renewal fee(s)	\$50	\$100	\$150	\$200
Pay the late fee	\$50	\$50	\$50	\$50
Pay the reinstatement fee	\$50	\$50	\$50	\$50
Furnish verifications of license(s) from any state in which the licensee has practiced since the Iowa license lapsed	Required	Required	Required	Required
Furnish evidence of completion of continuing education during the two most recent bienniums prior to reinstatement OR Furnish evidence of continuing education hours equivalent to those required in Iowa if licensed in another state of the United States or the District of Columbia OR Take the professional license examination within one year immediately prior to submitting the application for reinstatement. (Examination fee is \$75)	8 hours 8 hours Successful completion of examination	16 hours 16 hours Successful completion of examination	24 hours 24 hours Successful completion of examination	24 hours and successful completion of examination 24 hours and successful completion of examination 24 hours and successful completion of examination
Total fees and continuing education hours required for reinstatement:	\$150 and 8 hours	\$200 and 16 hours	\$250 and 24 hours	\$375 and 24 hours (successful completion of examination also required)

645—21.11(272C) License denial.

21.11(1) An applicant who has been denied licensure by the board may appeal the denial and request a hearing on the issues related to the licensure denial by serving a notice of appeal and request for hearing upon the board not more than 30 days following the date of mailing of the notification of licensure denial to the applicant. The request for hearing as outlined in these rules shall specifically describe the facts to be contested and determined at the hearing.

21.11(2) If an applicant who has been denied licensure by the board appeals the licensure denial and requests a hearing pursuant to this rule, the hearing and subsequent procedures shall be held pursuant to the process outlined in Iowa Code chapter 272C.

These rules are intended to implement Iowa Code chapters 272C and 158.

ITEM 3. Rescind 645—Chapter 22 and adopt the following new chapter in lieu thereof:

**CHAPTER 22
SANITARY CONDITIONS FOR
BARBERSHOPS AND BARBER SCHOOLS**

645—22.1(158) Rules posted. The manager of each barber-shop shall keep a copy of these rules (Chapter 22, "Sanitary Conditions for Barbershops and Barber Schools," Iowa Administrative Code) posted in a conspicuous place in the shop.

645—22.2(158) License. The original license, duplicate license or temporary permit, and the current renewal certifying that the practitioner is licensed or that the practitioner is a

trainee certified by the board shall be visibly displayed for each licensee. Shop and school of barbering licenses along with the current renewal shall be posted and visible to the public therein.

645—22.3(158) Sanitation. Every barbershop shall be well lighted, properly ventilated and kept in clean, sanitary and orderly condition. All shops or schools shall have handwashing and toilet facilities accessible within the building.

645—22.4(158) Quarters. Barbering shall not be practiced in a residence unless the shop is completely separated from living quarters by a solid permanent partition. A solid door leading to residence shall be permitted providing it remains closed during business hours except during entering and leaving. An outside entrance shall be provided.

645—22.5(158) Quarters adjacent to other business. A barbershop located in a room adjacent to a food service establishment, tavern or grocery shall be in a completely separate room and doors between shall be rendered unusable except for emergencies.

645—22.6(158) Plumbing. Barbershops shall have an adequate supply of potable hot and cold water under pressure.

645—22.7(158) Equipment.

22.7(1) Except as set forth in subrule 22.7(2), all styling and haircutting tools, instruments and equipment in a shop or a school of barbering which come in contact with a patron's hair, nails or skin, except those which come in contact with blood or body fluids, shall be sanitized before use on each patron by cleansing thoroughly with soap and hot water, and

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

then be disinfected by complete immersion in an EPA-registered, hospital-grade, bactericidal, virucidal and fungicidal disinfectant that is mixed and used according to the manufacturer's directions, after which the tools and implements should be dried and placed in a closed cabinet. All tools and implements which have come in contact with blood or body fluids must be disinfected by complete immersion in an EPA-registered, hospital-grade and tuberculocidal disinfectant that is mixed and used according to the manufacturer's directions. Disinfected implements must be stored in a disinfected, dry, covered container. All germicidal solutions shall be labeled.

22.7(2) All metallic instruments shall be kept clean by wiping carefully after each use with cotton saturated with an approved disinfectant solution. It is recommended that the solution used with metallic instruments be an EPA-registered, hospital-grade, bactericidal, virucidal and fungicidal disinfectant that is mixed and used according to the manufacturer's directions, which shall be kept at each occupied work station.

22.7(3) An EPA-registered, hospital-grade disinfecting agent shall be available for immediate use at all times a shop or barbering school is in operation.

22.7(4) A barbershop owner shall provide closed cabinets or drawers for the keeping of all tools and towels when they are not in use.

22.7(5) A barbershop owner shall provide a minimum of one washbasin or lavatory for every two barber chairs in use. The washbasins or lavatories shall be so situated that one is readily accessible to the operator of each barber chair.

645—22.8(158) Workstands. All workstands shall be covered with some kind of nonabsorbent, washable material. All bottles, jars, receptacles, compartments, and containers of all kinds shall be properly labeled at all times, and all barbering equipment shall be maintained in a sanitary condition.

645—22.9(158) Dusters and brushes. The common neck duster or brush and the common shaving mug, soap and brush shall not be used in any barbershop or school.

645—22.10(158) Hands. Barbers shall wash their hands thoroughly with soap and water before serving a patron.

645—22.11(158) Headrest. Each barber chair headrest shall be provided with a mechanical paper container and clean shaving paper or clean towel.

645—22.12(158) Towels. Freshly laundered towels shall be used for each patron. In haircutting, shampooing, or similar activities, a freshly laundered towel or new neck strip shall be used to prevent the hair cloth from directly contacting the skin of the patron. Soiled towels shall not be left on lavatory or workstand but shall be immediately disposed of in a container for that purpose.

645—22.13(158) Styptic powder and alum. Alum or other material used to stop the flow of blood shall be used only in liquid or powder form.

645—22.14(158) Other disease carriers. No pets of any kind shall be permitted in a licensed barbershop or school except guide dogs.

645—22.15(158) Supervisor duty. It shall be the responsibility and duty of each supervisor of a barbershop to see that all employees observe all applicable rules.

645—22.16(158) Inspection report posted. Barbers shall post in a conspicuous place the prior inspection report for each respective shop.

These rules are intended to implement Iowa Code sections 147.76, 158.5, and 158.15.

ITEM 4. Rescind 645—Chapter 23 and adopt the following new chapter in lieu thereof:

CHAPTER 23
BARBER SCHOOLS

645—23.1(158) Application for licensing. An application for licensing of a proposed school shall be in writing and made to the board of barber examiners at its office in Des Moines, Iowa. A hearing will be held to determine eligibility. Notice of the time and place for the hearing shall be sent by certified mail to the applicant. The applicant shall appear in person before the board at the hearing. At the hearing the applicant shall submit to the board the following information in typed or printed form:

23.1(1) The exact location of the proposed school.

23.1(2) A statement of the maximum number of students proposed to be trained at any time as determined by the physical facilities.

23.1(3) A photostatic copy of the essential parts of all leases, with a lease of at least one year, or other documents, giving the owner of the school the right to possession of the premises.

23.1(4) Evidence that the applicant has sufficient finances to acquire the facilities and equipment required by the board and that finances are available to provide for operation of the proposed school for a minimum period of 12 months. Such evidence shall be presented by sworn affidavit of applicant and financial statement duly signed in affidavit form as to its veracity.

23.1(5) A complete plan of the physical facilities to be utilized and as applied to sections relative to classroom and minimum equipment required.

23.1(6) No student shall be accepted until the above requirements are met.

23.1(7) Application for license. An application for license which does not meet the minimum criteria for licensure shall be retained by the professional licensure division for a maximum of two years from the date the application was received. A person whose application for license is more than two years old must submit a new application and fee(s). An applicant must submit a written request to the board to keep the application on file.

23.1(8) Number of instructors required. In each school or college of barbering, there shall be at least two licensed instructors for every 30 students or fraction thereof, and one additional instructor for each additional 15 students or fraction thereof.

23.1(9) A school shall not permit its instructors to work on its patrons, except when instructing or otherwise assisting students in the school.

645—23.2(147) Minimum equipment of school of barbering. Each school of barbering shall have the following minimum equipment:

23.2(1) One chair, lavatory and backstand, providing proper cabinet for immediate linen supply, and individual sterilizers for each chair. There shall be no fewer than ten such sets in the classroom equipped for practice on the general public.

23.2(2) One set of textbooks of barbering for each student and each instructor.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

23.2(3) Electric equipment. One high-frequency electrode, one twin vibrator, one heat cap, one infrared lamp, one ultraviolet lamp.

23.2(4) One trichoscope.

23.2(5) One automatic lather mixer for every two chairs.

23.2(6) One large writing board for every classroom.

23.2(7) One large bulletin board conspicuously located for posting rules, notices, and similar bulletins.

23.2(8) One set of files for all required records.

23.2(9) The classroom shall be equipped with the specified writing board and charts showing illustrations of the skin, circulation of the blood, muscles and bones of the face, scalp, and neck. This room shall be used for the sole purpose of giving scientific instruction to students.

645—23.3(147) Miscellaneous requirements.

23.3(1) No one in any way connected with a school of barbering shall guarantee occupational positions to students or guarantee financial aid in equipping a shop.

23.3(2) Instructors shall familiarize students with the different standard supplies and equipment used in barber shops.

23.3(3) No student shall receive pay nor be allowed any rebates, refunds or commissions on any money taken in at the barber chair for service rendered to patrons.

23.3(4) When school services are displayed or in any manner advertised by a school of barbering, they shall be followed by the words "STUDENT WORK" in lettering at least one-half the size of the lettering used in the advertisement or display.

23.3(5) Instructors and students shall be attired in clean and neat uniforms at all times during school hours.

23.3(6) There shall be not more than two students enrolled for each barber chair installed in a school of barbering.

23.3(7) All bottles and containers in use must be distinctly and correctly labeled, showing the intended use of the contents.

645—23.4(147) Attendance requirements.

23.4(1) All schools of barbering shall establish regular school hours. No student shall be required to attend more than nine hours on any given school day. The board shall be notified of established hours.

23.4(2) A minimum of eight hours of classroom instruction per week shall be given to all students. These periods shall include lectures, individual instruction and written examinations.

23.4(3) All examinations and other written papers shall be carefully graded and returned to students in order that they may see errors.

645—23.5(147) Records requirements.

23.5(1) Each school or college shall forward to the board of barber examiners a complete application for enrollment upon the date of admittance of a student together with required credentials.

23.5(2) Each school shall keep a daily class record of each student, showing the hours devoted to the respective subjects, time devoted by a student to each subject, the total number of hours in attendance, and days present and absent, which shall be subject to inspection by the examiners or a representative of the board.

23.5(3) The manager of each school shall compile from the records a summary of each student's grades, hours, and attendance, which shall be presented to the student upon graduation and which shall also be made a part of the student's application for examination. The manager shall sign each copy of the required records and shall certify said rec-

ords are correct and that the student has received a diploma from the school.

645—23.6(147) Library requirements. Each school of barbering shall maintain a library for the students enrolled therein consisting of textbooks, videos, current trade publications, and shop management materials which are current within the previous ten years and which cover the topics necessary for the student to master the skill of barbering.

645—23.7(158) Apprenticeship. An applicant for a license as a barber in Iowa who is licensed as a barber or registered as an apprentice barber in another state may receive credit toward the required 2100 hours of course of study prescribed by Iowa Code section 158.8 at a ratio of 100 hours credit for each 400 hours of registered apprenticeship completed in the state in which the applicant is licensed or registered as an apprentice.

These rules are intended to implement Iowa Code chapter 158.8.

ITEM 5. Adopt new 645—Chapter 24 as follows:

CHAPTER 24

CONTINUING EDUCATION FOR BARBERS

645—24.1(158) Definitions. For the purpose of these rules, the following definitions shall apply:

"Active license" means the license of a person who is acting, practicing, functioning, and working in compliance with license requirements.

"Administrator" means the administrator of the board of barber examiners.

"Approved program/activity" means a continuing education program/activity meeting the standards set forth in these rules which has received approval by the board pursuant to these rules.

"Approved sponsor" means a person or an organization sponsoring continuing education activities that has been approved by the board as a sponsor pursuant to these rules. During the time an organization, educational institution, or person is an approved sponsor, all continuing education activities of such organization, educational institution, or person shall be deemed automatically approved.

"Audit" means the selection of licensees for verification of satisfactory completion of continuing education requirements during a specified time period or the selection of providers for verification of adherence to continuing provider requirements during a specified time period.

"Board" means the board of barber examiners.

"Continuing education" means planned, organized learning acts designed to maintain, improve, or expand a licensee's knowledge and skills in order for the licensee to develop new knowledge and skills relevant to the enhancement of practice, education, or theory development to improve the safety and welfare of the public.

"Hour of continuing education" means a clock hour spent by a licensee in actual attendance at and completion of approved continuing education activity.

"Inactive license" means the license of a person who is not engaged in practice in the state of Iowa.

"Lapsed license" means a license that a person has failed to renew as required, or the license of a person who has failed to meet stated obligations for renewal within a stated time.

"License" means license to practice.

"Licensee" means any person licensed to practice as a barber in the state of Iowa.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

645—24.2(158) Continuing education requirements.

24.2(1) The biennial continuing education compliance period shall extend for a two-year period beginning on July 1 and ending on June 30 of each even-numbered year. Each biennium, each person who is licensed to practice as a barber in this state shall be required to complete a minimum of eight hours of continuing education approved by the board.

24.2(2) Requirements of new licensees. Those persons licensed for the first time shall not be required to complete continuing education as a prerequisite for the first renewal of their licenses. Continuing education hours acquired anytime from the initial licensing until the second license renewal may be used. The new licensee will be required to complete a minimum of eight hours of continuing education per biennium for each subsequent license renewal.

24.2(3) Hours of continuing education credit may be obtained by attending and participating in a continuing education activity. These hours must be approved by the board or otherwise meet the requirements herein pursuant to statutory provisions and the rules that implement them.

24.2(4) No hours of continuing education shall be carried over into the next biennium except as stated for the second renewal.

24.2(5) It is the responsibility of each licensee to finance the cost of continuing education.

645—24.3(158) Standards for approval.

24.3(1) General criteria. A continuing education activity which meets all of the following criteria is appropriate for continuing education credit if it is determined by the board that the continuing education activity:

a. Constitutes an organized program of learning which contributes directly to the professional competency of the licensee;

b. Pertains to subject matters which integrally relate to the practice of the profession;

c. Is conducted by individuals who have specialized education, training and experience by reason of which said individuals should be considered qualified concerning the subject matter of the program. The application must be accompanied by a paper, manual or outline which substantively pertains to the subject matter of the program and reflects program schedule, goals and objectives. The board may request the qualifications of presenters;

d. Fulfills stated program goals, objectives, or both; and

e. Provides proof of attendance to licensees in attendance including:

(1) Date(s), location, course title, presenter(s);

(2) Number of program contact hours (One contact hour usually equals one hour of continuing education credit.); and

(3) Official signature or verification by program sponsor.

24.3(2) Specific criteria. Continuing education credit offered for cosmetology continuing education credit will be accepted for barber continuing education credit.

645—24.4(158) Approval of sponsors, programs, and activities for continuing education.

24.4(1) Approval of sponsors. An applicant who desires approval as a sponsor of courses, programs, or other continuing education activities shall, unless exempted elsewhere in these rules, apply for approval to the board on the form designated by the board stating the applicant's educational history for the preceding two years or proposed plan for the next two years.

a. The form shall include the following:

(1) Date(s), location, course title(s) offered and outline of content;

(2) Total hours of instruction presented;

(3) Names and qualifications of instructors including résumés or vitae; and

(4) Evaluation form(s).

b. Records shall be retained by the sponsor for four years.

c. Attendance record report. The person or organization sponsoring an approved continuing education activity shall provide a certificate of attendance or verification to the licensee providing the following information:

(1) Program date(s);

(2) Course title and presenter;

(3) Location;

(4) Number of clock hours attended and continuing education hours earned;

(5) Name of sponsor and sponsor number;

(6) Licensee's name; and

(7) Method of presentation.

d. All approved sponsors shall maintain a copy of the following for a minimum of four years from the date of the continuing education activity:

(1) The continuing education activity;

(2) List of enrolled licensees' names and license numbers; and

(3) Number of continuing education clock hours awarded.

e. The program instructors shall have successfully completed a board-approved 16-hour teaching class. Upon written request the board may grant a waiver of the 16-hour class upon demonstration by the instructor that the instructor has met the requirement by equivalency.

f. The sponsor shall submit a report of all continuing education programs conducted in the previous year during the assigned month for reporting designated by the board. The report shall include:

(1) Date(s), location, course title(s) offered and outline of content;

(2) Total hours of instruction presented;

(3) Names and qualifications of instructors including résumés or vitae;

(4) Evaluation form(s); and

(5) A summary of the evaluations completed by the licensees.

24.4(2) Prior approval of programs/activities. An organization or person other than an approved sponsor that desires prior approval of a course, program or other educational activity or that desires to establish accreditation of such activity prior to attendance shall apply to the board for approval on a form provided by the board at least 60 days in advance of the commencement of the activity. The board shall approve or deny such application in writing within 30 days of receipt of such application. The application shall state:

a. Date(s);

b. Course(s) offered;

c. Course outline;

d. Total hours of instruction; and

e. Names and qualifications of speakers and other pertinent information. The speakers shall have successfully completed a board-approved 16-hour teaching class. Upon written request the board may grant a waiver of the 16-hour class upon demonstration by the instructor that the instructor has met the requirement by equivalency. The organization or person shall be notified of approval or denial by ordinary mail.

24.4(3) Review of programs. Continuing education programs/activities shall be reported every year at the designated time as assigned by the board. The board may at any time reevaluate an approved sponsor. If, after reevaluation,

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

the board finds there is cause for revocation of the approval of an approved sponsor, the board shall give notice of the revocation to that sponsor by certified mail. The sponsor shall have the right to hearing regarding the revocation. The request for hearing must be sent within 20 days after the receipt of the notice of revocation. The hearing shall be held within 90 days after the receipt of the request for hearing. The board shall give notice by certified mail to the sponsor of the date set for the hearing at least 30 days prior to the hearing. The board shall conduct the hearing in compliance with rule 645—11.9(17A).

24.4(4) Postapproval of activities. A licensee seeking credit for attendance and participation in an educational activity which was not conducted by an approved sponsor or otherwise approved shall submit to the board, within 60 days after completion of such activity, the following:

- a. Date(s);
- b. Course(s) offered;
- c. Course outline;
- d. Total hours of instruction and credit hours requested;
- e. Names and qualifications of speakers and other pertinent information. The speakers shall have successfully completed a board-approved 16-hour teaching class. Upon written request the board may grant a waiver of the 16-hour class upon demonstration by the instructor that the instructor has met the requirement by equivalency;
- f. Request for credit which includes a brief summary of the activity; and
- g. Certificate of attendance or verification.

Within 90 days after receipt of such application, the board shall advise the licensee in writing by ordinary mail whether the activity is approved and the number of hours allowed. A licensee not complying with the requirements of this subrule may be denied credit for such activity.

24.4(5) Voluntary relinquishment. The approved sponsor may voluntarily relinquish sponsorship by notifying the board office in writing.

645—24.5(158) Reporting continuing education by licensee. At the time of license renewal, each licensee shall be required to submit a report on continuing education to the board on a board-approved form.

24.5(1) The information on the form shall include:

- a. Title of continuing education activity;
- b. Date(s);
- c. Sponsor of the activity;
- d. Board-approved sponsor number;
- e. Number of continuing education hours earned; and
- f. Teaching method used.

24.5(2) Audit of continuing education report. After each educational biennium, the board will audit a percentage of the continuing education reports before granting the renewal of licenses to those being audited.

a. The board will select licensees to be audited.

b. The licensee shall make available to the board for auditing purposes a copy of the certificate of attendance or verification for all reported activities that includes the following information:

- (1) Date, location, course title, schedule (brochure, pamphlet, program, presenter(s)), and method of presentation;
- (2) Number of contact hours for program attended; and
- (3) Indication of successful completion of the course.

c. For auditing purposes, the licensee must retain the above information for two years after the biennium has ended.

d. Submission of a false report of continuing education or failure to meet continuing education requirements may

cause the license to lapse and may result in formal disciplinary action.

e. All renewal license applications that are submitted late (after the end of the compliance period) may be subject to an audit of the continuing education report.

f. Failure to receive the renewal application shall not relieve the licensee of responsibility of meeting continuing education requirements and submitting the renewal fee by the end of the compliance period.

645—24.6(158) Reinstatement of lapsed license. Failure of the licensee to renew within 30 days after expiration date shall cause the license to lapse. A person who allows a license to lapse cannot engage in practice in Iowa without first complying with all regulations governing reinstatement as outlined in the board rules. A person who allows the license to lapse may apply to the board for reinstatement of the license. Reinstatement of the lapsed license may be granted by the board if the applicant:

1. Submits a written application for reinstatement to the board;
2. Pays all of the renewal fees then due;
3. Pays the reinstatement fee;
4. Pays the late fee;
5. Provides verification(s) of license(s) from any state in which the licensee has practiced since the Iowa license lapsed; and

6. Provides evidence of satisfactory completion of Iowa continuing education requirements during the two most recent bienniums prior to submitting the application for reinstatement, or provides proof of continuing education hours equivalent to those required in Iowa if licensed in another state of the United States or the District of Columbia. The total number of continuing education hours required for license reinstatement is computed by multiplying 8 by the number of bienniums to a maximum of 24 hours since the license lapsed. If the license has lapsed for three bienniums or less, the applicant for reinstatement may, in lieu of submitting the required continuing education, furnish evidence of successfully passing the Iowa license examinations conducted within one year of submitting the application for reinstatement. If the license has lapsed for more than three bienniums, the applicant shall complete 24 hours of approved continuing education. The applicant shall also be reexamined and show evidence of successfully passing the Iowa state barber license examination conducted within one year of submitting the application for reinstatement.

645—24.7(158,272C) Continuing education waiver for active practitioners. A barber licensed to practice barbering shall be deemed to have complied with the continuing education requirements of this state during the period that the licensee serves honorably on active duty in the military services or as a government employee outside the United States as a practicing barber.

645—24.8(158,272C) Continuing education exemption for inactive practitioners. A licensee who is not engaged in practice in the state of Iowa may be granted an exemption of continuing education compliance and obtain a certificate of exemption upon written application to the board. If the licensee seeks an inactive status for the barber's license and the licensee also holds an instructor's license, the instructor's license shall automatically become inactive. If the licensee holds both a barber's license and instructor's license, the licensee may choose to seek an inactive license for the instructor's license alone. The application shall contain a statement that the applicant will not engage in practice in Iowa without

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

first complying with all regulations governing reinstatement after exemption. The application for a certificate of exemption shall be submitted upon forms provided by the board. The licensee shall have completed the required continuing education at the time of reinstatement.

645—24.9(158,272C) Continuing education waiver for disability or illness. The board may, in individual cases involving disability or illness, grant waivers of the minimum educational requirements or extension of time within which to fulfill the same or make the required reports. No waiver or extension of time shall be granted unless written application therefor is made on forms provided by the board and signed by the licensee and appropriate licensed health care practitioners. The board may grant a waiver of the minimum educational requirements for any period of time not to exceed one calendar year from the onset of disability or illness. In the event that the disability or illness upon which a waiver has been granted continues beyond the period of waiver, the licensee must reapply for an extension of the waiver. The board may, as a condition of any waiver granted, require the applicant to make up a certain portion or all of the minimum educational requirements waived by such methods as may be prescribed by the board.

645—24.10(158,272C) Reinstatement of inactive practitioners. Inactive practitioners who have been granted a waiver of compliance with these rules and obtained a certificate of waiver shall, prior to engaging in the practice of barbering in the state of Iowa, satisfy the following requirements for reinstatement:

24.10(1) Submit written application for reinstatement to the board on forms provided by the board;

24.10(2) Pay the current renewal fee;

24.10(3) Pay the reinstatement fee;

24.10(4) Furnish evidence of one of the following:

a. Completion of a total number of hours of Iowa approved continuing education computed by multiplying 8 times the number of bienniums to a maximum of 24 hours. The continuing education must be completed within the prior two bienniums of the date of application for reinstatement;

b. Successful completion of any or all parts of the Iowa state license examination as deemed necessary by the board. The examination must be successfully completed within one year of submitting the application for reinstatement; or

c. Proof of continuing education hours equivalent to those required in Iowa if licensed in another state of the United States or the District of Columbia; and

24.10(5) Provide verification(s) of license(s) from any state in which the licensee has practiced since the Iowa license became inactive.

These rules are intended to implement Iowa Code section 272C.2 and chapter 158.

ITEM 6. Adopt **new** 645—Chapter 25 as follows:

CHAPTER 25
DISCIPLINE FOR BARBERS

645—25.1(272C) Grounds for discipline. The board may impose any of the disciplinary sanctions set forth in rule 645—13.1(272C), including civil penalties in an amount not to exceed \$1000, when the board determines that a licensee is guilty of any of the following acts or offenses:

1. Fraud in procuring a license.
2. Professional incompetency.

3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

4. Habitual intoxication or addiction to the use of drugs.

5. Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect the licensee's ability to practice within a profession. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

6. Fraud in representations as to skill or ability.

7. Use of untruthful or improbable statements in advertisements.

8. Willful or repeated violations of the provisions of Iowa Code chapter 147.

9. Mental or physical inability reasonably related to and adversely affecting the licensee's ability to practice in a safe and competent manner.

10. Involuntary commitment for treatment of mental illness, drug addiction or alcoholism.

11. Practicing the profession while the license is suspended.

12. Suspension or revocation of license by another state.

13. Negligence by the licensee in the practice of the profession, which is a failure to exercise due care including negligent delegation to or supervision of employees or other individuals, whether or not injury results; or any conduct, practice or conditions which impair the ability to safely and skillfully practice the profession.

14. Permitting an unlicensed employee or person under the licensee's control to perform activities requiring a license.

15. Practicing outside the scope of a license.

16. Obtaining, possessing, or attempting to obtain or possess a controlled substance without lawful authority; or selling, prescribing, giving away, or administering controlled substances.

17. Verbally or physically abusing clients.

18. False or misleading advertising.

19. Betrayal of a professional confidence.

20. Falsifying clients' records.

21. Failure to report a change of name or address within 30 days after it occurs.

22. Submission of a false report of continuing education or failure to submit the annual report of continuing education.

23. Failure to notify the board within 30 days after occurrence of any judgment or settlement of a malpractice claim or action.

24. Failure to comply with a subpoena issued by the board.

25. Failure to report to the board as provided in rule 645—25.1(272C) any violation by another licensee of the reasons for disciplinary action as listed in this rule.

This rule is intended to implement Iowa Code chapters 17A and 272C.

ITEM 7. Adopt **new** 645—Chapter 26 as follows:

CHAPTER 26
FEES

645—26.1(147,157) License fees. All fees are nonrefundable.

26.1(1) Licensure fee for license to practice barbering, licensure by endorsement, licensure by reciprocity, or an

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

instructor's license shall be \$100.

26.1(2) Biennial license renewal fee for each license for each biennium shall be \$50.

26.1(3) Late fee for failure to renew before expiration shall be \$50.

26.1(4) Reinstatement fee for a lapsed or an inactive license shall be \$50.

26.1(5) Duplicate license fee shall be \$10.

26.1(6) Verification of license fee shall be \$10.

26.1(7) Returned check fee shall be \$15.

26.1(8) Disciplinary hearing fee shall be a maximum of \$75.

26.1(9) Temporary permit fee shall be \$10.

26.1(10) Fee for taking or retaking the theory examination shall be \$75.

26.1(11) Fee for license to conduct a school teaching barbering shall be \$500.

26.1(12) Renewal fee for a school teaching barbering shall be \$250.

26.1(13) Fee for a school teaching barbering to change the location of the school is \$250.

26.1(14) Barbershop license fee shall be \$60.

26.1(15) Renewal of a barbershop license fee shall be \$60 biennially.

26.1(16) Demonstrator permit fee shall be \$35 for the first day and \$10 for each day thereafter that the permit is valid.

This rule is intended to implement Iowa Code section 147.80 and Iowa Code chapter 158.

ARC 1140B

PROFESSIONAL LICENSURE
DIVISION[645]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)^b.

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 157.14, the Board of Cosmetology Arts and Sciences Examiners hereby gives Notice of Intended Action to amend Chapter 60, "Licensure of Cosmetologists, Electrologists, Estheticians, Manicurists, Nail Technologists, and Instructors of Cosmetology Arts and Sciences," Chapter 61, "Licensure of Salons and Schools of Cosmetology Arts and Sciences," Chapter 62, "Fees," and Chapter 64, "Continuing Education for Cosmetology Arts and Sciences," Iowa Administrative Code.

The proposed amendments add new language regarding continuing education that is not required for the first renewal of the license, change the cap on continuing education hours to match the number of renewals, change the license renewal requirements to clarify the criteria for continuing education requirements, change the reinstatement rules, require that the salon floor plan be included with the application form, and change the salon license fee to cover a biennium rather than a year.

Any interested person may make written comments on the proposed amendments no later than December 20, 2001, addressed to Marge Bledsoe, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075.

A public hearing will be held on December 20, 2001, from 9 to 11 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

These amendments are intended to implement Iowa Code section 157.14 and chapter 272C.

The following amendments are proposed.

ITEM 1. Amend rule 645—60.1(157) by adopting the following new definitions in alphabetical order:

"Licensure by endorsement" means the issuance of an Iowa license to practice cosmetology to an applicant who is currently licensed in another state.

"Reciprocal license" means the issuance of an Iowa license to practice cosmetology to an applicant who is currently licensed in another state and which state has a mutual agreement to license persons who have the same or similar qualifications to those required in Iowa.

ITEM 2. Amend paragraph 60.8(2)"c" and adopt new paragraph 60.8(2)"e" as follows:

c. Those persons licensed for the first time shall not be required to complete continuing education as a prerequisite for the first renewal of their licenses. *Continuing education hours acquired anytime from the initial licensing until the second license renewal may be used. The new licensee will be required to complete a minimum of eight hours of continuing education per biennium for each subsequent license renewal period.*

e. *Licensees currently licensed in Iowa but practicing exclusively in another state may comply with Iowa continuing education requirements for license renewal by meeting the continuing education requirements of the state or states where the licensee practices. Those licensees living and practicing exclusively in a state which has no continuing education requirement for renewal of a license shall not be required to meet Iowa's continuing education requirement but shall pay all renewal fees when due.*

ITEM 3. Amend rule 645—60.9(272C) as follows:

645—60.9(272C) Exemptions for inactive practitioners.
60.9(1) and 60.9(2) No change.

60.9(3) *A new licensee who is on inactive status during the initial license renewal time period and reinstates before the first license expiration date shall not be required to complete continuing education for that first license renewal time period only. Eight hours of continuing education shall be required for every renewal thereafter.*

60.9(4) *Licensees shall renew at the next scheduled renewal. Licensees who were issued their reinstatement within six months prior to the renewal shall not be required to renew their licenses until the renewal two years later.*

60.9(3 5) Reinstatement of an inactive license after exemption. The following chart illustrates the requirements for reinstatement based on the length of time a license has been considered inactive.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

Reinstatement of an inactive license may be granted by the board if the applicant satisfies the following requirements, as applicable. An applicant shall satisfy the following requirements:	30 days after expiration date up to 1 biennium first renewal	2 bienniums renewals	3 bienniums renewals	4 or more bienniums renewals
Submits Submit written application for reinstatement	Required	Required	Required	Required
Pays renewal Pay the reinstatement fee	\$50	\$50	\$50	\$50
Pays reinstatement Pay the current renewal fee	\$50	\$50	\$50	\$50
Completes Furnish evidence of completion of approved continuing education hours OR Furnish evidence of verification of current active license in another state and a notarized statement of active practice of at least 12 months during the 24 months preceding the application for reinstatement	8 hours May be completed	16 hours May be completed	24 hours May be completed	32 hours May be completed
Completes Complete national board Iowa law (jurisprudence) examination and pays examination fee	NA	NA	NA	Required \$70
Submit license verification(s) from all states in which the licensee has practiced since obtaining inactive status	Required	Required	Required	Required
Total fees, continuing education hours, and examination required for reinstatement:	\$100 and 8 hours	\$100 and 16 hours	\$100 and 24 hours	\$170 \$100, 32 hours and national board Iowa law examination

Licensees who are instructors of cosmetology arts and sciences shall obtain an additional eight hours of continuing education in teaching methodology.

ITEM 4. Renumber subrule **60.10(4)** as **60.10(6)**, rescind subrule 60.10(5) and adopt new subrules 60.10(4) and 60.10(5) as follows:

60.10(4) After reinstatement of the lapsed license, the licensee shall renew at the next scheduled renewal cycle and complete the continuing education required for the biennium.

60.10(5) Verification(s) of license is required from all

states in which the licensee has practiced since the Iowa license lapsed.

ITEM 5. Amend renumbered subrule 60.10(6) as follows:

60.10(6) Reinstatement of a lapsed license. The following chart illustrates the requirements for reinstatement based on the length of time a license has been considered lapsed.

Reinstatement of a lapsed license may be granted by the board if the applicant satisfies the following requirements, as applicable. An applicant shall satisfy the following requirements:	30 days after expiration date up to 1 biennium first renewal	2 bienniums renewals	3 bienniums renewals	4 or more bienniums renewals
Submits Submit written application for reinstatement	Required	Required	Required	Required
Pays Pay the past due renewal fee(s)	\$50	\$100	\$100	\$100
Pays Pay the reinstatement fee	\$50	\$50	\$50	\$50
Pays Pay the late fee for failure to renew	\$50	\$50	\$50	\$50
Completes Furnish evidence of completion of approved continuing education hours OR Furnish evidence of verification of current active license in another state and a notarized statement of active practice of at least 12 months during the 24 months preceding the application for reinstatement	8 hours May be completed	16 hours May be completed	24 hours May be completed	32 hours May be completed
Completes Complete national board Iowa law (jurisprudence) examination and pays the examination fee	NA	NA	NA	Required \$70
Submit license verification(s) from all states in which the licensee has practiced since the license lapsed	Required	Required	Required	Required
Total fees, continuing education hours, and examination required for reinstatement:	\$150 and 8 hours	\$200 and 16 hours	\$200 and 24 hours	\$270 \$200, 32 hours and national board Iowa law examination

Licensees who are instructors of cosmetology arts and sciences shall obtain an additional eight hours of continuing education in teaching methodology.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

ITEM 6. Amend subrule 61.1(1) as follows:

61.1(1) An application for a salon license shall be made in writing to the Board of Cosmetology Arts and Sciences Examiners, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075. Application forms shall be obtained from the board. ~~The following information shall be required on these forms~~ *The applicant shall:*

a. ~~A floor plan of proposed salon showing all entrances and exits, reception, styling, cleaning and toilet areas. Submit the completed application on a board-approved application form at least 30 days prior to the anticipated opening day;~~

b. ~~If the salon area is in a facility where other businesses are located, the salon relationship to the other businesses must be shown on the floor plan. (See 645—subrule 63.3(2)) Submit the salon license fee.~~

c. ~~If the salon is to be located in a residence, its relationship to the residence must be indicated. (See subrule 645—63.3(1))~~

d. ~~If the salon is located in a rural area, the applicant must provide directions to the salon.~~

e. ~~If the salon is located in a facility such as an office building, complex or hotel, the exact address shall include the floor number, suite or room number.~~

f. ~~The application for a salon license shall be submitted to the department at least 30 days prior to the anticipated opening day.~~

ITEM 7. Amend subrule 61.1(6), paragraphs “a,” “c” and “d,” as follows:

a. Any change of location shall necessitate an application for a new license and *submission of the required fee required by 645—subrule 62.1(8).*

c. A change in salon name shall be reported *necessitate notification to the board* within 30 days of the change, ~~accompanied by and submission of the required fee required by 645—subrule 62.1(20).~~

d. A change of ownership of a salon shall necessitate an application for a new license and *submission of the required fee required by 645—subrule 62.1(8).*

ITEM 8. Amend subrules 62.1(8) and 62.1(16) as follows and rescind and reserve subrule 62.1(18):

62.1(8) Disciplinary hearing fee shall be a ~~minimum~~ *maximum* of \$75.

62.1(16) Salon license fee shall be ~~\$35~~ \$70.

ITEM 9. Amend subrule 64.2(1) as follows:

64.2(1) The biennial continuing education compliance period shall extend for a period that begins on April 1 of one year and ends on March 31 two years later. All licenses shall be renewed on a biennial basis. Each biennium, each person who is licensed to practice as a licensee in this state shall be required to complete a minimum of 8 hours of continuing education approved by the board *for each license held, of which 4 hours shall be in the prescribed practice discipline. Licensees who are instructors of cosmetology arts and sciences shall obtain 16 hours of continuing education approved by the board, of which 8 hours shall be in teaching methodology.*

a. and b. No change.

c. ~~Requirements of licensees holding two or more licenses within the scope of cosmetology arts and sciences:~~

(1) ~~The licensee shall obtain eight hours of continuing education in the area of cosmetology arts and sciences.~~

(2) ~~For each additional license, the licensee shall obtain an additional four hours of continuing education in the prescribed practice discipline.~~

(3) ~~Licensees who are instructors of cosmetology arts and sciences shall obtain an additional eight hours of continuing education in teaching technology.~~

d c. Licensees currently licensed in Iowa but practicing exclusively in another state may comply with Iowa continuing education requirements for license renewal by meeting the continuing education requirements of the state or states where the licensee practices. Those licensees living and practicing in a state which has no continuing education requirement for renewal of a license shall not be required to meet Iowa’s continuing education requirement but shall pay all renewal fees when due.

ITEM 10. Amend rule 645—64.6(157) by rescinding numbered paragraphs “4” to “7” and adopting the following ~~new~~ numbered paragraphs in lieu thereof:

4. Pays the late fee which has been assessed by the board for failure to renew;

5. Furnishes evidence of satisfactory completion of continuing education requirements during the period since the license lapsed or submits a notarized statement of active practice of at least 12 months during the 24 months preceding the application for reinstatement. The total number of continuing education hours required for license reinstatement is computed by multiplying 8 by the number of bienniums since the license lapsed to a maximum of four bienniums or 32 continuing education hours;

6. Furnishes verification of current active license in another state;

7. Completes the Iowa law (jurisprudence) examination if the license has lapsed for four bienniums or more.

ITEM 11. Amend subrule 64.10(4) as follows:

64.10(4) Furnish in the application evidence of the following:

a. Satisfactory completion of continuing education requirements during the period since the license became inactive *or a notarized statement of active practice of at least 12 months during the 24 months preceding the application for reinstatement.* The total number of continuing education hours required for license reinstatement is computed by multiplying 8 by the number of bienniums since the license ~~lapsed~~ *became inactive* to a maximum of four bienniums or 32 continuing education hours;

b. *License verification(s) from all states in which the licensee has practiced since obtaining inactive status;*

b c. If the license has ~~lapsed~~ *been inactive* for four or more bienniums, the person shall complete the ~~national board~~ *Iowa law (jurisprudence) examination.*

ARC 1146B

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 135.11(19), the Department of Public Health hereby gives Notice of Intended Action to amend Chapter 76, “Maternal and Child Health Program,” Iowa Administrative Code.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

The purposes of revising Chapter 76 are to update the language and to include policies related to children with special health care needs (CSHCN) and related to informing and care coordination for Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program, Care for Kids, and policies of the Iowa Department of Public Health. The revisions also include deleting references to the Physicians Care for Children (Diagnosis and Treatment) program and the Council on Chemically Exposed Infants and Children, as the program and council no longer exist. The amendments include but are not limited to program explanation, definitions, explanation of services, application procedures for prospective clients, eligibility for clients, and responsibilities of the Department and Child Health Specialty Clinics.

The Department acquired input from various disciplines in revising Chapter 76. Representatives from the Child Health Specialty Clinics, Iowa Department of Human Services, Medical Services Division, Family and Community Health Bureau, Early ACCESS, EPSDT, Maternal and Child Health (MCH) Advisory Council, and MCH grantees were involved in the revision process.

Any interested person may make written or oral suggestions or comments on these proposed amendments on or before December 19, 2001. Comments should be directed to Julie McMahan, Division Director, Family and Community Health, Iowa Department of Public Health, Lucas State Office Building, Fifth Floor, Des Moines, Iowa 50319-0075; telephone (515)281-3931 or fax (515)242-6384.

Also, there will be a public hearing on Wednesday, December 19, 2001, from 10 to 11 a.m. via telephone conference using the telephone number (515)281-3704 or 1-800-528-5274. Any changes to the conference call arrangements will be posted on the Iowa Department of Public Health Web site (www.idph.state.ia.us). Persons may present their views at the public hearing. Persons desiring to make oral presentations at the hearing should contact Julie McMahan at least one day prior to the date of the public hearing. A copy of any written comments must be provided and received by the day of the hearing. Written comments may be faxed to (515) 242-6384.

These amendments are intended to implement Iowa Code chapter 135.

The following amendments are proposed.

ITEM 1. Amend rule 641—76.1(135) as follows:

641—76.1(135) Program explanation. The maternal and child health (MCH) programs are operated by the Iowa department of public health as the designated state agency pursuant to an agreement with the federal government. The majority of the funding available is from the Title V, MCH services block grant, administered by the Health Resources and Services Administration within the United States Department of Health and Human Services.

The purpose of the program is to promote the health of mothers and children by ensuring or providing access to quality maternal and child health services (especially for low-income families or families with limited availability of health services); to reduce infant mortality and the incidence of preventable diseases and handicapping conditions; to increase the number of children appropriately immunized against disease; and to facilitate the development of community-based systems of health care for children and their families. The program *provides and promotes* family-centered, community-based coordinated care, including ~~care coordination~~ *care/service coordination services* for children with special health care needs.

The department's family services bureau enters into contracts with selected private nonprofit or public agencies for the ~~provision of assurance of access to prenatal, and postpartum care for women, and preventive and primary~~ child health services, *and services to children with special health care needs.* The types of services provided by these contracts are infrastructure building, population-based services, enabling services, and direct health services. *The department's dental health bureau collaborates with the family services bureau to develop oral health programs to reduce barriers to oral health care and reduce dental disease through prevention. The children with special health care needs program is administered by Child Health Specialty Clinics (CHSC), University of Iowa.* The department contracts with the University of Iowa department of pediatrics' child health specialty clinics to provide services to children with special health care needs.

The MCH advisory council assists in the development of the state plan for MCH, including children with special health care needs and family planning. The advisory council assists with assessment of need, prioritization of services, establishment of objectives, and encouragement of public support for MCH and family planning programs. In addition, the advisory council advises the director regarding health and nutrition services for women and children, supports the development of special projects and conferences and advocates for health and nutrition services for women and children. The director appoints the council membership. Membership shall include parents ~~of~~ and service ~~provider~~ *providers for representatives* of children with special health care needs. The council membership shall also include the chairs, or designees, of the department's advisory committee for perinatal guidelines, ~~the Iowa council on chemically exposed infants and children,~~ and the birth defects advisory committee to ensure coordination of their respective issues and priorities. The chair of the family services bureau grantee committee or the designee of the chair may serve as an ex-officio member of the council.

~~The Iowa council on chemically exposed infants and children (CCEIC) defined in Iowa Code chapter 235C serves as a subcommittee to the MCH advisory council. The CCEIC assists in developing and implementing policies to reduce the likelihood that infants will be born chemically exposed and to assist those who are born chemically exposed to grow and develop in a safe environment.~~

ITEM 2. Amend 641—76.3(135) as follows:

641—76.3(135) Rule coverage. These rules cover agencies contracting with the department to provide community-based MCH public health services and to receive funds from the department for that purpose. The contract agencies conduct essential public health services directed toward the maternal and child health populations consistent with the state's MCH services block grant state plan. The state plan is developed and administered *collaboratively* by the family services bureau of the department *and CHSC.* ~~Other programs funded by the Iowa legislature from MCH services block grant are not included in these rules.~~

ITEM 3. Amend rule 641—76.4(135) as follows:

Amend the definitions of "care coordination," "dental health education," "MCH services," "Medicaid," "nutrition counseling," "performance standards," "psychosocial counseling," and "Title V" as follows:

"~~Care coordination~~ *Care/service coordination*" means a process of linking the service system to the recipient and organizing the various elements in order to achieve a success-

PUBLIC HEALTH DEPARTMENT[641](cont'd)

ful outcome. *The terms "care coordination" and "service coordination" may be used interchangeably.*

"~~Dental Oral health education~~" means ~~basic dental health information provided by a health professional about dental disease, prevention, and oral hygiene and other anticipatory guidance.~~

"MCH services" means essential public health services provided by MCH contract agencies.

"Medicaid" means the Medicaid program authorized ~~in~~ by Title XIX of the Social Security Act and funded through the Iowa department of human services from the DHHS.

"~~Nutrition counseling screening~~" means ~~nutrition screening and education appropriate to the needs of the client, and referral to a licensed dietitian if indicated.~~

"Performance standards" means criteria or indicators of the quality of service provided or the capability of a contract agency to provide public health services in a cost-effective or efficient manner as ~~defined in "Performance Standards, Maternal and Child Health Contractors, Family Services Bureau," identified in the MCH Administrative Manual.~~

"~~Psychosocial counseling services~~" means ~~services provided to include individual and family social assessment, counseling, and referral, means screening activities that include social assessment and assisting with a family's additional needs for support and referral.~~

"Title V" means Title V of the Social Security Act and the federal requirements contained in the Omnibus Reconciliation Act of 1989 (Public Law 101-239) which address the Maternal and Child Health and children with special health care needs ~~program programs.~~

Adopt the following new definitions in alphabetical order:

"Children with Special Health Care Needs (CSHCN)" means children with chronic physical, developmental, behavioral, or emotional conditions that require health and related services of a type or amount beyond that required by children generally.

"CHSC" means Child Health Specialty Clinics, a state-wide program for children with special health care needs authorized under Title V of the Social Security Act.

"CMS" means the United States Department of Health and Human Services Centers for Medicare and Medicaid Services (formerly Health Care Financing Administration).

"Dental home" means a usual source of dental care where dental care services are provided in a primary care setting where care is accessible, family-centered, continuous, comprehensive, coordinated, compassionate, and culturally competent. In addition, the dental care provider and parents partner to identify and access all the dental and non-dental services needed to help children and their families achieve maximum oral health.

"EPSDT" means the Early and Periodic, Screening, Diagnosis and Treatment program which provides for regular preventive health care services for children ages 0 to 21 as authorized by Title XIX of the Social Security Act.

"Gap filling" means direct health services supported by Title V staff or resources that are needed by children with special health care needs but are not otherwise accessible in the community.

"Medical home" means a usual source of health care where the physician/health care provider is available to coordinate preventive, primary and follow-up care at all times (24 hours per day, seven days per week) for the patient while maintaining the client's health records. In addition, the physician/health care provider and parents partner to identify and access the medical and nonmedical services

needed to help children and their families achieve their maximum potential.

"Performance measures" means a narrative statement that describes a specific maternal and child health need or requirement that, when addressed, will lead to a specific health outcome within a community and generally within a specified time frame.

ITEM 4. Amend rule 641—76.5(135), introductory paragraph, as follows:

641—76.5(135) MCH services. The following public health services shall be provided by contract agencies:

ITEM 5. Amend subrule 76.5(1) as follows:

Amend paragraphs "c," "e," "f" and "g" as follows:

c. ~~Support Methodological support for a method of data collection, analysis, and dissemination.~~

e. ~~Promotion of Promote~~ regulations, standards, and contracts that protect the public's health and safety.

f. ~~Monitoring and evaluating Monitor and evaluate~~ the effectiveness, accessibility and quality of personal health and population-based services in the community.

g. ~~Supporting Support~~ innovative initiatives to gain new insights and solutions to family and community health-related needs.

Adopt new paragraphs "h" and "i" as follows:

h. Develop state plan and annual reports in conjunction with the family services bureau.

i. Develop systems for transitioning adolescents with special health care needs to adult services.

ITEM 6. Amend subrule 76.5(2) by amending paragraph "c" and adopting new paragraph "f" as follows:

c. Outreach and ~~public health~~ education.

f. *Support screening and follow-up for sickle cell disease and other hemoglobin disorders.*

ITEM 7. Amend subrule 76.5(3) as follows:

Amend paragraphs "a," "c," "g" and "h" as follows:

a. ~~Care coordination Care/service coordination.~~

c. Outreach ~~services~~ to families and children who do not access a regular and continuous source of health care (medical and dental home).

g. ~~Family support activities. Parent-to-parent support for families who have children with special health care needs.~~

h. ~~Referral or enrollment of families in health insurance for public insurance plans. Information and outreach to families applying for the Supplemental Security Income program (Title XVI).~~

Rescind and reserve paragraph "i."

ITEM 8. Amend subrule 76.5(4) as follows:

76.5(4) Direct health services. Direct health services may be provided to meet identified community needs. The following preventive direct health services may be supported by MCH program funds to the extent the comprehensive community assessment documents that the services are not otherwise available from health professionals within the community. *Payment shall be based upon Title XIX rates to the extent that current Title XIX rate information is available to the department. Contract agencies may enter into agreements that reimburse less than the Title XIX rate. Services provided by personnel employed by MCH contract agencies are not reimbursable. Agencies shall not reimburse a provider under sanction by CMS.*

a. Child health.

(1) Informing.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

- (2) ~~Care coordination~~ Care/service coordination.
- (3) Nutrition counseling.
- (4) ~~Psychosocial counseling~~ Psychosocial services.
- (5) Parenting education.
- (6) Health education.
- (7) Well-child health services include routine, ambulatory well-child care.
- (8) Assistance in establishing a medical and dental home or usual source of care.
- (9) Referral.
- b. Prenatal and postpartum services.
- (1) ~~Care coordination~~ Care/service coordination.
- (2) Risk assessment.
- (3) Psychosocial screening assessment and counseling.
- (4) Nutrition assessment and counseling.
- (5) Health education.
- (6) Routine, ambulatory prenatal medical care, postpartum exams, and family planning services.
- c. Dental health—maternal and child.
- (1) ~~Dental~~ Oral screening.
- (2) Dental treatment services through referral.
- (3) ~~Dental~~ Oral health education.
- (4) Fluoride varnish application.
- d. Children with special health care needs. Community-based pediatric subspecialty clinic services that are “gap filling.”

ITEM 9. Amend subrule 76.6(1) by amending paragraph “b” and adopting new paragraph “c” as follows:

- b. Child health care services—birth through 20 21 years of age.
- c. CHSC—birth through 21 years of age.

ITEM 10. Adopt new subrule 76.6(5) as follows:

76.6(5) Children with special health care needs. An individual applying for CHSC services shall be determined to have a special health care need as defined by the federal MCH bureau. Children ages 0 to 21 residing in Iowa with or at risk of having a special health care need are eligible for CHSC services. Care/service coordination or other nonclinic services are provided at no charge to the family. Clinic services are provided without charge to families with adjusted gross incomes below 185 percent of the federal poverty guideline. Families above this threshold are responsible for payment according to a sliding fee scale based on tax exemptions, adjusted gross income, and extenuating circumstances.

ITEM 11. Amend subrule 76.7(1) as follows:

76.7(1) A person ~~desiring direct health services under this program~~ or the parent or guardian of a minor ~~desiring such care~~ direct health services other than those provided to children with special health care needs shall apply to a contract agency using a Health Services Application, Form 470-2927, 470-2927(SP), or the alternate form authorized by the HAWK-I board.

ITEM 12. Adopt new subrule 76.7(7) as follows:

76.7(7) A family seeking direct health care or care/service coordination services for a child with special health care needs shall follow CHSC policies and procedures. Insurance status and eligibility for the sliding fee scale are determined during the patient registration process.

ITEM 13. Amend rule 641—76.9(135) as follows:

641—76.9(135) Grant application procedures for community-based contract agencies. Private nonprofit or public agencies seeking to provide community-based Title V-

MCH public health services shall file a letter of intent to make application to the department no later than April 1 of the competitive year. Applications shall be to administer MCH services for a specified project period, as defined in the request for proposal, with an annual continuation application. The contract period shall be from October 1 to September 30 annually. All materials submitted as part of the grant application are considered public records in accordance with Iowa Code chapter 22, after a notice of award is made by the department. Notification of the availability of funds and grant application procedures will be provided in accordance with the department rules found in 641—Chapter 176.

Contract agencies are selected on the basis of the grant applications submitted to the department. The department will consider only applications from private nonprofit or public agencies. In the case of competing applications, the contract will be awarded to the applicant that scores the highest number of points in the review. ~~Copies of review criteria are available from Chief, Family Services Bureau, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075.~~

ITEM 14. Amend the catchwords of rule 641—76.10(135) as follows:
641—76.10(135) Funding levels for community-based contract agencies.

ITEM 15. Amend subrule 76.11(1) as follows:

76.11(1) Performance standards. The department shall establish performance standards that contract agencies shall meet in the provision of *public health services*. The performance standards *for community-based agencies* are published in the document ~~“Performance Standards, Maternal and Child Health Contractors, Family Services Bureau.”~~ *MCH administrative manual*. ~~The performance standards are included in the contract agency MCH program grant application packet each year.~~ Copies of the performance standards are available from the Chief, Family Services Bureau, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075. Contract agencies that do not meet the performance standards shall not be eligible for continued funding as an MCH contract agency unless the contract agency has secured ~~a waiver, an exception~~.

ITEM 16. Amend subrule 76.11(2) as follows:

76.11(2) Contract agency review. The department shall review contract agency operations through the use of reports and documents submitted, state-generated data reports, chart audits, on-site and clinic visits *for direct care services as applicable* for evaluation and technical assistance.

ITEM 17. Amend subrule 76.11(3) as follows:

76.11(3) Exception. A contract agency that does not meet a performance standard *or fails to meet an action plan as approved by the department* may be granted an exception for up to one year in order to improve performance. Such an exception must be requested in writing. If granted, the approval for the exception will include the conditions necessary for the successful completion of the standard, a time frame, and additional reporting requirements. The procedures for applying *for* and approving of an exception are outlined in the “Performance Standards, Maternal and Child Health Contractors, Family Services Bureau.”

ITEM 18. Amend rule 641—76.12(135) as follows:

641—76.12(135) Reporting. Completion of grant applications, budgets, expenditure reports, *annual progress reports*, ~~performance standards reports~~, and data forms shall be per-

PUBLIC HEALTH DEPARTMENT[641](cont'd)

formed by contract agencies in compliance with the contract with the department.

ITEM 19. Amend subrule 76.13(4) as follows:

76.13(4) Local share. ~~Contract~~ *Community-based contract* agencies are required to match the MCH funds received from the department at a minimum rate of one dollar of local match for every four dollars received from the department. Sources that may be used for match are reimbursement for service from third parties such as insurance and Title XIX, client fees, local funds from nonfederal sources, or in-kind contributions. In-kind contributions must be documented in accordance with generally accepted accounting principles.

ITEM 20. Rescind and reserve rule **641—76.15(135)**.

ITEM 21. Amend rule 641—76.17(135), introductory paragraph, as follows:

641—76.17(135) Right to appeal—contract agency. ~~Contract~~ *Community-based contract* agencies may appeal the denial of a contract or the suspension, revocation or reduction of an existing contract.

ARC 1145B

PUBLIC HEALTH
DEPARTMENT[641]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 135.11(26), the Department of Public Health hereby gives Notice of Intended Action to adopt new Chapter 93, “Abuse Education Review Panel,” Iowa Administrative Code.

The rules in Chapter 93 describe the purpose, composition, and duties of the abuse education review panel; standards for approval of abuse education curricula; process for application review and approval; and process for appeal.

Any interested person may make written suggestions or comments on this proposed chapter on or before December 18, 2001. Such written materials should be directed to the Executive Staff Division, Department of Public Health, Lucas State Office Building, Sixth Floor, Des Moines, Iowa 50319-0075; fax (515)281-4958. Persons who wish to convey their views orally should contact the Executive Staff Division at (515)242-6333.

There will be a public hearing on December 18, 2001, from 9 to 11 a.m., in the Lucas State Office Building, Fifth Floor, Room 518, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rules.

Any persons who intend to attend the public hearing and have special requirements such as those relating to hearing or mobility impairments should contact the Department of Public Health and advise of specific needs.

These rules are intended to implement Iowa Code section 135.11 as amended by 2001 Iowa Acts, House File 680, section 1.

The following new chapter is proposed.

CHAPTER 93

ABUSE EDUCATION REVIEW PANEL

641—93.1(79GA,HF680) Purpose. The purpose of the abuse education review panel process is to provide an objective method by which curricula for child and dependent adult abuse mandatory reporter training are reviewed and approved. Approved curricula are to be taught to persons who work in a position classification that under law makes the persons mandatory reporters of child or dependent adult abuse and the position classification does not have a mandatory reporter training curriculum approved by a licensing or examining board.

641—93.2(79GA,HF680) Panel.

93.2(1) Panel composition. The director shall appoint the members of the panel. The panel shall be comprised of six members, with one member having expertise in issues related to child abuse, one member having expertise in issues related to dependent adult abuse, one member having expertise in curriculum development, and three members representing mandatory reporters or employers of mandatory reporters. Appointments shall be for three-year staggered terms that shall expire on June 30. A member shall serve no more than three terms or nine years. The director shall fill any vacancy for the unexpired term of the vacancy. The director shall make all reasonable efforts to ensure that the total composition of the panel is fair, impartial, and equitable.

93.2(2) Designation of officers. The panel shall elect a chairperson and vice-chairperson at the first meeting of each fiscal year. A vacancy in the office of chairperson shall be filled by elevation of the vice-chairperson. A vacancy in the office of vice-chairperson shall be filled by election at the next meeting after the vacancy occurs. If the chairperson is absent or unable to act, the vice-chairperson shall perform the duties of the chairperson. The chairperson shall preside at all meetings of the panel, appoint such subcommittees as deemed necessary, and designate the chairperson of each subcommittee.

93.2(3) Vacancies. In the event a vacancy occurs prior to the completion of the panel member’s term, the director shall fill the vacancy using the same criteria required in the selection of the original member. The director shall declare a vacancy upon the death, resignation, or failure to serve of any panel member.

641—93.3(79GA,HF680) Meetings. The panel shall meet as necessary and appropriate. Two-thirds of members shall constitute a quorum, and the affirmative vote of two-thirds of members present shall be necessary for any action to be taken by the panel. However, no recommendations may be adopted without the affirmative vote of at least four members of the panel. The members of the panel shall be eligible for reimbursement of actual and necessary expenses for the performance of their official duties.

641—93.4(79GA,HF680) Duties. The panel shall perform the following duties:

1. Review and approve criteria for child and dependent adult abuse curricula for persons who work in a position classification that under law makes the persons mandatory reporters of child or dependent adult abuse and the position classification does not have a mandatory reporter training curriculum approved by a licensing or examining board.

2. Conduct literature reviews and scrutinize existing research pertinent to its purpose.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

3. Review curricula based on the criteria established in rule 93.5(79GA, HF680).
4. Report decisions regarding approvals or denials to applicants.
5. Review appeals as provided in rule 93.7(79GA, HF680).
6. Maintain a list of all approved curricula and distribute the list upon request.

641—93.5(79GA, HF680) Standards for approval of curricula. The following criteria are established to assist in evaluation of curricula. Nothing in this rule shall preclude providers from offering additional coursework, training, or information that exceeds or expands upon the curriculum prescribed by the panel. At a minimum, approved curricula shall contain each of the following:

93.5(1) Content that necessitates at least two hours of training.

93.5(2) The definition of child abuse as defined in Iowa Code section 232.68(2) or the definition of dependent adult abuse as defined in Iowa Code section 235B.2(5) or both.

93.5(3) Training in the physical, psychological, behavioral, environmental, and other relevant indicators of child abuse as defined in Iowa Code section 232.68(2) or dependent adult abuse as defined in Iowa Code section 235B.2(5) or both.

93.5(4) Requirements and procedures for reporting suspected cases of abuse, including when to report, how to report, and to whom to report.

93.5(5) Review of the Code of Iowa and the Iowa Administrative Code pertaining to child or dependent adult abuse, including review of the classifications of mandatory reporters, confidentiality provisions, immunity provisions, and penalties for failure to report.

93.5(6) A description of the assessment protocol utilized by the department of human services and other investigating agencies following receipt of a report and the manner in which information is shared between the department of human services and the reporter, other relevant individuals, agencies, and entities.

93.5(7) An evaluation component to assess the understanding, knowledge, and skills acquired.

93.5(8) Resource materials or information in the following areas:

- a. The causes and risk factors of child or dependent adult abuse;
- b. Assisting individuals and families who have experienced child or dependent adult abuse, including information on local resources and available referral services;
- c. Prevention of child or dependent adult abuse.

641—93.6(79GA, HF680) Process for application review and approval.

93.6(1) Submission and decision. An organization, institution, agency, or individual may submit an application for approval of curriculum on a form prescribed by the panel. The application shall at a minimum demonstrate the manner in which the proposed curriculum meets the criteria in rule 93.5(79GA, HF680). Within three months of submission of an application, the panel shall review the application and issue a written decision regarding the application. If each of the standards for approval has been satisfied, the panel shall approve the curriculum for a period of three years and shall notify the applicant of the panel's decision in writing. If the standards for approval have not been met, the panel shall deny the curriculum and shall provide to the applicant a written explanation of the reason for denial.

93.6(2) Renewal. Within 90 days of expiration of the three-year approval period, an applicant may apply for approval renewal by completing a renewal of application form provided by the panel.

93.6(3) Additional information. The panel may request additional information from the applicant or other individuals at any phase in the review process.

93.6(4) Evaluation of approved curriculum. The panel may at any time reevaluate an approved curriculum. Upon evidence of a significant variation in the curriculum presented from the curriculum approved, the panel may disapprove all or any part of the previously approved curriculum.

641—93.7(79GA, HF680) Process for appeal. A person aggrieved by a panel decision may, within 30 days of receipt of the decision, appeal the decision by submitting a written appeal to the chairperson which states the reason for the appeal. Within 60 days of receipt of the appeal, the panel shall review the application and any additional information submitted. If the panel finds that each of the standards for approval has been satisfied, the panel shall approve the curriculum. If the standards for approval have not been met, the panel shall deny the curriculum. The panel shall provide a written explanation of the reasons for the approval or denial of approval. This decision is the final action of the panel and shall be considered final agency action for purposes of judicial review. The appeal review process is not a contested case proceeding as that term is defined in Iowa Code chapter 17A.

These rules are intended to implement Iowa Code section 135.11 as amended by 2001 Iowa Acts, House File 680, section 1.

ARC 1144B

**PUBLIC HEALTH
DEPARTMENT[641]**

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147A.4, the Department of Public Health hereby gives Notice of Intended Action to amend Chapter 131, “Emergency Medical Services Provider Education/Training/Certification,” Iowa Administrative Code.

The proposed amendments standardize program didactic hours for EMS certification courses to align more closely with national standards. The amendments also further define “public access defibrillation provider.” The amendments also incorporate the authority of emergency medical care personnel to further implement 2000 Iowa Acts, House File 2333, by allowing EMS providers to function in a hospital or other entity in which health care is ordinarily provided.

The Bureau of EMS has presented these amendments at informal and formal meetings over the last four months. The Iowa EMS Education and Training Committee unanimously endorsed the proposed amendments at its October 29, 2001, meeting. The Iowa EMS Advisory Council unanimously endorsed the proposed amendments at its October 10, 2001, meeting.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

The Department has not provided specific provisions for a waiver or variance relating to Chapter 131. A party seeking a waiver or variance to Chapter 131 should do so pursuant to the Department's variance and waiver provisions contained in 641—Chapter 178.

The Department of Public Health will hold a public hearing over the Iowa Communications Network (ICN) on Tuesday, December 18, 2001, from 1 to 2 p.m. Sites participating in the ICN broadcast include:

National Guard Armory, 11 East 23rd Street, Spencer, Iowa;

National Guard Armory, 1712 LaClark Road, Carroll, Iowa;

National Guard Armory, 1160 10th Street SW, Mason City, Iowa;

East Side Branch Public Library, ICN Room, 2559 Hubbell Avenue, Des Moines, Iowa;

National Guard Armory, 195 Radford Road, Dubuque, Iowa; and

Kirkwood Learning Center, 111 Westview Drive, Washington, Iowa.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments. Any person who plans to attend the public hearing and who may have special requirements, such as hearing or mobility impairments, should contact the Department of Public Health and advise of specific needs.

Any oral or written comments must be received on or before December 18, 2001. Comments should be addressed to Tim Peterson, M.D., EMS Bureau Chief, Department of Public Health, 401 SW 7th Street, Suite D, Des Moines, Iowa 50309.

These amendments are intended to implement Iowa Code chapter 147A.

The following amendments are proposed.

ITEM 1. Amend rule 641—131.1(147A) as follows:

Amend the following definitions:

“CPR” means training and successful course completion in cardiopulmonary resuscitation, AED and obstructed airway procedures for all age groups according to recognized national standards. ~~This includes one rescuer, two rescuer, and child/infant cardiopulmonary resuscitation and adult and child/infant obstructed airway procedures.~~

“Critical care paramedic (CCP)” means a currently certified paramedic specialist who has successfully completed a critical care course of instruction approved by the department and has received endorsement from the department as a critical care paramedic.

“Current course completion card” means written recognition given for training and successful course completion of CPR or ACLS PAD with an expiration date or a recommended renewal date that exceeds the current date.

“Emergency medical care personnel” or “provider” means an individual who has been trained to provide emergency and nonemergency medical care at the first-responder, EMT-basic, EMT-intermediate, EMT-paramedic, paramedic specialist level or other certification levels adopted by rule by the department and who has been issued a certificate by the department.

“Emergency medical technician-paramedic (EMT-P)” means an individual who has successfully completed the current United States Department of Transportation's EMT-Intermediate curriculum or the 1984 1985 or earlier DOT EMT-P curriculum, passed the department's approved writ-

ten and practical examinations, and is currently certified by the department as an EMT-P.

“Emergency rescue technician (ERT)” means an individual emergency medical care provider trained in various rescue techniques including, but not limited to, extrication from vehicles and agricultural rescue, and who has successfully completed a curriculum approved by the department in cooperation with the Iowa Fire Service Institute department of public safety.

“EMS instructor (EMS-I)” means an individual who has successfully completed an EMS instructor curriculum approved by the department and is currently certified endorsed by the department as an EMS-I.

“Physician designee” means a registered nurse licensed under Iowa Code chapter 152, or a physician's physician assistant licensed under Iowa Code chapter 148C and approved by the board of physician's physician assistant examiners, who holds a current course completion card in ACLS. The physician designee may act as an intermediary for a supervising physician in directing the actions of emergency medical care personnel in accordance with written policies and protocols.

“Public access defibrillation (PAD) provider” means someone who has current course completion in a nationally recognized public access defibrillation provider course approved by the department and who also holds a current course completion in CPR. The department deems a provider who has received and maintained certificates of completion from each of these courses to be certified by the department.

~~“Specialty certification”~~ “Endorsement” means a non-medical certification providing approval in an area related to emergency medical care including, but not limited to, emergency rescue technician and emergency medical services-instructor.

Rescind the following definition:

~~“ACLS” or “advanced cardiac life support” means training and successful course completion in advanced cardiac life support according to American Heart Association standards.~~

ITEM 2. Amend rule 641—131.2(147A) as follows:

641—131.2(147A) Emergency medical care providers—requirements for enrollment in training programs and EMS provider authority.

131.2(1) Enrollment requirements. To be enrolled in an EMS training program course leading to certification by the department, an applicant shall:

1. to 6. No change.

7. *Be currently certified as a paramedic specialist if enrolling in a critical care paramedic course.*

131.2(2) Authority of emergency medical care personnel. An emergency medical care provider may:

a. *Render, via on-line medical direction, emergency and nonemergency medical care in those areas for which the emergency medical care provider is certified as part of an authorized service program:*

(1) *At the scene of an emergency;*

(2) *During transportation to a hospital;*

(3) *While in the hospital emergency department;*

(4) *Until patient care is directly assumed by a physician or by authorized hospital personnel; and*

(5) *During transfer from one medical care facility to another or to a private home.*

b. *Function in any hospital or any other entity in which health care is ordinarily provided only when under the direct*

PUBLIC HEALTH DEPARTMENT[641](cont'd)

supervision of a physician when:

(1) Enrolled as a student or participating as a preceptor in a training program approved by the department;

(2) Fulfilling continuing education requirements;

(3) Employed by or assigned to a hospital or other entity in which health care is ordinarily provided only when under the direct supervision of a physician as a member of an authorized service program, or in an individual capacity, by rendering lifesaving services in the facility in which employed or assigned pursuant to the emergency medical care provider's certification and under direct supervision of a physician, physician assistant, or registered nurse. An emergency medical care provider shall not routinely function without the direct supervision of a physician, physician assistant, or registered nurse. However, when the physician, physician assistant, or registered nurse cannot directly assume emergency care of the patient, the emergency medical care personnel may perform, without direct supervision, emergency medical care procedures for which certified, if the life of the patient is in immediate danger and such care is required to preserve the patient's life;

(4) Employed by or assigned to a hospital or other entity in which health care is ordinarily provided only under the direct supervision of a physician as a member of an authorized service program, or in an individual capacity, to perform nonlifesaving procedures for which certified and designated in a written job description. Such procedures may be performed after the patient is observed by and when the emergency medical care provider is under the supervision of the physician, physician assistant, or registered nurse, including when the registered nurse is not acting in the capacity of a physician designee, and where the procedure may be immediately abandoned without risk to the patient.

131.2(3) When emergency medical care personnel are functioning in a capacity identified in subrule 131.2(2), paragraph "a," they may perform emergency and nonemergency medical care without contacting a supervising physician or physician designee if written protocols have been approved by the service program medical director which clearly identify when the protocols may be used in lieu of voice contact.

131.2(4) Adoption by reference.

a. *Scope of Practice for Iowa EMS Providers (November 2001)* is incorporated and adopted by reference for EMS providers. For any differences that may occur between the adopted references and these administrative rules, the administrative rules shall prevail.

b. *Scope of Practice for Iowa EMS Providers* is available through the Iowa Department of Public Health, Bureau of EMS, Lucas State Office Building, Des Moines, Iowa 50319-0075.

131.2(5) The department may approve other emergency medical care skills on a limited pilot project basis. Requests for a pilot project application shall be made to the department.

131.2(6) An emergency medical care provider who has knowledge of an emergency medical care provider, service program or training program that has violated Iowa Code chapter 147A or these rules shall report such information to the department.

ITEM 3. Amend subrule **131.3(1)** as follows:

Amend paragraphs "o," "r" and "s" as follows:

o. All examination attempts shall be completed within one year of the initial course completion date. If an individual is unable to complete the testing within one year due to medical reasons or military obligation, an extension may be

granted upon submission of a signed statement from a physician an appropriate medical/military authority and approval by the department.

r. Applicants for EMS-I certification endorsement shall successfully complete an EMS-Instructor curriculum approved by the department.

s. Applicants for ERT certification endorsement shall successfully complete an ERT curriculum approved by the department in cooperation with the Iowa Fire Service Institute department of public safety.

Rescind paragraphs "t" and "u" and reletter paragraph "v" as "t."

ITEM 4. Amend subrule 131.3(2) as follows:

131.3(2) Multiple certificates and renewal.

a. With the exception of specialty certifications, the The department shall consider the highest level of certification attained to be active. Any lower levels of certification shall be considered idle.

b. and c. No change.

ITEM 5. Amend subrule **131.3(3)** as follows:

Amend paragraph "f" as follows:

f. If an individual is unable to complete the required continuing education during the certification period due to an illness, or injury medical reasons or military obligation, an extension of certification may be issued upon submission of a signed statement from a physician an appropriate medical/military authority and approval by the department.

Rescind paragraph "h."

ITEM 6. Amend subrule **131.3(4)** as follows:

Amend paragraph "b" by rescinding subparagraph (7) and adopting the following new subparagraph (7):

(7) Critical care paramedic—8 hours of approved CCP core curriculum topics.

Amend paragraph "e" as follows:

Amend subparagraph (1) as follows:

(1) Nationally recognized EMS-related courses, ~~e.g.,~~ ACLS;

Rescind subparagraph (15) and adopt the following new subparagraphs (15) and (16):

(15) Disaster preparedness;

(16) Emergency runs/responses as a volunteer member of an authorized EMS service program (primary attendant).

ITEM 7. Amend subrule 131.3(8) as follows:

131.3(8) Fees. The following fees shall be collected by the department and shall be nonrefundable:

a. No change.

b. Renewal of EMT-I, EMT-P, and paramedic specialist certification(s) fee—\$10. *This fee is refundable if the applicant's certification renewal status is not posted on the bureau of EMS Web page in the certification database within two weeks from the date the department receives the completed renewal application.*

c. to h. No change.

ITEM 8. Amend subrule 131.3(9) as follows:

131.3(9) Certification through endorsement. An individual currently certified by another state or registrant of the National Registry of EMTs must also possess a current Iowa certificate to be considered certified in this state. The department shall contact the state of certification or the National Registry of EMTs to verify certification or registry and good standing. To receive Iowa certification, the individual shall:

a. and b. No change.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

c. Provide verification of current course completion in CPR. ~~Applicants for EMT-P or paramedic specialist endorsement shall also provide verification of current course completion in ACLS.~~

d. to g. No change.

ITEM 9. Amend subrule 131.4(1) as follows:

131.4(1) Curricula.

a. The training program shall use the following course curricula approved by the department for certification. ~~The department shall determine course length.~~

(1) EMS provider curricula *and course length*:

1. PAD—~~Iowa curriculum or approved national curriculum.~~

2. ILEACP—Iowa curriculum, 24 hours.

3. First responder—*Current DOT FR curriculum plus department enhancements, 50 to 60 hours.*

4. EMT-B—*Current DOT EMT-B curriculum plus department enhancements, 118 to 130 hours, clinical time or field time or both as necessary to complete objectives.*

5. EMT-I—*Iowa curriculum, 54 to 60 didactic hours, clinical and field time as necessary to complete objectives.*

6. EMT-P—*Current DOT EMT-I curriculum, 280 to 310 didactic hours, clinical and field time as necessary to complete objectives.*

7. Paramedic specialist—*Current DOT EMT-P curriculum, 600 to 660 didactic hours, clinical and field time as necessary to complete objectives.*

8. *Training programs that hold current accreditation by the Commission of Accreditation of Allied Health Education Programs for the emergency medical technician-paramedic are exempt from the maximum didactic hours for the EMT-P and paramedic specialist courses.*

(2) Specialty curricula:

1. EMS-I—*Current DOT curriculum plus department enhancements.*

2. No change.

3. CCP—*Iowa curriculum, 80 to 90 didactic hours, clinical and field time as necessary to complete objectives.*

Curriculum enhancements are available from the Iowa Department of Public Health, Bureau of EMS, Lucas State Office Building, Des Moines, Iowa 50319-0075.

b. No change.

ITEM 10. Amend subrule 131.4(4) as follows:

131.4(4) Staff.

a. No change.

b. A training program director shall be appointed who is an appropriate health care professional. This individual shall be a full-time educator or a practitioner in emergency or critical care. Current EMS instructor ~~certification endorsement~~ is also recommended, but not mandatory.

c. Course coordinators, outreach course coordinators, and primary instructor(s) used by the training program shall be currently ~~certified endorsed~~ as EMS instructors.

d. The instructional staff shall be comprised of physicians, nurses, pharmacists, emergency medical care personnel, or other health care professionals who have appropriate education and experience in emergency and critical care. Current EMS instructor ~~certification endorsement~~ is also recommended, but not mandatory.

e. to i. No change.

ITEM 11. Amend subrule 131.4(6) as follows:

131.4(6) Student records. The training program shall maintain an individual record for each student. Training pro-

gram policy and department requirements will determine contents. These requirements may include:

a. No change.

b. Current certifications *and endorsements*;

c. No change.

ITEM 12. Amend subrule 131.4(9) as follows:

131.4(9) Financing and administration.

a. to c. No change.

d. The training program shall provide to each student, ~~within two weeks no later than the first session of the course starting date,~~ a guide that outlines as a minimum:

(1) to (6) No change.

(7) *Requirements for certification.*

ARC 1143B**PUBLIC HEALTH DEPARTMENT[641]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147A.4, the Department of Public Health hereby gives Notice of Intended Action to amend Chapter 132, "Emergency Medical Services—Service Program Authorization," Iowa Administrative Code.

The proposed amendments modify the levels of service program authorization through use of "contingency plans" and "transport agreements." Additionally the amendments incorporate a continuous quality improvement program/policy for service programs.

The Bureau of EMS has presented these amendments at informal and formal meetings over the last four months. The Iowa EMS Advisory Council unanimously endorsed the proposed amendments at its October 10, 2001, meeting.

The Department has provided a specific provision for variances relating to Chapter 132. A party desiring to apply for waiver or variance of a rule in Chapter 132 should utilize the provision in rule 641—132.14(147A).

The Department of Public Health will hold a public hearing over the Iowa Communications Network (ICN) on Tuesday, December 18, 2001, from 1 to 2 p.m. Sites participating in the ICN broadcast include:

National Guard Armory, 11 East 23rd Street, Spencer, Iowa;

National Guard Armory, 1712 LaClark Road, Carroll, Iowa;

National Guard Armory, 1160 10th Street SW, Mason City, Iowa;

East Side Branch Public Library, ICN Room, 2559 Hubbell Avenue, Des Moines, Iowa;

National Guard Armory, 195 Radford Road, Dubuque, Iowa; and

Kirkwood Learning Center, 111 Westview Drive, Washington, Iowa.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments. Any person who plans to at-

PUBLIC HEALTH DEPARTMENT[641](cont'd)

tend the public hearing and who may have special requirements, such as hearing or mobility impairments, should contact the Department of Public Health and advise of specific needs.

Any oral or written comments must be received on or before December 18, 2001. Comments should be addressed to Tim Peterson, M.D., EMS Bureau Chief, Department of Public Health, 401 SW 7th Street, Suite D, Des Moines, Iowa 50309.

These amendments are intended to implement Iowa Code chapter 147A.

The following amendments are proposed.

ITEM 1. Amend rule 641—132.1(147A) as follows:

Amend the following definitions:

~~“Air carrier” or “air taxi”~~ *Air ambulance* means any privately or publicly owned *rotorcraft or fixed-wing aircraft* which may be specifically designed, modified, constructed, equipped, staffed and used regularly to transport the sick, injured or otherwise incapacitated who are in need of out-of-hospital emergency medical care or whose condition requires treatment or continuous observation while being transported.

~~“Ambulance”~~ means any privately or publicly owned ~~rotorcraft or ground vehicle~~ specifically designed, modified, constructed, equipped, staffed and used regularly to transport the sick, injured or otherwise incapacitated.

“CPR” means training and successful course completion in cardiopulmonary resuscitation, AED and obstructed airway procedures for all age groups according to recognized national standards. ~~This includes one rescuer, two rescuer, and child/infant cardiopulmonary resuscitation and adult and child/infant obstructed airway procedures.~~

“Critical care paramedic (CCP)” means a currently certified paramedic specialist who has successfully completed a critical care course of instruction approved by the department and has received endorsement from the department as a critical care paramedic.

“Critical care transport (CCT)” means specialty care patient transportation when medically necessary, for a critically ill or injured patient *needing critical care paramedic (CCP) skills*, between medical care facilities, and provided by an authorized ambulance service that is ~~endorsed approved~~ by the department to provide critical care transportation and staffed by one or more critical care paramedics or other health care professional in an appropriate specialty area.

“Current course completion” means written recognition given for training and successful course completion of CPR or ~~ACLS PAD~~ with an expiration date or a recommended renewal date that exceeds the current date.

“Emergency medical care personnel” or “provider” means an individual who has been trained to provide emergency and nonemergency medical care at the first-responder, EMT-basic, EMT-intermediate, EMT-paramedic, *paramedic specialist* level or other certification levels adopted by rule by the department and who has been issued a certificate by the department.

“Emergency medical technician-paramedic (EMT-P)” means an individual who has successfully completed the current United States Department of Transportation’s EMT-intermediate curriculum or the ~~1984 1985 or earlier~~ DOT EMT-P curriculum, passed the department’s approved written and practical examinations, and is currently certified by the department as an EMT-P.

“Emergency rescue technician (ERT)” means an ~~individual~~ *emergency medical care provider* trained in various rescue techniques including, but not limited to, extrication from vehicles and agricultural rescue, and who has successfully completed a curriculum approved by the department in cooperation with the ~~Iowa Fire Service Institute~~ *department of public safety*.

“Physician designee” means any registered nurse licensed under Iowa Code chapter 152, or any physician assistant licensed under Iowa Code chapter 148C and approved by the board of physician assistant examiners, ~~who holds current course completion in ACLS~~. The physician designee acts as an intermediary for a supervising physician in accordance with written policies and protocols in directing the actions of emergency medical care personnel providing emergency medical services.

“Protocols” means *service program patient care* written directions and ~~guidelines established and approved by the service program’s medical director that address the orders consistent with the department’s standard of care~~ procedures to be followed by emergency medical care providers in emergency and nonemergency situations.

“Public access defibrillation (PAD) provider” means someone who has current course completion in a nationally recognized public access defibrillation provider course approved by the department and who also holds a current course completion in CPR. *The department deems a provider who has received and maintained certificates of completion from each of these courses to be certified by the department.*

Rescind the following definitions:

~~“ACLS” or “advanced cardiac life support” means training and successful course completion in advanced cardiac life support according to American Heart Association standards.~~

~~“Primary response vehicle” means any ambulance, rescue vehicle or first response vehicle which is utilized by a service program and is normally dispatched as the initial vehicle to respond to an emergency call.~~

~~“Secondary response vehicle” means any ambulance, rescue vehicle or first response vehicle which is utilized by a service program when dispatched for routine or convalescent transfers, when the service program’s primary response vehicle would have a longer response time, is already in service or is otherwise unavailable or when a mutual aid request requires a different type of response vehicle. Secondary response vehicles may be staffed and equipped at any level up to and including the service program’s level of authorization.~~

Adopt the following new definitions in alphabetical order:

“CEH” means “continuing education hour” which is based upon a minimum of 50 minutes of training per hour.

“Continuous quality improvement (CQI)” means a program that is an ongoing process to monitor standards at all EMS operational levels including the structure, process, and outcomes of the patient care event.

“EMS contingency plan” means a transport agreement or dispatching policy between two or more EMS service programs that addresses how and under what circumstances patient transportation will be provided in a given service area.

“Transport agreement” means a written agreement between two or more service programs that specifies the duties and responsibilities of the agreeing parties to ensure appropriate transportation of patients in a given service area.

ITEM 2. Amend subrule 132.2(2) as follows:

PUBLIC HEALTH DEPARTMENT[641](cont'd)

132.2(2) An emergency medical care provider may:

- a. No change.
- b. Function in any hospital or any other entity in which health care is ordinarily provided only when under the direct supervision of a physician when:

(1) to (3) No change.

(4) Employed by or assigned to a hospital or other entity in which health care is ordinarily provided only under the direct supervision of a physician as a member of an authorized service program, or in an individual capacity, to perform nonlifesaving procedures for which ~~trained~~ *certified* and designated in a written job description. Such procedures may be performed after the patient is observed by and when the emergency medical care provider is under the supervision of the physician, physician assistant, or registered nurse, including when the registered nurse is not acting in the capacity of a physician designee, and where the procedure may be immediately abandoned without risk to the patient.

ITEM 3. Amend subrule 132.2(4) as follows:

132.2(4) Adoption by reference.

a. Scope of Practice for Iowa EMS Providers (~~October 1999~~) (*November 2001*) is incorporated and adopted by reference for EMS providers. For any differences that may occur between the adopted references and these administrative rules, the administrative rules shall prevail.

b. No change.

ITEM 4. Amend subrule 132.2(5) as follows:

132.2(5) The department may approve other emergency medical care skills on a limited pilot project basis. Requests for a pilot ~~projects~~ *project application* shall be ~~submitted~~ *made in writing* to the department.

ITEM 5. Amend subrule **132.7(1)** by rescinding paragraph "i" and adopting the following new paragraph "i" in lieu thereof:

i. Service programs that acquire and maintain current status with a nationally recognized EMS service program accreditation entity that meets or exceeds Iowa requirements may be exempted from the application process. A copy of the application must be filed with the department for approval.

ITEM 6. Amend subrule 132.7(3) as follows:

132.7(3) ~~Rotorcraft Air ambulances and air taxis or air carriers.~~

a. ~~Rotorcraft Air~~ ambulances shall meet all applicable requirements of Iowa Code chapter 147A and these rules ~~except for subrule 132.7(2), paragraphs 132.8(1)"b" and "c," and subrules 132.8(8) and 132.8(9).~~

b. ~~Air taxis or air carriers~~ ambulances shall not be subject to the requirements of Iowa Code chapter 147A and these rules except when utilizing emergency medical care personnel to provide emergency medical care. In such instances, emergency medical care personnel shall ~~be members of an authorized service program (assigned by that service program) and shall be provided with the appropriate equipment and medical direction deemed necessary by that service program's medical director function at the appropriate level of care as identified in the scope of practice pursuant to subrule 132.2(4).~~

ITEM 7. Rescind and reserve subrule **132.7(6)**.

ITEM 8. Rescind rule 641—132.8(147A) and adopt the following new rule in lieu thereof:

641—132.8(147A) Service program levels of care and staffing standards.

132.8(1) A service program seeking ambulance authorization shall:

a. Apply for authorization at one of the following levels:

- (1) Basic care.
- (2) EMT-B.
- (3) EMT-I.
- (4) EMT-P.

b. Maintain an adequate number of ambulances and personnel to provide 24-hour-per-day, 7-day-per-week coverage. Ambulances shall comply with paragraph 132.8(1)"d." The number of ambulances and personnel to be maintained shall be determined by the department, and shall be based upon, but not limited to, the following:

- (1) Number of calls;
- (2) Service area and population; and
- (3) Availability of other services in the area.

c. Provide as a minimum, on each ambulance call, the following staff:

(1) One currently certified EMT-B.

(2) One currently licensed driver. The service shall document each driver's training in emergency driving techniques and in the use of the service's communications equipment.

d. Submit an EMS contingency plan that will be put into operation when coverage pursuant to the 24/7 rule in paragraph 132.8(1)"b" is not possible due to unforeseen circumstances.

e. Report frequency of use of the contingency plan to the department upon request.

f. Seek approval from the department to provide non-transport coverage in addition to or in lieu of ambulance authorization.

g. Advertise or otherwise imply or hold itself out to the public as an authorized ambulance service only to the level of care maintained 24 hours per day, seven days a week.

h. Apply to the department to receive approval to provide critical care transportation based upon appropriately trained staff and approved equipment.

i. Unless otherwise established by protocol approved by the medical director, the emergency medical care provider with the highest level of certification (on the transporting service) shall attend the patient.

132.8(2) A service program seeking nontransport authorization shall:

a. Apply for authorization at one of the following levels:

- (1) Basic care.
- (2) First responder.
- (3) EMT-B.
- (4) EMT-I.
- (5) EMT-P.

b. For staffing purposes provide, as a minimum, a transport agreement.

c. Advertise or otherwise hold itself out to the public as an authorized nontransport service program only to the level of care maintained 24 hours per day, seven days a week.

d. Not be prohibited from transporting patients in an emergency situation when lack of transporting resources would cause an unnecessary delay in patient care.

132.8(3) Service program operational requirements. Ambulance and nontransport service programs shall:

a. Complete and maintain a patient care report concerning the care provided to each patient.

b. Utilize department protocols as the standard of care. The service program medical director may make changes to the department protocols provided the changes are within the

PUBLIC HEALTH DEPARTMENT[641](cont'd)

EMS provider's scope of practice and within acceptable medical practice. A copy of the changes shall be filed with the department.

c. Ensure that personnel duties are consistent with the level of certification and the service program's level of authorization.

d. Maintain current personnel rosters and personnel files. The files shall include the names and addresses of all personnel and documentation that verifies EMS provider credentials including, but not limited to:

(1) Current provider level certification.

(2) Current course completions/certifications/endorsements as may be required by the medical director.

(3) PA and RN exception forms for appropriate personnel and verification that PA and RN personnel have completed the appropriate EMS level continuing education.

e. If requested by the department, notify the department in writing of any changes in personnel rosters.

f. Have a medical director and 24-hour-per-day, 7-day-per-week on-line medical direction available.

g. Ensure that the appropriate service program personnel respond as required in this rule and that they respond in a reasonable amount of time.

h. Notify the department in writing within seven days of any change in ownership or control or of any reduction or discontinuance of operations.

i. Select a new or temporary medical director if for any reason the current medical director cannot or no longer wishes to serve in that capacity. Selection shall be made before the current medical director relinquishes the duties and responsibilities of that position.

j. Within seven days of any change of medical director, notify the department in writing of the selection of the new or temporary medical director who must have indicated in writing a willingness to serve in that capacity.

k. Not prevent a registered nurse or physician assistant from supplementing the staffing of an authorized service program provided equivalent training is documented pursuant to Iowa Code sections 147A.12 and 147A.13.

l. Not be authorized to utilize a manual defibrillator (except paramedic).

m. Implement a continuous quality improvement program that provides a policy to include as a minimum:

(1) Medical audits.

(2) Skills competency.

(3) Follow-up (loop closure/resolution).

n. Require physician assistants and registered nurses providing care pursuant to Iowa Code sections 147A.12 and 147A.13 to meet CEH requirements approved by the medical director.

o. Document an equipment maintenance program to ensure proper working condition and appropriate quantities.

132.8(4) Equipment and vehicle standards. The following standards shall apply:

a. Ambulances placed into service after July 1, 2002, shall meet, as a minimum, the National Truck and Equipment Association's Ambulance Manufacture Division (AMD) performance specifications.

b. All EMS service programs shall carry equipment and supplies in quantities as determined by the medical director and appropriate to the service program's level of care and available certified EMS personnel and as established in the service program's approved protocols.

c. Pharmaceutical drugs and over-the-counter drugs may be carried and administered upon completion of train-

ing and pursuant to the service program's established protocols approved by the medical director.

d. All drugs shall be maintained in accordance with the rules of the state board of pharmacy examiners.

e. Accountability for drug exchange, distribution, storage, ownership, and security shall be subject to applicable state and federal requirements. The method of accountability shall be described in the written pharmacy agreement. A copy of the written pharmacy agreement shall be submitted to the department.

f. Each ambulance service program shall maintain a telecommunications system between the emergency medical care provider and the source of the service program's medical direction and other appropriate entities. Nontransport service programs shall maintain a telecommunications system between the emergency medical care provider and the responding ambulance service and other appropriate entities.

g. All telecommunications equipment shall be capable of transmitting and receiving clear and understandable voice communications to and from the service program's communications base and all points within the service program's primary service area.

h. All telecommunications shall be conducted in an appropriate manner and on a frequency approved by the Federal Communications Commission and the department.

132.8(5) Preventative maintenance. Each ambulance service program shall document a preventative maintenance program to make certain that:

a. Vehicles are fully equipped and maintained in a safe operating condition. In addition:

(1) All ground ambulances shall be housed in a garage or other facility that prevents engine, equipment and supply freeze-up and windshield icing. An unobstructed exit to the street shall also be maintained;

(2) The garage or other facility shall be adequately heated or each response vehicle shall have permanently installed auxiliary heating units to sufficiently heat the engine and patient compartment; and

(3) The garage or other facility shall be maintained in a clean, safe condition free of debris or other hazards.

b. The exterior and interior of the vehicles are kept clean. The interior and equipment shall be cleaned after each use as necessary. When a patient with a communicable disease has been transported or treated, the interior and any equipment or nondisposable supplies coming in contact with the patient shall be thoroughly disinfected.

c. All equipment stored in a patient compartment is secured so that, in the event of a sudden stop or movement of the vehicle, the patient and service program personnel are not injured by moving equipment.

d. All airway, electrical and mechanical equipment is kept clean and in proper operating condition.

e. Compartments provided within the vehicles and the medical and other supplies stored therein are kept in a clean and sanitary condition.

f. All linens, airway and oxygen equipment or any other supplies or equipment coming in direct patient contact is of a single-use disposable type or cleaned, laundered or disinfected prior to reuse.

g. Freshly laundered blankets and linen or disposable linens are used on cots and pillows and are changed after each use.

h. Proper storage is provided for clean linen.

i. Soiled supplies shall be appropriately disposed of according to current biohazard practices.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

132.8(6) Service program—incident and accident reports.

a. Incidents of fire or other destructive or damaging occurrences affecting the service program or theft of a service program ambulance, equipment, or drugs shall be reported to the department within 48 hours following the occurrence of the incident.

b. A copy of the motor vehicle accident report required under Iowa Code subsection 321.266(2), relating to the reporting of an accident resulting in personal injury, death or property damage, shall be submitted to the department within seven days following an accident involving a service program vehicle.

132.8(7) Adoption by reference. The Iowa EMS Service Program Registry Data Dictionary is adopted and incorporated by reference for inclusion criteria and reportable patient data. For any differences which may occur between the adopted reference and this chapter, the administrative rules shall prevail.

a. The Iowa EMS Service Program Registry Data Dictionary is available through the Iowa Department of Public Health, Bureau of Emergency Medical Services, Lucas State Office Building, Des Moines, Iowa 50319-0075.

b. The department shall prepare compilations for release or dissemination on all reportable patient data entered into the EMS service program registry during the reporting period. The compilations shall include, but not be limited to, trends and patient care outcomes for local, regional, and statewide evaluations. The compilations shall be made available to all service programs submitting reportable patient data to the registry.

c. Access and release of reportable patient data and information.

(1) The data collected by and furnished to the department pursuant to this subrule are confidential records of the condition, diagnosis, care, or treatment of patients or former patients, including outpatients, pursuant to Iowa Code section 22.7. The compilations prepared for release or dissemination from the data collected are not confidential under Iowa Code section 22.7, subsection 2. However, information which individually identifies patients shall not be disclosed, and state and federal law regarding patient confidentiality shall apply.

(2) The department may approve requests for reportable patient data for special studies and analysis provided the request has been reviewed and approved by the deputy director of the department with respect to the scientific merit and confidentiality safeguards, and the department has given administrative approval for the proposal. The confidentiality of patients and the EMS service program shall be protected.

(3) The department may require entities requesting the data to pay any or all of the reasonable costs associated with furnishing the reportable patient data.

d. To the extent possible, activities under this subrule shall be coordinated with other health data collection methods.

e. Quality assurance.

(1) For the purpose of ensuring the completeness and quality of reportable patient data, the department or authorized representative may examine all or part of the patient care report as necessary to verify or clarify all reportable patient data submitted by a service program.

(2) Review of a patient care report by the department shall be scheduled in advance with the service program and completed in a timely manner.

f. All EMS service programs shall comply with these rules prior to January 1, 2001. The director, pursuant to Iowa Code section 147A.4, may grant a variance from the requirements of these rules for any service program, provided that the variance is related to undue hardships in complying with this chapter.

132.8(8) The patient care report is a confidential document and shall be exempt from disclosure pursuant to Iowa Code subsection 22.7(2) and shall not be accessible to the general public. Information contained in these reports, however, may be utilized by any of the indicated distribution recipients and may appear in any document or public health record in a manner which prevents the identification of any patient or person named in these reports.

132.8(9) Implementation. The director may grant exceptions and variances from the requirements of this chapter for any ambulance or nontransport service. Exceptions or variations shall be reasonably related to undue hardships which existing services experience in complying with this chapter. No exception or variance may be granted unless the service has adopted a plan, approved by the department prior to July 1, 1996, to achieve compliance during a period not to exceed seven years. Services requesting exceptions and variances shall be subject to other applicable rules adopted pursuant to Iowa Code chapter 147A. Nothing in this chapter shall be construed to require any ambulance or nontransport service to provide a level of care beyond minimum basic care standards.

ITEM 9. Amend subrule 132.9(2) as follows:

132.9(2) The medical director's duties include, but need not be limited to:

a. Developing, approving and updating protocols to be used by service program personnel *that meet or exceed the minimum standard protocols developed by the department.*

b. Developing and maintaining liaisons between the service, other physicians, physician designees, and hospitals, *and the medical community served by the service program.*

c. Monitoring and evaluating the activities of the service program and individual personnel performance, *including establishment of measurable outcomes that reflect the goals and standards of the EMS system.*

d. to f. No change.

g. ~~Ensuring maintenance of skills by service program personnel including: Developing and approving an applicable continuous quality improvement policy demonstrating type and frequency of review, including an action plan and follow-up.~~

~~(1) Documenting training on specific equipment used by the service program. Such training may be performed by an approved training program or other qualified individual approved by the medical director.~~

~~(2) Documenting the monthly or quarterly defibrillation practice sessions required in subrule 132.8(1), paragraph "o."~~

~~(3) The medical director may remove an individual from service program participation and require remedial education including, but not limited to: classroom instruction, clinical experience and field experience.~~

h. and i. No change.

j. *Approving or removing an individual from service program participation.*

ITEM 10. Amend subrule 132.9(3) as follows:

132.9(3) Supervising physicians, ~~and~~ physician designees, *or other appointees* may assist the medical director by:

a. to e. No change.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

ITEM 11. Amend subrule 132.9(4) as follows:

132.9(4) The medical director, ~~supervising physicians, physician designees~~ or other qualified designees shall randomly audit (at least quarterly) documentation of calls where emergency medical care was provided. The medical director shall randomly review audits performed by the ~~supervising physician, physician designee or other designee qualified appointee~~. The audit shall be in writing and shall include, but need not be limited to:

- a. No change.
- b. ~~Time~~ Response time and time spent at the scene.
- c. ~~Tiered~~ Overall EMS system response to ensure that the patient's needs were matched to available resources including, but not limited to, mutual aid and tiered response.
- d. Completeness of documentation.

ITEM 12. Rescind and reserve subrule **132.9(5)**.

ITEM 13. Amend subrule 132.9(6) as follows:

132.9(6) On-line medical direction when provided through a hospital.

- a. to c. No change.
- d. Only supervising physicians or physician designees shall provide on-line medical direction ~~via radio communications~~. However, a physician assistant, registered nurse or EMT (of equal or higher level) may relay orders to emergency medical care personnel, without modification, from a supervising physician. ~~or A physician designee may not deviate from approved protocols.~~
- e. ~~On an annual basis, the~~ The hospital shall notify provide, upon request to the department, ~~in writing of any changes in the a list of~~ supervising physicians and ~~physicians~~ physician designees providing on-line medical direction.
- f. ~~Supervising physicians and physician designees shall be trained in the proper use of radio protocols and equipment.~~
- g. to i. No change.

ITEM 14. Amend subrule 132.14(1) as follows:

132.14(1) If during a period of authorization there is some occurrence that temporarily causes a service program to be in noncompliance with these rules, the department may grant a temporary variance. Temporary variances to these rules (not to exceed six months in length per any approved request) may be granted by the department to a currently authorized service program. Requests for temporary variances shall ~~comply~~ apply only to the service program requesting the variance and shall apply only to those requirements and standards for which the department is responsible.

ITEM 15. Amend subrule 132.14(2) as follows:

132.14(2) To request a variance, the service program shall:

- a. to e. No change.
- f. Submit to the department, within ten days after having given verbal notification to the department, a written explanation for the temporary variance request that addresses each of the above paragraphs. The address and telephone number are: Iowa Department of Public Health, Bureau of Emergency Medical Services, Lucas State Office Building, Des Moines, Iowa 50319-0075, ~~(515)281-3741~~ (515) 725-0326.

ITEM 16. Amend subrule 132.15(1) as follows:

132.15(1) Upon responding to an emergency call, ambulance, or nontransport paramedic level services may make a determination at the scene as to whether emergency medical transportation or nonemergency transportation is needed. The determination shall be made by a paramedic or para-

medic specialist and shall be based upon the nonemergency transportation protocol approved by the service program's medical director. When applying this protocol, the following criteria, as a minimum, shall be used to determine the appropriate transport option:

- a. No change.
- b. ~~Secondary assessment (including vital signs and history)~~ Focused history and physical examination,
- c. to e. No change.

Emergency medical transportation shall be provided whenever any of the above criteria indicate that treatment should be initiated.

ARC 1142B

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147A.4, the Department of Public Health hereby gives Notice of Intended Action to amend Chapter 134, "Trauma Care Facility Categorization and Verification," and Chapter 135, "Trauma Triage and Transfer Protocols," Iowa Administrative Code.

The proposed amendments update the cross references to documents adopted by reference in each chapter and replace outdated language.

The Department has not provided specific provisions for a waiver or variance from rules in Chapters 134 and 135. A party seeking a waiver or variance from the rules should do so pursuant to the Department's variance and waiver provisions contained in 641—Chapter 178.

The Department's Trauma System Advisory Council unanimously adopted the proposed amendments at the October 24, 2001, meeting.

The Department of Public Health will hold a public hearing over the Iowa Communications Network (ICN) on Tuesday, December 18, 2001, from 1 to 2 p.m. Sites participating in the ICN broadcast include the following:

- National Guard Armory, 11 East 23rd Street, Spencer, Iowa;
- National Guard Armory, 1712 LaClark Road, Carroll, Iowa;
- National Guard Armory, 1160 10th Street SW, Mason City, Iowa;
- East Side Branch Public Library, ICN Room, 2559 Hubbell Avenue, Des Moines, Iowa;
- National Guard Armory, 195 Radford Road, Dubuque, Iowa; and
- Kirkwood Learning Center, 111 Westview Drive, Washington, Iowa.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments. Any person who plans to attend the public hearing and who may have special requirements, such as hearing or mobility impairments, should contact the Department of Public Health and advise of specific needs.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

Any oral or written comments must be received on or before December 18, 2001. Comments should be addressed to Tim Peterson, M.D., EMS Bureau Chief, Department of Public Health, 401 SW 7th Street, Suite D, Des Moines, Iowa 50309.

These amendments are intended to implement Iowa Code chapter 147A.

The following amendments are proposed.

ITEM 1. Amend subrule 134.2(3) as follows:

134.2(3) Adoption by reference.

a. "Iowa Trauma System Level I & II Hospital and Emergency Care Facility Categorization Criteria" (~~October 1999~~) (*November 2001*) is incorporated and adopted by reference for Level I and II hospital and emergency care facility categorization criteria, and the "Iowa Trauma System Level III & IV Hospital and Emergency Care Facility Categorization Criteria" (~~May 1999~~) (*November 2001*) is incorporated by reference and adopted for Level III and IV hospital and emergency care facility categorization criteria. For any differences which may occur between the adopted references and these administrative rules, the administrative rules shall prevail.

b. "Iowa Trauma System Level I & II Hospital and Emergency Care Facility Categorization Criteria" (~~October 1999~~) (*November 2001*) and the "Iowa Trauma System Level III & IV Hospital and Emergency Care Facility Categorization Criteria" (~~May 1999~~) (*November 2001*) are available through the Iowa Department of Public Health, Bureau of Emergency Medical Services, ~~Lucas State Office Building 401 SW Seventh Street, Suite D~~, Des Moines, Iowa 50319-0075.

ITEM 2. Amend paragraph 135.2(1)"a" as follows:

a. Adoption by reference. The "Out-of-Hospital Trauma Triage Destination Decision Protocol" (~~October 1999~~) (*November 2001*) and the "Inter-Trauma Care Facility Triage and Transfer Protocol" (August 1996) are incorporated by reference and adopted as the out-of-hospital trauma triage destination decision and the intertrauma care facility triage and transfer protocols. For any differences which may occur between the adopted references and these administrative rules, the administrative rules shall prevail.

ARC 1141B

PUBLIC HEALTH
DEPARTMENT[641]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 136.3(7), the Department of Public Health hereby gives Notice of Intended Action to amend Chapter 176, "Criteria for Awards or Grants," Iowa Administrative Code.

The proposed amendment provides information on the appeal process for competitive grants if the specific administrative rules of the relevant program do not contain a process for appeal.

Any interested person may make written comments or suggestions on the proposed amendment on or before December 18, 2001. Such written comments should be directed to Barb Nervig, Administrative Rules Administrator, Department of Public Health, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319. Comments may also be sent by E-mail to bnervig@idph.state.ia.us.

This amendment is intended to implement Iowa Code chapter 17A.

The following amendment is proposed.

Amend 641—Chapter 176 by adopting the following new rule:

641—176.8(135,17A) Appeals.

176.8(1) Appeal. An applicant may appeal the denial of a properly submitted competitive grant application. The appeal shall be submitted in writing within ten days of receipt of notification of the adverse decision. The appeal shall be addressed to the division director of the appropriate division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075. In the event of an appeal, the department will continue working with the selected bidder pending the outcome of the appeal.

176.8(2) Contested case. Upon receipt of an appeal that meets contested case status, the appeal shall be forwarded within five working days to the department of inspections and appeals (DIA) pursuant to the administrative rules adopted by DIA regarding transmission of cases.

176.8(3) Hearing. Parties shall receive notice of the hearing in advance. The administrative law judge shall schedule the time, place, and date of the hearing so that the hearing is held as expeditiously as possible. The hearing shall be conducted according to the procedural rules for contested case hearings found at 481—Chapter 10.

176.8(4) Decision of administrative law judge. The administrative law judge's decision shall be issued within 60 days from the date of the hearing. The administrative law judge's proposed decision shall be served by certified mail, return receipt requested, or delivered by personal service. The proposed decision and order becomes the department's final decision without further proceedings 10 days after it is received by the aggrieved party unless an appeal to the director is filed by either of the parties as provided in subrule 176.8(5) or the director serves notice on the parties of the director's intent to review the decision.

176.8(5) Appeal to director. Any appeal to the director for review of a proposed decision shall be mailed to the director by certified mail, return receipt requested, or delivered by personal service within ten days after the receipt of the administrative law judge's proposed decision and order by the aggrieved party. A copy of the appeal shall also be mailed to the administrative law judge and the other parties. A request for appeal shall include the specific grounds for appeal.

176.8(6) Record of hearing. Upon receipt of an appeal request, the administrative law judge shall prepare a record of the hearing for submission to the director. The record shall include the following:

- a. All pleadings, motions, and rules;
- b. All evidence received or considered and all other submissions by recording or transcript;
- c. All statements of matters officially noticed;
- d. All questions and offers of proof, objections, and rulings thereon;
- e. All proposed findings and exceptions; and
- f. The proposed decision and order of the administrative law judge.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

176.8(7) Decision of director. Upon receipt of a properly filed appeal, the director shall establish a briefing schedule and, at the discretion of the director, an opportunity for oral argument. An appeal to the director shall be based on the record made at the hearing. The director may reverse or modify any finding of fact if a preponderance of the evidence will support a determination to reverse or modify such a finding, or may reverse or modify any conclusion of law the director finds to be in error. The decision and order of the director shall be delivered by certified mail, return receipt requested, or by personal service, and becomes the department's final decision upon receipt by the aggrieved party.

176.8(8) Exhausting administrative remedies. It is not necessary to file an application for rehearing to exhaust administrative remedies when appealing to the director or the district court as provided in Iowa Code section 17A.19.

176.8(9) Judicial review. The aggrieved party to the final decision of the department who has exhausted all administrative remedies may petition for judicial review of that action pursuant to Iowa Code chapter 17A. Petitions for judicial review shall be filed within 30 days after the decision becomes final. The party who appeals a final agency action to district court shall pay the costs of the preparation of a transcript of the contested case hearing for the district court.

176.8(10) Applicability of rule. This rule governs the appeal process for a competitive grant if the specific administrative rules of the relevant program do not contain a process for appeal.

ARC 1132B**REAL ESTATE APPRAISER
EXAMINING BOARD[193F]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 543D.5, the Real Estate Appraiser Examining Board gives Notice of Intended Action to rescind Chapters 1 to 11 and adopt new Chapter 1, "Organization and Administration"; Chapter 2, "Definitions"; Chapter 3, "Examination"; Chapter 4, "Associate Real Property Appraiser"; Chapter 5, "Certified Residential Real Property Appraiser"; Chapter 6, "Certified General Real Property Appraiser"; Chapter 7, "Disciplinary Actions Against Certified and Associate Appraisers"; Chapter 8, "Investigations and Disciplinary Procedures"; Chapter 9, "Renewal, Expiration and Reinstatement of Certificates or Registrations"; Chapter 10, "Reciprocity"; Chapter 11, "Continuing Education"; and Chapter 12, "Fees," Iowa Administrative Code.

This amendment is intended to reformat, clarify, and simplify the rules governing the licensing and regulation of the real estate appraisal profession in accordance with Executive Order Number 8.

Any interested person may make written suggestions or comments on these proposed rules on or before December 18, 2001. Comments should be directed to Susan Griffel, Executive Officer, Real Estate Appraiser Examining Board

at 1918 SE Hulsizer Road, Ankeny, Iowa 50021; fax (515) 281-7411; E-mail susan.griffel@comm7.state.ia.us.

This amendment is intended to implement Iowa Code chapters 543D and 272C.

The following amendment is proposed.

Rescind 193F—Chapters 1 to 11 and adopt the following **new** chapters in lieu thereof:

CHAPTER 1**ORGANIZATION AND ADMINISTRATION****193F—1.1(543D) Description.**

1.1(1) The purpose of the real estate appraiser examining board is to administer and enforce the provisions of Iowa Code chapter 543D (Iowa Voluntary Appraisal Standards and Appraiser Certification Law of 1989) with regard to the appraisal of real property in the state of Iowa, including the examination of candidates and issuance of certificates and registrations; investigation of alleged violations and infractions of the appraisal standards and appraiser certification law; and the disciplining of appraisers. The importance of the role of the appraiser places ethical and professional standards on those that serve in this capacity. To this end, the board has promulgated these rules and has adopted the Uniform Standards of Professional Appraisal Practice (USPAP) to clarify the board's intent and procedures and to promote and maintain a high level of public trust in professional appraisal practice.

1.1(2) All official communications, including submissions and requests, should be addressed to the board at its official address, 1918 SE Hulsizer Road, Ankeny, Iowa 50021.

193F—1.2(543D) Administrative committees.

1.2(1) The board may appoint administrative committees of not less than three nor more than five board members for the purpose of making recommendations on matters specified by the board.

1.2(2) An administrative committee may be appointed to make recommendations to the board concerning the board's responsibilities as to examinations, certifications, continuing education, professional conduct, discipline and other board matters.

193F—1.3(543D) Annual meeting. The annual meeting of the board shall be the first meeting scheduled after April 30. At this time the chairperson and vice chairperson shall be elected to serve until their successors are elected. The election of these officers shall be the first order of business after hearing the reports of outgoing officers. The newly elected officers shall assume the duties of their respective offices at the conclusion of the meeting at which they were elected.

193F—1.4(543D) Other meetings. In addition to the annual meeting, and in addition to other meetings, the time and place of which may be fixed by resolution of the board, any meeting may be called by the chairperson of the board or by joint call of a majority of its members. One week's notice shall be given for such meetings, and the notice must designate the time and place of the meeting.

193F—1.5(543D) Executive officer's duties.

1.5(1) The executive officer shall cause complete records to be kept of applications for examination and registration, certificates and permits granted, and all necessary information in regard thereto.

1.5(2) The executive officer shall determine when the legal requirements for certification and registration have been satisfied with regard to issuance of certificates or registra-

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

tions, and the executive officer shall submit to the board any questionable application.

1.5(3) The executive officer shall keep accurate minutes of the meetings of the board. The executive officer shall keep a list of the names of persons issued certificates as certified general real property appraisers, certified residential real property appraisers and associate real property appraisers.

193F—1.6(543D) Records, filings, and requests for public information. Unless otherwise specified by the rules of the department of commerce or the professional licensing and regulation division, the board is the principal custodian of its own agency orders, statements of law or policy issued by the board, legal documents, and other public documents on file with the board.

1.6(1) Any person may examine public records promulgated or maintained by the board at its office during regular business hours. The board maintains an office at 1918 SE Hulsizer Road, Ankeny, Iowa 50021. The office is open during regular business hours from 8 a.m. until 4:30 p.m. Monday through Friday. The office is closed Saturdays, Sundays, and official state holidays.

1.6(2) Records, documents and other information may be gathered, stored, and available in electronic format. Information, various forms, documents, and the law and rules may be reviewed or obtained anytime by the public from the board's Internet Web site located at <http://www.state.ia.us/iapp>.

1.6(3) Deadlines. Unless the context requires otherwise, any deadline for filing a document shall be extended to the next working day when the deadline falls on a Saturday, Sunday, or official state holiday.

193F—1.7(543D) Adoption, amendment or repeal of administrative rules.

1.7(1) The board shall adopt, amend or repeal its administrative rules in accordance with the provisions of Iowa Code section 17A.4. Prior to the adoption, amendment or repeal of any rule of the board, any interested person, as described in Iowa Code section 17A.4(1)"b," may submit any data, views, or arguments in writing concerning such rule or may request to make an oral presentation concerning such rule. Such written comments or requests to make oral presentations shall be filed with the board at its official address and shall clearly state:

- a. The name, address, and telephone number of the person or agency authoring the comment or request;
- b. The number and title of the proposed rule, which is the subject of the comment or request, as given in the Notice of Intended Action;
- c. The general content of the oral presentation. A separate comment or request to make an oral presentation shall be made for each proposed rule to which remarks are to be asserted.

1.7(2) The receipt and acceptance for consideration of written comments and requests to make oral presentations shall be acknowledged by the board.

1.7(3) Written comments received after the deadline set forth in the Notice of Intended Action may be accepted by the board although their consideration is not assured. Requests to make an oral presentation received after the deadline shall not be accepted and shall be returned to the requester.

193F—1.8(22) Public records and fair information practices. Board rules on public records and fair information

practices may be found in the uniform rules for the division of professional licensing and regulation at 193 IAC 13.

193F—1.9(68B) Sales of goods and services. Board rules on the sale of goods and services by board members may be found in the uniform rules for the division of professional licensing and regulation at 193 IAC 11.

193F—1.10(17A) Petitions for rule making. Persons wishing to file a petition for rule making should consult the uniform rules for the division of professional licensing and regulation at 193 IAC 9.

193F—1.11(17A) Declaratory orders. Persons wishing to seek a declaratory order from the board should consult the uniform rules for the division of professional licensing and regulation at 193 IAC 10.

193F—1.12(252J,261) Denial of issuance or renewal of license for nonpayment of child support or student loan. Board rules on the denial of the issuance or renewal of a license based on nonpayment of child support or student loan obligations may be found in the uniform rules for the division of professional licensing and regulation at 193 IAC 8.

193F—1.13(17A) Waivers and variances. Persons who wish to seek waivers or variances from board rules should consult the uniform rules for the division of professional licensing and regulation at 193 IAC 5.

193F—1.14(543D,17A,272C) Investigations and investigatory subpoenas. Board rules regarding investigations and investigatory subpoenas may be found at 193F IAC 8 and in the uniform rules for the division of professional licensing and regulation at 193 IAC 6.

193F—1.15(543D,17A,272C) Contested case procedures. Board rules on contested case procedures may be found at 193F IAC 8 and in the uniform rules for the division of professional licensing and regulation at 193 IAC 7.

193F—1.16(272C) Impaired licensees. Board rules governing impaired licensee committees may be found in the uniform rules for the division of professional licensing and regulation at 193 IAC 12.

These rules are intended to implement Iowa Code sections 543D.4, 543D.5, and 543D.17 and chapters 252J, 261, and 272C.

CHAPTER 2 DEFINITIONS

193F—2.1(543D) Applicability. The following definitions shall be applicable to the rules of the real estate appraiser examining board.

"Appraisal Foundation" means the Appraisal Foundation established on November 30, 1987, as a not-for-profit corporation under the laws of Illinois to develop qualifications and criteria for the appraisal profession.

"AQB" means the Appraisal Qualifications Board of the Appraisal Foundation.

"ASB" means the Appraisal Standards Board of the Appraisal Foundation.

"Associate real property appraiser" or "associate appraiser" means an individual who is registered with the board but who does not meet the experience requirements for certification in a certified residential or a certified general classification. The associate appraiser has met the educational requirements and successfully completed either the certified residential or certified general real estate appraiser examina-

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

tion. The associate appraiser must work under the supervision of a certified general or certified residential real property appraiser depending on which examination the associate appraiser successfully completes. However, an associate residential real property appraiser may be supervised by a certified general real property appraiser.

“Certified appraiser” means an individual who has been certified in one of the following two classifications:

1. The certified residential real property appraiser classification, which is limited to the appraisal of one to four residential units without regard to transaction value.

2. The certified general real property appraiser classification, which applies to the appraisal of all types of real property.

“FIRREA” means the Financial Institutions Reform Recovery and Enforcement Act of 1989.

“Knowingly” means done with awareness and deliberateness.

“Law” means the “Iowa Voluntary Appraisal Standards and Appraiser Certification Law of 1989,” Iowa Code chapter 543D.

“USPAP” means the Uniform Standards of Professional Appraisal Practice published annually by the Appraisal Foundation.

This rule is intended to implement Iowa Code section 543D.2.

CHAPTER 3 EXAMINATION

193F—3.1(543D) Types of appraiser certificates. There are two types of appraiser certificates:

1. Certified residential real property appraiser certificate, which classification shall consist of those persons who meet the requirements of 193F—5.1(543D).

2. Certified general real property appraiser certificate, which classification shall consist of those persons who meet the requirements of 193F—6.1(543D).

In addition, the board registers persons who meet the requirements of an associate real property appraiser pursuant to 193F—4.1(543D).

193F—3.2(543D) Examinations. Examinations for certified residential real property appraisers and certified general real property appraisers shall be AQB-endorsed and administered by the board or its authorized representative as often as the board deems necessary, but not less than one time per year.

3.2(1) Disclosure of confidential information. Members of the board shall not disclose a final examination score to any person other than the person who took the examination. Persons who take the examination may consent to the publication of their names on a list of passing candidates.

Other information relating to the examination results, including the specific grades by subject matter, shall be given only to the person who took the examination, except that the board may:

a. Disclose the specific grades by subject matter to the regulatory authority of any other state or foreign country in connection with the candidate’s application for a reciprocal certificate or license from the other state or foreign country, but only if requested by the candidate.

b. Disclose the specific grades by subject matter to educational institutions, professional organizations, or others who have a legitimate interest in the information provided in conjunction with the scores.

3.2(2) The board shall enter into a contractual relationship with a qualified testing service to develop and administer AQB-endorsed examinations and shall maintain control over the examination process.

3.2(3) Any contract to implement subrule 3.2(2) shall require the testing service to:

a. Update the examination on a continual basis;

b. Ensure that the examinations are related to appraiser classifications;

c. Adequately inform applicants of the procedures and requirements for taking the examinations; and

d. Prepare and administer the examinations.

Failure to meet these requirements may be cause for cancellation of any contractual relationship, and such failures, if any, shall be determined solely by the board.

3.2(4) An applicant will not become eligible to apply for certification until the applicant has passed the examination approved by the board and complied with the appropriate experience requirement.

193F—3.3(543D) Examination—conduct of applicant.

3.3(1) Any individual who subverts or attempts to subvert the examination process may, at the discretion of the board, have the individual’s examination scores declared invalid for the purpose of certification in Iowa, be barred from the appraisal certification examinations in Iowa, or be subject to the imposition of other sanctions that the board deems appropriate.

3.3(2) Conduct that subverts or attempts to subvert the examination process includes, but is not limited to:

a. Conduct that violates the security of the examination materials, such as removing from the examination room any of the examination materials; reproducing or reconstructing any portion of the examination; aiding by any means in the reproduction or reconstruction of any portion of the examination; selling, distributing, buying, receiving, or having unauthorized possession of any portion of a future, current, or previously administered examination.

b. Conduct that violates the standard of test administration, such as communicating with any other examination candidate during the administration of the examination; copying answers from another candidate or permitting one’s answers to be copied by another candidate during the examination; referencing any books, notes, written or printed materials or data of any kind, other than the examination materials distributed.

c. Conduct that violates the examination process, such as falsifying or misrepresenting educational credentials or other information required for admission to the examination; impersonating an examination candidate or having an impersonator take the examination on one’s behalf.

3.3(3) Any examination candidate who challenges a decision of the board under this rule may request a contested case hearing pursuant to 193—7.39(546,272C). The request for hearing shall be in writing, shall briefly describe the basis for the challenge, and shall be filed in the board’s office within 30 days of the date of the board decision being challenged.

193F—3.4(543D) Application for certification. Applicants for certification or associate registration must successfully complete the appropriate examination.

3.4(1) All initial applications for certification or associate registration shall be made on forms provided by the board.

3.4(2) Certificates or associate registrations shall contain the applicant’s name, appraiser classification, Iowa certificate number and the signature of the board chairperson and vice chairperson.

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

3.4(3) Initial certificates shall not be issued until the applicant has demonstrated real property appraiser experience complying with Iowa Code section 543D.9 and rules 193F—5.2(543D) and 193F—6.2(543D).

3.4(4) There is no time limit within which qualifying education credit must be obtained; however, if the coursework is over five years old from the date of application, the applicant may be required to provide a brief description of the course as well as documentation of completion.

These rules are intended to implement Iowa Code section 543D.8.

CHAPTER 4

ASSOCIATE REAL PROPERTY APPRAISER

193F—4.1(543D) Associate real property appraiser.

4.1(1) The classification of associate appraiser shall be used to refer only to individuals who have completed the necessary educational requirements and successfully passed the appropriate examination but who do not meet the experience requirements for certification.

4.1(2) An applicant seeking registration as an associate appraiser shall meet the educational requirements for one of the following examinations:

- a. Certified residential real property appraiser, pursuant to 193F—subrule 5.1(1).
- b. Certified general real property appraiser, pursuant to 193F—subrule 6.1(1).

4.1(3) An applicant for the associate appraiser classification, after completing the educational requirements, shall apply to the board to take the appropriate examination by completing an examination application provided by the board, providing proof of completion of educational requirements and paying the appropriate examination application fee.

4.1(4) The associate appraiser shall be subject to the Uniform Standards of Professional Appraisal Practice.

193F—4.2(543D) Supervision. The associate appraiser shall be subject to direct supervision by a supervising appraiser who shall be certified and in good standing. The scope of practice for the associate appraiser classification is the appraisal of those properties that the supervising appraiser is permitted to appraise. To obtain a certified residential real property appraiser certificate, the associate appraiser shall accumulate a total of 2500 hours of appraisal experience in not less than 24 months. To obtain a certified general real property appraiser certificate, the associate appraiser shall accumulate a total of 3000 hours of appraisal experience, of which at least 1500 hours must be nonresidential, in not less than 30 months.

4.2(1) The supervising appraiser shall be responsible for the training and direct supervision of the associate appraiser by:

- a. Accepting full responsibility for the appraisal report by signing and certifying that the report is in compliance with USPAP;
- b. Reviewing the associate appraiser reports;
- c. Personally inspecting each appraised property with the associate appraiser until the supervising appraiser determines the associate appraiser is competent in accordance with USPAP for the property type;
- d. Keeping copies of associate appraiser reports for a period of at least five years or at least two years after final disposition of any judicial proceeding in which testimony was given, whichever period expires last;
- e. At least monthly, reviewing and signing the appraisal log required to be kept by the associate appraiser.

4.2(2) The associate appraiser may have more than one supervising appraiser.

4.2(3) An appraisal log shall be maintained by the associate appraiser and shall, at a minimum, include the following for each appraisal:

- a. Type of property;
- b. Date of report;
- c. Address of appraised property;
- d. Description of work performed;
- e. Number of work hours;
- f. Signature of supervising appraiser.

4.2(4) Separate appraisal logs shall be maintained for each supervising appraiser.

4.2(5) An associate appraiser shall comply with the continuing education requirements of 193F IAC 11 of the board's administrative rules.

193F—4.3(543D) Upgrading an associate appraiser registration. Upon completion of 2500 hours of experience in not less than 24 months to upgrade to a certified residential real property appraiser, or 3000 hours of experience, of which at least 1500 hours must be nonresidential experience under a certified general appraiser, in not less than 30 months to upgrade to a certified general real property appraiser, an associate appraiser may apply for an upgrade by submitting the following:

1. A completed application on a form provided by the board;
2. A copy of the appraisal log(s) from which one or more appraisals may be selected for review by a reviewer approved by the board;
3. The associate appraiser registration;
4. The appropriate fee;
5. A written request to upgrade.

193F—4.4(543D) Issuance of a certificate.

4.4(1) Upon review of the application and documentation, the board shall issue the appropriate certificate to the applicant.

4.4(2) The board may deny an application based on disciplinary action taken against an associate appraiser.

These rules are intended to implement Iowa Code sections 272C.3(1)“a,” 543D.5, 543D.7, 543D.8 and 543D.9.

CHAPTER 5

CERTIFIED RESIDENTIAL
REAL PROPERTY APPRAISER

193F—5.1(543D) Examination. Examination application requirements to obtain a certificate as a certified residential real property appraiser shall be in compliance with the criteria as set forth by the Appraiser Qualifications Board of the Appraisal Foundation as follows:

5.1(1) In order to qualify to sit for the certified residential real property appraiser examination, the applicant must satisfy the following educational requirements:

a. Completion of 120 classroom hours of courses in subjects related to real estate appraisal as listed below with particular emphasis on the appraisal of one to four unit residential properties.

- (1) Influences on real estate value;
- (2) Legal considerations in appraisal;
- (3) Types of value;
- (4) Economic principles;
- (5) Real estate markets and analysis;
- (6) Valuation process;
- (7) Property description;
- (8) Highest and best use analysis;

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

- (9) Appraisal math and statistics;
- (10) Sales comparison approach;
- (11) Site value;
- (12) Cost approach;
- (13) Income approach;
 1. Gross rent multiplier analysis;
 2. Estimation of income and expenses;
 3. Operating expense ratios;
 4. Direct capitalization;
- (14) Valuation of partial interests;
- (15) Appraisal standards and ethics;
- (16) Narrative report writing.

b. Credit toward the classroom hour requirements may be granted only when the length of the educational offering is at least 15 hours and the individual successfully completes an examination pertinent to that offering.

c. Effective January 1, 2004, 15 of the 120 hours must include the successful completion of the National USPAP Course or its equivalent. Equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB. USPAP qualifying education shall be awarded only when the class is instructed by an AQB-certified instructor(s) and when the class is instructed by at least one residential or general state-certified appraiser.

d. Credit for the classroom hour requirement may be obtained from the following:

- (1) Colleges or universities;
- (2) Community colleges or junior colleges;
- (3) Real estate appraisal or real estate related organizations;
- (4) State or federal agencies or commissions;
- (5) Proprietary schools;
- (6) Other providers approved by the board.

e. A maximum of one-half of the qualifying education may be over five years old. If the coursework is over five years old from the date of application, the applicant may be requested to provide a brief description of the course as well as documentation of completion.

f. A classroom hour is defined as 50 minutes out of each 60-minute segment. For coursework completed at a college, university, community college or junior college, each semester hour shall equal 15 classroom hours of credit, and each quarter hour shall equal 10 classroom hours of credit.

g. The applicant shall provide copies of the documentation as to completion of all courses claimed to qualify for the examination.

5.1(2) The board may verify educational credits claimed. Undocumented credits will be sufficient cause to invalidate the examination results pursuant to 193F—paragraph 3.3(2)“c.”

5.1(3) Responsibility for documenting the educational credits claimed rests with the applicant.

193F—5.2(543D) Experience required for initial certification. The experience required to be certified pursuant to Iowa Code section 543D.9 must meet the requirements of this rule. The objective of the demonstration of experience is to provide assurance that, before the applicant is issued a certificate, the applicant has obtained sufficient diversified experience to perform an appraisal.

5.2(1) An appraisal log shall be provided from which one or more appraisals may be selected for review by a reviewer approved by the board. The appraisal log shall, at a minimum, include the following for each appraisal:

- a. Type of property;
- b. Date of report;

- c. Address of appraised property;
- d. Description of work performed;
- e. Number of work hours;
- f. Signature of supervising appraiser.

5.2(2) The applicant for the certified residential real property appraiser certificate shall accumulate a total of 2500 hours of appraisal experience in no fewer than 24 months. Experience claimed must have been performed in compliance with USPAP. Acceptable appraisal experience includes, but is not limited to, the following:

- a. Fee and staff appraisal;
- b. Ad valorem tax appraisal;
- c. Review appraisal;
- d. Appraisal analysis;
- e. Real estate consulting;
- f. Highest and best use analysis;
- g. Feasibility analysis/study.

5.2(3) The listings set out in 5.2(2) and 193F—subrule 6.2(2) are intended neither to exclude other sorts of appraisal experience nor to prescribe a specified minimum array of experience, but an applicant who cannot demonstrate a background of experience of the diversity manifested by this rule shall bear the burden of showing that the applicant's experience is of sufficient quality and diversity to fulfill the objective of the demonstration of experience.

5.2(4) An applicant may be required to appear before the board or its representative to supplement or verify evidence of experience in the form of written reports or file memoranda.

5.2(5) The board may require inspection, by the board itself or by its representatives, of documentation relating to an applicant's claimed experience. Such inspection may be made at the board's offices or such other place as the board may designate.

5.2(6) The board may deny an application based on disciplinary action taken against an associate appraiser.

193F—5.3(543D) Upgrade from a certified residential appraiser to a certified general appraiser. To upgrade from a certified residential real property appraiser to a certified general real property appraiser, see the education, experience and examination requirements in 193F IAC 6.

These rules are intended to implement Iowa Code sections 543D.7, 543D.8, 543D.9 and 543D.16.

CHAPTER 6

CERTIFIED GENERAL REAL PROPERTY APPRAISER

193F—6.1(543D) Examination. Examination application requirements to obtain certification as a certified general real property appraiser shall be in compliance with the criteria as set forth by the Appraiser Qualifications Board of the Appraisal Foundation as follows:

6.1(1) In order to qualify to sit for the certified general real property appraiser examination, the applicant must satisfy the following educational requirements:

a. Completion of 180 classroom hours of courses, which may include the 120 classroom hours required for the certified residential real property appraiser classification, in subjects related to real estate appraisal as listed below with particular emphasis on the appraisal of nonresidential properties. Each course credited toward the required number of qualifying education hours should represent a progression through which the appraiser's knowledge increases.

- (1) Influences on real estate value;
- (2) Legal considerations in appraisal;
- (3) Types of value;

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

- (4) Economic principles;
- (5) Real estate markets and analysis;
- (6) Valuation process;
- (7) Property description;
- (8) Highest and best use analysis;
- (9) Appraisal math and statistics;
- (10) Sales comparison approach;
- (11) Site value;
- (12) Cost approach;
- (13) Income approach;
 1. Estimation of income and expenses;
 2. Operating statement ratios;
 3. Cash flow estimates;
 4. Measures of cash flow;
 5. Discounted cash flow analysis;
- (14) Valuation of partial interests;
- (15) Appraisal standards and ethics;
- (16) Narrative report writing.

b. Effective January 1, 2004, 15 of the 180 hours must include the successful completion of the National USPAP Course or its equivalent. Equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB.

c. Credit shall be awarded only when the USPAP class is instructed by an AQB-certified instructor(s) and the class is instructed by at least one residential or general state-certified appraiser.

d. Credit toward the classroom hour requirements may be granted only when the length of the educational offering is at least 15 hours and the individual successfully completes an examination pertinent to that offering.

e. Credit for the classroom hour requirement may be obtained from the following:

- (1) Colleges or universities;
- (2) Community colleges or junior colleges;
- (3) Real estate appraisal or real estate related organizations;
- (4) State or federal agencies or commissions;
- (5) Proprietary schools;
- (6) Other providers approved by the board.

f. A classroom hour is defined as 50 minutes out of each 60-minute segment.

g. For coursework completed at a college, university, community college or junior college, each semester hour shall equal 15 classroom hours of credit, and each quarter hour shall equal 10 classroom hours of credit.

h. Only one-half of the qualifying education may be over five years old. If the coursework is over five years old from the date of application, the applicant may be required to provide a brief description of the course as well as documentation of completion.

i. The applicant shall provide copies of completion certificates for all courses claimed to qualify for the examination.

6.1(2) The board may verify, on a test basis, educational credits claimed. Undocumented credits will be sufficient cause to invalidate any grade otherwise earned pursuant to 193F—paragraph 3.2(2)“c.”

6.1(3) Responsibility for documenting the educational credit claimed rests with the applicant.

193F—6.2(543D) Experience requirement for certified general real property appraiser.

6.2(1) The applicant for the certified general real property appraiser certificate shall accumulate a total of 3000 hours of appraisal experience of which at least 50 percent (1500

hours) shall be in nonresidential appraisal work. A minimum of 30 months is required to obtain the experience. Appraisal experience claimed must have been performed in compliance with USPAP.

6.2(2) Acceptable appraisal experience includes, but is not limited to, the following:

- a. Fee and staff appraisal;
- b. Ad valorem tax appraisal;
- c. Technical review appraisal;
- d. Appraisal analysis;
- e. Real estate consulting;
- f. Highest and best use analysis;
- g. Feasibility analysis/study.

6.2(3) The verification for experience credit claimed by an applicant should include:

- a. Type of property;
- b. Date of report;
- c. Address of appraised property;
- d. Description of work performed;
- e. Number of work hours.

6.2(4) The listings set out in 193F—subrule 5.2(2) and subrule 6.2(2) are intended neither to exclude other sorts of appraisal experience nor to prescribe a specified minimum array of experience, but an applicant who cannot demonstrate a background of experience of the diversity manifested by this listing shall bear the burden of showing that the applicant's experience is of sufficient quality and diversity to fulfill the objective of the demonstration of experience.

6.2(5) The board may deny an application based on disciplinary action taken against an associate appraiser.

193F—6.3(543D) Evidence of applicant's experience.

6.3(1) The verification of experience credit claimed by an applicant shall be on forms prescribed by the board and shall be supported by a log as described in 193F—subrule 4.2(3) from which one or more appraisals may be selected for review by a reviewer approved by the board. The appraisal log requires the signature of a supervising appraiser when applying for an upgrade from certified residential real property appraiser to certified general real property appraiser.

6.3(2) An applicant may be required to appear before the board or its representative to supplement or verify evidence of experience in the form of written reports or file memoranda.

These rules are intended to implement Iowa Code sections 543D.7, 543D.8, 543D.9, 543D.12, 543D.16 and 272C.

CHAPTER 7

DISCIPLINARY ACTIONS AGAINST
CERTIFIED AND ASSOCIATE APPRAISERS

193F—7.1(543D) Standards of practice. The standards of practice governing all real estate appraisal activities will be the Uniform Standards of Professional Appraisal Practice, including Provisions, Rules, Comments, and Statements, as promulgated by the Appraisal Standards Board of the Appraisal Foundation. All real estate appraisers shall comply with USPAP adopted by the real estate appraiser examining board.

193F—7.2(543D) Grounds for disciplinary actions against certificate holders and associate registrants. The grounds for revocation and suspension of certificates and associate registrations and other disciplinary actions are set out in Iowa Code section 543D.17 and Iowa Code chapter 272C in both specific and general terms. The general terms of that

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

provision of the Iowa Code include the following particular grounds for such disciplinary action:

7.2(1) Fraud or deceit in obtaining a certificate or a registration, within the meaning of Iowa Code section 543D.17(1)"a," includes the knowing submission to the board of any false or forged evidence in, or in support of, an application for certification or associate registration and cheating on an examination, as defined in 193F—3.3(543D).

7.2(2) Dishonesty, fraud or gross negligence in the development of an appraisal within the meaning of Iowa Code section 543D.17(1)"f," includes making misleading, deceptive or untrue representations in preparing or in communicating an appraisal.

7.2(3) Violations of the Iowa Code or rules promulgated under the Iowa Code within the meaning of Iowa Code section 543D.17(1)"f," include knowingly:

a. Using or attempting to use a certificate or associate registration that has been suspended or revoked;

b. Making any false or misleading statement in support of an application for a certificate or associate registration filed by another;

c. Failing to respond to board communication within 30 days of receipt.

7.2(4) Conduct reflecting adversely upon the appraiser's fitness to engage in the appraisal practice, within the meaning of Iowa Code section 543D.17, includes:

a. Adjudication as mentally incompetent;

b. Fiscal dishonesty of any kind;

c. Knowingly presenting as one's own a certificate or associate registration issued to another;

d. Knowing concealment of information regarding violations of the Iowa Code or rules promulgated thereunder by other certificate holders or associate registrants;

e. Conviction, including a conviction based upon a plea of guilty or nolo contendere of a crime substantially related to the qualifications, functions and duties of an individual developing real estate appraisals and the communicating of real estate appraisals.

7.2(5) Failure to comply with the USPAP applicable at the time of the development and communication of a real estate appraisal.

7.2(6) A certificate holder or associate registrant shall report to the board every adverse judgment in a professional or occupational malpractice action to which the certificate holder or associate registrant is a party, and every settlement of a claim against the certificate holder or associate registrant alleging malpractice.

7.2(7) A certificate holder or associate registrant who fails to comply with 7.2(4)"d" and 7.2(6) commits a violation of this chapter for which disciplinary action may be imposed.

7.2(8) A violation of Iowa Code chapter 272C shall be grounds for discipline.

193F—7.3(543D) Use of titles.

7.3(1) No person shall assume or use the title or designation "certified general real property appraiser," "certified residential real property appraiser," or "associate real property appraiser" or any other title, designation, words or letters, abbreviations, sign cards or devices tending to indicate that such person is certified or registered unless such person is certified or registered under Iowa Code section 543D.7.

7.3(2) No partnership, corporation, firm or group engaged in the appraisal of real estate shall assume or use the title or designation "certified general real property appraiser," "certified residential real property appraiser," or "associate real property appraiser" or any abbreviation thereof

that may indicate the partnership, corporation, firm or group is certified or registered as a real estate appraiser.

193F—7.4(543D) Violation of use of title. Whenever, in the judgment of the board, any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of Iowa Code section 543D.15, the board may make application to the appropriate court for an order enjoining such acts or practices. Upon a showing by the board that such person has engaged, or is about to engage, in any such acts or practices, an injunction, restraining order, or such other order as may be appropriate shall be granted by the court without bond.

193F—7.5(543D) Penalty. Any person who violates any provisions of Iowa Code section 543D.15 shall be guilty of a serious misdemeanor. Whenever the board has reason to believe that any person is liable to punishment under Iowa Code section 543D.15, it may certify the facts to the attorney of the county where the person maintains a business office, who may, in the attorney general's or county attorney's discretion, cause appropriate charges to be filed.

193F—7.6(543D) Competent evidence. The display or use by a person of a card, sign, advertisement, or other printed, engraved, or written instrument or device, bearing a person's name in conjunction with the words "certified general real property appraiser," "certified residential real property appraiser," "associate real property appraiser," or any abbreviation thereof shall be competent evidence in any action brought before the board pursuant to Iowa Code section 543D.15 that the person whose name is displayed caused or procured the display or use of such card, sign, advertisement, or other printed, engraved, or written instrument or device, and that such person is claiming to be a certified general or certified residential or associate real property appraiser under Iowa Code section 543D.7. In any such action, evidence of the commission of a single act prohibited by this chapter shall be sufficient to justify an injunction or a conviction without evidence of a general course of conduct.

These rules are intended to implement Iowa Code sections 543D.17 and 543D.18 and chapter 272C.

CHAPTER 8 INVESTIGATIONS AND DISCIPLINARY PROCEDURES

193F—8.1(543D,272C) Disciplinary action. The real estate appraiser examining board has authority pursuant to Iowa Code chapters 543D, 17A and 272C to impose discipline for violations of these Iowa Code chapters and the rules promulgated thereunder.

193F—8.2(543D) Investigation of complaints. The board shall, upon receipt of a complaint in writing, or may, upon its own motion, pursuant to other evidence received by the board, review and investigate alleged acts or omissions that the board reasonably believes constitute cause under applicable law or administrative rules. In order to determine if probable cause exists for a hearing on a complaint, the investigator(s) designated by the chairperson shall cause an investigation to be made into the allegations of the complaint. If the board determines that the complaint does not present facts that constitute a basis for disciplinary action, the board shall take no further action.

193F—8.3(543D,272C) Peer review committee (PRC). A peer review committee may be appointed by the board to investigate a complaint. The committee may consist of one or

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

more certified general or certified residential real property appraisers registered to practice in Iowa. The board may appoint a single peer review consultant to perform the functions of a PRC when, in the board's opinion, appointing a committee with more members would be impractical, unnecessary or undesirable given the nature of the expertise required, the need for prompt action or the circumstances of the complaint. An individual shall be ineligible as a PRC member in accordance with the standard for disqualification found in 193—7.14(17A).

8.3(1) Authority. The PRC investigation may include activities such as interviewing the complainant, the respondent, and individuals with knowledge of the respondent's practice in the community; gathering documents; and performing independent analyses as deemed necessary. The board may give specific instructions to the PRC regarding the scope of the investigation. In the course of the investigation, PRC members shall refrain from advising the complainant or respondent on actions that the board might take.

8.3(2) Term of service. The PRC serves at the pleasure of the board. The board may dismiss any or all members of a PRC or add new members at any time.

8.3(3) Compensation. PRC members may receive per diem compensation equal to that received by board members for performing board duties. Within established budget limitations, PRC members may be reimbursed for reasonable and necessary expenses that are incurred for travel, meals and lodging while performing committee duties. The PRC shall not hire legal counsel, investigators, secretarial help or any other assistance without written authorization from the board.

8.3(4) Reports. Each PRC shall submit a written report to the board within a reasonable period of time.

8.3(5) Components of the report. The report shall include:

- a. Statement of the charge to the PRC;
- b. Description of the actions taken by the PRC in its investigation, including but not limited to appraisal review(s) and interviews with the respondent or complainant;
- c. Summary of the PRC's findings, including the PRC's opinion as to whether a violation occurred, citation of the specific USPAP violations, citation of the Iowa Code section(s) and Iowa Administrative Code rule(s) violated, and the PRC's opinion of the seriousness of the violation;
- d. Recommendation.

8.3(6) Recommended action. The PRC report shall recommend one of the following:

- a. Dismissal of the complaint;
- b. Further investigation;
- c. Disciplinary proceedings;
- d. Allowing the appraiser who is the subject of the complaint an opportunity to appear before the board for an informal discussion regarding the circumstances of the alleged violation.

If the PRC recommends further investigation or disciplinary proceedings, supporting information must be submitted to the board including citation of the specific USPAP violation(s), Iowa Code section(s) and Iowa Administrative Code rule(s) violated.

8.3(7) Disciplinary recommendations. When recommending disciplinary proceedings, a PRC shall refrain from suggesting a particular form of discipline, but may provide guidance on the severity of the violations that prompted the recommendation and may identify professional areas in which the appraiser needs additional education or supervision in order to safely practice.

8.3(8) Confidentiality. The PRC shall not discuss its findings and conclusions with any party to the complaint other than the board (through its report to the board) or board staff. PRC findings including the name of the complainant shall be kept confidential at all times. PRC findings shall be used only for the purposes of the board's possible disciplinary action and not for any other court case, lawsuit, or investigation.

8.3(9) Testimony. In the event of formal disciplinary proceedings, PRC members may be required to testify.

193F—8.4(543D) Informal discussion. If the board considers it advisable, or if requested by the appraiser in question, the board may grant the appraiser an opportunity to appear before the board or a committee of the board for a voluntary informal discussion of the facts and circumstances of the alleged violation. The appraiser may be represented by legal counsel at the informal discussion. The appraiser is not required to attend the informal discussion. Unless disqualification of board members who personally investigated the disciplinary complaint is waived by the appraiser, those board members are disqualified from making decisions at a later formal hearing. Because board members generally rely upon staff, investigators, auditors, peer review committees, or expert consultants to conduct investigations, the issue of disqualification rarely arises. An informal discussion, however, is a form of investigation because it is conducted in a question-and-answer format. In order to preserve the ability of all board members to participate in board decision making, appraisers who desire to attend an informal discussion must therefore waive their right to seek disqualification on any other ground.

By electing to attend an informal discussion, an appraiser accordingly agrees that a participating board member or staff member is not disqualified from acting as a presiding officer in a later contested case proceeding or from advising the decision maker. Because an informal discussion constitutes a part of the board's investigation of a pending disciplinary case, the facts discussed at the informal discussion may be considered by the board in the event the matter proceeds to a contested case hearing and those facts are independently introduced into evidence. The board may seek a consent order at the time of the informal discussion. If the parties agree to a consent order, a statement of charges shall be filed simultaneously with the consent order.

193F—8.5(543D) Decisions. The board shall make findings of fact and conclusions of law, and may take one or more of the following actions:

1. Dismiss the charges;
2. Suspend or revoke the appraiser's certification or associate's registration as authorized by law;
3. Impose civil penalties, the amount which shall be set at the discretion of the board, but which shall not exceed \$1000 per violation. Civil penalties may be imposed for any of the disciplinary violations specified in Iowa Code section 543D.17 and chapter 272C or for any repeat offenses;
4. Impose a period of probation, either with or without conditions;
5. Require reexamination;
6. Require additional professional education, reeducation, or continuing education;
7. Issue a citation and a warning;
8. Require desk review of the appraiser's work product;
9. Issue a consent order;

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

10. Impose any other form of discipline authorized by a provision of law that the board, in its discretion, believes is warranted under the circumstances of the case.

193F—8.6(543D) Civil penalties. Factors the board may consider when determining whether and in what amount to assess civil penalties include:

1. Whether other forms of discipline are being imposed for the same violation;
2. Whether the amount imposed will be a substantial economic deterrent to the violation;
3. The circumstances leading to the violation;
4. The severity of the violation and the risk of harm to the public;
5. The economic benefits gained by the appraiser as a result of the violation;
6. The interest of the public;
7. Evidence of reform or remedial action;
8. Time elapsed since the violation occurred;
9. Whether the violation is a repeat offense following a prior cautionary letter, disciplinary order, or other notice of the nature of the infraction;
10. The clarity of the issue involved;
11. Whether the violation was willful and intentional;
12. Whether the appraiser acted in bad faith;
13. The extent to which the appraiser cooperated with the board;
14. Whether the appraiser practiced appraising with a lapsed, suspended or revoked certificate or registration.

These rules are intended to implement Iowa Code sections 543D.5, 543D.17 and 543D.18 and chapter 272C.

CHAPTER 9

RENEWAL, EXPIRATION AND REINSTATEMENT
OF CERTIFICATES OR REGISTRATIONS

193F—9.1(543D) Expiration and renewal of certificates or registrations.

9.1(1) To maintain a certificate or associate registration, the individual shall renew the certificate or registration every two years. Persons whose last names begin with the letters A to K shall renew in even-numbered years. Persons whose last names begin with the letters L to Z shall renew in odd-numbered years. Certificates and registrations shall expire biennially on June 30. Applications for renewal of a certificate or registration shall be submitted upon forms obtained from the board office. A biennial renewal fee shall be charged.

9.1(2) Applicants for renewal shall report continuing education claimed in compliance with Iowa Code section 543D.16 and rule 193F—11.2(543D) unless those requirements have been waived pursuant to rule 193F—11.3(543D).

9.1(3) It is the policy of the board to mail renewal notices to certified appraisers and associate appraisers at their last-known addresses between May 15 and May 31 in the odd- or even-numbered year in which renewal is required. Failure to receive the notice does not relieve the appraiser of the responsibility to timely renew the certificate or registration and pay the renewal fee. Appraisers should contact the board office if they do not receive a renewal notice prior to the date of expiration of the certificate or registration.

9.1(4) The board shall be notified in writing by the appraiser within 30 days of any change of address.

9.1(5) If an appraiser fails to renew by the expiration date, but does so within 30 days following the expiration date, the appraiser shall be assessed a penalty of 25 percent of the

biennial renewal fee. If the appraiser fails to renew within 30 days of the expiration date, the board shall give written notice to the appraiser. If the appraiser fails to renew within 30 days of the date of the notice, the certification or registration lapses and is void. The board may reinstate the certification or registration upon receipt of an application, a written request for reinstatement, documentation of continuing education, payment of the appropriate fee and a \$100 reinstatement fee.

9.1(6) A renewal application which does not, on its face, report at least 28 hours of approved continuing education credits taken during the two-year renewal period shall be denied unless the continuing education credits have been waived pursuant to rule 193F—11.3(543D).

9.1(7) If an appraiser or associate appraiser appears to be in violation of mandatory continuing education requirements, the board may, in lieu of proceeding to a contested case hearing on the denial of a renewal application as provided in rule 193—7.39(546,272C), offer the appraiser the opportunity to sign a consent order. While the terms of the consent order will be tailored to the specific circumstances at issue, the consent order will typically impose a penalty between \$50 and \$250, depending on the severity of the violation, and establish deadlines for compliance, and may impose additional educational requirements. The appraiser is free to accept or reject the offer. If the offer of settlement is accepted, the appraiser will be issued a renewed certificate or registration and will be subject to disciplinary action if the terms of the consent order are not complied with. If the offer of settlement is rejected, the matter will be set for hearing, if timely requested by the appraiser pursuant to 193—subrule 7.39(1).

193F—9.2(543D) Property of the board. Certificates and registrations are property of the board. Every certificate and registration granted by the board shall, while it remains in the possession of the appraiser, be preserved by the appraiser, but such certificate or registration shall nevertheless always remain property of the board. In the event that the certificate or registration is revoked or suspended in the manner prescribed by Iowa Code chapter 543D, it shall, on demand, be delivered by the appraiser to the executive officer of the board.

These rules are intended to implement Iowa Code section 543D.16 and chapter 272C.

CHAPTER 10
RECIPROCITY

193F—10.1(543D) Nonresident certification by reciprocity.

10.1(1) A nonresident of Iowa seeking certification in this state shall apply on forms provided by the board and pay the appropriate fee required in rule 193F—12.1(543D).

10.1(2) The board may issue a reciprocal certificate to a nonresident individual who is certified and shows proof of good standing in another state.

10.1(3) A reciprocal certified appraiser shall comply with all provisions of Iowa law and rules.

10.1(4) Reciprocal certified appraisers shall be required to pay the federal registry fee as required in rule 193F—12.3(543D).

193F—10.2(543D) Nonresident temporary practice.

10.2(1) The board will recognize, on a temporary basis and for a maximum of two assignments per year, the certification or licensure of an appraiser issued by another state.

10.2(2) The appraiser must register with the board and identify the property(ies) to be appraised, the name and ad-

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

dress of the client and the estimated length of time the appraiser will be in the state and provide a copy of the appraiser's current license/certificate/registration. Registration may be upon the appraiser's letterhead and submitted to the board office prior to the performance of the appraisal. There is no fee to register with the board.

These rules are intended to implement Iowa Code sections 543D.10 and 543D.11.

CHAPTER 11
CONTINUING EDUCATION

193F—11.1(272C,543D) Definitions. For the purpose of these rules, the following definitions shall apply:

"Approved program" means a continuing education program, course, or activity which satisfies the standards set forth in these rules and has received advance approval of the board pursuant to these rules.

"Approved provider" means a person or an organization that has been approved by the board to conduct continuing education programs pursuant to these rules.

"Board" means the Iowa real estate appraiser examining board.

"Continuing education" means education which is obtained by a person certified to practice real estate appraising in order to maintain, improve, or expand skills and knowledge obtained prior to initial certification or registration, or to develop new and relevant skills and knowledge, all as a condition of renewal.

"Credit hour" means the value assigned by the board to a continuing education program.

"Guest speaker" means an individual who teaches an appraisal education program on a one-time-only or very limited basis and who possesses a unique depth of knowledge and experience in the subject matter.

"Home-study/correspondence program" means a computer-generated program, such as CD-ROM, or written materials or exercises intended for self-study, which does not include simultaneous interaction with an instructor but does include tests transmitted to the provider for review and grading.

"Hour" means 50 minutes of instruction.

"Live instruction" means an educational program delivered in a classroom setting or through videoconferencing whereby the instructor and student carry out essential tasks while together.

193F—11.2(272C,543D) Continuing education requirements.

11.2(1) Certified residential, certified general and associate appraisers must demonstrate compliance with the following continuing education requirements as a condition of biennial renewal:

a. A minimum of 28 credit hours in approved continuing education programs must be acquired during the two-year renewal period. Carryover hours from a previous renewal period are not allowed.

b. The purpose of continuing education is to ensure that the appraiser participates in a program that maintains and increases the appraiser's skill, knowledge and competency in real estate appraising. Credit may be granted for educational offerings that are consistent with the purpose of continuing education. A minimum of 14 of the required 28 credit hours must involve courses that address one or more of the following subject areas: real estate appraisal law and rules, report writing, cost approach, sales approach, income approach, economic principles, legal considerations in appraisal, real estate markets and analysis, highest and best use analysis,

appraisal math and statistics, site value, valuation of partial interests or appraisal ethics.

c. Appraisers must successfully complete the seven-hour National USPAP Update Course, or its equivalent, each two-year renewal cycle beginning with appraisers who renew June 30, 2004. Equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB. USPAP continuing education credit shall be awarded only when the class is instructed by an AQB-certified instructor(s) and when the class is instructed by at least one state-certified residential or state-certified general appraiser. USPAP classroom hours earned prior to January 1, 2003, will not count toward fulfilling the seven-hour USPAP recertification requirement. Appraisers renewing in June 2004 and thereafter are subject to the new requirement.

11.2(2) A maximum of 14 of the required 28 credit hours may be acquired in approved home-study/correspondence programs.

11.2(3) A maximum of 14 of the required 28 credit hours may be claimed by an instructor for teaching one or more approved continuing education programs in an amount equal to the credit hours approved for attendees. Instructors claiming such credit must teach the appraisal course during the renewal cycle in which credit is claimed and may not claim the course more than once in the renewal cycle. The board may request supportive documentation to ascertain course content and to verify the date(s), time, place and hours taught.

11.2(4) An applicant seeking to renew an initial certificate or registration issued less than two years but more than one year prior to renewal must demonstrate completion of at least 14 credit hours, including at least 7 credit hours of USPAP. If the initial certificate or registration was issued less than one year prior to the first renewal, no continuing education is required to renew the certificate or registration.

11.2(5) An applicant who has allowed a certificate or registration to lapse shall make the same showing as prescribed in rule 11.2(272C,543D).

11.2(6) During each two-year renewal period, a continuing education program may be taken for credit only once, except USPAP courses.

11.2(7) Successful completion of a continuing education program requires 90 percent attendance. Continuing education credits shall not be granted to attendees who are present for less than 90 percent of the scheduled class meeting.

11.2(8) An applicant may claim continuing education credits earned in a state that has a continuing education requirement for renewal of a real estate appraisal certificate if the program is approved by the appraisal certification board of that state or the Appraiser Qualifications Board for continuing education purposes. All other programs must be approved upon application to the board pursuant to rules 11.4(272C,543D), 11.5(272C,543D) and 11.6(272C,543D).

11.2(9) A certified appraiser may claim up to seven hours of continuing education credit every two years for participation in the peer review process described in 193F—8.3(543D,272C).

11.2(10) A person certified or registered to practice real estate appraising in Iowa shall be deemed to have complied with Iowa's continuing education requirements during periods in which the person serves honorably on active duty in the military service, or for periods in which the person is a resident of another state or district having continuing education requirements for real estate appraising and meets all requirements of that state or district, or for periods in which the person is a government employee working in real estate appraising and assigned to duty outside the United States.

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

193F—11.3(272C,543D) Hardship and disability provisions.

11.3(1) The board may, in individual cases involving undue hardship caused by reasons including, but not limited to, illness, disability, or retirement, grant waivers, modifications or extensions of time within which to fulfill the continuing education requirements in rule 193F—11.2(272C, 543D). No waiver or extension of time shall be granted except upon written application to the board specifying and verifying the grounds of the request and including confirmation by an attending physician as applicable. The board may, as a condition of granting a waiver or extension of time, require the applicant to make up all or a certain portion of the minimum requirements by such methods or on such terms as the board may prescribe.

11.3(2) An applicant seeking a waiver, modification, extension of time or other form of reasonable accommodation due to a disability, as defined in the Americans with Disabilities Act, must include an attending physician's verification of the disability and a detailed description of the type of accommodation requested.

193F—11.4(272C,543D) Minimum program qualifications.

11.4(1) Continuing education programs, as a condition of board approval, must provide a formal program of learning that contributes to the growth in the professional knowledge and professional competence of real estate appraisers.

11.4(2) Continuing education programs dealing with the following subject areas will generally be acceptable:

- a. Ad valorem taxation;
- b. Agriculture production and economics;
- c. Agronomy/soil;
- d. Arbitrations;
- e. Business courses related to the practice of real estate appraisal;
- f. Construction estimating;
- g. Cost approach;
- h. Ethics and standards of professional practice;
- i. Income approach;
- j. Land use planning, zoning and taxation;
- k. Litigation;
- l. Management, leasing, brokerage time sharing;
- m. Property development;
- n. Real estate appraisal law and rules;
- o. Real estate appraisal (valuations/evaluations);
- p. Real estate law;
- q. Real estate financing and investment;
- r. Real estate appraisal-related computer applications;
- s. Real estate securities and syndication;
- t. Real property exchange;
- u. Production economics;
- v. Sales approach;
- w. USPAP.

11.4(3) The following programs will not be acceptable:

- a. Courses of instruction designed to prepare a student for passing the real estate appraisal certification examination;
- b. Sales promotion or other meetings held in conjunction with the appraiser's general business;
- c. Time devoted to breakfast, lunch or dinner;
- d. A program certified by the use of a challenge examination. The required number of hours must be completed to receive credit hours;
- e. Meetings that are a normal part of the in-house staff or employee training;

f. Home-study/correspondence programs which are not tested and successfully completed;

g. Programs that do not provide at least three credit hours.

11.4(4) Continuing education credit will be granted only for whole hours, with a minimum of 50 minutes constituting one hour. For example, 100 minutes of continuous instruction would count as two credit hours; however, more than 50 minutes but less than 100 minutes of continuous instruction would only count as one hour.

11.4(5) Continuing education credit may be approved for university or college courses in qualifying topics according to the following formula: each semester hour of credit shall equal 15 credit hours and each quarter hour of credit shall equal 10 credit hours.

193F—11.5(272C,543D) Standards for provider and program approval. Providers and programs must satisfy the following minimum standards in order to be preapproved in accordance with the procedures established in rule 11.4(272C,543D) and in order to maintain approved status.

11.5(1) The program must be taught or developed by individuals who have the education, training and experience to be considered experts in the subject matter of the program and competent in the use of teaching methods appropriate to the program.

11.5(2) Live instruction programs must be taught by instructors who have successfully completed an instructor development workshop within 24 months preceding board approval of the program.

11.5(3) In determining whether an instructor is qualified to teach a particular program, the board will consider whether the instructor has an ability to teach and an in-depth knowledge of the subject matter.

11.5(4) An instructor may demonstrate the ability to teach by meeting one or more of the following criteria:

- a. Hold a bachelor's degree or higher in education from an accredited college (attach a copy of transcripts);
- b. Hold a current teaching credential or certificate in any real estate or real estate-related fields (attach copy);
- c. Hold a certificate of completion in the area of instruction from an instructor institute, workshop or school that is sponsored by a member of the Appraisal Foundation (detail specific teaching experiences);
- d. Hold a full-time current appointment to the faculty of an accredited college;
- e. Other, as the board may determine.

11.5(5) An instructor may demonstrate in-depth knowledge of the program's subject matter by meeting one or more of the following criteria:

- a. Hold a bachelor's degree or higher from an accredited college with a major in a field of study directly related to the subject matter of the course the instructor proposes to teach, such as business, economics, accounting, real estate or finance (attach copy of transcript);
- b. Hold a bachelor's degree or higher from an accredited college and have five years of appraisal experience related to the subject matter of the course the instructor proposes to teach (attach copy of transcript and document how the instructor's experience is related to the subject matter the instructor proposes to teach);
- c. Hold a generally recognized professional real property appraisal designation or be a sponsor member of the Appraisal Foundation;
- d. Other, as the board may determine.

11.5(6) As of January 1, 2004, only AQB-certified USPAP instructors, listed on the Web site of the appraisal

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

foundation, may teach the national USPAP courses including the 15-hour tested prelicense course and the 7-hour continuing education course.

11.5(7) Course content and materials must be accurate, consistent with currently accepted standards relating to the program's subject matter and updated no later than 30 days after the effective date of a change in standards, laws or rules.

11.5(8) Programs must have an appropriate means of written evaluation by participants. Evaluations shall include the relevance of the materials, effectiveness of presentation, content, facilities, and such additional features as are appropriate to the nature of the program.

11.5(9) No part of any course shall be used to solicit memberships in organizations, recruit appraisers for affiliation with any organization or advertise the merits of any organization or sell any product or service.

11.5(10) Providers must clearly inform prospective participants of the number of credit hours preapproved by the board for each program and all applicable policies concerning registration, payment, refunds, attendance requirements and examination grading.

11.5(11) Procedures must be in place to monitor whether the person receiving credit hours is the person who attended or completed the program.

11.5(12) Providers must be accessible to students during normal business hours to answer questions and provide assistance as necessary.

11.5(13) Providers must comply with or demonstrate exemption from the provisions of Iowa Code sections 714.14 to 714.25.

11.5(14) Providers must designate a coordinator in charge of each program who will act as the board's contact on all compliance issues.

11.5(15) Providers shall not offer more than eight credit hours in a single day.

11.5(16) Providers shall not provide any information to the board, the public or prospective students which is misleading in nature. For example, providers may not refer to themselves as a "college" or "university" unless qualified as such under Iowa law.

11.5(17) Providers must establish and maintain for a period of five years complete and detailed records on the programs successfully attended by each Iowa participant.

11.5(18) Providers must issue an individual certificate of attendance to each participant upon successful completion of the program. The certificate must be no larger than 8½" × 11" and must include the provider name and number, program name and number, name of attendee, date program was completed, number of approved credit hours, and the signature of the coordinator or other person authorized by the board.

11.5(19) Program providers and instructors are solely responsible for the accuracy of all program materials, instruction and examinations. Board approval of a provider or program is not an assurance or warranty of accuracy and shall not be explicitly or implicitly marketed or advertised as such.

193F—11.6(272C,543D) Applications for approval of providers and programs. Applications for approval of providers and programs must be submitted on forms prescribed by the board. Board approval is effective for 24 months, including the month of approval.

11.6(1) Approval must be obtained for each program separately.

11.6(2) A nonrefundable fee of \$50 must be submitted for each program.

11.6(3) All required forms and attachments must be submitted for approval at least 30 days prior to the first offering of each program. The board will approve or deny each program, in whole or part, within 15 days of the date the board receives the fee and fully completed application.

11.6(4) Application forms will request information including, but not limited to, the following:

- a. Program description;
- b. Program purpose;
- c. Difficulty level;
- d. Learning objectives for each major topic that specify the level of knowledge or competency the student should demonstrate upon completing the program;
- e. Description of the instructional methods utilized to accomplish the learning objective;
- f. Identifying information for all guest speakers or instructors and such documentation as is necessary to verify compliance with the instructor qualifications described in subrule 11.5(5);
- g. Copies of all instructor and student program materials;
- h. Copies of all examinations and a description of all grading procedures;
 - i. A description of the diagnostic assessment method(s) used when examinations are not given;
 - j. Copies of prospective brochures or narrative descriptions of the program as will be advertised to prospective students;
- k. Such information as needed to verify compliance with board rules;
 - l. The name, address, telephone number, fax number and E-mail address for the program's coordinator;
 - m. Such other information as the board deems reasonably needed for informed decision making.

11.6(5) The board shall assign each provider and program a number. This number shall be placed on all correspondence with the board, all subsequent applications by the same provider, and all certificates of attendance issued to participants.

193F—11.7(272C,543D) Waiver of application fees. Application fees may be waived for approved programs sponsored by a federal, state, or local governmental agency when the program is offered at no cost or at a nominal cost to participants. A request for waiver of application fees should be made by the provider or certificate holder at the time the application is filed with the board.

193F—11.8(272C,543D) Continuing education committee. Upon majority vote of the board, the board chairperson may appoint, on an annual basis, a continuing education committee to approve or deny, in whole or part, applications for provider and program approval and hardship and disability waivers pursuant to rule 11.3(272C,543D), and credits claimed by appraisers on certification renewal forms. The committee shall be comprised of three members of the board, at least two of whom are appraisers. Alternatively, the board chairperson may delegate to the executive secretary authority to approve or deny course applications subject to the applicant's right to a hearing as provided for in rule 11.12(272C,543D).

193F—11.9(272C,543D) Appraiser request for preapproval of continuing education programs. An appraiser seeking credit for attendance and participation in a program which is to be conducted by a provider not accredited or otherwise approved by the board shall apply for approval to the board at least 15 days in advance of the commencement of

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

the activity. The board shall approve or deny the application in writing. Application for prior approval of a continuing education activity shall include the following fee and information:

1. Application fee of \$25;
2. School, firm, organization or person conducting the program;
3. Location of the program;
4. Title and hour-by-hour outline of the program, course or activity;
5. Credit hours requested for approval;
6. Date of program; and
7. Principal instructor(s).

193F—11.10(272C,543D) Appraiser request for postapproval of continuing education program. An appraiser seeking credit for attendance and participation in a program that was not conducted by an approved provider or approved by the licensing authority in another state or otherwise approved by the board shall submit to the board a request for credit for the program. Within 15 days after receipt of the request, the board shall advise the requester in writing whether the program is approved and the number of hours allowed. Appraisers not complying with the requirement of this rule may be denied credit for the program. Application for postapproval of a continuing education program shall include the following fee and information:

1. Application fee of \$25;
2. School, firm, organization or person conducting the program;
3. Location of the program;
4. Title of program and description of program;
5. Credit hours requested for approval;
6. Dates of program;
7. Principal instructor(s); and
8. Verification of attendance.

193F—11.11(272C,543D) Review of provider or program. The board on its own motion or upon receipt of a complaint or negative evaluation may monitor or review any approved program or provider and, upon evidence of significant variation in the program presented from the program approved, a violation of board rules, or material misstatement or omission in the application form, may withdraw approval of the provider or program and disallow all or any part of the approved hours granted to the provider. The provider, as a condition of approval, agrees to allow the board or its authorized representatives to monitor ongoing compliance with board rules through means including, but not limited to, unannounced attendance at programs.

193F—11.12(272C,543D) Hearings. In the event of denial, in whole or in part, of any application for approval of a continuing education program or provider, or credit for a continuing education program, or withdrawal of approval of a continuing education program or provider, the provider or appraiser shall have the right, within 20 days after the sending of the notification of the denial or withdrawal by ordinary mail, to request, in writing, a hearing which shall be held within 60 days after receipt of the written request for hearing. The hearing shall be conducted by the board, a panel of the board, or a qualified administrative law judge designated by the board. If the hearing is conducted by a panel of the board or an administrative law judge, a transcript of the hearing shall be presented to the board with the proposed decision. The decision of the board, or the decision of the panel of the board or an administrative law judge after adoption or amendment by the board, shall be final.

These rules are intended to implement Iowa Code sections 543D.5, 543D.9 and 543D.16 and chapter 272C.

CHAPTER 12
FEES

193F—12.1(543D) Required fees. The following fee schedule applies to certified general, certified residential and associate appraisers.

Initial examination application fee	\$100
Examination fee (and reexamination fee)	\$95
Biennial registration fee:	
Certified general real property appraiser	\$260
Certified residential real property appraiser	\$260
Associate real property appraiser	\$150
Reciprocal application fee (one-time only)	\$50
Reciprocal registration fee (biennial)	\$260
Reinstatement fee	\$100
Reissuance or replacement of a lost, destroyed, or stolen certificate or registration	\$50

193F—12.2(543D) Prorating of registration fees. Applicants applying for initial registration or certification within 12 months from their required renewal date, pursuant to rule 193F—9.1(543D), shall pay half the required fee. Applicants applying for initial registration or certification more than 12 months from their required renewal date shall pay the full registration fee.

193F—12.3(543D) Federal registry fee. The board shall collect and transmit to the Federal Financial Institutions Examination Council, on an annual basis, a roster of individuals who have received certification or registration as real property appraisers and a registry fee of \$25 for each individual listed on the roster. The registry fee is included in the registration fee.

These rules are intended to implement Iowa Code section 543D.6.

ARC 1147B

TELECOMMUNICATIONS AND
TECHNOLOGY COMMISSION,
IOWA[751]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 8D.3, the Iowa Telecommunications and Technology Commission hereby gives Notice of Intended Action to amend Chapter 4, "Contested Cases," and Chapter 5, "Purchasing," Iowa Administrative Code.

The proposed amendments will update references to Iowa Code chapter 17A in the contested case rules and revise certain purchasing and vendor appeal procedures for the Commission.

The Commission does not intend to grant waivers under the provisions of these rules unless the waiver requests comport with Iowa Code section 17A.9A and 751—Chapter 16, "Uniform Waiver and Variance Rules." Waivers would

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751](cont'd)

cause an imbalance in the competitive selection process and a perception that the selection and vendor appeal processes are unfair.

The proposed amendments will not necessitate additional expenditures by political subdivisions or agencies and entities which contract with political subdivisions.

Items 1 to 5 amend rules in Chapter 4 by changing the references from 1998 Iowa Acts to Iowa Code references. There are no substantive changes to these provisions.

Item 6 amends rule 5.1(8D) by increasing the limit for formal competitive selection. The amendment to this rule exempts items valued between \$0 and \$5,000 from competitive selection. Additionally, this rule is amended to exclude certain maintenance items from a competitive selection procedure because the vendor supplying the equipment or software for the Commission is generally better situated to perform the maintenance.

Item 7 amends rule 5.2(8D) by reorganizing the rule and providing for a variety of procurement methods including formal and informal competitive selection, auction and reverse auction. The Commission will be permitted to bid up to \$1 million to purchase items at auction.

Item 8 amends rule 5.17(8D) to provide that aggrieved vendors must identify the reason for their appeal with specificity so that the Commission can address the issues raised by the appeal.

Item 9 amends rule 5.18(8D) to update the cross reference in the rule.

Any interested person may make written suggestions or comments on these proposed amendments on or before December 18, 2001. Written comments or suggestions should be directed to Ron Koontz, ICN, P.O. Box 587, Johnston, Iowa 50131-0587, or by E-mail to Ron.Koontz@icn.state.ia.us. If written comments or suggestions are hand-delivered, the address is Building W-4, Railroad Avenue, Camp Dodge, Johnston, Iowa 50131.

Persons who would like to convey their views orally should contact Ron Koontz at (515)725-4692 or at the address indicated above.

A public hearing will be held on December 19, 2001, at 1 p.m. in the Conference Room, Building W-4, Railroad Avenue, Camp Dodge, Johnston, Iowa. Persons may present their views at this hearing either orally or in writing.

These amendments are intended to implement Iowa Code section 8D.11 and chapter 17A.

The following amendments are proposed.

ITEM 1. Amend rule 751—4.2(17A), definition of “contested case,” as follows:

“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 ~~1998 Iowa Acts, chapter 1202, section 14~~ Iowa Code section 17A.10A.

ITEM 2. Amend subrule 4.5(2), paragraph “i,” as follows:

i. Notification of the time period in which a party may request, pursuant to ~~1998 Iowa Acts, chapter 1202, section 15(1), Iowa Code section 17A.11(1)~~ and rule 4.6(17A), that the presiding officer be an administrative law judge.

ITEM 3. Amend subrules 4.9(2) and 4.9(4) as follows:

4.9(2) The term “personally investigated” means taking affirmative steps to interview witnesses directly or to obtain documents or other information directly. The term “personally investigated” does not include general direction and supervision of assigned investigators, unsolicited receipt of information which is relayed to assigned investigators, review

of another person’s investigative work product in the course of determining whether there is probable cause to initiate a proceeding, or exposure to factual information while performing other commission functions, including fact gathering for purposes other than investigation of the matter which culminates in a contested case. Factual information relevant to the merits of a contested case received by a person who later serves as presiding officer in that case shall be disclosed if required by Iowa Code section 17A.17 ~~as amended by 1998 Iowa Acts, chapter 1202, section 19,~~ and subrules 4.9(3) and 4.23(9).

4.9(4) If a party asserts disqualification on any appropriate ground, including those listed in subrule 4.9(1), the party shall file a motion supported by an affidavit pursuant to ~~1998 Iowa Acts, chapter 1202, section 19(7) Iowa Code section 17A.17(7)~~. The motion must be filed as soon as practicable after the reason alleged in the motion becomes known to the party. If, during the course of the hearing, a party first becomes aware of evidence of bias or other grounds for disqualification, the party may move for disqualification but must establish the grounds by the introduction of evidence into the record.

If the presiding officer determines that disqualification is appropriate, the presiding officer or other person shall withdraw. If the presiding officer determines that withdrawal is not required, the presiding officer shall enter an order to that effect. A party asserting disqualification may seek an interlocutory appeal under rule 4.25(17A) and seek a stay under rule 4.29(17A).

ITEM 4. Amend subrule 4.29(2) as follows:

4.29(2) When granted. In determining whether to grant a stay, the presiding officer or commission shall consider the factors listed in ~~1998 Iowa Acts, chapter 1202, section 23(5c), Iowa Code section 17A.19(5) “c.”~~

ITEM 5. Amend subrule 4.31(1), introductory paragraph, as follows:

4.31(1) Necessary emergency action. To the extent necessary to prevent or avoid immediate danger to the public health, safety, or welfare, and consistent with the Constitution and other provisions of law, the commission may issue a written order in compliance with ~~1998 Iowa Acts, chapter 1202, section 21, Iowa Code section 17A.18A~~ to suspend a license in whole or in part, order the cessation of any continuing activity, order affirmative action, or take other action within the jurisdiction of the commission by emergency adjudicative order. Before issuing an emergency adjudicative order the commission shall consider factors including, but not limited to, the following:

ITEM 6. Amend rule 751—5.1(8D) as follows:

751—5.1(8D) Applicability of competitive bidding.

5.1(1) Items, including goods or services, with a value over the life of the contract including optional renewals in amounts between \$0 to \$5,000 are exempt from the bidding requirements described in this rule. Items, including goods and services, which are expected to cost in the aggregate in excess of \$500 \$5,000 will be obtained as a result of a competitive bidding selection process conducted by the commission or through the department of general services whenever appropriate and when such procurement is in the best interests of the commission. ~~Items expected to cost less than \$500 in the aggregate may be obtained in any manner deemed appropriate by the commission.~~

5.1(2) The commission may exempt an item from competitive bidding for any of the following reasons:

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751](cont'd)

- a. ~~If~~ If the item is noncompetitive, or available from a single source;
- b. If the item is purchased in quantities too small to be effectively purchased through a competitive bidding, selection process;
- c. ~~If~~ If there is an immediate or emergency need for the item;
- d. ~~If~~ If the purchase of the item facilitates compliance with set-aside procurement provisions;
- e. If the item is maintenance services for the network for which the vendor supplies remote maintenance service for network components or software or the vendor supplies software upgrades, patches, modifications or the like electronically or for which the service will preserve equipment or software warranties; or
- f. ~~If~~ If the commission determines that the best interests of the commission will be served by exemption from the bidding process.

ITEM 7. Amend rule 751—5.2(8D) as follows:

751—5.2(8D) Methods of obtaining bids or proposals used by the commission. Bids or proposals are to be obtained by one of the following methods. If more than one method is applicable to the purchase of a particular item, the commission shall choose the method of bidding to be utilized.

5.2(1) Invitation to bid.

~~Formal bids may be required for any item if cost is the major criterion for selection. If cost is the major criterion for selection, formal bids shall be required for all items costing in the aggregate more than \$5000.~~

~~The commission shall prepare a written invitation to bid form and shall mail the form, along with a specially marked return envelope or identifying label to be used on the return envelope, to selected vendors in the business of providing the goods or services sought by the commission.~~

a. A formal invitation to bid may be required for any item if cost is the major criterion for selection. Other criteria may also be used, provided that the commission describes the criteria in the bid documents. If cost is the major criterion for selection, formal bids shall be required for all items costing in the aggregate more than \$50,000. The commission shall prepare a written invitation-to-bid form and shall transmit the form either by mail, electronically, or digitally to selected vendors in the business of providing the goods or services sought by the commission. The commission shall comply with the notice requirements for targeted small businesses. The bid shall also be placed in the necessary local and regional newspapers and posted on the Internet.

5.2(2) b. The invitation to bid shall contain the due date and time of the bid opening, a complete description of the item needed, and any other necessary or proper items.

5.2(3) c. Bids received prior to the time set for the bid opening on the bidding document shall be opened publicly and made available to any interested party on the date and hour designated on the bid form. As the bids are opened they will be tabulated, and the results of the tabulation shall be made available to any interested party. The original bids and the tabulations will be maintained at the commission for one year following the date on which the bids were opened.

An award shall be made within 60 calendar days from the date of the bid opening unless a different the time frame is stated by the commission in the invitation to bid bidding documents or subsequently agreed to by the vendors.

The price quoted by the vendors shall remain binding throughout the applicable time period. If an award is not

made within the applicable time frame, all bids shall be deemed rejected.

5.2(4) Informal bids.

a. Informal bids may be required for any item if cost is the major criterion for selection and if the item is expected to cost in the aggregate less than \$5000 \$5,001 to \$49,999. Informal bids may be obtained by the commission either through use of a written bid form faxed or mailed to selected vendors, E-mail, posting a notice on the commission's Web site and inviting proposals electronically or over the telephone. When requesting informal bids, the commission shall contact selected vendors supplying the goods or services sought by the commission and shall communicate to each vendor the date on which bids must be received, a complete description of the item to be purchased, and the time period during which the bid must remain valid.

5.2(5) b. Written informal bids shall be opened as received and informal telephone bids shall be recorded as received. If a bid is received over the telephone, a telephone bid form shall be used to record the bid received. If a bid is received by E-mail, the E-mail shall be printed or stored in a secure electronic format so that the bid can be retrieved and read in machine-readable form. The information contained in the E-mail shall be recorded on a form similar to the telephone bid form. If an informal bid is received by fax, the information on the fax shall be recorded on a form similar to the form used for telephone bids. Following the bid due date, the commission shall tabulate the bids received and make the award. The bids and the tabulations shall be available to interested parties after the bid due date and shall be maintained by the commission for one year following the date on which the bids were due.

If an award is not made within the time frame indicated by the commission when requesting bids, all bids shall be deemed rejected.

5.2(6) Requests for proposals.

a. Whenever a requirement exists for an item and cost may not be the sole criterion for selection, the commission shall issue a request for proposal. The purpose of a request for proposal is to provide the vendor with sufficient information about the commission's requirements and goals to allow the vendor to propose a solution to the commission's requirements. Requests for proposals may be issued when the aggregate value for the item to be purchased exceeds \$50,000.

5.2(7) b. The commission shall prepare a written request for proposal and shall mail the proposal, along with a specially marked envelope or label, to selected vendors in the business of supplying the goods or services sought by the commission.

5.2(8) c. Proposals shall be opened publicly at the time designated in the proposal and made available to any interested party on the date and hour designated in the proposal.

5.2(9) d. An award shall be made within 60 calendar days from the date of the proposal opening unless a different the time frame is stated by the commission in the request for proposal or subsequently agreed to by the vendors. The terms quoted by the vendor shall remain binding throughout the applicable time frame. If an award is not made within the applicable time frame, all proposals shall be deemed rejected and not binding.

5.2(10) e. At a minimum, a request for proposal shall address the following criteria: the need for a proposal conference; the purpose and background of the request; important dates in the proposal and the award process including the due date for the proposal and the date and hour of the proposal opening; administrative requirements for submitting the pro-

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751](cont'd)

posal and the format required by the commission; the scope of the work to be performed and any specific requirements which the vendor must meet; and any contractual terms and conditions which the commission anticipates may affect the terms of the vendor's proposal.

5.2(4) Auctions and reverse auctions.

a. *The commission may purchase items at auction when the auction is conducted electronically, digitally or otherwise. For any single item, the commission may spend up to \$1 million to acquire the item. However, the commission shall not make a bid for any item for which the bid price at the auction exceeds the reasonable market price of an item. The commission shall perform a market analysis prior to the auction to determine the market price for items available by auction. The commission shall retain the market analysis with any other documentation for the purchase of the item at the auction.*

b. *The commission may purchase items using a reverse auction. A reverse auction is a price negotiation technique using secure Internet-based technology. This technique involves posting a requirement on an Internet site accessible by the public that allows vendors to post bids publicly. The buyer offers to purchase a product or service for a maximum amount (reserve price), and then the sellers or suppliers bid down the purchase price the buyer will actually pay for fulfillment. Vendors are able to see the current bids (but not the identity of the bidders) and post new or revised bids that are lower, thus increasing competition. When the commission conducts a reverse auction, the following requirements shall be met:*

(1) *The invitation to bid or the request for proposals shall provide notification of the intent to use the reverse auction process and provide instructions for participating in that process. The bidding documents shall also provide notification that a bidder's consent to disclosure of the bidder's bid price as part of the auction process is required in order to participate.*

(2) *The commission shall determine the specifications and requirements of the items to be acquired.*

(3) *The commission shall identify and provide notice to potential vendors concerning the proposed acquisition.*

(4) *The commission shall establish prequalification requirements to be met by a vendor in order to be eligible to participate in the reverse auction. The prequalification requirements shall be included in the bidding documents.*

(5) *Prior to conducting a reverse auction, the commission shall establish a threshold amount, which shall be the maximum amount that the commission is willing to pay for the items to be acquired.*

(6) *Evaluation factors other than price shall be clearly listed and explained. The commission may direct bidders to supply technical proposals or other information in order to evaluate other factors and to use the reverse auction only as a price negotiation tool.*

(7) *The commission shall set the time of the auction.*

(8) *The commission shall establish minimum bid decrements.*

(9) *The commission shall establish the currency for the offering of bids.*

(10) *The commission shall establish the language for the bids.*

(11) *The commission may purchase additional quantities of the item if there are additional funds left at the end of the auction. The commission shall purchase additional quantities from the successful vendor.*

ITEM 8. Amend rule 751—5.17(8D) as follows:

751—5.17(8D) Vendor appeals. Any vendor whose bid or proposal has been timely filed and who is aggrieved by the award of the commission may appeal the decision by filing a written notice of appeal within five days before the Iowa Telecommunications and Technology Commission, Building W-4, Railroad Avenue, Camp Dodge, Johnston, Iowa 50131-0587. The mailing address is P.O. Box 587, Johnston, Iowa 50131-0587. A written notice of appeal may be filed by a fax transmission within five days of the date of the award, exclusive of Saturdays, Sundays, and state legal holidays. The fax number is (515)323-725-4751. The notice of appeal must actually be received at this address within the time frame specified to be considered timely. ~~The notice of appeal shall state the grounds upon which the vendor challenges the commission's award. The notice shall state the following:~~

1. *The relief demanded and the facts and law relied upon for relief;*

2. *The particular provisions of the statutes and rules involved with specific reference to the grounds identified in Iowa Code section 17A.19(10);*

3. *On whose behalf the petition is filed; and*

4. *The name, address and telephone number of the petitioner and the petitioner's attorney, if any.*

ITEM 9. Amend subrule 5.18(8) as follows:

5.18(8) Stay of agency action for vendor appeal.

a. When available.

(1) Any party appealing the issuance of a notice of intent to award a contract may petition the presiding officer for a stay of the award pending its review. The petition for stay shall be filed with the notice of appeal and shall state the reasons justifying a stay.

(2) Any party adversely affected by a final decision and order may petition the commission which issued the decision for a stay of that decision and order pending judicial review. The petition for stay shall be filed with the executive director within ten days of receipt of the final decision and order and shall state the reasons justifying a stay.

b. When granted. The presiding officer or commission, as appropriate, shall grant a stay when it concludes that the movant has satisfied the standards for the grant of a stay included in ~~rule 4.27(1)“b”(1) to (4) subrule 4.29(2).~~

c. Vacation. A stay may be vacated by the issuing authority upon application of the commission or any other party.

ARC 1133B

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Department of Transportation hereby gives Notice of Intended Action to amend Chapter 400, "Vehicle Registration and Certificate of Title," Iowa Administrative Code.

2000 Iowa Acts, chapter 1016, division III, as amended by 2000 Iowa Acts, chapter 1134, section 1, revised several motor vehicle registration and titling procedures in Iowa Code chapter 321:

TRANSPORTATION DEPARTMENT[761](cont'd)

1. Full legal names are required on the application for registration and title.

2. If the vehicle is being leased, the name, address and other information about the lessee are required on the application for registration and title if the gross vehicle weight is less than 10,000 pounds.

3. If the vehicle is owned by a nonresident, the name, address and other information about the primary user of the vehicle are required on the application for registration and title.

4. Up to three owners' names may be listed on the application for registration and title and on the registration receipt and title.

5. The requirement to include the title number on the registration receipt was removed.

6. A "duplicate" copy of a title is now termed a "replacement" copy.

Items 2, 3, 5, 8 to 12, and 17 implement this legislation.

2001 Iowa Acts, House File 656, amends several Iowa Code sections by modifying references to mobile homes to include manufactured homes. Items 4 to 7, 13, and 15 implement this legislation.

Item 1 rescinds a subrule that is unnecessary.

Item 14 rescinds a subrule that is obsolete.

Items 16, 18 and 19 correct references to the physical location of information on the registration receipt.

These rules do not provide for waivers. Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.

2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.

3. Indicate the general content of a requested oral presentation.

4. Be addressed to the Department of Transportation, Director's Staff Division, 800 Lincoln Way, Ames, Iowa 50010; fax (515)239-1639; Internet E-mail address: julie.fitzgerald@dot.state.ia.us.

5. Be received by the Director's Staff Division no later than December 18, 2001.

A meeting to hear requested oral presentations is scheduled for Thursday, December 20, 2001, at 10 a.m. in the DOT conference room at Park Fair Mall, 100 Euclid Avenue, Des Moines, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

The proposed amendments may have an impact on small business. A request for a regulatory analysis pursuant to Iowa Code section 17A.4A must be received by the Director's Staff Division at the address listed in this Notice no later than 32 days after publication of this Notice in the Iowa Administrative Bulletin.

These amendments are intended to implement Iowa Code chapter 321.

Proposed rule-making actions:

ITEM 1. Rescind and reserve subrule 400.1(11).

ITEM 2. Amend subrule 400.1(13) as follows:

400.1(13) "Registration card" means a document issued to the owner of a vehicle by the appropriate agency whose

duty it is to register vehicles, which contains the name and address of the owner, *and* a description of the vehicle *and* the ~~certificate of title number issued for the vehicle if subject to issuance of a certificate of title~~, and which is issued to the owner when the vehicle has been registered. The ~~term~~ *terms* "registration certificate," "registration receipt" and "registration renewal receipt" ~~shall be~~ *are* synonymous with the term "registration card."

ITEM 3. Amend rule 761—400.3(321) as follows:

761—400.3(321) Application for certificate of title or registration for a vehicle.

400.3(1) Application form. To apply for a certificate of title or registration for a vehicle, *the owner of the vehicle shall complete Form 411007 shall be completed by the applicant. However, if the vehicle is leased, the owner shall complete Form 411179 instead.* Application shall be made in accordance with Iowa Code sections 321.20, 321.23, 321.46, and 321.71, this rule, and other applicable provisions of law.

400.3(2) *Full legal names shall be given on the application. Civilian or military titles and nicknames shall not be used.*

~~**400.3(2)** 400.3(3) Motor vehicle control number. Information about owner.~~

a. If the ~~applicant~~ *owner* is an individual:

(1) and (2) No change.

b. If the ~~applicant~~ *owner* is a partnership, corporation, association, or governmental subdivision, the federal employer's identification number shall be listed on the application form. This number is the entity's motor vehicle control number. If the organization does not have a federal employer's identification number, the department shall assign a unique motor vehicle control number.

c. No change.

400.3(4) *Information about lessee. If the vehicle is leased and has a gross vehicle weight of less than 10,000 pounds, the application shall contain information relating to the lessee of the vehicle, as listed in Iowa Code subsection 321.20(1) as amended by 2000 Iowa Acts, chapter 1016, section 39, and chapter 1134, section 1.*

400.3(5) *Information about primary user. If the vehicle is owned by a nonresident, the application shall contain information relating to the primary user of the vehicle, as listed in Iowa Code section 321.20 as amended by 2000 Iowa Acts, chapter 1016, section 40.*

~~**400.3(3)** 400.3(6) Plate number and validation number.~~ If the ~~applicant~~ *owner* has registration plates that have been assigned to the ~~applicant~~ *owner* and affixed to the vehicle, the ~~applicant~~ *owner* shall list the plate number on the application form. The validation number from the validation sticker shall also be listed.

~~**400.3(4)** 400.3(7) Birth or registration month.~~ If the ~~applicant~~ *owner* is an individual, the individual's month of birth shall be listed on the application form and shall determine the registration year. If the vehicle is owned by two or ~~more~~ *three* individuals, the month of birth of one of the individuals shall be listed and shall determine the registration year. If the vehicle is owned by a partnership, corporation, association, or governmental subdivision, ~~etc.,~~ the birth or registration month shall be left blank ~~by the applicant on the application;~~ the county treasurer shall determine the month of registration.

~~**400.3(5)** 400.3(8) Model year.~~ The ~~applicant~~ *application* shall ~~list on the application form~~ *include* the model year of the vehicle.

TRANSPORTATION DEPARTMENT[761](cont'd)

~~400.3(6)~~ ~~400.3(9)~~ Seller and date of purchase. Purchase information. The applicant application shall state on the application form the name and address of the seller and include the date of purchase or acquisition and, if the vehicle was not purchased from a dealer, the purchase price.

~~400.3(7)~~ ~~400.3(10)~~ Vehicle color. The applicant application shall list include the vehicle color on the application form.

~~400.3(8)~~ ~~400.3(11)~~ Foreign registered vehicle. If the vehicle is registered in a foreign jurisdiction, the applicant application shall list on the application form include the date the vehicle was brought into Iowa.

~~400.3(9)~~ ~~400.3(12)~~ Signature of applicant. The applicant owner shall sign the application form in ink.

~~400.3(10)~~ ~~400.3(13)~~ Dealer certification.

a. If the vehicle is a new vehicle which has been sold to the applicant owner by a dealer, as defined in Iowa Code section 321.1, the dealer shall certify the following on the application form: sale price of the vehicle, the amount amounts allowed for property traded-in, nontaxable charges and rebates, the tax price of the vehicle, the date that a "Registration Applied For" card was issued, and the registration fee collected.

b. The certification shall include the dealer's number and name and shall be signed in ink by the dealer or an authorized representative of the dealer.

~~400.3(11)~~ ~~400.3(14)~~ Weigh ticket. If application is being made to lower the tonnage on any motor truck or truck tractor, the county treasurer may require a copy of a stamped weigh ticket issued by any public scale.

~~400.3(12)~~ ~~400.3(15)~~ Credit for unexpired registration fee. See 400.60(1).

~~400.3(13)~~ ~~400.3(16)~~ Credit for transfer to spouse, parent or child. See 400.60(2).

~~400.3(14)~~ ~~400.3(17)~~ Credit from/to proportional registration. See 400.60(3).

~~400.3(15)~~ ~~400.3(18)~~ Assignment of credit and registration plates from lessor to lessee. See 400.60(4).

~~400.3(16)~~ ~~400.3(19)~~ Leased vehicle. As required by Iowa Code section 423.7A, the lessor shall list the lease price of the vehicle on the application form.

~~400.3(17)~~ Registration fee credit. See rule 400.60(321).

~~400.3(18)~~ to ~~400.3(19)~~ Reserved.

~~400.3(20)~~ Transfer of ownership with Iowa title. When transferring ownership of a vehicle with an Iowa title, the application provided with the certificate of title may be used in lieu of Form 411007.

This rule is intended to implement Iowa Code sections 321.1, 321.8, 321.20, 321.23 to 321.26, 321.31, 321.34, 321.46, 321.122 and 423.7A.

ITEM 4. Amend subrule 400.4(5) as follows:

~~400.4(5)~~ Mobile Manufactured or mobile home. If the vehicle described on the application is a manufactured or mobile home with an Iowa title, the applicant shall submit a tax clearance form to show that no taxes are owing, unless the title has been issued to a dealer licensed under Iowa Code chapter 322B. The form may be obtained by any owner of record of the manufactured or mobile home from the county treasurer.

ITEM 5. Amend rule 761—400.5(321) as follows:

761—400.5(321) Where to apply for registration or certificate of title. Application

400.5(1) Except as otherwise provided, application for the registration of a vehicle or a certificate of title for a vehicle, or transfers thereof, shall be made to the county trea-

surer as described in Iowa Code chapter 321. When none of the primary users of a non-resident-owned vehicle are located in Iowa, the vehicle may be registered by the county treasurer of any county. Exceptions:

~~400.5(1)~~ ~~400.5(2)~~ Application shall be made to the department's office of vehicle services for the following:

a. Titling and registration of vehicles owned by the government. This requirement does not apply to manufactured or mobile homes subject to a scavenger sale pursuant to Iowa Code subsection 321.46(2).

b. Registration of vehicles leased by the government for a period of 60 days or more.

c. Registration of urban and regional transit system buses.

d. Registration of fire trucks not owned and operated for a pecuniary profit.

e. Registration of private school buses.

f. Registration of vehicles under the provisions of Iowa Code subsection 321.23(4), relating to restricted-use vehicles.

~~400.5(2)~~ Rescinded IAB 11/3/99, effective 12/8/99.

~~400.5(3)~~ Application for a certificate of title for a vehicle subject to proportional registration under Iowa Code chapter 326 may be made to either the county treasurer or to the department's office of motor carrier services. The office of motor carrier services may be contacted at the addresses listed in subrule 400.6(2) or by telephone at (515)237-3264.

~~400.5(4)~~ Application for proportional registration shall be made to the department's office of motor carrier services. See 761—Chapter 500.

This rule is intended to implement Iowa Code sections 321.18 to 321.23, 321.46(2), and 321.170.

ITEM 6. Amend paragraph 400.7(4) "i" as follows:

i. The square footage of floor space of a manufactured or mobile home or travel trailer, as determined by measuring the exterior.

ITEM 7. Amend subrule 400.7(9) as follows:

~~400.7(9)~~ The following phrase stamped on the reassignment portion of a manufactured or mobile home title or a salvage title: "Dealer reassignment not authorized on this certificate of title."

ITEM 8. Adopt new subrule 400.7(11) as follows:

~~400.7(11)~~ Full legal name of owner. If the full legal name exceeds 32 characters, the middle initial, rather than the full legal middle name, will be shown.

ITEM 9. Amend rule 761—400.12(321) as follows:

761—400.12(321) Duplicate Replacement certificate of title.

~~400.12(1)~~ When a certificate of title is lost, destroyed or altered, the owner or lienholder shall apply for a duplicate replacement certificate of title. If a security interest noted on the certificate of title was released by the secured party on a separate form, but the secured party has not delivered the original certificate of title to the appropriate party, the owner may apply for a duplicate replacement certificate of title as provided in Iowa Code section 321.42.

~~400.12(2)~~ Application for a duplicate replacement certificate of title shall be made on Form 411033, Application for Duplicate of Iowa Certificate of Title to a Motor Vehicle. All owners of the vehicle as listed on the certificate of title shall sign the application form. If an owner is deceased, the signatures and documents specified in subrules 400.14(4) and 400.14(5) shall be required in lieu of the deceased owner's

TRANSPORTATION DEPARTMENT[761](cont'd)

signature. A person entitled to vehicle ownership under the laws of descent and distribution shall sign the required forms and shall insert the words "heir at law" following the signature.

This rule is intended to implement Iowa Code section 321.42.

ITEM 10. Amend subrule 400.14(1), catchwords and paragraph "a," as follows:

400.14(1) Transfer of vehicle owned by ~~more than one person two or three persons.~~

a. If the names of the owners of a vehicle on the certificate of title or on the manufacturer's certificate of origin are joined by the word "or," as in "John Doe, Jane Doe or Mary Doe," then the signature of ~~either owner any of these owners~~ is sufficient to transfer title or to junk the vehicle.

ITEM 11. Amend subrule 400.14(2) as follows:

400.14(2) Assignment of title to two or ~~more three~~ persons. If a certificate of title or a manufacturer's certificate of origin is assigned to two or ~~more three~~ persons with their names joined by the word "or," as in "John Doe, Jane Doe or Mary Doe," then a certificate of title may be issued to ~~either person or to both persons any one of these persons, or to any two or all three of these persons~~ with their names joined by the word "or." However, a certificate of title shall only be issued to persons who have signed the application for title.

ITEM 12. Amend rule **400.14(321)**, implementation clause, as follows:

This rule is intended to implement Iowa Code sections 321.20, 321.24, 321.45, 321.49, and 321.67.

ITEM 13. Amend subrule 400.16(3), introductory paragraph, as follows:

400.16(3) ~~Mobile Manufactured or mobile~~ home, travel trailer, semitrailer, or trailer with empty weight exceeding 2000 pounds. If the vehicle to be titled is a specially constructed or reconstructed *manufactured or mobile* home, or if the vehicle to be titled and registered is a specially constructed or reconstructed travel trailer, semitrailer, or a trailer with an empty weight exceeding 2000 pounds, the following shall apply:

ITEM 14. Rescind subrule **400.30(3)**.

ITEM 15. Amend rule 761—400.40(321) as follows:

761—400.40(321) ~~Mobile Manufactured or mobile home converted to or from real property.~~

400.40(1) Conversion to real property. When a *manufactured or mobile* home is converted to real property under Iowa Code section 435.26, the assessor shall collect its vehicle certificate of title. The assessor shall note the conversion on the face of the certificate of title above the assessor's signature, date the notation and deliver the ~~certificate title~~ to the county treasurer. The county treasurer shall note the conversion on the vehicle record in the county treasurer's office, cancel the record, keep the certificate of title and notify the department of *the* cancellation. The department shall cancel its record for that *manufactured or mobile* home.

400.40(2) Reconversion from real property.

a. When a *manufactured or mobile* home is reconverted from real property by adding a vehicular frame, the owner may apply to the county treasurer for a certificate of title.

b. to d. No change.

This rule is intended to implement Iowa Code sections 321.1, *435.1*, 435.26 and 435.27.

ITEM 16. Amend subrule **400.50(1)**, paragraph "f," as follows:

f. The date on the junking certificate or *the date entered on the reverse side of the* registration receipt shall determine the date the vehicle was sold or junked.

ITEM 17. Rescind and reserve rule **761—400.57(321)**.

ITEM 18. Amend subrule **400.60(1)**, paragraph "c," as follows:

c. The registration receipt for the formerly owned or junked vehicle shall be submitted with the application form. If applicable, the *applicant shall fill in the blanks on the* registration receipt ~~shall be completed on the reverse side~~ to show the transfer of ownership. If the registration receipt has been lost and if the applicant has traded the formerly owned vehicle to a dealer and purchased a replacement vehicle from that dealer, the dealer may obtain a replacement registration receipt from the dealer's county treasurer. If a titled vehicle has been junked by the vehicle's owner, the junking certificate issued under Iowa Code section 321.52 shall also be submitted.

(1) The date ~~on the reverse side of~~ *entered on the* registration receipt or on the junking certificate shall determine the date the vehicle was transferred or junked.

(2) If the sold or junked vehicle was a trailer not subject to titling, the owner may obtain a free duplicate registration receipt from the county treasurer for the purpose of claiming credit.

ITEM 19. Amend subrule 400.60(4) as follows:

400.60(4) Assignment of credit and registration plates from lessor to lessee. When a lessee purchases the leased vehicle and within 15 days requests the assignment of the vehicle's fee credit and registration plates, the lessor shall assign the registration fee credit and registration plates for the purchased vehicle to the lessee. The lessor shall fill in the blanks on the ~~reverse side of the~~ registration receipt ~~at the bottom~~ and shall enter the date that the lessee requested the assignment of the registration fee credit and registration plates.

NOTICE—USURY

In accordance with the provisions of Iowa Code section 535.2, subsection 3, paragraph "a," the Superintendent of Banking has determined that the maximum lawful rate of interest shall be:

November 1, 2000 — November 30, 2000	7.75%
December 1, 2000 — December 31, 2000	7.75%
January 1, 2001 — January 31, 2001	7.75%
February 1, 2001 — February 28, 2001	8.00%
March 1, 2001 — March 31, 2001	7.25%
April 1, 2001 — April 30, 2001	7.00%
May 1, 2001 — May 31, 2001	7.00%
June 1, 2001 — June 30, 2001	7.25%
July 1, 2001 — July 31, 2001	7.50%
August 1, 2001 — August 31, 2001	7.25%
September 1, 2001 — September 30, 2001	7.25%
October 1, 2001 — October 31, 2001	7.00%
November 1, 2001 — November 30, 2001	6.75%
December 1, 2001 — December 31, 2001	6.50%

ARC 1138B

REGENTS BOARD[681]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 19A.3(5), the Board of Regents hereby amends Chapter 3, "Personnel Administration," Iowa Administrative Code.

The purpose of this amendment is to modify the Regent Merit System Reduction In Force plan set out in subrule 3.104(4) in order to clarify the ability of the institutions to enact furloughs for staff.

In compliance with Iowa Code section 17A.4(2), the Board finds that notice and public participation are impracticable because reductions are required in FY 2002 budgets that have already been approved. This amendment is filed in response to Governor Vilsack's Executive Order Number 24.

The Board of Regents finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of the amendment should be waived and this amendment should be made effective upon filing on November 8, 2001, as it confers a benefit on the working procedures of the Board.

The Board of Regents adopted this amendment October 17, 2001.

This amendment became effective on November 8, 2001.

This amendment is intended to implement Iowa Code section 19A.3(5).

The following amendment is adopted.

Amend subrule 3.104(4), introductory paragraph, as follows:

3.104(4) Reduction in force. *Nothing herein shall be construed as a guarantee of hours of work per day or per work period.* An institution may lay off an employee when it deems necessary because of a shortage of funds or work, a material change in duties or organization or abolishment of one or more positions. When individual(s) directly affected is identified the individual(s) may request and accept layoff with reemployment rights as provided in 3.104(4)"j." If an individual(s) directly affected does not request layoff with reemployment rights, the reduction in force procedures which follow shall be implemented. Reduction in force will be accomplished in a systematic manner and will be made in accordance with formula developed by the institution and reviewed and approved by the merit system director for its conformance to these rules; *however, the layoff rules established in this subrule shall not apply to temporary layoffs of less than 20 workdays or 160 hours of work per calendar year.*

[Filed Emergency 11/8/01, effective 11/8/01]

[Published 11/28/01]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/28/01.

ARC 1134B**ETHICS AND CAMPAIGN
DISCLOSURE BOARD, IOWA[351]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby amends Chapter 12, "Codes of Conduct," Iowa Administrative Code.

Rule 351—12.1(68B) provides a code of conduct to be followed by Board members and staff. The rule currently prohibits a member of the Board or staff from making political contributions or attending political events except for contributions to federal candidates or attendance at federal events. The amendment permits a member of the Board or staff to make contributions to or attend a state party event or a county central committee event. The amendment also permits a member of the Board or staff to make a public endorsement of a federal candidate or federal ballot issue. The amendment is a discretionary rule and is subject to requests for waiver or variance.

This amendment was published under Notice of Intended Action in the Iowa Administrative Bulletin on September 5, 2001, as **ARC 0906B**. This amendment is different from that of the Notice of Intended Action due to comments received from the Administrative Rules Review Committee. The amendment as noticed would have permitted members of the Board and staff to make contributions to state and local candidates and political committees in Iowa in the amount of \$100 annually to each candidate or committee. It was the consensus of the Committee that members of the Board and staff should not be permitted to make contributions to state and local candidates or political committees in Iowa. The Committee felt that contributions or attendance at state party or county central committee events should be permitted, and without a monetary limitation. This amendment reflects the consensus of the Committee.

This amendment will become effective January 2, 2002.

This amendment is intended to implement Iowa Code chapters 17A, 56, and 68B.

The following amendment is adopted.

Amend subrules 12.1(3), 12.1(5) and 12.1(7) as follows:

12.1(3) Making monetary or in-kind contributions to ~~political party committees or political action~~ committees (PACs) at the state, county or local level is prohibited, including local ballot issue committees. *However, contributions to a state party or a county central committee are permitted.*

12.1(5) Public personal endorsement of a candidate or publicly taking a position in support of or opposition ~~of~~ to a ballot issue ~~question~~ is prohibited. *This subrule does not prohibit a member of the board or staff from making a public personal endorsement of a federal candidate or federal ballot issue since the board has no jurisdiction over federal candidates or federal ballot issues.*

12.1(7) Attendance at a ~~political party~~ political committee or candidate event is prohibited except for the attendance at events for a federal candidate since the board has no juris-

diction over a federal candidate. *However, attendance at a state party or county central committee event is permitted.*

[Filed 10/30/01, effective 1/2/02]

[Published 11/28/01]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/28/01.

ARC 1135B**INSURANCE DIVISION[191]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 505.8, subsection 6, the Insurance Division adopts amendments to Chapter 90, "Financial Information Regulation," Iowa Administrative Code.

These amendments provide guidelines for the use of non-public personal health information by an insurer or a producer and include requirements concerning the prior approval by the consumer or customer. These amendments include new definitions, an "opt-in" provision for the sharing of non-public personal health information, and guidelines for the authorization to disclose nonpublic personal health information. These amendments are consistent with the principles recently adopted by the Governor's Task Force on Health Privacy.

Notice of Intended Action was published in the Iowa Administrative Bulletin on August 8, 2001, as **ARC 0865B**.

Comments were received, and a public hearing was held at 10 a.m. on August 30, 2001, in the office of the Insurance Division. Members of the insurance industry and medical provider community appeared. Several comments were made suggesting language clarification. In response to these comments, the Division has made the following changes from the Notice of Intended Action: The definition of "health care provider" was modified to include a physician. "Health information," as defined, will not include non-medical identifying information. In subrule 90.17(2), language was added to clarify that a licensee can share information with the licensee's insurance affiliate for purposes of providing certain insurance functions.

It was also suggested that the Division delay implementation until the federal Department of Health and Human Services (DHHS) completes its rules on health privacy. The Division was not persuaded to delay implementation until DHHS completes its rule making. The federal rules do not go into effect until 2003. The Division's rules provide that in the event a licensee complies with the federal rules, the licensee would not be subject to the provisions of the Division's rules. In addition, the Division's rules are not in conflict with the proposed federal rules; therefore, complying with these rules should not be a burden to the licensees.

These amendments were adopted October 18, 2001.

These amendments become effective January 2, 2002.

These amendments are intended to implement Iowa Code section 505.8, subsection 6.

The following amendments are adopted.

INSURANCE DIVISION[191](cont'd)

ITEM 1. Amend **191—Chapter 90**, title, as follows:

CHAPTER 90
FINANCIAL AND HEALTH INFORMATION
REGULATION

ITEM 2. Amend subrules 90.1(1) and 90.1(2) as follows:

90.1(1) This chapter governs the treatment of nonpublic personal financial information *and nonpublic personal health information* about individuals by all licensees of the insurance division.

90.1(2) This chapter also applies to nonpublic personal financial information *and nonpublic personal health information* about individuals who obtain or are claimants or beneficiaries of products or services primarily for personal, family or household purposes from licensees. This chapter does not apply to information about individuals or companies that obtain products or services for business, commercial or agricultural purposes.

ITEM 3. Amend rule **191—90.2(505)** by adopting the following **new** definitions in alphabetical order:

“Health care” means preventive, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, services, procedures, tests or counseling that relates to the physical, mental or behavioral condition of an individual or affects the structure or function of the human body or any part of the human body including the banking of blood, sperm, organs or any other tissues. “Health care” also means prescribing, dispensing or furnishing to an individual drugs or biologicals, or medical devices or health care equipment and supplies.

“Health care provider” means a physician or health care practitioner licensed, accredited or certified to perform specified health services consistent with state law, or a health care facility.

“Health information” means any information or data except age, gender or nonmedical identifying information, whether oral or recorded in any form or medium, created by or derived from a health care provider or the consumer that relates to the following:

1. The past, present or future physical, mental or behavioral health or condition of an individual;
2. The provision of health care to an individual; or
3. Payment for the provision of health care to an individual.

“Nonpublic personal health information” means health information that identifies an individual who is the subject of the information or with respect to which there is a reasonable basis to believe that the information could be used to identify an individual.

ITEM 4. Amend **191—Chapter 90** by adopting the following **new** division title before rule **191—90.3(505)**:

DIVISION I
RULES FOR FINANCIAL INFORMATION

ITEM 5. Amend **191—Chapter 90** by adopting the following **new** Division II and renumbering existing rules **191—90.17(505)** to **191—90.21(505)** as **191—90.22(505)** to **191—90.26(505)**:

DIVISION II
RULES FOR HEALTH INFORMATION

191—90.17(505) Disclosure of nonpublic personal health information.

90.17(1) A licensee shall not disclose nonpublic personal health information about a consumer or customer unless an

authorization is obtained from the consumer or customer whose nonpublic personal health information is sought to be disclosed.

90.17(2) Nothing in this rule shall prohibit, restrict or require an authorization for the disclosure of nonpublic personal health information by a licensee or the licensee’s insurance affiliate for the performance of the following insurance functions by or on behalf of the licensee: claims administration; claims adjustment and management; detection, investigation or reporting of actual or potential fraud, misrepresentation or criminal activity; underwriting; policy placement or issuance; loss control; rate-making and guaranty fund functions; reinsurance and excess loss insurance; risk management; case management; disease management; quality assurance; quality improvement; performance evaluation; provider credentialing verification; utilization review; peer review activities; actuarial, scientific, medical or public policy research; grievance procedures; internal administration of compliance, managerial, and information systems; policyholder service functions; auditing; reporting; database security; administration of consumer disputes and inquiries; external accreditation standards; the replacement of a group benefit plan or workers’ compensation policy or program; activities in connection with a sale, merger, transfer or exchange of all or part of a business or operating unit; any activity that permits disclosure without authorization pursuant to the federal Health Insurance Portability and Accountability Act privacy rules promulgated by the U.S. Department of Health and Human Services; disclosure that is required, or is one of the lawful or appropriate methods, to enforce the licensee’s rights or the rights of other persons engaged in carrying out a transaction or providing a product or service that a consumer requests or authorizes; and any activity otherwise permitted by law, required pursuant to governmental reporting authority, or to comply with legal process. Additional insurance functions may be added with the approval of the commissioner to the extent they are necessary for appropriate performance of insurance functions and are fair and reasonable to the interest of consumers.

191—90.18(505) Authorizations.

90.18(1) A valid authorization to disclose nonpublic personal health information pursuant to the health information rules as required under subrule 90.17(1) shall be in written or electronic form and shall contain all of the following:

- a. The identity of the consumer or customer who is the subject of the nonpublic personal health information;
- b. A general description of the types of nonpublic personal health information to be disclosed;
- c. General descriptions of the parties to whom the licensee discloses nonpublic personal health information, the purpose of the disclosure and how the information will be used;
- d. The signature of the consumer or customer who is the subject of the nonpublic personal health information or the individual who is legally empowered to grant authority and the date signed; and
- e. Notice of the length of time for which the authorization is valid, the fact that the consumer or customer may revoke the authorization at any time, and the procedure for making a revocation.

90.18(2) An authorization for the purposes of these health information rules shall specify a length of time for which the authorization shall remain valid, which in no event shall be for more than 24 months.

90.18(3) A consumer or customer who is the subject of nonpublic personal health information may revoke an autho-

INSURANCE DIVISION[191](cont'd)

rization provided pursuant to these health information rules at any time, subject to the rights of an individual who acted in reliance on the authorization prior to notice of the revocation.

90.18(4) A licensee shall retain the authorization or a copy in the record of the individual who is the subject of non-public personal health information.

191—90.19(505) Delivery of authorization request. A request for authorization and an authorization form may be delivered to a consumer or a customer as part of an opt-out notice pursuant to rule 90.8(505), provided that the request and the authorization form are clear and conspicuous. An authorization form is not required to be delivered to the consumer or customer or included in any other notices unless the licensee intends to disclose protected health information pursuant to subrule 90.17(1).

191—90.20(505) Relationship to federal rules. Irrespective of whether a licensee is subject to the federal Health Insurance Portability and Accountability Act privacy rules promulgated by the U.S. Department of Health and Human Services, if a licensee complies with all requirements of the federal rules except for their effective date provision, the licensee shall not be subject to the provisions of these health information rules.

191—90.21(505) Relationship to state laws. Nothing in these health information rules shall preempt or supersede existing state law related to medical records, health or insurance information privacy.

ITEM 6. Adopt the following new subrule:

90.26(4) The rules regarding health information are effective January 2, 2002, and no administrative action against noncompliance shall be taken until January 2, 2002.

[Filed 11/2/01, effective 1/2/02]

[Published 11/28/01]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/28/01.

ARC 1152B

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby rescinds Chapter 28, "Snowmobile and All-Terrain Vehicle Registration Revenue Cost-Share Program," Iowa Administrative Code, and adopts a new Chapter 28 with the same title.

This new chapter accomplishes the following:

1. Inserts the NRC-adopted All-Terrain Vehicle Land Acquisition Policy.
2. Amends the project selection criteria.
3. Amends the list of eligible projects.
4. Allows the Department to make direct payment to vendors on behalf of project sponsors in the event of unexpected expenses or major repairs.
5. Eliminates the maximum allowable expense for program liability insurance.

6. Increases the amount of prepayment from 75 percent to 90 percent.

7. Reorganizes the rules to separate provisions for eligible snowmobile and ATV projects.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 5, 2001, as **ARC 0919B**. A public hearing was held on September 27, 2001. Changes from the Notice of Intended Action accomplish the following:

1. Establish penalties for noncompliance with the grant program rules.

2. Allow funding to be used for the development and maintenance of existing publicly owned properties that have been recognized and designated as ATV areas by local political subdivisions.

This amendment is intended to implement Iowa Code section 321G.7.

This amendment shall become effective January 2, 2002. The following amendment is adopted.

Rescind 571—Chapter 28 and adopt in lieu thereof the following new chapter:

CHAPTER 28

SNOWMOBILE AND ALL-TERRAIN VEHICLE REGISTRATION REVENUE COST-SHARE PROGRAM

571—28.1(321G) Definitions.

"All-terrain vehicle (ATV)" or "off-highway vehicle (OHV)" means a motorized flotation-tire vehicle with not less than three low-pressure tires, but not more than six low-pressure tires, or a two-wheeled off-road motorcycle, that is limited in engine displacement to less than 800 cubic centimeters and in total dry weight to less than 750 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

"Commission" means the natural resource commission.

"Department" means the department of natural resources.

"Director" means the director of the department of natural resources.

"High quality natural area" means an area that includes high quality native plant communities or highly restorable native plant communities or an area that provides critical wildlife habitat. An on-site evaluation by a qualified person(s) for each proposed site is necessary in making this determination.

"Local cost-share portion" means those funds available for use by incorporated organizations or other public agencies through cost sharing, grants, subgrants or contracts.

"Snowmobile" means a motorized vehicle weighing less than 1,000 pounds which uses sled-type runners or skis, endless belt-type tread, or any combination of runners, skis, or tread, and is designed for travel on snow or ice.

"Sponsor" means the incorporated organization or other public agency receiving funding through the snowmobile or ATV grant programs to acquire, develop, maintain or otherwise improve snowmobile or all-terrain vehicle areas and trails.

"State share" means those funds that may be used by the state for administration or for other miscellaneous expenses related to the respective program such as law enforcement.

571—28.2(321G) Purpose and intent. This program provides funds from snowmobile and all-terrain vehicle registrations to political subdivisions and incorporated private organizations for the acquisition of land; development and maintenance of snowmobile trails and all-terrain vehicle areas and trails; and facilities for such use on lands which may be in oth-

NATURAL RESOURCE COMMISSION[571](cont'd)

er than state ownership. This chapter is intended to clarify procedures used in implementing agreements under Iowa Code section 321G.7 between the department and sponsors, and the authority of the director of the department. All areas, trails and facilities established or maintained using revenues under this program shall be open to use by the general public.

571—28.3(321G) Distribution of funds. The local cost-share portion of state snowmobile and all-terrain vehicle registration funds as established in Iowa Code section 321G.7 and this rule shall be distributed in accordance with this chapter and upon execution of agreements under Iowa Code section 321G.7. The local cost-share portion of each registration fund shall be at least 50 percent of appropriate registration revenues. The remaining revenues shall be known as the state share. State share funds shall not exceed 50 percent of the total revenue generated for either program per fiscal year.

571—28.4(321G) Application procedures.

28.4(1) Forms. Applications for cost-share moneys shall be made on forms available from the department. The application must be completed and signed by the chairperson or chief executive officer of the applying sponsor. The application must be accompanied by a copy of the minutes of the sponsoring organization meeting at which the request was approved.

28.4(2) Deadlines for application submission.

a. Applications for snowmobile fund moneys must be received by the department no later than 4:30 p.m. on July 1 or the closest business day of each year.

b. Applications for all-terrain vehicle fund moneys must be received by the department no later than 4:30 p.m. on April 1 or October 1 or the closest business day of each year.

c. Applications received after the dates given in 28.4(2) "a" and "b" above will be returned to the submitting sponsor and shall not be considered for cost-share moneys during the current review and selection process, unless the application deadline has been extended by the director.

571—28.5(321G) Review and selection committees.

28.5(1) The committee responsible for reviewing, ranking and selecting projects to receive funding from the local cost-share portion of snowmobile registration revenues shall be comprised of two representatives appointed by the president of the Iowa State Snowmobile Association and three department representatives appointed by the director. The committee responsible for reviewing, ranking and selecting projects to receive funding from the local cost-share portion of the all-terrain vehicle registration revenues shall be comprised of two representatives appointed by the president of the Iowa Off-Highway Vehicle Association and three department representatives appointed by the director.

28.5(2) The review and selection committees shall meet at the department central office in Des Moines within 30 days following the application deadline for each program. Applications eligible for funding will be reviewed and ranked by the committee. The committee's recommendations will be submitted to the director for approval.

571—28.6(321G) Director's review of approved projects.

The director shall review, amend, reject or approve committee selections and may reject any application recommended by the committee for funding. Appeals of the director's decision may be made to the commission. A project is considered approved and the grant period shall begin and end as specified in the grant approval letter from the program administrator. Applicants shall be notified of their grant status in writing

within 30 days after the review and selection committee meeting.

571—28.7(321G) Project selection criteria. In reviewing, ranking and recommending projects to receive available funding, the following criteria shall be used:

28.7(1) Snowmobile program.

a. Projects with long-distance trails, connector trails or trails linking several existing trails.

b. Projects proposing maintenance and management of existing trails.

c. Projects located near a major population center or in a high-demand area.

d. Projects having documented local support.

e. Projects located in areas having sustained and adequate snow cover each year.

28.7(2) All-terrain vehicle program.

a. Projects proposing maintenance and management of existing approved all-terrain vehicle trails and use areas.

b. Development within existing approved all-terrain vehicle trails or use areas.

c. Projects having documented local support and involvement.

d. Acquisition and development projects located in areas of high demand that have preference given to projects with the most long-term, stable management plan and that have the least adverse environmental and social impacts.

571—28.8(321G) Eligibility of projects. Items listed in this chapter or approved by the director which can reasonably be utilized in the construction or maintenance of riding areas or trails for snowmobile or ATV riding shall be eligible for funding.

571—28.9(321G) Use of funded items. Manufactured products or machinery purchased by sponsors with state assistance under these programs shall be used only for the purpose of establishing or maintaining riding areas, trails, or facilities and as emergency rescue equipment where applicable.

571—28.10(321G) Disposal of equipment, facilities or property.

28.10(1) Without prior written approval of the department, sponsors shall not dispose of any manufactured products, machinery, facilities or property if the department paid all or a portion of the actual cost. Sponsors shall, in the case of equipment or facilities, reimburse the department a percentage of the disposal price received, that percentage being the percent of the original purchase price paid by the snowmobile or all-terrain vehicle fund.

28.10(2) Real property shall be disposed of as stipulated in the grant agreement under which it was acquired. Reimbursements from the sale of real property shall be credited to the appropriate snowmobile or all-terrain vehicle registration account from which the funding originated.

571—28.11(321G) Record keeping. Sponsors receiving funds under these programs shall keep adequate records relating to the administration of the grant, particularly relating to all incurred costs. These records shall be available for audit by appropriate personnel of the department, the state auditor's office, and the Iowa State Snowmobile Association or Iowa Off-Highway Vehicle Association as appropriate.

571—28.12(321G) Sponsors bonded. Prior to receiving prepayment from these grant programs, all nonpublic sponsors must produce proof that their chairperson and treasurer are covered under a fidelity bond, personal or surety, to the

NATURAL RESOURCE COMMISSION[571](cont'd)

sponsor in a sum of no less than the total prepayment amount for each office.

571—28.13(321G) Items eligible for funding specific to the all-terrain vehicle program.

28.13(1) Land acquisition. Purchasing of easements or fee title land acquisition as approved by the review and selection committee and director. Title to property acquired using the local cost-share portion of registration revenues shall be in the name of the sponsor, unless otherwise approved by the commission. The grant may be for prepayment or reimbursement of land acquisition expenses including appraisals, surveys and abstracts in addition to the property cost. The grant may pay the sale price or appraised value, whichever is less. Appraisals are required and must be approved by the department. Payments may be made directly to the landowner by the department. The grant agreement may contain provisions in addition to those contained in this chapter for disposal of property if it ceases to be managed and used for the purpose for which it was acquired. Land acquisitions (or leases) using ATV registration revenues shall utilize the following specific criteria:

a. ATV parks shall be limited to previously disturbed areas. High quality natural areas and historical and cultural areas shall be avoided. If a proposed ATV park contains fragments of any of the aforementioned areas, they shall be managed and protected as off-limit sites.

b. In making the determination of whether high quality natural areas and historical or cultural areas exist, an expert in the said field shall complete a thorough assessment utilizing all available resources including local expertise.

c. Prior to ATV land acquisition, a public informational meeting shall be held to address the proposed ATV park. The meeting shall be posted in accordance with Iowa Code section 362.3 and meeting minutes shall be made available to the commission.

d. Neighboring property owners shall be notified of the proposed ATV park. Public comment received by the department or local political subdivision will be evaluated and presented to the commission.

e. A local project sponsor shall be willing and able to maintain the ATV park and shall implement and abide by an approved operational plan.

f. A local sponsoring political subdivision shall support the park and may provide local input.

g. The topography and associated soil erosion potentials shall be cost-effectively manageable as determined by the ATV review and selection committee.

h. The commission shall make the final determination whether to acquire a tract of land as an ATV park.

28.13(2) Development and maintenance of existing publicly owned property that has been recognized and designated as an ATV area by a local political subdivision or the commission.

28.13(3) Hourly wages may be reimbursed as approved by the director. Approved labor expenses may include equipment maintenance or repair and trail maintenance activities. Labor costs shall be documented on logs provided by the department and shall be accompanied by proof that the cost was paid by the sponsor. If labor and repair are contracted, reimbursement shall be at the amount specified in the contract approved by the director. The sponsor shall obtain any federal, state or local permits required for the project.

28.13(4) Actual material cost of trail maintenance tools, gravel, fence openings, gates, bridges, culverts, and fencing supplies. Diesel fuel, propane, gasoline, oil, parts replace-

ment and repair bills for equipment used for land or property management.

28.13(5) Purchase of approved equipment to be used for maintenance of riding areas or trails. Cost of leasing equipment used to maintain or manage ATV riding areas or trails.

28.13(6) Program and facility liability insurance. Insurance shall be in place for project sponsors receiving grant funds. If insurance is purchased by the sponsor, proof of liability insurance shall be provided to the department. The state may purchase a statewide insurance policy covering all project sponsors receiving funds from the ATV grant program, in which case a copy of the policy shall be made available to covered sponsors upon request. This insurance coverage may include liability insurance for the landowner(s) or other insurable interests. ATV registration funds shall not be used to purchase insurance for special events. The total payment from the all-terrain vehicle fund shall be 100 percent of the approved actual cost. All insurance paid under this subrule must be furnished by companies licensed to do business in Iowa.

28.13(7) Cost of educational, enforcement or medical services for ATV areas funded through the ATV program.

28.13(8) Trail signs. Signs shall be provided to the sponsor by the department. Only those signs approved by the department for use on funded areas or trails shall be used by the sponsor. Signs appropriate to the ATV program shall be ordered on forms provided by the department. The sign order deadline shall be the same as the application date specified in subrule 28.4(2).

28.13(9) Developmental expenditures. Access roads, parking lots, picnicking, camping and playground facilities; sanitary, shelter, concession and control facilities; and utilities.

28.13(10) Pursuant to an agreement between the department and the Iowa Off-Highway Vehicle Association, miscellaneous personal expenses and salary for an association representative may be reimbursed at a rate approved by the director. Expenses and salary expenses shall be documented on logs provided by the department and submitted at the end of the term specified in the agreement.

28.13(11) Direct payment to vendors. The department may establish operational procedures to facilitate direct payment to vendors for:

a. Major expenditures or specialty items including land acquisitions, development expenses, program liability insurance fees and trail signs.

b. Unexpected repairs including materials or other expenses costing more than \$250 that may be necessary to operate and maintain the ATV use area or trail in a safe manner.

571—28.14(321G) Items eligible for funding specific to the snowmobile program.

28.14(1) Grooming equipment.

a. The project sponsor shall have a minimum of 100 miles of groomed snowmobile trail before the department awards funding for a groomer purchase or lease.

b. The state may acquire committee-approved groomers and drags through the use of the standard state purchasing procedure. If the purchase and lease of groomers and drags are approved by the grant review and selection committee and the department, sponsors may acquire or lease snow grooming equipment with snowmobile program funds.

c. After approval by the department and upon trade-in to the department of a used groomer by a sponsor for replacement purposes, the trade-in value shall be applied to the new groomer purchase. The sponsor is responsible for obtaining

NATURAL RESOURCE COMMISSION[571](cont'd)

liability insurance, licensing the machine as needed and providing personnel for daily operation and maintenance.

d. Upon sale or trade-in of a used groomer with no replacement, the snowmobile fund shall refund to the sponsor the percentage of the trade-in value which matches the percent originally invested in the groomer. Groomers shall not be traded between sponsors without written prior approval from the department.

28.14(2) Groomer maintenance, repair and operation wages may be reimbursed at a rate approved by the review and selection committee and the department. If repair work is done by professional shops, payment shall be in the amount billed for the repair. Costs for towing disabled grooming equipment shall be reimbursed as billed by the company doing the work.

28.14(3) Trail signs. Signs shall be provided to the sponsor by the department. Only those signs approved by the department for use on funded areas or trails shall be used by the sponsor. Signs appropriate to the snowmobile program shall be ordered on forms provided by the department. The sign order deadline shall be the same as the application date specified in subrule 28.4(2).

28.14(4) Actual material cost of gates, fence openings, bridges, culverts and permanent bridges. Permanent bridges are eligible only if placed on public land or on private property under a lease or easement for ten or more years.

28.14(5) Program and facility liability insurance shall be in place for project sponsors receiving grant funds. If insurance is purchased by the sponsor, proof of liability insurance shall be provided to the department. The state may purchase a statewide insurance policy covering all project sponsors receiving funds from the snowmobile grant program in which case a copy of the policy shall be made available to covered sponsors upon request. This insurance coverage may include liability insurance for the landowner(s) or other insurable interests. Snowmobile registration funds shall not be used to purchase insurance for special events. The total payment from the snowmobile fund shall be 100 percent of the approved actual cost. All insurance paid under this subrule must be furnished by companies licensed to do business in Iowa.

28.14(6) Direct payment to vendors. The department may establish operational procedures to facilitate direct payment to vendors for:

a. Major expenditures or specialty items including but not limited to land acquisitions, development expenses, program liability insurance fees and trail signs.

b. Unexpected repairs including building materials or other expenses costing more than \$500 that may be necessary to operate the snowmobile trails in a safe manner.

28.14(7) Pursuant to an agreement between the department and the snowmobile association, miscellaneous personal expenses for association officers when incurred in conjunction with program activities may be reimbursed.

571—28.15(321G) Competitive bids. Any equipment or development expense costing more than \$500 and funded by grant funds must be purchased through a competitive bid or quotation process. Documentation of such process must be submitted before funds are released by the state. Items purchased by any other means are not reimbursable by the state.

571—28.16(321G) Prepayment for certain anticipated costs. Only those expenditures contained in signed agreements may be prepaid. Program or facility liability insurance may be prepaid up to 100 percent. Approved facility and development costs and operations and maintenance costs may be prepaid up to 90 percent.

571—28.17(321G) Expense documentation, balance payment or reimbursement.

28.17(1) Documentation of expenditures eligible for prepayment or reimbursement shall be submitted on forms provided by the department and shall be accompanied by applicable receipts showing evidence that the expense is chargeable to the program. The sponsoring organization shall sign a certification stating that all expenses for which reimbursement is requested are related to the program and have been paid by the sponsor prior to requesting reimbursement. If necessary, the department may request copies of canceled checks to verify expenditures.

28.17(2) The sponsor is responsible for maintaining auditable records of all expenditures of funds received whether by prepayment or on a reimbursement basis. This documentation shall include daily logs of groomer or other maintenance equipment, operation and repair. Work done under contract to the sponsor requires a copy of the contract and copies of canceled checks showing payment.

28.17(3) Documentation of expenditures under the snowmobile portion of the revenue-sharing program must be received by the department prior to May 1 of each year.

28.17(4) Documentation of expenditures under the all-terrain vehicle portion of the revenue-sharing program must be received within 60 days of the project end date as specified in the grant approval letter unless the project sponsor has requested an extension and the extension has been approved in writing by the department. Failure by the sponsor to complete projects in a timely manner may be cause for termination of the agreement and cancellation of the grant.

28.17(5) Approved expenditures by the sponsor in excess of the prepayment amount received, up to the maximum approved amount, will be reimbursed by the department if appropriately documented. In instances where the sponsor has expended less than the amount prepaid, the sponsor shall reimburse the balance to the department to be credited back to the annual local share or the appropriate fund.

571—28.18(321G) Use of funds. If a grantee desires to use the approved funds for a purpose not within the approved project scope as stated in the grant approval letter, the grantee shall request an amendment to the project. If the department approves a project amendment, the department shall notify the project sponsor in writing. Whenever any real or personal property acquired, developed or maintained with snowmobile and ATV registration funds passes from the control of the grantee or is used for purposes other than the approved project purpose, such an act will be considered an unlawful use of the funds. Whenever the director determines that a grantee is in violation of this rule, that grantee shall be ineligible for further assistance until the matter has been resolved to the satisfaction of the department.

These rules are intended to implement Iowa Code section 321G.7.

[Filed 11/9/01, effective 1/2/02]

[Published 11/28/01]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/28/01.

ARC 1148B**NATURAL RESOURCE
COMMISSION[571]****Adopted and Filed**

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amends Chapter 51, "Game Management Areas," Iowa Administrative Code.

This amendment deletes Badger Creek Shooting Range from the shooting range list.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 5, 2001, as **ARC 0920B**. No comments were received during the comment period or at the public hearing held September 25, 2001. There are no changes from the Notice of Intended Action.

This amendment is intended to implement Iowa Code sections 456A.24 and 481A.6.

This amendment will become effective January 2, 2002.

The following amendment is adopted.

Amend subrule **51.3(1)**, paragraph "j," as follows:

j. All requirements listed in this subrule shall apply to the following shooting ranges:

- ~~(1) Badger Creek Area - Madison County.~~
- ~~(2) (1) Banner Mine Area - Warren County.~~
- ~~(3) (2) Bays Branch Area - Guthrie County.~~
- ~~(4) (3) Brushy Creek Area - Webster County.~~
- ~~(5) (4) Hawkeye Wildlife Area - Johnson County.~~
- ~~(6) (5) Hull Wildlife Area - Mahaska County.~~
- ~~(7) (6) Mines of Spain - Dubuque County.~~
- ~~(8) (7) Ocheyedan Wildlife Area - Clay County.~~
- ~~(9) (8) Princeton Wildlife Area - Scott County.~~
- ~~(10) (9) Spring Run Wildlife Area - Dickinson County.~~

[Filed 11/9/01, effective 1/2/02]

[Published 11/28/01]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/28/01.

ARC 1150B**NATURAL RESOURCE
COMMISSION[571]****Adopted and Filed**

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amends Chapter 81, "Fishing Regulations," Iowa Administrative Code.

The amendments modify Chapter 81 which establishes season dates, territories, daily bag limits, possession limits and length limits for sport fishing.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 5, 2001, as **ARC 0922B**. Public hearings were held on September 28 and October 9, 10 and 11, 2001. There are two changes from the Notice of Intended Action, one in Item 3 regarding snagging for paddlefish on the Mississippi River and one in Item 5 in reference to snagging below the Ottumwa Dam.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.67 and 481A.76.

These amendments shall become effective January 2, 2002.

The following amendments are adopted.

ITEM 1. Amend rule **571—81.1(481A)** by adding an asterisk after the "All other fish species" entry in the "Kind of Fish" column.

ITEM 2. Amend subrule 81.2(3) as follows:

81.2(3) Walleye. A 14-inch minimum length limit shall apply on walleye in Lakes West Okoboji, East Okoboji, Spirit Lake, Upper Gar, Minnewashta, and Lower Gar in Dickinson County, and Clear Lake in Cerro Gordo County. A 15-inch minimum length limit shall apply on walleye in Storm Lake, Buena Vista County, and *Big Creek Lake, Polk County*. No more than one walleye above 20 inches in length may be taken per day from the above lakes except in Clear Lake and Storm Lake where no more than one walleye above 22 inches in length may be taken per day. A 15-inch minimum length limit shall apply on walleye in Black Hawk Lake, Sac County. The daily bag limit for walleye in the above lakes shall be three with a possession limit of six. A 15-inch minimum length limit shall apply on walleye in the Mississippi River.

ITEM 3. Rescind subrule 81.2(4) and adopt the following **new** subrule in lieu thereof:

81.2(4) Paddlefish snagging is permitted in all waters of the state, except as follows:

a. There shall be no open season in the Missouri River and Big Sioux River, nor in any tributary of these streams within 200 yards immediately upstream of its confluence with the Missouri or Big Sioux Rivers.

b. Snagging for paddlefish on the Mississippi River is restricted to the area within 500 yards below the navigation dams and their spillways. The open season on the Mississippi River is the period from January 1 through April 15.

c. Snagging for paddlefish is not permitted at any time in those areas where snagging is prohibited as a method of take as listed in subrule 81.2(11).

ITEM 4. Amend subrule 81.2(5) as follows:

81.2(5) Special trout regulations. A 14-inch minimum length limit shall apply on brown trout, rainbow trout, and brook trout in Spring Branch Creek, Delaware County, from the spring source to County Highway D5X as posted, and on brown trout only in portions of Bloody Run Creek, Clayton County, where posted. All trout caught from the posted portion of Waterloo Creek, Allamakee County, Hewitt and Ensign Creeks (Ensign Hollow), Clayton County, *McLoud Run, Linn County*, and South Pine Creek, Winneshiek County, and all brown trout caught from French Creek, Allamakee County, must be immediately released alive. Fishing in the posted area of Spring Branch Creek, Bloody Run Creek, Waterloo Creek, Hewitt and Ensign Creeks (Ensign Hollow), South Pine Creek, *McLoud Run*, and French Creek shall be by artificial lure only. Artificial lure means lures that do not contain or have applied to them any natural or synthetic substances designed to attract fish by the sense of taste or smell.

ITEM 5. Amend subrule **81.2(11)** by adopting the following **new** numbered paragraphs:

7. Northeast bank of the Des Moines River from directly below the Ottumwa Dam, including the catwalk, to the Jefferson Street Bridge. Snagging from the South Market Street Bridge is also prohibited.

NATURAL RESOURCE COMMISSION[571](cont'd)

8. Missouri River and the Big Sioux River from the I-29 bridge to the confluence with the Missouri River.

ITEM 6. Amend rule 571—81.2(481A) by adopting the following **new** subrule:

81.2(12) All other fish species.

a. Hybrid striped bass. The daily bag and possession limit for hybrid striped bass (wipers) in Big Creek Lake, Polk

County, shall be three and six respectively. The minimum size limit for hybrid striped bass shall be 18 inches.

b. Reserved.

[Filed 11/9/01, effective 1/2/02]

[Published 11/28/01]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/28/01.



IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

***EXECUTIVE ORDER NUMBER TWENTY-FOUR**

- WHEREAS,** the nation's economy has experienced a severe downturn that has been exacerbated by the tragic events of September 11th; and
- WHEREAS,** many states across the country have experienced significant reductions in revenue as a result of this economic downturn; and
- WHEREAS,** on October 11th, the state's Revenue Estimating Conference (REC) reduced its projection of state revenue for fiscal year 2002 by \$157.5 million; and
- WHEREAS,** budget allotments to state departments must be modified in order to avoid an overdraft or deficit in the several funds of the state at the end of fiscal year 2002; and
- WHEREAS,** prudent fiscal management during this unprecedented period of national uncertainty necessitates the creation of an economic buffer in budget allotments in the event that REC projections are higher than the actual revenue collected by the state at the end of the fiscal year; and
- WHEREAS,** a 4.3 percent reduction in appropriations, pursuant to Iowa Code § 8.31, would reduce state expenditures by approximately \$200 million, and help the state to avoid an overdraft or deficit; and
- WHEREAS,** pursuant to Article IV, Section 11 of the Iowa Constitution, I will issue a proclamation to convene the general assembly for a special session to consider prudent and necessary legislation to restore funds to targeted areas of the state budget, following this across-the-board budget reduction.

NOW, THEREFORE, I, Thomas J. Vilsack, Governor of the State of Iowa, by the power vested in me by the Constitution and laws of the State of Iowa, do hereby order and direct a uniform modification of allotment requests, pursuant to Iowa Code § 8.31, to achieve an annual 4.3 percent budget reduction for fiscal year 2002. The Department of Management shall take all necessary steps under Iowa law to effectuate the annual 4.3 percent budget reduction for fiscal year 2002, directed to all state departments and establishments, as provided in Iowa Code § 8.2(5). Actions taken by the Department of Management and

all state departments and establishments described above, to implement this order, shall commence on November 1, 2001.



IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of Iowa to be affixed. Done at Des Moines this 1st day of November, in the year of our Lord two thousand one.



THOMAS J. VILSACK
GOVERNOR

ATTEST



CHESTER J. CULVER
SECRETARY OF STATE



State
of Iowa
Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

*** P R O C L A M A T I O N**

- WHEREAS,** THE 2001 REGULAR SESSION OF THE SEVENTY-NINTH GENERAL ASSEMBLY ADJOURNED PURSUANT TO HOUSE CONCURRENT RESOLUTION 39; AND
- WHEREAS,** THE NATION'S ECONOMY HAS EXPERIENCED A SEVERE DOWNTURN THAT HAS BEEN EXACERBATED BY THE TRAGIC EVENTS OF SEPTEMBER 11TH; AND
- WHEREAS,** ON OCTOBER 11TH, THE STATE'S REVENUE ESTIMATING CONFERENCE REDUCED ITS PROJECTION OF STATE REVENUE FOR FISCAL YEAR 2002 BY \$157.5 MILLION; AND
- WHEREAS,** BY EXECUTIVE ORDER, I HAVE DIRECTED A UNIFORM MODIFICATION OF ALLOTMENT REQUESTS, PURSUANT TO IOWA CODE SECTION 8.31, TO ACHIEVE AN ANNUAL 4.3 PERCENT BUDGET REDUCTION FOR FISCAL YEAR 2002; AND
- WHEREAS,** THE GENERAL ASSEMBLY SHOULD ADOPT PRUDENT AND NECESSARY LEGISLATION TO RESTORE FUNDS TO TARGETED AREAS OF THE STATE BUDGET, FOLLOWING THE ACROSS-THE-BOARD BUDGET REDUCTIONS IMPLEMENTED BY EXECUTIVE ORDER NUMBER TWENTY-FOUR.

NOW, THEREFORE, I, THOMAS J. VILSACK, GOVERNOR OF THE STATE OF IOWA, IN ACCORDANCE WITH ARTICLE IV, SECTION XI, OF THE CONSTITUTION OF THE STATE OF IOWA, DO HEREBY PROCLAIM THAT THE SEVENTY-NINTH GENERAL ASSEMBLY SHALL CONVENE IN EXTRAORDINARY SESSION IN DES MOINES, IOWA AT 9:00 AM ON THE EIGHTH DAY OF NOVEMBER, 2001, AND TO THAT END I DO CALL UP AND DIRECT THE MEMBERS OF THE HOUSE OF REPRESENTATIVES TO CONVENE IN THE HOUSE CHAMBER AT THE STATE CAPITOL AND MEMBERS OF THE SENATE TO CONVENE IN ROOM 116 AT THE STATE CAPITOL AT 9:00 AM ON THE EIGHTH DAY OF NOVEMBER, 2001 FOR THE PURPOSE WHICH THE ASSEMBLY IS CONVENEED, NAMELY THE MATTER OF CONSIDERING PRUDENT AND NECESSARY LEGISLATION TO RESTORE FUNDS TO TARGETED AREAS OF THE STATE BUDGET, FOLLOWING THE ANNUAL 4.3 PERCENT BUDGET REDUCTION FOR FISCAL YEAR 2002, AND MATTERS PROPERLY RELATED THERETO.

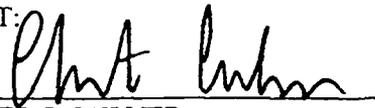


IN TESTIMONY WHEREOF, I HAVE HEREUNTO
SUBSCRIBED MY NAME AND CAUSED THE
GREAT SEAL OF THE STATE OF IOWA TO BE
AFFIXED. DONE AT DES MOINES THIS 1ST DAY
OF NOVEMBER IN THE YEAR OF OUR LORD TWO
THOUSAND ONE.



THOMAS J. VILSACK
GOVERNOR

ATTEST:



CHESTER J. CULVER
SECRETARY OF STATE



IOWA ADMINISTRATIVE BULLETIN
Customer Service Center
Department of General Services
Hoover State Office Building, Level A
Des Moines, Iowa 50319

PRSRT STD
U.S. Postage
PAID
Des Moines, Iowa
Permit No. 1195

Iowa Department of General Services
Customer Service Center Hoover Building A Level
Des Moines, IA 50319

QTY: (3) Iowa Admin Bulletin 11/28/01

5044 LINDA ROBERTSON
IOWA STATE LAW LIBRARY
CAPITOL BLDG 2ND FLR W
1007 E GRAND AVE
DES MOINES IA LOCAL MAIL
