

State of Iowa

Iowa Administrative Code

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Supplement
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PREFACE

The Biweekly Supplement to the Iowa Administrative Code (IAC) is published every other Monday, first publication being dated July 14, 1975, and will usually be in two parts.

Instructions for updating the IAC can be found following the Preface in the Supplement beginning October 6, 1975.

Initially, two binders designated "Supplements" are furnished for the Biweekly Supplements for retaining Part I material—Notices of Intended Action in one binder and Filed† and Filed Emergency rules in the other. It is suggested that this material be placed alphabetically by agency, numerically by chapters, chronologically within chapter.

Part I contains Notices of Intended Actions by administrative agencies which may be in the form of proposals for new rules or statements of either the terms or substance of the intended actions or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may be heard. Part I may also contain filed rules and filed emergency rules, in full or in part, which indicate an effective date. All of Part I is indexed in each Supplement and a cumulative index to Notices only is also provided.

Each page of Part I contains a line at the top similar to the following:

IAC Supp. 7/28/75	Agriculture[30]	Notice, p.1
IAC Supp. 9/22/75	Regents[720]	Filed, p.1

Part II contains only replacement pages to be inserted in the looseleaf IAC according to instructions in the respective Supplement. Replacement pages incorporate amendments to existing rules or entirely new rules or emergency or temporary rules which have been adopted by the agency and filed with the Secretary of State. [It may be necessary to refer to Part I to determine the specific change.] Part II may also contain new or replacement pages for "General Information" including an agenda of the Administrative Rules Review Committee which is published prior to statutory or special meeting dates. A cumulative index for Part II is provided.

If rules are filed under emergency provisions, this fact is indicated by an asterisk * with an editorial note.

If a formal objection to a rule is filed, this is indicated on the proposed or filed rule by an asterisk * with an editorial note.

Each page in Part II contains a line at the top of each page similar to the following:

IAC 7/28/75	Agriculture[30]	Ch 90, p.1
IAC 9/22/75	Conservation[290]	Temporary, Ch 103, p.1

† "Filed" means filed with the Secretary of State.

INSTRUCTIONS

for Updating Iowa Administrative Code with Biweekly Supplements

NOTE: The Iowa Administrative Code, including biweekly supplements [Vols. I to V and two supplement binders], is available by subscription for \$141.40 plus \$4.25 tax. Subscriptions must be renewed in June of each year. Volumes VI and VII and additional Supplement Binders for the IAC are now available. The cost is \$3.00 each, plus 9¢ sales tax. Make checks payable to: Iowa State Printing Division, and send to Grimes State Office Building, Des Moines, Iowa 50319. Be sure to specify which binder or binders you want. For those receiving the IOWA ADMINISTRATIVE CODE under statutory authority of the IOWA CODE, binders are available upon written request to Superintendent of Printing.

NOTE: Please review the "Preface" for both the Iowa Administrative Code and Biweekly Supplement and follow carefully the updating instructions.

The boldface entries in the left-hand column of the updating instructions for both Part I and Part II correspond to the tab sections in the IAC Binders.

It is recommended that material in Part I—**NOTICES** of intended action be placed in one Supplement binder and **EMERGENCY OR FILED RULES** be placed in the other Supplement binder. It may be necessary to expand to a second binder for each category. [White correction liquid used by typists is effective in marking the binder covers] It is further suggested that all materials be placed alphabetically by agency, numerically by chapters, chronologically within chapters, whenever possible. When inserting rules with the same number, reverse the order of the dates.

Obsolete pages in Part II are listed in the column headed "Remove Old Pages". New and replacement pages in this supplement are listed in the column headed "Insert New Pages". It is important to follow instructions in both columns.

UPDATING INSTRUCTIONS

February 23, 1977 Biweekly Supplement

PART I

SUPPLEMENT BINDERS

	Insert Notices	Insert Filed or Filed Emergency
Agriculture [30]	5 sheets	
Commerce [250]	1 sheet—Termination of Notice, 22.4 <small>[Insert with Notice, 22.4, 4/19/76]</small>	
Conservation [290]		2 sheets
Environmental Quality [400]	34 sheets	
Health [470]	5 sheets	
Health [470]		4 sheets

February 23, 1977 Biweekly Supplement (cont'd)

PART I (cont'd)

SUPPLEMENT BINDERS

	Insert Notices	Insert Filed or Filed Emergency
Merit Employment [570]	1 sheet—Notice Amended, 11.1(3) [Insert with Notice, 11.1(3), p.1—3, 1/12/77]	
Regents [720]	4 sheets	
Revenue [730]	2 sheets	
Revenue [730]		1 sheet
Social Services [770]	4 sheets	
Social Services [770]		1 sheet
Transportation [820]	1 sheet	
Transportation [820]		1 sheet

Index Part I (optional retention)

Index (cumulative notice)

[Remove 1/26/77, insert 2/23/77]

PART II

IOWA ADMINISTRATIVE CODE

	Remove Old Pages*	Insert New Pages
General Information (Vol. I)	Agenda, February Mtg.	Agenda, March Mtg.
Conservation [290]	Analysis, p.4 Temporary Ch 108, p.1, 2 Temporary Ch 110, p.1, 2	Analysis, p.4 Ch 108, p.1, 2 Ch 110, p.1
Health [470]	Analysis, p.11 Ch 57, p.10, 11 Ch 57, p.13—Ch 57, p.21 Ch 57, p.22, 23 Ch 58, p.1, 2 Ch 58, p.5—Ch 58, p.15a Ch 58, p.19—Ch 58, p.22 Ch 58, p.27, 28 Ch 58, p.31, 32 Ch 59, p.1, 2 Ch 59, p.7, 8 Ch 59, p.11—Ch 59, p.17a	Analysis, p.11, 12 Ch 57, p.10, 11 Ch 57, p.13—Ch 57, p.21 Ch 57, p.22, 23 Ch 58, p.1, 2 Ch 58, p.5—Ch 58, p.15a Ch 58, p.19—Ch 58, p.22 Ch 58, p.27, 28 Ch 58, p.31, 32 Ch 59, p.1, 2 Ch 59, p.7, 8 Ch 59, p.11—Ch 59, p.17a

*It is recommended that "Old Pages" be retained indefinitely in a place of your choice. They may prove to be helpful in tracing the history of a rule.

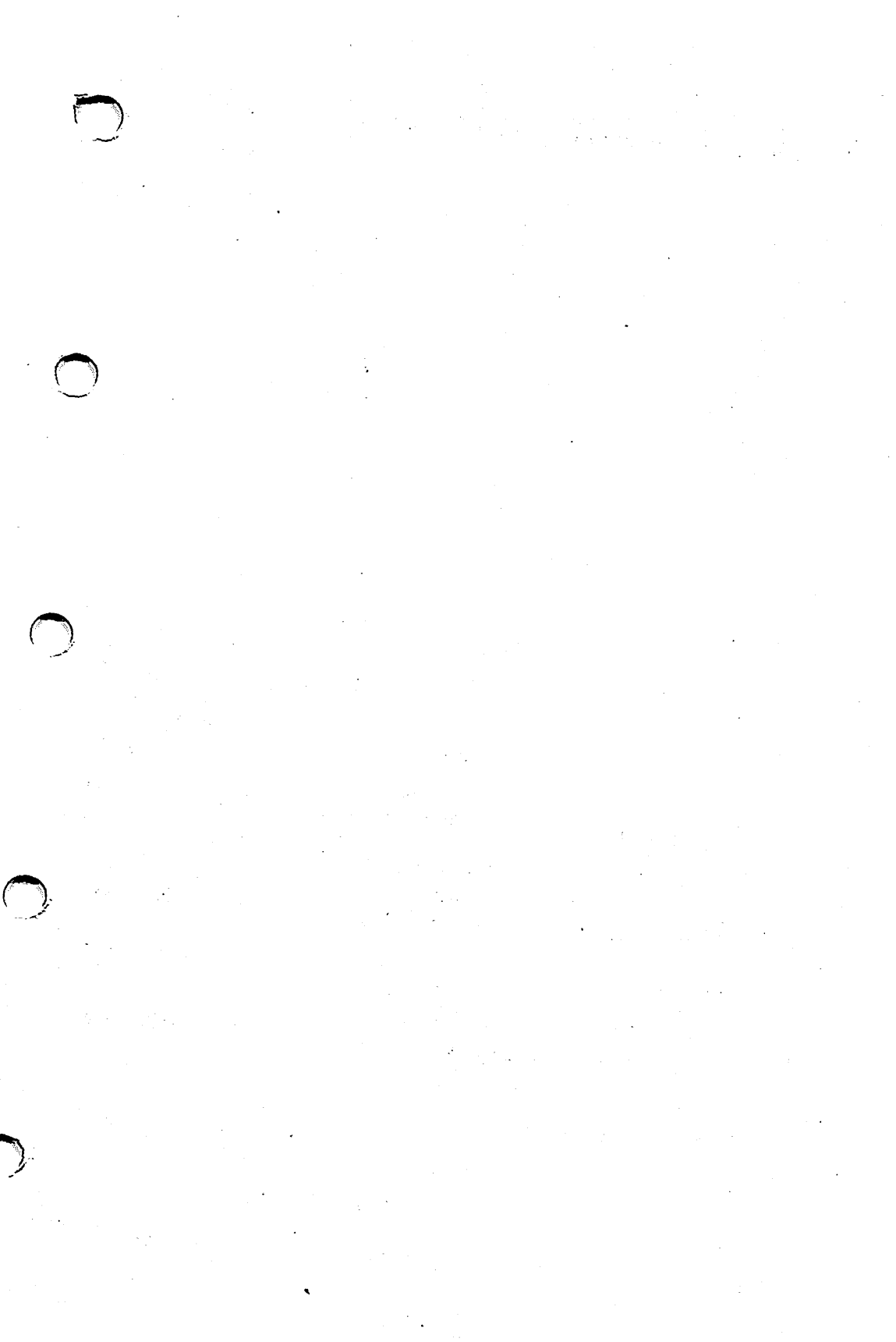
February 23, 1977 Biweekly Supplement (cont'd)

PART II (cont'd)

IOWA ADMINISTRATIVE CODE

	Remove Old Pages*	Insert New Pages
Health [470] (cont'd)	Ch 59, p.23—Ch 59, p.26 Ch 59, p.33—Ch 59, p.36 Ch 141, p.2, 3 Ch 143, p.1, 1a Ch 153, p.2, 3	Ch 59, p.23—Ch 59, p.26 Ch 59, p.33—Ch 59, p.36 Ch 141, p.2, 3 Ch 143, p.1, 1a Ch 153, p.2—Ch 155, p.5
Revenue [730]	Analysis, p.9—p. 11 Ch 73, p.3, 4	Analysis, p.9—p.11 Ch 73, p.3—Ch 75, p.3
Social Services [770]	Ch 75, p.1, 1a	Ch 75, p.1, 1a
Transportation [820]	[06,C] Ch 3, p.1— [06,F] Ch 8, p.1	[06,C] Ch 3, p.1— [06,F] Ch 8, p.1
Index (cumulative)	Dated 1/26/77	Dated 2/23/77

*It is recommended that "Old Pages" be retained indefinitely in a place of your choice. They may prove to be helpful in tracing the history of a rule.



PART I

February 23, 1977



AGRICULTURE DEPARTMENT[30]

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 the 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 agriculture, pursuant to the authority of sections 189.2(2), 159.6(9), 17A.3, 17A.7, and 17A.9 of the Code, proposes to amend rules in chapter 1 of the Iowa Administrative Code relating to administrative procedures.

Interested parties may participate in the rule making by submitting data, views or arguments in writing to Robert H. Lounsberry, Secretary of Agriculture, State Capitol Building, Des Moines, Iowa 50319, on or before March 17, 1977. Oral presentation may be made at a public hearing to be held in the secretary's office at 9:00 a.m. on March 17, 1977.

The proposed rules are intended to satisfy the requirements of the Administrative Procedures Act. Chapter 1 appearing in the IAC relating to administration is amended as follows:

ITEM 1. Amend chapter 1 by adopting the following new rules.

30—1.4(159) Request for rule change. An interested person may file with the secretary a written request that the department adopt, amend or repeal a rule. The petition shall be addressed to Robert H. Lounsberry, Secretary of Agriculture, State Capitol Building, Des Moines, Iowa 50319 and shall include:

1. The names of those requesting the change.
2. The proposed rule or present rule as it would read following desired amendment.
3. The reason for the proposed rule or change.
4. The statutory authority for the proposed rule or change.

Within sixty days following receipt of the petition, the secretary shall either deny the petition in writing on the merits, stating his reason for denial, or initiate rule making proceedings. No such change shall be made retroactive to the detriment of any person.

30—1.5(159) Declaratory rulings. On petition by an interested person, the commission may issue a declaratory ruling with respect to the interpretation or applicability of any statutory provision, rule, or other written statement of law or policy, decision, or order of the secretary.

1.5(1) Form of petition. Petitions shall be titled “PETITION FOR DECLARATORY RULING” and shall include the name and address of all persons or agencies party to the petition. The body of the petition shall include the exact words, passages, sentences or paragraphs which are the subject of inquiry and the specific set of facts involved. The petition may express the petitioners interpretation and contain documented information in support thereof.

1.5(2) The department will refuse to issue a declaratory ruling if the petition does not state with enough specificity the factual situation or the question presented; if the issuance of the ruling would not be in the best interests of the public; or for any other reason which it deems just and proper.

1.5(3) The department within thirty days of receipt of the petition, shall issue a ruling or dismiss the petition except that when additional information is requested, the ruling shall be issued within thirty days following receipt of the requested information.

1.5(4) Rulings disposing of petitions have the same status as decisions or orders in contested cases.

AGRICULTURE DEPARTMENT[30]

NOTICE OF INTENDED ACTION

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The department of agriculture, under the authority granted by section 206.21 of the Code, proposes the adoption of a new rule relating to the emergency certification of pesticide applicators.

Interested persons may participate in the rulemaking by submitting data, views, or arguments in writing to Robert H. Lounsberry, Secretary of Agriculture, State Capitol Building, Des Moines, Iowa 50319 on or before March 17, 1977; and oral presentation may be made at a public hearing to be held in the office of the secretary at 10:30 a.m. on March 17, 1977.

30—10.28(206) Emergency certification of private applicators. The department shall issue a temporary certificate to private applicators for a single purchase/single use of restricted pesticides in situations declared to be an emergency by the department, upon receipt of the following completed and signed affidavit.

EMERGENCY SINGLE PURCHASE/SINGLE USE OF RESTRICTED PESTICIDE—AFFIDAVIT

The label, which I have read, indicates:

Brand name of pesticide: _____

Active ingredient: _____

Method of application: _____

Ideal stage of development for control of this pest: _____

Rate per acre or unit: _____

Area to be covered: _____

Ground speed of application: _____

_____ chemical in _____ gallons of spray solution.

List environmental situations to be considered: _____

Describe safety precautions required: _____

Length of time until re-entry: _____

Preharvest interval-days required: _____

Describe method of disposal: _____

Describe poisoning symptoms: _____

Describe procedure if accident occurs: _____

Describe storage facilities: _____

Proposed date of application: _____

I hereby swear under penalty of perjury, that I understand the above instructions and warnings:

Signature of Applicator

This rule is intended to implement House File 1509, Acts of Sixty-sixth General Assembly, 1976 session.

AGRICULTURE DEPARTMENT[30]

NOTICE OF INTENDED ACTION

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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 agriculture, pursuant to the authority of sections 159.5(10), 163.1, 163A.6, 164.4, 165.2, 166A.13 and 166B.6 of the Code, proposes to amend rules in chapter 16 relating to livestock and poultry diseases.

Interested persons may participate in the rule making by submitting data, views, or arguments in writing to Robert H. Lounsberry, Secretary of Agriculture, State Capitol Building, Des Moines, Iowa 50319 on or before March 16, 1977. Oral presentation may be made at a public hearing to be held in the office of the secretary at 9:00 a.m. on March 16, 1977.

Pursuant to said authority, the following new rules relating to exhibition of livestock, poultry and birds are adopted:

ITEM 1. 16.18(163) is amended by striking the rule and inserting in lieu thereof the following:

30—16.18(163) Livestock exhibition health certificate required. All livestock, poultry and birds intended for any exhibition except local FFA and 4-H fairs will be considered under quarantine and not eligible for showing until the owner or agent presents an official health certificate. The certificate must be issued by an accredited veterinarian within thirty days prior to the date of entry; and must indicate that he has inspected the animals, poultry or birds and any nurse stock that accompany them, and that they are apparently free from symptoms of any infectious disease (including warts, ringworm, footrot and pinkeye) or any communicable disease.

16.18(1) Cattle. Steers, beef type heifers, exhibited in market classes, and native Iowa cattle originating from a herd not under quarantine can be exhibited without a record of a negative tuberculosis or brucellosis test, when accompanied by an official health certificate showing individual identification for each animal. Cattle originating outside the state must be accompanied by an official health certificate indicating both of the following:

a. Either individual identification when the animal originates from a herd not under quarantine for tuberculosis or a negative tuberculosis test; and

b. A negative brucellosis test confirmed by a state-federal laboratory; or in lieu thereof an official health certificate indicating one of the following:

(1) The animal is under twenty-four months if beef breed or twenty months if dairy breed and has received an official brucellosis vaccination;

(2) A report of a negative brucellosis test conducted within seventy-five days prior to opening date of exhibition, provided the animal originates from a herd not under quarantine;

(3) Individual identity, herd number, and date of last test provided the animal originates from a certified brucellosis free herd; or

(4) Individual identification provided the animal is a calf under eight months of age.

16.18(2) Swine. All swine must originate from a herd or area not under quarantine; and must be individually identified. The exhibitor must present both a signed affidavit stating

that to the best of his knowledge there has been no evidence of swine dysentery for the past twelve months and a test record indicating that the swine have a negative test for pseudorabies within sixty days prior to the show.

All purebred or grade breeding swine six months of age or over must either: (1) Have a negative brucellosis test conducted within sixty days prior to the show and confirmed by a state-federal laboratory; or (2) Originate from a brucellosis validated herd and indicate on the health certificate the date of the last test and herd certificate number. Market class swine can be moved from exhibition for further feeding when not meeting brucellosis requirements, provided a written permit is obtained from the veterinary inspector in charge of the exhibition.

16.18(3) *Sheep and goats.* All sheep must be individually identified and a record of the identification noted on the health certificate. Any evidence of footrot, sore mouth, or any other contagious disease will eliminate the animal from the show.

Goats must be from a state certified brucellosis free herd or have a record of a negative brucellosis test performed within seventy-five days of the exhibition. In addition, they must originate from a herd having a negative tuberculosis test within the last twelve months; or have a record of a negative tuberculosis test performed within seventy-five days of exhibition.

16.18(4) *Horses and mules.* Native Iowa horses and mules can be exhibited when accompanied by an individual health certificate listing a description of the individual animals.

All equine originating from outside the state shall be accompanied by an official health certificate listing a description of the individual animals; and indicating that each animal in the shipment has had a negative official equine infectious anemia test within six months of importation. The testing laboratory and date of test must appear on the health certificate.

16.18(5) *Poultry and birds.* All poultry exhibited must come from U.S. pullorum-typhoid clear or equivalent flocks; or have had a negative pullorum-typhoid test performed within ninety days of exhibition by an authorized tester.

16.18(6) *Dogs and cats.* Dogs and cats exhibited must have current rabies vaccination certificates.

16.18(7) *Removal from fair or exhibition.* The veterinary inspector in charge shall order any livestock, poultry or birds he finds to be infected with any contagious or infectious disease, to be removed from the fair or exhibition.

ITEM 2. Amend chapter 16 by adding the following new rule:

30—16.19(163) Health requirements for exhibition of livestock, poultry and birds at county 4-H or FFA exhibitions. Each county fair shall have an official veterinarian who will inspect all livestock, poultry and birds when they are unloaded or shortly thereafter. No official health certificate will be required on livestock, poultry and birds exhibited at a county 4-H or FFA show. Quarantined animals or animals from quarantined herds cannot be exhibited. Evidence of warts, ringworm, footrot, pinkeye or any other contagious or infectious condition will eliminate the animal from the show.

16.19(1) *Swine.* Swine exhibitors shall present to the veterinarian the following: (1) A signed affidavit stating that to the best of his knowledge, swine dysentery has not been in evidence in his herd for the past twelve months; and (2) Record of a negative pseudorabies test performed within sixty days before the exhibition, subject to 16.19(2).

16.19(2) *Exceptions.* No testing for pseudorabies shall be required for (1) Market classes of swine, provided the animals are consigned to a slaughter establishment from the exhibition; (2) Any swine that originate from a state approved "Aujeszkys Free Herd"; or (3) Breeding animals exhibited in a split show and returned home before the market classes arrive.

16.19(3) *Dogs.* All dogs exhibited in county 4-H, FFA, or any other local exhibitions, must have a current rabies certification.

AGRICULTURE DEPARTMENT[30]

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 the 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 agriculture, pursuant to the authority of sections 189.2(2), 159.6(9), and 192.11 of the Code, proposes to amend rules appearing in chapter 30 of the IAC relating to dairies.

Interested persons may participate in the rule making by submitting data, views, or arguments in writing to Robert H. Lounsberry, Secretary of Agriculture, State Capitol Building, Des Moines, Iowa 50319 on or before March 15, 1977; oral presentation may be made at a public hearing to be held in the office of the secretary at 9:00 a.m., on March 15, 1977.

The specific language of the proposed rule is as follows:

ITEM 1. Amend rule 30—30.12(194) by adding at the end thereof the following:

The health authority should accept, without the imposition of testing or inspection fee, supplies of milk and milk products from an area or an individual shipper not under his routine inspection provided they are delivered in sealed and date coded containers.

Faint, illegible text, possibly bleed-through from the reverse side of the page. The text is scattered across the lower half of the page and is too light to transcribe accurately.

AGRICULTURE DEPARTMENT[30]

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 the 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 agriculture, pursuant to the authority of sections 189.2(2), 159.6(9), 190.2, 194.4, and 192.20 of the Code, proposes to amend rules in chapters 30—Dairies, and 34—Food Standards that relate to milk tests for mastitis.

Interested persons may participate in the rule making by submitting data, views, or arguments in writing to Robert H. Lounsberry, Secretary of Agriculture, State Capitol Building, Des Moines, Iowa 50319 on or before March 15, 1977; and oral presentation may be made at a public hearing to be held in the office of the secretary at 10:30 a.m. on March 15, 1977.

It is proposed that the rule relating to tests for mastitis appearing in chapter 34 of the IAC be amended and moved to chapter 30 as follows:

ITEM 1. Rescind 34.5(190) in its entirety.

ITEM 2. Add a new rule to chapter 30 as follows:
30—30.20(194) Tests for abnormal milk.

30.20(1) At least four times in every six-month period, all creameries, cheese factories, or milk processing plants, hereafter referred to as purchasers, shall test a herd milk sample from every producer in a certified or officially designated laboratory, to determine the existence of abnormal milk.

30.20(2) A herd milk sample shall be deemed to be abnormal or adulterated if a screening test is confirmed by direct microscopic examination, electronic somatic cell count, or equivalent technique, which reveals a count greater than 1,500,000 somatic cells/ml.

30.20(3) Acceptable screening tests and values indicative of mastitis shall be:

California Mastitis Test—Weak Positive (CMT It)

Modified Whiteside Test—Positive (It)

Wisconsin Mastitis Test—WMT value of 21 or over

30.20(4) A notice shall be sent to the producer by the purchaser, warning him of the excessive somatic cell count in violation of chapters 190, 192, and 194 of the Code. (Copies of suggested notices are available). Whenever two of the last four consecutive somatic cell counts exceed 1,500,000 cells/ml., the purchaser or appropriate regulatory authority shall inspect the farm facility during milking time. A fifth herd milk sample shall be taken no sooner than three days after, but within fourteen days of the inspection. If the fifth sample indicates abnormal milk, the purchaser shall not accept further milk for human consumption from the producer, and shall notify the department in writing, of the producers test record.

30.20(5) Within one week following receipt of a written application by the producer, an inspection shall be made by the appropriate regulatory authority or an approved fieldman, and a herd milk sample taken. If the test indicates a count of 1,500,000 or less somatic cells/ml., the producer's milk may be purchased for human consumption provided

additional samples of herd milk are tested at a rate of not more than two per week. The producer shall be fully reinstated under the normal testing program when three out of four consecutive tests have counts of 1,500,000 or less somatic cells/ml.



COMMERCE COMMISSION[250]

NOTICE OF TERMINATED RULEMAKING PROCEEDING

The Iowa State Commerce Commission hereby gives notice pursuant to section 17A.4(1), The Code 1975, that on January 14, 1977 the Commission issued an order in Docket No. RMU-76-1, In RE: Petition for Rulemaking Regarding Telephone Service Rules on Customer Account Settlement Agreements, which denied the Petition for Rulemaking filed by Ms. Eve Barr and terminated the proceeding which had been commenced for purposes of considering Petitioner's proposed rule. [22.4]

Notice of Intended Action in this matter was published in the April 19, 1976 Iowa Administrative Code Supplement.



CONSERVATION COMMISSION[290]

Pursuant to the authority of sections 107.24 and 17A.4 of the Code, administrative rules chapter 108 relating to the fishing seasons is hereby rescinded and the following rule adopted in lieu thereof. [Chapter 108, 1977-78 Fishing Regulations]

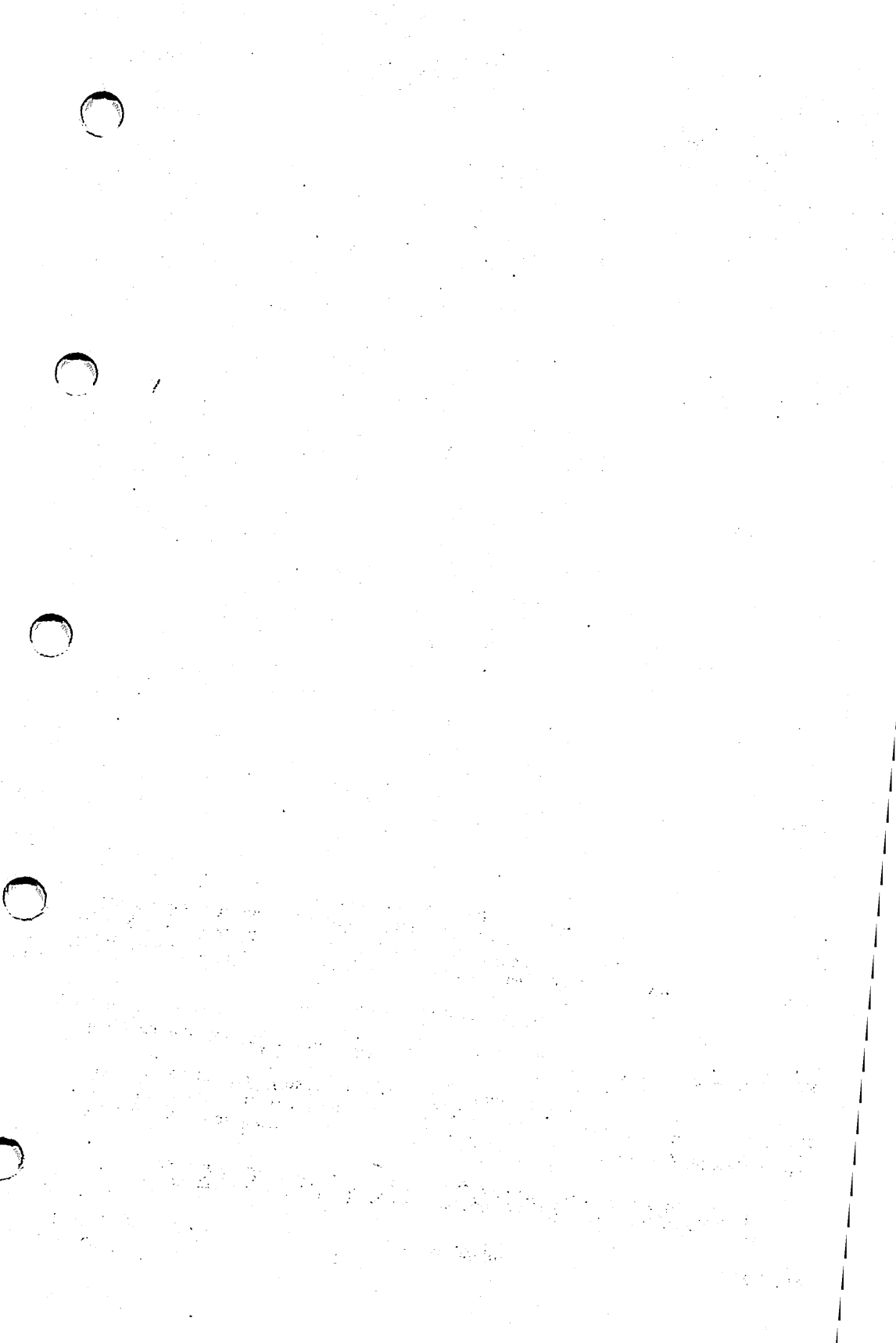
For complete text of chapter 108, see replacement pages for IAC in Part II of this Supplement.

[Filed February 1, 1977]

The notice of intended action was published December 15, 1976. There were no comments received and the rule is exactly as published in the notice.

These rules shall become effective March 30, 1977.

[Published February 23, 1977]



CONSERVATION COMMISSION[290]

Pursuant to the authority of sections 107.24 and 17A.4 of the Code, the following rules are hereby adopted. [Chapter 110, Inland Commercial Fishing Season]

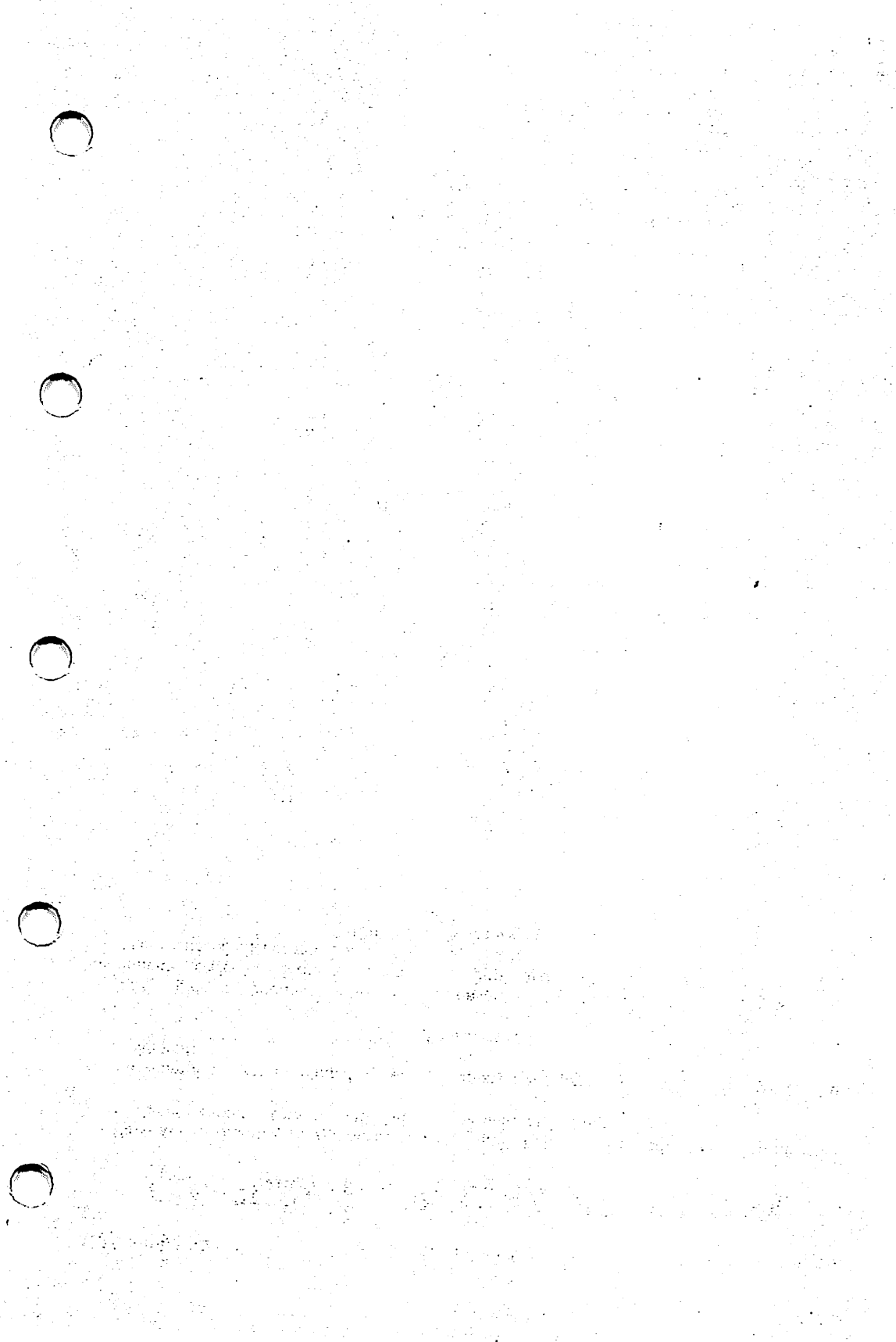
For complete text of chapter 110, see replacement pages for IAC in Part II of this Supplement.

[Filed February 1, 1977]

The notice of intended action was published December 15, 1976. There were no comments received and the rule is exactly as published in the notice.

These rules shall become effective March 30, 1977.

[Published February 23, 1977]



ENVIRONMENTAL QUALITY[400]

WATER QUALITY 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 the 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.33 of the Code, 1975, as amended by the Acts of the Sixty-sixth General Assembly, H.F. 1477, the Water Quality Commission intends to take action on the proposed revisions of its water quality standards published below. A comparison of the present standards and the proposed revisions (additions shown by underscoring, deletions by striking through) is available from the Water Quality Management Division of the Department.

A public hearing on the proposed revision of the water quality standards will be held at 10:00 a.m. on March 23, 1977, at the Des Moines Area Community College (Ankeny Campus) Media Center, Building 24. Any interested person may make an oral presentation on these proposed rules at the hearing. Any interested person may submit data, opinions or arguments in writing on these proposed rules on or before April 4, 1977. Such written material should be submitted to the Executive Director, Department of Environmental Quality, 3920 Delaware Avenue, P.O. Box 3326, Des Moines, Iowa 50316. Such written material should include the name, mailing address and phone number of the person or entity submitting the written material.

Pursuant to the authority of section 455B.32 of the Code, 1975, as amended by Acts of the Sixty-sixth General Assembly, H.F. 1477, the rules of the Water Quality Commission appearing in I.A.C. chapter 16, relating to water quality standards, are hereby amended.

ITEM 1. Amend 16.1(455B) by striking subrules 16.1(5) and 16.1(7) and by renumbering subrules 16.1(1), 16.1(2), 16.1(3), 16.1(4), 16.1(6), and 16.1(8) as, respectively, 16.1(3), 16.1(4), 16.1(5), 16.1(11), 16.1(12) and 16.1(13), and by adding seven new subrules as follows:

16.1(1) “*Best management practice*” (BMP) means a practice or combination of practices that is adopted by the commission as a rule after problem assessment, examination of alternative practices, and appropriate public participation, to be the most effective, practicable (including technological, economic and institutional considerations) means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

16.1(2) “*Continuing planning process*” (CPP) means the continuing planning process, including any revision thereto, required by sections 208 and 303(e) of the Federal Water Pollution Control Act as amended (33 U.S.C. §§1288 and 1313(e)) for state water pollution control agencies. The continuing planning process is a time phased process by which the department, working co-operatively with designated areawide planning agencies:

a. Develops a water quality management decision-making process involving elected officials of state and local units of government and representatives of state and local executive departments that conduct activities related to water quality management.

b. Establishes an intergovernmental process which provides for water quality management decisions to be made on an areawide or local basis and for the incorporation of such decisions into a comprehensive and cohesive statewide program. Through this process, state regulatory programs and activities will be incorporated into the areawide water quality management decision process.

c. Develops a broad based public participation aimed at both informing and involving the public in the water quality management program.

d. Prepares and implements water quality management plans, which identify water quality goals and established state water quality standards, define specific programs, priorities and targets for preventing and controlling water pollution in individual approved planning areas and establish policies which guide decision-making over at least a twenty-year span of time (in increments of five years).

e. Based on the results of the statewide (state and areawide) planning process, develops the state strategy to be updated annually, which sets the state's major objectives, approach, and priorities for preventing and controlling pollution over a five-year period.

f. Translates the state strategy into the annual state program plan (required under section 106 of the Federal Act), which establishes the program objectives, identifies the resources committed for the state program each year, and provides a mechanism for reporting progress toward achievement of program objectives.

g. Periodically reviews and revises water quality standards as required under section 303(c) of the Federal Act.

16.1(6) "*Nephelometric*" means the nephelometric method of determining turbidity as stated in Standard Methods for Examination of Water and Wastewater, Fourteenth Edition (1975), pp. 132-134.

16.1(7) "*Nonpoint source*" means a source of pollutants that is not a point source.

16.1(8) "*Pathogen*" means any micro-organism or virus that can cause disease.

16.1(9) "*pH*" means the hydrogen ion activity of a solution expressed as the logarithm of the reciprocal of the hydrogen ion activity in moles per liter at 25°C. pH is a measure of the relative acidity or alkalinity of the solution. The range extends from 0 to 14; 7 being neutral, 0 to 7 being acidic, and 7 to 14 being alkaline.

16.1(10) "*Point source*" means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

16.1(14) "*Turbidity*" is a measure of the optical property of the particles of mud, clay, silt, finely divided organic matter, or microscopic organisms suspended in water that interfere with light transmission, causing the light to be scattered and absorbed rather than transmitted through the water in straight lines.

ITEM 2. Amend 16.1(3) (as renumbered), line 4, by striking the expression "44.5° + 0.5C" and inserting in lieu thereof the expression "44.5 ± 0.2°C."

ITEM 3. Amend 16.1(4) (as renumbered), line 2, by striking the comma following the word "process" and inserting in lieu thereof a semicolon and by inserting a semicolon after the word "business".

ITEM 4. Amend 16.1(5) (as renumbered), line 2, by striking the words "solution-equivalent to parts per million-assuming density" and inserting in lieu thereof the words "solution (equivalent to parts per million, assuming density)" and by adding a new sentence at the end thereof as follows: "A microgram (µg) is 1/1000 of a milligram."

ITEM 5. Amend 16.2(1) by inserting the word "selected" in line 6 between the word "establish" and the word "criteria" and by inserting the word "minimum" in line 8 between the word "provide" and the word "criteria", and by striking the words "Standard

Methods for Examination of Water and Wastewater', Thirteenth Edition" in lines 12 and 13 and inserting in lieu thereof the words "chapter 18"*.

ITEM 6. Amend 16.2(2) by striking the subrule and inserting in lieu thereof the following new subrule:

16.2(2) *Antidegradation policy.* It is the policy of the state of Iowa that:

a. Existing beneficial water uses will be maintained and protected. No further water quality degradation which would interfere with or become injurious to water uses designated in this chapter will be allowed.

b. No degradation will be allowed in those existing high quality waters, named below, which are of exceptional recreational or ecological significance, and which constitute an outstanding national resource:

(1) West Lake Okoboji in Dickinson County.

(2) DeSoto Bend National Wildlife Refuge in Harrison and Pottawattamie counties.

(3) Union Slough National Wildlife Refuge in Kossuth County.

(4) The Upper Iowa River from Lane's Bridge at river mile 6 in Allamakee County to the Iowa-Minnesota border at river mile 86.

c. Those existing high quality waters, named below, which exceed the water quality levels described in this chapter as necessary to protect existing water uses will be maintained at or above existing water quality, except when, after full satisfaction of the intergovernmental co-ordination and public participation provisions of the continuing planning process, it is determined that there is need to lower the water quality because of necessary and justifiable economic or social development. In no event, however, will degradation be allowed that would interfere with or injure existing beneficial water uses, or further degrade those waters named in "b" above as being of exceptional recreational or ecological significance:

(1) Silver Lake in Dickinson County.

(2) Lake Rathbun in Appanoose County.

(3) The Turkey River, from the point where it is joined by the Volga River in Clayton County to Vernon Springs in Howard County.

(4) Catfish Creek from Swiss Valley Park in Dubuque County to its source in Dubuque County.

d. The Mississippi River and the Missouri River do not meet existing high quality waters criteria but nevertheless constitute waters of exceptional state and national significance. Water quality management regulatory actions affecting them will be directed toward water quality improvement commensurate with the exceptional value of the resource.

e. The state will maintain the highest statutory and regulatory requirements for all new and existing point sources, and feasible management and regulatory programs for nonpoint sources, existing and proposed.

ITEM 7. Amend 16.2(3) by striking the words "a violation of the water quality standards of the state" in lines 2 and 3 and inserting in lieu thereof the words "criteria limitations to be exceeded", and by striking the word "provided" in line 3 and inserting in lieu thereof the word "provide", and by striking the word "required" in line 5 and inserting in lieu thereof the words "as adopted in rules", and by adding a new paragraph as follows:

There are numerous parameters of water quality associated with nonpoint source runoff which are of significance to the beneficial water uses specified in the general and specific designations in 16.3(455B), but which are not delineated. It shall be the intent of these standards that the limits on such nonpoint source related parameters shall be those that can be achieved by best management practices as adopted in rules by the Water Quality Commission from time to time. Existing water quality and nonpoint source runoff control technology will be evaluated in the course of the Iowa continuing planning process, and

*While there are currently no methods stated in chapter 18, the Commission will soon publish a notice of intended action on revisions of chapter 18 (and also on chapters 17 and 19) that will state such methods.

best management practices and limitations on specific water quality parameters will be reviewed and revised from time to time to assure that the beneficial water uses and water quality enhancement goals are met.

ITEM 8. Amend 16.2(5) by striking the words "seven-day, ten-year low flow" in line 2 and inserting in lieu thereof the words "average seven-day low flow which occurs once in ten years", and by inserting the words "Class B" in line 4 between the word "for" and the word "aquatic", and by striking the word "commission" in line 4 and inserting in lieu thereof the word "department", and by striking the words "by the commission" in line 6, and by adding two new paragraphs as follows:

The allowable 3°C. temperature increase criterion for warm water interior streams, 16.3(3)"f"(1), is based in part on the need to protect fish from cold shock due to rapid cessation of heat source and resultant return of the receiving stream temperature to natural background temperature. On low flow streams, in winter, during certain conditions of relatively cold background stream temperature and relatively warm ambient air and groundwater temperature, certain wastewater treatment plants with relatively constant flow and constant temperature discharges will cause temperature increases in the receiving stream greater than allowed in 16.3(3)"f"(1).

During the period November 1 to March 31, for the purpose of applying the 3°C. temperature increase criterion, the minimum protected receiving stream flow rate below such discharges may be increased to not more than three times the rate of flow of the discharge, where there is reasonable assurance that the discharge is of such constant temperature and flow rate and continuous duration as to not constitute a threat of heat cessation and not cause the receiving stream temperature to vary more than 3°C. per day.

ITEM 9. Amend 16.3(1), lines 2 and 3, by striking the words "at all places and at all times" and inserting in lieu thereof the words "to protect livestock and wildlife watering, aquatic life, crop irrigation, and industrial, domestic, agricultural and other incidental water withdrawal uses not protected by Class A, B or C criteria in this rule".

ITEM 10. Amend 16.3(1)"a" by striking the words "municipal, industrial or other" in lines 1 and 2 and inserting in lieu thereof the words "waste water", and by striking the word "objectionable" in line 2.

ITEM 11. Amend 16.3(1)"b", lines 2 and 3, by striking the words "municipal, industrial or other discharges or agricultural practices in amounts sufficient to be unsightly or deleterious" and inserting in lieu thereof the words "waste-water discharges or agricultural practices".

ITEM 12. Amend 16.3(1)"c" by striking the words "municipal industrial or other discharges or agricultural practices producing color, odor or other conditions in such degree as to create a nuisance" and inserting in lieu thereof the words "waste-water discharges or agricultural practices producing objectionable color, odor or other aesthetically objectionable conditions".

ITEM 13. Amend 16.3(1)"d" by striking the words "municipal, industrial or other" in lines 1 and 2 and inserting in lieu thereof the words "waste water", and by striking the words "plant or aquatic life" in line 3 and inserting in lieu thereof the words "or plant life".

ITEM 14. Amend 16.3(1)"e" by relettering the paragraph as paragraph "f" and by striking in paragraph "f" as relettered the word "Jackson" and inserting in lieu thereof the word "Nephelometric".

ITEM 15. Amend 16.3(1) by adopting 2 new paragraphs, "e" and "g", as follows:

e. Such waters shall be free from substances, attributable to waste-water discharges or agricultural practices, in quantities which would produce undesirable or nuisance aquatic life.

g. Total dissolved solids shall not exceed 750 mg/l in any lake or impoundment or in any stream with a flow rate equal to or greater than three times the flow rate of upstream point source discharges.

ITEM 16. Amend 16.3(2), line 3, by inserting the words "designated in 16.3(5)" between the word "waters" and the colon.

ITEM 17. Amend 16.3(2)"a" by striking the words "The discharge of any effluent which may contain human pathogens shall not increase the fecal coliforms in the receiving waters by more than 200 per 100 ml" and inserting in lieu thereof the words "fecal coliform content shall not exceed 200 organisms/100 ml, except when the waters are materially affected by surface runoff; but in no case shall fecal coliform levels downstream from a discharge which may contain human pathogens be more than 200 organisms/100 ml higher than the background level upstream from the discharge".

ITEM 18. Rescind 16.3(2)"c".

ITEM 19. Amend 16.3(3), line 3, by inserting the words "designated in 16.3(5)" between the word "waters" and the colon.

ITEM 20. Amend 16.3(3)"b" by striking the paragraph and inserting in lieu thereof the following new paragraph:

b. *Chemical constituents.* The following levels shall not be exceeded at any time the flow equals or exceeds the seven-day, ten-year low flow unless the material is from uncontrollable nonpoint sources:

Ammonia-Nitrogen (as N)	2.0 mg/l
Arsenic	0.1 mg/l
Barium	1.0 mg/l
Cadmium	0.01 mg/l
Chromium (hexavalent)	0.05 mg/l
Chromium (total)	0.1 mg/l
Copper	0.02 mg/l
Cyanide	0.02 mg/l*
Lead	0.1 mg/l
Mercury	0.2 µg/l
Phenols (other than from natural sources)	0.001 mg/l
Selenium	0.1 mg/l
Zinc	1.0 mg/l

*Lowest detectable concentration.

ITEM 21. Amend 16.3(3)"d", line 1, by striking the word "The" and inserting in lieu thereof the words "From April 1 through October 31, the".

ITEM 22. Amend 16.3(3)"f"(1), line 2, by striking the words "5°F." and inserting in lieu thereof the words "3°C.", and by striking the words "2°F." and inserting in lieu thereof the words "1°C.", and line 3, by striking the words "90°F." and inserting in lieu thereof the words "32°C."

ITEM 23. Amend 16.3(3)"f"(2), line 2, by striking the words "3°F." and inserting in lieu thereof the words "2°C.", and by striking the words "2°F." and inserting in lieu thereof

the words "1°C.", and line 4, by striking the words "68°F." and inserting in lieu thereof the words "20°C."

ITEM 24. Amend 16.3(3)"f"(3), line 2, by striking the words "3°F." and inserting in lieu thereof the words "2°C.", and by striking the words "2°F." and inserting in lieu thereof the words "1°C.", and line 4, by striking the words "90°F." and inserting in lieu thereof the words "32°C."

ITEM 25. Amend 16.3(3)"f"(4), line 2, by striking the words "5°F." and inserting in lieu thereof the words "3°C.", and by striking the words "2°F." and inserting in lieu thereof the words "1°C.", and line 5, by striking the words "90°F." and inserting in lieu thereof the words "32°C."

ITEM 26. Amend 16.3(3)"f"(5), line 2, by striking the words "5°F." and inserting in lieu thereof the words "3°C.", and by striking the words "2°F." and inserting in lieu thereof the words "1°C.", and line 6, by striking the words "3°F." and inserting in lieu thereof the words "2°C.", and by striking the table and inserting in lieu thereof the following new table:

Month	Zone II	Zone III
January	4° C	7° C
February	4° C	7° C
March	12° C	14° C
April	18° C	20° C
May	24° C	26° C
June	29° C	29° C
July	29° C	30° C
August	29° C	30° C
September	28° C	29° C
October	23° C	24° C
November	14° C	18° C
December	9° C	11° C

ITEM 27. Amend 16.3(4) by adding the words "designated in 16.3(5)" before the colon in line 3.

ITEM 28. Amend 16.3(4) by inserting the words "designated in 16.3(5)" in line 3 between the word "waters" and the colon, and by striking the paragraphs "a" and "b" and inserting in lieu thereof the following new paragraphs:

a. Radioactive substances.

(1) The combined radium-226 and radium-228 shall not exceed 5 picocuries per liter at the point of withdrawal.

(2) Gross alpha particle activity (including radium-226 but excluding radon and uranium) shall not exceed 15 picocuries per liter at the point of withdrawal.

(3) The average annual concentration at the point of withdrawal of beta particle and photon radioactivity from man-made radionuclides other than tritium and strontium-90 shall not produce an annual dose equivalent to the total body or any internal organ greater than 4 millirem/year.

(4) The average annual concentration of tritium shall not exceed 20,000 picocuries per liter at the point of withdrawal; the average annual concentration of strontium-90 shall not exceed 8 picocuries per liter at the point of withdrawal.

b. Chemical constituents. The following levels shall not be exceeded at the point of withdrawal:

Arsenic	0.05 mg/l
Barium	1.0 mg/l
Cadmium	0.01 mg/l

Chloride	250 mg/l
Chromium (hexavalent)	0.05 mg/l
Copper	1.0 mg/l
Cyanide	0.02 mg/l*
Fluoride	2.0 mg/l
Lead	0.05 mg/l
Mercury	0.002 mg/l
Nitrate (as NO ₃)	45 mg/l
Phenols (from other than natural sources)	0.001 mg/l
Selenium	0.01 mg/l
Silver	0.05 mg/l
Zinc	1.0 mg/l

*Lowest detectable concentration.

ITEM 29. Amend 16.3(5) by rescinding the subrule and adopting in lieu thereof the following new subrule:

16.3(5) Surface water classification.

a. Water use designation abbreviations.

- (1) "A" means primary body contact recreation.
- (2) "B" means wildlife, aquatic life, and secondary body contact. "W" means warm water and "C" means cold water.
- (3) "C" means raw water source of potable water supply.

b. Key to the order of streams.

- (1) Streams are listed in downstream to upstream sequence within a basin.
- (2) Major streams (1st order) are described in entirety from downstream end to upstream end, before listing their tributary (2nd order) streams, or the next (major) stream.
- (3) Tributary (2nd order) streams (if any) are then listed in downstream to upstream sequence, and each is described in entirety before listing its tributaries (3rd order), or before listing the next upstream 2nd order tributary.
- (4) When a stream and all its tributaries are described in entirety, the next upstream equal order stream is then listed and described.
- (5) The scheme is repeated through 3rd, 4th and 5th orders, as necessary.
- (6) The relationship of tributaries is indicated in the list by the spacing from the left margin. Names of tributaries are indented two spaces from the name of the stream to which they are tributary, and equal order streams fall one below the other on the same margin.

Example:

- | | |
|--|--|
| (I) River
(A) River
(B) River
(1) Creek
(2) Creek
(a) Creek
(3) Creek
(C) River | (I) and (II) are first order streams and (II) is upstream from (I). (A), (B) and (C) are tributaries of (I). (B) is upstream from (A), and (C) is upstream from (B). (1), (2) and (3) are tributaries of (B). (2) is upstream from (1), and (3) is upstream from (2). (a) is a tributary of (2). |
| (II) River | |

(7) Stream names are in accordance with "Drainage Areas of Iowa Streams", U.S. Geological Survey, March, 1974, except that locally known names are used for streams not listed therein.

c. Stream abbreviations.

- (1) "R" means river.
- (2) "cr." means creek.
- (3) "Br." means branch.
- (4) "D.D." means drainage ditch.
- (5) "E", "W", "N", and "S" are compass directions.

- (6) "Fk." means fork.
- (7) "aka" means also known as.

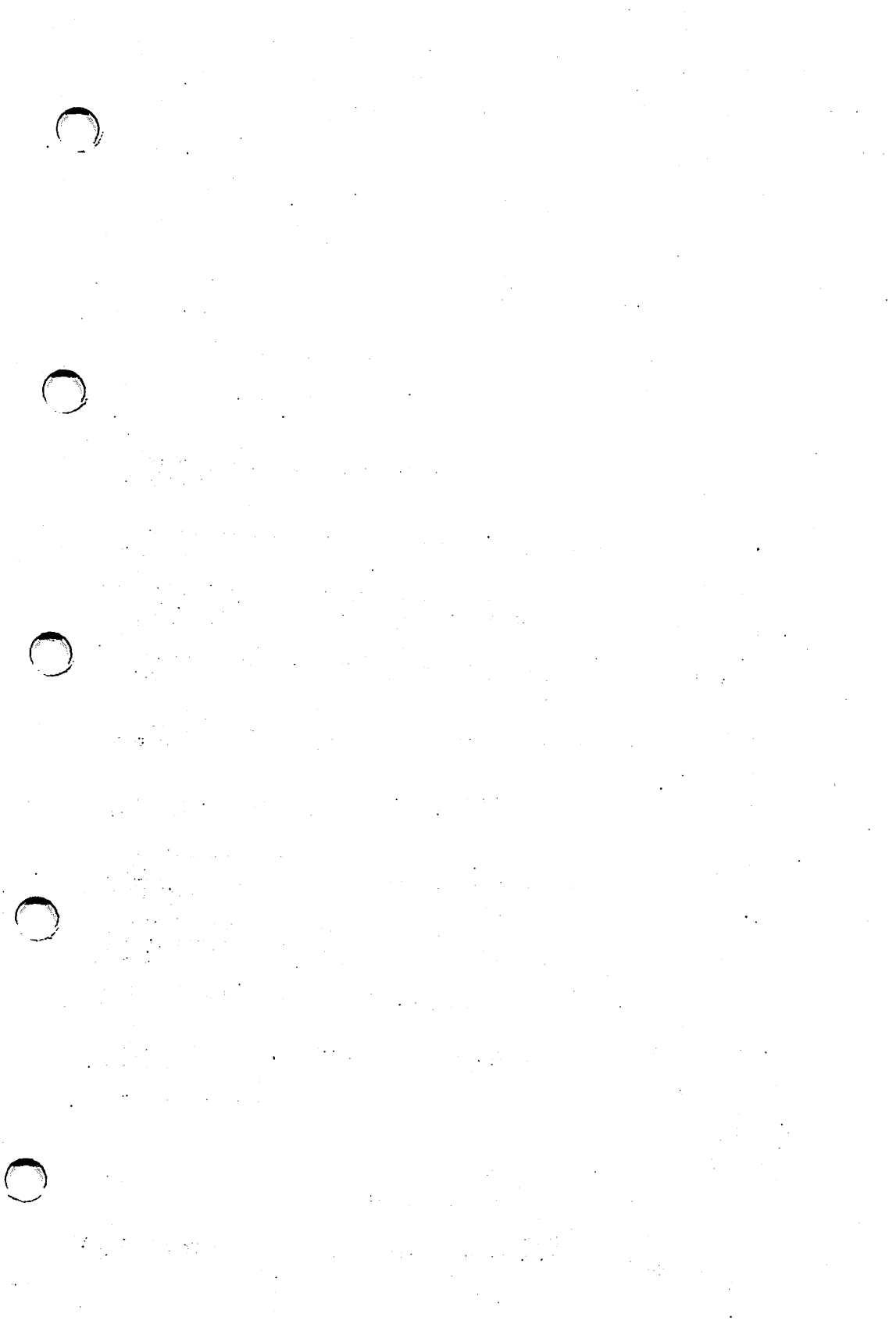
d. Location abbreviations.

- (1) "R" means range.
- (2) "T" means township.
- (3) "S" means section.
- (4) "Rd." means road.
- (5) "hwy." means highway.
- (6) "co." means county.
- (7) "st." means street.

e.

Iowa Water Quality Standards
Water Use Designations

	Water Uses		C
	A	B(W)	
WESTERN IOWA RIVER BASINS			
<u>Missouri R.</u>			
Iowa-Missouri State Line to confluence with the Big Sioux R.	X	X	
City of Council Bluffs Water Works intakes			X
<u>Keg Cr.</u>			
Mouth (Mills Co.) to Hwy. 6 (N line of Section 22, T75N, R42W, Pottawattamie Co.)		X	
<u>Mosquito Cr.</u>			
Mouth (Pottawattamie Co.) to Hwy. 275 (S18, T74N, R43W, Pottawattamie Co.)		X	
<u>Pigeon Cr.</u>			
Mouth (Pottawattamie Co.) to Pottawattamie Co. Rd. G36 (N line of Section 26, T76N, R44W, Pottawattamie Co.)		X	
<u>Boyer R.</u>			
Mouth (Pottawattamie Co.) to Sac Co. Rd. D15 (N line of Section 22, T89N, R37W, Sac Co.)		X	
<u>Willow R.</u>			
Mouth (Harrison Co.) to confluence with Elk Cr.		X	
<u>E Boyer R.</u>			
Mouth (Crawford Co.) to Crawford Co. Rd. M36 (S13, T83N, R39W, Crawford Co.)		X	
<u>Allen Cr.</u>			
Mouth (Pottawattamie Co.) to Pottawattamie-Harrison Co. Line		X	
<u>Soldier R.</u>			
Mouth (Harrison Co.) to confluence with E Soldier R.		X	



Water Use Designations

	Water Uses		C
	A	B(W)	
WESTERN IOWA RIVER BASINS			
(Missouri R. Tributaries, Continued)			
<u>Little Sioux R.</u> (See Little Sioux R. Subbasin)			
<u>Floyd R.</u> Mouth (Woodbury Co.) to Rd. crossing, N line of Section 11, T94N, R44W, Sioux Co.		X	
<u>W Br. Floyd R.</u> Mouth (Plymouth Co.) to Plymouth Co. Rd. C16 (N line of Section 30, T93N, R45W, Plymouth Co.)		X	
<u>Big Sioux R.</u> Mouth (Woodbury Co.) to Iowa-Minnesota State Line		X	
<u>Rock R.</u> Mouth (Sioux Co.) to Iowa-Minnesota State Line		X	
LITTLE SIOUX RIVER SUBBASIN			
<u>Little Sioux R.</u> Mouth (Harrison Co.) to the Iowa-Minnesota State Line		X	
<u>Monona-Harrison Ditch</u> Mouth (Harrison Co.) to Monona-Woodbury Co. Line		X	
<u>Maple R.</u> Mouth (Monona Co.) to Hwy. 3 (N line of Section 33, T92N, R39W, Cherokee Co.)		X	
<u>Battle Cr.</u> Mouth (Ida Co.) to confluence with E Fk. Battle Cr. (S36, T88N, R41W, Ida Co.)		X	
<u>Odebolt Cr.</u> Mouth (Ida Co.) to Ida Co. Rd. M31 (E line of Section 23, T87N, R39W, Ida Co.)		X	
<u>Little Maple R.</u> Mouth (Cherokee Co.) to N line of Section 15, T90N, R38W, Buena Vista Co.		X	
<u>W Fk. Little Sioux R.</u> Mouth (Monona Co.) to Plymouth Co. Rd. L14 (E line of Section 18, T90N, R43W, Plymouth Co.)		X	
<u>Wolf Cr.</u> Mouth (Monona Co.) to N line of Section 11, T86N, R45W, Woodbury Co.		X	

Iowa Water Quality Standards
Water Use Designations

	Water Uses		C
	A	B(W)	
SOUTHERN IOWA RIVER BASINS			
<u>Chariton R.</u>			
Iowa-Missouri State Line (Appanoose Co.) to Rathbun Reservoir Dam		X	
Rathbun Regional Water Company water supply intake			X
<u>Rathbun Reservoir</u>			
Dam to Appanoose-Wayne Co. Line	X	X	
Rathbun Reservoir to Hwy. 65 (S11, T71N, R23W, Lucas Co.)		X	
<u>Cooper Cr.</u>			
Mouth (Appanoose Co.) to Appanoose Co. Rd. T12 (W line of S7, T68N, R18W, Appanoose Co.)		X	
<u>Walnut Cr.</u>			
Mouth (Appanoose Co.) to Appanoose-Wayne Co. Line		X	
<u>S Fk. Chariton R.</u>			
Mouth (Appanoose Co.) to confluence with Ninemile Cr.		X	
<u>Wolf Cr.</u>			
Mouth (Lucas Co.) to Lucas-Wayne Co. Line		X	
<u>Shoal Cr.</u>			
Iowa-Missouri State Line (Appanoose Co.) to W line of Section 22, T68N, R18W, Appanoose Co.		X	
<u>Weldon R.</u>			
Iowa-Missouri State Line (Decatur Co.) to Hwy. 2 (S20, T69N, R24W, Decatur Co.)		X	
<u>Little R.</u>			
Iowa-Missouri State Line (Decatur Co.) to confluence with McGruder Cr. (S19, T68N, R25W, Decatur Co.)		X	
<u>Thompson R. (aka Grand R.)</u>			
Iowa-Missouri State Line (S line of Section 24, T67N, R26W, Decatur Co.) to the Madison-Adair Co. Line		X	
<u>Long Cr.</u>			
Mouth (Decatur Co.) to confluence with Bee Cr. (S9, T70N, R26W, Decatur Co.)		X	
<u>Twelvemile Cr.</u>			
Mouth (Union Co.) to confluence with Indian Cr. (S34, T72N, R29W, Union Co.)		X	

Water Use Designations

SOUTHERN IOWA RIVER BASINS

Grand R.

Iowa-Missouri State Line (S line of Section 30, T67N, R31W, Ringgold Co.) to Hwy. 66 (E line of Section 7, T69N, R30W, Ringgold Co.)

X

Platte R.

Iowa-Missouri State Line (Taylor Co.) to confluence with W Platte R. (S2, T71N, R32W, Adams Co.)

X

E Fk. 102 R.

Iowa-Missouri State Line (Taylor Co.) to Hwy. 2 (S26, T68N, R34W, Taylor Co.)

X

City of Bedford Water Works intake

X

W Fk. 102 R.

Iowa-Missouri State Line (Taylor Co.) to confluence with W Br. 102 R. (Taylor Co.)

X

W Br. 102 R.

Mouth (Taylor Co.) to confluence with Middle Br. 102 R. (Taylor Co.)

X

Nodaway R.

Iowa-Missouri State Line (Page Co.) to confluence of Middle Nodaway R. and the W Nodaway R. (Montgomery Co.)

X

City of Clarinda Water Works intake

X

E Nodaway R.

Mouth (Page Co.) to confluence with E Fk. E Nodaway R. (S33, T73N, R32W, Adams Co.)

X

Kemp Cr.

Mouth (Adams Co.) to Lake Icaria Dam (S10, T72N, R34W, Adams Co.)

X

Middle Nodaway R.

Mouth (Montgomery Co.) to confluence with W Fk. Middle Nodaway R. (S33, T74N, R33W, Adair Co.)

X

W Fk. Middle Nodaway R.

Mouth (Adair Co.) to confluence with Rutt Br. (S15, T75N, R33W, Adair Co.)

X

A	Water Uses B(W)	B(C)	C
	X		
	X		
	X		X
	X		
	X		
	X		X
	X		
	X		
	X		
	X		

Water Use Designations

A	Water B(W)	Uses B(C)	C
SOUTHERN IOWA RIVER BASINS (Continued)			
(Nodaway R. Tributaries)			
	<u>W Nodaway R.</u>		
	Mouth (Montgomery Co.) to confluence with Westler's Br. (S16, T74N, R35W, Cass Co.)		
	X		
	<u>Sevenmile Cr.</u>		
	Mouth (Montgomery Co.) to Hwy. 71 (W line of Section 33, T75N, R36W, Cass Co.)		
	X		
	<u>Tarkio R.</u>		
	Iowa-Missouri State Line (Page Co.) to Page Co. Rd. J20 (N line of Section 25, T70N, R38W, Page Co.)		
	X		
	<u>W Tarkio Cr.</u>		
	Iowa-Missouri State Line (Page Co.) to Page Co. Rd. J52 (N line of Section 4, T67N, R39W, Page Co.)		
	X		
	<u>Nishnabotna R.</u>		
	Iowa-Missouri State Line (Fremont Co.) to confluence of the E Nishnabotna R. and the W Nishnabotna R. (Fremont Co.)		
	X		
	<u>E Nishnabotna R.</u>		
	Mouth (Fremont Co.) to Audubon Co. Rd. F32 (N line of Section 23, T80N, R35W, Audubon Co.)		
	X		
	<u>Indian Cr.</u>		
	Mouth (Cass Co.) to confluence with Buck Cr. (S35, T79N, R37W, Shelby Co.)		
	X		
	<u>Turkey Cr.</u>		
	Mouth (Cass Co.) to Hwy. 71 (E line of Section 28, T76N, R36W, Cass Co.)		
	X		
	<u>Troublesome Cr.</u>		
	Mouth (Cass Co.) to confluence with Crooked Cr. (S10, T77N, R35W, Cass Co.)		
	X		
	<u>W Nishnabotna R.</u>		
	Mouth (Fremont Co.) to Carroll Co. Rd. M68 (E line of Section 4, T82N, R36W, Carroll Co.)		
	X		
	<u>Walnut Cr.</u>		
	Mouth (Fremont Co.) to Montgomery-Pottawattamie Co. Line		
	X		

Water Use Designations

SOUTHERN IOWA RIVER BASINS (Continued)

(W Nishnabotna R. Tributaries)

Silver Cr.

Mouth (Mills Co.) to Mills-Pottawattamie Co. Line

X

Farm Cr.

Mouth (Mills Co.) to Mills-Pottawattamie Co. Line

X

E Br. of W Nishnabotna R.

Mouth (Pottawattamie Co.) to Shelby-Audubon Co. Line

X

W Fk. of W Nishnabotna R.

Mouth (Shelby Co.) to Crawford Co. Rd. M55 (E line of Section 11, T82N, R38W, Crawford Co.)

X

A	Water Uses		C
	B(W)	B(C)	
	X		
	X		
	X		
	X		

Iowa Water Quality Standards
Water Use Designations

	Water Uses		C
	A	B(W)	
DES MOINES RIVER BASIN			
LOWER DES MOINES RIVER SUBBASIN			
<u>Des Moines R.</u>			
Mouth (Lee Co.) to Red Rock Reservoir	X	X	
Ottumwa Municipal Water Works Intake			X
Red Rock Reservoir			
Dam to Hwy. 14 (S1, T76N, R20W, Marion Co.)	X	X	
Red Rock Reservoir to confluence with the Raccoon R.		X	
<u>Sugar Cr.</u>			
Mouth (Lee Co.) to Lee Co. Rd. J56 (S24, T68N, R7W, Lee Co.)		X	
<u>Big Indian Cr. (aka Indian Cr.)</u>			
Mouth (Van Buren Co.) to Hwy. 2 (S24, T68N, R10W, Van Buren Co.)		X	
<u>Chequest Cr.</u>			
Mouth (Van Buren Co.) to confluence of N Chequest Cr. and S Chequest Cr. (S12, T69N, R12W, Davis Co.)		X	
<u>N Chequest Cr.</u>			
Mouth (Davis Co.) to confluence with Middle Chequest Cr. (S25, T70N, R13W, Davis Co.)		X	
<u>Soap Cr.</u>			
Mouth (Wapello Co.) to confluence with S Soap Cr. (S21, T70N, R15W, Davis Co.)		X	
<u>Little Soap Cr.</u>			
Mouth (Davis Co.) to Hwy. 63 (W line of Section 30, T71N, R13W, Wapello Co.)		X	
<u>S Avery Cr.</u>			
Mouth (Wapello Co.) to Wapello-Monroe Co. Line		X	
<u>Miller Cr.</u>			
Mouth (Wapello Co.) to Hwy. 137 (S10, T72N, R17W, Monroe Co.)		X	
<u>Muchakinock Cr.</u>			
Mouth (Monroe Co.) to Mahaska Co. Rd. G39 (N line of Section 2, T75N, R17W, Mahaska Co.)		X	
<u>Coal Cr.</u>			
Mouth (Mahaska Co.) to Marion-Monroe Co. Line		X	

Water Use Designations

DES MOINES RIVER BASIN

LOWER DES MOINES RIVER SUBBASIN (Continued)

(Des Moines R. Tributaries)

	Water Uses		C
	B(W)	B(C)	
<u>Cedar Cr.</u> Mouth (Mahaska Co.) to Inghram Br. (Monroe Co.)	X		
<u>N Cedar Cr.</u> Mouth (Marion Co.) to Marion-Monroe Co. Line	X		
<u>English Cr.</u> Mouth (Marion Co.) to Hwy. 14 (S24, T75N, R20W, Marion Co.)	X		
<u>Whitebreast Cr.</u> Mouth (Marion Co.) to Lucas-Clarke Co. Line	X		
<u>Little Whitebreast Cr.</u> Mouth (Lucas Co.) to Ellis Lake (S27, T72N, R21W, Lucas Co.)	X		
<u>South R.</u> Mouth (Warren Co.) to Madison-Clarke Co. Line	X		
<u>Otter Cr.</u> Mouth (Warren Co.) to Warren-Lucas Co. Line	X		
<u>Squaw Cr.</u> Mouth (Warren Co.) to Warren-Clarke Co. Line	X		
<u>Middle R.</u> Mouth (Warren Co.) to Adair-Guthrie Co. Line	X		
<u>Clanton Cr.</u> Mouth (Warren Co.) to confluence of N Fk. Clanton Cr. and S Fk. Clanton Cr.	X		
<u>North R.</u> Mouth (Polk Co.) to Madison-Adair Co. Line	X		

Water Use Designations

	Water Uses			C
	A	B(W)	B(C)	
DES MOINES RIVER BASIN				
UPPER DES MOINES RIVER SUBBASIN				
<u>Des Moines R.</u>				
Raccoon R. to Center St. Dam in Des Moines		X		
Center St. Dam in Des Moines to Hwy. I-80/I-35 (S17, T79N, R24W, Polk Co.)	X	X		
Hwy. I-80/I-35 to Saylorville Reservoir Dam		X		
Saylorville Reservoir Dam to Polk-Dallas Co. Line	X	X		
Saylorville Reservoir to dam of upper impoundment at Fort Dodge		X		
Upper impoundment at Fort Dodge	X	X		
Fort Dodge Upper Impoundment to Humboldt Dam		X		
Humboldt Impoundment (aka Lake Nakomis) Dam to W line of Section 27, T92N, R29W, Humboldt Co.	X	X		
Humboldt Impoundment (aka Lake Nakomis) to Iowa-Minnesota State Line		X		
<u>Beaver Cr.</u>				
Mouth (Polk Co.) to confluence with E Beaver Cr. (Boone Co.)		X		
<u>Big Cr. Lake Outlet</u>				
Mouth to Big Cr. Lake Dam		X		
Big Cr. Lake	X	X		
Big Cr. Lake to Polk-Boone Co. Line		X		
<u>Bluff Cr.</u>				
Mouth (Boone Co.) to Don Williams Lake (S5, T84N, R27W, Boone Co.)		X		
<u>Skillet Cr.</u>				
Mouth (Webster Co.) to Hwy. 175 (W line of Section 13, T86N, R28W, Webster Co.)		X		

Water Use Designations

DES MOINES RIVER BASIN

UPPER DES MOINES RIVER SUBBASIN

(Upper Des Moines R. Tributaries, Continued)

	Water Uses			C
	A	B(W)	B(C)	
<u>Boone R.</u> Mouth (Webster Co.) to confluence with D.D. 44 (S15, T94N, R26W, Hancock Co.)		X		
<u>Brewers Cr.</u> Mouth (Hamilton Co.) to Hwy. 20 (N line of Section 4, T88N, R26W, Hamilton Co.)		X		
<u>White Fox Cr.</u> Mouth (Hamilton Co.) to Hamilton-Wright Co. Line		X		
<u>Buck Cr.</u> Mouth (Hamilton Co.) to Wall Lake		X		
<u>Eagle Cr.</u> Mouth (Hamilton Co.) to Wright Co. Rd. C54 (E line of Section 30, T91N, R25W, Wright Co.)		X		
<u>Otter Cr.</u> Mouth (Wright Co.) to confluence with W Otter Cr. (S31, T93N, R25W, Wright Co.)		X		
<u>Prairie Cr.</u> Mouth (Wright Co.) to confluence with D.D. 116 (S24, T94N, R28W, Kossuth Co.)		X		
<u>Brushy Cr.</u> Mouth (Webster Co.) to Webster Co. Rd. P73 (W line of Section 16, T88N, R27W, Webster Co.)		X		
<u>Prairie Cr.</u> Mouth (S35, T88N, R28W, Webster Co.) to Rd. crossing center of Section 28, T88N, R28W, Webster Co.	X			
<u>Soldier Cr.</u> Mouth (Webster Co.) to Webster Co. Rd. D14 (N line of Section 9, T89N, R28W, Webster Co.)		X		

Water Use Designations

	Water Uses		C
	A	B(W)	
DES MOINES RIVER BASIN			
UPPER DES MOINES RIVER SUBBASIN			
(Upper Des Moines R. Tributaries, Continued)			
<u>Lizard Cr.</u> Mouth (Webster Co.) to confluence with N Br. Lizard Cr. (S2, T90N, R31W, Pocahontas Co.)		X	
<u>S Br. Lizard Cr.</u> Mouth (Webster Co.) to Pocahontas Co. Rd. N65 (W line of Section 29, T90N, R31W, Pocahontas Co.)		X	
<u>Badger Cr.</u> Mouth (Webster Co.) to Badger Lake Dam (S19, T90N, R28W, Webster Co.)		X	
<u>Beaver Cr.</u> Mouth (Humboldt Co.) to D.D. 46 (S14, T91N, R28W, Humboldt Co.)		X	
<u>E Fk. Des Moines R.</u> (See E Fk. Des Moines R. Subbasin)			
<u>Indian Cr.</u> Mouth (Humboldt Co.) to D.D. 20 (S21, T91N, R29W, Humboldt Co.)		X	
<u>Pilot Cr.</u> Mouth (Pocahontas Co.) to Rd. crossing W line of Section 1, T92N, R31W, Pocahontas Co.		X	
<u>Beaver Cr.</u> Mouth (Pocahontas Co.) to Rd. crossing, center of Section 35, T93N, R31W, Pocahontas Co.		X	
<u>Cylinder Cr.</u> Mouth (Palo Alto Co.) to Hwy. 18 (N line of Section 30, T96N, R31W, Palo Alto Co.)		X	
<u>Jack Cr.</u> Mouth (Palo Alto Co.) to Swan Lake (Emmet Co.)		X	
EAST FORK DES MOINES RIVER SUBBASIN			
<u>E Fk. Des Moines R.</u> Mouth (Humboldt Co.) to Tuttle Lake		X	
<u>Bloody Run</u> Mouth (Humboldt Co.) to D.D. 29 (S1, T92N, R29W, Humboldt Co.)		X	

Water Use Designations

A	Water Uses B(W)	B(C)	C
DES MOINES RIVER BASIN			
UPPER DES MOINES RIVER SUBBASIN			
(E Fk. Des Moines R. Tributaries, Continued)			
<u>Lotts Cr.</u>			
Mouth (Humboldt Co.) to Hwy. 18 (N line of Section 4, T95N, R30W, Kossuth Co.)	X		
<u>Four Mile Cr.</u>			
Mouth (Kossuth Co.) to Hwy. 18 (N line of Section 5, T95N, R29W, Kossuth Co.)	X		
<u>Black Cat Cr.</u>			
Mouth (Kossuth Co.) to confluence with Calamus Cr. (Kossuth Co.)	X		
<u>Plum Cr.</u>			
Mouth (Kossuth Co.) to D.D. 84 (S13, T96N, R28W, Kossuth Co.)	X		
<u>Lindner Cr. (aka Lindsey Cr.)</u>			
Mouth (Kossuth Co.) to Joint D.D. 36, 2 (S30, T97N, R27W, Kossuth Co.)	X		
<u>Buffalo Cr.</u>			
Mouth (Kossuth Co.) to Kossuth-Hancock Co. Line	X		
<u>N Buffalo Cr.</u>			
Mouth (Kossuth Co.) to Kossuth-Winnebago Co. Line	X		
<u>Mud Cr.</u>			
Mouth (Kossuth Co.) to Kossuth Co. Rd. A38 (N line of Section 10, T98N, R29W, Kossuth Co.)	X		
BLUE EARTH RIVER SUBBASIN			
<u>W Fk. Blue Earth R.</u>			
Iowa-Minnesota State Line (Kossuth Co.) to confluence with Union Slough outlet	X		
<u>Union Slough Outlet</u>			
Mouth (Kossuth Co.) to the Blue Earth R./Des Moines R. basin divide	X		

Water Use Designations

	A	Water B(W)	Uses B(C)	C
DES MOINES RIVER BASIN				
RACCOON RIVER SUBBASIN				
(N Raccoon R. Tributaries, Continued)				
<u>Camp Cr.</u> Mouth (Calhoun Co.) to Calhoun Co. Rd. D46 (N line of Section 16, T87N, R34W, Calhoun Co.)		X		
<u>Cedar Cr. (aka Big Cedar Cr.)</u> Mouth (Sac Co.) to Pocahontas Co. Rd. N33 (E line of Section 2, T90N, R34W, Pocahontas Co.)		X		
<u>S Raccoon R.</u> Mouth (Dallas Co.) to Hwy. 44 (S6, T79N, R31W, Guthrie Co.)			X	
<u>Panther Cr.</u> Mouth (Dallas Co.) to confluence of E Br. Panther Cr. and W Br. Panther Cr. (S16, T79N, R28W, Dallas Co.)			X	
<u>Middle Raccoon R.</u> Mouth (Dallas Co.) to Lake Panorama Dam (S31, T80N, R30W, Guthrie Co.)			X	
City of Panora Water Works intakes				X
Lake Panorama	X	X		
Lake Panorama to Carroll Co. Rd. E57 (N line of Section 2, T82N, R34W, Carroll Co.)			X	
<u>Mosquito Cr.</u> Mouth (Dallas Co.) to the Dallas-Guthrie Co. Line			X	
<u>Brushy Cr.</u> Mouth (Guthrie Co.) to the Guthrie-Audubon Co. Line			X	

Iowa Water Quality Standards
Water Use Designations

	Water Uses			C
	A	B(W)	B(C)	
SKUNK RIVER BASIN				
<u>Mississippi R.</u>				
Iowa-Missouri State Line to confluence with the Skunk R.	X	X		
Keokuk Municipal Water Works intakes				X
Fort Madison Municipal Water Works Intakes				X
(Mississippi R. Tributaries)				
<u>Devils Cr. (aka Big Devil Cr.)</u>				
Mouth (Lee Co.) to confluence with Sugar Cr.		X		
<u>Sugar Cr. (aka Big Sugar Cr.)</u>				
Mouth (Lee Co.) to confluence with W Br. Big Sugar Cr.		X		
<u>Lost Cr.</u>				
Mouth (Lee Co.) to Lee Co. Rd. J42 (S31, T69N, R4W, Lee Co.)		X		
<u>Skunk R.</u>				
Mouth to Oakland Mills Dam		X		
Oakland Mills Impoundment				
Dam to N line of Section 14, T71N, R7W, Henry Co.	X	X		
City of Mt. Pleasant Water Works intake				X
Oakland Mills Impoundment to confluence of N Skunk R. and S Skunk R.		X		
<u>Brush Cr.</u>				
Mouth (Des Moines Co.) to Hwy. 61 (S35, T69N, R3W, Des Moines Co.)		X		
<u>Long Cr.</u>				
Mouth (Des Moines Co.) to E line of Section 11, T69N, R4W, Des Moines Co.		X		
<u>Cedar Cr.</u>				
Mouth (Des Moines Co.) to Geode Lake (S36, T70N, R5W, Henry Co.)		X		

Water Use Designations

SKUNK RIVER BASIN

(Skunk R. Tributaries, Continued)

N Skunk R.

Mouth (Keokuk Co.) to confluence with Snipe Cr.
(Jasper Co.)

Middle Cr.

Mouth (Mahaska Co.) to Hwy. 63 (S1, T76N, R16W,
Mahaska Co.)

Rock Cr.

Mouth (Jasper Co.) to Rock Cr. Lake

A	Water Uses		C
	B(W)	B(C)	
	X		
	X		
	X		

Iowa Water Quality Standards
Water Use Designations

	Water Uses		C
	A	B(W)	
IOWA-CEDAR RIVER BASIN			
<u>Mississippi R.</u>			
Skunk R. to confluence with Iowa R.	X	X	
Burlington Municipal Water Works intakes			X
(Mississippi River Tributaries)			
<u>Spring Cr.</u>			
Mouth (Des Moines Co.) to Hwy. 61 (S25, T69N, R3W, Des Moines Co.)		X	
<u>Flint Cr. (aka Flint R.)</u>			
Mouth (Des Moines Co.) to Des Moines-Henry Co. Line		X	
<u>Yellow Spring Cr.</u>			
Mouth (Des Moines Co.) to N line of Section 16, T71N, R2W, Des Moines Co.		X	
<u>Hawkeye Cr.</u>			
Mouth (Des Moines Co.) to W line of Section 16, T72N, R2W, Des Moines Co.		X	
<u>Iowa R.</u>			
Mouth (Louisa Co.) to dam at Iowa City		X	
Dam at Iowa City to Hwy. 218 (S22, T81N, R7W, Johnson Co.)	X	X	
State University of Iowa Water Works intake			X
City of Iowa City Water Works intake			X
Hwy. 218 to dam at Steamboat Rock		X	
Steamboat Rock Impoundment			
Dam to N line of Section 16, T88N, R19W, Hardin Co.	X	X	
Steamboat Rock Impoundment to dam at Iowa Falls		X	
Iowa Falls Impoundment			
Dam to Hwy. 20 (S15, T89N, R21W, Hardin Co.)	X	X	
Iowa Falls Impoundment to dam at Alden		X	

Water Use Designations

	Water Uses			C
	A	B(W)	B(C)	
IOWA-CEDAR RIVER BASIN				
IOWA RIVER SUBBASIN				
(Iowa R., Continued)				
Alden Impoundment Dam to Rd. crossing, center of Section 1, T89N, R22W, Hardin Co.	X	X		
Alden Impoundment to confluence of E Fk. Iowa R. and W Fk. Iowa R. (Wright Co.)		X		
<u>Long Cr.</u> Mouth (Louisa Co.) to confluence with S Fk. Long Cr. (Washington Co.)		X		
<u>Cedar R.</u> (See Cedar R. Subbasin)				
<u>English R.</u> Mouth (Washington Co.) to confluence of N English R. and S. English R.		X		
<u>N English R.</u> Mouth (Washington Co.) to Hwy. 21 (W line of Section 22, T79N, R13W, Poweshiek Co.)		X		
<u>Deep R.</u> Mouth (Iowa Co.) to Hwy. 21 (W line of Section 3, T78N, R13W, Poweshiek Co.)		X		
<u>S English R.</u> Mouth (Washington Co.) to Hwy. 21 (W line of Section 10, T77N, R13W, Keokuk Co.)		X		
<u>Old Mans Cr. (aka Old Man Cr.)</u> Mouth (Johnson Co.) to confluence with Convey Cr. (Iowa Co.)		X		
<u>Clear Cr.</u> Mouth (Johnson Co.) to Johnson-Iowa Co. Line		X		
<u>Hoosier Cr.</u> Mouth (Johnson Co.) to the Johnson-Linn Co. Line		X		
<u>Big Bear Cr. (aka Bear Cr.)</u> Mouth (Iowa Co.) to Hwy. 21 (W line of Section 22, T80N, R13W, Poweshiek Co.)		X		

Water Use Designations

IOWA-CEDAR RIVER BASIN

IOWA RIVER SUBBASIN

(Iowa R. Tributaries, Continued)

Pine Cr.

Mouth (S8, T87N, R19W, Hardin Co.) to dam at Lower Pine Lake (S9, T87N, R19W, Hardin Co.)

Lower Pine Lake

Lower Pine Lake to dam at Upper Pine Lake (S4, T87N, R19W, Hardin Co.)

Upper Pine Lake

Upper Pine Lake to Hardin-Grundy Co. Line

Wheeler Cr.

Mouth (Wright Co.) to D.D. 5 (S19, T91N, R23W, Wright Co.)

Joint D.D. 146, 7

Mouth (S4, T91N, R23W, Wright Co.) to Joint D.D. 4, 118 (S28, T92N, R23W, Wright Co.)

Luicks Cr.

Mouth (Wright Co.) to Joint D.D. 3, 111 (S3, T92N, R23W, Wright Co.)

E Fk. Iowa R.

Mouth (Wright Co.) to Hwy. 18 (S25, T96N, R24W, Hancock Co.)

Galls Cr.

Mouth (S12, T95N, R24W, Hancock Co.) to D.D. 120 (S13, T95N, R23W, Hancock Co.)

W Fk. Iowa R.

Mouth (Wright Co.) to Hancock Co. Rd. B62 (N line of Section 21, T94N, R24W, Hancock Co.)

	Water Uses			C
	A	B(W)	B(C)	
Mouth (S8, T87N, R19W, Hardin Co.) to dam at Lower Pine Lake (S9, T87N, R19W, Hardin Co.)		X		
Lower Pine Lake	X	X		
Lower Pine Lake to dam at Upper Pine Lake (S4, T87N, R19W, Hardin Co.)		X		
Upper Pine Lake	X	X		
Upper Pine Lake to Hardin-Grundy Co. Line		X		
Mouth (Wright Co.) to D.D. 5 (S19, T91N, R23W, Wright Co.)		X		
Mouth (S4, T91N, R23W, Wright Co.) to Joint D.D. 4, 118 (S28, T92N, R23W, Wright Co.)		X		
Mouth (Wright Co.) to Joint D.D. 3, 111 (S3, T92N, R23W, Wright Co.)		X		
Mouth (Wright Co.) to Hwy. 18 (S25, T96N, R24W, Hancock Co.)		X		
Mouth (S12, T95N, R24W, Hancock Co.) to D.D. 120 (S13, T95N, R23W, Hancock Co.)		X		
Mouth (Wright Co.) to Hancock Co. Rd. B62 (N line of Section 21, T94N, R24W, Hancock Co.)		X		

Water Use Designations

	A	Water Uses B(W)	B(C)	C
IOWA-CEDAR RIVER BASIN				
CEDAR RIVER SUBBASIN				
<u>Cedar R.</u>				
Mouth (Louisa Co.) to dam at Palisades Keplar State Park.		X		
Palisades Keplar Impoundment				
Dam to Hwy. 30 (S9, T82N, R6W, Linn Co.)	X	X		
Palisades Keplar Impoundment to dam at Ellis Park in Cedar Rapids		X		
Cedar Rapids Municipal Water Works intake				X
Ellis Park Dam to Hwy. 101 at Vinton (S16, T85N, R10W, Benton Co.)	X	X		
Hwy. 101 to the dam at Cedar Falls		X		
Cedar Falls Impoundment				
Dam to W line of Section 2, T89N, R14W, Black Hawk Co.	X	X		
Cedar Falls Impoundment to dam at Waverly		X		
Waverly Impoundment				
Dam to W line of Section 35, T92N, R14W, Bremer Co.	X	X		
Waverly Impoundment to dam at Nashua		X		
Nashua Impoundment				
Dam to Chickasaw-Floyd Co. Line	X	X		
Nashua Impoundment to Charles City Dam #2		X		
Charles City Impoundment				
Dam #2 to N line of Section 2, T95N, R16W, Floyd Co.	X	X		
Charles City Impoundment to Mitchell Impoundment				
Dam (S8, T98N, R17W, Mitchell Co.)		X		
Mitchell Impoundment				
Dam to N line of Section 8, T98N, R17W, Mitchell Co.	X	X		
Mitchell Impoundment to Iowa-Minnesota State Line		X		

Water Use Designations

	Water Uses			C
	A	B(W)	B(C)	
IOWA-CEDAR RIVER BASIN				
CEDAR RIVER SUBBASIN				
(Cedar R. Tributaries)				
<u>Pike Cr.</u>				
Mouth (S28, T76N, R4W, Muscatine Co.) to Cone Lake	X			
Cone Lake	X			
<u>Wapsinonoc Cr.</u>				
Mouth (Muscatine Co.) to confluence with W Br. Wapsinonoc Cr. (S24, T78N, R4W, Muscatine Co.)		X		
<u>Sugar Cr.</u>				
Mouth (Muscatine Co.) to N line of Section 29, T81N, R2W, Cedar Co.		X		
<u>Mud Cr.</u>				
Mouth (Muscatine Co.) to Muscatine Co. Rd. Y26 (E line of Section 1, T78N, R1W, Muscatine Co.)		X		
<u>Rock Cr.</u>				
Mouth (Cedar Co.) to Rd. crossing, SE quarter of Section 11, T81N, R3W, Cedar Co.		X		
<u>Rock Run Cr.</u>				
Mouth (Cedar Co.) to Rd. crossing in Section 17, T81N, R3W, Cedar Co.		X		
<u>Big Cr.</u>				
Mouth (Linn Co.) to confluence with Crabapple Cr. (S1, T83N, R6W, Linn Co.)		X		
<u>Indian Cr.</u>				
Mouth (Linn Co.) to confluence with Dry Cr. (S1, T83N, R7W, Linn Co.)		X		
<u>Prairie Cr.</u>				
Mouth (Linn Co.) to Hwy. 82 (W line of Section 13, T82N, R11W, Benton Co.)		X		
<u>Otter Cr.</u>				
Mouth (Linn Co.) to confluence of E Otter Cr. and W Otter Cr.		X		
<u>Hinkle Cr.</u>				
Mouth (Benton Co.) to S line of Section 23, T85N, R11W, Benton Co.		X		
<u>Pratt Cr.</u>				
Mouth (Benton Co.) to Hwy. 218 (S line of Section 12, T85N, R12W, Benton Co.)		X		



Water Use Designations

IOWA—CEDAR RIVER BASIN

CEDAR RIVER SUBBASIN

(Cedar R. Tributaries, Continued)

Bear Cr.

Mouth (Benton Co.) to N line of Section 17, T87N, R9W, Buchanan Co.

X

Line Cr.

Mouth (Benton Co.) to N line of Section 12, T87N, R10W, Buchanan Co.

X

Spring Cr.

Mouth (Black Hawk Co.) to N line of Section 2, T87N, R11W, Black Hawk Co.

X

Rock Cr.

Mouth (Black Hawk Co.) to Benton-Tama Co. Line

X

Wolf Cr.

Mouth (Black Hawk Co.) to confluence with Little Wolf Cr. (S5, T85N, R16W, Tama Co.)

X

Mud Cr.

Mouth (Black Hawk Co.) to W line of Section 15, T87N, R12W, Black Hawk Co.

X

Millers Cr.

Mouth (Black Hawk Co.) to Black Hawk Co. Rd. V37, (W line of Section 18, T87N, R12W, Black Hawk Co.)

X

Indian Cr.

Mouth (Black Hawk Co.) to N line of Section 19, T88N, R11W, Black Hawk Co.

X

Poyner Cr.

Mouth (Black Hawk Co.) to Hwy. 20 (S2, T88N, R12W, Black Hawk Co.)

X

Elk Run

Mouth (Black Hawk Co.) to N line of Section 15, T89N, R12W, Black Hawk Co.)

X

Black Hawk Cr.

Mouth (Black Hawk Co.) to Hwy. 58 (E Half of Section 27, T88N, R14W, Black Hawk Co.)

X

X

Hwy. 58 to confluence with Holland Cr. (S35, T88N, R17W, Grundy Co.)

X

A	Water Uses		C
	B(W)	B(C)	
	X		
	X		
	X		
	X		
	X		
	X		
	X		
	X		
	X		
	X		
	X		
X	X		
	X		

Water Use Designations

	Water Uses		C
	A	B(W) B(C)	
IOWA-CEDAR RIVER BASIN			
CEDAR RIVER SUBBASIN			
(Cedar R. Tributaries, Continued)			
<u>Dry Run</u> Mouth (S18, T89N, R13W, Black Hawk Co.) to W line of Section 27, T89N, R14W, Black Hawk Co.	X		
<u>Beaver Cr.</u> Mouth (Black Hawk Co.) to Butler-Franklin Co. Line		X	
<u>Johnson Cr.</u> Mouth (Butler Co.) to Butler Co. Rd. T25 (W line of Section 32, T91N, R17W, Butler Co.)		X	
<u>S Beaver Cr.</u> Mouth (Butler Co.) to confluence with Middle Fk. Beaver Cr. (Grundy Co.)		X	
<u>W Fk. Cedar R.</u> (See W Fk. Cedar R. Subbasin)			
<u>Quarter Section Run</u> Mouth (Bremer Co.) to Hwy. 3 (N line of Section 12, T91N, R13W, Bremer Co.)		X	
<u>Horton Cr. (aka Twomile Cr.)</u> Mouth (Bremer Co.) to Hwy. 188 (N line of Section 27, T93N, R14W, Bremer Co.)		X	
<u>Dry Run (aka Twomile Cr.)</u> Mouth (Bremer Co.) to Hwy. 188 (N line of Section 27, T93N, R14W, Bremer Co.)		X	
<u>Little Cedar R.</u> Mouth (Chickasaw Co.) to Iowa-Minnesota State Line		X	
<u>Burr Oak Cr.</u> Mouth (Mitchell Co.) to Mitchell Co. Rd. T46 (W line of S10, T98N, R16W, Mitchell Co.)		X	
Mitchell Co. Rd. T46 to N line of S5, T98N, R16W, Mitchell Co.			X
<u>Beaver Cr.</u> Mouth (Mitchell Co.) to Mitchell Co. Rd. A31 (N line of S19, T99N, R15W, Mitchell Co.)			X

Water Use Designations

	Water Uses			C
	A	B(W)	B(C)	
IOWA-CEDAR RIVER BASIN				
CEDAR RIVER SUBBASIN				
(Cedar R. Tributaries, Continued)				
<u>Rock Cr.</u>				
Mouth (Floyd Co.) to confluence with Goose Cr. (S35, T98N, R18W, Mitchell Co.)		X		
Goose Cr. to Hwy. 9 (N line of S26, T98N, R18W, Mitchell Co.)			X	
<u>Spring Cr.</u>				
Mouth (Mitchell Co.) to N line of Section 8, T97N, R16W, Mitchell Co.			X	
<u>Turtle Cr.</u>				
Mouth (Mitchell Co.) to E line of Section 7, T99N, R17W, Mitchell Co.			X	
<u>Deer Cr.</u>				
Mouth (Mitchell Co.) to Iowa-Minnesota State Line		X		
<u>Otter Cr.</u>				
Mouth (Mitchell Co.) to Iowa-Minnesota State Line		X		
WEST FORK CEDAR RIVER SUBBASIN				
<u>W Fk. Cedar R.</u>				
Mouth (Black Hawk Co.) to confluence of Bailey Cr. and Beaverdam Cr. (Franklin Co.)		X		
<u>Shell Rock R.</u>				
(See Shell Rock R. Subbasin)				
<u>Maynes Cr.</u>				
Mouth (Butler Co.) to D.D. 6 (S29, T91N, R20W, Franklin Co.)		X		
<u>Boylan Cr.</u>				
Mouth (Butler Co.) to Butler Co. Rd. T16 (W line of Section 4, T92N, R18W, Butler Co.)		X		

Water Use Designations

IOWA-CEDAR RIVER BASIN

CEDAR RIVER SUBBASIN

(W Fk. Cedar R. Tributaries, Continued)

	Water Uses		C
	A	B(W)	
<u>Hartgrave Cr.</u> Mouth (Butler Co.) to confluence of Otter Cr. and Squaw Cr. (S28, T92N, R19W, Franklin Co.)		X	
<u>Otter Cr.</u> Mouth (Franklin Co.) to Hwy. 65 (W line of Section 10, T92N, R20W, Franklin Co.)		X	
<u>Spring Cr.</u> Mouth (Franklin Co.) to dam at Beeds Lake (S20, T92N, R20W, Franklin Co.)		X	
Beeds Lake Dam to W line of Section 19, T92N, R20W, Franklin Co.	X	X	
Beeds Lake to W line of Section 21, T92N, R21W, Franklin Co.		X	
<u>Bailey Cr.</u> Mouth (Franklin Co.) to Franklin-Cerro Gordo Co. Line		X	
<u>Beaverdam Cr.</u> Mouth (Franklin Co.) to confluence with W Br. Beaverdam Cr. (S18, T94N, R20W, Cerro Gordo Co.)		X	
<u>E Br. Beaverdam Cr.</u> Mouth (Cerro Gordo Co.) to Hwy. 65 (E line of Section 9, T94N, R20W, Cerro Gordo Co.)		X	
SHELL ROCK RIVER SUBBASIN			
<u>Shell Rock R.</u> Mouth (Black Hawk Co.) to confluence with the Winnebago R.		X	
Winnebago R. to the Iowa-Minnesota State Line	X	X	
<u>Winnebago R.</u> (See Winnebago R. Subbasin)			
<u>Elk Cr.</u> Mouth (Worth Co.) to Hwy. 105 (S5, T99N, R22W, Worth Co.)		X	

Iowa Water Quality Standards
Water Use Designations

	A	Water Uses		C
		B(W)	B(C)	
NORTHEASTERN IOWA RIVER BASINS				
<u>Mississippi R.</u>				
Iowa R. to the Iowa-Minnesota State Line	X	X		
Davenport Water Company Water Works intake				X
WAPSIPINICON RIVER SUBBASIN				
(Mississippi R. Tributaries)				
<u>Muscatine Slough</u>				
Mouth (Louisa Co.) to S line of Section 4, T76N, R2W, Muscatine Co.		X		
<u>Duck Cr.</u>				
Mouth (Scott Co.) to Scott Co. Rd. Y48(W line of Section 13, T78N, R2E, Scott Co.)		X		
<u>Crow Cr.</u>				
Mouth (Scott Co.) to Scott Co. Rd. Z22 (S14, R4E, Scott Co.)		X		
<u>Wapsipinicon R.</u>				
Mouth (Scott-Clinton Co. Line) to Hwy. 67 (S22, R5E, Scott-Clinton Co. Line)	X	X		
Hwy. 67 to dam at Anamosa		X		
Anamosa Impoundment				
Dam to W line of Section 9, T84N, R4W, Jones Co.	X	X		
Anamosa Impoundment to dam at Central City		X		
Central City Impoundment				
Dam to N line of Section 33, T86N, R6W, Linn Co.	X	X		
Central City Impoundment to dam at Quasqueton		X		
Quasqueton Impoundment				
Dam to N line of Section 34, T88N, R8W, Buchanan Co.	X	X		
Quasqueton Impoundment to dam at Independence		X		
Independence Impoundment				
Dam to W line of Section 28, T89N, R9W, Buchanan Co.	X	X		
Independence Impoundment to N line of Section 3, R15W, Mitchell Co. (Town of McIntire)		X		
Town of McIntire to N line of Section 20, T100N, R15W, Mitchell Co.				X

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b. Once reproduction cost for each class of cars has been determined, depreciation, as defined in subrule 75.1(4), is then applied to each year's reproduction cost.

EXAMPLE:

<u>Year</u>	<u>Reproduction Cost</u>	x	<u>Depreciation (Percent Good)</u>	=	<u>Reproduction Cost Less Depreciation</u>
1970	249,671		.70		174,770
1971	536,159		.75		402,119
1972	379,500		.80		303,600
1973	233,988		.85		198,890
1974	123,256		.90		110,930
1975	180,000		.95		171,000
				System Actual Value	<u>1,361,309</u>

c. In order to expedite computation time, the director has developed a "combined index", which combines the composite annual index and the depreciation. The "combined index" is developed by the following procedure.

EXAMPLE:

$$\begin{array}{rclclcl} \text{Current Year Index (1975)} & \frac{253}{195} & = & 1.30 & \times & .90 & = & 1.17 \\ \text{Index in the Year of Acquisition (1974)} & & & & & \text{(percent good)} & & \text{(combined index)} \end{array}$$

75.3(2) Pursuant to section 441.21 of the Code, in the event that system actual value cannot be fairly and reasonably determined as provided in subrule 75.3(1), the director may consider such other factors as he deems appropriate by the exercise of sound discretion.

730—75.4(435) Determination of Iowa allocation factor.

75.4(1) The Iowa allocation factor is determined by a fraction whose numerator is Iowa miles traveled and whose denominator is system miles traveled for the same class of cars.

75.4(2) In the event that the Iowa allocation factor as described in subrule 75.4(1) does not fairly and reasonably attribute value to Iowa, the director may consider such other factors as he deems appropriate by the exercise of sound discretion.

730—75.5(435) Determination of Iowa assessed value. The Iowa assessed value is determined by applying the allocation factor described in rule 75.4(435) for each class of cars to system actual value for each class of cars computed pursuant to rule 75.3(435).

730—75.6(435) Determination of total Iowa assessed value. The total Iowa assessed value consists of the sum of the Iowa assessed values computed pursuant to rule 75.5(435).

730—75.7(435) Determination of tax. Tax due and payable is determined by applying the statewide average levy rate (as nearly as it can be determined) to the total Iowa assessed value. Commencing with the 1977 assessment the levy rate will be expressed in dollars per thousand.

approximate the value of the average number of cars present in Iowa during the year preceding the filing of the annual report.

75.1(7) The term "total Iowa assessed value" shall mean the sum of the Iowa assessed values determined for each class of cars.

75.1(8) The term "Iowa mileage" shall mean the miles traveled in Iowa by each class of cars of taxpayer's fleet irrespective of whether the car was loaded or empty.

75.1(9) The term "reproduction cost" shall mean the acquisition cost of the car multiplied by a fraction whose numerator is the current index and whose denominator is the index in the year of acquisition (see paragraph "a" of subrule 75.3(1)).

75.1(10) The term "system mileage" shall mean the total miles traveled everywhere by each class of cars in taxpayer's fleet irrespective of whether the cars were loaded or empty.

75.1(11) The term "year acquired" shall mean the year in which the car was purchased by the taxpayer.

75.1(12) The term "residual" shall mean the remaining value when fully depreciated. The residual may change from year to year depending upon what the director's judgment indicates is appropriate and reasonable by the exercise of sound discretion.

730—75.2(435) **Filing of annual report.** The filing of the annual report pertaining to freight-line and equipment car tax shall be made on the form provided by the director of revenue. Such additional statements or information as the director may require from time to time shall be supplied by the taxpayer on its own forms and shall be considered as part of the annual report.

Additional information filed by taxpayer, but not required by the director, shall be on separate schedules and will be considered part of the annual report.

All information required for the annual report must be complete when filed by taxpayer. If the annual report is incomplete, it shall be returned to taxpayer for completion. The completed annual report must be returned to the director on or before the first Monday in June or it will be considered delinquent and subject to the provisions of section 435.6 of the Code.

All acquisition cost as defined in subrule 75.1(2) shall be reported in the year of the expenditure (see paragraph "a" subrule 75.3(1)).

730—75.3(435) **Determination of system actual value.**

75.3(1) When the annual reports are received from the taxpayers the following methodology is employed to indicate actual value of each class of cars:

a. The Composite Annual Index, for account 53-freight train cars, provides a fraction (see subrule 75.1(9)), which, when applied to the acquisition cost as reported in that year, by taxpayer, determines reproduction cost for each class of cars.

EXAMPLE:

Index	Year of Acquisition	Number of Cars	Acquisition Cost	x Fraction	=	Reproduction Cost
152	1970	10(\$15,000 ea.)	\$150,000	253/152		\$ 249,671
151	1971	20(\$16,000 ea.)	\$320,000	253/151		536,159
170	1972	15(\$17,000 ea.)	\$255,000	253/170		379,500
173	1973	8(\$17,500 ea.)	\$160,000*	253/173		233,988
195	1974	5(\$19,000 ea.)	\$ 95,000	253/195		123,256
253	1975	9(\$20,000 ea.)	\$180,000	253/253		180,000
System Reproduction Cost Value						<u>\$1,702,574</u>

*In the year 1973, 4 cars acquired in 1970 had \$5,000 each expended for improvements or betterments to remain serviceable. Therefore the \$20,000 is to be recorded in the year 1973 along with the acquisition cost of the cars for the year 1973.

REVENUE DEPARTMENT[730]

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 the 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 Revenue proposes action to adopt rules relating to the determination of freight-line and equipment car tax pursuant to the authority of chapter 435 of the Code.

Any interested persons may submit their views in writing on these proposed rules on or before March 21, 1977, to the Director, Property Tax Division, Iowa Department of Revenue, Lucas State Office Building, Des Moines, Iowa 50319. A public hearing to discuss these rules will be held at 2:30 p.m. in Room 526 of the Lucas State Office Building in Des Moines on March 16, 1977.

Persons who want to orally convey their views other than at the public hearing should contact the Deputy Director for Property Tax, at 515-281-5641 or at the Property Tax Division on the fifth floor of the Lucas State Office Building.

Herein follows the substance of the intended action:

CHAPTER 75 DETERMINATION OF VALUE AND TAX FOR FREIGHT-LINE AND EQUIPMENT CAR COMPANIES

730—75.1(435) **Definition of terms.** As used in the rules contained herein the following definitions shall apply:

75.1(1) The term “*taxpayer*” means those companies as defined in sections 435.2 and 435.3, Code of Iowa.

75.1(2) The term “*acquisition cost*” shall mean the price paid for the car at the time of purchase if such car is owned; if such car is leased the acquisition cost shall mean the price at time of purchase by the owner. The acquisition cost shall also include all costs incurred or expended to make the car serviceable. “*Serviceable*” means the car has met the prescribed criteria for utilization by the taxpayer and meets the prescribed criteria as set forth in the Association of American Railroads Interchange Rules as adopted by the Association of American Railroads.

75.1(3) The term “*actual value*” shall mean the fair and reasonable market value of each class of cars of the taxpayer’s fleet.

75.1(4) The term “*depreciation*” shall mean the amount of physical wear and tear incurred by the cars of taxpayer during their useful life. Depreciation may change from year to year depending upon what the director’s judgment indicates is appropriate and reasonable by the exercise of sound discretion.

75.1(5) The term “*index*” shall mean the Interstate Commerce Commission’s Composite Annual Index for Account 53, freight train cars, developed by the Bureau of Accounts on May 24, 1976, and updated on an annual basis.

75.1(6) The term “*Iowa assessed value*” shall mean the pro-rata share of actual value of each class of cars reasonably attributable to the state of Iowa and is intended to

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If an employee does not appeal a decision rendered at any step of this procedure within the time prescribed by these rules, the decision will become final. If an institutional representative does not reply to an employee's grievance or appeal within the prescribed time, the employee may proceed to the next step. With the consent of both parties, any of the time limits prescribed in these rules may be extended.

Rescind Step 1 and insert the following:

Step 1. A dissatisfied employee will first discuss his or her problem with his or her immediate supervisor. It is presumed that the majority of disputes, complaints or misunderstandings will be resolved at this point. If the employee is still dissatisfied after such discussion, he or she may within ten days after the occurrence of the matter leading to the grievance or within ten days after such time that the employee has, or could reasonably be expected to have, knowledge of such occurrence, file a written grievance with his or her immediate supervisor. A written grievance will contain a brief description of the complaint or dispute and the pertinent circumstances and dates of occurrence. It will specify the institutional or merit system rule which has allegedly been violated and will state the corrective action desired by the employee. The supervisor will review the grievance with the employee and will transmit his or her decision to the employee in writing within five days after receiving the grievance.

Rescind Step 5 and insert the following:

Step 5. If the employee is not satisfied with the decision rendered under Step 4, he or she may within five days after receiving that decision request a hearing before an arbitrator. Such a request will be in writing, will include all of the information included in the initial grievance and subsequent appeals, all of the decisions related thereto, and any other pertinent information the employee may wish to submit.

The appeal will be signed and dated by the employee and will be directed to the merit system director who will arrange for a hearing before an arbitrator as prescribed under 3.129(2). The arbitrator will be expected to render a decision within thirty calendar days following the conclusion of the hearing.

The merit system director shall have the right to rule whether a case is grievable and arbitrable under the merit system. The merit system director shall have the right to refuse to refer to arbitration any grievance not found to be in full compliance with these rules involving the grievance procedure. The board of regents shall retain jurisdiction to review decisions of the merit director as to whether a matter is grievable or arbitrable upon appeal by an employee.

ITEM 22. Amend 720—3.141(19A) by inserting in line 5, after the word "Permanent" the words, "and probationary".

ITEM 23. 720—Chapter 3 is amended, wherever the word "he" appears in the rules, by adding the words "or she".

Further amend, wherever the word "his" appears in the rules, by adding the words "or her".

ITEM 24. 720—Chapter 3 is amended by striking the word "sick", wherever it appears in the rules and inserting, in lieu thereof the words, "medically related disability".

Further amend by striking the words "illness or injury", wherever they appear in the rules and inserting, in lieu thereof the words "medically related disability".

ITEM 25. 720—Chapter 3 is amended, wherever the words "merit system co-ordinator" appear, by striking the word "co-ordinator" and inserting in lieu thereof the word "director".

permanent employees," and insert the words, "Vacancies will be filled by promotion of qualified permanent employees in accordance with these rules, whenever practicable and feasible,".

Delete from 3.101(2), lines 3 and 4, the word "promotional".

Rescind 3.101(4) and insert the following:

3.101(4) Promotion by competitive examination. Examinations will be announced in accordance with 3.53(19A) and examination will be open to qualified persons in accordance with 3.54(19A). Qualified permanent employees who apply for promotion shall have five points added to their test scores. Certification and selection will be made in accordance with 3.67(19A) to 3.70(19A).

ITEM 17. Amend 720—3.102(19A) as follows:

Add to 3.102(2), line 8, after the word, "director.", the sentence, "Employees will be paid for special assignment in accordance with 3.39(6).".

ITEM 18. Amend 720—3.104(19A) as follows:

3.104(4) "g" is amended by deleting from line 3 the word "budgeted".

Further amend "g" by adding to the sentence which ends on line 3 with the word "layoff", the words, "excluding pay for special assignment, overtime, call back, leadworker status, shift differential, and on-call".

ITEM 19. Amend 720—3.116(19A) as follows:

Delete from 3.116(3), line 2, the words "of like status".

ITEM 20. Amend 720—3.127(19A) by adding, after the word "decision", at the end of line 9, the words "in writing within fifteen working days of the merit system director's decision".

Further amend by deleting the sentence on lines 13, 14 and 15 which reads as follows: "The decision of the review committee will stand until significant changes in the duties and responsibilities of the position can be shown." and insert, in lieu thereof, the sentences, "Any further appeals of the same position must be presented to the resident director in compliance with this section and will be considered a new appeal. An appeal will be considered on the basis of duties and responsibilities assigned at the time of the appeal, and in no case will the assignment of additional duties and responsibilities following the resident director's investigation of the appeal be considered during the process of appeal as outlined above."

ITEM 21. Amend 720—3.129(19A) as follows:

Rescind the first paragraph, lines 1 to 9, and insert the following two paragraphs:

720—3.129(19A) Grievances. Disputes or complaints by permanent employees regarding the interpretation or application of institutional rules governing terms of employment or working conditions (other than general wage levels) or the provisions of these merit system rules (other than disputes whose resolution is provided for in 3.127(19A) and 3.128(19A)) will be resolved in accordance with the following procedure, except at institutions where a varied procedure has been approved by the merit system director in accordance with 3.129(1). Employees in an initial probationary period will be allowed access to the grievance procedure with the right to appeal in writing at steps within the institution. The institutional representative may permit an oral presentation at any step if he/she deems one necessary. At each step of the grievance procedure, the employee may be represented by one or two persons of his/her choosing. The name of such representatives will be noted on the written grievance and on each subsequent appeal. Presentations, reviews, investigations and hearings held under this procedure may be conducted during working hours, and employees who participate in such meetings will not suffer loss of pay as a result thereof.

ITEM 7. Amend 720—3.67(19A) as follows:

Strike from 3.67(1), line 3, the word “eligible” and insert the word “eligibility”.

Strike from 3.67(1)“b”, line 1, the word “eligible” and insert in lieu thereof, the word “eligibility”.

Insert in 3.67(2), line 2, after the words “three years” the words “as designated by the resident director”.

Rescind subrule 3.67(4) and insert the following:

3.67(4) Precedence of eligibility lists. For appointment to permanent positions, eligibility lists will be used as follows:

Re-employment lists will supersede employment lists.

In the absence of re-employment lists, vacancies will be filled from employment lists in accordance with these rules.

ITEM 8. 720—3.69(19A) is amended as follows: Delete from line 10 the word “eligibility”.

Further amend by deleting from line 11 the word “eligibility”.

Delete from 3.69(2), line 5, the word “register” and insert the words “eligibility list”.

ITEM 9. Amend 720—3.70(19A) by deleting from line 6 the words “a department to hire any candidate,” and inserting the words “the hiring of any candidate,”.

ITEM 10. Amend 720—3.81(19A) by adding to the sentence on line 3, after the word “specified”, the following words: “and no appointment shall be made without the prior approval of the resident director.”

ITEM 11. Rescind 720—3.82(19A) and insert the following:

720—3.82(19A) Temporary appointments. Temporary appointments may be made and approved by the resident director to provide for services needed on a periodic basis. Employees appointed on this basis will not work more than 120 days or 960 hours in any twelve-month period, but may, at the request of an employing department, be returned to duty in successive years.

ITEM 12. Rescind 720—3.84(19A) and insert the word “Reserved.”

ITEM 13. Amend 720—3.86(19A) by striking from line 1 the words “a register”, and inserting the words, “an eligibility list”.

Further amend by inserting, after the word “class” in line 6, the words “in accordance with 3.90(2) of these rules,”.

ITEM 14. Delete from 720—3.89(19A), line 6, the word “register” and insert the word “list”.

ITEM 15. Amend 720—3.90(19A) as follows:

Delete from 3.90(3), line 3, the word “register” and insert the words “eligibility list”.

Delete from 3.90(4), line 2, the word “register” and insert the words “eligibility list”.

ITEM 16. Amend 720—3.101(19A) as follows:

Delete from 3.101(1), lines 1 and 2, the words “In accordance with these rules and as far as practical and feasible, all vacancies will be filled by the promotion of qualified

a higher maximum rate of pay, subrule 3.39(3) "Pay on promotion" will apply.

If the class of position is revised, and the result is the reassignment to a pay grade with a lower maximum rate of pay, subrule 3.39(4) "Pay on demotion" will apply.

Amend 3.39(11) by deleting from lines 1 and 2 the words "Employees who are called back to work after completing their regular work schedule will be paid for a minimum period of two hours;"

Amend 3.39(13), line 3, after the word "satisfactory" by inserting the following words, "as determined by the employing department,"

Rescind 3.39(14) and insert the word "Reserved."

Rule 3.39(19A) is further amended by adding the following subrule:

3.39(18) Pay on reclassification of position. If a position is reclassified, the incumbent's pay will be fixed in accordance with the rules governing pay on demotion, transfer, or promotion, whichever is applicable. A promotional pay increase will not be granted to an employee whose position is reclassified to the class of position previously held by the employee where the position being reclassified was accepted as a voluntary demotion in lieu of layoff, and will be considered re-employment.

ITEM 4. Amend 720—3.52(19A) as follows:

Amend 3.52(3) by deleting from line 3 the words "resident director" and inserting the words "merit system director".

Further amend by deleting the words "adopt or" from line 3.

ITEM 5. Amend 720—3.55(19A) by deleting from line 9 after the number "6." the words, "Has reached or will within one year reach normal retirement age;" and inserting, in lieu thereof, the words, "Has reached normal retirement age of the institution;"

ITEM 6. Amend 720—3.56(19A) as follows:

Amend 3.56(3) by inserting after the word "fifteen", in line 2, the word "working".

Amend 3.56(5) by deleting from lines 1 and 2 the words, "who has passed an examination for employment in a class" and inserting the words "whose name is on the eligibility list for a class".

Delete from lines 2 and 3 the words, "the results of that examination" and insert: "the results of the examination(s) the applicant has taken for that class".

Further amend by striking from line 4 the words, "register of eligibles" and inserting "eligibility list".

Delete from lines 13 and 14 the words, "the results of a promotional examination taken by an employee of another regents institution" and insert the words "the addition of five points to the test scores given for promotional purposes at another regents institution."

Amend 3.56(6) by deleting the catchwords "Applicants address." and inserting in lieu thereof the catchwords, "Applicant's address."

Further amend by adding to line 2 after the word "correct.", the sentence, "Failure to do so may result in the removal of the applicant's name from an eligibility list as set forth in 3.67(1)'f."

Rescind 3.56(8) and insert the following:

3.56(8) Veterans preference. Veterans preference shall be given by the addition of extra points to examination scores as provided by law (19A.9(21)).

leadworker pay, shift differential, pay for special assignment, or on-call pay shall be excluded as a part of the employee's present salary."

Further amend by adding a fourth paragraph, starting on line 12 after the words "present salary.", the new paragraph to read as follows:

"The merit review date will be computed from the effective date of promotion and in accordance with 3.39(2)."

Rescind 3.39(4) and insert the following:

3.39(4) Pay on demotion. Upon recommendation by the department head, and with the prior approval of the resident director, the pay of an employee who is demoted will be set at any step within the new pay grade that does not exceed the rate at which the employee was paid in the position from which the employee was demoted. Merit review date will not change.

Rescind 3.39(5) and insert the following:

3.39(5) Pay on reinstatement, re-employment or return from leave. An employee who is reinstated to the previously occupied class will be paid at a rate no less than what the employee was last paid and no higher than that provided at the step of the pay grade at which the employee was last paid with the prior approval of the resident director. An employee who is reinstated to a lower class will be paid in accordance with subrule 3.39(4) pay on demotion. The date of reinstatement will be the merit review date.

An employee who is re-employed to the previously occupied class, will be paid at a rate no less than what the employee was last paid and no higher than that provided at the step of the pay grade at which the employee was last paid with the prior approval of the resident director. When a merit increase has been granted to an employee in a position taken through voluntary demotion in lieu of layoff and the merit increase results in a higher rate of pay than last paid to the employee prior to the voluntary demotion in lieu of layoff, the employee may be re-employed to the previously occupied class with the higher rate of pay. Re-employment to the previously occupied position or class of position from a position taken as a voluntary demotion in lieu of layoff will not be considered a promotion. The merit review date will not change as a result of the voluntary demotion in lieu of layoff, nor as a result of re-employment to the previously occupied class from a position taken as a voluntary demotion in lieu of layoff.

An employee who is reappointed to the previously occupied position or position in the same class on conclusion of a leave without pay will be paid in accordance with the provisions concerning pay on re-employment as provided above.

Amend 3.39(6) by deleting from line 5 the words "at the next higher step," and inserting the words "an additional two steps,".

Delete from line 7 the word "minimum" and insert the word "maximum".

Delete from line 9 the word "minimum" and insert the words "maximum rate".

Amend 3.39(7) by adding, after the word "thereof", in line 3, the following: "except where the transfer is made to a class where an advanced starting rate has been approved, and then the employee shall be moved to the designated advanced starting rate provided the current rate is below the advanced starting rate, and provided the minimum qualifications are met for the class. Where the employee's rate of pay is equal to or greater than the advanced starting rate, the rate of pay shall remain unchanged. The merit review date shall be changed where the adjustment results in an increase of two steps or greater; otherwise, it shall remain unchanged."

Rescind 3.39(8) and insert the following revised subrule:

3.39(8) Pay on reassignment of a revised class of position to a different pay grade. If the class of position is revised and the result is the reassignment of the class to a pay grade with

Amend 3.14(13) by striking from line 1 the words, "who has been laid off" and inserting "from a re-employment list. An employee may be placed on a re-employment list as a result of (a) layoff or voluntary demotion in lieu of layoff, or (b) medically related disability leave and exhaustion of vacation and medically related disability leave credits."

Amend 3.14(14) by striking from line 1 the word "an" and inserting the words, "a permanent".

Rule 720—3.14(19A) is further amended by adding the following subrules:

3.14(17) "*Classify*" or "*allocate*" means to make the original assignment of a position to an appropriate class on the basis of the duties and responsibilities assigned and to be performed.

3.14(18) "*Reclassify*" or "*reallocate*" means to make a reassignment or change in the allocation of a position by raising it to a higher, reducing it to a lower, or moving it to another class of the same level on the basis of significant changes in the kind or difficulty of the tasks, duties, and responsibilities in such position, or because of an amendment to the classification plan, and officially assigning to that position the class title for such appropriate class of position.

3.14(19) "*Classification appeal*" is the act of contesting the classification or reclassification of a position.

3.14(20) "*Minimum rate*" is Step 1 of the pay grade to which a classification is assigned. It is less than an "Advanced starting rate."

3.14(21) "*Advanced starting rate*" is a rate or step of the pay grade which is greater than the minimum rate (Step 1) of the pay grade for a specific class as provided for in the approved pay plan.

3.14(22) "*Maximum rate*" is the final step of the pay grade to which a classification is assigned. A "red-circled" rate is above the maximum.

3.14(23) "*Transfer*" means a change from a position in one class to a different position in the same class in another department or institution, or to a position in a different class which is assigned to the same pay grade having the same maximum rate.

ITEM 2. Amend 720—3.25(19A) by striking from line 7, the words "type of".

ITEM 3. Rule 720—3.39(19A), line 5, is amended by adding after the words "which the", the word "employee's".

Amend 3.39(1), line 3, by adding after the word "assigned" the words "or in accordance with the approved pay plan,".

Subrule 3.39(1)"b", line 2, is amended by inserting after the word "required" the words "for the class."

Strike from line 3 the word "institution" and insert the words "employing department".

Amend 3.39(2), line 8, by adding after the words, "denied or deferred", the words "by the employing department".

Further amend, starting with line 12 before the words, "An extra meritorious increase", add the sentence: "Denials or deferrals of a merit increase for six months or less for reason of unsatisfactory work performance will not result in the establishment of a revised merit review date. Deferrals resulting from leaves of absence without pay, layoff, or medically related disability leave exceeding thirty calendar days will cause a change of the merit review date equal to the time away from work."

Amend 3.39(3), line 4, by adding after the sentence ending with "present salary." the sentence, "For the purpose of calculating the promotional increase, any extra pay such as

REGENTS, BOARD OF[720]

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 the 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 262.12 of the Code, the state board of regents proposes to amend chapter 3 of the board of regents rules appearing in the Iowa Administrative Code, relating to the board of regents.

Members of the public who wish to express views on these proposed amendments may present them in writing to R. Wayne Richey, Executive Secretary, State Board of Regents, Grimes State Office Building, Des Moines, Iowa 50319. Letters received on or before Friday, March 18, 1977 will receive consideration. If a request is received for an oral presentation as provided by section 17A.4(1)"b" of the Code by Monday, March 21, 1977, the presentation may be made at the above-named office on Thursday, March 24, 1977.

Amendments are as follows:

ITEM 1. 720—3.14(19A) is amended as follows:

Delete 3.14(2) and insert the following:

3.14(2) "*Class*" or "*class of position*" means one or more positions, which are sufficiently similar in duties and responsibilities, that each position in the group can be given the same job title, require the same minimum qualifications as to education and experience, can be filled by substantially the same test of ability or fitness, and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.

Delete 3.14(3) and insert the following:

3.14(3) "*Demotion*" means a change of a classified employee from a position in a given classification to a position in a classification with a lower maximum rate of pay. Demotion may be voluntary, involuntary, or result from a reclassification of a position.

Amend 3.14(9), line 2, by inserting after the word "to" the words, "be performed by".

Amend 3.14(10), line 2, by inserting after the word "original" the words, "or promotional".

Rescind 3.14(11) and insert the following:

3.14(11) "*Promotion*" means a change in status of a permanent classified employee from a position in a classification to another position in a classification having a higher maximum rate of pay.

Amend 3.14(12) by striking from lines 1 and 2, "a change in duties or organization," and inserting "a material change in duties or organization or abolishment of one or more positions."



MERIT EMPLOYMENT DEPARTMENT[570]

AMENDMENT TO NOTICE OF INTENDED ACTION

A public hearing will be held on Thursday, February 24, 1977, 8:15 a.m., in the Grimes Conference Room, North Half, First Floor, Grimes State Office Building, East Fourteenth and Grand Avenue, Des Moines, Iowa, at which oral presentation may be given on subrule 11.1(3).

The Notice of Intended Action on proposed subrule 11.1(3) was published in the IAC Supplement dated January 12, 1977.



HEALTH DEPARTMENT[470]

BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY EXAMINERS

The board of speech pathology and audiology examiners, pursuant to the authority of Senate File 476, Acts of the 66th General Assembly, and section 7 of Senate File 1288, Acts of the 66th General Assembly, and sections 17A.3, 17A.4, and 147.36 of the Code, adopts the following rules relating to the board of speech pathology and audiology examiners. [Chapter 155]

For complete text of Chapter 155, see replacement pages for IAC in Part II of this Supplement.

[Filed February 2, 1977]

A Notice of Intended Action regarding these rules was published in the December 29, 1976 IAC Supplement. These rules shall become effective on March 30, 1977. Two minor corrections were made as a result of further consideration. No written suggestions or comments were received.

[Published February 23, 1977]



HEALTH DEPARTMENT[470]

CHIROPRACTIC BOARD OF EXAMINERS

Pursuant to the authority of sections 17A.3, 135.11(15), and chapter 151 of the Code, the following amendments of the rules of the Chiropractic Board of Examiners, chapter 141, appearing in the Iowa Administrative Code published 10/20/76 are adopted.

ITEM 1. Amend 141.6(2), line three, by inserting after "thereof" the words "existing as of July 1, 1976".

ITEM 2. Amend 141.6(3)"d" by striking everything after "include" and inserting "all electives of said national board, existing as of July 1, 1976".

ITEM 3. Amend 141.6(4) by striking all after the word "abilities," and inserting in lieu thereof, "in the practice of chiropractic."

ITEM 4. Amend 141.8(1) by inserting in line three after the word "1976" the words "or one that meets equivalent standards thereof".

ITEM 5. Amend 141.8(2), line three, by inserting after "education" the words "existing as of July 1, 1976".

[Filed February 3, 1977]

These amendments to chapter 141 are adopted pursuant to 17A.4(2) of the Code on the basis that public participation would be impractical and unnecessary since the rules to which these amendments apply have already been before the public and these amendments are minor, merely establishing a qualifying date, and do not substantially change the original rules. The majority of these amendments are made pursuant to the recommendation of the legislative Administrative Rules Review Committee.

These rules will become effective March 30, 1977.

[Published February 23, 1977]

✓ ITEM 9. Insert new paragraph 59.23(1), "p", which reads as follows: "Oral suctioning (to be performed only by a registered nurse or licensed practical nurse or by a qualified aide under the direction of a registered nurse or licensed practical nurse). (I,II,III)"

✓ ITEM 10. Amend 59.23(2), "a", by reversing the words "injectable" and "instillations" so that the paragraph reads as follows: "Administration of all medications as ordered by the physician including oral, instillations, topical, injectable (to be injected by a registered nurse or licensed practical nurse only); (I,II)"

✓ ITEM 11. Amend 59.24(12) by striking the word "daily" and inserting in lieu thereof the word "routinely".

✓ ITEM 12. Strike 59.26(7) and insert in lieu thereof the following: "Unless the unit dose system is used, the person assigned the responsibility of medication administration must complete the procedure by personally preparing the dose, observing the actual act of swallowing the oral medication, and charting the medication. (II) In facilities where the unit dose system is used, the person assigned the responsibility must complete the procedure by observing the actual act of swallowing the medication and charting the medication. (II) Medications shall be prepared on the same shift of the same day that they are administered, unless the unit dose system is used. (II)"

✓ ITEM 13. Amend 59.29(5), "b", by adding the words "and tasty" before the period so that the paragraph reads as follows: "Foods shall be attractively served and tasty. (III)"

✓ ITEM 14. Amend 59.29(7), "a", by striking the year "1975" and inserting in lieu thereof the year "revised 1976".

✓ ITEM 15. Amend 59.29(8), "e", by striking the word "basin" in the second sentence and inserting in lieu thereof the word "sink".

✓ ITEM 16. Amend 59.40(6), "a", by striking "(III)" and inserting in lieu thereof the following: "(II,III)".

✓ ITEM 17. Amend 59.43(3), "g", by striking after the word "denture" the word "caps" and inserting in lieu thereof the word "cups"; by striking before the word "thermometer" the word "mouth" and inserting in lieu thereof the word "oral"; by adding at the end of the paragraph the items "Weight scales" and "Scales for nonambulatory patients".

[Filed February 4, 1977]

No Notice of Intended Action was published on these amendments because the Health Department finds, pursuant to section 17A.4(2), that notice and public participation would not be necessary. These amendments were the result of: (1) Changes suggested by the Administrative Rules Review Committee; (2) comments and changes suggested by members of the industry and the public subsequent to the publishing of the rules; and (3) changes suggested by interested persons in writing to the department.

These rules, filed without notice, shall become effective March 30, 1977.

[Published February 23, 1977]

unit dose system is used, the person assigned the responsibility must complete the procedure by observing the actual act of swallowing the medication and charting the medication. (II) Medications shall be prepared on the same shift of the same day that they are administered, unless the unit dose system is used. (II)"

ITEM 13. Insert new paragraph 58.24(2), "f", which reads as follows: "In facilities licensed for over fifteen beds, food service personnel shall be on duty during a twelve-hour span extending from the preparation of breakfast through supper. (III)"

ITEM 14. Amend 58.24(5), "b", by adding the words "and tasty" before the period so that the paragraph reads as follows: "Foods shall be attractively served and tasty. (III)"

ITEM 15. Amend 58.24(7), "a", by striking the year "1975" and inserting in lieu thereof the year "revised 1976".

ITEM 16. Amend 58.24(8), "e", by striking the word "basin" in the second sentence and inserting in lieu thereof the word "sink".

ITEM 17. Amend 58.35(6), "a", by striking "(III)" and inserting in lieu thereof the following: "(II,III)".

ITEM 18. Amend 58.38(3), "g", by striking after the word "denture" the word "caps" and inserting in lieu thereof the word "cups"; by striking before the word "thermometer" the word "mouth" and inserting in lieu thereof the word "oral"; by adding at the end of the paragraph the items "Weight scales" and "Scales for nonambulatory patients".

CHAPTER 59 SKILLED NURSING FACILITIES

ITEM 1. Amend 59.13(1), "i", by striking the word "on" in the first sentence and inserting in lieu thereof the word "in"; by adding before the words "60-hour" in the first sentence the words ", state approved,".

ITEM 2. Amend 59.13(2), "c", by adding after the words "supervising nurses" the words ", including charge nurses,".

ITEM 3. Amend 59.13(2), "k", by striking the word "fifty" and inserting in lieu thereof the words "seventy-five".

ITEM 4. Strike 59.19(5), "d", and insert in lieu thereof the following: "When the facility ceases to operate, the resident's record shall be released to the facility to which the resident is transferred. If no transfer occurs, the record shall be released to the individual's physician. (III)"

ITEM 5. Amend 59.19(2), "e", by adding before the semicolon the word "quarterly".

ITEM 6. Rescind 59.22(1) and renumber the following subrules.

ITEM 7. Amend 59.22(3) by striking the second sentence which reads as follows: "All care relative to any degree of confusion, disorientation, forgetfulness, or communication disorder shall be provided on an individual basis."

ITEM 8. Amend 59.23(1), "o", by striking the period at the end of the sentence and inserting in lieu thereof a semicolon.

✓ ITEM 13. Amend 57.30(7), "a", by striking "(III)" and inserting in lieu thereof the following: "(I,II)".

✓ ITEM 14. Amend 57.30(8), "b", by striking the words "shall be surveyed and".

✓ ITEM 15. Strike 57.30(9) and insert in lieu thereof the following: "Attendant's station. In facilities over fifteen beds, an attendant's station with a minimum of forty square feet shall be provided which is centrally located in the resident area and shall have a well-lighted desk with the necessary equipment for the keeping of required records and supplies. (III)"

CHAPTER 58 INTERMEDIATE CARE FACILITIES

✓ ITEM 1. Amend 58.11(1), "i", by adding before the words "sixty-hour" in the first sentence the words ", state-approved,".

✓ ITEM 2. Amend 58.11(2), "c", by adding after the words "supervising nurses" the words ", including charge nurses,".

✓ ITEM 3. Amend 58.11(2), "j", by striking the word "fifty" and inserting in lieu thereof the words "seventy-five".

✓ ITEM 4. Amend 58.15(2), "e", by adding before the semicolon the word "quarterly".

✓ ITEM 5. Strike 58.15(5), "d", and insert in lieu thereof the following: "When the facility ceases to operate, the resident's record shall be released to the facility to which the resident is transferred. If no transfer occurs, the record shall be released to the individual's physician. (III)"

✓ ITEM 6. Rescind 58.18(2) and renumber the following subrules.

✓ ITEM 7. Amend 58.18(3) by striking all of the second sentence which reads as follows: "All care relative to any degree of confusion, disorientation, forgetfulness, or communication disorder shall be provided on an individual basis."

✓ ITEM 8. Amend 58.19(1), "o", by striking the period at the end of the sentence and inserting in lieu thereof a semicolon.

✓ ITEM 9. Insert new paragraph 58.19(1), "p", which reads as follows: "Oral suctioning (to be performed only by a registered nurse or licensed practical nurse or by a qualified aide under the direction of a registered nurse or licensed practical nurse). (I,II,III)"

✓ ITEM 10. Amend 58.19(2), "a", by reversing the words "injectable" and "instillations" so that the paragraph reads as follows: "Administration of all medications as ordered by the physician including oral, instillations, topical, injectable (to be injected by a registered nurse or licensed practical nurse only); (I,II)"

✓ ITEM 11. Amend 58.20(12) by striking the word "daily" and inserting in lieu thereof the word "routinely".

✓ ITEM 12. Strike 58.21(7) and insert in lieu thereof the following: "Unless the unit dose system is used, the person assigned the responsibility of medication administration must complete the procedure by personally preparing the dose, observing the actual act of swallowing the oral medication, and charting the medication. (II) In facilities where the

HEALTH DEPARTMENT[470]

Pursuant to the authority of chapter 135C, Code of Iowa (1975) and sections 23 and 37 of chapter 119 of the Acts of the Sixty-sixth General Assembly, 1975 Session, chapters 57, 58, and 59 are hereby amended.

CHAPTER 57 RESIDENTIAL CARE FACILITIES

✓ ITEM 1. Amend 57.16(1), "l", by adding before the semicolon the word "quarterly".

✓ ITEM 2. Strike 57.16(3), "d", and insert in lieu thereof the following: "When the facility ceases to operate, the resident's record shall be released to the facility to which the resident is transferred. If no transfer occurs, the record shall be released to the individual's physician. (III)"

✓ ITEM 3. Insert new subrule 57.17(10) which reads as follows: "No nonambulatory resident shall be admitted or retained in a residential care facility. (II)"

✓ ITEM 4. Strike 57.19(3), "b", and insert in lieu thereof the following: "Unless the unit dose system is used, the person assigned the responsibility of medication administration must complete the procedure by personally preparing the dose, observing the actual act of swallowing the oral medication, and charting the medication. (II) In facilities where the unit dose system is used, the person assigned the responsibility must complete the procedure by observing the actual act of swallowing the medication and charting the medication. (II) Medications shall be prepared on the same shift of the same day that they are administered, unless the unit dose system is used. (II)"

✓ ITEM 5. Amend 57.21(4), "a", by striking the year "1975" and inserting in lieu thereof the year "revised 1976".

✓ ITEM 6. Strike 57.21(4), "r", and insert in lieu thereof the following: "In facilities over fifteen beds, a mechanical dishwasher is required. (III)"

✓ ITEM 7. Strike 57.21(4), "t", and insert in lieu thereof the following: "A three-compartment pot and pan sink with 110°F (43°C) to 115°F (46°C) water for washing, a compartment for rinsing with water at 170°F (76°C) to 180°F (82°C) for sanitizing with space for air drying, or a two-compartment sink with access to a mechanical dishwasher for sanitizing all utensils shall be provided. (III)"

✓ ITEM 8. Amend 57.21(5), "e", by striking the word "basin" in the second sentence and inserting in lieu thereof the word "sink".

✓ ITEM 9. Strike 57.22(3) and insert in lieu thereof the following: "There shall be a social services plan which included specific goals and regular evaluation of progress. (III)"

✓ ITEM 10. Insert new subrule 57.26(14) which reads as follows: "Personal possessions of residents which may constitute hazards to themselves or to others shall be removed and stored. (III)"

✓ ITEM 11. Amend 57.30(1), "k", by adding after the word "each" the word "open".

✓ ITEM 12. Amend 57.30(3), "a", by striking the words "over fifteen beds".



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 the 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 optometry examiners, pursuant to the authority of section 7 of Senate File 1288, Acts of the 66th General Assembly, and sections 17A.3, 17A.4, and 147.36 of the Code, proposes to amend the existing rule appearing in chapter 160, relating to license fees.

Interested persons, governmental agencies and associations may present written comments or statements concerning the proposed amendment not later than 4:30 p.m., March 28, 1977 to Peter J. Fox, J.D., Hearing Officer, State Department of Health, Lucas State Office Building, Des Moines, Iowa 50319. A public hearing will be held at 1:00 p.m., March 28, 1977 in the conference room of the Iowa State Department of Health, Lucas State Office Building, Des Moines, Iowa.

ITEM 1. Amend 160.4(3) by striking the word "forty" and inserting in lieu thereof the word "thirty-five".

144.2(4) An application for study group recognition will not be approved if the proposed meeting place is within twenty-five miles radius of the meeting place of an already existing study group.

144.2(5) No study group will be recognized that does not maintain a minimum membership of eight optometrists and each group must conduct not less than nine sessions during any one study compliance year. Each session shall not receive more than two hours credit for study compliance, provided, however, that on prior request to the board approval may be given in special circumstances for a session to exceed two credit hours.

144.2(6) The secretary of the board shall give written notice to all optometrists licensed and practicing in Iowa, prior to June 1 of each year, of all local study groups that have been approved by the board and the name of the person in each such approved study group who may be contacted for information concerning the dates, location, and subject matter of the various study meetings to be held by the particular study group. The secretary also at such time shall give notice of all other special meetings or seminars, if any, that have been approved as of June 1 by the board for credit toward the required hours for study compliance.

to the schedule of subjects in which the applicant was examined and the rating given thereon and the general average attained.

143.6(7) If the examination failed to include one or more of the subjects required by the board, the applicant may be required to take a supplementary examination before the board in the subjects omitted, and ratings awarded thereon shall be added to those of the former examination in order to determine the general average.

143.6(8) Each applicant will be required to make on the application form a sworn statement of the number and date of each examination taken prior to application to the board together with the ratings obtained thereon at each, a statement as to all the places where practiced, the character of practice engaged in (general, special, itinerant), and the length of time so engaged in each and whether or not any certificate issued has ever been suspended or revoked.

CHAPTER 144 RULES GOVERNING STUDY COMPLIANCE FOR LICENSE RENEWAL AND REINSTATEMENT

470—144.1(154) General.

144.1(1) The optometric study compliance year shall extend from June 1 to May 31, during which period attendance at approved study sessions may be used as evidence of study fulfillment requirements for the subsequent license renewal year beginning July 1 and expiring June 30.

144.1(2) The educational requirement shall be twelve clock hours of attendance and study at approved study sessions.

144.1(3) The required number of study hours may be obtained by one or all of the following methods:

- a. The annual continuing educational program of the Iowa optometric association;
- b. Postgraduate study sessions or seminars at an accredited school of optometry;
- c. Local study group programs approved by the board;
- d. Other meetings or seminars either within or without the state of Iowa that may be approved in advance by the board with such request for approval to be made to the board at least fourteen days prior to said meeting or seminar. Programs, speakers and subject matter must accompany request;
- e. Home study material specified and approved by the board in cases of extenuating circumstances. Such will be allowed only upon submission of satisfactory evidence to the board of such circumstance and inability to acquire the number of study hours.

144.1(4) Certification to the board of attendance at any of the foregoing shall be submitted within seven days of said meeting by the secretary or chairman of the organization or group sponsoring said meeting, the dean of optometry school, or in the case of special meetings approved by the board, a person so designated by the board.

144.1(5) Applicants to be considered for reinstatement who have not practiced for one or more years must complete the appropriate forms, satisfy Iowa requirements for continuing education study hours and pay license fee for each year out of practice.

470—144.2(154) Local study groups.

144.2(1) Application to establish an authorized study group must be filed with the secretary of the board by April 30 for subsequent study compliance year June 1 to May 31. Late applications may be accepted at the discretion of the board and for good cause.

144.2(2) Each study group must apply to and be approved by the board of optometry examiners each study compliance year on appropriate forms to be obtained from the secretary of the board.

144.2(3) Failure of a study group to apply to and be approved by the board during any study compliance year will render attendance at the unapproved study group invalid as evidence for study compliance for license renewal for the subsequent license year.

143.4(2) The petition shall be typed, signed by or on behalf of the petitioner, and contain a detailed statement of:

a. The rule the petitioner is requesting the board to promulgate, amend or repeal. Where amendment of an existing rule is sought, that rule shall be set forth in full with matter proposed to be deleted therefrom enclosed in brackets and proposed additions thereto shown by underlining.

b. Facts in sufficient detail to show the reasons for adoption, amendment or repeal.

c. All propositions of law to be asserted by petitioner.

d. Sufficient facts to show how petitioner will be affected by the requested action.

e. The name and address of the petitioner.

143.4(3) The petition shall be deemed filed when received by the board.

143.4(4) Upon receipt of the petition the board:

a. Shall advise petitioner that he or she has thirty days in which to submit written views.

b. May schedule oral presentation of petitioner's views.

c. Shall, within sixty days after submission of the petition, either deny the petition or initiate rulemaking procedures.

143.4(5) In the case of a denial of a petition to promulgate, amend or repeal a rule, the board shall issue an order setting forth its reasons for such denial. The order shall be mailed to the petitioner.

470—143.5(154) Rules for examinations.

143.5(1) All applicants for examination shall apply to the State Department of Health, Lucas State Office Building, Des Moines, Iowa 50319 for application forms.

143.5(2) The forms properly completed shall be filed with the department, together with satisfactory evidence of compliance with section 154.3 (1) and (2) of the Code of Iowa, fifteen days prior to the examination.

143.5(3) The examination for admission to practice optometry in Iowa shall consist of the following:

a. Sections one and two of the examination by the national board of examiners in optometry.

b. Written, oral and practical examination as determined and conducted by the board.

143.5(4) Any applicant failing in the first examination shall be entitled to a second examination within fourteen months after the first examination without fee or filing a new application.

470—143.6(154) Reciprocity.

143.6(1) Applicants for licensure to practice optometry in the state of Iowa, who are currently licensed by any other state licensing board, will be considered on an individual basis.

143.6(2) A license may be granted by the board with as much examination as may be required to establish proficiency and desirability of any such applicant.

143.6(3) All applications for reciprocity shall be made on the official forms supplied by the State Department of Health, Lucas State Office Building, Des Moines, Iowa 50319.

143.6(4) The application forms properly completed, accompanied by a fee, the state licensing certificate (or duplicate copy of same) of the state from which applicant desires to reciprocate, and the optometry college diploma or in lieu thereof a certified statement from the authorities of the optometry college, regarding the issuance of the diploma and the date of same, shall be filed with the department at least seventy days prior to date of examination or board meeting.

143.6(5) Each applicant must furnish certified evidence of three or more years' practice lawfully and continuously in the state from which the applicant desires to reciprocate, immediately preceding the filing of the application for reciprocity.

143.6(6) The statements made in the application must be reviewed and verified by the secretary of the state examining board issuing the original certificate who will also certify as

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 the 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 optometry examiners, pursuant to the authority of section 7 of Senate File 1288, Acts of the 66th General Assembly, and sections 17A.3, 17A.4, and 147.36 of the Code, proposes to rescind the existing rules designated as chapter 143, relating to optometry examiners reciprocity or interstate endorsement, and chapter 144, relating to optometry examiners study compliance for license renewal, and adopt the following rules relating to the board of optometry examiners.

Interested persons, governmental agencies and associations may present written comments or statements concerning the proposed rules not later than 4:30 p.m., March 28, 1977 to Peter J. Fox, J.D., Hearing Officer, State Department of Health, Lucas State Office Building, Des Moines, Iowa 50319. A public hearing will be held at 1:00 p.m., March 28, 1977 in the conference room of the Iowa State Department of Health, Lucas State Office Building, Des Moines, Iowa.

CHAPTER 143 BOARD OF OPTOMETRY EXAMINERS

470—143.1(154) General definitions.

143.1(1) "*Board*" means the board of optometry examiners.

143.1(2) "*Department*" means the Iowa state department of health.

470—143.2(154) Availability of information.

143.2(1) All information regarding rules, forms, time and place of meetings, minutes of meetings, record of hearings, and examination results are available to the public between the hours of 8:00 a.m. and 4:30 p.m., Monday to Friday, except holidays.

143.2(2) Information may be obtained by writing to the Board of Optometry Examiners, Iowa State Department of Health, Lucas State Office Building, Des Moines, Iowa 50319. All official correspondence shall be in writing and directed to the board at this address.

470—143.3(154) Organization of the board and procedures.

143.3(1) A chair, vice-chair, and secretary shall be elected at the first meeting after June 30 of each year.

143.3(2) Four board members present shall constitute a quorum.

143.3(3) The board shall hold an annual meeting and may hold additional meetings called by the chair or by a majority of the members of the board.

470—143.4(154) Petition to promulgate, amend or repeal a rule.

143.4(1) An interested person may petition the board to promulgate, amend or repeal a rule.

35. Speech pathology and audiology
36. Records
37. Research
38. Environment and sanitation
39. Safety
40. Administrative support services—Functions, personnel and facilities
41. Communications
42. Engineering and maintenance
43. Laundry services
44. Facilities for physically handicapped
45. Animals

The rules to be adopted are intended to further the accomplishment of the purposes of chapter 135C of the Code and chapter 119 of the Laws of the Sixty-sixth General Assembly, 1975 Session.

Copies of the rules to be considered for adoption are available for public inspection at the Health Facilities Licensure Program, Division of Health Facilities, State Department of Health, Old Farm Bureau Building, 10th and Grand, Des Moines, Iowa 50309.

Any interested person may submit written comments which should be addressed to Rick L. Middleton, Acting Chief, Division of Health Facilities, State Department of Health, Lucas State Office Building, Des Moines, Iowa 50319. Written comments should include the name and address of the party filing the comment, as well as a specific reference to the rules upon which a comment is submitted. All relevant comments received by April 1, 1977, will be considered.

HEALTH DEPARTMENT[470]

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 the 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 Health Department, pursuant to the authority of chapter 17A and section 135C.19 of the Code and chapter 119 of the Acts of the Sixty-sixth General Assembly, 1975 Session, proposes to adopt new rules entitled "Chapter 64—Intermediate Care Facilities for the Mentally Retarded", which shall include the following subjects:

1. Definitions
2. Variances
3. Application for licensure
4. General requirements
5. Notifications required by department
6. Hearings
7. Licenses for distinct parts
8. Contracts
9. Care review committee
10. Fire safety
11. Reserved
12. Administrator
13. Qualified mental retardation professionals
14. Arrangements for services
15. General administrative policies and practices
16. Admission and release
17. Personnel policies
18. Staff-resident relationships and activities
19. Clothing
20. Health, hygiene and grooming
21. Grouping and organization of living units
22. Resident-living staff
23. Design and equipage of living unit
24. Professional and special programs and services—General provisions
25. Dental services
26. Training and habilitation services
27. Food and nutrition
28. Medical service
29. Health services
30. Pharmacy services
31. Physical and occupational therapy
32. Psychological services
33. Recreation services
34. Social services

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The Health Department, pursuant to the authority of chapter 17A and section 135C.19 of the Code and chapter 119 of the Acts of the Sixty-sixth General Assembly, 1975 Session, proposes to adopt new rules entitled "Chapter 63—Residential Care Facilities for the Mentally Retarded", which shall include the following subjects:

1. Definitions
2. Variances
3. Application for licensure
4. Reserved
5. General requirements
6. Notifications required by the department
7. Hearings
8. Licenses for distinct parts
9. Administrator
10. Administration
11. General policies
12. Personnel
13. Admission, transfer, and discharge
14. Contracts
15. Medical services
16. Records
17. Resident care and personal services
18. Rights of residents
19. Drugs
20. Dental services
21. Dietary
22. Orientation program
23. Individualized program of care
24. Care review committee
25. Safety
26. Housekeeping
27. Maintenance
28. Laundry
29. Garbage and waste disposal
30. Buildings, furnishings, and equipment
31. Family and employee accommodations
32. Animals
33. Environment and grounds
34. Supplies

Water Use Designations

Lakes (Continued)

County	Lake	Location			Water Uses			
		R.	T.	S.	A	B(W)	B(C)	C
Winneshiek	Cardinal Marsh	10	98	7		X		
	Lake Meyers	9	97	34		X		
	Silver Springs Pond	8	96	15		X		
Woodbury	Browns Lake	47	87	32	X	X		
	Little Sioux Park Lake	42	89	12	X	X		
	Snyder Bend Lake	47	86	17	X	X		
	Winnebago Bend Lake	47	86	28	X	X		
	Midway Park Lake	44	89	10	X	X		
Worth	Elk Creek Marsh	22	99	5		X		
	Silver Lake	22	100	14	X	X		
	Silver Lake Marsh	22	100	10		X		
	Worth County Lake	20	99	26	X	X		
Wright	Big Wall Lake	24	90	14		X		
	Lake Cornelia	24	92	16	X	X		
	Elm Lake	24	92	21		X		
	Morse Lake	24	93	28		X		

Water Use Designations

Lakes (Continued)

County	Lake	Location			A	Water Uses		C
		R.	T.	S.		B(W)	B(C)	
Union	Afton City Reservoir	29	72	17		X		X
	Green Valley Lake	31	73	26	X	X		X
	McKinley Lake	31	72	11	X	X		
	Summitt Lake	31	72	3		X		X
	Thayer Lake	28	72	22		X		
Van Buren	Indian Lake	8	67	2	X	X		
	Lacey Keosauqua Park Lake	10	68	2	X	X		X
Wapello	Eldon Pond	12	71	26		X		
	Greater Ottumwa Central Park Ponds	14	72	25	X	X		
Warren	Lake Ahquabi	24	75	14	X	X		X
	Banner Pits	23	77	30		X		
	Hooper Area Pond	24	75	26		X		
Washington	Lake Darling	9	74	21	X	X		X
	Foster Woods Pond	9	77	26		X		
	Iowa Township Pond	6	77	7		X		
	Marr Park Pond	6	75	19		X		
	Sokum Ridge Pond	7	75	15		X		
Wayne	Bob White Lake	22	68	4	X	X		X
	Corydon Reservoir	22	69	24		X		X
	Humeston Reservoir	23	70	9		X		X
	Lineville Reservoir	23	67	16		X		X
	Seymour Reservoir	20	68	23		X		X
Webster	Badger Lake	28	90	19	X	X		
	Lizard Creek Game Area Ponds	29	89	33	X	X		
	Lake Ole	28	86	16		X		
Winnebago	Ambrosson Pits	24	98	11	X	X		
	Lake Catherine	25	98	35	X	X		
	Florence Park Pond	25	99	26	X	X		
	Harmon Lake	24	100	21		X		
	Myre Slough	25	98	22		X		
	Rice Lake	23	99	13	X	X		

Water Use Designations

Lakes (Continued)

County	Lake	Location			Water Uses			C
		R.	T.	S.	A	B(W)	B(C)	
Sac	Arrowhead Lake	36	86	4		X		
	Black Hawk Lake	36	87	35	X	X		
	Hallet Pits	36	86	5	X	X		
Scott	Blue Grass Lake	2E	78	26		X		
	Cody Lake	4E	80	20		X		
	Lake of the Hills	2E	78	25		X		
	Lambach Lake	2E	78	25		X		
	Odetta Lake	4E	80	20		X		
Shelby	Elk Horn Creek Pond	37	78	10		X		
	Little George Pond	38	79	19		X		
	Manteno Park Pond	40	81	2		X		
	Prairie Rose Lake	38	79	36	X	X		X
	Schimeroski Pond	39	80	5		X		
Sioux	Fairview Area Impoundment	48	97	14		X		
	Sioux Center Pit	45	95	8		X		
	Winterfield Pond (aka Van Zee Pit)	46	97	19	X	X		
Story	Dakin Lake	21	85	16		X		
	Hendrickson Marsh	21	83	1		X		
	Hickory Grove Lake	22	83	24	X	X		
	McFarland's Pond	23	84	7		X		
Tama	Hickory Hills Lake	13	86	13	X	X		
	Otter Creek Lake	14	84	31	X	X		
	Otter Creek Marsh	14	82	3		X		
	Union Grove Lake	16	85	33	X	X		
Taylor	Bedford Impoundment	34	68	26		X		X
	East Lake (Lenox)	32	70	5	X	X		X
	Lake of Three Fires	34	68	12	X	X		X
	West Lake (Lenox)	32	70	5		X		X
	Wilson Park Lake	32	70	28		X		
	Windmill Lake	35	69	36		X		

Water Use Designations

Lakes (Continued)

County	Lake	Location			A	Water Uses		C
		R.	T.	S.		B(W)	B(C)	
Palo Alto	Five Island Lake	32	96	18	X	X		
	Lost Island Lake	34	97	31	X	X		
	Silver Lake	34	95	20	X	X		
	Sportsman Park Pond	31	96	19	X	X		
	Virgin Lake	34	96	30		X		
Plymouth	LeMars Pit	45	92	25	X	X		
Pocahontas	Fonda Reservoir	34	90	22		X		
	Little Clear Lake	34	91	6		X		
	Lizard Lake	34	91	22		X		
	Sunken Grove Lake	34	90	8		X		
Polk	Dale Maffitt Reservoir	25	78	31	X	X		X
	Des Moines Water Works Recharge Basins	24	78	12		X		X
	Easter Lake	23	78	19	X	X		
	Fort Des Moines Park Pond	24	78	33		X		
	Grays Lake	24	78	7	X	X		
	Thomas Mitchell Lake	23	79	23		X		
Pottawattamie	Arrowhead Pond	41	77	29		X		
	Big Lake (including (Gilbert's Pond)	44	75	13		X		
	Carter Lake	44	75	23	X	X		
	Lake Manawa	44	74	13	X	X		
Poweshiek	Arbor Lake	16	80	20		X		
	Diamond Lake	15	78	2	X	X		X
	Holiday Lake	14	81	23	X	X		
	Lake Ponderosa	15	78	2	X	X		
Ringgold	Lions Club Pond	29	69	31		X		
	Loch Ayr	29	69	30	X	X		X
	Mt. Ayr Game Area Ponds	30	68	17		X		
	Mt. Ayr Old Reservoir	29	69	31		X		
	Ringgold Management Area Ponds	29	67	13		X		
	Walnut Creek Marsh	30	68	17		X		

Water Use Designations

Lakes (Continued)

County	Lake	Location			Water Uses			
		R.	T.	S.	A	B(W)	B(C)	C
Monona	Badger Lake	46	85	29		X		
	Blackbird Bend	47	85	28		X		
	Blencoe Lake	45	82	31		X		
	Blue Lake	46	84	35	X	X		
	Decatur Lake	46	83	17	X	X		
	Louisville Bend	46	83	7		X		
	Lower Decatur Lake	46	83	17		X		
	Middle Decatur Lake	46	83	16	X	X		
	Oldham Lake	43	83	13	X	X		
	Rabbitt Island Lake	47	85	28		X		
	Sherman Township Access Area	45	82	8		X		
	Whiting Woods Pond	43	85	30		X		
Monroe	Albia City Reservoir	17	72	9		X		X
	Cottonwood Pits	17	71	2		X		
	Lake Miami	17	73	20	X	X		
Montgomery	Pilot Grove Lake	36	73	1		X		
	Viking Lake	36	71	6	X	X		X
Muscatine	Wiese Slough	2	78	19		X		
O'Brien	Dog Creek (Lake)	39	94	29	X	X		
	Douma Area Pond	41	96	5	X	X		
	Mill Creek (Lake)	41	95	3	X	X		
	Negus Recreation Area Pond	39	94	30		X		
Osceola	Ashton Pits	42	98	11	X	X		
	Iowa Lake	39	100	9		X		
	May City Pits	39	98	6	X	X		
	Ocheyedan Pits	40	99	23	X	X		
	Peters Pit	42	100	19		X		
Page	Pioneer Park Pond	38	69	28		X		
	Schneck's Lake	36	69	6	X	X		

Water Use Designations

Lakes (Continued)

County	Lake	Location			A	Water Uses		C
		R.	T.	S.		B(W)	B(C)	
Lucas	Brown's Slough	20	71	35		X		
	North Colyn Marsh	20	71	30		X		
	South Colyn Marsh	20	71	30		X		
	Ellis Lake	21	72	27		X		X
	Morris Lake	21	72	26		X		X
	Red Haw Lake	21	71	28	X	X		X
	Stephen's Forest Pond #1	23	72	22		X		
	Stephen's Forest Pond #2	23	72	28		X		
	Williamson Pond	21	73	27		X		
Lyon	Lake Pahoja	48	99	23	X	X		
Madison	Cedar Lake	27	76	19		X		X
Mahaska	Barnes City Lake	14	77	10		X		
	Edmunson Pond	16	75	27		X		
	Lake Keomah	15	75	13	X	X		X
Marion	Knoxville Pond	20	75	11		X		
	Pleasantville Pond	21	76	15		X		
	Roberts Creek Lake	19	76	4	X	X		
	Tower Pond	19	76	25		X		
Marshall	Marshall County Lake	18	84	31		X		
Mills	Folsom Lake	43	73	32	X	X		
	Glenwood Lake	43	72	12		X		
	Institutional Pond (aka Peter Pan Lake)	43	72	24		X		
	Keg Creek Lake	43	72	32		X		
	Malvern Pond (aka Bohner Pond)	41	72	32		X		
	Mile Hill Lake	43	72	26		X		
	P.J. Lake	43	72	29		X		
	Pony Creek Lake	43	72	4		X		
Willow Slough	40	73	29		X			

Water Use Designations

Lakes (Continued)

County	Lake	Location			A	Water Uses		C
		R.	T.	S.		B(W)	B(C)	
Jasper	Mariposa Lake	18	81	32		X		
	Rock Creek Lake	17	80	17	X	X		X
Jefferson	Fairfield Municipal Reservoir #1	10	72	24		X		X
	Fairfield Municipal Reservoir #2	10	72	24		X		X
	Jefferson County Park Ponds	8	71	32		X		
	Walton Reservoir	9	72	30		X		X
Johnson	Kent Park Lake	8	80	24	X	X		
	Lake McBride	6	81	29	X	X		
	Swan Lake	7	80	5		X		
Jones	Central Park Lake	3	84	1	X	X		
	Muskrat Slough	3	83	16		X		
Keokuk	Belvadeer Park Ponds	11	76	21		X		
	Griffin Lake	13	76	15		X		
	Yenrougis Pond	12	76	23	X	X		
Kossuth	Burt Lake	30	100	9		X		
	Goose Lake	30	100	17		X		
	Lake Smith	29	96	36	X	X		
	Union Slough	28	98	35		X		
	Whittemore Pit	30	95	9	X	X		
Lee	Chatfield Lake	5	65	2		X		
	Greenbay Lake	3	68	28		X		
	Poll Miller Park Lake	5	68	9	X	X		
	Shimek Forest Ponds	7	67	31		X		
	Wilson Park Lakes	6	68	35		X		
Linn	Central City Ponds	6	85	3		X		
	Pleasant Creek Lake	8	85	31	X	X		
	South Cedar Pond	5	82	28		X		
Louisa	Cone Marsh	5	76	14		X		
	Klum Lake	2	75	25		X		
	Lake Odessa	2	73	2	X	X		

Water Use Designations

Lakes (Continued)

County	Lake	Location			A	Water Uses		C
		R.	T.	S.		B(W)	B(C)	
Dickinson	Big Spirit Lake	36	100	33	X	X		X
	Center Lake	36	99	7	X	X		
	Diamond Lake	37	100	15		X		
	East Okoboji Lake	36	99	29	X	X		
	Garlock Slough	37	99	35		X		
	Hale Slough	36	100	23		X		
	Hottes Lake	36	100	18		X		
	Lake Park Pond	38	100	32		X		
	Lily Lake	35	99	18		X		
	Little Spirit Lake	36	100	8	X	X		
	Lower Gar Lake	36	99	32		X		
	Marble Lake	36	100	17		X		
	Minnewashta Lake	36	99	29	X	X		
	Pleasant Lake	35	99	7		X		
	Prairie Lake	36	99	23		X		
	Sandbar Slough	36	100	14		X		
	Silver Lake	38	100	28	X	X		X
	Sunken Lake	36	100	17		X		
Swan Lake	35	100	23		X			
Upper Gar Lake	36	99	29		X			
Welch Lake	37	100	23		X			
West Okoboji Lake	36	99	20	X	X		X	
Emmett	High Lake	33	98	14		X		
	Ingham Lake	33	98	12	X	X		
	Iowa Lake	31	100	12		X		X
	Tuttle Lake	32	100	14	X	X		
	Twelve-Mile Lake	34	98	21		X		
Franklin	Pope Joy Pond	22	90	21		X		
	Robinsons Pond	20	92	23		X		
	Toft Pit	22	91	30	X	X		
Fremont	Bartlett Lake	43	70	4		X		
	Percival Lake	43	69	20		X		
	Scott Lake A	43	70	16		X		
	Scott Lake B	43	70	16		X		
	West Forney's Lake A	43	70	8		X		
	West Forney's Lake B	43	70	8		X		
Greene	Spring Lake	30	84	25	X	X		

Water Use Designations

Lakes (Continued)

County	Lake	Location			A	Water Uses		C
		R.	T.	S.		B(W)	B(C)	
Chickasaw	Split Rock Lake	12	94	35	X	X		
Clarke	East Lake (Osceola)	25	72	16		X		
	Liberty Acres	24	73	8		X		
	West Lake (Osceola)	26	72	13		X		X
Clay	Barringer Slough	35	96	14		X		
	Brugeman Park Pond	38	97	30	X	X		
	Dan Greene Slough	35	97	20		X		
	Elk Lake	35	96	36		X		
	Scharnberg Pond	38	96	11	X	X		
	Trumbull Lake	35	97	27		X		
Clayton	Osborne Pond	5	92	9	X	X		
Clinton	Goose Lake	4	83	29		X		
Crawford	Nelson Park Lake	41	82	2	X	X		
	Sunset Lake	39	83	16		X		
Davis	Drakesville Ponds	14	69	6		X		
	Eldon Game Area Ponds	12	70	9		X		
	Lake Fisher	13	69	19		X		X
	Lake Wapello	15	70	34	X	X		X
Decatur	Home Pond	27	67	3		X		X
	Lake LeShane	27	67	4	X	X		X
	Nine Eagles Lake	25	67	18	X	X		X
	Slip Bluff Lake	26	68	28		X		
Delaware	Silver Lake	4	88	16	X	X		
Des Moines	Allen Green Refuge Marsh	1	72	29		X		

Water Use Designations

Lakes (Continued)

County	Lake	Location			A	Water Uses		C
		R.	T.	S.		B(W)	B(C)	
Buena Vista	Gustafson Lake	36	93	18	X	X		
	Marathon City Park Pond	35	93	20	X	X		
	Pickereel Lake	35	93	1	X	X		
	Storm Lake (Including Little Storm Lake)	37	90	14	X	X		
Butler	Aplington Pits	17	90	20		X		
	Lake Considine	18	91	12		X		
	Big Marsh	17	91	25		X		
	Sportsman's Pond	16	92	13		X		
Calhoun	North Twin Lake	33	88	1	X	X		
	Rockwell City City Pond	32	88	36		X		
	South Twin Lake	33	88	1		X		
Carroll	Artesian Lake	33	85	27		X		
	Swan Lake	34	83	5	X	X		
Cass	Lake Anita	34	77	32	X	X		
	Cold Springs Lake	37	75	15	X	X		
	Griswold Park Pond	37	75	32		X		
	Iranistan Pond	37	75	8		X		
Cedar	Bennett Lake	1	80	11		X		
Cerro Gordo	Clear Lake	22	96	13	X	X		X
	Clear Lake Marsh	21	96	6		X		
	Fin and Feather Lake	20	96	27		X		
	Lekwa Marsh	22	96	26		X		
	Mason City E Park Pond	20	96	7		X		
	Meadow Lake	20	96	14		X		
	McIntosh Wildlife Area	22	96	16		X		
	Rockfall Pond	19	97	22		X		
	Rockwell Pond	20	94	10		X		
Ventura Marsh	22	96	19		X			
Cherokee	Larson Lake	39	91	1		X		
	Spring Lake	40	92	28	X	X		

Water Use Designations

Lakes

County	Lake	Location			A	Water Uses		C
		R.	T.	S.		B(W)	B(C)	
Adair	Meadow Lake	31	76	17		X		
	Mormon Trail Lake	33	74	3	X	X		
	Nodaway Lake	32	75	14	X	X		X
	Orient Lake	31	74	20		X		X
Adams	Binder Lake	34	72	25	X	X		X
	Lake Icaria	34	72	10	X	X		X
	West Lake Corning	34	72	36		X		X
Appanoose	Upper Centerville Reservoir	18	68	11		X		X
	Lower Centerville Reservoir	18	68	12		X		X
	Mystic Reservoir	18	69	8		X		X
Audubon	Nabotna Pond	35	80	11		X		
Benton	Dudgeon Lake	10	85	9		X		
	Hannon Lake	11	82	32	X	X		
	Rodgers Park Lake	11	86	1	X	X		
Black Hawk	Black Hawk Park Ponds	14	90	34		X		
	City Park Pond (Waterloo)	13	89	15		X		
	Fisher Lake	13	89	6		X		
	George Wyth Lake	13	89	6	X	X		
	Green Belt Lake	13	89	33		X		
	Hope Martin Pond	13	89	27		X		
Boone	Dickcissell Lake	26	84	24		X		
	Don Williams Lake	27	84	5	X	X		
Bremer	Sweet Marsh Seg. A	12	92	2		X		
	Sweet Marsh Seg. B	12	93	36		X		
	Sweet Marsh Seg. C	12	93	34		X		
Buchanan	Troy Mills Marsh	8	87	25		X		

Water Use Designations

NORTHEASTERN IOWA RIVER BASINS	A	Water Uses B(W)	Uses B(C)	C
UPPER IOWA RIVER SUBBASIN				
(Upper Iowa R. Tributaries, Continued)				
<u>Patterson Cr.</u> Mouth (Allamakee Co.) to E line of Section 3, T98N, R6W, Allamakee Co.			X	
<u>Canoe Cr.</u> Mouth (Winneshiek Co.) to Winneshiek Co. Rd. W38 (SE quarter of Section 24, T99N, R8W, Winneshiek Co.)		X		
Winneshiek Co. Rd. W38 to W line of Section 8, T99N, R8W, Winneshiek Co.			X	
<u>Pine Cr.</u> Mouth (S26, T99N, R7W, Winneshiek Co.) to N line of Section 21, T99N, R7W, Winneshiek Co.			X	
<u>N Canoe Cr.</u> Mouth (S22, T99N, R8W, Winneshiek Co.) to N line of Section 2, T99N, R8W, Winneshiek Co.			X	
<u>Coon Cr.</u> Mouth (Winneshiek Co.) to Rd. crossing in Section 13 T98N, R7W, Winneshiek Co.			X	
<u>Trout Cr.</u> Mouth (S9, T98N, R7W, Winneshiek Co.) to confluence with Smith Cr. (S21, T98N, R7W, Winneshiek Co.)			X	
<u>Smith Cr.</u> Mouth to S line of Section 33, T98N, R7W, Winneshiek Co.			X	
<u>Trout Cr.</u> Mouth (S23, T98N, R8W, Winneshiek Co.) to confluence with Unnamed Stream (aka Trout Run) (S27, T98N, R8W, Winneshiek Co.)			X	
<u>Unnamed Stream (aka Trout Run)</u> Mouth to S line of Section 27, T98N, R8W, Winneshiek Co.			X	
<u>Dry Run</u> Mouth (S17, T98N, R8W, Winneshiek Co.) to W line of Section 36, T98N, R9W, Winneshiek Co.			X	
<u>Twin Springs Cr.</u> Mouth (S17, T98N, R8W, Winneshiek Co.) through half mile reach.			X	

Water Use Designations

NORTHEASTERN IOWA RIVER BASINS

UPPER IOWA RIVER SUBBASIN

(Mississippi R. Tributaries, Continued)

	Water Uses		
A	B(W)	B(C)	C
<u>Clear Cr.</u> Mouth (Allamakee Co.) to W line of Section 25, T99N, R4W, Allamakee Co.		X	
<u>Upper Iowa R.</u> Mouth (Allamakee Co.) to Lane's Bridge (S31, T100N, R4W, Allamakee Co.)	X		
Lane's Bridge to Winneshiek-Howard Co. Line	X		
Winneshiek-Howard Co. Line to confluence with Staff Cr.	X		
<u>Irish Hollow Cr.</u> Mouth (S21, T100N, R4W, Allamakee Co.) to N line of Section 17, T100N, R4W, Allamakee Co.		X	
<u>French Cr.</u> Mouth (Allamakee Co.) to E line of Section 23, T99N, R5W, Allamakee Co.		X	
<u>Clear Cr.</u> Mouth (Allamakee Co.) to N line of Section 15, T100N, R5W, Allamakee Co.		X	
<u>Silver Cr.</u> Mouth (Allamakee Co.) to S line of Section 31, T99N, R5W, Allamakee Co.		X	
<u>Bear Cr.</u> Mouth (Allamakee Co.) to confluence with N Bear Cr. (S25, T100N, R7W, Winneshiek Co.)	X		
N Bear Cr. to W line of Section 29, T100N, R7W, Winneshiek Co.		X	
<u>Waterloo Cr.</u> Mouth (S35, T100N, R6W, Allamakee Co.) to Iowa-Minnesota State Line		X	
<u>N Bear Cr.</u> Mouth (S25, T100N, R7W, Winneshiek Co.) to Iowa-Minnesota State Line		X	
<u>Middle Bear Cr.</u> Mouth (S14, T100N, R7W, Winneshiek Co.) to N line of Section 16, T100N, R7W, Winneshiek Co.		X	

Water Use Designations

	Water Uses		C
	A	B(W)	
NORTHEASTERN IOWA RIVER BASINS			
YELLOW RIVER SUBBASIN			
(Yellow R. Tributaries, Continued)			
<u>Hickory Cr.</u> Mouth (Allamakee Co.) to S line of Section 28, T96N, R5W, Allamakee Co.			X
<u>Norfolk Cr.</u> Mouth (S6, T96N, R5W, Allamakee Co.) to confluence with Teeple Cr. (S24, T97N, R6W, Allamakee Co.)			X
<u>Teeple Cr.</u> Mouth (Allamakee Co.) to W line of Section 11, T97N, R6W, Allamakee Co.)			X
UPPER IOWA RIVER SUBBASIN			
(Mississippi R. Tributaries)			
<u>Paint Cr.</u> Mouth (Allamakee Co.) to confluence with Little Paint Cr. (S32, T79N, R3W, Allamakee Co.)		X	
Little Paint Cr. to Rd. crossing, S18, T97N, R4W, Allamakee Co.			X
<u>Little Paint Cr.</u> Mouth to N line of Section 30, T97N, R3W, Allamakee Co.			X
<u>Cota Cr.</u> Mouth (S26, T97N, R3W, Allamakee Co.) to W line of Section 10, T97N, R3W, Allamakee Co.			X
<u>Wexford Cr.</u> Mouth (S5, T97N, R2W, Allamakee Co.) to W line of Section 25, T98N, R3W, Allamakee Co.			X
<u>Village Cr.</u> Mouth (Allamakee Co.) to W line of Section 19, T98N, R4W, Allamakee Co.			X
<u>Unnamed Cr.</u> Mouth (S23, T98N, R4W, Allamakee Co.) to W line of Section 23, T98N, R4W, Allamakee Co.			X
<u>Trout Run</u> Mouth (S16, T98N, R4W, Allamakee Co.) through one mile reach			X

Water Use Designations

NORTHEASTERN IOWA RIVER BASINS

VOLGA RIVER SUBBASIN

(Volga R. Tributaries, Continued)

Cox Cr.

Mouth (S21, T92N, R5W, Clayton Co.) to confluence with Kleinlein Cr. (aka Spring Cr.) (S36, T92N, R6W, Clayton Co.)

X

Kleinlein Cr. to S line of Section 12, T91N, R6W, Clayton Co.

X

Kleinlein Cr. (aka Spring Cr.)

Mouth (Clayton Co.) to spring source (S10, T91N, R6W, Clayton Co.)

X

Hewett Cr.

Mouth (Clayton Co.) to S line of Section 29, T92N, R6W, Clayton Co.

X

Mink Cr.

Mouth (S30, T93N, R6W, Clayton Co.) to W line of Section 15, T93N, R7W, Fayette Co.

X

Brush Cr.

Mouth (Fayette Co.) to confluence with Bear Cr. (S8, T92N, R7W, Fayette Co.)

X

Bear Cr. to E line of Section 17, T92N, R7W, Fayette Co.

X

Bear Cr.

Mouth (Fayette Co.) to W line of Section 6, T92N, R7W, Fayette Co.

X

Grannis Cr.

Mouth (S30, T93N, R7W, Fayette Co.) to S line of Section 31, T93N, R7W, Fayette Co.

X

Little Volga R.

Mouth (Fayette Co.) to E line of Section 36, T92N, R9W, Fayette Co.

X

A	Water Uses B(W)	B(C)	C
	X		
		X	
		X	
		X	
	X		
		X	
		X	
	X		

Water Use Designations

	Water Uses		C
	A	B(W) B(C)	
NORTHEASTERN IOWA RIVER BASINS			
TURKEY RIVER SUBBASIN			
(Turkey R. Tributaries, Continued)			
<u>Otter Cr.</u> Mouth (Fayette Co.) to Confluence with Unnamed Cr. (aka Glovers Cr., S22, T94N, R8W, Fayette Co.)		X	
<u>Unnamed Cr.</u> (aka Glovers Cr.) Mouth to W line of Section 15, T94N, R8W, Fayette Co.		X	
<u>Bell Cr.</u> Mouth (S10, T94N, R7W, Fayette Co.) to W line of Section 8, T94N, R7W, Fayette Co.		X	
<u>Little Turkey R.</u> Mouth (Fayette Co.) to Chickasaw Co. Rd. V56 (W line of Section 10, T96N, R11W, Chickasaw Co.)	X		
<u>Crane Cr.</u> Mouth (Fayette Co.) to Howard-Chickasaw Co. Line	X		
<u>Bass Cr.</u> Mouth (S3, T95N, R9W, Fayette Co.) to W line of Section 3, T95N, R9W, Fayette Co.		X	
<u>Bohemian Cr.</u> Mouth (Winneshiek Co.) to Hwy. 139 (W line of Section 2, T97N, R11W, Howard Co.)		X	
VOLGA RIVER SUBBASIN			
<u>Volga R</u> Mouth (Clayton Co.) to confluence with N Br. Volga R. (S33, T93N, R9W, Fayette Co.)	X		
<u>Bear Cr.</u> Mouth (Clayton Co.) to S line of Section 18, T91N, R4W, Clayton Co.	X		
S line of Section 18, T91N, R4W to S line of Section 26, T91N, R5W, Clayton Co.		X	
<u>Doe Cr.</u> Mouth (S32, T92N, R4W, Clayton Co.) to S line of Section 1, T91N, R5W, Clayton Co.	X		
<u>Honey Cr.</u> Mouth (Clayton Co.) to W line of Section 3, T91N, R5W, Clayton Co.	X		
<u>Mossey Glen Cr.</u> Mouth (S3, T91N, R5W, Clayton Co.) to S line of Section 3, T91N, R5W, Clayton Co.		X	

Water Use Designations

NORTHEASTERN IOWA RIVER BASINS

TURKEY RIVER SUBBASIN

(Turkey River Tributaries, Continued)

Elk Cr.Mouth (Clayton Co.) to confluence with Schechtman Br.
(S14, T90N, R4W, Delaware Co.)

X

Steeles Br.Mouth (S26, T91N, R4W, Clayton Co.) to S line of
Section 3, T90N, R4W, Delaware Co.

X

Pine Cr.Mouth (S26, T91N, R4W, Clayton Co.) to confluence
with Brownfield Cr. (S25, T91N, R4W, Clayton Co.)

X

Brownfield Cr.Mouth (Clayton Co.) to spring source (S31, T91N,
R3W, Clayton Co.)

X

Twin Springs Cr.Mouth (S2, T90N, R4W, Delaware Co.) to spring
source (S12, T90N, R4W, Delaware Co.)

X

Fountain Spring Cr. (aka Odell Br.)Mouth (S10, T90N, R4W, Delaware Co.) to W line of
Section 16, T90N, R4W, Delaware Co.

X

S Br. Fountain Spring Cr.Mouth (S16, T90N, R4W, Delaware Co.) to W line
of Section 16, T90N, R4W, Delaware Co.

X

Schechtman Br.Mouth (Delaware Co.) to S line of Section 14, T90N,
R4W, Delaware Co.

X

Volga R.

(See Volga R. Subbasin)

Roberts Cr.Mouth (Clayton Co.) to W line of Section 7, T94N,
R5W, Clayton Co.

X

Dry Mill Cr.Mouth (S25, T93N, R5W, Clayton Co.) to W line of
Section 9, T93N, R4W, Clayton Co.

X

Howard Cr.Mouth (S25, T94N, R5W, Clayton Co.) to N line of
Section 13, T94N, R5W, Clayton Co.

X

A	Water Uses		C
	B(W)	B(C)	
	X		
		X	
		X	
		X	
		X	
		X	
		X	
		X	
	X		
		X	
	X		

Water Use Designations

NORTHEASTERN IOWA RIVER BASINS	A	Water Uses B(W)	Uses B(C)	C
TURKEY RIVER SUBBASIN				
(Mississippi R. Tributaries, Continued)				
(Tributary to Little Maquoketa R.)				
<u>Hogans Br.</u>				
Mouth (S36, T89N, R1W, Dubuque Co.) to W line of Section 9, T88N, R1W, Dubuque Co.			X	
<u>Turkey R.</u>				
Mouth (Clayton Co.) to W line of Section 9, T93N, R5W, Clayton Co. (two stream miles downstream from Big Springs Trout Hatchery)		X		
Two stream miles downstream from Big Springs Trout Hatchery to Big Springs Trout Hatchery (S31, T94N, R5W, Clayton Co.)			X	
Big Springs Trout Hatchery to confluence with S Br. Turkey R. (S2, T98N, R12W, Howard Co.)		X		
<u>Little Turkey R.</u>				
Mouth (Clayton Co.) to Clayton-Delaware Co. Line		X		
Clayton-Delaware Co. Line to S line of Section 11, T90N, R3W, Delaware Co.			X	
<u>Point Hollow Cr. (aka White Pine Cr.)</u>				
Mouth (S31, T91N, R2W, Clayton Co.) to spring source (S8, T90N, R2W, Dubuque Co.)			X	
<u>Bloody Run Cr.</u>				
Mouth (S1, T90N, R3W, Delaware Co.) to spring source (S3, T90N, R3W, Delaware Co.)			X	
<u>Pecks Cr.</u>				
Mouth (Clayton Co.) to S line of Section 15, T91N, R3W, Clayton Co.			X	
<u>S Cedar Cr. (aka Cedar Cr.)</u>				
Mouth (Clayton Co.) to N line of S7, T92N, R3W, Clayton Co.		X		
N line of S7, T92N, R3W, Clayton Co. to N line of S24, T93N, R4W, Clayton Co.			X	

Water Use Designations

A	Water Uses B(W)	Uses B(C)	C
NORTHEASTERN IOWA RIVER BASINS			
TURKEY RIVER SUBBASIN			
(Mississippi R. Tributaries, Continued)			
<u>Catfish Cr.</u>			
Mouth (Dubuque Co.) to S line of Section 9, T88N, R2E, Dubuque Co.	X		
S line of Section 9, T88N, R2E to W line of Section 30, T88N, R2E, Dubuque Co.		X	
<u>Granger Cr.</u>			
Mouth (S6, T88N, R3E, Dubuque Co.) to W line of Section 7, T88N, R3E, Dubuque Co.	X		
<u>Middle Fk. Catfish Cr. (aka N Fk. Catfish Cr.)</u>			
Mouth (S1, T88N, R2E, Dubuque Co.) to W line of Section 30, T89N, R2E, Dubuque Co.	X		
<u>S Fk. Catfish Cr.</u>			
Mouth (S1, T88N, R2E, Dubuque Co.) to W line of Section 32, T89N, R2E, Dubuque Co.	X		
<u>Little Maquoketa R.</u>			
Mouth (Dubuque Co.) to confluence with Hogans Br. (S36, T89N, R1W, Dubuque Co.)	X		
Hogans Br. to N line of Section 5, T88N, R1W, Dubuque Co.		X	
<u>Bloody Run</u>			
Mouth (S34, T90N, R2E, Dubuque Co.) to W line of Section 21, T90N, R2E, Dubuque Co.		X	
<u>Cloie Br.</u>			
Mouth (S5, T89N, R2E, Dubuque Co.) to W line of Section 5, T89N, R2E, Dubuque Co.		X	
<u>N Fk. Little Maquoketa R.</u>			
Mouth (Dubuque Co.) to W line of Section 24, T90N, R1W, Dubuque Co.	X		
<u>Middle Fk. Little Maquoketa R.</u>			
Mouth (Dubuque Co.) to W line of Section 31, T90N, R1E, Dubuque Co.	X		
W line of Section 31, T90N, R1E to N line of Section 33, T90N, R1W, Dubuque Co.		X	

Water Use Designations

	Water Uses		C
	A	B(W) B(C)	
NORTHEASTERN IOWA RIVER BASINS			
NORTH FORK MAQUOKETA RIVER SUBBASIN			
(N Fk. Maquoketa R. Tributaries, Continued)			
<u>Whitewater Cr.</u> Mouth (S10, T86N, R1W, Jones Co.) to confluence with Curran Br. (Dubuque Co.)		X	
<u>Johns Cr.</u> Mouth (Dubuque Co.) to Rd. crossing, S17, T87N, R1W, Dubuque Co.		X	
TURKEY RIVER SUBBASIN			
(Mississippi R. Tributaries)			
<u>Pleasant Cr.</u> Mouth (S33, T86N, R5E, Jackson Co.) to W line of Section 11, T85N, R4E, Jackson Co.		X	
W line of Section 11, T85N, R4E to W line of Section 15, T85N, R4E, Jackson Co.			X
<u>Duck Cr.</u> Mouth (S29, T86N, R5E, Jackson Co.) to S line of Section 25, T86N, R4E, Jackson Co.		X	
<u>Mill Cr.</u> Mouth (Jackson Co.) to confluence with Little Mill Cr. (S13, T86N, R4E, Jackson Co.)		X	
Little Mill Cr. to W line of Section 6, T86N, R4E, Jackson Co.			X
<u>Little Mill Cr.</u> Mouth (Jackson Co.) to W line of Section 29, T86N, R4E, Jackson Co.			X
<u>Spruce Cr.</u> Mouth (Jackson Co.) to N line of Section 4, T86N, R4E, Jackson Co.		X	
<u>Tete des Morts Cr. (aka Tete des Morts R.)</u> Mouth (Jackson Co.) to Jackson-Dubuque Co. Line		X	

Water Use Designations

NORTHEASTERN IOWA RIVER BASINS

MAQUOKETA RIVER SUBBASIN

(Maquoketa R. Tributaries, Continued)

Kitty Cr.

Mouth (S22, T86N, R3W, Jones Co.) to W line of S4, T85N, R3W, Jones Co.

X

W Kitty Cr.

Mouth (S27, T86N, R3W, Jones Co.) to S line of S35, T86N, R3W

X

Cline Cr.

Mouth (S16, T86N, R3W, Jones Co.) to the Jones-Delaware Co. Line

X

Silver Cr.

Mouth (Jones Co.) to S line of S10, T86N, R4W, Jones Co.

X

Buck Cr.

Mouth (Delaware Co.) to W line of S11, T87N, R5W, Delaware Co.

X

Plum Cr.

Mouth (Delaware Co.) to N line of Section 25, T89N, R4W, Delaware Co.

X

Spring Br.

Mouth (S10, T88N, R5W, Delaware Co.) to N line of Section 2, T88N, R5W, Delaware Co.

X

Coffins Cr.

Mouth (Delaware Co.) to confluence with Spring Br. (S29, T89N, R6W, Delaware Co.)

X

Honey Cr.

Mouth (Delaware Co.) to confluence with Rutherford Br. (S26, T90N, R5W, Delaware Co.)

X

Lindsey Cr. (aka Little York Br.)

Mouth (S3, T89N, R5W, Delaware Co.) to N line of Section 16, T90N, R5W, Delaware Co.

X

S Fk. Maquoketa R.

Mouth (Delaware Co.) to W line of Section 10, T90N, R7W, Buchanan Co.

X

A	Water Uses		C
	B(W)	B(C)	
	X		
	X		
	X		
	X		
	X		
		X	
	X		
	X		
	X		

Water Use Designations

	Water Uses			C
	A	B(W)	B(C)	
NORTHEASTERN IOWA RIVER BASINS				
MAQUOKETA RIVER SUBBASIN				
(Maquoketa R., Continued)				
Quaker Mills Impoundment	X	X		
Quaker Mills Impoundment to Forestville Dam at Backbone Lake		X		
Backbone Lake Dam to boundary of Backbone State Park	X	X		
Mouth of S Fk. Maquoketa R. (S16, T90N, R6W, Delaware Co.) to Hwy. 3 (N line of Section 24, T91N, R7W, Fayette Co.)			X	
<u>Deep Cr.</u> Mouth (Jackson Co.) to confluence with Williams Cr. (S28, T83N, R4E, Clinton Co.)		X		
<u>Brush Cr.</u> Mouth (Jackson Co.) to N line of Section 23, T85N, R3E, Jackson Co.		X		
N line of Section 23, T85N, R3E to N line of Section 1, T85N, R3E, Jackson Co.			X	
<u>Prairie Cr.</u> Mouth (Jackson Co.) to the Jackson-Clinton Co. Line		X		
<u>N Fk. Maquoketa R.</u> (See N Fk. Maquoketa R. Subbasin)				
<u>Bear Cr.</u> (aka Big Bear Cr.) Mouth (Jackson Co.) to confluence with Little Bear Cr. (S30, T84N, R1W, Jones Co.)		X		
<u>Mineral Cr.</u> Mouth (Jackson Co.) to Hwy. 136 (W line of Section 30, T85N, R1W, Jones Co.)		X		
<u>Farm Cr.</u> Mouth (Jones Co.) to Hwy. 136 (S20, T86N, R1W, Jones Co.)		X		

Water Use Designations

	Water Uses		C
	A	B(W)	
NORTHEASTERN IOWA RIVER BASINS			
WAPSIPINICON RIVER SUBBASIN			
(Wapsipinicon R. Tributaries, Continued)			
<u>Little Wapsipinicon R.</u> Mouth (Buchanan Co.) to Bremer-Fayette Co. Line		X	
<u>Buck Cr.</u> Mouth (Buchanan Co.) to N line of Section 4, T92N, R11W, Bremer Co.		X	
<u>Crane Cr.</u> Mouth (Black Hawk Co.) to Hwy. V49 (W line of Section 24, T90N, R12W, Black Hawk Co.)		X	
<u>E Fk. Wapsipinicon R.</u> Mouth (Bremer Co.) to W line of Section 31, T96N, R12W, Chickasaw Co.		X	
<u>Little Wapsipinicon R.</u> Mouth (Chickasaw Co.) to upper end of Lylah's Marsh (W line of Section 23, T98N, R14W, Howard Co.)		X	
MAQUOKETA RIVER SUBBASIN			
(Mississippi R. Tributaries)			
<u>Rock Cr.</u> Mouth (S7, T80N, R6E, Clinton Co.) to Hwy. 67 (S30, T81N, R6E, Clinton Co.)		X	
<u>Mill Cr.</u> Mouth (Clinton Co.) to confluence with Harts Mill Cr. (S15, T81N, R6E, Clinton Co.)		X	
<u>Elk R.</u> Mouth (Clinton Co.) to Clinton-Jackson Co. Line		X	
<u>Beaver Cr.</u> Mouth (S31, T85N, R7E, Jackson Co.) to W line of Section 2, T84N, R6E, Jackson Co.		X	
<u>Maquoketa R.</u> Mouth (Jackson Co.) to dam at Monticello	X	X	
Monticello Dam to Hartwick Lake Dam		X	
Hartwick Lake Dam to Quaker Mills Dam	X	X	

Water Use Designations

	Water Uses		C
	A	B(W) B(C)	
NORTHEASTERN IOWA RIVER BASINS			
WAPSIPINICON RIVER SUBBASIN			
(Wapsipinicon R. Tributaries)			
<u>Lost Cr.</u> Mouth (Scott Co.) to confluence with S Fk. Lost Cr. (S7, T79N, R5E, Scott Co.)		X	
<u>Brophy Cr.</u> Mouth (Clinton Co.) to Clinton Co. Rd. F12 (N line of Section 4, T81N, R5E, Clinton Co.)		X	
<u>Ames Cr.</u> Mouth (Clinton Co.) to Hwy. 30 (S16, T81N, R4E, Clinton Co.)		X	
<u>Silver Cr.</u> Mouth (Clinton Co.) to Hwy. 30 (S13, T81N, R3E, Clinton Co.)		X	
<u>Mud Cr.</u> Mouth (Scott Co.) to confluence with Hickory Cr. (aka S Br. Mud Cr., S31, T80N, R2E, Scott Co.)		X	
<u>Rock Cr.</u> Mouth (Clinton Co.) to the Scott-Cedar Co. Line		X	
<u>Yankee Run</u> Mouth (Clinton Co.) to the Clinton-Cedar Co. Line		X	
<u>Buffalo Cr.</u> Mouth (Jones Co.) to the dam at Coggon		X	
Coggon Impoundment	X	X	
Coggon Impoundment to confluence of E Br. Buffalo Cr. and W Br. Buffalo Cr.		X	
<u>Pine Cr.</u> Mouth (Buchanan Co.) to N line of Section 20, T89N, R8W, Buchanan Co.		X	
<u>Otter Cr.</u> Mouth (Buchanan Co.) to dam at Lake Oelwein		X	
Lake Oelwein Dam to N line of Section 33, T91N, R9W, Fayette Co.	X	X	

REVENUE DEPARTMENT[730]

Pursuant to the authority of chapter 435 of the Code, the following rules are adopted. [Chapter 75, Determination of Value and Tax for Freight-Line and Equipment Car Companies]

For complete text of Chapter 75, see replacement pages for IAC in Part II of this Supplement.

[Filed February 4, 1977]

These rules are adopted pursuant to sections 17A.4(2) and 17A.5(2) "b"(2), Code of Iowa, 1975, as amended by chapter 1063, sections 1 and 3, Acts of 66th G.A., second session, and become effective immediately upon filing with the Secretary of State and shall be effective up to one hundred and eighty days from the date of filing, unless rescinded by the Department of Revenue. An identical set of rules will be adopted pursuant to sections 17A.4(1) and 17A.5(1), as amended by chapter 1063, sections 1 and 3, Acts of 66th G.A., second session.

Pursuant to section 17A.4(2), Code 1975, as amended by chapter 1063, section 1, Acts of 66th G.A., second session, the Department finds that it is contrary to public interest and impractical to have notice and public participation before these rules are adopted. Further, pursuant to section 17A.5(2) "b"(2), Code 1975, as amended by chapter 1063, section 3, Acts of 66th G.A., second session, the Department finds that the emergency adoption of these rules confers a benefit on the public.

Chapter 435, Code of Iowa, imposes a property tax on rolling stock owned or leased by freight-line and equipment car companies. These companies must submit an annual report to the Director of Revenue on or before the first Monday in June each year, which report is utilized by the Director in determining each company's tax. The proposed emergency rules set forth the guidelines necessary for the companies to complete their annual reports within a reasonable time prior to the first Monday in June. If these rules were adopted pursuant to the normal rulemaking procedures set forth in section 17A.4 and 17A.5, they would become effective in the latter part of May and give the companies very little time to comply with these rules. Moreover, during the pendency of normal rulemaking procedures, companies may hesitate to file annual reports because of potential uncertainty as to what rules govern this year's annual report, thus risking severe penalties provided under section 435.6 of the Code. The director will, pursuant to section 435.7, make his equipment car tax assessments on the second Monday in July, based upon information required to be set forth in the annual reports, and computed pursuant to these rules. Prompt adoption and effectiveness of these rules will afford the companies ample notice of the director's methodology of determining the tax as well as an opportunity to present such additional data and alternative factors as the companies may wish the director to consider.

[Published February 23, 1977]

EDITOR'S NOTE: For replacement pages for IAC, see Part II of this Supplement.

See also rules under Notice, IAC Supp. 2/23/77.



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 the 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 the authority of section 239.18 of the Code, proposes the adoption of the following rules relating to aid to dependent children.

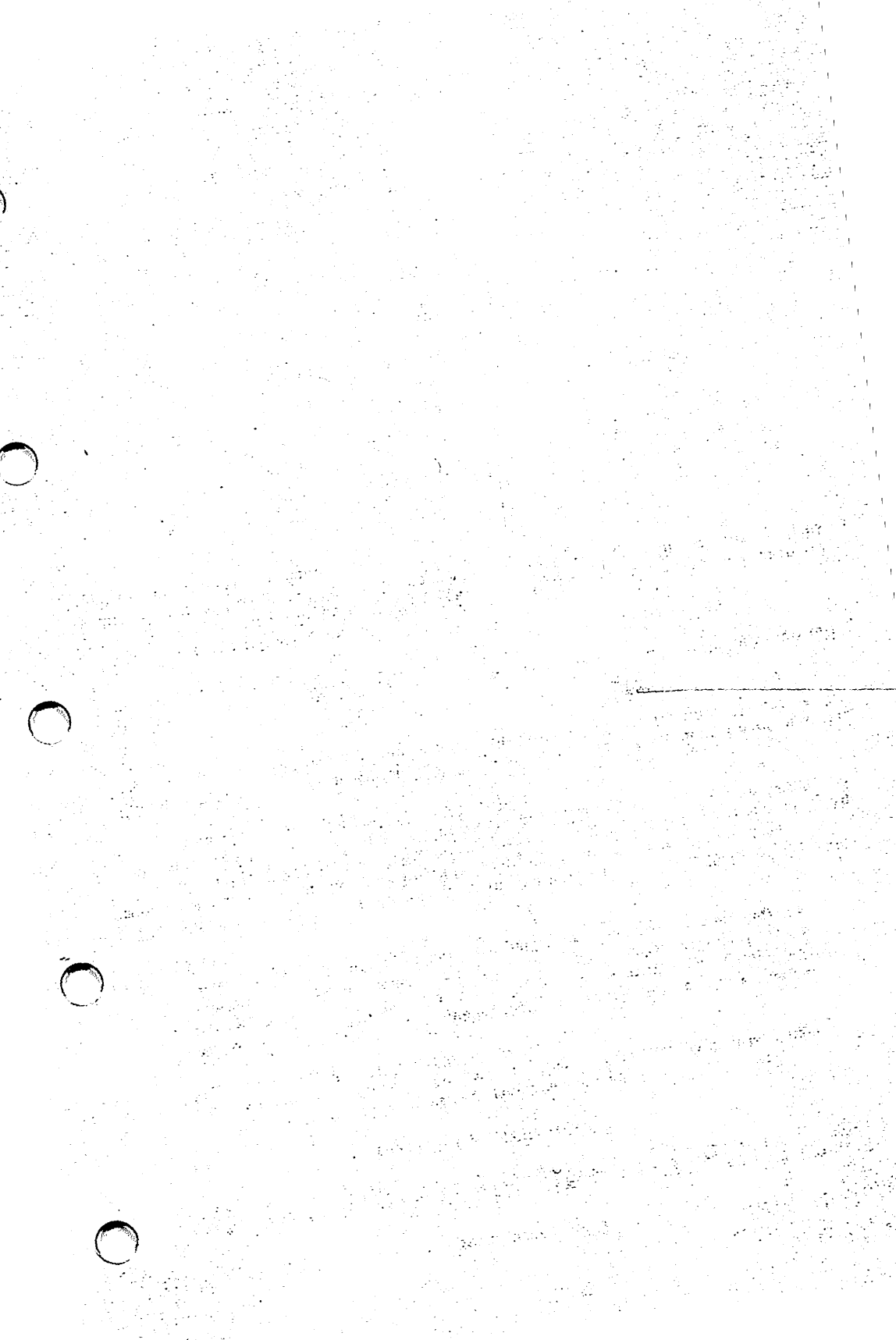
Consideration will be given to written data, views, or arguments thereto, received by the Administrator, Office of Procedures, Department of Social Services, 507 - 10th Street, Des Moines, Iowa 50309 on or before March 23, 1977.

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 41.6(1), paragraph “a”, line two, is amended by adding before the word “value” the words “net market”.

ITEM 2. Add the following subrule:

41.6(5) *Net market value defined.* Net market value is the gross price for which property or an item can currently be sold on the open market, less any legal debts, claims, or liens against such property or item.



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 the 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 the 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 Administrator, Office of Procedures, Department of Social Services, 507 - 10th Street, Des Moines, Iowa 50309 on or before March 23, 1977.

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

Rule 41.8(239) is amended by adding the following subrule.

41.8(5) *Child in foster care.* A child in foster care who returns to the relative's home in which such child would live if not in foster care shall be eligible for aid to dependent children assistance provided such child otherwise meets all of the eligibility requirements of the aid to dependent children program.

Payment for such child shall be computed on the basis of the actual number of days the child spends in the aid to dependent children home. The allowance shall be computed on a per diem basis according to the following paragraphs, and paid in the month following the month of the home visit.

a. When the child is in the home a full calendar month, the grant shall be computed according to subrules 41.8(1) and 41.8(2).

b. When the child is in the home less than a full calendar month, the allowance shall be \$5.00 per day for the first nine days in any one calendar month, and \$3.00 per day for any days in excess of nine days per calendar month, but the total of such allowance shall not exceed the amount as computed under rule 41.8(5)"a".



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 the 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 the authority of section 600.16 of the Code, proposes the adoption of the following rules relating to subsidized adoptions.

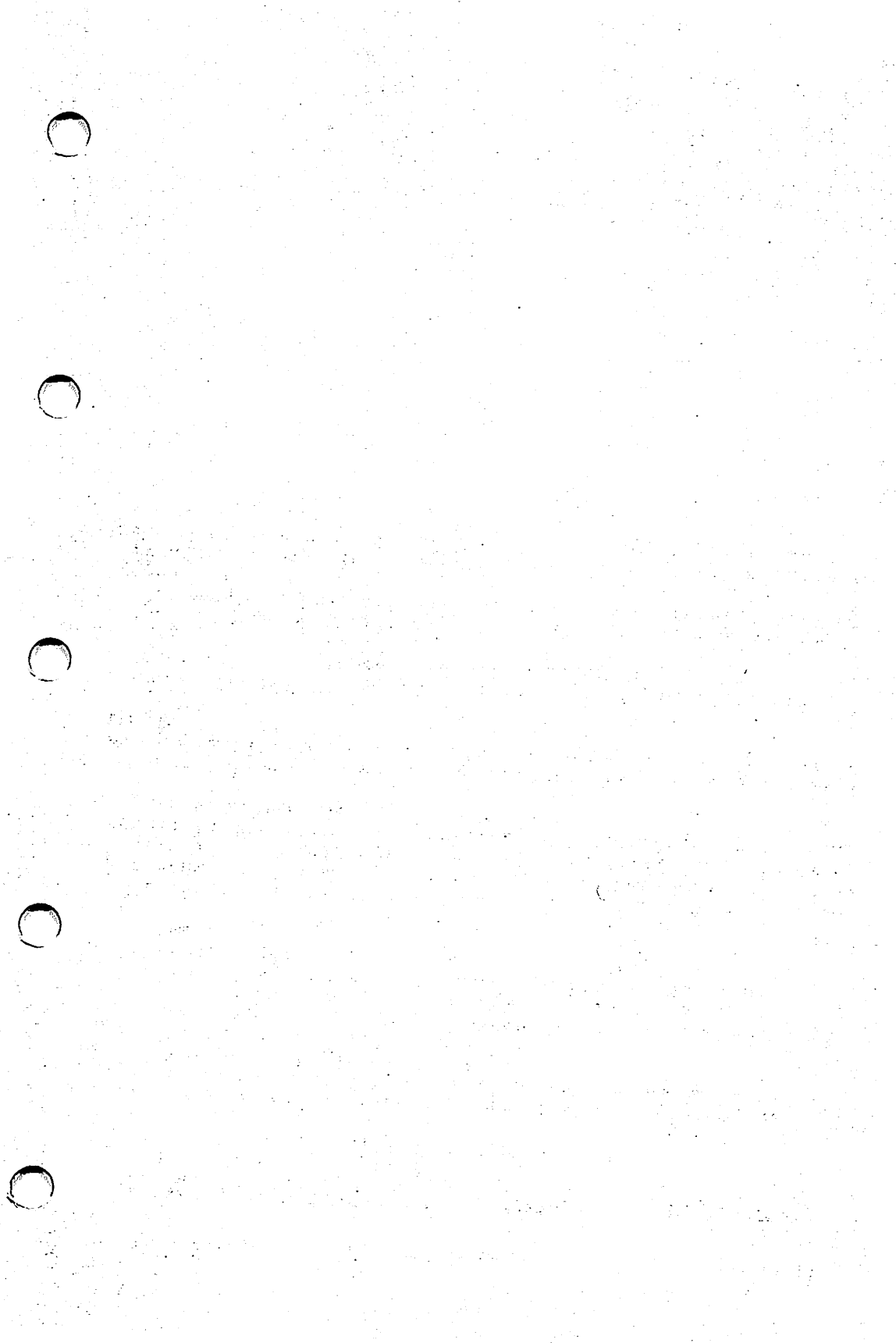
Consideration will be given to written data, views, or arguments thereto, received by the Administrator, Office of Procedures, Department of Social Services, 507 - 10th Street, Des Moines, Iowa 50309 on or before March 23, 1977.

Pursuant to the authority of section 600.16 of the Code, rules of the department of social services appearing in the IAC relating to subsidized adoptions (chapter 138) are hereby amended.

ITEM 1. Rule 138.1(600), line two, is amended by striking the words “family and children’s” and inserting the word “community” in lieu thereof.

ITEM 2. Subrule 138.3(2), paragraph “a”, lines one and two, is amended by striking the words “bureau of family and children’s” and inserting the words “division of community” in lieu thereof.

Further amend said paragraph, line two, by striking the words “county department of social welfare” and inserting the words “local office of social services” in lieu thereof.



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 the 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 the authority of sections 234.6 and 242.12 and chapter 232 of the Code, proposes the adoption of the following rules relating to children in need of assistance or delinquent children.

Consideration will be given to written data, views, or arguments thereto, received by the Administrator, Office of Procedures, Department of Social Services, 507 - 10th Street, Des Moines, Iowa 50309 on or before March 23, 1977.

Pursuant to the authority of sections 234.6 and 242.12 and Chapter 232 of the Code, rules of the department of social services appearing in the IAC relating to children in need of assistance or delinquent children between December 17, 1976 through June 15, 1977 (chapter 141) are rescinded and the following adopted in lieu thereof.

TITLE XII

SOCIAL SERVICES RESOURCES

CHAPTER 141

CHILDREN IN NEED OF ASSISTANCE OR DELINQUENT CHILDREN

770—141.1(232) Admission procedures. When a youth is to be admitted to one of Iowa's children's institutions, arrangements shall be made for the actual admission between 8:00 a.m. and 4:30 p.m., Monday through Friday. The youth being admitted shall be accompanied by such youth's parents, when available, and the local office service worker assigned to the youth. Whenever possible, a preadmission visit by the youth to the institution shall be arranged by the local office service worker.

770—141.2(232) Placement. Before a youth is placed from one of the children's institutions, a Placement Contract, Form SS-3605-0 which outlines the conditions of the placement, shall be signed by the youth, superintendent, field social worker and parents.

770—141.3(232) Return from placement to children's institutions for violation of placement contract.

141.3(1) A youth may be returned to a children's institution for violation of placement contract (parole).

141.3(2) Upon an initial determination by the department of social services' service worker that the youth has violated the youth's placement contract (parole), the youth may be held in a children's institution or other appropriate facility pending a hearing or informal settlement of the matter. In the event a hearing is required, said hearing shall be held within fifteen calendar days of the date from which the youth is held.

770—141.4(242) Hearing procedure for violation of placement contract (parole). The following procedures shall be followed, notwithstanding any conflicting rules in 770 IAC Chapter 7, in returning a youth to a children's institution for parole violation, unless the return is ordered by an Iowa court.

141.4(1) Informal settlements of controversies are encouraged. (See section 17A.10 of the Code of Iowa.) Nothing herein shall be in derogation of the youth's right to a hearing. Any waiver of hearing by a youth must be willful and voluntary. It shall be the duty of the service worker to fully inform the youth of the right to a hearing. When a youth waives a hearing, however, form SS-3809-0, Waiver of Parole Violation Hearing, shall be signed by the youth and a copy sent to such youth's parents or person responsible for such youth.

141.4(2) When the youth does not waive hearing, the department of social services' service worker shall immediately contact the office of appeals and fair hearings to schedule a hearing. Written notice shall be given to such youth or sent to such youth by the service worker in accordance with subrule 7.9(4)"b". A copy shall be sent to such youth's parents or person responsible for such youth. The notice of hearing shall be given or sent to the youth at least five calendar days before the hearing and the notice shall contain the following:

- a. A statement of the time, place and nature of the hearing.
- b. A statement of the legal authority and jurisdiction under which the hearing is to be held.
- c. A reference to the particular sections of the statutes and rules involved.
- d. A short and plain statement of the matters asserted.

141.4(3) In the event the youth fails to appear 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 youth.

141.4(4) Opportunities shall be offered to the youth to respond and present evidence and arguments on all issues involved and to be represented by counsel at such youth's own expense.

As an alternative to legal counsel, such youth may bring another adult to speak in such youth's behalf as counsel, but such adult person may not be the youth's parents or person responsible for such youth. The youth's parents shall be notified and requested to attend such hearing.

141.4(5) The record in this hearing shall include:

- a. All pleadings, motions and intermediate rulings.
- b. All evidence received or considered and all other submissions.
- c. A statement of all matters officially noticed.
- d. All questions and offers of proof, objections and rulings thereon.
- e. All proposed findings and exceptions.
- f. Any decision opinion or report by the officer presiding at the hearing.

141.4(6) The proceedings shall be recorded either by mechanized means or by certified shorthand reporters. Oral proceedings or any part thereof shall be transcribed at the request of any party with the expense of the transcription charged to the requesting party. The recording or stenographic notes of oral proceedings or the transcription thereof shall be filed with and maintained by the agency for at least five years from the date of decision.

141.4(7) Findings of fact shall be based solely on the evidence in the record and on matters officially noticed in the record. (Section 17A.12, Code of Iowa.) The issue to be resolved in said hearing shall be whether the youth has broken the placement contract (parole).

141.4(8) All other conduct of the hearing shall be in accordance with chapter 17A of the Code and rules of the department, chapter 7.

SOCIAL SERVICES DEPARTMENT[770]

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.

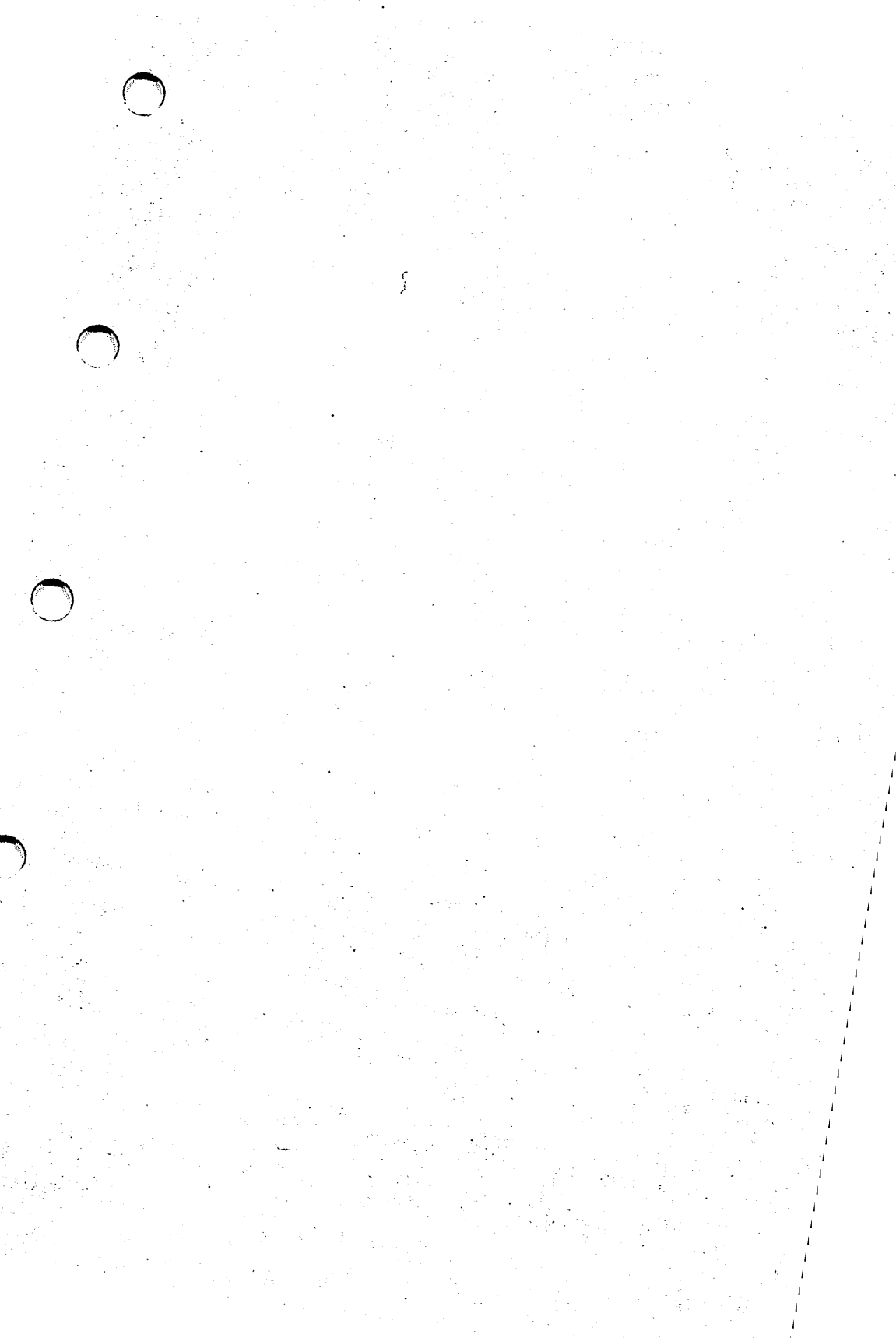
Subrule 75.1(4), lines seven and eight, is amended by striking the words "three hundred percent of the basic monthly Title XVI payment" and inserting the words "\$503.00" in lieu thereof.

[Filed January 31, 1977]

Notice of intended action regarding these rules was published in IAC Supplement December 1, 1976, and these rules shall become effective March 30, 1977. These rules are identical to those published in the December 1, 1976 Supplement.

[Published February 23, 1977]

EDITOR'S NOTE: For replacement pages for IAC, see Part II of this Supplement.



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

On April 5, 1977 at their regularly scheduled meeting at the Department of Transportation Complex, 826 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]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 Management Review, 826 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 March 22, 1977.

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 rules 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:

ITEM 1. Amend administrative rule 820—[07,E]21.13(321). This amendment is necessary to include the proposed fee change which more accurately reflects the cost of performing the inspection of vehicles.

Pursuant to the authority of section 307.10 of the Code, rules entitled "Motor Vehicle Inspection" (Chapter 21 of Division 7, Article E) are hereby amended.

ITEM 1. Rescind rule 820—[07,E]21.13(321) "Official inspection handbook" and adopt in lieu thereof the following:

820—[07,E]21.13(321) Official inspection handbook.

21.13(1) *Uniform system.* The Official Inspection Station Handbook for Motor Vehicle Inspection Stations contains the inspection rules and standards for inspection stations and shall constitute the manual and specifications for a uniform system of motor vehicle inspections in this state.

21.13(2) *Availability to inspectors.* Each inspection station shall be issued an official inspection handbook which the owner or operator shall keep on hand at all times and make it available to all inspectors.

21.13(3) Availability to public. The public may obtain information in regard to the manual through the Motor Vehicle Enforcement Office of the Department of Transportation.

21.13(4) Inspection fees. The fee that shall be charged by a certified inspection station for performing an inspection shall be:

a. Motorcycle:	\$5.00	Inspection fee
	.29	Sticker fee
	<u>.01</u>	Tax on sticker fee only
	\$5.30	Total
b. Cars, light delivery trucks, panel de- livery trucks, or pickup trucks:	\$7.50	Inspection fee
	.29	Sticker fee
	<u>.01</u>	Tax on sticker fee only
	\$7.80	Total
c. All motor trucks and truck tractors except for those listed in paragraph "b" above:	\$10.00	Inspection fee
	.29	Sticker fee
	<u>.01</u>	Tax on sticker fee only
	\$10.30	Total

TRANSPORTATION DEPARTMENT[820]

06 HIGHWAY DIVISION

Pursuant to the authority of section 307.10 of the Code, the following rule is adopted, [06,C] Chapter 3.

For complete text of Chapter 3, see replacement pages for IAC in Part II of this Supplement.

[Filed January 31, 1977]

These rules 820—[06,C] Chapter 3 were originally filed on November 22, 1976 and became effective on November 24, 1976 under the emergency provisions of the Iowa Administrative Procedures Act. These rules were also developed under the normal rulemaking provisions of the Iowa Administrative Procedures Act because the rules as adopted under the emergency rulemaking provisions are effective for only 180 specified days ending May 22, 1977.

A notice of intended action for the adoption of these rules under normal rulemaking provisions was published in the December 15, 1976 edition of the Supplement to the Iowa Administrative Code. The transportation commission approved the adoption of these rules on January 25, 1977. These rules are to be published as adopted in the February 23, 1977 edition of the Supplement to the Iowa Administrative Code to be effective March 30, 1977. These rules are identical to the ones published under the emergency rulemaking provisions and to the ones published under notice. The emergency rules 820—[06,C] Chapter 3 now in effect are hereby rescinded March 30, 1977.

[Published February 23, 1977]



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Aeronautics, registration of aircraft and airports, [820], 04,C, chs 1, 2 (6/14/76)
Catwalks and handrails, safety standards, [820], 10,E, ch 9 (3/8/76)
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Financial assistance, [820], 09,B, ch 1 (7/26/76)
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Electric power generating facilities, [250], ch 24 (11/3/76)
Electric transmission lines, [250], ch 11 (4/5/76)
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VACATION

Merit employment, [570], ch 14 (7/28/75) (11/17/75) (3/8/76)
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Residency requirements for voting for president and vice president, [750], ch 4 (12/29/75)

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See *ENVIRONMENTAL QUALITY*

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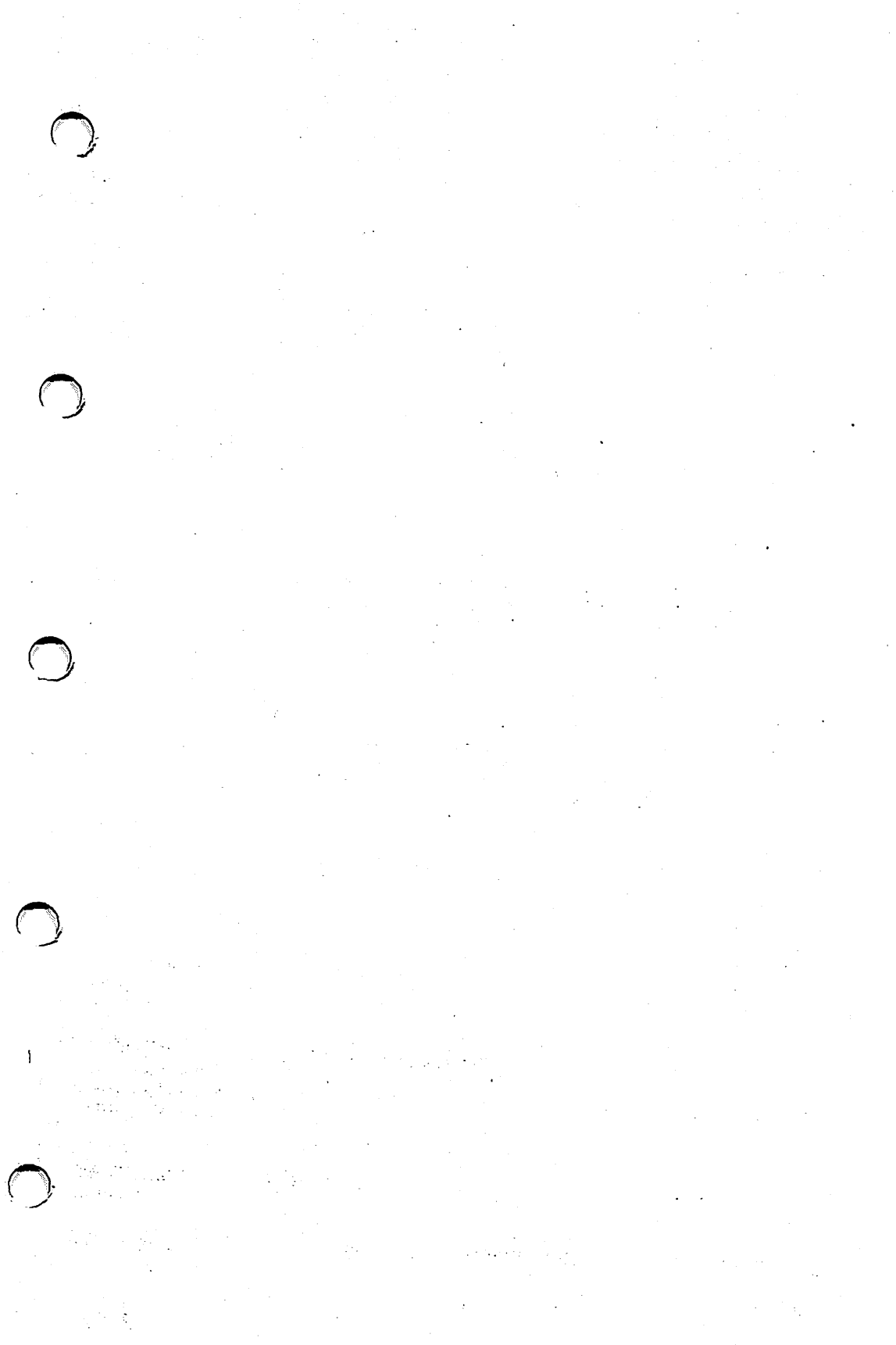
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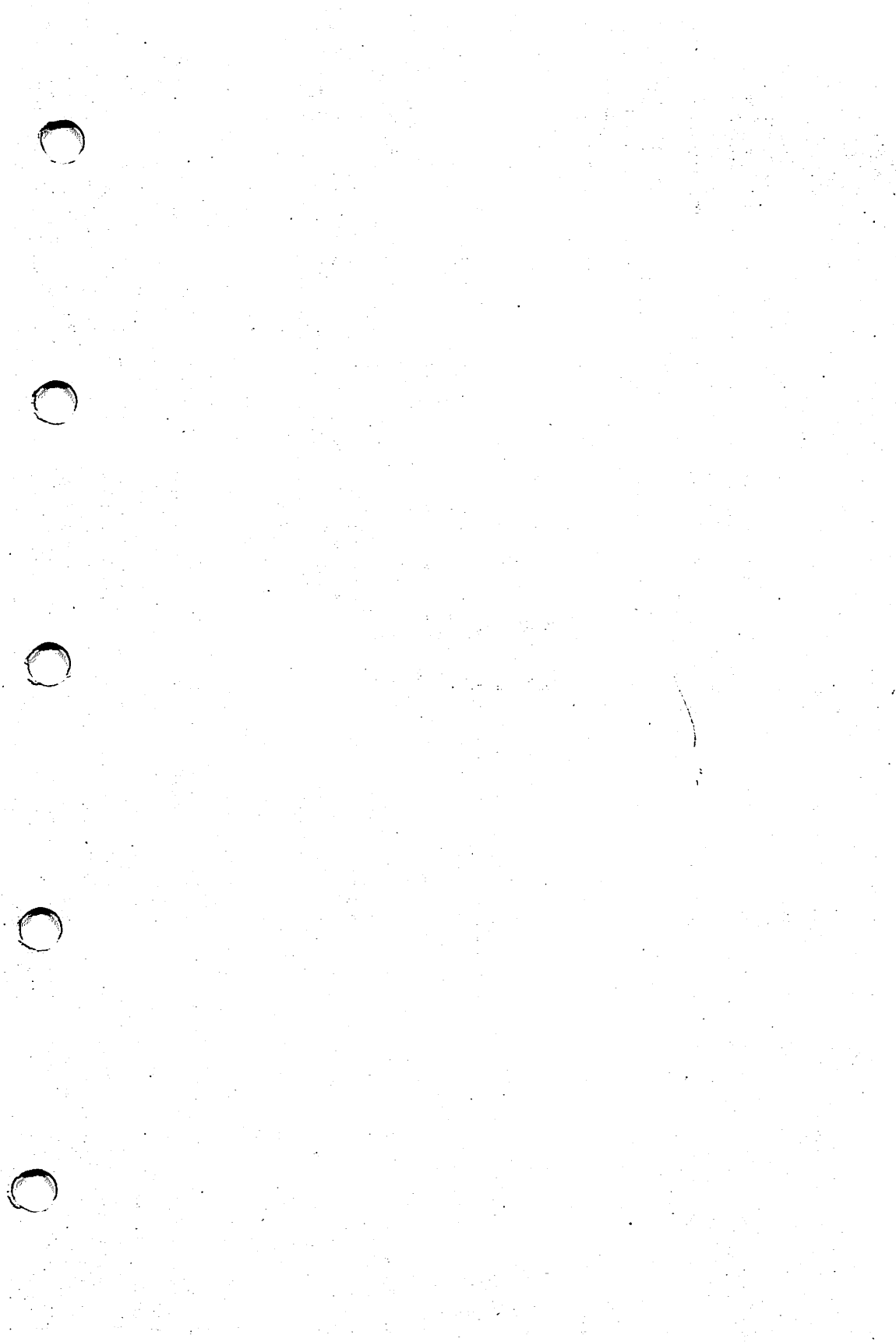
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PART II

February 23, 1977



AGENDA

The Administrative Rules Review Committee will hold its regular statutory meeting Tuesday, March 8, 1977, 7:30 a.m., Senate Committee Room 322. The following rules will be reviewed:

DIVISION I

Rules under Notice and Emergency Filed Rules	Supplement
AGRICULTURE [30]	
Egg production, 35.1	2/9/77
Weights & measures, 55.29, 55.33, 55.43	2/9/77
Livestock identification, filed emergency 18.4(10)	2/9/77
Rule changes, 1.4, 1.5	2/23/77
Test for abnormal milk, 30.20, 34.5	2/23/77
Milk samples, 30.12	2/23/77
Private applicators emergency certification, 10.28	2/23/77
Livestock exhibition health certificate, 16.18	2/23/77
COMMERCE [250]	
Termination of rulemaking for 22.4 (4/19/76)	2/23/77
CONSERVATION COMMISSION [290]	
Safety equipment, 27.13(7)	2/9/77
ENVIRONMENTAL QUALITY [400]	
Water quality standards, ch 16	2/23/77
GENERAL SERVICES [450]	
Parking, ch 10, emergency	2/9/77
HEALTH [470]	
Termination of pregnancy reports, ch 7	2/9/77
Code of ethics rescinded (Embalmers) 147.6	2/9/77
Mentally retarded, care facilities, ch 64	2/23/77
Mentally retarded, resident facilities, ch 63	2/23/77
Optometry examiners, license fees, 160.4(3)	2/23/77
Optometry examiners, license renewal, chs 143, 144	2/23/77
MERIT EMPLOYMENT [570]	
Notice amended, separations 11.1(3)	2/23/77
Reduction in force layoff, 11.1(3) (Carried over)	1/12/77
Appeals, 12.9 (Carried over from Feb. meeting)	1/12/77
NURSING BOARD [590]	
Notice of license suspension, 1.2(1)	2/9/77
PUBLIC INSTRUCTION [670]	
Standards for common carriers, 22.43	2/9/77

DIVISION I (continued)

Rules under Notice and Emergency Filed Rules

Supplement

PUBLIC SAFETY [680]

Urine collection, 3.13(3)

2/9/77

RECORDS COMMISSION [710]

Organization and responsibility, chs 1, 2

2/9/77

REGENTS, BOARD OF [720]

Employees, ch 3 amendments

2/23/77

REVENUE [730]

Appeals, 2.4—2.6

2/9/77

Freight line and equipment car tax, ch 75 (See also filed)

2/23/77

SOCIAL SERVICES [770]

ADC, 41.6(1), 41.6(5)

2/23/77

Child care in foster homes, 41.8(5)

2/23/77

Subsidized adoptions, 138.1, 138.3(2)

2/23/77

Children in need of assistance, ch 141

2/23/77

TRANSPORTATION [820]

Inspection handbook, [07,E] 21.13

2/23/77

VOTER REGISTRATION [845]

Data process contract specifications, 4.3 4.4

2/9/77

DIVISION II

Filed Rules

CONSERVATION COMMISSION [290]

Fishing season, ch 108

2/23/77

Inland commercial fishing, ch 110

2/23/77

GENERAL SERVICES [450]

Parking, ch 10

2/9/77

HEALTH DEPARTMENT [470]

Health care facilities, without notice, chs 57 to 59

2/23/77

Chiropractic board of examiners, without notice, 141.6, 141.8

2/23/77

Speech pathology and audiology, ch 155

2/23/77

LIBRARY DEPARTMENT [560]

Libraries, ch 1

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PUBLIC SAFETY [680]

Breath and urine collections, 3.13(1), (2)

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REVENUE [730]

Freight line and equipment cars, ch 75, emergency after notice

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DIVISION II (Continued)

Filed Rules

Supplement

SOCIAL SERVICES [770]

Medical assistance, 75.1(4)

2/23/77

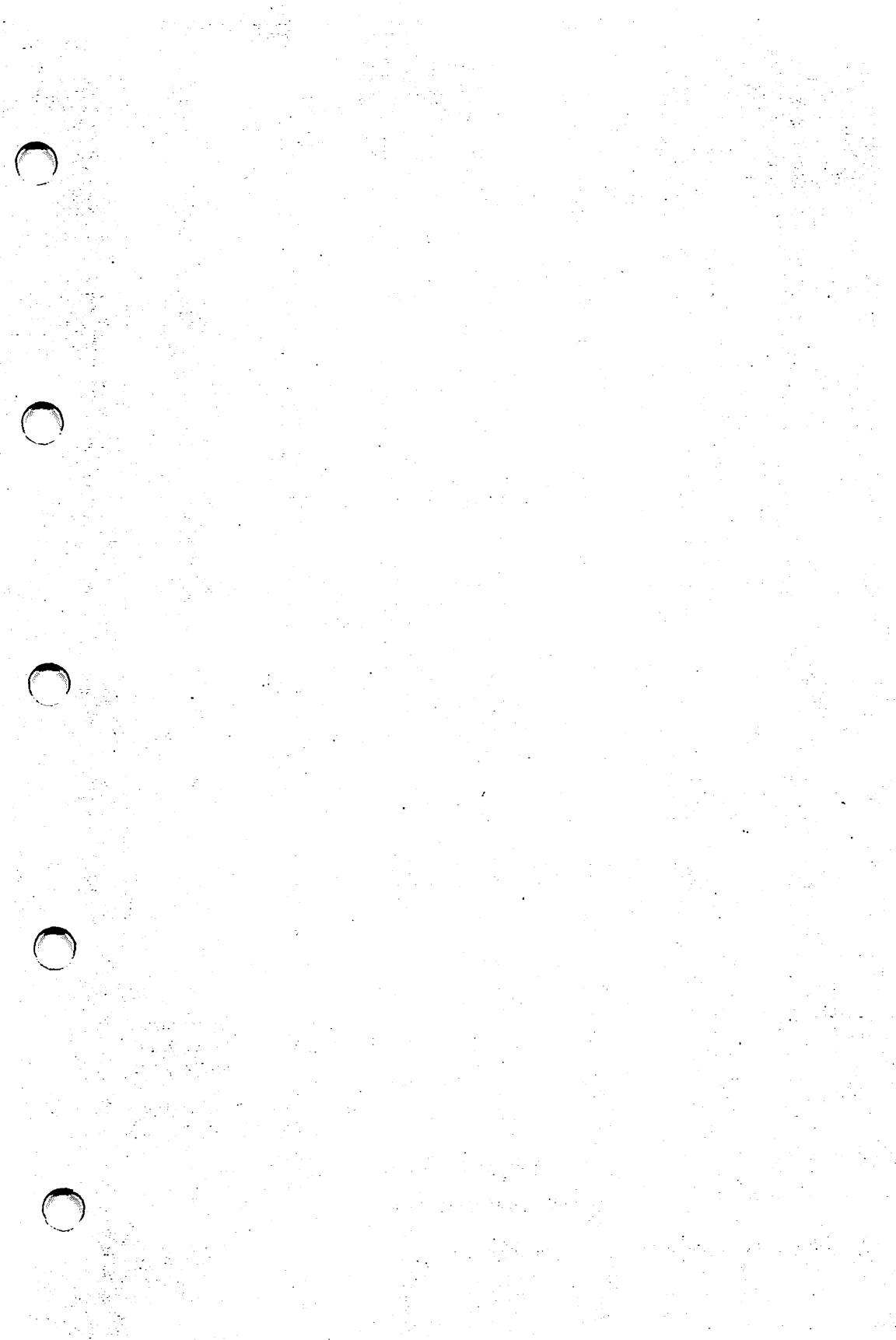
TRANSPORTATION [820]

Primary road access, [06,C] 1.1, 1.2, 1.10—1.14

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Railroad crossings, [06,C] ch 3

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- 104.4(109) Beaver
- 104.5(109) Coyote
- 104.6(109) Otter, spotted skunk and weasel
- 104.7(109) Permits

CHAPTER 105

1976 WATERFOWL REGULATIONS

- 105.1(109) General
- 105.2(109) Duck stamp
- 105.3(109) Hunting methods
- 105.4(109) Restrictions applicable to possession, tagging and record-keeping requirements
- 105.5(109) Transportation within the state or between states
- 105.6(109) Wounded, live migratory game birds

CHAPTER 106

1975 DEER HUNTING REGULATIONS

- 106.1(109) General
- 106.2(109) Method of take
- 106.3(109) Permitted and prohibited weapons and devices
- 106.4(109) Application procedure
- 106.5(109) Transportation tag

CHAPTER 107

1976 MIGRATORY BIRD HUNTING SEASON

- 107.1(109) Ducks
- 107.2(109) Coot
- 107.3(109) Geese

CHAPTER 108

1977-1978 FISHING REGULATIONS

- 108.1(109) Seasons, daily catch limits, possession limits and minimum length limits
- 108.2(109) Exceptions to seasons and limits, set in 108.1(109)

CHAPTER 109

1976-77 SNIPE, WOODCOCK, RAIL AND GROUSE SEASONS

- 109.1(109) Wilson snipe season
- 109.2(109) Virginia and Sora rail season
- 109.3(109) Woodcock season
- 109.4(109) Ruffed grouse

CHAPTER 110

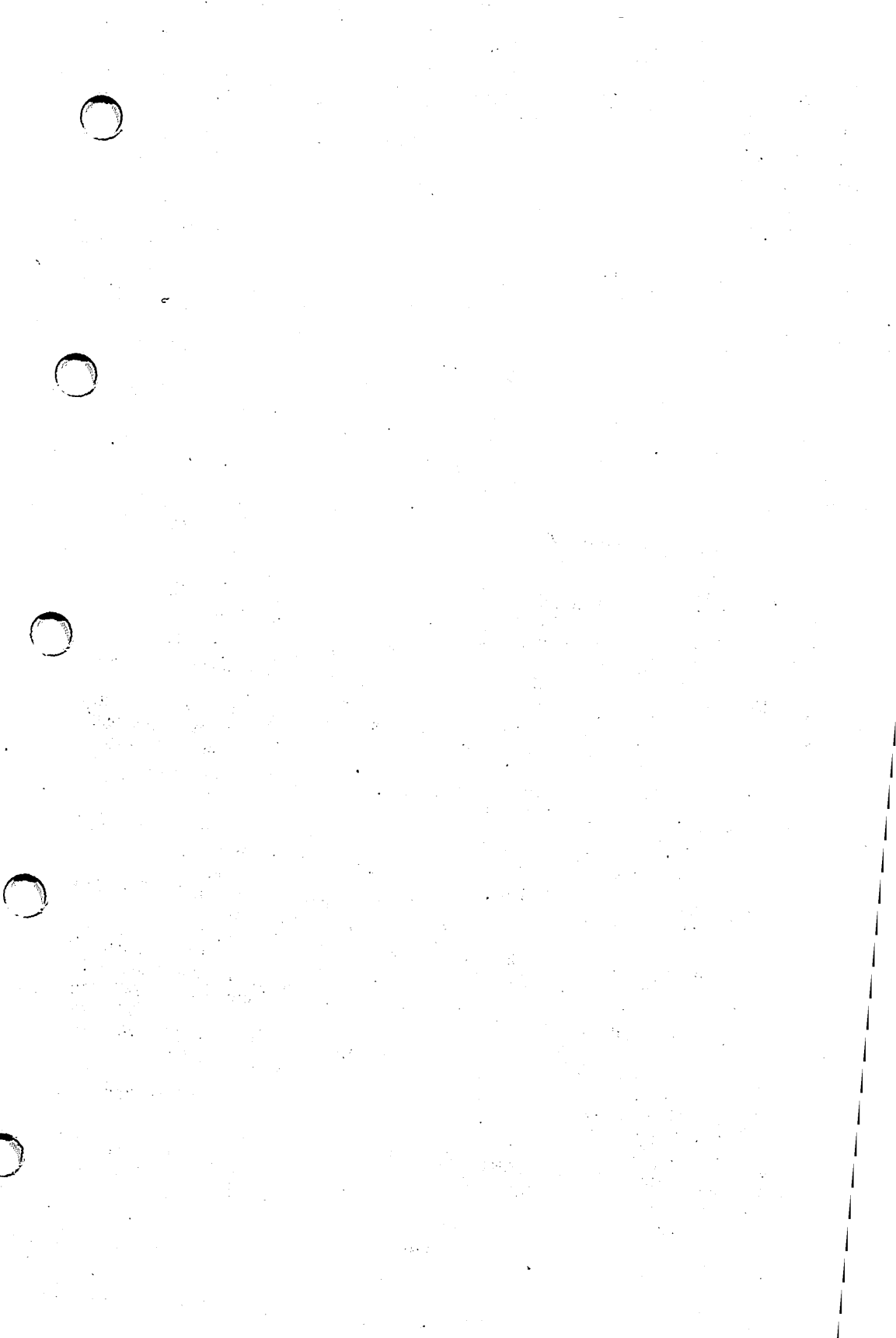
INLAND COMMERCIAL FISHING SEASON

- 110.1(109) Areas
- 110.2(109) Seasons and hours
- 110.3(109) Methods and attendance
- 110.4(109) Species
- 110.5(109) Permits
- 110.6(109) Report of catch
- 110.7(109) Compliance

CHAPTER 111

1977 WILD TURKEY HUNTING REGULATIONS

- 111.1(109) General
- 111.2(109) Method of take
- 111.3(109) Permitted and prohibited weapons and devices
- 111.4(109) Application procedure
- 111.5(109) Transportation tag



CHAPTER 108
1977-1978 FISHING REGULATIONS

290—108.1(109) Seasons, daily catch limits, possession limits, and minimum length limits.

KIND OF FISH	OPEN SEASON	DAILY CATCH LIMIT	POSSESION LIMIT	MINIMUM LENGTH LIMITS	BOUNDARY RIVERS
					MISSISSIPPI RIVER MISSOURI RIVER BIG SIOUX RIVER
Rock Sturgeon	Continuous	1	1	None	Same as inland waters
Paddlefish*	Continuous	2	4	None	Same as inland waters
Yellow Perch	Continuous	25	50	None	Same as inland waters except no catch or possession limit.
Trout	Continuous	5	10	None	Same as inland waters
Catfish	Continuous	8	16	None	Same as inland waters except no catch or possession limit.
Largemouth Bass	Continuous	5	10	None*	Largemouth and smallmouth bass. Same as inland waters except aggregate daily catch limit 10, aggregate possession limit 20.
Smallmouth Bass	Continuous	5	10	None*	Continuous open season aggregate daily catch limit 10, aggregate possession limit 20. No minimum length or weight.
Combined Walleye and Sauger	Continuous*	5	10	None	Continuous open season; daily catch limit 5; possession limit 10. No minimum length limits.
Northern Pike	Continuous*	3	6	None	Continuous open season; daily catch limit 5; possession limit 10. No minimum length limits.
Muskellunge or Hybrid Muskellunge	Continuous*	1	1	30"	Same as inland waters
All other fish species	Continuous	None	None	None	Same as inland waters
Frogs (except Bullfrogs)	Continuous	48	96	None	Same as inland waters
Bullfrogs (Rana Catesbeiana)	Continuous	12	12	None	Same as inland waters

*Also see 108.2(109), Exceptions.

290—108.2(109) Exceptions to seasons and limits, set in 108.1(109).

108.2(1) *Natural lakes.* In the natural lakes in Dickinson and Cerro Gordo Counties the open season on walleye, sauger, muskellunge or hybrid muskellunge and northern pike shall be April 30, 1977, through February 28, 1978.

108.2(2) *Minimum length—largemouth and smallmouth bass.* A minimum length limit on largemouth and smallmouth bass of twelve or fourteen inches shall apply on selected lakes as approved by the commission and posted as such.

108.2(3) *Paddlefish snagging regulations.*

a. *Areas.* Paddlefish snagging shall be limited to the following areas: Iowa boundary waters of the Mississippi and Missouri Rivers; Missouri River oxbow lakes which are open to the river; Iowa River from the lower dam at Iowa City to the Mississippi River and the Des Moines River from the hydro-electric dam at Ottumwa to the Mississippi River.

b. *Limits.* The daily catch limit shall be two; possession limit four.

These rules are intended to implement sections 109.38, 109.39, 109.67, and 109.76 of the Code.

[Filed Emergency 1/9/76—published 1/26/76, effective 1/9/76]

[Filed 2/1/77, Notice 12/15/76—published 2/23/77, effective 3/30/77]

CHAPTER 110
INLAND COMMERCIAL FISHING SEASON

290—110.1(109) Areas. Inland commercial fishing shall be limited to the following areas: Lake Odessa, Louisa County; Sabula Lake, Jackson County; Red Rock Reservoir and Roberts Creek Lake, Marion County.

110.1(1) Limitations. Geographic limitations of commercial fishing at the Red Rock Reservoir shall be from the dam to State Highway 14 on the west and State Highway 92 on the south.

110.1(2) Reserved.

290—110.2(109) Seasons and hours. The commercial fishing season on the Red Rock Reservoir and Sabula Lake shall be a continuous open season. The commercial fishing season at Lake Odessa and Louisville Bend shall be December 15 through August 31. The commercial fishing season at Roberts Creek Lake shall be from October 1 through April 30. Commercial fishing at Lake Odessa shall be limited to one-half hour after sunset to one-half hour before sunrise during the period of May 1 through August 31.

290—110.3(109) Methods and attendance. Inland commercial fishing will be limited to the use of trammel and gill nets. Each net must be at least one hundred feet long with a mesh bar measure of three inches or more. All commercial fishing gear must be attended at least once during each forty-eight hour period, unless otherwise specified. Commercial fishing nets set in Red Rock Reservoir during the period from May 28 through September 6 shall be constantly attended or set at least three feet beneath the surface of the water. Commercial fishing nets not in use, fish boxes, and fish taken by commercial fishing shall be removed from public property at the close of each day's operation. Commercial fishing nets, fish boxes and fish shall not be left at public boat landings unless such items are stored in a vehicle properly parked in a parking lot. Commercial fishing buoys shall be subject to the provisions of departmental rule Chapter 31 which relates to navigation aids.

290—110.4(109) Species. Permissive catch is limited to the following fish families: Catostomidae (sucker, buffalo), Cyprinidae (carp) and Scraenidae (drum). All other species taken, except gar, must be returned, unharmed, to the water immediately. Gar must be destroyed as required in section 109.114 of the Code.

290—110.5(109) Permits. Inland commercial fishing is limited to permit holders. Applications for permits must be made in writing to the state conservation commission office in Des Moines, Iowa. Permits will be issued free of charge. Permittees must comply with the commercial fishing license provisions as set forth in section 110.1 of the Code. All tackle, when in use, must be licensed and tagged with a metal tag, provided by the commission, identifying the equipment and license for its use. Officers appointed by the commission shall have the authority to confiscate any such commercial fishing gear when found in use without such tags attached.

290—110.6(109) Report of catch. Monthly records of catch must be kept by the permit holder and returned no later than ten days after the month has ended. Failure to return monthly records will be cause for permit revocation.

290—110.7(109) Compliance. Permits will be revoked for any individual failing to comply with the provisions of this rule.

These rules are intended to implement section 109.17 of the Code.

[Filed 8/29/75]

[Filed emergency 4/9/76—published 5/3/76, effective 4/9/76]

[Filed emergency 7/9/76—published 7/26/76, effective 7/9/76]

[Filed 2/1/77, Notice 12/15/76—published 2/23/77, effective 3/30/77]



CHAPTER 148

Reserved

CHAPTER 149

COSMETOLOGY EXAMINERS

- 149.1(147) Board of examiners
- 149.2(147) Minimum school equipment
- 149.3(147) Cosmetology instructors
- 149.4(147) Students
- 149.5(147) Textbooks and charts
- 149.6(147) Equipment kit and textbook
- 149.7(147) Enrollment card and monthly report card
- 149.8(147) Examination requirements

CHAPTER 150

SANITARY CONDITIONS IN COSMETOLOGY SCHOOLS AND PLACES WHERE COSMETOLOGY IS PRACTICED

- 150.1(157) Rules and inspection reports
- 150.2(157) Proper quarters
- 150.3(157) Sanitation and disinfection
- 150.4(157) Towels, containers and other supplies
- 150.5(157) Dispensers
- 150.6(157) Permanent wave equipment
- 150.7(157) Haircutting department
- 150.8(157) Water—sewer
- 150.9(157) Equipment, fixtures, furnishings
- 150.10(157) Communicable diseases
- 150.11(157) Other disease carriers

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CHAPTER 152

BARBER EXAMINERS

- 152.1(158) Course of study
- 152.2(158) Qualifications of managers and instructors
- 152.3(158) Assistant instructors
- 152.4(158) Application for approval and licensing
- 152.5(147) Minimum equipment of school of barbering
- 152.6(147) Miscellaneous requirements
- 152.7(147) Attendance requirements
- 152.8(147) Records requirements
- 152.9(147) Library requirements

CHAPTER 153

SANITARY OPERATION OF BARBER SHOPS AND BARBER SCHOOLS

- 153.1(158) Rules posted
- 153.2(158) License
- 153.3(158) Signs

- 153.4(158) Sanitation
- 153.5(158) Quarters
- 153.6(158) Quarters adjacent to other business
- 153.7(158) Candy, cigars, beverages, etc.
- 153.8(158) Plumbing
- 153.9(158) Combs and brushes
- 153.10(158) Instruments
- 153.11(158) Disinfectants
- 153.12(158) Shaving mugs
- 153.13(158) Bowls and strops
- 153.14(158) Dusters and brushes
- 153.15(158) Hands
- 153.16(158) Headrest
- 153.17(158) Towels
- 153.18(158) Styptic powder and alum
- 153.19(158) Communicable diseases
- 153.20(158) Other disease carriers
- 153.21(158) Managers' duty
- 153.22(158) Disinfectant solutions

CHAPTER 154

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CHAPTER 155

BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY EXAMINERS

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- 155.2(147) Availability of information
- 155.3(147) General
- 155.4(147) Licensure by examination
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- 155.6(147) Supervision of temporary clinical license-holders
- 155.7(147) License fees
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- 160.2(147) Board of podiatry examiners
- 160.3(147) Board of physical therapy examiners
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- 160.6 and 160.7 Reserved
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- 170.5(17A) Central office
- 170.6(17A) Business hours
- 170.7(17A) Submission of materials
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- g. Name, address, and telephone number of person to be notified in case of emergency; (III)
 - h. Mortician's name, telephone number, and address; (III)
 - i. Pharmacist's name, telephone number, and address; (III)
 - j. Physical examination and medical history; (III)
 - k. Certification by the physician that the resident requires no more than personal care and supervision, but does not require nursing care; (III)
 - l. Physician's orders for medication, treatments, and diet in writing and signed by the physician quarterly; (III)
 - m. A notation of yearly or other visits to physician or other professional services; (III)
 - n. Any change in the resident's condition; (II,III)
 - o. If the physician has certified that the resident is capable of taking his prescribed medications, the administrator shall require residents to keep him advised of current medications, treatments, and diet. The administrator shall keep a listing of medications, treatments, and diet prescribed by the physician for each resident; (III)
 - p. If the physician has certified that the resident is not capable of taking his prescribed medication, it must be administered by a qualified person of the facility. A qualified person shall be defined as either a registered or licensed practical nurse or an individual who has completed the state-approved training course in medication administration; (II)
 - q. Medications administered by an employee of the facility shall be recorded on a medication record by the individual who administers the medication; (II,III)
 - r. A notation describing condition on admission, transfer, and discharge; (III)
 - s. In the event of the death of a resident, a death record shall be completed, including the physician's signature and disposition of the body. A notation shall be made on the resident record of the notification of the family; (III)
 - t. A copy of instructions given to the resident, legal representative, or facility in the event of discharge or transfer; (III)
 - u. Disposition of valuables. (III)
- 57.16(2) Incident record.**
- a. Each residential care facility shall maintain an incident record report and shall have available incident report forms. (III)
 - b. Report of incidents shall be in detail on a printed incident report form. (III)
 - c. The person in charge at the time of the incident shall oversee the preparation and sign the incident report. (III)
 - d. The report shall cover all accidents whether there is apparent injury or where hidden injury may have occurred. (III)
 - e. The report shall cover all accidents or unusual occurrences within the facility or on the premises affecting residents, visitors, or employees. (III)
 - f. A copy of the incident report shall be kept on file in the facility. (III)
- 57.16(3) Retention of records.**
- a. Records shall be retained in the facility for five years following termination of services. (III)
 - b. Records shall be retained within the facility upon change of ownership. (III)
 - c. The resident's records shall be kept confidential and shall be revealed only to persons authorized by law. (III)
 - d. When the facility ceases to operate, the resident's record shall be released to the facility to which the resident is transferred. If no transfer occurs, the record shall be released to the individual's physician. (III).
- 57.16(4) Reports to the department.** The licensee shall furnish statistical information concerning the operation of the facility to the department on request. (III)
- 57.16(5) Personnel record.**
- a. An employment record shall be kept for each employee consisting of the following information: Name and address of employee, social security number of employee, date of birth of employee, date of employment, experience and education, references, position in the home, date and reason for discharge or resignation. (III)

b. The personnel records shall be made available for review upon request by the department. (III)

470—57.17(135C) Resident care and personal services.

57.17(1) Beds shall be made daily and adjusted as necessary. A complete change of linen shall be made at least once a week and more often if necessary. (III)

57.17(2) Residents shall receive sufficient supervision so that their personal cleanliness is maintained. (II,III)

57.17(3) Residents shall have clean clothing as needed to present a neat appearance, be free of odors, and to be comfortable. Clothing shall be appropriate to their activities and to the weather. (III)

57.17(4) Residents shall receive kind and considerate care at all times and shall not be abused physically, mentally, or verbally in any way. (II)

57.17(5) Residents shall be encouraged to leave their rooms and make use of the recreational room or living room of the facility. (III)

57.17(6) Residents shall not be required to pass through another's bedroom to reach a bathroom, living room, dining room, corridor, or other common areas of the facility. (III)

57.17(7) Residents shall not have their personal lives regulated or controlled beyond reasonable adherence to meal schedules, bedtime hours, and other written policies which may be necessary for the orderly management of the facility and as required by these rules and regulations. However, residents shall be encouraged to participate in the recreational programs. (III)

57.17(8) Uncontrollable residents shall be transferred or discharged from the facility in accordance with contract arrangements and requirements of chapter 135C, Code of Iowa. (II,III)

57.17(9) Residents shall be required to bathe at least twice a week. (II,III)

57.17(10) No nonambulatory resident shall be admitted or retained in a residential care facility. (II)

470—57.18(135C) Rights of residents.

57.18(1) Visiting.

a. Visitors shall be permitted to visit residents at any reasonable time. (III)

b. Each resident shall be permitted to have privacy with his visitors or the representative of the agency who has responsibility for his care. (III)

57.18(2) Religion.

a. A resident's rights to his own religious convictions or the absence of them shall not be infringed upon. (III)

b. A resident's request to see a clergyman shall be honored. (III)

c. The facility shall attempt to arrange for transportation for residents who desire to attend church services at no additional cost to the resident. (III)

57.18(3) Mail.

a. Residents shall receive their mail unopened. (III)

b. Outgoing mail shall not be censored, controlled, or restricted unless written authorization signed by the resident's legal guardian is on file in the facility. (III)

c. Assistance with correspondence shall be provided when requested. (III)

57.18(4) **Telephone.** A telephone shall be accessible to the residents within the facility to make personal calls. (III)

57.18(5) Access.

a. Living room and recreational areas shall be freely accessible to the residents at all reasonable times. (III)

b. Residents shall be permitted to leave the facility and environs at reasonable times unless there are justifiable reasons established in writing for refusing such permission. (III)

470—57.19(135C) Drugs.

57.19(1) Drug storage.

a. Residents who have been certified in writing by the physician as capable of taking

j. All medication orders which do not specifically indicate the number of doses to be administered or the length of time the drug is to be administered shall be stopped automatically after a given time period. The automatic stop order may vary for different types of drugs. The personal physician of the resident, in conjunction with the pharmacist, shall institute these policies and provide procedures for review and endorsement. (II,III)

k. No resident shall be allowed to keep in his possession any medications unless the attending physician has certified in writing on the resident's medical record that the resident is mentally and physically capable of doing so. (II)

l. No medications or prescription drugs shall be administered to a resident without a written order signed by the attending physician. (II)

57.19(3) Drug administration.

a. A properly trained person shall be charged with the responsibility of administering medications. This person shall have completed the state-approved course for training of individuals charged with the administration of nonparental medications which meets guidelines adopted by the department and other appropriate agencies. (II)

b. Unless the unit dose system is used, the person assigned the responsibility of medication administration must complete the procedures by personally preparing the dose, observing the actual act of swallowing the oral medication, and charting the medication. (II) In facilities where the unit dose system is used, the person assigned the responsibility must complete the procedure by observing the actual act of swallowing the medication and charting the medication. (II) Medications shall be prepared on the same shift of the same day that they are administered, unless the unit dose system is used. (II)

c. Controlled drugs, as defined in chapter 204, Code of Iowa, and injectable medications shall not be administered by anyone other than a qualified nurse or physician. (II)

d. An individual inventory record shall be maintained for each Schedule II drug prescribed for each resident. (II)

e. The unit dose system may be used by the facility.

470—57.20(135C) Dental services.

57.20(1) The residential care facility personnel shall assist residents to obtain regular and emergency dental services. (III)

57.20(2) Transportation arrangements shall be made when necessary for the resident to be transported to the dentist's office. (III)

57.20(3) Dental services shall be performed only on the request of the resident, responsible relative, or legal representative. The resident's physician shall be advised of the resident's dental problems. (III)

57.20(4) All dental reports or progress notes shall be included in the clinical record. (III)

57.20(5) Personal care staff shall assist the resident in carrying out dentist's recommendations. (III)

57.20(6) Dentists shall be asked to participate in the in-service program of the facility. (III)

470—57.21(135C) Dietary.

57.21(1) Dietary staffing.

a. In facilities licensed for over fifteen beds, persons in charge of meal planning and food preparation shall complete the home study course on sanitation and food preparation offered by the department. (III)

b. In facilities licensed for over fifteen beds, food service personnel shall be on duty during a twelve-hour span extending from the preparation of breakfast through supper. (III)

c. There shall be written work schedules and time schedules covering each type of job in the food service department. These work and time schedules shall be posted or kept in a notebook which is available for use in the food service area in facilities over fifteen beds. (III)

57.21(2) *Nutrition and menu planning.*

a. Menus shall be planned and followed to meet nutritional needs of residents in accordance with the physician's orders. (II)

b. Menus shall be planned and served to include foods and amounts necessary to meet the recommended daily dietary allowances of the Food and Nutrition Board of the National Research Council, National Academy of Sciences. (II) Recommended daily dietary allowances are:

- (1) Milk - two or more cups served as beverage or used in cooking;
- (2) Meat group - two or more servings of meat, fish, poultry, eggs, cheese or equivalent; at least four to five ounces edible portion per day;
- (3) Vegetable and fruit group - four or more servings (two cups). This shall include a citrus fruit or other fruit and vegetable important for vitamin C daily, a dark green or deep yellow vegetable for vitamin A at least every other day, and other fruits and vegetables, including potatoes;
- (4) Bread and cereal group - four or more servings of whole-grain, enriched or restored;
- (5) Foods other than those listed will usually be included to meet daily energy requirements (calories) to add to the total nutrients and variety of meals.

c. At least three meals or their equivalent shall be served daily, at regular hours. (II)

(1) There shall be no more than a fourteen-hour span between substantial evening meal and breakfast. (II,III)

(2) To the extent medically possible, bedtime nourishments shall be offered routinely to all residents. Special nourishments shall be available when ordered by physician. (II,III)

d. Menus shall include a variety of foods prepared in various ways. The same menu shall not be repeated on the same day of the following week. (III)

e. Menus shall be written at least one week in advance. The current menu shall be located in an accessible place in the dietetic service department for easy use by persons purchasing, preparing, and serving food. (III)

f. Records of menus as served shall be filed and maintained for thirty days and shall be available for review by departmental personnel. When substitutions are necessary, they shall be of similar nutritive value and recorded on the menu or in a notebook. (III)

g. A file of tested recipes adjusted to the number of people to be fed in the facility shall be maintained. (III)

57.21(3) *Dietary storage, food preparation, and service.*

a. All food and drink shall be clean, wholesome, free from spoilage, and safe for human consumption. (II,III)

b. The use of foods from salvaged, damaged, or unlabeled containers shall be prohibited. (III)

c. All perishable or potentially hazardous food shall be stored at safe temperatures of 45°F (7°C) or below, or 140°F (60°C) or above. (III)

d. No perishable food shall be allowed to stand at room temperature any longer than is required to prepare and serve. (III)

e. Supplies of staple foods for a minimum of a one-week period and or perishable foods for a minimum of a two-day period shall be maintained on the premises. Minimum food portion requirements for a low-cost plan shall conform to information supplied by the nutrition section of the department of health. (II,III)

f. Table service shall be attractive. Dishes shall be free of cracks, chips, and stains. (III)

g. If family style service is used, all leftover prepared food that has been on the table shall be properly handled. (III)

h. Poisonous compounds shall not be kept in food storage or preparation areas. (II)

57.21(4) *Sanitation in food preparation area.*

a. "Food Service Sanitation Manual", revised 1976, U.S. Department of Health, Education, and Welfare, Public Health Service, U.S. Government Printing Office, Washington, D.C., shall be used as the established, nationally recognized reference for establishing and determining satisfactory compliance with food service sanitation.

b. Residents shall not be allowed in the food preparation area. (III)

c. In facilities licensed for over fifteen beds, the kitchen shall not be used for serving meals to residents, food service personnel, or other staff. (III)

d. All foods, while being stored, prepared, displayed, served, or transported shall be protected against contamination from dust, flies, rodents, and other vermin. (II,III)

e. Food shall be protected from unclean utensils and worn surfaces, unnecessary handling, coughs and sneezes, flooding, drainage, and overhead leakage. (II,III)

f. All appliances and work areas shall be kept clean. (III)

g. There shall be written procedures established for cleaning all work and serving areas in facilities over fifteen beds. (III)

h. A schedule for duties to be performed daily shall be posted in each food area. (III)

i. *All cooking equipment in facilities of fifteen or more beds shall be provided with a properly sized exhaust system and hood to eliminate excess heat, moisture, and odors from the kitchen. (III)

j. Spillage and breakage shall be cleaned up immediately. (III)

k. All garbage not mechanically disposed of shall be kept in nonabsorbent, cleanable containers pending disposal. All filled containers shall be covered and stored in a sanitary manner. (III)

l. The food service area shall be located so it will not be used as a passageway by residents, guests, or nonfood service staff. (III)

m. The walls, ceilings, and floors of all rooms in which food is prepared and served shall be in good repair, smooth, washable, and shall be kept clean. (III)

n. There shall be no washing, ironing, sorting or folding of laundry in the food service area. Dirty linen shall not be carried through the food service area unless it is in sealed, leak-proof containers. (III)

o. Ice shall be stored and handled in such a manner as to prevent contamination. Ice scoops should be sanitized daily and kept in a clean container. (III)

p. There shall be no animals or birds in the food preparation area. (III)

q. No dishes or cooking utensils shall be towel dried. (III)

r. In facilities over fifteen beds, a mechanical dishwasher is required. (III)

s. If there is a dishwashing machine, it must provide a wash temperature of 140°F (60°C) to 160°F (71°C) and a rinse temperature of 170°F (76°C) to 180°F (82°C). The machine shall be provided with temperature gauges. (III)

t. A three-compartment pot and pan sink with 110°F (43°C) to 115°F (46°C) water for washing, a compartment for rinsing with water at 170°F (76°C) to 180°F (82°C) for sanitizing with space for air drying, or a two-compartment sink with access to a mechanical dishwasher for sanitizing all utensils shall be provided. (III)

u. All dishes, silverware, and cooking utensils shall be stored above the floor in a sanitary manner, in a clean dry place protected from flies, splashes, dust, and other contaminants. (III)

v. Procedures for washing and handling dishes shall be followed in order to protect the welfare of the residents and employees. Persons handling dirty dishes shall not handle clean dishes without washing their hands. (III)

w. Dishes, silverware, and cooking utensils shall be properly cleaned by prerinseing or scraping, washing, sanitizing, and air-drying. (III)

57.21(5) *Hygiene of food service personnel.*

a. Food service personnel shall be free of communicable diseases and practice hygienic food handling techniques. In the event food service employees are assigned duties outside the dietetic service, these duties shall not interfere with sanitation, safety, or time required for dietetic work assignments. Personnel recovering from a diagnosed intestinal infection shall submit a report from their physician showing freedom from infection before returning to work in the food service department. (II,III)

b. Employees shall wear clean, washable uniforms that are not used for duties outside the food service area. (III)

c. Hairnets shall be worn by all food service personnel. Individuals with beards shall provide for total enclosure of facial hair. (III)

*Emergency, pursuant to §17A.5 of the Code.

d. Clean aprons and hairnets shall be available for use by other personnel in emergency situations. (III)

e. Persons handling food shall be knowledgeable of good handwashing techniques. A hand-wash sink shall be provided in or adjacent to the food service area. Continuous on-the-job training on sanitation shall be encouraged. (III)

f. The use of tobacco shall be prohibited in the kitchen. (III)

57.21(6) Food and drink. All food and drink consumed within the facility shall be clean and wholesome and comply with local ordinances and applicable provisions of state and federal laws. (II,III)

470—57.22(135C) Social services program.

57.22(1) The administrator or his designee shall be responsible for developing a written, organized orientation program for all residents. (III)

57.22(2) The program shall be planned and implemented to resolve or reduce personal, family, business, and emotional problems that may interfere with the medical or health care, recovery, and rehabilitation of the individual. (III)

57.22(3) There shall be a social services plan which included specific goals and regular evaluation of progress. (III)

470—57.23(135C) Resident activities program.

57.23(1) Each residential care facility shall provide an organized resident activity program for the group and for the individual resident which shall include suitable activities for evenings and weekends. (III)

a. The activity program shall be designed to meet the needs and interests of each resident and to assist residents in continuing normal activities within limitations set by the resident's physician. This shall include helping residents continue in their individual interests or hobbies. (III)

b. The program shall include individual goals for each resident. (III)

c. The activity program shall include both group and individual activities. (III)

d. No resident shall be forced to participate in the activity program. (III)

57.23(2) Co-ordination of activities program.

a. Each residential care facility with over fifteen beds shall employ* a person to direct the activities program. (III)

b. Staffing for the activity program shall be provided on the minimum basis of forty-five minutes per licensed bed per week. This time shall be spent in working with the organized activity program and shall include salaried staff only. (II, III)

c. The activity co-ordinator shall have completed the activity co-ordinators' orientation course offered through the department within six months of employment or have comparable training and experience as approved by the department. (III)

d. The activity co-ordinator shall attend workshops or educational programs which relate to activity programming. These shall total a minimum of ten contact hours per year. These programs shall be approved by the department. (III)

e. There shall be a written plan for personnel coverage when the activity co-ordinator is absent during scheduled working hours. (III)

57.23(3) Duties of activity co-ordinator. The activity co-ordinator shall:

a. Have access to all residents' records excluding financial records; (III)

b. Co-ordinate all activities, including volunteer or auxiliary activities and religious services; (III)

c. Keep all necessary records including:

(1) Attendance; (III)

(2) Individual resident progress notes recorded at regular intervals (at least every two months); (III)

- (3) Monthly calendars, prepared in advance. (III)
- d. Co-ordinate the activity program with all other services in the facility; (III)
- e. Participate in the in-service training program in the facility. This shall include attending as well as presenting sessions. (III)

57.23(4) Supplies, equipment, and storage.

- a. Each facility shall provide a variety of supplies and equipment of a nature calculated to fit the needs and interests of the residents. (II) These may include: Books (standard and large print), magazines, newspapers, radio, television, and bulletin boards. Also appropriate would be box games, game equipment, songbooks, cards, craft supplies, record player, movie projector, piano, outdoor equipment, etc.
- b. Storage shall be provided for recreational equipment and supplies. (III)
- c. Locked storage should be available for potentially dangerous items such as scissors, knives, and toxic materials. (III)

470—57.24(135C) Care review committee. Each facility shall establish a care review committee in accordance with section 135C.25, Code of Iowa, which shall operate within the scope of these rules and regulations for health care facilities. (III)

57.24(1) Purpose of care review committee.

a. The committee shall represent the rights of the consumer in the facility for determination of appropriate care, of services available in the facility, and the determination of any discriminative practices. (III)

b. The committee shall consider the needs of the residents in respect to the services the facility is authorized to render. (III)

c. The committee shall consist of at least three members and no more than five. (III)

d. The area wide health planning council shall appoint the members of the committee from individuals who have an interest in the provision of health care services and protection of dependent persons. After failure of the area wide health planning council to appoint members to the care review committee within the time unit specified in the Code, the commissioner and facility administrator shall act under the same guidelines concerning who shall be appointed and within the specified time limits in the Code. (III)

e. Membership of the care review committee shall be evaluated by the department prior to renewal of license each year. The department shall be notified in writing of all appointments to care review committees including names and addresses, within thirty days of an appointment. (III)

f. A care review committee found to be functioning unsatisfactorily by the department may be required to be replaced. (III)

g. The members of the care review committee shall not have an ownership interest in the facility, nor be employed by the facility, nor be related to an employee or licensee, nor be a public employee involved with the sponsoring or placement of* residents, nor be one who inspects or otherwise evaluates the facility or residents. (III)

h. The committee shall elect a chairperson and secretary (at its first meeting) and shall meet at least quarterly and on such occasions as required to accomplish its purposes. (III)

i. Information concerning the operation of the facility and residents residing therein is a privileged communication and shall not be disclosed publicly in such manner as to identify individuals or the facility except in accordance with section 135C.19, Code of Iowa. (III)

j. The committee shall be made acquainted and knowledgeable by the administrator of the rules and regulations of the department governing the operation of the facility and the services it is licensed to provide. (III)

57.24(2) Responsibilities of the committee.

a. The committee shall determine whether the facility and the contract for services and program of care are as agreed upon in the contract. (III)

b. The committee may function for more than one facility. (III)

c. Each resident shall be reviewed on at least an annual basis. (III)

*Typographical error corrected.

d. The committee shall determine through its observations, conference with the resident, and consultation with others that services are being provided in accordance with the resume of care. Determination shall be made regarding the following: Cleanliness of resident, whether types of tasks given residents are in accordance with the physician's orders and whether resident employees may receive remuneration, consideration of the resident's personal and social needs, situations affecting resident's welfare and safety, absence of signs of malnutrition and dehydration, preservation of the highest level of independent functioning in relation to each individual's physical and mental capabilities, sanitation of the facility and grounds, that the physical structure of the facility contains no physical barriers which would prevent any resident from freely using the services of the facility or exiting to the outside. (Physical barriers preventing the exit from a facility shall not apply to remotely operated devices previously approved by the department for the safety of the residents). (III)

e. The committee shall submit a report to the administrator at the conclusion of each meeting. (III)

f. The committee shall report to the department for counsel and guidance in situations where the administrator fails to acknowledge the intent of their findings and recommendations. (III)

g. The committee shall be available to meet with the department upon request. (III)

h. Any official agency will have the privilege of meeting with the committee to discuss problems in the facility pertinent to the agency's official capacity, providing that information exchanged is treated as privileged communication and is kept confidential in accordance with section 135C.19, Code of Iowa. (III)

57.24(3) *Limitations of the committee.*

a. The medical treatment of the individual resident shall not be an area of concern for the care review committee. (III)

b. The committee shall not have access to the medical record of the resident. (III)

c. The committee shall not have access to the confidential record of the resident prepared by the staff of the social services department. The person responsible for the social services shall be available to the committee to interpret the psychosocial needs of the individual. (III)

57.24(4)* *Complaints alleging violations.* Before the care review committee sends a statement of the basis of a complaint to the facility involved, the committee shall immediately telephone the complaint to the department and confirm it in writing. (III)

57.24(5)* *Inspections upon complaints.* To avoid duplication, before an investigation of any complaint received by the committee is conducted, they shall contact the department for consultation. The department may refer complaints to the care review committee of a facility for initial evaluation. Such referrals shall be in writing and shall state specifically what areas should be examined by the care review committee. After such initial evaluation, the committee shall report to the department in writing the results of that evaluation. The department may refer complaints to the care review committee of a facility for appropriate action. Such referrals shall be in writing and shall state specifically what areas shall be acted on by the committee. After such appropriate action, the committee shall report to the department in writing the results of that action. The committee shall forward any pertinent information to the department regarding the complaint so that the department may inform the complainant of the result of any action taken by the department or committee. (III)

57.24(6) *Assistance to the committee.*

a. All physicians admitting residents to the facility shall have the responsibility of assisting the committee when necessary. (III)

b. The physician's certification of care shall be made available to the committee by the administrator. (III)

c. The licensee of the facility shall meet with the committee on a consultation basis and furnish information upon request to the committee. (III)

d. Committee members may seek advice and counsel from allied health professions, from specialists in the community, or from appropriate state agencies. (III)

*Objection, see filed rules published IAC Supp. 8/23/76, 10/6/76, 12/1/76

470—57.25(135C) Safety. The licensee of a residential care facility shall be responsible for the provision and maintenance of a safe environment for residents and personnel. (III)

57.25(1) Fire safety.

a. All residential care facilities shall meet the fire safety rules and regulations as promulgated by the state fire marshal. (I,II)

b. The size of the facility and needs of the residents shall be taken into consideration in evaluating safety precautions and practices.

57.25(2) Safety duties of administrator. The administrator shall have a written emergency plan to be followed in the event of fire, tornado, explosion, or other emergency. (III)

a. The plan shall be posted. (III)

b. In-service shall be provided to insure that all employees are knowledgeable of the emergency plan. (III)

57.25(3) Resident safety.

a. Residents shall be permitted to smoke only where proper facilities are provided. Smoking shall not be permitted in bedrooms. Smoking by residents considered to be careless shall be prohibited except when the resident is under direct supervision. (II,III)

b. Smoking is prohibited in all rooms where oxygen is being administered or in rooms where oxygen is stored. (II,III)

c. Whenever full or empty tanks of oxygen are being used or stored, they shall be securely supported in an upright position. (II,III)

d. Smoking shall be permitted only in posted areas. (II,III)

e. Each resident shall receive adequate supervision to insure against hazard from himself, others, or elements in his environment. (II,III)

470—57.26(135C) Housekeeping.

57.26(1) Written procedures shall be established and implemented for daily and weekly cleaning schedules. (III)

57.26(2) Each resident unit shall be cleaned on a routine schedule. (III)

57.26(3) All rooms, corridors, storage areas, linen closets, attics, and basements shall be kept in a clean, orderly condition, free of unserviceable furniture and equipment and accumulations of refuse. (III)

57.26(4) A hallway or corridor shall not be used for storage of equipment. (III)

57.26(5) All odors shall be kept under control by cleanliness and proper ventilation. (III)

57.26(6) Clothing worn by personnel shall be clean and washable. (III)

57.26(7) Housekeeping and maintenance personnel shall be provided with well-constructed and properly maintained equipment appropriate to the function for which it is to be used. (III)

57.26(8) All furniture, bedding, linens, and equipment shall be cleaned periodically and before use by another resident. (III)

57.26(9) Polishes used on floors shall provide a nonslip finish. (III)

57.26(10) Throw or scatter rugs shall not be permitted. (III)

57.26(11) Entrances, exits, steps, and outside walkways shall be kept free from ice, snow, and other hazards. (II,III)

57.26(12) Residents shall not have access to storage areas for all cleaning agents, bleaches, insecticides, or any other poisonous, dangerous, or flammable materials. (II,III)

57.26(13) Sufficient numbers of noncombustible trash containers, which have covers, shall be available. (III)

57.26(14) Personal possessions of residents which may constitute hazards to themselves or to others shall be removed and stored. (III)

470—57.27(135C) Maintenance.

57.27(1) Each facility shall establish a maintenance program to insure the continued maintenance of the facility, to promote good housekeeping procedures, and insure sanitary

practices throughout the facility. In facilities over fifteen beds, this program shall be established in writing and available for review by the department. (III)

57.27(2) The building, grounds, and other buildings shall be maintained in a clean, orderly condition and in good repair. (III)

57.27(3) Draperies and furniture shall be clean and in good repair. (III)

57.27(4) Cracks in plaster, peeling wallpaper or paint, and tears or splits in floor coverings shall be promptly repaired or replaced in a professional manner. (III)

57.27(5) The electrical systems, including appliances, cords, and switches, shall be maintained to guarantee safe functioning and comply with the national electric code. (III)

57.27(6) All plumbing fixtures shall function properly and comply with the state plumbing code. (III)

57.27(7) Yearly inspections of the heating and cooling systems shall be made to guarantee safe operation. (III)

57.27(8) The building, grounds, and other buildings shall be kept free of breeding areas for flies, other insects, and rodents. (III)

57.27(9) The facility shall be kept free of flies, other insects, and rodents. (III)

57.27(10) Janitor closet.

a. Facilities shall be provided with storage for cleaning equipment, supplies, and utensils. (III)

b. Mops, scrub pails, and other cleaning equipment used in the resident areas shall not be stored or used in the dietary area. (III)

c. In facilities licensed for over fifteen beds, a janitor's closet shall be provided. It shall be equipped with water for filling scrub pails and a janitor's sink for emptying scrub pails. (III)

470—57.28(135C) Laundry.

57.28(1) All soiled linens shall be collected in and transported to the laundry room in closed, leakproof laundry bags or covered, impermeable containers. (III)

57.28(2) Except for related activities, the laundry room shall not be used for other purposes. (III)

57.28(3) Procedures shall be written for the proper handling of wet, soiled, and contaminated linens. (III)

57.28(4) Residents' personal laundry shall be marked with an identification. (III)

57.28(5) Bed linens, towels, and washcloths shall be clean and stain-free. (III)

57.28(6) If laundry is done in the facility, the following shall be provided:

a. A clean, dry, well-lighted area to accommodate a washer and dryer of adequate size to serve the needs of the facility. (III)

b. In facilities of over fifteen beds, the laundry room shall be divided into separate areas, one for sorting soiled linen and one for sorting and folding clean linen. (III)

470—57.29(135C) Garbage and waste disposal.

57.29(1) All garbage shall be gathered, stored, and disposed of in a manner that will not permit transmission of disease, create a nuisance, or provide a breeding or feeding place for vermin or insects. (III)

57.29(2) All containers for refuse shall be watertight, rodent-proof, and have tight-fitting covers. (III)

57.29(3) All containers shall be thoroughly cleaned each time the containers are emptied. (III)

57.29(4) All wastes shall be properly disposed of in compliance with local ordinances and state codes. (III)

57.29(5) Special provision shall be made for the disposal of soiled dressings and similar items in a safe, sanitary manner. (III)

470—57.30(135C) Buildings, furnishings, and equipment.**57.30(1) Buildings—general requirements.**

a. For purposes of computation of usable floor space in bedrooms and other living areas of the facility, that part of the room having no less than seven feet of ceiling height shall be used. Usable floor space may include irregularities in the rooms such as alcoves and offsets with approval of the department. Usable floor space shall not include space needed for corridor door swings or wardrobes being used as a substitute for closet space. (III)

b. Battery-operated, portable emergency lights in good working condition shall be available at all times, at a ratio of one light per one employee on duty from 6 p.m. to 6 a.m. (III)

c. All windows shall be supplied with curtains and shades or drapes which are kept clean and in good repair. (III)

d. Light fixtures shall be so equipped to prevent glare and to prevent hazards to the residents. (III)

e. Exposed heating pipes, hot water pipes, or radiators in rooms and areas used by residents and within reach of residents shall be covered or protected to prevent injury or burns to residents. (II,III)

f. All fans located within seven feet of the floor shall be protected by screen guards of not more than one-fourth inch mesh. (III)

g. Whenever glass sliding doors or transparent panels are used, they shall be marked conspicuously. (III)

h. The facility shall meet the equivalent requirements of the appropriate group occupancy of the state building code. (III)

i. No part of any room shall be enclosed, subdivided, or partitioned unless such part is separately lighted and ventilated and meets such other requirements as its usage and occupancy dictates, except closets used for the storage of residents' clothing. (III)

j. All stairways in resident occupied areas shall have substantial handrails on both sides. (III)

k. Each open stairway shall have protective barriers. (III)

l. Screens of sixteen mesh per square inch shall be provided at all openings. (III)

m. Screen doors shall swing outward and be self-closing. At the discretion of the state fire marshal, screens for fire doors may swing in. (III)

n. All resident rooms shall have a door. (III)

o. All rooms in resident occupied areas shall have general lighting switched at the entrance to each room. (III)

57.30(2) Furnishings and equipment.

a. All furnishings and equipment shall be durable, cleanable, and appropriate to its function and in accordance with the department's approved program of care. (III)

b. All resident areas shall be decorated, painted, and furnished to provide a home-like atmosphere. (III)

c. Upholstery materials shall be moisture and soil resistant, except on furniture provided by the resident and the property of the resident. (III)

d. Night lights shall be provided in corridors, at stairways, attendant's stations and residents' bedrooms, and hazardous areas with no less than one foot-candle throughout the area at all times. (III)

57.30(3) Dining and living rooms.

a. Every facility shall have a dining room and a living room easily accessible to all residents. (III)

b. Dining rooms and living rooms shall at no time be used as bedrooms. (III)

c. Dining rooms and living rooms shall be available for use by residents at appropriate times to provide periods of social and diversional individual and group activities. (III)

d. A combination dining room and living room may be permitted if the space requirements of a multipurpose room as provided in 57.30(3)"e" of the rules are met. (III)

f. Living rooms.

(1) Living rooms shall be maintained for the use of residents and their visitors and may be used for recreational activities. (III)

(2) Living rooms shall be suitably furnished. (III)

(3) When space is provided to be used only for activities and recreational purposes, the area shall be at least fifteen square feet per licensed bed. At least fifty percent of the required area must be in one room. (III)

g. Dining rooms.

(1) Dining rooms shall be furnished with dining tables and chairs appropriate to the size and function of the facility. These rooms and furnishings shall be kept clean and sanitary. (III)

(2) When space is provided to be used only for dining, the area shall total at least fifteen square feet per licensed bed. (III)

57.30(4) Bedrooms.

a. Each resident shall be provided with a standard, single, or twin bed, substantially constructed and in good repair. Rollaway beds, metal cots, or folding beds are not acceptable. (III)

b. Each bed shall be equipped with the following: Casters or glides; clean springs in good repair; a clean, comfortable, well-constructed mattress approximately five inches thick and standard in size for the bed; and clean, comfortable pillows of average bed size. (III)

c. Each resident shall have a bedside table with a drawer to accommodate personal possessions. (III)

d. There shall be a comfortable chair, either a rocking chair or arm chair, per resident bed. The resident's personal wishes shall be considered. (III)

e. There shall be drawer space for each resident's clothing. In a multiple bedroom, drawer space shall be assigned each resident. (III)

f. Walls, ceilings, and floors shall have easily cleanable surfaces and shall be kept clean and in good repair. (III)

g. Beds and other furnishings shall not obstruct free passage to and through doorways. (III)

h. There shall be a wardrobe or closet in each resident's room. Minimum clear dimensions shall be 1' 10" deep by 1' 8" wide with full hanging space and provide a clothes rod and shelf. In a multiple bedroom, closet or wardrobe space shall be assigned each resident sufficient for his needs. (III)

i. Beds shall not be placed with the head of the bed in front of a window or radiator. (III)

j. Beds shall not be placed in such a manner that the side of the bed is against the radiator or in close proximity to it unless* it is covered so as to protect the resident from contact with it or from excessive heat. (III)

k. Reading lamps shall be provided each resident in his room. (III)

l. Each room shall have sufficient accessible mirrors to serve residents' needs. (III)

m. Usable floor space of a room shall be no less than eight feet in any major dimension. (III)

n. Bedrooms shall have a minimum of eighty square feet of usable floor space per bed. (III)

o. There shall be no more than four residents per room. (III)

p. Each resident room shall be provided with light and ventilation by means of a window or windows with an area equal to one-eighth of the total floor area. The windows shall be openable. (III)

57.30(5) Bath and toilet facilities.

a. Provision shall be made for bars to hold individual towels and washcloths. (III)

b. All lavatories shall have paper towel dispensers and an available supply of soap. (III)

c. Minimum numbers of toilet and bath facilities shall be one lavatory, one toilet for each ten residents, and one tub or shower for each fifteen residents or fraction thereof. (III)

*Typographical error corrected.

d. There shall be a minimum of one bathroom with tub or shower, toilet stool and lavatory on each floor in multistory buildings for facilities licensed for over fifteen beds. Separate toilets for the sexes shall be provided. (III)

e. Grab bars shall be provided at all toilet stools, tubs, and showers. Grab bars, accessories, and anchorage shall have sufficient strength to sustain a deadweight of two hundred fifty pounds for five minutes. (III)

f. Each toilet room shall have a door. (III)

g. All toilet, bath, and shower facilities shall be supplied with adequate safety devices appropriate to the needs of the individual residents. Raised toilet seats shall be available for residents who are aged or infirm. (III)

h. Toilet and bath facilities shall have an aggregate outside window area of at least four square feet. Facilities having a system of mechanical ventilation are exempt from this regulation. (III)

i. Every facility shall provide a toilet and lavatory with grab bars for the public and staff. (III)

57.30(6) Heating. A centralized heating system capable of maintaining a minimum temperature of 78°F (26°C) shall be provided. Portable units or space heaters are prohibited from being used in the facility except in an emergency. (III)

57.30(7) Water supply.

a. Every facility shall have an adequate water supply from an approved source. A municipal source of supply shall be considered as meeting this requirement. (II, III)

b. Private sources of supply shall be tested annually and the report submitted with the annual application for license. (III)

c. A bacterially unsafe source of supply shall be grounds for denial, suspension, or revocation of license. (III)

d. The department may require testing of private sources of supply at its discretion in addition to the annual test. The facility shall supply reports of such tests as directed by the department. (III)

e. Hot and cold running water under pressure shall be available in the facility. (III)

f. The temperature of the hot water to the resident lavatories, baths, and showers shall not exceed 110°F (43°C). A 5° variable shall be acceptable. (III)

g. Prior to construction of a new facility or new water source, private sources of supply shall be surveyed and shall comply with the requirements of the department. (III)

57.30(8) Sewage system.

a. Sewage shall be collected and disposed of in a manner approved by the department. Disposal into a municipal system will be considered as meeting this requirement. (III)

b. Private sewage systems shall conform to the rules and regulations of the department of environmental quality, state health department, and the natural resources council. (III)

c. Every facility shall have an interior plumbing system complete with flushing device. (III)

57.30(9) Attendant's station. In facilities over fifteen beds, an attendant's station with a minimum of forty square feet shall be provided which is centrally located in the resident area and shall have a well-lighted desk with the necessary equipment for the keeping of required records and supplies. (III)

470—57.31(135C) Family and employee accommodations.

57.31(1) Children shall not be allowed into the service areas. (III)

57.31(2) The residents' bedrooms shall not be occupied by employees, family members of employees, or family members of the licensee. (III)

57.31(3) In facilities where the total occupancy of family, employees, and residents is five or less, one toilet and one tub or shower shall be the minimum requirement. (III)

57.31(4) In facilities where the total occupancy of family, employees, and residents is more than five, separate bathing and toilet facilities shall be required for the family or employees distinct from such areas provided for residents. (III)

57.31(5) In all health care facilities, if the family or employees live within the facility, separate living quarters and recreation facilities shall be required for the family or employees distinct from such areas provided for residents. (III)

470—57.32(135C) Animals. No animals shall be allowed within the facility except with written approval of the department and under controlled conditions. (III)

470—57.33(135C) Environment and grounds.

57.33(1) A residential care facility shall be constructed in a neighborhood free from excessive noise, dirt, polluted, or odorous air, or similar disturbances. (III)

57.33(2) There shall be an area available for outdoor activities calculated at twenty-five square feet per licensed bed. (III) Open air porches may be included in meeting such requirements.

470—57.34(135C) Supplies.

57.34(1) Linen supplies.

a. There shall be an adequate supply of linen so that each resident shall have at least three washcloths, hand towels, and bath towels per week. (III)

b. A complete change of bed linens shall be available in the linen storage area for each bed. (III)

c. Sufficient lightweight, clean, serviceable blankets shall be available. All blankets shall be laundered as often as necessary for cleanliness and freedom of odors. (III)

d. Each bed shall be provided with clean, washable bedspreads. There shall be a supply available when changes are necessary. (III)

e. Uncrowded and convenient storage shall be provided for linens, pillows, and bedding. (III)

57.34(2) First aid kit. A first aid emergency kit shall be available on each floor in every facility. (II,III)

57.34(3) General supplies.

a. All equipment shall be properly cleaned and sanitized before use by another resident. (III)

b. Clean and sanitary storage shall be provided for equipment and supplies. (III)

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CHAPTER 58 INTERMEDIATE CARE FACILITIES

470—58.1(135C) Definitions. For the purpose of these rules, the following terms shall have the meaning indicated in this chapter. The definitions set out in section 135C.1 of the Code shall be considered to be incorporated verbatim in the rules. The use of the words "shall" and "must" indicate those standards are mandatory. The use of the words "should" and "could" indicate those standards are recommended.

58.1(1) "Accommodation" means the provision of lodging, including sleeping, dining, and living areas.

58.1(2) "Administrator" means a person licensed pursuant to chapter 147, Code of Iowa, who administers, manages, supervises, and is in general administrative charge of an intermediate care facility, whether or not such individual has an ownership interest in such facility, and whether or not his functions and duties are shared with one or more individuals.

58.1(3) "Alcoholic" means a person in a state of dependency resulting from excessive or prolonged consumption of alcoholic beverages as defined in section 125.2, Code of Iowa, 1975.

58.1(4) "Ambulatory" means the condition of a person who immediately and without aid of another is physically and mentally capable of traveling a normal path to safety, including the ascent and descent of stairs.

58.1(5) "Basement" means that part of a building where the finish floor is more than thirty inches below the finish grade of the building.

58.1(6) "Board" means the regular provision of meals.

58.1(7) "Chairfast" means capable of maintaining a sitting position but lacking the capacity of bearing own weight, even with the aid of a mechanical device or another individual.

58.1(8) "Communicable disease" means a disease caused by the presence of viruses or microbial agents within a person's body, which agents may be transmitted either directly or indirectly to other persons.

58.1(9) "Department" means the state department of health.

58.1(10) "Distinct part" means a clearly identifiable area or section within a health care facility, consisting of at least a residential unit, wing, floor, or building containing contiguous rooms.

58.1(11) "Drug addiction" means a state of dependency, as medically determined, resulting from excessive or prolonged use of drugs as defined in chapter 204, Code of Iowa, 1973.

58.1(12) "Medication" means any drug including over-the-counter substances ordered and administered under the direction of the physician.

58.1(13) "Non-ambulatory" means the condition of a person who immediately and without aid of another is not physically and mentally capable of traveling a normal path to safety, including the ascent and descent of stairs.

58.1(14) "Protective devices" means the measures taken to control a resident's physical activity for his own protection or for the protection of others.

58.1(15) "Personal care" means assistance with the activities of daily living which the recipient can provide for himself only with difficulty. Examples are help in getting in and out of bed, assistance with personal hygiene and bathing, help with dressing and feeding, and supervision over medications which can be self-administered.

58.1(16) "Program of care" means all services being provided for a resident in a health care facility.

58.1(17) "Qualified nurse" means a registered nurse or licensed practical nurse, as defined in chapter 152 of the Code.

58.1(18) "Rate" means that daily fee charged for all residents equally and shall include the cost of all minimum services required in these rules and regulations.

470—58.2(135C) **Variations.** Variations from these rules may be granted by the commissioner for good and sufficient reason when the need for variance has been established; no danger to the health, safety, or welfare of any resident results; alternate means are employed or compensating circumstances exist and the variance will apply only to an individual intermediate care facility. Variations will be reviewed by the commissioner at his discretion.

58.2(1) To request a variance, the licensee must:

- a. Apply for variance in writing on a form provided by the department;
- b. Cite the rule(s) from which a variance is desired;
- c. State why compliance with the rule(s) cannot be accomplished;
- d. Explain alternate arrangements or compensating circumstances which justify the variance;
- e. Demonstrate that the requested variance will not endanger the health, safety, or welfare of any resident.

58.2(2) Upon receipt of a request for variance, the commissioner will:

- a. Examine the rule from which variance is requested to determine that the request is necessary and reasonable;

b. The administrator shall spend the equivalent of three full eight-hour days per week in each facility. (II)

c. The administrator may be responsible for no more than one hundred fifty beds in total if he is an administrator of more than one facility. (II)

58.8(3) The licensee may be the licensed nursing home administrator providing he meets the requirements as set forth in these regulations and devotes the required time to administrative duties. Residency in the facility does not in itself meet the requirement. (III)

58.8(4) A provisional administrator may be appointed on a temporary basis by the intermediate care facility licensee to assume the administrative responsibilities for an intermediate care facility for a period not to exceed six months when, through no fault of its own, the home has lost its administrator and has not been able to replace him provided:

a. The department has been notified prior to the date of the administrator's appointment; (III)

b. The board of examiners for nursing home administrators has approved the administrator's appointment and has confirmed such appointment in writing to the department. (III)

58.8(5) In the absence of the administrator, a responsible person shall be designated in writing to the department to be in charge of the facility. (III) The person designated shall:

a. Be knowledgeable of the operation of the facility; (III)

b. Have access to records concerned with the operation of the facility; (III)

c. Be capable of carrying out administrative duties and of assuming administrative responsibilities; (III)

d. Be at least eighteen years of age; (III)

e. Be empowered to act on behalf of the licensee during the administrator's absence concerning the health, safety, and welfare of the residents; (III)

f. Have had training to carry out assignments and take care of emergencies and sudden illness* of residents. (III)

58.8(6) A licensed administrator in charge of two facilities shall employ an individual designated as a full-time assistant administrator for each facility. (III)

470—58.9(135C) Administration.

58.9(1) The licensee shall:

a. Assume the responsibility for the overall operation of the intermediate care facility; (II)

b. Be responsible for compliance with all applicable laws and with the rules of the department; (III)

c. Establish written policies, which shall be available for review, for the operation of the intermediate care facility. (III)

58.9(2) The administrator shall:

a. Be responsible for the selection and direction of competent personnel to provide services for the resident care program; (III)

b. Be responsible for the arrangement for all department heads to annually attend a minimum of ten contact hours of educational programs either approved or provided by the department; (III)

c. Be responsible for a monthly in-service educational program for all employees and to maintain records of programs and participants; (III)

d. Make available the intermediate care facility payroll records for departmental review as needed; (III)

e. Be required to maintain a staffing pattern of all departments. These records must be maintained for six months and are to be made available for departmental review. (III)

470—58.10(135C) General policies.

58.10(1) There shall be written personnel policies in facilities of more than fifteen beds to include hours of work, salary, advancement criteria, vacation, sick leave, and attendance at educational programs. (III)

*Typographical error corrected.

58.10(2) There shall be a written job description developed for each category of worker. The job description shall include title of job, job summary, pay range, qualifications (formal education and experience), skills needed, physical requirements, and responsibilities. (III)

58.10(3) Health examinations for all personnel shall be done at the commencement of employment and thereafter at least yearly. (III)

58.10(4) Health certificates for all employees shall be available for review. (III)

58.10(5) Health examinations shall be in sufficient detail to determine freedom from:

a. Clinical evidence of any disease in a communicable form; (III)

b. Boils or infected wounds; (III)

c. Acute or chronic inflammatory condition of respiratory system. A chest x-ray or tuberculin skin test is required annually. A positive skin test requires a chest x-ray; (III)

d. Evidence of a carrier state of an intestinal infection. Food handlers and nursing staff specifically shall be required to report disabilities and illnesses, especially boils, infected wounds, rashes, sores, acute respiratory infections and intestinal infections. (III)

58.10(6) There shall be written policies for emergency medical care for employees and residents in case of sudden illness or accident which includes the individual to be contacted in case of emergency. (III)

58.10(7) The facility shall have a written agreement with a hospital for the timely admission of a resident who, in the opinion of the attending physician, requires hospitalization. (III)

58.10(8) The facility shall have established policies concerning the control, investigation, and prevention of infections within the facility. (III)

58.10(9) There shall be written policies for resident care programs and services as outlined in these rules. (III)

470—58.11(135C) Personnel.

58.11(1) General qualifications.

a. No person with a current record of habitual alcohol intoxication or addiction to the use of drugs shall serve in a managerial role of an intermediate care facility. (II)

b. No person under the influence of alcohol or intoxicating drugs shall be permitted to provide services in an intermediate care facility. (II)

c. No person with a communicable disease shall be allowed to provide services in an intermediate care facility. (II,III)

d. Return to duty by personnel who have been diagnosed with a communicable disease shall be subject to a physician's written approval. (II)

e. Individuals with either physical or mental disabilities may be employed for specific duties, but only if that disability is unrelated to that individual's ability to perform the duties of the job. (III)

f. Persons employed in all departments of an intermediate care facility shall be qualified through formal training or through prior experience to perform the type of work for which they have been employed. Prior experience means at least two hundred forty hours of full-time employment in a field related to their duties. Persons may be hired in laundry, housekeeping, activities and dietary without experience or training if the facility institutes a formal in-service training program to fit the job descriptions in question and documents such as have taken place within thirty days after the initial hiring of such untrained employees. (III)

g. Persons carried on the resident census performing work shall not be used to replace paid employees in fulfilling staffing requirements. Work programs for residents shall be done only in accordance with physician's orders. (III)

h. The health services supervisor shall be a qualified nurse as defined in these regulations. (II)

i. Nurse's aides, orderlies, or attendants in an intermediate care facility shall have completed or be currently enrolled in a state-approved, sixty-hour nurse's aide educational program. This program may be provided by the facility or an academic institution. All

personnel administering medications must have completed the state-approved training program in medication administration. (III)

j. There shall be an organized on-going in-service educational and training program planned in advance for all personnel in all departments. (II,III)

58.11(2) Nursing supervision and staffing.

a. Nurses who are employed in the facility on a full-time basis shall not be engaged in other full-time work. (III)

b. Where only part-time nurses are employed, one nurse shall be designated health service supervisor. (III)

c. A qualified nurse shall be employed to relieve the supervising nurses, including charge nurses, on holidays, vacation, sick leave, days off, absences or emergencies. Pertinent information for contacting such relief person shall be posted at the nurse's station. (III)

d. When the health service supervisor serves as the administrator of a facility, fifty beds and over, a qualified nurse must be employed to relieve her of her nursing supervisory responsibilities. (III)

e. The department may establish on an individual facility basis the numbers and qualifications of the staff required in the facility using as its criteria the services being offered and the needs of the residents. (III)

f. Additional staffing, above the minimum ratio, may be required by the department commensurate with the needs of the individual residents. (III)

g. The minimum hours of resident care personnel required for residents needing intermediate nursing care shall be 1.7 hours per resident day computed on a seven day week and a minimum of twenty percent of such time shall be provided by qualified nurses. (II,III)

h. The health service supervisor's hours worked per week shall be included in computing the twenty percent requirement.

i. An intermediate care facility of seventy-five beds or more shall have a qualified nurse on duty twenty-four hours per day, seven days a week. (II,III)

j. In facilities under seventy-five beds, if the health service supervisor is a licensed practical nurse, the facility shall employ a registered nurse, for at least four hours each week for consultation, who must be on duty at the same time as the health service supervisor. (II, III)

(1) This shall be an on-site consultation and documentation shall be made of the visit. (III)

(2) The registered nurse-consultant shall have responsibilities clearly outlined in a written agreement with the facility. (III)

(3) Consultation shall include but not be limited to the following: Counseling the health service supervisor in the management of the health services (III); reviewing and evaluating the health services in determining that the needs of the residents are met (II,III); conducting a review of medications at least monthly if the facility does not employ a registered nurse part-time (II,III)

k. * Facilities with seventy-five or more beds must employ a health service supervisor who is a registered nurse. (II)

l. There shall be at least two people who shall be capable of rendering nursing service, awake, dressed, and on duty at all times. (II)

m. Physician's orders shall be implemented by qualified personnel. (II, III)

470—58.12(135C) Admission, transfer, and discharge.

58.12(1) General admission policies.

a. No resident shall be admitted or retained in an intermediate care facility who is in need of greater services than the facility can provide. (II,III)

b. No intermediate care facility shall admit more residents than the number of beds for which it is licensed. (II,III)

c. There shall be no more beds erected than is stipulated on the license. (II,III)

d. There shall be no more beds erected in a room than its size and other characteristics will permit. (II,III)

*Emergency, pursuant to §17A.5 of the Code.

e. The admission of a resident to an intermediate care facility shall not give the facility or any employee of the facility the right to manage, use, or dispose of any property of the resident except with the written authorization of the resident or his legal representative. (III)

f. The admission of a resident shall not grant the intermediate care facility the authority or responsibility to manage the personal affairs of the resident except as may be necessary for the safety of the resident and safe and orderly management of the facility as required by these rules. (III)

g. An intermediate care facility shall provide for the safekeeping of personal effects, funds, and other property of its residents. The facility may require that items of exceptional value or which would convey unreasonable responsibilities to the licensee be removed from the premises of the facility for safekeeping. (III)

h. An intermediate care facility shall keep complete and accurate records of all funds and other effects and property of its residents received by it for safekeeping. (III)

i. Funds or properties received by the intermediate care facility belonging to or due a resident, expendable for his account, shall be trust funds. (III)

(1) Trust funds shall be kept separate from the funds and property of the intermediate care facility and other residents. (III)

(2) A trust fund shall be specifically credited to this resident and expended only for this resident. (III)

(3) The intermediate care facility shall furnish for any resident upon request, a complete and certified statement of all funds or other properties which have been entrusted to the management of the facility for that resident. This statement may be requested by the resident, the legal representative, any governmental unit contributing funds or other property to the account of the resident, or private charitable agency contributing funds or other property to the account of the resident. (III)

j. Infants and children under the age of sixteen shall not be admitted to health care facilities for adults unless given prior written approval by the department. A distinct part of a health care facility, segregated from the adult section, may be established based on a program of care submitted by the licensee or applicant which is commensurate with the needs of the residents of the health care facility and has received the department's review and approval. (III)

58.12(2) Discharge or transfer.

a. Prior notification shall be made to the next of kin, legal representative, attending physician, and sponsoring agency, if any, prior to transfer or discharge of any resident. (III)

b. Proper arrangements shall be made by the intermediate care facility for the welfare of the resident prior to transfer or discharge in the event of an emergency or inability to reach the next of kin or legal representative. (III)

c. The licensee shall not refuse to discharge or transfer a resident when the physician, family, resident, or legal representative requests such a discharge or transfer. (II,III)

d. Advance notification by telephone will be made to the receiving facility prior to the transfer of any resident. (III)

e. When a resident is transferred or discharged, the appropriate record as set forth in 58.15(1) and 58.15(2) of these rules will accompany the resident. (II,III)

f. Prior to the transfer or discharge of a resident to another health care facility, arrangements to provide for continuity of care shall be made with the facility to which the resident is being sent. (II,III)

470—58.13(135C) Contracts. Each contract shall:

58.13(1) State the base rate or scale per day or per month, the services included, and the method of payment; (III)

58.13(2) Contain a complete schedule of all offered services for which a fee may be charged in addition to the base rate. (III) Furthermore, the contract shall:

a. Stipulate that no further additional fees shall be charged for items not contained in complete schedule of services as set forth in subsection 2; (III)

b. State the method of payment of additional charges; (III)

c. Contain an explanation of the method of assessment of such additional charges and an explanation of the method of periodic reassessment, if any, resulting in changing such additional charges; (III)

d. State that additional fees may be charged to the resident for nonprescription drugs, other personal supplies, and services such as barber, beautician, etc.; (III)

58.13(3) Contain an itemized list of those services, with the specific fee the resident will be charged and method of payment, as related to his or her current condition, based on the nursing assessment at the time of admission, which is determined in consultation with the administrator; (III)

58.13(4) Include the total fee to be charged initially to the specific resident; (III)

58.13(5) State the conditions whereby the facility may make adjustments to their overall fees for resident care as a result of changing costs. (III) Furthermore, the contract shall provide that the facility shall give:

a. Written notification to the resident, or responsible party when appropriate, of changes in the overall rates of both base and additional charges at least thirty days prior to effective date of such changes; (III)

b. Notification to the resident, or responsible party when appropriate, of changes in additional charges, based on a change in the resident's condition. Notification must occur prior to the date such revised additional charges begin. If notification is given orally, subsequent written notification must also be given within a reasonable time, not to exceed one week, listing specifically the adjustments made; (III)

58.13(6) State the terms of agreement in regard to refund of all advance payments in the event of transfer, death, voluntary or involuntary discharge; (III)

59.13(7) State the terms of agreement concerning the holding and charging for a bed in the event of temporary absence of the resident; (III)

58.13(8) State the conditions under which the involuntary discharge or transfer of a resident would be effected; (III)

58.13(9) State the conditions of voluntary discharge or transfer; (III)

58.13(10) Set forth any other matters deemed appropriate by the parties to the contract. No contract or any provision thereof shall be drawn or construed so as to relieve any health care facility of any requirement or obligation imposed upon it by this chapter or any standards or rules in force pursuant to this chapter; (III)

58.13(11) Each party shall receive a copy of the signed contract. (III)

470—58.14(135C) Medical services.

58.14(1) Each resident in an intermediate care facility shall have a designated licensed physician, who may be called when needed. (III)

58.14(2) Each resident admitted to an intermediate care facility shall have had a physical examination prior to admission. If the resident is admitted directly from a hospital, a copy of the hospital admission physical and discharge summary may be made part of the record in lieu of an additional physical examination. A record of the examination, signed by the physician, shall be a part of the resident's record. (III)

58.14(3) Arrangements shall be made to have a physician available to furnish medical care in case of emergency. (II,III)

58.14(4) Each resident shall be permitted free choice of a physician and pharmacist. (III)

58.14(5) The person in charge shall immediately notify the physician of any accident, injury, or adverse change in the resident's condition. (III)

58.14(6) A schedule listing the names and telephone numbers of the physicians shall be posted in each nursing station. (III)

58.14(7) Residents shall be admitted to an intermediate care facility only on a written order signed by a physician certifying that the individual being admitted requires no greater degree of nursing care than the facility is licensed to provide. (III)

58.14(8) Each resident shall be visited by or shall visit his or her physician at least once each year. (III)

470—58.15(135C) Records.

58.15(1) Resident admission record. The licensee shall keep a permanent record on all residents admitted to an intermediate care facility with all entries current, dated, and signed. This shall be a part of the resident clinical record. (III) The admission record form shall include:

- a. Name and previous address of resident; (III)
- b. Birthdate, sex, and marital status of resident; (III)
- c. Church affiliation; (III)
- d. Physician's name, telephone number, and address; (III)
- e. Dentist's name, telephone number, and address; (III)
- f. Name, address, and telephone number of next of kin or legal representative; (III)
- g. Name, address, and telephone number of person to be notified in case of emergency; (III)
- h. Mortician's name, telephone number, and address; (III)
- i. Pharmacist's name, telephone number, and address. (III)

58.15(2) Resident clinical record. There shall be a separate clinical record for each resident admitted to an intermediate care facility with all entries current, dated, and signed. (III) The resident clinical record shall include:

- a. Admission record; (III)
- b. Admission diagnosis; (III)
- c. Physical examination: The record of the physical examination and medical history shall include resident's name, sex, age, medical history, physical examination, diagnosis, statement of chief complaints, estimation of restoration potential, results of tuberculin skin test or chest x-ray, and other diagnostic procedures; (III)

d. Physician's certification that the resident requires no greater degree of nursing care than the facility is licensed to provide; (III)

e. Physician's orders for medication, treatment, and diet in writing and signed by the physician quarterly; (III)

f. Progress notes.

(1) Physician shall enter a progress note at the time of each visit; (III)

(2) Other professionals, i.e., dentists, social workers, physical therapists, pharmacists, and others shall enter a progress note at the time of each visit; (III)

g. All laboratory, x-ray, and other diagnostic reports; (III)

h. Nurse's record including:

(1) Admitting notes including time and mode of transportation; room assignment; disposition of valuables; symptoms and complaints; general condition; vital signs; and weight; (II,III)

(2) Routine notes including physician's visits; telephone calls to and from the physician; unusual incidents and accidents; change of condition; social interaction; and P.R.N. medications administered including time and reason administered, and resident's reaction; (II,III)

(3) Discharge or transfer notes including time and mode of transportation; resident's general condition; instructions given to resident or legal representative; list of medications and disposition; and completion of transfer form for continuity of care; (II,III)

(4) Death notes including notification of physician and family to include time, disposition of body, resident's personal possessions and medications; and complete and accurate notes of resident's vital signs and symptoms preceding death; (III)

i. Medication record.

(1) An accurate record of all medications administered shall be maintained for each resident. (II,III)

(2) Schedule II drug records shall be kept in accordance with state and federal laws; (II, III)

j. Death record.

(1) The death record shall include name, age, sex, and race of deceased; date and time of death; physician's name, address, and signature; immediate cause of death; name and address of relative or legal representative notified of death; name, address, and signature of mortician receiving the body. (III)

(2) If the physician does not sign the death record, a copy of the death certificate shall be obtained by the facility as soon as it becomes available and made a part of the resident's medical record retained by the facility; (III)

k. Transfer form.

(1) The transfer form shall include identification data from the admission record, name of transferring institution, name of receiving institution, and date of transfer; (III)

(2) The nurse's report shall include resident attitudes, behavior, interests, functional abilities (activities of daily living), unusual treatments, nursing care, problems, likes and dislikes, nutrition, current medications (when last given), and condition on transfer; (III)

(3) The physician's report shall include reason for transfer, medications, treatment, diet, activities, significant laboratory and x-ray findings, and diagnosis and prognosis; (III)

l. Consultation reports shall indicate services rendered by allied health professionals in the facility or in health-centered agencies such as dentists, physical therapists, podiatrists, oculists, and others. (III)

58.15(3) Resident personal record. Personal records may be kept as a separate file by the facility.

a. Personal records may include factual information regarding personal statistics, family and responsible relative resources, financial status, and other confidential information.

b. Personal records shall be accessible to professional staff involved in planning for services to meet the needs of the resident. (III)

c. When the resident's records are closed, the information shall become a part of the final record. (III)

d. Personal records shall include a duplicate copy of the contract(s). (III)

58.15(4) Incident record.

a. Each intermediate care facility shall maintain an incident record report and shall have available incident report forms. (III)

b. Report of incidents shall be in detail on a printed incident report form. (III)

c. The person in charge at the time of the incident shall prepare and sign the report. (III)

d. The report shall cover all accidents where there is apparent injury or where hidden injury may have occurred. (III)

e. The report shall cover all accidents or unusual occurrences within the facility or on the premises affecting residents, visitors, or employees. (III)

f. A copy of the incident report shall be kept on file in the facility. (III)

58.15(5) Retention of records.

a. Records shall be retained in the facility for five years following termination of services. (III)

b. Records shall be retained within the facility upon change of ownership. (III)

c. The resident's records shall be kept confidential and shall be revealed only to persons authorized by law. (III)

d. When the facility ceases to operate, the resident's record shall be released to the facility to which the resident is transferred. If no transfer occurs, the record shall be released to the individual's physician. (III)

58.15(6) Reports to the department. The licensee shall furnish statistical information concerning the operation of the facility to the department on request. (III)

58.15(7) Personnel record.

a. An employment record shall be kept for each employee consisting of the following information: Name and address of employee, social security number of employee, date of birth of employee, date of employment, experience and education, references, position in the home, date and reason for discharge or resignation. (III)

b. The personnel records shall be made available for review upon request by the department. (III)

470—58.16(135C) Resident care and personal services.

58.16(1) Beds shall be made daily and adjusted as necessary. A complete change of linen shall be made at least once a week and more often if necessary. (III)

58.16(2) Residents shall receive sufficient supervision so that their personal cleanliness is maintained. (II,III)

58.16(3) Residents shall have clean clothing as needed to present a neat appearance, be free of odors, and to be comfortable. Clothing shall be appropriate to their activities and to the weather. (III)

58.16(4) Residents shall receive kind and considerate care at all times and shall not be abused physically, mentally, or verbally in any way. (II)

58.16(5) Residents shall be encouraged to leave their rooms and make use of the recreational room or living room of the facility. (III)

58.16(6) Residents shall not be required to pass through another's bedroom to reach a bathroom, living room, dining room, corridor, or other common areas of the facility. (III)

58.16(7) Residents shall not have their personal lives regulated or controlled beyond reasonable adherence to meal schedules, bedtime hours, and other written policies which may be necessary for the orderly management of the facility and as required by these rules and regulations. However, residents shall be encouraged to participate in the recreational programs. (III)

58.16(8) Uncontrollable residents shall be transferred or discharged from the facility in accordance with contract arrangements and requirements of chapter 135C, Code of Iowa. (II,III)

58.16(9) Residents who are not bedfast shall be fully dressed each day to maintain self-esteem and promote a normal life style. (III)

470—58.17(135C) Rights of residents.

58.17(1) Visiting.

a. Visitors shall be permitted to visit residents at any reasonable time. (III)

b. Each resident shall be permitted to have privacy with his visitors or the representative of the agency who has responsibility for his care. (III)

58.17(2) Religion.

a. A resident's right to his own religious convictions or the absence of them shall not be infringed upon. (III)

b. A resident's request to see a clergyman shall be honored. (III)

c. The facility shall attempt to arrange for transportation for residents who desire to attend church services at no additional cost to the resident. (III)

58.17(3) Mail.

a. Residents shall receive their mail unopened. (III)

b. Outgoing mail shall not be censored, controlled, or restricted unless written authorization signed by the resident's legal guardian is on file in the facility. (III)

c. Assistance with correspondence shall be provided when requested. (III)

58.17(4) Telephone. A telephone shall be accessible to the residents within the facility to make personal calls. (III)

58.17(5) Access.

a. Living room and recreational areas shall be freely accessible to the residents at all reasonable times. (III)

b. Residents shall be permitted to leave the facility and environs at reasonable times unless there are justifiable reasons established in writing for refusing such permission. (III)

470—58.18(135C) Nursing care.

58.18(1) Individual health care plans shall be based on the nature of the illness or disability, treatment, and care prescribed. Long and short term goals shall be developed by each discipline providing service, treatment, and care. These plans shall be in writing, revised as necessary, and kept current. They shall be made available to all those rendering the services and for review by the department. (III)

58.18(2) Residents shall be protected against hazards to themselves and others or the environment. (II,III)

58.18(3) The facility shall provide resident and family education as an integral part of restorative and supportive care. (III)

58.18(4) The facility shall provide prompt response from qualified staff for the resident's use of the electrically-operated nurse call system. (II,III) (Prompt response being considered as no longer than fifteen minutes.)

470—58.19(135C) Required nursing services for residents. The program plan for intermediate care facilities shall have the following required nursing services under the twenty-four hour direction of qualified nurses with ancillary coverage as set forth in these rules:

58.19(1) Activities of daily living.

- a. Bathing; (II,III)
 - b. Daily oral hygiene (denture care); (II,III)
 - c. Routine shampoo; (II,III)
 - d. Nail care; (III)
 - e. Shaving; (III)
 - f. Daily care and application of prostheses (glasses, hearing aids, glass eyes, limb prosthetics, braces, or other assistive devices); (II,III)
 - g. Ambulation with equipment if applicable, or transferring, or positioning; (I,II,III)
 - h. Daily routine range of motion; (II,III)
 - i. Mobility (assistance with wheelchair, mechanical lift, or other means of locomotion); (I,II,III)
 - j. Elimination.
 - (1) Assistance to and from the bathroom and perineal care; (II,III)
 - (2) Bedpan assistance; (II,III)
 - (3) Care for incontinent residents; (II,III)
 - (4) Bowel and bladder training programs including in-dwelling catheter care (i.e., insertion and irrigation), enema and suppository administration, and monitoring and recording of intake and output, including solid waste; (I,II,III)
 - k. Colostomy care (to be performed only by a registered nurse or licensed practical nurse or by a qualified aide under the direction of a registered nurse or licensed practical nurse); (I,II,III)
 - l. Ileostomy care (to be performed only by a registered nurse or licensed practical nurse or by a qualified aide under the direction of a registered nurse or licensed practical nurse); (I,II,III)
 - m. All linens necessary; (III)
 - n. Nutrition and meal service.
 - (1) Regular, therapeutic, modified diets, and snacks; (I,II,III)
 - (2) Mealtime preparation of resident; (II,III)
 - (3) Assistance to and from meals; (II,III)
 - (4) In-room meal service or tray service; (II,III)
 - (5) Assistance with food preparation and feeding including total feeding if needed; (II,III)
 - (6) Assistance with adaptive devices; (II,III)
 - (7) Tube feeding (to be performed by a registered nurse or licensed practical nurse only); (I,II,III)
 - o. Promote initiation of self-care for elements of resident care; (II, III)
 - p. Oral suctioning (to be performed only by a registered nurse or licensed practical nurse or by a qualified aide under the direction of a registered nurse or licensed practical nurse). (I, II, III)
- 58.19(2) Medication and treatment.**
- a. Administration of all medications as ordered by the physician including oral, instillations, topical, injectable (to be injected by a registered nurse or licensed practical nurse only); (I, II)
 - b. Decubitus care; (I,II)
 - c. Heat lamp; (II,III)
 - d. Clinitest/acetest; (I,II)
 - e. Vital signs, blood pressure, and weights; (I,II)

- f. Ambulation and transfer; (II,III)
- g. Provision of protective devices; (I,II)
- h. Administration of oxygen (to be performed only by a registered nurse or licensed practical nurse or by a qualified aide under the direction of a registered nurse or licensed practical nurse); (I,II)
- i. Provision of all treatments; (I,II,III)
- j. Provide emergency and arrange medical care, including transportation, in accordance with written policies and procedures of the facility. (I,II,III)

470—58.20(135C) Duties of health service supervisor. Every intermediate care facility shall have a health service supervisor who shall:

- 58.20(1) Direct the implementation of the physician's orders; (I,II)
- 58.20(2) Plan for and direct the nursing care, services, treatments, procedures, and other services in order that each resident's needs are met; (II,III)
- 58.20(3) Review the health care needs of each resident admitted to the facility and assist the attending physician in planning for the resident's care; (II,III)
- 58.20(4) Develop and implement a written health care plan in cooperation with other disciplines in accordance with instructions of the attending physician as follows:
 - a. The written health care plan, based on the assessment* and reassessment of the resident health needs, is personalized for the individual resident and indicates care to be given, short and long term goals to be accomplished, and methods, approaches, and modifications necessary to achieve best results; (III)
 - b. The health service supervisor is responsible for preparing, reviewing, supervising the implementation, and revising the written health care plan; (III)
 - c. The health care plan is readily available for use by all personnel caring for the resident; (III)
- 58.20(5) Initiate preventative and restorative nursing procedures for each resident so as to achieve and maintain the highest possible degree of function, self-care, and independence; (II,III)
- 58.20(6) Supervise health services personnel to assure they perform the following restorative measures in their daily care of residents:
 - a. Maintaining good body alignment and proper positioning; (II,III)
 - b. Making every effort to keep the resident active except when contraindicated by physician's orders, and encouraging residents to achieve independence in activities of daily living by teaching self-care, transfer, and ambulation activities; (III)
 - c. Assisting residents to adjust to their disabilities, to use their prosthetic devices, and to redirect their interests as necessary; (III)
 - d. Assisting residents to carry out prescribed therapy exercises between visits of the therapist; (III)
 - e. Assisting residents with routine range of motion exercises; (III)
- 58.20(7) Plan and conduct nursing staff orientation and in-service programs and provide for training of nurse's aides; (III)
- 58.20(8) Plan with the physician, family and health-related agencies for the care of the resident upon discharge; (III)
- 58.20(9) Designate a responsible person to be in charge during her absence; (III)
- 58.20(10) Be responsible for all assignments and work schedules for all health services personnel to assure that the health needs of the residents are met; (III)
- 58.20(11) Ensure that all nurse's notes are descriptive of the care rendered including the resident's response; (III)
- 58.20(12) Visit each resident routinely to be knowledgeable of the resident's current condition; (III)
- 58.20(13) Evaluate in writing the performance of each individual on the health care staff on at least an annual basis. This evaluation shall be available for review in the facility to the department; (III)

- 58.20(14) Keep the administrator informed of the resident's status; (III)
- 58.20(15) Teach and coordinate rehabilitative health care including activities of daily living, promotion and maintenance of optimal physical and mental functioning; (III)
- 58.20(16) Supervise serving of diets to assure that individuals unable to feed themselves are promptly fed and that special eating utensils are available as needed; (II,III)
- 58.20(17) Make available a nursing procedure manual which shall include all procedures practiced in the facility; (III)
- 58.20(18) Participate with the administrator in the formulation of written policies and procedures for resident services; (III)
- 58.20(19) The person in charge shall immediately notify the family of any accident, injury, or adverse change in the resident's condition requiring physician's notification. (III)

470—58.21(135C) Drugs, storage, and handling.

58.21(1) *Drug storage for residents who are unable to take their own medications and require supervision shall meet the following requirements:

- a. A cabinet with a lock, convenient to nursing service, shall be provided and used for storage of all drugs, solutions, and prescriptions; (III)
- b. A bathroom shall not be used for drug storage; (III)
- c. The drug storage cabinet shall be kept locked; (III)
- d. The medication cabinet key shall be in the possession of the person directly responsible for issuing medications; (II,III)
- e. Double-locked storage of Schedule II drugs shall not be required under single unit package drug distribution systems in which the quantity stored does not exceed a three-day supply and a missing dosage can be readily detected. (II)

58.21(2) Drugs for external use shall be stored separately from drugs for internal use. (III)

58.21(3) Medications requiring refrigeration shall be kept in a refrigerator and separated from food and other items. A method for locking these medications shall be provided. (III)

58.21(4) 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. (I,II)

58.21(5) All flammable materials shall be specially stored and handled in accordance with applicable local and state fire regulations. (II)

58.21(6) The individual charged with the responsibility of administering medications shall have knowledge of the purpose of the drug, its dangers, and contraindications. (II,III)

58.21(7) Unless the unit dose system is used, the person assigned the responsibility of medication administration must complete the procedure by personally preparing the dose, observing the actual act of swallowing the oral medication, and charting the medication. (II) In facilities where the unit dose system is used, the person assigned the responsibility must complete the procedure by observing the actual act of swallowing the medication and charting the medication. (II) Medications shall be prepared on the same shift of the same day that they are administered, unless the unit dose system is used. (II)

58.21(8) An accurate written record of medications administered shall be made by the individual administering the medication. (III)

58.21(9) Records shall be kept of all Schedule II drug medications received and dispensed in accordance with the controlled drug and substance Act. (III)

58.21(10) Any unusual resident reaction shall be reported to the physician at once. (II)

58.21(11) A policy shall be established by the facility to govern the administration of prescribed medications to residents who are on leave from the facility. (III)

58.21(12) Emergency medication tray. An intermediate care facility shall provide an emergency medication tray. (III) There shall be compliance with the following requirements:

- a. Prescription drugs as well as nonprescription items in the tray must be prescribed or approved by the physician, in consultation with the pharmacist, who provides emergency service to the facility; (III)

- b. The tray shall be stored in an accessible place; (III)

- c. The tray shall contain a list of its contents and quantities of each item on the outside cover and within the box; (III)

*Emergency, pursuant to §17A.5 of the Code.

- d.* The tray shall be closed with a seal which may be broken when drugs are required in an emergency or for inspection; (III)
- e.* Any item removed from the tray will be replaced within forty-eight hours; (III)
- f.* A permanent record shall be kept of each time the tray is utilized; (III)
- g.* The tray shall be inspected by a pharmacist at least once every three months to determine the stability of items in the tray. (III)

58.23(3) Other services.

- a. The intermediate care facility shall assist residents to obtain such supportive services as requested by the physician. (III)
- b. Transportation arrangements shall be made when necessary. (III)
- c. Services could include the need for prosthetic devices, glasses, hearing aids, and other necessary items. (III)

470—58.24(135C) Dietary.

58.24(1) Organization of dietetic service department. The facility shall meet the needs of the residents and provide the services listed in this standard. If the service is contracted out, the contractor shall meet all the standards. A written agreement shall be formulated between the facility and the contractor and shall convey to the department the right to inspect the food service facilities of the contractor. (III)

a. There shall be written policies and procedures for the dietetic service department that include staffing, nutrition, and menu planning; therapeutic diets; preparation; service; ordering; receiving; storage; sanitation; and hygiene of staff. The policies and procedures shall be kept in a notebook and made available for use in the dietetic service department. (III)

b. There shall be written job descriptions for each position in the dietetic service department. The job descriptions shall be posted or kept in a notebook and made available for use in the dietetic service department. (III)

58.24(2) Dietary staffing.

a. The facility shall employ a supervisor who has completed or is in the process of completing a minimum of ninety hours of approved training having overall supervisory responsibility for the dietetic service department. (II,III) The supervisor shall be allowed sufficient time for management responsibilities that include:

- (1) Participation in regular conferences with consultant dietitian, administrator, and other department heads; (III)
- (2) Writing menus with consultation from dietitian and seeing that current menus are posted and followed and that menu changes are recorded; (III)
- (3) Establishing and maintaining high standards for food preparation and service; (II,III)
- (4) Participating in selection, orientation, and in-service training of dietary personnel; (II,III)
- (5) Supervising activities of dietary personnel; (II,III)
- (6) Maintaining up-to-date lists of residents identified by name, location, and diet order; (III)
- (7) Visiting residents to learn individual needs and communicating with other members of the health care team regarding nutritional needs of residents when necessary; (III)
- (8) Keeping records of repair of equipment in the dietetic service department. (III)

b. The facility shall employ sufficient supportive personnel to carry out the following functions:

- (1) Preparation and serving adequate amounts of food that is handled in a manner to be bacteriologically safe; (II,III)
- (2) Washing and sanitizing dishes, pots, pans, and equipment at temperatures required by procedures described elsewhere; (II,III)
- (3) Serving of therapeutic diets as prescribed by the physician following guidelines in the diet manual approved by the nutrition section, department of health. (II,III)

c. The facility shall not assign personnel duties simultaneously in food service and laundry, housekeeping, or nursing service except in an emergency situation. If such a situation occurs, proper sanitary and personal hygiene procedures shall be followed as outlined under the rules pertaining to hygiene of staff. (II,III)

d. If the dietetic service supervisor is not a qualified dietitian or a dietetics, food, and nutrition or institution management major, a consultant dietitian is required. (III) (The consultant dietitian shall be a person who has received a baccalaureate degree with major

studies in food service and nutrition and is preferably a registered member or is eligible for registration/membership in the American Dietetic Association and who participates annually in continuing dietetic education.)

e. Consultant's visits are scheduled to be of sufficient duration and at a time convenient to work with nursing staff on resident care plans, consult with administrator and others on developing and implementing policies and procedures, work with dietetic supervisor on developing procedures, general and therapeutic menus, recipes and other management tools as well as planned in-service training and staff development for food service employees and others. Documentation of consultation shall be available for review in the facility by the department. (III)

f. In facilities licensed for over fifteen beds, food service personnel shall be on duty during a twelve-hour span extending from the preparation of breakfast through supper. (III)

58.24(3) Nutrition and menu planning.

a. Menus shall be planned and followed to meet nutritional needs of residents in accordance with the physician's orders. (II)

b. Menus shall be planned and served to include foods and amounts necessary to meet the recommended daily dietary allowances of the Food and Nutrition Board of the National Research Council, National Academy of Sciences. (I) "Food for Fitness, A Daily Food Guide", leaflet No. 424, U.S. Department of Agriculture (Revised July, 1973), can be used as a guide for planning meals which will generally meet the recommended dietary allowances. The four food groups listed below are the same as in leaflet No. 424, nutrition section, department of health, and the basic four food groups for menu planning in the 1975 edition of the "Simplified Diet Manual", Iowa State University Press, Ames, Iowa. Recommended daily dietary allowances are:

(1) Milk—two or more cups served as beverage or used in cooking;

(2) Meat group—two or more servings of meat, fish, poultry, eggs, cheese or equivalent; at least four to five ounces edible portion per day;

(3) Vegetable and fruit group—four or more servings (two cups). This shall include a citrus fruit or other fruit and vegetable important for vitamin C daily, a dark green or deep yellow vegetable for vitamin A at least every other day, and other fruits and vegetables, including potatoes;

(4) Bread and cereal group—four or more servings of whole-grain, enriched or restored;

(5) Foods other than those listed will usually be included to meet daily energy requirements (calories) to add to the total nutrients and variety of meals.

c. At least three meals or their equivalent shall be served daily, at regular hours. (II)

(1) There shall be no more than a fourteen-hour span between substantial evening meal and breakfast. (II,III)

(2) To the extent medically possible, bedtime nourishments shall be offered routinely to all residents. Special nourishments shall be available when ordered by physician. (II,III)

(3) If a three, four, or five-meal plan is in effect, the nutritional value provided shall meet recommended daily allowances. The night feeding shall include foods that are good sources of protein. (II)

d. Menu shall include a variety of foods prepared in various ways. The same menu shall not be repeated on the same day of the following week. (III)

e. Menus shall be written at least one week in advance. The current menu shall be located in an accessible place in the dietetic service department for easy use by persons purchasing, preparing, and serving food. (III)

f. Records of menus as served shall be filed and maintained for thirty days and shall be available for review by departmental personnel. When substitutions are necessary, they shall be of similar nutritive value and recorded on the menu or in a notebook. (III)

g. A file of tested recipes adjusted to the number of people to be fed in the facility shall be maintained. (III)

58.24(4) Therapeutic diets.

a. Therapeutic diets shall be prescribed by the attending physician. A current therapeutic diet manual approved by the nutrition section, department of health, shall be readily available to attending physicians, nurses, and dietetic service personnel. This manual shall

be used as a guide for writing menus for therapeutic diets. A dietitian or approved dietary consultant is responsible for writing the therapeutic menu and reviewing procedures for preparation and service of food. (III)

b. Personnel responsible for planning and serving simple therapeutic diets should receive instructions on those diets through training programs developed by the department or training programs which meet the department's approval. (III)

58.24(5) Food preparation and service.

a. Methods used to prepare food shall be those which conserve nutritive value, fresh flavor, and make an attractive appearance. (III)

b. Foods shall be attractively served and tasty. (III)

c. Foods shall be cut, chopped, ground, or blended to meet individual needs. (II,III)

d. Self-help devices shall be provided as needed. (II,III)

e. Table service shall be attractive. (III)

f. Dishes shall be free of cracks, chips, and stains. (III)

g. Hot food that is transported shall be covered. (III)

h. All perishable or potentially hazardous food that readily supports harmful bacterial growth, shall be maintained and stored at temperatures of 45°F (7°C) or below, or 140°F (60°C) or above. (III)

58.24(6) Dietary ordering, receiving, and storage.

a. All food and drink shall be clean, wholesome, free from spoilage, and safe for human consumption. (II,III)

b. The use of food from salvaged, damaged, or unlabeled containers shall be prohibited. (III)

c. No perishable food shall be allowed to stand at room temperature any longer than is required to prepare and serve. (III)

d. Supplies of staple foods for a minimum of a one-week period and of perishable foods for a minimum of a three-day period shall be maintained on the premises. "Family Food Plans", revised in 1974, Table 1, Low-Cost Food Plan, U.S. Department of Agriculture, shall be used as the established criteria for judging satisfactory compliance for minimum food portion requirements for residents. (II,III)

e. Records which show amount and kind of food purchased shall be retained for three months and shall be made available to the department upon request. (III)

f. Dry or staple food items shall be stored off the floor in a room not subject to sewage or waste water back-flow or contamination by condensation or rodents or vermin. (III)

g. Poisonous compounds shall not be kept in food storage or preparation areas. (II)

58.24(7) Sanitation in food preparation area.

a. "Food Service Sanitation Manual", revised 1976, U.S. Department of Health, Education, and Welfare, Public Health Service, U.S. Government Printing Office, Washington, D.C., shall be used as the established, nationally-recognized reference for establishing and determining satisfactory compliance with food service sanitation.

b. Residents shall not be allowed in the food preparation area. (III)

c. The food preparation area shall not be used as a dining area for residents, staff, or food service personnel. (III)

d. All foods, while being stored, prepared, displayed, served, or transported, shall be protected against contamination from dust, flies, rodents, and other vermin. (II,III)

e. Food shall be protected from unclean utensils and worn surfaces, unnecessary handling, coughs and sneezes, flooding, drainage, and overhead leakage. (II, III)

f. The top surface of tables and counters on which food is prepared or served shall be smooth, of tight-jointed material, or covered with impervious material in good repair, and shall be kept clean. Drain boards and counters used in wet areas should be of stainless steel. (III)

g. There shall be effective written procedures established for cleaning all work and serving areas. (III)

h. A schedule of cleaning duties to be performed daily shall be posted in each food area. (III)

i. All cooking equipment shall be provided with a properly-sized exhaust system and hood to eliminate excess heat, moisture, and odors from the kitchen. (III)

j. Spillage and breakage shall be cleaned up immediately. (III)

k. All garbage not mechanically disposed of shall be kept in nonabsorbent, cleanable containers pending disposal. All filled containers shall be covered and stored in a sanitary manner. (III)

l. The food service area shall be located so it will not be used as a passageway by residents, guests, or nonfood service staff. (III)

m. The walls, ceilings, and floors of all rooms in which food is prepared and served shall be in good repair, smooth, washable, of light color and shall be kept clean. Walls and floors in wet areas should be moisture-resistant. (III)

n. There shall be no washing, ironing, sorting, or folding of laundry in the food service area. Dirty linen shall not be carried through the food service area unless it is in sealed, leak-proof containers. (III)

o. Ice shall be stored and handled in such a manner as to prevent contamination. Ice scoops should be sanitized daily and kept in a clean container. (III)

p. There shall be no animals or birds in the food preparation area. (III)

q. No dishes or cooking utensils shall be towel dried. (III)

r. In facilities of fifteen or more beds, a mechanical dishwasher is required. (III)

s. If there is a dishwashing machine, it must provide a wash temperature of 140°F (60°C) to 160°F (71°C) and a rinse temperature of 170°F (76°C) to 180°F (82°C). The machine shall be provided with temperature gauges. (III)

t. A three-compartment pot and pan sink with 110°F (43°C) to 115°F (46°C) water for washing, a compartment for rinsing with water at 170°F (76°C) to 180°F (82°C) for sanitizing with space for air drying, or a two-compartment sink with access to a mechanical dishwasher for sanitizing all utensils shall be provided. (III)

u. All dishes, silverware, and cooking utensils shall be stored above the floor in a sanitary manner, in a clean, dry place protected from flies, splashes, dust, and other contaminants. (III)

v. Procedures for washing and handling dishes shall be followed in order to protect the welfare of the residents and employees. Persons handling dirty dishes shall not handle clean dishes without washing their hands. (III)

w. All food preparation for meals and prescribed nourishments shall be performed in the food service department. Food prepared as a part of the activity program shall be done elsewhere. (III)

x. A mop and mop pail shall be provided for exclusive use in the dietetic service department. (III)

y. Sanitary procedures for cleanup and use of food service equipment shall be specified and implemented. (III)

58.24(8) *Hygiene of food service personnel.*

a. Food service personnel shall be free of communicable diseases and practice hygienic food handling techniques. In the event food service employees are assigned duties outside the dietetic service, these duties shall not interfere with sanitation, safety, or time required for dietetic work assignments. Personnel recovering from a diagnosed intestinal infection shall submit a report from their physician showing freedom from infection before returning to work in the food service department. (II,III)

b. Employees shall wear clean, washable uniforms that are not used for duties outside the food service area. (III)

c. Hairnets shall be worn by all food service personnel. Hairnets shall cover all hair. Individuals with beards shall provide for total enclosure of facial hairs. (III)

d. Clean aprons and hairnets shall be available for use by other personnel in emergency situations. (III)

e. Persons handling food shall be knowledgeable of good handwashing techniques. A hand-wash sink shall be provided in or adjacent to the food service area. Continuous on-the-job training on sanitation shall be encouraged. (III)

58.30(7) Nursing assessment of resident's need for protective devices shall be made every seven days and documented on the nurse's progress record. (II)

58.30(8) Each facility shall establish written policies to control the use of protective devices. Policies shall be in accord with the rules as stipulated in the three types of protective devices. (III)

58.30(9) The facility shall provide orientation and on-going educational programs in the proper use of protective devices. (III)

58.30(10) Definition of protective devices:

a. Type I protective device is defined as the equipment used to promote the safety of the individual, but is not applied directly to their person. Examples: Side rails and divided doors.

(1) Physician's orders are not required to utilize this type of protective device.

(2) Documentation on nurse's progress record shall include type of device and reason for device.

b. Type II protective device is defined as the application of a device to the body to promote safety of the individual. Examples: Vest devices, soft-tie devices, hand socks, and geriatric chairs.

(1) The health service supervisor shall make the decision for utilization of a type II device. (III)

(2) Physician's orders are not required to utilize this type of device.

(3) The resident under type II devices shall have his position changed at two-hour intervals. (II,III)

(4) Residents in geriatric chairs shall be assisted to ambulate every two hours or more often if necessary and physical condition of the resident permits. (II,III)

(5) Documentation on nurse's progress record shall include type of device, reason for device, and length of time resident was restrained. (III)

c. Type III protective device is defined as the application of a device to any part of the body which will inhibit the movement of that part of the body only. Examples: Wrist, ankle, or leg restraints, and waist straps.

(1) Physician's orders are required to utilize this type of device. Physician's orders must be renewed quarterly. (III)

(2) The health service supervisor, following the physician's orders, shall make the decision for the utilization of type III devices. (III)

(3) In the absence of the supervisor, the nurse in charge shall make the decision for the utilization of type III devices. (III)

(4) The resident under*type III devices shall have his position changed and the device removed at two-hour intervals. (II,III)

(5) Documentation on nurse's progress records shall be made each shift that the device is used and shall include type of device, reason for device, length of time resident was restrained, and time of position change. (III)

470—58.31(135C) Housekeeping.

58.31(1) Written procedures shall be established and implemented for daily and weekly cleaning schedules. (III)

58.31(2) Each resident unit shall be cleaned on a routine schedule. (III)

58.31(3) All rooms, corridors, storage areas, linen closets, attics, and basements shall be kept in a clean, orderly condition, free of unserviceable furniture and equipment and accumulations of refuse. (III)

58.31(4) A hallway or corridor shall not be used for storage of equipment. (III)

58.31(5) All odors shall be kept under control by cleanliness and proper ventilation. (III)

58.31(6) Clothing worn by personnel shall be clean and washable. (III)

58.31(7) Housekeeping and maintenance personnel shall be provided with well-constructed and properly maintained equipment appropriate to the function for which it is to be used. (III)

*Typographical error corrected.

58.31(8) All furniture, bedding, linens, and equipment shall be cleaned periodically and before use by another resident. (III)

58.31(9) Polishes used on floors shall provide a non-slip finish. (III)

58.31(10) Throw or scatter rugs shall not be permitted. (III)

58.31(11) Entrances, exits, steps, and outside walkways shall be kept free from ice, snow, and other hazards. (II,III)

58.31(12) Residents shall not have access to storage areas for all cleaning agents, bleaches, insecticides, or any other poisonous, dangerous, or flammable materials. (II,III)

58.31(13) Sufficient numbers of noncombustible trash containers, which have covers, shall be available. (III)

58.31(14) Definite procedures shall be established for training housekeeping personnel. (III)

58.31(15) Employees engaged in housekeeping or laundry services shall not be simultaneously involved in the preparation of food, food service, or resident care. (III)

58.31(16) There shall be provisions for the cleaning and storage of housekeeping equipment and supplies for each nursing unit. (III)

58.31(17) Bathtubs, shower stalls, or lavatories shall not be used for laundering, cleaning of utensils and mops, or for storage. (III)

58.31(18) Bedside utensils shall be stored in enclosed cabinets. (III)

58.31(19) Kitchen sinks shall not be used for the cleaning of mops, soaking of laundry, cleaning of bedside utensils, nursing utensils, or dumping of waste water. (III)

58.31(20) Resident personal possessions which may constitute a hazard to himself or others shall be removed and stored. (III)

470—58.32(135C) Maintenance.

58.32(1) Each facility shall establish a maintenance program in writing to insure the continued maintenance of the facility, to promote good housekeeping procedures, and to insure sanitary practices throughout the facility. (III)

58.32(2) The building, grounds, and other buildings shall be maintained in a clean, orderly condition and in good repair. (III)

58.32(3) Draperies and furniture shall be clean and in good repair. (III)

58.32(4) Cracks in plaster, peeling wallpaper or paint, and tears or splits in floor coverings shall be promptly repaired or replaced in a professional manner. (III)

58.32(5) The electrical systems, including appliances, cords, and switches, shall be maintained to guarantee safe functioning and comply with the national electrical code. (III)

58.32(6) All plumbing fixtures shall function properly and comply with the state plumbing code. (III)

58.32(7) Yearly inspections of the heating and cooling systems shall be made to guarantee safe operation. Documentation of these inspections shall be available for review. (III)

58.32(8) The building, grounds, and other buildings shall be kept free of breeding areas for flies, other insects, and rodents. (III)

58.32(9) The facility shall be kept free of flies, other insects, and rodents. (III)

58.32(10) Maintenance personnel.

a. A written program shall be established for the orientation of maintenance personnel. (III)

b. Maintenance personnel shall:

(1) Follow established written maintenance programs; (III)

(2) Be provided with appropriate, well-constructed, and properly maintained equipment. (III)

470—58.33(135C) Laundry.

58.33(1) All soiled linens shall be collected in and transported to the laundry room in closed, leakproof laundry bags or covered, impermeable containers. (III)

f. Walls, ceilings, and floors shall have easily cleanable surfaces and shall be kept clean and in good repair. (III)

g. Beds and other furnishings shall not obstruct free passage to and through doorways. (III)

h. Clothing shall be hung in closets or wardrobes available in each room. (III)

i. Beds shall not be placed with the head of the bed in front of a window or radiator. (III)

j. Beds shall not be placed in such a manner that the side of the bed is against the radiator or in close proximity to it unless it is covered so as to protect the resident from contact with it or from excessive heat. (III)

k. Reading lamps shall be provided each resident in his room. (III)

l. Each room shall have sufficient accessible mirrors to serve residents' needs. (III)

m. Sturdy, adjustable overbed tables shall be provided for each resident who is unable to eat in the dining room. (III)

n. *Rescinded, effective 1/12/77

58.35(5) Heating. A centralized heating system capable of maintaining a minimum temperature of 78°F (26°C) shall be provided. Portable units or space heaters are prohibited from being used in the facility except in an emergency. (III)

58.35(6) Water supply.

a. Every facility shall have an adequate water supply from an approved source. A municipal source of supply shall be considered as meeting this requirement. (II, III)

b. Private sources of supply shall be tested annually and the report submitted with the annual application for license. (III)

c. A bacterially unsafe source of supply shall be grounds for denial, suspension, or revocation of license. (III)

d. The department may require testing of private sources of supply at its discretion in addition to the annual test. The facility shall supply reports of such tests as directed by the department. (III)

e. Hot and cold running water under pressure shall be available in the facility. (III)

f. The temperature of the hot water to the resident lavatories, baths, and showers shall not exceed 110°F (43°C). A 5° variable shall be acceptable. (III)

g. Prior to construction of a new facility or new water source, private sources of supply shall be surveyed and shall comply with the requirements of the department of health. (III)

58.35(7) Nonambulatory residents.

a. All nonambulatory residents shall be housed on the grade level floor. (II, III)

b. These provisions in section "a" above relating to nonambulatory residents are not applicable if the facility has a suitably sized elevator.

470—58.36(135C) Family and employee accommodations.

58.36(1) Children shall not be allowed into the service areas. (III)

58.36(2) The residents' bedrooms shall not be occupied by employees, family members of employees, or family members of the licensee. (III)

58.36(3) In facilities where the total occupancy of family, employees, and residents is five or less, one toilet and one tub or shower shall be the minimum requirement. (III)

58.36(4) In facilities where the total occupancy of family, employees, and residents is more than five, separate bathing and toilet facilities shall be required for the family or employees distinct from such areas provided for residents. (III)

58.36(5) In all health care facilities, if the family or employees live within the facility, separate living quarters and recreation facilities shall be required for the family or employees distinct from such areas provided for residents. (III)

470—58.37(135C) Animals. No animals shall be allowed within the facility except with written approval of the department and under controlled conditions. (III)

*Emergency, pursuant to §17A.5 of the Code.

470—58.38(135C) Supplies.**58.38(1) Linen supplies.**

a. There shall be an adequate supply of linen so that each resident shall have at least three wash cloths, hand towels, and bath towels per week. (III)

b. A complete change of bed linens shall be available in the linen storage area for each bed. (III)

c. Sufficient lightweight, clean, serviceable blankets shall be available. All blankets shall be laundered as often as necessary for cleanliness and freedom from odors. (III)

d. Each bed shall be provided with clean, washable bedspreads. There shall be a supply available when changes are necessary. (III)

e. Uncrowded and convenient storage shall be provided for linens, pillows, and bedding. (III)

58.38(2) First aid kit. A first aid emergency kit shall be available on each floor in every facility. (II, III)

58.38(3) Supplies and equipment for nursing services.

a. For purposes of consultation, the manual "Hospital and Nursing Home Equipment Planning Guide", P.H.S. Pub. No. 930-D-4, Revised 1967, U.S. Department of Health, Education, and Welfare, Public Health Service, Division of Hospital and Medical Facilities Architectural, Engineering, and Equipment Branch, Washington, D.C. 20201, shall be used for suggesting the types and quantities of equipment and supplies needed for nursing services in intermediate care facilities.

b. All nursing care equipment shall be properly sanitized or sterilized before use by another resident. (II)

c. There shall be disposable or one-time use items available appropriate to the size of the facility with provisions made for proper disposal so as to prevent their reuse. (III)

d. Convenient, safe storage shall be provided for bath and toilet supplies, bathroom scales, mechanical lifts, and shower chairs. (III)

e. Sanitary and protective storage shall be provided for all equipment and supplies. (III)

f. All items that must be sterilized shall be autoclaved unless sterile disposable items are furnished which are promptly disposed of after a single use. (II)

g. Supplies and equipment for nursing and personal care sufficient in quantities to meet the needs of the residents shall be provided and, as a minimum, which include the following (III):

Bath basins	Stethoscope
Soap containers	Ice caps
Denture cups	Hot water bottles
Emesis basins	Rectal tubes
Mouthwash cups	Catheters and catheterization equipment
Bedpans	Douche nozzle
Urinals	Oxygen therapy equipment
Enema equipment	Naso-gastric feeding equipment
Commodes	Wheelchairs
Quart graduate measure	Moisture-proof draw sheets
Thermometer for measurement of bath water temperature	Moisture-proof pillow covers
Oral thermometer	Moisture-proof mattress covers
Rectal thermometer	Foot tubs
Basins for sterilizing thermometers	Metal pitcher
Basins for irrigations	Disinfectant solutions
Asepto syringes	Alcohol
Sphygmomanometer	Lubricating jelly
Paper towels	Skin lotion
Paper handkerchiefs	Applicators
Insulin syringes	Tongue blades
2 cc hypodermic syringes	Toilet paper
Weight scales	Rubber gloves or disposable gloves
	Scales for nonambulatory patients

Hypodermic needles
Tourniquet
Medicine dispensing containers
Bandages
Adhesive

Suction machine
Portable linen hampers
Denture identification equipment
Tracheotomy care equipment

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CHAPTER 59 SKILLED NURSING FACILITIES

470—59.1(135C) Definitions. For the purpose of these rules, the following terms shall have the meaning indicated in this chapter. The definitions set out in section 135C.1 of the Code shall be considered to be incorporated verbatim in the rules. The use of the words “shall” and “must” indicate those standards are mandatory. The use of the words “should” and “could” indicate those standards are recommended.

59.1(1) “Accommodation” means the provision of lodging, including sleeping, dining, and living areas.

59.1(2) “Administrator” means a person licensed pursuant to chapter 147, Code of Iowa, who administers, manages, supervises, and is in general administrative charge of a skilled nursing facility, whether or not such individual has an ownership interest in such facility, and whether or not his functions and duties are shared with one or more individuals.

59.1(3) “Alcoholic” means a person in a state of dependency resulting from excessive or prolonged consumption of alcoholic beverages as defined in chapter 125.2, Code of Iowa, 1975.

59.1(4) “Ambulatory” means the condition of a person who immediately and without aid of another is physically and mentally capable of traveling a normal path to safety, including the ascent and descent of stairs.

59.1(5) “Basement” means that part of a building where the finish floor is more than thirty inches below the finish grade of the building.

59.1(6) “Board” means the regular provision of meals.

59.1(7) “Chairfast” means capable of maintaining a sitting position but lacking the capacity of bearing own weight, even with the aid of a mechanical device or another individual.

59.1(8) “Communicable disease” means a disease caused by the presence of viruses or microbial agents within a person’s body, which agents may be transmitted either directly or indirectly to other persons.

59.1(9) “Department” means the state department of health.

59.1(10) “Distinct part” means a clearly identifiable area or section within a health care facility, consisting of at least a residential unit, wing, floor, or building containing contiguous rooms.

59.1(11) “Drug addiction” means a state of dependency, as medically determined, resulting from excessive or prolonged use of drugs as defined in chapter 204, Code of Iowa, 1973.

59.1(12) “Medication” means any drug including over-the-counter substances ordered and administered under the direction of the physician.

59.1(13) “Nonambulatory” means the condition of a person who immediately and without aid of another is not physically and mentally capable of traveling a normal path to safety, including the ascent and descent of stairs.

59.1(14) “Protective devices” means the measures taken to control a resident’s physical activity for his own protection or for the protection of others.

59.1(15) “Personal care” means assistance with the activities of daily living which the recipient can provide for himself only with difficulty. Examples are help in getting in and out of bed, assistance with personal hygiene and bathing, help with dressing and feeding, and supervision over medications which can be self-administered.

59.1(16) "*Program of care*" means all services being provided for a resident in a health care facility.

59.1(17) "*Qualified nurse*" means a registered nurse or licensed practical nurse, as defined in chapter 152 of the Code.

59.1(18) "*Rate*" means that daily fee charged for all residents equally and shall include the cost of all minimum services required in these rules and regulations.

470—59.2(135C) Variances. Variances from these rules may be granted by the commissioner for good and sufficient reason when the need for variance has been established; no danger to the health, safety, or welfare of any resident results; alternate means are employed or compensating circumstances exist and the variance will apply only to an individual skilled nursing facility. Variances will be reviewed by the commissioner at his discretion.

59.2(1) To request a variance, the licensee must:

- a. Apply for variance in writing on a form provided by the department;
- b. Cite the rule(s) from which a variance is desired;
- c. State why compliance with the rule(s) cannot be accomplished;
- d. Explain alternate arrangements or compensating circumstances which justify the variance;
- e. Demonstrate that the requested variance will not endanger the health, safety, or welfare of any resident.

59.2(2) Upon receipt of a request for variance, the commissioner will:

- a. Examine the rule from which variance is requested to determine that the request is necessary and reasonable;
- b. If the request meets the above criteria, evaluate the alternate arrangements or compensating circumstances against the requirement of the rules;
- c. Examine the effect of the requested variance on the health, safety, or welfare of the residents;
- d. Consult with the applicant if additional information is required.

59.2(3) Based upon these studies, approval of the variance will be either granted or denied within forty-five days of receipt.

470—59.3(135C) Application for licensure.

59.3(1) Initial application. In order to obtain a skilled nursing facility license, the applicant must:

- a. Meet the physical standards as contained in chapter 61 of these rules;
- b. Submit a letter of intent and a written resumé of the resident care program and other services provided for departmental review and approval;
- c. Make application at least thirty days prior to the proposed opening date of the facility on forms provided by the department;
- d. Submit a floor plan of each floor of the skilled nursing facility, drawn on 8½ x 11 inch paper showing room areas in proportion, room dimensions, room numbers for all rooms, including bathrooms, and designation of the use to which room will be put and window and door location;
- e. Submit a photograph of the front and side elevation of the skilled nursing facility;
- f. Submit the statutory fee for a skilled nursing facility license;
- g. Meet the requirements of a skilled nursing facility for which licensure application is made;
- h. Comply with all other local statutes and ordinance in existence at the time of licensure;
- i. Have a certificate signed by the state fire marshal or his deputy as to compliance with fire safety rules and regulations.

59.3(2) Renewal application. In order to obtain a renewal of the skilled nursing facility license, the applicant must:

- a. Submit the completed application form thirty days prior to annual license renewal date of the skilled nursing facility license;

59.12(11) The facility shall establish an infection control committee of representative professional staff with responsibility for overall infection control in the facility. (III)

59.12(12) Blood handling and storage facilities shall be safe, adequate, and properly supervised. (III)

470—59.13(135C) Personnel.

59.13(1) General qualifications.

a. No person with a current record of habitual alcohol intoxication or addiction to the use of drugs shall serve in a managerial role of a skilled nursing facility. (II)

b. No person under the influence of alcohol or intoxicating drugs shall be permitted to provide services in a skilled nursing facility. (II)

c. No person with a communicable disease shall be allowed to provide services in a skilled nursing facility. (II,III)

d. Return to duty by personnel who have been diagnosed with a communicable disease shall be subject to a physician's written approval. (III)

e. Individuals with either physical or mental disabilities may be employed for specific duties, but only if that disability is unrelated to that individual's ability to perform the duties of the job. (III)

f. Persons employed in all departments of a skilled nursing facility shall be qualified through formal training or through prior experience to perform the type of work for which they have been employed. Prior experience means at least two hundred forty hours of full-time employment in a field related to their duties. Persons may be hired in laundry, housekeeping, activities, and dietary without experience or training if the facility institutes a formal inservice training program to fit the job descriptions in question and documents such as having taken place within thirty days after the initial hiring of such untrained employees. (III)

g. Persons carried on the resident census performing work shall not be used to replace paid employees in fulfilling staffing requirements. Work programs for residents shall be done only in accordance with physician's orders. (III)

h. The health services supervisor shall be a qualified nurse as defined in these regulations. (II)

i. Nurse's aides, orderlies, or attendants in a skilled nursing facility shall have completed or be currently enrolled in a state-approved, 60-hour nurse's aide education program. This program may be provided by the facility or an academic institution. All personnel administering medications must have completed the state-approved training program in medication administration. (III)

j. There shall be an organized on-going in-service educational and training program planned in advance for all personnel in all departments. (II,III) This training shall include at least:

- (1) Prevention and control of infections;
- (2) Fire prevention and safety;
- (3) Accident prevention;
- (4) Confidentiality of resident information;
- (5) Preservation of resident dignity.

k. A full-time employee shall be designated responsible for personnel services and for supervision and training of personnel.

59.13(2) Nursing supervision and staffing.

a. Nurses who are employed in the facility on a full-time basis shall not be engaged in other full-time work. (III)

b. Where only part-time nurses are employed, one nurse shall be designated health service supervisor. (III)

c. A qualified nurse shall be employed to relieve the supervising nurses, including charge nurses, on holidays, vacation, sick leave, days off, absences or emergencies. Pertinent information for contacting such relief person shall be posted at the nurse's station. (III)

d. When the health service supervisor serves as the administrator of a facility, fifty beds and over, a qualified nurse must be employed to relieve her of her nursing supervisory responsibilities. (III)

e. The department may establish on an individual facility basis the numbers and qualifications of the staff required in the facility using as its criteria the services being offered and the needs of the residents. (III)

f. Additional staffing, above the minimum ratio, may be required by the department commensurate with the needs of the individual residents. (III)

g. A skilled nursing facility of fifty beds or less shall have a qualified nurse on duty twenty-four hours per day, seven days a week. (II,III)

h. The minimum hours of nursing care required for residents needing skilled nursing care shall be 2.24 hours per licensed bed per week for each additional bed over fifty. (II,III)

i. Aides or orderlies shall be required in the ratio of .28 per bed, per week. (II,III)

j. The health services supervisor's hours worked per week shall be included in computing the twenty percent requirement.

k. In facilities under seventy-five beds, if the health service supervisor is a licensed practical nurse, the facility shall employ a registered nurse, for at least four hours each week for consultation, who must be on duty at the same time as the health service supervisor. (II, III)

(1) This shall be an on-site consultation and documentation shall be made of the visit. (III)

(2) The registered nurse-consultant shall have responsibilities clearly outlined in a written agreement with the facility. (III)

(3) Consultation shall include but not be limited to the following: Counseling the health service supervisor in the management of the health services (III); reviewing and evaluating the health services in determining that the needs of the residents are met (II,III); conducting a review of medications at least monthly if the facility does not employ a registered nurse part time (II,III).

l. *Facilities with seventy-five or more beds must employ a health service supervisor who is a registered nurse. (II)

m. There shall be at least two people who shall be capable of rendering nursing service, awake, dressed, and on duty at all times. (II).

n. Physician's orders shall be implemented by qualified personnel. (II,III)

470—59.14(135C) Admission, transfer, and discharge.

59.14(1) General admission policies.

a. No resident shall be admitted or retained in a skilled nursing facility who is in need of greater services than the facility can provide. (II,III)

b. No skilled nursing facility shall admit more residents than the number of beds for which it is licensed. (II,III)

c. There shall be no more beds erected than is stipulated on the license. (II,III)

d. There shall be no more beds erected in a room than its size and other characteristics will permit. (II,III)

e. The admission of a resident to a skilled nursing facility shall not give the facility or any employee of the facility the right to manage, use, or dispose of any property of the resident except with the written authorization of the resident or his legal representative. (III)

f. The admission of a resident shall not grant the skilled nursing facility the authority or responsibility to manage the personal affairs of the resident except as may be necessary for the safety of the resident and safe and orderly management of the facility as required by these rules. (III)

g. A skilled nursing facility shall provide for the safekeeping of personal effects, funds, and other property of its residents. The facility may require that items of exceptional value or which would convey unreasonable responsibilities to the licensee be removed from the premises of the facility for safekeeping. (III)

h. A skilled nursing facility shall keep complete and accurate records of all funds and other effects and property of its residents received by it for safekeeping. (III)

*Emergency, pursuant to §17A.5 of the Code.

470—59.17(135C) Medical services.

59.17(1) Each resident in a skilled nursing facility shall have a designated licensed physician, who may be called when needed. (III)

59.17(2) Each resident admitted to a skilled nursing facility shall have had a physical examination prior to admission. If the resident is admitted directly from a hospital, a copy of the hospital admission physical and discharge summary may be made part of the record in lieu of an additional physical examination. A record of the examination, signed by the physician, shall be a part of the resident's record. (III)

59.17(3) Arrangements shall be made to have a physician available to furnish medical care in case of emergency. (II,III)

59.17(4) Each resident shall be permitted free choice of a physician and pharmacist. (III)

59.17(5) The person in charge shall immediately notify the physician of any accident, injury, or adverse change in the resident's condition. (III)

59.17(6) A schedule listing the names and telephone numbers of the physicians shall be posted in each nursing station. (III)

59.17(7) Residents shall be admitted to a skilled nursing facility only on a written order signed by a physician certifying that the individual being admitted requires no greater degree of nursing care than the facility is licensed to provide. (III)

59.17(8) Each resident shall be visited by or shall visit his or her physician at least once each year. (III)

470—59.18(135C) Medical records service.

59.18(1) Overall supervisory responsibility is assigned to a full-time employee of the facility.

59.18(2) There shall be employed sufficient supportive personnel competent to carry out the functions of the medical record service.

59.18(3) If the medical record supervisor is not a qualified medical record practitioner, there shall be consultation provided from a person so qualified.

59.18(4) Residents' medical records shall be indexed according to name of resident and final diagnosis.

470—59.19(135C) Records.

59.19(1) *Resident admission record.* The licensee shall keep a permanent record on all residents admitted to a skilled nursing facility with all entries current, dated, and signed. This shall be a part of the resident clinical record. (III) The admission record form shall include:

- a. Name and previous address of resident; (III)
- b. Birthdate, sex, and marital status of resident; (III)
- c. Church affiliation; (III)
- d. Physician's name, telephone number, and address; (III)
- e. Dentist's name, telephone number, and address; (III)
- f. Name, address, and telephone number of next of kin or legal representative; (III)
- g. Name, address, and telephone number of person to be notified in case of emergency; (III)
- h. Mortician's name, telephone number, and address; (III)
- i. Pharmacist's name, telephone number, and address. (III)

59.19(2) *Resident clinical record.* There shall be a separate clinical record for each resident admitted to a skilled nursing facility with all entries current, dated, and signed. (III) The resident clinical record shall include:

- a. Admission record; (III)
- b. Admission diagnosis; (III)
- c. Physical examination: The record of the physical examination and medical history shall include resident's name, sex, age, medical history, physical examination, diagnosis, statement of chief complaints, estimation of restoration potential, results of tuberculin skin test or chest X ray, and other diagnostic procedures; (III)
- d. Physician's certification that the resident requires no greater degree of nursing care than the facility is licensed to provide; (III)

e. Physician's orders for medication, treatment, and diet in writing and signed by the physician quarterly; (III)

f. Progress notes:

(1) Physician shall enter a progress note at the time of each visit; (III)

(2) Other professionals, i.e., dentists, social workers, physical therapists, pharmacists, and others shall enter a progress note at the time of each visit; (III)

g. All laboratory, X-ray, and other diagnostic reports; (III)

h. Nurse's record including:

(1) Admitting notes including time and mode of transportation; room assignment; disposition of valuables; symptoms and complaints; general condition; vital signs; and weight; (II,III)

(2) Routine notes including physician's visits; telephone calls to and from the physician; unusual incidents and accidents; change of condition; social interaction; and P.R.N. medications administered including time and reason administered, and resident's reaction; (II,III)

(3) Discharge or transfer notes including time and mode of transportation; resident's general condition; instructions given to resident or legal representative; list of medications and disposition; and completion of transfer form for continuity of care; (II,III)

(4) Death notes including notification of physician and family to include time, disposition of body, resident's personal possessions and medications; and complete and accurate notes of resident's vital signs and symptoms preceding death; (III)

i. Medication record:

(1) An accurate record of all medications administered shall be maintained for each resident. (II,III)

j. Death record.

(1) The death record shall include name, age, sex, and race of deceased; date and time of death; physician's name, address, and signature; immediate cause of death; name and address of relative or legal representative notified of death; name, address, and signature of mortician receiving the body. (III)

(2) If the physician does not sign the death record, a copy of the death certificate shall be obtained by the facility as soon as it becomes available and made a part of the resident's medical record retained by the facility; (III)

k. Transfer form:

(1) The transfer form shall include identification data from the admission record, name of transferring institution, name of receiving institution, and date of transfer; (III)

(2) The nurse's report shall include resident attitudes, behavior, interests, functional abilities (activities of daily living), unusual treatments, nursing care, problems, likes and dislikes, nutrition, current medications (when last given), and condition on transfer; (III)

(3) The physician's report shall include reason for transfer, medications, treatment, diet, activities, significant laboratory and X-ray findings, and diagnosis and prognosis; (III)

l. Consultation reports shall indicate services rendered by allied health professionals in the facility or in health-centered agencies such as dentists, physical therapists, podiatrists, oculists, and others. (III)

59.19(3) Resident personal record. Personal records may be kept as a separate file by the facility.

a. Personal records may include factual information regarding personal statistics, family and responsible relative resources, financial status, and other confidential information.

b. Personal records shall be accessible to professional staff involved in planning for services to meet the needs of the resident. (III)

c. When the resident's records are closed, the information shall become a part of the final record. (III)

d. Personal records shall include a duplicate copy of the contract(s). (III)

59.19(4) Incident record.

a. Each skilled nursing facility shall maintain an incident record report and shall have available incident report forms. (III)

- b. Report of incidents shall be in detail on a printed incident report form. (III)
- c. The person in charge at the time of the incident shall prepare and sign the report. (III)
- d. The report shall cover all accidents where there is apparent injury or where hidden injury may have occurred. (III)
- e. The report shall cover all accidents or unusual occurrences within the facility or on the premises affecting residents, visitors, or employees. (III)
- f. A copy of the incident report shall be kept on file in the facility. (III)
- g. Incidents and accidents to residents and personnel shall be reviewed to identify health and safety hazards.

59.19(5) Retention of records.

- a. Records shall be retained in the facility for five years following termination of services. (III)
- b. Records shall be retained within the facility upon change of ownership. (III)
- c. The resident's records shall be kept confidential and shall be revealed only to persons authorized by law. (III)
- d. When the facility ceases to operate, the resident's record shall be released to the facility to which the resident is transferred. If no transfer occurs, the record shall be released to the individual's physician. (III)

59.19(6) Reports to the department. The licensee shall furnish statistical information concerning the operation of the facility to the department on request. (III)

59.19(7) Personnel record.

- a. An employment record shall be kept for each employee consisting of the following information: Name and address of employee, social security number of employee, date of birth of employee, date of employment, experience and education, name and address of three references, position in the home, date and reason for discharge or resignation. (III)
- b. The personnel records shall be made available for review upon request by the department. (III)

470—59.20(135C) Resident care and personal services.

59.20(1) Beds shall be made daily and adjusted as necessary. A complete change of linen shall be made at least once a week and more often if necessary. (III)

59.20(2) Residents shall receive sufficient supervision so that their personal cleanliness is maintained. (II,III)

59.20(3) Residents shall have clean clothing as needed to present a neat appearance, be free of odors, and to be comfortable. Clothing shall be appropriate to their activities and to the weather. (III)

59.20(4) Residents shall receive kind and considerate care at all times and shall not be abused physically, mentally, or verbally in any way. (II)

59.20(5) Residents shall be encouraged to leave their rooms and make use of the recreational room or living room of the facility. (III)

59.20(6) Residents shall not be required to pass through another's bedroom to reach a bathroom, living room, dining room, corridor, or other common areas of the facility. (III)

59.20(7) Residents shall not have their personal lives regulated or controlled beyond reasonable adherence to meal schedules, bedtime hours, and other written policies which may be necessary for the orderly management of the facility and as required by these rules and regulations. However, residents shall be encouraged to participate in the recreational programs. (III)

59.20(8) Uncontrollable residents shall be transferred or discharged from the facility in accordance with contract arrangements and requirements of chapter 135C, Code of Iowa. (II,III)

59.20(9) Residents who are not bedfast shall be fully dressed each day to maintain self-esteem and promote a normal life style. (III)

470—59.21(135C) Rights of residents.**59.21(1) Visiting.**

a. Visitors shall be permitted to visit residents at any reasonable time. (III)

b. Each resident shall be permitted to have privacy with his visitors or the representative of the agency who has responsibility for his care. (III)

59.21(2) Religion.

a. A resident's right to his own religious convictions or the absence of them shall not be infringed upon. (III)

b. A resident's request to see a clergyman shall be honored. (III)

c. The facility shall attempt to arrange for transportation for residents who desire to attend church services at no additional cost to the resident. (III)

59.21(3) Mail.

a. Residents shall receive their mail unopened. (III)

b. Outgoing mail shall not be censored, controlled, or restricted unless written authorization signed by the resident's legal guardian is on file in the facility. (III)

c. Assistance with correspondence shall be provided when requested. (III)

59.21(4) Telephone. A telephone shall be accessible to the residents within the facility to make personal calls. (III)

59.21(5) Access.

a. Living room and recreational areas shall be freely accessible to the residents at all reasonable times. (III)

b. Residents shall be permitted to leave the facility and environs at reasonable times unless there are justifiable reasons established in writing for refusing such permission. (III)

470—59.22(135C) Nursing care.

59.22(1) Nursing care shall be given by a registered nurse, licensed practical nurse, or other qualified, nonprofessional personnel. (II, III)

59.22(2) Residents shall be protected against hazards to themselves and others or the environment. (II,III)

59.22(3) The facility shall provide resident and family education as an integral part of restorative and supportive care. (III)

59.22(4) The facility shall provide prompt response from qualified staff for the resident's use of the electrically-operated nurse call system. (II,III) (Prompt response being considered as no longer than fifteen minutes.)

470—59.23(135C) Required nursing services for residents. The program plan for skilled nursing facilities shall have the following required nursing services under the twenty-four hour direction of qualified nurses with ancillary coverage as set forth in these rules.

59.23(1) Activities of daily living:

a. Bathing; (II,III)

b. Daily oral hygiene (denture care); (II,III)

c. Routine shampoo; (II,III)

d. Nail care; (III)

e. Shaving; (III)

f. Daily care and application of prostheses (glasses, hearing aids, glass eyes, limb prosthetics, braces, or other assistive devices); (II,III)

g. Ambulation with equipment if applicable, or transferring, or positioning; (I,II,III)

h. Daily routine range of motion; (II,III)

i. Mobility (assistance with wheelchair, mechanical lift, or other means of locomotion); (I,II,III)

j. Elimination.

(1) Assistance to and from the bathroom and perineal care; (II,III)

(2) Bedpan assistance; (II,III)

(3) Care for incontinent residents; (II,III)

(4) Bowel and bladder training programs including in-dwelling catheter care (i.e., insertion and irrigation), enema and suppository administration, and monitoring and recording of intake and output, including solid waste; (I,II,III)

k. Colostomy care (to be performed only by a registered nurse or licensed practical nurse or by a qualified aide under the direction of a registered nurse or licensed practical nurse); (I,II,III)

l. Ileostomy care (to be performed only by a registered nurse or licensed practical nurse or by a qualified aide under the direction of a registered nurse or licensed practical nurse); (I,II,III)

m. All linens necessary; (III)

n. Nutrition and meal service:

(1) Regular, therapeutic, modified diets, and snacks; (I,II,III)

(2) Mealtime preparation of resident; (II,III)

(3) Assistance to and from meals; (II,III)

(4) In-room meal service or tray service; (II,III)

(5) Assistance with food preparation and feeding including total feeding if needed; (II,III)

(6) Assistance with adaptive devices; (II,III)

(7) Tube feeding (to be performed by a registered nurse or licensed practical nurse only); (I,II,III)

o. Promote initiation of self-care for elements of resident care; (II, III)

p. Oral suctioning (to be performed only by a registered nurse or licensed practical nurse or by a qualified aide under the direction of a registered nurse or licensed practical nurse). (I, II, III)

59.23(2) Medication and treatment:

a. Administration of all medications as ordered by the physician including oral, instillations, topical, injectable, (to be injected by a registered nurse or licensed practical nurse only); (I, II)

b. Decubitus care; (I,II)

c. Heat lamp; (II,III)

d. Clinitest/acetest; (I,II)

e. Vital signs, blood pressure, and weights; (I,II)

f. Ambulation and transfer; (II,III)

g. Provision of protective devices; (I,II)

h. Administration of oxygen (to be performed only by a registered nurse or licensed practical nurse or by a qualified aide under the direction of a registered nurse or licensed practical nurse); (I, II)

i. Provision of all treatments; (I,II,III)

j. Provide emergency and arrange medical care, including transportation, in accordance with written policies and procedures of the facility. (I,II,III)

470—59.24(135C) Duties of health service supervisor. Every skilled nursing facility shall have a health service supervisor who shall:

59.24(1) Direct the implementation of the physician's orders; (I,II)

59.24(2) Plan for and direct the nursing care, services, treatments, procedures, and other services in order that each resident's needs are met; (II,III)

59.24(3) Review the health care needs of each resident admitted to the facility and assist the attending physician in planning for the resident's care; (II,III)

59.24(4) Develop and implement a written care plan in co-operation with other disciplines in accordance with instructions of the attending physician as follows:

a. The written health care plan, based on the assessment and reassessment of the resident health needs, is personalized for the individual resident and indicates care to be given, short and long term goals to be accomplished, and methods, approaches, and modifications necessary to achieve best results; (III)

b. The health service supervisor is responsible for preparing, reviewing, supervising the implementation, and revising the written health care plan; (III)

c. The health care plan is readily available for use by all personnel caring for the resident; (III)

59.24(5) Initiate preventive and restorative nursing procedures for each resident so as to achieve and maintain the highest possible degree of function, self-care, and independence; (II,III)

59.24(6) Supervise health services personnel to assure they perform the following restorative measures in their daily care of residents:

a. Maintaining good body alignment and proper positioning; (II,III)

b. Making every effort to keep the resident active except when contraindicated by physician's orders, and encouraging residents to achieve independence in activities of daily living by teaching self-care, transfer, and ambulation activities; (III)

c. Assisting residents to adjust to their disabilities, to use their prosthetic devices, and to redirect their interests as necessary; (III)

d. Assisting residents to carry out prescribed therapy exercises between visits of the therapist; (III)

e. Assisting residents with routine range of motion exercises. (III)

59.24(7) Plan and conduct nursing staff orientation and in-service programs and provide for training of nurse's aides; (III)

59.24(8) Plan with the physician, family and health-related agencies for the care of the resident upon discharge. (III)

59.24(9) Designate a responsible person to be in charge during her absence. (III)

59.24(10) Be responsible for all assignments and work schedules for all health services personnel to assure that the health needs of the residents are met. (III)

59.24(11) Ensure that all nurse's notes are descriptive of the care rendered including the resident's response. (III)

59.24(12) Visit each resident routinely to be knowledgeable of the resident's current condition. (III)

59.24(13) Evaluate in writing the performance of each individual on the health care staff on at least an annual basis. This evaluation shall be available for review in the facility to the department. (III)

59.24(14) Keep the administrator informed of the resident's status. (III)

59.24(15) Teach and co-ordinate rehabilitative health care including activities of daily living, promotion and maintenance of optimal, physical and mental functioning. (III)

59.24(16) Supervise serving of diets to assure that individuals unable to feed themselves are promptly fed and that special eating utensils are available as needed. (II,III)

59.24(17) Make available a nursing procedure manual which shall include all procedures practiced in the facility. (III)

59.24(18) Participate with the administrator in the formulation of written policies and procedures for resident services. (III)

59.24(19) The person in charge shall immediately notify the family of any accident, injury, or adverse change in the resident's condition requiring physician's notification. (III)

59.24(20) Serve only one facility in this capacity. (III)

59.24(21) Have in writing administrative authority, responsibility, and accountability for the functions, activities, and training of the nursing services staff. (III)

59.24(22) Be responsible for the development and maintenance of nursing service objectives. (III)

59.24(23) Recommend the number and level of nursing personnel to be employed. (III)

59.24(24) Designate a qualified nurse as charge nurse for each tour of duty who is responsible for supervision of the total nursing activities in the facility for each tour of duty. (III)

59.24(25) Not serve as charge nurse in a facility with an average daily total occupancy of sixty or more residents. (III)

59.24(26) When the health service supervisor has other institutional responsibilities, a qualified nurse shall serve as assistant so that there is the equivalent of a full-time health service supervisor on duty. (III)

470—59.25(135C) Pharmaceutical services committee.

59.25(1) The pharmaceutical services committee shall develop written policies and procedures for safe and effective drug therapy, distribution, control, and use. (III)

59.25(2) The committee shall be composed of at least the pharmacist, the health service supervisor, the administrator, and at least one physician. (III)

59.25(3) The committee shall make recommendations for improvement and monitor the pharmaceutical service to ensure accuracy and adequacy. (III)

59.25(4) The committee shall meet at least quarterly and retain minutes of all meetings. (III)

470—59.26(135C) Drugs, storage, and handling.

59.26(1)* Drug storage for residents who are unable to take their own medications and require supervision shall meet the following requirements:

a. A cabinet with a lock, convenient to nursing service, shall be provided and used for storage of all drugs, solutions, and prescriptions; (III)

b. A bathroom shall not be used for drug storage; (III)

c. The drug storage cabinet shall be kept locked; (III)

d. The medication cabinet key shall be in the possession of the person directly responsible for issuing medications; (II,III)

e. Schedule II drugs, as defined by chapter 204, Code of Iowa, shall be kept in a locked box within the locked medication cabinet; (II)

f. Double-locked storage of Schedule II drugs shall not be required under single-unit package drug distribution systems in which the quantity stored does not exceed a three-day supply and a missing dose can be readily detected. (II)

59.26(2) Drugs for external use shall be stored separately from drugs for internal use. (III)

59.26(3) Medications requiring refrigeration shall be kept in a refrigerator and separated from food and other items. A method for locking these medications shall be provided. (III)

59.26(4) 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. (I,II)

59.26(5) All flammable materials shall be specially stored and handled in accordance with applicable local and state fire regulations. (II)

59.26(6) The individual charged with the responsibility of administering medications shall have knowledge of the purpose of the drug, its dangers, and contraindications. (II,III)

59.26(7) Unless the unit dose system is used, the person assigned the responsibility of medication administration must complete the procedure by personally preparing the dose, observing the actual act of swallowing the oral medication, and charting the medication. (II) In facilities where the unit dose system is used, the person assigned the responsibility must complete the procedure by observing the actual act of swallowing the medication and charting the medication. (II) Medications shall be prepared on the same shift of the same day that they are administered, unless the unit dose system is used. (II)

59.26(8) An accurate written record of medications administered shall be made by the individual administering the medication. (III)

59.26(9) Records shall be kept of all schedule II drug medications received and dispensed in accordance with the controlled drug and substance Act. (III)

59.26(10) Any unusual resident reaction shall be reported to the physician at once. (II)

59.26(11) A policy shall be established by the facility to govern the administration of prescribed medications to residents who are on leave from the facility. (III)

59.26(12) The cabinet shall have a work counter. Both counter and cabinet shall be well-lighted, shall be kept clean, and shall be well-organized. (III)

59.26(13) Running water shall be in close proximity to the drug storage cabinet. (III)

*Emergency, pursuant to §17A.5 of the Code.

59.26(14) Emergency medication tray. A skilled nursing facility shall provide an emergency medication tray. (III) There shall be compliance with the following requirements:

a. Prescription drugs as well as nonprescription items in the tray must be prescribed or approved by the physician, in consultation with the pharmacist, who provides emergency service to the facility; (III)

b. The tray shall be stored in an accessible place; (III)

c. The tray shall contain a list of its contents and quantities of each item on the outside cover and within the box; (III)

(2) To the extent medically possible, bedtime nourishments shall be offered routinely to all residents. Special nourishments shall be available when ordered by physician. (II,III)

(3) If a three, four, or five-meal plan is in effect, the nutritional value provided shall meet recommended daily allowances. The night feeding shall include foods that are good sources of protein. (II)

d. Menus shall include a variety of foods prepared in various ways. The same menu shall not be repeated on the same day of the following week. (III)

e. Menus shall be written at least one week in advance. The current menu shall be located in an accessible place in the dietetic service department for easy use by persons purchasing, preparing, and serving food. (III)

f. Records of menus as served shall be filed and maintained for thirty days and shall be available for review by departmental personnel. When substitutions are necessary, they shall be of similar nutritive value and recorded on the menu or in a notebook. (III)

g. A file of tested recipes adjusted to the number of people to be fed in the facility shall be maintained. (III)

59.29(4) Therapeutic diets:

a. Therapeutic diets shall be prescribed by the attending physician. A current therapeutic diet manual approved by the nutrition section, department of health, shall be readily available to attending physicians, nurses, and dietetic service personnel. This manual shall be used as a guide for writing menus for therapeutic diets. A dietitian or approved dietary consultant is responsible for writing the therapeutic menu and reviewing procedures for preparation and service of food. (II)

b. Personnel responsible for planning and serving simple therapeutic diets should receive instructions on those diets through training programs developed by the department or training programs which meet the department's approval. (III)

59.29(5) Food preparation and service:

a. Methods used to prepare food shall be those which conserve nutritive value, fresh flavor, and make an attractive appearance. (III)

b. Foods shall be attractively served and tasty. (III)

c. Foods shall be cut, chopped, ground, or blended to meet individual needs. (II,III)

d. Self-help devices shall be provided as needed. (II,III)

e. Table service shall be attractive. (III)

f. Dishes shall be free of cracks, chips, and stains. (III)

g. Hot food that is transported shall be covered. (III)

h. All perishable or potentially hazardous food that readily supports harmful bacterial growth, shall be maintained and stored at temperatures of 45°F (7°C) or below, or 140°F (60°C) or above. (III)

59.29(6) Dietary ordering, receiving and storage:

a. All food and drink shall be clean, wholesome, free from spoilage, and safe for human consumption. (II,III)

b. The use of food from salvaged, damaged, or unlabeled containers shall be prohibited. (III)

c. No perishable food shall be allowed to stand at room temperature any longer than is required to prepare and serve. (III)

d. Supplies of staple foods for a minimum of a one-week period and of perishable foods for a minimum of a three-day period shall be maintained on the premises. "Family Food Plans," revised in 1974, Table 1, Low-Cost Food Plan, U.S. Department of Agriculture, shall be used as the established criteria for judging satisfactory compliance with minimum food portion requirements for residents. (II,III)

e. Records which show amount and kind of food purchased shall be retained for three months and shall be made available to the department upon request. (III)

f. Dry or staple food items shall be stored off the floor in a room not subject to sewage or waste water back-flow or contamination by condensation or rodents or vermin. (III)

g. Poisonous compounds shall not be kept in food storage or preparation areas. (II)

59.29(7) Sanitation in food preparation area:

a. "Food Service Sanitation Manual," revised 1976, U.S. Department of Health, Education, and Welfare, Public Health Service, U.S. Government Printing Office, Washington, D.C., shall be used as the established, nationally recognized reference for establishing and determining satisfactory compliance with food service sanitation.

b. Residents shall not be allowed in the food preparation area. (III)

c. The food preparation area shall not be used as a dining area for residents, staff, or food service personnel. (III)

d. All foods, while being stored, prepared, displayed, served, or transported, shall be protected against contamination from dust, flies, rodents, and other vermin. (II,III)

e. Food shall be protected from unclean utensils and worn surfaces, unnecessary handling, coughs and sneezes, flooding, drainage, and overhead leakage. (II, III)

f. The top surface of tables and counters on which food is prepared or served shall be smooth, or tight-jointed material, or covered with impervious material in good repair, and shall be kept clean. Drain boards and counters used in wet areas should be of stainless steel. (III)

g. There shall be effective written procedures established for cleaning all work and serving areas. (III)

h. A schedule of cleaning duties to be performed daily shall be posted in each food area. (III)

i. All cooking stoves shall be provided with a properly sized exhaust system and hood to eliminate excess heat, moisture, and odors from the kitchen. (III)

j. Spillage and breakage shall be cleaned up immediately. (III)

k. All garbage not mechanically disposed of shall be kept in nonabsorbent, cleanable containers pending disposal. All filled containers shall be covered and stored in a sanitary manner. (III)

l. The food service area shall be located so it will not be used as a passageway by residents, guests, or nonfood service staff. (III)

m. The walls, ceilings, and floors of all rooms in which food is prepared and served shall be in good repair, smooth, washable, of light color and shall be kept clean. Walls and floors in wet areas should be moisture resistant. (III)

n. There shall be no washing, ironing, sorting, or folding of laundry in the food service area. Dirty linen shall not be carried through the food service area unless it is in sealed, leak-proof containers. (III)

o. Ice shall be stored and handled in such a manner as to prevent contamination. Ice scoops should be sanitized daily and kept in a clean container. (III)

p. There shall be no animals or birds in the food preparation area. (III)

q. No dishes or cooking utensils shall be towel dried. (III)

r. In facilities of fifteen or more beds, a mechanical dishwasher is required. (III)

s. If there is a dishwashing machine, it must provide a wash temperature of 140°F (60°C) to 160°F (71°C) and a rinse temperature of 170°F (76°C) to 180°F (82°C). The machine shall be provided with temperature gauges. (III)

t. A three compartment pot and pan sink with 110°F (43°C) to 115°F (46°C) water for washing, a compartment for rinsing with water at 170°F (76°C) to 180°F (82°C) for sanitizing with space for air drying, or a two compartment sink with access to a mechanical dishwasher for sanitizing all utensils shall be provided. (III)

u. All dishes, silverware, and cooking utensils shall be stored above the floor in a sanitary manner, in a clean, dry place protected from flies, splashes, dust and other contaminants. (III)

v. Procedures for washing and handling dishes shall be followed in order to protect the welfare of the residents and employees. Persons handling dirty dishes shall not handle clean dishes without washing their hands. (III)

w. All food preparation for meals and prescribed nourishments shall be performed in the food service department. Food prepared as a part of the activity program shall be done elsewhere. (III)

x. A mop and mop pail shall be provided for exclusive use in the dietetic service department, (III)

y. Sanitary procedures for clean-up and use of food service equipment shall be specified and implemented. (III)

59.29(8) Hygiene of food service personnel.

a. Food service personnel shall be free of communicable diseases and practice hygienic food handling techniques. In the event food service employees are assigned duties outside the dietetic service, these duties shall not interfere with sanitation, safety, or time required for dietetic work assignments. Personnel recovering from a diagnosed intestinal infection shall submit a report from their physician showing freedom from infection before returning to work in the food service department. (II, III)

b. Employees shall wear clean, washable uniforms that are not used for duties outside the food service area. (III)

c. Hairnets shall be worn by all food service personnel. Individuals with beards shall provide for total enclosure of facial hair. (III)

d. Clean aprons and hairnets shall be available for use by other personnel in emergency situations. (III)

e. Persons handling food shall be knowledgeable of good handwashing techniques. A hand-wash sink shall be provided in or adjacent to the food service area. Continuous on-the-job training on sanitation shall be encouraged. (III)

f. The use of tobacco shall be prohibited in the kitchen. (III)

59.29(9) Food and drink. All food and drink consumed within the facility shall be clean and wholesome and comply with local ordinances and applicable provisions of state and federal laws. (II,III)

59.29(10) Dietetic service department—construction and equipment. The construction and equipment of the dietetic service department shall comply with or exceed the minimum standards set forth in the Public Health Service Bulletin No. 934 as amended. The equipment shall meet the minimum standards of National Sanitation Foundation, or be of comparable construction and composition.

470—59.30(135C) Social services program.

59.30(1) The skilled nursing facility shall have satisfactory arrangements for identifying the medically related social and emotional needs of the resident. It is not mandatory that the skilled nursing facility itself provide social services. (III)

59.30(2) If the facility does not provide social services, it shall have written procedures for referring residents in need of social services to appropriate social agencies. (III)

59.30(3) If social services are offered by the facility, they shall be provided under a clearly defined plan, by qualified persons, to assist each resident to adjust to the social and emotional aspects of the resident's illness, treatment, and stay in the facility. (III)

59.30(4) Policies and procedures shall be established for ensuring the confidentiality of all resident's social information. (III)

470—59.31(135C) Resident activities program.

59.31(1) Each skilled nursing facility shall provide an organized resident activity program for the group and for the individual resident which shall include suitable activities for evenings and weekends. (III)

a. The activity program shall be designed to meet the needs and interests of each resident and to assist residents in continuing normal activities within limitations set by the resident's physician. This shall include helping residents continue in their individual interests or hobbies. (III)

b. The program shall include individual goals for each resident. (III)

c. The program shall include both group and individual activities. (III)

d. No resident shall be forced to participate in the activity program. (III)

e. The activity program shall include suitable activities for those residents unable to leave their rooms. (III)

f. The program shall be incorporated into the overall health care plan and shall be designed to meet the goals as written in the plan.

59.31(2) Co-ordination of activities program.

a. Each skilled nursing facility shall employ a person to direct the activities program. (III)

b. Staffing for the activity program shall be provided on the minimum basis of thirty-five minutes per licensed bed per week. This time shall be spent in working with the organized activity program. (II,III)

c. The activity co-ordinator shall have completed the activity co-ordinators' orientation course offered through the department within six months of employment or have comparable training and experience as approved by the department. (III)

d. The activity co-ordinator shall attend workshops or educational programs which relate to activity programming. These shall total a minimum of ten contact hours per year. These programs shall be approved by the department. (III)

e. There shall be a written plan for personnel coverage when the activity co-ordinator is absent during scheduled working hours. (III)

59.31(3) Duties of activity co-ordinator. The activity co-ordinator shall:

a. Have access to all residents' records excluding financial records; (III)

b. Co-ordinate all activities, including volunteer or auxiliary activities and religious services; (III)

c. Keep all necessary records including:

(1) Attendance; (III)

(2) Individual resident progress notes recorded at regular intervals (at least every two months). A copy of these notes shall be placed in the resident's clinical record; (III)

(3) Monthly calendars, prepared in advance. (III)

d. Co-ordinate the activity program with all other services in the facility; (III)

e. Participate in the in-service training program in the facility. This shall include attending as well as presenting sessions. (III)

f. Provide input to the individual resident care plans. (III)

59.31(4) Activity supplies, equipment, and storage.

a. Each facility shall provide a variety of supplies and equipment of a nature calculated to fit the needs and interests of the residents. (III) These may include: books (standard and large print), magazines, newspapers, radio, television, and bulletin boards. Also appropriate would be box games, game equipment, songbooks, cards, craft supplies, record player, movie projector, piano, outdoor equipment, etc.

b. Storage shall be provided for recreational equipment and supplies. (III)

c. Locked storage should be available for potentially dangerous items such as scissors, knives, and toxic materials. (III)

470—59.32(135C) Care review committee. Each facility shall establish a care review committee in accordance with section 135C.25, Code of Iowa, which shall operate within the scope of these rules and regulations for health care facilities. (III)

59.32(1) Purpose of care review committee.

a. The committee shall represent the rights of the consumer in the facility for determination of appropriate care, of services available in the facility, and the determination of any discriminative practices. (III)

b. The committee shall consider the needs of the residents in respect to the services the facility is authorized to render. (III)

c. The committee shall consist of at least three members and no more than five. (III)

d. The area wide health planning council shall appoint the members of the committee from individuals who have an interest in the provision of health care services and protection of dependent persons. After failure of the area wide health planning council to appoint

g. Dining rooms.

(1) Dining rooms shall be furnished with dining tables and chairs appropriate to the size and function of the facility. These rooms and furnishings shall be kept clean and sanitary. (III)

(2) Dining tables and chairs shall be provided. (III)

(3) Dining tables should be so constructed that a person seated in a wheelchair can dine comfortably. (III)

(4) Tables shall be of sturdy construction with smooth, durable, nonpermeable tops that can be cleaned with a detergent sanitizing solution. (III)

(5) Dining chairs shall be sturdy and comfortable. Some arm chairs should be provided for ease of movement for some residents. (III)

(6) Residents shall be encouraged to eat in the dining room. (III)

59.40(4)* *Bedrooms.*

a. Each resident shall be provided with a standard, single, or twin bed, substantially constructed and in good repair. Rollaway beds, metal cots, or folding beds are not acceptable. Seventy-five per cent of the beds shall have a spring with adjustable head and foot section. (III)

b. Each bed shall be equipped with the following: Casters or glides; clean springs in good repair; clean, comfortable, well-constructed mattress approximately five inches thick and standard in size for the bed; clean, comfortable pillows of average size; and moisture-proof covers and sheets as necessary to keep the mattress and pillows dry and clean. (III)

c. Each resident shall have a bedside table with a drawer to accommodate personal possessions. (III)

d. There shall be a comfortable chair, either a rocking chair or arm chair, per resident bed. The resident's personal wishes shall be considered. (III)

e. There shall be drawer space for each resident's clothing. In a multiple bedroom, drawer space shall be assigned each resident. (III)

f. Walls, ceilings, and floors shall have easily cleanable surfaces and shall be kept clean and in good repair. (III)

g. Beds and other furnishings shall not obstruct free passage to and through doorways. (III)

h. Clothing shall be hung in closets or wardrobes available in each room. (III)

i. Beds shall not be placed with the head of the bed in front of a window or radiator. (III)

j. Beds shall not be placed in such a manner that the side of the bed is against the radiator or in close proximity to it unless it is covered so as to protect the resident from contact with it or from excessive heat. (III)

k. Reading lamps shall be provided each resident in his room. (III)

l. Each room shall have sufficient accessible mirrors to serve resident's needs. (III)

m. Sturdy, adjustable overbed tables shall be provided for each resident who is unable to eat in the dining room. (III)

n. Each resident bedroom shall have a door. The door shall be the swing type and shall not swing into the corridors. (III)

59.40(5) *Heating.* A centralized heating system capable of maintaining a minimum temperature of 78°F (26°C) shall be provided. Portable units or space heaters are prohibited from being used in the facility except in an emergency. (III)

59.40(6) *Water supply.*

a. Every facility shall have an adequate water supply from an approved source. A municipal source of supply shall be considered as meeting this requirement. (II, III)

b. Private sources of supply shall be tested annually and the report submitted with the annual application for license. (III)

c. A bacterially unsafe source of supply shall be grounds for denial, suspension, or revocation of license. (III)

*Emergency, pursuant to §17A.5 of the Code.

d. The department may require testing of private sources of supply at its discretion in addition to the annual test. The facility shall supply reports of such tests as directed by the department. (III)

e. Hot and cold running water under pressure shall be available in the facility. (III)

f. The temperature of the hot water to the resident lavatories, baths, and showers shall not exceed 110°F (43°C). A 5° variable shall be acceptable. (III)

g. Prior to construction of a new facility or new water source, private sources of supply shall be surveyed and shall comply with the requirements of the department of health. (III)

h. There shall be procedures to insure water to all central areas in the event of loss of normal water supply. (III)

59.40(7) Nonambulatory residents.

a. All nonambulatory residents shall be housed on the grade level floor. (II,III)

b. These provisions in paragraph "a" above relating to nonambulatory residents are not applicable if the facility has a suitably sized elevator.

470—59.41(135C) Family and employee accommodations.

59.41(1) Children shall not be allowed into the service areas. (III)

59.41(2) The resident's bedrooms shall not be occupied by employees, family members of employees, or family members of the licensee. (III)

59.41(3) In facilities where the total occupancy of family, employees, and residents is five or less, one toilet and one tub or shower shall be the minimum requirement. (III)

59.41(4) In facilities where the total occupancy of family, employees, and residents is more than five, separate bathing and toilet facilities shall be required for the family or employees distinct from such areas provided for residents. (III)

59.41(5) In all health care facilities, if the family or employees live within the facility, separate living quarters and recreation facilities shall be required for the family or employees distinct from such areas provided for residents. (III)

470—59.42(135C) Animals. No animals shall be allowed within the facility except with written approval of the department and under controlled conditions. (III)

470—59.43(135C) Supplies.

59.43(1) Linen supplies.

a. There shall be an adequate supply of linen so that each resident shall have at least three wash cloths, hand towels, and bath towels per week. (III)

b. A complete change of bed linens shall be available in the linen storage area for each bed. (III)

c. Sufficient lightweight, clean, serviceable blankets shall be available. All blankets shall be laundered as often as necessary for cleanliness and freedom of odors. (III)

d. Each bed shall be provided with clean, washable bedspreads. There shall be a supply available when changes are necessary. (III)

e. Uncrowded and convenient storage shall be provided for linens, pillows, and bedding. (III)

59.43(2) **First aid kit.** A first aid emergency kit shall be available on each floor in every facility. (II,III)

59.43(3) Supplies and equipment for nursing services.

a. For purposes of consultation, the manual "Hospital and Nursing Home Equipment Planning Guide", P.H.S. Pub. No. 930-D-4, Revised 1967, U.S. Department of Health, Education, and Welfare, Public Health Service, Division of Hospital and Medical Facilities Architectural, Engineering, and Equipment Branch, Washington, D.C. 20201, shall be used for establishing the types and quantities of equipment and supplies needed for nursing services in skilled nursing facilities.

b. All nursing care equipment shall be properly sanitized or sterilized before use by another resident. (II)

- c. There shall be disposable or one-time use items available appropriate to the size of the facility with provisions made for proper disposal so as to prevent their reuse. (III)
- d. Convenient, safe storage shall be provided for bath and toilet supplies, bathroom scales, mechanical lifts, and shower chairs. (III)
- e. Sanitary and protective storage shall be provided for all equipment and supplies. (III)
- f. All items that must be sterilized shall be autoclaved unless sterile disposable items are furnished which are promptly disposed of after a single use. (II)
- g. Supplies and equipment for nursing and personal care sufficient in quantities to meet the needs of the residents shall be provided and, as in a minimum, which include the following: (III)

Bath basins	Stethoscope
Soap containers	Ice caps
Denture cups	Hot water bottles
Emesis basins	Rectal tubes
Mouthwash cups	Catheters and catheterization equipment
Bedpans	Douche nozzle
Urinals	Oxygen therapy equipment
Enema equipment	Naso-gastric feeding equipment
Commodes	Wheelchairs
Quart graduate measure	Moisture-proof draw sheets
Thermometer for measurement of bath water temperature	Moisture-proof pillow covers
Oral thermometer	Moisture-proof mattress covers
Rectal thermometer	Foot tubs
Basins for sterilizing thermometers	Metal pitcher
Basins for irrigations	Disinfectant solutions
Asepto syringes	Alcohol
Sphygmomanometer	Lubricating jelly
Paper towels	Skin lotion
Paper hankchiefs	Applicators
Insulin syringes	Tongue blades
2cc hypodermic syringes	Toilet paper
Hypodermic needles	Rubber gloves or disposable gloves
Tourniquet	Suction machine
Medicine dispensing containers	Portable linen hampers
Bandages	Denture identification equipment
Adhesive	Tracheotomy care equipment
Weight scales	Scales for nonambulatory patients

470—59.44(135C) Resident's responsibilities and entitlements.

59.44(1) The governing body of the facility shall establish written policies regarding the rights and responsibilities of residents and, through the administration, shall be responsible for development of, and adherence to, procedures implementing such policies. (III)

59.44(2) These policies and procedures shall be made available to residents, to any guardians, next of kin, sponsoring agency(ies) and the public. (III)

59.44(3) The staff of the facility shall be trained and involved in the implementation of these policies and procedures. (III)

59.44(4) These resident's rights, policies, and procedures ensure that, at least, each resident admitted to the facility:

- a. Is fully informed, as evidenced by the resident's written acknowledgement, prior to or at the time of admission and during stay, of these rights and of all rules and regulations governing resident conduct and responsibilities; (III)

- b. Is fully informed, prior to or at the time of admission and during stay, of services available in the facility and of related charges including any charges for services not covered by the facility's basic per diem rate; (III)

c. Is fully informed, by a physician, of his or her medical condition unless medically contraindicated (as documented, by a physician, in the medical record), and is afforded the opportunity to participate in the planning of his or her medical treatment and to refuse to participate in experimental research; (III)

d. Is transferred or discharged only for medical reasons, or for his or her welfare or that of other residents, and is given reasonable advance notice to ensure orderly transfer or discharge, and such actions shall be documented in the medical record; (III)

e. Is encouraged and assisted, throughout the period of stay, to exercise rights as a resident and as a citizen, and to this end may voice grievances and recommend changes in policies and services to facility staff and/or outside representative of his or her choice, free from restraint, interference, coercion, discrimination, or reprisal; (III)

f. May manage his or her personal financial affairs, or is given at least a quarterly accounting of financial transactions made on his or her behalf by the facility for any period of time in conformance with state law; (III)

g. Is free from mental and physical abuse, and free from chemical and (except in emergencies) physical restraints except as authorized in writing by a physician for a specified and limited period of time, or when necessary to protect the resident from injury to self or to others; (III)

h. Is assured confidential treatment of personal and medical records, and may approve or refuse their release to any individual outside the facility, except, in case of transfer to another health care institution, or as required by law or third-party payment contract; (III)

i. Is treated with consideration, respect, and full recognition of his or her dignity and individuality, including privacy in treatment and in care for personal needs; (III)

j. Is not required to perform services for the facility that are not included for therapeutic purposes in the plan of care; (III)

k. May associate and communicate privately with persons of his or her choice: (III)

l. May meet with, and participate in activities of social, religious, and community groups at his or her discretion unless medically contraindicated (as documented by his or her physician in the medical record); (III)

m. May retain and use personal clothing and possessions as space permits, unless to do so would infringe upon rights of other residents and unless medically contraindicated (as documented by his or her physician in the medical record); (III)

n. If married, is assured privacy for visits by his or her spouse; if both are inpatients in the facility, they are permitted to share a room, unless medically contraindicated (as documented by the attending physician in the medical record.) (III)

59.44(5) All rights and responsibilities specified in 59.44(1) to 59.44(4) shall devolve to the guardian or next of kin of residents who fall into the following categories:

a. A resident adjudicated incompetent in accordance with the provisions of the Code;

b. A resident who is found, by his or her physician, to be medically incapable of understanding these rights; or

c. A resident who exhibits a communication barrier.

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CHAPTER 60

Reserved

CHAPTER 61

MINIMUM PHYSICAL STANDARDS FOR INTERMEDIATE CARE FACILITIES AND SKILLED NURSING FACILITIES

470—61.1(135C) General requirements.

61.1(1) Intermediate care facilities shall contain the facilities described herein and shall be built in accordance with construction requirements outlined. Facilities available through affiliation with connected hospital need not be duplicated. (III)

470—141.5(151) Meetings of the board.

141.5(1) Meetings will be held on a regular basis on the day prior to the next examination.

141.5(2) One business meeting will be held in Des Moines each year, time and place will be announced at least thirty days prior to said meeting.

141.5(3) Special meeting dates may be set by a majority vote of the board, or by the chairman, with the approval of at least two members of the board at a place and date established by the board.

141.5(4) Regular meeting dates may be altered by a majority vote of the board along with proper notice to the public.

470—141.6(151) Rules of examination.

141.6(1) Examinations given by the board will be held on the first Monday, Tuesday and Wednesday of April, August, and December, at the Palmer College of Chiropractic in Davenport, Iowa, unless otherwise specified by the board.

141.6(2)* All applicants matriculating after October 1, 1975 will be a graduate from a college having status with the C.C.E. (Council on Chiropractic Education) or its successor, or from a college which meets equivalent standards thereof existing as of July 1, 1976 (see rules on schools).

141.6(3) All applicants must file a completed application with the board at least fifteen days prior to the examination, along with a fee of one hundred dollars and the following documents:

a. A copy of chiropractic diploma (no larger than 8½ x 11 inches).

b. A copy of high school diploma (no larger than 8½ x 11 inches).

c. Official transcript of grades of the National Board.

d.* The applicant shall have achieved diplomat status with the national board of Chiropractic Examiners after July 1, 1973, or a Basic Science Certificate issued prior to July 1, 1973 and which after August 1, 1976 shall include all electives of said National Board, existing as of July 1, 1976.

e. Each applicant shall attach three written character references to the application. Said references shall not be from members of the chiropractic profession.

141.6(4)* The board shall examine the applicant's practical, clinical and technical abilities in the practice of chiropractic.

141.6(5) The passing grade for each subject of the practical examination given by the board shall be seventy percent and an overall average of seventy-five percent shall be attained.

141.6(6) An applicant who fails a second examination may take a subsequent examination at the discretion of the board.

141.6(7) An applicant detected seeking or giving improper help with the examination will be dismissed and the examination collected. The person may reapply and return for examination following a waiting period of one year. A new examination fee will be required.

141.6(8) Examination number. Before commencing the examination each applicant will be given a confidential number which shall be inscribed at the left-hand corner of each page of the manuscript; no other marks shall be placed on any paper whereby the identity of the candidate may become known. Pages are to be numbered in the upper right-hand corner.

141.6(9) Any failing paper must be reviewed by the entire board (professional members only).

470—141.7(151) Reciprocity. The board shall at least annually review reciprocity with other states.

470—141.8(151) Rules pertaining to schools.

141.8(1)* Rules pertaining to the practice of chiropractic at a chiropractic college clinic shall be equal to the standards established by the Council on Chiropractic Education existing as of July 1, 1976 or one that meets equivalent standards thereof.

141.8(2)* All chiropractic colleges in order to be approved by the board of chiropractic examiners shall have status with the Commission on Accreditation of the Council on Chiropractic Education existing as of July 1, 1976, or one that meets equivalent standards thereof.

141.8(3) The following procedures are established for an institution to obtain equivalent approval by the board of examiners:

a. Standards. The standards against which the institution will be evaluated shall be equivalent to those published and utilized by the Council on Chiropractic Education existing as of July 1, 1976.

b. Self-study. A comprehensive self-study shall be required of the applying institution which measures its performance against the objectives of the institution and the standards of the board of examiners. After review of the self-study the board shall render a decision that the self-study is either: (1) Satisfactory. (2) Unsatisfactory in terms of the report, or (3) Unsatisfactory in terms of content. If unsatisfactory, the board will furnish the institution with a bill of particulars. An inspection of the institution shall not be made until the self-study is satisfactory.

c. Inspection. Inspection of the institution shall be conducted by an examining team selected by the board and shall consist of a minimum of five members. Two shall have doctorates in the basic sciences; one shall have a doctorate in college administration, and two shall be doctors of chiropractic.

(1) The inspection team shall determine firsthand if the applicant institution meets the established standards and is meeting its own institutional objectives.

(2) Expenses of the inspection team shall be borne by the applicant institution.

(3) The inspection team shall furnish the board with a comprehensive report of the team findings after having provided the institution with opportunity to comment on its findings.

d. Decision. The entire board of examiners will make its decision on the basis of the comprehensive report of the inspection team after providing the institution opportunity for a hearing on the report. If a member of the board has participated in the inspection, he shall not participate in the decision-making process.

470—141.9(151) General.

141.9(1) Each license year shall be from July 1 to June 30.

141.9(2) The board shall assess a penalty equal to the renewal fee if more than thirty days has passed since the expiration date.

141.9(3) Any licensee who allows the license to lapse by failing to renew within one year of the expiration date shall be required to have the board's approval to pay the penalty set forth in 141.9(2) and all past renewal fees then due.

141.9(4) The board may affiliate with the Federation of Chiropractic Licensing Boards.

141.9(5) Any official action or vote of the board taken by mail or by other means shall be preserved by the secretary in the same manner as the minutes of the regular meetings.

141.9(6) Any legal proceedings where applicable shall be conducted in a manner as stipulated in chapters 17A, 147, 151.

470—141.10(151) Licensure fees.

141.10(1) Fees shall be paid for fiscal year July 1 to June 30 of each year.

a. Examination fee for license to practice chiropractic \$100.00.

b. Examination fee for license by reciprocity \$100.00.

c. Renewal of a license to practice chiropractic \$20.00.

d. Certification of grades of a licensee \$5.00.

e. Fee for a duplicate license \$5.00.

141.10(2) Reserved.

d. The specific questions presented for declaratory ruling;

e. A consecutive numbering of each of multiple issues presented for declaratory ruling beginning with number one.

141.13(5) The petition shall be filed with the board at its office in Des Moines, Iowa.

141.13(6) The board shall acknowledge receipt of petitions or return them within twenty days of the filing when not prepared in reasonable compliance with the above.

141.13(7) The board may decline to issue a declaratory ruling in whole or in part.

a. The reasons the board may decline to fulfill a request for a declaratory ruling include but are not necessarily limited to the following:

(1) Lack of jurisdiction.

(2) Lack of clarity of the issue presented.

(3) No clear answer determinable.

b. In the event the board declines to make a ruling, it shall notify the petitioners in writing that it declines the request for a declaratory ruling in whole or in part and shall specify the reasons therefor.

141.13(8) The board may provide an opportunity for interested parties to submit written comments concerning the petition.

141.13(9) When the petition is in proper form and has not been declined, the board shall issue a ruling disposing of the petition.

a. Rulings shall be written and mailed to petitioner. Rulings may be mailed to other interested parties at the board's discretion.

b. Rulings shall be indexed for public inspection.

c. Rulings shall be issued within ninety days of filing, excepting that an additional thirty days may be used when extenuating circumstances arise and petitioner is notified.

141.13(10) A person or organization for which a declaratory ruling was issued may, within thirty days following the issuance of that declaratory ruling, petition for reconsideration of the matter.

141.13(11) A petition for reconsideration shall conform to the rules of this chapter and shall contain the specific reasons for the request to reconsider.

141.13(12) A petition for reconsideration of a declaratory ruling shall be deemed to have been denied unless the board grants a reconsideration, in writing, within thirty days after filing for the reconsideration.

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CHAPTER 142

Reserved

CHAPTER 143

OPTOMETRY EXAMINERS RECIPROCITY OR INTERSTATE ENDORSEMENT

470—143.1(147) Rules for examinations.

143.1(1) All applicants for examination shall apply to the State Department of Health, Lucas Building, Des Moines, Iowa 50319 for application forms.

143.1(2) The forms properly filled in shall be filed with the state department of health, together with satisfactory evidence of compliance with section 154.3(1,2) of the Code fifteen days prior to the examination.

143.1(3) The examination for admission to practice optometry in Iowa shall consist of two parts:

a. Parts one and two of the written examination of the national board of examiners in optometry, which parts include the subjects of physiology of the eye, optical physics, anatomy of the eye, ophthalmology, and practical optometry passage of which shall satisfy the requirements of this part of the examination; and

b. Oral and practical examination as given by the Iowa board of optometry examiners with general average of not less than seventy-five percent correct answers as a requirement for passing.

143.1(4) Any applicant failing in his first examination shall be entitled to a second examination within fourteen months after the first examination without filing a new application or fee.

470—143.2(147) Licensure by reciprocity or interstate endorsement.

143.2(1) All reciprocal agreements adopted and in force between the Iowa board of optometry examiners and other state licensing boards shall be governed by these rules.

143.2(2) Applicants for licensure to practice optometry in the state of Iowa, who are licensed by examination by any other state licensing board maintaining equal practice privileges, will be considered on an individual basis.

143.2(3) A license may be granted by the Iowa board of optometry examiners without an examination, or as much examination as may be required to establish proficiency and desirability to any such applicant, who, at the date of the original license issued, fully conformed to the educational and licensure requirements of said board of optometry examiners in Iowa.

143.2(4) All applications for reciprocity shall be made on the official forms supplied by the State Department of Health, Lucas Building, Des Moines, Iowa.

143.2(5) The application forms properly filled in, accompanied by:

a. A fee of forty dollars;

b. The state licensing certificate (or duplicate copy of same) of the state from which applicant desires to reciprocate; and

c. The optometry college diploma or in lieu thereof a certified statement from the authorities of the optometry college, regarding the issuance of the diploma and the date of

470—153.2(158) License. Barbers shall display at their work cabinet the original license certifying the practitioner is a licensed barber; also the annual renewal. Barber shop licenses shall be in the name of the licensed operator and posted therein. An apprentice shall have a valid permit posted. One apprentice to each licensed barber; only two apprentices in any one barber shop.

470—153.3(158) Signs. Each barber school shall display a sign at its main entrance indicating a barber school; also a sign therein that barber services are given by students only.

470—153.4(158) Sanitation. Every barber shop shall be well lighted, properly ventilated, and kept in a clean, sanitary and orderly condition. All shops or schools established after July 1, 1967, shall have approved handwashing and toilet facilities accessible within the building. All shops established after July 1, 1967, shall have a minimum length of at least ten feet for a one-chair shop, fifteen feet for a two-chair shop, and five feet additional length for each additional chair and a minimum width of not less than twelve feet.

470—153.5(158) Quarters. Barbering shall not be practiced in a residence unless the shop is completely separated from living quarters by a solid permanent partition. A direct outside entrance shall be provided.

470—153.6(158) Quarters adjacent to other business. A barber shop located in a room adjacent to a restaurant, tavern or grocery shall be in a completely separate room. Doors between the barber shop and the aforesaid shall be rendered unusable.

470—153.7(158) Candy, cigars, beverages, etc. To be dispensed only from sealed packages.

470—153.8(158) Plumbing. Barber shops shall have modern plumbing and an adequate supply of both hot and cold running water connected with the local water system. In communities where a water system is not available, a pressure gravity system shall be installed of adequate capacity to provide water in sufficient force to thoroughly saturate linens. Drain pipes shall be connected directly with an approved sewerage system.

470—153.9(158) Combs and brushes. Combs and brushes must be cleansed; then immersed in an efficient disinfectant. Combs shall be left in the solution or in a sterile cabinet at all times when not in use. Use of the common hair brush is prohibited.

470—153.10(158) Instruments. Instruments of the profession shall be thoroughly cleansed and then immersed for at least one minute in an approved disinfectant before being used. When not in use, they shall be kept in a clean closed compartment provided for and used only for the storage of such equipment. Electric clipper plates shall be properly sterilized by the open-flame method.

470—153.11(158) Disinfectants. All containers must be kept clean and well filled with an effective recognized disinfectant. A separate container shall be provided for each practicing barber.

470—153.12(158) Shaving mugs. Shaving mug, soap and brush shall be thoroughly rinsed with boiling water before each patron is served. Rubber or porous mugs are prohibited.

470—153.13(158) Bowls and strops. All cups, bowls and strops shall be kept clean at all times.

470—153.14(158) Dusters and brushes. The common neck duster or brush shall not be used in any public barber shop.

470—153.15(158) Hands. Every barber shall wash his hands thoroughly with soap and water before serving a patron.

470—153.16(158) Headrest. Each barber chair headrest shall be provided with a mechanical paper container and clean shaving paper.

470—153.17(158) Towels. Freshly laundered towels shall be used for each patron. In haircutting, shampooing, or similar activities, a freshly laundered towel or new neck strip shall be used to prevent the hair cloth from directly contacting the skin of the patron. Soiled towels shall not be left on lavatory or workstand but shall be immediately disposed of in a container for that purpose. All clean linens shall be kept in an enclosed dust-proof cabinet.

470—153.18(158) Styptic powder and alum. Alum or other material used to stop the flow of blood shall be used only in liquid or powder form.

470—153.19(158) Communicable diseases. A barber shall not practice who is infected with any communicable disease.

470—153.20(158) Other disease carriers. Dogs, cats, birds and other pets shall not be kept in a barber shop or school.

470—153.21(158) Managers' duty. It shall be the duty of each manager of a barber shop to ascertain that all barbers employed in the shop have an Iowa license to practice, and that all employees observe these rules and all other sanitary rules of the local board of health and state department of health.

470—153.22(158) Disinfectant solutions. All disinfectant solutions shall be labeled. The following disinfectant solutions have been approved by the state department of health; formalin, ten percent solution; isopropyl alcohol, seventy percent solution; potassium mercuric iodide, one to one thousand solution; mercuric bichloride, one to one thousand solution; saponated cresol, two percent solution; or other solutions approved by the state department of health.

[Filed August 10, 1956; amended July 11, 1967]

CHAPTER 154 Reserved

CHAPTER 155 BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY EXAMINERS

470—155.1(147) Definitions

155.1(1) "*Department*" means the state department of health.

155.1(2) "*Board*" means the board of speech pathology and audiology examiners.

155.1(3) "*Speech pathologist*" means a person who engages in the application of principles, methods, and procedures for the measurement, testing, evaluation, prediction, consultation, counseling, instruction, habilitation, rehabilitation, or remediation related to the development and disorders of speech, fluency, voice, or language for the purposes of nonmedically evaluating, preventing, ameliorating, modifying, or remediating such disorders and conditions in individuals or groups of individuals.

155.1(4) "Audiologist" means a person who engages in the application of principles, methods, and procedures for measurement, testing, evaluation, prediction, consultation, counseling, instruction, habilitation, rehabilitation, or remediation related to hearing and disorders of hearing and associated communication disorders for the purpose of nonmedically evaluating, identifying, preventing, ameliorating, modifying, or remediating such disorders and conditions in individuals or groups of individuals, including the determination and use of appropriate amplification.

470—155.2(147) Availability of information. All information regarding rules, forms, time and place of meetings, minutes of meetings, records of hearings, and examination scores are available to the public between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, except holidays. Written information may be obtained from: Iowa Board of Speech Pathology and Audiology Examiners, Iowa Department of Health, Lucas State Office Building, Des Moines, Iowa 50319.

470—155.3(147) General.

155.3(1) Licenses issued by the board shall be for licensure by examination, except as provided by rule 155.5(147).

155.3(2) Licenses shall be issued for the calendar year only and must be renewed by December 31 annually. The department will notify each licensee of expiration by mail, but it is the licensee's responsibility to apply for renewal at least thirty days prior to expiration.

155.3(3) To fulfill requirements for a license, the applicant shall submit the following to the board:

a. Official transcripts showing proof of possession of a master's degree or its equivalent.

b. Official verification of completion of not less than two hundred seventy-five hours of supervised clinical training in an accredited college or university.

c. Notarized verification of not less than nine months full-time clinical experience, or equivalent, under the supervision of a licensed speech pathologist or audiologist, as appropriate, following the receipt of the master's degree. Such verification must be signed by the licensed supervisor and notarized.

d. If available, a copy of the certificate of clinical competence from the American speech and hearing association. Persons holding the certificate of clinical competence as of January 1, 1977 shall be considered as having fulfilled requirements of paragraphs "b" and "c" for clinical training and supervised experience.

e. Results of the national teacher examination as described in rule 155.4(147).

f. A nonrefundable application fee in the form of a check or money order made payable to the Iowa State Department of Health.

g. A notarized application form provided by the department.

155.3(4) To fulfill requirements for a temporary clinical license, the applicant must submit all materials and information as provided in subrule 155.3(3) with the exception of the following substitution for paragraph "c". A notarized statement of a plan of action to complete at least nine months of full-time clinical experience, or equivalent, under the supervision of a licensed speech pathologist or audiologist, as appropriate, shall be submitted. Such verification shall be signed by the licensed supervisor and notarized.

155.3(5) A nonresident may apply to the board for a temporary permit to practice speech pathology or audiology for a period not to exceed three months by submitting documents to support the need for such a permit and documents to show that the applicant has substantially the same qualifications as required for the regular licensure. The application for temporary permit must be received by the board at least thirty days prior to the date the applicant intends to begin practice.

470—155.4(147) Licensure by examination.

155.4(1) The examination which demonstrates the applicant's professional competence to the board shall be the national teacher examination in speech pathology or audiology.

This examination is administered by the education testing service four times a year on a national basis. The applicant should contact the nearest accredited college or university for the time and place of the examination or may contact the department for further information.

155.4(2) The applicant has full responsibility for making arrangements to take the national teacher examination in speech pathology or audiology and for bearing all expenses associated with taking the examination. The applicant also has the responsibility for having the examination scores sent directly to the board from the educational testing service as well as including a copy of such scores along with the original application for licensure.

155.4(3) The board shall determine the qualifying scores for both the speech pathology and audiology examinations.

155.4(4) The examination required in this section may, at the discretion of the board, be waived for any of the following persons:

- a. For holders by examination of licenses from other states.
- b. For holders of certificates of clinical competence as of January 1, 1977.
- c. For holders of statements of professional recognition or for holders of certificates with endorsement as speech clinicians or hearing clinicians from the department of public instruction as of January 1, 1977.

470—155.5(147) Licensure by reciprocity.

155.5(1) An out-of-state applicant seeking a license to practice speech pathology or audiology in Iowa is required to complete the same application as that required for a license in subrule 155.3(3) except that the board may waive the examination requirement if the applicant has a license which was obtained by examination, and if, in the opinion of the board, the examination and the examination score were essentially the same as for Iowa.

155.5(2) An out-of-state applicant must, in addition, include copies of all licenses obtained in other states including proof of a current license. If a license or certificate has ever been revoked or suspended, the applicant must furnish a sworn statement detailing the circumstances.

470—155.6(147) Supervision of temporary clinical license-holders. A temporary clinical license shall be issued only upon evidence that the applicant will be supervised by a person licensed as a speech pathologist or audiologist, as appropriate. The board shall revoke any temporary clinical license at any time it shall determine either that the work done by the temporary clinical licensee or the supervision being given the temporary clinical licensee does not conform to reasonable standards.

470—155.7(147) License fees.

155.7(1) The fee for all licenses shall be twenty-five dollars.

155.7(2) The fee for renewal of all licenses shall be twenty-five dollars.

155.7(3) The fee for certification of Iowa license shall be five dollars.

155.7(4) The fee for license replacement shall be five dollars.

470—155.8(147) Organization of board of speech pathology and audiology examiners.

155.8(1) *Chair.*

a. Shall be selected by the members of the board.

b. Shall preside at all meetings of the board and conduct the meeting following Robert's Rules of Order.

c. Shall appoint committees as is deemed necessary to study issues.

155.8(2) *Vice-chair.*

a. Shall be selected by the members of the board.

b. Shall act in capacity of chair in the absence of that officer.

155.8(3) *Secretary.*

a. Shall be selected by the members of the board.

b. Shall act in capacity of chair in the absence of officers representing the chair and vice-chair.

c. Shall keep an accurate and complete record of all transactions of the board.

155.8(4) *Quorum.* Five members of the board shall represent a quorum. Business shall not be conducted in the absence of a quorum.

155.8(5) *Per diem.* The per diem rate of forty dollars is set for the board.

470—155.9(147) Petition to promulgate, amend or repeal a rule.

155.9(1) An interested person may petition the board to promulgate, amend or repeal a rule.

155.9(2) The petition shall be typed, signed by or on behalf of the petitioner, and contain a detailed statement of:

a. The rule the petitioner is requesting the board to promulgate, amend or repeal. Where amendment of an existing rule is sought, that rule shall be set forth in full with matter proposed to be deleted therefrom enclosed in brackets and proposed additions thereto shown by underlining.

b. Facts in sufficient detail to show the reasons for adoption, amendment or repeal.

c. All propositions of law to be asserted by petitioner.

d. Sufficient facts to show how petitioner will be affected by the requested action.

e. The name and address of the petitioner.

155.9(3) The petition shall be deemed filed when received by the board.

155.9(4) Upon receipt of the petition the board:

a. Shall advise petitioner that he or she has thirty days in which to submit written views.

b. May schedule oral presentation of petitioner's views.

c. Shall, within sixty days after submission of the petition, either deny the petition or initiate rulemaking procedures.

155.9(5) In the case of a denial of a petition to promulgate, amend or repeal a rule, the board shall issue an order setting forth its reasons for such denial. The order shall be mailed to the petitioner.

470—155.10(147) Declaratory rulings.

155.10(1) Upon petition filed by an interested person, corporation, partnership, firm, organization or governmental agency, the board may issue a declaratory ruling as to the applicability of state statutes and rules, policy statements, decisions and orders of the board.

155.10(2) The petition shall be typewritten and shall indicate on the first page that it is a petition for declaratory ruling.

155.10(3) The petition shall include the name, address, phone number and official title, if any, of the petitioner. It shall also be indicated whether the petition is on behalf of a corporation, partnership, organization or the like.

155.10(4) The body of the petition shall contain:

a. A detailed statement of the facts upon which petitioner requests the department to issue its declaratory ruling.

b. The statute, rule, policy statement, decision or order for which petitioner seeks a declaratory ruling.

c. The exact words, passages, sentences or paragraphs of statutes, rules, policy statements, decisions or orders which are the subject of inquiry.

d. The specific questions presented for declaratory ruling.

e. A consecutive numbering of each of multiple issues presented for declaratory ruling beginning with number one.

155.10(5) The petition shall be filed with the board at its office in Des Moines, Iowa.

155.10(6) The board shall acknowledge receipt of petitions or return them within twenty days of the filing when not prepared in reasonable compliance with the above.

155.10(7) The board may decline to issue a declaratory ruling in whole or in part.

a. The reasons the board may decline to fulfill a request for a declaratory ruling include but are not necessarily limited to the following:

- (1) Lack of jurisdiction.
- (2) Lack of clarity of the issue presented.
- (3) No clear answer determinable.
- (4) Subject matter in litigation.

b. In the event the board declines to make a ruling, it shall notify the petitioners in writing that it declines the request for a declaratory ruling in whole or in part and shall specify the reasons therefor.

155.10(8) The board may provide an opportunity for interested parties to submit written comments concerning the petition.

155.10(9) When the petition is in proper form and has not been declined, the board shall issue a ruling disposing of the petition.

a. Rulings shall be written and mailed to petitioner. Rulings may be mailed to other interested parties at the board's discretion.

b. Rulings shall be indexed for public inspection.

c. Rulings shall be issued within thirty days of filing, excepting that an additional thirty days may be used when extenuating circumstances arise and petitioner is notified.

155.10(10) A person or organization for which a declaratory ruling was issued may, within thirty days following the issuance of that declaratory ruling, petition for reconsideration of the matter.

[Filed 2/2/77, Notice 12/29/76—published 2/23/77, effective 3/30/77]

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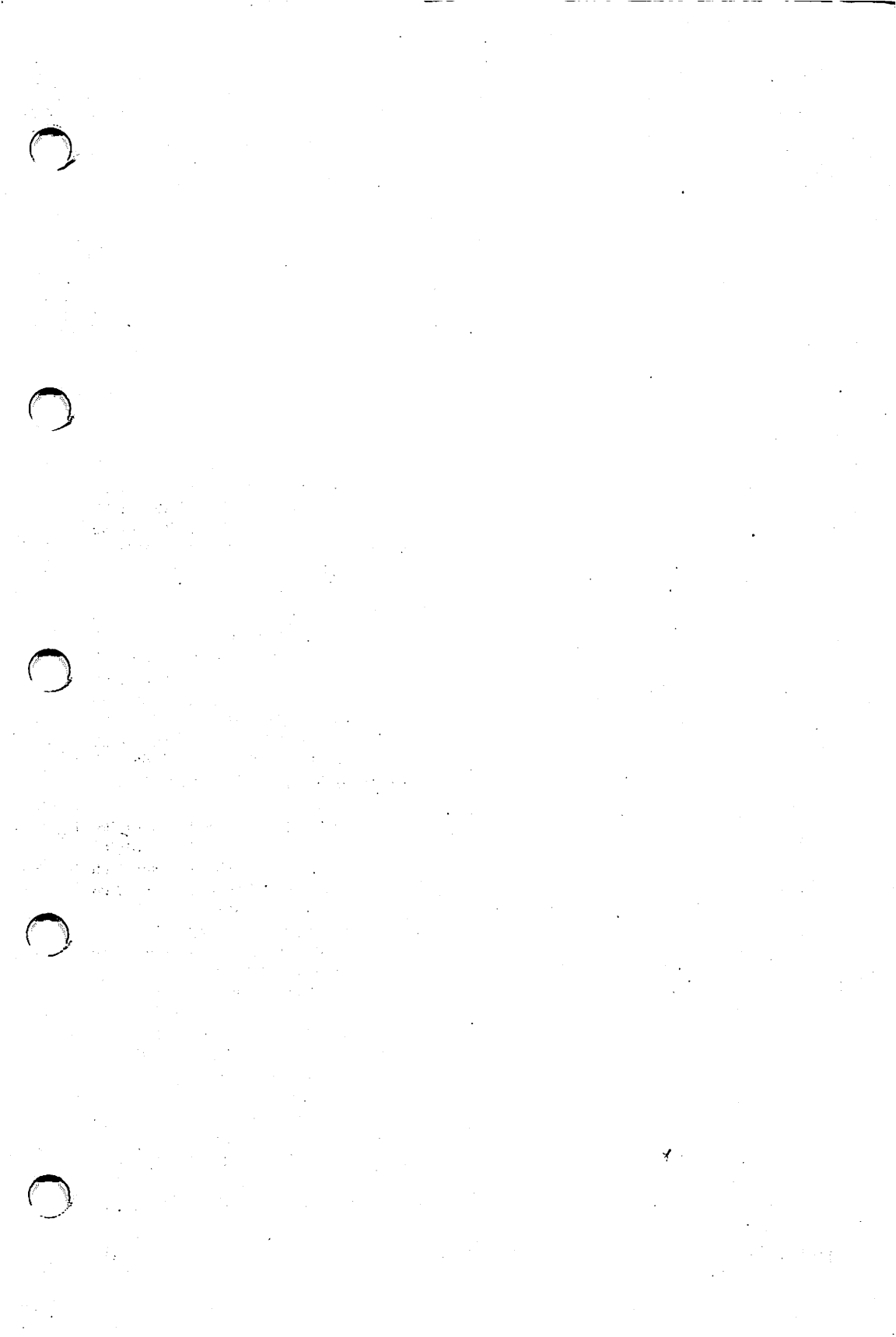
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730—73.12(425) Totally disabled. A person who is totally disabled must be unable to engage in any substantial gainful employment by reason of any medically determinable physical or mental impairment. In addition, the impairment must have lasted or is reasonably expected to last for a continuous period of twelve months or is expected to result in death. This disabled condition must be the determining factor in the person's inability to engage himself in gainful employment. Examples of physical conditions which could possibly constitute total disability would include, but are not limited to: Loss of major function of one or both legs or arms; progressive diseases which have resulted in the loss of one or both legs or arms or which have caused them to become useless; severe arthritis; diseases of the heart, lungs or blood vessels which have resulted in serious loss of heart or lung reserve; diseases of the digestive system which have resulted in severe malnutrition, weakness and anemia prohibiting gainful employment; damage to the brain or brain abnormality which has resulted in severe loss of judgment, intellect, orientation or memory; or, paralysis or diseases of the nervous system which prohibit co-ordination or major functioning of the body so as to inhibit gainful employment.

730—73.13(425) Farm. For reimbursement claim purposes, a farm is considered any tract of land of ten acres or more and in good faith used for agricultural or horticultural purposes.

730—73.14(425) Household. Household includes the claimant, the claimant's spouse and any person related to the claimant or spouse by blood, marriage or adoption and living with the claimant at any time during the base year. "Living with" does not include a temporary visit.

For purposes of calculating household income, an individual related to the claimant or claimant's spouse by blood, marriage or adoption who resides in the homestead and has established or intends to establish such homestead as the individual's principal dwelling place for the base year shall be considered a household member.

730—73.15(425) Residential homesteads exceeding one acre. An eligible claimant owning a homestead located upon real estate which is less than ten acres which is not utilized for commercial or industrial purposes is allowed a reimbursement for property tax paid on a maximum of one acre.

When computing the allowable property tax paid for reimbursement claim purposes, the taxable value of the one acre of land upon which the homestead is located plus the taxable value of the homestead building times the appropriate tax rate is to be used in calculating property tax paid.

730—73.16(425) Household income. Household income includes income of the claimant and the claimant's spouse and actual monetary payments made to the claimant by any other household member.

Monetary payments do not include goods and services provided to the claimant by a household member.

730—73.17(425) Affidavit of timely filing. If through no fault of the claimant, a timely mailed reimbursement claim form does not reach the department of revenue, such claim may be considered timely filed.

To claim a reimbursement in this situation, a claimant is to complete an affidavit on a form provided by the department of revenue stating the facts surrounding the completion and timely mailing or delivery of the reimbursement claim to the department of revenue.

Upon review of the affidavit, the department of revenue may authorize the issuance of a reimbursement warrant if, in the department's judgment, the facts presented justify such action.

730—73.18(425) Separate homestead—husband and wife rent reimbursements. If husband and wife are both qualified claimants renting separate and distinct homesteads, and rent is paid by each or a member of their respective households, each is eligible to file an individual reimbursement claim for rent constituting property tax paid.

730—73.19(425) Surviving spouse. An eligible claimant for a reimbursement includes a person who is a surviving spouse on or before December 31 of the base year, unmarried at the time of filing a claim, who has attained the age of fifty-five on or before December 31 of the base year.

These rules are intended to implement chapter 425 of the Code.

[Filed January 8, 1974]

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Chapter 74
Reserved

CHAPTER 75*
DETERMINATION OF VALUE AND TAX FOR
FREIGHT-LINE AND EQUIPMENT CAR COMPANIES

730—75.1(435) Definition of terms. As used in the rules contained herein the following definitions shall apply:

75.1(1) The term "*taxpayer*" means those companies as defined in sections 435.2 and 435.3, Code of Iowa.

75.1(2) The term "*acquisition cost*" shall mean the price paid for the car at the time of purchase if such car is owned; if such car is leased the acquisition cost shall mean the price at time of purchase by the owner. The acquisition cost shall also include all costs incurred or expended to make the car serviceable. "*Serviceable*" means the car has met the prescribed criteria for utilization by the taxpayer and meets the prescribed criteria as set forth in the Association of American Railroads Interchange Rules as adopted by the Association of American Railroads.

75.1(3) The term "*actual value*" shall mean the fair and reasonable market value of each class of cars of the taxpayer's fleet.

75.1(4) The term "*depreciation*" shall mean the amount of physical wear and tear incurred by the cars of taxpayer during their useful life. Depreciation may change from year to year depending upon what the director's judgment indicates is appropriate and reasonable by the exercise of sound discretion.

75.1(5) The term "*index*" shall mean the Interstate Commerce Commission's Composite Annual Index for Account 53, freight train cars, developed by the Bureau of Accounts on May 24, 1976, and updated on an annual basis.

75.1(6) The term "*Iowa assessed value*" shall mean the pro-rata share of actual value of each class of cars reasonably attributable to the state of Iowa and is intended to approximate the value of the average number of cars present in Iowa during the year preceding the filing of the annual report.

75.1(7) The term "*total Iowa assessed value*" shall mean the sum of the Iowa assessed values determined for each class of cars.

75.1(8) The term "*Iowa mileage*" shall mean the miles traveled in Iowa by each class of cars of taxpayer's fleet irrespective of whether the car was loaded or empty.

75.1(9) The term "*reproduction cost*" shall mean the acquisition cost of the car multiplied by a fraction whose numerator is the current index and whose denominator is the index in the year of acquisition (see paragraph "a" of subrule 75.3(1)).

75.1(10) The term "*system mileage*" shall mean the total miles traveled everywhere by each class of cars in taxpayer's fleet irrespective of whether the cars were loaded or empty.

75.1(11) The term "*year acquired*" shall mean the year in which the car was purchased by the taxpayer.

75.1(12) The term "*residual*" shall mean the remaining value when fully depreciated. The residual may change from year to year depending upon what the director's judgment indicates is appropriate and reasonable by the exercise of sound discretion.

730—75.2(435) Filing of annual report. The filing of the annual report pertaining to freight-line and equipment car tax shall be made on the form provided by the director of revenue. Such additional statements or information as the director may require from time to time shall be supplied by the taxpayer on its own forms and shall be considered as part of the annual report.

Additional information filed by taxpayer, but not required by the director, shall be on separate schedules and will be considered part of the annual report.

All information required for the annual report must be complete when filed by taxpayer. If the annual report is incomplete, it shall be returned to taxpayer for completion. The completed annual report must be returned to the director on or before the first Monday in

*Emergency, pursuant to §17A.5(2)"b"(2) of the Code.

June or it will be considered delinquent and subject to the provisions of section 435.6 of the Code.

All acquisition cost as defined in subrule 75.1(2) shall be reported in the year of the expenditure (see paragraph "a" subrule 75.3(1)).

730—75.3(435) Determination of system actual value.

75.3(1) When the annual reports are received from the taxpayers the following methodology is employed to indicate actual value of each class of cars:

a. The Composite Annual Index, for account 53-freight train cars, provides a fraction (see subrule 75.1(9)), which, when applied to the acquisition cost as reported in that year, by taxpayer, determines reproduction cost for each class of cars.

EXAMPLE:

Index	Year of Acquisition	Number of Cars	Acquisition Cost	x Fraction	=	Reproduction Cost
152	1970	10(\$15,000 ea.)	\$150,000	253/152		\$ 249,671
151	1971	20(\$16,000 ea.)	\$320,000	253/151		536,159
170	1972	15(\$17,000 ea.)	\$255,000	253/170		379,500
173	1973	8(\$17,500 ea.)	\$160,000*	253/173		233,988
195	1974	5(\$19,000 ea.)	\$ 95,000	253/195		123,256
253	1975	9(\$20,000 ea.)	\$180,000	253/253		180,000
System Reproduction Cost Value						<u>\$1,702,574</u>

*In the year 1973, 4 cars acquired in 1970 had \$5,000 each expended for improvements or betterments to remain serviceable. Therefore the \$20,000 is to be recorded in the year 1973 along with the acquisition cost of the cars for the year 1973.

b. Once reproduction cost for each class of cars has been determined, depreciation, as defined in subrule 75.1(4), is then applied to each year's reproduction cost.

EXAMPLE:

Year	Reproduction Cost	x	Depreciation (Percent Good)	=	Reproduction Cost Less Depreciation
1970	249,671		.70		174,770
1971	536,159		.75		402,119
1972	379,500		.80		303,600
1973	233,988		.85		198,890
1974	123,256		.90		110,930
1975	180,000		.95		171,000
System Actual Value					<u>1,361,309</u>

c. In order to expedite computation time, the director has developed a "combined index", which combines the composite annual index and the depreciation. The "combined index" is developed by the following procedure.

EXAMPLE:

Current Year Index (1975)	<u>253</u>	=	1.30	x	.90	=	1.17
Index in the Year of Acquisition (1974)	195		(percent good)				(combined index)

75.3(2) Pursuant to section 441.21 of the Code, in the event that system actual value cannot be fairly and reasonably determined as provided in subrule 75.3(1), the director may consider such other factors as he deems appropriate by the exercise of sound discretion.

730—75.4(435) Determination of Iowa allocation factor.

75.4(1) The Iowa allocation factor is determined by a fraction whose numerator is Iowa miles traveled and whose denominator is system miles traveled for the same class of cars.

75.4(2) In the event that the Iowa allocation factor as described in subrule 75.4(1) does not fairly and reasonably attribute value to Iowa, the director may consider such other factors as he deems appropriate by the exercise of sound discretion.

730—75.5(435) Determination of Iowa assessed value. The Iowa assessed value is determined by applying the allocation factor described in rule 75.4(435) for each class of cars to system actual value for each class of cars computed pursuant to rule 75.3(435).

730—75.6(435) Determination of total Iowa assessed value. The total Iowa assessed value consists of the sum of the Iowa assessed values computed pursuant to rule 75.5(435).

730—75.7(435) Determination of tax. Tax due and payable is determined by applying the statewide average levy rate (as nearly as it can be determined) to the total Iowa assessed value. Commencing with the 1977 assessment the levy rate will be expressed in dollars per thousand.

[Filed emergency 2/4/77—published 2/23/77, effective 2/4/77]

CHAPTERS 76 to 80
Reserved



CHAPTERS 69 to 74

Reserved

TITLE VIII

MEDICAL ASSISTANCE

CHAPTER 75

[Ch 75, 1973 IDR, renumbered as Ch 90]

CONDITIONS OF ELIGIBILITY

770—75.1(249A) Persons covered.

75.1(1) *Aid to dependent children recipients.* Medical assistance will be available to all recipients of aid to dependent children and their dependent relatives whose needs are included in the assistance grant. Medical assistance will also be available to children in such families under age twenty-one ineligible for aid to dependent children because of age.

75.1(2) *Beneficiaries of Title XVI of the Social Security Act (Supplemental security income for the aged, blind and disabled).* Medical assistance will be available to all beneficiaries of the Title XVI program.

75.1(3) *Persons receiving care in a medical institution who were eligible for medical assistance as of December 31, 1973.* Medical assistance will be available to all persons receiving care in a hospital, skilled nursing facility or intermediate care facility who were recipients of medical assistance as of December 31, 1973. Eligibility of such persons will continue as long as they continue to meet the eligibility requirements for the applicable assistance programs (old-age assistance, aid to the blind or aid to the disabled) in effect on December 31, 1973.

75.1(4) *Persons receiving care in a medical institution who make application for medical assistance subsequent to January 1, 1974, and who meet all eligibility requirements for Title XVI except for income.* Medical assistance will be available to all persons receiving care in a hospital, skilled nursing facility or intermediate care facility who make application subsequent to January 1, 1974, and who meet all eligibility requirements for Title XVI except for income and whose income is not in excess of the cost of care in the institution based on standards established by the department or \$503.00, whichever is the lesser.

75.1(5) *Certain persons essential to the welfare of Title XVI beneficiaries.* Medical assistance will be available to the person living with and essential to the welfare of a Title XIX beneficiary provided such essential person was eligible for medical assistance as of December 31, 1973. Such person will continue to be eligible for medical assistance as long as they continue to meet the definition of "essential person" in effect in the public assistance program on December 31, 1973.

75.1(6) *Recipients of the state supplemental assistance program.* Medical assistance will be available to all recipients of state supplemental assistance as authorized by chapter 249.

75.1(7) *Individuals under age twenty-one living in a licensed foster care facility or in a private home pursuant to a subsidized adoption arrangement for whom the department has financial responsibility in whole or in part.* Medical assistance will be available to all such individuals provided they are not otherwise eligible under 75.1(1).

75.1(8) *Former aid to dependent children recipients.* Medical assistance will be available to former recipients of aid to dependent children as described in subrule 75.1(1) when ineligibility is caused by income from employment. Such recipients must have received assistance during at least three of the six months immediately preceding the month in which ineligibility occurred. Medical assistance will continue for a period of four calendar months beginning with the month in which ineligibility occurred.

75.1(9) *Persons ineligible due to October 1, 1972 social security increase.* Medical assistance will be available to individuals and families whose assistance grants were cancelled as a result of the increase in social security benefits October 1, 1972, as long as

such individuals and families would be eligible for an assistance grant if such increase were not considered.

770—75.2(249A) Medical resources. Medical resources include health and accident insurance, eligibility for care through Veterans Administration, Crippled Childrens Program, Title XVIII of the Social Security Act (Medicare) and other resources for meeting the cost of medical care which may be available to the recipient. Such resources must be used when reasonably available. Payment will be approved only for those services or that part of the cost of a given service for which no medical resources exist. Persons who have been approved by the social security administration for supplemental security income shall complete form MA-2120-0, Request for Information Re Private Health Insurance Coverage and Other Medical Benefits, and return such form to the local office of the department of social services. Persons eligible for Part B of the Medicare program shall make assignment to the department on form MA-2106-6, Statement Regarding Assignment of Claims—Part B, Medicare.

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[Filed 1/31/77, Notice 12/1/76—published 2/23/77, effective 3/30/77]

CHAPTER 2
RULES FOR ACCOMMODATION OF PUBLIC AND PRIVATE UTILITY
FACILITIES WITHIN THE RIGHT OF WAY OF IOWA'S PRIMARY
ROAD SYSTEM

820—[06,C]2.1(306A) Utility accommodation policy. The "Utility Accommodation Policy" of the highway division of the Iowa department of transportation dated May, 1970, revised February, 1973, established the basic specifications and standards for public and private utility facilities which are to be located within primary highway right of way needed to insure the safety of the highway. The policy sets forth standards and requirements governing terminology, applicability, conditions, scenic enhancement, liability, responsibility for construction, traffic protection, permits, encasement and bridge attachments for utility companies who desire to jointly occupy Iowa primary highway right of way.

Copies of the "Utility Accommodation Policy" are available at the Office of Development Support, Highway Division, Department of Transportation, 826 Lincoln Way, Ames, Iowa 50010.

This rule is intended to implement section 306A of the Code.

[Filed July 1, 1975]

CHAPTER 3
HIGHWAY—RAILROAD CROSSING PROJECTS

820—[06,C]3.1(478) Highway grade crossing safety fund. Reserved.

820—[06,C]3.2(478) Highway—railroad grade crossing surface repair fund.

3.2(1) Definitions. The following terms shall have the meanings stated herein unless the context of their use indicates a different meaning.

a. "Grade crossing surface repair" shall mean the repair or maintenance of that portion of the grade crossing surface above the top elevation of the ties, unless it is determined that the surface cannot be improved without complete renovation of the crossing in which case such renovation shall constitute surface repair.

b. "Highway authority" shall mean that jurisdiction having primary authority over a highway, street, or alley.

3.2(2) *Procedures.* Procedures for the use of grade crossing surface repair funds shall be as stated herein.

a. If a railway corporation owning the tracks at a highway—railroad crossing, hereinafter referred to as the railway corporation, and a highway authority enter into negotiations for grade crossing surface repair and desire to use grade crossing surface repair funds, written notification of such action shall be sent to the department by both parties.

(1) Such notification may be in the form of a single statement signed by both parties and shall include the total estimated cost of the anticipated repair.

(2) The notification shall include the American association of railroads—department of transportation (AAR-DOT) crossing number.

(3) Notifications shall be accepted by the department in order of receipt.

b. The department shall determine if funds are available. If available, the department shall allocate one-third of the total estimated cost of the repair from the grade crossing surface repair fund, subject to the receipt of a fully executed agreement.

c. The department shall notify the highway authority if funds are available in the grade crossing surface repair fund. If funds are available, the department shall furnish the highway authority with two copies of a standard crossing surface repair agreement draft. Agreements for the use of grade crossing surface repair funds shall not be made if such funds are exhausted.

d. If negotiations between the highway authority and the railway corporation result in an agreement for grade crossing surface repair whereby the highway authority and the railway corporation agree to each contribute one-third of the cost thereof, both counterparts of said agreement shall be transmitted to the department by the highway authority. The agreement shall include the AAR-DOT crossing number.

e. The department shall determine if the agreed upon work constitutes surface repair of the crossing and shall consult with the highway authority or railway corporation if further justification or information is needed.

f. If the agreed upon work constitutes surface repair of the crossing, the department shall approve the agreement. An amount equal to one-third of the cost of the agreed upon work shall then be obligated from the grade crossing surface repair fund.

(1) Prior to approval of the agreement, the department, if considered advisable, may perform a preaudit evaluation of the railway corporation.

(2) The preaudit evaluation may include: An examination of the corporation's accounting methods and procedures to determine the corporation's ability to segregate and gather costs to be charged against the surface repair project; an examination of the corporation's cost factors to assure their propriety and allowability; and an examination of any other general information available which might be pertinent or necessary in determining the corporation's auditability.

(3) Upon conclusion of the preaudit, a "Preaudit Report of Evaluation and Assurance" shall be prepared by the department.

g. If a railway corporation and the highway authority cannot reach agreement on grade crossing surface repair, either party may appeal to the transportation regulation board as provided in chapter 478 of the Code as amended by House File 1480, Section 43, Sixty-sixth General Assembly, Second Session. The railway corporation and the highway authority shall upon issuance of an order by the board prepare and consummate an agreement, if applicable, in accordance therewith.

h. Upon approval by the department, both counterparts of the agreement shall be transmitted to the highway authority. The highway authority shall then transmit one counterpart of the approved agreement to the railway corporation and authorize the railway corporation to order necessary materials and proceed with the work.

i. Upon completion of the agreed upon work, the highway authority shall complete form 830235 entitled "Form for Reporting Progress Stages" and form 640003 entitled

“Certificate of Completion and Final Acceptance of Agreement Work,” certifying project completion and shall transmit the same to the department.

j. The railway corporation shall submit a final detailed billing covering the actual and necessary costs incurred by the railway corporation for the agreed upon work to the highway authority, which shall be reviewed by the highway authority for reasonable conformance with the agreement. The billing, if approved by the highway authority, shall then be transmitted to the department for payment from the grade crossing surface repair fund.

k. The department, upon approval of the billing, shall pay to the railway corporation an amount equal to one-third of the actual cost of the agreed upon work from the grade crossing surface repair fund.

(1) The department, prior to approval of the billing, may perform an audit of the submitted billing.

(2) Such an audit shall be performed to determine the allowability and propriety of the billing costs in accord with the executed agreement.

l. The department, upon approval of the billing, shall notify the highway authority of said approval. The highway authority shall pay to the railway corporation an amount equal to one-third of the actual cost of the agreed upon work.

This rule is intended to implement Chapter 478 of the Code as amended by House File 1480, Sixty-sixth General Assembly, Second Session.

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ARTICLE D
DESIGN
Reserved

ARTICLE E
Reserved

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CHAPTER 8
RELOCATION ASSISTANCE

820—[06,F]8.1(316) Definitions. The following terms when used in these rules shall have the following meanings:

8.1(1) *The Act.* When referred to in these rules “The Act” shall mean chapter 316 of the Code.

8.1(2) *Agency.* The department of transportation or other state agencies and political subdivisions offering a relocation assistance program under chapter 316.

8.1(3) *Relocation assistance payment.* Any or all of the payments authorized for displaced persons by chapter 316 and by these rules.

8.1(4) *Family.* Two or more individuals, one of whom is the head of a household, plus all other individuals regardless of blood or legal ties who live with and are considered a part of the family unit. Where two or more individuals occupy the same dwelling with no identifiable head of a household, they shall be treated as one family for replacement housing payment purposes.

8.1(5) *Claimant.* Any displaced person filing a written claim with the agency for relocation assistance or a relocation assistance payment as provided by these regulations.

8.1(6) *Displaced person.* Any person who is in occupancy at the initiation of negotiations for the acquisition of the real property in whole or in part; or is in occupancy at the time he is given a written notice by the agency that it is their intent to acquire the property by a given date; and who thereafter moves from the subject property or who thereafter moves his personal property from the subject property and the subject property or any interest therein sufficient to cause displacement is subsequently acquired in whole or in part even though the subject property is not ultimately incorporated within the final right of way for the highway project. If the move occurs after a written order to vacate the subject property is issued by the agency, the occupant is a displaced person even though the property is not acquired for the highway project. If the move occurs after a written notice to vacate real property other than the subject property on which other property the person conducts a business or farm operation is issued by the agency, the person is eligible to receive only those payments and benefits specified in section 316.4(1). Where the agency determines that a sufficient portion of a mobile home park is acquired to either entitle the operator to a payment under section 316.4(3) and these rules or which would justify the operator of such park to move his business or go out of business the owners or occupants of the mobile home dwellings not within the actual land acquired but who are forced to move are displaced persons. Persons who succeed displaced persons in occupancy of the subject property are not themselves displaced persons.

8.1(7) *Initiation of negotiations for the parcel.* The term “initiation of negotiations for a parcel” means the date the acquiring agency makes the first personal contact with the owner or his representative where price is discussed or the date at which he is given a written notice of the agency’s intent to acquire the property, whichever date is earlier.

8.1(8) *Relocatee.* Any person who meets the definition of a displaced person.

8.1(9) *Dwelling.* Any single family house, a single family unit in a multifamily building, a unit of condominium or co-operative housing project, a mobile home, or any other residential unit.

8.1(10) *Subject dwelling or subject property.* The dwelling or property being acquired by or on behalf of the agency.

8.1(11) *Comparable dwelling.* A dwelling in a location meeting the standards established in these regulations for comparable available replacement housing.

8.1(12) *Decent, safe and sanitary.* Standards established by these regulations which all replacement dwellings shall meet to qualify their occupants for a replacement housing payment.

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