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The Iowa Administrative Code Supplement is published biweekly pursuant to Iowa Code section 17A.6. The Supplement contains replacement pages to be inserted in the loose-leaf Iowa Administrative Code (IAC) according to instructions included with each Supplement. The replacement pages incorporate rule changes which have been adopted by the agencies and filed with the Administrative Rules Coordinator as provided in Iowa Code sections 7.17 and 17A.4 to 17A.6. To determine the specific changes in the rules, refer to the Iowa Administrative Bulletin bearing the same publication date.

In addition to the changes adopted by agencies, the replacement pages may reflect objection to a rule or a portion of a rule filed by the Administrative Rules Review Committee (ARRC), the Governor, or the Attorney General pursuant to Iowa Code section 17A.4(4); an effective date delay imposed by the ARRC pursuant to section 17A.4(5) or 17A.8(9); rescission of a rule by the Governor pursuant to section 17A.4(6); or nullification of a rule by the General Assembly pursuant to Article III, section 40, of the Constitution of the State of Iowa.

The Supplement may also contain replacement pages for the IAC Index and for the preliminary sections of the IAC: General Information about the IAC, Chapter 17A of the Code of Iowa, Style and Format of Rules, Table of Rules Implementing Statutes, and Uniform Rules on Agency Procedure.

INSTRUCTIONS

FOR

Updating Iowa Administrative Code
with Biweekly Supplement

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 correspond to the tab sections in the IAC Binders.

Obsolete pages of IAC 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.

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UPDATING INSTRUCTIONS
August 25, 1999, Biweekly Supplement

[Previous Supplement dated 8/11/99]

IOWA ADMINISTRATIVE CODE

	Remove Old Pages*	Insert New Pages
AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]	Ch 64, p. 21—Ch 64, p. 30 Ch 90, p. 17—Ch 90, p. 19	Ch 64, p. 21—Ch 64, p. 31 Ch 90, p. 17—Ch 90, p. 19
Libraries and Information Services Division[286]	Ch 3, p. 1, 2 Ch 3, p. 5	Ch 3, p. 1, 2 Ch 3, p. 5
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*It is recommended that "Old Pages" be retained indefinitely in a place of your choice. They may prove helpful in tracing the history of a rule.

"Department" means the Iowa department of agriculture and land stewardship.

"Exigent circumstances" means an extraordinary situation that the secretary concludes will impose an unjust and undue economic hardship if coupled with the imposition of these rules.

"Fertility center" means a premises where breeding swine are maintained for the purposes of the collection of semen, ovum, or other germplasm and for the distribution of semen, ovum, or other germplasm to other swine herds.

"Herd" means any group of swine maintained for 60 days or more on common ground for any purpose, or two or more groups of swine that have been intermingled without regard to pseudorabies status and are under common ownership or possession and that have been geographically separated within the state of Iowa. Two or more groups of swine are assumed to be one herd, unless an investigation by the epidemiologist has determined that intermingling and contact between groups has not occurred.

"Low incidence state/area" means a state or subdivision of a state with little or no incidence of pseudorabies and which qualifies for Stage III, or higher, and has been designated Stage III, or higher, by the National Pseudorabies Control Board as defined in the State/Federal Industry Program Standards for pseudorabies eradication; or an area outside the United States with a low incidence of pseudorabies determined by at least an equivalent testing protocol as is used to establish Stage III status.

"Native Iowa feeder pig" means a feeder pig farrowed in Iowa, and always located in Iowa.

"Premises" means a parcel of land together with buildings, enclosures and facilities sufficient for swine production.

"Vicinity" means a distance less than one-half mile.

21—64.148(163,166C) Pseudorabies tests and reports. Rescinded IAB 9/6/89, effective 10/11/89.

21—64.149(163,166C) Approval of qualified pseudorabies negative herd. Rescinded IAB 9/6/89, effective 10/11/89.

21—64.150(163,166C) Shipment of breeding swine and feeder pigs. Rescinded IAB 9/6/89, effective 10/11/89.

21—64.151(163,166D) Quarantines.

64.151(1) Except for sales to slaughter or to pseudorabies-approved premises, owners of animals tested for pseudorabies shall hold the entire herd on the premises until results are determined.

64.151(2) Infected herds not on an approved cleanup plan. All known pseudorabies infected herds, not on an approved herd cleanup plan, are subject to restricted movement to slaughter according to 64.154(2)*"c"* and 64.155(8).

21—64.152(163,166D) Nondifferentiable pseudorabies vaccine disapproved. The only pseudorabies vaccine or pseudorabies vaccine combination used in this state shall be a differentiable vaccine.

After July 1, 1993, this vaccine must be differentiable by a licensed and approved differentiable pseudorabies test capable of determining gp1 negative swine vaccinated with a gp1 gene deleted vaccine.

21—64.153(166D) Pseudorabies disease program areas.

64.153(1) Pseudorabies disease program areas as declared by the Iowa department of agriculture and land stewardship: all counties in the state of Iowa.

64.153(2) All producers will permit sufficient swine in their herds to be tested at program expense to determine the health status of the herd at intervals during the course of the program as deemed necessary by the department.

The owner shall confine the swine to be tested in a suitable place and restrain them in a suitable manner so that the proper tests can be applied. If the owner refuses to confine and restrain the swine, after reasonable time the department may employ sufficient help to properly confine and restrain them and the expense of such help shall be paid by the owner.

The swine tested shall be sufficient in number, and by method of selection, to quality for the surveillance program required to attain and maintain the program stages according to the most recent "State-Federal-Industry Program Standards" for pseudorabies eradication.

64.153(3) No indemnities will be paid for condemned animals.

64.153(4) Any person possessing swine is required to provide the name and address of the owner or the owner's agent to a representative of the department.

64.153(5) Beginning on October 1, 1999, all swine located within three miles of a pseudorabies-infected herd are required to be vaccinated with an approved pseudorabies vaccine within seven days of notification by a regulatory official. One dose of vaccine shall be administered to growing swine prior to 14 weeks of age or 100 pounds. Swine over six months of age or greater than 200 pounds, used or intended to be used for breeding, shall receive vaccine on a schedule designed to administer at least four doses throughout a 12-month period. The department may require a herd test to monitor both the pseudorabies status and the pseudorabies vaccine status of the herd.

A waiver for this vaccination requirement may be issued by the state veterinarian, based on epidemiological investigation and risk determination. Herd testing, at a level determined by the pseudorabies epidemiologist, will be required as a condition for issuance of a vaccination waiver.

21—64.154(163,166D) Identification.

64.154(1) All breeding and feeder swine being exhibited or having a change of ownership must be identified by a method approved by the Iowa department of agriculture and land stewardship. The identification shall be applied by the owner, the pig dealer, or the livestock dealer at the farm of origin or by the pig dealer or the livestock dealer at the first concentration point.

64.154(2) Approved identification.

a. Breeding swine.

(1) Ear tags or tattoos with an alphabetic or numeric system to provide unique identification for each animal.

(2) Ear notches or ear tattoos, if applied according to the standard breed registry system.

(3) Electronic devices, other devices, or marks which, when applied, will permanently and uniquely identify each animal.

(4) Breeding swine qualified to move intrastate without individual tests may move without unique identification of each animal, if they are all identified as a group to the herd of origin by an official premises tattoo.

b. Feeder swine.

(1) Ear tags or tattoos with an alphabetic or numeric system to provide unique identification with each herd, each lot, or each individual swine.

(2) Electronic devices, other devices, or marks which, when applied, will provide permanent identification with each herd, each lot, or each individual swine.

c. Restricted movement slaughter swine. When the department determines that a majority of herds within a program area have been tested, all herds not tested within 12 months and all infected herds not on an approved herd cleanup plan shall only move swine directly to slaughter. The department may, until a herd plan is approved and showing progress, require the movement of all slaughter swine by "direct movement," to slaughter only, by a Permit for Restricted Movement to Slaughter which provides a description of the animals, the owner, the consignee, the date of movement, the destination, and the identification or vehicle seal number if applicable. These "restricted movement to slaughter only swine" shall be individually identified by approved metal ear tags applied at the farm of origin. The identification requirement is waived if the consignment of swine is sealed within the transport vehicle at the farm of origin by an official seal available from the department. This seal shall be applied by an accredited veterinarian. This seal shall be removed by an accredited veterinarian, USDA official, department official, or the person purchasing the swine upon arrival of the consignment at the destination indicated on the Permit for Restricted Movement to Slaughter.

The ear tags shall have an alphabetic or numeric numbering system to provide unique identification with each herd, each lot, or each individual swine. They shall be applied prior to movement and listed on the Permit for Restricted Movement to Slaughter. This Permit for Restricted Movement to Slaughter shall be issued and distributed by an accredited veterinarian as follows:

1. Original to accompany shipment.
2. Mail a copy to the department.
3. Veterinarian issuing permit will retain a copy.

64.154(3) Approved ear tags available from the Iowa department of agriculture and land stewardship:

a. Pink tags to identify pseudorabies vaccinated swine.

b. Silver tags to identify feeder pigs from pseudorabies noninfected herds.

c. Blue tags to identify other swine.

64.154(4) Farm-to-farm movement of native Iowa feeder pigs.

a. Native Iowa feeder pigs sold and moved farm-to-farm within the state are exempt from identification requirements if the owner transferring possession and the person taking possession agree in writing that the feeder pigs will not be commingled with other swine for a period of 30 days. The owner transferring possession shall provide a copy of the agreement to the person taking possession of the feeder pigs.

b. "Moved farm-to-farm" as used in this rule means feeder pigs farrowed and raised in Iowa by a farm owner or operator and sold to another farm owner or operator who agree, in writing, not to commingle these pigs for at least 30 days.

Feeder pigs purchased for resale by a pig dealer cannot be moved farm-to-farm, as described in the above paragraph. They must be accompanied by a Certificate of Veterinary Inspection and be identified.

c. Identification-exempt feeder pigs must originate from a "monitored," or other "noninfected," herd. The "monitored herd" number, or other qualifying number, and the date of expiration must also be shown on the Certificate of Inspection.

All identification-exempt feeder pigs aboard the transport vehicle must be from the same farm of origin and be the only pigs aboard. They must be kept in "isolation" and transported by "direct movement" to the farm of destination.

d. The veterinarian will certify, by signature on the Certificate of Inspection, that the above conditions have been met and that the pigs are exempt from the identification requirements and will qualify for movement according to 64.155(4).

64.154(5) Swine being relocated intrastate without a change of ownership are exempt from health certification, identification requirements, and transportation certification except as required by Iowa Code chapter 172B provided relocation records sufficient to determine the origin, the current pseudorabies status of the herd of origin, the number relocated, the date relocated, and destination of the relocated swine are available for inspection.

Swine relocated within a herd held on multiple premises are exempted from this health certification, identification requirement, and transportation certification, except as required by Iowa Code chapter 172B and the above record-keeping requirements.

Relocation records, if required, shall be maintained and available for inspection for a minimum of two years.

64.154(6) This rule should not be construed to implement or affect the identification requirements set down in Iowa Code sections 163.34, 163.35, 163.36, and 163.37. Records of identification applied to slaughter swine at concentration points shall be reported weekly to the department on forms provided by the department.

21—64.155(163,166D,172B) Certificates of inspection. The following certificates shall be used as outlined. All are provided by the department. All require inspection by a licensed accredited veterinarian.

64.155(1) Iowa origin Interstate Certificates of Veterinary Inspection shall be used for exporting breeding swine or feeder swine out of the state.

64.155(2) Intrastate Certificates of Veterinary Inspection shall be used for the following movements:

a. The intrastate movement of feeder swine, with a change of ownership, originating from noninfected herds requires approved identification and noninfected herd identification number, showing the date of last test on a Certificate of Veterinary Inspection. The feeder swine shall be quarantined for 30 days.

b. The intrastate movement, with a change of ownership, of breeding swine from nonquarantined herds requires approved identification and noninfected herd number, or individual test results and dates tested included on a Certificate of Veterinary Inspection only. The breeding swine shall be quarantined for 30 days.

c. The concentration points to farm movement of feeder swine originating from noninfected herds requires approved identification and herd identification number and date tested included on a Certificate of Veterinary Inspection. The feeder swine shall be quarantined for 30 days.

d. The concentration point to farm intrastate movement of noninfected breeding swine from nonquarantined herds requires approved identification and noninfected herd number or individual test results and dates tested included on a Certificate of Veterinary Inspection. The breeding swine shall be quarantined for 30 days.

e. The farm to an approved premises or from a concentration point to an approved premises movement of feeder swine requires approved identification and approved premises number to be included on a Certificate of Veterinary Inspection. A statement, "Quarantined until slaughter," shall be included on a Certificate of Veterinary Inspection.

f. Movement of exhibition swine to an exhibition when a certificate is required must be with a Certificate of Veterinary Inspection.

64.155(3) QLSM certificate. A QLSM certificate shall be used when moving swine under restricted movement and quarantined until moved to slaughter. The certificate shall be used for the following movements:

a. Movement of feeder swine from quarantined herds to approved premises. Approved identification and approved premises number shall be included on the certificate. The swine are quarantined to slaughter or can be moved to another approved premises on a certificate of inspection.

b. Movement of feeder swine from herds of unknown status, feeder pig cooperator herd plans, or herd cleanup plans. Approved identification shall be included on the certificate. This certificate is used for farm-to-farm or concentration point to farm movements.

64.155(4) A Farm-to-Farm Certificate of Veterinary Inspection or an Intrastate Certificate of Veterinary Inspection shall be used for moving identification-exempt native Iowa feeder pigs farm-to-farm according to 64.154(4)"*b.*" Feeder swine purchased for resale by a pig dealer must be identified and accompanied by a Certificate of Inspection.

64.155(5) Import Interstate Certificates from out-of-state origins shall accompany shipments of breeding swine and feeder swine into Iowa.

a. Feeder swine: If a state of origin does not issue a monitored herd number, then the certificate shall include the statement, "These pigs are from a noninfected herd and the date of last test was _____," or "These pigs are from a monitored herd tested within the last 12 months. Date of last test was _____." The certificate shall include the following statement: "These feeder pigs are quarantined until moved to slaughter."

b. Breeding swine: Individual test results and date tested or noninfected herd number and date of last test shall be included on the certificate.

c. Feeder swine from low incidence state/area of origin. The certificate shall include the following statements, "These pigs were born and raised in the state/area of_____," (state/area name) and "These feeder pigs are quarantined until moved to slaughter."

d. Beginning January 1, 1998, all imported feeder swine, except those from qualified negative herds entering qualified negative herds, must be vaccinated for pseudorabies with a G1 deleted vaccine within 45 days of arrival if imported into a county with a pseudorabies prevalence greater than 3 percent. This requirement must be stated on the import interstate certificate. Imported swine consigned directly to slaughter are exempt from vaccination requirements.

64.155(6) Slaughter affidavits shall accompany all shipments of feeder swine or finished swine from concentration points moving direct to slaughter.

64.155(7) Transportation certificate. This certificate involves shipments of swine from farm or approved premises moving direct to slaughter as detailed in Iowa Code chapter 172B. Veterinary inspection not required.

64.155(8) Rescinded IAB 10/22/97, effective 10/1/97.

21—64.156(166D) Noninfected herds.

64.156(1) *Qualified pseudorabies negative herd—recertification.*

a. Recertification of a qualified pseudorabies negative herd and a qualified differential negative herd shall be by monthly testing, as detailed in Iowa Code section 166D.7(1)*"a."*

b. The status of a qualified pseudorabies negative herd will be revoked if:

(1) A positive test is recognized and interpreted by a pseudorabies epidemiologist as infected.

(2) Pseudorabies infection is diagnosed.

(3) Recertification testing is not done on time.

(4) Inadequate number of animals are tested.

(5) Once a qualified pseudorabies negative herd is decertified, the herd must meet all requirements of Iowa Code section 166D.7, to recertify as a qualified pseudorabies negative herd.

64.156(2) *Iowa monitored feeder pig herd.*

a. Test requirements for a monitored feeder pig herd status include a negative herd test every 12 months of randomly selected breeding animals according to the following schedule:

1-10 head	Test all
11-35 head	Test 10
36 or more	Test 30 percent or 30, whichever is less.

b. A monitored identification card will be sent by first-class mail to the herd owner shown on the test chart if test results qualify the herd as monitored. An expiration date which is 12 months from the date that the certifying tests were drawn will be printed on the card.

It is the owner's responsibility to retest the herd annually. The monitored status is voided on the date of expiration. A monitored herd status is revoked if:

(1) A positive test is recognized and interpreted by a pseudorabies epidemiologist and interpreted as infected.

(2) Pseudorabies infection is diagnosed.

(3) Recertification test is not done on time.

(4) Not enough tests, according to herd size and vaccination status, are submitted.

c. Additions of swine to a monitored herd shall be from noninfected herds, according to Iowa Code section 166D.7.

d. Feeder pigs may be sold for further feeding without additional testing while the "monitored" status is maintained.

e. Monitored, or higher, status feeder pigs sold may regain, and maintain, monitored status by a negative test of all or a random sample of 30 head of each segregated group, whichever is less, within 30 days prior to resale.

64.156(3) *Qualified differentiable negative herd—recertification.*

a. Recertification of a qualified differentiable negative herd will include quarterly or monthly testing, as detailed in Iowa Code section 166D.7. A minimum of 14 breeding swine must be tested each quarter. If the total number of breeding swine in the herd is less than 14, then all breeding swine shall be tested.

b. The status of a qualified differentiable negative herd will be revoked if:

(1) A positive test is recognized and interpreted by a pseudorabies epidemiologist as infected.

(2) Pseudorabies infection is diagnosed.

(3) Recertification testing is not done on time.

(4) Inadequate number of animals are tested.

(5) Once a qualified differentiable negative herd is decertified, the herd must meet all requirements in Iowa Code section 166D.7 to recertify as a qualified differentiable negative herd.

64.156(4) *Maintaining qualified negative status (progeny).* Progeny from qualified negative (unvaccinated) or from qualified negative (vaccinated) herds moved to a facility not within the vicinity of the herd of origin and unexposed to lesser status swine may maintain qualified negative status by a monthly negative test of 10 percent or 60 head, whichever is less, of swine that have been on the premises for at least 30 days.

64.156(5) *Other qualified pseudorabies negative herds.* Any breeding herd in a Stage IV or V State/Area or an area outside the United States with a low incidence of pseudorabies equivalent to a Stage IV or V State/Area is recognized as a qualified pseudorabies negative herd.

64.156(6) *Fertility centers.* Breeding swine in a fertility center shall attain a "noninfected herd" status by an initial negative test of all breeding swine in the center. This status shall be maintained by a monthly negative test of a random sample of five head or 10 percent, whichever is greater, of the swine at the center. All additions of swine to the fertility center must originate from a "noninfected" herd, must be placed in isolation for 30 days or more, and must test negative for pseudorabies 20 days or more after being isolated.

a. Semen and germplasm must be identified to the fertility center of origin.

b. Imported semen or germplasm must originate from a fertility center, or "noninfected" herd, with requirements at least equivalent to the above, and be identified to the fertility center.

21—64.157(166D) Herd cleanup plan for infected herds (eradication plan).

64.157(1) The herd cleanup plan shall be a written plan approved and on file with the department.

64.157(2) The herd cleanup plan shall contain:

a. Owner's name, location and herd number.

b. Type of herd plan selected, e.g., offspring segregation, test and removal, depopulation.

c. Description of the plan, which shall include the following requirements:

(1) The breeding herd shall be maintained on an approved vaccination program, at least four times per year;

(2) The progeny shall be weaned and segregated by five weeks of age or less, and progeny group isolation shall be maintained according to the terms of the herd plan;

(3) The herd must be visited on a regular basis (at least quarterly) by the herd veterinarian to monitor progress of the herd cleanup plan. This will include monthly testing if applicable, overseeing management procedures which may include all-in-all-out swine movement, ventilation, sanitation, disinfection, and vaccine handling;

(4) Vaccine shall be administered to the progeny swine at least once, or more often if required by the herd plan;

(5) Feeder pig movement or relocation from the premises of origin must be detailed in writing in the herd cleanup plan. If this movement, or relocation, involves more than one district veterinarian's area, all participants must concur with the cleanup plan;

(6) Culled breeding swine must move directly to slaughter. No swine moved from infected herds may be represented as breeding swine;

(7) All herd plans for infected herds identified prior to August 1, 1999, shall be designed to complete herd cleanup before January 1, 2000. Herds identified as infected on or after August 1, 1999, with breeding swine, shall implement a test and removal herd cleanup plan which allows for the phased test and removal of bred animals for one farrowing cycle, followed by a whole herd test and removal plan. The herd plan shall include the following:

1. All breeding swine, including boars, shall be tested within 14 days of the herd's being classified as infected. Testing shall also include progeny, if applicable.

2. All breeding swine must be identified by an approved ear tag, or other approved identification method, at the time of blood collection.

3. All seropositive, unbred breeding swine must be removed from the herd, direct to slaughter, within 15 days after blood collection. All seropositive, bred swine must be removed from the herd, direct to slaughter, within 15 days of weaning. All replacement breeding stock must be vaccinated prior to addition into the herd and must be retested 60 days after entry into the herd.

4. A whole herd test shall be required within 30 days after the removal of the last known positive animal. Any additional seropositive animals must be removed, direct to slaughter, within 15 days of the collection date. Whole herd retests shall be required at 30-day intervals, with removal of positive animals within 15 days of the test, until it has been determined that the herd is noninfected.

5. Seropositive swine must be removed from the herd direct to a buying station or to a slaughtering establishment.

All swine movement from infected herds must be directly to slaughter according to 64.154(2)*"c,"* unless exempted by a "feeder pig cooperator" plan.

When a herd is designated a noninfected herd, or has been depopulated, by procedures detailed in Iowa Code section 166D.9, the plan is completed.

(8) Beginning October 1, 1999, a herd cleanup plan shall be implemented for all infected finishing herds which shall include the following:

1. A description of the premises, including the location, capacity, physical layout, owner's name, and herd number.

2. Vaccination requirements:

- Every animal, unless such animal is within three weeks of anticipated slaughter, must be vaccinated with an approved pseudorabies vaccine within seven days of notification by a regulatory official.
- New animals introduced into the infected premises are to be vaccinated with an approved pseudorabies vaccine according to the timetable outlined in the herd plan.
- If, through subsequent testing, additional buildings on the site are determined to be infected, all swine on the site shall be revaccinated.

3. Testing requirements:

- A minimum of 14 swine, selected randomly, per building, shall be tested immediately.
- Swine shall be retested, at a minimum of 14 animals, selected randomly, per building, every 45 days, if necessary, until the premises are determined to be noninfected.

4. Description, restrictions, and requirements of pig flow through the facilities.

d. Specific movement limitations which may include approved destination locations, "restricted movement to slaughter," or other appropriate animal movement control measures.

e. Signatures of the herd owner, the owner's veterinarian, and the epidemiologist or the epidemiologist's representative.

64.157(3) Rescinded IAB 10/22/97, effective 10/1/97.

64.157(4) Rescinded IAB 10/22/97, effective 10/1/97.

64.157(5) If this herd cleanup plan is not followed, is discontinued, or is not progressing in a satisfactory manner as determined by the department, the herd is a quarantined herd and is subject to "restricted movement to slaughter," according to 64.154(2)*"c,"* until a new and approved cleanup plan is in place and showing progress according to a designated epidemiologist.

64.157(6) Rescinded IAB 10/22/97, effective 10/1/97.

64.157(7) A deviation from a herd cleanup plan may be used in exigent circumstances if the deviation has the approval of the epidemiologist.

21—64.158(166D) Feeder pig cooperator plan for infected herds.

64.158(1) A feeder pig cooperator plan shall be a written plan approved and on file with the department.

64.158(2) Feeder Pig Cooperator Plan Agreement—revised effective April 1, 1995.

Feeder Pig Cooperator Plan Agreement—Revised

Date:
Herd I.D. Number:
Owner's Name:
Address:
Telephone Number:

The Feeder Pig Cooperator Plan Agreement shall include the following:

1. The herd has not experienced clinical signs of pseudorabies within the previous 30 days.
2. Maintain the breeding herd on an approved vaccination program, at least four times per year.
3. Wean and segregate progeny by five weeks of age or less and maintain progeny group isolation until moved as feeder pigs.
4. The herd must be visited at least quarterly by the herd veterinarian to monitor progress of herd cleanup plan; this shall include quarterly testing, if applicable, overseeing management procedures including all-in, all-out swine movement, ventilation, animal waste handling, sanitation, disinfection and vaccine handling.
5. Feeder pigs may be marketed or moved intrastate as cooperator pigs of unknown status provided that all requirements of this plan are followed.
6. All feeder pigs must be vaccinated prior to sale. Vaccine shall be administered according to individual's herd plan.
7. All feeder pigs must be identified prior to sale with an official pink feeder pig ear tag, or a tattoo, approved by the department, beginning with the letters PR. The producer shall obtain a health certificate (which must include a permit number from the department) from the herd veterinarian prior to movement from premises of origin and said health certificate shall accompany each shipment. All feeder pigs are quarantined to farm of destination until sold to slaughter.
8. Breeding swine shall move directly to slaughter or an approved premises. No swine from infected herds may be represented as breeding swine.
9. The producer shall maintain a record of all test charts, all sales transactions by way of health certificates, and vaccine purchases for at least two years. These records shall be available to department officials upon request.
10. When this herd is determined, through procedures as detailed in Iowa Code section 166D.9 to become a noninfected herd or is depopulated, the plan is completed.
11. I agree, if this plan is not followed, is discontinued, or is not progressing in a satisfactory manner as determined by the department, the herd is a quarantined herd and subject to restricted movement, direct to slaughter or to an approved premises.

I am currently enrolled in an approved herd cleanup plan. I further agree to comply with all the requirements contained in this Feeder Pig Cooperator Plan Agreement.

Herd Owner: Date:
Herd Veterinarian: Date:

21—64.159(166D) Herds of unknown status. Feeder pigs from herds of unknown status may not move after September 30, 1993; however, these herds may test to determine status and feeder pigs may be moved according to 64.156(1), 64.156(2), 64.156(3), 64.157(3), or 64.158(2).

The owner must provide test data, prior to movement, proving that these requirements have been met.

21—64.160(166D) Approved premises. The purpose of an approved premises is to maintain feeder swine and feeder pigs under quarantine with movement either direct to slaughter or to another approved premises. A person shall not accept swine from a quarantined herd or untested breeding swine for the purpose of feeding without receiving an approved premises permit from the department.

64.160(1) The following are requirements establishing, renewing, or revoking an approved premises permit:

a. A permit application must indicate the name of the premises operator and address of the premises.

b. To be valid, an application must be completed and signed by a department or inspection service official and the premises operator certifying that the facility meets the following guidelines:

(1) Must be a dry lot facility located in an area of confirmed cases of pseudorabies.

(2) Shall not be in the vicinity of a breeding herd.

(3) Shall be built such that it can be thoroughly cleaned and disinfected.

(4) The lay of the land or the facilities shall not be conducive to animal waste draining onto adjacent property.

(5) Only feeder swine may be moved onto this premises. Boars and sows are to be maintained separate and apart.

(6) Swine on the premises must be maintained in isolation from other livestock.

c. Annual renewal is required on or before December 31.

d. The permittee must provide to the department or inspection service, during normal business hours, access to the approved premises and to all required records. Records of swine transfers must be kept for at least one year. The records shall include information about purchases and sales, names of buyers and sellers, the dates of transactions, and the number of swine involved with each transaction.

e. Feeder swine must be vaccinated for pseudorabies at the owner's expense upon arrival at the approved premises. Vaccination identification tagging is not required; however, the number of swine vaccinated, vaccine product description, name, address, and signature of owner/owner's representative and signature of veterinarian distributing the vaccine, are required to be submitted to the department on a Pseudorabies Vaccination Statement provided by the department. This statement is to be submitted within ten days.

f. Dead swine must be disposed of in accordance with Iowa Code chapter 167. The dead swine must be held so as to prevent animals, including wild animals and livestock, from reaching the dead swine.

g. Swine must be moved direct to slaughter accompanied by a transportation certificate or to another approved premises with a certificate of inspection, including the identification number of the approved premises of destination.

h. An approved premises permit may be revoked by following quarantine release methods as detailed in Iowa Code section 166D.9, or failure to comply with departmental operation rules, or if swine have been removed from the premises for a period of 12 or more months.

i. Renewal of an approved premises will not be permitted when:

(1) Six months following the date that a program area has tested a majority of herds and 90 percent or greater of these herds are determined to be noninfected.

(2) For noncompliance with requirements of this rule.

(3) Application for renewal has not been made.

(4) Federal law prohibits approved premises.

j. Failure to renew an approved premises application will result in the issuance of a quarantine by the department effective until quarantine release methods have been followed as detailed in Iowa Code section 166D.9.

64.160(2) An approved premises identification card will be sent by first-class mail to the premises owner or owner's agent when the permit application has been approved according to the requirements of this rule. The expiration date will be printed on the card.

21—64.161(166D) Sales to approved premises. After March 31, 1995, all feeder pigs and feeder swine except those from "noninfected herds" must be moved directly to an approved premises, or through a Class IV market to an approved premises, for further feeding; however, these pigs may continue to move as cooperator pigs of unknown status if a "Feeder Pig Cooperator Plan Agreement—Revised" is approved by the department and movement is permitted by the department.

21—64.162(166D) Certification of veterinarians to initiate approved herd cleanup plans and approved feeder pig cooperator plan agreements and fee basis.

64.162(1) *Requirements for certification.* To be certified, the veterinarian shall meet both of the following requirements:

a. Be an accredited veterinarian.

b. Attend and complete continuing education sessions as determined by the Iowa pseudorabies advisory committee and the department.

64.162(2) *Responsibilities.* A certified veterinarian is authorized to do the following:

a. Complete and submit herd plan and herd agreement forms (supplied by the department) within ten days of completion for approval by the department.

b. Review and update herd plans and herd agreements and report to the department any changes made.

64.162(3) *Revocation of certification.* Failure to comply with the above requirements of this rule will result in revocation of certification.

64.162(4) *Remuneration.* Compensation will be made to the veterinarian or veterinarians certified to initiate herd plans and herd agreements. Payment will be made from pseudorabies program funds, if available and authorized for these purposes. Fees for payment shall be approved by the advisory committee and established by the department by order. Payment will be made for the following:

a. Initial herd cleanup plan with or without an accompanying feeder pig cooperator agreement. Payment will be made upon submission of the completed form and department approval of the plan.

b. Review of herd cleanup plan. Payment will be made upon submission of the completed form and department approval of the plan review.

c. Upon completion of the herd cleanup plan and release of the infected status, the veterinarian will receive a payment.

d. All other herd consultation or time devoted to herd plan implementation shall be at owner's expense.

64.162(5) *Fee basis.* The following fees are allocated to the testing veterinarian when approved by the department, provided funding is available:

a. Herd stop fee per stop not to exceed four stops per year.

b. Bleeding fee per animal, not to exceed 100 tests per herd, per year.

c. Differentiable vaccine reimbursement per dose, when dispensed during the first 24 months from the date of initial program area designation. Doses of pseudorabies differentiable vaccine are dispensed to infected herds on approved cleanup plans, based upon date of herd plan approval, according to the number of breeding swine.

d. Fees for additional herd stops and tests may be allocated by approval from the department.

21—64.163(166D) Nondifferentiable pseudorabies vaccine disapproved. Transferred and amended, see 21—64.152(163,166D), IAB 8/19/92.

These rules are intended to implement Iowa Code chapters 163 and 166D.

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***Revised 21—subrule 64.158(2) effective April 1, 1995.

90.27(6) All temporary storage facilities shall be licensed before any products to be stored are placed in them.

90.27(7) Temporary licensed storage capacity may not exceed 30 percent of permanent licensed storage capacity.

90.27(8) All temporary storage facilities which the department has waived in subrule 90.27(1) shall continue to meet all of the other requirements of rule 90.27(203C). The chief may require the filing of additional bond or irrevocable letter of credit in an amount to be determined by the department for the temporary facility before the waiver of subrule 90.27(1) is granted.

90.27(9) The bureau chief or examiner shall issue written notice to the licensed warehouse operator for any temporary storage facility which no longer meets these requirements. Failure of the warehouse operator to place the facility in a suitable condition within a reasonable length of time shall result in the facility being eliminated from coverage from the warehouse license. Any facility found which has deteriorated to the point that it is unsuitable for storage shall be immediately removed from the warehouse license until the time that it meets the requirements and has been reinspected.

90.27(10) Corn containing more than 14 percent moisture or soybeans containing more than 13 percent moisture shall not be stored in temporary facilities.

90.27(11) Corn and soybeans which do not grade No. 2 or better using the Official U.S. Standards for Grain shall not be stored in a temporary storage facility.

This rule is intended to implement Iowa Code sections 203C.2, 203C.7, 203C.8, 203C.12, 203C.16, and 203C.18.

21—90.28(203C) Prioritization of inspections of warehouse operators. Warehouse operators with a probability of failure factor greater than 40 percent, as calculated by the statistical model, shall be examined at least twice in a 12-month period.

This rule is intended to implement Iowa Code sections 203C.2 and 203C.40.

21—90.29(203C) Department of agriculture and land stewardship enforcement procedures. The bureau shall follow a step-by-step enforcement policy to ensure consistent compliance with and application of these rules. The department recognizes that violations of certain rules may have more serious ramifications and thus the enforcement of those rules requires stricter policies. The enforcement policies apply to any violation of these rules unless enforcement provisions are specifically addressed in a particular rule or subrule.

90.29(1) If it is necessary to establish proof of a Code or rule violation, a special investigation of the licensee shall be conducted by the bureau of the department. The bureau may contact the licensed warehouse operator, the warehouse operator's employees, or any other interested party to gain information for its investigation. The bureau, in its investigation of a licensee, may cause a special examination to occur if evidence of at least one of the following conditions is present:

a. Insufficient funds check.

b. Stalled payment for grain.

c. Quantity deficiency.

d. Quality deficiency.

The expense of such special examination shall be based on actual costs incurred by the bureau and may be assessed to the licensee. The costs shall include the labor, equipment, sampling and any additional costs incurred by the bureau. Payment shall be made as directed by the bureau.

90.29(2) Upon establishment by an examiner or the bureau of a rule violation, the bureau shall consider the following elements in determining the proper period of time within which to require a licensee to comply with the rules:

a. Gravity of the offense.

b. Likelihood of depositor loss.

c. Length of time within which a reasonable licensee in a similar circumstance should be able to comply with the rule.

90.29(3) The chief may file an information against the licensee for any violation of these rules. The bureau chief shall consider the following factors in exercising statutory discretion to file an information:

a. Likelihood of depositor loss.
b. Gravity of the offense.
c. Licensee's intent to violate the rule.
d. Licensee's record of Code or rule violations.
e. Number of violations in the particular report.

90.29(4) The bureau chief may cause charges to be filed against the licensee for any violation of these rules. The bureau chief shall consider the following factors in exercising statutory discretion to file charges:

a. Likelihood of depositor loss.
b. Gravity of the offense.
c. Licensee's intent to violate the rule.
d. Licensee's record of rule violations.

This rule is intended to implement Iowa Code sections 203C.2, 203C.10 and 203C.36.

21—90.30(203C) Review proceedings. A warehouse licensee or applicant may file a formal written complaint with the department if the licensee or applicant contests any finding or decision of the bureau chief.

Any such complaints shall be resolved in contested case proceedings conducted pursuant to the applicable provisions of 21—Chapter 2.

21—90.31(203C) Emergency storage space. Emergency storage space (ground pile) may, in the discretion of the department, be approved and licensed on the following basis:

90.31(1) Licenses for emergency storage space shall be effective for the storage of corn only from August 2, 1999, to January 31, 2000.

90.31(2) The warehouse operator shall either purchase the grain stored in the emergency storage space or remove the corn from the emergency storage space prior to February 1, 2000. Any corn remaining in such space after this date will not be included in grain inventory measurements made by the department, and such corn may not be used to cover storage obligations.

90.31(3) Before any corn can be placed in the emergency storage space, the department shall receive either an irrevocable letter of credit or a surety bond in the amount of $2 for each bushel to be placed in emergency storage space. The irrevocable letter of credit or surety bond will expire on April 1, 2000. The irrevocable letter of credit or surety bond filed with the department under this rule shall not be canceled by the issuer on less than 45 days' notice by certified mail to the department and the licensee. When the department receives notice from an issuer that it has canceled the irrevocable letter of credit or surety bond, the department shall automatically suspend the license if a replacement irrevocable letter of credit or surety bond is not received by the department within 30 days of the issuance of the notice of cancellation. If a replacement irrevocable letter of credit or surety bond is not filed within another 10 days following the suspension, the grain dealer license shall be automatically revoked.

90.31(4) All emergency storage space shall have an asphalt base, concrete base, or a compacted limestone base which meets the following minimum specifications.

a. Base shall be of a depth and compaction to permit trucks or other equipment, used in loading or unloading the pad, to move around over the base without breaking through or unduly scuffing the surface.

b. Depth of limestone top shall be not less than four inches.

c. The slope from the center of the base shall not be less than one-fourth inch per linear foot to edge of base.

d. Adequate drainage away from the base shall be provided to prevent any water from standing or backing up under the grain.

90.31(5) All emergency storage space shall be licensed before any corn to be stored is placed in it.

90.31(6) Emergency licensed storage space may not exceed 30 percent of permanent licensed storage capacity.

90.31(7) A separate daily position record shall be maintained on all corn placed in the emergency licensed storage space.

90.31(8) Corn containing more than 15 percent moisture shall not be stored in emergency storage space.

90.31(9) Corn which does not grade No. 2 or better using the Official Grade Standards shall not be stored in emergency storage space.

90.31(10) The bureau chief or examiner shall issue written notice to the licensed warehouse operator for any emergency storage space which no longer meets these requirements. Failure of the warehouse operator to place the emergency storage space in a suitable condition within a reasonable length of time shall result in the emergency storage space being eliminated from coverage from the warehouse license.

90.31(11) This rule shall terminate on April 1, 2000.

This rule is intended to implement Iowa Code sections 203C.2, 203C.7, 203C.8, 203C.12, 203C.16, and 203C.18.

These rules are intended to implement Iowa Code chapter 203C.

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CHAPTER 3
STATEWIDE PROGRAMS AND AGREEMENTS

BACKGROUND

The state library is charged with developing long-range plans for the continued improvement of library services in the state. The most recent long-range plans were entitled "Unified Plan for Library Service in Iowa" and the "LSTA Five-Year Plan." The major outcomes of these planning efforts include the maintenance of SILO, a voluntary certification program for public librarians, and the continued development of standards for public libraries which includes a voluntary accreditation program.

Based on existing programs and services, the current planning effort addresses the state library's role in promoting and developing library services in the state, coordinating interlibrary cooperation, and providing Iowans with access to the publications of state government. The state library's other roles, such as meeting the information needs of the three branches of state government and providing census, patent, legal and medical information, are not addressed in this document.

SEE: Unified Plan for Library Service in Iowa, 1994, and the LSTA Five-Year Plan. State Library of Iowa, 1998.

286—3.1(256) State of Iowa Libraries Online (SILO). Purpose is to provide electronic access to Iowa's library resources and to electronic information resources. Includes an electronic "card catalog" and associated electronic interlibrary loan system to facilitate the identifying and requesting of library materials among Iowa libraries. Delivers statewide library access to numerous citation and full text databases.

286—3.2(256) Enrich Iowa program.

3.2(1) *Purpose.* Enrich Iowa, a direct state aid program, provides incentives to improve library services and to reduce inequities among communities in the delivery of library services based on recognized and adopted performance measures. The funding is intended to supplement, not replace, local funding.

3.2(2) *Eligibility.*

a. To participate in the enrich Iowa program, an Iowa public library must:

(1) Be established by city ordinance or as a county library at least two years previous in accordance with Iowa Code chapter 336.

(2) Use the enrich Iowa funds to improve library services.

(3) Use program funds to supplement, not supplant, any other funding received by the library.

(4) Provide information for auditing purposes, if requested by the state library.

b. To remain eligible to participate after July 1, 2001, the library must:

(1) Meet all of the eligibility and reporting requirements outlined above.

(2) Participate in Open Access and Access Plus programs.

(3) Meet the standards requirements of Tier 1, 2, or 3.

SEE: Enrich Iowa: Fund Libraries. State Library of Iowa, September 1996.
In Service to Iowa: Public Library Measures of Quality. 3d ed. State Library, 1997.

3.2(3) *Reporting procedures.* All program participants shall submit the following to the state library:

a. A copy of the ordinance establishing the library or documentation of the establishment of the county library by December 15 of the first year of participation.

b. A status report, in the format prescribed by the state library, on local library use of enrich Iowa funds by December 15, 1999.

c. By July 31 following the end of the fiscal year, a final report on the use of enrich Iowa funds in the format prescribed by the state library. The report shall include a listing of program payments received and expenditures made for the fiscal year.

d. An accreditation report, in the prescribed format, as required on the three-year reporting cycle.

SEE: In Service to Iowa: Public Library Measures of Quality. 3d ed. State Library, 1997.

e. A completed annual survey, in the prescribed format, by the required date.

3.2(4) *Informal appeals.* Informal appeals shall be made on procedural grounds only. Such grounds include alleged conflicts of interest or procedures not uniformly applied to all public libraries.

3.2(5) *Informal appeal hearing.* A written request shall be sent to the state librarian. The hearing shall be held within 15 calendar days of the date of the request during regular business hours of the state library. The hearing shall be held before the state librarian or such members of a review board as the state librarian designates. The state librarian shall:

a. Notify the appellant as to the day, hour, and location of the hearing;

b. Inform the appellant of the right to submit any written documents regarding the application;

c. Inform the appellant that a spokesperson must be appointed if the appeal involves more than one person. The state librarian or designee shall direct questions only to the spokesperson during the hearing. Any other discussion or comments shall be reserved for a closed executive session. No indication of decision shall be given at the time of the hearing;

d. Notify the appellant in writing of the decision of the state librarian or designee within five working days of the hearing.

3.2(6) *Formal appeal.* A formal appeal of the decision of the state librarian or designee shall be made to the commission of libraries.

a. The appellant's argument shall contain:

(1) The facts of the appeal;

(2) An argument in favor of the appeal; and

(3) The remedy sought.

b. Appeals will be allowed on the procedural grounds that staff of the state library acted outside statutory authority, were influenced to act as a result of a conflict of interest, or acted in a biased or unfair manner.

c. The commission shall consider and rule on the appeal after receiving all documentation from the appellant and shall notify the appellant in writing of the decision within 30 calendar days. The decision of the commission is final except as provided for in Iowa Code sections 17A.19 and 17A.20.

This rule is intended to implement 1999 Iowa Acts, Senate File 464, section 7(5).

286—3.3(256) Open Access. Purpose is to provide Iowa citizens with direct access to more library materials and information resources. It is a reciprocal borrowing program that enables users from participating libraries to directly check out materials from other participating libraries.

SEE: Open Access Program Letter of Agreement. State Library of Iowa.

d. Depository libraries may be selected on the basis of one or more of the following criteria:

(1) Geographic location consistent with a policy of distributing depositories so as to minimize the travel distance of a user.

(2) Demonstrated ability to handle the receipts desired based on size of collection, identified need of the library's clientele, and the availability of space, staff and equipment.

(3) Demonstrated need/value to state of placing depository collection in facility.

(4) Present federal depository status.

Upon approval of the application, a contract with the depository library shall be completed.

3.9(5) *Depository library requirements.*

a. The permanent depositories shall permanently maintain two copies of each publication. One copy shall be considered archival and will not circulate. The other copy shall be available for loan.

b. All publications received under this program by the full depository and core depository libraries shall be retained for a minimum period of three years unless a lesser retention period is designated for an item or items by the depository library center.

c. The depository agrees to make the documents available for free public use.

d. Materials missing from depository shipments shall be claimed from the depository library center within one month of receipt of the shipment. After that time, requests shall be made directly to the issuing agency or the state printer.

3.9(6) *Withdrawal of a library from the program.*

a. A full depository library may withdraw from the depository program by sending written notice to the depository library center 60 days prior to such withdrawal.

b. A core depository library may withdraw from this program by sending written notice to the depository library center.

c. A library's depository designation may be withdrawn for failure to conform to the terms of the contract.

d. Upon termination of the contract the depository documents become the property of the depository library center and must be returned to the center or to such other depositories as may be specified by the center.

These rules are intended to implement Iowa Code sections 256.50 to 256.55.

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101.212(272C) Grounds for discipline
101.213(272C) Method of discipline: licensed funeral establishments and licensed cremation establishments
101.214(272C) Disciplinary proceedings for funeral and cremation establishments
101.215(272C) Peer review committees
101.216 to 101.299 Reserved

PROCEDURES FOR USE OF CAMERAS AND RECORDING DEVICES AT OPEN MEETINGS

101.300(21) Conduct of persons attending meetings

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HEARING AID DEALERS

CHAPTER 120
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120.1(154A) General information
120.2(154A) Rules for examinations
120.3(154A) Licensure by reciprocity
120.4(154A) Temporary permits
120.5(154A) Renewal of license
120.6(154A) Continuing education requirements
120.7(272C) Exemptions for inactive practitioners
120.8(272C) Reinstatement of exempted, inactive practitioners
120.9(272C) Reinstatement of lapsed license
120.10(154A) Display of license
120.11(154A) Establish procedures and instrumentation
120.12(154A) Filing and investigation of charges
120.13(154A) License fees
120.14(154A) Supervision of temporary permit holders
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MASSAGE THERAPISTS

CHAPTER 130
MASSAGE THERAPISTS

130.1(152C) Definitions
130.2 Reserved
130.3(152C) Examination and licensure requirements
130.4(152C) Reciprocal license
130.5(152C) Requirements for approval of massage therapy education curriculum
130.6(152C) License renewal
130.7(152C) Inactive practitioners
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130.9(152C) Reinstatement of lapsed licenses
130.10(152C) License fees

CHAPTER 131
CONTINUING EDUCATION AND DISCIPLINARY PROCEDURES

131.1(152C) Continuing education requirements
131.2(152C) Standards for approval
131.3(152C) Reporting continuing education credits
131.4(152C) Hearings
131.5(152C) Disability or illness
131.6 to 131.16 Reserved
131.17(152C) Discipline
131.18(152C) Civil penalty for employment of person not licensed
131.19(152C) Civil penalty for use of title

CHAPTERS 132 to 139
Reserved

645—120.12(154A)* Filing and investigation of charges. Persons making a complaint before the board of examiners for the licensing and regulation of hearing aid dealers against any licensed or unlicensed hearing aid dealer must do so by filing with the board of examiners for the licensing and regulation of hearing aid dealers a writing setting forth the name of the hearing aid dealer, the nature of the acts complained of, and the time and place where the violation(s) occurred. The person making the complaint shall file the statement with the board of examiners within 12 months from the date of the action upon which the complaint is based.

645—120.13(154A) License fees. All fees are nonrefundable.

120.13(1) The application fee for a license to practice as a hearing aid dealer issued upon the basis of an examination or reciprocity is $130. Check or money order should be made payable to the Iowa Board of Examiners for Hearing Aid Dealers. For those persons who are required to take the examination, the examination fee is an additional $35 and check or money order should be made payable to the International Hearing Society. Both fees should be mailed with the application.

120.13(2) Fee for a renewal of a license to practice as a hearing aid dealer is $130.

120.13(3) Fee for a temporary permit is $35.

120.13(4) Fee for a certified statement that a is licensed in this state is $10.

120.13(5) Fee for a duplicate license if the original is lost or stolen is $10.

120.13(6) Fee for reinstatement of an inactive or lapsed license is $100.

120.13(7) Fee for failure to renew license by January 31 of the odd-numbered year is $50.

120.13(8) Fee for failure to obtain continuing education within the compliance period is $100.

This rule is intended to implement Iowa Code sections 154A.15 and 154A.17.

645—120.14(154A) Supervision of temporary permit holders.

120.14(1) Any licensed hearing aid dealer acting as a supervisor of persons who are trainees with temporary permits shall have a current hearing aid dealer license that has been valid for the immediately preceding 12 months and one year of actual experience in testing, fitting, and dispensing of hearing aids.

120.14(2) Any licensed hearing aid dealer acting as a supervisor of persons who are trainees with temporary permits shall supervise not more than three trainees with temporary permits at the same time.

120.14(3) A trainee with a temporary permit shall have a minimum of ten hours of direct supervision, in sight and on-site, in the physical presence of the supervisor, per week for the first 90 days of supervised experience.

120.14(4) A trainee with a temporary permit shall not, independent of the supervisor, do any client evaluation or selection, fitting or selling of hearing aids before the completion of the first 30 days of supervised experience. All audiometric evaluations and contracts processed by the trainee shall be cosigned by the supervisor of the trainee for the duration of the temporary permit.

*Objection, see filed rule published IAC Supp. 12/29/75.

120.14(5) A trainee with a temporary permit is responsible for notifying the board within ten days in the event of an interruption of training by loss of supervision. The trainee is responsible for obtaining a replacement supervisor for continuance of the training period. In order to maintain the present training program, a statement signed by the replacement supervisor which states that the training program will be maintained shall be submitted to the board. If a statement by the replacement supervisor is not submitted, the trainee shall revert to new trainee status.

This rule is intended to implement Iowa Code section 154A.13.

645—120.15 to **120.199** Reserved.

DISCIPLINARY PROCEDURES FOR HEARING AID DEALERS

645—120.200(272C) Definitions. Rescinded IAB 5/27/92, effective 7/1/92.

645—120.201(272C) Complaint. Rescinded IAB 8/25/99, effective 9/29/99.

645—120.202(272C) Report of malpractice claims or actions. Rescinded IAB 8/25/99, effective 9/29/99.

645—120.203(272C) Investigation of complaints or malpractice claims. Rescinded IAB 8/25/99, effective 9/29/99.

645—120.204(272C) Settlements. Rescinded IAB 8/25/99, effective 9/29/99.

645—120.205(272C) License denial. Rescinded IAB 8/25/99, effective 9/29/99.

645—120.206(272C) Notice of hearing. Rescinded IAB 8/25/99, effective 9/29/99.

645—120.207(272C) Hearings open to the public. Rescinded IAB 8/25/99, effective 9/29/99.

645—120.208(272C) Hearings. Rescinded IAB 8/25/99, effective 9/29/99.

645—120.209(272C) Appeal. Rescinded IAB 8/25/99, effective 9/29/99.

645—120.210(272C) Transcript. Rescinded IAB 8/25/99, effective 9/29/99.

645—120.211(272C) Publication of decisions. Rescinded IAB 8/25/99, effective 9/29/99.

645—120.212(272C) Suspension, revocation or probation. The board may revoke or suspend a license or temporary permit permanently or for a fixed period, or impose a civil penalty which shall not exceed $1000 for any of the following causes:

120.212(1) Willful or repeated violations of the provisions of Iowa Code chapter 154.

120.212(2) Violation of the rules promulgated by the board.

120.212(3) Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of a profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

120.212(4) Fraud in representations as to skill or ability.

120.212(5) Personal disqualifications:

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

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

120.212(6) Practicing the profession while license is suspended or lapsed.

120.212(7) Violating the terms of probation, settlement or decision and order.

120.212(8) Suspension or revocation of license by another state.

120.212(9) Negligence by the licensee in the practice of the profession, which is a failure to exercise due care including negligent delegation to or supervision of employees or other individuals, whether or not injury results; or any conduct, practice or conditions which impair the ability to safely and skillfully practice the profession.

120.212(10) Prohibited acts consisting of the following:

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

b. Permitting another person to use the person's license for any purpose.

c. Practice outside the scope of a license.

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

e. Verbally or physically abusing clients.

120.212(11) Unethical business practices, consisting of any of the following:

a. Betrayal of a professional confidence.

b. Falsifying clients' records.

c. Advertising that hearing testing or hearing screening is for the purpose of detection of or diagnosis of medical problems or medical screening for referral to a physician.

d. Failure to place in an advertisement relating to hearing aids the hearing aid dealer's name, office address, and telephone number.

120.212(12) Failure to report a change of name or address within 30 days after it occurs.

120.212(13) Submission of a false report of continuing education or failure to submit the biannual report of continuing education.

120.212(14) Failure to notify the board within 30 days after occurrence of any judgment or settlement of a malpractice claim or action.

120.212(15) Failure to comply with a subpoena issued by the board.

120.212(16) Failure to report to the board as provided in rule 645—120.201(272C) any violation by another licensee of the reasons for disciplinary action as listed in this rule.

This rule is intended to implement Iowa Code section 154A.24.

645—120.213(272C) Peer review committees. Rescinded IAB 8/25/99, effective 9/29/99.

645—120.214 to **120.299** Reserved.

PROCEDURES FOR USE OF CAMERAS AND RECORDING DEVICES
AT OPEN MEETINGS

645—120.300(21) Conduct of persons attending meetings. Rescinded IAB 8/25/99, effective 9/29/99.

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CHAPTER 121
DECLARATORY RULINGS
[Prior to 5/27/92, see 645—120.12(17A)]
Rescinded IAB 8/25/99, effective 9/29/99

CHAPTER 122
PETITIONS FOR RULE MAKING
Rescinded IAB 8/25/99, effective 9/29/99

CHAPTER 123
AGENCY PROCEDURE FOR RULE MAKING
Rescinded IAB 8/25/99, effective 9/29/99

CHAPTER 124
CHILD SUPPORT NONCOMPLIANCE
Rescinded IAB 8/25/99, effective 9/29/99

CHAPTER 125
IMPAIRED PRACTITIONER REVIEW COMMITTEE
Rescinded IAB 8/25/99, effective 9/29/99

CHAPTERS 126 to 128
Reserved

CHAPTER 129
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
Rescinded IAB 8/25/99, effective 9/29/99

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CHAPTER 281
AGENCY PROCEDURE FOR RULE MAKING
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CHAPTER 282
PETITIONS FOR RULE MAKING
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CHAPTER 283
DECLARATORY RULINGS
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CHAPTER 284
CHILD SUPPORT NONCOMPLIANCE
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CHAPTER 285
IMPAIRED PRACTITIONER REVIEW COMMITTEE
Rescinded IAB 6/16/99, effective 7/21/99***

CHAPTERS 286 to 288
Reserved

CHAPTER 289
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
Rescinded IAB 6/16/99, effective 7/21/99***

CHAPTERS 290 to 299
Reserved

*Effective date of rules 161.212 to 161.217 delayed 70 days by the Administrative Rules Review Committee.
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400.4(3) *Used vehicle from a foreign jurisdiction.* If the vehicle was subject to the issuance of a certificate of title in the foreign jurisdiction, the certificate of title issued by the foreign jurisdiction to the applicant or properly assigned to the applicant shall be submitted.

a. A security interest, noted on the face of the foreign certificate of title, which has not been canceled, shall be noted on the face of the certificate of title issued to the applicant, in addition to any security interest acknowledged by the applicant.

b. A certificate of title issued in a foreign jurisdiction may be assigned to a motor vehicle dealer in another jurisdiction, except to a motor vehicle dealer licensed in this state, and the dealer may reassign the certificate of title to the applicant. An assignment or reassignment form, issued by a foreign jurisdiction, may be used with a foreign title certificate to complete an assignment or reassignment of ownership from a foreign motor vehicle dealer to the applicant, providing the ownership chain is complete.

c. If the vehicle was not subject to the issuance of a certificate of title in the foreign jurisdiction, the registration document issued by the foreign jurisdiction to the applicant or properly assigned to the applicant shall be submitted.

(1) If the foreign registration document is not issued in the applicant's name and does not contain an assignment of ownership form, a bill of sale conveying ownership from the owner as listed on the foreign registration document to the applicant shall be submitted with the foreign registration document.

(2) Upon receipt of the foreign registration document, the county treasurer shall issue a nontransferable—nonnegotiable registration unless the foreign registration document has been approved by the department.

(3) Acceptance of the foreign registration document shall be determined by the department on an individual basis, if the county treasurer of the county where the certificate of title is to be issued cannot determine whether the document is acceptable.

d. If a trailer weighing 2000 lbs. or less is exempt from the issuance of a certificate of title and registration in the foreign jurisdiction, a bill of sale conveying ownership to the applicant, if acquired by a resident from a nonresident, or an affidavit of ownership signed by the applicant, if the applicant is establishing residence in this state, shall be submitted.

e. If a motor vehicle is exempt from the issuance of a certificate of title and registration in the foreign jurisdiction, the bonding procedures as provided in Iowa Code section 321.24 shall be followed.

f. Rescinded IAB 3/8/89, effective 4/12/89.

400.4(4) *Used vehicle acquired by a resident of this state from a government agency.* If the vehicle was acquired from an agency of the federal government, the applicant shall surrender the government bill of sale, Form 97 or 97A, properly assigned to the applicant. If the vehicle was acquired from the state of Iowa or a subdivision of government the applicant shall surrender the Iowa certificate of title issued in the name of the agency, properly assigned to the applicant.

400.4(5) *Mobile home.* If the vehicle described on the application is a mobile home with an Iowa title, the applicant shall submit a tax clearance form to show that no taxes are owing, unless the title has been issued to a dealer licensed under Iowa Code chapter 322B. The form may be obtained by any owner of record of the mobile home from the county treasurer.

400.4(6) *Vehicle acquired by a resident of this state by operation of law.* If the vehicle was acquired by the applicant by operation of law as upon inheritance, devise or bequest, order in bankruptcy, insolvency, replevin, foreclosure or execution sale, under the laws of descent and distribution, artisan's lien sale, storage lien sale or abandoned vehicle sale, the last issued certificate of title shall be submitted by the applicant, or when that is not possible, presentation of satisfactory proof of the applicant's ownership and right of possession to the vehicle shall be submitted by the applicant. Proof of ownership may consist of a foreclosure sale affidavit, artisan's or storage lien affidavit, affidavit of death intestate, abandoned vehicle sales receipt, peace officers bill of sale or court order.

400.4(7) *Foreign ownership document issued in a language other than English.* A foreign ownership document issued in a language other than English may be required to be reproduced in writing in English and certified to be a correct translation by a person qualified to translate that particular language. The English translation and certification shall be submitted with the foreign ownership document.

400.4(8) *Titles from foreign jurisdictions.*

a. Except as provided in paragraph *"b"* of this subrule, a certificate of title issued by a foreign jurisdiction shall not be accepted if the title contains an alteration or erasure.

b. An affidavit of correction form issued by a foreign jurisdiction that corrects the certificate of title issued by the foreign jurisdiction shall be accepted only for the reason listed on the affidavit of correction form. However, acceptance of an affidavit of correction form that corrects an odometer statement or a designation shall be determined by the department on an individual basis.

400.4(9) *Supporting document retained by county treasurer.* All supporting documents shall be retained by the county treasurer.

This rule is intended to implement Iowa Code sections 321.20, 321.23, 321.24, 321.30, 321.31, 321.45 to 321.50, 321.67, and 321.71.

761—400.5(321) Where to apply for registration or certificate of title. Application for the registration of a vehicle or a certificate of title for a vehicle, or transfers thereof, shall be made to the county treasurer as described in Iowa Code chapter 321. Exceptions:

400.5(1) Application shall be made to the department's office of vehicle services for the following:

a. Titling and registration of vehicles owned by the government. This requirement does not apply to mobile homes subject to a scavenger sale pursuant to Iowa Code subsection 321.46(2).

b. Registration of vehicles leased by the government for a period of 60 days or more.

c. Registration of urban and regional transit system buses.

d. Registration of fire trucks not owned and operated for a pecuniary profit.

e. Registration of private school buses.

f. Registration of vehicles under the provisions of Iowa Code subsection 321.23(4), relating to restricted use vehicles.

400.5(2) Application for issuance of special mobile equipment plates and certificates of identification shall be made to the department's office of motor carrier services.

400.5(3) Application for a certificate of title for a vehicle subject to proportional registration under Iowa Code chapter 326 may be made to either the county treasurer or to the office of motor carrier services.

400.5(4) Application for proportional registration shall be made to the office of motor carrier services. See 761—Chapter 500.

This rule is intended to implement Iowa Code sections 321.18 to 321.23, 321.46(2), and 321.170.

761—400.6(17A) Addresses, information and forms. Information and forms for vehicle registration, certificate of title, or other procedures covered under Iowa Code sections 321.18 to 321.173 may be obtained from the county treasurer or these department offices:

400.6(1) Office of vehicle services, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278. The office is located in Park Fair Mall, 100 Euclid Avenue, Des Moines.

400.6(2) Office of Motor Carrier Services, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382. The office is located in Park Fair Mall, 100 Euclid Avenue, Des Moines.

This rule is intended to implement Iowa Code section 17A.3.

761—400.7(321) Information shown on title and registration. In addition to the requirements of Iowa Code sections 321.24, 321.52 and 321.71 and rules 761—Chapter 405, the following information shall be shown on a certificate of title or registration receipt when applicable:

400.7(1) Registration expiration date.

b. A written statement from the peace officer listing the plate number of the registration plate removed from the vehicle and the vehicle owner's name. The statement must either reference Iowa Code subparagraph 321.20B(4)"*a*"(3) or 321.20B(4)"*a*"(4), as applicable, or reference Iowa Code section 321.20B and indicate whether or not the vehicle was impounded. The statement must be signed by the peace officer or an employee of the law enforcement agency.

400.70(2) The peace officer may either destroy removed plates or deliver the removed plates to the county treasurer for destruction.

This rule is intended to implement Iowa Code section 321.20B and 1998 Iowa Acts, chapter 1121, section 2.

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CHAPTER 26
CONTESTED CASE PROCEEDINGS*

[Prior to 9/24/86, Employment Security[370] Ch 6]
[Former 345—6.5(96) and 6.8(96) transferred to 345—9.2(17A,96) and 9.1(17A,96) respectively, IAC 6/10/92]
[Prior to 3/12/97, Job Service Division [345] Ch 6]

871—26.1(17A,96) Applicability. The rules in this chapter govern the procedures for contested case proceedings brought pursuant to Iowa Code chapter 96.

871—26.2(17A,96) Definitions. Terms defined in the Iowa employment security law and the Iowa administrative procedure Act and which are used in these rules shall have the same meaning as provided by such laws. In addition, the following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"Contested case" means a proceeding defined in Iowa Code section 17A.2(5) and includes any matter defined as a no factual dispute contested case in 1998 Iowa Acts, chapter 1202, section 14. It specifically includes any appeal from a determination of a representative of the department or any appeal or request for a hearing by an employer or employing unit from an experience rating, charge determination or other decision affecting its liability. Except as provided in subrule 26.17(5), a final decision of the employment appeal board of the department of inspections and appeals shall constitute final agency action. A presiding officer's decision shall be the final decision of the department if there is no appeal therefrom to the employment appeal board of the department of inspections and appeals.

"Party" means each person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party.

"Presiding officer" means an administrative law judge employed by the department of workforce development.

871—26.3(17A,96) Time requirements.

26.3(1) Time shall be computed as provided in Iowa Code section 4.1(22).

26.3(2) For good cause, the presiding officer may extend or shorten the time to take any action, except as precluded by statute.

871—26.4(17A,96) Commencement of unemployment benefits contested case.

26.4(1) An unemployment benefits contested case is commenced with the filing, by mail, facsimile or in person, of a written appeal by a party with the appeals section of the department. The appeal shall be addressed or delivered to: Appeals Section, Department of Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319.

26.4(2) An appeal from an initial decision concerning the allowance or denial of benefits shall be filed, by mail, facsimile or in person, not later than ten calendar days, as determined by the postmark or the date stamp, after the decision was mailed to the party at its last-known address and shall state the following:

a. The name, address and social security number of the claimant;

b. A reference to the decision from which appeal is taken; and

c. The grounds upon which the appeal is based.

26.4(3) Notwithstanding the provisions of subrule 26.4(2), a contributory employer, which has not previously received a notice of the filing of a valid claim for benefits, may appeal an individual's eligibility to receive benefits within 30 days from the mailing date of the quarterly statement of benefit charges.

26.4(4) Also notwithstanding the provisions of subrule 26.4(2), a reimbursable employer, which has not previously received a notice of the filing of a valid claim for benefits, may appeal an individual's eligibility to receive benefits within 15 days from the mailing date of the quarterly billing of benefit charges.

*At its meeting held August 3, 1999, the Administrative Rules Review Committee voted to impose a 70-day delay on amendments published in the July 28, 1999, Iowa Administrative Bulletin as ARC 9215A.

26.4(5) Appeals transmitted by facsimile which are received by the appeals section after 11:59 p.m. Central time shall be deemed filed as of the next regular business day.

871—26.5(17A,96) Commencement of employer liability contested case.

26.5(1) An employer liability contested case is commenced with the filing of a written appeal with the appeals section of the department. The appeal shall be addressed or delivered to: Appeals Section, Department of Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319.

26.5(2) An appeal from a decision of the tax section of the department concerning employer status and liability, assessments, contribution (tax) rate, successorship, workers' status, and all questions regarding coverage of a worker or group of workers shall be filed, by mail, facsimile or in person, not later than 30 calendar days, as determined by the postmark or the date stamp, after the decision was mailed to the party at its last-known address and shall set forth the following:

a. The name, address, and Iowa employer account number of the employer;

b. The name and title of the person filing the appeal;

c. A reference to the decision from which the appeal is taken; and

d. The grounds upon which the appeal is based.

26.5(3) Appeals transmitted by facsimile which are received by the appeals section after 11:59 p.m. Central time shall be deemed filed as of the next regular business day.

871—26.6(17A,96) Notice of hearing.

26.6(1) A telephone or in-person hearing shall not be scheduled before the seventh calendar day after the parties receive notice of the hearing. Notice of hearing shall be sent by first-class mail to all parties at their last-known address and shall include:

a. The date, time and place of an in-person hearing, or the date and time of a telephone hearing, including instructions for calling the appeals section in advance of the hearing to provide the names and telephone numbers of all witnesses; and

b. The nature of the hearing, including the legal authority and jurisdiction under which the hearing is held; and

c. A statement of the issues and the applicable sections of the Iowa Code or Iowa Administrative Code; and

d. A description of who will serve as presiding officer.

26.6(2) The seven-day notice of hearing may be waived upon the agreement of the parties.

26.6(3) An in-person hearing shall be scheduled in the following workforce development centers: Burlington, Carroll, Cedar Rapids, Creston, Council Bluffs, Davenport, Decorah, Des Moines, Dubuque, Fort Dodge, Mason City, Ottumwa, Sioux City, Spencer, Storm Lake, and Waterloo.

26.6(4) A hearing shall be scheduled promptly and shall be conducted by telephone unless a party requests that it be held in person. A request for an in-person hearing may be denied if factors such as the distance between the parties, the number of parties or the health of any party makes it impractical or impossible to conduct a fair hearing in person. An in-person hearing may be scheduled at the discretion of the presiding officer to whom the contested case is assigned or, in that presiding officer's absence, the chief administrative law judge of the appeals section. The party requesting an in-person hearing will ordinarily be required to travel the greater distance if all parties are not located near the same hearing site. As a matter of discretion, the appeals section may schedule an in-person hearing at a regular hearing site approximately equidistant from the parties. In the discretion of the presiding officer to whom the contested case is assigned, witnesses or representatives may be allowed to participate via telephone in an in-person hearing, provided that each party has at least one witness present at the hearing site. When two or more parties are involved, the evidence shall be presented during the same hearing.

26.6(5) Whenever it appears that other parties should be joined to dispose of all issues in a contested case, the presiding officer shall so order and shall grant such continuance and hold such additional proceedings, upon notice to all parties, as may be necessary.

871—26.16(17A,96) Recording costs.

26.16(1) The presiding officer shall electronically record all evidentiary hearings, prehearing conferences and hearings on motions, all of which constitute a part of the record of the contested case. A party may, at its own expense, also record any hearing electronically or by certified shorthand reporter.

26.16(2) The appeals section of the department of workforce development shall provide a copy of the whole or a part of the record at cost, unless there is further appeal in which event the record shall be provided to all parties at no cost.

871—26.17(17A,96) Decisions.

26.17(1) The presiding officer shall issue a written, signed decision as soon as practicable after the closing of the record in a contested case. Each decision shall:

a. Set forth the issues, appeal rights, a concise history of the case, findings of essential facts, the reasons for the decision and the actual disposition of the case;

b. Be based on the kind and quality of evidence upon which reasonably prudent persons customarily rely for the conduct of their serious affairs, even if none of such evidence would be admissible in a jury trial in the Iowa district court; and

c. Be sent by first-class mail to each of the parties in interest and their representatives.

26.17(2) In reaching a decision, the presiding officer shall apply relevant portions of the Iowa Code, decisions of the Supreme Court of Iowa, published decisions of the Iowa Court of Appeals, the Iowa Administrative Code and pertinent state and federal court decisions, statutes and regulations.

26.17(3) Copies of all presiding officer decisions shall be kept on file for public inspection at the administrative office of the department of workforce development, filed according to hearing (appeal) number and indexed by the social security number of the claimant.

26.17(4) A presiding officer's decision allowing benefits shall result in the prompt payment of all benefits due. An appeal shall not stay the payment of benefits. A presiding officer's decision reversing an allowance of benefits shall include a statement of overpayment of benefits erroneously paid.

26.17(5) A presiding officer's decision constitutes final agency action in an employer liability contested case.

a. Any party in interest may file with the presiding officer a written application for rehearing within 20 days after the issuance of the decision. A request for rehearing is deemed denied unless the presiding officer grants the rehearing request within 20 days after its filing.

b. Any party in interest may file a petition for judicial review in the Iowa district court within 30 days after the issuance of the decision or within 30 days after the denial of the request for rehearing.

These rules are intended to implement Iowa Code chapters 17A and 96.

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