



IOWA ADMINISTRATIVE BULLETIN

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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 and rules adopted by state agencies.

It also contains Proclamations and Executive Orders of the Governor which are general and permanent in nature; Regulatory Analyses; effective date delays and objections filed by the Administrative Rules Review Committee; Agenda for monthly Administrative Rules Review Committee meetings; and other materials deemed fitting and proper by the Administrative Rules Review Committee.

The Bulletin may also contain public funds interest rates [12C.6]; workers' compensation rate filings [515A.6(7)]; usury rates [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.

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Schedule for Rule Making 2005

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. 31 '04	Jan. 19 '05	Feb. 8 '05	Feb. 23 '05	Feb. 25 '05	Mar. 16 '05	Apr. 20 '05	July 18 '05
Jan. 14 '05	Feb. 2	Feb. 22	Mar. 9	Mar. 11	Mar. 30	May 4	Aug. 1
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Feb. 25	Mar. 16	Apr. 5	Apr. 20	Apr. 22	May 11	June 15	Sept. 12
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Mar. 25	Apr. 13	May 3	May 18	***May 18***	June 8	July 13	Oct. 10
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Apr. 22	May 11	May 31	June 15	June 17	July 6	Aug. 10	Nov. 7
May 6	May 25	June 14	June 29	***June 29***	July 20	Aug. 24	Nov. 21
May 18	June 8	June 28	July 13	July 15	Aug. 3	Sept. 7	Dec. 5
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June 17	July 6	July 26	Aug. 10	Aug. 12	Aug. 31	Oct. 5	Jan. 2 '06
June 29	July 20	Aug. 9	Aug. 24	***Aug. 24***	Sept. 14	Oct. 19	Jan. 16 '06
July 15	Aug. 3	Aug. 23	Sept. 7	Sept. 9	Sept. 28	Nov. 2	Jan. 30 '06
July 29	Aug. 17	Sept. 6	Sept. 21	Sept. 23	Oct. 12	Nov. 16	Feb. 13 '06
Aug. 12	Aug. 31	Sept. 20	Oct. 5	Oct. 7	Oct. 26	Nov. 30	Feb. 27 '06
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Sept. 23	Oct. 12	Nov. 1	Nov. 16	***Nov. 16***	Dec. 7	Jan. 11 '06	Apr. 10 '06
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PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
17	Friday, January 28, 2005	February 16, 2005
18	Friday, February 11, 2005	March 2, 2005
19	Friday, February 25, 2005	March 16, 2005

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. West, Iowa Administrative Code Editor
SUBJECT: Publication of Rules in Iowa Administrative Bulletin

The Administrative Code Division uses QuickSilver XML Publisher, version 2.0.0, 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
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Please note that changes made prior to publication of the rule-making documents are reflected on the hard copy returned to agencies, but not on the diskettes; diskettes are returned unchanged.

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The Administrative Rules Review Committee will hold a special meeting on Friday, February 4, 2005, at 9 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Customer councils, 10.5(1), 10.5(3), 10.6(3), 10.7(2), Notice **ARC 3926B** 1/5/05
 State contract for purchase of airline tickets, 41.5(3), Filed Emergency After Notice **ARC 3918B** 1/5/05

ATTORNEY GENERAL[61]

Victim services grant program, ch 9 div III, 9.50 to 9.65, Filed **ARC 3939B** 1/19/05

BANKING DIVISION[187]

COMMERCE DEPARTMENT[181]*umbrella*

Organization, records, investment and lending powers, satellite terminals,
 1.2 to 1.4, 2.12(3), 2.13, ch 4 title, 4.1 to 4.5, 7.15, 7.15(2), 7.15(8), 8.8, 8.9,
 9.2(1)*j,* 9.2(2) to 9.2(9), 10.5(1), 10.6, 11.12(3), 11.12(5), Notice **ARC 3919B** 1/5/05

COLLEGE STUDENT AID COMMISSION[283]

EDUCATION DEPARTMENT[281]*umbrella*

Approval of postsecondary schools, ch 21, Notice **ARC 3739B** Terminated, also Notice **ARC 3921B** 1/5/05

CORRECTIONS DEPARTMENT[201]

Employees of judicial district department of correctional services—carrying of firearms,
 40.1, 40.4(9) to 40.4(11), 40.4(12)*a* and *c* to *j,* 40.5(3)*b,* Filed **ARC 3911B** 1/5/05

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

CDBG program, 23.4(7), 23.4(8), 23.9, 23.9(1), Filed **ARC 3927B** 1/19/05
 Domestic violence shelters —exemption from HUD requirement to report personally identifiable information,
 24.2, 24.12(3)*a,* 29.2, 29.11(3)*a,* Filed Emergency **ARC 3928B** 1/19/05

EDUCATIONAL EXAMINERS BOARD[282]

EDUCATION DEPARTMENT[281]*umbrella*

Teacher intern licensure, 14.129(1), 14.129(3)*d* and *e,* 14.129(4)*a,* *b* and *e,* 14.129(5),
 14.129(6)*a* and *c,* 14.129(7), Notice **ARC 3922B** 1/5/05
 Renewal of licenses, 17.2, 17.4 to 17.7, 17.8(2), 17.9(2), 17.11(3) to 17.11(6), 17.11(7)*f,*
 17.11(8)*c* to *e,* 17.12, Filed **ARC 3923B** 1/5/05

HISTORICAL DIVISION[223]

CULTURAL AFFAIRS DEPARTMENT[221]*umbrella*

Public records and fair information practices, 3.1 to 3.4, 3.4(2), 3.5, 3.5(2), 3.5(3),
 3.6 to 3.17, Filed **ARC 3904B** 1/5/05
 Historical library and state archives—public access, ch 22 title, 22.1 to 22.5,
 22.5(1) to 22.5(20), 22.6, Filed **ARC 3905B** 1/5/05

HUMAN SERVICES DEPARTMENT[441]

Disability services management—reporting of personally identifiable data,
 25.41, 25.41*1* to *4,* Notice **ARC 3936B** 1/19/05
 State supplementary assistance—annual adjustments to eligibility and payment levels,
 51.4(1), 51.7, 52.1(1) to 52.1(3), 52.1(3)*a*(2), Notice **ARC 3907B**, also Filed Emergency **ARC 3908B** 1/5/05
 Medicaid eligibility and financial participation of institutionalized spouse, 75.5(3)*d,*
 75.16(2)*d*(3), Filed Emergency **ARC 3909B** 1/5/05
 HCBS ill and handicapped waiver, 83.2(1)*b,* 83.2(2)*b,* Filed **ARC 3910B** 1/5/05
 Rehabilitative treatment services, 185.2(1)*f,* 185.2(5), 185.10(8)*b*(4)*2,* 185.83(4)*b*(3),
 185.101, 185.112(1)*c* 185.112(1)*c*(1) and (2), 185.112(1)*d* and *j,*
 185.112(2)*b,* Notice **ARC 3924B** 1/5/05

INSURANCE DIVISION[191]

COMMERCE DEPARTMENT[181]*umbrella*

Confidentiality of investigations files; cease and desist orders,
 1.3(10)*d* to *j,* 1.3(11)*f,* 3.32, 15.2, 15.14, Filed **ARC 3917B** 1/5/05
 Life and health self-funded plans, 35.20, Filed **ARC 3916B** 1/5/05

INSURANCE DIVISION[191] (Cont'd)

COMMERCE DEPARTMENT[181]"umbrella"

Medicare supplement insurance minimum standards, 37.2 to 37.4, 37.5(4) to 37.5(6), 37.6(1)"e"(5), 37.6(1)"f," 37.6(2)"f," 37.7(1)"e"(6), 37.7(1)"f," 37.7(1)"g"(3)"2," 37.7(2), 37.7(2)"c," 37.7(3)"f," "g" and "i," 37.7(3)"i"(2) and (3), 37.7(3)"k," 37.7(4), 37.7(5), 37.8(2), 37.8(3), 37.8(5) to 37.8(7), 37.9(9)"c," 37.9(13)"b," 37.9(14)"b," 37.10(3), 37.12(1)"a"(2), 37.13(2) to 37.13(6), 37.15(1)"F"(1), 37.15(3), 37.15(4), 37.15(4)"c" and "d," 37.15(5), 37.16(1), 37.16(1)"a"(4) to (6), 37.16(1)"b," 37.16(5), 37.16(6), 37.19, 37.24(1), 37.24(2)"c"(3), 37.24(2)"g," 37.24(3)"a," "e" and "f," 37.24(5), ch 37 appendices A and C, Filed **ARC 3915B** 1/5/05

LABOR SERVICES DIVISION[875]

WORKFORCE DEVELOPMENT DEPARTMENT[871]"umbrella"

Boiler installation, 207.2(8), 207.4(6)"c," Notice **ARC 3938B** 1/19/05

MEDICAL EXAMINERS BOARD[653]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

USMLE licensure examination—waiver, 9.4(2)"e," Filed **ARC 3942B** 1/19/05

NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Fishing regulations, 81.1, 81.2(1), 81.2(13), Filed Emergency After Notice **ARC 3941B** 1/19/05

NURSING BOARD[655]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Nurse licensure compact—examinations, evidence of residency for military personnel, 16.2(1), 16.2(2), 16.2(2)"d," 16.2(3) to 16.2(6), Notice **ARC 3937B** 1/19/05

PHARMACY EXAMINERS BOARD[657]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Pharmacist-intern training, 4.3, 4.6(3)"c," 4.6(4), 4.6(5), 4.9(1), Filed **ARC 3934B** 1/19/05

Transfer of prescription; centralized prescription filling and processing,

6.9; adopt ch 18; 20.3(4), Notice **ARC 3932B** 1/19/05

Contracts for nonproduct pharmacy services provided by EMS programs,

11.2(1)"a," Filed **ARC 3933B** 1/19/05

Patient's choice of pharmacy, secure transmission of prescription, 21.8(1), Notice **ARC 3931B** 1/19/05

Distributor pharmacy practice, adopt ch 24, Notice **ARC 3930B** 1/19/05

PUBLIC SAFETY DEPARTMENT[661]

Fire safety standards—facilities in which agencies provide foster care to fewer than six children,

5.615, Filed **ARC 3912B** 1/5/05

Fire fighter training and equipment funds, rescind ch 55; adopt ch 259, Filed **ARC 3913B** 1/5/05

Volunteer emergency services provider death benefits, rescind ch 59; adopt ch 291,

Filed **ARC 3914B** 1/5/05

REGENTS BOARD[681]

Notification of increase in tuition, fees or charges, 9.6, Filed **ARC 3929B** 1/19/05

REVENUE DEPARTMENT[701]

Interest rate for calendar year 2005, 10.2(24), Filed **ARC 3940B** 1/19/05

Withholding, 46.1 to 46.4, 46.6 to 46.9, Notice **ARC 3920B** 1/5/05

Sales and use tax—definitions, construction activities, exemptions of benefit to consumers,

adopt chs 211, 219, 231, Filed **ARC 3935B** 1/19/05

AGENCY	HEARING LOCATION	DATE AND TIME OF HEARING
ADMINISTRATIVE SERVICES DEPARTMENT[11]		
Customer councils, 10.5, 10.6(3), 10.7(2) IAB 1/5/05 ARC 3926B	Conference Room 4, Level A Hoover State Office Bldg. Des Moines, Iowa	January 25, 2005 11 a.m.
BANKING DIVISION[187]		
General, amendments to chs 1, 2, 4, 7 to 11 IAB 1/5/05 ARC 3919B	Division Conference Room 200 E. Grand Ave. Des Moines, Iowa	January 25, 2005 10 a.m.
EDUCATIONAL EXAMINERS BOARD[282]		
Teacher intern licensure, 14.129 IAB 1/5/05 ARC 3922B	Room 3 North, Third Floor Grimes State Office Bldg. Des Moines, Iowa	January 25, 2005 2 p.m.
HUMAN SERVICES DEPARTMENT[441]		
Disability services management— minimum data set, 25.41 IAB 1/19/05 ARC 3936B	First Floor Southeast Conference Rm. Hoover State Office Bldg. Des Moines, Iowa	February 16, 2005 9 to 10:30 a.m.
Medicaid coverage group limited to family planning services, 75.1(41), 76.1, 76.7 IAB 1/5/05 ARC 3925B (See also ARC 3580B , IAB 8/4/04)	First Floor Southeast Conference Rm. Side 2 Hoover State Office Bldg. Des Moines, Iowa	January 26, 2005 10 to 11 a.m.
Limits on eligibility and duration for rehabilitative treatment services, amendments to ch 185 IAB 1/5/05 ARC 3924B	Second Floor Conference Room Story County Human Services Bldg. 126 S. Kellogg St. Ames, Iowa	January 27, 2005 9 to 10 a.m.
	Lower Level CPI Conference Room Pottawattamie County DHS Office 417 E. Kanesville Blvd. Council Bluffs, Iowa	January 26, 2005 10 a.m.
	First Floor Board Room Scott County Administrative Center 428 Western Ave. Davenport, Iowa	January 28, 2005 1 to 3 p.m.
	Conference Room 104 City View Plaza 1200 University Ave. Des Moines, Iowa	January 27, 2005 10 a.m.
	Third Floor Conference Room Nesler Centre 799 Main St. Dubuque, Iowa	January 27, 2005 9 a.m.

HUMAN SERVICES DEPARTMENT[441] (Cont'd)

Conference Room Johnson County DHS Office 911 N. Governor St. Iowa City, Iowa	January 27, 2005 1:30 to 2:30 p.m.
Conference Room 3 Wapello County DHS Office 120 E. Main St. Ottumwa, Iowa	January 27, 2005 10 to 11 a.m.
Fourth Floor ICN Room Trospen-Hoyt Bldg. 822 Douglas St. Sioux City, Iowa	January 26, 2005 9 to 10 a.m.
Room 420 Pinecrest Office Bldg. 1407 Independence Ave. Waterloo, Iowa	January 26, 2005 10 a.m. to 12 noon

PUBLIC SAFETY DEPARTMENT[661]

Fire fighter certification, 54.100 to 54.104 IAB 1/5/05 ARC 3906B (See also ARC 3482B , IAB 7/7/04)	Fire Marshal Division Conference Rm. 401 SW Seventh St. Des Moines, Iowa	January 25, 2005 10 a.m.
	Classroom Fire Service Training Bureau 3100 Fire Service Rd. Ames, Iowa	February 3, 2005 10 a.m.

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:

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ARC 3936B

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 225C.6(1)“b” and 331.438(4)“b”(9), the Department of Human Services proposes to amend Chapter 25, “Disability Services Management,” Iowa Administrative Code.

These amendments require the reporting of personally identifiable data on persons served under county management plans for mental health, mental retardation, and developmental disability services. Existing law and rules specify the duty of counties to collect a minimum data set on these services and submit the data to the Department. Although the data is required to be collected on each individual served, submission of aggregate data has been sufficient for past planning purposes. These amendments require submission of data regarding each individual served.

Submission of client-specific data is necessary to allow the Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission to meet its responsibilities relating to redesign of the mental health and developmental disabilities services system. 2004 Iowa Acts, chapter 1090, section 34, subsection 2, directs the Commission to:

- Plan, collect, and analyze data as necessary to issue cost estimates for serving additional populations and providing core disability services statewide.
- Propose case rates for disability services.

Determining the unmet need for services and the impact of proposed changes requires the analysis of data for each individual served. Submission of client-specific data will allow the Commission to capture unduplicated information on all clients served within the public disability services system.

In addition, 2004 Iowa Acts, chapter 1090, section 35, directs the Department and the Commission to propose a new disability services information system. A Department information technology team is studying what a new management information system should be capable of doing and what data will need to be captured to allow those actions to happen. Client-specific information will be necessary to complete the federal reports required under a data infrastructure grant from the federal Substance Abuse and Mental Health Services Administration.

These amendments also apply the reporting requirements to other sources of data on persons receiving disability services that are controlled by the Department. These sources include the State Payment Program, the State Supplementary Assistance Program, state mental health institutes, state resource centers, the Medicaid fiscal agent, and the Medicaid managed care contractors, to the extent that they serve people receiving disability services.

Some of the data required to be submitted constitutes “protected health information” under the federal Health Insurance Portability and Accountability Act (HIPAA). HIPAA privacy provisions prohibit health care providers and health care plans from releasing protected health information except under specified circumstances, which include when

state or federal law, rules, or regulations require data transmission. These amendments establish these requirements and give assurances that the Department will use the information submitted only for research and analysis and will not release any personally identifiable data.

These amendments do not provide for waivers in specified situations. Individuals or agencies that believe themselves to be disadvantaged by these rules may request a waiver under the Department’s general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendments on or before February 16, 2005. Comments should be directed to Mary Ellen Imlau, Department of Human Services, Office of Policy Analysis, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may also be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

The Department will hold a public hearing on these amendments from 9 to 10:30 a.m. on February 16, 2005, at the First Floor Southeast Conference Room, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa. People appearing at the hearing may make oral presentations or submit written comments. Anyone who intends to attend the public hearing and has special requirements, such as hearing or vision impairments, should contact the Office of Policy Analysis at (515)281-8440 and advise of special needs.

These amendments are intended to implement 2004 Iowa Acts, chapter 1090, section 34, and Iowa Code section 331.438 as amended by 2004 Iowa Acts, chapter 1175, section 174.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code Supplement § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515)281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are proposed.

Amend rule 441—25.41(331), introductory paragraph, numbered paragraphs “1” through “4,” and first unnumbered paragraph, as follows:

441—25.41(331) Minimum data set. Each county shall maintain data on all clients served through the MH/DD services fund.

25.41(1) Submission of data. Each county shall submit to DHS a copy of the data regarding each individual that the county serves through the central point of coordination process.

a. DHS state payment program, state supplementary assistance program, mental health institutes, state resource centers, Medicaid fiscal agent, and Medicaid managed care contractors shall provide to DHS the equivalent data in a compatible format on the same schedule as the required submission from the counties.

b. DHS shall maintain the data in the data analysis unit for research and analysis purposes only. Only summary data shall be reported to policymakers or the public.

25.41(2) Data required. The type of information needed on each client is data to be submitted are as follows:

1 a. Basic client information including a unique identifier, name, address, county of residence and county of legal settlement.

2 b. The state I.D. number for state payment cases.

3 c. Demographic information including, but not limited to: date of birth, sex, ethnicity, marital status, education, residential living arrangement, current employment status, monthly income, income sources, type of insurance, insur-

HUMAN SERVICES DEPARTMENT[441](cont'd)

ance carrier, veterans' status, guardianship status, legal status in the system, source of referral, DSM IV diagnosis, ICD-9 diagnosis, disability group (i.e., mental retardation, developmental disability, chronic mental illness, mental illness), central point of coordination (county number preceded by A 1), and central point of coordination (CPC) name.

4-d. Service information such as: including the decision on services, date of decision, date client terminated from CPC services, reason for termination, residence, approved service, service beginning dates, service ending dates, reason for terminating, approved units of services, and unit rate for service.

25.41(3) Method of data collection. A county may choose to collect this information using the county management information system (CoMIS) program that was designed by the department or may collect the information through some other means. If a county chooses to use another system, the county must be capable of supplying the information in the same format as CoMIS. Below is the structure or description for each data item contained in CoMIS.

ARC 3938B**LABOR SERVICES DIVISION[875]****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 89.10(5) and (7), the Boiler and Pressure Vessel Board hereby gives Notice of Intended Action to amend Chapter 207, "Installation of Steam Heating Boilers, Hot Water Heating Boilers and Hot Water Supply Boilers," Iowa Administrative Code.

The amendments are intended to update the rules, ensure safety, clarify ambiguity, make rules more in accord with accepted engineering standards and practices, and implement the purposes of Iowa Code chapter 89. These amendments are proposed in order to clarify that aluminum boiler technology is improved and safe as regulated by the American Society of Mechanical Engineers (ASME) Code Cases, and to eliminate confusion resulting from conflict between Chapter 207 and the ASME Boiler and Pressure Vessel Code in the requirements for 30 psi expansion tanks.

These amendments will not necessitate combined expenditures exceeding \$100,000 by all political subdivisions or agencies and entities which contract with political subdivisions to provide services.

These amendments do not contain a waiver provision because variances can be sought through the Boiler and Pressure Vessel Board.

If requested no later than February 8, 2005, by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having not less than 25 members, a public hearing will be held no earlier than February 16, 2005. Interested persons will be given the opportunity to make oral statements and file documents concerning the proposed amendments. The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have spe-

cial requirements should call (515)242-5869 in advance to arrange access or other needed services.

Written data, views, or arguments to be considered in adoption shall be submitted no later than February 8, 2005, to Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to kathleen.uehling@iwd.state.ia.us.

The Division of Labor Services will issue a regulatory analysis as provided by Iowa Code section 17A.4A if a written request is submitted no later than February 20, 2005, to Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319. The request may be made by the Administrative Rules Review Committee, the Administrative Rules Coordinator, at least 25 persons who each qualify as a small business, or an organization representing at least 25 small businesses.

These amendments are intended to implement Iowa Code chapter 89.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code Supplement § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515)281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are proposed.

ITEM 1. Amend rule 875—207.2(89) by adopting the following **new** subrule:

207.2(8) Installations on or after April 20, 2005—aluminum alloy sand castings. On or after April 20, 2005, new installations of boilers, including reinstalled boilers, may be designed, manufactured, installed, inspected, and stamped in accordance with the requirements of ASME Code Cases 2382-1, 2393, and 2394.

ITEM 2. Amend paragraph **207.4(6)"c"** as follows:

c. ~~Closed type systems require an airtight tank or other suitable air cushion to be installed that will be consistent with the volume and capacity of the system and shall be suitably designed for a hydrostatic test pressure of 2½ times the allowable working pressure of the system. Expansion tanks designed to operate at or above 30 psig An expansion tank shall be installed that will be consistent with the volume and capacity of the system. If the system is designed for a working pressure of 30 psi or less, the tank shall be suitably designed for a minimum hydrostatic test pressure of 75 psi. Expansion tanks for systems designed to operate above 30 psi shall be constructed in accordance with ASME Code, Section VIII, Division I, in effect when installed. Provisions shall be made for draining the tank without emptying the system, except for prepressurized tanks.~~

ARC 3937B**NURSING BOARD[655]****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 17A.3 and 147.76, the Board of Nursing hereby gives Notice of In-

NURSING BOARD[655](cont'd)

tended Action to amend Chapter 16, "Nurse Licensure Compact," Iowa Administrative Code.

These amendments clearly stipulate that the NCLEX[®] examination or its predecessor examination is required for the purpose of a multistate license. The documentation necessary to prove state of residency is expanded for military personnel.

Any interested person may make written comments or suggestions on or before February 8, 2005. Such written materials should be directed to the Executive Director, Iowa Board of Nursing, RiverPoint Business Park, 400 S.W. 8th Street, Suite B, Des Moines, Iowa 50309-4685. Persons who wish to convey their views orally should contact the Executive Director at (515)281-3256, or in the Board office at 400 S.W. 8th Street, by appointment.

These amendments are intended to implement Iowa Code chapters 152 and 152E.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code Supplement § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515)281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are proposed.

ITEM 1. Amend rule 655—16.2(152E) by renumbering subrules **16.2(1)** to **16.2(5)** as **16.2(2)** to **16.2(6)** and adding the following **new** subrule 16.2(1):

16.2(1) No applicant for initial licensure will be issued a compact license granting a multistate privilege to practice unless the applicant first obtains a passing score on the applicable NCLEX[®] examination or its predecessor examination used for licensure.

ITEM 2. Amend renumbered subrule **16.2(2)** by adding the following **new** paragraph "d":

d. Military Form DD 2058, State of Legal Residence Certificate, or Military Form DFAS 702, Defense Finance and Accounting Service Military Leave and Earnings Statement.

ARC 3932B

PHARMACY EXAMINERS BOARD[657]

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 124.301, 147.76, and 155A.13, the Board of Pharmacy Examiners hereby gives Notice of Intended Action to amend Chapter 6, "General Pharmacy Practice," to adopt new Chapter 18, "Centralized Prescription Filling and Processing," and to amend Chapter 20, "Pharmacy Compounding Practices," Iowa Administrative Code.

The amendments were approved at the December 14, 2004, regular meeting of the Board of Pharmacy Examiners.

New Chapter 18 establishes standards for and identifies responsibilities of each pharmacy entering into an agreement for centralized prescription drug filling or processing services by a pharmacy, including defining terms utilized in the

chapter, identifying prescription labeling and patient notification requirements, and defining requirements for the maintenance of records unique to central filling or processing practices. The proposed amendment to Chapter 6 exempts the transmission of prescription drug order information between pharmacies engaged in centralized prescription filling or processing pursuant to Chapter 18 from requirements regarding the transfer of a prescription and requires a pharmacy to transfer prescription drug order and refill information pursuant to the request of a patient or patient's caregiver. The proposed amendment to Chapter 20 specifically permits the compounding of prescription drug orders by pharmacies engaged in centralized prescription filling or processing activities pursuant to Chapter 18.

Requests for waiver or variance of the discretionary provisions of these rules will be considered pursuant to 657—Chapter 34.

Any interested person may present written comments, data, views, and arguments on the proposed amendments not later than 4:30 p.m. on February 14, 2005. Such written materials should be sent to Terry Witkowski, Executive Officer, Board of Pharmacy Examiners, 400 S.W. Eighth Street, Suite E, Des Moines, Iowa 50309-4688, or by E-mail to terry.witkowski@iowa.gov.

These amendments are intended to implement Iowa Code sections 124.301, 124.306, 124.308, 155A.13, 155A.28, and 155A.34.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code Supplement § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515)281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are proposed.

ITEM 1. Amend rule 657—6.9(124,155A), introductory paragraph, as follows:

657—6.9(124,155A) Transfer of prescription. *The transmission of a prescription drug order from a pharmacy to a pharmacy engaged in centralized prescription filling or processing on behalf of the originating pharmacy pursuant to the requirements of 657—Chapter 18 shall not constitute the transfer of a prescription. For the purpose of refill dispensing, the Upon the request of a patient or the patient's caregiver, a pharmacy shall transfer of original prescription drug order information is permissible between pharmacies and prescription refill information to a pharmacy designated by the patient or the patient's caregiver, central fill or processing pharmacies excepted, subject to the following requirements:*

ITEM 2. Adopt the following **new** Chapter 18:

CHAPTER 18 CENTRALIZED PRESCRIPTION FILLING AND PROCESSING

657—18.1(155A) Purpose and scope. The purpose of this chapter is to provide standards for centralized prescription drug filling or processing by a pharmacy. Any facility established for the purpose of filling or processing prescription drug orders on behalf of other pharmacies shall be licensed as a pharmacy and shall hold all necessary registrations. A hospital pharmacy shall not be authorized to participate in centralized prescription filling or processing pursuant to these rules. Except as specifically identified in the rules, the requirements of these rules for centralized prescription filling or processing are in addition to the requirements of 657—Chapters 6 and 8, and other rules of the board relating to services provided by pharmacies.

PHARMACY EXAMINERS BOARD[657](cont'd)

657—18.2(155A) Definitions. For the purposes of this chapter, the following definitions shall apply:

“Central fill or processing pharmacy” means a pharmacy contracting with an originating pharmacy, or having the same owner as an originating pharmacy, that provides centralized prescription drug order filling or processing on behalf of the originating pharmacy pursuant to these rules.

“Centralized prescription drug order filling or processing” or “centralized filling or processing” means the filling or processing of a prescription drug order by a pharmacy on behalf of another pharmacy. “Centralized filling or processing” does not include the dispensing of a prescription drug order but may include any of the following:

1. Receiving, interpreting or clarifying prescription drug orders;
2. Entering data and transferring prescription drug order information;
3. Obtaining refill and substitution authorizations.

“Dispense” means the delivery of a prescription drug or device to an ultimate user or the ultimate user’s agent by or pursuant to the lawful order of a practitioner. “Dispense” includes:

1. Performing drug regimen review;
2. Interpreting clinical data for prior authorization for dispensing;
3. Performing therapeutic interventions;
4. Providing drug information concerning a patient’s drug therapy;
5. Providing patient counseling.

“Hospital” means a facility licensed pursuant to Iowa Code chapter 135B.

“Hospital pharmacy” means and includes a pharmacy licensed by the board and located within any hospital, health system, institution, or establishment which maintains and operates organized facilities for the diagnosis, care, and treatment of human illnesses to which persons may or may not be admitted for overnight stay at the facility.

“Originating pharmacy” means a pharmacy that receives a prescription drug order from a patient or the patient’s agent, outsources prescription filling or processing functions to another pharmacy, and ultimately dispenses the prescription drug or device to the patient or the patient’s agent.

657—18.3(155A) General requirements.

18.3(1) Essential qualifications. A pharmacy may outsource prescription drug filling or processing to a central fill or processing pharmacy provided the pharmacies:

- a. Have the same owner or have entered into a written contract or agreement that outlines the services to be provided and the responsibilities and accountabilities of each pharmacy in compliance with federal and state laws, rules, and regulations; and
- b. Share a common electronic file or have appropriate technology to allow access to sufficient information necessary or required to process a nondispensing function.

18.3(2) Legal compliance. A central fill or processing pharmacy shall comply with all provisions applicable to the pharmacy contained in federal and state laws, rules, and regulations to the extent applicable for the specific filling or processing activity and these rules, including:

- a. Duties that must be performed by a pharmacist; and
- b. Supervision requirements for pharmacy technicians.

18.3(3) Originating pharmacy responsibility. The originating pharmacy shall be responsible for all dispensing functions as the term “dispense” is defined in rule 18.2(155A).

18.3(4) Label requirements. The label affixed to the prescription container filled by a central fill or processing pharmacy on behalf of an originating pharmacy shall include the following:

- a. A unique identifier indicating that the prescription was filled at the central fill or processing pharmacy;
- b. Serial number (a unique identification number of the prescription) as assigned by the originating pharmacy;
- c. The name, address, and telephone number of the originating pharmacy;
- d. The name of the patient or, if such drug is prescribed for an animal, the species of the animal and the name of its owner;
- e. The name of the prescribing practitioner;
- f. The date the prescription is filled by the central fill or processing pharmacy;
- g. The directions or instructions for use, including precautions to be observed;
- h. Unless otherwise directed by the prescriber, the name, strength, and quantity of the drug dispensed.

(1) If a pharmacist selects an equivalent drug product for a brand name drug product prescribed by a practitioner, the prescription container label shall identify the generic drug and may identify the brand name drug for which the selection is made, such as “(generic name) Generic for (brand name product)”.

(2) If a pharmacist selects a brand name drug product for a generic drug product prescribed by a practitioner, the prescription container label shall identify the brand name drug product dispensed and may identify the generic drug product ordered by the prescriber, such as “(brand name product) for (generic name)”;

- i. The initials or other unique identification of the pharmacist in the originating pharmacy who performed drug use review and transmitted the prescription drug order to the central fill or processing pharmacy.

657—18.4 Reserved.

657—18.5(155A) Notifications to patients.

18.5(1) Prior notification. A pharmacy that outsources prescription drug order filling or processing to another pharmacy shall, prior to outsourcing a patient’s prescription:

- a. Notify the patient or the patient’s agent that prescription filling or processing may be outsourced to another pharmacy; and
- b. Provide the name of the pharmacy that will be filling or processing the prescription or, if the pharmacy is part of a network of pharmacies under common ownership and any of the network pharmacies may fill or process the prescription, the patient shall be notified of this fact. Notification may be provided through a one-time written notice to the patient or patient’s agent or through use of a sign prominently displayed in the originating pharmacy.

18.5(2) Exception. The provisions of this rule do not apply to a patient in a facility, such as a long-term care facility, where Iowa law requires that drugs be administered to the patient by a health care professional.

657—18.6 to 18.9 Reserved.

657—18.10(155A) Policy and procedures.

18.10(1) A policy and procedure manual relating to centralized filling or processing activities shall be maintained at all pharmacies involved in centralized filling or processing and shall be available for inspection and copying by the board.

PHARMACY EXAMINERS BOARD[657](cont'd)

18.10(2) The manual shall:

- a. Outline the responsibilities of each of the pharmacies;
- b. Include a list of the names, addresses, telephone numbers, and all license and registration numbers of the pharmacies involved in centralized filling or processing;
- c. Include evidence that all licenses and registrations have been verified to be current and in good standing, identifying the individual verifying license and registration status and the method used to verify status; and
- d. Include, but not necessarily be limited to, policies and procedures for:
 - (1) Protecting the confidentiality and integrity of patient information;
 - (2) Maintaining appropriate records to identify the name, the initials or unique identification code, and the specific activities of each pharmacist or pharmacy technician who performed any centralized filling or processing function;
 - (3) Complying with federal and state laws, rules, and regulations;
 - (4) Operating a continuous quality improvement program for pharmacy services designed to objectively and systematically monitor and evaluate the quality and appropriateness of patient care, pursue opportunities to improve patient care, and resolve identified problems; and
 - (5) Reviewing, at least annually, the written policies and procedures and documenting that review.

657—18.11 to 18.14 Reserved.

657—18.15(155A) Records. Central fill or processing pharmacies shall maintain appropriate records that identify, by prescription drug order, the name and initials or unique identification code of each pharmacist or pharmacy technician who performs a centralized filling or processing function for a prescription drug order. Originating pharmacies shall maintain appropriate records that identify, by prescription drug order, the name and initials or unique identification code of the pharmacist who performed drug use review and transmitted the prescription drug order to the central fill or processing pharmacy. These records may be maintained separately by each pharmacy and pharmacist or technician, or in a common electronic file as long as the data processing system is capable of producing a printout that lists the functions performed by each pharmacy and pharmacist or technician and identifies the pharmacist or technician who performed each function.

These rules are intended to implement Iowa Code sections 124.301, 124.306, 124.308, 155A.13, and 155A.28.

ITEM 3. Amend subrule 20.3(4) as follows:

20.3(4) Advertising and resale of compounded drug products. The sale of compounded drug products to other pharmacies or to prescribers is considered manufacturing. Pharmacists shall not offer compounded drug products to other licensed persons or commercial entities for subsequent resale except in the course of professional practice for a practitioner to administer to an individual patient. Compounding pharmacies or pharmacists may advertise or otherwise promote the fact that they provide prescription drug compounding services. Compounding pharmacies or pharmacists shall not make a claim, assertion, or inference of professional superiority in the compounding of drug products that cannot be substantiated. All advertisements shall meet the requirements contained in 657—8.12(126,155A). *Nothing in these rules shall prohibit the centralized filling or processing of a prescription drug order for a compounded drug product by a central fill or processing pharmacy on behalf of an originating pharmacy as provided in 657—Chapter 18.*

ARC 3931B**PHARMACY EXAMINERS BOARD[657]****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 Pharmacy Examiners hereby gives Notice of Intended Action to amend Chapter 21, “Electronic Data in Pharmacy Practice,” Iowa Administrative Code.

The amendment was approved at the December 15, 2004, regular meeting of the Board of Pharmacy Examiners.

The proposed amendment clarifies requirements relating to a patient’s choice of pharmacy services and to the secure computer-to-computer transmission of a prescription drug order.

Requests for waiver or variance of the discretionary provisions of these rules will be considered pursuant to 657—Chapter 34.

Any interested person may present written comments, data, views, and arguments on the proposed amendment not later than 4:30 p.m. on February 14, 2005. Such written materials should be sent to Terry Witkowski, Executive Officer, Board of Pharmacy Examiners, 400 S.W. Eighth Street, Suite E, Des Moines, Iowa 50309-4688, or by E-mail to terry.witkowski@iowa.gov.

This amendment is intended to implement Iowa Code section 155A.27.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code Supplement § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515)281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendment is proposed.

Amend subrule 21.8(1) as follows:

21.8(1) Secure transmission and patient’s choice. Orders shall be sent only to the pharmacy of the patient’s choice, and no unauthorized intervening person or other entity shall control, screen, or otherwise manipulate ~~change the content of~~ the prescription drug order or ~~have access to it compromise its confidentiality during the transmission process.~~

ARC 3930B**PHARMACY EXAMINERS BOARD[657]****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 124.301, 126.11, and 147.76, the Board of Pharmacy Examiners here-

PHARMACY EXAMINERS BOARD[657](cont'd)

by gives Notice of Intended Action to adopt Chapter 24, "Distributor Pharmacy Practice," Iowa Administrative Code.

This amendment was approved at the December 15, 2004, regular meeting of the Board of Pharmacy Examiners.

The proposed amendment establishes standards for pharmacies that receive from other pharmacies drugs that were previously dispensed for patients for the purpose of distributing those drugs in a unit dose dispensing system. The amendment defines terms used in the chapter, identifies who may request redistribution of a patient's drugs and provides for compensation to the pharmacy providing the redistribution service, and identifies labeling, storage, and record-keeping requirements for the pharmacy providing the redistribution service.

Requests for waiver or variance of the discretionary provisions of these rules will be considered pursuant to 657—Chapter 34.

Any interested person may present written comments, data, views, and arguments on the proposed amendment not later than 4:30 p.m. on February 14, 2005. Such written materials should be sent to Terry Witkowski, Executive Officer, Board of Pharmacy Examiners, 400 S.W. Eighth Street, Suite E, Des Moines, Iowa 50309-4688, or by E-mail to terry.witkowski@iowa.gov.

This amendment is intended to implement Iowa Code sections 124.306, 126.11, 155A.13, and 155A.36.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code Supplement § 17A.4(3) will be available at <http://www.legis.state.ia.us/LAC.html> or at (515)281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is proposed.

Adopt the following **new** chapter:

CHAPTER 24
DISTRIBUTOR PHARMACY PRACTICE

657—24.1(155A) Purpose and scope. The purpose of this chapter is to provide standards for pharmacies that receive from other pharmacies drugs that were previously dispensed for patients for the purpose of distributing those drugs in a unit dose dispensing system. Except as specifically identified in the rules, the requirements of these rules for distributor pharmacy practice are in addition to the requirements of 657—Chapters 6, 8, and 22, and other rules of the board relating to services provided by the distributor pharmacy.

657—24.2(155A) Definitions. For purposes of this chapter, the following definitions shall apply:

"Distributor pharmacy" means a pharmacy that receives a patient's prescription drugs dispensed in traditional packaging by a dispensing pharmacy and that redistributes those drugs in unit dose packaging to the long-term care facility in which the patient resides.

"Long-term care facility" means:

1. A facility licensed by the Iowa department of inspections and appeals under Iowa Code chapter 135C or Iowa Code chapter 135H;
2. A hospital-based long-term care unit certified under 42 CFR, Part 483, Subpart B;
3. An inpatient hospice certified under 42 CFR, Part 418;
4. A group living facility wherein health care related services are provided by the facility; or
5. A health care facility registered with the board under Iowa Code chapter 124.

"Prescription drug order" means the information received by the distributor pharmacy from the original dispensing pharmacy as indicated on the label affixed to the prescription drug container as the prescription was dispensed to the patient by the original dispensing pharmacy.

657—24.3(155A) General requirements.

24.3(1) Request for redistribution. A distributor pharmacy may receive a patient's prescription drugs in traditional packaging from a dispensing pharmacy or from a long-term care facility and redistribute those drugs in unit dose packaging to the long-term care facility wherein the patient resides, provided that the distributor pharmacy does so only at the request of the patient, the patient's legal representative, or the long-term care facility.

24.3(2) Written contract or agreement. A distributor pharmacy shall enter into a written contract or agreement with the long-term care facility and may also enter into a written contract or agreement with the dispensing pharmacy. The written contract or agreement shall:

- a. Outline the services to be provided by the distributor pharmacy;
- b. Identify the responsibilities and accountabilities of each party to the contract or agreement;
- c. Identify provisions for compensation to the distributor pharmacy; and
- d. Include the right of the distributor pharmacy to refuse to redistribute in unit dose packaging any drugs for which the distributor pharmacy cannot ensure integrity.

24.3(3) Legal compliance. A distributor pharmacy that redistributes previously dispensed drugs in unit dose packaging shall comply with all applicable federal and state laws, rules, and regulations, including board rules that specify:

- a. Duties that must be performed by a pharmacist;
- b. Supervision requirements for pharmacy technicians; and
- c. Requirements for unit dose dispensing systems.

657—24.4 Reserved.

657—24.5(155A) Patient consent. The long-term care facility wherein the patient resides or the distributor pharmacy that proposes to redistribute a patient's drugs in unit dose packaging shall, prior to commencing that service, obtain the patient's written consent or the written consent of the patient's legal representative. A copy of the patient consent shall be maintained by the distributor pharmacy for a minimum of two years beyond the expiration or termination of the consent.

657—24.6 to 24.8 Reserved.

657—24.9(124,126,155A) Label requirements. Except as provided in rule 24.10(124,126,155A), a patient's drugs shall be labeled by the distributor pharmacy with the following information:

1. The name and room or bed number of the patient;
2. The name of the prescribing practitioner;
3. The name and strength of the drug;
4. The directions for use;
5. The name and address of the original dispensing pharmacy;
6. The name and telephone number of the distributor pharmacy.

657—24.10(124,126,155A) Exception to label requirements. The room or bed number of the patient, the name of the prescribing practitioner, the name and address of the original dispensing pharmacy, and the name and telephone number of the distributor pharmacy are not required to be included

PHARMACY EXAMINERS BOARD[657](cont'd)

on the prescription label if this information appears on a medication administration record used by the long-term care facility.

657—24.11 to 24.13 Reserved.

657—24.14(124,155A) Policy and procedures. A policy and procedure manual relating to the services of the distributor pharmacy shall be maintained by the distributor pharmacy and shall be available for inspection and copying by the board. The manual shall include, at a minimum, the following:

1. An outline of the responsibilities of the distributor pharmacy;
2. Policies and procedures for protecting the confidentiality and integrity of patient information;
3. Policies and procedures for maintaining appropriate records to identify the name, the initials or unique identification code, and the specific activities of each pharmacist or pharmacy technician who performed any distributor pharmacy function;
4. Provisions for annual review of the written policies and procedures, and documentation of that review.

657—24.15 Reserved.

657—24.16(124,155A) Security and storage. A distributor pharmacy shall assume responsibility for the security and storage of a patient's prescription drugs in the possession of the distributor pharmacy pending delivery of those drugs to the patient's long-term care facility in packaging compliant with the facility's unit dose distribution system. Ownership of the drugs remains with the patient.

657—24.17(155A) Separation of patient drugs. A distributor pharmacy shall maintain physical segregation of the prescription drugs received for each patient and shall ensure that drugs received for a patient are distributed only for the use of that patient.

657—24.18 and 24.19 Reserved.

657—24.20(124,155A) Records. A distributor pharmacy shall maintain appropriate records that identify the name, the initials or unique identification code, and the specific activities of each pharmacist or pharmacy technician who performs a distributor pharmacy function. Records shall also include the date of receipt of all prescription drugs and the dates those drugs are redistributed in unit dose packaging.

These rules are intended to implement Iowa Code sections 124.306, 126.11, 155A.13, and 155A.36.

NOTICE—PUBLIC FUNDS INTEREST RATES

In compliance with Iowa Code chapter 74A and section 12C.6, the committee composed of Treasurer of State Michael L. Fitzgerald, Superintendent of Credit Unions James E. Forney, Superintendent of Banking Thomas B. Gronstal, and Auditor of State David A. Vaudt have established today the following rates of interest for public obligations and special assessments. The usury rate for January is 6.25%.

INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS

- 74A.2 Unpaid Warrants Maximum 6.0%
- 74A.4 Special Assessments Maximum 9.0%

RECOMMENDED Rates for Public Obligations (74A.3) and School District Warrants (74A.7). A rate equal to 75% of the Federal Reserve monthly published indices for U.S. Government securities of comparable maturities. All Iowa Banks and Iowa Savings Associations as defined by Iowa Code section 12C.1 are eligible for public fund deposits as defined by Iowa Code section 12C.6A.

The rate of interest has been determined by a committee of the state of Iowa to be the minimum interest rate that shall be paid on public funds deposited in approved financial institutions. To be eligible to accept deposits of public funds of the state of Iowa, a financial institution shall demonstrate a commitment to serve the needs of the local community in which it is chartered to do business. These needs include credit services as well as deposit services. All such financial institutions are required to provide the committee with a written description of their commitment to provide credit services in the community. This statement is available for examination by citizens.

New official state interest rates, effective January 11, 2005, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TIME DEPOSITS

- 7-31 days Minimum 0.95%
- 32-89 days Minimum 1.25%
- 90-179 days Minimum 1.35%
- 180-364 days Minimum 1.60%
- One year to 397 days Minimum 1.95%
- More than 397 days Minimum 3.05%

These are minimum rates only. The one year and less are four-tenths of a percent below average rates. Public body treasurers and their depositories may negotiate a higher rate according to money market rates and conditions.

Inquiries may be sent to Michael L. Fitzgerald, Treasurer of State, State Capitol, Des Moines, Iowa 50319.

UTILITIES DIVISION

Notice of Deregulation

Pursuant to Iowa Code § 476.1D (2003), the Utilities Board (Board) gives notice that on December 23, 2004, the Board issued an order in Docket No. INU-04-1, In re: Deregulation of Local Exchange Services in Competitive Markets, deregulating the rates for local exchange service in the Council Bluffs business and residential markets, as defined in the Board's order, as well as in the following Iowa exchanges: Laurens, Mapleton, Spencer, Storm Lake, Whiting, Armstrong, Coon Rapids, Delmar, Forest City, Harlan, Lowden, Oxford, Oxford Junction, Primghar, Saint Ansgar, Solon, Stacyville, Stanwood, and Tiffin. The Board's findings are more fully discussed in the order, which may be obtained from the Board by calling (515)281-5563 or on the Board's Web site, <http://www.state.ia.us/iub>.

ARC 3928B

ECONOMIC DEVELOPMENT, IOWA
DEPARTMENT OF[261]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 15.104 and 15.106, the Iowa Department of Economic Development hereby adopts amendments to Chapter 24, "Emergency Shelter Grants Program," and Chapter 29, "Homeless Shelter Operation Grants Program," Iowa Administrative Code.

The Iowa Coalition Against Domestic Violence (ICADV) requested that the Department adopt emergency amendments to exempt domestic violence shelters from a HUD requirement to report personally identifiable information about homeless domestic violence clients. The amendments define "domestic violence shelter" and clarify that these shelters may exclude personally identifiable information about homeless domestic violence clients when the shelters are entering data in the ServicePoint database. The amendments modify the federally funded Emergency Shelter Grants Program (ESGP) and the companion state-funded Homeless Shelter Operation Grants (HSOG) Program.

In compliance with Iowa Code section 17A.4(2), the Department finds that notice and public participation are impracticable and contrary to the public interest because of a lack of time. HUD recently promulgated a Final Notice of its Homeless Management Information Services (HMIS) standards. These standards relate to HUD's ongoing effort to collect nonduplicated data about the country's homeless population. A significant portion of that population consists of individuals, mostly women, who are homeless due to domestic violence. Many of these individuals are at risk of further violence or stalking if their whereabouts are disclosed to the abusing party. Accordingly, many domestic violence shelters are extremely reluctant to disclose any data that, if disclosed, could be used to personally identify their clients.

While prior drafts of the HMIS standards had alluded to providing an exemption for domestic violence shelters in the Final Notice, the Final Notice does not specifically make any such exemption. Instead, the Final Notice merely states that a Covered Homeless Organization (CHO) "must comply with federal, state and local laws that require additional confidentiality protections." On August 30, 2004, HUD issued a clarification of its Final Notice that, in part, states that the "Final Notice also recognizes stronger state confidentiality provisions. In the event that state laws conflict with the Final Notice, as determined by an appropriate state governmental entity, state law will prevail." These amendments are intended to allow domestic violence shelters to maintain a higher level of confidentiality for their clients.

Iowa domestic violence shelters seeking state or federal funding through the Iowa Department of Economic Development were required to sign and submit the Department's "Threshold Assurances" document by December 16, 2004. One of the assurances set forth therein is a statement that the shelter will provide the minimum required data in compliance with HUD's HMIS Final Notice.

These amendments are designed to clarify that information that could be used to personally identify clients of domestic violence shelters need not be provided as part of the required HMIS data. If these changes had not been adopted

on or prior to December 16, 2004, there would have been a risk that some domestic violence shelters would have refused to sign the Threshold Assurances document by December 16, 2004, an action which would have rendered the shelters ineligible to receive certain state and federal funds and thereby jeopardize their ability to serve their clientele. Accordingly, these amendments have been Adopted and Filed Emergency.

The Department finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of the amendments, 35 days after publication, should be waived and the amendments be made effective on December 16, 2004. For the reasons set forth above, these amendments confer a benefit on homeless domestic violence clients and therefore have been Adopted and Filed Emergency.

The Department is taking the following steps to notify potentially affected parties of the effective date of the rules: publishing the rules in the Iowa Administrative Bulletin, providing free copies on request, and having copies available wherever requests for information about the program are likely to be made.

The IDED Board adopted the amendments on December 16, 2004.

These amendments are intended to implement Iowa Code sections 15.108(1)"a" and 15.108(11).

These amendments became effective on December 16, 2004.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code Supplement § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515)281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are adopted.

ITEM 1. Amend rule **261—24.2(PL100-628)** by adding the following **new** definition in alphabetical order:

"Domestic violence shelter" means a shelter primarily serving clients who are homeless due to domestic violence.

ITEM 2. Rescind paragraph **24.12(3)"a"** and adopt the following **new** paragraph **"a"** in lieu thereof:

a. ServicePoint data reports. All recipients of ESGP funds are required to submit monthly reports on clients served using the ServicePoint reporting process as prescribed by IDED; provided, however, that a recipient that qualifies as a domestic violence shelter shall not be required to report personally identifiable information about its homeless domestic violence clients. "Personally identifiable information" shall include any information that the reporting domestic violence shelter reasonably determines could be used to identify a particular client.

ITEM 3. Amend rule **261—29.2(15)** by adding the following **new** definition in alphabetical order:

"Domestic violence shelter" means a shelter primarily serving clients who are homeless due to domestic violence.

ITEM 4. Rescind paragraph **29.11(3)"a"** and adopt the following **new** paragraph **"a"** in lieu thereof:

a. ServicePoint data reports. All recipients of HSOG funds are required to submit monthly reports on clients served using the ServicePoint reporting process as prescribed by IDED; provided, however, that a recipient that qualifies as a domestic violence shelter shall not be required to report personally identifiable information about its homeless domestic violence clients. "Personally identifiable informa-

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261](cont'd)

tion” shall include any information that the reporting domestic violence shelter reasonably determines could be used to identify a particular client.

[Filed Emergency 12/16/04, effective 12/16/04]
[Published 1/19/05]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/19/05.

ARC 3941B

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed Emergency After Notice

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 prohibit culling or sorting of fish; establish bag and possession limits for shovelnose sturgeon on the

Missouri River; close harvest of shovelnose sturgeon on the Big Sioux River; modify seasons for muskellunge, tiger muskie, and northern pike in Lakes West Okoboji and East Okoboji and Spirit Lake; modify bag and possession limits for walleye on the Missouri River; and modify the closed area for fishing below Lock and Dam Number 11 on the Mississippi River.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 1, 2004, as **ARC 3622B**. Public hearings were held on September 21, September 22, and September 23, 2004. There are no changes from the Notice of Intended Action.

The Natural Resource Commission approved these amendments at their November 10, 2004, meeting. Because of an administrative oversight, the amendments were not filed on November 17, 2004. Because of this oversight, the Commission finds, pursuant to Iowa Code section 17A.5(2)“b”(2), that the normal effective date of the amendments should be waived and these amendments should be made effective upon filing with the Administrative Rules Coordinator on December 30, 2004, as they confer a benefit upon the public.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.67 and 481A.76.

These amendments became effective December 30, 2004. The following amendments are adopted.

ITEM 1. Amend rule 571—81.1(481A) as follows:

571—81.1(481A) Seasons, territories, daily bag limits, possession limits, and length limits.

KIND OF FISH	INLAND WATERS OF THE STATE				BOUNDARY RIVERS	
	OPEN SEASON	DAILY BAG LIMIT	POSSESSION LIMIT	MINIMUM LENGTH LIMITS	MISSISSIPPI RIVER	MISSOURI RIVER BIG SIOUX RIVER
Rock Sturgeon	Closed	0	0		Same as inland waters	
<i>Shovelnose Sturgeon</i>	<i>Continuous</i>	<i>None</i>	<i>None</i>	<i>None</i>	<i>Same as inland waters except no harvest allowed in the Big Sioux River and aggregate daily bag limit 10, aggregate possession limit 20, in the Missouri River</i>	
Paddlefish*	Continuous	2	4	None	Same as inland waters	
Yellow Perch	Continuous	25	50	None	Same as inland waters except no bag or possession limit in the Missouri River.	
Trout	Continuous	5	10	None*	Same as inland waters	
Catfish*	Continuous	8 Lakes 15 Streams	30	None	Same as inland waters except no bag or possession limit in Mississippi River	
Black Bass (Largemouth Bass) (Smallmouth Bass) (Spotted Bass)	Continuous	3	6	See below*	Continuous open season; aggregate daily bag limit 5, aggregate possession limit 10. See below*	
Combined Walleye, Sauger and Saugeye	Continuous*	5*	10*	None*	Continuous open season; aggregate daily bag limit 6, aggregate possession limit 12; except aggregate daily bag limit 4, aggregate possession limit 8, in the Big Sioux River and Missouri Rivers. See below*	
Northern Pike	Continuous	3	6	None	Continuous open season; daily bag limit 5; , possession limit 10; , except daily bag limit 6, possession limit 12, in the Big Sioux River	
Muskellunge or Hybrid Muskellunge	Continuous*	1	1	40"	Same as inland waters	
All other fish species*	Continuous	None	None	None	See below*	
Frogs (except Bullfrogs)	Continuous	48	96	None	Same as inland waters	
Bullfrogs (Rana Catesbeiana)	Continuous	12	12	None	Same as inland waters	

*Also see 81.2(481A), Exceptions.

NATURAL RESOURCE COMMISSION[571](cont'd)

ITEM 2. Amend subrule 81.2(1) as follows:

81.2(1) Exception closed season. In Lakes West Okoboji, and East Okoboji, and Spirit Lake, there shall be a closed season on walleye, muskellunge, tiger muskie, and northern pike beginning February 15, each year. The annual opening for walleye and northern pike in these three lakes shall be the first Saturday in May. *In these three lakes there shall be a closed season on muskellunge and tiger muskie beginning December 1 each year.* The annual opening for muskellunge and tiger muskie in these three lakes shall be May 21 *the following year.*

Fishing in any manner is prohibited from December 1 of each year through March 15 the following year in the following areas of the Mississippi River.

a. From Lock and Dam Number 11 downstream to the State Highway 61 and 151 bridge *railroad bridge near river mile 579.9.*

b. From Lock and Dam Number 12 downstream to the mouth of Mill Creek near river mile 556.

c. From Lock and Dam Number 13 downstream to the downstream end of Stamp Island near river mile 521.5.

ITEM 3. Amend rule 571—81.2(481A) by adopting the following **new** subrule:

81.2(13) Culling. It is prohibited to sort, cull, high-grade, or replace any fish already in possession. Participants in permitted black bass tournaments are exempted. Any fish taken into possession by holding in a live well, on a stringer or in other fish-holding devices is part of the daily bag limit. Once the daily bag limit of a particular species is reached, fishing for that species is permitted as long as all fish of that species caught are immediately released.

[Filed Emergency After Notice 12/30/04, effective 12/30/04]
[Published 1/19/05]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/19/05.

ARC 3939B**ATTORNEY GENERAL[61]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 915.82(2) and 915.83, the Iowa Attorney General's Crime Victim Assistance Board and Crime Victim Assistance Division hereby amend Chapter 9, "Victim Assistance Program," Iowa Administrative Code.

The adopted amendment, which replaces existing Division III with a new Division III, corrects the official address of the Crime Victim Assistance Division and establishes definitions, methods, considerations, and processes for the distribution of federal and state grant funds administered by the Victim Services Grant Program of the Crime Victim Assistance Division.

Notice of Intended Action was published in the Iowa Administrative Bulletin on October 13, 2004, as **ARC 3725B**. A public hearing was held on November 2, 2004. No one attended the hearing, and no comments were received. These rules are identical to those published under Notice of Intended Action.

These rules will become effective February 23, 2005.

These rules are intended to implement Iowa Code section 13.31.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these rules [9.50 to 9.65] is being omitted. These rules are identical to those published under Notice as **ARC 3725B**, IAB 10/13/04.

[Filed 12/30/04, effective 2/23/05]
[Published 1/19/05]

[For replacement pages for IAC, see IAC Supplement 1/19/05.]

ARC 3927B**ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 15.104 and 15.106, the Iowa Department of Economic Development adopts amendments to Chapter 23, "Iowa Community Development Block Grant Program," Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 3562B** on August 4, 2004. The IDED Board adopted these amendments on December 16, 2004.

The amendments make two substantive program changes. The changes raise the minimum wage threshold for program participation and extend the allowable training period from 12 to 24 months.

A public hearing was held on August 26, 2004. No comments concerning the proposed amendments were received from the public. The adopted amendments are identical to those published under Notice of Intended Action.

These amendments are intended to implement Iowa Code section 15.108(1)"a."

These amendments will become effective on February 23, 2005.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [23.4(7), 23.4(8), 23.9] is being omitted. These amendments are identical to those published under Notice as **ARC 3562B**, IAB 8/4/04.

[Filed 12/16/04, effective 2/23/05]
[Published 1/19/05]

[For replacement pages for IAC, see IAC Supplement 1/19/05.]

ARC 3942B**MEDICAL EXAMINERS BOARD[653]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 147.76 and 272C.3 and chapter 148, the Board of Medical Examiners hereby amends Chapter 9, "Permanent Physician Licensure," Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on November 24, 2004, as **ARC 3824B**. No public comment was received.

The Board has consistently granted waivers of the seven-year requirement for taking the USMLE licensure examination when a physician holds specialty board certification from the American Board of Medical Specialties or the American Osteopathic Association. The adopted amendment allows applicants who meet this alternative to be qualified for licensure without filing an application for a waiver.

The Board approved the amendment to Chapter 9 during a telephone conference call held on December 30, 2004.

This amendment implements Iowa Code section 148.3(2).

This amendment will become effective February 23, 2005.

The following amendment is adopted.

Amend paragraph **9.4(2)"e"** as follows:

e. The following conditions shall apply to applicants for licensure in Iowa who utilize USMLE as the licensure examination.

(1) Passing Steps 1, 2, and 3 is required within a seven-year period beginning with the date of passing either Step 1 or Step 2, whichever occurred first. Those who have been delayed in taking Step 1, 2, or 3 because of enrollment in a joint M.D./Ph.D. or D.O./Ph.D. program shall pass Steps 1, 2, and 3 as prescribed in these rules within a ten-year period. *Board certification by the ABMS or AOA is required if the applicant was not able to pass Steps 1, 2, and 3 within the required time as specified in this paragraph.*

(2) Step 3 may be taken and passed only after Steps 1 and 2 are passed.

(3) A score of 75 or better on each step shall constitute a passing score on that step.

(4) Each USMLE step must be passed individually and individual step scores shall not be averaged to compute an overall score.

MEDICAL EXAMINERS BOARD[653](cont'd)

(5) A failure of any USMLE step, regardless of the jurisdiction for which it was taken, shall be considered a failure of that step for the purposes of Iowa licensure.

(6) Successful completion of a progressive three-year resident training program is required if the applicant passes the examination after more than six attempts on Step 1 or six attempts on Step 2 or three attempts on Step 3.

[Filed 12/30/04, effective 2/23/05]
[Published 1/19/05]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/19/05.

ARC 3934B

PHARMACY EXAMINERS BOARD[657]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Pharmacy Examiners hereby amends Chapter 4, "Pharmacist-Interns," Iowa Administrative Code.

The amendments increase the credit hours granted for college-based clinical pharmacist-intern training programs to 1250 hours and require that the remaining 250 internship hours be obtained in traditional pharmacy practice sites. The amendments also provide that the 250 hours of traditional internship training may be obtained, at a rate not to exceed 10 hours per week, concurrent with academic training. Criteria for nontraditional internship are established, providing that a registered intern may intern in a nontraditional internship program if the Board, prior to the intern's starting the internship, approves the proposed objectives submitted by the intern. Any hours obtained in nontraditional internship shall not count toward the total 1500 hours required prior to pharmacist licensure in Iowa but may be certified in recognition of training obtained outside the scope of traditional pharmacy practice. The amendments require that a pharmacist serving as preceptor shall be licensed in good standing in the state where the internship is to be served.

Requests for waiver or variance of the discretionary provisions of these rules will be considered pursuant to 657—Chapter 34.

Notice of Intended Action was published in the November 10, 2004, Iowa Administrative Bulletin as **ARC 3798B**. The adopted amendments are identical to those published under Notice.

The amendments were approved during the December 15, 2004, meeting of the Board of Pharmacy Examiners.

These amendments will become effective on February 23, 2005.

These amendments are intended to implement Iowa Code section 155A.6.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [4.3, 4.6(3)"c," 4.6(4), 4.6(5), 4.9(1)] is

being omitted. These amendments are identical to those published under Notice as **ARC 3798B**, IAB 11/10/04.

[Filed 12/22/04, effective 2/23/05]
[Published 1/19/05]

[For replacement pages for IAC, see IAC Supplement 1/19/05.]

ARC 3933B

PHARMACY EXAMINERS BOARD[657]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 124.301 and 147.76, the Board of Pharmacy Examiners hereby amends Chapter 11, "Drugs in Emergency Medical Service Programs," Iowa Administrative Code.

The amendment permits an emergency medical services program to enter into a contract for payment to a provider pharmacy of reasonable fees and charges for services not limited to nonproduct pharmacy services.

Requests for waiver or variance of the discretionary provisions of these rules will be considered pursuant to 657—Chapter 34.

Notice of Intended Action was published in the November 10, 2004, Iowa Administrative Bulletin as **ARC 3799B**. The adopted amendment is identical to that published under Notice.

The amendment was approved during the December 15, 2004, meeting of the Board of Pharmacy Examiners.

This amendment will become effective on February 23, 2005.

This amendment is intended to implement Iowa Code sections 124.301 and 155A.13.

The following amendment is adopted.

Amend subrule **11.2(1)**, paragraph "a," as follows:

a. A formal written agreement shall be made between the base pharmacy and the service establishing that the EMS is operating as an extension of the base pharmacy with respect to the drugs. The service contract may provide for payment by the service to the pharmacy of reasonable fees or charges for nonproduct pharmacy services.

[Filed 12/22/04, effective 2/23/05]
[Published 1/19/05]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/19/05.

ARC 3929B**REGENTS BOARD[681]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 262.9(3), the Board of Regents hereby adopts an amendment to Chapter 9, "Policies, Practices and Procedures," Iowa Administrative Code.

The Eightieth General Assembly enacted 2004 Iowa Acts, House File 2418, which eliminates the month by which the Board of Regents must make the decision about increases in tuition or mandatory fees. The statute formerly required that the Board of Regents make the final decision about the increase in tuition or mandatory fees for a fiscal year in November of the previous fiscal year.

Notice of Intended Action was published in the Iowa Administrative Bulletin on October 13, 2004, as **ARC 3745B**. A comment period was established and ended November 2, 2004. No comments were received. This amendment is identical to that published under Notice.

This amendment was approved during the December 16, 2004, meeting of the Board of Regents.

This amendment will become effective on February 23, 2005.

This amendment is intended to implement Iowa Code section 262.9.

The following amendment is adopted.

Amend rule 681—9.6(262) as follows:

681—9.6(262) Notification to students on increases in tuition, fees, or charges.

9.6(1) Not less than 30 days prior to action by the board on any proposal to increase tuition, fees, or charges at one or more of the institutions of higher education under its control, the board of regents shall send written notification of the amount of the proposed increase and a copy of the ~~docket~~ memorandum relating to the proposed increase to the elected president of the government of the student body at ~~the each~~ affected ~~institutions~~ *institution*. The materials shall be sent to the person identified by each institution as the student government president and ~~mailed~~ *transmitted* to the student government office listed in each university directory.

The final decision on the increase in tuition for a fiscal year shall be made ~~no later than the~~ *at a regular meeting held in November of the preceding fiscal year. The regular meeting held in November will be held in Ames, Cedar Falls, or Iowa City which is to be held in one of the three universities' cities but is not and will not to be held during the period in which classes have been suspended for Thanksgiving vacation a university holiday or break.*

9.6(2) If a proposal to increase tuition, fees, or charges at one of the universities is increased ~~over~~ *from* the previous ~~month meeting's written proposal~~, or a new fee or charge is proposed, student leaders shall be sent copies of the ~~docket~~ *agenda* materials, and an additional 30 days' notice to students will be scheduled prior to board action on that portion of the proposal.

[Filed 12/21/04, effective 2/23/05]

[Published 1/19/05]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/19/05.

ARC 3940B**REVENUE DEPARTMENT[701]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 421.14, the Department of Revenue hereby adopts amendments to Chapter 10, "Interest, Penalty, Exceptions to Penalty, and Jeopardy Assessments," Iowa Administrative Code.

Notice of Intended Action was published in IAB Vol. XXVII, No. 11, p. 736, on November 24, 2004, as **ARC 3820B**.

Iowa Code section 421.7 requires the Director of Revenue to determine the interest rate for each calendar year. The Director has determined that the rate of interest on interest-bearing taxes arising under Iowa Code Title XVI shall be 6 percent for the calendar year 2005 (0.5 percent per month). The Department will also pay interest at the 6 percent rate on refunds.

This amendment is identical to that published under Notice of Intended Action.

This amendment will become effective February 23, 2005, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

This amendment is intended to implement Iowa Code section 421.7.

The following amendment is adopted.

Amend rule 701—10.2(421) by adding the following new subrule:

10.2(24) Calendar year 2005. The interest rate upon all unpaid taxes which are due as of January 1, 2005, will be 6 percent per annum (0.5% per month). This interest rate will accrue on taxes which are due and unpaid as of, or after, January 1, 2005. In addition, this interest will accrue on tax refunds which by law accrue interest, regardless of whether the tax to be refunded is due before or after January 1, 2005. This interest rate of 6 percent per annum, whether for unpaid taxes or tax refunds, will commence to accrue in 2005.

[Filed 12/30/04, effective 2/23/05]

[Published 1/19/05]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/19/05.

ARC 3935B**REVENUE DEPARTMENT[701]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 421.17(19) and 2003 Iowa Acts, First Extraordinary Session, chapter 2, section 135, the Department of Revenue hereby adopts Chapter 211, "Definitions," Chapter 219, "Sales and Use Tax on Construction Activities," and Chapter 231, "Exemptions Primarily of Benefit to Consumers," Iowa Administrative Code.

Notice of Intended Action was published in IAB Vol. XXVII, No. 11, p. 737, on November 24, 2004, as **ARC 3818B**.

The new chapters are intended to implement chapter 2, division XIV of 2003 Iowa Acts, First Extraordinary Session, otherwise known as the Streamlined Sales and Use Tax Act.

REVENUE DEPARTMENT[701](cont'd)

The newly drafted rules are intended to accomplish three things: (1) to explain the changes to Iowa sales and use tax law made by the Streamlined Sales and Use Tax Act; (2) to preserve the existing interpretation of portions of Iowa sales and use tax law which the Streamlined Sales and Use Tax Act does not change; and (3) to omit from the new rules as many references as possible to sales and use tax law as it existed prior to July 1, 2004, the effective date of the Streamlined Sales and Use Tax Act.

These rules are identical to those published under Notice of Intended Action.

These rules will become effective February 23, 2005, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

These rules are intended to implement 2003 Iowa Acts, First Extraordinary Session, chapter 2, division XIV.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these rules [Chs 211, 219, 231] is being omitted. These rules are identical to those published under Notice as **ARC 3818B**, IAB 11/24/04.

[Filed 12/29/04, effective 2/23/05]
[Published 1/19/05]

[For replacement pages for IAC, see IAC Supplement 1/19/05.]

AGENCY	RULE	DELAY
State Public Defender[493]	7.1, 11.5(2), 11.5(6), 11.5(7), 11.7, 12.1(1), 12.1(2), 12.2(1)“a,” 12.2(1)“b”(2), 12.2(1)“e”(1), 12.2(1)“f,” 12.2(2), 12.2(3), 12.2(6), 12.2(9) to 12.2(12), 12.3(1), 12.3(3), 12.4(4), 12.5, 12.5(3), 12.5(4), 12.6, 12.7(1), 12.7(3), 12.8(1), 12.8(1)“h” and “i,” 12.9(1), 12.9(1)“a,” 12.9(2)“a,” “d” and “f,” 12.9(3), 12.10, Ch 13 [IAB 11/24/04, ARC 3813B]	Effective date of December 29, 2004, delayed 70 days by the Administrative Rules Review Committee at its meeting held December 14, 2004. [Pursuant to §17A.4(6)]

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