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# IOWA ADMINISTRATIVE BULLETIN

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## PREFACE

The Iowa Administrative Bulletin is published in pamphlet form biweekly pursuant to Chapter 17A, Code of Iowa as amended by Sixty-seventh General Assembly, H.F. 2099, section 3, and supersedes Part I of the Iowa Administrative Code Supplement.

The Bulletin contains Notices of Intended Action on rules, Filed and Filed Emergency rules by state agencies [continue to refer to General Information for drafting style and form], all proclamations and executive orders of the Governor which are general and permanent in nature, and other "materials deemed fitting and proper by the Administrative Rules Review Committee."

The Bulletin may also contain economic impact statements to proposed rules and filed emergency rules, objections filed by Administrative Rules Review Committee, Governor or the Attorney General, any delay by the Committee of the effective date of filed rules, and agenda for monthly committee meetings.

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

The ARC number which appears before each agency heading is assigned by the Administrative Rules Co-ordinator for identification purposes and should always be used when referring to this item in correspondence and other communications.

The Iowa Administrative Code Supplement is also published every other week in loose-leaf form, pursuant to section 17A.6 of the Code as amended by 67GA, H.F. 2099 and S.F. 244. It contains replacement pages for the Iowa Administrative Code. These replacement pages incorporate amendments to existing rules, new rules or emergency or temporary rules which have been filed with the administrative rules co-ordinator and published in the Bulletin.

## 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 as follows:

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Single copies may be purchased for \$2.00 plus \$0.06 tax. Back issues may be purchased if the issues are available.

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

**Iowa Administrative Code - \$305.00 plus \$9.15 tax**

(Price includes Volumes I through IX, four supplement binders and a one-year subscription to the Code Supplement.)

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

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## AGENDUM

The Administrative Rules Review Committee will hold a special meeting, Tuesday, June 5, 1979, 9:00 a.m., Senate Committee Room 24. This meeting will be held in lieu of the regular statutory meeting of June 12. The following rules will be reviewed.

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## ARC 0261

**CONSERVATION  
COMMISSION[290]  
NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of sections 107.24 and 106.3 of the Code, rules appearing in the Iowa Administrative Code July 1, 1975, Division of Lands and Waters, Chapter 30 relating to zoning and watercraft use are proposed to be amended.

Consideration will be given to written data or arguments submitted no later than July 6, 1979, to the Director, State Conservation Commission, Wallace State Office Building, Des Moines, Iowa 50319, or oral presentation may be made at the fourth floor conference room of the Wallace State Office Building, East 9th and Grand, Des Moines, Iowa, at 10:00 a.m., June 27, 1979.

Amend chapter 30 by adding the following new rule:

**290—30.30(106) Black Hawk County waters.** Operation of vessels in Black Hawk County on the Cedar River within the city limits of Cedar Falls, Iowa, shall be governed by this departmental rule as well as all applicable state laws and regulations.

**30.30(1)** No vessel, except authorized emergency vessels, shall be operated in marked areas at a speed greater than the limit designated by buoys, signs or other approved uniform waterway marking devices marking said area.

**30.30(2)** All vessels, except authorized emergency vessels, shall be operated at a no-wake speed when within 600 feet of the Franklin Street bridge. Said 600 foot zone shall be designated by buoys, signs or other approved uniform waterway marking devices.

**30.30(3)** No vessel shall tow skiers, surfboard riders or other towable devices within the zone established by 30.30(2).

**30.30(4)** When a vessel or vessels are involved in an accident which is reportable under section 106.7 of the Code and chapter 32 of the conservation commission rules, the operator or someone acting for him shall immediately notify the Cedar Falls Police Department. This requirement shall be in addition to the accident reporting requirements of section 106.7 of the Code and chapter 32 of the conservation commission rules.

**30.30(5)** No dock or other obstruction shall be placed in the Cedar River as described above without a permit from the conservation commission.

This rule is intended to implement section 106.17 of the Code.

## ARC 0296

**CREDIT UNION  
DEPARTMENT[295]  
NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

On June 22, 1979, at 1:00 p.m. in the offices of the Credit Union Department located at 300 Fourth Street, First Floor, Des Moines, Iowa 50319, the credit union review board and the administrator shall consider for adoption the following rules as described herein. Such action shall be in accordance with the provisions of the Administrative Procedures Act, chapter 17A of the Code.

Comments and requests to make an oral presentation shall be addressed to the Credit Union Department, 300 Fourth Street, First Floor, Des Moines, Iowa 50319.

Written comments or written requests to make an oral presentation will be accepted if received by the credit union department on or before June 20, 1979.

Any person or agency described in section 17A.2 of the Code may submit written comments or requests to make an oral presentation. Such comments and requests shall include:

1. The name, address, and telephone number of the person or agency submitting the comment or request.
2. The title and number of the proposed rule included in this notice which is the subject of the comment or request.
3. With regard to requests to make an oral presentation, the general content shall be indicated.

Proposed rulemaking action:

Pursuant to the authority of section 17A.3 and chapter 533 of the Code, rules of the credit union department appearing in the IAC are hereby amended for the purpose of adopting new rules that were previously included in IAC[140], rules of the banking department:

ITEM 1. Adopt rules of the credit union department by adding chapter 1 as follows:

**CHAPTER 1  
DESCRIPTION OF ORGANIZATION**

**295—1.1(17A,533) Definitions.** The definitions of terms included in section 17A.2 of the Code shall apply to such terms used in this chapter. In addition, as used in this chapter:

**1.1(1)** "Administrator" means the administrator of the credit union department.

**1.1(2)** "Board" means the credit union review board.

**1.1(3)** "Department" means the credit union department.

**295—1.2(17A,533) Scope and application.** This chapter describes the office of the administrator and the methods whereby the public may obtain forms, instructions, and information regarding credit unions.

**295—1.3(17A,533) Credit union department.** The department is the office of the administrator and other personnel who discharge the duties and responsibilities imposed upon the administrator by the laws of this state. The administrator has general supervisory and regulatory authority over all state chartered credit unions.

CREDIT UNION DEPARTMENT[295] (cont'd)

**1.3(1)** Central organization—administrator. The administrator is appointed by the governor and approved by the senate. The administrator is the head of the credit union department with offices located in Des Moines, Iowa. Rules may be promulgated by the administrator subject to prior approval by the board. The administrator may employ such personnel as necessary to carry out the provisions of the credit union law.

**1.3(2)** Credit union review board. The credit union review board is composed of seven members who are appointed by the governor and approved by the senate. With the exception of four members first appointed as of January 1, 1979, board members serve for a three-year term. The board may adopt, amend, and repeal rules or take other action it deems necessary or suitable to effect the provisions of the credit union law. The board meets at least four times each year and special meetings may be called by the chairperson. Four members shall constitute a quorum. Provided a quorum is present, a majority vote cast by the members present at any meeting shall be an act of the board.

**295—1.4(17A,533) Forms and instructions.**

**1.4(1)** The following numbered forms and instructions of the administrator are currently in use:

- a. CU 1: Affidavit (Merger Procedure)
- b. CU 2: Affidavit of Officers and Directors
- c. CU 3: Amendment to Certificate of Organization or Articles of Incorporation
- d. CU 4: Annual Report
- e. CU 5: Articles of Incorporation
- f. CU 6: Auditing Committee's Report
- g. CU 7: Authorization to File Group Return
- h. CU 8: Bylaws
- i. CU 9: Certificate of Organization
- j. CU 10: Credit Union Charter Application
- k. CU 11: Oath of Directors
- l. CU 12: Resolution
- m. CU 13: Vote on Proposition for Dissolution (Individual)
- n. CU 14: Vote on Proposition for Dissolution (Multiple)
- o. CU 15: Application for Insurance of Accounts
- p. CU 16: Application to Serve a Small Employee Group

**ITEM 2.** Adopt rules of the credit union department by adding chapter 2 as follows:

**CHAPTER 2  
ORGANIZATION OF A STATE-CHARTERED  
CREDIT UNION**

**295—2.1(17A,533) Application.** Persons desiring to organize a state-chartered credit union should contact the administrator for the charter application and related documents for completion and subsequent submission to the administrator.

**2.1(1)** Investigation. The administrator may conduct such investigation as deemed necessary in connection with a charter application to determine if the organization of the proposed credit union would benefit the members and be consistent with the statutory purpose of a credit union.

**2.1(2)** Approval or denial. The administrator will notify the charter applicants of the decision by mail within thirty days after the application has been received in the office of the administrator.

**2.1(3)** Corporate documents. If the credit union charter application is approved, the applicants will file the articles of incorporation with the certificate of approval attached thereto with the county recorder of the county within which the credit union is to have its principal place of business. A notarized oath of office including the signatures, positions, and addresses of the board of directors shall be filed with the administrator within ten days after the organizational meeting of the new credit union and each annual meeting thereafter. All subsequent appointments to fill board vacancies occurring between meetings shall be reported in the same manner.

**2.1(4)** Commencement of business as a state-chartered credit union. The new credit union must commence business within sixty days after the date the charter application has been approved or the certificate of approval will be revoked by the administrator.

**2.1(5)** Organizational meeting and annual or special membership meetings. All meetings shall be held in the county where the articles of incorporation and certificate of organization have been filed unless prior approval is received from the administrator to call such meeting at some other location.

**ITEM 3.** Adopt rules of the credit union department by adding chapter 3 as follows:

**CHAPTER 3  
EXAMINATION AND SUPERVISION FEES**

**295—3.1(17A,533) Fees.** The administrator has made the following determination with respect to the examination and supervision fees required to operate the credit union department:

**3.1(1)** The examination fee for state-chartered credit unions shall be as follows and payable at the close of each examination by check payable to the administrator:

<u>ASSETS:</u>	<u>BASIC:</u>	<u>ASSETS SCALE:</u>
Less than \$25,000	\$ 25.00 plus	Nil
Over \$ 25,000 - \$ 50,000	\$ 100.00 plus	4¢ per \$100 of assets
Over \$ 50,000 - \$ 100,000	\$ 150.00 plus	3¢ per \$100 of assets
Over \$ 100,000 - \$ 250,000	\$ 175.00 plus	3¢ per \$100 of assets
Over \$ 250,000 - \$ 500,000	\$ 250.00 plus	3¢ per \$100 of assets
Over \$ 500,000 - \$ 750,000	\$ 425.00 plus	2¢ per \$100 of assets
Over \$ 750,000 - \$ 1,000,000	\$ 450.00 plus	2¢ per \$100 of assets
Over \$ 1,000,000 - \$ 2,000,000	\$ 750.00 plus	2¢ per \$100 of assets
Over \$ 2,000,000 - \$ 3,000,000	\$1,200.00 plus	2¢ per \$100 of assets
Over \$ 3,000,000 - \$ 4,000,000	\$1,500.00 plus	2¢ per \$100 of assets
Over \$ 4,000,000 - \$ 6,000,000	\$2,000.00 plus	2¢ per \$100 of assets
Over \$ 6,000,000 - \$10,000,000	\$2,500.00 plus	2¢ per \$100 of assets
Over \$10,000,000	\$2,850.00 plus	2¢ per \$100 of assets

**3.1(2)** The annual supervision fee for state-chartered credit unions shall be calculated on the December 31 asset figure in accordance with the following schedule and the check payable to the administrator will be submitted with the annual financial statement in January of each year:

<u>ASSETS:</u>	<u>MAXIMUM FEE:</u>
Less than \$500,000	30¢ per \$1,000 (\$15 Minimum)
Over \$ 500,000 - \$1,000,000	\$150 plus 25¢ per \$1,000 in excess of \$ 500,000
Over \$1,000,000 - \$2,000,000	\$275 plus 20¢ per \$1,000 in excess of \$1,000,000
Over \$2,000,000 - \$5,000,000	\$475 plus 15¢ per \$1,000 in excess of \$2,000,000
Over \$5,000,000	\$925 plus 10¢ per \$1,000 in excess of \$5,000,000

**3.1(3)** The examination fee and annual supervision fee for credit unions serving corporate members exclusively will be assessed at 25 percent of the amounts calculated under subrules 3.1(1) and 3.1(2).

**ITEM 4.** Adopt rules of the credit union department by adding chapter 4 as follows:

## CREDIT UNION DEPARTMENT[295] (cont'd)

CHAPTER 4  
PROCEDURE FOR ADOPTION OF RULES

**295—4.1(17A,533) Written comments or oral presentations.** Any person or agency described in section 17A.2 of the Code may submit written comments or requests to make an oral presentation in connection with a proposed rule. All such comments and requests shall be accepted by the department if received on or before the second business day prior to the scheduled meeting date at which the rule is to be considered. All such comments and requests should be made to the department and include the following information: Name, address, and telephone number of the agency or persons submitting the comments or request; title and number of the proposed rule which is subject to the comment or request; and, with respect to requests for oral presentation, the general content shall be indicated.

**295—4.2(17A,533) Petitions for rulemaking.** Pursuant to the provisions of section 17A.7 of the Code, any interested person may petition the department requesting the promulgation, amendment, or repeal of a rule of this agency.

**4.2(1)** All petitions relating to rulemaking must be made in writing to the chairperson of the credit union review board or the administrator of the credit union department and include the following information: Name and address of the petitioner; a detailed description of the factual situation and an explanation as to the reasons why the petition is submitted; the statutory citations, rules or orders applicable to the issues included in the petition.

**4.2(2)** Within sixty days after receipt of a petition, this agency will either deny the petition in writing, stating the reasons for denial; or will initiate appropriate rulemaking action pursuant to the applicable provisions of section 17A.4 of the Code.

**295—4.3(17A,533) Petitions for declaratory rulings.** Any interested person may submit a petition for declaratory ruling to the department regarding the application of a statute, rule, decision, order or other written statement of law or policy to a factual situation. The petition shall contain the name and address of the person requesting the ruling; a specific factual explanation and background applicable to the question; and, the statute, rule, or other authority deemed applicable and the reason for the request. The department may demand that the request be clarified or that additional facts be set forth. The department will render a decision within thirty days after receipt; however, an additional thirty-day period may be required when extenuating circumstances exist and the petitioner is so notified.

**ITEM 5.** Adopt rules of the credit union department by adding chapter 5 as follows:

CHAPTER 5  
SMALL EMPLOYEE GROUPS

**295—5.1(17A,533) Definition.** A small employee group is hereby defined as a group of not less than ten nor more than seven hundred fifty persons employed by any one company.

**295—5.2(17A,533) Application.** A credit union desiring to serve a small employee group shall submit an "Application to Serve a Small Employee Group" to the administrator. The application and instructions for preparing and filing it are furnished upon written request submitted to the administrator.

**295—5.3(17A,533) Location.** The small employee group requesting to be served must be located in a contiguous county or in the county where the servicing credit union has its principal office.

**295—5.4(17A,533) Investigation.** The administrator may conduct such investigation as deemed necessary in connection with an "Application to Serve a Small Employee Group" to determine:

1. That the credit union making application has authority in its bylaws to serve a small employee group.
2. That the small employee group has made application to the credit union for services.
3. That the quality and management of the credit union making application are sound and that the credit union is capable of offering adequate services to members of the proposed small employee group.

**295—5.5(17A,533) Disposition by administrator.** The administrator shall determine and cause to be transmitted in writing within sixty days of receipt of the application whether or not an "Application to Serve a Small Employee Group" is approved or denied. In the case of denial, the administrator shall also cause to be transmitted in writing to the small employee group notice of the denial and the fact that the small employee group may apply to another credit union for services.

**295—5.6(17A,533) Frequency of application.** A credit union may apply for a small employee group if they can prove one hundred percent effort was made to enroll all eligible primary members in any previously approved application.

These rules are intended to implement section 17A.3 and the applicable provisions of chapter 533 of the Code.

## ARC 0295

## ENERGY POLICY COUNCIL[380]

## NOTICE OF INTENDED ACTION

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of 93.7 and 17A.3 of the Code of Iowa, 1979, the energy policy council intends to take action on the rules published below which concern the administrative practices of the agency. The council also solicits suggestions on other rules of practice and divisions of responsibilities which would be helpful in the agency's exercise of its duties and the public's understanding of the agency.

The energy policy council will hold a public hearing on the proposed rules at 7:30 p.m. on June 19, 1979, in the Fifth Floor Conference Room of the Henry A. Wallace Building, 900 East Grand Avenue, Des Moines, Iowa 50319. Any interested person may make a presentation on the proposed rules at that time. Any interested person may also submit written comments on the proposed rules to the Energy Policy Council, Capitol Complex, Des Moines, Iowa 50319, on or before June 29, 1979.

Chapter 1 is deleted and two new chapters are added in replacement thereof as follows:

## ENERGY POLICY COUNCIL[380] (cont'd)

CHAPTER 1  
DEFINITIONS**380—1.1(93) General**

**1.1(1) Meaning.** For the purpose of these rules, the following terms shall have the meaning indicated in this chapter.

**1.1(2) Scope.** No attempt is made to define ordinary words which are used in accordance with their established dictionary meanings, except where the context otherwise requires and it is necessary to define the meaning as used in these rules to avoid misunderstanding.

**380—1.2(93) Definition of terms.**

**1.2(1) Council.** The energy policy council established in section 93.2, Code of Iowa.

**1.2(2) Supplier.** Any person engaged in the business of selling, importing, storing or generating energy sources in Iowa.

**1.2(3) Director.** The director of energy policy or his designee.

**1.2(4) Board.** The Iowa set-aside appeal board.

CHAPTER 2  
RULES OF PRACTICE

**380—2.1(93) Scope.** This chapter is intended to fulfill the requirements of section 17A.3(1)"a" and 17A.3(1)"b" of the Code of Iowa. Authority of the council is codified in chapter 93, Code of Iowa.

**380—2.2(93) Purpose and functions.** The purpose of the council is to advise the governor and the general assembly on energy related matters and recommend to them state policy for development, utilization and conservation of all energy sources in the state. In addition, the following functions are authorized.

**2.2(1) Establishment of an energy data bank and data gathering** (voluntarily or through subpoena powers of 93.7(3), Code of Iowa) sufficient to sustain the data bank.

**2.2(2) Development of public education programs.**

**2.2(3) Preparation of timely reports on energy to the governor and the general assembly.**

**2.2(4) Co-ordination with other states on fuel allocation problems.**

**2.2(5) Reduction of hardship due to energy supply shortages through operation of the federal set-aside program.**

**2.2(6) Investigate and recommend legislation on development and use of alternative sources of energy in Iowa and the reduction of dependence on nonrenewable resources.**

**2.2(7) Provide determination when the health, safety or welfare of the people of the state is threatened by an actual or impending acute shortage of usable energy and inform the governor of what emergency measures are necessary.**

**2.2(8) Administer major federal conservation programs in Iowa, including grant programs to schools, hospitals, local government and public care facilities.**

**2.2(9) Development of a program to annually within each congressional district give public recognition to innovative methods of energy conservation.**

**2.2(10) Development of a plan and incentive program for instituting solar energy demonstration projects within Iowa.**

**2.2(11) Providing technical and available financial assistance to encourage development of solar energy systems within Iowa.**

**2.2(12) Investigation of the relationship between public energy suppliers and the usage of solar energy applications.**

**380—2.3(93) Description of organization.**

**2.3(1) General.** The energy policy council is chaired by the director of energy policy who also manages the council staff. The vice chairperson is elected by the council annually at the first regular council meeting after July 1 and serves as presiding officer when the director of energy policy is absent from the council meeting. Committees of the council may be formed by the chairperson.

**2.3(2) Energy policy council.** The energy policy council consists of the director of energy policy who will also serve as chairperson, four legislative members (two from the house of representatives appointed by the speaker and two from the senate appointed by the majority leader), seven public members appointed by the governor, and seven ex officio nonvoting members consisting of the following:

a. The state geologist

b. The chairperson of the Iowa state commerce commission

c. The administrative officer of the state soil conservation commission

d. The director of transportation

e. The executive director of the Iowa department of environmental quality

f. The director of the Iowa natural resources council

g. The secretary of agriculture

**2.3(3) Director of energy policy.** The director of energy policy is appointed by the governor to serve as director of the council staff and chairperson of the council. In these positions the director performs duties assigned by the governor, as well as those duties delegated by the council.

a. **Office of the director.** The office of the director conducts the overall management of the council staff as well as public information, personnel management, financial management, purchasing and contract administration. The office of the director is managed by the deputy in the absence of the director.

b. **Energy conservation program.** The energy conservation program is managed by a supervisor who has overall responsibility for technical management of the state energy conservation plan. This program utilizes support staff to carry out the state energy conservation plan and the supervisor of this program acts as project officer on energy conservation related contracts with the council. Energy conservation data collection, analysis and recommendations for conservation plan changes are the responsibility of this program.

c. **Energy resources program.** The energy resources program is managed by the supervisor who has overall responsibility for technical management of the petroleum set aside, emergency response plan development and implementation (93.8), projects supported by the energy research and development fund (93.14), other energy related projects and the operation of the Iowa office of the mid-America solar energy complex.

This program utilizes support staff to carry out these duties and the supervisor of this program acts as project officer on energy resource related contracts with the council. Energy resource data collection, analysis and recommendations for change are the responsibility of this program.



**ENERGY POLICY COUNCIL**[380] (*cont'd*)**380—2.4(93) Location and business hours of the council office.**

2.4(1) The office location of all organizational units is the sixth floor, Lucas State Office Building, Capitol Complex, Des Moines, Iowa 50319.

2.4(2) The telephone number of all organizational units is (515) 281-4420.

2.4(3) The normal business hours of all organizational units are 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays.

**380—2.5(93) General course and methods of operation.**

2.5(1) Council meetings. Council meetings will generally be held on the third Tuesday of each month; however, establishment and public notice of meeting dates and locations are the responsibility of the chairperson.

a. Agenda. The agenda is prepared by the chairperson with the advice of the council members in advance of the council meeting and will generally be mailed to council members one week in advance of the meeting date. A copy of the agenda will be mailed to those members of the public who request it and it will be prominently posted at the council office. Members of the public wishing to be scheduled on the council's agenda should notify the chairperson thirty days in advance of the meeting and provide written materials explaining their reasons for wishing to address the council. Final decisions on the content and length of agenda items shall be the chairperson's.

b. General conduct of meetings. The chairperson, or vice chairperson in the absence of the chairperson, presides at all council meetings. Only individuals recognized by the presiding officer may address the council and in general Robert's rules of order will govern the meeting unless otherwise stated in this chapter or by special action of the council.

c. Voting. The council consists of twelve members, including the chairperson. Eleven, aside from the chairperson, vote on policy issues and seven, aside from the chairperson, vote on nonpolicy issues. The chairperson votes only in case of a tie. Should there be uncertainty on whether a policy or nonpolicy issue is before the council, a vote of public members of the council shall resolve the issue.

Seven voting members shall constitute a quorum, with a majority of the voting members sufficing to carry an action on a policy issue and four votes from public members sufficient to carry on nonpolicy issues. The four votes from the public members may include the vote of the chairperson.

d. Public participation. All meetings are open to the citizens of Iowa in accordance with the open meeting law, except that portions of a meeting may be closed in accordance with the open meeting law. Those members of the public wishing to speak on any agenda topic should complete a card furnished at the entrance to the meeting room and present that card to the council's secretary. Within the time previously allotted to each item, the chairperson shall request public comment. Such comment shall be limited to three minutes per presentation and shall be terminated if the time period allowed on the agenda has been consumed unless the council provides for extensions of time. In addition, a thirty-minute public forum will be scheduled on each agenda to allow the public an opportunity to address the council on any energy related issue. Time for individual presentations during the public forum may be allocated by the chairperson to give all those wishing to speak the opportunity to do so.

In all discussions before the council, members of the public shall address any questions for the council to the

chairperson. Individual questioning of council members will not be allowed unless with the explicit consent of the chairperson and the council member in question.

2.5(2) Fiscal management. Overall management of funds provided to the council resides with the director; however, funds may be obligated by the director only within a budget or other restrictions previously imposed by the council.

a. Application and acceptance of grants. The director shall apply for financial grants with the consent of the council and shall accept grants with programs and budgets previously approved by the council.

b. Budget. The director shall have the authority to obligate funds budgeted by the council. Within each program, the director may not incur obligations greater than those authorized for the program by the council. The director shall periodically review the budget and recommend modifications as necessary for council approval.

c. Contracts. The director shall submit all proposed contracts in excess of \$5,000 to the council for its approval. Contracts of \$5,000 or less and contained within an approved budget may be executed by the director without council approval as long as the yearly cumulative total awarded to any party, excepting state universities, does not exceed \$5,000. The director shall execute all contracts in behalf of the council and shall be allowed for all contracts to change any terms or conditions which neither affect the contract amount nor the overall reports and products to be delivered. For contracts of \$5,000 or less the director may change any of the terms, conditions, or amounts of the contract as long as the contract amount remains below \$5,000 and the change is consistent with a previously approved budget. All contracts brought before the council for approval shall have accompanying documentation that requests for proposals were solicited from more than one party and that the director has made a reasonable attempt to induce competition prior to making recommendations to the council. For contracts of \$5,000 or less the director shall consider sole source contracts versus competitive bidding on contracts; shall determine whether it would be efficient to solicit proposals from more than one party; and shall then act in the best interest of the state.

**380—2.6(93) Public availability of information.** All information received, collected or stored by the council office, except that which is determined by the director in accordance with chapter 68A, Code of Iowa, to be confidential, is available for public inspection during normal business hours of the office. Requests for information should be in writing and appointments should be made in advance for use of office space to examine documents.

2.6(1) Fees. The director may charge fees representing the reasonable cost to the office for duplicating documents and mailing documents to the public.

2.6(2) Confidentiality. Notwithstanding the provisions of chapter 68A, Code of Iowa, information and reports obtained under paragraph 93.7(3) shall be confidential except when used for statistical purposes without identifying a specific supplier and when release of the information will not give an advantage to competitors and serves a public purpose.

a. Federal programs. When co-operating with the federal government in implementing a federal program (paragraph 93.7(9)) the confidentiality requirements of the federal program as well as those of the state of Iowa shall apply.

b. Appeals. Appeals of a decision by the director on confidentiality of information shall be to the council.

ARC 0294

## ENERGY POLICY COUNCIL[380] NOTICE OF INTENDED ACTION

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of 93.7(9) and (10) of the Code of Iowa, 1979, the energy policy council intends to take action on the rules published below which concern operation of the state petroleum set-aside program. [Chapter 3, State Petroleum Set Aside]

For item 2 the council also solicits other suggestions as to how a prompt and fair appeal can be provided for aggrieved parties. Inclusion of the entire energy policy council or even three public members of the council as the appeal board may not serve the best interests of an aggrieved party in that the appeal may not be able to be accomplished within the same month as it is filed. The petroleum set aside is a dynamic quantity which often is used quickly and in all cases reverts for discretionary use by the owner at the end of each month.

Due to these facts, the council would specifically like to have suggestions on rapid arbitration methods. Such rapid arbitration methods could be utilized at the option of the aggrieved party in lieu of a contested case proceeding.

The energy policy council will hold a public hearing on the proposed rules at 7:30 p.m. on June 19, 1979, in the Fifth Floor Conference Room of the Henry A. Wallace Building, 900 East Grand Avenue, Des Moines, Iowa 50319. Any interested person may make a presentation on the proposed rules at that time. Any interested person may also submit written comments on the proposed rules to the Energy Policy Council, Capitol Complex, Des Moines, Iowa 50319, on or before June 29, 1979.

ITEM 1. Adopt the federal regulations on the operation of a state petroleum set-aside program by incorporating the following rule.

**380—3.1(93) General.** The federal petroleum set-aside program was established to offer states an opportunity to lessen hardship due to shortages or imbalances in the distribution of propane, middle distillate, motor gasoline and residual fuel oil (except as used by utilities or as bunker fuel for maritime shipping). Although the purpose of the federal petroleum set aside is to alleviate hardship of petroleum consumers and end-users, the principal mechanism for doing so is by releasing petroleum products to wholesalers who in turn release this petroleum product through normal distribution lines to those consumers or end-users in need. The policies and procedures set forth in 10CFR 205, subpart Q and 10CFR §211.17 are adopted by reference, as amended through January 1, 1979, in order for the council to utilize the federally prescribed set aside percentage for each class of petroleum product. This percentage set aside, as determined by federal department of energy public notice, as well as the total petroleum product within each class estimated to enter the state each month, will determine the total volume subject to these requirements.

ITEM 2. Adopt an appeal procedure for use in the state petroleum set aside program by incorporating the following rule.

**380—3.2(93) Appeals.** These rules establish, in accordance with the Iowa administrative procedure Act, the procedures for the filing of an administrative appeal of assignment and set aside orders issued by the director of energy policy or his designee. In all cases a sincere attempt shall be made by the director and any aggrieved parties to informally confer and resolve issues prior to scheduling an appeal.

**3.2(1) Review of appeal.** Appeals taken from the decision of the director shall be presented, heard and decided by a three-member state set aside appeal board. The council shall select the members of the board, who shall be public members of the energy policy council.

**3.2(2) Filing of appeal.** Any person aggrieved by a state set aside order may file with the director a written notice of appeal. Such notice shall be filed by mail or in person within fifteen days after the date the decision appealed from was mailed by the director or his designee. The director may temporarily suspend the running of the fifteen-day period if he finds additional information is necessary or that the appeal was improperly filed and that the interests of the appellant are furthered by such notice.

**3.2(3) Form of notice.** All notices of appeal shall be in writing and signed by the appellant; designate clearly on its face that it is an appeal; contain a concise statement of the grounds for appeal and the requested relief; and may be accompanied by any documents or briefs, if any, which pertain to the appeal. The appellant shall state whether he requests or intends to request that there be a conference with the director or an oral hearing regarding the appeal.

**3.2(4) Notice of appeal.** The notice of appeal when filed in person shall be considered filed on the date delivered to the director or his delegate or designee. A notice of appeal when filed by mail shall be considered filed on the date postmarked.

**3.2(5) Notice to affected third parties.** Whenever any such notice of appeal is filed, the director shall notify any third party who is reasonably identifiable as a person who will be affected by resolution of the appeal.

**3.2(6) Scheduling of oral hearing.** Upon written receipt of appeal and upon the receipt of the request for an oral hearing the director shall schedule an oral hearing within a reasonable period of time, taking into consideration the convenience with which all interested parties can attend and circumstances surrounding the appeal.

**3.2(7) Notice of oral hearing.** Upon the scheduling of a hearing on an appeal, the director shall mail a notice of hearing to the appellant and all third parties identifiable as being affected by resolution of the appeal at least ten days prior to the date of hearing, specifying the time and place of such hearing.

**3.2(8) Conduct of oral hearing.** All hearings shall be conducted informally and in such manner as to ascertain all the facts and full rights of the parties. The appellant and any third party may present such evidence as may be pertinent to the issues involved. The board may receive any evidence logically tending to prove or disprove a given fact in issue, including hearsay evidence and irrespective of common law rules of evidence. Where a party appears in person, the board may examine such party and his witnesses, if any, to such extent as it deems necessary. In all other particulars hearings shall be conducted in accordance with the provisions of the Iowa administrative procedures Act.

**3.2(9) Continuance of oral hearing.** For good cause shown, continuances and extensions of time for hearing

## ENERGY POLICY COUNCIL[380] (cont'd)

may be granted by the board's motion or upon request of the party or parties to the appeal.

**3.2(10)** Failure to appear at oral hearing. If a party fails to appear in a proceeding after proper service of notice, the presiding officer may, if no adjournment is granted, proceed with the hearing and make a decision in the absence of the party.

**3.2(11)** Petition for reopening the oral hearing. Any party who fails to appear at a hearing may within ten days thereafter petition for reopening of the hearing. Such petition shall be granted if it appears to the board that the petitioner has shown good cause for failure to attend.

**3.2(12)** Appeal hearing representation. An individual may appear in his own behalf or he may be represented by a designee or representative or by an attorney.

**3.2(13)** Decision of the Iowa set aside appeal board. Upon consideration of the appeal and other relevant information received or obtained during the proceeding, the board shall enter an appropriate order, which may include the modification of the order or interpretation that is the subject to the appeal.

The order shall include a written statement setting forth the relevant facts and the legal basis of the order. The order shall state that it is a final order of the council of which the appellant may seek judicial review.

The director shall send by registered mail a copy of the order to the appellant. In addition, any other person who participated in the proceeding and any other person readily identifiable as one who is affected by such order shall be notified by the director.

**3.2(14)** Denial through inaction. If the council fails to take action on an appeal within ten days of filing, the applicant may treat the application as having been denied in all respects and may seek judicial review thereof.

**3.2(15)** Inspection of decision. Copies of all decisions of the board shall be kept on file for at least five years from the date of decision and open for inspection in the council office. Such decisions and determinations shall be open to public inspection during normal business hours of any working day.

**ITEM 3.** Adopt a procedure for handling requests for confidential treatment of information used in the operation of the state petroleum set aside program by incorporating the following rule.

**380-3.3(93)** Requests for confidential treatment. If any person filing a document with the director claims that some or all the information contained in the document is exempt from the mandatory public disclosure requirements of the Freedom of Information Act (5 USC 552), is information referred in 18 USC 1905, is exempted from disclosure by Iowa Code chapter 68A, or is otherwise exempt by law from public disclosure, and if such person requests the director not to disclose such information, such person shall file together with the document a second copy of the document from which has been deleted the information for which such person wishes to claim confidential treatment. The person shall indicate in the original document that it is confidential information and may file a statement specifying the justification of non-disclosure of the information for which confidential treatment is claimed. If the person states that the information comes within the exception of 5 USC 552(b)(4) for trade secrets and commercial or financial information, such person shall include a statement specifying why such information is privileged

or confidential. If the person filing a document does not submit a second copy of the document with the confidential information deleted, the director may assume that there is no objection to public disclosure of the document in its entirety.

The director retains the right to make his own determination with regard to any claim of confidentiality. Notice of the decision by the director to deny such claim, in whole or in part, and an opportunity to respond shall be given to a person claiming confidentiality of information no less than five days prior to its public disclosure.

ARC 0292

## ENVIRONMENTAL QUALITY DEPARTMENT[400]

AIR QUALITY COMMISSION

### AMENDED NOTICE OF INTENDED ACTION

In the Notice of Intended Action concerning anaerobic lagoon distances, volumes, and loading rates, published in the Iowa Administrative Bulletin on chapter 4 of the Iowa Administrative Code, May 2, 1979, an inadvertent mistake stated that "any interested person may make a presentation on the proposed rules at any time". This section should read "any interested person may make a presentation on the proposed rules at that time".

ARC 0293

## ENVIRONMENTAL QUALITY DEPARTMENT[400]

WATER QUALITY COMMISSION

### AMENDED NOTICE OF INTENDED ACTION

Pursuant to the authority of 455B.32, Code of Iowa, 1979, the Water Quality Commission is amending a Notice of Intended Action that was published in the Iowa Administrative Bulletin on April 4, 1979, concerning construction grants for municipal sewage treatment works. [19.2(12)]

At the public hearing held on April 25, 1979, concerning the above notice of intended action, persons affected indicated that they needed additional time to submit written comments on these rules. They stated that the construction grant priority list would have to be published before affected persons could make relevant comments about the process. The public hearing on the priority list is set for June 27, 1979, therefore, the written comment period is being extended from May 7, 1979, to July 9, 1979. Any interested person may submit written comments through this date.

**ARC 0287****ENVIRONMENTAL QUALITY  
DEPARTMENT[400]****SOLID WASTE DISPOSAL COMMISSION  
NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of section 455B.78, Code of Iowa, 1979, the Solid Waste Disposal Commission intends to take action on the rules proposed below. The proposed rules relate to access to dumping sites.

The commission will hold a public hearing on the proposed rules at 10:00 a.m. on July 11, 1979, in the Fifth Floor Conference Room of the Henry A. Wallace Building, 900 E. Grand Avenue, Des Moines, Iowa. Any interested person may make an oral presentation at that time. Any interested person may also submit written comments on the proposed rules to the Executive Director, Department of Environmental Quality, Henry A. Wallace Building, 900 E. Grand Avenue, Des Moines, Iowa 50319 on or before July 24, 1979.

ITEM 1. Rescind all of subrule 26.6(2), paragraph "a", and insert in lieu thereof the following:

a. Access to the dump site shall be controlled as necessary to prevent further open dumping. Any gates shall be kept locked.

ITEM 2. Amend subrule 26.6(2), paragraph "b", to read as follows:

b. A permanent sign shall be posted at the dump entrance indicating that it is closed, specifying the penalty for unauthorized dumping, identifying the location of a permitted site and providing other pertinent information. *This requirement may be waived upon a showing to the department's satisfaction that the need for such a sign does not exist.*

**ARC 0288****ENVIRONMENTAL QUALITY[400]****SOLID WASTE DISPOSAL COMMISSION  
NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of section 455B.78, Code of Iowa, 1979, the Solid Waste Disposal Commission intends to take action on the rules proposed below. The proposed rules relate to permit applications.

The commission will hold a public hearing on the proposed rules at 10:00 a.m. on July 11, 1979, in the Fifth Floor Conference Room of the Henry A. Wallace Building, 900 E. Grand Avenue, Des Moines, Iowa. Any interested person may make an oral presentation at that time. Any interested person may also submit written comments on the proposed rules to the Executive Director, Department of Environmental Quality, Henry A. Wallace Building, 900 E. Grand Avenue, Des Moines, Iowa 50319 on or before July 24, 1979.

ITEM 1. Amend subrule 27.2(1), paragraph "a" to read as follows:

a. Applications for renewal to be timely filed must be received at the department's office at least ~~sixty~~ *ninety* days before the expiration date of the existing permit. For application forms, see 32.1(2).

ITEM 2. Subrule 27.2(2) is amended to read as follows:

**27.2(2) Temporary permit.** This permit is issued by the executive director under the authority of subsection 455B.82(1) of the Code for solid waste disposal sites which do not comply with the requirements of chapter 455B of the Code and these rules. ~~Such permits are nonrenewable, and shall not be issued for a term greater than one year. Such permits are issued for a term of one year, and are renewable. Temporary permits may be renewed if the executive director finds that the public interest will be best served by granting a renewal and the terms of the previous temporary permit have been complied with.~~

ITEM 3. Amend subrule 27.2(2), paragraph "a" to read as follows:

a. Temporary permits shall incorporate as a condition a compliance schedule specifying how and when the applicant will meet the requirements ~~for an operational sanitary disposal project of chapter 455B of the Code and these rules.~~

ITEM 4. Rescind all of rule 400—27.3(455B) and insert in lieu thereof the following:

**400—27.3(455B) Applications for permits.**

**27.3(1)** Application requirements for permits and renewals. See 32.1(455B).

**27.3(2)** Time limit on submittal of information.

a. Sanitary disposal project permit applications. If an application for a sanitary disposal project permit is found to be incomplete by the department, the applicant will be notified of that fact and of the specific deficiencies. Thirty days following such notification, the application may be returned by the department as incomplete without prejudice to the applicant's right to reapply. The applicant may be granted, upon request, an additional thirty days to complete the application.

b. Applications for renewal or amendment of a sanitary disposal project. If an application for a sanitary disposal project permit renewal or amendment is found to be incomplete by the department, the applicant will be notified of that fact and of the specific deficiencies. Thirty days following such notification, the application may be denied by the department.

**ARC 0289****ENVIRONMENTAL QUALITY[400]****SOLID WASTE DISPOSAL COMMISSION  
NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of section 455B.78, Code of Iowa, 1979, the Solid Waste Disposal Commission intends to take action on the rules proposed below.

The commission will hold a public hearing on the proposed rules at 10:00 a.m. on July 11, 1979, in the Fifth Floor Conference Room of the Henry A. Wallace Building, 900 E. Grand Avenue, Des Moines, Iowa. Any interested person may make an oral presentation at that time. Any interested person may also submit written comments on the proposed rules to the Executive Director, Department of Environmental Quality, Henry A. Wallace Building, 900 E. Grand Avenue, Des Moines, Iowa 50319 on or before July 24, 1979.

ITEM 1. Amend subrule 28.2(2), paragraph "c" to read as follows:

c. Telephone or other communication facilities shall be available on the site *unless the applicant demonstrates to the department that, on the basis of the characteristics of the waste to be handled at the site, the hours of operation and the restricted access of the public to the site, such facilities are unnecessary.*

ITEM 2. Amend subrule 28.2(2), paragraph "d" to read as follows:

d. Sanitary facilities, personnel washing facilities and potable water shall be available within a shelter on the site *unless the applicant demonstrates to the department that, on the basis of the characteristics of the waste to be handled at the site and the times of operation of the site, such facilities are unnecessary.*

ITEM 3. Rescind all of subrule 28.2(2), paragraph "e" and insert in lieu thereof the following:

e. *Access to the site shall be restricted and a gate shall be provided at the entrance to the site and kept locked when an attendant or operator is not on duty.*

ITEM 4. Amend subrule 28.2(2), paragraph "f" to read as follows:

f. A copy of the permit, engineering plans and reports shall be kept at the site at all times *unless the applicant demonstrates to the department that, on the basis of the characteristics of the waste to be handled at the site and the times of operation of the site, such is unnecessary.*

ITEM 5. Subrule 28.2(2) is amended by relettering the present paragraph "i" as "j" and relettering the subsequent paragraphs in successive order and by adding a new paragraph 28.2(2)"i" as follows:

i. *Provision shall be made for an all-weather fill area which is accessible for solid waste disposal during adverse weather conditions. Such all-weather areas shall be operated at all times in accordance with chapter 455B of the Code and these rules.*

ITEM 6. Amend subrule 28.2(2) by adding the following new paragraphs "r" and "s".

r. *Each sanitary landfill shall be staked as necessary and inspected semiannually by a professional engineer registered in Iowa. A brief report by the engineer indicating areas of conformance or nonconformance with the approved plans and specifications shall be submitted to the department by the permit holder within thirty days of the inspections.*

s. *If any sand pockets, seams or layers are encountered at the sanitary landfill, the permit holder shall promptly notify the department and shall insure that a professional engineer registered in Iowa has certified that all sands encountered were totally excavated or sealed off properly before solid waste is disposed in that area of the site.*

**ARC 0258****HEALTH DEPARTMENT[470]****BOARD OF PHYSICAL THERAPY EXAMINERS  
NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The board of physical therapy examiners, pursuant to the authority of section 147.76 of the Code, proposes to adopt the following new subrule relating to public notice.

Any person, governmental agency or association may submit written comments to Peter J. Fox, Hearing Officer, State Department of Health, Lucas State Office Building, Des Moines, Iowa 50319 not later than 4:30 p.m., July 2, 1979.

Amend rule 470—137.2(147) by adding the following new subrule:

137.2(6) Persons desiring information concerning the time and place of meetings of the board of physical therapy examiners or other information should write to the Division of Licensure and Certification, Iowa State Department of Health, Lucas State Office Building, Des Moines, Iowa 50319.

This subrule is intended to implement section 147.76 of the Code.

**ARC 0256****HEALTH DEPARTMENT[470]****BOARD OF PHYSICAL THERAPY EXAMINERS  
NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of section 28A.7 of the Code, the board of physical therapy examiners proposes to adopt the following rule relating to use of cameras and recording devices at open meetings.

## HEALTH DEPARTMENT[470] (cont'd)

Any person, governmental agency or association may submit written comments to Peter J. Fox, Hearing Officer, State Department of Health, Lucas State Office Building, Des Moines, Iowa 50319 not later than 4:30 p.m., July 2, 1979.

PROCEDURES FOR USE OF CAMERAS  
AND RECORDING DEVICES  
AT OPEN MEETINGS

**470—138.300(28A) Conduct of persons attending meetings.**

**138.300(1)** The person presiding at a meeting of the board may exclude a person from an open meeting for behavior that obstructs the meeting.

**138.300(2)** Cameras and recording devices may be used at open meetings provided they do not obstruct the meeting. If the user of a camera or recording device obstructs the meeting by the use of such device, the person presiding may request the person to discontinue use of the camera or device. If the person persists in use of the device or camera, that person shall be ordered excluded from the meeting by order of the board member presiding at the meeting.

These rules are intended to implement section 28A.7 of the Code.

**ARC 0257**

**HEALTH DEPARTMENT[470]**

BOARD OF PSYCHOLOGY EXAMINERS  
NOTICE OF INTENDED ACTION

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of section 28A.7 of the Code, the board of psychology examiners proposes to adopt the following rule relating to use of cameras and recording devices at open meetings.

Any person, governmental agency or association may submit written comments to Peter J. Fox, Hearing Officer, State Department of Health, Lucas State Office Building, Des Moines, Iowa 50319 not later than 4:30 p.m., July 2, 1979.

PROCEDURES FOR USE OF CAMERAS  
AND RECORDING DEVICES  
AT OPEN MEETINGS

**470—140.300(28A) Conduct of persons attending meetings.**

**140.300(1)** The person presiding at a meeting of the board may exclude a person from an open meeting for behavior that obstructs the meeting.

**140.300(2)** Cameras and recording devices may be used at open meetings provided they do not obstruct the meeting. If the user of a camera or recording device obstructs the meeting by the use of such device, the person presiding may request the person to discontinue use of the camera or device. If the person persists in use of the device or camera, that person shall be ordered excluded from the meeting by order of the board member presiding at the meeting.

These rules are intended to implement section 28A.7 of the Code.

**ARC 0255**

**HEALTH DEPARTMENT[470]**

BOARD OF OPTOMETRY EXAMINERS  
NOTICE OF INTENDED ACTION

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of section 28A.7 of the Code, the board of optometry examiners proposes to adopt the following rule relating to use of cameras and recording devices at open meetings.

Any person, governmental agency or association may submit written comments to Peter J. Fox, Hearing Officer, State Department of Health, Lucas State Office Building, Des Moines, Iowa 50319 not later than 4:30 p.m., July 2, 1979.

PROCEDURES FOR USE OF CAMERAS  
AND RECORDING DEVICES  
AT OPEN MEETINGS

**470—144.300(28A) Conduct of persons attending meetings.**

**144.300(1)** The person presiding at a meeting of the board may exclude a person from an open meeting for behavior that obstructs the meeting.

**144.300(2)** Cameras and recording devices may be used at open meetings provided they do not obstruct the meeting. If the user of a camera or recording device obstructs the meeting by the use of such device, the person presiding may request the person to discontinue use of the camera or device. If the person persists in use of the device or camera, that person shall be ordered excluded from the meeting by order of the board member presiding at the meeting.

These rules are intended to implement section 28A.7 of the Code.

**ARC 0262****MERIT EMPLOYMENT  
DEPARTMENT[570]****NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Iowa Merit Employment Department, pursuant to the authority of section 19A.9 of the Code, proposes to amend chapters 12 and 15 of their rules appearing in the IAC relating to appeals.

Interested persons may submit their view in writing to W. L. Keating, Director, Iowa Merit Employment Department, Grimes State Office Building, East Fourteenth Street and Grand Avenue, Des Moines, Iowa 50319 no later than June 20, 1979.

ITEM 1. Chapter 12 is amended by adding a new rule as follows:

**570—12.11(19A) Proposed decision.** When fewer than three commission members attend and hear an appeal under chapter 12 of these rules, the decision of these members shall be considered to be a "proposed decision". This proposed decision shall be sent by registered mail to the parties to the appeal and by regular mail to all commission members. The proposed decision will then be placed on the agenda for the next commission meeting. "Appeal to or review on motion", if any, will be considered before final decision by the commission is made.

ITEM 2. Rule 15.3(19A), Step 4 is amended by adding a second paragraph as follows:

When fewer than three commission members attend and hear a grievance appeal under chapter 15 of these rules, the decision of these members shall be considered to be a "proposed decision". This proposed decision shall be sent by registered mail to the parties to the grievance appeal and by regular mail to all commission members. The proposed decision will then be placed on the agenda for the next commission meeting. "Appeal to or review on motion", if any, will be considered before final decision by the commission is made.

**ARC 0281****PHARMACY EXAMINERS[620]****NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of section 155.19 of the Code of Iowa, the Board of Pharmacy Examiners proposes to amend the following rules relating to internship training.

Any interested party may submit data, views and arguments in writing on this proposed rule on or before June

20, 1979, to Norman C. Johnson, Executive Secretary, Board of Pharmacy Examiners, 217 Jewett Building, Des Moines, Iowa 50319.

ITEM 1. Subrule 3.6(5) is amended to read as follows:

**3.6(5)** Upon registration and payment of ten dollars, interns will be furnished all necessary reporting forms and such other records prescribed by the board. Interns and preceptors will be furnished a copy of the "Guide for Preceptors and Interns" sponsored by the National Association of Boards of Pharmacy and the American Association of Colleges of Pharmacy. The guide is furnished to suggest appropriate types, scope and order of training experiences. It is not intended to be restrictive in the method of instruction, but shall be used as a guide to insure that the intern's practical experiences are commensurate with his educational level, and that his total experience will be broad in scope.

ITEM 2. Rescind all of subrule 3.6(6).

**ARC 0279****PHARMACY EXAMINERS[620]****NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of sections 155.19 and 258A.10 of the Code of Iowa, the Board of Pharmacy Examiners proposes to amend the following rules:

Any interested party may submit data, views and arguments in writing on this proposed rule on or before June 30, 1979, to Norman C. Johnson, Executive Secretary, Board of Pharmacy Examiners, 217 Jewett Building, Des Moines, Iowa 50319.

ITEM 1. Rescind all of rule 620—6.2(155).

ITEM 2. Rescind all of subrule 6.8(7).

**ARC 0280****PHARMACY EXAMINERS[620]****NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of section 204.301 of the Code of Iowa, the Board of Pharmacy Examiners proposes to amend the following rule relating to controlled substances.

Any interested party may submit data, views and arguments in writing on this proposed rule on or before June 20, 1979, to Norman C. Johnson, Executive Secretary, Board of Pharmacy Examiners, 217 Jewett Building, Des Moines, Iowa 50319.

Rescind all of rule 620—8.14(204).

**ARC 0269****SOCIAL SERVICES  
DEPARTMENT[770]****NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The department of social services, under authority of section 239.18 of the Code, proposes the adoption of the following rules relating to aid to dependent children.

Consideration will be given to written data, views, or arguments thereto, received by the ACT Unit, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319 on or before June 22, 1979.

Pursuant to the authority of section 239.18 of the Code, rules of the department of social services appearing in the IAC relating to aid to dependent children (chapter 41) are hereby amended.

**ITEM 1.** Subrules 41.2(4) and 41.2(5) are rescinded and the following inserted in lieu thereof:

**41.2(4) Liability of relatives.** All appropriate steps shall be taken to secure support from legally liable persons on behalf of all persons in the eligible group, including the establishment of paternity.

a. When necessary to establish eligibility, the local office shall make the initial contact with the absent parent at the time of application. Subsequent contacts shall be made by the child support recovery unit.

b. When contact with the aid to dependent children family or other sources of information indicates that relatives other than parents and spouses of the eligible children are contributing toward the support of members of the eligible group, have contributed in the past, or are of such financial standing they might reasonably be expected to contribute, the local office shall contact such persons to verify current contributions or arrange for contributions on a voluntary basis.

**41.2(5) Referral to child support recovery unit.** The local office shall provide prompt notice to the child support recovery unit whenever assistance is furnished with respect to a child whose eligibility is based on the continued absence of a parent from the home or when any member of the eligible group is entitled to support payments.

"Prompt notice" means within two working days of the date assistance is approved.

**41.2(6) Co-operation in obtaining support.** Each applicant for or recipient of aid to dependent children shall co-operate with the department in establishing paternity and securing support for persons whose needs are included in the assistance grant, except when good cause as defined in 41.2(8) for refusal to co-operate is established.

a. The applicant or recipient shall co-operate in the following areas:

(1) Identifying and locating the parent of the child for whom aid is claimed.

(2) Establishing the paternity of a child born out of wedlock for whom aid is claimed.

(3) Obtaining support payments for the applicant or recipient and for a child for whom aid is claimed.

(4) Obtaining any other payments or property due the applicant, recipient, or child.

b. Co-operation is defined as including the following actions by the applicant or recipient:

(1) Appearing at the local office or the child support recovery unit to provide verbal or written information or documentary evidence known to, possessed by, or reasonably obtained by the applicant or recipient that is relevant to achieving the objectives of the child support recovery program.

(2) Appearing as a witness at judicial or other hearings or proceedings.

(3) Providing information, or attesting to the lack of information, under penalty or perjury.

(4) Paying to the department any support payments received after the application for assistance has been approved.

c. The applicant or recipient shall co-operate with the local office in supplying information with respect to the absent parent, the receipt of support, and the establishment of paternity, to the extent necessary to establish eligibility for assistance and permit an appropriate referral to the child support recovery unit.

d. The applicant or recipient shall co-operate with the child support recovery unit to the extent of supplying all known information and documents pertaining to the location of the absent parent and taking such action as may be necessary to secure support payments or establish paternity.

e. The income maintenance unit in the local office shall make the determination of whether or not the client has co-operated.

f. Failure to co-operate shall result in the individual's need being removed from the grant and a protective payee established.

**41.2(7) Assignment of support payments.** Each applicant for or recipient of assistance shall assign to the department any rights to support from any other person as such applicant or recipient may have in such applicant or recipient's own behalf or in behalf of any other family member for whom the applicant or recipient is applying for or receiving assistance and which have accrued at the time such assignment is executed.

a. Any applicant or recipient living in one of the following classifications in the home with the child on whose behalf an application is made or assistance is received is required to complete the assignment forms and take whatever action is necessary to assign support payments being received or anticipated on behalf of the child or the caretaker of the child:

(1) The parent.

(2) The stepparent when the needs of the parent or stepparent are included in the assistance grant.

(3) The stepparent when the income of the parent is retained by the parent to meet the needs of such parent or is diverted to meet the needs of the stepparent or the needs of the dependents of the parent or stepparent who are ineligible for assistance.

(4) The nonparental relative who acts as the applicant, recipient, or payee for the assistance grant.

(5) The spouse of the foregoing nonparental relative payee when such payee's needs are included in the assistance grant.

b. All applicants and recipients shall complete the general assignment contained in the Application for Aid to Dependent Children, PA-2207-0.



## SOCIAL SERVICES DEPARTMENT[770] (cont'd)

(1) Such assignment shall be completed prior to the date the local office reaches a decision on eligibility.

(2) Such assignment is effective the same date the local office reaches a decision on eligibility and is effective for the entire period for which assistance is paid.

c. In all cases where eligibility is based on the absence of a parent legally responsible for the support of the eligible child, the applicant or recipient shall complete the Assignment of Support Payments, CS-3101-5. This form is a specific assignment of an interest in support payments covered by an existing court order, or, when there is no such order, to assign any voluntary or court ordered support payments that may be developed by the child support recovery unit after the date of the assignment.

(1) Such assignment shall be completed no later than the date support payments are initially due to be submitted to the department.

(2) Such assignment is effective the same date the assistance grant becomes effective for an application, or the first day of the calendar month following its completion for an ongoing case.

d. When the general assignment and the specific assignment, when appropriate, are not completed, the needs of the applicant or recipient shall be excluded from the assistance grant and a protective payee arrangement established.

e. When the assistance grant is canceled, the local office shall submit appropriate notice to the clerk of court to terminate the assignment.

**41.2(8)** Good cause for refusal to co-operate. Good cause shall exist when it is determined that co-operation in establishing paternity and securing support is against the best interests of the child.

a. The local office shall determine that co-operation is against the child's best interest when the applicant's or recipient's co-operation in establishing paternity or securing support is reasonably anticipated to result in:

(1) Physical harm to the child for whom support is to be sought; or

(2) Emotional harm to the child for whom support is to be sought; or

(3) Physical harm to the parent or caretaker relative with whom the child is living which reduces such person's capacity to care for the child adequately, or

(4) Emotional harm to the parent or caretaker relative with whom the child is living of such nature or degree that it reduces such person's capacity to care for the child adequately.

b. The local office shall determine that co-operation is against the child's best interest when at least one of the following circumstances exists, and the local office believes that because of the existence of that circumstance, in the particular case, proceeding to establish paternity or secure support would be detrimental to the child for whom support would be sought.

(1) The child for whom support is sought was conceived as a result of incest or forcible rape.

(2) Legal proceedings for the adoption of the child are pending before a court of competent jurisdiction.

(3) The applicant or recipient is currently being assisted by a public or licensed private social agency to resolve the issue of whether to keep the child or relinquish such child for adoption, and the discussions have not gone on for more than three months.

c. Physical harm and emotional harm shall be of a serious nature in order to justify a finding of good cause.

A finding of good cause for emotional harm shall be based only upon a demonstration of an emotional impairment that substantially affects the individual's functioning.

d. When the good cause determination is based in whole or in part upon the anticipation of emotional harm to the child, the parent, or the caretaker relative, the following shall be considered:

(1) The present emotional state of the individual subject to emotional harm.

(2) The emotional health history of the individual subject to emotional harm.

(3) Intensity and probable duration of the emotional impairment.

(4) The degree of co-operation required.

(5) The extent of involvement of the child in the paternity establishment or support enforcement activity to be undertaken.

**41.2(9)** Claiming good cause. Each applicant for or recipient of aid to dependent children shall have the opportunity to claim good cause for refusing to co-operate in establishing paternity or securing support payments.

a. Prior to requiring co-operation, the local office shall notify the applicant or recipient of the right to claim good cause as an exception to the co-operation requirement and of all the requirements applicable to a good cause determination. The notice shall be in writing. One copy shall be given to the applicant or recipient and one copy shall be signed by the applicant or recipient and the worker and filed in the case record.

b. The initial notice advising of the right to refuse to co-operate for good cause shall:

(1) Advise the applicant or recipient of the potential benefits the child may derive from the establishment of paternity and securing support.

(2) Advise the applicant or recipient that by law co-operation in establishing paternity and securing support is a condition of eligibility for aid to dependent children.

(3) Advise the applicant or recipient of the sanctions provided for refusal to co-operate without good cause.

(4) Advise the applicant or recipient that good cause for refusal to co-operate may be claimed; and that if the local office determines, in accordance with these rules, that there is good cause, the applicant or recipient will be excused from the co-operation requirement.

(5) Advise the applicant or recipient that upon request, or following a claim of good cause, the local office will provide further notice with additional details concerning good cause.

c. When the applicant or recipient makes a claim of good cause or requests additional information regarding the right to file a claim of good cause, the local office shall issue a second notice which:

(1) Indicates that the applicant or recipient must provide corroborative evidence of a good cause circumstance and must, when requested, furnish sufficient information to permit the local office to investigate the circumstances.

(2) Informs the applicant or recipient that, upon request, the local office will provide reasonable assistance in obtaining the corroborative evidence.

(3) Informs the applicant or recipient that on the basis of the corroborative evidence supplied and the agency's investigation when necessary, the local office will determine whether co-operation would be against the best interest of the child for whom support would be sought.

(4) Lists the circumstances under which co-operation may be determined to be against the best interests of the child.

## SOCIAL SERVICES DEPARTMENT[770] (cont'd)

(5) Informs the applicant or recipient that the child support recovery unit may review the local office's findings and basis for a good cause determination and may participate in any hearings concerning the issue of good cause.

(6) Informs the applicant or recipient that the child support recovery unit may attempt to establish paternity and collect support in those cases where the local office determines that this can be done without risk to the applicant or recipient if done without the applicant's or recipient's participation.

d. The applicant or recipient who refuses to co-operate and who claims to have good cause for refusing to co-operate has the burden of establishing the existence of a good cause circumstance. Failure to meet these requirements shall constitute a sufficient basis for the local office to determine that good cause does not exist. The applicant or recipient shall:

(1) Specify the circumstances that the applicant or recipient believes provide sufficient good cause for not co-operating.

(2) Corroborate the good cause circumstances.

(3) When requested, provide sufficient information to permit an investigation.

**41.2(10)** Determination of good cause. The local office shall determine whether good cause exists for each applicant for or recipient of aid to dependent children who claims to have good cause.

a. The applicant or recipient shall be notified by the local office of its determination that good cause does or does not exist. Such determination shall:

(1) Be in writing.

(2) Contain the local office's findings and basis for determination.

(3) Be entered in the aid to dependent children case record.

b. The determination of whether or not good cause exists shall be made within forty-five days from the day the good cause claim is made. The local office may exceed this time standard only when:

(1) The case record documents that the office needs additional time because the information required to verify the claim cannot be obtained within the time standard, or

(2) The case record documents that the claimant did not provide corroborative evidence within the time period set forth in 41.2(11).

c. When the local determines that good cause does not exist:

(1) The applicant or recipient will be so notified and afforded an opportunity to co-operate, withdraw the application for assistance, or have the case closed; and

(2) Continued refusal to co-operate will result in the imposition of sanctions.

d. The local office shall make a good cause determination based on the corroborative evidence supplied by the applicant or recipient only after it has examined the evidence and found that it actually verifies the good cause claim.

e. Prior to making a final determination of good cause for refusing to co-operate, the local office shall:

(1) Afford the child support recovery unit the opportunity to review and comment on the findings and basis for the proposed determination, and

(2) Consider any recommendation from the child support recovery unit.

f. The child support recovery unit may participate in any appeal hearing that results from an applicant's or

recipient's appeal of an agency action with respect to a decision on a claim of good cause.

g. Assistance shall not be denied, delayed, or discontinued pending a determination of good cause for refusal to co-operate when the applicant or recipient has specified the circumstances under which good cause can be claimed and provided the corroborative evidence and any additional information needed to establish good cause.

h. The local office shall:

(1) Periodically, but not less frequently than at each redetermination of eligibility, review those cases in which the agency has determined that good cause exists based on a circumstance that is subject to change.

(2) When it determines that circumstances have changed so that good cause no longer exists, rescind its findings and proceed to enforce the requirements pertaining to co-operation in establishing paternity and securing support.

**41.2(11)** Proof of good cause. The applicant or recipient who claims good cause shall provide corroborative evidence within twenty days from the day the claim was made. In exceptional cases where the local office determines the applicant or recipient requires additional time because of the difficulty in obtaining the corroborative evidence, the local office shall allow a reasonable additional period of time upon approval by the worker's immediate supervisor.

a. A good cause claim may be corroborated with the following types of evidence.

(1) Birth certificates or medical or law enforcement records which indicate that the child was conceived as the result of incest or forcible rape.

(2) Court documents or other records which indicate that legal proceedings for adoption are pending before a court of competent jurisdiction.

(3) Court, medical, criminal, child protective services, social services, psychological, or law enforcement records which indicate that the putative father or absent parent might inflict physical or emotional harm on the child or caretaker relative.

(4) Medical records which indicate emotional health history and present emotional health status of the caretaker relative or the child for whom support would be sought; or written statements from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of the caretaker relative or the child for whom support would be sought.

(5) A written statement from a public or licensed private social agency that the applicant or recipient is being assisted by the agency to resolve the issue of whether to keep the child or relinquish the child for adoption.

(6) Sworn statements from individuals other than the applicant or recipient with knowledge of the circumstances which provide the basis for the good cause claim.

b. When, after examining the corroborative evidence submitted by the applicant or recipient, the local office wishes to request additional corroborative evidence which is needed to permit a good cause determination, the local office shall:

(1) Promptly notify the applicant or recipient that additional corroborative evidence is needed, and

(2) Specify the type of document which is needed.

c. When the applicant or recipient requests assistance in securing evidence, the local office shall:

(1) Advise the applicant or recipient how to obtain the necessary documents, and

(2) Make a reasonable effort to obtain any specific documents which the applicant or recipient is not reasonably able to obtain without assistance.

## SOCIAL SERVICES DEPARTMENT[770] (cont'd)

d. When a claim is based on the applicant's or recipient's anticipation of physical harm and corroborative evidence is not submitted in support of the claim:

(1) The local office will investigate the good cause claim when the office believes that the claim is credible without corroborative evidence and corroborative evidence is not available.

(2) Good cause will be found when the claimant's statement and the investigation which is conducted satisfy the office that the applicant or recipient has good cause for refusing to co-operate.

(3) A determination that good cause exists will be reviewed and approved or disapproved by the worker's immediate supervisor and the findings will be recorded in the case record.

e. The local office may further verify the good cause claim when the applicant's or recipient's statement of the claim together with the corroborative evidence do not provide sufficient basis for making a determination. When the local office determines that it is necessary, it may conduct an investigation of good cause claims to determine that good cause does nor does not exist.

f. When it conducts an investigation of a good cause claim, the local office will:

(1) Contact the absent parent or putative father from whom support would be sought when such contact is determined to be necessary to establish the good cause claim.

(2) Prior to making such necessary contact, notify the applicant or recipient so the applicant or recipient may present additional corroborative evidence or information so that contact with the parent or putative father becomes unnecessary, withdraw the application for assistance or have the case closed, or have the good cause claim denied.

**41.2(12)** Enforcement without caretaker's cooperation. When the local office makes a determination that good cause exists, it shall also make a determination of whether or not child support enforcement can proceed without risk of harm to the child or caretaker relative when the enforcement or collection activities do not involve their participation.

a. Prior to making such determination, the child support recover unit shall have an opportunity to review and comment on the findings and basis for the proposed determination and the local office shall consider any recommendation from the unit.

b. The determination shall be in writing, contain the local office's findings and basis for determination, and be entered into the aid to dependent children case record.

c. When the local office excuses co-operation but determines that the child support recovery unit may proceed to establish paternity or enforce support, it will notify the applicant or recipient to enable such individual to withdraw the application for assistance or have the case closed.

ITEM 2. Subrule 41.2(6) and subrule 41.2(6), paragraph "a", are amended to read as follows:

~~41.2(6)~~ **41.2(18)** Furnishing of social security number. As a condition of eligibility each applicant for or recipient of and all members of the eligible group must furnish a social security account number or proof of application for such number if it has not been issued or is not known and provide the number upon its receipt. Such requirement shall not apply to a payee who is not a member of the eligible group.

a. Assistance shall not be denied, delayed, or discontinued pending the issuance or verification of such numbers when the applicant or recipient has complied with the requirements of ~~41.2(6)~~ **41.2(18)**.

ARC 0271

SOCIAL SERVICES  
DEPARTMENT[770]

## NOTICE OF INTENDED ACTION

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The department of social services, under authority of section 239.18 of the Code, proposes the adoption of the following rules relating to aid to dependent children.

Consideration will be given to written data, views, or arguments thereto, received by the ACT Unit, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319 on or before June 22, 1979.

Pursuant to the authority of section 239.18 of the Code, rules of the department of social services appearing in the IAC relating to aid to dependent children (chapter 41) are hereby amended.

ITEM 1. Subrule 41.7(4), paragraph "i", is amended to read as follows:

i. When a member of the eligible group is a beneficiary of a trust or conservatorship, except a trust or conservatorship set up for medical expenses, which when added to other real and personal reserves exceeds resource limitations, such person shall present a petition to the court requesting release of the funds to help meet current basic or special needs. Payments received from the trust or conservatorship for basic or special needs are considered income.

ITEM 2. Subrule 41.8(3), paragraph "a", is amended to read as follows:

a. Property repair. When the department agrees that repairs or improvements exceeding \$10 \$25 are necessary to make or keep the recipient's homestead habitable, an allowance shall be approved.

ARC 0270

SOCIAL SERVICES  
DEPARTMENT[770]

## NOTICE OF INTENDED ACTION

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The department of social services, under authority of section 249A.4 of the Code, proposes the adoption of the following rules relating to medical assistance.

## SOCIAL SERVICES DEPARTMENT[770] (cont'd)

Consideration will be given to written data, views, or arguments thereto, received by the ACT Unit, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319 on or before June 22, 1979.

Pursuant to the authority of section 249A.4 of the Code, rules of the department of social services appearing in the IAC relating to medical assistance (chapter 75) are hereby amended.

Subrule 75.1(8) is amended to read as follows:

**75.1(8)** Former aid to dependent children recipients. ~~Medical assistance will be~~ *Up to four months extended medical assistance coverage is available to former recipients of aid to dependent children as described in subrule 75.1(1) when ineligibility is caused by a family is ineligible solely because of increased income from employment. Such recipients must have received assistance aid to dependent children benefits during at least three of the six months immediately preceding the month in which ineligibility occurred and at least one member, although not necessarily the same member, must continue to be employed during the period of extended medical coverage. Medical assistance will continue for a period of four calendar months beginning with the month in which ineligibility occurred. The four months medical coverage begins the day following termination of aid to dependent children benefits. When ineligibility is determined to occur retroactively, the extended medical coverage begins with the first month in which aid to dependent children assistance was erroneously paid.*

## ARC 0264

SOCIAL SERVICES  
DEPARTMENT[770]

## NOTICE OF INTENDED ACTION

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The department of social services, under authority of section 249A.4 of the Code, proposes the adoption of the following rules relating to medical assistance.

Consideration will be given to written data, views, or arguments thereto, received by the ACT Unit, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319 on or before June 22, 1979.

Pursuant to the authority of section 249A.4 of the Code, rules of the department of social services appearing in the IAC relating to medical assistance (chapter 78) are hereby amended.

ITEM 1. Rule 770—78.12(249A) is amended to read as follows:

**770—78.12(249A)** **Skilled nursing homes.** Payment will be approved for care in skilled nursing homes providing skilled nursing care is medically necessitated by the recipient's condition. ~~The definition of "skilled nursing care" is identical to that in effect for extended care beneficiaries in the Medicare program.~~ There are no limitations on the amount of care for which payment will be approved

so long as skilled nursing care as defined above is medically necessary. Payment will be approved for multiple bed or ward accommodations. No payment will be approved for a private room.

ITEM 2. Subrules 78.12(2) and 78.12(3) are rescinded and the following inserted in lieu thereof.

**78.12(2)** The Iowa foundation for medical care shall be responsible for reviews of the need for continued stay in skilled nursing homes.

**78.12(3)** The medical necessity for skilled nursing care shall be determined by the Iowa foundation for medical care.

## ARC 0265

SOCIAL SERVICES  
DEPARTMENT[770]

## NOTICE OF INTENDED ACTION

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The department of social services, under authority of section 249A.4 of the Code, proposes the adoption of the following rules relating to medical assistance.

Consideration will be given to written data, views, or arguments thereto, received by the ACT Unit, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319 on or before June 22, 1979.

Pursuant to the authority of section 249A.4 of the Code, rules of the department of social services appearing in the IAC relating to medical assistance (chapter 80) are hereby amended.

ITEM 1. Subrule 80.5(1) is amended to read as follows:

**80.5(1)** Identification cards. A medical identification card shall be issued to recipients for use in securing medical and health services available under the program. The cards are issued by the department on a monthly basis and are valid only for the month of issuance. *Payment will be made for services provided an ineligible recipient when verification establishes that the recipient was issued a medical identification card for the month in which the service was provided.*

ITEM 2. Subrule **80.5(3)** paragraphs "a", "c" and "d" are rescinded and the following inserted in lieu thereof:

a. Any income committed for the current month's maintenance expense of the recipient or noninstitutionalized ineligible spouse and dependent children in the home during the month of entry is not applied against the cost of care.

c. Ongoing client participation shall be determined in accordance with rule 770—75.5(249A).

**ARC 0267****SOCIAL SERVICES  
DEPARTMENT[770]****NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The department of social services, under authority of section 249A.4 of the Code, proposes the adoption of the following rules relating to intermediate care facilities.

Consideration will be given to written data, views, or arguments thereto, received by the ACT Unit, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319 on or before June 22, 1979.

Pursuant to the authority of section 249A.4 of the Code, rules of the department of social services appearing in the IAC relating to intermediate care facilities (chapter 81) are hereby amended.

ITEM 1. Rule 770—81.3(249A) is rescinded and the following inserted in lieu thereof:

**770—81.3(249A) Initial approval for intermediate care facility care.** Payment will be made for intermediate care facility care only upon certification of the need for such level of care by a licensed physician of medicine or osteopathy and approval by the Iowa foundation for medical care.

This rule is intended to implement sections 249A.2(6) and 249A.3(2)"a" of the Code.

ITEM 2. Rule 770—81.7(249A) is rescinded and the following inserted in lieu thereof:

**770—81.7(249A) Continued stay review.** The Iowa foundation for medical care shall be responsible for reviews for need of continued care in intermediate care facilities.

This rule is intended to implement sections 249A.2(6) and 249A.3(2)"a" of the Code.

ITEM 3. Rule 770—81.8(249A) is rescinded and the following inserted in lieu thereof.

**770—81.8(249A) Quality of care review.** The Iowa foundation for medical care shall be responsible for quality of care studies in intermediate care facilities.

This rule is intended to implement sections 249A.2(6) and 249A.3(2)"a" of the Code.

ITEM 4. Subrule 81.10(3) is rescinded and the following inserted in lieu thereof:

**81.10(3) Determination of client participation.** All resident income, determined in accordance with 770—75.5(249A), above \$25 per month allow for personal needs shall be applied to the cost of nursing care.

a. Residents in the following situations shall apply income toward the cost of care beginning with the first month of admission in the following circumstances:

(1) Residents leaving the facility for the purpose of hospitalization or skilled care who remain on the medical assistance program and later return to the facility.

(2) Persons eligible for medical assistance transferring from residential care to intermediate care.

(3) Residents changing from private pay status to

medical assistance status while residing in an intermediate care facility.

(4) Residents transferring from an intermediate care facility, in-state or out-of-state, to an Iowa intermediate care facility.

b. Residents moving from an independent living arrangement to an intermediate care facility may retain enough first month income to meet the maintenance or living expenses connected with the previous living arrangement. In such cases the department shall determine how much of the resident's income is available for first month client participation.

ITEM 5. Subrule 81.10(4), paragraph "d", is amended to read as follows:

d. Payment will be approved for periods the resident is absent overnight for purpose of visitation or vacation. The facility will be paid to hold the bed for a period not to exceed ~~twelve~~ *eighteen* days in any calendar year *unless prior approval has been obtained from the department for additional days. Requests for additional days shall be based upon a recommendation by the resident's physician in the plan of care that additional days would be rehabilitative.*

ITEM 6. Subrule 81.13(14) is amended to read as follows:

**81.13(14) Physician's certification and recertification.** The facility shall maintain policies and procedures to assure that each resident's health care is under the continuing supervision of a physician who sees the resident as needed ~~and in no case less often than every sixty days, unless justified otherwise and documented by the attending physician.~~

a. The resident shall be admitted only upon the recommendation of a physician and the overall plan of care based upon the attending physicians orders shall be reviewed and revised in consultation with the health care supervisor at intervals appropriate to the needs of the resident ~~but at least every sixty days.~~

b. ~~For an alternative schedule of visits, there shall be documented medical justification by the attending physician stating that it is not medically necessary to visit the resident every sixty days. The justification shall indicate the intended intervals between visits.~~

**ARC 0266****SOCIAL SERVICES  
DEPARTMENT[770]****NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The department of social services, under authority of section 249A.4 of the Code, proposes the adoption of the following rules relating to intermediate care facilities for the mentally retarded.

Consideration will be given to written data, views, or arguments thereto, received by the ACT Unit, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319 on or before June 22, 1979.

## SOCIAL SERVICES DEPARTMENT[770] (cont'd)

Pursuant to the authority of section 249A.4 of the Code, rules of the department of social services appearing in the IAC relating to intermediate care facilities for the mentally retarded (chapter 82) are hereby amended.

ITEM 1. Subrule 82.2(45) is rescinded.

ITEM 2. Subrule 82.3(1), paragraphs "k" and "m" are amended to read as follows:

k. The department of health shall notify the applicant of deficiencies with respect to current ~~and 1977~~ standards, and shall ask for plans of correction to remedy current deficiencies and achieve full compliance ~~by March 18, 1977~~.

m. The facility shall submit a plan of correction to achieve full compliance ~~by March 18, 1977~~ within ninety days of the notification of deficiencies. This plan shall be reviewed by the health department and approved by the regional office or health, education, and welfare before an initial provider agreement is issued.

ITEM 3. Rule 770—82.4(249A) is amended to read as follows:

**770—82.4(249A) Provider agreements.** After certification of a facility, a provider agreement may be issued when it is determined that adequate funding is available as evidenced by form MA-2152-0, ICF/MR Payment Agreement. The effective date of a provider agreement shall be no earlier than the date of certification. All survey procedures and the certification process shall be done in accordance with department of health, education, and welfare publication "State Survey Agency Long Term Care Manual."

ITEM 4. Rule 770—82.7(249A) is rescinded and the following inserted in lieu thereof:

**770—82.7(249A) Initial approval for ICF/MR care.** Payment will be made for intermediate care facility for the mentally retarded care only upon certification of need for such level of care by a licensed physician of medicine or osteopathy and approval by the Iowa foundation for medical care, which is designated as the professional standards review organization for the state.

The rule is intended to implement section 249A.12 of the Code.

ITEM 5. Rules 770—82.8(249A) is rescinded and the following inserted in lieu thereof.

**770—82.8(249A) Determination of need for continued stay.** Certification of need for continued stay shall be made according to procedures established by the Iowa foundation for medical care.

This rule is intended to implement section 249A.12 of the Code.

ITEM 6. Subrule 82.10(3) is amended to read as follows:

**82.10(3) Plan.** The administrator and staff shall assist the resident in planning for transfer or discharge through development of a discharge plan. ~~In as far as possible, the same persons participating in the decision to admit the resident in subrule 82.7(3), shall be involved in the discharge planning.~~

ITEM 7. Rule 770—82.11(249) is rescinded and the following inserted in lieu thereof.

**770—82.11(249A) Continued stay review.** The Iowa foundation for medical care shall be responsible for reviews of each resident's need for continuing care in intermediate care facilities for the mentally retarded.

This rule is intended to implement section 249A.12 of the Code.

ITEM 8. Rule 770—82.12(249A) is rescinded and the following inserted in lieu thereof.

**770—82.12(249A) Quality of care review.** The Iowa foundation for medical care shall carry out the quality of care studies in intermediate care facilities for the mentally retarded.

This rule is intended to implement section 249A.12 of the Code.

ITEM 9. Subrule 82.14(1) is amended to read as follows:

**82.14(1) Method of payment.** Facilities shall be reimbursed under a cost-related vendor payment program. A per diem rate shall be established based on information submitted according to rule 770—82.5(249A). Assistance shall be furnished only when it is determined that adequate funding is available, as evidenced by form MA-2150-0 MA-2152-0, ICF/MR Payment Agreement.

**ARC 0268**

**SOCIAL SERVICES  
DEPARTMENT[770]**

**NOTICE OF INTENDED ACTION**

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

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 §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The department of social services, under authority of section 232.142(5) of the Code, proposes the adoption of the following rules relating to juvenile detention and shelter homes.

Consideration will be given to written data, views, or arguments thereto, received by the ACT Unit, Department of Social Services, Hoover State Office Building, Des Moines, Iowa 50319 on or before June 22, 1979.

Pursuant to the authority of section 232.142(5) of the Code, rules of the department of social services appearing in the IAC relating to county institutions to which children in need of assistance or delinquent children may be legally committed (chapter 105) are rescinded and the following inserted in lieu thereof.

**CHAPTER 105**

**COUNTY AND MULTICOUNTY  
JUVENILE DETENTION HOMES**

**AND**

**JUVENILE SHELTER CARE HOMES**

**770—105.1(232) Definitions.**

**105.1(1) Facility.** "Facility" shall mean a county or multicounty "juvenile detention home" or "juvenile shelter care home" as those terms are defined in section 232.2 of the Code.

**105.1(2) Caseworker.** "Caseworker" shall mean an employee of a facility who provides counseling services to children in the facility, co-ordination with referral sources and co-ordination of services and staff within the facility.

**105.1(3) Child care worker or house parent.** "Child care worker or house parent" shall mean an individual employed by a facility whose primary responsibility is the direct care of the children in the facility.

## SOCIAL SERVICES DEPARTMENT[770] (cont'd)

**105.1(4)** Prime programming time. "Prime programming time" is any period of the day when special attention or supervision is necessary, for example, upon awakening in the morning, during meals, later afternoon play, transitions between activities, evenings, and bedtime, weekends and holidays, in order to maintain continuity of programs and care.

**105.1(5)** Control room. "Control room" shall mean a locked room in a juvenile detention home, used for the purpose of isolation or seclusion of a child. A control room shall not be allowed in a juvenile shelter care home.

**770—105.2(232) Building and grounds.**

**105.2(1)** Each facility shall meet those sanitation and health measures as determined and specified in the "Sanitation Handbook for Institutions for Children" compiled by the department of health.

**105.2(2)** Each facility shall secure an annual fire inspection approved by the state fire marshal and shall meet the recommendations thereof.

**105.2(3)** Each facility shall meet local building, zoning, sanitation and fire safety ordinances.

**770—105.3(232) Personnel policies.**

**105.3(1)** The facility's current personnel policies and practices shall be described in writing.

**105.3(2)** The hiring, assignment, and promotion of employees shall be based on their qualifications and abilities, without regard to race, sex, color, creed, age, disability, marital status, ethnic or national origin, or membership in an organization, except as exempted by federal or state law.

**105.3(3)** Ethical standards of professional conduct, as developed by professional societies, shall apply to the operation of the facility.

**105.3(4)** Job applications shall include only questions that are job related. The facility shall have written job descriptions. Affirmative action and equal employment opportunity policies and procedures shall be made available to all employees.

**105.3(5)** The governing body of the facility shall establish a procedure, consistent with due process, for suspension or dismissal of an employee for cause.

**105.3(6)** Methods of improving the welfare and security of employees shall include a salary schedule and range covering all positions; effective, time-limited grievance procedures; and uniform provisions for vacations, holidays and sick leave.

**105.3(7)** Additional personal benefits provided to all employees should include, but not be limited to provisions for health insurance and retirement and provisions for recognizing outstanding contributions to the facility.

**105.3(8)** A handbook containing a statement of the facility's personnel policies and practices shall be discussed with and available to all employees.

**105.3(9)** The performance of each employee shall be evaluated in writing periodically, and at least annually. Each such evaluation shall be completed by and signed by the immediate supervisor, reviewed with and signed by the employee, and recorded in the employee's personnel record.

**105.3(10)** At the time of employment and annually thereafter, personnel shall be medically determined to be free of communicable and infectious diseases that in the opinion of the examining physician would pose a serious health hazard to the children or other employees.

**105.3(11)** Accurate and complete personnel records shall be maintained for each employee. There shall be an established standard of content for such records, which shall contain at least the following:

a. A job application containing current background information, and any accompanying documentation sufficient to justify the initial and continued employment of the individuals in the position for which they were employed. Applicants for positions requiring licensed persons shall be employed only after the facility has obtained written verifications of their licenses, and their references. Evidence of renewal of license as required by the licensing agent shall be maintained in the employee's personnel record;

b. Current information relative to work performance evaluations;

c. Salary or contract and date of next salary review;

d. Records or pre-employment health examinations and subsequent health services rendered to employees, as are necessary to ensure that all facility employees are physically able to perform their duties;

e. Physicals that verify the absence of active communicable or infectious diseases in facility employees;

f. Written commendations or reprimands;

g. Attendance at educational or staff development meetings or conferences.

**770—105.4(232) Procedures manual.** The facility shall have written policies and procedures specifying the manner in which the program of the facility is to be carried out.

**770—105.5(232) Staff.**

**105.5(1)** Number of staff.

a. Generally. A sufficient number of child care or house parent staff shall be on duty at all times so as to provide adequate coverage. The number of staff required will vary depending on the size and complexity of the program. At least two staff persons shall be on duty at all times that children are usually awake and present in the facility. Co-ed detention homes and shelter care homes should have both male and female staff on duty at all times. All child care or house parent staff shall be at least eighteen years of age.

b. Prime programming time. A minimum staff-child ratio of one child care worker or house parent to five children shall be maintained during prime programming times.

c. Night time hours. At night, there shall be a staff person awake and making regular visual checks throughout the night. A log shall be kept of all checks, including the time of the check and any significant observations. There shall be an on-call system which allows backup within minutes for both child care staff and caseworker personnel.

**105.5(2)** Scheduling. Allowance should be made for flexibility in scheduling, allowing for both live-in house parents or eight hour shift staffing models.

**105.5(3)** Staff qualifications.

a. Caseworker. A caseworker must have a minimum BA or BS degree in social work, psychology or a related behavioral science, and a minimum of one year experience, under supervision, in direct service to children.

b. Therapist. A therapist is not required but may be appropriate for facilities offering treatment services. The therapist shall be a graduate of an accredited graduate school with a degree in social work, guidance and counseling or psychology. The individual shall have a minimum of one year of experience, under supervision, in the area of direct therapy with children or families, or completion of a supervised practicum in direct service to children.

**105.5(4)** Staff composition. The composition of the program staff shall be determined by the facility, based on an assessment of the needs of the children being

## SOCIAL SERVICES DEPARTMENT[770] (cont'd)

served, the facility's goals, the programs provided, and all applicable federal, state and local laws and regulations.

**105.5(5) Staff development.** Appropriate to the size and nature of the facility, there shall be a staff training program that includes:

a. Orientation for all new employees, to acquaint them with the philosophy, organization, program practices, and goals of the facility.

b. Training of new employees so that their skills in working with children are effectively utilized, including the job related tasks the individuals will be expected to complete.

c. Ongoing inservice training for program staff shall be established to include:

(1) Training for program staff who have not achieved desired levels of competence.

(2) Ongoing training for staff involved in direct work with children and for supervisory staff to update and improve their skills and competencies.

d. Provisions should be made for all staff members to improve their competencies, through means such as:

(1) Attending staff meetings;

(2) Attending seminars, conferences, workshops, and institutes;

(3) Visiting other facilities;

(4) Access to consultants;

(5) Access to current literature, including books, monographs, and journals relevant to the facility's service.

e. There shall be an individual designated to be responsible for staff development and training, who will complete a written staff development plan which shall be updated annually.

**770—105.6(232) Intake procedures.**

**105.6(1) Admissions.** Admission to shelter care or detention shall be in accordance with sections 232.20, 232.21 and 232.22 of the Code. In no case shall a youth be admitted to detention when the resulting admission would exceed the facility's approved client capacity. The facility and referring agency shall agree upon service responsibilities at the time of admission.

**105.6(2) Agency or court order placement.** Each agency or court placing a child in a facility shall make available to the facility the following:

a. For court ordered placements, a placement agreement and copy of the court order authorizing placement should accompany the child. If this is not possible then a copy of the court order shall be provided to the facility within forty-eight hours for court ordered placements and a copy of the placement agreement provided the facility within twenty-four hours. For all other placements, a placement agreement shall be provided the facility within twenty-four hours.

b. A medical authorization or court order authorizing the facility to provide emergency medical care for the child.

c. All available psychological and psychiatric tests and reports concerning the child.

d. Any available family social history.

e. Any available school information.

**105.6(3) Self referrals.** Any child admitting self to a facility shall be provided appropriate services. The facility shall notify the child's parents, guardian or the juvenile court as soon as possible concerning the child's admission to the facility but in any event such notification shall take place within forty-eight hours after the child's admission. Self referrals shall not be accepted for placement in detention.

**105.6(4) Person responsible.** Each agency shall designate who has the authority to do intake. This may include anyone trained in intake procedures and who is designated to do intake.

**105.6(5) Intake sheet.** An intake sheet shall be completed on each child containing at least the information specified in 105.18(2)"a".

**770—105.7(232) Assessments.**

**105.7(1) Personal.** At the time of intake and throughout a child's stay, individual needs will be identified by staff. The initial and ongoing determination of each child's needs will be based on written and verbal information from referral sources, observable behavior at intake, initial interview with the youth or family, school contacts, physical examination, and other relevant materials. The individual assessment shall provide the basis for development of a care plan for each youth.

**105.7(2) Educational.** An educational assessment shall be developed by the staff and referring worker for each child. When appropriate, other agencies such as the public schools and the area education agency shall be involved.

**770—105.8(232) Program services.**

**105.8(1) Care plan.** There shall be a written care plan developed for each resident. The care plan will be based on individual needs determined through the assessment of each youth. The care plan shall provide for consultation with child care services, probation services, social services, and educational, medical, psychiatric and psychological personnel as appropriate.

The plan shall include:

a. Identification of specific needs;

b. Description of planned service;

c. Which staff person(s) will be responsible for each element of the plan;

d. Where services are to occur;

e. Frequency of activities or services.

**105.8(2) Educational program.** All children currently enrolled in a school should continue in that school when possible, or in an appropriate alternative. Where educational assessments indicate an educational need for a child not currently enrolled in public schools, an alternative shall be developed, in co-operation with public schools, area education agency, and the referring worker. When an educational program is established within the facility it shall meet the educational and teaching standards established by the state department of public instruction.

**105.8(3) Daily program.** The daily program shall be planned to provide a consistent, well structured, yet flexible framework for daily living, and shall be periodically reviewed and revised as the needs of the individual child or the living group change.

Attention shall be given to the special nature of the facility population and its resulting stresses, for example, rapid turnover in population and minimal screening at intake.

**105.8(4) Optional program.** Facilities may provide program components at their discretion, depending upon such factors as availability of funds and community resources. Optional services include:

a. Evaluations, including, but not limited to the following areas: Psychological testing; psychiatric evaluation; medical evaluation; behavioral observations; social history; educational assessment; vocational evaluation; recreational skills; physical therapy; speech, language, vision, and hearing testing. Such evaluations should be used to facilitate placement planning for the child. Such



**SOCIAL SERVICES DEPARTMENT[770] (cont'd)**

services when provided shall be clearly defined, so that referral sources are clear about components of such services.

b. Therapeutic services. In-depth psychosocial intervention. When therapy is provided in a program such services will be provided by or under the supervision of an individual who meets the requirements of 105.5(3)"b".

c. Out-client services. After care, outreach, follow-up and other services provided to a child who has been involved with the facility, and the child's family.

d. Other services. Extension of other services which may be developed in accordance with the needs of the local community.

**105.8(5) Recreation program.** The facility shall provide adequately designed and maintained indoor and outdoor activity areas, equipment, and equipment storage facilities appropriate for the age group which it serves. There shall be a variety of activity areas and equipment so that all children can be active participants in different types of individual and group sports and other motor activity.

a. Games, toys, equipment, and arts and crafts materials shall be selected according to age, number of children, and with consideration of the needs of children to engage in both active and quiet play. All materials shall be of a quality to assure safety and shall be of a type which allows imaginative play and creativeness.

b. The facility shall plan and carry out efforts to establish and maintain workable relationships with the community recreational resources. The facility staff shall enlist the support of these resources to provide opportunities for children to participate in community recreational activities.

**105.8(6) Health program.** There shall be twenty-four hour emergency medical and dental services available. Provisions for such services shall be documented in writing through a contract or letter of correspondence with the doctor, hospital, clinic, or other resource, which provides such services.

a. The facility shall have a consulting physician whose duties include the development and supervision of a medical program for the facility and who shall be responsible for the medical care of each child.

b. Nursing service shall be available as directed by the consulting physician.

**105.8(7) Counseling program.** Counseling services shall include crisis intervention, the presenting problem, daily living skills, peer relationships, educational opportunities, vocational opportunities, future planning and preparation for placement, family counseling, and any other factors identified in the individual care plan. Such counseling shall be done by appropriate staff personnel.

**105.8(8) Dietary program.** Food provided the children by the facility shall conform to the dietary recommendations of the child nutrition program, department of public instruction. The facility shall provide properly planned, nutritious, and inviting food and take into account the special food needs and tastes of children. The dietetic service shall be child-oriented and shall take into account the wide variations of eating habits, including cultural and ethnic, and needs of the individual child. The dietetic service shall provide food that is not only nutritionally and calorically adequate, but that is also appetizing, attractively served at realistically planned mealtimes, and served in a congenial and relaxed atmosphere.

**770—105.9(232) Drugs.** The agency shall have written policies and procedures governing the method of

handling prescription drugs and over-the-counter drugs within the facility; no prescription or narcotic drugs are to be allowed in the facility without the authorization of a licensed physician; medication taken by or administered to a resident shall be done according to Iowa law:

**105.9(1)** All drugs shall be maintained in a locked cabinet at the control center of the facility.

**105.9(2)** Medications requiring refrigeration shall be kept in a locked box in the refrigerator and separated from food and other items.

**105.9(3)** No prescription or narcotic drugs shall be permitted in the facility that are not in an individually labeled bottle.

**105.9(4)** If prescribed the label shall reflect the name of the resident for whom the medication is prescribed, the date the medication was prescribed, the pharmacy issuing the prescription, the name of the doctor prescribing the medication, and the dosage and frequency that it is to be taken.

**105.9(5)** Under no circumstances shall medication prescribed for one resident be given to anyone other than the resident for whom the prescription was issued.

**105.9(6)** All medication taken by a resident shall be taken in the immediate sight of and under the supervision of a staff member.

**105.9(7)** All doses of medications taken by a resident shall be recorded by the supervising staff member in an appropriate log provided for that specific purpose.

**105.9(8)** There shall be a specific procedure for the disposal of prescription medications no longer needed by the residents or which were the property of a resident discharged from the program.

**105.9(9)** All potent, poisonous or caustic materials shall be stored separately from drugs. They shall be plainly labeled and stored in a specific, well-illuminated cabinet, closet or storeroom and made accessible only to authorized persons.

**770—105.10(232) Control room—juvenile detention home only.**

**105.10(1)** Written policies. When a juvenile detention facility uses a control room as part of its service, the facility shall have written policies regarding its use. The facility shall:

a. Specify the behaviors resulting in control room placement.

b. Delineate the staff members who may authorize its use as well as procedures for notification of supervisory personnel.

c. Document in writing behaviors leading to control room placement and the nature of the agreement reached with the child that will allow such child to return to the living unit.

**105.10(2)** Physical requirements. The control room shall be designed to insure physically safe environment that:

a. Has all switches controlling lights and ventilation outside of the room.

b. Allows for total observation of the child at all times.

c. Has protected recessed ceiling light.

d. Has no electrical outlets in the room.

e. Is properly heated, cooled and ventilated.

f. Has all doors, ceiling, and walls constructed of such strength and materials as to prevent damage to the extent that no harm could come to the child.

g. When a window is present, it is secured and protected in such a manner as to prevent harm to the child.

h. Is a minimum of six feet by nine feet in size with at least a seven and one-half foot ceiling.

## SOCIAL SERVICES DEPARTMENT[770] (cont'd)

**105.10(3) Use.** Utilization of the control room shall be in accordance with the following policies:

a. No more than one child shall be in the control room at any time.

b. The control room should be checked thoroughly for safety and the absence of contraband prior to placing a child in the room.

c. The child shall be thoroughly checked before placement in the control room and all potentially injurious objects removed from such child including shoes, belts, pocket items, and similar items. The staff member placing the child in the control room shall document such check.

d. Child shall be continually monitored and shall be visually checked by the staff at least every fifteen minutes and each check shall be recorded.

e. The child shall not remain in the control room longer than one hour except in consultation with and approval from the supervisor. Documentation in the child's case record shall include the time in the control room, the reasons for the control, and the reasons for the extension of time. Use of the control room for a total of more than twelve hours in any twenty-four hour period shall occur only in consultation with the referring agency or court. In no case shall a child be in a control room for a period longer than twenty-four hours.

f. The child's parents, referring worker, or both shall be notified in all cases when the control room is used.

**770—105.11(232) Sleeping areas.** All sleeping areas shall promote comfort and dignity, provide a minimum of eighty square feet per child for single occupancy and sixty square feet per child for multiple occupancy, and privacy consistent with the well-being of the children and the goals of the care program. In no case shall there be more than four youths per room in shelter and two youths per room in detention. Sleeping areas shall be assigned on the basis of the individual child's needs for privacy and independence or group support.

**770—105.12(232) Clothing.** All children should have their own clothing. They shall have training and help in selection and proper care of clothing as appropriate. Clothing shall be suited to the existing climate and seasonal conditions.

When clothing is furnished by the facility it shall be becoming, of proper size, of the character usually worn by children in the community, and of adequate supply to permit laundering, cleaning and repair. There shall be adequate closet and drawer space for children in or near their living areas to permit access to their clothing. Laundering and drying facilities shall be accessible to the children, and all necessary provisions shall be made for the protection of children's property.

**770—105.13(232) Staffings.** The staff should be available to participate in staffings or upon request to provide a written summary of the child's progress and behavior while in the facility program. A discharge summary shall be provided to the referral agency or court within a week after the child leaves the facility. The discharge summary shall deal with the child's stay and specifically enumerate behavioral observations, social work impressions, and specific services provided, such as medical, educational, and similar services. Recommendations regarding future planning and placement should be provided to the referring agency or court.

**770—105.14(232) Child abuse.** Written policy shall prohibit mistreatment, neglect, or abuse of children and

specify reporting and enforcement procedures for the facility. Alleged violations shall be reported immediately to the director of the facility and to the central child abuse registry. Any employee found to be in violation of chapter 235A of the Code, as substantiated by a department of social services investigation, may be subject to immediate dismissal.

**770—105.15(232) Daily log.** The facility shall maintain a daily log on each child. The log shall be used to note any problem areas or unusual behavior as well as general progress in regard to the care plan. The log shall be kept in total for the entire period of residency.

**770—105.16(232) Children's rights.**

**105.16(1) Generally.** Any facility serving children shall acknowledge the dignity and protect the rights of all children and their families. Every effort shall be made to safeguard the legal and civil rights of children and to make certain that they are kept informed of their rights, including the right to legal counsel and all other requirements of due process where necessary.

**105.16(2) Visitations.** A child shall have reasonable visitation rights, as shall be determined by the facility, with such child's family. Suitable places shall be provided for the child to visit in private.

**105.16(3) Mail.** The child shall be allowed to send and receive mail subject to reasonable limitations established by the facility. The facility may not open or read mail, but may require the child to open incoming mail in the presence of a staff member when such mail is suspected to contain contraband articles.

**105.16(4) Telephone calls.** Children shall be allowed to conduct a reasonable number of private telephone conversations with family members. Incoming calls may be screened to verify the identity of the caller before approval is given.

**105.16(5) Restrictions.** When limitations on visitations, telephone, mail, or other communications are indicated, such limitations shall be determined with the participation and knowledge of the child, family, and referring worker. All such restrictions and the reasons for them shall be made explicit to the child and family and documented in the case record. No facility shall be permitted to restrict a child's communication with legal counsel or the referring worker.

**105.16(6) Policies in writing.** All policies and procedures covered in this section shall be in writing and provided to the child and parents upon the child's admission to the facility. The rationale and circumstances of any deviation from these policies shall be discussed with the child's parents and referring worker, documented, and placed in the case record.

**770—105.17(232) Discipline.**

**105.17(1) Generally.** A facility shall have written policies regarding methods used for control and discipline of children which shall be available to all staff and to the child's family. Discipline shall not include withholding of basic necessities such as food, clothing, or sleep.

**105.17(2) Corporal punishment prohibited.** The facility shall have a policy that clearly prohibits staff or the children from utilizing corporal punishment as a method of disciplining or correcting children. This policy shall be communicated in writing to all staff of the facility.

**105.17(3) Physical restraint.** The use of physical restraint shall be employed only to prevent the child from injury to self, to others, or to property. The rationale and

## SOCIAL SERVICES[770] (cont'd)

authorization for the use of physical restraint, and staff action and procedures carried out to protect the children's rights and to insure their safety, shall be clearly set forth in the child's record by the responsible professional staff.

**105.17(4) Room confinement.** A child shall only be confined to such child's room for illness, at the child's own request, or for disciplinary reasons.

**105.17(5) Written policies.** The facility shall provide to the child written policies specifying inappropriate behaviors, reasonable consequences for misconduct, and due process procedures available to the child.

**770—105.18(232) Case files.**

**105.18(1) Generally.** For the purpose of promoting a uniformity of program for all facilities and as an aid to the department of social services in determining its approval of a facility all facilities shall establish and maintain for inspection case files on each child.

**105.18(2) Content and order.** Each case file shall contain the following information in the same order as set forth hereafter:

## a. Face sheet

(1) Full name, birthplace, and date of birth.

(2) Parent's full name, including mother's maiden name.

(3) Parent's address and telephone.

(4) Religion of parents and child.

(5) Statement of who has legal custody and guardianship.

(6) Name of referring worker and agency making the referral.

(7) Telephone number and address of referring agency or court.

(8) Emergency number.

b. Current family history or social history, when available.

c. Case plans submitted by the referring agency or orders of the court.

d. Correspondence regarding the child.

e. Psychologicals and psychiatrics; copies of all available testing performed plus notes and records of contact with the child.

f. Medical.

(1) A record of all illnesses, immunizations, communicable diseases and follow-up treatment.

(2) Medical and surgical authorization signed by the parent or guardian.

(3) A record of all medical and dental examinations including findings.

(4) Date of last physical prior to placement. When child has not had a physical within the past thirty days, a physical shall be obtained within one week.

g. School.

(1) Name and address of school attended.

(2) Grade placement.

(3) Current school in which child is enrolled.

(4) Specific educational problems.

(5) Remedial action.

h. Placement agreement, court order, releases.

(1) Agreement shall authorize the facility to accept the child.

(2) The agreement shall set forth the terms of payment for care.

(3) Medical release authorizing emergency medical and surgical treatment, including the administration of anesthesia.

(4) All releases and authorizations shall be signed by the parent or legal guardian.

(5) All court orders effecting the custody or guardianship of the child.

i. Dictation. Appropriate notes shall be included of all significant contacts with parents, referral person, and other collateral contacts.

j. Discharge. Summary related to discharge, name, address, relationship of person to whom discharged. A summary of any medical or dental records obtained by the facility including names of attending physician or dentist shall accompany the child on discharge.

**770—105.19(232) Discharge.** Children in shelter care shall be discharged to a permanent placement at the earliest possible time, and in any event within thirty days from the date of admission. Extension requests shall be made substantiated, and approved by both the referral agency and the shelter care agency by the twenty-fifth day of care. Maximum length of stay should not exceed forty-five days. Maximum length of stay in detention should not exceed twenty-one days.

ARC 0272

**SOCIAL SERVICES  
DEPARTMENT[770]  
TERMINATION OF NOTICE**

Notice is hereby given that the department of social services is terminating rulemaking proceedings under the provisions of section 17A.4(1)"b" of the Code for proposed rules on sheltered work/work activity services (chapter 155) as published in the IAB April 18, 1979.

**ARC 0263**

**TRANSPORTATION,  
DEPARTMENT OF[820]  
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 §17A.3(6) at a regular or special meeting where the public or interested persons may be heard.

On July 10, 1979, at their regular meeting at the Department of Transportation Complex, 800 Lincoln Way, Ames, Iowa, the transportation commission shall consider for adoption the following administrative rules as described herein. Such action shall be in accord with the Iowa administrative procedures Act, chapter 17A of the Code, and department of transportation rules 820—[01,B] chapter 1 "Administrative Rules".

Comments and requests to make an oral presentation shall be addressed to the Department of Transportation, in care of the Office of Administrative Services, 800 Lincoln Way, Ames, Iowa 50010.

Written comments or written requests to make an oral presentation at the above specified commission meeting concerning these proposed rules may be accepted if received by the department of transportation on or before June 25, 1979.

Any person or agency as described in section 17A.2, subsections 1 and 6 of the Code, may submit written comments or requests to make an oral presentation. Such comments and requests shall clearly state:

1. The name, address and phone number of person or agency authoring the comment or request.
2. The title and number of the proposed rule as given in this notice which is the subject of the comment or request. (Comments pertaining to a specific section of a proposed rule shall reference that section by subrule, paragraph, subparagraph, and line as appropriate.)
3. With regard to requests to make an oral presentation, the general content shall be indicated.

Proposed rulemaking actions:

06 HIGHWAY DIVISION

Pursuant to the authority of section 307.10 of the Code, rule 820—[06,K]2.1(321) entitled "Manual on uniform traffic control devices for streets and highways" is hereby amended.

ITEM 1. Rule [06,K]2.1(321) is amended to read as follows:

**820—[06,K]2.1(321) Manual on uniform traffic control devices for streets and highways.** The ~~1971~~ 1978 edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, the Errata, and Volumes I-V of Official Rulings on Requests for Interpretations, Changes, and Experimentations prepared by the National Joint Committee on Uniform Traffic Control Devices and published by the U.S. Department of Transportation, Federal Highway Administration, now filed shall constitute the manual and specifications for a uniform system of traffic control devices for use upon the highways of this state.

This rule is intended to implement section 321.252 of the Code.

**ARC 0297****NOTICE - USURY**

In accordance with the provisions of Acts of the first session of the Sixty-eighth General Assembly, 1979, Senate File 158, the superintendent of banking has determined that the maximum lawful rate of interest provided for in section 535.2 of the Code of Iowa, as amended, shall be:

July 30, 1978 - September 30, 1978	10.25%
October 1, 1978 - December 31, 1978	10.50%
January 1, 1979 - March 31, 1979	10.75%
April 1, 1979 - April 30, 1979	11.00%
May 1, 1979 - May 31, 1979	11.00%
June 1, 1979 - June 30, 1979	11.25%

**ARC 0259****CONSERVATION  
COMMISSION[290]**

Pursuant to the authority of sections 107.24 and 106.3 of the Code, rules appearing in the Iowa Administrative Code July 1, 1975, Division of Lands and Waters, Chapter 30, relating to zoning and watercraft use, are amended.

The notice of intended action was published in the Iowa Administrative Bulletin on March 21, 1979. No adverse comments or objections were received on the proposal at, or prior to, the hearing.

ITEM 1. Chapter 30 is amended by adding the following new rule:

**290—30.22 Swan Slough, Camanche, Iowa.** A restricted speed zone is hereby established in all or part of the main channel of Swan Slough, (Mississippi River mile 510.2 to 511.3) Camanche, Iowa, as designated by buoys.

**30.22(1)** Two buoys establishing the restricted speed zone shall be placed at the mouth of slough channel.

**30.22(2)** Buoys delineating the restricted speed zone shall be placed no more than 400 feet apart through the length of the affected portion of the channel.

**30.22(3)** All buoys placed shall be those of the uniform waterway marking system adopted by the state conservation commission and shall be constructed, placed and maintained in accordance with chapter 106 of the Code and chapter 31, rules of the state conservation commission.

**30.22(4)** No vessel, except authorized emergency vessels, shall be operated in marked areas at a speed greater than the limit designated by buoys marking said area.

**30.22(5)** The restricted speed zone shall be recognized and enforced by the state of Iowa only when plainly marked in accordance with this rule.

ITEM 2. **290—30.23-30.25** Reserved for future use.

[Filed emergency after notice 5/2/79, effective 5/2/79]

This rule is intended to implement section 106.17 of the Code.

These rules shall become effective immediately on filing with the Administrative Rules Co-ordinator pursuant to section 17A.5(2)"b"(2) as it confers a benefit to the public and it is highly desirable that this regulation be in effect for the boating season which is commencing.

[Published 5/30/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 5/30/79.

**ARC 0284****LABOR, BUREAU OF[530]**

Pursuant to the authority of sections 17A.3(1)"b", 17A.4(2) and 88.9(3), Code of Iowa, the Commissioner of Labor, on behalf of the Bureau of Labor, hereby adopts the following rule as an amendment to a rule published in the Iowa Administrative Bulletin, May 16, 1979, as ARC 252.

Amend 530—8.21(88) to read as follows:

**530—8.21(88) Walkaround pay disputes.** An employer's failure to pay employees for time during which they are engaged in walkaround inspections, or in other inspection related activities, such as responding to questions of compliance officers, or participating in the opening and closing conferences, is discriminatory under section 88.9(3) so long as neither the number of employees *participating nor the time required to express employee concerns* is excessive. An authorized employee representative shall be given the opportunity to accompany on the physical inspection pursuant to 88.6(4) and 530—3.6(88) IAC.

The Note at the end is hereby rescinded.

[Filed emergency 5/11/79, effective 6/25/79]

This rule is filed as an emergency rule under section 17A.4(2) of the Code of Iowa for the good cause that public notice and participation is unnecessary as this amendment is required to correct a scrivener error in that in the typing of the original rule several words were omitted. It is further filed for an emergency effective date under section 17A.5(2)"b"(2) of June 25, 1979, as that was the effective date of the original rule and it confers a benefit on the public to have the entire set of rules effective at the same time.

This rule is intended to implement section 88.9(3) of the Code.

[Published 5/30/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 5/30/79.

**ARC 0273****SOCIAL SERVICES  
DEPARTMENT[770]**

Pursuant to the authority of sections 217.6 and 234.6 of the Code, rules of the department of social services appearing in the IAC relating to child care center financial assistance (chapter 133) are hereby amended.

Subrule 133.3(1) is amended to read as follows:

**133.3(1)** The center shall furnish proof of nonprofit incorporation under chapter 504A of the Code, or proof that application for nonprofit incorporation has been made to the ~~state treasurer's~~ *secretary of state's* office, to the day care consultant in the district where the center is located.

[Filed emergency 5/7/79, effective 5/7/79]

The department of social services finds that notice and public participation would be unnecessary because the change is a technical amendment and makes no substantive change in the rule. Therefore, this rule is filed without notice and public participation pursuant to section 17A.4(2) of the Code.

The department of social services finds that this rule confers a benefit on the public by not misleading them as the error in the current rule would do. Therefore, this rule shall become effective immediately upon filing as provided in section 17A.5(2)"b"(2) of the Code.

[Published 5/30/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 5/30/79.

**ARC 0254****CAMPAIGN FINANCE  
DISCLOSURE COMMISSION[190]**

Pursuant to the authority of section 56.10(4) of the Code, and in accordance with chapter 17A of the Code, the following rule [Campaign Finance Disclosure Commission] pertaining to contributions from political committees outside of Iowa is hereby adopted.

**190—4.16(56) Out-of-state contributions.** Before an Iowa committee accepts a contribution from a committee outside of Iowa, the Iowa committee must contact the commission to determine if the out-of-state committee has submitted a statement of organization and appropriate disclosure reports with the commission. Iowa committees may not accept contributions from out-of-state committees who have not filed a statement of organization and appropriate disclosure reports with the commission.

[Filed 4/30/79, effective 7/4/79]

The Notice of Intended Action was published in the Iowa Administrative Bulletin on March 21, 1979. This rule will become effective July 4, 1979. This rule is identical to that published under notice.

This rule is intended to implement section 56.13 of the Code.

[Published 5/30/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 5/30/79.

**ARC 0282****COMPTROLLER, STATE[270]**

Pursuant to the authority of sections 17A.3(1)"a", chapter 68A.3, and chapter 68A.7, the State Comptroller hereby adopts a new rule relating to the Personnel Management Information System (PMIS).

**270—5.2(68A) Access to data in the personnel management information system.**

**5.2(1) Definitions.**

a. "History of state employment data" means the agencies, salaries, job classifications, and dates of employment by the state of Iowa of a named individual.

b. "Individual data" means all personally identifiable information not included in paragraph "a" above.

c. "Summary data" means information that is presented in such a manner as to preclude the identification of an individual by name or other identifier.

d. "Employing agency" means an agency or department of the state of Iowa.

**5.2(2) Organization.** There shall be a Personnel Management Information System Board of Review consisting of an appointed representative from each of (1) the state comptroller's office; (2) the institutions governed by the board of regents; and (3) the department of transportation. This board will recommend an administrator who will be the contact person for securing any information from the system. The price for the production of a requested report will be the cost as determined by the data processing division of the state comptroller's office. Billing will be accomplished under rules established by the comptroller.

**5.2(3) Steps to be taken to secure information from the system.**

a. All requests for data must be in writing and submitted to the administrator.

b. An employing agency may secure any information in the system regarding its own employees plus history of state employment data for any state employee. All requests by an employing agency must be made by the chief administrator or by a person authorized by the chief administrator as evidenced by memo of such authorization signed by the chief administrator.

c. All requests for individual data or for summary data must be considered by the board of review. The administrator will submit these to the board within five working days of receipt and the board will render a written decision within ten working days of receipt. These requests will include the name, address, and telephone number of the person making the request and the specific data being requested. While the purpose of the request would be helpful, it is not mandatory.

d. The administrator shall report to the employing agency on each request for data concerning an employee of that employing agency; the report shall be made within two working days of receipt of the request and shall identify the person making the request, the employee whose record is being requested, and the specific information requested.

e. If the board of review rejects a request because the data is confidential, the written decision will cite the law or administrative rule which establishes such confidentiality. If the request is rejected because the data sought is available from other sources, the decision will name the other sources.

f. Any employee or former employee of the state of Iowa may request and receive a copy of his/her personnel file from this data system.

These rules are intended to implement sections 17A.3(1)"a", 68A.3, and 68A.7 of the Code.

[Filed 5/11/79, effective 7/4/79]

There are no changes in this rule from that contained in the Notice of Intended Action and this rule will become effective on July 4, 1979. This rule was published under Notice of Intended Action in the IAB on January 24, 1979.

[Published 5/30/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 5/30/79.

**ARC 0285**

**ENVIRONMENTAL QUALITY  
DEPARTMENT[400]**

**WATER QUALITY COMMISSION**

Pursuant to the authority of section 455B.32 of the Code, the rules of the Water Quality Commission relating to wastewater construction and operation permits, appearing in chapter 19 of the Iowa Administrative Code, are hereby amended.

ITEM 1. Amend 19.2(9), paragraph "b" to read as follows:

b. The chapters of the "Chemicals and Water Quality Division Design Manual" that apply to wastewater facilities projects, and the date of adoption of those chapters are:

<u>Chapter</u>	<u>Date of Adoption</u>
11. Project submittals	Reserved April 25, 1979*
12. Iowa Standards for Sewer Systems	September 6, 1978* (Amended March 28, 1979)
13. Wastewater pumping stations	Reserved
14. Wastewater treatment works	Reserved
15. Screening, grit removal & flow equalization	Reserved
16. Settling	Reserved
17. Sludge handling & disposal	Reserved
18. Biological treatment	Reserved
a. Fixed film reactors	Reserved
b. Activated sludge	Reserved
c. Wastewater treatment ponds	Reserved April 25, 1979*
19. Supplemental treatment processes	Reserved
20. Disinfection	Reserved
21. Land application of wastewater	Reserved April 25, 1979*

[Filed 5/11/79, effective 7/5/79]

Notice of intended action on the adoption by reference of these three chapters of the "Chemicals and Water Quality Division Design Manual" was published in the February 7, 1979, Iowa Administrative Bulletin.

The rule was adopted by the Water Quality Commission on April 25, 1979, and was approved by the Executive Committee on April 26, 1979.

[Published 5/30/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 5/30/79.

\* Available upon request to department, also filed with administrative rules coordinator.

**ARC 0286**

**ENVIRONMENTAL QUALITY  
DEPARTMENT[400]**

**WATER QUALITY COMMISSION**

Pursuant to the authority of section 455B.32 of the Code, the rules of the Water Quality Commission relating to public water supply systems, appearing in chapter 22 of the Iowa Administrative Code, are hereby amended.

ITEM 1. Amend 22.12(2), paragraph "b" to read as follows:

b. The chapters of the "Chemicals and Water Quality Division Design Manual" that apply to public water supply system projects and the date of adoption are:

<u>Chapter</u>	<u>Date of Adoption</u>
1. Project submittals	January 24, 1979*
2. General design consideration	Reserved
3. Source development	Reserved April 25, 1979*
4. Treatment	Reserved
5. Chemical application	Reserved
6. Pumping facilities	Reserved
7. Finished water storage	Reserved April 25, 1979*
8. Iowa Standards for Water Supply Distribution Systems	September 6, 1978*

This rule is intended to implement section 455B.32 of the Code, 1979.

[Filed 5/11/79, effective 7/5/79]

Notice of intended action on the adoption by reference of these two chapters of the "Chemicals and Water Quality Division Design Manual" was published in the February 7, 1979, Iowa Administrative Bulletin.

The rule was adopted by the Water Quality Commission on April 25, 1979, and approved by the Executive Committee April 26, 1979.

[Published 5/30/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 5/30/79.

\* Available upon request to the department, also filed with Administrative Rules Coordinator.

**ARC 0277****HEALTH DEPARTMENT[470]**

JOINT RULES OF  
STATE DEPARTMENT OF HEALTH  
AND  
BOARD OF MEDICAL EXAMINERS

The state department of health and the board of medical examiners jointly, pursuant to the authority of section 147A.4 of the Code, adopts the following rules relating to the training and certification of and the services performed by advanced emergency medical technicians and paramedics.

TITLE XXV  
ADVANCED EMERGENCY MEDICAL CARE  
CHAPTER 132

TRAINING AND CERTIFICATION OF AND  
SERVICES PERFORMED BY ADVANCED  
EMERGENCY MEDICAL TECHNICIANS AND  
PARAMEDICS

**470—132.1(147A) Definitions.** For the purpose of these rules, the following definitions shall apply:

**132.1(1) "Paramedic"** means an individual trained in all areas of advanced emergency medical care, and who has been issued a paramedic certificate by the board.

**132.1(2) "Advanced EMT-I or advanced EMT-II"** means an individual trained to provide advanced emergency medical care, and who has been issued an advanced EMT-I or advanced EMT-II certificate by the board.

**132.1(3) "Basic EMT"** means an individual who has satisfactorily completed the United States Department of Transportation's prescribed course for basic EMTs, as modified for this state in the current "Basic EMT Policy and Procedure Manual" dated August 1977, approved by the governor's emergency medical services advisory council and administered by the department which is hereby adopted by the board. The individual shall be certified as a basic EMT by the department, but shall not be certified to perform any of the procedures listed in subrule 132.1(4).

**132.1(4) "Advanced emergency medical care"** means such medical procedures as:

- a. Administration of intravenous solutions.
- b. Gastric or tracheal suction or intubation.
- c. Performance of cardiac defibrillation.
- d. Administration of parenteral injections of any of the following classes of drugs:

- (1) Antiarrhythmic agents;
- (2) Vagolytic agents;
- (3) Chronotropic agents;
- (4) Analgesic agents;
- (5) Alkalinizing agents;
- (6) Vasopressor agents;
- (7) Anticonvulsive agents; or
- (8) Other drugs which may be deemed necessary by the supervising physician.

e. Any other medical procedure designated by the board, by rule, as appropriate to be performed by advanced EMTs and paramedics who have been trained in the procedure.

**132.1(5) "Advanced emergency medical care personnel"** means any advanced EMT-I, advanced EMT-II, or paramedic currently certified by the board.

**132.1(6) "Board"** means the board of medical examiners appointed pursuant to section 147.14, subsection 2, of the Code.

**132.1(7) "Council"** means the advanced emergency medical care council established by chapter 147A of the Code.

**132.1(8) "Department"** means the department of health.

**132.1(9) "Patient"** means any individual who is sick, injured, or otherwise incapacitated.

**132.1(10) "Hospital"** means any hospital licensed under the provisions of chapter 135B of the Code.

**132.1(11) "Physician"** means any individual licensed under chapter 148, 150, or 150A of the Code.

**132.1(12) "Physician designee"** means any registered nurse licensed under chapter 152 of the Code, or any physician's assistant approved by the board and certified under chapter 148B of the Code who is designated by the medical director, by name in writing, to act as an intermediary for a supervising physician in directing the actions of advanced emergency medical care personnel. All such physician designees shall be trained and certified in advanced cardiac life support as outlined in American Heart Association standards as of August 1977, or its equivalent, and demonstrate competency equivalent or superior to the level of the advanced emergency medical care personnel being supervised as determined by the council. This designation shall be valid for two years from the date of such designation unless sooner rescinded. The physician designee may be redesignated if qualified.

**132.1(13) "Training program"** means any training program providing advanced emergency medical care instruction as approved by the board.

**132.1(14) "Training program medical director"** means any duly licensed physician responsible for directing an advanced emergency medical care training program.

**132.1(15) "Training institution"** means any accredited hospital or institution which meets the minimum requirements necessary, as determined and approved by the board, to conduct the training of advanced emergency medical care personnel.

**132.1(16) "Trainee"** means any individual enrolled in a training program participating in the didactic, clinical, and field experience portions under supervision.

**132.1(17) "Service program"** means any twenty-four hour advanced emergency medical care ambulance service or rescue squad service that has received authorization by the department.

**132.1(18) "Service program medical director"** means any duly licensed physician who shall be responsible for overall medical control of the service program.

**132.1(19) "Service program area"** means the geographic area of responsibility served by any given ambulance or rescue squad service program.

**132.1(20) "Medical control"** means direction, advice, or orders provided by physicians, or physician designees, supplying professional expertise through telecommunications for the provision of rendering on-site and in-transit advanced emergency medical care.

**132.1(21) "Supervising physician"** means any duly licensed physician who has been trained and certified in advanced cardiac life support as outlined in American Heart Association standards as of August 1977, or its equivalent as determined by the council, who is designated, by name in writing, by the medical director



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to be responsible for medical control of advanced emergency medical care personnel via any telecommunications system when such personnel are providing advanced emergency medical care. This designation shall be valid for two years from the date of such designation unless sooner rescinded. The supervising physician may be redesignated if qualified.

**132.1(22)** "Direct supervision" means supervision provided by a physician, or physician designee, who is physically present with the advanced EMT-I, advanced EMT-II, paramedic, or trainee.

**132.1(23)** "Remote supervision" means supervision provided by a physician, or physician designee, who is not physically present with the advanced EMT-I, advanced EMT-II, or paramedic via any telecommunications system supplemented with standing orders.

**470—132.2(147A) Requirements and standards for enrollment in advanced emergency medical care training programs.**

**132.2(1)** No person shall be enrolled in a training program for advanced EMT-I, advanced EMT-II, or paramedic training unless the following minimum requirements are met:

a. Applicant shall have a high school diploma or its equivalent.

b. Applicant shall be currently certified by the department as an EMT-A (basic EMT), or have a current national registry EMT-A certificate.

c. Applicant shall be physically able to perform the functions of an advanced EMT-I, advanced EMT-II, or paramedic as appropriate.

d. Applicant shall complete a satisfactory personal interview with either the training program medical director or designee regarding qualifications including mental and educational attainments, as well as aptitude to become an advanced EMT-I, advanced EMT-II, or paramedic.

**132.1(2)** Reserved.

**470—132.3(147A) Advanced emergency medical care personnel—certification and renewal standards and procedures.**

**132.3(1)** An advanced EMT-I, advanced EMT-II, or paramedic certificate is valid for two years from date of issuance unless sooner suspended or revoked for cause by the board.

**132.3(2)** Application and examination.

a. The application form and instructions for submittal are provided by the board.

b. The completed application, accompanied by the required credentials, and examination fee shall be submitted at least thirty days in advance of the examination date.

c. Only those individuals who have submitted the required application and have been notified of acceptance by the board shall be permitted to write the examination.

d. Prior to the examination date each accepted applicant shall be sent an admission card which shall be presented by the applicant for admission to the examination center.

e. The passing score for each examination shall be determined by the board.

f. The examination shall be administered at least twice a year at such times and places as may be determined by the board.

**132.3(3)** Re-examination.

a. Any applicant who fails the examination shall be required to rewrite the entire examination.

b. An applicant who fails to pass the initial examination may rewrite the examination twice to attain a passing score. Candidates who fail the examination for the third time shall repeat the training program before being eligible to take the examination again.

c. Application for re-examination shall be accompanied by the examination fee. Application shall be submitted at least thirty days in advance of the examination date.

**132.3(4)** Applicants for certification shall have:

a. Completed and submitted all necessary forms required by the board.

b. Successfully completed the training program.

c. Passed the written examination approved by the board.

d. Passed the practical examination approved by the board.

**132.3(5)** Applicants from other states shall request certification from the board and may be issued the appropriate Iowa certificate providing:

a. The applicant completes and submits all necessary forms required by the board.

b. The applicant submits adequate evidence of current certification in another state or has other recognized certification with standards comparable to those in effect in Iowa as determined by the board.

**132.3(6)** A challenge of the certification examination is available to provide additional sources of potential advanced emergency medical care personnel because of previous emergency care training. Following is the list of categories from which eligibility for acceptance is determined:

a. Any registered nurse who is licensed in the state of Iowa.

b. Any individual who has had education and training equivalent to the requirements in these rules prior to their effective date.

c. Exceptions to any of the above categories may be referred to the board for determination of eligibility.

d. Persons wishing to participate in the challenge process may make written request for procedural instructions and requirements to: Board of Medical Examiners, State Office Building, 300 Fourth Street, Des Moines, Iowa 50319.

**132.3(7)** Renewal of certificates shall be required every two years by the board in order to continue providing advanced emergency medical care.

**132.3(8)** The application form and instructions for renewal of certification shall be mailed to the certificate holder at least sixty days prior to the expiration date of the current certificate. In order to be eligible for renewal, the certificate holder shall have:

a. Completed and submitted all necessary forms required by the board.

b. A current certificate.

c. Completed a minimum of thirty hours of continuing education per year as outlined below:

(1) At least six hours formal classroom experience;

(2) At least six hours ambulance run critique;

(3) At least six hours clinical experience in a hospital under direct supervision; and

(4) Twelve hours to be determined by the medical director.

**470—132.4(147A) Levels of training.**

**132.4(1)** "Advanced EMT-I" means a certified EMT-A who has successfully completed modules 1, 2, 3, and 5 of the United States Department of Transportation's paramedic guide, excluding endotracheal intubation.

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**132.4(2)** "Advanced EMT-II" means a certified EMT-A who has successfully completed the first six and the fifteenth modules of the United States Department of Transportation's paramedic guide, and who has been trained and certified in advanced cardiac life support as outlined in American Heart Association standards as of August 1977, or the equivalent of such standards as determined by the council and approved by the board.

**132.4(3)** "Paramedic" means a certified EMT-A who has successfully completed all fifteen modules of the United States Department of Transportation's paramedic guide, and who has been trained and certified in advanced cardiac life support as outlined in American Heart Association standards as of August 1977, or the equivalent of such standards as determined by the council and approved by the board.

**132.4(4)** The advanced EMT-I or EMT-II training program shall consist of classroom, clinical, and field experience sufficient to develop skill and competency in the respective categories as outlined in the United States Department of Transportation's paramedic guide, and shall be completed within a one-year period. After certification, at the advanced EMT-I or EMT-II level, individuals shall be eligible for certification at the next higher level pending successful completion of the appropriate material.

**132.4(5)** The paramedic training program shall consist of classroom, clinical, and field experience sufficient to develop skill and competency as outlined in the United States Department of Transportation's paramedic guide, and shall be completed within two years.

**132.4(6)** In addition to the medical procedures outlined in subrule 132.1(4), advanced emergency medical care personnel may perform any other medical procedure appropriate to their level of certification not specified in the United States Department of Transportation's paramedic guide that has been adopted by rule by the board providing they have been trained in the procedure and have received authorization from the service program medical director.

**470—132.5(147A) Training program standards.****132.5(1) Training institution.**

a. The training institution shall be a postsecondary educational institution, or hospital providing a training program approved by the board.

b. Training program approval shall not exceed four years. Applicants shall use application forms developed by the board.

c. Approval for training programs shall be obtained at least sixty days before the start of a class.

d. A training program without a current active trainee enrollment shall be subject to automatic review.

e. If a training program loses its medical director, it shall report this information to the board and provide a curriculum vitae for the medical director's replacement. A new class shall not be started until a qualified medical director has been appointed.

f. Board approval is required before any major curriculum changes can be instituted. Such proposed changes shall be submitted to the executive director one month prior to a regular board meeting for consideration and action. Major curriculum changes include:

(1) Alteration of the present curriculum which increases or shortens the program, exclusive of vacation days;

(2) Changes in use of co-operating agencies;

(3) Major change in course offering.

g. A training program shall lose its approval if it fails to meet any of the provisions of these rules.

**132.5(2) Application.**

a. Any applicant wishing to establish or reopen a training institution shall inform the board by writing to the executive director during the initial planning. Early consultation and planning with the board is essential for the development of all types of sound programs in advanced emergency medical care.

(1) Written application shall be submitted to the executive director one month prior to a regular board meeting for board action. The application shall include: Request for permission to establish or reopen a training program signed by appropriate officials of the applicant; evidence of availability of clinical resources; evidence of availability of physical facilities; and evidence of qualified faculty.

(2) Survey visits: A survey of the applicant and clinical resources to be used for trainee experience may be made by a representative of the board; representatives of the applicant may be required by the board to meet with the board at the time the application and reports of survey (if applicable) are discussed to facilitate board action.

(3) Report of board action: Written report of board action accompanied by the board survey reports (if applicable) shall be sent to the applicant.

**b. Established training institutions.**

(1) Survey visits: All training institutions may be visited by a representative of the board at regular intervals as determined by the board. The purpose of the visit is to examine educational objectives, review training programs, administrative practices, services and facilities, and to prepare a written report for review and action by the board. All visits shall be conducted under impartial and objective conditions.

(2) Survey of clinical facilities: All facilities used for clinical instruction may be visited by a representative of the board as part of the training institution survey. The purpose of the visit is to review administrative practices, patient care practices, the facilities and provision for patient care and trainee personnel, and to prepare a written report for review and action by the board.

**c. Change of ownership or control.**

(1) The board shall be notified, in writing, of any changes in ownership or control of a training institution within thirty days of such change.

**132.5(3) Contractual agreements.**

a. If clinical or field experience resources are located outside the framework of the training institution, written contractual agreements for such resources shall be initiated by the training institution.

**132.5(4) Facilities.**

a. There shall be adequate classroom, laboratory, and practice space to conduct the training program. A library with reference materials on emergency and critical care shall also be available.

b. The following hospital units shall be available for trainee experience for each training program:

(1) Emergency services with an average of at least 1,000 total visits per month;

(2) Intensive care unit or coronary care unit or both;

(3) Operating room and recovery room;

(4) Intravenous or phlebotomy team, or other method to obtain IV experience;

(5) Pediatric unit;

(6) Labor and delivery suite, and newborn nursery;

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- (7) Psychiatric unit; and
- (8) Morgue;
- (9) An animal laboratory is a recommended, but optional adjunct.

c. There shall be an advanced emergency medical care unit closely affiliated with the training institution to provide field experience. Cardiac telemetry is a recommended, but optional adjunct to the training program.

**132.5(5) Staff.**

a. The training program medical director shall:

(1) Be a physician in a directly related specialty, such as emergency medicine, who has been or will be certified within one year as an instructor in advanced cardiac life support.

(2) Be assisted by a course co-ordinator who is a physician's assistant, registered nurse, or other appropriate health professional, who is also certified as an instructor in advanced cardiac life support. This individual shall be a full-time educator or a practitioner in emergency or critical care.

b. The instructional staff shall be comprised of physicians, nurses, pharmacists, advanced emergency medical care personnel, and other health care professionals who have appropriate education and experience in emergency and critical care.

c. Preceptors shall be assigned in each of the clinical units in which advanced EMT or paramedic trainees are obtaining clinical experience, to supervise their activities and ensure the quality and relevance of the experience. Trainee activity records shall be kept and reviewed by the immediate supervisor(s) and by the course co-ordinator.

**132.5(6) Advisory committee.** There shall be an advisory committee for the training program which has representatives from the training institution and such other groups as affiliated medical facilities, local medical establishments, ambulance and rescue squad service programs, and consumers of health care.

**132.5(7) Trainee records.**

a. The training institution shall maintain an individual record for each trainee. Training institution policy and board requirements will determine contents necessary to serve the purpose intended. These may include:

- (1) Application;
- (2) Health summary;
- (3) Trainee record or transcript of hours and performance (including examinations) in classroom, clinical, and field experience settings; and
- (4) Verification of change of name if change occurs while enrolled in the training program.

**132.5(8) Reports.**

a. The training institution shall submit an annual report to the board on forms provided by the board. This report shall provide current data on:

- (1) Qualifications and major responsibilities of each faculty member;
- (2) Policies used for selection, promotion, and graduation of trainees;
- (3) Practices followed in safeguarding the health and well-being of trainees, and patients receiving advanced emergency medical care within the scope of the training program;
- (4) Current enrollment by class and trainee-teacher ratios;
- (5) Number of admissions to training programs per year;

(6) Number of graduations from training programs per year;

(7) Curriculum lesson plans and brief course descriptions.

**132.5(9) Selection of trainees.**

a. There shall be a staff selection committee to select trainees utilizing as a basis the prerequisites outlined in subrule 132.2(1)"e".

b. EMT-As, who are currently certified in advanced cardiac life support, may test out of that component of the advanced EMT or paramedic training program utilizing procedures developed by the training institution.

**132.5(10) Continuing education.**

a. Training institutions may provide continuing education for advanced EMTs and paramedics which is commensurate with the continuing education requirements detailed in subrule 132.3(8)"c".

b. Training institutions shall provide a special course(s) for service program medical directors, supervising physicians, and physician designees to familiarize them with advanced prehospital care and their respective responsibilities.

**132.5(11) Financing and administration.**

a. There shall be sufficient funding available to the training institution to ensure that each class started can be completed.

b. Tuition charged to trainees shall be reasonable and accurately stated.

c. Advertising for advanced EMT and paramedic training programs shall be appropriate, and there shall be an official publication describing the course of study.

**132.5(12) Trainees.**

a. Advanced EMT or paramedic trainees may do anything that a certified advanced EMT or paramedic may do, if they are under the direct supervision of a physician or physician designee, or under the remote supervision of a physician or physician designee, with direct field supervision provided by staff directly associated with the training program.

b. Trainees shall not be substituted for personnel of any affiliated medical facility or service program, but may be employed while enrolled in the training program.

**470—132.6(147A) Service program—authorization and renewal standards and procedures.****132.6(1) General requirements for authorization:**

a. Any ambulance or rescue squad seeking to establish and provide a service program utilizing advanced emergency medical care personnel shall be authorized by the department upon the advice and consent of the council. Application for such authorization shall be made on forms prescribed by the department and approved by the council. Applicants shall complete and submit the forms to the department not less than sixty days prior to the requested effective date for the establishment of the service program.

b. The service program shall, as a minimum standard, use emergency medical transport vehicles that meet current federal KKK-A-1822 specifications and amendments as of June 25, 1975. These specifications shall not apply to vehicles used for routine or convalescent transfers.

c. The equipment and supplies utilized by the service program shall be those set forth in rule 132.7(147A).

d. The service program shall have a medical director who is a duly licensed physician.

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e. The service program shall maintain a telecommunications system between the advanced EMT-I, advanced EMT-II, or paramedic, and the medical director, supervising physician, or physician designee.

**132.6(2)** The medical director shall be responsible for providing competent medical direction and overall supervision of the medical aspects of the service program.

**132.6(3)** Each service program shall:

a. Maintain an adequate number of currently certified personnel and emergency response vehicles.

b. Provide two personnel on each run with one being an advanced EMT or paramedic and the other a basic EMT. A preferable alternative is to have at least three personnel with at least two being advanced EMTs or paramedics and the other a basic EMT.

c. Ensure that one advanced EMT or paramedic is in constant attendance with the patient when advanced emergency medical care is being provided.

d. Ensure that personnel duties are consistent with their level of certification and that certification is current.

e. Notify the department in writing upon the termination of the medical director.

f. Notify the department in writing as soon as the selection of a new medical director is made.

**132.6(4)** The service program shall notify the department in writing within thirty days of any increase or reduction of services being provided.

**132.6(5)** Advanced emergency medical care personnel who, because of equipment malfunction, are unable to maintain communication with the medical control source may provide advanced emergency medical care according to the established protocols of the respective service program. They shall, however, immediately contact the medical control source as soon as communication is re-established.

**132.6(6)** General requirements for renewal of authorization:

a. Service program authorization is valid for two years from the date of such authorization unless sooner suspended or revoked.

b. To renew authorization, a service program shall meet the following requirements:

(1) Continue to meet the requirements outlined in rules 132.6(147A), 132.7(147A), and 132.8(147A) of these rules;

(2) Complete and submit to the department the renewal application at least sixty days prior to expiration of the current authorization. Such application may be obtained upon request to: Iowa State Department of Health, Emergency Medical Services Section, Lucas State Office Building, Des Moines, Iowa 50319.

**470—132.7(147A) Service program—recordkeeping, equipment, and supply standards.**

**132.7(1)** Each service program shall maintain accurate records concerning the emergency care provided to each patient. The following data shall be maintained and provided, upon request of the department, to the department for evaluation purposes:

a. Number of runs.

b. Type of runs (behavioral, burn, cardiac, neonatal, poison, spinal cord, trauma, etc.).

c. Number of telemetered runs.

d. Number of cases requiring resuscitation measures:

(1) Number defibrillated;

(2) Number requiring CPR only;

(3) Number successfully resuscitated;

(4) Number of IV's attempted/started;

(5) Number of intubations attempted/started; and

(6) Number of times antishock trousers were used.

e. Other data of emergency medical care provided, as may be required by the department.

f. Time factors:

(1) Time of occurrence;

(2) Time dispatcher notified;

(3) Time service program notified;

(4) Time vehicle dispatched;

(5) Time of arrival at scene;

(6) Time departed scene;

(7) Time of arrival at hospital; and

(8) Time when back in service.

**132.7(2)** Each service program shall establish daily equipment checklist procedures to ensure that:

a. Electronic and mechanical equipment are in proper operating condition at all times.

b. Emergency response vehicles are maintained in a safe operating condition at all times.

**132.7(3)** All vehicles used in service programs shall be equipped, as a minimum, with the "Essential Equipment for Ambulances" published by the Committee on Trauma, American College of Surgeons, as of September 1977.

**132.7(4)** In addition to subrule 132.7(3) above, vehicles used in advanced EMT-I service programs shall have as a minimum, the additional equipment and supplies listed and filed with the department, as approved by the council. Such list is available upon request to: Iowa State Department of Health, Emergency Medical Services Section, Lucas State Office Building, Des Moines, Iowa 50319.

**132.7(5)** In addition to subrules 132.7(3) and 132.7(4) above, vehicles used in advanced EMT-II, or paramedic service programs shall have, as a minimum, the additional equipment and supplies listed and filed with the department, as approved by the council. Such list is available upon request to: Iowa State Department of Health, Emergency Medical Services Section, Lucas State Office Building, Des Moines, Iowa 50319.

**132.7(6)** In addition to subrules 132.7(3), 132.7(4), and 132.7(5) above, additional equipment and supplies shall be carried on service program vehicles as may be determined by the medical director.

**132.7(7)** All drugs are to be provided by a hospital pharmacy or community pharmacy, as per written agreement. Accountability for the exchange, distribution, storage, ownership, and security of drugs shall be subject to applicable state and federal requirements, and shall be the responsibility of the hospital pharmacy or community pharmacy.

**132.7(8)** Each service program shall ensure that strict sanitation procedures are in effect at all times. The following sanitation standards shall apply to all service program vehicles:

a. The interior and the equipment within the vehicle shall be clean and maintained in good working order at all times.

b. Freshly laundered blankets and linen, or disposable linens shall be used on cots and pillows, and shall be changed after each patient is transported.

c. Clean linen storage shall be provided.

d. Closed containers shall be provided for soiled supplies.

e. Closed compartments shall be provided within the vehicle for medical supplies.

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f. Implements inserted into the patient's nose, mouth, or other body orifice shall be wrapped, and properly stored and handled. Multiuse items shall be kept sterile and properly stored.

g. When a vehicle has been utilized to transport a patient known to have a communicable disease, the vehicle shall be appropriately decontaminated.

h. All drugs shall be maintained in accordance with the rules of the state board of pharmacy examiners. Such rules may be obtained upon request to: Iowa State Board of Pharmacy Examiners, State Office Building, Des Moines, Iowa 50319.

i. The department, without prior notification, shall have the authority to inspect all such vehicles and supply inventories to ensure compliance with all applicable rules.

**470—132.8(147A) Service program—medical control.**

**132.8(1)** The medical director may appoint, by name in writing, a supervising physician(s), or a physician designee(s) to provide medical control.

**132.8(2)** Medical control shall be the direct responsibility of the medical director, supervising physician(s), or physician designee(s).

**132.8(3)** Medical control shall be provided from time of first notification until the patient reaches the receiving hospital.

**132.8(4)** Communications equipment shall be able to reach any part of the service program area to ensure the provision of medical control.

**132.8(5)** The medical director's duties shall include, but need not be limited to:

a. Maintaining liaison with other physicians, including the medical director of the training program and the supervising physician(s) at the appropriate hospital(s).

b. Monitoring and evaluating, through the supervising physician(s), the daily activities of the service program.

c. Co-ordinating continuing education programs for the service program members as set forth in subrule 132.3(8)"c".

d. Providing individual evaluation and consultation to service program members.

e. Developing and providing protocols for advanced emergency medical care.

f. Developing written parameters and protocols to be followed by the physician designee(s) in supervising advanced emergency medical care personnel.

g. Ensuring that any physician designee has demonstrated competency equivalent or superior to the level of the advanced emergency medical care personnel being supervised.

h. Informing the medical community of the advanced emergency medical care being provided according to approved protocols in the service program area.

**132.8(6)** Supervising physicians and physician designees shall assist the medical director periodically by:

a. Providing medical control.

b. Reviewing the advanced emergency medical care provided.

c. Reviewing and updating protocols.

d. Providing continuing education for service program members.

e. Resolving operational problems.

**470—132.9(147A) Denial, suspension, or revocation of service program authorization or renewal—appeal.**

**132.9(1)** The department may deny an application for authorization or renewal of a service program utilizing advanced EMTs or paramedics, or suspend or revoke such authorization or renewal if the council finds reason to believe the service program will not or has not been operated in compliance with chapter 147A of the Code, or the rules implementing such chapter, or that there is insufficient assurance of adequate protection for the public.

**132.9(2)** The proposed denial, suspension, or revocation shall be considered by a committee of the council consisting of at least two members appointed by the chair of the council. The committee shall advise the department of its decision. The department shall then notify the applicant of the granting or denial of authorization or renewal, or of action to suspend or revoke such authorization or renewal. Notices of denial, suspension, or revocation shall be by certified mail, return receipt requested, or by personal service.

**132.9(3)** Any request for a hearing before the council concerning the denial, suspension, or revocation of service program authorization or renewal shall be submitted by the aggrieved party in writing to the department by certified mail, return receipt requested, within thirty days of the mailing of a notice of intended action by the department. The address is: Iowa State Department of Health, Emergency Medical Services Section, Lucas State Office Building, Des Moines, Iowa 50319.

**132.9(4)** The department shall prepare the notice of hearing and transmit same to the aggrieved party by certified mail, return receipt requested, at least ten days before the date of the hearing.

**132.9(5)** The council adopts the rules of the department found in 470—chapter 173, Iowa Administrative Code, as the procedure for hearings before the council. The council may authorize an administrative hearing officer to conduct hearings, administer oaths, issue subpoenas, and prepare written findings of fact, conclusions of law, and decisions at the direction of the council. The members of the committee which make the initial decision to deny, suspend, or revoke authorization or renewal shall not take part in the hearing panel but may appear as witnesses.

**132.9(6)** The decision of the council shall be mailed to the aggrieved party by certified mail, return receipt requested, or by personal service.

**132.9(7)** Any appeal to the district court from denial, suspension, or revocation of such service program authorization or renewal shall be taken within thirty days from the issuance of the decision of the council. Notice of appeal shall be sent to the council by certified mail, return receipt requested, or by personal service. It is not necessary to request a rehearing before the council to appeal to the district court.

**132.9(8)** The party who appeals a decision of the council to the district court shall pay the cost of the preparation of a transcript of the administrative hearing for the district court.

**470—132.10(147A) Denial, suspension, or revocation of advanced emergency medical care personnel certificates or renewal—appeal.**

**132.10(1)** All complaints regarding advanced emergency medical care personnel, or those purporting to be the same, shall be reported to the board.

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**132.10(2)** In investigating such complaints the certificate holder, supervising physician, and other individuals as appropriate may be requested, and if so requested, shall appear at a board meeting for the purpose of responding to such complaints.

**132.10(3)** The board may deny an application for issuance or renewal of an advanced EMT, or paramedic certificate, or suspend or revoke such a certificate when it finds that the applicant or certificate holder has:

a. Acted negligently in performing the authorized services.

b. Failed to follow the directions of the supervising physician.

c. Rendered treatment not authorized under chapter 147A of the Code.

d. Violated any of the provisions of or failed to comply with pertinent requirements of chapter 147A of the Code, or the rules implementing such chapter.

e. Furnished false, misleading or incomplete information to the board.

f. Pled guilty to or have been convicted of a serious misdemeanor or felony relating to advanced EMT or paramedic services.

**132.10(4)** The proposed denial, suspension, or revocation shall be considered by a committee of the board consisting of at least two members appointed by the chair of the board. The committee shall advise the executive director of its decision. The executive director shall then notify the applicant of the granting or denial of certification or renewal, or of action to suspend or revoke such certification or renewal. Notices of denial, suspension, or revocation shall be by certified mail, return receipt requested, or by personal service.

**132.10(5)** Any request for a hearing before the board concerning the denial, suspension, or revocation of such certification or renewal shall be submitted by the aggrieved party in writing to the board by certified mail, return receipt requested, within thirty days of the mailing of a notice of intended action by the board. The address is: Board of Medical Examiners, State Office Building, 300 Fourth Street, Des Moines, Iowa 50319.

**132.10(6)** The board shall prepare the notice of hearing and transmit same to the aggrieved party by certified mail, return receipt requested, at least ten days before the date of the hearing.

**132.10(7)** The board adopts the rules of the department found in 470—chapter 173, Iowa Administrative Code, as the procedure for hearings before the board. The board may authorize an administrative hearing officer to conduct hearings, administer oaths, issue subpoenas, and prepare written findings of fact, conclusions of law, and decisions at the direction of the board. The members of the committee which make the initial decision to deny, suspend, or revoke certification or renewal shall not take part in the hearing panel but may appear as witnesses.

**132.10(8)** The decision of the board shall be mailed to the aggrieved party by certified mail, return receipt requested, or by personal service.

**132.10(9)** Any appeal to the district court from denial, suspension, or revocation of such certification or renewal shall be taken within thirty days from the issuance of the decision of the board. Notice of appeal shall be sent to the board by certified mail, return receipt requested, or by personal service. It is not necessary to request a rehearing before the board to appeal to the district court.

**132.10(10)** The party who appeals a decision of the board to the district court shall pay the cost of the preparation of a transcript of the administrative hearing for the district court.

**470—132.11(147A) Denial, suspension, or revocation of training program authorization or renewal—appeal.**

**132.11(1)** The board may deny an application for authorization or renewal of a training program, or suspend or revoke such authorization or renewal if the board finds reason to believe the training program will not or has not been operated in compliance with chapter 147A of the Code, or the rules implementing such chapter, or that there is insufficient assurance of adequate protection for the public.

**132.11(2)** The proposed denial, suspension, or revocation shall be considered by a committee of the board consisting of at least two members appointed by the chair of the board. The committee shall advise the executive director of its decision. The executive director shall then notify the applicant of the granting or denial of authorization or renewal, or of action to suspend or revoke such authorization or renewal. Notices of denial, suspension, or revocation shall be by certified mail, return receipt requested, or by personal service.

**132.11(3)** Any request for a hearing before the board concerning the denial, suspension, or revocation of training program authorization or renewal shall be submitted by the aggrieved party in writing to the board by certified mail, return receipt requested, within thirty days of the mailing of a notice of intended action by the board. The address is: Board of Medical Examiners, State Office Building, 300 Fourth Street, Des Moines, Iowa 50319.

**132.11(4)** The executive director shall prepare the notice of hearing and transmit same to the aggrieved party by certified mail, return receipt requested, at least ten days before the date of the hearing.

**132.11(5)** The board adopts the rules of the department found in 470—chapter 173, Iowa Administrative Code, as the procedure for hearings before the board. The board may authorize an administrative hearing officer to conduct hearings, administer oaths, issue subpoenas, and prepare written findings of fact, conclusions of law, and decisions at the direction of the board. The members of the committee which make the initial decision to deny, suspend, or revoke authorization or renewal shall not take part in the hearing panel but may appear as witnesses.

**132.11(6)** The decision of the board shall be mailed to the aggrieved party by certified mail, return receipt requested, or by personal service.

**132.11(7)** Any appeal to the district court from denial, suspension, or revocation of such training program authorization or renewal shall be taken within thirty days from the issuance of the decision of the board. Notice of appeal shall be sent to the board by certified mail, return receipt requested, or by personal service. It is not necessary to request a rehearing before the board to appeal to the district court.

**132.11(8)** The party who appeals a decision of the board to the district court shall pay the cost of the preparation of a transcript of the administrative hearing for the district court.

These rules are intended to implement section 147A.4 of the Code.

[Filed 5/11/79, effective 7/5/79]

These rules were published under notice of intended

## HEALTH DEPARTMENT[470] (cont'd)

action in the Iowa Administrative Bulletin dated April 4, 1979 (ARC#0160), have been reviewed by the Administrative Rules Review Committee April 24, 1979, and a public hearing concerning the proposed rules was held April 26, 1979. All oral and written comments were considered and as a result the following changes were made:

Subrule 132.1(3) has been substantially rewritten at the request of the Administrative Rules Review Committee.

Subrule 132.1(22) has been amended for purposes of clarification.

Paragraph 132.2(1)"b" has been deleted and the following paragraphs relettered.

Paragraph 132.3(4)"c" has been deleted and the following paragraphs relettered.

Paragraph 132.3(5)"b" has been amended to reflect minor word changes.

Paragraph 132.3(6)"d" has been amended to reflect an address change.

Paragraph 132.3(8)"d" has been deleted.

Rule 132.4 has been amended for purposes of clarification by adding a new subrule: 132.4(6).

Subparagraph 132.5(4)"b"(2) has been amended to reflect minor word changes.

Subparagraph 132.5(4)"b"(3) has been amended to reflect minor word changes.

Subrule 132.5(11) has been amended to delete paragraph 132.5(11)"d" which will appear in paragraph 132.5(12)"b".

Subrule 132.5(12) has been amended by moving the body of the subrule to paragraph 132.5(12)"a", and by rewriting and adding the material formerly found in paragraph 132.5(11)"d" as paragraph 132.5(12)"b".

Paragraph 132.6(1)"b" has been amended for purposes of clarification.

Subrule 132.10(5) has been amended to reflect an address change.

Subrule 132.11(3) has been amended to reflect an address change.

These rules shall become effective July 5, 1979.

[Published 5/30/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 5/30/79.

ARC 0278

## PHARMACY EXAMINERS[620]

Pursuant to the authority of sections 147.76 and 258A.10 of the Code of Iowa, the Board of Pharmacy Examiners adopts the following rules:

ITEM 1. Add the following new chapter:

CHAPTER 10  
DISCIPLINE

## 620—10.1(258A) General.

10.1(1) The board has the authority to impose discipline for any violations of chapters 147, 155, 203, 203A, 204, 205, and 258A or the rules promulgated thereunder.

10.1(2) The board has the authority to impose the following disciplinary sanctions:

- a. Revocation of a license or registration.
- b. Suspension of a license or registration until further order of the board or for a specified period.
- c. Nonrenewal of a license or registration.
- d. Prohibit permanently, until further order of the board, or for a specified period, the engaging in specified procedures, methods or acts.
- e. Probation.
- f. Require additional education or training.
- g. Require a re-examination.
- h. Order a physical or mental examination.
- i. Impose civil penalties not to exceed \$1,000.00.
- j. Issue citation and warning.
- k. Such other sanctions allowed by law as may be appropriate.

10.1(3) The following factors may be considered by the board in determining the nature and severity of the disciplinary sanction to be imposed:

- a. The relative seriousness of the violation as it relates to assuring the citizens of this state a high standard of professional care.
- b. The facts of the particular violation.
- c. Any extenuating circumstances or other counter-vailing considerations.
- d. Number of prior violations or complaints.
- e. Seriousness of prior violations or complaints.
- f. Whether remedial action has been taken.
- g. Such other factors as may reflect upon the competency, ethical standards and professional conduct of the licensee or registrant.

10.1(4) The board may impose any of the disciplinary sanctions set out in subrule 10.1(2), including civil penalties in an amount not to exceed \$1000.00, when the board determines that the licensee or registrant is guilty of the following acts or offenses:

a. Fraud in procuring a license. Fraud in procuring a license includes but is not limited to an intentional perversion of the truth in making application for a license to practice pharmacy in this state, and includes false representations of a material fact, whether by word or conduct, by false or misleading allegations, or by concealment of that which should have been disclosed when making application for a license in this state, or attempting to file or filing with the board any false or forged diploma, certificate or affidavit or identification or qualification in making an application for a license in this state.

b. Professional incompetency. Professional incompetency includes but is not limited to:

## PHARMACY EXAMINERS[620] (cont'd)

(1) A substantial lack of knowledge or ability to discharge professional obligations within the scope of the pharmacist's practice.

(2) A substantial deviation by a pharmacist from the standards of learning or skill ordinarily possessed and applied by other pharmacists in the state of Iowa acting in the same or similar circumstances.

(3) A failure by a pharmacist to exercise in a substantial respect that degree of care which is ordinarily exercised by the average pharmacist in the state of Iowa acting under the same or similar circumstances.

(4) A willful or repeated departure from, or the failure to conform to, the minimal standard or acceptable and prevailing practice of pharmacy in the state of Iowa.

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

d. Habitual intoxication or addiction to the use of drugs. Habitual intoxication or addiction to the use of drugs include, but is not limited to:

(1) The inability of a pharmacist to practice pharmacy with reasonable skill and safety by reason of the excessive use of alcohol on a continuing basis.

(2) The excessive use of drugs which may impair a pharmacist's ability to practice pharmacy with reasonable skill or safety.

e. Conviction of a felony. A copy of the record of conviction or a plea of guilty shall be conclusive evidence.

f. Fraud in representations as to skill or ability. Fraud in representations as to skill or ability include, but is not limited to, a pharmacist having made deceptive or untrue representations as to his or her competency to perform professional services for which he or she is not qualified to perform by virtue of training or experience.

g. Use of untrue or improbable statements in advertisements.

h. Distribution of intoxicating liquors or drugs for other than lawful purposes. The distribution of drugs for other than lawful purposes includes but is not limited to the disposition of drugs in violation of chapters 155, 203, 203A and 204 of the Code.

i. Willful or repeated violations of the provisions of chapter 147 of the Code. Willful or repeated violations of this act includes but are not limited to a pharmacist intentionally or repeatedly violating a lawful rule or regulation promulgated by the board of pharmacy examiners or the state department of health or violating a lawful order of the board in a disciplinary hearing or violating the provisions of Title VII (Public Health) or Title VIII (Practice Acts), Code of Iowa, as amended.

j. Violating a statute or law of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, which statute or law relates to the practice of pharmacy.

k. Failure to report a license revocation, suspension or other disciplinary action taken by another state, territory or country.

l. Knowingly aiding, assisting, procuring or advising another person to unlawfully practice pharmacy.

m. Inability to practice pharmacy with reasonable skill and safety by reason of mental or physical impairment or chemical abuse.

n. Being adjudged mentally incompetent by a court of competent jurisdiction. Such adjudication shall automatically suspend a license for the duration of the license unless the board orders otherwise.

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

p. Failure to notify the board within thirty days after occurrence of any judgment or settlement of a malpractice court claim or action.

q. Failure to file the reports required by subrule 10.1(7) concerning acts or omissions committed by another licensee.

r. Willful or repeated malpractice.

s. Willful or gross negligence.

t. Obtaining any fee by fraud or misrepresentation.

u. Violating any of the grounds for revocation or suspension of a license listed in sections 147.55 and 155.13 of the Code of Iowa.

10.1(5) Reporting of judgments or settlements. Each licensee shall report to the board every adverse judgment in a malpractice action to which he or she is a party, and every settlement of a claim against him or her alleging malpractice. The report together with a copy of the judgment or settlement must be filed within thirty days from the date of said judgment or settlement.

10.1(6) Investigation of reports of judgments and settlements. Reports received by the board from the commissioner of insurance, insurance carriers and licensees involving adverse judgments in a professional malpractice action, and settlement of claims alleging malpractice, which involve acts or omissions which constitute negligence, careless acts or omissions in the practice of pharmacy, shall be reviewed and investigated by the board.

10.1(7) Reporting of acts or omissions. Each licensee, having first-hand knowledge of acts or omissions set forth in subrule 10.1(4), shall report to the board those acts or omissions when committed by another person licensed to practice pharmacy. The report shall include the name and address of the licensee and the date, time and place of the incident.

10.1(8) Failure to report. Upon obtaining information that a licensee failed to file a report as required by subrule 10.1(7) within thirty days from the date he or she initially acquired the information, the board may initiate a disciplinary proceeding against the licensee who failed to make the required report.

10.1(9) Confidentiality of investigative files. Complaint files, investigation files, and all other investigation reports and other investigative information in the possession of the board or its employees or agents which relate to licensee discipline shall be privileged and confidential, and shall not be subject to discovery, subpoena, or other means of legal compulsion for their release to any person other than the licensee and the board, its employees and agents involved in licensee discipline, or to be admissible evidence in any judicial or administrative proceeding other than the proceeding involving licensee discipline. However, a final written decision and finding of fact of the board in a disciplinary proceeding shall be public record.

This rule is intended to implement sections 147.55 and 258A.5 of the Code.

[Filed 5/11/79, effective 7/4/79]

Notice of Intended Action regarding these rules was published in the IAC Bulletin April 4, 1979. They are identical to those published under notice. These rules become effective July 4, 1979.

[Published 5/30/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 5/30/79.



## ARC 0275

PUBLIC INSTRUCTION  
DEPARTMENT[670]

Pursuant to the authority of section 285.8 of the Code, rules appearing in the Iowa Administrative Code, Chapter 22 relating to school transportation are hereby adopted.

CHAPTER 22  
SCHOOL TRANSPORTATION

ITEM 1. Rule 670—22.1(285) is amended to read as follows:

**670—22.1(285) ~~Intracounty~~ Intra-area education agency routes.**

ITEM 2. Rule 670—22.2(285) is amended to read as follows:

**670—22.2(285) ~~Intercounty~~ Interarea education agency routes.**

ITEM 3. Strike all of subrule 22.2(1) and renumber the remaining subrules so that 22.2(2) becomes 22.2(1) and so on so as the final subrule under rule 670—22.2(285) will be numbered 22.2(5).

ITEM 4. Renumbered subrule 22.2(1) is amended to read as follows:

**22.2(1)** Joint consultation shall then be held by the ~~county area education agency~~ boards involved. The initial steps may be undertaken by the ~~county area education agency superintendents~~ administrators. If there are no difficulties and agreement is reached, the route is approved and no further action need be taken.

ITEM 5. Renumbered subrule 22.2(2) is amended to read as follows:

**22.2(2)** If agreement is not reached in the initial attempt the ~~superintendent~~ administrator of the ~~county area education agency~~ in which the applying school is located shall advise the superintendent of reasons for failure to reach agreement and request that he revise the ~~application transportation plan~~ to meet the objection and resubmit same.

ITEM 6. Renumbered subrule 22.2(3) is amended to read as follows:

**22.2(3)** If the ~~county area education agency~~ boards do not reach agreement on the route, the home ~~county area education agency superintendent~~ administrator shall forward complete record of the case together with disapproved ~~application transportation plan~~ to the state superintendent of public instruction. Every effort should be made, however, to settle the matter locally.

ITEM 7. Renumbered subrule 22.2(4) is amended to read as follows:

**22.2(4)** All legal provisions, standards and regulations applying to approval and operation of bus routes apply equally to ~~intercounty~~ interarea education agency bus routes.

ITEM 8. Renumbered subrule 22.2(5) is amended to read as follows:

**22.2(5)** All ~~intercounty~~ interarea education agency bus routes must be approved each year. If there has been no change in the designations, nor in the proposed route, ~~application transportation plan~~ may be made and agreement indicated by letter.

ITEM 9. Rule 670—22.7(285) is amended to read as follows:

**670—22.7(285) Vehicle requirements.** Any vehicle used, other than used by a ~~parent~~ parents to transport ~~his~~ their own children only, is considered to be a school bus and must meet all requirements set up for the type of vehicle used. (This is not intended to restrict the use of passenger cars during the time they are not actually engaged in transporting public or nonpublic school pupils.)

ITEM 10. Rule 670—22.9(285) is amended to read as follows:

**670—22.9(285) Activity trips deducted.** Transporting school districts which use their equipment for activity trips, or educational tours, or other types of transportation services as permitted in section 285.10(9) and (10) of the Code, must deduct the cost of such trips from the total yearly transportation ~~bill~~ cost. In other words, such costs may not be included in the pro rata costs which determine the charge to sending districts.

Accurate and complete accounting records must be kept so that the cost of transportation to and from school may be ascertained.

ITEM 11. Subrule 22.10(4) is amended to read as follows:

**22.10(4)** The bus shall be driven by a regularly approved driver holding a chauffeur's license and a school bus driver's permit. In addition thereto, the buses must be accompanied by a member of the faculty or other employee of said school or a parent or other adult volunteer as authorized by a school administrator who will be responsible for the conduct and general supervision of the pupils on the bus and at the place of activity. If the faculty member is an approved driver he or she can act both as a driver and faculty sponsor.

ITEM 12. Subrule 22.10(5) is amended to read as follows:

**22.10(5)** School buses may be used by an organization of, or sponsoring activities for, senior citizens, children, or handicapped, persons and other persons and groups, and for transportation of persons other than pupils to activities in which pupils from the school are participants or are attending the activity or for which the school is a sponsor under the following conditions:

ITEM 13. Amend subrule 22.10(5), paragraph "a", to read as follows:

a. The "school bus" signs shall be covered and the flashing warning lamps and stop arm made inoperable when the bus is being used in a nonschool sponsored activity.

ITEM 14. Rule 670—22.11(285) is amended to read as follows:

**670—22.11(285) Teacher transportation.** Public school teachers who are transported should be included in the average number transported and should be charged the pro rata cost by the transporting district.

The teachers should be included in the list of pupils transported, form TR-F-20-4, and the number of weeks the teacher was transported included in the nonreimbursable column.

ITEM 15. Rule 670—22.14(285) is amended to read as follows:

## PUBLIC INSTRUCTION[670] (cont'd)

**670—22.14(285) Driver age.** School bus drivers must be at least sixteen years of age, and not more than ~~sixty-five~~ *sixty-nine* years of age as of August 1 preceding the opening of the school year. ~~The department of public instruction may, at its discretion, waive the upper age limit upon application of the board of education and receipt of evidence of satisfactory physical condition of the driver.~~

ITEM 16. Rule 670—22.15(285) is amended to read as follows:

**670—22.15(285) Physical fitness.** Applicants for the school bus driver's permit must submit ~~signed physicians statement~~ *each year to the school transportation and safety education division, a signed report (Form TR-F-6-497B) of a medical examination by a licensed physician and surgeon, osteopathic physician and surgeon, or osteopath, indicating physical fitness as follows:*

ITEM 17. Subrule 22.15(1) is amended to read as follows:

**22.15(1)** Sufficient physical ~~strength~~ *capability* to operate the bus effectively; ~~and to render assistance to the passengers in case of illness or injury.~~

ITEM 18. Subrule 22.15(2) is amended to read as follows:

**22.15(2)** Possession of full and normal use of both hands, both arms, both feet and both legs. Amputation of an arm or foot will disqualify the applicant. Amputation of more than two fingers of the hand will disqualify the applicant. In other words, the applicant should have one complete hand, and the thumb and at least two fingers of the other hand to qualify. Individual evaluations will be made for applicants who have parts of fingers missing ~~and requirements may be waived upon submission of a written statement from the superintendent of schools attesting to the ability of the applicant to safely carry out the duties of a school bus driver.~~

ITEM 19. Rule 670—22.17(285) is amended to read as follows:

**670—22.17(285) Additional fitness requirements.** Freedom from mental, nervous, organic or functional disease; including but not limited to epilepsy, paralysis, insanity, abnormal blood pressure, heart ailments or any disease that may cause a tendency to fainting. Blood pressure in excess of 170 (systolic) and 100 (diastolic) taken in a sitting position, or diabetes, will disqualify the applicant in the absence of a qualified physician's recommendation and satisfactory statement covering the significance of the condition. *After the application has been approved and the school bus driver's permit has been issued, if at any time the driver does not meet all of the stated requirements, the superintendent or school administrator shall not permit the person to drive a school bus until the deficiency has been corrected.*

*The department of public instruction may issue a temporary school bus driver's permit based upon an evaluation of the individual applications.*

ITEM 20. Rule 670—22.22(285) is amended to read as follows:

**670—22.22(285) Traffic law knowledge.** A thorough knowledge of traffic laws and regulations shall be required of all drivers. *Any person applying for a school bus driver's permit must possess a regular or special chauffeur's license prior to making application for said permit.*

ITEM 21. Rule 670—22.23(285) is amended to read as follows:

**670—22.23(285) Application form.** The school bus driver and the board of education shall submit a signed application for the *school bus driver's permit annually*, and upon a ~~forms~~ *form (TR-F-6-497B)* prescribed by the department of public instruction.

ITEM 22. Strike all of subrule 22.25(1) and renumber the remaining subrules so that 22.25(2) becomes 22.25(1) and so on so the final subrule under rule 670—22.25(285) will be numbered 22.25(8).

ITEM 23. Renumbered subrule 22.25(1) is amended to read as follows:

**22.25(1)** Use separate specification and bid request sheets. ~~(The statutes Section 285.10(7)"b" requires body and chassis to be bought on separate contracts.) unless the bus is constructed as an integral unit, inseparable as to body and chassis, by the manufacturer or is a used or demonstrator bus.)~~

ITEM 24. Renumbered subrule 22.25(4) is amended to read as follows:

**22.25(4)** Require all bids to be on comparable equipment which meets all state *and federal* requirements. ~~and is on list of equipment listed as meeting said requirements.~~

ITEM 25. Renumbered subrule 22.25(8) is amended to read as follows:

**22.25(8)** Notify the state department of public instruction, ~~division of transportation, school transportation and safety education division~~, of purchase and date of delivery so that arrangements can be made for the initial school bus inspection. No vehicle can be put into service until ~~inspected, approved, and a seal of approval issued.~~ *it has passed the regular inspection conducted by a state approved inspection station. The initial school bus inspection will be conducted at the earliest possible time convenient to the school and the department of public instruction.*

ITEM 26. Strike all of rule 670—22.27(285) and subrules 22.27(1) and 22.27(2).

ITEM 27. Strike all of rule 670—22.28(285).

ITEM 28. Strike all of rule 670—22.29(285) and subrules 22.29(1) through and including subrule 22.29(7).

ITEM 29. Rule 670—22.30(285) is amended to read as follows:

**670—22.30(285) Annual Semiannual inspection.** To facilitate the ~~annual~~ *semiannual* inspection program, ~~required by statute~~ school district officials shall send their buses to inspection centers as scheduled. ~~The buses shall be driven to and accompanied through the inspection by the regular drivers. A sufficient number of drivers or other school personnel shall be available at the inspection to operate the equipment for the inspectors.~~

ITEM 30. Rule 670—22.31(285) is amended to read as follows:

**670—22.31(285) Maintenance record.** As a part of the ~~annual~~ *semiannual* inspection program school ~~district~~ officials shall cause the chassis of all buses, whether publicly or privately owned, to be inspected and all necessary repairs made before the opening of the school term each fall. The inspection and repairs shall be recorded on form (TR-F-27A) prescribed by the department of public instruction. The completed form

## PUBLIC INSTRUCTION[670] (cont'd)

(TR-F-27A) shall be signed by the mechanic and carried in the glove compartment of the bus.

ITEM 31. Rule 670—22.33(285) is amended to read as follows:

**670—22.33(285) Insurance.** The board of education shall carry insurance on all school-owned buses and see that insurance is carried by all contractors engaged in transporting pupils for the district ~~as follows: in the coverages and limits as determined by the board of education.~~

ITEM 32. Subrule 22.33(1) is amended by striking the entire subrule.

ITEM 33. Subrule 22.33(2) is amended by striking the entire subrule.

ITEM 34. Subrule 22.33(3) is amended by striking the entire subrule.

ITEM 35. Subrule 22.33(4) is amended by striking the entire subrule.

ITEM 36. Rule 670—22.34(285) is amended to read as follows:

**670—22.34(285) Contract—privately owned buses.** The board of education and a contractor who undertakes to transport public *and nonpublic* pupils for the board, in privately owned vehicles, shall sign the official contract (Form TR-F-4-497) prescribed by the department of public instruction. The contract shall contain the following provisions:

ITEM 37. Subrule 22.34(9) is amended to read as follows:

**22.34(9)** To furnish the board of education an approved certificate of medical examination (Form TR-F-6-497B) for each person who is approved by the board of education to drive the bus.

ITEM 38. Subrule 22.34(10) is amended to read as follows:

**22.34(10)** To attend one county or regional school of instruction for bus drivers when called by state department of public instruction, ~~division of transportation; school transportation and safety education division.~~ (If owner does not drive the bus, the regular approved driver of bus shall attend.)

ITEM 39. Subrule 22.34(11) is amended to read as follows:

**22.34(11)** To carry insurance on bus and pupils with ~~Iowa endorsement as part of policy as follows: Liability \$10,000 - \$100,000; property damage \$5,000 and medical care \$500 per pupil; in the coverages and limits as determined by the board of education.~~

ITEM 40. Subrule 22.34(12) is amended to read as follows:

**22.34(12)** To make such reports as may be required by state department of public instruction, ~~county area education agency~~ board of education, and superintendent of schools.

ITEM 41. Rule 670—22.35(285) is amended to read as follows:

**670—22.35(285) Contract—district owned buses.** The board of education and a private individual undertaking to transport public *and nonpublic* school pupils for the board in school-district-owned vehicles shall sign the official contract (Form TR-F-5-497 Revised) prescribed by the state department of public instruction. The contract shall contain the following provisions:

ITEM 42. Subrule 22.35(5) is amended to read as follows:

**22.35(5)** To attend a county or regional school of instruction for bus drivers when called by the state department of public instruction, ~~division of transportation; school transportation and safety education division.~~

ITEM 43. Rule 670—22.36(285) is amended to read as follows:

**670—22.36(285) Accident reports.** The superintendent of schools shall make a report to the ~~division of transportation; school transportation and safety education division,~~ department of public instruction, on any accident involving any vehicle in use as a school bus. The driver of the bus shall co-operate with the superintendent in making such report. The report shall be made on the ~~department of public safety department of transportation Form D-48; "Drivers Confidential Report of Motor Vehicle Accident, State of Iowa," "Iowa Accident Report Form" or on Form TR-F-14R (Revised 1978), "School Bus Accident Report,"~~ Iowa Department of Public Instruction.

ITEM 44. Rule 670—22.41(285) is amended to read as follows:

**670—22.41(285) Pretrip inspections.** ~~All school bus drivers shall perform A daily pretrip inspections inspection of each their vehicles school bus shall be performed and recorded. and A written report shall be submitted promptly and in writing to the superintendent of schools, transportation supervisor, school bus mechanic, or other person charged with the responsibility for the school transportation program, if any defects or deficiencies are discovered that may affect the safety of the vehicle's operation or result in its mechanical breakdown.~~

[Filed 5/11/79, effective 7/4/79]

Notice of intended action regarding these rules was published in the Iowa Administrative Bulletin March 21, 1979, and shall become effective July 4, 1979. These rules were modified slightly.

[Published 5/30/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 5/30/79.

**ARC 0276**

**PUBLIC INSTRUCTION  
DEPARTMENT[670]**

Pursuant to the authority of section 285.8 of the Code, rules appearing in the Iowa Administrative Code, Chapter 23 relating to construction of school buses are hereby adopted.

Chapter 23 is rescinded in its entirety and the following inserted therein:

**CHAPTER 23  
THE SCHOOL BUS**

**670—23.1(285) Requirements for manufacturers.** In order to protect both the boards of education and distributors from misunderstanding and confusion, all manufacturers shall provide equipment meeting both federal and Iowa construction requirements herein described.

## PUBLIC INSTRUCTION[670] (cont'd)

**23.1(1)** Federal safety standards applicable to school bus construction include but are not limited to the following:

- 101 Control location, identification and illumination.
- 102 Transmission shift lever sequence, starter interlock and transmission braking effect.
- 103 Windshield defrosting and defogging systems.
- 104 Windshield wiping and washing systems.
- 105 Hydraulic braking systems.
- 106 Brake hoses.
- 107 Reflecting surfaces.
- 108 Lamps, reflective devices and associated equipment.
- 109 New pneumatic tires.
- 110 Tire selection and rims.
- 111 Rearview mirrors.
- 113 Hood latch systems.
- 116 Motor vehicle brake fluids.
- 119 New pneumatic tires for vehicles other than passenger cars.
- 120 Tire selection and rims for motor vehicles other than passenger cars.
- 121 Air brake systems.
- 124 Accelerator control systems.
- 205 Glazing materials.
- 206 Door locks and door retention components.
- 207 Seating systems.
- 208 Occupant crash protection.
- 209 Seat belt assemblies.
- 210 Seat belt assembly anchorages.
- 217 Bus window retention and release.
- 219 Windshield zone intrusion for vehicles with a GVWR of 10,000 pounds or less.
- 220 School bus rollover protection.
- 221 School bus body joint strength.
- 222 School bus passenger seating and crash protection.
- 301 Fuel system integrity.
- 302 Flammability of interior materials.

as found in "Federal Motor Vehicle Safety Standards and Regulations; With Amendments and Interpretations", U.S. Department of Transportation, National Highway Traffic Safety Administration, Washington, D.C. 20590, U.S. Government Printing Office.

**23.1(2)** Reserved.

**670—23.2(285) The school bus chassis.**

**23.2(1)** Air cleaner. School bus shall be equipped with an adequate oil-bath or dry-element type air cleaner mounted outside the passenger compartment.

**23.2(2) Alternator.**

a. All chassis greater than 14,500 pounds GVWR (Gross Vehicle Weight Rating) shall be equipped with an alternator which will produce a minimum of 40 amperes at 1,500 RPM alternator rotor speed, and 100 amperes at 4,500 RPM, alternator rotor speed. A dual belt drive shall be used with alternator.

b. All chassis of 14,500 GVWR or less shall, as a minimum, be equipped with an alternator equal to or exceeding 85 amperes. The alternator shall be capable of producing a minimum of 40 amperes at 1,500 RPM alternator rotor speed, and 80 amperes at 4,500 RPM alternator rotor speed.

c. Alternator shall be ventilated and voltage controlled.

**23.2(3) Axles.**

a. Front axle or other type of suspension assembly shall be of sufficient capacity at ground to support such

load on front axle as would be imposed by actual average gross vehicle weight.

b. Rear axle shall be full-floating type. Rear axle or other type of suspension assembly shall have gross weight rating at ground equal to or exceeding that portion of total load which is supported by rear suspension assembly.

c. Exceptions, transit and metropolitan vehicles.

(1) Front axle shall be wide-track, heavy-duty bus type or shall have gross rating at ground equal to or exceeding that portion of total load which is supported by front axle.

(2) Rear axle shall be full-floating, heavy-duty type and shall have gross weight rating at ground equal to or exceeding that portion of total load which is supported by rear axle.

**23.2(4) Battery system.**

a. The storage battery system as established by the manufacturer's rating shall be of sufficient capacity to efficiently care for the starting, lighting signal devices, heating, defrosting, and other electrical equipment. The battery shall be mounted on a sliding battery tray in a special compartment located in the body skirt, in the engine compartment under the hood in an accessible place, or other accessible location.

b. A 12-volt battery system with deep cycling design shall be provided which, when mounted under the hood or in a special compartment located in the body skirt, shall possess a minimum reserve capacity of 150 minutes.

c. If the battery is mounted in a special compartment in the body skirt, No. 2 or larger copper battery cables shall be used.

**23.2(5) Brakes.**

a. All chassis equipped with hydraulic or vacuum-hydraulic brakes shall comply with federal requirements at date of manufacture.

b. All chassis equipped with air brakes and all brake components shall comply with all federal requirements at date of manufacture and shall be S-Cam type on all wheels.

(1) Vehicles greater than 66 capacity shall be equipped with air brakes.

(2) An air dryer system is required.

c. Reservoirs required. Every brake system which employs air or vacuum shall include the following capacity where applicable:

(1) Air brake system shall have reservoir capacity meeting federal requirements at date of manufacture.

(2) Braking systems which employ vacuum as an assist or as a primary or secondary source shall have reservoir used exclusively for brakes, with capacity of not less than 1,000 cubic inches, and shall be adequate to insure loss in pressure at full stroke application of not more than 30 percent.

(3) Brake system shall include suitable and convenient connection for installation of separate vacuum reservoirs with capacity of not less than 1,000 cubic inches, furnished and installed by body manufacturer and protected by check valve, for actuation of other vacuum-powered accessories. Engine shall be protected by proper filters.

d. Vacuum check valve tap shall be provided on all chassis by the chassis manufacturer for connecting of vacuum accessory items.

e. Lines supplying power to air or vacuum system reservoirs shall be safeguarded through proper design and bracing to protect from excessive heat, vibration, and corrosion.

## PUBLIC INSTRUCTION[670] (cont'd)

f. Brake system shall be equipped with air pressure or vacuum gauge where applicable, accurate to within 10 percent of reservoir pressure.

g. Brake failure warning system shall meet federal requirements at date of manufacture.

h. Brakes, vehicles 10,000 pounds GVWR and less. Chassis shall be equipped with hydraulic dual system brakes with power assist and shall comply with all federal requirements at date of manufacture.

i. Brakes, parking.

(1) Parking brake systems shall be designed and constructed to meet all federal requirements at date of manufacture.

(2) All chassis, except those equipped with air brakes, shall be equipped with Orschelin-type or equivalent hand brake, easily accessible and operable from the driver's seat.

(3) Buses equipped with air brakes shall be equipped with a spring-activated emergency braking system.

**23.2(6) Bumper, front.**

a. Front bumper shall be furnished by the chassis manufacturer as part of the chassis.

b. Front bumper must be heavy-duty type. Bumper or bumper brackets shall be bolted to chassis frame so that it can be conveniently removed for maintenance.

c. Front bumper must extend to outer edges of fenders at bumper top line (to assure maximum fender protection). The bumper shall be curved or beveled at each end or have other design features so as to prevent snagging and hooking.

d. Bumpers that are flush mounted with the grille are not acceptable.

e. On transit-type vehicles the front bumper shall be furnished by body manufacturer and shall be a minimum of 9 inches wide (high).

**23.2(7) Bumper, rear.** Vehicles 10,000 pounds GVWR and less. Rear bumper shall be furnished by the chassis manufacturer when the body to be mounted is less than 80 inches in overall width. Bumper shall be of manufacturer's standard; chrome plated or painted glossy black matching federal standard No. 595a, color 17038.

**23.2(8) Clutch.**

a. All chassis greater than 14,500 pounds GVWR having manual-type transmission shall be equipped with a minimum 13-inch diameter clutch or clutch of equivalent performance.

EXCEPTION: Chassis greater than 14,500 pounds GVWR and equipped with a 6-cylinder gasoline powered engine shall have a minimum clutch diameter of 12 inches.

b. All chassis of 14,500 pounds GVWR or less having manual-type transmission shall be equipped with a clutch of manufacturer's standard.

**23.2(9) Color.** The chassis, including wheels and front bumper shall be glossy black, matching federal standard No. 595a, color 17038. The hood, cowl and fenders shall be National School Bus Glossy Yellow, matching federal standard No. 595a, color 13432. Exceptions permitted as follows:

a. The uppermost portion of the hood, visible only to the driver, may be painted by the local district, lusterless black, matching federal standard No. 595a, color 37038 upon prior approval of the School Transportation and Safety Education Division, Department of Public Instruction.

b. Chrome-plated, glossy black or glossy yellow grilles are acceptable.

c. Vehicles 10,000 pounds GVWR or less, the bumpers may be either chrome plated or painted black.

**23.2(10) Defroster.** Vehicles 10,000 pounds GVWR or less, see 23.3(9) of these rules.

**23.2(11) Drive shaft.**

a. Each drive shaft in the driveline shall be protected by a metal guard or guards to prevent it from whipping through the floor or dropping to the ground if broken.

b. All carrier bearings shall have an inner race so that failure of the bearings shall not damage the drive shaft.

**23.2(12) Electrical system.** Chassis manufacturer shall install readily accessible electrical terminal so that body and chassis electrical loads can be separated and independently tested without dismantling or disassembling chassis component. Chassis wiring system to terminal shall have minimum 100-ampere capacity. Chassis wiring shall be compatible with generating capacity.

**23.2(13) Exhaust system.**

a. Exhaust pipe, muffler, and tailpipe shall be attached to the chassis.

b. The tailpipe shall be constructed of seamless or electrically welded tubing of 16-gauge steel or equivalent. (Flexible tubing is not acceptable.)

c. On chassis greater than 14,500 GVWR a tailpipe shall be installed or provided which will extend at least to the vertical line of the rear end of the body but not beyond the rear bumper. The tailpipe shall be located to either the right or left of the rear emergency exit.

d. On chassis of 14,500 GVWR or less, a tailpipe shall be installed or provided which will:

(1) Extend at least to the rear of rear wheels and not beyond the vertical line of the body at either side or;

(2) Extend to the vertical line of the rear end of the body, but not beyond the rear bumper. The tailpipe shall be located to either the right or left of the rear emergency exit.

e. Muffler intake and outlet openings shall be of the same diameter. The size of the tailpipe shall not be reduced after it leaves the muffler.

f. Exhaust system shall be properly insulated from the fuel tank and the tank connections.

g. Muffler shall be constructed of aluminized or equivalent corrosion-resistant material on both the inside and outside surfaces.

h. Noise level shall meet federal requirements as of date of manufacture.

**23.2(14) Fenders, front.** (Does not apply to transit and metropolitan type vehicles.)

a. Total spread of outer edges of front fenders, measured at fender line, shall exceed total spread of front tires when front wheels are in straight-ahead position.

b. Front fenders shall be properly braced and free from any body attachment.

EXCEPTION: Does not apply to vehicles 10,000 pounds GVWR and less.

c. Chassis sheet metal shall not extend beyond rear face of cowl.

d. If where front fenders are supplied by the chassis manufacturer, front fenders plus any metal fender extensions do not extend downward to within 9 inches of the ground before the bus body is mounted thereon, a rubber "mud flap" shall be installed on each front fender to prevent mud, slush, and gravel from being thrown by the front wheels onto the lower section of the bus body corners and onto the lower section of the entrance door.

e. Fiberglass tilt hood and front fenders are acceptable.

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**23.2(15) Frame.**

a. Frame or equivalent shall be of such design as to correspond at least to standard practice for trucks of same general load characteristics which are used for severe service.

b. When frame side members are used they shall be of one-piece construction. If frame side members are extended, such extension shall be designed and furnished by chassis or body manufacturer with their guarantee. Installation shall be made either by the chassis or body manufacturer and guaranteed by company making installation. Extensions of frame lengths are permissible only when such alterations are behind rear hanger of rear spring or in front of front hanger of front spring, and shall not be for the purpose of extending wheelbase. Any manufacturer using a frame modification shall provide documentation that it meets all federal standards and school bus manufacturer's institute standards. The manufacturer shall provide performance bond for the life of the bus guarantee to replace any defects in workmanship or materials, resulting from said modification at the expense of the ultimate body manufacturer.

c. Holes in top or bottom flanges of frame siderail shall not be permitted except as provided in original chassis frame. There shall be no welding to frame siderail except by chassis or body manufacturer.

d. Chassis frame shall extend to rear edge of rear body cross member.

**23.2(16) Fuel system.**

a. All fuel tanks, fuel tank filler pipes, and fuel tank connections shall conform to all federal standards at date of manufacture.

b. On chassis greater than 14,500 pounds GVWR the tank shall conform to section 393.67 paragraphs (c)(1) through (10) and (d)(2) of motor carrier safety regulations, with reference to: Material and method of construction; fitting design(s) and locations; fill-pipe design, air and safety vents; pressure relief; and drop tests, rupture, spillage restrictions, and safety vent.

c. On chassis of 14,500 pounds GVWR and less, the tank shall be of manufacturer's standard all steel construction.

d. Fuel tank shall have minimum capacity of 30 gallons and be mounted directly to chassis frame, filled and vented outside of the passenger compartment.

EXCEPTION: Vehicles 10,000 pounds GVWR and less, tank shall have a minimum capacity of 21 gallons.

e. Fuel tank, fittings or lines, shall not extend above top of chassis frame rail.

f. A separate in-line gasoline or diesel fuel (depending upon engine application) filter shall be provided and installed between the fuel tank and engine. On gasoline engine powered vehicles, this filter is in addition to the carburetor fuel filter element. The filter shall be accessible for maintenance and/or replacement.

g. Flexible fuel and oilproof connection shall be provided at engine end of fuel feed line ahead of the fuel pump.

h. It is recommended that buses with a capacity of 48 and over be equipped with a 60-gallon fuel tank.

i. On chassis greater than 14,500 pounds GVWR, the fuel filler pipe shall not extend outside of body sheet metal.

**23.2(17) Governor.**

a. Engine governor is permissible and where used shall be set at manufacturer's recommended maximum engine speed. When it is desired to limit road speed, road-speed governor shall be installed.

EXCEPTION: Transit and metropolitan vehicles.

b. When engine is remotely located from driver, governor shall be installed to limit engine speed to maximum revolutions per minute recommended by engine manufacturer, or tachometer shall be installed so engine speed may be known to driver.

**23.2(18) Heating system.** Chassis engine shall be equipped with inlet and outlet holes in accessible locations for attachment of bus heating system water lines. See 23.3(16) of these rules.

EXCEPTION: Vehicles 10,000 pounds GVWR and less, chassis manufacturer shall provide fresh air front heater and defroster of recirculating hot water type. See 23.3(9) and 23.3(16) of these rules.

**23.2(19) Headlamps.** Chassis shall be equipped with a minimum of two sealed-beam headlamps of proper intensity and fuses or circuit breakers. The headlamp switch shall be of adequate ampere capacity to carry the load of the clearance and identification lamps in addition to the head and taillamps since these will be activated by one and the same switch. There shall be a manually operated foot switch for selection of high or low beam distribution of the headlamps.

**23.2(20) Horn.**

a. Chassis shall be equipped with dual horns of standard make; each horn must be capable of producing complex sound in band of audio-frequencies between approximately 250 and 2,000 cycles per second and having total sound level of 120 decibels within these frequency limits when measured at a point on axis of the horn 3 feet from exit of the horn.

b. Sound-level measurements shall be made with a meter that complies with American National Standard S1.4-1961 or current revision thereof, as promulgated by the American National Standards Institute. Measurement shall be made with the meter set to flat response (C weighting network).

c. Sound-level measurements shall be made with horns installed on the bus. There shall be no reflecting walls or obstacles, other than the ground and the vehicle, closer than 100 feet from the horn during the sound-level measurements.

**23.2(21) Instruments and instrument panel.** Chassis shall be equipped with instruments and gauges as follows: (Lights in lieu of gauges are not acceptable.)

a. Speedometer and odometer.

b. Voltmeter with graduated scale.

c. Oil pressure gauge.

d. Water temperature gauge.

e. Fuel gauge.

f. Upper-beam headlamp and turn signal indicators.

g. Air pressure or vacuum gauge, where air or vacuum brakes are used.

h. All instruments shall be easily accessible for maintenance and repair.

i. Above instruments and gauges shall be mounted on instrument panel in such manner that each is clearly visible to driver in normal seated position.

j. Instrument panel shall have lamps of sufficient candlepower, reostatically controlled, to illuminate all instruments and gauges.

**23.2(22) Mirrors—**vehicles 10,000 pounds GVWR and less. Two exterior clear-view mirrors, meeting federal requirements, shall be provided, one to the left and one to the right of driver. Area of each mirror shall not be less than 50 square inches.

**23.2(23) Oil filter.** Oil filter of replaceable element or cartridge type shall be provided and shall be connected

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by flexible oil lines if it is not of built-in or engine-mounted design. Oil filter shall have oil capacity of at least 1 quart.

EXCEPTION: Vehicles 10,000 pounds GVWR and less, oil filter capacity shall be of manufacturer's standard.

**23.2(24) Openings.** All openings in floorboard or firewall between chassis and passenger-carrying compartment, such as for gearshift lever and auxiliary brake lever, shall be sealed unless altered by body manufacturer. See 23.3(8) of these rules.

**23.2(25) Seat belt for driver—vehicles 10,000 pounds GVWR and less.** A seat belt for the driver shall be provided which conforms to federal standards at date of manufacture. Both the right and left half of the belt shall be equipped with a "protective" boot and a retractor attachment for keeping the belt off the bus floor. The protector boot shall be securely anchored so that it remains in an upright position at all times.

**23.2(26) Shock absorbers.** Bus shall be equipped with front and rear double-acting shock absorbers compatible with manufacturer's rated axle capacity.

**23.2(27) Sun shield—vehicles 10,000 pounds GVWR and less,** manufacturer's standard.

**23.2(28) Springs.**

a. Springs or suspension assemblies shall be of ample resiliency under all load conditions and of adequate strength to sustain the loaded bus without evidence of overload.

b. If rear springs are used, they shall be of progressive or variable rate type.

c. If leaf-type front springs are used, stationary eyes shall be protected by full wrapper leaf in addition to main leaf.

d. Wrapper leaves on rear springs are permissible.

**23.2(29) Steering gear.**

a. All school bus chassis shall be equipped with heavy-duty, truck-type power steering. Power steering components shall be compatible with the GVW rating for each capacity as shown in the chassis manufacturer's literature.

b. Steering mechanism shall be approved by chassis manufacturer and designed to assure safe and accurate performance when vehicle is operated with maximum load and at maximum speed.

c. Steering mechanism shall provide for easy adjustment for lost motion.

d. No changes shall be made in steering apparatus which are not approved by chassis manufacturer. (Spinners or knobs on steering wheel are prohibited.)

e. There shall be clearance of at least 2 inches between steering wheel and cowl instrument panel, windshield, or any other surface.

f. Tilt-type steering wheels are acceptable.

**23.2(30) Tires and rims.**

a. All tires (tube or tubeless) and rims shall conform to all federal requirements at date of manufacture.

b. Rim sizes shall be based upon current standards of the Tire and Rim Association, Inc., 3200 West Market Street, Akron, Ohio 44313.

c. Total weight imposed on any tire shall not be greater than the current standard of the Tire and Rim Association.

d. Dual rear tires or wide single equivalents shall be provided on all vehicles in excess of 80 inches in overall body width.

e. All tires on a given vehicle shall be of the same size.

f. Spare tires are not required, however, if specified shall be located outside passenger compartment. The

spare tire may not be attached to any part of the rear portion of the body including emergency door or bumper.

g. Recapped tires are permissible as replacements on equipment now in operation for use on rear wheels only providing tires are guaranteed by the seller. Recapped tires are not permissible where single rear wheels are used.

h. Tires, when measured on any two or more adjacent tread grooves, shall have a tread groove pattern depth of at least 4/32 of an inch on the front wheels and 2/32 of an inch on the rear wheels. No measurement shall be made where tie bars, humps, or fillets are located.

On vehicles of 10,000 pounds GVWR or less with single front and rear wheels, the tread groove pattern depth shall be at least 4/32 of an inch.

Where specific measurement points are provided by the tire manufacturer, they shall be utilized in determining tires approved for service. This requirement also applies to buses now in service.

**23.2(31) Tow hooks.** Chassis shall be equipped with 2 heavy duty tow hooks adequately secured to the front end of the frame rails.

EXCEPTION: Vehicles 10,000 pounds GVWR and less, front and rear tow hooks are not required.

**23.2(32) Transmission.**

a. Automatic transmissions are not required but are recommended. If used, however, the chassis must be equipped with a parking brake which will secure the vehicle under conditions set forth in the parking brake section.

b. If a manual-type transmission is used, it shall be synchromesh, except the first and reverse gears. Its design shall provide not less than four forward and one reverse speeds.

c. If a manual-type transmission is used, it is recommended that 53 and larger capacity buses be equipped with 5-speed transmission with a single rear axle, or a 4 or 5-speed transmission with a 2-speed rear axle. Where 5-speed transmission is required, the fifth speed shall be direct drive.

**23.2(33) Ventilation—vehicles 10,000 pounds GVWR and less.** Chassis shall be equipped with suitable, controlled ventilating system of sufficient capacity to maintain proper quantity of air under operating conditions without opening of windows except in extremely warm weather.

**23.2(34) Undercoating.**

a. The undersides of exposed metal front fenders or metal liners shall be undercoated with fire-resistant, petroleum-base, asphalt base, rubber base, or other undercoating material, applied by spray method in order to seal, deaden, sound insulate, and prevent oxidation. The petroleum-base type of undercoating is strongly preferred.

b. For vehicles 10,000 pounds GVWR and less, see 23.3(39) of these rules.

**23.2(35) Voltage regulator.** See 23.2(2) of these rules.

**23.2(36) Windshield washers—vehicles 10,000 pounds GVWR and less.** Electric windshield washers shall be provided by the chassis manufacturer.

**23.2(37) Windshield wipers—vehicles 10,000 pounds GVWR and less.**

a. Windshield wipers shall be controlled by one or two, 2-speed or variable speed motor(s) of electric type, meeting federal requirements at date of manufacture.

b. Wiper control(s) shall be located within easy reach of the driver and designed, when in stop position, to move blades from the driver's direct view.

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c. Wiper blades and arms shall be of heavy-duty type and of manufacturer's standard length for the vehicle.

**23.2(38) Wiring**—vehicles 10,000 pounds GVWR and less, see 23.3(47) of these rules.

**670—23.3(285) The school bus body.****23.3(1) Aisle.**

a. All aisle clearance shall conform to federal requirements as of date of manufacture.

b. Minimum clearance of the aisle from the front service entrance to the rear emergency exit shall be 12 inches.

c. No seat or other object(s) shall be placed, at any time, in the bus as to restrict any part of the passageway leading to the rear emergency exit, service door or on vehicles equipped for transporting the handicapped, the special service door. See 23.4(2)"h" of these rules.

**23.3(2) Axe.** A hand axe is permissible but is not required. If bus is equipped with an axe, it shall have approximately a two-pound head and an 18-inch shaft, securely mounted within the driver's compartment to prevent accidental release in the case of an accident.

**23.3(3) Battery.**

a. Battery is to be furnished by the chassis manufacturer.

b. When the battery mounting is specified outside of the engine compartment, the body manufacturer shall securely attach the battery on a slide-out tray in a closed, vented compartment in the body skirt whereby the battery may be exposed to the outside for convenient servicing. The battery compartment door or cover shall be secured by an adequate and conveniently operated latch or other type fastener to prevent free leakage of the battery contents into the passenger compartment, if vehicle is overturned. See 23.2(4) of these rules.

**23.3(4) Body sizes.**

a. School buses of 10,000 pounds GVWR and less shall be limited to the following maximum capacity ratings:

(1) When manufactured with right and left single rear tires, the maximum seating capacity shall not exceed 16 passengers.

(2) When manufactured with right and left dual rear tires, the maximum seating capacity shall not exceed 19 passengers.

b. Bodies for conventional body-on-chassis type vehicles shall be limited to wheelbase minimums and maximums shown in the table for corresponding chassis. All measurements are in inches. Measurements in the table do not apply to transit, metropolitan vehicles and vehicles rated at 10,000 pounds GVWR and less.

Rows	Manufacturer's		
	Rated Capacity	Minimum Wheelbase	Maximum Wheelbase
5	29-30	151	156
6	35-36	151	156
7	41-42	169	198.5
8	47-48	187	198.5
9	53-54	217	222.5
10	59-60	235.5	242.5
11	65-66	254	260.5
12	71-72	274	280.5

**23.3(5) Bumper, rear.**

a. Rear bumper shall be of pressed steel channel at least 3/16 inch thick and 9 inches wide (high).

b. It shall be wrapped around back corners of bus. It shall extend forward at least 12 inches, measured from rear-most point of body at floor line.

c. Bumper shall be attached to chassis frame rails and shall be so braced as to develop full strength of bumper section from rear or side impact, and shall be so attached as to prevent hitching of rides.

d. Rear bumper shall extend beyond rear-most part of body surface at least one inch, measured at floor line.

EXCEPTION: Rear bumper shall be provided by the chassis manufacturer when the overall width of the body to be mounted is less than 80 inches.

e. Additions or alterations to the rear bumper including the installation of trailer hitches are prohibited.

**23.3(6) Chains.** See 23.3(43) of these rules.

**23.3(7) Color.** See 23.2(9) of these rules.

a. School bus body including hood, cowl and fenders shall be painted national school bus glossy yellow, matching federal standard No. 595a, color 13432.

b. Rear bumper, lettering and body trim shall be glossy black matching federal standard No. 595a, color 17038.

EXCEPTION: Vehicles 10,000 pounds and less, rear bumper may be chrome plated when the overall body width is less than 80 inches.

**23.3(8) Construction.**

a. Construction shall comply with all applicable federal standards as of date of manufacture.

b. Construction shall be of prime commercial quality steel or other metal or other material with strength at least equivalent to all-steel as certified by bus body manufacturer. All such construction materials shall be fire resistant.

c. Construction shall provide a reasonably dustproof and watertight unit. The body manufacturer shall be responsible for repairing dust and water leaks for a period of not less than 12 months from the date of delivery and/or acceptance by the local school district.

d. Floor shall be of prime commercial quality steel of at least 14-gauge or other metal or other material at least equal in strength to 14-gauge steel. If plywood is used, it shall be 5-ply, at least 5/8-inch thick and it shall be equal or exceed properties of exterior-type softwood plywood, B-B Grade as specified in standard issued by U.S. Department of Commerce. Floor shall be level from front to back and from side to side except in wheel housing, toeboard, and driver's seat platform areas.

EXCEPTION: Vehicles 10,000 pounds GVWR and less, 1/2 inch minimum plywood flooring, equal to or exceeding the construction requirements above, shall be installed by the body manufacturer.

e. All openings between chassis and passenger-carrying compartment made due to alterations by body manufacturer must be sealed. See 23.2(24) of these rules.

f. As evidence that the requirements of "a" through "e" above have been met, the school bus body manufacturer shall submit a letter of certification annually to the School Transportation and Safety Education Division, Iowa Department of Public Instruction, prior to sale of their product in Iowa.

**23.3(9) Defrosters.**

a. Defrosters shall be of sufficient capacity to keep the windshield, window to the left of the driver, and glass in the entrance door clear of fog, frost, and snow.

b. Defrosters shall have separate blower(s) which secure air directly from the heater core.

EXCEPTION: Vehicles 10,000 pounds GVWR and less, a combination heater/defroster of manufacturer's standard shall be supplied by the chassis manufacturer.



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c. Each defroster unit shall be driver controlled and regulated, operating independently through its own duct system.

d. In addition, two adjustable 6-inch all-metal or polycarbonate resin defroster fans shall be installed. The fans shall have a minimum of 4 blades and be equipped with adequate guards. Each unit shall be independently adjustable and operated by the driver. These fans shall be on a separate circuit, with a switch for each fan, and be capable of two-speed operation.

EXCEPTION: Vehicles 10,000 pounds GVWR and less, one, 4-inch fan meeting the above requirements is required. The fan shall not obstruct the forward view of the driver nor be located in a position where passengers will strike the fan when entering the bus.

**23.3(10) Doors.****a. Service door.**

(1) Service door shall be power or manually operated, under control of the driver, and so designed as to afford easy release and to prevent accidental opening. When hand lever is used, no parts shall come together so as to shear or crush fingers. A power-operated door must provide for manual operation in case of power failure.

(2) Service door shall be located on the right side of the bus opposite the driver and within the driver's direct view.

(3) Overhead door controls are preferred. If under-step type door control is used, it must be completely enclosed.

(4) Service door shall have a minimum horizontal opening of 24 inches and a minimum vertical opening of 68 inches.

(5) Service door shall be of split type, sedan type, or jack knife type. (Split-type door includes any sectioned door which divides and opens inward or outward.) If one section of the split-type door opens inward and the other opens outward, the front section shall open outward.

(6) Lower as well as upper panels shall be of approved safety glass. See 23.3(44) of these rules. The bottom of lower glass panel shall not be more than 35 inches from ground when the bus is unloaded. The top of the upper glass panel shall not be more than 6 inches from the top of the door.

(7) The vertical closing edges shall be equipped with flexible material to protect children's fingers.

(8) A header pad shall be installed directly above the service door entrance on the inside. The pad shall be at least 3 inches wide and extend horizontally to within approximately 3 inches of each vertical edge of the door opening.

(9) There shall be no door to the left of the driver. (This shall not be interpreted to conflict with the emergency door if it is located on the left side of the bus.)

(10) The upper panels of the door shall be of vacuum sealed double glass.

(11) Door hinges (piano-type acceptable) shall be securely bolted to the body. Metal screws are not acceptable.

(12) EXCEPTION: Vehicles 10,000 pounds GVWR and less, numbered subparagraphs 3, 4, 6, 7, 9, and 10 of this paragraph do not apply unless equipped with service door as described in 23.3(10)"a"(5) of these rules.

**b. Emergency door.**

(1) Emergency door shall comply with all applicable federal requirements as of date of manufacture. Double rear emergency exit doors are permissible on vehicles of 10,000 pounds GVWR and less.

(2) Emergency door shall be located in the center of the rear end of the bus except on a bus of greater than 48 capacity, the emergency door may be located in the rear half of the left side of the bus.

(3) There shall be a head bumper pad installed over the emergency door on the inside of the bus body. This pad shall be at least 3 inches wide and shall extend at least the width of the door opening.

(4) Words "Emergency Door" or "Emergency Exit" in lettering at least 2 inches high shall be located at the top of or directly above the emergency exit on both the inside and outside surfaces of the bus. Pressure sensitive markings of vinyl material are acceptable for this lettering.

(5) Door lock shall be equipped with an interior handle that extends approximately to center of the emergency door. It shall lift up to release the lock.

(6) Concise operating instructions describing the motions necessary to unlatch and open the emergency exit, in letters at least 3/8-inch high, of a color that contrasts with its background, shall be located within 6 inches of the release mechanism on the inside surface of the bus.

(7) There shall be no steps leading to the emergency door.

(8) Emergency door shall be designed to be opened from the inside and outside of the bus and shall be equipped with fastening device which may be quickly released but is designed to offer protection against accidental release. Control from driver's seat shall not be permitted. Provision for opening from outside shall consist of a nondetachable device so designed as to prevent hitching to but to permit opening when necessary.

(9) Emergency door shall be equipped with a slide-bar, cam-operated lock. The slide bar shall have a minimum stroke of 1 inch. The emergency door lock shall be equipped with a suitable electric plunger-type switch connected with a buzzer located in the driver's compartment. The switch shall be enclosed in a metal case, and the wires leading from the switch shall be concealed in the bus body. Switch shall be so installed that the plunger contacts the farthest edge of the slide bar in such manner that any movement of the slide bar will immediately close the circuit on the switch and activate the buzzer.

(10) Emergency door shall be equipped with a heavy-duty metal door-stop and hold bracket or two heavy-duty straps to prevent the door from striking the bus body and/or lamps when it is open.

(11) If the emergency door is located in the center of the rear end of the school bus:

Upper portion of the emergency door shall be equipped with approved safety glass, exposed area of which shall be not less than 400 square inches.

Lower portion of the door shall be equipped with approved safety glass, exposed area of which shall not be less than 350 square inches.

EXCEPTION: Vehicles 10,000 pounds GVWR and less—does not apply.

It shall be hinged on the right side and shall open outward.

EXCEPTION: Vehicles 10,000 pounds GVWR and less—does not apply.

It shall have a minimum horizontal opening of 24 inches and a minimum vertical opening of 48 inches measured from the floor level.

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**EXCEPTION:** Vehicles 10,000 pounds GVWR and less—does not apply.

(12) If the emergency door is located on the left side of the school bus:

**EXCEPTION:** Vehicles 10,000 pounds GVWR and less—does not apply.

Upper portion of the emergency door shall be equipped with approved safety glass.

Lower portion shall be of metal at least the same gauge as the body metal adjacent to the door.

It shall be hinged on the forward or front side and shall open outward.

It shall have a minimum horizontal opening of 24 inches and a minimum vertical opening of 48 inches measured from the floor level.

There shall, in addition to this door, be a rear emergency window of pushout type provided. See 23.3(10)"c" of these rules.

**c. Emergency window.**

(1) Emergency window shall comply with all applicable federal requirements as of date of manufacture.

(2) Emergency window shall be designed as an emergency exit and shall be no smaller than 16 inches in height and 54 inches in width on buses 80 inches or more in width; it shall be no smaller than 16 inches in height and 48 inches in width on buses less than 80 inches in width. The window shall be hinged from the top and devised and operated to insure against accidental closing in an emergency. The window shall be releasable by operation of not more than two mechanisms which do not have to be operated simultaneously.

(3) Paneling is required to cover the space between the top of the rear divan seat and the inside surface of emergency window at the rear.

(4) Words "Emergency Exit" in letters at least 2 inches high shall be placed at the top of or directly above the emergency exit on both the inside and outside surfaces of the bus. (Pressure sensitive markings of vinyl material are acceptable for this lettering.)

(5) Emergency window shall be designed to be opened from inside and outside of the bus and shall be equipped with a fastening device which may be quickly released but is designed to offer protection against accidental release. Control from the driver's seat shall not be permitted. A provision for opening from the outside shall consist of a nondetachable device so designed as to prevent hitching to bus to permit opening when necessary.

(6) Emergency window in rear shall be equipped with latch (or latches) on the inside, connected with an electrical buzzer that will actuate when the latch is being released.

**23.3(11) Emergency equipment.**

a. The bus shall be equipped with three triangular warning devices conforming to federal requirements as of date of manufacture. The devices must be stored in a container mounted in an accessible location in the driver's compartment.

b. The bus shall be equipped with three thirty-minute stand-up fuses, stored in a cannister with a lid and placed in the driver's compartment.

c. All emergency equipment shall be securely mounted so that in the event the bus is overturned this equipment is held in place.

**23.3(12) Fire extinguisher.**

a. The bus shall be equipped with a pressurized, dry-chemical type fire extinguisher of at least five-pound

capacity located in the driver's compartment, in full view and readily accessible to the driver. The extinguisher shall be mounted, in an extinguisher manufacturer's bracket of automotive type, in such a manner that would prevent accidental release in the case of an accident or in the event the bus overturns. The fire extinguisher shall be accessible to the driver and mounted in such a manner that it can be removed from the bus if necessary. See 23.3(36) of these rules.

b. The fire extinguisher shall have a minimum rating of 2A-10BC and shall be equipped with a calibrated or marked gauge to indicate the amount of pressure in the extinguisher. Plastic discharge heads and related parts are not acceptable.

c. Each extinguisher shall meet the applicable standards prescribed by Underwriters Laboratories, Inc., or Factory Mutual Laboratories and shall bear the label of the testing laboratory. Any testing laboratory must be one that is recognized by the Iowa state fire marshal.

**23.3(13) First-aid kit.**

a. The bus shall carry a grade "A" metal first-aid kit and shall either be mounted in full view or the location of the kit labeled so any driver will know where to find it. The kit shall be accessible to the driver and mounted in such a manner that it can be removed from the bus if necessary.

b. First-aid kits must be approved by the Iowa department of public instruction.

c. Mounting of the first-aid kit shall comply with one of the following:

(1) Located in an enclosed compartment with access door and easily accessible to the driver. The access door shall have a retaining device which will prevent accidental release in the event of an accident or rollover. See 23.3(36) of these rules.

(2) If not in an enclosed compartment, the first-aid kit shall be securely fastened into place with a retaining device which will prevent accidental release in the event of an accident or rollover.

**d. Sizes required for buses:**

(1) Ten-unit kit required in all vehicles carrying seventeen passengers or less.

(2) Sixteen-unit kit required in all buses carrying eighteen to thirty passengers.

(3) Twenty-four-unit kit required in all buses carrying thirty-one to forty-eight passengers.

(4) Thirty-six-unit kit required in all buses carrying forty-nine or more passengers.

Item	10 Unit	16 Unit	24 Unit	36 Unit
1" Adhesive Compress	1	2	2	3
2" Bandage Compress	1	1	2	2
3" Bandage Compress	-	1	2	2
4" Bandage Compress	1	1	2	2
3" x 3" Plain Gauze Pads (Dressings)	1	1	1	4
Gauze Roller Bandage (4" x 5 yds.)	1	1	2	4
Plain Absorbent Gauze Compress (2 pieces, 18" x 36")	1	2	4	6
Plain Absorbent Gauze Compress (24" x 72")	1	2	3	5
Triangular Bandages	2	4	5	7
Wire Splint*	1	1	1	1

\*Instant splints may be substituted.

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**23.3(14) Floor covering.**

a. Floor in underseat area, including tops of wheel housings, driver's compartment, and toeboard, shall be covered with fire-resistant rubber floor covering or equivalent having a minimum overall thickness of 0.125 inch. There shall not be a seam in the floor covering between the front of the driver's seat and the base of the slope of the toeboard.

b. The floor covering in the aisle shall be of aisle-type fire-resistant rubber or equivalent, nonskid, wear-resistant, and ribbed. Minimum overall thickness shall be 0.1875 inch measured from the tops of ribs. Rubber floor covering shall meet federal specification ZZ-M-71b.

c. The floor covering must be permanently bonded to the floor and must not crack when subjected to sudden changes in temperature. Bonding or adhesive material shall be waterproof and shall be of type recommended by the manufacturer of floor-covering material. All seams must be sealed with waterproof sealer.

d. Cove molding shall be used along the side walls and rear corners. All floor covering seam separations shall be covered with durable metal stripping.

**23.3(15) Gasoline fill cap cover.**

a. On vehicles greater than 14,500 pounds GVWR, the fill cap opening in the body skirt shall be equipped with a hinged cover held closed by a spring or other conveniently operated device.

b. On vehicles of 14,500 pounds GVWR and less the fill cap opening shall be of manufacturer's standard for school buses.

**23.3(16) Heaters.**

a. Heaters are required and they shall be of hot-water type.

b. At least one heater shall be of fresh-air or combination fresh-air and recirculating type.

c. At least one additional heater shall be of recirculating air type.

d. Heaters shall bear name plate rating in accordance with Standard Code for Testing and Rating Automotive Bus Hot Water Heating and Ventilating Equipment, plate to be affixed by heater manufacturer.

e. Heaters shall be capable of maintaining inside temperature of 50 degrees Fahrenheit at average minimum January temperatures as established by U.S. Department of Commerce Weather Bureau, for the area in which heater is required.

EXCEPTION: Vehicles 10,000 pounds GVWR and less, front heater/defroster shall be of manufacturer's standard plus one additional rear heater with a minimum rating of 35,000 BTU's shall be provided.

f. At least one heavy duty cut-off valve shall be installed and accessible from the driver's seat. All heater lines in the interior of the bus shall be shrouded. See 23.2(18) of these rules.

**23.3(17) Identification.**

a. The body shall bear the words "SCHOOL BUS" in black letters at least eight inches high on both front and rear of the body or on signs attached thereto. The lettering shall be placed as high as possible without impairment of its visibility. The lettering shall conform to "Series B" of Standard Alphabets of Highway Signs.

b. The bus, whether school owned or privately owned, shall bear the official name of the school on each side in black standard unshaded letters at least 5 inches but not more than 7 inches high.

**Examples:**

- (1) Blank Community School District.
- (2) Blank Independent School District.
- (3) Blank Consolidated School District.

If there is insufficient space due to the length of the name of the school district, the words community, independent, consolidated, and district may be abbreviated. If after the above abbreviations there still is insufficient space available, abbreviation of the school district name is permissible upon prior approval by the School Transportation and Safety Education Division, Iowa Department of Public Instruction.

c. The rated pupil seating capacity of the bus shall be printed to the left of the entrance door, at least 6 inches below the name of the school district in two-inch characters. (The word capacity may be abbreviated. For example: Rated Cap. 48.)

d. The number of the bus shall be printed in not less than five-inch nor more than eight-inch characters. The location of the number is at the discretion of the local district except that the number of the bus shall not be on the same line as the name of the school district nor in a location that will interfere with the words, "School Bus".

e. Privately owned buses shall also bear the name of the owner, followed by the word "OWNER" in one and one-half-inch characters printed approximately six inches below the bus capacity on the right side of the bus.

f. Each school bus emergency exit shall have the designation "Emergency Door" or "Emergency Exit" as appropriate in letters at least two inches high, of a color that contrasts with its background, located at the top or directly above the emergency exit on both the inside and outside surfaces of the bus.

g. If the battery is located in the body skirt the word "Battery" in two-inch black letters shall be placed on the door covering the battery opening.

h. Pressure sensitive markings of vinyl material may be used for the above lettering in lieu of painting.

i. Any lettering, numbers, or characters other than manufacturer's trademarks or those specifically mentioned in "a" through "h" above are prohibited.

**23.3(18) Inside height.** Inside body height shall be a minimum of 72 inches, measured metal to metal, at any point on longitudinal center line from front vertical bow to rear vertical bow.

EXCEPTION: Vehicles 10,000 pounds GVWR and less the inside height shall be a minimum of 62 inches measured as stated above.

**23.3(19) Insulation.**

a. The ceiling and walls shall be insulated with at least 1½-inch fiberglass batting or equal to deaden sounds and to reduce vibrations to a minimum. All insulation shall be so firmly installed that it will retain its original position.

b. The insulation shall be of burn-resistant material meeting federal requirements at date of manufacture.

c. Plywood may be used for floor insulation. See 23.3(8) of these rules.

**23.3(20) Interior.**

a. Interior of bus shall be free of all unnecessary projections likely to cause injury. This includes book racks, radio speakers, coat hooks, and coat railings. (Radio speakers are permissible in the passenger area if flush mounted or contoured to eliminate sharp edges.)

b. This standard requires inner lining on ceilings and walls. If ceiling is constructed so as to contain lap joints, forward panel shall be lapped by rear panel and exposed

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edges shall be beaded, hemmed, flanged, or otherwise treated to minimize sharp edges.

c. An access panel must be provided, front and rear, so that lights and wiring for the eight-light warning system may be repaired or serviced without removing ceiling panels.

d. Cowl area shall not be modified by the body manufacturer to interfere with driver's visibility of gauges or instrument panel.

### 23.3(21) Lamps and signals.

a. All lamps and reflectors on exterior of vehicle shall conform to federal requirements as of date of manufacture.

b. Clearance lamps. The body shall be equipped with two amber clearance lamps at the front and two red clearance lamps at the rear mounted at the highest and widest portion of the body.

c. Identification lamps. The bus shall be equipped with three amber identification lamps on the front and three red identification lamps on the rear. Each such group shall be evenly spaced not less than 6 nor more than 12 inches apart along a horizontal line near the top of the vehicle.

d. Intermediate side marker lamps. On all buses over 30 feet long, one amber side lamp is required on each side, located midway between the front and rear clearance lamps.

e. Items "b", "c" and "d" shall be connected to the headlamp switch.

#### f. Reflectors:

(1) Bus shall be equipped with two amber reflectors, one on each side at the lower front and corner of the body approximately at floor level and back of the door on the right side, and at a similar location on the left side. On all buses over 30 feet long, an additional amber reflector is required on each side at or near the midpoint between the front and rear side reflectors.

(2) Bus shall be equipped with four red reflectors; one at each side at or near the rear; and two on the rear, one at each side.

(3) Reflectors are to be mounted at a height not to exceed 42 inches nor less than 30 inches above the ground on which the vehicle stands.

(4) Reflectors shall be securely attached to the bus body with sheet metal screws or equivalent. Adhesive or stick-on-type reflectors are not acceptable.

g. Backup lamps. The school bus body manufacturer shall provide backup lamp(s) meeting federal requirements at date of manufacture. If a single backup lamp is used, it shall be located immediately to the left of the emergency door.

h. Interior lamps. Interior lamps shall be provided which adequately illuminate the interior aisle and the stepwell.

i. License-plate lamp. Bus shall be equipped with a rear license plate illuminator. This lamp may be combined with one of the tail lamps.

j. Stop (brake) lamps. Bus shall be equipped with two stop (brake) lamps, not in combination with the tail lamps, emitting red lights plainly visible from a distance of 500 feet to the rear. These lamps shall be as high as practicable but below the window line and spaced as far apart laterally as practicable but not less than three feet. Measurements shall be taken from lamp centers. These lamps are to have a single contact bulb and a red lens with a minimum diameter or width of 7 inches. The lens shall be free of lettering except for the manufacturer's

marking. The stop lights are to be activated by the brake switch.

k. Combination stop and tail lamps. Bus shall be equipped with two combination stop and tail lamps mounted not less than 40 inches from the surface on which the vehicle stands. These shall have double filament lamp bulbs and shall be connected to the headlamps and the brake operated stop lamp circuits.

l. Warning signal lamps. School bus warning signal lamps are alternately flashing lamps at the same horizontal level intended to identify the vehicle as a school bus and to inform other users of the highway that such vehicle is about to stop or is stopped to take on or discharge school children. Requirements for such lights, as used on school buses, shall be as follows:

(1) All school buses shall be equipped with four alternately flashing warning lamps at the front and four alternately flashing warning lamps at the rear of the bus. Two of each of said sets of four lamps shall be amber in color and two shall be red in color. Said lamps shall conform to the Society of Automotive Engineers' Standard "J887, July, 1964" except that the candlepower requirement for the amber lamps shall be two and one-half times that specified for the red signal lamps. Strobe lights are permissible.

(2) Installation of said lamps shall conform to said standard except that an amber signal lamp shall be located adjacent to each red signal lamp, at the same level, and at the side of the red signal lamp nearer the vertical center line of the bus. As a further exception to said standard, the system of red and amber signal lamps shall be so wired that the amber signal lamps are energized manually; and the red signal lamps are energized automatically and the amber signal lamps are de-energized automatically when the bus entrance door is opened.

(3) The area of the bus body around the lens of each flashing warning signal lamp and extending outward for approximately 3 inches shall be painted black.

(4) The switch to activate the amber flashing warning lamps shall be hand operated and located to the left and forward of the driver near the front of the control panel in a manner and in a position enabling the driver to operate it while looking straight ahead. There shall be two pilot lights, one of which shall display an amber light when the amber warning lamps are flashing and the other which shall display a red light when the red warning lamps are flashing. The lens for the pilot lights shall be approximately one-half inch in diameter. These pilot lights shall be located in a position where they can be readily observed by the driver while looking straight ahead. The switch and pilot lights are to be properly labeled.

#### (5) Operation of warning light system.

With entrance door closed, activate manual switch. Amber pilot light and amber warning lights flash.

Open entrance door. Amber pilot and amber warning lights go off and red pilot and red warning lights flash. Stop arm is automatically extended.

Close entrance door. All lights go out and stop arm retracts automatically.

Open entrance door without depressing manual push button. No lights flash nor does stop arm extend.

With entrance door open, depress manual push button. Red pilot and red warning lights flash. Stop arm is automatically extended.

(6) There shall be a cancelling switch easily accessible

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to the driver which will deactivate the amber lamps if they are accidentally activated or if the driver discovers there is no need to make a stop.

m. Turn signal lamps.

(1) Bus shall be equipped with 4 Class A amber flashing turn signal lamps at least 7 inches in diameter, or 36 square inches of surface area, that meet the specifications of the Society of Automotive Engineers. These signals must be independent units and must be equipped with a four-way hazard warning switch to cause simultaneous flashing of the turn signal lamps when needed as a vehicular traffic hazard warning. Telltale or indicator lights plainly visible to operator shall be provided to indicate that each signal is functioning properly.

EXCEPTION: Vehicles 10,000 pounds GVWR and less the front turn signal lamps shall be of manufacturer's standard. Rear turn signal lamps on vehicles 80 inches or less in overall body width, shall be of manufacturer's standard.

(2) Illuminated signal area of the lamps shall be in the form of an arrow with head and shaft or arrowhead only. The luminous area shall be not less than 12 square inches. The area of the lamp face surrounding the luminous area shall be black. This may be a metal shield painted dull black or a vitreous black enamel applied to the lens itself.

(3) Lens coloring and wiring must conform to SAE specifications.

(4) Flashing rate for turn signal lamps shall be no slower than 60 and no faster than 120 times per minute under normal operating conditions. The "on" period of flasher shall be long enough to permit bulb filament to come to full brightness.

(5) Entire lamp assembly must meet SAE specifications and successfully pass vibration and shock, moisture, dust, corrosion and photometric tests.

(6) Each turn signal lamp shall be mounted with its axis substantially parallel to longitudinal axis of vehicle.

Rear lamps shall be mounted as near to the right and left side of the bus as possible but in no case shall outer edge of lamps be more than 10 inches from outer body width line. They shall be mounted below the rear window line but in no case shall distance from top edge of lamp to lower edge of window line exceed 5 inches.

Front lamps shall be mounted on the front corners of the body. The distance from the top edge of lamp to the lower windshield line shall not exceed 5 inches.

NOTE: An additional turn signal mounted on the top of each fender, by the chassis manufacturer is permissible.

EXCEPTION: Front lamps on pusher, cab-over, or forward control-type bodies, must be mounted on the front face of bus and at least 12 inches above the bumper.

EXCEPTION: Vehicles 10,000 pounds GVWR and less. Mounting and location of lamps shall be of manufacturer's standard.

(7) On transit-type vehicles, an amber clearance lamp with a minimum of four candlepower shall be mounted on the side of the body at approximately seat level rub rail height just to the rear of the service door on the right side and another one at approximately opposite the driver's seat on the left side. These lamps are to be connected to operate with the regular turn signal lamps.

n. Supervisor's light. The rearmost ceiling light or a separate light may be used as a supervisor's light. This light shall have a separate switch controlled by the driver so that this light may be used when traveling after sunset.

o. White flashing strobe light shall be installed on the roof of the bus at a point 1 to 10 feet from the rear center of

the bus. The lighting system must be controlled by a separate switch with indicator light which when lit, will indicate that the strobe light is turned on. The light shall be used in fog, rain, snow, or at such times when visibility is restricted. Each model strobe must be approved by the Motor Vehicle Division, Iowa Department of Transportation.

23.3(22) Metal treatment. All metal used in construction of bus body shall be zinc or aluminum coated or treated by equivalent process before bus is constructed. (Included are such items as structural members, inside and outside panels, floor panels, and floor sills; excluded are door handles, grab handles, stanchions, interior decorative parts, and other interior plated parts.)

All metal parts that will be painted shall be (in addition to above requirements) chemically cleaned, etched, zinc-phosphate coated, and zinc-chromate or epoxy-primed or conditioned by equivalent process. In providing for these requirements, particular attention shall be given to lapped surfaces, welded connections of structural members, cut edges, punched or drilled hole areas in sheet metal, closed or box sections unvented or undrained areas, and surfaces subjected to abrasion during vehicle operation.

As evidence that above requirements have been met, samples of materials and sections used in construction of bus body, when subjected to 1,000-hour salt spray test as provided for in latest revision of ASTM Designation: B 117, "Standard Method of Salt Spray (Fog) Testing", shall not lose more than 10 percent of material by weight.

23.3(23) Mirrors.

a. All mirrors and mountings shall meet federal requirements as of date of manufacture.

b. Interior mirror shall be clear-view safety glass at least 6 by 30 inches overall to afford good view of pupils and roadway to rear. Mirror shall be metal-backed and framed; it shall have rounded corners and protected edges.

EXCEPTION: Vehicles 10,000 pounds GVWR and less, interior mirror shall be at least 6" x 16" overall meeting the above specifications.

c. Two exterior clear-view, rearview mirrors shall be provided, one to left and one to right of driver. Area of each mirror shall not be less than 60 square inches overall. Each mirror shall be firmly supported and adjustable to give driver clear views past left rear and right rear of bus. (Electrically heated exterior rearview mirrors are acceptable.)

d. Exterior convex mirror at least 7½ inches in diameter shall be located either on left or on right side of bus in such manner that seated driver may observe, through its use, areas to front or side of bus where direct observation is not possible. This same type mirror may be installed at other locations on bus to enable seated bus driver to observe areas alongside bus where direct observation is not possible.

23.3(24) Mounting.

EXCEPTION: Mounting standard does not apply to integral units less than 10,000 pounds GVWR and less than 80 inches in overall body width.

a. Chassis frame shall extend to rear edge of rear body cross member. Bus body shall be attached to chassis frame in such manner as to prevent shifting or separation of body from chassis under severe operating conditions.

b. Body front shall be attached and sealed to chassis cowl in such manner as to prevent entry of water, dust, and fumes through joint between chassis cowl and body.

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c. Insulating material shall be placed at all contact points between body and chassis frame. Insulating materials shall be approximately 1/4-inch thick, shall have quality of sidewall of automobile tire, and shall be so attached to chassis frame or body member that it will not move under severe operating conditions.

d. All bodies new or used of body-on-chassis-type shall be mounted and certified by a body manufacturer.

**23.3(25)** Overall length. Overall length of the bus shall not exceed 40 feet.

**23.3(26)** Overall width. Overall width of the bus shall not exceed 96 inches.

**23.3(27)** Rub rails.

a. There shall be one rub rail located on each side of bus approximately at seat level which shall extend from rear side of entrance door completely around bus body (except for emergency door) to point of curvature near outside cowl on left side.

EXCEPTION: Vehicles 10,000 pounds GVWR and less, one rub rail on each side of bus approximately at seat level shall extend only to radii of right and left rear corners.

b. There shall be one rub rail located approximately at floor line which shall cover same longitudinal area as upper rub rail, except at wheel housings, and shall extend only to radii of right and left rear corners.

c. Both rub rails shall be attached at each body post and all other upright structural members.

d. Both rub rails shall be 4 inches or more in width, shall be of 16-gauge steel, and shall be constructed in corrugated or ribbed fashion.

e. Both rub rails shall be applied outside body or outside body posts. Pressed-in or snap-on rub rails do not satisfy this requirement.

**23.3(28)** Sanders. Where required or used, sanders shall:

a. Be of hopper cartridge-valve-type.

b. Have metal hopper with all interior surfaces treated to prevent condensation of moisture.

c. Be of at least 100 pound (grit) capacity.

d. Have cover on filler opening of hopper, which screws into place, sealing unit airtight.

e. Have discharge tubes extending to front of each rear wheel under fender.

f. Have no-clogging discharge tubes with slush-proof, nonfreezing rubber nozzles.

g. Be operated by electric switch with telltale light mounted on instrument panel.

h. Be exclusively driver controlled.

i. Have gauge to indicate hoppers need refilling when they are down to one-quarter full.

**23.3(29)** Seat belt for driver. A seat belt for the driver shall be provided which conforms to federal standards at date of manufacture. Both the right half and the left half of the belt shall be equipped with a "protective" boot and a retractor attachment for keeping the belt off the bus floor. The protector boot shall be securely anchored so that it remains in an upright position at all times.

EXCEPTION: Vehicles 10,000 pounds GVWR and less, supplied by chassis manufacturer.

**23.3(30)** Seat belts for passengers. Vehicles 10,000 pounds GVWR and less. Shall conform to federal standards at date of manufacture.

**23.3(31)** Seats.

a. All seats, component parts, and seat anchorages shall comply with applicable federal requirements as of date of manufacture.

b. All seats shall have a minimum depth of 15 inches.

c. In determining the rated seating capacity of the bus, allowable average rump width shall be:

(1) 13 inches where 3-3 seating plan is used.

(2) 15 inches where 3-2 or 2-2 seating plan is used.

(3) 13 inches where 3-2 seating plan is used on vehicles 79" to 90" inside.

d. All seats shall be forward facing and shall be securely fastened with Grade 5 or better bolts and locking-type nuts or nuts with lock washers on that part or parts of the bus which support them.

e. Jump seats or portable seats are prohibited.

f. Upholstery fabric shall be artificial leather equal to coated fabrics, 42 ounce finished weight, 54 inches wide, reinforced backing of 1.06 broken twill or equivalent. The padding and covering on all seats shall be of material that will not flash or explode upon contact with spark or open fire. The beading of seat and back cushions shall be made of good quality welt and shall be double sewn to assure less splitting from flexing.

g. The backs of all seats of similar size shall be of same width at top and of same height from the floor and shall slant at same angle with floor. (Backs of seats shall be free of coat rails.)

h. Seat back height shall not exceed that allowed by federal requirements at date of manufacture.

i. The minimum distance between the steering wheel and the back rest of the driver's seat shall be 11 inches. The driver's seat shall be strongly attached, shall have vertical adjustment, and shall have fore-and-aft adjustment of not less than 4 inches. Driver's seat anchorage shall comply with acceptable installation procedures.

**23.3(32)** Steps.

a. First step at service door shall be not less than 12 inches and not more than 16 inches from ground, based on standard chassis specifications.

b. Service door entrance may be equipped with two-step or three-step stepwell. Risers in each case shall be approximately equal. When plywood floor is used on steel, differential may be increased by thickness of plywood used.

c. Steps shall be enclosed to prevent accumulation of ice and snow.

d. Steps shall not protrude beyond side body line.

e. A "grab handle" or "grab rail" shall be provided in an unobstructed location inside the doorway and it shall extend down into and be anchored in the stepwell so that it may be reached by small children boarding the bus.

**23.3(33)** Step treads.

a. All steps, including floorline platform area, shall be covered with 3/16-inch rubber metal-backed treads with at least 1 1/2-inch white nosing (or 3-inch white rubber step edge with metal back of floorline platform area).

(1) Step tread minimum overall thickness shall be 3/16-inch ribbed design, similar to ribbed design of the rubber aisle.

(2) Metal back of tread, minimum 24-gauge cold roll steel, shall be permanently bonded to ribbed rubber. Grooved design shall be such that said grooves run at 90-degree angle to long dimension of step tread.

(3) 3/16-inch ribbed step tread shall have a 1 1/2-inch white nosing as integral piece without any joint.

(4) Rubber portion of step treads shall have following characteristics:

Special compounding for good abrasion resistance and high coefficient of friction.

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Flexibility so that it can be bent around a 1/2-inch mandrel both at 130 degrees F. and 20 degrees F. without breaking, cracking, or crazing.

Show a durometer hardness 85 to 95.

**23.3(34)** Stirrup steps. There shall be one stirrup step and suitably located grab handle on each side of front of body for easy accessibility for cleaning windshield and lamps.

EXCEPTION: Transit and metropolitan vehicles, a step, in lieu of the stirrup steps, is permitted in or on the front bumper.

EXCEPTION: Vehicles 10,000 pounds GVWR and less, standard does not apply.

**23.3(35)** Stop signal arm.

a. The stop signal arm shall be a flat 18-inch octagon, exclusive of brackets for mounting.

b. The arm shall be constructed of aluminum alloy with a minimum gauge of .080 and temper of 5052-H34 or equivalent.

c. It shall have the word "STOP" printed on both sides in silver letters at least 6 inches high, with a stroke width of approximately 7/8 inch on bright red background. The border or outer edge shall be 1/2 inch wide silver.

d. The color shall conform to the colors specified by the "Manual on Uniform Traffic Control Devices for Streets and Highways," 1972 edition.

e. The entire sign, including letters, shall be reflectorized and shall have the following minimum brightness values at .2, .5, and 1.5 divergence angle expressed as average candlepower per footcandle per square foot of material. Measurements shall be conducted in accordance with standard photometric testing for reflex-reflectors paragraph 4.47 of Federal Specifications LS 300A "Sheeting and tape, reflective; Nonexposed lens adhesive backing" or as amended.

Silver-White

Div. Angle	.2	.5	1.5
Inc. Angle			
- 4°	250.0	95.0	4.0
40°	120.0	54.0	2.0

Wet performance measurements shall be conducted in accordance with standard rainfall test specified in Federal Specification LS 300A and the brightness of the reflective sheeting totally wet by rain shall not be less than 90 percent of the above values.

f. Before mounting on the substrate, the reflective sign face shall be processed and finished with materials and shall be mechanically applied in a manner specified by the sheeting manufacturer. All copy shall be sharply defined and clean cut.

g. Stop arm blade shall be equipped with two, double-faced, alternately flashing red lights of at least 4-inch diameter which are automatically activated when the stop arm is extended.

h. The sign shall be mounted outside the bus on the left side opposite the driver and immediately below the window. Rubber spacers shall be so installed on either the side of the bus or the stop arm so as to prevent sign from making abrasive contact with side of bus.

i. A wind guard shall be installed which prevents air currents from circulating behind blade.

j. The stop arm shall be vacuum or air operated and the system must positively hold the sign in extended or retracted position to prevent whipping in the wind.

k. The school bus body manufacturer shall install a separate vacuum tank as a stop arm reservoir on all

chassis equipped with vacuum-over-hydraulic brakes. This tank is to be connected to the stop arm only and shall have a minimum capacity of 1,000 cubic inches.

l. The air for an air-operated stop arm shall come from a connection to the air line serving the regular air brake system. Body supplier shall provide the necessary check valve and pressure reduction valve to safeguard the air supply for brake application.

m. The stop arm control valve is to be activated by a switch that makes contact when the entrance door handle is moved toward the open position provided that the eight-light flashing warning-light activating system has been switched on.

n. The manufacturer shall certify that all signs conform to this specification and will replace without costs to the school district all signs that fail to meet these requirements.

**23.3(36)** Storage compartments.

a. An enclosed space shall be provided in the driver's compartment for storing manuals and bus driver records.

b. A compartment for storing the fire extinguisher, first-aid kit, and other equipment under lock and key may be installed provided that the locking device is connected with an audible warning signal to notify the driver of the locked compartment when the ignition is turned on. This compartment shall be located in the driver's area of the bus and must be labeled or have a transparent cover to enable the driver to see the contents.

c. In addition, a metal container of adequate strength and capacity for storage of tire chains and/or tow chains and such tools as may be necessary for minor emergency repairs while the bus is enroute may be provided but is not required. If provided, it may be located either inside or outside the passenger compartment but, if inside, it shall have a cover (seat cushion may not serve for this purpose) and be securely fastened to floor or seat frame. The container must have a latch to keep the cover securely fastened to it in such manner as to prevent contents from spilling in case the bus overturns.

**23.3(37)** Sun shield. There shall be installed on the windshield header an interior sun visor which is double-bracketed, adjustable and not less than 6 inches wide and 30 inches long.

EXCEPTION: Vehicles 10,000 pounds GVWR and less, provided by chassis manufacturer.

**23.3(38)** Tow hooks, rear. Two rear tow hooks are required on all school bus bodies greater than 80 inches in overall width, attached to the chassis frame and located under the rear bumper so that the hook portion is under the body.

**23.3(39)** Undercoating.

a. Entire underside of bus body, including floor sections, cross members, and below floorline side panels, shall be coated with rust-proofing compound for which compound manufacturer has issued notarized certification of compliance to bus body builder that compound meets or exceeds all performance requirements of Federal Specification TT-C-520a.

b. Undercoating compound shall be applied with suitable airless or conventional spray equipment to recommended film thickness and shall show no evidence of voids in cured film. Undercoating is expected to prevent rust under all bus service conditions for a minimum of five years.

**23.3(40)** Vacuum check valve. Shall be provided and installed on the chassis by the school bus body

## PUBLIC INSTRUCTION[670] (cont'd)

manufacturer for connecting of vacuum accessory items.

**23.3(41)** Vandal lock. Vandal locking system on the bus is permissible in accordance with the following requirements:

a. The entrance door is to be locked by an exterior key with a dead bolt or a remote control (cable) type of device. The system must prevent the door from being accidentally locked by any motion bus may encounter during its normal operation.

b. The emergency door is to be locked by an interior slide bolt which shall activate a buzzer when the door is locked and the ignition of the bus is turned on to warn the driver that the emergency door is locked.

c. The engine starting system of the bus shall not operate if any emergency door is locked from either the inside or outside of the bus.

**23.3(42)** Ventilation.

a. Body shall be equipped with suitable, controlled ventilating system of sufficient capacity to maintain proper quantity of air under operating conditions without opening of windows except in extremely warm weather.

EXCEPTION: Vehicles 10,000 pounds GVWR and less, supplied by chassis manufacturer.

b. Static-type nonclosable exhaust ventilator shall be installed in low-pressure area of roof. Electrically powered roof ventilators are acceptable.

**23.3(43)** Wheel housings.

a. Wheel house openings shall allow for easy tire removal and service.

b. Wheel housings shall be designed to support seat and passenger loads and shall be attached to floor sheets in such manner as to prevent any dust or water from entering the body.

c. Inside height of wheel housings above floorline shall not exceed 11 inches.

d. Wheel housings shall provide clearance for chains on dual wheels as established by National Association of Chain Manufacturers.

**23.3(44)** Windshield and windows.

a. All glass in windshield, windows, and doors shall be of approved safety glass, so mounted that permanent mark is visible, and of sufficient quality to prevent distortion of view in any direction.

b. Glass in windshield may be heat-absorbing and may contain a shaded band across top. Location of "fade out" shall be above upper limit for minimum visibility.

c. Glass in all side windows, doors, and rear windows shall be AS-2 or better grade, as specified in federal requirements Z26.1-1966.

d. All full side windows are to be "split-sash type." Minimum window width shall be 22 inches. The amount of window travel shall not be less than 9 inches and not more than 10 inches. All exposed edges of glass shall be banded. This prohibits single sash windows.

e. Vacuum-sealed double glass is required in the window immediately to the rear of the service door on the right side of the bus, the driver's window, and the window immediately to the rear of the driver's window on the left side of the body.

EXCEPTION: Vehicles with a window forward of the service door, and in direct view opposite the driver's seat, it shall be of vacuum-sealed double glass type. On these vehicles the window to the rear of the service door need not be of vacuum-sealed double glass type.

EXCEPTION: Vehicles of 10,000 pounds GVWR and less, vacuum-sealed double glass windows are not required; however, are recommended, when available, in those

window positions which may create a visibility problem due to frost or moisture accumulation.

**23.3(45)** Windshield washers. Bus shall be equipped with electric windshield washers which shall conform to the body manufacturer's recommendation as to type and size for the bus on which they are to be used.

EXCEPTION: Vehicles 10,000 pounds GVWR and less, supplied by chassis manufacturer.

**23.3(46)** Windshield wipers.

EXCEPTION: Vehicles 10,000 pounds GVWR and less, supplied by chassis manufacturer.

a. Bus shall be equipped with two positive-action, two-speed or variable-speed windshield wipers of electric or air type. All wipers by design and installation shall provide desirable vision for the driver and shall meet federal requirements at date of manufacture.

b. Two separate heavy-duty motors, with separate switches, shall be provided and equipped with blades of sufficient length to clear windshield glass in driver's direct view.

c. Windshield wiper blades and arms shall be of the heavy-duty type. The blades must be at least 14 inches in length.

d. All wiper controls shall be located within easy reach of the driver and designed, when in stop position, to move blades from the driver's direct view.

**23.3(47)** Wiring.

a. All wiring shall conform to current standards of the Society of Automotive Engineers.

b. Circuits:

(1) The wiring shall be arranged and relays added where appropriate, in at least nine regular circuits, as follows:

Head, tail, clearance, identification, instrument panel lamps, stepwell lamp, clearance and identification lights shall come on with headlights, this circuit cannot be subdivided, (Stepwell lamp shall be activated when service door is opened);

Dome lamps;

Starter motor;

Ignition and emergency door signal;

Turn signal lamps;

Alternately flashing warning signal lamps;

Horn;

Heaters, defrosters; and

Stop (brake).

(2) All of the above combination circuits, unless otherwise noted, may be subdivided into additional independent circuits.

(3) Whenever possible, all other electrical functions, (such as Sanders and electric-type windshield wipers) shall be provided with independent and properly protected circuits.

(4) Each body circuit shall be coded and a diagram of the circuits shall be attached to the body in a readily accessible location.

c. A separate fuse or circuit breaker shall be provided for each circuit except starter motor and ignition circuits.

d. All wires within the body shall be insulated and protected by a covering of fibrous loom (or equivalent) which will protect them from external damage and minimize dangers from short circuits. Whenever wires pass through a body member, additional protection in form of appropriate type of insert shall be provided.

**670—23.4(285)** Construction of vehicles for children with mobility problems. The following shall apply to vehicles constructed for the transportation of children



## PUBLIC INSTRUCTION[670] (cont'd)

with mobility problems of such severity that prohibits them from utilizing the regular service door entrance.

**23.4(1) General requirements.** Vehicles constructed for transporting these children shall meet all federal and Iowa school bus construction requirements as described in 23.2(285) and 23.3(285) of these rules.

a. Alteration of the interior of the vehicle is permissible if all seats and barriers, component parts, anchorages, wheelchair securement devices and placement of seats and barriers and wheelchair securement devices comply with federal requirements as of the date of manufacture. All equipment must be that supplied by the original manufacturer and installed as per the original manufacturer's specification. Alteration which would return the vehicle to conventional passenger seating (removal of all wheelchair securement devices) shall include removal of the power lift and rendering the special service door inoperable.

b. Any school bus purchased specifically or partially for the transportation of these children shall be equipped with a power lift located on the right side of the bus body and forward of the rear wheels.

c. The actual rated seating capacity, following the modification of a vehicle shall be placed at locations indicated in 23.3(17) of these rules.

d. Ramps not permitted.

**23.4(2) Specific requirements.**

a. Special service opening.

(1) There shall be an enclosed service opening located on the right side of the body forward of rear wheels. The door opening shall be not less than 30 inches in width.

(2) Door posts, headers, and all floor sections around this special opening shall be reinforced to provide strength and support equivalent to adjacent side wall and floor construction of an unaltered model.

(3) A drip mold shall be installed above the opening so as to effectively channel the water away from the entrance.

(4) A header pad, at least 3 inches wide, extending the width of special service door, shall be placed above the opening on the inside of the bus.

b. Special service door(s).

(1) Lift may be enclosed by either one or two doors.

(2) All doors must open outwardly.

(3) If the door is made of two panels the following requirements shall be met:

Both panels shall be of approximately the same width.

Both panels shall be equipped with heavy-duty hinges and hinged to the side of the bus. The forward panel shall be provided with an overlapping flange to close space where door panels meet and weather seal shall be provided around the doors or opening to eliminate water leakage or heat loss.

The door shall be equipped with at least one-point fastening device on rear panel to the floor or header and at least two-point fastening device to the floor and header on forward door panel, both manually operated.

Each door shall have a (safety) glass window, set in rubber, and aligned with lower line of adjacent sash, and as nearly as practical of the same size as other bus windows.

Each door panel shall open outward and a positive fastening device shall be installed to hold the doors in an open position.

(4) If the door is made of one piece construction the following requirements shall be met:

The door shall be equipped with heavy-duty hinges.

The door shall open outward and a positive fastening device shall be installed to securely hold the door in an open position.

The door shall be equipped with a slide-bar, cam-operated type locking device.

Weather stripping shall be installed around the entire door or opening to eliminate water leakage or heat loss.

The door shall have a (safety) glass window, set in rubber, and aligned with lower line of adjacent sash, and as nearly as practical of the same size as other bus windows.

(5) The door(s) shall be located far enough to the rear to permit the door (forward panel on two-piece door or forward hinged one-piece door) from obstructing right front service door.

(6) The door(s) shall be equipped with a device(s) that will actuate a flashing visible signal, located in driver's compartment, when doors are not securely closed. (Audible signal not permitted.)

(7) All doors shall be constructed to be equivalent in strength and materials to other school bus doors.

c. Power lift.

(1) Power lift shall be of at least 700-pound capacity rating and capable of lifting the wheelchair, occupant, and attendant.

(2) Power unit shall be electro-hydraulic, self-contained motor pump, valve and reservoir unit. Dual lifting cylinders shall be provided and shall have honed, polished, or chrome-plated surfaces.

EXCEPTION: If elevator-type lift is used, either single or dual lifting cylinders may be provided.

(3) All lift controls shall be portable and conveniently located on the inside of the bus near the top of the special service door opening for easy operation by either a platform standee or person seated in a wheelchair when lift is in any position. A master cut-off switch shall be located in the driver's compartment.

(4) The power lift platform shall be not less than 26 inches in width nor less than 44 inches long including guard panels or rails.

(5) The power lift platform shall be covered with skid-resistant material or be so designed so as to prevent slipping.

(6) The lift platform shall be of such construction that would permit vision through that portion of the platform covering the window of the special service door when the platform is in the "up" position.

(7) A self-adjusting steel or equivalent ramp shall be attached to the lift platform and be of sufficient width to minimize incline to the platform. The ramp shall be equipped with skid-resistant surface.

(8) The power lift shall be designed so that the lift will not operate unless the special service door(s) is/are opened and the lift platform is in the down or horizontal position.

(9) All exposed parts of the power lift which are in direct line with the forward or rearward travel of a student shall be padded with energy absorbing material.

d. Barriers.

(1) A heavy-duty padded barrier shall be attached to the floor on rear side of the special service door opening. The barrier shall be of sufficient width to protect the passenger(s) situated to the rear of the barrier.

EXCEPTION: Vehicles 10,000 pounds GVWR and less, padded stanchions acceptable.

(2) In the event that an elevator-type (body floor section serving as lift platform) lift is used, both forward

## PUBLIC INSTRUCTION[670] (cont'd)

and rear side of platform shall be protected with heavy-duty padded barriers extending from the wall of the body toward the aisle. A covered chain shall be fastened to the rear barrier adjacent to the lift platform, extend across the platform opening and attach with hook and eye to the forward barrier adjacent to the lift platform.

(3) All barriers shall comply with federal requirements as of date of manufacture.

e. Wheelchair securement devices.

(1) Fastening devices for wheelchairs shall be those approved by the School Transportation and Safety Education Division, Iowa Department of Public Instruction.

(2) Each wheelchair shall be positively fastened to the floor, walls, or both of the school bus body. Straps or seat belt-type devices running through the wheels of the wheelchair and/or around the student seated in the wheelchair, are not acceptable.

f. Special student restraining devices.

(1) Wheelchairs shall be equipped with an appropriate passenger restraint system.

(2) Special restraining devices such as shoulder harnesses, lap belts, and chest restraint systems, may be installed to the seats providing that such devices do not require the alteration, in any form, of the seat, seat cushion, framework, or related seat components. Such restraints must be for the sole purpose of restraining handicapped students.

g. Seats.

(1) All seats and related components shall comply with applicable federal standards as of date of manufacture.

(2) Side-facing seats are prohibited.

(3) Seat frames may be equipped by the school bus body manufacturer with rings or other devices to which passenger restraint systems may be attached.

h. Aisles.

(1) All aisles leading from wheelchair placement(s) to special service door and service door shall be wide enough to permit passage of a wheelchair.

(2) Aisles leading to the emergency door, from wheelchair placement(s) shall be of at least 20 inches in width.

i. Special light. A light shall be placed inside the bus over special service door and shall be operated from the door area.

**670—23.5(285) Multipurpose vehicles.** Family-type or multipurpose passenger vehicles with manufacturer's rated capacity of less than 10 may be used in accordance with the following:

**23.5(1)** The vehicle shall be painted a color other than national school bus glossy yellow.

**23.5(2)** The vehicle shall not carry more passengers than there are seat belts as installed by the manufacturer.

**23.5(3)** The vehicle shall not be equipped with a stop arm or flashing warning signal lamps.

**23.5(4)** The vehicle shall while transporting children to and from schools, be equipped with temporary sign(s) visible to the front and rear displaying the words "School Bus". The sign(s) shall be painted national school bus glossy yellow in color with black letters 6 inches high. The sign(s) shall be of a type that can be dismounted, turned down, or covered when the vehicle is not transporting pupils to and from school.

**23.5(5)** A sign with the words, "This Vehicle Stops At All Railroad Crossings," visible to the rear, may be used, however, is not required. If used, the words shall be painted in black, 3-inch letters on a yellow background. The sign shall be a type that can be dismounted, turned down, or covered when the vehicle is not transporting pupils to and from school.

**23.5(6)** The vehicle shall carry a ten-unit first-aid kit. See 23.3(13) of these rules.

**23.5(7)** The vehicle shall carry a dry chemical fire extinguisher of at least 2½-pound capacity with a rating of 2A-10BC. The extinguisher shall be equipped with a calibrated or marked gauge. Plastic discharge heads and related parts are not acceptable.

**23.5(8)** The above standards shall apply to all new vehicles of this type and those currently in service and used to transport students to and from school.

**23.5(9)** Alteration of this vehicle is prohibited. This includes but is not limited to addition or deletion of seats and installation of wheelchair securement devices and power lifts.

**23.5(10)** An interior liner must be provided and installed by the manufacturer that covers all exposed ceiling girders, sidewall posts or other structural projections.

[Filed 5/11/79, effective 7/4/79]

Notice of intended action regarding these rules was published in the Iowa Administrative Bulletin March 21, 1979, and shall become effective July 4, 1979. These rules were modified slightly.

[Published 5/30/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 5/30/79.

**ARC 0283****REVENUE DEPARTMENT[730]**

Pursuant to the authority of sections 422A.1 and 421.14 of the Code, the Department of Revenue hereby adopts rules relating to the Iowa hotel and motel tax.

Agency number 730 of the Iowa Administrative Code is amended by adding a Title XIV, Hotel and Motel Tax, and Chapters 103 through 105 as follows:

TITLE XIV  
HOTEL AND MOTEL TAX  
CHAPTER 103  
ADMINISTRATION

**730—103.1(422A) Definitions.**

**103.1(1)** Department. When the word "department" appears herein, the same refers to and is synonymous with the "Iowa Department of Revenue"; the word "director" is the "director of revenue"; the word "division" is the "Excise Tax Division, Iowa Department of Revenue"; the word "tax" is the "hotel and motel tax".

The administration of the hotel and motel tax is the responsibility of the excise tax division which was created by the director. This division is charged with the administration of the hotel and motel tax, subject always to the rules, regulations, and direction of the director.

The director of revenue is required to administer the hotel and motel tax as nearly as possible in conjunction with the administration of the state sales tax. Therefore, the term "retailer" will be used interchangeably between the two taxes.

**103.1(2)** "Transient guest" shall mean any person who rents the same room, apartment, or sleeping quarters for a period of less than thirty-two consecutive days.

**730—103.2(422A) Statute of limitations.** Within five years after a return is filed, the department shall examine it, determine the tax due, and give notice of assessment to the taxpayer. If no return has been filed, the department may determine the tax due and give notice thereof. If such determination is based upon an examination of books, papers, records, or memoranda, such an examination will not include any transactions completed five years or more prior to such examination.

Whenever books and records are examined by an employee designated by the director of the department of revenue, whether to verify a return or claim for refund or in making an audit, an assessment must be issued within one year from the date of the completion of his or her examination. If not, the period for which the books and records were examined becomes closed and no assessment can be made. In no case is the one-year period of limitation an extension of or in addition to the five-year period of limitation.

**730—103.3(422A) Credentials and receipts.** Employees of the department have official credentials, and the retailer should require proof of the identity of persons claiming to represent the department. No charges shall be made or gratuities of any kind accepted by an employee of the department for assistance given in or out of the office of the department.

All employees authorized to collect money are supplied with official receipt forms. When cash is paid to an employee, the retailer should require the employee to issue an official receipt. Such receipt shall show the retailer's name, address and permit number; the purpose for the payment; and the amount of the payment. The

retailer should retain all receipts, and only official receipts for payment will be recognized by the department.

**730—103.4(422A) Retailers required to keep records.** Every retailer shall keep and preserve the following records:

1. A daily record of the amount of all cash and time payments and credit sales from the renting of rooms subject to tax under chapter 422A of the Code.

2. A record of all deductions and exemptions taken in filing a tax return.

The records required in this rule shall be preserved for a period of five years and open for examination by the department during this period of time.

If a tax liability has been assessed and an appeal is pending to the department, state board of tax review or district or supreme court, books, papers, records, memoranda or documents specified in this rule which relate to the period covered by the assessment shall be preserved until the final disposition of the appeal. This provision applies equally to parties to the appeal and other retailers who could claim a refund as a result of the resolution of the appeal.

Failure to keep and preserve adequate records shall be grounds for revocation of the sales tax permit.

**730—103.5(422A) Audit of records.** The department shall have the right and duty to examine or cause to be examined the books, papers, records, memoranda or documents of a taxpayer for the purposes of verifying the correctness of a return filed or estimating the tax liability of any retailer. The right to examine records includes the right to examine copies of the retailer's state and federal income tax returns. When a retailer fails or refuses to produce the records for examination when requested by the department, the director shall have authority to require, by a subpoena, the attendance of the retailer and any other witness whom the department deems necessary or expedient to examine and compel the retailer and witness to produce books, papers, records, memoranda or documents relating in any manner to the hotel and motel tax.

The department shall have the obligation to inform the retailer when an examination of his or her books, papers, records, memoranda or documents has been completed and the amount of tax liability, if any, due upon completion of the audit. Tax liability includes the amount of tax, interest, penalty and fees which may be due.

**730—103.6(422A) Billings.****103.6(1) Notice of adjustments.**

a. An agent, auditor, clerk or employee of the department, designated by the director to examine returns or make audits, who discovers discrepancies in returns or learns that gross receipts subject to the hotel and motel tax may not have been listed, in whole or in part, or that no return was filed when one was due, is authorized to notify such person of his or her discovery by ordinary mail. Such notice shall not be termed an assessment. It merely informs such person what amount would be due if the information discovered is correct.

b. Right of person upon receipt of notice of adjustment. A person who has received notice of an adjustment in connection with a return may pay the additional amount stated to be due. If payment is made, and the person wishes to contest the matter, he or she should then file a claim for refund. However, payment will not be required until a certified assessment has been made

## REVENUE DEPARTMENT[730] (cont'd)

(although interest will continue to accrue on any amount of tax which is determined to be due if payment is not made.) If no payment is made, the person may discuss with the agent, auditor, clerk or employee who notified him or her of the discrepancy, either in person or through correspondence, all matters of fact and law which he or she considers relevant to the situation. This person may also ask for a conference with the Excise Tax Division, Des Moines, Iowa. Documents and records supporting his or her position may be requested.

c. Power of agent, auditor or employee to compromise tax claim. Only the director has the power to compromise any tax claims. The power of the agent, auditor, clerk or employee who notified the person of the discrepancy is limited to the determination of the correct amount of tax.

**103.6(2)** Notice of assessment. If, after following the procedure outlined in subrule 103.6(1)"b", no agreement is reached and the person does not pay the amount determined to be correct within twenty days, a notice of the amount of tax due shall be sent to the person responsible for paying the tax. This notice of assessment shall bear the signature of the director and will be sent by certified mail.

If the notice of assessment is timely protested according to the provisions of rule 7.8(17A) and section 422.54(2), proceedings to collect the tax will not be commenced until the protest is ultimately determined, unless the department has reason to believe that a delay caused by such appeal proceedings will result in an irrevocable loss of tax ultimately found to be due and owing the state of Iowa.

**730—103.7(422A) Collections.** If determined expedient or advisable, the director may enforce the collection of the tax liability which has been determined to be due. In such action, the attorney general shall appear for the department and have the assistance of the county attorney in the county in which the action is pending.

The remedies for the enforcement and collection of hotel and motel tax are cumulative, and action taken by the department or attorney general shall not be construed to be an election on the part of the state or any of its officers to pursue any remedy to the exclusion of any other remedy.

**730—103.8(422A) No property exempt from distress and sale.** The provisions of section 422.26 of the Code shall apply with respect to a hotel-motel tax liability determined to be due by the department. The department shall proceed to collect the tax liability after the same has become delinquent; and no property of the taxpayer shall be exempt from the process whereby the tax is collected.

**730—103.9(422A) Information confidential.** When requested to do so by any person having a legitimate interest in such information, the department shall, after being presented with sufficient proof of the entire situation, disclose to such person the amount of unpaid taxes due by a taxpayer. Such person shall provide the department with sufficient proof consisting of all relevant facts and the reason or reasons for seeking information as to the amount of unpaid taxes due by the taxpayer. The information sought shall not be disclosed if the department determines that the person requesting information does not have a legitimate interest. The director may also authorize the examination of returns filed by a retailer by (1) other officers of the state of Iowa, (2) tax officers of another state if a reciprocal arrangement exists or (3) tax officers of the federal government if a reciprocal

arrangement exists. The director is also empowered to publish annual statistical reports relating to the operation of the hotel and motel tax.

All other information obtained by employees of the department in the performance of their official duties is confidential as provided by law and cannot be disclosed.

**730—103.10(422A) Bonding procedure.** The director may, when necessary and advisable in order to secure the collection of the hotel and motel tax, require any person subject to such tax to file with the department a bond in such amount as the director may fix, or in lieu of such bond, securities approved by the director in such amount as the director may prescribe.

The determination of when and in what amount a bond is required will be determined pursuant to rule 730—11.10(422). The bond required under this rule and rule 730—11.10(422) shall be a single requirement with the amount to be determined with reference to both the potential retail sales tax and the hotel and motel tax liabilities. Whether or not the person required to post the bond files a monthly deposit for sales tax purposes, the basis for determining the hotel and motel tax portion of the bond shall be an amount sufficient to cover nine months or three quarters of tax liability.

**730—103.11(422A) Sales tax.** The hotel and motel tax is levied in addition to the state sales tax imposed in chapter 422 of the Code. Additionally, the director of revenue is required to administer the hotel and motel tax as nearly as possible in conjunction with the administration of the state sales tax. See chapters 12, 13 and 14 of the department's rules for details. The computation of the hotel and motel tax shall be based on the price of the room excluding the sales tax.

**730—103.12(422A) Judicial review.** Judicial review of actions of the director may be sought in accordance with the terms of the Iowa Administrative Procedure Act in a manner similar to that provided for review of sales tax matters. See chapter 7 of the department's rules of practice and procedure for details.

**730—103.13(422A) Registration.** All persons who are required to collect and remit the local option hotel and motel tax are required to hold an Iowa retail sales tax permit. No hotel/motel tax permit is required although persons may be required to register with the department in the future as a hotel and motel tax collector. Persons shall register as a retailer and hold the retail sales tax permit prior to the time they begin collecting the hotel and motel tax.

**730—103.14(422A) Notification.** Before a city or county's local option hotel and motel tax can become effective, be revised, or be repealed, sixty days notice of such action must be given to the director in writing by certified mail.

CHAPTER 104  
FILING RETURNS, PAYMENT OF TAX,  
PENALTY AND INTEREST

**730—104.1(422A) Returns, time for filing.** On the quarterly sales tax return, every retailer shall report the gross sales subject to the hotel and motel tax for the entire quarter, listing allowable deductions and figuring tax for the entire quarter. The information required for the computation of the hotel and motel tax liability shall be separate from that required for the computation of the retail sales tax liability. Such information and computation must be stated and computed separately,

## REVENUE DEPARTMENT[730] (cont'd)

even though the total tax liability may be paid with a single remittance.

The quarterly reports are due on the last day of the month following the end of the calendar quarter during which the tax is collected. If a person is required to collect the hotel and motel tax and file a monthly deposit for retail sales tax purposes, such monthly deposit should not include the hotel and motel tax collected during the period covered by the deposit.

When the due date falls on Saturday, Sunday or a legal holiday, the return will be due the first business day following such Saturday, Sunday or legal holiday. If a return is placed in the mails, properly addressed and postage paid, and postmarked on or before the due date for filing, no penalty will attach should the return not be received until after that date. Mailed returns should be addressed to the Iowa State Excise Tax Division, Department of Revenue, Hoover State Office Building, Des Moines, Iowa 50319.

This rule is intended to implement Acts of the Sixty-seventh General Assembly, chapter 1144, [sections 422A.1 and 422A.2 of the Code].

**730—104.2(422A) Remittances.** The correct amount of tax collected and due shall accompany the forms prescribed by the department. The name, address and sales tax permit number of the sender and amount of tax for the quarterly remittance shall be stated. Every return shall be signed and dated. Reporting forms and a self-addressed return envelope shall be furnished by the department to the retailer; and, when feasible, every retailer shall use them when completing and mailing his or her return and remittance. All remittances shall be made payable to the Treasurer of the State of Iowa.

**730—104.3(422A) Permits.** No permit other than an Iowa sales tax permit will be required under this chapter. However, the director may require all persons responsible for collecting and remitting a hotel-motel tax to register with the department.

**104.3(1) "Single permit—principal place of business."** Any person not in the business of renting rooms to transient guests, but who regularly rents rooms to residences at varying locations to transient guests, may operate under one sales tax permit. The sales tax permit will be issued to the taxpayer's principal place of business. (See chapter 13 of the department of revenue rules relating to sales tax permits.)

**730—104.4(422A) Sale of business.** A retailer subject to the provisions of the Code relating to the hotel and motel tax who is selling his or her business shall file a return within the succeeding month thereafter and pay all tax due. Any unpaid tax shall be due prior to the transfer of title of any personal property to the purchaser and, if unpaid, becomes delinquent one month after such sale.

A retailer discontinuing business shall maintain his or her records for a period of five years from the date of discontinuing business unless a release from such provision shall be given in writing by the department.

**730—104.5(422A) Bankruptcy, insolvency or assignment for benefit of creditors.** In cases of bankruptcy, insolvency or assignment for the benefit of creditors by the taxpayer, the taxpayer shall immediately file a return with the tax being due.

**730—104.6(422A) Claim for refund of tax.** Refunds of tax shall be made only to those who have actually paid the tax. A person or persons may designate the retailer to

collect the tax as an agent for purposes of receiving a refund of tax. A person or persons who claims a refund shall prepare the claim on the prescribed form furnished by the department.

A claim for refund shall be filed with the department within five years from the date the tax became due or one year from the date of payment, whichever is later, stating in detail the reasons and facts and, if necessary, attaching supporting documents for which the claim for refund is based.

**730—104.7(422A) Application of payments.** If a combined hotel and motel tax return and quarterly sales tax return is utilized by the department, all payments received will be first applied to satisfy sales tax liabilities.

All revenues received under chapter 422A of the Code are to be credited to the "local transient guest tax fund." Revenues shall include all interest and penalties applicable to any hotel and motel tax report or remittance, whether resulting from delinquencies or audits. All revenues received or monies refunded one hundred eighty days after the date on which a city or county terminates its local hotel and motel tax shall be deposited in or withdrawn from the state general fund. The one hundred eighty-day limitation applies to actual receipts or disbursements and not to accrued but unpaid tax liabilities or potential refunds.

**730—104.8(422A) Interest and penalty.** The filing of the tax return within the period prescribed by law and the payment of the tax required to be shown thereon are simultaneous acts and if either condition is not met, a penalty shall be assessed. Section 422.58(1) of the Code refers to a penalty for failure to remit the tax due with the filing of the return or failure to pay any amount of any tax required to be shown on the return. Only the penalty for failure to file a return will be added when there is both a failure to file either a deposit or return plus a failure to remit tax due or to pay any amount of tax required to be shown on the return. The rate of penalty shall be five percent per month or fraction thereof, not to exceed twenty-five percent in the aggregate for failure to file a return. The penalty for failure to pay any tax due is five percent of the tax due. Penalty is computed on the amount required to be shown as tax with the filing of the deposit or return. For purposes of computing the penalty in case of failure to file or failure to pay, the amount of tax required to be shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the date prescribed for payment of the tax and by the amount of any credit against the tax which may legally be claimed on the return. If a return is determined to be delinquent, then the penalty shall continue to be assessed on any additional amount of tax determined to be due. The percent of penalty applied to additional amount of tax determined to be due shall be the percentage which had accumulated when the initial penalty was assessed and paid on the delinquent return.

All payments shall be first applied to the penalty and then to the interest, and the balance, if any, to the amount of tax then due.

In addition to the penalty computed above, there shall be added interest as provided by law from the due date of the return. Interest accrues on the tax or additional tax at the rate of three-fourths of one percent per month, counting each fraction of a month as an entire month, computed from the date the return or deposit was required to be filed.

## REVENUE DEPARTMENT[730] (cont'd)

**730—104.9(422A) Request for waiver of penalty.** Any taxpayer who believes he or she has good reason to object to any penalty imposed by the department for failure to timely file returns, or pay the tax must submit a request for waiver seeking that the penalty be waived. If it can be shown to the director's satisfaction that the failure was due to reasonable cause, the penalty will be adjusted accordingly. The request must be in the form of an affidavit and must contain all facts alleged as reasonable cause for the taxpayer's failure to file the return, or pay the tax as required by law. The following are examples of situations that may be accepted by the director as being reasonable cause:

1. Where the return, monthly deposit or payment was filed on time, but filed erroneously with another state agency or the Internal Revenue Service.

2. A showing that the completed return was mailed in time to reach the department in the normal course of mails, within the legal period. If the due date is a Saturday, Sunday or legal holiday, the following business day is within the legal period.

3. Where the delay was caused by death or serious illness of the person responsible for filing.

4. Where the delay was caused by prolonged unavoidable absence of the person responsible for filing.

5. Where the delinquency was caused by destruction by fire or other casualty of the retailer's records.

6. A showing that the delay or failure was due to erroneous information given the retailer by an employee of the department.

7. Where the retailer exercised ordinary business care and prudence and was nevertheless unable to file the return within the prescribed time, then the delay is due to reasonable cause. A failure to pay will be considered to be due to reasonable cause to the extent that the retailer has made a satisfactory showing that he or she exercised ordinary business care and prudence in providing for payment of his or her liability and was nevertheless either unable to pay the tax or would suffer an undue hardship if he or she paid on the due date.

8. If the retailer has had no reported delinquencies or late payments in the past thirty-six months. However, this does not apply to a penalty established by audit.

9. If the return is filed on time, but the face of the return contained a mathematical error, if the retailer has had no reported delinquencies, including mathematical errors, in the past thirty-six months. However, this does not apply to a penalty established by audit.

**730—104.10(422A) Extension of time for filing.** Upon a proper showing of the necessity for extending the due date, the director is authorized to grant an extension of time in which to file a return. The extension shall not be granted for a period longer than thirty days. The request for the extension must be received on or before the original due date of the return. It will be granted only if the person requesting the extension shall have paid by the twentieth day of the month following the close of such quarter, ninety percent of the estimated tax due.

#### CHAPTER 105 IMPOSITION OF TAX

**730—105.1(422A) Local option.** A city or county may impose by ordinance of the city council or by resolution of the board of supervisors a hotel and motel tax subject to the approval of its citizens. The tax when imposed by a city shall apply only within the corporate boundaries of that city and when imposed by a county shall apply only

outside incorporated areas within the county. A city or county can impose the tax only after an election at which a majority of those voting on the question favors imposition.

**730—105.2(422A) Tax rate.** The hotel and motel tax rate cannot exceed seven percent and must be imposed in increments of one or more full percentage points.

**730—105.3(422A) Tax base.** The hotel and motel tax is imposed upon the gross receipts from the renting of sleeping rooms in a facility covered by chapter 422A of the Code. Facilities which are covered are defined as any hotel, motel, inn, public lodging house, rooming house, tourist court or in any place where sleeping accommodations are furnished to transient guests for rent, whether with or without meals. Gross receipts from renting includes any direct or indirect charge for such rooms as herein established.

**105.3(1)** The hotel-motel tax shall not apply (1) when rooms are furnished to a person if that person rents the same room or facility for more than thirty-one consecutive days, (2) to the renting of sleeping rooms in dormitories and in memorial unions at all universities and colleges located in the state, or (3) to contracts made directly with the federal government.

**105.3(2)** The tax base shall include the entire cost directly or indirectly related to the renting of a room. If a person is charged for items other than "rent" in connection with the renting of a room (e.g., food, telephone, laundry or recreation facility use), such charges must be stated separately or the entire charge will be considered "rent".

**730—105.4(422A) Imposition dates.** A local hotel and motel tax shall be imposed on the first day of a quarter following the notification to the director of revenue. The first day of the quarter shall be January 1, April 1, July 1 and October 1. Once imposed, the tax shall remain in effect at the rate imposed for a minimum of one year. See rule 103.14(422A) regarding notification.

**730—105.5(422A) Adding or absorbing tax.** It is unlawful for any retailer responsible for collecting and remitting the hotel and motel tax to advertise or hold out, or state to the public or to any person that tax imposed will be assumed or absorbed by the retailer or that it will not be considered as an element in the price to the public or the person renting a facility subject to the hotel-motel tax. When a retailer advertises in such manner and position so that it may be readily seen and read by the public, that the price "includes tax" the retailer may charge a lump sum for renting the facility without making a separate charge for the hotel and motel tax. It is the responsibility of the retailer to provide proof that he or she has complied with the method of advertising or displaying the price.

**730—105.6(422A) Termination dates.** A local hotel and motel tax shall terminate only on March 31, June 30, September 30, and December 31. See rule 730—103.14(422A) regarding notification.

These rules are intended to implement chapter 422A of the Code.

[Filed 5/11/79, effective 7/5/79]

A Notice of Intended Action was published in the Iowa Administrative Bulletin on April 4, 1979. There have been a number of changes in the rules from those printed under Notice. These changes are as follows:

## REVENUE DEPARTMENT[730] (cont'd)

1. Rule 103.6(1)"c" is amended by deleting in line 2 the words "no employee of the department" and inserting in lieu thereof the words "only the director".

2. Rule 103.9 is amended by striking the sentence beginning in line 10 which reads as follows:

Examples of those who might seek information on a taxpayer are persons from whom a taxpayer is seeking credit, or with whom the taxpayer is negotiating the sale of any property.

3. Rule 103.13 is amended by striking the rule and inserting in lieu thereof the following:

**730—103.13** Registration. All persons who are required to collect and remit the local option hotel and motel tax are required to hold an Iowa retail sales tax permit. No hotel/motel tax permit is required although persons may be required to register with the department in the future as a hotel and motel tax collector. Persons shall register as a retailer and hold the retail sales tax permit prior to the time they begin collecting the hotel and motel tax.

4. Rule 104.1 is amended at paragraph 2, line 4, by substituting the word "file" in place of the word "files".

5. Rule 104.9(8) is amended by striking in line 2, the words "the department will allow one late return to be filed without penalty." The rule would then read as follows:

If the retailer has had no reported delinquencies or late payments in the past 36 months. However, this does not apply to a penalty established by audit.

6. Rule 105.3 is amended by striking the words "any and all" in line 2 and inserting in lieu thereof the word "sleeping".

Rule 105.3 is further amended by striking the last sentence and inserting in lieu thereof the following sentence:

Gross receipts from renting includes any direct or indirect charges for such rooms as herein established.

7. Rule 105.3(1) is amended by deleting subrule (1) in its entirety and renumbering subrules (2) and (3).

8. Renumbered rule 105.3(1) is amended by striking the words "state of Iowa" in line 5 by adding the words "located in the state" after the word "colleges".

9. Rule 105.5 is amended in line 2 by striking the word "to" after the word "remitting".

The above changes to the proposed hotel/motel tax rules as filed under Notice were made for a variety of reasons. The change in Item 1 was made to clarify that only the director has the power to compromise any tax claims rather than no employee of the department.

Item 2 contains a change that was made at the request of the rules review committee. The committee felt the example given was unclear and did not indicate whether the department would or would not give the information in the listed circumstances.

Item 3 contains changes made to the section of the rules regarding registration. The language was changed and clarification added regarding registering with the department as a hotel and motel tax collector.

The change in Item 4 is merely a technical change to make the sentence grammatically correct.

In Item 5, the rules review committee felt the rule was incorrect and that it was unneeded to state the department would allow one late return to be filed. The language in the first sentence was found to be sufficient to indicate the intent of the rule.

The change in Item 6 was made to reflect the provisions of H.F.662 which limits the tax base to sleeping rooms. Therefore, the words "any and all rooms" was changed to "sleeping rooms". The last sentence in the rule was also changed as the committee wondered why both renting and rent were needed and also what was meant by direct or indirect charges.

The change in Item 7 was necessary to reflect the provisions of H.F.662 which limits the tax base to sleeping rooms. Rule 105.3(1) provided that the tax was also imposed on banquet facilities, conference rooms, ballrooms, party rooms and the like.

Item 8 was changed to reflect the provisions of H.F.662 exempting sleeping rooms in dormitories and memorial unions at all universities and colleges in the state from tax.

The change in Item 9 was made to merely delete the word "to" which was unneeded in the sentence.

These rules will become effective on July 5, 1979, after filing with the rules co-ordinator and publication in the Iowa Administrative Bulletin.

[Published 5/30/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 5/30/79.

**ARC 0274**  
**VETERANS AFFAIRS,**  
**DEPARTMENT OF[841]**

The Iowa department of veterans affairs pursuant to sections 35.6, 35A.6(5) and 17A.3 of the Code deletes chapters 1 to 8 published in IAC under "Bonus Board" [170] and adopts the following chapters 1 to 5 in lieu thereof.

CHAPTER 1  
 GENERAL PROVISIONS

**841—1.1(35,35A) Definitions.**

**1.1(1)** "Commission" means the commission of the Iowa department of veterans affairs.

**1.1(2)** "Department" means the Iowa department of veterans affairs.

**1.1(3)** "Director" means the director of the Iowa department of veterans affairs.

**1.1(4)** "County commission" shall mean the county commission of veteran affairs.

**1.1(5)** "War orphan" shall mean the child or children of a man or woman who died as a result of an injury or disease while on active military duty, in an honorable status, during the time periods as indicated in section 35.9 of the Code.

**841—1.2(35A) General agency description—commission.** The commission of the Iowa department of veterans affairs may consist of one representative from each of these four veterans organizations, the American Legion of Iowa, Disabled American Veterans, Department of Iowa, Veterans of Foreign Wars, Department of Iowa and American Veterans of World War II, Korea and Vietnam. A member of the public shall be appointed to serve as the fifth member. Each commissioner shall be an honorably discharged member of the armed forces of the United States of America,

**1.2(1) Office location and time of operation.** The commission maintains its office in building A6A at Camp Dodge. The location of Camp Dodge is two miles due north of the Interstate 80 and Merle Hay Road exit via Merle Hay Road and Highway 401, through the town of Johnston, then left on Highway 141 for three-fourths of a mile to the main gate of Camp Dodge. Once inside the camp, turn left at the first intersection and proceed to Burma Road, turn right on Burma Road to building A6A, which is the second building. The office is open to the public during the hours of 8:00 a.m. to 4:30 p.m. except Saturday, Sunday and holidays. The mailing address is: Iowa Department of Veterans Affairs, c/o State Capitol, Des Moines, Iowa 50319. The telephone number is (515) 278-9331.

**1.2(2) Duties of the commission.** It shall be the duty of the commission to administer the provisions of chapters 35, 35A of the Code and to examine all applications and approve or disapprove the same and make any investigation necessary to establish facts. A quorum of four members shall be necessary for passage of any action.

**1.2(3) Powers.** The commission shall employ such assistants and incur such other expenses as may be necessary for such administration and carry out the provisions of chapter 35, 35A of the Code and the funds necessary for such administration shall be expended from the funds appropriated to the department of veterans affairs.

**1.2(4) Meetings.** Regular meetings of the commission shall be held on the first Monday of the uneven months starting with the first Monday of July. All meetings will

be held at the office of the department. Notice of all meetings will be posted on the bulletin board located at the office of the governor twenty-four hours prior. Special meetings shall be held pursuant to call by the chairman. Notice of time and place will be posted in the same manner as a regular meeting. This rule is intended to implement section 35A.6 of the Code.

**841—1.3(35,35A) Director.** The director shall carry out the administrative duties and policies of the department as established by the commission. Those duties consist of: Maintain a complete and efficient operation of the department, prepare the necessary budgets, assist the commission in the promulgation of rules pursuant to chapter 17A. Prepare any report required of the commission, conduct service schools twice a year for the benefit of county commissions, draft suggested guidelines for county commissions, represent the department and commission in personal appearances at meetings of veterans organizations. Prepare tentative agendas for the commission meetings.

This rule is intended to implement section 35A.6 of the Code.

**841—1.4(35,35A) Administrative staff.** The commission shall employ additional personnel to assist the director, as are required to carry out the administrative duties and the policies of the department as established by the commission.

**1.4(1) Duties of administrative staff.**

a. **Administrative division.** The administrative division carries out the research and correspondence or telephone response to requests from the veterans administration, Iowa veterans home, county commissioners of veteran affairs and other states or individuals for information concerning the 570,000 plus records of Iowa veterans maintained within the department. The division also corresponds and carries out the necessary research on all applications for war orphans educational aid, and additional disability bonus for World War I veterans. The division assists the director in conducting service schools for county commissions of veteran affairs; supplies a substitute for the director in personal appearances when the director's duties do not allow time, or the director is involved in a personal appearance elsewhere.

b. **Accounting division.** The division is responsible for all budgeting, appropriations and funds of the department. This division maintains the personnel records of the department and assists with additional typing as the director may require.

c. **Graves registration division.** The graves registration division receives and files graves reports from county commissioners, compares and revises records as data is received. Conducts research and corresponds with individuals and state agencies regarding Civil War veterans and deceased veterans of all wars. This division also assists the director in conducting the service schools for county commissioners of veteran affairs.

This rule is intended to implement section 35A.2 of the Code.

CHAPTER 2  
 RULE INTERPRETATION AND CHANGES

**841—2.1(35) Construction and severability.** These rules shall be liberally construed to effectuate the purposes and provisions of the department of veterans affairs. If any provisions of these rules are held to be invalid it shall not be construed to invalidate any other provision of these rules.



## VETERANS AFFAIRS (cont'd)

**841—2.2(35) Petition for adoption of rules.** Any person may petition the commission for the adoption of a rule. Such petition shall be in writing and shall include:

**2.2(1)** The name and address of the person requesting the adoption of the rule.

**2.2(2)** A statement of proposed rule.

**2.2(3)** A statement of why the rule is being proposed for adoption.

Within sixty days of the commissions receipt of the proposed rule, the commission shall either deny the petition in writing stating the reasons for the denial or shall initiate rulemaking proceedings in compliance with chapter 17A of the Code.

**841—2.3(35) Requests—oral presentations on proposed rules.** Persons as described in 17A(1)"b" of the Code of Iowa who make a request for oral presentations on a proposed rule, shall address such request to the Director, Department of Veterans Affairs, State Capitol, Des Moines, Iowa 50319.

**2.3(1)** Separate requests. A request shall be made for each proposal.

**2.3(2)** Timely request. A request shall be considered timely when received by the date specified in the notice of intended action for submission of written data, views or arguments.

**2.3(3)** Deadline. Request for oral presentations received after the deadline shall not be accepted and shall be returned to the requester.

**2.3(4)** Location. All oral presentations shall be held in Des Moines, Iowa, unless the director finds for good cause that another location should be named.

**2.3(5)** Notification. Whenever possible, notice of oral presentations shall be published in the Iowa Administrative Code.\* When time does not permit such notice, the director may designate another method of notifying interested persons.

**2.3(6)** Presiding officer. Oral presentations shall be conducted by a presiding officer, designated by the commission.

**2.3(7)** Statement supporting rule change. A member of the department may make a statement concerning the intended effect and purposes of the proposed rule changes, their necessity, their relation to any federal laws or rules or regulations, and any other matter relevant to the proposed rule changes.

**2.3(8)** Register to speak. At the time of oral presentations, each person wishing to speak shall make such intent known by signing a sheet or card. The presiding officer shall allow those persons an opportunity to make their presentation and then shall allow any other person in attendance to make presentation.

**2.3(9)** Time limit. The presiding officer may exercise discretion to limit time of each presentation to ten minutes and the total time for presentations to three hours.

**2.3(10)** Written testimony. Whenever possible a speaker should submit testimony in written form.

**2.3(11)** Permanent record. A record shall be made of oral presentation either in the form of minutes, written or mechanical recording.

**841—2.4(35) Declaratory rulings.** Any person may petition the commission for declaratory ruling as to applicability of any statutory provision, rules, or other written statement of law or policy decision or order of the agency. Such petition shall be in writing and shall include:

**2.4(1)** The name, address, and telephone number of the person requesting the declaratory ruling.

**2.4(2)** A statement or question outlining the proposed declaratory rule.

**2.4(3)** Within sixty days of the commissions receipt, the commission shall either deny the petition in writing, stating the reasons for the denial or shall declare the rights, status or other legal relations of the petitioner. The declaration may be either affirmative or negative in form or effect.

These rules are intended to implement section 35A.6(5).

\*Bulletin probably intended.

### CHAPTER 3 WAR ORPHANS EDUCATIONAL AID

**841—3.1(35,35A) Rules incorporated by reference.** Payment of war orphans educational aid will be governed by the commission insofar as applicable, chapter 1 pertaining to the general provisions of the commission are incorporated here by reference.

**841—3.2(35,35A) War orphans defined.** A war orphan is a child of a man or woman who died in service or as a result of such service:

**3.2(1)** During World War I between April 6, 1917, and June 2, 1921, inclusive.

**3.2(2)** During World War II between September 16, 1940, and December 31, 1946, inclusive.

**3.2(3)** During Korean conflict between June 25, 1950, and January 31, 1955, inclusive.

**3.2(4)** During Vietnam conflict between August 5, 1964, and May 7, 1975, inclusive.

**3.2(5)** The child or children of a national guardsman or other members of reserve components who die or are killed in the performance of training or other duties ordered by competent federal or state authorities are also eligible as war orphans.

**3.2(6)** The child of a person classified as a prisoner of war or missing in action during the Vietnam conflict, as defined in section 35.12 of the Code, shall be considered a war orphan.

**841—3.3(35,35A) Education requirement.** A war orphan shall have graduated from a high school or educational institution offering a course of training equivalent to high school training.

This rule is intended to implement section 35.10 of the Code.

**841—3.4(35,35A) Residency requirement.** A war orphan shall have lived in the state of Iowa for at least two years immediately preceding the filing of an application.

This rule is intended to implement section 35.9 of the Code.

**841—3.5(35,35A) Location of school.** A war orphan shall attend any educational or training institution of college grade, or any business or vocational training school of standards approved by the commission, said places of education to be located within the state of Iowa.

This rule is intended to implement section 35.9 of the Code.

**841—3.6(35,35A) Amount of payment.** The amount of war orphans educational aid allowed eligible war orphans is based upon an appropriation made by the Iowa legislature, on an annual basis. In no case can payment of war orphans educational aid be in excess of four hundred dollars per person, per year. Lifetime maximum is two thousand dollars.

## VETERANS AFFAIRS (cont'd)

**3.6(1)** Payments are made directly to the school by quarters, semesters, or periods however the school operates.

**3.6(2)** No payments are made directly to the war orphan.

**3.6(3)** Full-time students are honored for higher payments over part-time students. Payments are prorated by the commission in behalf of a war orphan on the basis of time spent in school.

**3.6(4)** The school shall submit triplicate billing to department, thereby certifying that a war orphan is in attendance.

This rule is intended to implement section 35.10 of the Code.

**841—3.7(35,35A) How aid may be used.** War orphans educational aid may be used for tuition, fees, books, board and room, or any other necessity for attendance at a school of learning and certified by said school to the department as such.

**841—3.8(35,35A) Scholastic and financial standing.** War orphans educational aid is a gift from the state of Iowa to eligible war orphans and is given regardless of scholastic ability or financial standing.

**841—3.9(35,35A) Unrestricted factors.** War orphans are unlimited as to age, number of years they plan to attend a school of learning, or their marital status.

**841—3.10(35,35A) Application.** War orphans educational aid applications can be acquired upon request from the Iowa Department of Veterans Affairs, State Capitol, Des Moines, Iowa 50319.

**3.10(1)** Applications shall be completed in ink or typewriter, by the war orphan and returned to the department.

**3.10(2)** A copy of the war orphans birth certificate and proof of death of the veteran parent shall accompany the application. Proof of death of the veteran while in service can be a telegram, letter, or certified copy from the department of defense, after service a copy of death certificate.

**3.10(3)** A service connected death of a war veteran shall be verified by the department, with the veterans administration.

These rules are intended to implement sections 35.9 and 35.10 of the Code.

#### CHAPTER 4 DISABILITY BONUS

**841—4.1(35,35A) Application.** Application for a disability bonus by a living veteran of World War I shall be on form 1-B. A copy of form 1-B may be obtained from the department. Form 1-B, application for disability bonus, is to be completed by a World War I veteran or guardian. It is used to determine the basic needs of the veteran by compiling income and equity data as well as the physical and mental condition. The military information given on the application permits the department to verify it with the records on hand, with the veterans administration or the federal archives in Washington, D.C.

**841—4.2(35,35A) Instructions and rules pertaining to form 1-B application.** Payment of an additional disability bonus shall be made to eligible indigent World War I veterans on the basis of need each month, by the department. Insofar as applicable, chapter 1 pertaining to the general provisions of the commission are incorporated here by reference. The amount needed each month will be based on expenditures of the preceding month, for

each veteran, as certified by the county commission. The county commission will pay one half and the department will pay the other one half of total need per month.

**4.2(1)** Payment of aid. Full need will be the amount of payment by a county commission plus the amount claimant received from the additional disability bonus fund.

**EXAMPLE:** If a county commission certified a veteran's needs for \$50.00 and made payment of \$25.00 from their fund. This would make the \$50.00 total for the veteran's aid. All warrants from the department additional disability bonus fund will be prepared in the veteran's name. These warrants will be mailed directly to the county commission for proper handling, unless the county commission requests direct mailing to the veteran.

**4.2(2)** Eligibility. The World War I veteran or guardian will complete form 1-B application for disability bonus, answering all questions in full, and sign. The application shall be completed in ink or typewriter with the signature in his or her own handwriting. If applicant cannot sign, a mark shall be witnessed and the witness shall sign in designated space.

a. The application may then be approved by the county commission or the executive secretary of said county commission.

b. The veteran is required to obtain a physician's certificate stating the disability. If the veteran is in a veterans hospital or has recently been discharged from the same, a signed release whereby the department may obtain the hospitals report will suffice.

c. If the veteran is drawing a pension, no physician's certificate need be filed. A veteran who has been rated as permanently disabled by the veterans administration shall be rated the same by the department.

d. Send the two forms to the Iowa Department of Veterans Affairs, State Capitol, Des Moines, Iowa 50319 for review. When approved or disapproved by the department a notification will be sent to the county commission.

e. When guardianship is involved, guardianship papers shall accompany the forms requested in 4.2(2) and 4.2(2)"c".

f. After approval of form 1-B, application for disability bonus by the department, claims shall be filed on form 3 and 4 revised, if said veteran has received benefits from the county commission.

g. If possible, form 3 and 4 revised, county certification to the department should be filed before the fifteenth of the month.

**4.2(3)** Therapeutic costs allowed. Hospital, medical and dental bills together with glasses and prosthetic appliances will be allowed by the department, under certain conditions, for the veteran, the veteran's spouse or eligible minor child or children living at home.

a. Hospital bills of a veteran will not be allowed except upon the presentation of a statement from a doctor that the condition was a medical emergency and the veteran would not have been safely transported to a veterans administration hospital for treatment, or application was made by telephone by the doctor to the veterans administration hospital and they stated no bed was available for the veteran.

b. Medical treatment for the veteran's spouse or eligible child or children can be given by a physician in the office, home or in the hospital.

c. Glasses may be furnished by a medical doctor or optometrist.

d. Ambulance service to a veterans administration hospital will not be allowed by the department.

## VETERANS AFFAIRS (cont'd)

e. The department will allow dental bills for a veteran, a veteran's spouse, or eligible children, a sum not to exceed two dollars for each tooth extracted and fifty dollars for each full plate. On fillings, the department will pay one half the total cost. The dentist shall state that charges were not in excess of an amount that would have been charged to regular relief patients.

f. All statements from a physician, osteopathic physician, dentist, optometrist, hospital, clinic or druggist shall be on billhead. They shall be completely itemized as to services rendered and by dates of same. The above professional personnel shall state their charges were not in excess of the amount that would have been charged regular relief patients.

**4.2(4)** Medicare is a two part program. First part providing basic hospital care is free. Second part providing doctor's service is a voluntary program.

a. Anyone drawing social security or railroad retirement, who was enrolled in the second part of the Medicare program will have their medical premium automatically deducted from their social security or railroad retirement warrants.

b. The matter of direct payment for Medicare involves county commissions whereby a veteran eligible for additional bonus and disability is not covered by social security or railroad retirement. The department will make one half the payment of Medicare insurance premiums.

c. The department will make one half the payment of costs involving eligible veterans and veteran's spouse, or other billings involving the Medicare program, from additional bonus and disability fund.

d. Blue Cross, Blue Shield insurance premiums will not be honored for payment by the department.

e. The county commission shall certify Medicare insurance premium charges on form 3 and 4 revised, to the department listing amount in column labeled "medical". The charge shall be marked as "Medicare".

f. County commission shall certify other billings involving the Medicare program on form 3 and 4 revised, to the department with itemized billings, listing amount in column labeled "medical".

g. Payment of Medicare premiums or other Medicare billings are paid only to eligible veterans who have form 1-B application for disability bonus on file and approved by the department.

h. All payments to eligible veterans of Iowa for Medicare purposes will be made from the additional bonus and disability fund under control of the department.

**4.2(5)** Departmental approval. No additional disability bonus shall be paid until the form 1-B has been approved by the department and a form 3 and 4 revised has been properly filed.

**4.2(6)** Not relief. Additional disability bonuses are an added bonus to qualified veterans of World War I and eligible dependents. The additional bonus is not termed relief.

These rules are intended to implement sections 35.5, 35.6 and 35A.5(8).

All rules listed in chapter 4, titled Disability Bonus, will terminate as of June 30, 1979, for the reason that no more funds are available for this subject.

## CHAPTER 5 ARMED FORCES GRAVES REGISTRATION

**841-5.1(35A,250) Rules incorporated by reference.** Registration of armed forces graves shall be governed by the department. Insofar as chapter 1, pertaining to the general provisions of the commission, are incorporated here by reference.

**841-5.2(35A,250) Armed forces graves defined.** Any individual who has served or is serving honorably on active duty in the army, navy, air force, marines or federally activated reservist or member of the national guard, who dies while on active duty or after discharge from active duty, and is buried within the state of Iowa.

**841-5.3(35A,250) Instructions and rules pertaining to armed forces graves registration.**

**5.3(1) Duties of the funeral director:** The funeral director who contracts to inter the deceased veteran shall complete armed forces graves registration record in duplicate, forwarding both copies to the county commission.

**5.3(2) Duties of the county commission.** The county commission shall record the information, alphabetically and by description of location in the cemetery where buried, in a book prescribed by the department and kept for that purpose in the office of the county commission. The county commission shall forward the original copy of armed forces graves registration record to the Iowa Department of Veterans Affairs, State Capitol, Des Moines, Iowa 50319.

**5.3(3) Where filed.** The department shall file the original copy of armed forces graves registration record at the seat of government.

**5.3(4) Forms.** Additional armed forces graves registration record forms may be obtained by contacting the Iowa Department of Veterans Affairs, State Capitol, Des Moines, Iowa 50319.

These rules are intended to implement sections 35A.2 and 250.19 of the Code.

[Filed 5/10/79, effective 7/5/79]

Notice of intended action regarding these rules was published in the IAB March 7, 1979.

These rules are the same as those published under notice of intended action, except that subrules 1.2(1), 1.2(2), 1.2(4), were revised to include additional information.

1.3 was revised by deleting the partial qualification for director and adding information for the duties of the office.

1.4 was revised by adding some of the duties of the staff.

3.6 was revised by deleting the word "calendar".

3.10(2) two revisions were made as follows: Delete "a copy of death certificate" and insert "proof of death". Delete the period after the word defense and insert a comma (,) and the words "after service, a copy of death certificate."

4.1 additional information regarding the form 1-B is included. A termination date for chapter 4 is included.

5.3(1) delete the word "undertaker" and insert "funeral director."

These rules shall become effective July 5, 1979.

[Published 5/30/79]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement, 5/30/79.

**EFFECTIVE DATE DELAY****[Pursuant to §17A.4(5)]**

AGENCY	RULE	DELAYED
Civil Rights Commission[240]	1.1(7)-1.1(9), 1.3(1)* 1.8(2)*, 1.16(601A)*, 1.17(601A), 2.15(7), 3.9(601A), 6.1(601A), 6.2(6), ch 7	Seventy days from effective date
Dental Examiners, Board of[320]	chs 20, 21, 26 to 28	Seventy days from effective date

\*See IAB 4/18/79, ARC 0192 and 0193, for specific amendments.

PROCLAMATIONS

Robert D. Ray, Governor of the State of Iowa, proclaimed the following:

Fine Print Week .....	April 16 - 22, 1979
Alexander Clarke Recognition Day .....	April 29, 1979
Clean Air Week .....	April 30 - May 5, 1979
Save the Children Day '79 .....	May 1, 1979
Chemical Safety Week .....	May 6 - 12, 1979
Historic Preservation Week .....	May 6 - 12, 1979
Iowa House and Senate Page Day .....	May 8, 1979
Glenn Miller Festival Day .....	May 12, 1979
National Nursing Home Week .....	May 13 - 19, 1979
Letter Carriers Week .....	May 13 - 20, 1979
World Trade Week .....	May 20 - 26, 1979
Vietnam Veterans Week .....	May 28 - June 3, 1979
Arthritis Month .....	May, 1979
Hearing and Speech Month .....	May, 1979
Older Iowans Month .....	May, 1979
Mental Health Month .....	May, 1979
Safe Boating Week .....	June 1 - 7, 1979
Fraternal Week .....	June 8 - 14, 1979
Recreation and Parks Month .....	June, 1979





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