

State of Iowa

Iowa
Administrative
Code
Supplement

Biweekly
November 15, 2000



KATHLEEN K. BATES
ADMINISTRATIVE CODE EDITOR

STEPHANIE A. HOFF
ASSISTANT EDITOR

PUBLISHED BY THE
STATE OF IOWA
UNDER AUTHORITY OF IOWA CODE SECTION 17A.6

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 THE IOWA ADMINISTRATIVE CODE

Agency names and numbers in the first column below correspond to the divider tabs in the IAC binders. Obsolete pages of the IAC are listed in the "Remove Old Pages" column. New and replacement pages included in this Supplement are listed in the "Insert New Pages" column. Carefully remove and insert pages as directed.

Editor's telephone: (515)281-3355 or (515)281-8157

Fax: (515)281-4424

UPDATING INSTRUCTIONS November 15, 2000, Biweekly Supplement [Previous Supplement dated 11/1/00]

	Remove Old Pages*	Insert New Pages
Insurance Division[191]	Analysis, p. 1, 2 Ch 5, p. 41, 42 Ch 71, p. 19, 20 Ch 71, p. 27, 28 Ch 75, p. 7, 8 Ch 75, p. 11, 12	Analysis, p. 1, 2 Ch 5, p. 41, 42 Ch 71, p. 19, 20 Ch 71, p. 27, 28 Ch 75, p. 7, 8 Ch 75, p. 11, 12
Utilities Division[199]	Ch 19, p. 21, 22 Ch 20, p. 21, 22	Ch 19, p. 21, 22 Ch 20, p. 21, 22
ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]	Analysis, p. 1, 2 Analysis, p. 7—Analysis, p. 9 Ch 11, p. 1—Ch 11, p. 4 Ch 20, p. 1—Ch 20, p. 8 Ch 53, p. 7, 8 Ch 53, p. 15 Ch 65, p. 1—Ch 65, p. 4 Ch 211, p. 1—Ch 211, p. 5	Analysis, p. 1, 2 Analysis, p. 7—Analysis, p. 9 Ch 11, p. 1—Ch 11, p. 4 Ch 20, p. 1—Ch 20, p. 9 Ch 53, p. 7, 8 Ch 53, p. 15 Ch 65, p. 1—Ch 65, p. 4 Ch 211, p. 1—Ch 213, p. 5
EDUCATION DEPARTMENT[281]	Analysis, p. 9, 10 Analysis, p. 15, 16 Ch 48, p. 1—Ch 48, p. 4 Ch 97, p. 1—Ch 97, p. 3	Analysis, p. 9, 10 Analysis, p. 15, 16 Ch 48, p. 1—Ch 48, p. 3 Ch 97, p. 1—Ch 100, p. 8
Educational Examiners Board[282]	Analysis, p. 3, 4 Ch 14, p. 3, 4 Ch 14, p. 7—Ch 14, p. 10	Analysis, p. 3, 4 Ch 14, p. 3, 4 Ch 14, p. 7—Ch 14, p. 10d

*These pages may be archived for tracing the history of a rule.

Remove Old Pages***Insert New Pages****Educational Examiners
Board[282](Cont'd)**

Ch 14, p. 17, 18
 (Do not remove p. 18a)
 Ch 14, p. 21, 22
 Ch 14, p. 31
 Ch 21, p. 1

Ch 14, p. 17, 18
 Ch 14, p. 21, 22
 Ch 14, p. 31
 Ch 21, p. 1, 2

**HUMAN SERVICES
DEPARTMENT[441]**

Analysis, p. 3, 4
 Ch 25, p. 23—Ch 25, p. 27
 Ch 75, p. 89, 90

Analysis, p. 3, 4
 Ch 25, p. 23—Ch 25, p. 27
 Ch 75, p. 89, 90

**Environmental Protection
Commission[567]**

Ch 60, p. 1, 2
 Ch 60, p. 11, 12
 Ch 62, p. 3—Ch 63, p. 2
 Ch 63, p. 13

Ch 60, p. 1, 2
 Ch 60, p. 11, 12
 Ch 62, p. 3—Ch 63, p. 2
 Ch 63, p. 13

**Dental Examiners
Board[650]**

Analysis, p. 1—Analysis, p. 4
 Ch 1, p. 1, 2
 Ch 6, p. 3—Ch 6, p. 7
 Ch 10, p. 1, 2
 Ch 14, p. 1—Ch 21, p. 1
 Ch 22, p. 3—Ch 25, p. 6
 Ch 27, p. 1—Ch 27, p. 4
 Ch 30, p. 1—Ch 34, p. 2

Analysis, p. 1—Analysis, p. 4
 Ch 1, p. 1, 2
 Ch 6, p. 3—Ch 6, p. 7
 Ch 10, p. 1, 2
 Ch 14, p. 1—Ch 21, p. 1
 Ch 22, p. 3—Ch 25, p. 6
 Ch 27, p. 1—Ch 27, p. 4
 Ch 30, p. 1—Ch 34, p. 2

**REVENUE AND FINANCE
DEPARTMENT[701]**

Analysis, p. 7, 8
 Ch 17, p. 21, 22
 Ch 18, p. 11—Ch 18, p. 14
 Ch 18, p. 71—Ch 18, p. 74
 Ch 84, p. 1—Ch 84, p. 3

Analysis, p. 7, 8
 Ch 17, p. 21, 22
 Ch 18, p. 11—Ch 18, p. 14
 Ch 18, p. 71—Ch 18, p. 75
 Ch 84, p. 1—Ch 84, p. 4

Index Volume

“D” Tab, p. 3-20

“D” Tab, p. 3-20

INSURANCE DIVISION[191]

[Prior to 10/22/86, see Insurance Department[510], renamed Insurance Division[191] under the "umbrella"
of Department of Commerce by the 1986 Iowa Acts, Senate File 2175]

ORGANIZATION AND PROCEDURES

CHAPTER 1

ORGANIZATION OF DIVISION

- 1.1(502,505) Organization
- 1.2(502,505) Location
- 1.3(22,502,505) Public information and inspection of records

CHAPTER 2

DECLARATORY ORDERS

- 2.1(17A) Petition for declaratory order
- 2.2(17A) Notice of petition
- 2.3(17A) Intervention
- 2.4(17A) Briefs
- 2.5(17A) Inquiries
- 2.6(17A) Service and filing of petitions and other papers
- 2.7(17A) Consideration
- 2.8(17A) Action on petition
- 2.9(17A) Refusal to issue order
- 2.10(17A) Contents of declaratory order—effective date
- 2.11(17A) Copies of orders
- 2.12(17A) Effect of a declaratory order

CHAPTER 3

CONTESTED CASES

- 3.1(17A) Scope and applicability
- 3.2(17A) Definitions
- 3.3(17A) Time requirements
- 3.4(17A) Requests for contested case proceeding
- 3.5(17A) Commencement of hearing; notice
- 3.6(17A) Presiding officer
- 3.7(17A) Waiver of procedures
- 3.8(17A) Telephone proceedings
- 3.9(17A) Disqualification
- 3.10(17A) Consolidation—severance
- 3.11(17A) Pleadings
- 3.12(17A) Service and filing of pleadings and other papers
- 3.13(17A) Discovery
- 3.14(17A) Subpoenas
- 3.15(17A) Motions
- 3.16(17A) Prehearing conference
- 3.17(17A) Continuances
- 3.18(17A) Withdrawals
- 3.19(17A) Intervention
- 3.20(17A) Hearing procedures
- 3.21(17A) Evidence

- 3.22(17A) Default
- 3.23(17A) Ex parte communication
- 3.24(17A) Recording costs
- 3.25(17A) Interlocutory appeals
- 3.26(17A) Final decision
- 3.27(17A) Appeals and review
- 3.28(17A) Applications for rehearing
- 3.29(17A) Stay of agency action
- 3.30(17A) No factual dispute contested cases
- 3.31(17A) Emergency adjudicative proceedings
- 3.32(502,505) Summary cease and desist orders
- 3.33(17A,502,505) Informal settlement
- 3.34(17A,502,505) Witness fees

CHAPTER 4

AGENCY PROCEDURE FOR RULE MAKING

- 4.1(17A) Applicability
- 4.2(17A) Advice on possible rules before notice of proposed rule adoption
- 4.3(17A) Public rule-making docket
- 4.4(17A) Notice of proposed rule making
- 4.5(17A) Public participation
- 4.6(17A) Regulatory analysis
- 4.7(17A,25B) Fiscal impact statement
- 4.8(17A) Time and manner of rule adoption
- 4.9(17A) Variance between adopted rule and rule proposed in Notice of Intended Action
- 4.10(17A) Exemptions from public rule-making procedures
- 4.11(17A) Concise statement of reasons
- 4.12(17A) Contents, style, and form of rule
- 4.13(17A) Agency rule-making record
- 4.14(17A) Filing of rules
- 4.15(17A) Effectiveness of rules prior to publication
- 4.16(17A) General statements of policy
- 4.17(17A) Review of rules by division
- 4.18(17A) Petition for rule making

REGULATION OF INSURERS

CHAPTER 5

REGULATION OF INSURERS—
GENERAL PROVISIONS

- 5.1(507) Examination reports
 - 5.2(505,507) Examination for admission
 - 5.3(507,508,515) Submission of quarterly financial information
 - 5.4(505,508,515,520) Surplus notes
 - 5.5(505,515,520) Maximum allowable premium volume
 - 5.6(505,515,520) Treatment of various items on the financial statement
 - 5.7(505) Ordering withdrawal of domestic insurers from states
 - 5.8(505) Monitoring
 - 5.9(505) Rate filings
 - 5.10(511) Life companies—permissible investments
 - 5.11(511) Investment of funds
 - 5.12(515) Collateral loans
 - 5.13(508,515) Loans to officers, directors, employees, etc.
 - 5.14 to 5.19 Reserved
 - 5.20(508) Computation of reserves
- UNEARNED PREMIUM RESERVES ON
MORTGAGE GUARANTY INSURANCE POLICIES
- 5.21(515C) Unearned premium reserve factors
 - 5.22(515C) Contingency reserve
 - 5.23(507C) Standards
 - 5.24(507C) Commissioner's authority
 - 5.25(505) Annual audited financial reports
 - 5.26(508,515) Participation in the NAIC Insurance Regulatory Information System
 - 5.27(508,515,520) Asset valuation
 - 5.28(508,515,520) Risk-based capital and surplus
 - 5.29(508,515) Actuarial certification of reserves
 - 5.30(515) Single maximum risk—fidelity and surety risks
 - 5.31(515) Reinsurance contracts
 - 5.32(511,515) Investments in medium grade and lower grade obligations
 - 5.33(510) Credit for reinsurance
 - 5.34(508) Actuarial opinion and memorandum
 - 5.35 to 5.39 Reserved
 - 5.40(515) Premium tax

- 5.41(508) Tax on gross premiums—life companies
- 5.42 Reserved
- 5.43(510) Managing general agents

DISCLOSURE OF MORTGAGE LOAN
APPLICATIONS

- 5.44 to 5.49 Reserved
- 5.50(535A) Purpose
- 5.51(535A) Definitions
- 5.52(535A) Filing of reports
- 5.53(535A) Form and content of reports
- 5.54(535A) Additional information required
- 5.55(535A) Written complaints
- 5.56 to 5.89 Reserved

CHAPTER 6

ORGANIZATION OF DOMESTIC
INSURANCE COMPANIES

- 6.1(506) Definitions
- 6.2(506) Promoters contributions
- 6.3(506) Escrow
- 6.4(506) Alienation
- 6.5(506) Sales to promoters
- 6.6(506) Options
- 6.7(506) Qualifications of management
- 6.8(506) Chief executive
- 6.9(506) Directors

CHAPTER 7

DOMESTIC STOCK INSURERS PROXIES

- PROXY REGULATIONS
- 7.1(523) Application of regulation
 - 7.2(523) Proxies, consents and authorizations
 - 7.3(523) Disclosure of equivalent information
 - 7.4(523) Definitions
 - 7.5(523) Information to be furnished to stockholders
 - 7.6(523) Requirements as to proxy
 - 7.7(523) Material required to be filed
 - 7.8(523) False or misleading statements
 - 7.9(523) Prohibition of certain solicitations
 - 7.10(523) Special provisions applicable to election contests

SCHEDULE A

INFORMATION REQUIRED IN PROXY STATEMENT

SCHEDULE B

INFORMATION TO BE INCLUDED IN STATEMENTS
FILED BY OR ON BEHALF OF A PARTICIPANT
(OTHER THAN THE INSURER) IN A PROXY
SOLICITATION IN AN ELECTION CONTEST

191—5.54(535A) Additional information required.

5.54(1) Reporting financial institutions shall file with the commissioner of insurance on or before March 15 of each year Disclosure Form B or a form similar thereto the following additional information with respect to loans for the purchase of residential property made during the preceding year:

a. The number of loans approved at each of the following percentages of the appraised value of the property used as security for the loan:

- (1) Less than 60 percent
- (2) 60 percent to 69 percent
- (3) 70 percent to 79 percent
- (4) 80 percent to 89 percent
- (5) 90 percent or more

b. The number of loans approved for each of the following amortization periods:

- (1) Less than 10 years
- (2) 10 to 14 years
- (3) 15 to 19 years
- (4) 20 to 24 years
- (5) 25 to 29 years
- (6) 30 or more

c. The number of loans made at each interest rate charged.

5.54(2) Reporting financial institutions are not required to file the additional information required by subrule 5.54(1) for any loan guaranteed in whole or part under any program of the United States or any of its agencies or instrumentalities, if:

a. The reporting financial institution made a written loan commitment for the loan at the maximum rate of interest permitted under the program at the time of the commitment, and

b. The amortization period for a loan is the maximum period permitted under the program or a shorter period established in response to a request initiated solely by the borrower, and

c. The loan is made at the maximum percentage of appraised value of the property permitted under the program or for the total amount which the borrower desired to borrow, and

d. The reporting financial institution files with the commissioner of insurance on or before March 15 of each year its verified statement, signed by an officer of the reporting financial institution, that it has made loans under such a program and that it has filed the report required by rule 5.54(2) for each such loan not exempted by this rule.

191—5.55(535A) Written complaints. Any person who has reason to believe that a financial institution has failed to comply with the provisions of Iowa Code chapter 535A or these rules may file a written complaint with the insurance division, Des Moines, Iowa 50319, or bring an action in the district court in accordance with Iowa Code chapter 535A.

These rules are intended to implement Iowa Code sections 535A.2 and 535A.4.

191—5.56 to 5.89 Reserved.

191—5.90(145) Implementation of health data commission directives. Rescinded IAB 11/15/00, effective 12/20/00.

[Filed 8/1/63, amended 11/21/63, 1/13/71]

[Filed emergency 5/24/76, Notice 4/19/76—published 6/14/76, effective 5/24/76]

[Filed emergency 2/13/79—published 3/7/79, effective 2/13/79]

[Filed emergency after Notice 7/20/79, Notice 3/7/79—published 8/8/79, effective 7/31/79]

[Filed 4/4/84, Notice 2/29/84—published 4/25/84, effective 5/30/84]

[Filed 4/3/85, Notice 2/27/85—published 4/24/85, effective 5/29/85]

[Filed 10/3/86, Notice 8/27/86—published 10/22/86, effective 11/26/86]

- [Editorially transferred from [510] to [191], IAC Supp. 10/22/86; see IAB 7/30/86]
- [Filed 2/5/88, Notice 12/30/87—published 2/24/88, effective 3/30/88]
- [Filed 12/9/88, Notice 10/5/88—published 12/28/88, effective 2/1/89]
- [Filed 7/21/89, Notice 5/31/89—published 8/9/89, effective 9/13/89]
- [Filed 3/16/90, Notice 2/7/90—published 4/4/90, effective 5/9/90]
- [Filed 1/4/91, Notice 11/28/90—published 1/23/91, effective 2/27/91]
- [Filed 4/12/91, Notice 3/6/91—published 5/1/91, effective 6/5/91]
- [Filed emergency 6/21/91—published 7/10/91, effective 6/21/91]
- [Filed 7/3/91, Notice 5/29/91—published 7/24/91, effective 8/28/91]◇
- [Filed 8/15/91, Notice 7/10/91—published 9/4/91, effective 10/9/91]
- [Filed 12/6/91, Notice 10/30/91—published 12/25/91, effective 1/29/92]◇
- [Filed emergency 11/6/92—published 11/25/92, effective 11/6/92]
- [Filed 8/13/93, Notice 7/7/93—published 9/1/93, effective 10/6/93]
- [Filed 10/20/95, Notice 9/13/95—published 11/8/95, effective 1/1/96]
- [Filed 3/5/99, Notice 11/4/98—published 3/24/99, effective 4/28/99]
- [Filed 10/27/00, Notice 9/20/00—published 11/15/00, effective 12/20/00]

HOSPITAL SERVICES	MANDATED INDEMNITY		MANDATED HMOs	
	BASIC	STANDARD	BASIC HMO	STANDARD HMO
Inpatient	60%	80%	60% of \$400/admit	80% \$200/admit
Prostheses	60%	80%	60%	80%
DME—including medical supplies	60%	80%	60%	80%
Ambulance-Emergency	60%	80%	60%	80%
Hospice	60%	80%	60%	80%
Home Health and Physician House Calls	60%	80%	60%	80%
ALCOHOLISM/ SUBSTANCE ABUSE				
Inpatient		80% ⁽³⁾		80% ⁽³⁾
Outpatient		80% ⁽³⁾ (\$50 max. eligible fee)		80% ⁽³⁾
MENTAL HEALTH				
Inpatient		80% ⁽³⁾		80% ⁽³⁾
Outpatient		80% ⁽³⁾ (\$50 max. eligible fee)		80% ⁽³⁾
RX	60%	80%	Copayment greater of \$15 or 25%	Copayment greater of \$10 or 25%
Transplants		80%		80%

⁽³⁾\$50,000 lifetime max.

ACCEPTABLE EXCLUSIONS FOR USE IN BASIC AND STANDARD POLICIES

Except as specifically provided for, no benefits will be provided for services, supplies or charges:

1. Which are not prescribed by, performed by, or upon the direction of a provider;
2. Which are not medically necessary;
3. Rendered by other than a hospital or a provider;
4. Which are investigational in nature; including any service, procedure, or treatment directly related to an investigational treatment;
5. For any condition, disease, illness, or bodily injury which occurs in the course of employment if benefits or compensation is carried or required, in whole or in part, under the provisions of any legislation or governmental unit. This exclusion applies whether or not the insured claims the benefits or compensation;

6. To the extent benefits are provided by any governmental unit except as required by federal law for the treatment of veterans in Veterans Administration or armed forces facilities for non-service-related medical conditions;
7. For any illness or injury suffered as a result of any act of war or while in the military service;
8. For which the insured would have no legal obligation to pay in the absence of this or any similar coverage;
9. Received from a dental or medical department maintained by or on behalf of an employer, a mutual benefit association, labor union, trust, or similar person or group;
10. Surgery and any related services intended solely to improve appearance including but not limited to the restoration of hair and appearance of skin. This does not include those services or surgeries that restore bodily function or correct deformity resulting from disease, trauma, congenital or developmental anomalies of a newborn;
11. Rendered by a provider that is a member of the insured's immediate family;
12. Incurred prior to the effective date or during an inpatient admission that commenced prior to the insured's effective date of coverage;
13. Incurred after the date of termination of the insured's coverage;
14. For personal hygiene and convenience items such as, but not limited to, air conditioners, humidifiers, or physical fitness equipment;
15. For telephone consultations, charges for failure to keep scheduled appointments, charges for completion of any form or charges for medical information;
16. For inpatient admissions which are primarily for diagnostic studies or physical therapy;
17. For whole blood, blood components and blood derivatives which are not classified as drugs in the official formularies;
18. For custodial care, domiciliary care or rest cures;
19. For treatment in a facility, or part of a facility, that is mainly a place for: (a) rest; (b) convalescence; (c) custodial care; (d) the aged; (e) the care or treatment of alcoholism or drug addiction; (f) rehabilitation; or (g) training, schooling or occupational therapy;
20. For screening examinations including X-ray examinations made without film;

191—71.22(514C) Provider access. A carrier shall allow a female enrollee direct access to obstetrical or gynecological services from network and participating providers. The plan shall also allow a pediatrician to be the primary care provider for a child through the age of 18.

These rules are intended to implement Iowa Code chapters 513B and 514C and 1999 Iowa Acts, Senate File 276.

191—71.23(513B) Reconstructive surgery.

71.23(1) A carrier or organized delivery system that provides medical and surgical benefits with respect to a mastectomy shall provide the following coverage in the event an enrollee receives benefits in connection with a mastectomy and elects breast reconstruction:

- a. Reconstruction of the breast on which the mastectomy has been performed;
- b. Surgery and reconstruction of the other breast to produce a symmetrical appearance; and
- c. Prosthesis and coverage of physical complications at all stages of a mastectomy including lymphedemas.

71.23(2) The benefits under this rule shall be provided in a manner determined in consultation with the attending physician and the enrollee. The coverage may be subject to annual deductibles and coinsurance provisions that are consistent with other benefits under the plan or coverage.

71.23(3) Written notice of the availability of coverage in this rule shall be provided to the enrollee upon enrollment and then annually.

71.23(4) A carrier or organized delivery system shall not deny an enrollee eligibility or continued eligibility to enroll or renew coverage under the terms of the health insurance solely for the purpose of avoiding the requirements of this rule. A carrier or organized delivery system shall not penalize, reduce or limit the reimbursement of an attending provider or induce the provider to provide care in a manner inconsistent with this rule.

This rule is intended to implement Public Law 105-277.

191—71.24(514C) Contraceptive coverage.

71.24(1) A carrier or organized delivery system that provides benefits for outpatient prescription drugs or devices shall provide benefits for prescription contraceptive drugs or prescription contraceptive devices which prevent conception and are approved by the United States Food and Drug Administration or generic equivalents approved as substitutable by the United States Food and Drug Administration. The covered drugs and devices are as follows:

- a. Oral contraceptives.
- b. Diaphragms.
- c. Subcutaneous contraceptive implants.
- d. Intrauterine devices.
- e. Injectable contraceptives.
- f. Emergency contraception pills.
- g. Cervical caps.

71.24(2) A carrier or organized delivery system is not required to provide benefits for over-the-counter contraceptive drugs or contraceptive devices that do not require a prescription for purchase.

71.24(3) A contraceptive drug or contraceptive device does not include surgical services intended for sterilization, including, but not limited to, tubal ligation or vasectomy.

71.24(4) A carrier or organized delivery system shall be required to provide benefits for services related to outpatient contraceptive services for the purpose of preventing conception if the policy or contract provides benefits for other outpatient services provided by a health care professional.

71.24(5) If a carrier or organized delivery system does not provide benefits for a routine physical examination, the carrier or organized delivery system is not required to provide benefits for a routine physical examination provided in the course of prescribing a contraceptive drug or contraceptive device.

This rule is intended to implement 2000 Iowa Acts, Senate File 2126.

- [Filed emergency 7/2/93—published 7/21/93, effective 7/2/93]
- [Filed 10/20/93, Notice 7/21/93—published 11/10/93, effective 12/15/93]
- [Filed 5/2/94, Notice 3/2/94—published 5/25/94, effective 6/29/94]
- [Filed emergency 12/1/94—published 12/21/94, effective 1/1/95]
- [Filed 5/4/95, Notice 2/1/95—published 5/24/95, effective 7/1/95]
- [Filed 7/25/96, Notice 4/24/96—published 8/14/96, effective 9/18/96]
- [Filed emergency 6/26/97—published 7/16/97, effective 7/1/97]
- [Filed 10/10/97, Notice 7/16/97—published 11/5/97, effective 12/10/97]
- [Filed emergency 10/16/98—published 11/4/98, effective 10/16/98]
- [Filed emergency 6/25/99—published 7/14/99, effective 7/1/99]
- [Filed 9/3/99, Notice 7/14/99—published 9/22/99, effective 10/27/99]
- [Filed 4/10/00, Notice 1/12/00—published 5/3/00, effective 6/7/00]
- [Filed 8/17/00, Notice 7/12/00—published 9/6/00, effective 10/11/00]
- [Filed 10/27/00, Notice 9/20/00—published 11/15/00, effective 12/20/00]

Iowa Individual Products

General	MANDATED INDEMNITY/ODS				MANDATED HMO	
	BASIC	STANDARD	PPO		BASIC	STANDARD
			In	Out		
Calendar year deductibles (S/F)	\$1,500 x 3	\$1,000 x 3	\$1,000 x 3	\$1,000 x 3	—	—
E.R. Copayment	—	—	—	—	\$50 (waived if admitted)	\$50 (waived if admitted)
Coinsurance	60%	80%	80%	60%	60%	80%
Annual out-of-pocket max. ⁽¹⁾	\$4,800/ \$14,400	\$2,000/ \$4,000	\$2,000/ \$4,000	\$3,000/ \$6,000	\$4,000/ \$8,000	\$2,000/ \$4,000
Lifetime Maximum	\$250,000	\$1,000,000	\$1,000,000	\$1,000,000	\$250,000	\$1,000,000
Pre-existing	513C.7(4) (a)&(b)	513C.7(4) (a)&(b)	513C.7(4) (a)&(b)	513C.7(4) (a)&(b)	513C.7(4) (a)&(b)	513C.7(4) (a)&(b)
Rx	60%	80%	80%	60%	Copayment of > \$30 or 25%	Copayment of > \$20 or 25%
Transplants	None	80%	80%	80%	None	80%

⁽¹⁾Excludes deductibles and copays

Physician Services	MANDATED INDEMNITY/ODS				MANDATED HMO	
	BASIC	STANDARD	PPO		BASIC	STANDARD
			In	Out		
Office visits including wellness	60%	80%	\$20 copay 100%	\$40 copay 60%	\$20 copay per office visit	\$15 copay per office visit
Urgent Care	60%	80%	80%	60%	60%	80%
Inpatient	60%	80%	80%	60%	60%	80%
Outpatient	60%	80%	80%	60%	60%	80%

ACCEPTABLE EXCLUSIONS FOR USE IN BASIC AND STANDARD POLICIES

75.10(6) Except as specifically provided for, no benefits will be provided for services, supplies or charges:

1. Which are not prescribed by, performed by, or upon the direction of a provider;
2. Which are not medically necessary;
3. Rendered by other than a hospital or a provider;
4. Which are investigational in nature; including any service, procedure, or treatment directly related to an investigational treatment;
5. For any condition, disease, illness, or bodily injury which occurs in the course of employment if benefits or compensation is carried or required, in whole or in part, under the provisions of any legislation or governmental unit. This exclusion applies whether or not the insured claims the benefits or compensation;
6. To the extent benefits are provided by any governmental unit except as required by federal law for the treatment of veterans in Veterans Administration or armed forces facilities for non-service-related medical conditions;
7. For any illness or injury suffered as a result of any act of war, declared or undeclared, or military service;
8. For which the insured would have no legal obligation to pay in the absence of this or any similar coverage;
9. For which no expense is incurred;
10. Surgery and any related services intended solely to improve appearance including but not limited to the restoration of hair and appearance of skin. This does not include those services or surgeries that restore bodily function or correct deformity resulting from disease, trauma, congenital or developmental anomalies of a newborn;
11. Rendered by a provider that is a member of the insured's immediate family;
12. Incurred prior to the effective date or during an inpatient admission that commenced prior to the insured's effective date of coverage;
13. Incurred after the date of termination of the insured's coverage;
14. For personal hygiene and convenience items such as, but not limited to, air conditioners, humidifiers, or physical fitness equipment;
15. For telephone consultations, charges for failure to keep scheduled appointments, charges for completion of any form or charges for medical information;
16. For inpatient admissions which are primarily for diagnostic studies or physical therapy;
17. For whole blood, blood components and blood derivatives which are not classified as drugs in the official formularies;
18. For custodial care, domiciliary care or rest cures;
19. For treatment in a facility, or part of a facility, that is mainly a place for:
 - Rest;
 - Convalescence;
 - Custodial care;
 - Aged;
 - Care or treatment of alcoholism or drug addiction;
 - Rehabilitation; or
 - Training, schooling or occupational therapy;

75.14(3) Reimbursement to a provider of “emergency services” shall not be denied by any carrier without that organization’s review of the patient’s medical history, presenting symptoms, and admitting or initial as well as final diagnosis, submitted by the provider, in determining whether, by definition, emergency services could reasonably have been expected to be provided. Reimbursement for emergency services shall not be denied solely on the grounds that services were performed by a non-contracted provider. If reimbursement for emergency services is denied, the enrollee may file a complaint with the carrier. Upon denial of reimbursement for emergency services, the carrier shall notify the enrollee and provider that they may register a complaint with the commissioner of insurance.

191—75.15(514C) Provider access. A carrier shall allow a female enrollee direct access to obstetrical or gynecological services from network and participating providers. The plan shall also allow a pediatrician to be the primary care provider for a child through the age of 18.

191—75.16(514C) Diabetic coverage. All carriers shall provide benefits in the standard health benefit plan for the cost associated with equipment, supplies, and education for the treatment of diabetes pursuant to Iowa Code section 514C.14.

These rules are intended to implement Iowa Code chapters 513C and 514C and 1997 Iowa Acts, House File 701; 1995 Iowa Acts, chapter 204, section 14; 1996 Iowa Acts, chapter 1219, section 52; and 1999 Iowa Acts, Senate File 276.

191—75.17(513C) Reconstructive surgery.

75.17(1) A carrier or organized delivery system that provides medical and surgical benefits with respect to a mastectomy shall provide the following coverage in the event an enrollee receives benefits in connection with a mastectomy and elects breast reconstruction:

- a. Reconstruction of the breast on which the mastectomy has been performed;
- b. Surgery and reconstruction of the other breast to produce a symmetrical appearance; and
- c. Prostheses and coverage of physical complications at all stages of a mastectomy including lymphedemas.

75.17(2) The benefits under this rule shall be provided in a manner determined in consultation with the attending physician and the enrollee. The coverage may be subject to annual deductibles and insurance provisions that are consistent with other benefits under the plan or coverage.

75.17(3) Written notice of the availability of coverage in this rule shall be provided to the enrollee upon enrollment and then annually.

75.17(4) A carrier or organized delivery system shall not deny an enrollee eligibility or continued eligibility to enroll or renew coverage under the terms of the health insurance solely for the purpose of avoiding the requirements of this rule. A carrier or organized delivery system shall not penalize, reduce or limit the reimbursement of an attending provider or induce the provider to provide care in a manner inconsistent with this rule.

This rule is intended to implement Public Law 105-277.

191—75.18(514C) Contraceptive coverage.

75.18(1) A carrier or organized delivery system that provides benefits for outpatient prescription drugs or devices shall provide benefits for prescription contraceptive drugs or prescription contraceptive devices which prevent conception and are approved by the United States Food and Drug Administration or generic equivalents approved as substitutable by the United States Food and Drug Administration. The covered drugs and devices are as follows:

- a. Oral contraceptives.
- b. Diaphragms.
- c. Subcutaneous contraceptive implants.
- d. Intrauterine devices.

- e. Injectable contraceptives.
- f. Emergency contraception pills.
- g. Cervical caps.

75.18(2) A carrier or organized delivery system is not required to offer benefits for over-the-counter contraceptive drugs or contraceptive devices that do not require a prescription for purchase.

75.18(3) A contraceptive drug or contraceptive device does not include surgical services intended for sterilization, including, but not limited to, tubal ligation or vasectomy.

75.18(4) A carrier or organized delivery system shall make available benefits for services related to outpatient contraceptive services for the purpose of preventing conception if the policy or contract provides benefits for other outpatient services provided by a health care professional.

75.18(5) If a carrier or organized delivery system does not provide benefits for a routine physical examination, the carrier or organized delivery system is not required to provide benefits for a routine physical examination provided in the course of prescribing a contraceptive drug or contraceptive device.

This rule is intended to implement 2000 Iowa Acts, Senate File 2126.

[Filed 2/8/96, Notice 12/6/95—published 2/28/96, effective 4/3/96]

[Filed emergency 6/26/97—published 7/16/97, effective 7/1/97]

[Filed 10/10/97, Notice 7/16/97—published 11/5/97, effective 12/10/97]

[Filed emergency 10/16/98—published 11/4/98, effective 10/16/98]

[Filed emergency 6/25/99—published 7/14/99, effective 7/1/99]

[Filed 9/3/99, Notice 7/14/99—published 9/22/99, effective 10/27/99]

[Filed 4/10/00, Notice 1/12/00—published 5/3/00, effective 6/7/00]

[Filed 8/17/00, Notice 7/12/00—published 9/6/00, effective 10/11/00]

[Filed 10/27/00, Notice 9/20/00—published 11/15/00, effective 12/20/00]

Winter energy assistance (November 1 through April 1). You may be eligible for low-income energy assistance or weatherization funds. If you tell us that you may qualify for energy assistance, you will be given 12 days from the date on which the disconnection notice was mailed to apply to the local community action agency. You must apply prior to the disconnection date. If the community action agency certifies you as being eligible for either low-income energy assistance or weatherization assistance within 30 days from the date of your application, then your service cannot be disconnected between November 1 and April 1.

It is unlikely, however, that energy assistance funds will pay all of your utility bills. It is to your advantage to make a payment arrangement now to avoid disconnection of your service after April 1.

If you have been certified as eligible for assistance, and you receive a disconnection notice from your gas or electric company, it is up to you to ensure that the utility is notified of your eligibility. Your certification will cover the current November 1 through April 1 period only. For further information on how to apply for assistance and qualifications, contact our business office, the Division of Community Action Agencies of the Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319 (1-515-281-0859), or your community action agency [list of community action agency addresses and telephone numbers for the utility's service territory].

(4) When disconnecting service to a residence, made a diligent attempt to contact, by telephone or in person, the customer responsible for payment for service to the residence to inform the customer of the pending disconnection and their rights and remedies; if an attempt at personal or telephone contact of a customer occupying a unit which a utility knows or should know is a rental unit has been unsuccessful, the landlord of the rental unit, if known, shall be contacted to determine if the customer is still in occupancy and, if so, their present location. The landlord shall also be informed of the date when service may be disconnected.

During the period November 1 to April 1, if the attempt at customer contact fails, the premises must be posted with a notice informing the customer of the pending disconnection, and rights or remedies available to avoid disconnection, at least one day prior to disconnection; if the disconnection will affect occupants of residential units leased from the customer, the premises of any building known by the utility to contain residential units affected by disconnection must be posted, at least two days prior to disconnection, with a notice informing any occupants of the date when service will be disconnected and the reasons therefor.

(5) Given the customer a reasonable opportunity to dispute the reason for the disconnection and, if to the extent applicable, complied with each of the following:

Disputed bill. In the event there is a dispute concerning a bill for natural gas service, the utility may require the customer to pay a sum of money equal to the amount of the undisputed portion of the bill pending settlement and thereby avoid discontinuance of service for nonpayment of the disputed bill for up to 45 days after the rendering of the bill. The 45 days shall be extended by up to 60 days if requested of the utility by the board in the event customer files a written complaint with the board.

Special circumstances. Disconnection of a residential customer may not take place on a weekend, a holiday or after 2 p.m. unless the utility is prepared to reconnect the same day, and in the case of a customer who has entered into a reasonable payment agreement, may not take place where gas is used as the only source of space heating or to control or operate the only space heating equipment at the residence, on any day when the National Weather Service forecast for the following 24 hours covering the area in which the residence is located includes a forecast that the temperature will go below 20 degrees Fahrenheit. In any case where the utility has posted a disconnect notice in compliance with 19.4(15) "h"(4) but is precluded from disconnecting service because of a National Weather Service forecast, the utility may immediately proceed with appropriate disconnection procedures, without further notice, when the temperature in the area where the residence is located rises to above 20 degrees, unless the customer has paid in full the past due amount or is entitled to postponement of disconnection under some other provision of this rule.

Health of a resident. Disconnection of a residential customer shall be postponed if the discontinuance of service would present an especial danger to the health of any permanent resident of the premises. An especial danger to health is indicated if one appears to be seriously impaired and may, because of mental or physical problems, be unable to manage their own resources, carry out activities of daily living or protect oneself from neglect or hazardous situations without assistance from others. Indicators of an especial danger to health include but are not limited to: age, infirmity, or mental incapacitation; serious illness; physical disability, including blindness and limited mobility; and any other factual circumstances which indicate a severe or hazardous health situation. The utility may require written verification of the especial danger to health by a physician or a public health official, including the name of the person endangered, a statement that the person is a resident of the premises in question, the name, business address, and telephone number of the certifying party, the nature of the health danger and approximately how long the danger will continue. Initial verification by the verifying party may be by telephone if written verification is forwarded to the utility within five days.

Verification shall postpone disconnection for 30 days; however, the postponement may be extended by a renewal of the verification. In the event service is terminated within 14 days prior to verification of illness by or for a qualifying resident, service shall be restored to that residence if a proper verification is thereafter made in accordance with the foregoing provisions. The customer must enter into a reasonable agreement for the retirement of the unpaid balance of the account within the first 30 days and keep the current account paid during the period that the unpaid balance is to be retired.

Reasonable payment agreement. If financial difficulty of a residential customer is confirmed, disconnection may not take place until after the utility has offered the customer an opportunity to enter into a reasonable payment agreement as required by 19.4(10). Disconnection shall be delayed 30 days for the making of a reasonable payment agreement and the 30 days shall be extended to 60 days if requested of the utility by the board upon receipt of a complaint that the utility has arbitrarily refused a payment agreement offered by the customer and upon a finding the customer has made payment as provided for in the offered agreement.

Winter energy assistance (November 1 through April 1). If the utility is informed that the customer's household may qualify for winter energy assistance or weatherization funds, there shall be no disconnection of service for 30 days from the date of application to allow the customer time to obtain assistance. Disconnection shall not take place from November 1 through April 1 for a resident who is a head of household and who has been certified to the public utility by the community action agency as eligible for either the low-income home energy assistance program or weatherization assistance program. In addition to the notification procedure required herein, the utility shall, prior to November 1, mail customers a notice describing the availability of winter energy assistance funds and the application process. The notice must be of a type size that is easily legible and conspicuous and must contain the information set out by the state agency administering the assistance programs. A utility serving fewer than 6,000 customers may publish notice in an advertisement in a local newspaper of general circulation or shopper's guide. A utility serving fewer than 25,000 customers may publish the notice in a customer newsletter in lieu of mailing.

(2) Given the customer, and any other person or agency designated by the customer, written notice that the customer has at least 12 days in which to make settlement of the account, together with a written summary of the rights and remedies available to avoid disconnection. Customers billed more frequently than monthly pursuant to subrule 20.3(6) shall be given posted written notice that they have 24 hours to make settlement of the account, together with a written summary of the rights and remedies available to avoid disconnection. All written notices shall include a toll-free or collect telephone number where a utility representative qualified to provide additional information about the disconnection can be reached. Each utility representative must provide their name to the caller, and have immediate access to current, detailed information concerning the customer's account and previous contacts with the utility.

(3) The summary of the rights and remedies must be approved by the board. Any utility providing electric service and defined as a public utility in Iowa Code section 476.1 which does not use the standard form set forth below for customers billed monthly shall submit to the board an original and six copies of its proposed form for approval.

CUSTOMER RIGHTS AND REMEDIES TO AVOID DISCONNECTION

The following is a summary of your rights and remedies under the rules of the Utilities Division of the Iowa Department of Commerce to avoid disconnection of utility service.

Disconnection can be avoided by paying the past due amount or by making arrangements to pay on or before the date listed on the notice.

Disconnection for nonpayment may occur only after we have sent a written notice of disconnection by regular mail postmarked at least 12 days before service is to be shut off. This notice must include the reason for disconnection. We must try to contact you by phone or in person prior to disconnection. If disconnection is scheduled between November 1 and April 1 and it has not been possible to contact you by phone or in person, a notice must be placed on the door of the home at least one day before service is disconnected.

Disconnection may not take place unless we are prepared to reconnect your service that same day if payment or other arrangements are made. Between November 1 and April 1, we cannot require you to pay a deposit before service is reconnected or as part of an agreement for service to be continued.

Delinquent bill. If you are unable to pay a past due bill in full, you will be given an opportunity to enter into a payment agreement to avoid disconnection of service. The agreement will be negotiated to meet your individual needs and you may spread payments for the past due bill over at least twelve months. You must also agree to pay each new monthly bill as it comes due. If we refuse an agreement, you will be told in writing why we refused, and you may continue to pay under your proposed agreement without disconnection of service if you ask the Board (within ten days after receiving the written refusal) for assistance in working out an agreement with us. (Iowa Utilities Board, 350 Maple Street, Des Moines, Iowa 50319, (515)281-3839 or toll-free (877)565-4450). If you break the payment agreement, we are not required to offer you a second payment agreement and may disconnect service on one day's notice.

Health. Disconnection for nonpayment will be delayed thirty days if a physician or public health official determines that a permanent resident in your house has a serious health problem and will be endangered if service is shut off. At our request, a telephone call from the physician or public health official to our office must be followed up by a letter within five days. During the thirty-day delay, you must work out a payment agreement. If the physician or health official states that the health problem still exists at the end of the initial thirty days, you may receive an additional thirty-day delay.

Disputed bill. If you disagree with the accuracy of your bill, you may pay the undisputed portion and notify our office of the disagreement. Disconnection will be delayed for up to forty-five days from the date the bill was mailed so that the disagreement may be settled. If you file a written complaint with the Board (address and telephone number listed previously), disconnection may be further postponed, should the Board request the extension.

Winter energy assistance (November 1 through April 1). You may be eligible for low-income energy assistance or weatherization funds. If you tell us that you may qualify for energy assistance, you will be given twelve days from the date on which the disconnection notice was mailed to apply to the local community action agency. You must apply for assistance prior to the disconnection date. If the community action agency certifies you as being eligible for either low-income energy assistance or weatherization assistance within thirty days from the date of your application, then your service cannot be disconnected between November 1 and April 1.

It is unlikely, however, that energy assistance funds will pay all of your utility bills. It is to your advantage to make a payment arrangement now to avoid disconnection of your service after April 1.

If you have been certified as eligible for assistance, and you receive a disconnection notice from your gas or electric company, it is up to you to ensure that the utility is notified of your eligibility. Your certification will cover the current November 1 through April 1 period only. For further information on how to apply for assistance and qualifications, contact our business office, the Division of Community Action Agencies of the Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319 (1-515-281-0859), or your community action agency [list of community action agency addresses and telephone numbers for the utility's service territory].

(4) If the utility has adopted a service limitation policy pursuant to subrule 20.4(23), the following paragraph shall be appended to the end of the standard form for the summary of rights and remedies, as set forth in subparagraph 20.4(15) "h"(3):

Service limitation: We have adopted a policy of service limitation before disconnection. You may be qualified for service limitation rather than disconnection. To see if you qualify, contact our business office.

(5) When disconnecting service to a residence, made a diligent attempt to contact, by telephone or in person, the customer responsible for payment for service to the residence to inform the customer of the pending disconnection and the rights and remedies; if an attempt at personal or telephone contact of a customer occupying a unit which a utility knows or should know is a rental unit has been unsuccessful, the landlord of the rental unit, if known, shall be contacted to determine if the customer is still in occupancy and, if so, the customer's present location. The landlord shall also be informed of the date when service may be disconnected.

During the period November 1 to April 1, if the attempt at customer contact fails, the premises must be posted with a notice informing the customer of the pending disconnection and rights or remedies available to avoid disconnection at least one day prior to disconnection; if the disconnection will affect occupants of residential units leased from the customer, the premises of any building known by the utility to contain residential units affected by disconnection must be posted, at least two days prior to disconnection, with a notice informing any occupants of the date when service will be disconnected and the reasons therefor.

(6) Given the customer a reasonable opportunity to dispute the reason for the disconnection and, if to the extent applicable, complied with each of the following:

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

[Created by 1986 Iowa Acts, chapter 1245]

[Prior to 1/14/87, see Iowa Development Commission[520] and Planning and Programming[630]]

	PART I		
	<i>DEPARTMENT STRUCTURE AND PROCEDURES</i>		
	CHAPTER 1		
	ORGANIZATION		
1.1(15)	Mission	7.3(260F)	Definitions
1.2(15)	Definitions	7.4(260F)	Program funding
1.3(15)	Department of economic development board	7.5(260F)	Funding for projects which include one business
1.4(15)	Department structure	7.6(260F)	Funding for projects which include multiple businesses
1.5(15)	Information	7.7(260F)	Funding for high technology apprenticeship programs
	CHAPTERS 2 and 3		
	Reserved		
	PART II		
	<i>WORKFORCE DEVELOPMENT COORDINATION</i>		
	CHAPTER 4		
	WORKFORCE DEVELOPMENT ACCOUNTABILITY SYSTEM		
4.1(15)	Purpose	7.8(260F)	Matching funds requirement
4.2(15)	Compilation of information	7.9(260F)	Use of program funds
	CHAPTER 5	7.10(260F)	Use of 260F earned interest
	IOWA INDUSTRIAL NEW JOBS TRAINING PROGRAM	7.11(260F)	Application fee
5.1(15,260E)	Authority	7.12(260F)	Separate account
5.2(15,260E)	Purpose	7.13(260F)	Eligible business
5.3(15,260E)	Definitions	7.14(260F)	Ineligible business
5.4(15,260E)	Agreements	7.15(260F)	Eligible employee
5.5(15,260E)	Resolution on incremental property tax	7.16(260F)	Ineligible employee
5.6(15,260E)	New jobs withholding credit	7.17(260F)	Agreement of intent
5.7(15,260E)	Notice of intent to issue certificates	7.18(260F)	Project commencement date
5.8(15,260E)	Standby property tax levy	7.19(260F)	Application process
5.9(15,260E)	Reporting	7.20(260F)	Application scoring criteria
5.10(15,260E)	Monitoring	7.21(260F)	Training contract
5.11(15,260E)	State administration	7.22(260F)	Special requirements for community college consortium projects
5.12(15,260E)	Coordination with communities	7.23(260F)	Special requirements for community college-sponsored business network projects
5.13(15,76GA,SF2351)	Supplemental 1½ percent withholding	7.24(260F)	Special requirements for department-sponsored business network projects
	CHAPTER 6	7.25(260F)	Special requirements for community college-sponsored high technology apprenticeship projects
	Reserved	7.26(260F)	Special requirements for department-sponsored high technology apprenticeship projects
	CHAPTER 7	7.27(260F)	Events of default
	IOWA JOBS TRAINING PROGRAM	7.28(260F)	Options and procedures on default
7.1(260F)	Authority	7.29(260F)	Remedies upon default
7.2(260F)	Purpose	7.30(260F)	Return of unused funds
		7.31(260F)	Open records
		7.32(260F)	Required forms

CHAPTER 8

WORKFORCE DEVELOPMENT FUND

- 8.1(15,76GA,ch1180) Purpose
- 8.2(15,76GA,ch1180) Definitions
- 8.3(15,76GA,ch1180) Workforce development fund account
- 8.4(15,76GA,ch1180) Workforce development fund allocation
- 8.5(15,76GA,ch1180) Workforce development fund reporting
- 8.6(15,76GA,ch1180) Training and retraining programs for targeted industries
- 8.7(15,76GA,ch1180) Projects under Iowa Code chapter 260F
- 8.8(15,76GA,chs1180,1219) Apprenticeship programs under Iowa Code section 260C.44 (including new or statewide building trades apprenticeship programs)
- 8.9(15,76GA,chs1180,1219) Innovative skill development activities
- 8.10(15,76GA,ch1180) Negotiation and award
- 8.11(15,76GA,ch1180) Administration
- 8.12(15,76GA,ch1180) Training materials and equipment
- 8.13(15,76GA,ch1180) Redistribution of funds

CHAPTERS 9 and 10

Reserved

CHAPTER 11

CERTIFIED SCHOOL TO CAREER PROGRAM

- 11.1(15) Purpose
- 11.2(15) Definitions
- 11.3(15) Certified program work site agreement
- 11.4(15) Payroll expenditure refund

CHAPTERS 12 to 16

Reserved

CHAPTER 17

HIGH TECHNOLOGY APPRENTICESHIP PROGRAM

- 17.1(76GA,HF512) Purpose
- 17.2(76GA,HF512) Definitions
- 17.3(76GA,HF512) Fund distribution process
- 17.4(76GA,HF512) Monitoring

CHAPTERS 18 and 19

Reserved

CHAPTER 20

ACCELERATED CAREER EDUCATION (ACE) PROGRAM

DIVISION I

GENERAL PROVISIONS

- 20.1(260G) Purpose
- 20.2(260G) Definitions
- 20.3(260G) ACE program eligibility and designation
- 20.4(260G) Funding allocation
- 20.5(260G) Eligible and ineligible business
- 20.6(260G) Program agreements
- 20.7(260G) Administration
- 20.8(260G) Customer tracking system
- 20.9(260G) Program costs recalculation

DIVISION II

CAPITAL COSTS COMPONENT

- 20.10(260G) Threshold requirements
- 20.11(260G) Application procedures
- 20.12(260G) Evaluation criteria for competitive awards—capital costs projects

DIVISION III

PROGRAM JOB CREDITS

- 20.13(260G) Threshold requirements—program job credits
- 20.14(260G) Job credits allocation
- 20.15(260G) Determination of job credits, notice, and certification
- 20.16(260G) Evaluation criteria for quality assurance—program job credits
- 20.17(260G) Committed funds

PART III

DIVISION OF COMMUNITY AND RURAL DEVELOPMENT

CHAPTER 21

DIVISION RESPONSIBILITIES

- 21.1(15) Purpose
- 21.2(15) Structure

CHAPTER 22

Reserved

CHAPTER 23

IOWA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

- 23.1(15) Purpose
- 23.2(15) Definitions
- 23.3(15) Eligible applicants
- 23.4(15) Allocation of funds
- 23.5(15) Common requirements for funding
- 23.6(15) Requirements for the competitive program
- 23.7(15) Requirements for the economic development set-aside fund

**CHAPTER 61
PHYSICAL INFRASTRUCTURE
ASSISTANCE PROGRAM**

- 61.1(15E) Purpose
- 61.2(15E) Eligible activities
- 61.3(15E) Eligibility requirements
- 61.4(15E) Application procedures
- 61.5(15E) Application review
- 61.6(15E) Award process
- 61.7(15E) Forms of assistance available;
award amount
- 61.8(15E) Program administration

**CHAPTERS 62 to 64
Reserved**

**CHAPTER 65
BROWNFIELD REDEVELOPMENT
PROGRAM**

- 65.1(78GA,ch1101) Purpose
- 65.2(78GA,ch1101) Definitions
- 65.3(78GA,ch1101) Eligible applicants
- 65.4(78GA,ch1101) Eligible forms of
assistance and
limitations
- 65.5(78GA,ch1101) Repayment to IDED
- 65.6(78GA,ch1101) Application and award
procedures
- 65.7(78GA,ch1101) Application contents
- 65.8(78GA,ch1101) Application forms
- 65.9(78GA,ch1101) Application review
criteria
- 65.10(78GA,ch1101) Administration of
awards

**CHAPTERS 66 to 100
Reserved**

**PART V
DIVISION OF TOURISM**

**CHAPTER 101
DIVISION RESPONSIBILITIES**

- 101.1(15) Mission
- 101.2(15) Activities

**CHAPTER 102
WELCOME CENTER PROGRAM**

- 102.1(72GA,HF540) Purpose
- 102.2 and 102.3 Reserved
- 102.4(72GA,HF540) Pilot projects

**CHAPTER 103
TOURISM PROMOTION—
LICENSING PROGRAM**

- 103.1(15) Purpose
- 103.2(15) Definitions
- 103.3(15) Licensing eligibility criteria
- 103.4(15) Review and approval of
applications
- 103.5(15) Licensing agreement
- 103.6(15) Requests for information

**CHAPTERS 104 to 130
Reserved**

**PART VI
INTERNATIONAL DIVISION**

**CHAPTER 131
DIVISION RESPONSIBILITIES**

- 131.1(15) Mission
- 131.2(15) Activities

**CHAPTER 132
IOWA EXPORT TRADE
ASSISTANCE PROGRAM**

- 132.1(78GA,ch197) Purpose
- 132.2(78GA,ch197) Definitions
- 132.3(78GA,ch197) Eligible applicants
- 132.4(78GA,ch197) Eligible reimbursements
- 132.5(78GA,ch197) Applications for
assistance
- 132.6(78GA,ch197) Selection process
- 132.7(78GA,ch197) Limitations
- 132.8(78GA,ch197) Forms

**CHAPTERS 133 to 162
Reserved**

**PART VII
DIVISION OF ADMINISTRATION**

**CHAPTER 163
DIVISION RESPONSIBILITIES**

- 163.1(15) Mission
- 163.2(15) Structure

**CHAPTER 164
USE OF MARKETING LOGO**

- 164.1(15) Purpose and limitation
- 164.2(15) Definitions
- 164.3(15) Guidelines
- 164.4(15) Review and approval of
applications
- 164.5(15) Licensing agreement; use of logo
- 164.6(15) Denial or suspension of use of
logo
- 164.7(15) Request for hearing
- 164.8(15) Requests for information

CHAPTERS 165 to 167

Reserved

CHAPTER 168
ADDITIONAL PROGRAM
REQUIREMENTS

DIVISION I

COMPREHENSIVE COMMUNITY AND ECONOMIC
DEVELOPMENT PLANS

- 168.1(15) Supplementary credit
- 168.2(15) Technical assistance
- 168.3 to 168.85 Reserved

DIVISION II

ENVIRONMENTAL CRITERIA

- 168.86(15A) Environmental report
- 168.87(15A) Ineligibility for assistance
- 168.88(15A) In-house audit
- 168.89(15A) External audit
- 168.90(15A) Submission of audit
- 168.91(15A) Annual report

CHAPTER 169
PUBLIC RECORDS AND FAIR
INFORMATION PRACTICES

(Uniform Rules)

- 169.1(17A,22) Definitions
- 169.3(17A,22) Requests for access to records
- 169.9(17A,22) Disclosures without the consent of the subject
- 169.10(17A,22) Routine use
- 169.11(17A,22) Consensual disclosure of confidential records
- 169.12(17A,22) Release to subject
- 169.13(17A,22) Availability of records
- 169.14(17A,22) Personally identifiable information
- 169.15(17A,22) Other groups of records
- 169.16(17A,22) Applicability

CHAPTER 170
DEPARTMENT PROCEDURE
FOR RULE MAKING

- 170.1(17A) Applicability
- 170.2(17A) Advice on possible rules before notice of proposed rule adoption

- 170.3(17A) Public rule-making docket
- 170.4(17A) Notice of proposed rule making
- 170.5(17A) Public participation
- 170.6(17A) Regulatory analysis
- 170.7(17A,25B) Fiscal impact statement
- 170.8(17A) Time and manner of rule adoption
- 170.9(17A) Variance between adopted rule and published notice of proposed rule adoption
- 170.10(17A) Exemptions from public rule-making procedures
- 170.11(17A) Concise statement of reasons
- 170.12(17A) Contents, style, and form of rule
- 170.13(17A) Department rule-making record
- 170.14(17A) Filing of rules
- 170.15(17A) Effectiveness of rules prior to publication
- 170.16(17A) Review by department of rules
- 170.17(17A) Written criticisms of department rules

CHAPTER 171
PETITION FOR RULE MAKING

- 171.1(17A) Petition for rule making
- 171.2(17A) Briefs
- 171.3(17A) Inquiries
- 171.4(17A) Department consideration

CHAPTER 172
PETITION FOR DECLARATORY
ORDER

- 172.1(17A) Petition for declaratory order
- 172.2(17A) Notice of petition
- 172.3(17A) Intervention
- 172.4(17A) Briefs
- 172.5(17A) Inquiries
- 172.6(17A) Service and filing of petitions and other papers
- 172.7(17A) Consideration
- 172.8(17A) Action on petition
- 172.9(17A) Refusal to issue order
- 172.10(17A) Contents of declaratory order—effective date
- 172.11(17A) Copies of orders
- 172.12(17A) Effect of a declaratory order

CHAPTER 173
UNIFORM WAIVER AND
VARIANCE RULES

- 173.1(ExecOrd11) Applicability
- 173.2(ExecOrd11) Director/board discretion
- 173.3(ExecOrd11) Requester's responsibilities in filing a waiver or variance petition
- 173.4(ExecOrd11) Notice
- 173.5(ExecOrd11) Department responsibilities regarding petition for waiver or variance
- 173.6(ExecOrd11) Public availability
- 173.7(ExecOrd11) Voiding or cancellation
- 173.8(ExecOrd11) Violations
- 173.9(ExecOrd11) Defense
- 173.10(ExecOrd11,17A) Appeals

CHAPTERS 174 to 199
Reserved

PART VIII
VISION IOWA BOARD

CHAPTERS 200 to 210
Reserved

CHAPTER 211
COMMUNITY ATTRACTION AND
TOURISM DEVELOPMENT PROGRAM

- 211.1(78GA,ch1174) Purpose
- 211.2(78GA,ch1174) Definitions
- 211.3(78GA,ch1174) Program components
- 211.4(78GA,ch1174) Allocation of funds
- 211.5(78GA,ch1174) Eligible applicants
- 211.6(78GA,ch1174) Eligible projects and forms of assistance
- 211.7(78GA,ch1174) Ineligible projects
- 211.8(78GA,ch1174) Threshold application requirements
- 211.9(78GA,ch1174) Application review criteria
- 211.10(78GA,ch1174) Application procedure
- 211.11(78GA,ch1174) Administration

CHAPTER 212
VISION IOWA PROGRAM

- 212.1(78GA,ch1174) Purpose
- 212.2(78GA,ch1174) Definitions
- 212.3(78GA,ch1174) Allocation of funds
- 212.4(78GA,ch1174) Eligible applicants
- 212.5(78GA,ch1174) Eligible projects and forms of assistance
- 212.6(78GA,ch1174) Ineligible projects
- 212.7(78GA,ch1174) Threshold application requirements
- 212.8(78GA,ch1174) Application review criteria
- 212.9(78GA,ch1174) Application procedure
- 212.10(78GA,ch1174) Administration of awards

CHAPTER 213
VISION IOWA BOARD: UNIFORM
WAIVER AND VARIANCE RULES

- 213.1(17A,ExecOrd11) Applicability
- 213.2(17A,ExecOrd11) Board discretion
- 213.3(17A,ExecOrd11) Requester's responsibilities in filing a waiver or variance petition
- 213.4(17A,ExecOrd11) Notice
- 213.5(17A,ExecOrd11) Board responsibilities regarding petition for waiver or variance
- 213.6(17A,ExecOrd11) Public availability
- 213.7(17A,ExecOrd11) Voiding or cancellation
- 213.8(17A,ExecOrd11) Violations
- 213.9(17A,ExecOrd11) Defense
- 213.10(17A,ExecOrd11) Appeals

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. This is essential for ensuring the integrity of the financial data and for providing a clear audit trail.

2. The second part of the document outlines the various methods used to collect and analyze data. These methods include direct observation, interviews, and the use of specialized software tools. Each method has its own strengths and limitations, and they are often used in combination to provide a comprehensive view of the data.

3. The third part of the document describes the process of data analysis. This involves identifying patterns, trends, and anomalies in the data. It also includes the use of statistical techniques to test hypotheses and to quantify the uncertainty associated with the results.

4. The fourth part of the document discusses the importance of data security. This involves implementing measures to protect the data from unauthorized access, loss, or corruption. This is particularly important in the context of sensitive information and in the face of increasing cyber threats.

5. The fifth part of the document describes the process of data reporting. This involves presenting the results of the analysis in a clear and concise manner. It also includes the use of visual aids, such as charts and graphs, to help illustrate the findings.

6. The sixth part of the document discusses the importance of data quality. This involves ensuring that the data is accurate, complete, and consistent. It also includes the use of quality control measures to identify and correct errors in the data.

7. The seventh part of the document describes the process of data archiving. This involves storing the data in a secure and accessible manner for future use. It also includes the use of backup and recovery procedures to ensure the availability of the data in the event of a disaster.

8. The eighth part of the document discusses the importance of data privacy. This involves implementing measures to protect the personal information of individuals and to ensure that the data is used only for the purposes for which it was collected.

9. The ninth part of the document describes the process of data integration. This involves combining data from different sources to provide a more complete and accurate view of the data. It also includes the use of data integration tools to facilitate the process.

10. The tenth part of the document discusses the importance of data governance. This involves implementing policies and procedures to ensure that the data is managed in a consistent and effective manner. It also includes the use of data governance frameworks to provide a structured approach to data management.

11. The eleventh part of the document describes the process of data migration. This involves moving data from one system to another. It also includes the use of data migration tools to facilitate the process and to ensure the integrity of the data.

12. The twelfth part of the document discusses the importance of data backup. This involves creating copies of the data to protect it from loss. It also includes the use of backup and recovery procedures to ensure the availability of the data in the event of a disaster.

13. The thirteenth part of the document describes the process of data recovery. This involves restoring the data from a backup. It also includes the use of data recovery tools to facilitate the process and to ensure the integrity of the data.

14. The fourteenth part of the document discusses the importance of data retention. This involves implementing policies and procedures to ensure that the data is kept for the appropriate amount of time. It also includes the use of data retention frameworks to provide a structured approach to data retention.

15. The fifteenth part of the document describes the process of data deletion. This involves removing the data from the system. It also includes the use of data deletion tools to facilitate the process and to ensure the integrity of the data.

16. The sixteenth part of the document discusses the importance of data security. This involves implementing measures to protect the data from unauthorized access, loss, or corruption. This is particularly important in the context of sensitive information and in the face of increasing cyber threats.

CHAPTER 11 CERTIFIED SCHOOL TO CAREER PROGRAM

261—11.1(15) Purpose. The purpose of the certified school to career program is to provide an articulated sequential program of study, including secondary and postsecondary components (with the option of registered apprenticeship), resulting in a diploma, associate's degree, or other credential and utilizing paid work site internships in partnership with an employer to prepare students for specific employment. Additionally, the program assists students in preparing for a career field and provides postsecondary education financing and employment opportunities in Iowa.

261—11.2(15) Definitions.

"Certified school to career program" or *"certified program"* means a sequenced and articulated secondary and postsecondary program registered as an apprenticeship program under 29 CFR Subtitle A, Part 29, which is conducted pursuant to an agreement as provided in Iowa Code Supplement section 15.364 as amended by 2000 Iowa Acts, chapter 1013, or an individual program of study developed jointly by a secondary school, postsecondary institution, and an employer that meets the standards enumerated in Iowa Code section 15.363 as amended by 2000 Iowa Acts, chapter 1013, that integrates a secondary school curriculum with private sector job training which places students in job internships, which is designed to continue into postsecondary education that will result in new skills, add value to the wage-earning potential of participants and increase their long-term employability in the state, and which is conducted pursuant to an agreement as provided in Iowa Code Supplement section 15.364 as amended by 2000 Iowa Acts, chapter 1013.

"Department" means the Iowa department of economic development.

"Eligible postsecondary institution" means an institution as defined in Iowa Code section 261C.3.

"Employer" means the person or organization that agrees to provide the paid internship; provide a mentor for the on-the-job training component of the education program; participate in curriculum development that identifies knowledge, skills and behaviors needed in the workplace; oversee the trust account and payroll expenditure fund; and employ the participant for a minimum of two years after completion of the participant's postsecondary education.

"Participant" means an individual between the ages of 16 and 24 who is enrolled in a public or private secondary school or postsecondary institution and who initiated participation in a certified school to career program no later than the start of the student's senior year of high school.

"Payroll expenditures" means the base wages actually paid by an employer to a participant plus the amount held in trust to be applied toward the participant's postsecondary education.

"Registered apprenticeship program" means a program registered with the U.S. Bureau of Apprenticeship and Training which contains the terms and conditions for the qualification, recruitment, selection, employment and training of apprentices, including the requirement for a written apprenticeship agreement.

"Sponsor" means any person, association, committee, or organization operating a school to career program and in whose name the program is or will be registered or approved.

261—11.3(15) Certified program work site agreement. The certified program shall be conducted pursuant to a signed written agreement between each participant, parent or guardian, educational institution or sponsor, as appropriate, and the employer, which contains at least the following provisions:

11.3(1) Employer, participant and parent/guardian signatures. The names and signatures of the participant, sponsor or employer, and the signature of a parent or guardian if the participant is a minor are required.

11.3(2) *Educational institution or sponsor acknowledgment.* The secondary school or sponsor and the eligible postsecondary institution or registered apprenticeship program that the participant attends or has chosen to attend must provide an acknowledgment that will be attached to the agreement. The letter of acknowledgment must detail enrollment criteria and provide an acknowledgment that it is likely the participant will be accepted into the program of choice, given that the participant meets established admission criteria.

11.3(3) *Designation of a career field.* A description of the career field in which the participant is to be trained and the beginning date and duration of the training and employment shall be included. The corresponding program of study that the participant plans to enter at the eligible postsecondary institution or through the registered apprenticeship program provider must also be designated.

11.3(4) *Assignment of a mentor.* The employer shall identify a mentor for the participant. The mentor's occupation should be related to the participant's selected career field.

11.3(5) *Employer's agreement to pay a base wage.* The employer shall agree to provide paid employment, at a base wage, for the participant beginning no earlier than the participant's junior year in high school and ending no later than the fall after the participant's second year of postsecondary education.

11.3(6) *Minimum academic standards.* The participant and employer shall agree upon set minimum academic standards that must be maintained through the participant's secondary and postsecondary education.

11.3(7) *Compliance with workplace laws and regulations.* The base wage paid to the participant for hours worked shall not be less than the minimum wage prescribed by Iowa law or the federal Fair Labor Standards Act, whichever is applicable at the time the work is performed. The program shall also comply with all state and federal laws pertaining to the workplace, including equal employment opportunity and accident and liability insurance requirements.

11.3(8) *Additional amount to be held in trust for postsecondary tuition.*

a. In addition to the base wage paid to the participant, the employer shall pay an additional sum to be held in trust and applied toward the participant's postsecondary education required for completion of the certified program. The additional amount must be not less than an amount determined by the department to be sufficient to provide payment of tuition expenses toward completion of not more than two academic years of the required postsecondary education component of the certified program at an Iowa community college or an Iowa public or private college or university or through a registered apprenticeship program. The additional amount specified in this paragraph may include other related postsecondary educational expenses at the discretion of the employer.

b. The eligible postsecondary institution or registered apprenticeship program provider that is identified in the agreement shall compute the anticipated tuition amount for the first two years for the postsecondary program of study identified in the agreement. If the postsecondary program of study is shorter than two years in length, the entire tuition amount shall be identified. Any financial aid in the form of grants or tax credits, and excluding loans, that is anticipated or has already been granted to the participant, may be subtracted from the program tuition costs computed by the eligible postsecondary institution or registered apprenticeship program provider. The resulting tuition costs shall be divided by the number of hours that the participant is anticipated to work for the employer over the three summer internships to determine the hourly amount that the employer must pay in addition to the base wage. The amount set aside for postsecondary tuition may be renegotiated at any time during the certified program based upon additional information that is obtained about the tuition costs, financial aid or other items that will affect the amount of funding needed to cover two years of postsecondary tuition, or all tuition expenses for programs shorter than two years in length, in the selected program. If, for circumstances at the discretion of the participant and beyond the control of the employer, the participant misses hours of work that cannot be made up, the employer is not responsible for funding the entire two years of postsecondary tuition.

c. This additional amount shall be held in trust by the employer for the benefit of the participant. Payment into an ERISA-approved fund for the benefit of the participant shall satisfy this requirement. ERISA is described in Title 19 of the United States Code, Chapter 18. The specific fund shall be specified in the agreement.

d. Payment of postsecondary tuition expenses from the trust fund established through this program shall be made directly to the postsecondary institution or registered apprenticeship program provider unless otherwise designated in the certified program agreement.

e. The certified program work site agreement shall specify any tax implications that the participant may encounter as a result of the accumulation of funds.

11.3(9) Participant's agreement to work for the employer. The participant must agree to work for the employer for at least two years following the completion of the participant's postsecondary education as required by the certified program. However, the agreement may provide for additional education and work commitments beyond the two years. This agreement may be contingent upon the employer's willingness to provide full-time, nonseasonal employment with industry standard wages and benefits.

11.3(10) Repayment of tuition funding. If the participant does not complete the two-year employment obligation, the participant's agreement to repay to the employer the amount paid by the employer toward the participant's postsecondary education expenses pursuant to subrule 11.3(8) shall provide that:

a. If a participant does not complete the certified program identified by the agreement after entering the postsecondary component of the school to career education program, any unexpended funds being held in trust for the participant's postsecondary education shall be paid back to the employer. In addition, the participant must repay to the employer amounts paid from the trust which were expended on the participant's behalf for postsecondary education.

b. If a participant selects a different career field and chooses not to complete the certified program identified in the agreement prior to entering the postsecondary component of the education program, one-half of the moneys being held in trust for the participant's postsecondary education shall be paid either to an apprenticeship program of the participant's choice which has been approved under 29 CFR, Subtitle A, Part 29 (February 18, 1977, as amended April 30, 1984) or a postsecondary education institution as defined in Iowa Code section 261C.3 of the participant's choice to pay tuition or expenses of the participant. The other one-half of the trust moneys shall be paid back to the employer. Any moneys to be transferred for the benefit of the participant which are not transferred within five years for purposes of education at the designated postsecondary institution shall be paid back to the employer.

c. If the participant elects to change the participant's postsecondary education choice, but agrees to fulfill the training and employment conditions in the certified program work site agreement, the program agreement shall be modified by consent of the participant, sponsor, parent or guardian, if applicable, employer representative and representatives of the newly selected postsecondary educational entity.

d. If the employer does not offer full-time, permanent employment in the career field designated in the agreement that is consistent with industry standard wages and benefits, the participant shall not be required to make repayment to the employer.

e. If a participant terminates full-time, permanent employment that offers a wage and benefit package consistent with industry standards prior to the two-year time period, the participant shall repay postsecondary education expenses to the employer in whole or in part.

f. If the employer permanently terminates employment of the participant and unemployment insurance is awarded, no repayment of the tuition assistance funds shall be required.

g. If the participant is unable to complete the two-year employment obligation because the employer did not afford the participant a two-year employment opportunity, the participant shall not be required to repay to the employer the amount paid by the employer toward the participant's postsecondary education expenses.

11.3(11) Additional tuition allowance. Employers may, at their discretion, pay participants an additional amount that will cover more than two years of postsecondary tuition.

11.3(12) Documentation of certified program. Documentation of the internship's being part of registered apprenticeship program under 29 CFR Subtitle A, Part 29, which is conducted pursuant to an agreement as provided in 1998 Iowa Acts, chapter 1225, section 18, or a program approved by the state board of education must be part of the agreement.

11.3(13) Certified program work site agreement submittal. The certified program work site agreement must be submitted to the department for approval prior to the beginning of the internship. The department shall review the agreement and provide a letter of approval or denial within 30 days of receipt of the agreement.

261—11.4(15) Payroll expenditure refund.

11.4(1) Eligible Iowa payroll expenditure refund. An Iowa employer who employs a participant in a certified school to career program may claim a refund of 20 percent of the employer's payroll expenditures for each participant in the certified program. The refund is limited to the first 400 hours of payroll expenditures per participant for each calendar year the participant is in the certified program, not to exceed three years per participant. In order to receive the refund, an employer must submit a finalized certified program work site agreement to the department and receive approval for the program prior to the participant's beginning work for the business.

11.4(2) Claim submittal process. To receive a refund under subrule 11.4(1) for a calendar year, the employer shall file the claim by July 1 of the following calendar year. Claims that are not received by July 1 of the calendar year following the payroll expenditure shall not receive a refund. The claim shall be filed on forms provided by the department of economic development and the employer shall provide such information regarding the employer's participation in a certified school to career program as the department may require. If the amount appropriated to the certified school to career program in any given fiscal year is insufficient to pay all of the refund claims for the applicable calendar year, each claimant shall receive a proportion of the claimant's refund equal to the ratio of the amount appropriated to the total amount of refund claims. Any unpaid portion of a claim shall not be paid from a subsequent fiscal year appropriation. The participant's social security number will be required for purposes of program evaluation.

These rules are intended to implement Iowa Code sections 15.362 and 15.363 as amended by 2000 Iowa Acts, chapter 1013, and Iowa Code Supplement section 15.364 as amended by 2000 Iowa Acts, chapter 1013.

[Filed 11/20/98, Notice 9/9/98—published 12/16/98, effective 1/20/99]

[Filed 8/20/99, Notice 7/14/99—published 9/8/99, effective 10/13/99]

[Filed 10/23/00, Notice 9/6/00—published 11/15/00, effective 12/20/00]

CHAPTER 12

Reserved

CHAPTER 13

IOWA BUSINESS-INDUSTRY INFORMATION AND TRAINING NETWORK

Rescinded IAB 7/19/95, effective 8/23/95

CHAPTER 14

YOUTH AFFAIRS

Transferred to 345—Ch 12, IAB 7/17/96, effective 7/1/96, pursuant to 1996 Iowa Acts, Senate File 2409.

CHAPTERS 15 and 16

Reserved

CHAPTER 20
ACCELERATED CAREER EDUCATION (ACE) PROGRAM

DIVISION I - GENERAL PROVISIONS

261—20.1(260G) Purpose. The ACE program has three parts: the capital costs component, the program job credits component, and the accelerated career education grants program. The Iowa department of economic development administers the first two components. The college student aid commission administers the career education grants portion of the ACE program as described in the commission's administrative rules. The goal of the ACE program is to provide an enhanced skilled workforce in Iowa.

261—20.2(260G) Definitions.

"Accelerated career education program" or *"ACE"* means the program established pursuant to Iowa Code Supplement chapter 260G as amended by 2000 Iowa Acts, chapter 1196.

"Agreement" means a program agreement referred to in Iowa Code Supplement section 260G.3 as amended by 2000 Iowa Acts, chapter 1196, between an employer and a community college.

"Allotment" means the distribution of job credits based upon need as determined by the community colleges.

"Community college" means a community college established under Iowa Code chapter 260C or a consortium of two or more community colleges.

"Employee" means a person employed in a program job.

"Employer" means a business or consortium of businesses engaged in interstate or intrastate commerce for the purposes of manufacturing, processing or assembling products; construction; conducting research and development; or providing services in interstate or intrastate commerce, but excluding retail services.

"Highly skilled job" means a job with a broadly based, high-performance skill profile including advanced computation and communication skills, technology skills and workplace behavior skills, and for which an applied technical education is required.

"IDED" or *"department"* means the Iowa department of economic development.

"IDED board" means the Iowa economic development board authorized under Iowa Code section 15.103.

"Participant" means an individual who is enrolled in an accelerated career education program at a community college.

"Participant position" means the individual student enrollment position available in an accelerated career education program.

"Program capital cost" means classroom and laboratory renovation, new classroom and laboratory construction, site acquisition or preparation.

"Program job" means a highly skilled job available from an employer pursuant to a program agreement.

"Program job credit" means a credit that an employer may claim against all withholding taxes due in an amount up to 10 percent of the gross program job wage of a program job position as authorized in an agreement between a community college and an employer.

"Program job position" means a job position which is planned or available for an employee by the employer pursuant to a program agreement.

"Program operating costs" means all necessary and incidental costs of providing program services.

“Program services” means services that include all of the following provided they are pursuant to a program agreement: program needs assessment and development, job task analysis, curriculum development and revision, instruction, instructional materials and supplies, computer software and upgrades, instructional support, administrative and student services, related school to career training programs, skill or career interest assessment services and testing and contracted services.

“Vertical infrastructure” means land acquisition and construction, major renovation and major repair of buildings, all appurtenant structures, utilities, site development and recreation trails. Vertical infrastructure does not include equipment; routine, recurring maintenance or operational expenses; or leasing of a building, appurtenant structure, or utility without a lease-purchase agreement.

261—20.3(260G) ACE program eligibility and designation.

20.3(1) In order to receive financial assistance under the capital projects program, tax credits from withholding under the program job credits component or financial assistance through the college student aid commission’s accelerated career education grants program, a program must be designated by a community college as an eligible ACE program. All programs must demonstrate increased capacity to enroll additional students. To be eligible, a program must be either:

a. A credit career, vocational, or technical education program resulting in the conferring of a certificate, diploma, associate of science degree, or associate of applied science degree; or

b. A credit-equivalent career, vocational, or technical education program consisting of not less than 540 contact hours of classroom and laboratory instruction and resulting in the conferring of a certificate or other recognized, competency-based credential.

20.3(2) By resolution of a community college board of directors, an eligible program may be approved and designated as an ACE program. The respective community college board(s) of directors shall ensure compliance with Iowa Code Supplement chapter 260G as amended by 2000 Iowa Acts, chapter 1196, and 2000 Iowa Acts, chapter 1225. In designating ACE programs, the respective community college board(s) shall give priority to targeted industries as designated by the department.

20.3(3) A copy of the designated ACE program shall be submitted to the department. The department will maintain a record of all approved ACE programs.

20.3(4) The department will review ACE programs for issues of quality in accordance with rule 261—20.16(260G).

261—20.4(260G) Funding allocation.

20.4(1) Base allocation.

a. Funds for ACE program job credits and capital costs projects shall be allocated among the community colleges in the state for the fiscal years and in the amounts specified in 2000 Iowa Acts, chapters 1196 and 1225, and these rules.

b. Community colleges shall submit program agreements to access allotted funds. The program agreement shall document the findings of the community college that all ACE eligibility requirements have been met.

20.4(2) Alternate allotment. If a community college fails to commit any of its allotment by April 1 of the fiscal year, the funds for that community college will be allocated to other community colleges based upon need as described in these rules. Program job credits are considered to be committed if there is a signed program agreement in place or if there is a statement of intent in place that states that a signed program agreement will be in place by May 1 of the fiscal year.

261—20.5(260G) Eligible and ineligible business.

20.5(1) *Eligible business.* An eligible business is a business engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, or assembling products; construction; conducting research and development; or providing services in interstate or intrastate commerce.

20.5(2) *Ineligible business.* A business engaged in retail services is ineligible to receive ACE program assistance.

261—20.6(260G) Program agreements.

20.6(1) Program agreements will be developed by an employer, a community college and any employee of an employer representing a program job. The development of the agreements may be facilitated by an entity representing a group of employers. Any community college that has an employer from its merged area involved in an ACE project must enter into the agreement. If a bargaining unit is in place with the employer pledging the jobs, a representative of the bargaining unit shall take part in the development of the program agreement. All participating parties must sign the program agreement. The agreement must include employer certification of contributions that are made toward the program costs.

20.6(2) A program agreement shall include, at a minimum, the following terms: match provided by the employer; tuition, student fees, or special charges fixed by the community college board of directors; guarantee of employer payments; type and amount of funding sources that will be used to pay for program costs; description of program services and implementation schedule; the term of the agreement, not to exceed five years; the employer's agreement to interview graduates for full-time positions and provide hiring preference; for employers with more than four sponsored participants, certification that a job offer will be made to at least 25 percent of those participants that complete the program; an agreement by the employer to provide a wage level of no less than 200 percent of the federal poverty guideline for a family of two; a provision that the employer does not have to fulfill the job offer requirement if the employer experiences an economic downturn; a provision that the participants will agree to interview with the employer following completion of the program; and default procedures.

20.6(3) Projects that cross community college boundaries, or projects that involve employers from multiple community college areas, must be conducted pursuant to an agreement or agreements with each college.

261—20.7(260G) Administration. The department will administer the statewide allocations and will consult with representatives of the community colleges to promulgate necessary forms and collect necessary information. The department will monitor program agreements for the purposes of preparing a study of the needs and performance of approved programs for submission to the general assembly by the department by December 31, 2002. The department may deny the allocation of program job credits to any program which fails to comply with Iowa Code Supplement chapter 260G as amended by 2000 Iowa Acts, chapter 1196, and 2000 Iowa Acts, chapter 1225.

261—20.8(260G) Customer tracking system. Participants in the ACE program shall be included in the customer tracking system implemented by Iowa workforce development. In order to achieve this, social security numbers of all ACE program trainees will be required.

261—20.9(260G) Program costs recalculation. Program costs shall be calculated or recalculated on an annual basis based on the required program services for a specific number of participants. Agreement updates reflecting this recalculation must be submitted to IDED annually to review compliance with program parameters.

DIVISION II - CAPITAL COSTS COMPONENT

261—20.10(260G) Threshold requirements. To be considered for funding, the following threshold requirements shall be met:

1. The agreement must provide for pledged program positions paying at least 200 percent of the poverty level for a family of two. If the wage designated is to become effective after a training or probationary period, the employer must document that there is a plan in place regarding time frames for transition to the permanent full-time wage, and the employer must provide documentation that these time frames are reasonable and that the employer has previously adhered to the time schedule.
2. The agreement must demonstrate that the program meets the definition of an eligible ACE program.
3. The agreement must demonstrate that the project builds the capacity of the community college to train additional students for available jobs.
4. The agreement must establish a 20 percent employer cash or in-kind match for program operating funds.
5. The agreement shall describe how the project enhances geographic diversity of project offerings across the state.
6. The agreement must document that other private or public sources of funds are maximized prior to ACE program capital cost funding.
7. ACE program capital cost projects must enhance the geographic diversity of state investment in Iowa. The IDED board will continuously review projects to ensure that there is statewide impact. The IDED board will prioritize projects to ensure geographic diversity.
8. Funds shall be used only for ACE program capital costs for projects that meet the definition of vertical infrastructure. Building repair, renovation and construction for purposes of ACE program equipment installation shall be allowed.

261—20.11(260G) Application procedures.

20.11(1) Final application. Applicants shall submit a final agreement to IDED to request capital funds.

20.11(2) Staff review and recommendation. A committee of IDED staff will review and rate applications based upon the rating criteria stated in 261—20.12(260G). Based upon this review, a decision will be made regarding submittal of the application to the IDED board for action.

20.11(3) IDED board action. The IDED board will review ACE program capital costs projects meeting the requirements prescribed in these rules. A program agreement, which is approved by the community college board of directors, serves as the final application. Approval or denial of submitted applications that are complete and in final form shall be made no later than 60 days following receipt of the application by the department. Subsequent to board approval, an award letter will be sent. The award letter will be followed by a contract. After a signed contract is in place, funding for a project may be requested.

261—20.12(260G) Evaluation criteria for competitive awards—capital costs projects. Applications and accompanying program agreements meeting all ACE eligibility requirements will be prioritized and rated using the following point criteria:

1. The degree to which the applicant adequately demonstrates a lack of existing public or private infrastructure for development of the partnership. There must be a demonstration that the project will build capacity in order for the project to be considered. Capacity will be measured in terms of jobs that are pledged, students that are interested in the program area and the capacity that is built at the community college to undertake the programming. Up to 33 points will be awarded.

2. Demonstration that the jobs that would result from the partnership would include wages, benefits and other attributes that would improve the quality of employment within the region. Projects where the average wage for the pledged jobs exceeds the regional or county average wage, whichever is lower for the location where the training is to be provided, will be awarded points based upon the percentage that the average wage of the pledged jobs exceeds the applicable average wage. Up to 33 points will be awarded.

3. Evidence of local, public or private contributions that meet the requirements of Iowa Code Supplement chapter 260G as amended by 2000 Iowa Acts, chapter 1196. Projects will be rated based upon the percentage of match that is pledged to the ACE program capital cost for the project. Up to 34 points will be awarded.

Applications that do not receive at least 66 out of 100 points will not be forwarded to the IDED board for review. Projects will be competing against each other for IDED board approval, and the number of points that a project receives will be considered in the award process.

DIVISION III - PROGRAM JOB CREDITS

261—20.13(260G) Threshold requirements—program job credits. To be eligible to receive program job credits, the following threshold requirements shall be met:

1. The agreement must provide for pledged program positions paying at least 200 percent of the poverty level for a family of two. If the wage designated is to become effective after a training or probationary period, the employer must document that there is a plan in place regarding time frames for transition to the permanent full-time wage, and the employer must provide documentation that these time frames are reasonable and that the employer has previously adhered to the time schedule.

2. The agreement must provide that the program meets the definition of an eligible ACE program.

3. The agreement must establish a 20 percent employer cash or in-kind match for program operating funds.

4. The agreement shall describe how the project enhances geographic diversity of project offerings across the state.

5. The executed agreement or a statement of intent must be submitted within the time periods described in these rules in order to establish a commitment of program job credits by the community college.

261—20.14(260G) Job credits allocation.

20.14(1) The department shall allot the total amount of program job credits authorized and available for the fiscal year to each community college based upon need ratios as follows:

Merged Area	Need Based Proportionate Allotment Minimum \$80,000 to Each Community College
I. Northeast Iowa Community College	4.63%
II. North Iowa Area Community College	4.63%
III. Iowa Lakes Community College	2.67%
IV. Northwest Iowa Community College	2.67%
V. Iowa Central Community College	4.64%
VI. Iowa Valley Community College District	4.38%
VII. Hawkeye Community College	6.62%
IX. Eastern Iowa Community College District	8.68%
X. Kirkwood Community College	17.00%
XI. Des Moines Area Community College	19.00%
XII. Western Iowa Tech Community College	5.13%
XIII. Iowa Western Community College	6.51%
XIV. Southwestern Community College	2.67%
XV. Indian Hills Community College	7.13%
XVI. Southeastern Community College	3.64%
	<hr/> 100.00%

20.14(2) For purposes of allotment, the foregoing ratios shall be applied to commitments made by community colleges pursuant to three cycle periods during the fiscal year, beginning on the following cycle dates: August 1, December 1, and May 1.

20.14(3) A commitment for a cycle period is established by filing a copy of an executed agreement or a statement of intent with the department not later than ten days prior to the next cycle date. Each community college may commit all or a portion of its proportionate allotment during each cycle period. Any amount uncommitted as of the cycle date shall be reported in the statement of intent and will carry over to the next cycle period and be reallocated by the department to the other community colleges based upon the same proportionate allotment ratios set out in subrule 20.14(1).

20.14(4) Notwithstanding subrule 20.14(3), it is recognized that 2000 Iowa Acts, chapter 1196, section 5, requires that any portion of an allocation to a community college uncommitted on April 1 of a fiscal year may be available for use by other community colleges. As of April 1, each college shall have either an agreement or a statement of intent indicating that the college will enter into an agreement by May 1 to retain the college's current fiscal year allotment. Any job credit allotments that do not have accompanying agreements as of the May 1 cycle date will be available for proportional reallocation to other community colleges with signed agreements that have not received all of the tax credits that are needed under the agreement.

20.14(5) Beginning with the May 1 cycle, the department will accept program agreements or statements of intent for the first cycle of the following fiscal year's tax credit allotment. For the fiscal year beginning July 1, 2002, proportionate allocation ratios as described in subrule 20.14(1) will be reviewed and examined for possible modification based upon need in the respective merged areas throughout the state. Such review shall take place immediately following the August 1, 2001, cycle period allocation of credits.

20.14(6) The department shall calculate and report to each community college the number of job credits available for distribution each cycle period during the fiscal year based upon the proportionate allocation ratios set out in subrule 20.14(1) and subrule 20.14(4). Ratios in subrule 20.14(1) will be updated every two years beginning July 1, 2002.

20.14(7) So long as job credits are available for a cycle period, if an agreement provides for a two-year student program, the commitment shall be deemed to include the full amount of credits necessary to fund the entire two-year program and the duration of the agreement even though allocations for more than one fiscal year may be required.

20.14(8) Allocation credits, once received, may be retroactively applied to eligible programs during the fiscal year so long as the amount to be received does not exceed the proportionate allocation for each cycle period.

261—20.15(260G) Determination of job credits, notice, and certification.

20.15(1) *Determination of job credit amounts.* If a program provides that part of the program costs are to be met by receipt of program job credits, the method to be used shall be as follows:

a. Program job credits shall be based upon the program job positions identified and agreed to in the agreement. No costs incurred prior to the date of a program agreement between a college and an employer may be reimbursed or eligible for program job credits.

b. Eligibility for program job credits shall be based on certification of program job positions and program job wages by the employer at the time established in the agreement.

c. An amount up to 10 percent of the gross program job wages as certified by the employer in the agreement shall be credited from the total payment made by an employer pursuant to Iowa Code section 422.16.

d. The employer shall remit the amount of the credit quarterly, in the same manner as withholding payments are reported to the department of revenue and finance, to the community college to be allocated to and, when collected, paid into a special fund of the community college to pay, in part, the program costs.

e. When the program costs have been paid, the employer credits shall cease and any moneys received after the program costs have been paid shall be remitted to the treasurer of state to be deposited in the general fund of the state.

20.15(2) *Notice to revenue and finance department.* The employer shall certify to the department of revenue and finance that the program job credit is in accordance with the agreement and shall provide other information the department may require.

20.15(3) *Certification of amount of job credits.* A community college shall certify to the department of revenue and finance that the amount of the program job credits is in accordance with an agreement and shall provide other information the department may require.

261—20.16(260G) Evaluation criteria for quality assurance—program job credits.

20.16(1) Agreements submitted for funding shall be in draft form and shall include an evaluation summary to assist the department in gathering information for making study recommendations required by 2000 Iowa Acts, chapter 1196, section 5, and to provide program quality within each merged area program. Quality issues shall be reviewed and rated by the department based upon the following evaluation criteria within each merged area:

- a. Wage level assessment (1 to 5 points).
 - 1 point Statutory minimum wage level (see rule 261—20.13(260G), numbered paragraph “1”).
 - 2 points Statutory minimum plus additional \$2,500 per annum.
 - 3 points Above plus additional \$2,500 per annum.
 - 4 points Above plus additional \$2,500 per annum.
 - 5 points Above plus additional \$2,500 per annum.
- b. Skill profile (3 or 6 points).
 - 3 points Meets statutory definition of “highly skilled job” (see rule 261—20.2(260G)).
 - 6 points Above plus serves targeted industries as designated by the department (see subrule 20.3(2)).
- c. Educational profile (1 or 2 points).
 - 2 points Credit career, vocational or technical educational program (see paragraph 20.3(1)“a”).
 - 1 point Credit-equivalent career, vocational or technical educational program consisting of not less than 540 contact hours (see paragraph 20.3(1)“b”).
- d. Program job demand (0 or 3 points).
 - 3 points Program jobs are in demand within the merged area, region or company.
- e. Availability of program services (0 or 3 points).
 - 3 points Adequate resources and curriculum necessary to implement the program.
- f. Marketing plan (0 or 3 points).
 - 3 points Adequate marketing plan to recruit students for program jobs involving entities including but not limited to business, labor, and community college.
- g. Merged area stakeholders support (0 or 1 point).
 - 1 point Agreement demonstrates substantial area stakeholder support for the program via letters or other supporting information.
- h. Level of employer contributions (3 to 5 points).
 - 3 points Not less than 20 percent of program costs.
 - 4 points Not less than 22 percent of program costs.
 - 5 points Not less than 24 percent of program costs.

Agreements must receive a rating by the college and by the department of at least 18 points out of 28 total possible points to receive tax credits.

20.16(2) Each agreement will be submitted to the department in draft form at least 20 days before it is presented to the community college board for final approval. Within 20 days the department may approve without comment or append its statement of disapproval if it does not agree that the agreement merits at least 18 points out of 28 points.

261—20.17(260G) Committed funds. The department shall maintain an annual record of the proposed program job credits under each agreement for each cycle of each fiscal year. When the total available program job credits have been allocated for a fiscal year, the department shall inform all community colleges that the maximum amount has been allocated and that further program job credits will not be available for the remainder of the fiscal year. If any committed credits become uncommitted after the above-mentioned notice has been issued, the department will inform all community colleges that some job credits are again available and applications will be accepted for those job credits until they are again committed.

These rules are intended to implement Iowa Code Supplement chapter 260G as amended by 2000 Iowa Acts, chapter 1196, and 2000 Iowa Acts, chapter 1225.

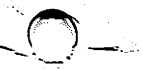
[Filed emergency 6/18/99—published 7/14/99, effective 6/18/99]

[Filed 8/20/99, Notice 7/14/99—published 9/8/99, effective 10/13/99]

[Filed emergency 7/20/00—published 8/9/00, effective 7/21/00]

[Filed emergency 8/18/00—published 9/6/00, effective 8/18/00]

[Filed emergency 10/23/00 after Notice 9/6/00—published 11/15/00, effective 10/23/00]



The following information was obtained from the records of the
 Department of the Interior, Bureau of Land Management, on
 the subject of the above-captioned matter. The records
 show that the above-captioned land was acquired by the
 United States Government in 1908, and was then
 transferred to the Bureau of Land Management in 1946.
 The land was then surveyed and the following
 description was made:

The land is situated in the County of _____,
 State of _____, and is bounded as follows:
 North by _____, East by _____,
 South by _____, and West by _____.
 The area of the land is _____ acres.

The land is now owned by _____,
 and is being offered for sale to the public.
 The land is being offered for sale in several
 tracts, and the following information is being
 furnished for your information:

53.7(3) Relating to business activity:

- a. The size of the business receiving assistance. The department shall award more points to small businesses as defined by the U.S. Small Business Administration.
- b. The potential for future growth in the industry represented by the business being considered for assistance.
- c. The impact of the proposed project on competitors of the business.
- d. The capacity of the proposed project to create products by adding value to agricultural commodities.
- e. The degree to which the proposed project relies upon agricultural or value-added research conducted at a college or university, including a regents institution, community college, or a private university or college.

261—53.8(15) Small business gap financing.

53.8(1) Additional criteria. Applications under this component shall be for businesses that meet the SBA definition of a small business. All geographic locations of the business will be used to determine the total number of employees. The criteria in rule 53.7(15) will be used for evaluating applications under this component.

53.8(2) Application form. Applicants applying for assistance under this component shall use the general business financial assistance application form provided by the department. The department may, at its option, transfer requests to a different financial assistance program, including but not limited to:

- a. The new business opportunities or new product development components of CEBA;
- b. EDSA (economic development set-aside program);
- c. BDFC (business development finance corporation program); or
- d. PFSA (public facilities set-aside program).

53.8(3) Scoring. The criteria noted in rule 53.7(15) are incorporated into the scoring system as follows:

- a. Local effort compared with local resources. Maximum — 20 points. This includes assistance from the city, county, community college, chambers of commerce, economic development groups, utilities, or other local sources, compared to the resources reasonably available from those sources. The form of local assistance compared to the form of CEBA assistance requested will be considered (e.g., in-kind, grant, loan, forgivable loan, job training, tax abatement, tax increment financing). The dollar amount of local effort and the timing of the local effort participation as compared to the dollar amount and timing of the requested CEBA participation will also be considered. Conventional financing, inadequately documented in-kind financing, and local infrastructure projects not specifically directed at the business are not considered local effort.
- b. Community need. Maximum — 10 points. This includes considerations such as unemployment rates, per capita income, major closings and layoffs, declining tax base, etc.
- c. Private contribution compared with CEBA request. Maximum — 30 points. The greater the contribution by the assisted business, the higher the score. Conventional financing will be considered a private contribution. Contribution in the form of “new cash equity” by the business owner will result in a higher score.
- d. Comprehensive community and economic development plan. Maximum — 10 points. A community submitting a comprehensive community and economic development plan meeting the requirements of 261—Chapter 80 will receive 10 points.
- e. Extra points if small business, as defined by SBA. Maximum — 10 points.

f. Project impact on the state and local economy.

(1) Cost/benefit analysis. Maximum — 40 points. This factor compares the amount requested to the number of jobs to be created or retained as defined in paragraph 53.7(2)“a” and the projected increase in state and local tax revenues. Also considered here is the form of assistance (e.g., a forgivable loan will receive a lower score than a loan).

(2) Quality of jobs to be created. Maximum — 40 points. Higher points to be awarded for:

Higher wage rates;

Lower turnover rates;

Full-time, career-type positions;

Relative safety of the new jobs;

Health insurance benefits;

Fringe benefits;

Other related factors.

(3) Economic impact. Maximum — 40 points. Higher points to be awarded for base economic activities, e.g.:

Greater percentage of sales out of state, or import substitution;

Higher proportion of in-state suppliers;

Greater diversification of state economy;

Fewer in-state competitors;

Potential for future growth of industry;

Consistency with the state strategic plan for economic development prepared in compliance with Iowa Code section 15.104(2);

Increased value to agricultural commodities;

Degree of utilization of agricultural or value-added technology research from an Iowa educational institution;

A project which is not a retail operation;

A project which includes remediation or redevelopment of a brownfield site.

Maximum preliminary points for project impact — 120 points.

(4) Final impact score. Maximum — 120 points. Equal to preliminary impact score multiplied by a reliability factor (as a percent).

(NOTE OF EXPLANATION — Rating factors in 53.8(3)“f”(1) to (3) attempt to measure the expected impact of the project, if all predictions and projections in the application turn out to be accurate. Up to that point in the rating system, no attempt has been made to judge the feasibility of the business venture, the reliability of the job creation and financial estimates, the likelihood of success, the creditworthiness of the business, and whether the project would occur without state assistance. An attempt to analyze projects against these factors is also important. In order to incorporate this judgment into the rating system, the Preliminary Impact Score (Maximum of 120 points) is multiplied by a “reliability and feasibility factor” to obtain a final impact score, 53.8(3)“f”(4). This factor will range from 0 to 100 percent, depending upon the department’s judgment as to the likelihood of the projections turning out as planned. If, in the department’s judgment, the project would proceed whether it was funded or not, it will be assigned a zero percent on the reliability and feasibility factor and the final impact score will be zero. This is consistent with the intent of the program to use funds only where state assistance will make a difference.)

The maximum total score possible is 200 points.

Projects that score less than 120 points in rule 53.8(15) will not be recommended for funding by the staff to the committee.

53.16(5) Extensions based on actual performance. If the recipient achieves the job attainment goal within 90 days after the project expiration date, the department may consider providing up to a 90-day extension to the project expiration date without committee approval.

53.16(6) Forms. The following forms will be used by the department in the administration of the CEBA program:

1. Application for business financial assistance;
2. Application for comprehensive management assistance;
3. Loan agreement;
4. Loan subsidy (buydown) agreement;
5. Loan guarantee agreement;
6. Equity-like agreement;
7. Forgivable loan agreement;
8. Comprehensive management assistance agreement;
9. Applicant program budget and schedule;
10. Applicant semiannual performance report;
11. Applicant request for release of funds; and
12. Applicant final expenditure report.

These rules are intended to implement Iowa Code sections 15.315 to 15.320.

[Filed emergency 12/13/85—published 1/1/86, effective 12/13/85]

[Filed 4/30/86, Notice 1/1/86—published 5/21/86, effective 6/25/86]

[Filed emergency 12/19/86—published 1/14/87, effective 12/19/86]

[Filed emergency 4/17/87—published 5/6/87, effective 5/1/87]

[Filed emergency 7/13/87—published 7/29/87, effective 7/13/87]

[Filed 7/13/87, Notice 5/6/87—published 7/29/87, effective 9/2/87]

[Filed 12/3/87, Notice 7/29/87—published 12/30/87, effective 2/3/88]

[Filed emergency 6/10/88—published 6/29/88, effective 7/1/88]

[Filed emergency 7/22/88—published 8/10/88, effective 7/22/88]

[Filed emergency 2/2/89 after Notice 8/10/88—published 2/22/89, effective 2/2/89]

[Filed 6/22/90, Notice 4/18/90—published 7/11/90, effective 8/15/90]

[Filed emergency 6/21/91 after Notice 4/17/91—published 7/10/91, effective 6/21/91]

[Filed 1/29/93, Notice 10/14/92—published 2/17/93, effective 3/24/93]

[Filed emergency 6/17/94 after Notice 5/11/94—published 7/6/94, effective 6/17/94]

[Filed emergency 9/8/94—published 9/28/94, effective 9/8/94]

[Filed 6/26/95, Notice 5/10/95—published 7/19/95, effective 8/23/95]◇

[Filed 11/17/95, Notice 9/13/95—published 12/6/95, effective 1/10/96]

[Filed 10/23/97, Notice 7/16/97—published 11/19/97, effective 12/24/97]

[Filed 10/23/97, Notice 8/13/97—published 11/19/97, effective 12/24/97]

[Filed 1/22/99, Notice 9/9/98—published 2/10/99, effective 3/17/99]

[Filed 4/28/99, Notice 3/10/99—published 5/19/99, effective 6/23/99]

[Filed 4/21/00, Notice 3/8/00—published 5/17/00, effective 6/21/00]

[Filed emergency 8/18/00—published 9/6/00, effective 8/18/00]

[Filed 10/23/00, Notice 9/6/00—published 11/15/00, effective 12/20/00]



The first part of the document discusses the importance of maintaining accurate records. It states that proper record-keeping is essential for ensuring the integrity and reliability of the data. This section also covers the various methods used to collect and analyze the information, highlighting the challenges and solutions involved in the process.

The second part of the document focuses on the specific details of the study. It provides a comprehensive overview of the experimental setup, including the materials used and the procedures followed. This section is crucial for understanding the methodology and the results of the study. It also discusses the potential limitations and the steps taken to minimize errors.

The third part of the document presents the results of the study. It includes a detailed analysis of the data collected, showing the trends and patterns observed. This section is supported by various graphs and tables that illustrate the findings. The authors also provide a clear interpretation of the results, discussing their implications and how they relate to the research objectives.

Finally, the document concludes with a summary of the key findings and a discussion of the future directions for research. The authors emphasize the significance of the work and the need for further exploration in this field. They also acknowledge the contributions of the research team and the funding sources that supported the study.

CHAPTER 65
BROWNFIELD REDEVELOPMENT PROGRAM

261—65.1(78GA,ch1101) Purpose. The brownfield redevelopment program is designed to provide financial and technical assistance for the acquisition, remediation, or redevelopment of brownfield sites.

261—65.2(78GA,ch1101) Definitions. When used in this chapter, unless the context otherwise requires:

“*Acquisition*” means the purchase of brownfield property.

“*Advisory council*” means a brownfield redevelopment advisory council as established in 2000 Iowa Acts, chapter 1101, section 4, consisting of five members.

“*Board*” means the Iowa department of economic development board.

“*Brownfield site*” means an abandoned, idled, or underutilized industrial or commercial facility where expansion or redevelopment is complicated by real or perceived environmental contamination. A brownfield site includes property contiguous with the property on which the individual or commercial facility is located. A brownfield site shall not include property which has been placed, or is proposed to be included, on the national priorities list established pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601 et seq.

“*CERCLA*” means Comprehensive Environmental Response, Compensation, and Liability Act as defined at 42 U.S.C. 9601 et seq.

“*Characterization*” means determination of both the nature and extent of contamination in the various media of the environment.

“*Community*” means a city or county, or an entity established pursuant to Iowa Code chapter 28E.

“*Contaminant*” means any hazardous substance found in the various media of the environment.

“*Department*” or “*IDED*” means the Iowa department of economic development.

“*Fund*” means the brownfield redevelopment fund established pursuant to 2000 Iowa Acts, chapter 1101, section 3.

“*Grant*” means the donation or contribution of funds with no expectation or requirement that the funds be repaid.

“*Hazardous substance*” means “hazardous substance” as defined in 567—Chapter 137 and includes petroleum substances not addressed in 567—Chapter 135.

“*Loan*” means an award of assistance with the requirement that the award be repaid, and with term, interest rate, and any other conditions specified as part of the award. A deferred loan is one for which the payment of principal or interest, or both, is not required for some specified period. A forgivable loan is one for which repayment is eliminated in part or entirely if the borrower satisfies specified conditions. A loan guarantee is a third-party commitment to repay all or a portion of the loan in the event that the borrower defaults on the loan.

“*Redevelopment*” means projects that result in the elimination of blighting characteristics as defined by Iowa Code section 403.2.

“*Remediation*” includes characterization, risk assessment, removal and cleanup of environmental contaminants located on and adjacent to a brownfield site. Funding awards used for remediation must comply with appropriate Iowa department of natural resources requirements and guidelines.

“*Risk evaluation*” means assessment of risks to human health and environment by way of guidelines established in 567—Chapter 137.

“*Sponsorship*” means an agreement between a city or county and an applicant for assistance under the brownfield redevelopment program in which the city or county agrees to offer assistance or guidance to the applicant. Sponsorship is not required if the applicant is a city or county.

261—65.3(78GA,ch1101) Eligible applicants. To be eligible to apply for program assistance, an applicant must meet the following eligibility requirements:

65.3(1) Site owner. A person owning a site is an eligible applicant if the site for which assistance is sought meets the definition of a brownfield site and the applicant has secured a sponsor prior to applying for program assistance.

65.3(2) Nonowner of site. A person who is not an owner of a site is an eligible applicant if the site meets the definition of a brownfield site and the applicant has secured a sponsor prior to applying for program assistance.

65.3(3) Agreement executed. Prior to applying for financial assistance under this program, an applicant shall enter into an agreement with the owner of the brownfield site for which financial assistance is sought. The agreement shall at a minimum include:

1. The total cost for remediating the site.
2. Agreement that the owner shall transfer title of the property to the applicant upon completion of the remediation of the property. Title transfer is not required when the applicant is the owner of the property and no title transfer occurs.
3. Agreement that upon the subsequent sale of the property by the applicant to a person other than the original owner, the original owner shall receive not more than 75 percent of the estimated total cost of the remediation, acquisition or redevelopment.

261—65.4(78GA,ch1101) Eligible forms of assistance and limitations.

65.4(1) Financial assistance. Eligible forms of financial assistance under this program include grants, interest-bearing loans, forgivable loans, loan guarantees, and other forms of assistance under the brownfield redevelopment program established in 2000 Iowa Acts, chapter 1101.

65.4(2) Technical assistance. Technical assistance under this program is available in the form of providing an applicant with assistance in identifying alternative forms of assistance for which the applicant may be eligible.

65.4(3) Limitation on amount. An applicant shall not receive financial assistance of more than 25 percent of the agreed-upon estimated total cost of remediation, acquisition or redevelopment.

65.4(4) Exclusions. Program funds shall not be used for the remediation of contaminants being addressed under Iowa’s leaking underground storage tank (UST) program. However, a site’s being addressed under the UST program does not necessarily exclude that site from being addressed under the Iowa brownfield redevelopment Act if other nonpetroleum contaminants or petroleum substances not addressed under 567—Chapter 135 are present.

261—65.5(78GA,ch1101) Repayment to IDED. Upon the subsequent sale of the property by an applicant to a person other than the original owner, the applicant shall repay the department for financial assistance received by the applicant. The repayment shall be in an amount equal to the sales price less the amount paid to the original owner pursuant to the agreement between the applicant and the original owner. The repayment amount shall not exceed the amount of financial assistance received by the applicant.

261—65.6(78GA,ch1101) Application and award procedures. Subject to availability of funds, applications will be reviewed and rated by IDED staff on an ongoing basis and reviewed quarterly by the advisory council. Brownfield redevelopment funds will be awarded on a competitive basis. Applications will be reviewed by staff for completeness and eligibility. If additional information is required, the applicant shall be provided with notice, in writing, to submit additional information. Recommendations from the advisory council will be submitted to the board. The board may approve, deny or defer an application.

261—65.7(78GA,ch1101) Application contents. An application for assistance shall include, but not be limited to, the following information:

1. A business plan which includes a remediation plan. The business plan should, at a minimum, include a project contact/applying agency, a project overview (which would include the background of the project area, goals and objectives of the project, and implementation strategy), and a project/remediation budget.
2. A statement of purpose describing the intended use of and proposed repayment schedule for any financial assistance received by the applicant.
3. Evidence of sponsorship.

261—65.8(78GA,ch1101) Application forms. Application forms for the brownfield redevelopment program shall be available upon request from IDED, 200 East Grand Avenue, Des Moines, Iowa 50309. IDED may provide technical assistance as necessary to applicants. IDED staff may conduct on-site evaluations of proposed activities.

261—65.9(78GA,ch1101) Application review criteria. Brownfield redevelopment funds will be awarded on a competitive basis. Applications will be reviewed and prioritized based on the following criteria:

1. Whether the project meets the definition of a brownfield site.
2. Whether alternative forms of assistance have been explored and used by the applicant.
3. The level of distress or extent of the problem on the site has been identified.
4. Whether the site is on or proposed to be added to the U.S. Environmental Protection Agency's list of CERCLA sites.
5. The degree to which awards secured from other sources are committed to the subject site.
6. The leveraging of other public and private resources beyond the 75 percent minimum required.
7. Type and terms of assistance requested.
8. Rationale that the project serves a public purpose.
9. The level of economic and physical distress within the project area.
10. Past efforts of the community/owner to resolve the problem.
11. Ability of the applicant to outline the goals and objectives of the project and describe the overall strategy for achieving the goals and objectives.
12. Ancillary off-site development as a result of site remediation.

261—65.10(78GA,ch1101) Administration of awards.

65.10(1) A contract shall be executed between the recipient and IDED. These rules and applicable state laws and regulations shall be part of the contract.

65.10(2) The recipient must execute and return the contract to IDED within 45 days of transmittal of the final contract from IDED. Failure to do so may be cause for the board to terminate the award.

65.10(3) Certain activities may require that permits or clearances be obtained from other state or local agencies before the activity may proceed. Awards may be conditioned upon the timely completion of these requirements.

65.10(4) Awards may be conditioned upon commitment of other sources of funds necessary to complete the activity.

65.10(5) Awards may be conditioned upon IDED's receipt and approval of an implementation plan for the funded activity.

These rules are intended to implement 2000 Iowa Acts, chapter 1101.

[Filed emergency 8/18/00—published 9/6/00, effective 8/18/00]

[Filed 10/23/00, Notice 9/6/00—published 11/15/00, effective 12/20/00]

CHAPTERS 66 to 100
Reserved

PART VIII
VISION IOWA BOARDCHAPTERS 200 to 210
ReservedCHAPTER 211
COMMUNITY ATTRACTION AND
TOURISM DEVELOPMENT PROGRAM

[Prior to 9/6/00, see 261—Ch 65]

261—211.1(78GA,ch1174) Purpose. The community attraction and tourism development program is designed to assist communities in the development and creation of multiple-purpose attraction and tourism facilities.

261—211.2(78GA,ch1174) Definitions. When used in this chapter, unless the context otherwise requires:

“Attraction” means a permanently located recreational, cultural, educational, or entertainment activity that is available to the general public.

“Board” means the vision Iowa board established by 2000 Iowa Acts, chapter 1174, section 2.

“Community” or *“political subdivision”* means a city or county, or an entity established pursuant to Iowa Code chapter 28E.

“Community attraction and tourism program review committee” or *“CAT review committee”* means the committee established by 2000 Iowa Acts, chapter 1174, section 9, and identified as the following members of the vision Iowa board: the three members of the general public, one from each of the three tourism regions; the mayor of a city with a population of less than 20,000; and the county supervisor from a county that has a population ranking in the bottom 33 counties according to the 1990 census. The chair and vice chair of the vision Iowa board may serve as ex officio members of any subcommittee of the board.

“Department” or *“IDED”* means the Iowa department of economic development.

“Economic development organization” means an entity organized to position a community to take advantage of economic development opportunities and strengthen a community’s competitiveness as a place to work and live.

“Float loan” or *“interim financing”* means a short-term loan (maximum of 30 months) from obligated but unexpended funds.

“Fund” means the community attraction and tourism fund established pursuant to 2000 Iowa Acts, chapter 1174, section 10(1).

“Loan” means an award of assistance with the requirement that the award be repaid with term, interest rate, and other conditions specified as part of the award. A deferred loan is one for which the payment of principal, interest, or both, is not required for some specified period. A forgivable loan is one for which repayment is eliminated in part or entirely if the borrower satisfies specified conditions.

“Local support” means endorsement by local individuals and organizations that have a substantial interest in a project.

“Nonfinancial support” may include, but is not limited to, the value of labor and services which may not total more than 25 percent of a local match. Real property and personal property donated for purposes of the project are considered financial support at their fair market value.

“Private organization” means a corporation, partnership, or other organization that is operated for profit.

“Program” means the community attraction and tourism program established in 2000 Iowa Acts, chapter 1174, section 8.

“Public organization” means a not-for-profit economic development organization or other not-for-profit organization including those that sponsor or support community or tourism attractions and activities.

“Recipient” means the entity under contract with the vision Iowa board to receive community attraction and tourism development funds and undertake the funded activity.

“Recreational and cultural attraction” means an attraction that enhances the quality of life in the community.

“School district” means a school corporation organized under Iowa Code chapter 274.

“Subrecipient” means a private organization or other entity operating under an agreement or contract with a recipient to carry out a funded community attraction and tourism development activity.

“Tourism opportunity” means a facility that draws people into the community from at least 50 miles (one way) away from home.

“Vertical infrastructure” means land acquisition and construction, major renovation and major repair of buildings, all appurtenant structures, utilities, site development, and recreational trails. “Vertical infrastructure” does not include routine, recurring maintenance or operational expenses or leasing of a building, appurtenant structure, or utility without a lease-purchase agreement.

261—211.3(78GA,ch1174) Program components. There are two direct components to the community attraction and tourism development program. The first component relates to community attraction, tourism or leisure projects that are sponsored by political subdivisions, public organizations, and school districts in cooperation with a city or county. This component is referred to as the community attraction component. The second component provides community attraction and tourism development funds for interim financing for eligible projects under the community attraction component. This component is referred to as the interim financing component.

211.3(1) Community attraction component. The objective of the community attraction component is to provide financial assistance for community-sponsored attraction and tourism projects. Community attraction projects may include but are not limited to the following: museums, theme parks, cultural and recreational centers, heritage attractions, sports arenas and other attractions.

211.3(2) Interim financing component.

a. The objective of the community attraction and tourism development interim financing component is to provide short-term financial assistance for eligible community attraction and tourism projects. Financial assistance may be provided as a float loan. A float loan may only be made for projects that can provide the vision Iowa board with an irrevocable letter of credit or equivalent security instrument from a lending institution rated AA or better, in an amount equal to or greater than the principal amount of the loan.

b. Applications for float loans shall be processed, reviewed and considered on a first-come, first-served basis to the extent funds are available. Applications that are incomplete or require additional information, investigation or extended negotiation may lose funding priority. Applications for float loans shall meet all other criteria required for the community attraction component.

261—211.4(78GA,ch1174) Allocation of funds.

211.4(1) Except as otherwise noted in this rule, all community attraction and tourism development funds shall be awarded for projects as specified in rule 211.3(78GA,ch1174).

211.4(2) One-third of the moneys shall be allocated to provide assistance to cities and counties which meet the following criteria:

a. A city which has a population of 10,000 or less according to the most recently published census.

b. A county which has a population that ranks in the bottom 33 counties according to the most recently published census.

211.4(3) Two-thirds of the moneys shall be allocated to provide assistance to any city and county in the state, which may include a city or county included under subrule 211.4(2).

211.4(4) If two or more cities or counties submit a joint project application for financial assistance under the program, all joint applicants must meet the criteria of subrule 211.4(2) in order to receive any moneys allocated under that subrule.

211.4(5) If any portion of the allocated moneys under subrule 211.4(2) has not been awarded by April 1 of the fiscal year for which the allocation is made, the portion which has not been awarded may be utilized by the vision Iowa board to provide financial assistance under the program to any city or county in the state.

261—211.5(78GA,ch1174) Eligible applicants. Eligible applicants for community attraction and tourism development funds include political subdivisions, public organizations, and school districts in cooperation with a city or county.

211.5(1) Any eligible applicant may apply directly or on behalf of a subrecipient.

211.5(2) Any eligible applicant may apply individually or jointly with another eligible applicant or other eligible applicants.

261—211.6(78GA,ch1174) Eligible projects and forms of assistance.

211.6(1) Eligible projects include those which are related to a community or tourism attraction, and which would position a community to take advantage of economic development opportunities in tourism and strengthen a community's competitiveness as a place to work and live. Eligible projects include building construction or reconstruction, rehabilitation, conversion, acquisition, demolition for the purpose of clearing lots for development, site improvement, equipment purchases, and other projects as may be deemed appropriate by the vision Iowa board.

211.6(2) Eligible forms of assistance include grants, interest-bearing loans, non-interest-bearing loans, float loans under the interim financing component, interest subsidies, deferred payment loans, forgivable loans, loan guarantees, or other forms of assistance as may be approved by the vision Iowa board.

211.6(3) Financial assistance for an eligible project may be provided in the form of a multiyear award to be paid in increments over a period of years, subject to the availability of funds.

211.6(4) IDDED, with the approval of the chair or vice chair of the vision Iowa board, reserves the right to make technical corrections which are within the intent of the terms of a board-approved award.

211.6(5) Applicants must report other sources of funding or pending funding, public or private, for the project including the local recreation infrastructure grants program administered by the department of natural resources and the Iowa historic site preservation program administered by the department of cultural affairs. IDDED may consult with appropriate staff from the department of cultural affairs and the department of natural resources to coordinate the review of applications under the programs.

261—211.7(78GA,ch1174) Ineligible projects.

211.7(1) The vision Iowa board shall not approve an application for assistance under this program to refinance an existing loan.

211.7(2) An applicant may not receive more than one award under this program for a single project. However, previously funded projects may receive an additional award(s) if the applicant demonstrates that the funding is to be used for a significant expansion of the project, a new project, or a project that results from previous project-development assistance.

211.7(3) The vision Iowa board shall not approve an application for assistance in which community attraction and tourism development funding would constitute more than 50 percent of the total project costs. A portion of the resources provided by the applicant for project costs may be in the form of in-kind or nonfinancial contributions.

261—211.8(78GA,ch1174) Threshold application requirements. To be considered for funding under the community attraction and tourism development program, an application must meet the following threshold requirements:

211.8(1) There must be demonstrated local support for the proposed activity.

211.8(2) A need for community attraction and tourism development program funds must exist after other financial resources have been identified for the proposed project.

211.8(3) The proposed project must primarily involve the creation or renovation of vertical infrastructure with demonstrated substantial regional or statewide economic impact.

211.8(4) The project must provide and pay at least 50 percent of the cost of a standard medical insurance plan for all full-time employees working at the project after the completion of the project for which financial assistance was received.

261—211.9(78GA,ch1174) Application review criteria. Applications meeting the threshold requirements of rule 211.8(78GA,ch1174) will be reviewed by IDED staff and passed on to the vision Iowa board. IDED staff shall provide a review, analysis and evaluation of the applications to the CAT review committee of the vision Iowa board. All eligible applications will be reviewed by the vision Iowa board. The CAT review committee shall evaluate and rank applications based on the following criteria:

211.9(1) Feasibility (0-25 points). The feasibility of the existing or proposed facility to remain a viable enterprise. The applicant's comprehensive business plan and operational plan will be reviewed as part of this criterion. Rating factors for this criterion include, but are not limited to, the following: analysis of the comprehensive business plan which shall include a description of initial capitalization, sources of funding, project budget, detailed financial projections for five years, marketing analysis, marketing plan, management team, and operational plan that provides detailed information about how the proposed attraction will be operated and maintained including a time line for implementing the project. In order to be eligible for funding, proposals must score at least 15 points on this rating factor.

211.9(2) Economic impact (0-25 points). Number of jobs created and other measures of economic impact including long-term tax generation, but excluding the use of economic multipliers. The evaluation of the economic impact of a proposed project shall also include a review of the wages and benefits (including health benefits) associated with the jobs to be created, safety, and other attributes of the project that would improve the quality of attraction and tourism employment in the community. Additionally, the economic impact of the project shall be reviewed based on the degree to which the project enhances the quality of life in a community; increases the recreational and cultural attraction and tourism opportunities; contributes to the community's efforts to retain and attract a skilled workforce; and creatively uses existing resources in the community. In order to be eligible for funding, proposals must score at least 15 points on this rating factor.

211.9(3) Leveraged activity (0-10 points). The degree to which the facility or project will stimulate the development of other recreational and cultural attractions or tourism opportunities and enhance economic growth and job opportunities. In order to be eligible for funding, proposals must score at least 6 points on this rating factor.

211.9(4) Matching funds (0-25 points). The proportion of nonstate match to be contributed to the project, and the extent of public and private participation. Moneys expended toward implementation of the project after May 9, 2000, may be considered to be a local match. Moneys raised at any time but not yet spent may also be considered to be a local match.

211.9(5) *Planning principles (0-10 points).* The extent to which the project has taken the following planning principles into consideration:

- a. Efficient and effective use of land resources and existing infrastructure by encouraging development in areas with existing infrastructure or capacity to avoid costly duplication of services and costly use of land.
- b. Provision for a variety of transportation choices, including pedestrian traffic.
- c. Maintenance of unique sense of place by respecting and enhancing local cultural, historical and natural environmental features.
- d. Conservation of open space and farmland and preservation of critical environmental areas.
- e. Promotion of the safety, livability, and revitalization of existing urban and rural communities.

211.9(6) *Technology and values (0-5 points).* Whether the project has taken the following into consideration:

- a. Extent to which the project encourages technologies that allow regional or statewide access for long-distance learning and Internet access to facility resources.
 - b. Extent to which the project enhances education, wellness (health), and breadth of the project to attract Iowans of all ages.
 - c. Extent to which facilities are nonsmoking.
 - d. Extent to which facilities enhance or promote fine arts. For purposes of this paragraph, "fine arts" means "fine arts" as defined in Iowa Code section 304A.8(2) and also includes landscaping.
- A minimum score of 65 points is needed for a project to be recommended for funding.

261—211.10(78GA,ch1174) *Application procedure.* Subject to availability of funds, applications are reviewed by IDED staff on an ongoing basis and reviewed at least quarterly by the board. Applications will be reviewed by staff for completeness and eligibility. If additional information is required, the applicant shall be provided with notice, in writing, to submit additional information. A review, analysis and evaluation from the IDED staff will be submitted to the CAT review committee of the board who will then make a final recommendation to the complete board for final approval, denial or deferral. The vision Iowa board has the option to fund a component of a proposed project if the entire project does not qualify for funding.

211.10(1) Application forms shall be available upon request from IDED, 200 East Grand Avenue, Des Moines, Iowa 50309; telephone (515)242-4770.

211.10(2) IDED may provide technical assistance to applicants as necessary. IDED staff and board members may conduct on-site evaluations of proposed projects.

211.10(3) Applications shall include, at a minimum, the information detailed in rule 211.9(78GA,ch1174), application review criteria.

261—211.11(78GA,ch1174) *Administration.*

211.11(1) *Administration of awards.*

a. A contract shall be executed between the recipient and the vision Iowa board. These rules and applicable state laws and regulations shall be part of the contract. The board reserves the right to negotiate wage rates as well as other terms and conditions of the contract.

b. The recipient must execute and return the contract to the vision Iowa board within 45 days of transmittal of the final contract from the vision Iowa board. Failure to do so may be cause for the vision Iowa board to terminate the award.

c. Certain projects may require that permits or clearances be obtained from other state or local agencies before the project may proceed. Awards may be conditioned upon the timely completion of these requirements.

d. Awards may be conditioned upon commitment of other sources of funds necessary to complete the project.

e. Awards may be conditioned upon IDEED receipt and board approval of an implementation plan for the funded project.

211.11(2) *Requests for funds.* Recipients shall submit requests for funds in the manner and on forms prescribed by IDEED. Individual requests for funds shall be made in an amount equal to or greater than \$500 per request, except for the final draw of funds.

211.11(3) *Record keeping and retention.* The recipient shall retain all financial records, supporting documents and all other records pertinent to the community attraction and tourism development activity for three years after contract closeout. Representatives of IDEED shall have access to all records belonging to or in use by recipients pertaining to community attraction and tourism development funds.

211.11(4) *Performance reports and reviews.* Recipients shall submit performance reports to IDEED in the manner and on forms prescribed by IDEED. Reports shall assess the use of funds and progress of activities. IDEED may perform any reviews or field inspections necessary to ensure recipient performance.

211.11(5) *Amendments to contracts.* Any substantive change to a contract shall be considered an amendment. Changes include time extensions, budget revisions and significant alteration of the funded project that change the scope, location, objectives or scale of the approved project. Amendments must be requested in writing by the recipient and are not considered valid until approved by the vision Iowa board and confirmed in writing by IDEED following the procedure specified in the contract between the recipient and IDEED.

211.11(6) *Contract closeout.* Upon contract expiration, IDEED shall initiate contract closeout procedures.

211.11(7) *Compliance with state and local laws and regulations.* Recipients shall comply with these rules, with any provisions of the Iowa Code governing activities performed under this program and with applicable local regulations.

211.11(8) *Remedies for noncompliance.* At any time before contract closeout, the board may, for cause, find that a recipient is not in compliance with the requirements of this program. At the board's discretion, remedies for noncompliance may include penalties up to and including the return of program funds to the board. Reasons for a finding of noncompliance include but are not limited to the recipient's use of funds for activities not described in the contract, the recipient's failure to complete funded projects in a timely manner, the recipient's failure to comply with applicable state or local rules or regulations or the lack of a continuing capacity of the recipient to carry out the approved project in a timely manner.

These rules are intended to implement 2000 Iowa Acts, chapter 1174.

[Filed emergency 6/18/99—published 7/14/99, effective 7/1/99]

[Filed 8/20/99, Notice 7/14/99—published 9/8/99, effective 10/13/99]

[Filed without Notice 8/18/00—published 9/6/00, effective 10/11/00]

[Filed 10/23/00, Notice 9/6/00—published 11/15/00, effective 12/20/00]

CHAPTER 212
VISION IOWA PROGRAM

261—212.1(78GA,ch1174) Purpose. The vision Iowa board is charged by the Iowa legislature and the governor with establishing, overseeing and providing approval of the administration of the vision Iowa program and the community attraction and tourism program of the state of Iowa. The board will encourage and support creative projects that enhance the lives of Iowans throughout the state, will encourage and support visionary thinking in cities and towns and counties of all sizes and in all areas, and will leverage state money as heavily as possible to attract funds for these projects from other sources. The vision Iowa board will support projects that build on Iowa's unique assets and values and expand the recreational, cultural, educational, and entertainment opportunities in the state.

261—212.2(78GA,ch1174) Definitions. When used in this chapter, the following definitions apply unless the context otherwise requires:

"Attraction" means a permanently located recreational, cultural, educational or entertainment activity that is available to the general public.

"Board" means the vision Iowa board as established in 2000 Iowa Acts, chapter 1174.

"Department" or *"IDED"* means the Iowa department of economic development.

"Economic development organization" means an entity organized to position a community to take advantage of economic development opportunities and strengthen a community's competitiveness as a place to work and live.

"Float loan" or *"interim financing"* means a short-term loan (maximum of 30 months) from obligated but unexpended funds.

"Fund" means the vision Iowa fund established pursuant to 2000 Iowa Acts, chapter 1174, section 16(1).

"Loan" means an award of assistance with the requirement that the award be repaid with term, interest rate, and other conditions specified as part of the award. A deferred loan is one for which the payment of principal, interest, or both, is not required for some specified period. A forgivable loan is one for which repayment is eliminated in part or entirely if the borrower satisfies specified conditions.

"Local support" means endorsement by local individuals and organizations that have a substantial interest in a project.

"Major tourism facility" means a project of at least \$20 million in scope that has substantial regional or statewide economic impact.

"Nonfinancial support" may include, but is not limited to, the value of labor and services which may not total more than 25 percent of a local match. Real property and personal property donated for purposes of the project are considered financial support at their fair market value.

"Political subdivision" means a city or county, or an entity established pursuant to Iowa Code chapter 28E.

"Private organization" means a corporation, partnership, or other organization that is operated for profit.

"Program" means the vision Iowa program established in 2000 Iowa Acts, chapter 1174.

"Public organization" means a not-for-profit economic development organization or other not-for-profit organization including those that sponsor or support community or tourism attractions and activities.

“Recipient” means the entity under contract with the vision Iowa board to receive vision Iowa funds and undertake the funded project.

“School district” means a school corporation organized under Iowa Code chapter 274.

“Subrecipient” means a private organization or other entity operating under an agreement or contract with a recipient to carry out a funded vision Iowa project.

“Vertical infrastructure” means land acquisition and construction, major renovation and major repairs of buildings, all appurtenant structures, utilities, site development, and recreational trails. *“Vertical infrastructure”* does not include routine, recurring maintenance or operational expenses or leasing of a building, appurtenant structure, or utility without a lease-purchase agreement.

“Vision Iowa program review committee” means the committee established by 2000 Iowa Acts, chapter 1174, and identified as the following members of the vision Iowa board: the four members of the general public, the mayor of a city with a population of 20,000 or more, the director of the Iowa department of economic development, the treasurer of state or designee, and the auditor of state or designee. The chair and vice chair of the vision Iowa board may serve as ex officio members of any subcommittee of the board.

261—212.3(78GA,ch1174) Allocation of funds. Except as otherwise noted in 2000 Iowa Acts, chapter 1174, all vision Iowa funds shall be awarded for projects as specified in Iowa Code section 12.72.

261—212.4(78GA,ch1174) Eligible applicants.

212.4(1) Eligible applicants for vision Iowa funds include political subdivisions, public organizations, and school districts in cooperation with a city or county.

212.4(2) Any eligible applicant may apply directly or on behalf of a subrecipient.

212.4(3) Any eligible applicant may apply individually or jointly with another eligible applicant or other eligible applicants.

261—212.5(78GA,ch1174) Eligible projects and forms of assistance.

212.5(1) Eligible projects include those which are related to a major tourism facility which would position a community to take advantage of economic development opportunities in tourism and strengthen a community’s competitiveness as a place to work and live. Eligible projects include building construction or reconstruction, rehabilitation, conversion, acquisition, demolition for the purpose of clearing lots for development, site improvement, equipment purchases, and other projects as may be deemed appropriate by the vision Iowa board.

212.5(2) Eligible forms of assistance include grants, interest-bearing loans, non-interest-bearing loans, interim financing, interest subsidies, deferred payment loans, forgivable loans, loan guarantees, float loans, or other forms of assistance as may be approved by the vision Iowa board.

212.5(3) Financial assistance for an eligible project may be provided in the form of a multiyear award to be paid in increments over a period of years, subject to the availability of funds.

212.5(4) IDED, with the approval of the chair and vice chair of the vision Iowa board, reserves the right to make technical corrections which are within the intent of the terms of a board-approved award.

212.5(5) Applicants must report other sources of funding or pending funding, public or private, for the project including the local recreation infrastructure grants program administered by the department of natural resources and the Iowa historic site preservation program administered by the department of cultural affairs. IDED may consult with appropriate staff from the department of cultural affairs and the department of natural resources to coordinate the review of applications under the programs.

261—212.6(78GA,ch1174) Ineligible projects. The board shall not approve an application for assistance under this program under any of the following circumstances:

1. To refinance an existing loan.
2. To fund a project that has previously received financial assistance under the vision Iowa program, unless the applicant demonstrates that the assistance would be used for a significant expansion of the project.
3. A project in which vision Iowa funding would constitute more than 50 percent of the total project costs. A portion of the resources provided by the applicant for project costs may be in the form of nonfinancial support.

261—212.7(78GA,ch1174) Threshold application requirements. To be considered for funding under the vision Iowa program, an application shall meet the following threshold requirements:

212.7(1) There must be demonstrated local support for the proposed project.

212.7(2) A need for vision Iowa program funds must exist after other financial resources have been identified for the proposed project.

212.7(3) The proposed project must primarily involve the creation or renovation of vertical infrastructure with demonstrated substantial regional or statewide economic impact.

212.7(4) The project must provide and pay at least 50 percent of the cost of a standard medical insurance plan for all full-time employees working at the project after the completion of the project for which financial assistance was received.

261—212.8(78GA,ch1174) Application review criteria. Applications meeting the threshold requirements of rule 212.7(78GA,ch1174) will be reviewed by IDED and passed on to the vision Iowa board. IDED staff shall provide a review, analysis and evaluation of applications to the vision Iowa program review committee of the vision Iowa board. All eligible applications will be reviewed by the board. The vision Iowa program review committee shall evaluate and rank applications based on the following criteria:

212.8(1) Feasibility (0-25 points). The feasibility of the existing or proposed facility to remain a viable enterprise. The applicant's comprehensive business plan and operational plan will be reviewed as part of this criterion. Rating factors for this criterion include, but are not limited to, the following: analysis of the comprehensive business plan which shall include a description of initial capitalization, sources of funding, project budget, detailed financial projections (including revenues and expenses) for five years, marketing analysis, marketing plan, and management team; and analysis of the operational plan which shall provide detailed information about how the proposed attraction will be operated and maintained including a time line for implementing the project. In order to be eligible for funding, proposals must score at least 15 points on this rating factor.

212.8(2) Economic impact (0-25 points). Number of jobs created and other measures of economic impact including long-term tax generation, but excluding the use of economic multipliers. The evaluation of the economic impact of a proposed project shall also include a review of the wages and benefits (including health benefits) associated with the jobs to be created, safety, and other attributes of the project that would improve the quality of employment in the community. Additionally, the economic impact of a project shall be reviewed based on the degree to which the project enhances the quality of life in a region, increases diversity of projects available, contributes to the community's efforts to retain and attract a skilled workforce, and creatively uses existing resources in the community. In order to be eligible for funding, proposals must score at least 15 points on this rating factor.

212.8(3) Leveraged activity (0-10 points). The degree to which the facility or project will stimulate the development of other recreational and cultural attractions or tourism opportunities and enhance economic growth and job opportunities. The degree to which the facility or project is strategically aligned with other existing regional or statewide cultural, recreational, entertainment, or educational activities in the community. In order to be eligible for funding, proposals must score at least 6 points on this rating factor.

212.8(4) Matching funds (0-25 points). The proportion of local match to be contributed to the project, and the extent of public and private participation. Moneys expended toward implementation of the project after May 9, 2000, may be considered to be a local match. Moneys raised at any time but not yet spent may also be considered to be a local match.

212.8(5) Planning principles (0-10 points). The extent to which the project has taken the following planning principles into consideration:

a. Efficient and effective use of land resources and existing infrastructure by encouraging development in areas with existing infrastructure or capacity to avoid costly duplication of services and costly use of land.

b. Provision for a variety of transportation choices, including pedestrian traffic.

c. Maintenance of unique sense of place by respecting and enhancing local cultural, historical and natural environmental features.

d. Conservation of open space and farmland and preservation of critical environmental areas.

e. Promotion of the safety, livability, and revitalization of existing urban and rural communities.

212.8(6) Technology and values (0-5 points). Whether the project has taken the following into consideration:

a. Extent to which the project encourages technologies that allow regional or statewide access for long-distance learning and Internet access to facility resources.

b. Extent to which the project enhances education, wellness (health), and breadth of the project to attract Iowans of all ages.

c. Extent to which facilities are nonsmoking.

d. Extent to which facilities enhance or promote fine arts. For purposes of this paragraph, "fine arts" means "fine arts" as defined in Iowa Code section 304A.8(2) and also includes landscaping.

A minimum score of 65 points is required for a project to be recommended for funding.

261—212.9(78GA,ch1174) Application procedure.

212.9(1) Subject to availability of funds, applications will be reviewed by IDED staff on an on-going basis and reviewed at least quarterly by the board. Applications will be reviewed by staff for completeness and eligibility. If additional information is required, the applicant shall be provided with notice, in writing, to submit additional information. A review, analysis and evaluation from the IDED staff will be submitted to the vision Iowa program review committee of the board who will then make a final recommendation to the complete board for final approval, denial or deferral. The vision Iowa board has the option to fund a component of a proposed project if the entire project does not qualify for funding.

212.9(2) Application forms for vision Iowa are available upon request from IDED, 200 East Grand Avenue, Des Moines, Iowa 50309.

212.9(3) IDED may provide technical assistance as necessary to applicants. IDED staff may conduct on-site evaluations of proposed projects.

212.9(4) Applications shall include, at a minimum, the information detailed in rule 212.8(78GA,ch1174).

261—212.10(78GA, ch1174) Administration of awards.

212.10(1) A contract shall be executed between the recipient and the vision Iowa board. These rules and applicable state laws and regulations shall be part of the contract. The board reserves the right to negotiate wage rates as well as other terms and conditions of the contract.

212.10(2) The recipient must execute and return the contract to the vision Iowa board within 45 days of transmittal of the final contract from the vision Iowa board. Failure to do so may be cause for the vision Iowa board to terminate the award.

212.10(3) Certain projects may require that permits or clearances be obtained from other state or local agencies before the activity may proceed. Awards may be conditioned upon the timely completion of these requirements.

212.10(4) Awards may be conditioned upon commitment of other sources of funds necessary to complete the project.

212.10(5) Amendments to contracts. Any substantive change to a contract shall be considered an amendment. Changes include time extensions, budget revisions and significant alteration of the funded projects that change the scope, location, objectives or scale of the approved project. Amendments must be requested in writing by the recipient and are not considered valid until approved by the vision Iowa board and confirmed in writing by IDED following the procedure specified in the contract between the recipient and the vision Iowa board.

These rules are intended to implement 2000 Iowa Acts, chapter 1174.

[Filed 10/23/00, Notice 9/6/00—published 11/15/00, effective 12/20/00]

CHAPTER 213
VISION IOWA BOARD: UNIFORM WAIVER
AND VARIANCE RULES

261—213.1(17A,ExecOrd11) Applicability. This chapter outlines a uniform process for the granting of waivers or variances from rules adopted by the board. The intent of this chapter is to allow persons to seek exceptions to the application of rules issued by the board.

213.1(1) Definitions.

“Board” or “vision Iowa board” means the vision Iowa board established by 2000 Iowa Acts, chapter 1174.

“Person” means an individual, corporation, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any legal entity.

“Waiver or variance” means an agency action which suspends in whole or in part the requirements or provisions of a rule as applied to an identified person on the basis of the particular circumstances of that person.

213.1(2) Authority.

a. A waiver or variance from rules adopted by the board may be granted in accordance with this chapter if (1) the board has authority to promulgate the rule from which waiver or variance is requested or has final decision-making authority over a contested case in which a waiver or variance is requested; and (2) no statute or rule otherwise controls the grant of a waiver or variance from the rule from which waiver or variance is requested.

b. No waiver or variance may be granted from a requirement which is imposed by statute. Any waiver or variance must be consistent with statute.

261—213.2(17A,ExecOrd11) Board discretion. The decision on whether the circumstances justify the granting of a waiver or variance shall be made at the discretion of the board upon consideration of all relevant factors.

213.2(1) Criteria for waiver or variance. The board may, in response to a completed petition or on its own motion, grant a waiver or variance from a rule, in whole or in part, as applied to the circumstances of a specified situation if the board finds each of the following:

a. Application of the rule to the person at issue would result in hardship or injustice to that person; and

b. Waiver or variance on the basis of the particular circumstances relative to that specified person would be consistent with the public interest; and

c. Waiver or variance in the specific case would not prejudice the substantial legal rights of any person; and

d. Where applicable, substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver or variance is requested.

In determining whether waiver or variance should be granted, the board shall consider whether the underlying public interest policies and legislative intent of the rules are substantially equivalent to full compliance with the rule. When the rule from which a waiver or variance is sought establishes administrative deadlines, the board shall balance the special individual circumstances of the petitioner with the overall goal of uniform treatment of all licensees, grantees and constituents.

213.2(2) Special waiver or variance rules not precluded. These uniform waiver and variance rules shall not preclude the board from granting waivers or variances in other contexts or on the basis of other standards if a statute or other board rule authorizes the board to do so, and the board deems it appropriate to do so.

261—213.3(17A,ExecOrd11) Requester's responsibilities in filing a waiver or variance petition.

213.3(1) Application. All petitions for waiver or variance must be submitted in writing to the Vision Iowa Board, 200 East Grand Avenue, Des Moines, Iowa 50309-1819. If the petition relates to a pending contested case, a copy of the petition shall also be filed in the contested case proceeding.

213.3(2) Content of petition. A petition for waiver or variance shall include the following information where applicable and known to the requester (for an example of a petition for waiver or variance, see Exhibit A at the end of this chapter):

- a. A description and citation of the specific rule from which a waiver or variance is requested.
- b. The specific waiver or variance requested, including the precise scope and operative period that the waiver or variance will extend.
- c. The relevant facts that the petitioner believes would justify a waiver or variance.
- d. A signed statement from the petitioner attesting to the accuracy of the facts provided in the petition, and a statement of reasons that the petitioner believes will justify a waiver or variance.
- e. A history of any prior contacts between the board and the petitioner relating to the regulated activity, license, grant, loan or other financial assistance affected by the proposed waiver or variance, including a description of each affected license, grant, loan or other financial assistance held by the requester, any notices of violation, contested case hearings, or investigative reports relating to the regulated activity, license, grant or loan within the past five years.
- f. Any information known to the requester regarding the board's treatment of similar cases.
- g. The name, address, and telephone number of any public agency or political subdivision which also regulates the activity in question, or which might be affected by the grant of a waiver or variance.
- h. The name, address, and telephone number of any person or entity that would be adversely affected by the grant of a petition.
- i. The name, address, and telephone number of any person with knowledge of the relevant facts relating to the proposed waiver or variance.
- j. Signed releases of information authorizing persons with knowledge regarding the request to furnish the board with information relevant to the waiver or variance.

213.3(3) Burden of persuasion. When a petition is filed for a waiver or variance from a board rule, the burden of persuasion shall be on the petitioner to demonstrate by clear and convincing evidence that the board should exercise its discretion to grant the petitioner a waiver or variance.

261—213.4(17A,ExecOrd11) Notice. The board shall acknowledge a petition upon receipt. The board shall ensure that notice of the pendency of the petition and a concise summary of its contents have been provided to all persons to whom notice is required by any provision of law within 30 days of the receipt of the petition. In addition, the board may give notice to other persons. To accomplish this notice provision, the board may require the petitioner to serve the notice on all persons to whom notice is required by any provision of law, and provide a written statement to the board attesting that notice has been provided.

261—213.5(17A,ExecOrd11) Board responsibilities regarding petition for waiver or variance.

213.5(1) Additional information. Prior to issuing an order granting or denying a waiver or variance, the board may request additional information from the petitioner relative to the petition and surrounding circumstances. If the petition was not filed in a contested case, the board may, on its own motion or at the petitioner's request, schedule a telephonic or in-person meeting between the petitioner and the board's designee, a committee of the board, or a quorum of the board.

213.5(2) *Hearing procedures.* The provisions of Iowa Code sections 17A.10 to 17A.18A regarding contested case hearings shall apply in three situations: (a) to any petition for a waiver or variance of rule filed within a contested case; (b) when the board so provides by rule or order; or (c) when a statute so requires.

213.5(3) *Ruling.* An order granting or denying a waiver or variance shall be in writing and shall contain a reference to the particular person and rule or portion thereof to which the order pertains, a statement of the relevant facts and reasons upon which the action is based, and a description of the precise scope and operative period of the waiver if one is issued.

213.5(4) *Conditions.* The board may condition the grant of the waiver or variance on such reasonable conditions as appropriate to achieve the objectives of the particular rule in question through alternative means.

213.5(5) *Time for ruling.* The board shall grant or deny a petition for a waiver or variance as soon as practicable but, in any event, shall do so within 120 days of its receipt, unless the petitioner agrees to a later date. However, if a petition is filed in a contested case, the board shall grant or deny the petition no later than the time at which the final decision in that contested case is issued.

213.5(6) *When deemed denied.* Failure of the board to grant or deny a petition within the required time period shall be deemed a denial of that petition by the board.

213.5(7) *Service of order.* Within seven days of its issuance, any order issued under this chapter shall be transmitted to the petitioner or the person to whom the order pertains, and to any other person entitled to such notice by any provision of law.

261—213.6(17A,ExecOrd11) *Public availability.* Subject to the provisions of Iowa Code section 17A.3(1)“e,” the board shall maintain a record of all orders granting or denying waivers and variances under this chapter. All final rulings in response to requests for waivers or variances shall be indexed and available to members of the public at the Vision Iowa Board, 200 East Grand Avenue, Des Moines, Iowa 50309-1819.

261—213.7(17A,ExecOrd11) *Voiding or cancellation.* A waiver or variance is void if the material facts upon which the request is based are not true or if material facts have been withheld. The board may at any time cancel a waiver or variance upon appropriate notice if the board finds that the facts as stated in the request are not true, material facts have been withheld, the alternative means of compliance provided in the waiver or variance have failed to achieve the objectives of the statute, or the requester has failed to comply with the conditions of the order.

261—213.8(17A,ExecOrd11) *Violations.* Violation of conditions in the waiver or variance approval is the equivalent of violation of the particular rule for which the waiver or variance is granted and is subject to the same remedies or penalties.

261—213.9(17A,ExecOrd11) *Defense.* After the board issues an order granting a waiver or variance, the order is a defense within its terms and the specific facts indicated therein for the person to whom the order pertains in any proceeding in which the rule in question is sought to be invoked.

261—213.10(17A,ExecOrd11) *Appeals.* Granting or denying a request for waiver or variance is final agency action under Iowa Code chapter 17A. An appeal to district court shall be taken within 30 days of the issuance of the ruling in response to the request unless a contrary time is provided by rule or statute.

Exhibit A
Sample Petition (Request) for Waiver/Variance

BEFORE THE VISION IOWA BOARD

Petition by (insert name of petitioner)
for the waiver of (insert rule citation)
relating to (insert the subject matter).



PETITION FOR
WAIVER

Requests for waiver or variance from a board rule shall include the following information in the petition for waiver or variance where applicable and known:

- a. Provide the petitioner's (person asking for a waiver or variance) name, address, and telephone number.
- b. Describe and cite the specific rule from which a waiver or variance is requested.
- c. Describe the specific waiver or variance requested; include the exact scope and time period that the waiver or variance will extend.
- d. Explain the important facts that the petitioner believes justify a waiver or variance. Include in your answer why (1) applying the rule will result in hardship or injustice to the petitioner; and (2) granting a waiver or variance to the petitioner is consistent with the public interest; and (3) granting the waiver or variance will not prejudice the substantial legal rights of any person; and (4) where applicable, how substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver or variance is requested.
- e. Provide history of prior contacts between the board and petitioner relating to the regulated activity, license, grant, loan or other financial assistance that would be affected by the waiver or variance; include a description of each affected license, grant, loan or other financial assistance held by the petitioner, any notices of violation, contested case hearings, or investigative reports relating to the regulated activity, license, grant or loan within the past five years.
- f. Provide information known to the petitioner regarding the board's treatment of similar cases.
- g. Provide the name, address, and telephone number of any public agency or political subdivision which also regulates the activity in question, or which might be affected by the grant of a waiver or variance.
- h. Provide the name, address, and telephone number of any person or entity that would be adversely affected or disadvantaged by the grant of the waiver or variance.
- i. Provide the name, address, and telephone number of any person with knowledge of the relevant or important facts relating to the requested waiver or variance.
- j. Provide signed releases of information authorizing persons with knowledge regarding the request to furnish the department with information relevant to the waiver or variance.

I hereby attest to the accuracy and truthfulness of the above information.

Petitioner's signature

Date

Petitioner should note the following when requesting or petitioning for a waiver or variance:

1. The petitioner has the burden of proving to the board, by clear and convincing evidence, the following: (a) application of the rule to the petitioner would result in hardship or injustice to the petitioner; and (b) waiver or variance on the basis of the particular circumstances relative to the petitioner would be consistent with the public interest; and (c) waiver or variance in the specific case would not prejudice the substantial legal rights of any person; and (d) where applicable, how substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver or variance is requested.

2. The board may request additional information from or request an informal meeting with the petitioner prior to issuing a ruling granting or denying a request for waiver or variance.

3. All petitions for waiver or variance must be submitted in writing to the Vision Iowa Board, 200 East Grand Avenue, Des Moines, Iowa 50309-1819. If the petition relates to a pending contested case, a copy of the petition shall also be filed in the contested case proceeding.

These rules are intended to implement Executive Order Number 11, Iowa Code chapter 17A, and 2000 Iowa Acts, chapter 1174.

[Filed 10/23/00, Notice 9/6/00—published 11/15/00, effective 12/20/00]



CHAPTER 45

Reserved

TITLE IX

VOCATIONAL EDUCATION

CHAPTER 46

VOCATIONAL EDUCATION PROGRAMS

- 46.1(258) Standards for vocational education
- 46.2(258) Planning process
- 46.3(258) Public involvement and participation
- 46.4(258) Final plan and accountability report
- 46.5(258) Geographic area
- 46.6(258) Revised standards for vocational education
- 46.7(258) Definitions and descriptions of procedures

CHAPTER 47

VOCATIONAL EDUCATION COUNCIL

- 47.1(17A,258) Agency description
- 47.2(17A,258) Location and methods of obtaining information

CHAPTER 48

CERTIFIED SCHOOL TO CAREER PROGRAM

- 48.1(78GA,ch1013) Purpose
- 48.2(78GA,ch1013) Definitions
- 48.3(78GA,ch1013) Program requirements
- 48.4(78GA,ch1013) Notice of intent

CHAPTERS 49 and 50

Reserved

TITLE X

VETERANS' TRAINING

CHAPTER 51

APPROVAL OF ON-THE-JOB TRAINING ESTABLISHMENTS UNDER THE VETERANS' READJUSTMENT ACT OF 1966 AS AMENDED

- 51.1(256) Application
- 51.2(256) Inspection
- 51.3(256) Report reviewed
- 51.4(256) Wage schedules

CHAPTER 52

APPROVAL OF EDUCATIONAL INSTITUTIONS FOR THE EDUCATION AND TRAINING OF ELIGIBLE VETERANS UNDER THE VETERANS' READJUSTMENT ACT OF 1966 AS AMENDED

- 52.1(256) Colleges
- 52.2(256) High schools
- 52.3 Reserved
- 52.4(256) Schools of Bible or theology
- 52.5(256) Schools of nursing
- 52.6(256) Hospitals
- 52.7(256) Schools of cosmetology
- 52.8(256) Schools of barbering
- 52.9(256) Flight schools
- 52.10(256) Schools of business
- 52.11(256) Trade schools
- 52.12(256) Correspondence courses
- 52.13(256) Evaluation standards

CHAPTERS 53 to 55

Reserved

TITLE XI

VOCATIONAL REHABILITATION EDUCATION

CHAPTER 56

VOCATIONAL REHABILITATION DIVISION

DIVISION I

ORGANIZATION AND OPERATION

- 56.1(259) Designation of state board
- 56.2(259) Vocational rehabilitation of the blind
- 56.3(259) Responsibility of the state board
- 56.4(259) Plan materials and reports
- 56.5(259) Plan materials and reports—agency for the blind
- 56.6(259) Legal basis

	DIVISION II ELIGIBILITY		DIVISION VIII SERVICES
56.7(259)	Responsibility for determination	56.29(259)	Scope of services
56.8(259)	Residence	56.30(259)	Counseling and guidance
56.9(259)	Criteria of eligibility for vocational rehabilitation	56.31(259)	Placement
56.10(259)	Criteria of eligibility for specific services	56.32(259)	Working arrangements
56.11(259)	Nondiscrimination	56.33(259)	DIVISION IX FACILITIES
56.12(259)	Classes of individuals to be rehabilitated	56.34(259)	Types of facilities
56.13(259)	War-disabled civilians and civil employees of the United States	56.35(259)	General standards
56.14(259)	Hearings on applicants' and clients' appeals	56.36(259)	Standards for hospitals
	DIVISION III CASE FINDING	56.37(259)	Standards for persons providing physical restoration services
56.15(259)	Finding and intake	56.38(259)	Standards for facilities providing specialized training or other services
56.16(259)	Working arrangements with other agencies		DIVISION X ECONOMIC NEEDS
	DIVISION IV CASE DIAGNOSIS	56.39(259)	Establishment of need
56.17(259)	Scope of diagnosis	56.40(259)	Standards for determining amount of supplementation
56.18(259)	Basis of diagnosis	56.41(259)	Resources of client
56.19(259)	Medical diagnosis		Rules respecting capital assets
56.20(259)	Vocational diagnosis		DIVISION XI PROFESSIONAL ADMINISTRATION
	DIVISION V RECORDING CASE DATA	56.42(259)	Methods and policies of selection and appointment
56.21(259)	Division files	56.43(259)	Separation of permanent employees
	DIVISION VI PUBLIC RECORDS AND FAIR INFORMATION PRACTICES	56.44(259)	Participation in political activity
56.22(259)	Rules	56.45(259)	Personnel qualifications
56.23(22)	Use and exchange of information	56.46(259)	Vacations and leaves for illness and military service
	DIVISION VII PLAN FOR INDIVIDUALS		DIVISION XII MAXIMUM FEES FOR SERVICES
56.24(259)	Formulation of the plan	56.47(259)	Training
56.25(259)	Content of plan	56.48(259)	Physical restoration services (other than hospitalization and prosthetic devices) and medical examinations
56.26(259)	Client's participation and approval	56.49(259)	Hospitalization
56.27(259)	Conditions for undertaking the individual plan	56.50(259)	Prosthetic devices
56.28(259)	Trainee cooperation	56.51(259)	Travel

CHAPTERS 81 and 82
Reserved

CHAPTER 83
BEGINNING TEACHER INDUCTION
PROGRAM

- 83.1(256E) Purpose
- 83.2(256E) Definitions
- 83.3(256E) Program requirements
- 83.4(256E) Program approval
- 83.5(256E) Funding for approved programs
- 83.6(256E) Beginning teacher induction
program budget
- 83.7(256E) Appeal of grant denial or
termination
- 83.8(256E) Annual report

CHAPTER 84
FINANCIAL INCENTIVES FOR
NATIONAL BOARD CERTIFICATION

- 84.1(256) Purpose
- 84.2(256) Definitions
- 84.3(256) Registration fee reimbursement
program
- 84.4(256) NBC annual award
- 84.5(256) Appeal of denial of a registration
fee reimbursement award or
an NBC annual award

TITLE XIV—A
TEACHERS AND
PROFESSIONAL LICENSING
(Effective through September 30, 1988)

CHAPTERS 85 to 90
Reserved

TITLE XV
EDUCATIONAL EXCELLENCE

CHAPTER 91
PHASE III, EDUCATIONAL
EXCELLENCE PROGRAM

- 91.1(294A) Scope
- 91.2(294A) General purpose
- 91.3(294A) Definitions
- 91.4(294A) Development of plan
- 91.5(294A) Content of the plan
- 91.6(294A) Final report
- 91.7(294A) Dissemination of plan

CHAPTERS 92 and 93
Reserved

CHAPTER 94
ADMINISTRATIVE ADVANCEMENT AND
RECRUITMENT PROGRAM

- 94.1(256) Purpose
- 94.2(256) Eligibility identification
procedures
- 94.3(256) Grant award procedure
- 94.4(256) Application process
- 94.5(256) Request for proposals
- 94.6(256) Grant process
- 94.7(256) Awards contract
- 94.8(256) Notification of applicants
- 94.9(256) Grantee responsibility

CHAPTER 95
EQUAL EMPLOYMENT OPPORTUNITY
AND AFFIRMATIVE ACTION IN
EDUCATIONAL AGENCIES

- 95.1(256) Purpose
- 95.2(256) Definitions
- 95.3(256) Equal employment opportunity
standards
- 95.4(256) Duties of boards of directors
- 95.5(256) Plan components
- 95.6(256) Dissemination
- 95.7(256) Reports

TITLE XVI
SCHOOL FACILITIES

CHAPTER 96
LOCAL OPTION SALES AND SERVICES
TAX FOR SCHOOL INFRASTRUCTURE

- 96.1(422E) Definitions
- 96.2(422E) Reports to the department
- 96.3(422E) Combined actual enrollment

CHAPTER 97
SUPPLEMENTARY WEIGHTING

- 97.1(257) Definitions
- 97.2(257) Supplementary weighting plan
- 97.3(257) Supplementary weighting plan
for at-risk students

CHAPTERS 98 and 99
Reserved

CHAPTER 100
VISION IOWA SCHOOL
INFRASTRUCTURE PROGRAM

- 100.1(78GA,ch1174) Purpose
- 100.2(78GA,ch1174) Definitions
- 100.3(78GA,ch1174) Application process
- 100.4(78GA,ch1174) Review process
- 100.5(78GA,ch1174) Grant award process
- 100.6(78GA,ch1174) Grantee responsibilities
- 100.7(78GA,ch1174) Appeal of grant denial

TITLE XVII
PROTECTION OF CHILDREN

CHAPTER 101
CHILD ABUSE REPORTING
Reserved

- CHAPTER 102
PROCEDURES FOR CHARGING AND
INVESTIGATING INCIDENTS OF ABUSE
OF STUDENTS BY SCHOOL EMPLOYEES
- 102.1(280) Statement of intent and purpose
 - 102.2(280) Definitions
 - 102.3(280) Jurisdiction
 - 102.4(280) Exceptions
 - 102.5(280) Duties of school authorities
 - 102.6(280) Filing of a report
 - 102.7(280) Receipt of report
 - 102.8(280) Duties of designated
investigator—physical abuse
allegations
 - 102.9(280) Duties of designated
investigator—sexual abuse
allegations
 - 102.10(280) Content of investigative report
 - 102.11(280) Founded reports—designated
investigator’s duties
 - 102.12(280) Level-two investigator’s duties
 - 102.13(280) Retention of records
 - 102.14(280) Substantial compliance
 - 102.15(280) Effective date

CHAPTER 103
CORPORAL PUNISHMENT BAN

- 103.1(280) Purpose
- 103.2(280) Ban on corporal punishment
- 103.3(280) Exclusions
- 103.4(280) Exceptions and privileges
- 103.5(280) Reasonable force
- 103.6(280) Physical confinement and
detention

CHAPTER 48
CERTIFIED SCHOOL TO CAREER PROGRAM

281—48.1(78GA,ch1013) Purpose. The purpose of the certified school to career program is to provide an articulated sequential program of study, including secondary and postsecondary components (with the option of registered apprenticeship) and paid internship, resulting in a diploma, associate's degree, or other credential in partnership with an employer to prepare participants for a career field. Additionally, the program provides the participant with postsecondary education financing and employment opportunities in Iowa.

281—48.2(78GA,ch1013) Definitions. For the purpose of this chapter, the following definitions apply: "*Apprenticeship program*" means a program that is registered by the Bureau of Apprenticeship and Training, U.S. Department of Labor, and evidenced by a certificate of registration as meeting the standards of the Bureau of Apprenticeship and Training and includes a secondary school component. The apprenticeship program is one of the two eligible school to career programs.

"*Appropriate labor organization*" means an organization with whom an employer has entered into a collective bargaining agreement for the occupation(s) for which the program is being developed; or if an employer has not entered into a collective bargaining agreement with a labor organization for the occupation(s) for which the program is being developed, then a labor organization(s) that represents the occupation(s) in other employment settings would be the appropriate organization.

"*Articulation*" means the process of mutually agreeing upon skills, knowledge, and performance levels transferable among approved apprenticeship programs, secondary schools and postsecondary institutions for advanced placement or credit in a school to career program.

"*Articulation agreement*" means the written document that includes the decisions agreed upon by the secondary school(s) and eligible postsecondary institution(s) and the process used by the institution or apprenticeship program to grant advanced placement or credit.

"*Career field*" means an occupational area.

"*Certified school to career program*" or "*certified program*" means a sequenced and articulated secondary and postsecondary program registered as an apprenticeship program under 29 CFR Subtitle A, Part 29, which is conducted pursuant to an agreement as provided in 2000 Iowa Acts, chapter 1013, or an individual program of study which is developed jointly by a secondary school, postsecondary institution, and an employer and meets the standards enumerated in 2000 Iowa Acts, chapter 1013, that integrates a secondary school curriculum with private sector job training which places participants in job internships, and which is designed to continue into postsecondary education and that will result in teaching new skills and adding value to the wage-earning potential of participants and increase their long-term employability in the state and which is conducted pursuant to an agreement as provided in 2000 Iowa Acts, chapter 1013.

"*Department*" means the state department of education.

"*Individual training plan*" means a written statement of the training commitment from institutions involved including an outline of a definite plan of progressive experiences and learning activities and serves as a schedule or step-by-step plan for training to be used by the employer, school, postsecondary institution, and participant.

“Internship” means work-site learning in which a three-way partnership is established among the secondary school or postsecondary institution, employer, and participant for the purpose of providing experiences related to the participant’s career field. A signed agreement among all parties outlining a participant’s individual training plan is a necessary component of an internship.

“Mentor” means an employee(s) who possesses the skills and knowledge of the occupation to be mastered by a participant and who instructs and critiques the performance of the participant in accordance with industry standards.

“Minimum academic standards” means the set of standards and performance levels agreed to by the employer and participant that must be maintained throughout the program for the participant to be eligible for financial program benefits and the academic requirements established by the secondary school and postsecondary institutions.

“Notice of intent” means a notification that the high school agrees to operate a certified program as provided in 2000 Iowa Acts, chapter 1013. The notice of intent shall be on a form furnished by the department of education and include the name of the contact person charged with overseeing the district’s certified program. The high school shall maintain on file the certified program agreement required by Iowa Code section 15.364.

“Participant” means an individual between the ages of 16 and 24 who is enrolled in a public or private secondary school or postsecondary institution and who initiated participation in a certified school to career program no later than the start of the student’s senior year in high school.

“Postsecondary institution” means an institution of higher learning under the control of the state board of regents, a community college established under Iowa Code chapter 260C, or an accredited private institution as defined in Iowa Code section 261.9, subsection 1.

“Program of study” means a program other than an apprenticeship program that has been jointly developed by a secondary school, postsecondary institution, and an employer and meets the standards in Iowa Code section 15.363 as amended by 2000 Iowa Acts, chapter 1013, sections 2 and 3. A public or private secondary school or postsecondary institution, or both, is the entity responsible for submission of the program, coordination of the required parties, program development, and coordination of the training agreement(s).

“Sponsor” means any person, association, committee, or organization operating a school to career program and in whose name the program is or will be registered or approved.

“Teacher” means the individual who holds an appropriate license and endorsement and who is responsible for the oversight of the participant’s preparation and participation, in school and in the work site, and for the development of the individual training plan.

281—48.3(78GA,ch1013) Program requirements. An approved school to career program shall comply with the following requirements:

1. An initial notice of intent to conduct a certified program, filed by the participant’s high school with the department of education.
2. Participation of a public or private secondary school, postsecondary institution, and one or more employers.
3. An agreement developed and agreed to by all entities participating in the program. The agreement shall identify the program sponsor and describe the roles and responsibilities of each of the entities and other administrative issues as required by Iowa Code chapter 28E.
4. Program’s standards and required performance levels of participants approved by the employer(s).
5. Specific career field content and related academic instruction during the junior and senior year of the secondary component and the (one or two years) of postsecondary component.
6. Paid employment at a base wage for each participant beginning no earlier than the participant’s junior year in high school and ending no later than the fall after the participant’s second year of postsecondary education.

7. Not less than a two-year work commitment provided for the participant following the participant's completion of the program.
8. A mentor assigned by the employer in the career field of the participant.
9. Compliance with all state and federal laws pertaining to the workplace.
10. Instruction in health and safety related to the career field and industry the participant is preparing to enter.
11. A program evaluation component for gathering data that can be utilized to improve the program and report the impact of the program to members of the public.
12. Assessment services that are utilized to determine the supportive services (including remedial instruction) needed for each participant to successfully complete the program.
13. Recruitment strategies that encourage the full participation of all participants who desire to enter the career field that the program is preparing the participant to enter regardless of gender, race, ethnicity or disability.
14. An individual training plan developed for each participant and agreed to by the participant, public or private secondary school, postsecondary institution and sponsoring employer. The plan shall include, but not be limited to, the following: identification of the parties involved; statement of program purposes; career field of the participant; duration of the training period; time schedule of work; classroom instruction, including internships; beginning wage; employer responsibilities; school and teacher responsibilities; participant responsibilities; parent/guardian responsibilities; name, date of birth, age, address, and telephone number of participant; signatures of participant, parent/guardian where applicable, employer, and teacher; accident and liability insurance provisions; rotation across all work processes of the career field; causes for imposition of penalties or other disciplinary action; nondiscrimination statement; schedule of special training sessions provided by employer; tasks to be learned and performed on the job; employer-established performance and academic standards; safety instruction; schedule of specific job-related and academic instruction; and assessment and evaluation process and timeline.
15. An approval process which requires an assurance that the individual plan will be developed and monitored.

281—48.4(78GA,ch1013) Notice of intent. The nonpublic or public secondary school shall submit to the department a notice of intent to conduct a certified program. The department shall notify the department of economic development of the receipt of the notice of intent.

These rules are intended to implement Iowa Code sections 15.361 to 15.367 and 2000 Iowa Acts, chapter 1013.

[Filed 11/19/98, Notice 10/7/98—published 12/16/98, effective 1/20/99]

[Filed 10/20/00, Notice 8/23/00—published 11/15/00, effective 12/20/00]

SECRET

1. The purpose of this document is to provide information regarding the activities of the [redacted] in the [redacted] area. This information is being provided to you for your information only and is not to be disseminated outside of your organization.

2. The information contained in this document is classified as [redacted] and is being provided to you under the authority of [redacted].

3. The information contained in this document is being provided to you for your information only and is not to be disseminated outside of your organization. It is the policy of the [redacted] to protect the security of its information and to prevent the unauthorized disclosure of such information. This information is being provided to you for your information only and is not to be disseminated outside of your organization.

4. The information contained in this document is being provided to you for your information only and is not to be disseminated outside of your organization. It is the policy of the [redacted] to protect the security of its information and to prevent the unauthorized disclosure of such information.

5. The information contained in this document is being provided to you for your information only and is not to be disseminated outside of your organization. It is the policy of the [redacted] to protect the security of its information and to prevent the unauthorized disclosure of such information.

6. The information contained in this document is being provided to you for your information only and is not to be disseminated outside of your organization. It is the policy of the [redacted] to protect the security of its information and to prevent the unauthorized disclosure of such information.

7. The information contained in this document is being provided to you for your information only and is not to be disseminated outside of your organization. It is the policy of the [redacted] to protect the security of its information and to prevent the unauthorized disclosure of such information.

CHAPTER 97
SUPPLEMENTARY WEIGHTING

281—97.1(257) Definitions. For the purpose of this chapter, the following definitions apply.

“*Class*” means a course for academic credit which applies toward a high school or community college diploma.

“*Enrolled*” shall mean that a student has registered with the school district and is taking part in the educational program.

“*Fraction of a school year at the elementary level*” shall mean the product of the minutes per day of class times the number of days per year the class meets divided by the product of the total number of minutes in a school day times the total number of days in a school year.

“*Fraction of a school year at the secondary level*” shall mean the product of the class periods per day of class times the number of days per year the class meets divided by the product of the total number of class periods in a school day times the total number of days in a school year. All class periods available in a normal day shall be used in the calculation.

“*Supplant*” shall mean the community college’s replacing the identical course that was offered by the school district in the preceding year or the second preceding year, or the community college’s offering a course that is required by the school district in order to meet the minimum accreditation standards in Iowa Code section 256.11.

“*Supplementary weighting plan*” shall mean a plan as defined in this chapter to add a weighting for each resident student eligible that is enrolled in an eligible class taught by a teacher employed by another school district or taught by a teacher employed jointly with another school district or sent to and enrolled in an eligible class in another school district or sent to and enrolled in an eligible community college class. The supplementary weighting for each eligible class shall be calculated by multiplying the fraction of a school year that class represents times the number of eligible resident students enrolled in that class times the weighting factor of forty-eight hundredths.

“*Supplementary weighting plan for at-risk students*” shall mean a plan as defined in this chapter to add a weighting for each resident student enrolled in the district and a weighting for each resident student enrolled in grades one through six, as reported by the school district on the basic educational data survey for the base year, who is eligible for free and reduced price meals under the federal National School Lunch Act and the federal Child Nutrition Act of 1966, 42 U.S.C. Sections 1751-1785, to generate funding to be used to develop or maintain at-risk programs, which may include alternative school programs.

“*Teacher*” shall be defined pursuant to Iowa Code section 272.1.

281—97.2(257) Supplementary weighting plan.

97.2(1) Eligibility. Except if listed under subrule 97.2(6), a resident student is eligible for supplementary weighting if the student is eligible to be counted as a resident student for certified enrollment and if one of the following conditions is met pursuant to Iowa Code section 257.11:

- a. Resident student attends class in another school district pursuant to subrule 97.2(2), or
- b. Resident student attends class taught by a teacher employed by another school district pursuant to subrule 97.2(3), or
- c. Resident student attends class taught by a teacher jointly employed by two or more school districts pursuant to subrule 97.2(4), or
- d. Resident student attends class in a community college for college credit pursuant to subrule 97.2(5).

Other than as listed in paragraphs “a” to “d” above, no other sharing arrangement shall be eligible for supplementary weighting.

97.2(2) Attend class in another school district. Students attending class in another school district will be eligible for supplementary weighting under paragraph 97.2(1)“a” only if the school district does not have a licensed and endorsed teacher available within the school district to teach the course(s) being provided.

97.2(3) Attend class taught by a teacher employed by another school district. Students attending class taught by a teacher employed by another school district will be eligible for supplementary weighting under paragraph 97.2(1)“b” only if the school district does not have a licensed and endorsed teacher available within the school district to teach the course(s) being provided.

97.2(4) Attend class taught by a teacher jointly employed with another school district. All of the following conditions must be met for any student attending class taught by a teacher jointly employed to be eligible for supplementary weighting under paragraph 97.2(1)“c.” The school districts jointly employing the teacher must have:

- a. A joint teacher evaluation process and instruments.
- b. A joint educational excellence phase III plan.
- c. One single salary schedule.

Except for joint employment contracts which meet the requirements of paragraphs “a” to “c” above, no two or more school districts shall list each other for the same classes and grade levels.

97.2(5) Attend class in a community college. All of the following conditions must be met for any student attending a community college-offered class to be eligible for supplementary weighting under paragraph 97.2(1)“d.”

- a. The course must supplement, not supplant, high school courses.

(1) The course must not replace the identical course that was offered by the school district in the preceding year or the second preceding year.

(2) The course must not be required by the school district in order to meet the minimum accreditation standards in Iowa Code section 256.11.

b. The course must be included in the community college catalog or an amendment or addendum to the catalog.

c. The course must be open to all registered community college students not just high school students.

d. The course must be for college credit and the credit must apply toward an associate of arts or associate of science degree, or toward an associate of applied arts or associate of applied science degree, or toward completion of a college diploma program.

e. The course must be taught by a teacher meeting community college licensing requirements.

f. The course must be taught utilizing the community college course syllabus.

g. The course must be of the same quality as a course offered on a community college campus.

97.2(6) Ineligibility. The following students are ineligible for supplementary weighting:

a. Nonresident students attending the school district under any arrangement.

b. Students taking courses taught via the Iowa Communications Network (ICN) or any other television or electronic medium pursuant to Iowa Code section 257.11.

c. Students eligible for the special education weighting plan provided in Iowa Code section 256B.9.

d. Students in whole-grade sharing arrangements.

e. Students open enrolled in or out.

f. Students enrolled in nonpublic schools.

g. Students participating in a home school assistance program or dual enrollment.

h. Students participating in shared services rather than shared classes.

i. Students taking postsecondary enrollment options (PSEO) courses authorized under Iowa Code chapter 261C are ineligible for supplementary weighting for the PSEO courses.

j. Students enrolled in courses or programs offered by their resident school districts unless those courses meet the conditions for attending classes in a community college under subrule 97.2(5) or if the teacher is employed by another school district pursuant to subrule 97.2(3) or if a teacher is jointly employed with another school district pursuant to subrule 97.2(4).

k. Students enrolled in courses or programs taught by teachers employed by their resident school districts unless the employment meets the criteria of joint employment with another school district under subrule 97.2(4) or if the criteria in subrule 97.2(5) are met for students attending class in a community college.

l. Students enrolled in an at-risk program or alternative school program.

97.2(7) Whole-grade sharing. If all or a substantial portion of the students in any grade are shared with another two or more school districts for all or a substantial portion of a school day, then no students in that grade level are eligible for supplementary weighting.

97.2(8) Due date. Supplementary weighting shall be included with the certified enrollment which is due October 1 following the third Friday in September on which the enrollment was taken.

281—97.3(257) Supplementary weighting plan for at-risk students.

97.3(1) Uses of funds. Funding generated by the supplementary weighting plan for at-risk students shall be used to develop or maintain at-risk programs, which may include alternative school programs.

97.3(2) Calculation of funding. Funding for the supplementary weighting plan for at-risk students is calculated as follows:

a. Adding a weighting for each resident student of one hundred fifty-six one-hundred-thousandths, and

b. Adding a weighting of forty-eight ten-thousandths for each resident student enrolled in grades one through six, as reported by the school district on the basic educational data survey for the base year, who is eligible for free and reduced price meals under the federal National School Lunch Act and the federal Child Nutrition Act of 1966, 42 U.S.C. Sections 1751-1785.

97.3(3) Guarantee. Notwithstanding subrule 97.3(2), a school district which received supplementary weighting for an alternative high school program for the budget year beginning July 1, 1999, shall receive an amount of supplementary weighting for the next three budget years as follows:

a. For budget year 2000-2001, the greater of the amount of supplementary weighting determined pursuant to subrule 97.3(2) or 65 percent of the amount received for the budget year 1999-2000.

b. For budget year 2001-2002, the greater of the amount of supplementary weighting determined pursuant to subrule 97.3(2) or 40 percent of the amount received for the budget year 1999-2000.

c. For budget year 2002-2003, and succeeding budget years, the amount of supplementary weighting determined pursuant to subrule 97.3(2).

d. If a school district receives an amount under this subrule which exceeds the amount the district would otherwise have received pursuant to subrule 97.3(2), the department of management shall annually determine the amount of the excess that would have been state aid and the amount that would have been property tax if the school district had generated that amount pursuant to subrule 97.3(2), and shall include the amounts in the state aid payments and property tax levies of school districts.

97.3(4) Recalculation of funding. The department of management shall recalculate the supplementary weighting amount received each year to add the amount of the reduction in funding from one budget year to the next pursuant to subrule 97.3(3) into the statewide total amount generated. In making this recalculation, the department of management shall keep the statewide sum of the amount generated by weighting resident students approximately equal to the statewide sum of the amount generated by weighting resident students enrolled in grades one through six that are eligible for free and reduced price meals.

97.3(5) School-based youth services. For budget years 2000-2001 and 2001-2002, if the amount to be received under subrule 97.3(2) or subrule 97.3(3) by a school district or a consortium of school districts is less than \$50,000 and the school district or consortium received funding for school-based youth services during the budget year 1999-2000, that school district or consortium shall receive a total under this subrule of \$50,000 for each of the budget years beginning July 1, 2000, and beginning July 1, 2001. The department of management shall adjust the supplementary weighting of a school district or the school district acting as the fiscal agent for a consortium eligible under this subrule in a manner to ensure that the district or the consortium receives the total sum of \$50,000 as guaranteed in this subrule. If the consortium elects not to continue a school-based youth service program, the funds shall be distributed equally to the school districts in the consortium.

These rules are intended to implement Iowa Code sections 257.6, 257.11, and 257.12.

[Filed emergency 8/13/99—published 9/8/99, effective 8/13/99]

[Filed 10/21/99, Notice 9/8/99—published 11/17/99, effective 12/22/99]

[Filed 10/20/00, Notice 8/23/00—published 11/15/00, effective 12/20/00]

CHAPTERS 98 and 99

Reserved

CHAPTER 100
VISION IOWA SCHOOL INFRASTRUCTURE PROGRAM

281—100.1(78GA,ch1174) Purpose. The purpose of the vision Iowa school infrastructure program is to provide financing assistance in the form of competitive grants to Iowa school districts with school infrastructure needs.

281—100.2(78GA,ch1174) Definitions. For the purpose of this chapter, the following definitions apply.

“Capacity per pupil” means the sum of a school district’s property tax infrastructure capacity per pupil and the sales tax capacity per pupil.

“Conditional approval” means the awarding of a grant contingent upon the school district’s obtaining its local match if the local match has not been obtained at the time of the application.

“Department” means the department of education.

“Initiated” means that the board has taken formal action by board resolution on or after July 1, 2000, to submit a referendum to the voters; to use accumulated, unobligated funds; or to pursue other funding sources for the project that is the subject of the application.

“Innovative collaboration” means an activity jointly undertaken by the school district with one or more other school districts which is new to the school district and which has been implemented by no other or few other school districts.

“Local match percentage” means a percentage equivalent to either of the following, whichever is less:

1. Fifty percent.

2. The quotient of a school district’s capacity per pupil divided by the capacity per pupil of the school district at the fortieth percentile, multiplied by 50 percent, except that the percentage in this paragraph shall not be less than 20 percent. The school district with the lowest capacity per pupil in the state shall be the school district with the lowest percentile rank.

“Local match requirement” means the total investment of a project multiplied by the school district’s local match percentage. The source of the local match must be one or more of the following:

1. The issuance of bonds pursuant to Iowa Code section 298.18.

2. Local option sales and services tax for school infrastructure received pursuant to Iowa Code section 422E.3.

3. A physical plant and equipment levy pursuant to Iowa Code chapter 298.

4. Other moneys locally obtained by the school district for school infrastructure excluding other state or federal moneys.

“Program” means the school infrastructure program established in 2000 Iowa Acts, chapter 1174, section 27.

“Project” means a school infrastructure activity of one school district, or the school district’s portion of a school infrastructure activity in collaboration with one or more other public or private entities, that is one of the following:

1. Construction of a separate facility for an attendance center.

2. A grouping of school infrastructure activities at one or more attendance centers.

“Property tax infrastructure capacity per pupil” means the sum of a school district’s levies under Iowa Code sections 298.2 and 298.18 when the levies are imposed to the maximum extent allowable under law in the budget year divided by the school district’s basic enrollment for the budget year.

“Sales tax capacity per pupil” means the estimated amount of revenues that a school district receives or would receive if a local option sales and services tax for school infrastructure is imposed at 1 percent pursuant to Iowa Code section 422E.2, divided by the school district’s basic enrollment for the budget year. For the budget year beginning July 1, 2000, the school district’s actual enrollment shall be used in the calculation in place of the school district’s basic enrollment for the budget year.

“School budget review committee” means the committee established under Iowa Code section 257.30.

“School infrastructure” means one or more of the following activities initiated on or after July 1, 2000: purchasing, building, furnishing, reconstructing, repairing, improving or remodeling a schoolhouse or schoolhouses and additions to schoolhouses, gymnasium, field house, procuring a site or sites therefor, or purchasing land to add to a site already owned. “School infrastructure” does not include those activities related to stadiums, bus barns, a home or homes of a teacher or superintendent, procuring and improving a site for an athletic field, or improving a site already owned for an athletic field.

“Statewide average sales and services tax capacity per pupil” means the estimated sum of revenues that all school districts receive or would receive if a local option sales and services tax for school infrastructure is imposed at 1 percent pursuant to Iowa Code section 422E.2, divided by the sum of the basic enrollments in all school districts for the budget year. For the budget year beginning July 1, 2000, the actual enrollment in all school districts shall be used in the calculation in place of the basic enrollment in all school districts for the budget year.

281—100.3(78GA,ch1174) Application process.

100.3(1) Application period. School districts may submit applications for approval for financial assistance under the program between 8 a.m. and 4:30 p.m. on working days during the following application periods.

a. For the fiscal year beginning July 1, 2000, applications may be submitted to the department on or after November 1, 2000, and hand-delivered or postmarked not later than March 1, 2001.

b. For the fiscal year beginning July 1, 2001, and every fiscal year thereafter in which funding is appropriated, applications may be submitted to the department on or after July 1 and hand-delivered or postmarked not later than October 31.

100.3(2) Application form. The department shall provide an application form. The application form shall be made available to Iowa public school districts at least 15 days prior to the beginning of the application period. Each applicant school district shall use the form prepared for this purpose and in the manner prescribed by the department. A school district may submit only one application during an application period. The application form shall include, but shall not be limited to, the following information:

a. The total capital investment of the project. If the project is in collaboration with other public or private entities, the total capital investment for purposes of this program shall be limited to the school district’s portion of the project. The school district shall include the following information:

- (1) Identification of the collaborating public or private entities;
- (2) Total cost of the collaborative project; and
- (3) Total capital investment of the school district’s portion of the project.

b. The amount, source, and percentage of money that the school district will be providing for the project, which shall not include any other state or federal funding. Only funds in the physical plant and equipment levy fund or capital project funds can be used toward the local match requirement. If the project is in collaboration with other public or private entities, the state, federal, or private funds received by the other entities cannot be used toward the local match requirement.

c. The infrastructure needs of the school district specific to the project, especially the fire and health safety needs, including the extent to which the project would allow the school district to meet its infrastructure needs on a long-term basis. If the school district’s needs include fire and health safety needs, the school district shall attach to its application form a copy of the citation by the fire marshal for the safety deficiency or evidence of consultation with the fire marshal related to the safety deficiency.

d. The financial assistance needed by the school district based upon the capacity per pupil. The capacity per pupil for each school district will be calculated by the department, and this information will be made available to the applicants.

e. Any previous efforts within the past five years, successful or unsuccessful, by the school district to secure infrastructure funding from federal, state, and local resources. If the previous effort includes a bond issue or a voter-approved physical plant and equipment levy, the school district shall include a copy of the ballot with the application. If the previous effort includes a regular physical plant and equipment levy, the school district shall include a statement to that effect.

f. Evidence that the school district meets or will meet the local match requirement. The local match requirement for each school district will be calculated by the department, and this information will be made available to the applicants. The local match requirement shall be met not later than nine months from the date of notification of conditional approval from the department. The local match for any other grant program shall not be the same money used as the local match for this grant program.

g. A description of the nature of the project and its relationship to improving educational opportunities for students including the school district's ability to meet or exceed the educational standards and a list of waivers applied for and granted to the school district excluding early school starting date waivers granted under Iowa Code section 279.10, subsection 4.

h. Evidence that the school district receives local option sales and services tax for school infrastructure under Iowa Code chapter 422E or local option sales and services tax under Iowa Code chapter 422B.

i. A statement identifying the final year of the bonded indebtedness or the final year of the levy or tax if the school district currently has bonded indebtedness, the voter-approved physical plant and equipment levy, or the local option sales and services tax for school infrastructure. The school district shall describe its expenditures from any bond issue, voter-approved physical plant and equipment levy, regular plant and equipment levy, or local option sales and services tax for school infrastructure which it has in place at the time of the application and list any obligations against those current balances and future revenues.

j. A comprehensive, districtwide infrastructure plan if the school district has an infrastructure plan. The school district shall include the date that the plan was adopted by the board, an executive summary of the plan, and a description of how the project fits within the infrastructure plan.

k. A five-year history of infrastructure maintenance and repair.

l. A budget and timeline for the project. If the local match requirement has not been met at the time of the application, the school district shall include in the timeline a schedule of the steps in its plan to obtain the local match.

m. Evidence that the school district has entered into an innovative collaboration with another school district or school districts, has reorganized pursuant to Iowa Code chapter 275 on or after July 1, 2000, or has initiated a resolution to reorganize by July 1, 2004.

n. A statement certifying the accuracy of the information contained in the application.

100.3(3) Board minutes. A school district shall submit with its application for financial assistance under the program a copy of the minutes of the board of director's meeting showing that the board has authorized the application and the project and has made a commitment to the source and amount for the local match. The section of the board minutes containing this information shall be marked in such a way as to make it easily identifiable.

100.3(4) Number of copies. A school district shall submit with its application for financial assistance under the program three complete sets of the application forms and board minutes with original signatures on all application forms.

100.3(5) Number of grant awards possible. A school district shall not receive more than one grant under the program.

100.3(6) Reapplication. An applicant that is not successful in obtaining financial assistance under the program may apply for financial assistance under the program in succeeding fiscal years.

100.3(7) *Maximum request for financial assistance.* The maximum amount of financial assistance under the program that can be requested by a school district is the lesser of:

- a. One million dollars, or
- b. The total capital investment of the project minus the local match requirement.

100.3(8) *Project timeline.* The project shall be completed not later than three fiscal years from the date on which the grant is approved.

100.3(9) *Project restrictions.* Special restrictions apply to certain projects.

a. If the project is in collaboration with other public or private entities, the school district is eligible to apply only for the school district's portion of the project. The school district must own or retain ownership of the infrastructure for which the application is submitted. This restriction does not preclude shared facility use. State, federal, or private funds received by the other entities cannot be used toward the local match requirement. The application for one school district shall not be contingent upon one or more other school districts receiving an award under this program.

b. A school district may submit an application for a project that includes activities at more than one attendance center. However, if the activities are related to new construction, the project shall only relate to one attendance center. New construction for purposes of this subrule means a separate, new attendance center.

c. A school district receiving financial assistance under the vision Iowa program pursuant to a joint application submitted under Iowa Code section 15F.302, subsection 3, shall not be eligible to receive financial assistance under the program.

d. A school district that has a local option sales and services tax for school infrastructure imposed at the maximum rate and has local option sales and services tax for school infrastructure revenue per pupil of more than the statewide average of local option sales and services tax capacity per pupil shall not be eligible for financial assistance under the program.

e. All projects must be consistent with the provisions of the Americans with Disabilities Act and the Rehabilitation Act of 1973, Section 504, and Iowa Code chapter 104A.

281—100.4(78GA,ch1174) Review process.

100.4(1) *Task force.* The department shall form a task force to review applications for financial assistance and to provide recommendations to the school budget review committee. The department shall invite participants from large, medium, and small school districts, the state fire marshal's office, education and professional organizations, and other individuals knowledgeable in school infrastructure and construction issues. The department, in consultation with the task force, shall establish the parameters and criteria for awarding grants based on the information listed in 2000 Iowa Acts, chapter 1174, sections 26 to 28, which includes greater priority to be given to the following:

- a. A school district with a lower capacity per pupil.
- b. A school district whose plans address specific occupant fire and health safety issues.
- c. A school district collaborating or reorganizing as described in subrule 100.3(2)"m."
- d. A school district for which a local option sales and services tax for school infrastructure has not been imposed or a school district that receives minimal revenues from a local option sales and services tax for school infrastructure when the total enrollment of the school district is considered.

100.4(2) *Task force review.* The task force, or a subcommittee of the task force and its designees, shall review each application and make recommendations to the school budget review committee regarding awards of financial assistance based on the evidence provided by the applicant pursuant to subrule 100.3(2) and the criteria listed in subrule 100.4(3). A reviewer shall not review any application in which the reviewer has an interest, direct or indirect.

100.4(3) Ranking of applicants. Applicants shall be ranked on a point system within each size category, and awards shall be recommended in rank order beginning with highest points. Applicants which do not receive funding within the applicable size categories will be grouped and ranked on the same point system without regard to size category, and awards will be recommended in rank order beginning with highest points. In the event that two or more school districts tie for a grant award, the applications will be reviewed by one or more additional reviewers until the tie is broken.

The maximum points for an application shall be 505 points. The maximum points for each criterion shall be as follows:

a. The maximum number of points that can be awarded for the description of the infrastructure needs and the project proposed to alleviate those needs is 50 points with a maximum of 25 points for the description of infrastructure needs and 25 points for the project proposed to alleviate those needs.

b. The maximum number of points that can be awarded for evidence that the infrastructure need is related to fire or health safety issues and for the severity of the deficiency is 75 points.

c. The maximum number of points that can be awarded for need based on capacity per pupil is 75 points. The points will be calculated as follows: $[(1 - (\text{the school district's capacity per pupil} / \text{the capacity per pupil at the fortieth percentile})) \times \text{maximum points possible}] \times \text{adjustment factor}$. The minimum number of points that can be awarded for need based on capacity per pupil is 0 points. The points will be awarded in relationship to the rank order with the highest points awarded for the lowest capacity per pupil. For the purpose of this paragraph, the adjustment factor is 75 points divided by the result of the formula prior to multiplying by the adjustment factor for the lowest ranked district. The purpose of the adjustment factor is to allow 75 points to be awarded to the lowest capacity district.

d. The maximum number of points that can be awarded for previous efforts to secure funding within the past five years is 50 points awarded as follows:

(1) The maximum number of points that can be awarded for previous efforts to secure funding within the past five years using a bond issue referendum is 15 points for previously attempted and passed, 10 points for previously attempted and failed, and 0 points for not previously attempted.

(2) The maximum number of points that can be awarded for previous efforts to secure funding within the past five years using the voter-approved physical plant and equipment levy is 10 points for previously attempted and passed, 5 points for previously attempted and failed, and 0 points for not previously attempted.

(3) The maximum number of points that can be awarded for previous efforts to secure funding within the past five years using the regular physical plant and equipment levy is 5 points with 1 point for each year that the board has imposed the levy during the past five years, and 0 points for not previously imposed.

(4) The maximum number of points that can be awarded for efforts to utilize past, current, and future resources for school infrastructure activities is 20 points.

e. The maximum number of points that can be awarded for the description of the nature of the project, its relationship to improving educational opportunities for students, and its ability to meet or exceed educational standards is 60 points.

f. The maximum number of points that can be awarded for the comprehensive, districtwide infrastructure plan and the description of how this project fits within that plan is 40 points.

g. The maximum number of points that can be awarded for the evidence that the school district has entered into an innovative collaboration with one or more other school districts, has reorganized, or has initiated a resolution to reorganize is 80 points.

h. The maximum number of points that can be awarded because the school district receives no revenues or minimal revenues from a local option sales and services tax for school infrastructure is 75 points. The points will be calculated as follows: $[(1 - (\text{school district local option sales and services tax per pupil} / \text{statewide average local option sales and services tax capacity per pupil})) \times \text{maximum points possible}] \times \text{adjustment factor}$. The minimum number of points that can be awarded because the school district receives no revenues or minimal revenues from a local option sales and services tax for school infrastructure is 0 points. The number of pupils for this calculation will be the same enrollment number used for the calculation of sales tax capacity per pupil. For the purpose of this paragraph, the adjustment factor is 75 points divided by the result of the formula prior to multiplying by the adjustment factor for the lowest ranked district. The purpose of the adjustment factor is to allow 75 points to be awarded to the lowest capacity district.

100.4(4) School budget review committee. The school budget review committee shall review the recommendations for awards from the task force. The committee shall make recommendations on awards to the department for final consideration.

281—100.5(78GA,ch1174) Grant award process.

100.5(1) Department determination. The department shall make the final determination on grant awards.

100.5(2) Total amount of awards.

a. For the fiscal year beginning July 1, 2000, the department shall provide grants in an amount of not more than \$10 million.

b. For the fiscal year beginning July 1, 2001, and for the fiscal year beginning July 1, 2002, the department shall provide grants in an amount of not more than \$20 million.

c. If the amount of the grants awarded in a fiscal year is less than the maximum amount provided for grants for that fiscal year, the amount of the difference shall be carried forward to subsequent fiscal years for purposes of providing grants under the program, and the maximum amount of the grants for each fiscal year shall be adjusted accordingly.

d. If a school district does not meet the local match requirement within nine months of notification of conditional approval from the department, then the department shall deny the financial assistance to the applicant; the financial assistance shall be carried forward to the next available grant cycle; and the maximum amount of the grants for the fiscal year to which the financial assistance is carried forward shall be adjusted accordingly.

100.5(3) Distribution of the awards. The grants shall be allocated in the following manner:

a. Twenty-five percent of the financial assistance each year shall be awarded to school districts with a certified enrollment of 1,199 or fewer students.

b. Twenty-five percent of the financial assistance each year shall be awarded to school districts with a certified enrollment of more than 1,199 students but not more than 4,750 students.

c. Twenty-five percent of the financial assistance each year shall be awarded to school districts with a certified enrollment of more than 4,750 students.

d. Twenty-five percent of the financial assistance each year plus the financial assistance not awarded in "a" through "c" above and any financial assistance not awarded in previous fiscal years shall be awarded to school districts with any size certified enrollment.

100.5(4) Notification. The department shall notify applicants by the following dates.

a. For the fiscal year beginning July 1, 2000, the department shall notify all approved applicants by May 1, 2001, regarding the approval or conditional approval of the application.

b. For the fiscal years beginning July 1, 2001, and every year thereafter in which there is an application period, the department shall notify all approved applicants by December 15 regarding the approval or conditional approval of the application.

100.5(5) *Payment.* The grant award will be paid to the successful applicant school district following official notification from the school district that the local match requirement has been met.

281—100.6(78GA,ch1174) Grantee responsibilities.

100.6(1) *Notification of local match.* If the local match requirement is not met at the time of the application, the grantee shall notify the department that the local match requirement has been met within ten working days of meeting the requirement.

a. If the local match is a bond issue, the local match requirement is met when the bonds are sold.

b. If the local match is a voter-approved physical plant and equipment levy, the local match requirement is met on the date the votes are canvassed and the election is declared successful.

c. If the local match is a regular physical plant and equipment levy, the local match requirement is met when the total of unobligated resources on hand and certified by the board for the subsequent fiscal year equals the amount of the local match requirement.

d. If the local match is gifts, donations, or other resources, the local match requirement is met when the total of unobligated resources on hand equals the amount of the local match requirement.

100.6(2) *Notification of change in local match source.* If the source of the local match is not met at the time of the application and the school district changes the proposed source of the local match to other eligible sources of local match, the school district shall notify the department within ten working days of the change in sources.

100.6(3) *Accounting for the grant.* All revenues associated with the project, including interest revenue on fund balance, and all expenditures associated with the project shall be accounted for in a capital projects fund established for this grant program.

100.6(4) *Progress report.* A grantee shall submit a progress report to the department as requested by the department. The report shall include a description of the activities under the project, the status of the implementation of the projects, and any other information required by the department.

100.6(5) *Actual project cost.* If the total actual cost of the project is less than the estimated cost included in the application, the school district shall notify the department within 20 working days following the completion of the project. The allowable grant award and the local match shall be recalculated using the actual costs of the project and the award reduced accordingly. If the award payment to the school district exceeds the recalculated allowable grant award amount, the school district shall return the overpayment to the department with the notification.

100.6(6) *Withdrawal from the program.* If a school district is granted an award and the school district elects not to continue with the project, the school district shall notify the department within ten working days following the board action to discontinue the project. If the award payment has been made to the school district, the school district shall return the award payment to the department with the notification.

100.6(7) *Forfeiture of grant award.* Failure to comply with any of the rules in this chapter or with the assurances and information included in the grant application can result in the forfeiture of the grant award.

281—100.7(78GA,ch1174) Appeal of grant denial. Any applicant may appeal the denial of a properly submitted grant application to the director of the department. Appeals must be in writing and received within ten working days of the date of the notice of the decision to deny. Appeals must be based on a contention that the process was conducted outside of statutory authority; violated state or federal law, policy, or rule; did not provide adequate public notice; was altered without adequate public notice; or involved conflict of interest by staff or committee members. The hearing and appeals procedures found in 281—Chapter 6 that govern the director's decisions shall be applicable to any appeal of denial.

These rules are intended to implement 2000 Iowa Acts, chapter 1174, sections 26 to 28.

[Filed emergency 10/20/00 after Notice 8/23/00—published 11/15/00, effective 10/20/00]

TITLE XVII
PROTECTION OF CHILDREN

CHAPTER 101
CHILD ABUSE REPORTING
Reserved

RULES EFFECTIVE AUGUST 31, 2001

- 14.101(272) Applicants desiring Iowa licensure
- 14.102(272) Applicants from recognized Iowa institutions
- 14.103(272) Applicants from recognized non-Iowa institutions
- 14.104(272) Applicants from foreign institutions
- 14.105(272) Issue date on original license
- 14.106(272) Adding endorsements to licenses
- 14.107(272) Correcting licenses
- 14.108(272) Duplicate licenses
- 14.109(272) Fraud in procurement or renewal of licenses
- 14.110(272) Licenses
- 14.111(272) Requirements for an initial license
- 14.112(272) Requirements for a continuing license
- 14.113(272) Requirements for an advanced teacher's license
- 14.114(272) Requirements for a professional administrator's license
- 14.115(272) Requirements for a one-year conditional license
- 14.116(272) Requirements for a two-year conditional license
- 14.117(272) Conditional special education license
- 14.118(272) Conditional occupational and postsecondary licenses
- 14.119(272) Requirements for a substitute teacher's license
- 14.120(272) Two-year exchange license
- 14.121(272) Licensure and authorization fee
- 14.122(272) NCATE accredited programs
- 14.123(272) Requirements for an original teaching subject area endorsement
- 14.124(272) Human relations requirements for practitioner licensure
- 14.125(272) Development of human relations components
- 14.126(272) Advisory committee
- 14.127(272) Standards for approved components
- 14.128(272) Evaluation
- CHAPTER 15
REQUIREMENTS FOR SPECIAL
EDUCATION ENDORSEMENTS**
- 15.1(272) Special education teaching endorsements
- 15.2(272) Specific requirements
- 15.3(272) Special education support personnel
- 15.4(272) Conditional special education license
- CHAPTER 16
OCCUPATIONAL AND
POSTSECONDARY ENDORSEMENTS
AND LICENSES**
- 16.1(272) Requirements for secondary level (grades 7-12)
- 16.2(272) Requirements for provisional occupational licenses
- 16.3(272) Renewal requirements—six renewal units are required
- 16.4(272) Requirements for occupational secondary license
- 16.5(272) Requirements for postsecondary occupational instructors above grade twelve
- 16.6(272) Requirements for postsecondary arts and science instructors
- 16.7(272) Support staff/service personnel must meet the requirements for the postsecondary license with the exception of the athletic coach
- 16.8(272) Instructional administration
- 16.9(272) Learning center administrator and adjunct or part-time personnel
- 16.10(272) Noninstructional administrators, adult coordinators, occasional and specialized personnel and support staff
- 16.11(272) Conditional occupational and postsecondary licenses
- 16.12(272) Definitions

**CHAPTER 17
RENEWAL OF LICENSES**

- 17.1(272) Renewal information
- 17.2(272) Renewal application forms
- 17.3(272) Issue date on renewed licenses
- 17.4(272) Recency of units for renewal
- 17.5(272) Renewal requirements for an educational license
- 17.6(272) Renewal requirements for a professional teacher's license
- 17.7(272) Renewal requirements for a professional administrator's and area education agency administrator's license
- 17.8(272) Renewal requirements for the provisional license
- 17.9(272) Renewal requirements for a substitute license
- 17.10(272) Appeal procedure
- 17.11(272) Licensure renewal programs
- 17.12(272) Staff development programs for community college staff license renewal

**CHAPTER 18
CONVERSION INFORMATION**

- 18.1(272) Classes of certificates
- 18.2(272) Conversion and renewal of life certificates
- 18.3(272) Conversion of term certificates issued prior to July 1, 1954

**CHAPTER 19
COACHING AUTHORIZATION**

- 19.1(272) Requirements
- 19.2(272) Validity
- 19.3(272) Approval of courses
- 19.4(272) Application process
- 19.5(272) Renewal
- 19.6(272) Revocation and suspension

**CHAPTER 20
EVALUATOR LICENSE**

- 20.1(272) Evaluator approval
- 20.2(272) Applicants for administrative licensure
- 20.3(272) Renewal or continuation of administrative licenses or endorsements
- 20.4(272) Out-of-state applicants

- 20.5(272) Development of evaluator approval programs
- 20.6(272) Requirements for renewal of evaluator approval
- 20.7(272) Evaluator approval endorsement
- 20.8(272) Holder of permanent professional certificate

**CHAPTER 21
BEHIND-THE-WHEEL DRIVING
INSTRUCTOR AUTHORIZATION**

- 21.1(272,321) Requirements
- 21.2(272,321) Validity
- 21.3(272,321) Approval of courses
- 21.4(272,321) Application process
- 21.5(272,321) Renewal
- 21.6(272,321) Revocation and suspension

**CHAPTER 22
PARAEDUCATOR CERTIFICATES**

- 22.1(272) Paraeducator certificates
- 22.2(272) Approved paraeducator certificate programs
- 22.3(272) Issue date on original certificate
- 22.4(272) Validity
- 22.5(272) Certificate fee
- 22.6(272) Prekindergarten through grade 12 paraeducator generalist certificate
- 22.7(272) Paraeducator area of concentration
- 22.8 to 22.11 Reserved
- 22.12(272) Prekindergarten through grade 12 advanced paraeducator certificate
- 22.13(272) Renewal requirements

282—14.14(272) Requirements for a professional administrator's license.

1. Holder of or eligible for an educational license.
2. Five years of teaching experience.
3. Completion of an area of endorsement as listed in 282—14.23(272).
4. Meet the requirements for the evaluator approval.

The professional administrator's license is valid for five years and may be renewed by meeting requirements listed in 282—17.7(272).

282—14.15(272) Requirements for a one-year conditional license. A conditional license valid for one year may be issued to an individual who has completed a practitioner preparation program under the following conditions:

1. Has not completed all the required courses in the professional core from 14.19(3) "a" through "k."
2. Has not completed an approved human relations component.
3. Recency—Meets the requirement(s) for a valid license but has had less than 160 days of teaching experience during the five-year period immediately preceding the date of application or has not completed six semester hours of college credit from a recognized institution within the five-year period.

To obtain the desired license, the applicant must complete recent credit, and where recent credits are required, these credits shall be taken in professional education or in the applicant's endorsement area(s).

4. Degree not granted until next regular commencement. An applicant who meets the requirements for a license, with the exception of the degree but whose degree will not be granted until the next regular commencement, may be issued a one-year conditional license.

5. Based on an expired Iowa certificate or license, exclusive of a conditional license. The holder of an expired Iowa license, exclusive of a conditional license or a temporary certificate shall be eligible to receive a conditional license upon application. This license shall be endorsed for the type of service authorized by the expired license on which it is based.

6. Based on an administrative decision. The bureau of practitioner preparation and licensure is authorized to issue a conditional license to applicants whose services are needed to fill positions in unique need circumstances.

The conditional license is valid for one year and not renewable.

For a one-year conditional license with a special education endorsement, see 282—Chapter 15.

282—14.16(272) Requirements for a two-year conditional license. A conditional license valid for two years may be issued to an individual under the following conditions:

If a person is the holder of a valid license and is the holder of one or more endorsements, but is seeking to obtain some other endorsement, a two-year conditional license may be issued if requested by an employer and the individual seeking this endorsement has completed at least two-thirds of the content requirements or one-half of the content requirements in a state-designated shortage area, leading to completion of all requirements for that endorsement.

For the principal's endorsement, three years of teaching experience must have been met prior to applying for the conditional license. For the superintendent's endorsement, three years of teaching experience and three years as a building principal or other PK-12 districtwide or intermediate agency experience are acceptable for becoming a superintendent, and must have been met prior to applying for the conditional license.

A school district administrator may file a written request with the board for an exception to the minimum content requirements on the basis of documented need and benefit to the instructional program. The board will review the request and provide a written decision either approving or denying the request.

This license is not renewable.

282—14.17(272) Requirements for a substitute teacher’s license.

14.17(1) A substitute teacher’s license may be issued to an individual who has met the following:

- a. Has been the holder of, or presently holds, a license in Iowa; or holds or held a regular teacher’s license or certificate in another state, exclusive of temporary, emergency, substitute certificate or license, or a certificate based on an alternative certification program.
- b. Has successfully completed all requirements of an approved teacher education program and is eligible for the provisional license, but has not applied for and been issued this license, or who meets all requirements for the provisional license with the exception of the degree but whose degree will be granted at the next regular commencement.

14.17(2) A substitute license is valid for five years and for not more than 90 days of teaching in any one assignment during any one school year.

A school district administrator may file a written request with the board for an extension of the 90-day limit in one assignment on the basis of documented need and benefit to the instructional program. The board will review the request and provide a written decision either approving or denying the request.

14.17(3) The holder of a substitute license is authorized to teach in any school system in any position in which a regularly licensed teacher was employed to begin the school year.

In addition to the authority inherent in the provisional, educational, professional teacher, two-year exchange, and permanent professional licenses and the endorsement(s) held, the holder of one of these regular licenses may substitute on the same basis as the holder of a substitute license while the regular license is in effect.

This license may be renewed by meeting requirements listed in 282—17.9(272).

282—14.18(272) Areas and grade levels of teaching endorsements.

1. Teaching—Subject areas.

<u>Endorsements</u>	<u>Grade Levels</u>	
	<u>K-6*</u>	<u>7-12**</u>
Agriculture		X
Art	X	X
Business — General		X
Business — Office and Business — Marketing/Management		X
Driver and Safety Education		X
English/Language Arts	X	X
Foreign Language	X	X
Health	X	X
Home Economics		X
Industrial Technology		X
Journalism		X
Mathematics	X	X
Music	X	X
Physical Education	X	X
Reading	X	X

b. Program requirements.

- (1) Degree—baccalaureate.
- (2) Completion of an approved human relations component.
- (3) Completion of the professional education core. See 14.19(3).
- (4) Content:
 1. Child growth and development with emphasis on the emotional, physical and mental characteristics of elementary age children, unless completed as part of the professional education core. See 14.19(3).
 2. Methods and materials of teaching elementary language arts.
 3. Methods and materials of teaching elementary reading.
 4. Elementary curriculum (methods and materials).
 5. Methods and materials of teaching elementary mathematics.
 6. Methods and materials of teaching elementary science.
 7. Children's literature.
 8. Methods and materials of teaching elementary social studies.
 9. Methods and materials in two of the following areas:
 Methods and materials of teaching elementary health.
 Methods and materials of teaching elementary physical education.
 Methods and materials of teaching elementary art.
 Methods and materials of teaching elementary music.
 10. Pre-student teaching field experience in at least two different grades.
 11. A field of specialization in a single discipline or a formal interdisciplinary program of at least twelve semester hours.

14.20(3) Teacher—prekindergarten-kindergarten.

a. Authorization. The holder of this endorsement is authorized to teach at the prekindergarten-kindergarten level.

b. Program requirements.

- (1) Degree—baccalaureate.
- (2) Completion of an approved human relations program.
- (3) Completion of the professional education core. See 14.19(3).
- (4) Content:
 1. Human growth and development: infancy and early childhood, unless completed as part of the professional education core. See 14.19(3).
 2. Curriculum development and methodology for young children.
 3. Child-family-school-community relationships (community agencies).
 4. Guidance of young children three to six years of age.
 5. Organization of prekindergarten-kindergarten programs.
 6. Child and family nutrition.
 7. Language development and learning.
 8. Kindergarten: programs and curriculum development.

14.20(4) ESL. K-12.

a. Authorization. The holder of this endorsement is authorized to teach English as a second language in kindergarten and grades one through twelve.

b. Program requirements.

- (1) Degree—baccalaureate.
- (2) Completion of an approved human relations program.
- (3) Completion of the professional education core. See 14.19(3).
- (4) Content. Completion of 24 semester hours of coursework in English as a second language to include the following:

1. Teaching English as a second language.
2. Applied linguistics.
3. Language in culture.
4. Bilingual education.
5. Nature of language.
6. Process of language acquisition.

14.20(5) Elementary counselor.

a. Authorization. The holder of this endorsement is authorized to serve as a school guidance counselor in kindergarten and grades one through six.

b. Program requirements.

- (1) Master's degree from an accredited institution of higher education.
- (2) Completion of an approved human relations component.
- (3) Completion of an approved exceptional learner component.

c. Content. Completion of a sequence of courses and experiences which may have been a part of, or in addition to, the degree requirements to include the following:

- (1) Nature and needs of individuals at all developmental levels.
 1. Develop strategies for facilitating development through the transition from childhood to adolescence and from adolescence to young adult.
 2. Apply knowledge of learning and personality development to assist students in developing their full potential.
 - (2) Social and cultural foundations.
 1. Demonstrate awareness of and sensitivity to the unique social, cultural, and economic circumstances of students and their racial/ethnic, gender, age, physical, and learning differences.
 2. Demonstrate sensitivity to the nature and the functioning of the student within the family, school and community contexts.
 3. Demonstrate the counseling and consultation skills needed to facilitate informed and appropriate action in response to the needs of students.
 - (3) Fostering of relationships.
 1. Employ effective counseling and consultation skills with students, parents, colleagues, administrators, and others.
 2. Communicate effectively with parents, colleagues, students and administrators.
 3. Counsel students in the areas of personal, social, academic, and career development.
 4. Assist families in helping their children address the personal, social, and emotional concerns and problems that may impede educational progress.
 5. Implement developmentally appropriate counseling interventions with children and adolescents.
 6. Demonstrate the ability to negotiate and move individuals and groups toward consensus or conflict resolution or both.
 7. Refer students for specialized help when appropriate.
 8. Value the well-being of the students as paramount in the counseling relationship.

(4) Group work.

1. Implement developmentally appropriate interventions involving group dynamics, counseling theories, group counseling methods and skills, and other group work approaches.
2. Apply knowledge of group counseling in implementing appropriate group processes for elementary, middle school, and secondary students.

(5) Career development, education, and postsecondary planning.

1. Assist students in the assessment of their individual strengths, weaknesses, and differences, including those that relate to academic achievement and future plans.
2. Apply knowledge of career assessment and career choice programs.
3. Implement occupational and educational placement, follow-up and evaluation.
4. Develop a counseling network and provide resources for use by students in personalizing the exploration of postsecondary educational opportunities.

(6) Assessment and evaluation.

1. Demonstrate individual and group approaches to assessment and evaluation.
2. Demonstrate an understanding of the proper administration and uses of standardized tests.
3. Apply knowledge of test administration, scoring, and measurement concerns.
4. Apply evaluation procedures for monitoring student achievement.
5. Apply assessment information in program design and program modifications to address students' needs.
6. Apply knowledge of legal and ethical issues related to assessment and student records.

(7) Professional orientation.

1. Apply knowledge of history, roles, organizational structures, ethics, standards, and credentialing.
2. Maintain a high level of professional knowledge and skills.
3. Apply knowledge of professional and ethical standards to the practice of school counseling.
4. Articulate the counselor role to school personnel, parents, community, and students.

(8) School counseling skills.

1. Design, implement, and evaluate a comprehensive, developmental school guidance program.
2. Implement and evaluate specific strategies designed to meet program goals and objectives.
3. Consult and coordinate efforts with resource persons, specialists, businesses, and agencies outside the school to promote program objectives.

4. Provide information appropriate to the particular educational transition and assist students in understanding the relationship that their curricular experiences and academic achievements will have on subsequent educational opportunities.

5. Assist parents and families in order to provide a supportive environment in which students can become effective learners and achieve success in pursuit of appropriate educational goals.

6. Provide training, orientation, and consultation assistance to faculty, administrators, staff, and school officials to assist them in responding to the social, emotional, and educational development of all students.

7. Collaborate with teachers, administrators, and other educators in ensuring that appropriate educational experiences are provided that allow all students to achieve success.

8. Assist in the process of identifying and addressing the needs of the exceptional student.

9. Apply knowledge of legal and ethical issues related to child abuse and mandatory reporting.

10. Advocate for the educational needs of students and work to ensure that these needs are addressed at every level of the school experience.

11. Promote use of counseling and guidance activities and programs involving the total school community to provide a positive school climate.

(9) Classroom management.

1. Apply effective classroom management strategies as demonstrated in classroom guidance and large group guidance lessons.
2. Consult with teachers and parents about effective classroom management and behavior management strategies.

(10) Curriculum.

1. Write classroom lessons including objectives, learning activities, and discussion questions.
2. Utilize various methods of evaluating what students have learned in classroom lessons.
3. Demonstrate competency in conducting classroom and other large group activities, utilizing an effective lesson plan design, engaging students in the learning process, and employing age-appropriate classroom management strategies.
4. Design a classroom unit of developmentally appropriate learning experiences.
5. Demonstrate knowledge in writing standards and benchmarks for curriculum.

(11) Learning theory.

1. Identify and consult with teachers about how to create a positive learning environment utilizing such factors as effective classroom management strategies, building a sense of community in the classroom, and cooperative learning experiences.
2. Identify and consult with teachers regarding teaching strategies designed to motivate students using small group learning activities, experiential learning activities, student mentoring programs, and shared decision-making opportunities.
3. Demonstrate knowledge of child and adolescent development and identify developmentally appropriate teaching and learning strategies.

(12) Teaching and counseling practicum. The school counselor demonstrates competency in conducting classroom sessions with elementary and middle school students. The practicum consisting of a minimum of 500 contact hours provides opportunities for the prospective counselor, under the supervision of a licensed professional school counselor, to engage in a variety of activities in which a regularly employed school counselor would be expected to participate including, but not limited to, individual counseling, group counseling, developmental classroom guidance, and consultation.

14.20(6) Secondary counselor.

a. Authorization. The holder of this endorsement is authorized to serve as a school guidance counselor in grades seven through twelve.

b. Program requirements.

- (1) Master's degree from an accredited institution of higher education.
- (2) Completion of an approved human relations component.
- (3) Completion of an approved exceptional learner component.

c. Content. Completion of a sequence of courses and experiences which may have been a part of, or in addition to, the degree requirements to include the following:

- (1) Nature and needs of individuals at all developmental levels.
 1. Develop strategies for facilitating development through the transition from childhood to adolescence and from adolescence to young adult.
 2. Apply knowledge of learning and personality development to assist students in developing their full potential.
- (2) Social and cultural foundations.
 1. Demonstrate awareness of and sensitivity to the unique social, cultural, and economic circumstances of students and their racial/ethnic, gender, age, physical, and learning differences.
 2. Demonstrate sensitivity to the nature and the functioning of the student within the family, school and community contexts.
 3. Demonstrate the counseling and consultation skills needed to facilitate informed and appropriate action in response to the needs of students.

(3) Fostering of relationships.

1. Employ effective counseling and consultation skills with students, parents, colleagues, administrators, and others.
2. Communicate effectively with parents, colleagues, students and administrators.
3. Counsel students in the areas of personal, social, academic, and career development.
4. Assist families in helping their children address the personal, social, and emotional concerns and problems that may impede educational progress.
5. Implement developmentally appropriate counseling interventions with children and adolescents.
6. Demonstrate the ability to negotiate and move individuals and groups toward consensus or conflict resolution or both.
7. Refer students for specialized help when appropriate.
8. Value the well-being of the students as paramount in the counseling relationship.

(4) Group work.

1. Implement developmentally appropriate interventions involving group dynamics, counseling theories, group counseling methods and skills, and other group work approaches.
2. Apply knowledge of group counseling in implementing appropriate group processes for elementary, middle school, and secondary students.

(5) Career development, education, and postsecondary planning.

1. Assist students in the assessment of their individual strengths, weaknesses, and differences, including those that relate to academic achievement and future plans.
2. Apply knowledge of career assessment and career choice programs.
3. Implement occupational and educational placement, follow-up and evaluation.
4. Develop a counseling network and provide resources for use by students in personalizing the exploration of postsecondary educational opportunities.

(6) Assessment and evaluation.

1. Demonstrate individual and group approaches to assessment and evaluation.
2. Demonstrate an understanding of the proper administration and uses of standardized tests.
3. Apply knowledge of test administration, scoring, and measurement concerns.
4. Apply evaluation procedures for monitoring student achievement.
5. Apply assessment information in program design and program modifications to address students' needs.

(7) Professional orientation.

1. Apply knowledge of history, roles, organizational structures, ethics, standards, and credentialing.
2. Maintain a high level of professional knowledge and skills.
3. Apply knowledge of professional and ethical standards to the practice of school counseling.
4. Articulate the counselor role to school personnel, parents, community, and students.

(8) School counseling skills.

1. Design, implement, and evaluate a comprehensive, developmental school guidance program.
2. Implement and evaluate specific strategies designed to meet program goals and objectives.
3. Consult and coordinate efforts with resource persons, specialists, businesses, and agencies outside the school to promote program objectives.
4. Provide information appropriate to the particular educational transition and assist students in understanding the relationship that their curricular experiences and academic achievements will have on subsequent educational opportunities.

5. Assist parents and families in order to provide a supportive environment in which students can become effective learners and achieve success in pursuit of appropriate educational goals.

6. Provide training, orientation, and consultation assistance to faculty, administrators, staff, and school officials to assist them in responding to the social, emotional, and educational development of all students.

7. Collaborate with teachers, administrators, and other educators in ensuring that appropriate educational experiences are provided that allow all students to achieve success.

8. Assist in the process of identifying and addressing the needs of the exceptional student.

9. Apply knowledge of legal and ethical issues related to child abuse and mandatory reporting.

10. Advocate for the educational needs of students and work to ensure that these needs are addressed at every level of the school experience.

11. Promote use of counseling and guidance activities and programs involving the total school community to provide a positive school climate.

(9) Classroom management.

1. Apply effective classroom management strategies as demonstrated in classroom guidance and large group guidance lessons.

2. Consult with teachers and parents about effective classroom management and behavior management strategies.

(10) Curriculum.

1. Write classroom lessons including objectives, learning activities, and discussion questions.

2. Utilize various methods of evaluating what students have learned in classroom lessons.

3. Demonstrate competency in conducting classroom and other large group activities, utilizing an effective lesson plan design, engaging students in the learning process, and employing age-appropriate classroom management strategies.

4. Design a classroom unit of developmentally appropriate learning experiences.

5. Demonstrate knowledge in writing standards and benchmarks for curriculum.

(11) Learning theory.

1. Identify and consult with teachers about how to create a positive learning environment utilizing such factors as effective classroom management strategies, building a sense of community in the classroom, and cooperative learning experiences.

2. Identify and consult with teachers regarding teaching strategies designed to motivate students using small group learning activities, experiential learning activities, student mentoring programs, and shared decision-making opportunities.

3. Demonstrate knowledge of child and adolescent development and identify developmentally appropriate teaching and learning strategies.

(12) Teaching and counseling practicum. The school counselor demonstrates competency in conducting classroom sessions with middle and secondary school students. The practicum consisting of a minimum of 500 contact hours provides opportunities for the prospective counselor, under the supervision of a licensed professional school counselor, to engage in a variety of activities in which a regularly employed school counselor would be expected to participate including, but not limited to, individual counseling, group work, developmental classroom guidance and consultation.

14.20(7) Reading specialist. K-12.

a. Authorization. The holder of this endorsement is authorized to serve as a reading specialist in kindergarten and grades one through twelve.

b. Program requirements.

(1) Degree—master's.

(2) Content. Completion of a sequence of courses and experiences which may have been a part of, or in addition to, the degree requirements. This sequence is to be at least 27 semester hours to include the following:

1. Educational psychology/human growth and development.
2. Educational measurement and evaluation.
3. Foundations of reading.
4. Diagnosis of reading problems.
5. Remedial reading.
6. Psychology of reading.
7. Language learning and reading disabilities.
8. Practicum in reading.
9. Administration and supervision of reading programs at the elementary and secondary levels.

NOTE: The applicant must have met the requirements for the educational license and a teaching endorsement, and present evidence of at least one year of experience which included the teaching of reading as a significant part of the responsibility.

14.20(8) Elementary school media specialist.

a. Authorization. The holder of this endorsement is authorized to serve as a school media specialist in kindergarten and grades one through six.

b. Program requirements.

(1) Degree—baccalaureate.

(2) Completion of an approved human relations program.

(3) Completion of the professional education core. See 14.19(3).

(4) Content. Completion of 24 semester hours in school media coursework to include the following:

1. Knowledge of materials and literature in all formats for elementary children.
2. Selection, utilization and evaluation of library media materials and equipment.
3. Design and production of instructional materials.
4. Acquisition, cataloging and classification of materials and organization of equipment.
5. Information retrieval, reference services and networking.
6. Planning, evaluation and administration of media programs.
7. Practicum in an elementary school media center.

14.20(9) Secondary school media specialist.

a. Authorization. The holder of this endorsement is authorized to serve as a school media specialist in grades seven through twelve.

b. Program requirements.

(1) Degree—baccalaureate.

(2) Completion of an approved human relations program.

(3) Completion of the professional education core. See 14.19(3).

(4) Content. Completion of 24 semester hours in school media coursework to include the following:

1. Knowledge of materials and literature in all formats for adolescents.
2. Selection, utilization and evaluation of library media materials and equipment.
3. Design and production of instructional materials.
4. Acquisition, cataloging and classification of materials and organization of equipment.
5. Information retrieval, reference services and networking.
6. Planning, evaluation and administration of media programs.
7. Practicum in a secondary school media center.

14.20(10) School media specialist. K-12.

a. Authorization. The holder of this endorsement is authorized to serve as a school media specialist in kindergarten and grades one through twelve.

b. Program requirements:

(1) Degree—master's.
(2) Content. Completion of a sequence of courses and experiences which may have been part of, or in addition to, the degree requirements. This sequence is to be at least 30 semester hours in school media coursework, to include the following:

1. Planning, evaluation and administration of media programs.
2. Curriculum development and teaching and learning strategies.
3. Instructional development and communication theory.
4. Selection, evaluation and utilization of library media materials and equipment.
5. Acquisition, cataloging and classification of materials and organization of equipment.
6. Design and production of instructional materials.
7. Methods for instruction and integration of media skills into the school curriculum.
8. Information retrieval, reference services and networking.
9. Knowledge of materials and literature in all formats for elementary children and adolescents.
10. Reading, listening and viewing guidance.
11. Utilization and application of computer technology.
12. Practicum at both the elementary and secondary levels.
13. Research in media and information science.

NOTE: The applicant must be the holder of or eligible for the provisional license.

14.20(11) School nurse.

a. Authorization. The holder of this endorsement is authorized to provide service as a school nurse at the prekindergarten and kindergarten levels and in grades one through twelve.

b. Program requirements.

- (1) Degree—baccalaureate.
- (2) Completion of an approved human relations program.
- (3) Completion of the professional education core. See 14.19(3).

d. *Earth science.* 7-12. Completion of 24 semester hours in earth science or 30 semester hours in the broad area of science to include 15 semester hours in earth science.

e. *General science.* 7-12. Completion of 24 semester hours in science to include coursework in biological science, chemistry, and physics.

f. *Physical science.* 7-12. Completion of 24 semester hours in physical sciences to include coursework in physics, chemistry, and earth science.

g. *Physics.* 7-12. Completion of 24 semester hours in physics or 30 semester hours in the broad area of science to include 15 semester hours in physics.

h. *All science I.* Grades 5-8. The holder of this endorsement must also hold the middle school endorsement listed under 14.20(15).

(1) Required coursework. Completion of at least 24 semester hours in science to include 6 hours in chemistry, 6 hours in physics or physical sciences, 6 hours in biology, and 6 hours in the earth/space sciences.

(2) Competencies.

1. Understand the nature of scientific inquiry, its central role in science, and how to use the skills and processes of scientific inquiry.

2. Understand the fundamental facts and concepts in major science disciplines.

3. Be able to make conceptual connections within and across science disciplines, as well as to mathematics, technology, and other school subjects.

4. Be able to use scientific understanding when dealing with personal and societal issues.

i. *All science II.* Grades 9-12.

(1) Required coursework.

1. Completion of one of the following endorsement areas listed under 14.21(17): biological 7-12 or chemistry 7-12 or earth science 7-12 or physics 7-12.

2. Completion of at least 12 hours in each of the other three endorsement areas.

(2) Competencies.

1. Understand the nature of scientific inquiry, its central role in science, and how to use the skills and processes of scientific inquiry.

2. Understand the fundamental facts and concepts in major science disciplines.

3. Be able to make conceptual connections within and across science disciplines, as well as to mathematics, technology, and other school subjects.

4. Be able to use scientific understanding when dealing with personal and societal issues.

14.21(18) Social sciences.

a. *American government.* 7-12. Completion of 24 semester hours in American government or 30 semester hours in the broad area of social sciences to include 15 semester hours in American government.

b. *American history.* 7-12. Completion of 24 semester hours in American history or 30 semester hours in the broad area of the social sciences to include 15 semester hours in American history.

c. *Anthropology.* 7-12. Completion of 24 semester hours in anthropology or 30 semester hours in the broad area of social sciences to include 15 semester hours in anthropology.

d. *Economics.* 7-12. Completion of 24 semester hours in economics or 30 semester hours in the broad area of the social sciences to include 15 semester hours in economics, or 30 semester hours in the broad area of business to include 15 semester hours in economics.

e. *Geography.* 7-12. Completion of 24 semester hours in geography or 30 semester hours in the broad area of the social sciences to include 15 semester hours in geography.

f. *History.* K-6. Completion of 24 semester hours in history to include at least 9 semester hours in American history and 9 semester hours in world history.

g. *Psychology.* 7-12. Completion of 24 semester hours in psychology or 30 semester hours in the broad area of social sciences to include 15 semester hours in psychology.

h. Social studies. K-6. Completion of 24 semester hours in social studies, to include coursework from at least three of these areas: history, sociology, economics, American government, psychology and geography.

i. Sociology. 7-12. Completion of 24 semester hours in sociology or 30 semester hours in the broad area of social sciences to include 15 semester hours in sociology.

j. World history. 7-12. Completion of 24 semester hours in world history or 30 semester hours in the broad area of social sciences to include 15 semester hours in world history.

k. All social sciences. 7-12. Effective July 1, 2000, completion of 51 semester hours in the social sciences to include 9 semester hours in each of American and world history, 9 semester hours in government, 6 semester hours in sociology, 6 semester hours in psychology other than educational psychology, 6 semester hours in geography, and 6 semester hours in economics.

14.21(19) *Speech communication/theatre.*

a. K-6. Completion of 20 semester hours in speech communication/theatre to include coursework in speech communication, creative drama or theatre, and oral interpretation.

b. 7-12. Completion of 24 semester hours in speech communication/theatre to include coursework in speech communication, oral interpretation, creative drama or theatre, argumentation and debate, and mass media communication.

This rule is intended to implement Iowa Code chapter 272.

282—14.25(272) Two-year administrator exchange license.

14.25(1) A two-year nonrenewable exchange license may be issued to an individual under the following conditions. The individual:

a. Has completed a state-approved teacher education program in a college or university approved by the state board of education or the state board of educational examiners in the individual's preparation state.

b. Has completed a state-approved administrator education program in a college or university approved by the state board of education or the state board of educational examiners in the individual's preparation state.

c. Holds a valid regular administrative certificate or license.

d. Is not subject to any pending disciplinary proceedings in any state.

e. Meets the experience requirements for the administrative endorsements. Verified successful completion of three years of full-time teaching experience in other states, on a valid license, shall be considered equivalent experience necessary for the principal endorsement. Verified successful completion of six years of full-time teaching and administrative experience in other states, on a valid license, shall be considered equivalent experience for the superintendent endorsement provided that at least three years were as a teacher and at least three years were as a building principal or other PK-12 districtwide administrator.

14.25(2) Each exchange license shall be limited to the area(s) and level(s) of administration as determined by an analysis of the application, the transcripts, and the license or certificate held in the state in which the basic preparation for the administrative licensure was completed.

14.25(3) Each individual receiving the two-year exchange license will have to complete any identified licensure deficiencies in order to be eligible for a regular educational and administrative license in Iowa.

282—14.26(272) Two-year nonrenewable school counseling exchange license.

14.26(1) A two-year nonrenewable school counseling exchange license may be issued to an individual, provided that the individual:

a. Has completed a regionally accredited master's degree program in school guidance counseling.

b. Holds a valid school counseling certificate or license issued by an examining board which issues certificates or licenses based on requirements which are substantially equivalent to those of the board of educational examiners.

c. Meets the qualifications in Iowa Code section 272.6.

d. Is not subject to any pending disciplinary proceeding in any state.

14.26(2) Each exchange license shall be limited to the area(s) and level(s) of counseling as determined by an analysis of the application, the transcripts, and the license or certificate held in the state in which the basic preparation for the school counseling license was completed.

14.26(3) Each applicant for the exchange license shall comply with all requirements with regard to application processes and payment of licensure fees.

14.26(4) Each individual receiving the two-year exchange license will have to complete any identified licensure deficiencies in order to be eligible for a regular educational license in Iowa.

14.26(5) Individuals licensed under this provision are subject to the administrative rules of the board.

282—14.27(272) Human relations requirements for practitioner licensure. Preparation in human relations shall be included in programs leading to practitioner licensure. Human relations study shall include interpersonal and intergroup relations and shall contribute to the development of sensitivity to and understanding of the values, beliefs, lifestyles and attitudes of individuals and the diverse groups found in a pluralistic society.

14.27(1) Beginning on or after August 31, 1980, each applicant for an initial practitioner's license shall have completed the human relations requirement.

14.27(2) On or after August 31, 1980, each applicant for the renewal of a practitioner's license shall have completed an approved human relations requirement.

14.27(3) Credit for the human relations requirement shall be given to licensed practitioners who can give evidence that they have completed a human relations program which meets board of educational examiners criteria (see 14.30(272)).

282—14.28(272) Development of human relations components. Human relations components shall be developed by teacher preparation institutions. In-service human relations components may also be developed by educational agencies other than teacher preparation institutions, as approved by the board of educational examiners.

282—14.29(272) Advisory committee. Education agencies developing human relations components shall give evidence that in the development of their programs they were assisted by an advisory committee. The advisory committee shall consist of equal representation of various minority and majority groups.

282—14.30(272) Standards for approved components. Human relations components will be approved by the board of educational examiners upon submission of evidence that they are designed to develop the ability of participants to:

14.30(1) Be aware of and understand the various values, lifestyles, history, and contributions of various identifiable subgroups in our society.

14.30(2) Recognize and deal with dehumanizing biases such as sexism, racism, prejudice, and discrimination, and become aware of the impact that such biases have on interpersonal relations.

14.30(3) Translate knowledge of human relations into attitudes, skills, and techniques which will result in favorable learning experiences for students.

14.30(4) Recognize the ways in which dehumanizing biases may be reflected in instructional materials.

14.30(5) Respect human diversity and the rights of each individual.

14.30(6) Relate effectively to other individuals and various subgroups other than one's own.

282—14.31(272) Evaluation. Educational agencies providing the human relations components shall indicate the means to be utilized for evaluation.

282—14.32(272) Licensure and authorization fee.

14.32(1) Issuance and renewal of licenses, authorizations, and statements of professional recognition. The fee for the issuance of each initial practitioner's license, the evaluator license, the statement of professional recognition, and the coaching authorization and the renewal of each license, evaluator approval license, statement of professional recognition, and coaching authorization shall be \$50.

14.32(2) Adding endorsements. The fee for the addition of each endorsement to a license, following the issuance of the initial license and endorsement(s), shall be \$25.

14.32(3) Duplicate licenses, authorizations, and statements of professional recognition. The fee for the issuance of a duplicate practitioner's license, evaluator license or coaching authorization shall be \$10.

14.32(4) Evaluation fee. Each application from an out-of-state institution for initial licensure shall include, in addition to the basic fee for the issuance of a license, a one-time nonrefundable \$50 evaluation fee.

Each application or request for a statement of professional recognition shall include a one-time nonrefundable \$50 evaluation fee.

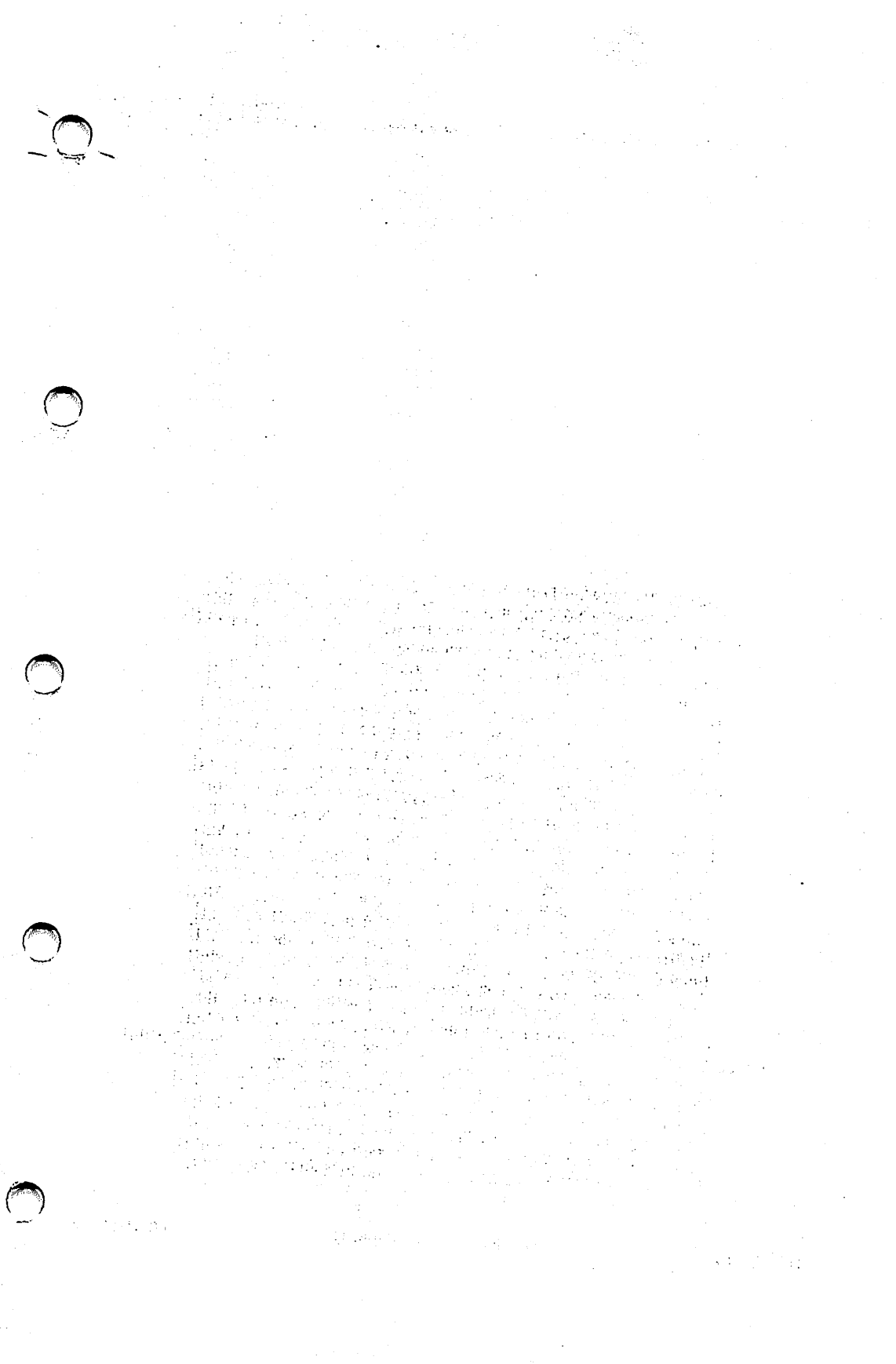
14.32(5) One-year emergency license. The fee for the issuance of a one-year emergency license based on an expired conditional license or an expired administrative decision license shall be \$100.

14.32(6) Late renewal fee. Effective September 1, 2000, an additional fee of \$25 per calendar month, not to exceed \$100, shall be imposed if a renewal application is submitted after the date of expiration of a practitioner's license. The board may waive a late renewal fee upon application for waiver of the fee by a practitioner. Waiver of the late fee will be granted only upon a showing of extraordinary circumstances rendering imposition of the fee unreasonable.

- [Filed emergency 9/14/90—published 10/3/90, effective 9/14/90]◇
- [Filed emergency 11/14/90—published 12/12/90, effective 11/14/90]
- [Filed emergency 12/21/90—published 1/9/91, effective 12/21/90]
- [Filed 1/29/91, Notice 10/3/90—published 2/20/91, effective 3/27/91]
- [Filed 1/21/92, Notice 11/13/91—published 2/19/92, effective 3/25/92]
- [Filed 7/31/92, Notice 2/19/92—published 8/19/92, effective 10/1/92]*
- [Filed emergency 6/17/93 after Notice 3/31/93—published 7/7/93, effective 7/23/93]
- [Filed 9/22/93, Notice 3/31/93—published 10/13/93, effective 1/1/94]
- [Filed 1/13/94, Notice 9/15/93—published 2/2/94, effective 3/9/94]
- [Filed 4/28/94, Notice 2/2/94—published 5/25/94, effective 7/1/94]
- [Filed 1/12/96, Notice 11/8/95—published 1/31/96, effective 3/6/96]
- [Filed 5/16/96, Notice 3/13/96—published 6/5/96, effective 7/10/96]
- [Filed 12/13/96, Notice 1/6/96—published 1/1/97, effective 2/5/97]
- [Filed 6/27/97, Notice 4/23/97—published 7/16/97, effective 8/31/97]
- [Filed 5/15/98, Notice 2/11/98—published 6/3/98, effective 7/8/98]
- [Filed 7/24/98, Notice 6/3/98—published 8/12/98, effective 9/16/98]
- [Filed 11/13/98, Notice 9/9/98—published 12/2/98, effective 1/6/99]
- [Filed 11/30/98, Notice 9/9/98—published 12/16/98, effective 7/1/99]
- [Filed 3/19/99, Notice 1/27/99—published 4/7/99, effective 7/1/00]
- [Filed 4/16/99, Notice 2/10/99—published 5/5/99, effective 8/31/99]◇
- [Filed 4/16/99, Notice 12/16/98—published 5/5/99, effective 7/1/00]
- [Filed 6/25/99, Notice 5/5/99—published 7/14/99, effective 8/18/99]
- [Filed 7/23/99, Notice 5/5/99—published 8/11/99, effective 9/15/99]
- [Filed 4/14/00, Notice 2/9/00—published 5/3/00, effective 6/7/00]◇
- [Filed 4/14/00, Notice 2/9/00—published 5/3/00, effective 10/1/00]
- [Rules editorially renumbered IAC Supplement 8/9/00]
- [Filed 10/27/00, Notice 6/28/00—published 11/15/00, effective 1/1/01]◇
- [Filed 5/15/98, Notice 2/11/98—published 6/3/98, effective 8/31/01]
- [Filed 7/23/99, Notice 5/5/99—published 8/11/99, effective 8/31/01]

◇Two or more ARCs

*Effective date delayed 70 days by the Administrative Rules Review Committee at its meeting held September 9, 1992; delay lifted by the Committee October 14, 1992, effective October 15, 1992.



CHAPTER 21
BEHIND-THE-WHEEL DRIVING INSTRUCTOR AUTHORIZATION

282—21.1(272,321) Requirements. Applicants for the behind-the-wheel driving instructor authorization shall meet the following requirements:

21.1(1) Qualifications. To qualify for the behind-the-wheel driving instructor authorization, the applicant must:

a. Be at least 25 years of age.
b. Hold a valid Iowa driver's license that permits unaccompanied driving, other than a motorized bicycle license or a temporary restricted license.

c. Have a clear driving record for the previous four years. A clear driving record means that the individual has:

(1) Not been identified as a candidate for driver's license suspension under the habitual violator provisions of rule 761—615.13(321) or serious violation provisions of rule 761—615.17(321).

(2) No driver's license suspensions, revocations, denials, cancellations, disqualifications, or bars.

(3) Not committed an offense which results in driver's license suspension, revocation, denial, cancellation, disqualification, or bar.

(4) No record of an accident for which the individual was convicted of a motion traffic violation.

21.1(2) Approved coursework. The applicant shall successfully complete a behind-the-wheel driving instructor course approved by the department of transportation. At a minimum, classroom instruction shall include at least 12 clock hours of observed behind-the-wheel instruction and 24 clock hours of classroom instruction to include psychology of the young driver, behind-the-wheel teaching techniques, ethical teaching practices, and route selection.

282—21.2(272,321) Validity. The behind-the-wheel driving instructor authorization shall be valid for one calendar year, and it shall expire one year after issue date. The fee for the issuance of the behind-the-wheel driving instructor authorization shall be \$10.

282—21.3(272,321) Approval of courses. Each institution of higher education, private college or university, community college or area education agency wishing to offer the behind-the-wheel driving instructor authorization must submit course descriptions to the department of transportation for approval. After initial approval, any changes by agencies or institutions in course offerings shall be filed with the department of transportation and the board of educational examiners.

282—21.4(272,321) Application process. Any person interested in the behind-the-wheel driving instructor authorization shall submit records of completion of a department of transportation-approved program to the board of educational examiners for an evaluation of completion of coursework and all other requirements.

Application materials are available from the board of educational examiners, the department of transportation or from institutions or agencies offering department of transportation-approved courses.

282—21.5(272,321) Renewal. The behind-the-wheel driving instructor authorization may be renewed upon application, \$10 renewal fee and verification of successful completion of:

21.5(1) Providing behind-the-wheel instruction for a minimum of 12 clock hours during the previous school year; and

21.5(2) Successful participation in at least one department of transportation-sponsored or department of transportation-approved behind-the-wheel instructor refresher course.

282—21.6(272,321) Revocation and suspension. Criteria of professional practice and rules of the board of educational examiners shall be applicable to the holders of the behind-the-wheel driving instructor authorization.

These rules are intended to implement Iowa Code chapter 272 and Iowa Code Supplement section 321.178.

[Filed 9/17/99, Notice 6/30/99—published 10/6/99, effective 11/10/99*]

[Filed emergency 10/27/00—published 11/15/00, effective 11/15/00]

*At its meeting held November 9, 1999, the Administrative Rules Review Committee voted to delay the effective date of 282—Chapter 21 until adjournment of the 2000 Session of the General Assembly.

**CHAPTER 13
PROGRAM EVALUATION**

- 13.1(234,239,249A) Definitions
- 13.2(234,239,249A) Review of public assistance records by the department
- 13.3(234,239,249A) Who shall be reviewed
- 13.4(234,239,249A) Notification of review
- 13.5(234,239,249A) Review procedure
- 13.6(234,239,249A) Failure to cooperate
- 13.7(234,239,249A) Report of findings
- 13.8(234,239,249A) Federal review

**CHAPTER 14
OFFSET OF COUNTY DEBTS
OWED DEPARTMENT**

- 14.1(234) Definitions
- 14.2(234) Identifying counties with liabilities
- 14.3(234) List of counties with amounts owed
- 14.4(234) Notification to county regarding offset
- 14.5(234) Review of county response regarding offset
- 14.6(234) Offset completed

**TITLE II
Reserved**

**CHAPTERS 15 to 21
Reserved**

**TITLE III
MENTAL HEALTH**

**CHAPTER 22
STANDARDS FOR SERVICES TO
PERSONS WITH MENTAL ILLNESS,
CHRONIC MENTAL ILLNESS, MENTAL
RETARDATION, DEVELOPMENTAL
DISABILITIES, OR BRAIN INJURY**

- 22.1(225C) Definitions
- 22.2(225C) Principles
- 22.3(225C) General guidelines for service delivery
- 22.4(225C) Services
- 22.5(225C) Compliance hearing

**CHAPTER 23
Reserved**

**CHAPTER 24
ACCREDITATION OF PROVIDERS OF
SERVICES TO PERSONS WITH MENTAL
ILLNESS, MENTAL RETARDATION, AND
DEVELOPMENTAL DISABILITIES**

- 24.1(225C) Definitions
- 24.2(225C) Standards for policy and procedures
- 24.3(225C) Standards for organizational activities
- 24.4(225C) Standards for services
- 24.5(225C) Accreditation
- 24.6(225C) Deemed status
- 24.7(225C) Complaint process
- 24.8(225C) Appeal of survey report
- 24.9(225C) Exceptions to policy

CHAPTER 25
DISABILITY SERVICES
MANAGEMENT

- DIVISION I
- DETERMINATION OF STATE PAYMENT AMOUNT
- 25.1(331) Definitions
- 25.2(331) Eligibility conditions
- 25.3(331) County expenditure reports
- 25.4(331) State payment calculation report
- 25.5 to 25.10 Reserved

- DIVISION II
- COUNTY MANAGEMENT PLAN
- 25.11(331) Definitions
- 25.12(331) County management plan—
general criteria
- 25.13(331) Policies and procedures manual
- 25.14(331) Policies and procedures manual
review
- 25.15(331) Amendments
- 25.16(331) Reconsideration
- 25.17(331) Management plan annual review
- 25.18(331) Strategic plan
- 25.19(331) Technical assistance
- 25.20 to 25.40 Reserved

- DIVISION III
- MINIMUM DATA SET
- 25.41(331) Minimum data set
- 25.42 to 25.50 Reserved

- DIVISION IV
- INCENTIVE AND EFFICIENCY POOL FUNDING
- 25.51(77GA, HF2545) Desired results areas
- 25.52(77GA, HF2545) Methodology for
applying for
incentive funding
- 25.53(77GA, HF2545) Methodology for
awarding incentive
funding
- 25.54(77GA, HF2545) Subsequent year
performance factors
- 25.55(77GA, HF2545) Phase-in provisions
- 25.56 to 25.60 Reserved

- DIVISION V
- RISK POOL FUNDING
- 25.61(426B) Definitions
- 25.62(426B) Risk pool board
- 25.63(426B) Application process
- 25.64(426B) Methodology for awarding risk
pool funding
- 25.65(426B) Repayment provisions

- 25.66(426B) Appeals
- 25.67 to 25.70 Reserved

- DIVISION VI
- TOBACCO SETTLEMENT FUND RISK POOL FUNDING
- 25.71(78GA, ch1221) Definitions
- 25.72(78GA, ch1221) Risk pool board
- 25.73(78GA, ch1221) Rate-setting process
- 25.74(78GA, ch1221) Application process
- 25.75(78GA, ch1221) Methodology for
awarding tobacco
settlement fund risk
pool funding
- 25.76(78GA, ch1221) Repayment provisions
- 25.77(78GA, ch1221) Appeals

CHAPTERS 26 and 27
Reserved

CHAPTER 28
POLICIES FOR ALL INSTITUTIONS

- 28.1(218) Definitions
- 28.2(218) Voluntary admissions to mental
health institute
- 28.3(218) Admission to hospital-schools
- 28.4(229) Patients' rights for the mentally
ill
- 28.5(218) Photographing and recording of
patients and use of cameras
- 28.6(218) Interviews and statements
- 28.7(218) Use of grounds, facilities, or
equipment
- 28.8(218) Tours of institution
- 28.9(218) Donations
- 28.10(218) Residents' rights for the mentally
retarded
- 28.11(218) Catchment areas
- 28.12(217) Release of confidential
information
- 28.13(218) Applying county institutional
credit balances

CHAPTER 29
MENTAL HEALTH INSTITUTES

- 29.1(218) Visiting
- 29.2(230) Direct medical services
- 29.3(230) Liability for support

CHAPTER 30
STATE HOSPITAL-SCHOOLS

- 30.1(218) Visiting
- 30.2(222) Liability for support

25.62(6) Records. Any records maintained by the board or on behalf of the board shall be made available to the public for examination in compliance with Iowa's open records law, Iowa Code chapter 22. To the extent possible, prior to submitting applications, records and documents, applicants shall delete any confidential information. These records shall be maintained in the office of the division of mental health and developmental disabilities.

25.62(7) Conflict of interest. A board member cannot be a part of any presentation to the board of that board member's county's application for risk pool funds nor can the board member be a part of any action pertaining to that application.

25.62(8) Robert's Rules of Order. In cases not covered by these rules, Robert's Rules of Order shall govern.

441—25.63(426B) Application process.

25.63(1) Applicants. A county may make an aggregate or individual application at any time on or before April 1 of any given year for the current fiscal year budget whenever the projected need exceeds the sum of 105 percent of the county's current fiscal year budget amount and the county's prior fiscal year accrual ending fund balance exceeds 25 percent of the prior fiscal year gross services fund expenditures.

The purpose of the mental health risk pool is to assist counties whose expenditures in the mental health, mental retardation, and developmental disabilities services fund exceed budgeted costs due to unanticipated expenses for new individuals or other unexpected factors. The mental health risk pool is not intended for multiyear usage or as a source of planned revenue.

25.63(2) Application procedures. The county shall send Form 470-3723, Risk Pool Application, plus 15 copies, to the division. The division must receive the application no later than 4:30 p.m. on April 1 of each year; or, if April 1 is a holiday, a Saturday or Sunday, the division must receive the application no later than 4:30 p.m. on the first working day thereafter. Facsimiles and electronic mail are not acceptable. The application shall be signed and dated by both the chairperson of the county board of supervisors and the central point of coordination administrator. Staff of the division shall notify each county of receipt of the county's application.

The county shall attach the following forms to the application:

- a. Form 634A, Revenues Detail.
- b. Form 634B, Service Area Detail (pages 1 to 10).
- c. Form 634C, Service Area 4 Supporting Detail (pages 1 to 8).
- d. Form 638R, Statement of Revenues, Expenditures, and Changes in Fund Balance—Actual and Budget (pages 1 and 2).
- e. If the budget has been amended, Form 653A-R, Record of Hearing and Determination on the Amendment to County Budget (sheet 2), for both the current fiscal year budget, as last amended, and the prior fiscal year gross services fund expenditures.

25.63(3) Request for additional information. Staff shall review all applications for completeness. If an application is not complete, staff of the division shall contact the county within four working days after April 1 or the first working day thereafter, if April 1 is a holiday, a Saturday or Sunday, to request the information needed to complete the application. The county shall submit the required information within five working days from the date of the division's request for the additional information.

441—25.64(426B) Methodology for awarding risk pool funding.

25.64(1) Notice of decision. The risk pool board shall send a notice of decision of the board's action to the chairperson of the applying county's board of supervisors. Copies of the notice of decision shall be sent to the county auditor and the central point of coordination administrator.

25.64(2) Distribution of funds. The total amount of the risk pool shall be limited to the available pool for a fiscal year. If the total dollar amount of the approved applications exceeds the available pool, the board shall prorate the amount paid for an approved application. The funds will be prorated to each county based upon the proportion of each approved county's request to the total amount of all approved requests.

441—25.65(426B) Repayment provisions.

25.65(1) Required repayment. Counties shall be required to repay risk pool funds in the following situations:

a. A loan was granted to the county because the county did not levy the maximum amount allowed for the county's mental health, mental retardation, and developmental disabilities services fund under Iowa Code section 331.424A. The county shall be required to repay the risk pool loan funds during the two succeeding fiscal years. The repayment amount shall be limited to the amount by which the actual amount levied was less than the maximum amount allowed.

b. The county had levied the maximum amount allowed for the county's mental health, mental retardation, and developmental disabilities services fund, but the county's actual need for risk pool assistance was less than the amount of risk pool assistance granted to the county. The county shall refund the difference between the amount of assistance granted and the actual need.

25.65(2) Year-end report. Each county granted risk pool funds shall complete a year-end financial report. The division shall review the accrual information and notify the mental health risk pool board if any county that was granted assistance in the prior year received more than the county's actual need based on the submitted financial report.

25.65(3) Notification to county. The chairperson of the mental health risk pool board shall notify each county by January 1 of each fiscal year of the amount to be reimbursed. The county shall reimburse the risk pool within 30 days of receipt of notification by the chairperson of the mental health risk pool board. If a county fails to reimburse the mental health risk pool, the board may request a revenue offset through the department of revenue and finance. Copies of the overpayment and request for reimbursement shall be sent to the county auditor and the central point of coordination administrator of the county.

441—25.66(426B) Appeals. The risk pool board may accept or reject an application for assistance from the risk pool fund in whole or in part. The decision of the board is final and is not appealable.

These rules are intended to implement Iowa Code section 426B.5, subsection 3.

441—25.67 to 25.70 Reserved.

DIVISION VI
TOBACCO SETTLEMENT FUND RISK POOL FUNDING

PREAMBLE

These rules provide for use of an appropriation from the tobacco settlement fund to establish a risk pool fund which may be used by counties with limited county mental health, mental retardation and developmental disabilities services funds to pay for increased compensation of the service staff of eligible purchase of service (POS) providers and establish the requirements for counties for receiving and repaying the funding. Implementation of the rate increases contemplated by the tobacco settlement fund in a timely manner will require cooperation among all eligible counties and providers.

441—25.71(78GA,ch1221) Definitions.

"Adjusted actual cost" means a POS provider's cost as computed using the financial and statistical report for the provider's fiscal year which ended during the state fiscal year beginning July 1, 1998 (state fiscal year 1999), as adjusted by multiplying those actual costs by 103.4 percent or the percentage adopted by the risk pool board in accordance with 2000 Iowa Acts, chapter 1221, section 3, subsection 3, paragraph "c."

“Department” means the Iowa department of human services.

“Division” means the mental health and developmental disabilities division of the department of human services.

“Financial and statistical report” means a report prepared by a provider and submitted to host counties that is prepared in accordance with department rules for cost determination set forth in 441—Chapter 150.

“Host county” means the county in which the primary offices of a POS provider are located. However, if a POS provider operates separate programs in more than one county, “host county” means each county in which a separate program is operated.

“Purchase of service provider” or *“POS provider”* means a provider of sheltered work, work activity, supported employment, job placement, enclave services, adult day care, transportation, supported community living services, or adult residential services paid by a county from the county’s services fund created in Iowa Code section 331.424A under a state purchase of service or county contract.

“Risk pool board” means that board established by Iowa Code section 426B.5, subsection 3.

“Separate program” means a POS service operated in a county other than the county in which the provider’s home office is located and for which the provider allocates costs separately from similar programs located in the county where the provider’s home office is located.

“Services fund” means the fund defined in Iowa Code section 331.424A.

“Tobacco settlement fund loan” or *“TSF loan”* means the tobacco settlement fund risk pool funds a county received in a fiscal year in which the county did not levy the maximum amount allowed for the county’s mental health, mental retardation, and developmental disabilities services fund under Iowa Code section 331.424A. The repayment amount shall be limited to the amount by which the actual amount levied was less than the maximum amount allowed.

441—25.72(78GA,ch1221) Risk pool board. The risk pool board is organized and shall take action and keep minutes and records as set out in rule 441—25.62(426B).

A risk pool board member cannot be a part of any presentation to the board of that board member’s county’s application for tobacco settlement fund risk pool funds nor can the board member be a part of any action pertaining to that application. If a risk pool board member is employed by or is a board member of a POS provider whose increases in compensation caused the host county to apply to the fund, the board member cannot be a part of any presentation to the board nor can the board member be a part of any action pertaining to that application.

441—25.73(78GA,ch1221) Rate-setting process. For services provided on or after July 1, 2000, each county shall increase its reimbursement rates for each program to the lesser of the adjusted actual cost or 105 percent of the rate paid for services provided on June 30, 2000.

25.73(1) Financial and statistical report. Each provider of POS services shall submit a financial and statistical report to each host county for each program that the provider operates within that county. These reports shall include actual costs for each separate program for the provider’s fiscal year that ended during state fiscal year 1999 and state fiscal year 2000. These reports shall be submitted to the central point of coordination (CPC) administrator of the host county or counties no later than August 15, 2000.

25.73(2) Rate determination. The CPC administrator in each host county shall receive and review provider financial and statistical reports for each separate program for which that county is the host county. If the host county determines that all or part of the provider’s increase in costs is attributable to increases in service staff compensation and that the adjusted actual cost is more than the rate paid by the county on June 30, 2000, the CPC administrator shall notify the provider in writing of the new rate for each program no later than September 1, 2000.

If a rate paid for services provided on June 30, 2000, exceeds the adjusted actual cost, the county shall not be required to adjust the rate for services provided on or after July 1, 2000.

The provider shall, no later than September 11, 2000, send to the CPC administrator of any other counties with consumers in those programs a copy of the rate determination signed by the CPC administrator of the host county. A county may delay payment of the reimbursement rate established pursuant to this subrule until the risk pool board has completed action as to adopting or not adopting a different percentage for the definition of adjusted actual cost, provided however that any increased rates required by 2000 Iowa Acts, chapter 1221, section 3, subsection 2, paragraph "c," shall be paid retroactively for all services provided on or after July 1, 2000.

25.73(3) Exemptions.

a. A POS provider that has negotiated a reimbursement rate increase with a host county as of July 1, 2000, has the option of exemption from the provisions of these rules. However, a county shall not be eligible to receive tobacco settlement funds for any rates established outside of the process established in these rules.

b. Nothing in these rules precludes a county from increasing reimbursement rates of POS providers by an amount that is greater than that specified in these rules. However, a county shall not be eligible for tobacco settlement funds for the amount of any rate increase in excess of the amount established pursuant to these rules.

441—25.74(78GA,ch1221) Application process.

25.74(1) Who may apply. If a county determines that payment of POS provider rates in accordance with these rules will cause the county to expend more funds in FY2001 than budgeted for POS services, the county may apply for assistance from the tobacco settlement fund. However, any fiscal year 2000 projected accrual basis fund balances in excess of 25 percent of fiscal year 2000 services fund gross expenditures will reduce the amount for which a county is eligible. In considering the cost of implementing these provisions, a county shall not include the cost of rate increases granted to any providers who fail to complete financial and statistical reports as provided in these rules.

25.74(2) How to apply. The county shall send the original and 15 copies of Form 470-3768, Tobacco Settlement Fund Risk Pool Application, to the division. The division must receive the application no later than 4:30 p.m. on September 25, 2000. Facsimiles and electronic mail are not acceptable. The application shall be signed and dated by the chairperson of the county board of supervisors, the county auditor, and the CPC administrator. Staff of the division shall notify each county of receipt of the county's application.

25.74(3) Request for additional information. Staff shall review all applications for completeness. If an application is not complete, staff of the division shall contact the county by October 5, 2000, and request the information needed to complete the application. The county shall submit the required information by October 16, 2000.

441—25.75(78GA,ch1221) Methodology for awarding tobacco settlement fund risk pool funding.

25.75(1) Review of applications. The risk pool board shall review all of the applications from counties for assistance from the tobacco settlement fund. If the total amount requested from the tobacco settlement fund does not exceed \$2 million, eligible counties shall be awarded funding pursuant to this division. The risk pool board shall determine for each county whether any or all of the assistance granted to that county is a TSF loan.

25.75(2) Notice of decision. The risk pool board shall notify the chair of the applying county's board of supervisors of the board's action no later than November 3, 2000. Copies shall be sent to the county auditor and the CPC administrator.

25.75(3) *Distribution of funds.* The total amount of the risk pool shall be limited to \$2 million. If the total dollar amount of the eligible applications exceeds the available pool, the risk pool board shall revise the percentage adjustment to actual cost to arrive at adjusted actual cost as defined in this division and prorate funding to the eligible counties. If it becomes necessary to revise the percentage adjustment used to determine adjusted actual cost, the risk pool board shall determine if applicant counties remain eligible under this program.

25.75(4) *Notification of adjustment.* If the risk pool board rolls back the percentage adjustment used to determine adjusted actual cost, the risk pool board shall notify the chair of the board of supervisors of all counties, and copies shall be sent to the county auditor and the CPC administrator of each county. Each host county shall recalculate the reimbursement rate under this division using the revised adjusted actual cost percentage and notify each provider in writing of the revised rate within 30 days of receiving notice of the percentage adjustment. The provider shall, within 30 days of receipt of notice, send to the CPC administrator of any other counties with consumers in those programs a copy of the revised rate determination signed by the CPC administrator of the host county.

441—25.76(78GA,ch1221) Repayment provisions.

25.76(1) *Required repayment.* Counties shall be required to repay TSF loans by January 1, 2002. Repayments shall be credited to the tobacco settlement fund.

25.76(2) *Notification to county.* In the notice of decision provided pursuant to these rules, the chairperson of the risk pool board shall notify each county of the portion, if any, of the assistance that is considered a TSF loan. If a county fails to reimburse the tobacco settlement fund by January 1, 2002, the board may request a revenue offset through the department of revenue and finance. Copies of the overpayment and request for reimbursement shall be sent to the county auditor and the CPC administrator of the county.

441—25.77(78GA,ch1221) Appeals. The risk pool board may accept or reject an application for assistance from the tobacco settlement fund risk pool fund in whole or in part. The decision of the board is final and is not appealable.

These rules are intended to implement 2000 Iowa Acts, chapter 1221, section 3, as amended by chapter 1232, section 4.

- [Filed emergency 12/14/94—published 1/4/95, effective 12/14/94]
- [Filed 2/16/95, Notice 1/4/95—published 3/15/95, effective 5/1/95]
- [Filed 1/10/96, Notice 11/22/95—published 1/31/96, effective 4/1/96]
- [Filed 12/12/96, Notice 11/6/96—published 1/1/97, effective 3/1/97]
- [Filed emergency 6/25/98—published 7/15/98, effective 7/1/98]
- [Filed 9/3/98, Notice 7/15/98—published 9/23/98, effective 11/1/98]
- [Filed 2/9/00, Notice 12/29/99—published 3/8/00, effective 4/12/00]
- [Filed emergency 3/8/00—published 4/5/00, effective 3/8/00]
- [Filed emergency 7/5/00—published 7/26/00, effective 8/1/00]
- [Filed 9/6/00, Notice 4/5/00—published 10/4/00, effective 11/8/00]
- [Filed 10/23/00, Notice 7/26/00—published 11/15/00, effective 1/1/01]

CHAPTER 26
COUNTY MAINTENANCE OF EFFORT CALCULATIONS AND REPORTING
Rescinded IAB 5/5/99, effective 7/1/99

CHAPTER 27
Reserved

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
RESEARCH REPORT NO. 1000

1. Introduction
The present study was undertaken to investigate the effect of temperature on the rate of reaction between hydrogen peroxide and potassium permanganate in an acidic solution. The reaction is known to be first order with respect to the permanganate ion and second order with respect to the hydrogen peroxide. The rate constant, k , is expected to increase with increasing temperature according to the Arrhenius equation.

2. Experimental
The reaction was carried out in a series of glass vessels equipped with magnetic stirrers. The reactants were prepared by standard methods. The temperature of the reaction mixture was maintained constant by immersing the vessel in a water bath. The reaction was followed by measuring the decrease in optical density of the permanganate ion at a wavelength of 525 m μ . The rate of reaction was determined from the initial slope of the plot of $\log \text{[MnO}_4^-]$ versus time.

3. Results and Discussion
The rate constants, k , were determined at various temperatures and are listed in Table I. The Arrhenius plot of $\log k$ versus $1/T$ is shown in Figure 1. The line is a straight line, indicating that the reaction follows the Arrhenius law. The activation energy, E_a , was calculated from the slope of the line and found to be 14.5 kcal/mole.

4. Conclusions
The rate of reaction between hydrogen peroxide and potassium permanganate in an acidic solution increases with increasing temperature. The activation energy for this reaction is 14.5 kcal/mole.

- [Filed 12/16/83, Notice 11/9/83—published 1/4/84, effective 2/8/84]
 - [Filed emergency 1/13/84—published 2/1/84, effective 2/8/84]
 - [Filed emergency 8/31/84—published 9/26/84, effective 10/1/84]
 - [Filed emergency 9/28/84—published 10/24/84, effective 10/1/84]
 - [Filed emergency 1/17/85—published 2/13/85, effective 1/17/85]
 - [Filed without Notice 1/22/85—published 2/13/85, effective 4/1/85]
 - [Filed emergency 3/22/85—published 4/10/85, effective 4/1/85]
 - [Filed 3/22/85, Notice 2/13/85—published 4/10/85, effective 6/1/85]
 - [Filed 4/29/85, Notice 10/24/84—published 5/22/85, effective 7/1/85]
 - [Filed 10/1/85, Notice 7/31/85—published 10/23/85, effective 12/1/85]
 - [Filed 2/21/86, Notice 1/15/86—published 3/12/86, effective 5/1/86]
- [Filed emergency 3/21/86 after Notice 2/12/86—published 4/9/86, effective 4/1/86]
 - [Filed emergency 4/28/86—published 5/21/86, effective 5/1/86]
 - [Filed emergency 8/28/86—published 9/24/86, effective 9/1/86]
 - [Filed 9/5/86, Notice 6/18/86—published 9/24/86, effective 11/1/86]
 - [Filed emergency 1/15/87—published 2/11/87, effective 1/15/87]
 - [Filed without Notice 1/15/87—published 2/11/87, effective 4/1/87]
 - [Filed 3/3/87, Notice 12/31/86—published 3/25/87, effective 5/1/87]
 - [Filed 3/26/87, Notice 2/11/87—published 4/22/87, effective 6/1/87]
 - [Filed 4/29/87, Notice 3/11/87—published 5/20/87, effective 7/1/87]
- [Filed emergency 5/29/87 after Notice 4/22/87—published 6/17/87, effective 7/1/87]
 - [Filed emergency 6/19/87—published 7/15/87, effective 7/1/87]
- [Filed emergency after Notice 9/24/87, Notice 8/12/87—published 10/21/87, effective 10/1/87]
 - [Filed 9/24/87, Notice 8/12/87—published 10/21/87, effective 12/1/87]
- [Filed emergency after Notice 10/23/87, Notice 9/9/87—published 11/18/87, effective 11/1/87]
 - [Filed 10/23/87, Notice 9/9/87—published 11/18/87, effective 1/1/88]
 - [Filed 1/21/88, Notice 12/16/87—published 2/10/88, effective 4/1/88]
 - [Filed emergency 3/16/88—published 4/6/88, effective 3/16/88]
 - [Filed 3/17/88, Notice 1/13/88—published 4/6/88, effective 6/1/88]
 - [Filed emergency 4/22/88—published 5/18/88, effective 5/1/88]
 - [Filed 4/22/88, Notice 3/9/88—published 5/18/88, effective 7/1/88]
 - [Filed 6/9/88, Notice 4/20/88—published 6/29/88, effective 9/1/88]
 - [Filed 8/4/88, Notices 6/29/88—published 8/24/88, effective 10/1/88]
 - [Filed without Notice 9/21/88—published 10/19/88, effective 12/1/88]
 - [Filed 10/27/88, Notice 8/24/88—published 11/16/88, effective 1/1/89]
 - [Filed emergency 11/14/88—published 11/30/88, effective 11/14/88]
- [Filed emergency 12/8/88 after Notices 10/19/88, 11/2/88—published 12/28/88, effective 1/1/89]
 - [Filed emergency 4/13/89 after Notice 3/8/89—published 5/3/89, effective 5/1/89]
 - [Filed 4/13/89, Notice 2/22/89—published 5/3/89, effective 7/1/89]
 - [Filed 5/10/89, Notice 4/5/89—published 5/31/89, effective 8/1/89]
- [Filed emergency 6/9/89 after Notice 5/3/89—published 6/28/89, effective 7/1/89]
 - [Filed emergency 6/9/89—published 6/28/89, effective 7/1/89]
- [Filed 7/14/89, Notices 4/19/89, 5/31/89—published 8/9/89, effective 10/1/89]
 - [Filed 8/17/89, Notice 6/28/89—published 9/6/89, effective 11/1/89]
 - [Filed emergency 10/10/89—published 11/1/89, effective 12/1/89]
 - [Filed 10/10/89, Notice 8/23/89—published 11/1/89, effective 1/1/90]

- [Filed 12/19/89, Notice 11/1/89—published 1/10/90, effective 3/1/90]
 - [Filed emergency 1/10/90—published 2/7/90, effective 1/10/90]
- [Filed 1/16/90, Notice 11/15/89—published 2/7/90, effective 4/1/90]
 - [Filed emergency 2/16/90—published 3/7/90, effective 4/1/90]
- [Filed without Notice 2/16/90—published 3/7/90, effective 5/1/90]
 - [Filed emergency 3/14/90—published 4/4/90, effective 3/14/90]
- [Filed 3/16/90, Notice 2/7/90—published 4/4/90, effective 6/1/90]
- [Filed 4/13/90, Notice 3/7/90—published 5/2/90, effective 7/1/90]
 - [Filed emergency 6/13/90—published 7/11/90, effective 6/14/90]
- [Filed emergency 6/20/90 after Notice 4/18/90—published 7/11/90, effective 7/1/90]
 - [Filed 7/13/90, Notice 5/16/90—published 8/8/90, effective 10/1/90]
- [Filed emergency 8/16/90 after Notice of 6/27/90—published 9/5/90, effective 10/1/90]
 - [Filed 8/16/90, Notices 6/13/90, 7/11/90—published 9/5/90, effective 11/1/90]
 - [Filed emergency 12/13/90—published 1/9/91, effective 1/1/91]
 - [Filed 2/14/91, Notice 1/9/91—published 3/6/91, effective 5/1/91]
 - [Filed emergency 3/14/91—published 4/3/91, effective 3/14/91]
 - [Filed 3/14/91, Notice 1/23/91—published 4/3/91, effective 6/1/91]
 - [Filed emergency 4/11/91—published 5/1/91, effective 4/11/91]
 - [Filed 4/11/91, Notice 2/20/91—published 5/1/91, effective 7/1/91]
- [Filed emergency 5/17/91 after Notice 4/3/91—published 6/12/91, effective 7/1/91]
 - [Filed 5/17/91, Notices 4/3/90—published 6/12/91, effective 8/1/91]
- [Filed emergency 6/14/91 after Notice 5/1/91—published 7/10/91, effective 7/1/91]
 - [Filed 7/10/91, Notice 5/29/91—published 8/7/91, effective 10/1/91]
 - [Filed 8/8/91, Notice 6/26/91—published 9/4/91, effective 11/1/91]
- [Filed emergency 9/18/91 after Notice 4/17/91—published 10/16/91, effective 10/1/91]
 - [Filed 9/18/91, Notice 7/10/91—published 10/16/91, effective 12/1/91]
 - [Filed emergency 12/11/91—published 1/8/92, effective 1/1/92]
- [Filed emergency 12/11/91 after Notice 10/30/91—published 1/8/92, effective 1/1/92]
 - [Filed 12/11/92, Notice 10/16/91—published 1/8/92, effective 3/1/92]*
 - [Filed 1/15/92, Notice 11/13/91—published 2/5/92, effective 4/1/92]
 - [Filed 2/13/92, Notices 1/8/92—published 3/4/92, effective 5/1/92]
 - [Filed emergency 4/15/92—published 5/13/92, effective 4/16/92]
- [Filed emergency 4/16/92 after Notice 2/19/92—published 5/13/92, effective 5/1/92]
- [Filed emergency 5/14/92 after Notice 3/18/92—published 6/10/92, effective 7/1/92]
 - [Filed 5/14/92, Notices 3/18/92—published 6/10/92, effective 8/1/92]
 - [Filed 6/11/92, Notice 4/29/92—published 7/8/92, effective 9/1/92]
 - [Filed emergency 9/11/92—published 9/30/92, effective 10/1/92]
- [Filed 10/15/92, Notice 8/19/92—published 11/11/92, effective 1/1/93]
- [Filed 11/10/92, Notice 9/30/92—published 12/9/92, effective 2/1/93]
 - [Filed emergency 12/1/92—published 12/23/92, effective 1/1/93]
- [Filed emergency 1/14/93 after Notice 10/28/92—published 2/3/93, effective 2/1/93]
- [Filed 1/14/93, Notices 10/28/92, 11/25/92, 12/9/92—published 2/3/93, effective 4/1/93]
 - [Filed 2/10/93, Notice 12/23/92—published 3/3/93, effective 5/1/93]
 - [Filed 4/15/93, Notice 2/17/93—published 5/12/93, effective 7/1/93]

†Two or more ARCs

*Effective date of 3/1/92 delayed until adjournment of the 1992 General Assembly by the Administrative Rules Review Committee at its meeting held February 3, 1992.

TITLE IV
WASTEWATER TREATMENT AND DISPOSAL

CHAPTER 60
SCOPE OF TITLE—DEFINITIONS—FORMS—RULES OF PRACTICE

[Prior to 7/1/83, see DEQ Chs 15 and 24]
[Prior to 12/3/86, Water, Air and Waste Management[900]]

567—60.1(455B,17A) Scope of title. The department has jurisdiction over the surface and ground-water of the state to prevent, abate and control water pollution, by establishing standards for water quality and for direct or indirect discharges of wastewater to waters of the state and by regulating potential sources of water pollution through a system of general rules or specific permits. The construction and operation of any wastewater disposal system and the discharge of any pollutant to a water of the state requires a specific permit from the department, unless exempted by the department.

This chapter provides general definitions applicable in this title and rules of practice, including forms, applicable to the public in the department's administration of the subject matter of this title.

Chapter 61 contains the water quality standards of the state, including classification of surface waters. Chapter 62 contains the standards or methods for establishing standards relevant to the discharge of pollutants to waters of the state. Chapter 63 identifies monitoring, analytical and reporting requirements pertaining to permits for the operation of wastewater disposal systems. Chapter 64 contains the standards and procedures for obtaining construction, operation and discharge permits for wastewater disposal systems other than those associated with animal-feeding operations. Chapter 65 specifies minimum waste control requirements and permit requirements for animal-feeding operations. Chapter 66 specifies restrictions on pesticide application to waters. Chapter 68 contains standards and licensing requirements applicable to commercial septic tank cleaners. Chapter 69 specifies guidelines for private sewage disposal.

567—60.2(455B) Definitions. The following definitions apply to this title, unless otherwise specified in the particular chapter of this title:

“*Act*” means the Federal Water Pollution Control Act as amended through July 1, 2000, 33 U.S.C. §1251 et seq.

“*Acute toxicity*” means that level of pollutants which would rapidly induce a severe and unacceptable impact on organisms.

“*Aquatic pesticide*” means any pesticide, as defined in Iowa Code section 206.2, that is labeled for application to surface water.

“*ASTM*” means “Annual Book of Standards, Part 31, Water.” The publication is available from the American Society for Testing and Materials, 1916 Race St., Philadelphia, Pennsylvania 19103.

“*Best management practice (BMP)*” means a practice or combination of practices that is determined, 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.

“*Biochemical oxygen demand (five-day)*” means the amount of oxygen consumed in the biological processes that break down organic matter in water by aerobic biochemical action in five days at 20°C.

“*Carbonaceous biochemical oxygen demand (five-day)*” means the amount of oxygen consumed in the biological processes that break down carbonaceous organic matter in water by aerobic biochemical action in five days at 20°C.

“Chronic toxicity” means that level of pollutants which would, over long durations or recurring exposure, cause a continuous, adverse or unacceptable response in organisms.

“Continuing planning process (CPP)” means the continuing planning process, including any revision thereto, required by Sections 208 and 303(e) of the Act (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 cooperatively 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 (such as coordinated and cooperative programs with the state conservation commission in aquatic life and recreation matters, and the soil conservation division, department of agriculture and land stewardship in nonpoint pollution control matters) 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 (such as utilization of such mechanisms as basin advisory committees composed of local elected officials, representatives of areawide planning agencies, the public at large, and conservancy district committees) 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, defines specific programs, priorities and targets for preventing and controlling water pollution in individual approved planning areas and establishes policies which guide decision making over at least a 20-year span of time (in increments of 5 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.

“CFR” means the Code of Federal Regulations as published by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

“Crossover point” means that location in a river or stream in which the flow shifts from being principally along one bank to the opposite bank. This crossover point usually occurs within two curves or an S-shaped curve of a water course.

“Culture water” means reconstituted water or other acceptable water used for culturing test organisms.

“Deep well” means a well located and constructed in such a manner that there is a continuous layer of low permeability soil or rock at least 5 feet thick located at least 25 feet below the normal ground surface and above the aquifer from which water is to be drawn.

“Diluted effluent sample” means a sample of effluent diluted with culture water at the same ratio as the dry weather design flow to the applicable receiving stream flow contained in the zone of initial dilution as allowed in 567—subrule 61.2(4), regulatory mixing zones, including paragraphs “b,” “c” and “d.”

b. Amendments. A permittee seeking an amendment to its operation permit shall make a written request to the department which shall include the nature of the requested amendment and the reasons therefor. A variance or amendment to the terms and conditions of a general permit shall not be granted. If a variance or amendment to a general permit is desired, the applicant must apply for an individual permit following the procedures in 567—paragraph 64.3(4)“a.”

(1) Schedules of compliance. Requests to amend a permit schedule of compliance shall be made at least 30 days prior to the next scheduled compliance date which the permittee contends it is unable to meet. The request shall include any proposed changes in the existing schedule of compliance, and any supporting documentation for the time extension. An extension may be granted by the department for cause. Cause includes unusually adverse weather conditions, equipment shortages, labor strikes, federal grant regulation requirements, or any other extenuating circumstances beyond the control of the requesting party. Cause does not include economic hardship, profit reduction, or failure to proceed in a timely manner.

(2) Interim effluent limitations. A request to amend interim effluent limitations in an existing permit shall include the proposed amendments to existing effluent limitations and any documentation in support of the proposed limitations. The department will evaluate the request based upon the capability of the disposal system to meet interim effluent limitations, taking into account the contributions to treatment capability which can be made by good operation and maintenance of the disposal system and by minor alterations which can be made to the system to improve its capability. The department may deny a request where the inability of the disposal system to meet interim effluent limitations is due to increased waste loadings on the system over those loadings upon which the interim limitations were based.

(3) Monitoring requirements. A request for a change in monitoring requirements in an existing permit shall include the proposed changes in monitoring requirements and documentation therefor. The requesting permittee must provide monitoring results which are frequent enough to reflect variations in actual wastewater characteristics over a period of time and are consistent in results from sample to sample. The department will evaluate the request based upon whether or not less frequent sample results accurately reflect actual wastewater characteristics and whether operational control can be maintained.

Upon receipt of a request the department may grant, modify, or deny the request. If the request is denied, the department may notify the permittee of any violation of its permit and may proceed administratively on the violation or may request that the commission refer the matter to the attorney general for legal action.

These rules are intended to implement Iowa Code section 17A.3(1)“b” and chapter 455B, division III, part 1.

- [Filed emergency 6/3/83—published 6/22/83, effective 7/1/83]
- [Filed emergency 12/2/83, Notice 6/22/83—published 12/21/83, effective 1/25/84]
- [Filed 7/12/85, Notice 3/13/85—published 7/31/85, effective 9/4/85]
- [Filed 4/30/86, Notice 9/11/85—published 5/21/86, effective 6/25/86]
- [Filed emergency 11/14/86—published 12/3/86, effective 12/3/86]
- [Filed 3/30/90, Notice 8/9/89—published 4/18/90, effective 5/23/90]
- [Filed 10/26/90, Notice 7/11/90—published 11/14/90, effective 12/19/90]
- [Filed 10/26/90, Notice 8/8/90—published 11/14/90, effective 12/19/90]
- [Filed 4/26/91, Notice 10/17/90—published 5/15/91, effective 6/19/91]
- [Filed 5/24/91, Notice 3/20/91—published 6/12/91, effective 7/17/91]
- [Filed without Notice 6/21/91—published 7/10/91, effective 8/14/91]
- [Filed 6/19/92, Notice 12/11/91—published 7/8/92, effective 8/12/92]
- [Filed without Notice 8/28/92—published 9/16/92, effective 10/21/92]
- [Filed without Notice 8/27/93—published 9/15/93, effective 10/20/93]
- [Filed without Notice 8/26/94—published 9/14/94, effective 10/19/94]
- [Filed without Notice 9/22/95—published 10/11/95, effective 11/15/95]
- [Filed without Notice 9/20/96—published 10/9/96, effective 11/13/96]
- [Filed without Notice 9/19/97—published 10/8/97, effective 11/12/97]
- [Filed 3/19/98, Notice 11/19/97—published 4/8/98, effective 5/13/98]
- [Filed without Notice 2/5/99—published 2/24/99, effective 3/31/99]
- [Filed without Notice 10/28/99—published 11/17/99, effective 12/22/99]
- [Filed without Notice 10/27/00—published 11/15/00, effective 12/20/00]

c. *Waste stabilization ponds.* Departmental secondary treatment standards for waste stabilization ponds are the same as those found in subrule 62.3(1) concerning secondary treatment with the exception of the standards for suspended solids which are as follows:

- (1) SS, the 30-day average shall not exceed 80 mg/l.
- (2) SS, the 7-day average shall not exceed 120 mg/l.

d. *Less concentrated influent wastewater for separate sewers.* The department may substitute either a lower percent removal requirement or a mass loading limit for the percent removal requirements in 62.3(1) and 62.3(3) provided that the permittee demonstrates that:

(1) The treatment works is consistently meeting or will consistently meet, its permit effluent concentration limits but its percent removal requirements cannot be met due to less concentrated influent wastewater.

(2) To meet the percent removal requirements, the treatment works would have to achieve significantly more stringent limitations than would otherwise be required by the concentration-based standards, and

(3) The less concentrated influent wastewater is not the result of excessive infiltration/inflow (I/I). A system is considered to have nonexcessive I/I when an average wet weather influent flow (as defined in the department's design standards 567—paragraph 64.2(9)“b,” Chapter 14.4.5.1.b) comprised of domestic wastewater plus infiltration plus inflow equals less than 275 gallons per day per capita.

e. *Upgraded facilities designed to operate in a split flow mode.* The department may substitute either a lower percent removal requirement or a mass loading limit for the percent removal requirements in 62.3(1) only (not 62.3(3)), provided that the treatment works is designed to split part of the primary treated wastewater flow around the secondary treatment unit(s). The design to accommodate split flow must be approved by the department and consistent with applicable design standards for wastewater treatment facilities. The requirements of 62.3(2)“d” would apply to facilities considered under this subrule. This subrule shall not be considered for facilities eligible for treatment equivalent to secondary treatment under 62.3(3).

Any applicant requesting a permit limit adjustment must include as part of the request an analysis of the I/I sources in the system and a plan for the elimination of all inflow sources such as roof drains, manholes and storm sewer interconnections. Infiltration sources that can be economically eliminated or minimized shall be corrected.

f. *Dilution.* Nothing in this subrule or any other rule of the department shall be construed to encourage dilution of sewage as a means of complying with secondary treatment effluent standards. Reasonable efforts to prevent and abate infiltration of groundwater into sewers, and prevention or removal of any significant source of inflow, are required of all persons responsible for facilities subject to these standards.

62.3(3) Treatment equivalent to secondary treatment. This subrule describes the minimum level of effluent quality attainable by facilities eligible for treatment equivalent to secondary treatment in terms of the pollutant measurements CBOD₅, SS and pH. Treatment works shall be eligible at any time for consideration of effluent limitations described for treatment equivalent to secondary treatment if:

- a. The CBOD₅ and SS effluent concentrations consistently achievable through proper operation and maintenance of the treatment works exceed the minimum level of the effluent quality set forth in 62.3(1)“a” and 62.3(1)“b”; and
- b. A trickling filter or waste stabilization pond is used as the principal process; and
- c. The treatment works provide significant biological treatment of municipal wastewater; and

d. The facility was not constructed since January 1, 1972, in order to achieve design effluent limits set forth in 62.3(1) "a," "b," and "c" or predecessor rules on secondary treatment. An eligible trickling filter or waste stabilization pond may have undergone an upgrade to achieve the effluent requirements specified in this subrule. Nothing in this subrule shall be construed to allow a facility to circumvent the design standards of 567—Chapter 64 in the replacement or construction of the individual treatment units; and

e. The treatment works is one that does not receive organic or hydraulic loadings which prevent the facilities from consistently complying with 62.3(3) "f," "g," and "h."

All requirements for the specified pollutant measurements in paragraphs "f," "g," and "h" following in this subrule shall be achieved except as provided for above in 62.3(2) or paragraph "i" of this subrule below.

f. CBOD₅ limitations:

- (1) The 30-day average shall not exceed 40 mg/l.
- (2) The 7-day average shall not exceed 60 mg/l.
- (3) The 30-day average percent removal shall not be less than 65 percent.

g. SS limitations. Except where SS values have been adjusted in accordance with subrule 62.3(2), paragraph "c," above:

- (1) The 30-day average shall not exceed 45 mg/l.
- (2) The 7-day average shall not exceed 65 mg/l.
- (3) The 30-day average percent removal shall not be less than 65 percent.

h. pH. The requirements of above subrule 62.3(1), paragraph "c," shall be met.

i. Permit adjustments. More stringent limitations are required if the 30-day average and 7-day average CBOD₅ and SS effluent values that could be achievable through proper operation and maintenance of the upgraded or existing treatment works, based on an analysis of the past performance of the treatment works, would enable the treatment works to achieve more stringent limitations. These more stringent limitations shall be maintained and not relaxed unless as specified in subrule 62.3(2) "b."

Effluent concentrations consistently achievable through proper operation and maintenance are:

(1) The ninety-fifth percentile value of the 30-day average effluent quality achieved by the upgraded or existing treatment works in a period of at least two years, excluding values attributable to upsets, bypasses, operational errors, or other unusual conditions, and

(2) A 7-day average value equal to 1.5 times the value derived for the 30-day average above.

This subrule shall only be applied when the existing or upgraded facility has achieved its design organic loading as specified in the most recent construction permit or its accompanying documentation. The determination of the effluent concentration consistently achievable through proper operation and maintenance shall only be based on the effluent quality data following the period when the design organic loading has been achieved.

567—62.4(455B) Federal effluent and pretreatment standards. The federal standards, 40 Code of Federal Regulations (CFR), revised as of July 1, 2000, are applicable to the following categories:

62.4(1) General provisions. The following is adopted by reference: 40 CFR Part 401.

62.4(2) Cooling water intake structures. Reserved.

62.4(3) General pretreatment regulations for existing and new sources of pollution. The following is adopted by reference: 40 CFR 403.

62.4(4) Thermal discharges. The following is adopted by reference: 40 CFR Part 125, Subpart H.

62.4(5) Dairy products processing industry point source category. The following is adopted by reference: 40 CFR Part 405.

62.4(6) *Grain mills point source category.* The following is adopted by reference: 40 CFR Part 406.

62.4(7) *Canned and preserved fruits and vegetables processing point source category.* The following is adopted by reference: 40 CFR Part 407.

62.4(8) *Canned and preserved seafood processing point source category.* The following is adopted by reference: 40 CFR Part 408.

62.4(9) *Sugar processing point source category.* The following is adopted by reference: 40 CFR Part 409.

62.4(10) *Textile industry point source category.* The following is adopted by reference: 40 CFR Part 410.

62.4(11) *Cement manufacturing point source category.* The following is adopted by reference: 40 CFR Part 411.

62.4(12) *Feedlots point source category.* The following is adopted by reference: 40 CFR Part 412.

62.4(13) *Electroplating point source category.* The following is adopted by reference: 40 CFR Part 413.

62.4(14) *Organic chemicals, plastics and synthetic fibers point source category.* The following is adopted by reference: 40 CFR Part 414.

62.4(15) *Inorganic chemicals manufacturing point source category.* The following is adopted by reference: 40 CFR Part 415.

62.4(16) Reserved.

62.4(17) *Soap and detergent manufacturing point source category.* The following is adopted by reference: 40 CFR Part 417.

62.4(18) *Fertilizer manufacturing point source category.* The following is adopted by reference: 40 CFR Part 418.

62.4(19) *Petroleum refining point source category.* The following is adopted by reference: 40 CFR Part 419.

62.4(20) *Iron and steel manufacturing point source category.* The following is adopted by reference: 40 CFR Part 420.

62.4(21) *Nonferrous metals manufacturing point source category.* The following is adopted by reference: 40 CFR Part 421.

62.4(22) *Phosphate manufacturing point source category.* The following is adopted by reference: 40 CFR Part 422.

62.4(23) *Steam electric power generating point source category.* The following is adopted by reference: 40 CFR Part 423.

62.4(24) *Ferroalloy manufacturing point source category.* The following is adopted by reference: 40 CFR Part 424.

62.4(25) *Leather tanning and finishing industry point source category.* The following is adopted by reference: 40 CFR Part 425.

62.4(26) *Glass manufacturing point source category.* The following is adopted by reference: 40 CFR Part 426.

62.4(27) *Asbestos manufacturing point source category.* The following is adopted by reference: 40 CFR Part 427.

62.4(28) *Rubber manufacturing point source category.* The following is adopted by reference: 40 CFR Part 428.

62.4(29) *Timber products processing point source category.* The following is adopted by reference: 40 CFR Part 429.

62.4(30) *Pulp, paper and paperboard point source category.* The following is adopted by reference: 40 CFR Part 430.

62.4(31) *Builders paper and roofing felt segment of the builders paper and board mills point source category.* The following is adopted by reference: 40 CFR Part 431.

62.4(32) *Meat products point source category.* The following is adopted by reference: 40 CFR Part 432.

62.4(33) *Metal finishing point source category.* The following is adopted by reference: 40 CFR Part 433.

62.4(34) *Coal mining point source category.* The following is adopted by reference: 40 CFR Part 434.

62.4(35) *Oil and gas extraction industry point source category.* The following is adopted by reference: 40 CFR Part 435.

62.4(36) *Mineral mining and processing point source category.* The following is adopted by reference: 40 CFR Part 436.

62.4(37) *Centralized waste treatment point source category.* Reserved.

62.4(38) Reserved.

62.4(39) *Pharmaceutical manufacturing point source category.* The following is adopted by reference: 40 CFR Part 439.

62.4(40) *Ore mining and dressing point source category.* The following is adopted by reference: 40 CFR Part 440.

62.4(41) *Industrial laundries point source category.* Reserved.

62.4(42) *Transportation equipment cleaning point source category.* The following is adopted by reference: 40 CFR Part 442.

62.4(43) *Paving and roofing materials (tars and asphalt) point source category.* The following is adopted by reference: 40 CFR Part 443.

62.4(44) *Waste combustors point source category.* The following is adopted by reference: 40 CFR Part 444.

62.4(45) *Landfills point source category.* The following is adopted by reference: 40 CFR Part 445.

62.4(46) *Paint formulating point source category.* The following is adopted by reference: 40 CFR Part 446.

62.4(47) *Ink formulating point source category.* The following is adopted by reference: 40 CFR Part 447.

62.4(48) *Printing and publishing point source category.* Reserved.

62.4(49) *Steam supply and noncontact cooling water point source category.* Reserved.

62.4(50) Reserved.

62.4(51) *Clay, gypsum, refractory and ceramic products point source category.* Reserved.

62.4(52) *Concrete products point source category.* Reserved.

62.4(53) *Shore receptor and bulk terminals point source category.* Reserved.

62.4(54) *Gum and wood chemicals manufacturing point source category.* The following is adopted by reference: 40 CFR Part 454.

62.4(55) *Pesticide chemicals manufacturing point source category.* The following is adopted by reference: 40 CFR Part 455.

62.4(56) *Adhesives and sealants industry point source category.* Reserved.

62.4(57) *Explosives manufacturing point source category.* The following is adopted by reference: 40 CFR Part 457.

62.4(58) *Carbon black manufacturing point source category.* The following is adopted by reference: 40 CFR Part 458.

62.4(59) *Photographic processing point source category.* The following is adopted by reference: 40 CFR Part 459.

62.4(60) Hospital point source category. The following is adopted by reference: 40 CFR Part 460.

62.4(61) Battery manufacturing point source category. The following is adopted by reference: 40 CFR Part 461.

62.4(62) Reserved.

62.4(63) Plastic molding and forming point source category. The following is adopted by reference: 40 CFR Part 463.

62.4(64) Metal molding and castings point source category. The following is adopted by reference: 40 CFR Part 464.

62.4(65) Coil coating point source category. The following is adopted by reference: 40 CFR Part 465.

62.4(66) Porcelain enameling point source category. The following is adopted by reference: 40 CFR Part 466.

62.4(67) Aluminum forming point source category. The following is adopted by reference: 40 CFR Part 467.

62.4(68) Copper forming point source category. The following is adopted by reference: 40 CFR Part 468.

62.4(69) Electrical and electronic components point source category. The following is adopted by reference: 40 CFR Part 469.

62.4(70) Reserved.

62.4(71) Nonferrous metals forming and metal powders. The following is adopted by reference: 40 CFR Part 471.

567—62.5(455B) Federal toxic effluent standards. The following is adopted by reference: 40 CFR Part 129, revised as of July 1, 2000.

567—62.6(455B) Effluent limitations and pretreatment requirements for sources for which there are no federal effluent or pretreatment standards.

62.6(1) Definitions. As used in this rule:

a. "Average" means the sum of the total daily discharges by weight, volume or concentration during the reporting period (as specified in the operation permit) divided by the total number of days during the reporting period when the facility was in operation. With respect to the monitoring requirements, the "daily average" discharge shall be determined by the summation of all the measured daily discharges by weight, volume or concentration divided by the number of days during the reporting period when the measurements were made.

b. "Maximum" means the total discharge by weight, volume or concentration which cannot be exceeded during a 24-hour period.

c. "Best engineering judgment" means a judgment that considers any or all of the following:

- (1) Known state-of-the-art (i.e., demonstrated treatment that is being done or can be done);
- (2) Published technical articles and research results;
- (3) Engineering reference books;
- (4) Consultation with acknowledged experts in the field;
- (5) Availability of equipment;
- (6) Known or suspected toxicity of the pollutants;
- (7) Safety, welfare and aesthetic effects on persons who may come in contact with the discharge;

and

- (8) Standards and rules of other regulatory agencies and states.

62.6(2) *Time of compliance.* Effluent limitations and pretreatment limitations established pursuant to this rule shall be achieved within a reasonable time after receipt of notice from the department of the applicability of these limitations.

62.6(3) *Effluent limitations.* This subrule establishes effluent limitations on the discharge of pollutants from sources other than publicly owned treatment works and privately owned domestic sewage treatment works that are not subject to the federal effluent standards adopted by reference in 62.4(1) and 62.4(3) to 62.4(60).

a. There shall be established an effluent limitation that represents the best engineering judgment of the department of the degree of effluent reduction consistent with the Act and Iowa Code chapter 455B.

b. The following wastes shall not be introduced into privately owned treatment works subject to this subrule:

(1) Wastes that create a fire or explosion hazard in the treatment works.

(2) Wastes at a flow rate or pollutant discharge rate, or both, which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency such that the effluent limitations in the permit of the treatment works are violated.

62.6(4) *Pretreatment requirements for incompatible wastes.* This subrule establishes pretreatment requirements for incompatible pollutants that apply to sources other than those covered by 40 CFR §128.133, (i.e., sources other than existing “major contributing industries” as defined in 40 CFR §128.124), and to sources that are new or existing major contributing industries for which there is no federal pretreatment standard (i.e., sources which do not fall within a point source category or, if they do fall within a point source category, sources for which the administrator has not yet promulgated a pretreatment standard).

a. For sources that are within a point source category adopted by reference in 62.4(455B) for which there are promulgated effluent limitation guidelines, but no promulgated pretreatment standards, the pretreatment standard for incompatible pollutants shall be the promulgated effluent limitation guideline. Provided, that if the treatment works which receives the pollutants is committed in its operation permit to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant.

b. For sources that are not subject to paragraph “a,” there shall be established an effluent limitation that represents the best engineering judgment in the department of the degree of effluent reduction consistent with the Act and Iowa Code chapter 455B.

c. In no case shall a discharge into a publicly owned treatment works or a privately owned domestic sewage treatment works by a source subject to this subrule intermittently change the pH of the raw waste reaching the treatment plant by more than 0.5 pH unit or cause the pH of the waste reaching the plant to be less than 6.0 or greater than 9.0.

567—62.7(455B) *Effluent limitations less stringent than the effluent limitation guidelines.* An effluent limitation less stringent than the effluent limitation guideline (adopted by reference in 62.4(455B)) representing the degree of effluent reduction achievable by application of the best practicable control technology currently available may be allowed in an NPDES permit if the factors relating to the equipment or facilities involved, the process applied, or other such factors related to the discharger are fundamentally different from the factors considered by the administrator in the establishment of the guidelines. An individual discharger or other interested person may submit evidence concerning such factors to the director. On the basis of such evidence or other available information, the director will make a written finding that such factors are or are not fundamentally different from the facility compared to those specified in the development document. Any such less stringent effluent limitations must, as a condition precedent, be approved by the administrator.

567—62.8(455B) Effluent limitations or pretreatment requirements more stringent than the effluent or pretreatment standards.

62.8(1) *Effluent limitations more stringent than the effluent limitation guidelines.* An effluent limitation more stringent than the effluent limitation guidelines representing the degree of effluent reduction achievable by application of the best practicable control technology currently available may be required in an NPDES permit if the factors relating to the equipment or facilities involved, the process applied, or other such factors related to the discharger are fundamentally different from the factors considered by the administrator in the establishment of the guidelines. An individual discharger or other interested person may submit evidence concerning such factors to the director. On the basis of such evidence or other information available to the director, the director will make a written finding that such factors are or are not fundamentally different for the facility compared to those specified in the development document. Any such more stringent effluent limitation must, as a condition precedent, be approved by the administrator.

62.8(2) *Effluent limitations necessary to meet water quality standards.* No effluent, alone or in combination with the effluent of other sources, shall cause a violation of any applicable water quality standard. When it is found that a discharge that would comply with applicable effluent standards in 62.3(455B), 62.4(455B) or 62.5(455B) or effluent limitations in 62.6(455B) would cause violation of water quality standards, the discharge will be required to meet whatever effluent limitations are necessary to achieve water quality standards, including the nondegradation policy of 567—subrule 61.2(2). Any such effluent limitation shall be determined using a statistically based portion of the calculated waste load allocation, as described in “Supporting Document for Iowa Water Quality Management Plans” (Iowa Department of Water, Air and Waste Management, July 1976, Chapter IV, as revised on March 20, 1990). (Copy available upon request to the Department of Natural Resources, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50319. Copy on file with the Iowa Administrative Rules Coordinator.)

62.8(3) *Pretreatment requirements more stringent than pretreatment standards or requirements.* The department or the publicly owned treatment works may impose pretreatment requirements more stringent than the applicable pretreatment standard of 62.4(455B) or pretreatment requirements of 62.6(455B) if such more stringent requirements are necessary to prevent violations of water quality standards, or the permit limitations of the treatment works.

62.8(4) *Effluent limitations or pretreatment requirements in approved areawide waste treatment management plans.* Effluent limitations or pretreatment requirements more stringent than applicable effluent or pretreatment standards in 62.3(455B) to 62.5(455B) or effluent limitations or pretreatment requirements in 62.6(455B) may be imposed by the department if the more stringent effluent limitations or pretreatment requirements are required by an approved areawide waste treatment management (208(b)) plan.

62.8(5) *Effluent limitations for pollutants not covered by effluent or pretreatment standards.* An effluent limitation on a pollutant not otherwise regulated under 62.3(455B) to 62.6(455B) (e.g., polybrominated biphenyls, PBBs) may be imposed on a case-by-case basis. Such limitation shall be based on effect of the pollutant in water and the feasibility and reasonableness of treating such pollutant.

567—62.9(455B) Disposal of pollutants into wells. Commencing September 1, 1977, there shall be no disposal of a pollutant other than heat into wells within Iowa. Any disposal of heat shall be sufficiently controlled to protect the public health and welfare and to prevent pollution of ground and surface water resources. In reviewing any permits proposed to be issued for the disposal into wells, the director shall consider, among other things, any policies, technical information, or requirements specified by the administrator in regulations issued pursuant to the Act or in directives issued to EPA regional offices.

These rules are intended to implement Iowa Code chapter 455B, division III, part 1.

[Filed 5/10/66; amended 11/18/71]

[Filed 7/1/77, Notice 3/23/77—published 7/27/77, effective 8/31/77]

[Filed without Notice 2/2/79—published 2/21/79, effective 3/28/79]

[Filed 8/3/79, Notice 5/2/79—published 8/22/79, effective 9/26/79]

[Filed 10/26/79, Notice 6/27/79—published 11/14/79, effective 12/19/79]

[Filed without Notice 2/1/80—published 2/20/80, effective 3/26/80]

[Filed emergency 6/3/83—published 6/22/83, effective 7/1/83]

[Filed 12/2/83, Notice 6/22/83—published 12/21/83, effective 1/25/84]

[Filed 10/19/84, Notice 7/18/84—published 11/7/84, effective 12/12/84]

[Filed 4/30/86, Notice 9/11/85—published 5/21/86, effective 6/25/86]

[Filed without Notice 8/22/86—published 9/10/86, effective 10/15/86]

[Filed emergency 11/14/86—published 12/3/86, effective 12/3/86]

[Filed without Notice 7/24/87—published 8/12/87, effective 9/16/87]

[Filed 8/31/89, Notice 6/14/89—published 9/20/89, effective 10/25/89]

[Filed 3/30/90, Notice 8/9/90—published 4/18/90, effective 5/23/90]

[Filed 10/26/90, Notice 8/8/90—published 11/14/90, effective 12/19/90]

[Filed without Notice 6/21/91—published 7/10/91, effective 8/14/91]

[Filed without Notice 8/28/92—published 9/16/92, effective 10/21/92]

[Filed without Notice 8/27/93—published 9/15/93, effective 10/20/93]

[Filed without Notice 8/26/94—published 9/14/94, effective 10/19/94]

[Filed without Notice 9/22/95—published 10/11/95, effective 11/15/95]

[Filed without Notice 9/20/96—published 10/9/96, effective 11/13/96]

[Filed without Notice 9/19/97—published 10/8/97, effective 11/12/97]

[Filed without Notice 2/5/99—published 2/24/99, effective 3/31/99]

[Filed without Notice 10/28/99—published 11/17/99, effective 12/22/99]

[Filed without Notice 10/27/00—published 11/15/00, effective 12/20/00]

CHAPTER 63
MONITORING, ANALYTICAL AND REPORTING REQUIREMENTS

[Prior to 7/1/83, DEQ Ch 18]
[Prior to 12/3/86, Water, Air and Waste Management[900]]

567—63.1(455B) Guidelines establishing test procedures for the analysis of pollutants. Only the procedures prescribed in this chapter shall be used to perform the measurements indicated in an application for an operation permit submitted to the department, a report required to be submitted by the terms of an operation permit, and a certification issued by the department pursuant to Section 401 of the Act.

63.1(1) Identification of test procedures.

a. The following is adopted by reference: 40 Code of Federal Regulations (CFR) Part 136, revised as of July 1, 2000.

b. All parameters for which testing is required by a wastewater discharge permit, permit application, or administrative order, except operational performance testing, must be analyzed using approved methods specified in 40 CFR Part 136.3 or, under certain circumstances, by other methods that may be more advantageous to use when such other methods have been previously approved by the director pursuant to 63.1(2). Samples collected for operational testing pursuant to 63.3(4) need not be analyzed by approved analytical methods; however, commonly accepted test methods should be used.

63.1(2) Application for alternate test procedures.

a. Any person may apply to the EPA regional administrator through the director for approval of an alternate test procedure.

b. The application for an alternate test procedure may be made by letter and shall:

(1) Provide the name and address of the responsible person or firm holding or applying for the permit (if not the applicant) and the applicable ID number of the existing or pending permit and type of permit for which the alternate test procedure is requested and the discharge serial number, if any.

(2) Identify the pollutant or parameter for which approval of an alternate testing procedure is being requested.

(3) Provide justification for using testing procedures other than those specified in 40 CFR Part 136.3.

63.1(3) Required containers, preservation techniques and holding times. All samples collected in accordance with self-monitoring requirements as defined in an operation permit shall comply with the container, preservation techniques, and holding time requirements as specified in Table VI. Sample preservation should be performed immediately upon collection, if feasible.

63.1(4) All laboratories conducting analyses required by this chapter must be certified in accordance with 567—Chapter 83 except that routine, on-site monitoring for pH, temperature, dissolved oxygen, total residual chlorine and other pollutants that must be analyzed immediately upon sample collection, settleable solids, physical measurements such as flow and cell depth, and operational monitoring tests specified in 63.3(4) are excluded from this requirement.

567—63.2(455B) Records of monitoring activities and results.

63.2(1) The permittee shall maintain records of all information resulting from any monitoring activities required in its operation permit.

63.2(2) Any records of monitoring activities and results shall include for all samples:

a. The date, exact place and time of sampling.

b. The dates analyses were performed.

c. Who performed the analyses.

d. The analytical techniques or methods used, and

e. The results of such analyses.

63.2(3) The permittee shall retain for a minimum of three years any records of monitoring activities and results including all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records. The period of retention shall be considered to be extended during the course of any unresolved litigation or when requested by the director or the regional administrator.

567—63.3(455B) Minimum self-monitoring requirements in permits.

63.3(1) *Monitoring by organic waste dischargers.* The minimum self-monitoring requirements to be incorporated in operation permits for facilities discharging organic wastes shall be the appropriate requirements in Tables I, II, and IV. Additional monitoring may be specified in the operation permit based on a case-by-case evaluation of the impact of the discharge on the receiving stream, toxic or deleterious effects of wastewaters, industrial contribution to the system, complexity of the treatment process, history of noncompliance or any other factor which requires strict operational control to meet the effluent limitations of the permit.

63.3(2) *Monitoring by inorganic waste dischargers.* The minimum self-monitoring requirements to be incorporated in the operation permit for an inorganic waste discharge shall be the appropriate requirement in Table V. Additional monitoring may be specified in the operation permit based on a case-by-case evaluation of the impact of the discharge on the receiving stream, toxic or deleterious effects of wastewaters, complexity of the treatment process, history of noncompliance or any other factor which requires strict control to meet the effluent limitations of the permit.

63.3(3) *Monitoring of industrial contributors to publicly owned treatment works.* All major contributing industries as defined in 567—60.2(455B) and industrial contributors that are subject to national pretreatment standards shall be monitored in accordance with the requirements in Tables I, II and V, provided that the monitoring program of a publicly owned treatment works with a pretreatment program approved by the department may be used in lieu of the tables. The results of such monitoring shall be submitted to the department in accordance with the reporting requirements in the operation permit.

63.3(4) *Operational monitoring.* The minimum operational monitoring to be incorporated in permits shall be the appropriate requirements in Table III. These requirements reflect minimum indicators that any adequately run system must monitor. The department recognizes that most well-run facilities will be monitored more closely by the operator as appropriate to the particular system. However, the results of this monitoring need not be reported to the department. Operational monitoring requirements may be modified or reduced at the discretion of the director when adequate justification is presented by the permittee that the reduced or modified requirements will not adversely impact the operation of the facility. Additional operational monitoring may be specified in the operation permit based on a case-by-case evaluation of the impact of the discharge on the receiving stream, toxic or deleterious effects of wastewaters, complexity of the treatment process, history of noncompliance or any other factor that requires strict control to meet the effluent limitations of the permit.

567—63.4(455B) Effluent toxicity testing requirements in permits.

63.4(1) *Effluent toxicity testing.* All major municipal and industrial dischargers shall be required to carry out effluent toxicity testing. Minor dischargers may be required to conduct effluent toxicity tests based on a case-by-case evaluation of the impact of the discharge on the receiving stream or industrial contribution to the system. All dischargers required to conduct effluent toxicity tests shall conduct, at a minimum, one valid effluent toxicity test annually. The testing requirements will be placed in the operation permit for each discharger required to conduct this testing. Additional monitoring may be specified in the operation permit based on a case-by-case evaluation of the impact of the discharge on the receiving stream, toxic or deleterious effects of wastewaters, industrial contribution to the system, complexities of the treatment process, history of noncompliance or any other factor which requires strict operational control to meet the effluent limitations of the permit. Any effluent toxicity test completed by the department or other agency and conducted according to procedures stated or referenced in this rule may be used to determine compliance with an operational permit.

Table VI Notes

1. Polyethylene (P) or Glass (G).
2. Sample preservation should be performed immediately upon sample collection. For composite samples, each aliquot should be preserved at the time of collection. When use of an automated sampler makes it impossible to preserve each aliquot, then samples may be preserved by maintaining at 4° C until compositing and sample splitting is completed.
3. Samples should be analyzed as soon as possible after collection. The times listed are the maximum times that samples may be held before analysis and still be considered valid. Samples may be held for longer periods only if the permittee, or monitoring laboratory, has data on file to show that the specific types of samples under study are stable for the longer time, and has received a variance from the executive director. Some samples may not be stable for the maximum time period given in the table. A permittee, or monitoring laboratory, is obligated to hold the sample for a shorter time if knowledge exists to show this is necessary to maintain sample stability.
4. Should only be used in the presence of residual chlorine.
5. Maximum holding time is 24 hours when sulfide is present. Optionally, all samples may be tested with lead acetate paper before the pH adjustment in order to determine if sulfide is present. If sulfide is present, it can be removed by the addition of cadmium carbonate powder until a negative spot test is obtained. The sample is filtered and then NaOH is added to pH 12.
6. Samples should be filtered immediately onsite before adding preservative for dissolved metals.

These rules are intended to implement Iowa Code section 455B.173.

[Filed 12/21/72]

[Filed 7/1/77, Notice 3/23/77—published 7/27/77, effective 8/31/77]

[Filed emergency 6/3/83—published 6/22/83, effective 7/1/83]

[Filed 4/20/84, Notice 2/15/84—published 5/9/84, effective 6/13/84]

[Filed emergency 11/14/86—published 12/3/86, effective 12/3/86]

[Filed 4/26/91, Notice 10/17/90—published 5/15/91, effective 6/19/91]

[Filed 3/22/96, Notice 11/8/95—published 4/10/96, effective 5/15/96]

[Filed without Notice 9/20/96—published 10/9/96, effective 11/13/96]

[Filed without Notice 9/19/97—published 10/8/97, effective 11/12/97]

[Filed without Notice 2/5/99—published 2/24/99, effective 3/31/99]

[Filed without Notice 10/28/99—published 11/17/99, effective 12/22/99]

[Filed without Notice 10/27/00—published 11/15/00, effective 12/20/00]

Faint, illegible text, possibly bleed-through from the reverse side of the page. The text is mostly centered and appears to be several paragraphs long. Some words are difficult to discern due to the low contrast and blurriness of the scan.

DENTAL EXAMINERS BOARD[650]

[Prior to 5/18/88, Dental Examiners, Board of[320]]

**TITLE I
GENERAL PROVISIONS****CHAPTER 1
DEFINITIONS**

1.1(153)

Definitions

CHAPTERS 2 to 4

Reserved

**TITLE II
ADMINISTRATION****CHAPTER 5
ORGANIZATION**

5.1(153)

Board and dental hygiene committee

5.2(153)

Meetings

5.3(153)

Budget

5.4(153)

Compensation

5.5(153)

Office

5.6(153)

Dental hygiene committee

**CHAPTER 6
PUBLIC RECORDS AND FAIR
INFORMATION PRACTICES**

(Uniform Rules)

6.1(153,147,22) Definitions

6.3(153,147,22) Requests for access to records

6.6(153,147,22) Procedure by which additions, dissents, or objections may be entered into certain records

6.9(153,147,22) Disclosures without the consent of the subject

6.10(153,147,22) Routine use

6.11(153,147,22) Consensual disclosure of confidential records

6.12(153,147,22) Release to subject

6.13(153,147,22) Availability of records

6.14(153,147,22) Personally identifiable information

6.15(153,147,22) Other groups of records

6.16(153,147,22) Data processing system

6.17(153,147,22) Purpose and scope

**CHAPTER 7
RULES**

7.1(153)

Petition for rule making

7.2(153)

Oral presentations for rule making

**CHAPTER 8
SALE OF GOODS AND SERVICES**

8.1(68B)

Selling of goods or services by members of the board

8.2(68B)

Conditions of consent for members

**CHAPTER 9
DECLARATORY ORDERS**

9.1(17A)

Petition for declaratory order

9.2(17A)

Notice of petition

9.3(17A)

Intervention

9.4(17A)

Briefs

9.5(17A)

Inquiries

9.6(17A)

Service and filing of petitions and other papers

9.7(17A)

Consideration

9.8(17A)

Action on petition

9.9(17A)

Refusal to issue order

9.10(17A)

Contents of declaratory order—effective date

9.11(17A)

Copies of orders

9.12(17A)

Effect of a declaratory order

**TITLE III
LICENSING****CHAPTER 10
GENERAL**

10.1(153)

Licensed or registered personnel

10.2(153)

Display of license, registration, and renewal

10.3(153)

Supervision of a dental hygienist

10.4(153)

Unauthorized practice

**CHAPTER 11
APPLICATIONS**

11.1(153)

Examination required for licensure to practice dentistry

11.2(153)

Application to practice dentistry

11.3(153)

Application for dental licensure by credentials

11.4(153)

Examination required for licensure to practice dental hygiene

11.5(153)

Application to practice dental hygiene

11.6(153)

Application for dental hygiene licensure by credentials

11.7(153)

Character references

- | | | | |
|------------|--|---------------------------|--|
| 11.8(153) | Felonies | 16.3(153) | Purchasing, administering, and dispensing of controlled substances |
| 11.9(147) | Licensure denied—appeal procedure | 16.4(153) | Dispensing—requirements for containers and labeling |
| 11.10(153) | Application for authority of a dental hygienist to administer local anesthesia | 16.5(153) | Identifying information on prescriptions |
| 11.11(261) | Receipt of certificate of noncompliance | | CHAPTERS 17 to 19
Reserved |
| | CHAPTER 12
EXAMINATIONS | | TITLE IV
AUXILIARY PERSONNEL |
| 12.1(153) | Examination procedure for dentistry | | CHAPTER 20
DENTAL ASSISTANTS |
| 12.2(153) | System of retaking dental examinations | 20.1(153,78GA,ch1002) | Registration required |
| 12.3(153) | Examination procedure for dental hygiene | 20.2(153,78GA,ch1002) | Definitions |
| 12.4(153) | System of retaking dental hygiene examinations | 20.3(153,78GA,ch1002) | Scope of practice |
| 12.5(153) | Additional requirements | 20.4(153,78GA,ch1002) | Categories of dental assistants |
| | CHAPTER 13
SPECIAL LICENSES | 20.5(153,78GA,ch1002) | Registration requirements prior to July 2, 2001 |
| 13.1(153) | Resident dentist license | 20.6(153,78GA,ch1002) | Registration requirements after July 1, 2001 |
| 13.2(153) | Dental college and dental hygiene program faculty permits | 20.7(153,78GA,ch1002) | Registration denial |
| | CHAPTER 14
RENEWAL | 20.8(147,153,78GA,ch1002) | Registration denied—appeal procedure |
| 14.1(153) | Renewal of license to practice dentistry or dental hygiene | 20.9(153,78GA,ch1002) | Examination requirements |
| 14.2(153) | Notice of renewal | 20.10(153,78GA,ch1002) | System of retaking dental assistant examinations |
| 14.3(153) | Grounds for nonrenewal of license to practice dentistry or dental hygiene or of registration as a dental assistant | 20.11(153,78GA,ch1002) | Renewal of registration |
| 14.4(153) | Late fee | 20.12(153,78GA,ch1002) | Continuing education |
| 14.5(153) | Reinstatement of a lapsed license or registration | 20.13(252J,261) | Receipt of certificate of noncompliance |
| | CHAPTER 15
FEES | 20.14(153) | Unlawful practice |
| 15.1(153) | License application fees | 20.15(153) | Advertising and soliciting of dental services prohibited |
| 15.2(153) | Renewal fees | | CHAPTER 21
DENTAL LABORATORY TECHNICIAN |
| 15.3(153) | Late renewal fees | 21.1(153) | Definition |
| 15.4(153) | Miscellaneous fees | 21.2(153) | Unlawful practice by dental laboratory technician |
| | CHAPTER 16
PRESCRIBING, ADMINISTERING, AND DISPENSING DRUGS | 21.3(153) | Advertising and soliciting dental services prohibited |
| 16.1(153) | Definitions | | |
| 16.2(153) | Scope of authority | | |

**CHAPTER 22
MINIMUM TRAINING STANDARDS FOR
DENTAL ASSISTANTS ENGAGING IN
DENTAL RADIOGRAPHY**

- 22.1(153) Definitions
- 22.2(153) Minimum eligibility requirements
- 22.3(153) Training requirements
- 22.4(153) Exemptions
- 22.5(153) Approval of programs
- 22.6(153) Examination and proficiency evaluation
- 22.7(153) Application for board qualification
- 22.8(153) Renewal requirements
- 22.9(136C) Certification of qualification in dental radiography—fees
- 22.10(153) Responsibilities of certificate holder
- 22.11(153) Enforcement
- 22.12(153) Reinstatement of lapsed certificate of qualification in dental radiography

**CHAPTERS 23 and 24
Reserved**

**TITLE V
PROFESSIONAL STANDARDS**

**CHAPTER 25
CONTINUING EDUCATION**

- 25.1(153) Definitions
- 25.2(153) Continuing education requirements
- 25.3(153) Approval of programs and activities
- 25.4(153) Approval of sponsors
- 25.5(153) Review of programs
- 25.6(153) Hearings
- 25.7(153) Waivers, extensions and exemptions
- 25.8(153) Exemptions for inactive practitioners
- 25.9(153) Reinstatement of inactive practitioners
- 25.10(153) Noncompliance with continuing dental education requirements
- 25.11(153) Dental hygiene continuing education

**CHAPTER 26
ADVERTISING**

- 26.1(153) General
- 26.2(153) Requirements
- 26.3(153) Fees
- 26.4(153) Public representation
- 26.5(153) Responsibility
- 26.6(153) Advertisement records

**CHAPTER 27
STANDARDS OF PRACTICE AND
PRINCIPLES OF PROFESSIONAL ETHICS**

- 27.1(153) General
- 27.2(153,272C) Patient acceptance
- 27.3(153) Emergency service
- 27.4(153) Consultation and referral
- 27.5(153) Use of personnel
- 27.6(153) Evidence of incompetent treatment
- 27.7(153) Representation of care and fees
- 27.8(153) General practitioner announcement of services
- 27.9(153) Unethical and unprofessional conduct
- 27.10(153) Retirement or discontinuance of practice
- 27.11(153,272C) Record keeping

**CHAPTER 28
DESIGNATION OF SPECIALTY**

- 28.1(153) General review
- 28.2(153) Dental public health
- 28.3(153) Endodontics
- 28.4(153) Oral pathology
- 28.5(153) Oral and maxillofacial surgery
- 28.6(153) Orthodontics and dentofacial orthopedics
- 28.7(153) Pediatric dentistry
- 28.8(153) Periodontics
- 28.9(153) Prosthodontics

- CHAPTER 29**
DEEP SEDATION/GENERAL
ANESTHESIA, CONSCIOUS SEDATION
AND NITROUS OXIDE
INHALATION ANALGESIA
- 29.1(153) Definitions
29.2(153) Prohibitions
29.3(153) Requirements for the issuance of deep sedation/general anesthesia permits
29.4(153) Requirements for the issuance of conscious sedation permits
29.5(153) Application for permit
29.6(153) Nitrous oxide inhalation analgesia
29.7(153) Antianxiety premedication
29.8(153) Noncompliance
29.9(153) Reporting of adverse occurrences related to deep sedation/general anesthesia, conscious sedation, nitrous oxide inhalation analgesia, and antianxiety premedication
29.10(153) Anesthesia credentials committee
29.11(153) Renewal
29.12(153) Rules for denial or nonrenewal
29.13(153) Record keeping

TITLE VI
PROFESSIONAL REGULATION

- CHAPTER 30**
DISCIPLINE
- 30.1(153) General
30.2(153) Methods of discipline
30.3(153) Discretion of board
30.4(153) Grounds for discipline
30.5(153) Impaired practitioner review committee

- CHAPTER 31**
COMPLAINTS AND INVESTIGATIONS
- 31.1(272C) Complaint review
31.2(153) Form and content
31.3(153) Address
31.4(153) Investigation
31.5(153) Issuance of investigatory subpoenas

- 31.6(153) Board appearances
31.7(153) Peer review
31.8(272C) Duties of peer review committees
31.9(272C) Board review
31.10(272C) Confidentiality of investigative files
31.11(272C) Reporting of judgments or settlements
31.12(272C) Investigation of reports of judgments and settlements
31.13(272C) Reporting acts or omissions
31.14(272C) Failure to report licensee or registrant
31.15(272C) Immunities

CHAPTER 32
MEDIATION OF DISPUTES

- 32.1(153) Definitions
32.2(153) Mediation authorized
32.3(153) Mediation process
32.4(153) Assignment of mediator
32.5(153) Cancellation
32.6(153) Mediation meetings
32.7(153) Mediation report
32.8(679) Mediation agreement
32.9(679) Mediation confidential
32.10(679) Mediator immunity

TITLES VII TO X

- CHAPTER 33**
CHILD SUPPORT NONCOMPLIANCE
- 33.1(252J,598) Definitions
33.2(252J,598) Issuance or renewal of a license or registration—denial
33.3(252J,598) Suspension or revocation of a license or registration

- CHAPTER 34**
**STUDENT LOAN DEFAULT/
NONCOMPLIANCE WITH AGREEMENT
FOR PAYMENT OF OBLIGATION**
- 34.1(261) Definitions
34.2(261) Issuance or renewal of a license or registration—denial
34.3(261) Suspension or revocation of a license or registration

TITLE I
GENERAL PROVISIONS

CHAPTER 1
DEFINITIONS

[Prior to 5/18/88, Dental Examiners, Board of[320]]

650—1.1(153) Definitions. As used in this chapter:

“*Board*” means the board of dental examiners.

“*Chapter*” means Iowa Code chapter 153.

“*Coronal polish*” means an adjunctive procedure that must also include removal of any calculus, if present, by a dentist or dental hygienist. Coronal polishing of teeth using only a rotary instrument and a rubber cup or brush for such purpose, when performed at the direction of and under the supervision of a licensed dentist, is deemed not to be the giving of prophylactic treatment.

“*Dental hygiene committee*,” as defined in Iowa Code section 153.33A, means the dental hygiene committee of the board of dental examiners.

“*Department*” means the department of public health.

“*Inactive status*” means the status of a practitioner licensed or registered pursuant to Iowa Code chapter 153 who is not currently engaged in the practice of dentistry, dental hygiene, or dental assisting in the state of Iowa and who has obtained a certificate of exemption from compliance with the requirements for continuing dental education.

“*Peer review*” as defined in Iowa Code section 272C.1(7) means evaluation of professional services rendered by a licensee.

“*Peer review committee*” as defined in Iowa Code section 272C.1(8) means one or more persons acting in a peer review capacity pursuant to these rules.

“*Practice of dental hygiene*” as defined in Iowa Code section 153.15 means the performance of the following educational, therapeutic, preventive and diagnostic dental hygiene procedures which are delegated by and under the supervision of a dentist licensed pursuant to Iowa Code chapter 153.

1. Educational: Assessing the need for, planning, implementing, and evaluating oral health education programs for individual patients and community groups; conducting workshops and in-service training sessions on dental health for nurses, school personnel, institutional staff, community groups and other agencies providing consultation and technical assistance for promotional, preventive and educational services.

2. Therapeutic: Identifying and evaluating factors which indicate the need for and performing (a) oral prophylaxis, which includes supragingival and subgingival debridement of plaque, and detection and removal of calculus with instruments or any other devices; (b) periodontal scaling and root planing; (c) removing and polishing hardened excess restorative material; (d) administering local anesthesia with the proper permit; (e) applying or administering medicaments prescribed by a dentist, including chemotherapeutic agents and medicaments or therapies for the treatment of periodontal disease and caries.

3. Preventive: Applying pit and fissure sealants and other medications or methods for caries and periodontal disease control; organizing and administering fluoride rinse or sealant programs.

4. Diagnostic: Reviewing medical and dental health histories; performing oral inspection; indexing dental and periodontal disease; making occlusal registrations for mounting study casts; testing pulp vitality; analyzing dietary surveys.

The following services may only be delegated by a dentist to a dental hygienist: administration of local anesthesia, placement of sealants, and the removal of any plaque, stain, calculus, or hard natural or synthetic material except by toothbrush, floss, or rubber cup coronal polish.

“Practice of dentistry” as defined in Iowa Code section 153.13 includes the rendering of professional services in this state as an employee or independent contractor.

This rule is intended to implement Iowa Code sections 147.1(2), 147.13, 147.30, 147.76, 147.80, 153.13 and 153.15, and chapter 272C.

[Filed 8/23/78, Notice 6/28/78—published 9/20/78, effective 10/25/78]

[Filed 12/14/84, Notice 10/10/84—published 1/2/85, effective 2/6/85]

[Filed 4/28/88, Notice 3/23/88—published 5/18/88, effective 6/22/88]

[Filed 9/21/89, Notices 5/31/89, 7/12/89—published 10/18/89, effective 11/22/89]

[Filed 4/21/95, Notice 2/15/95—published 5/10/95, effective 6/14/95]

[Filed 10/30/98, Notice 5/20/98—published 11/18/98, effective 12/23/98]

[Filed 1/22/99, Notice 11/18/98—published 2/10/99, effective 3/17/99]

[Filed 1/21/00, Notice 12/15/99—published 2/9/00, effective 3/15/00]

[Filed 10/23/00, Notice 8/9/00—published 11/15/00, effective 1/1/01]

CHAPTERS 2 to 4

Reserved

6.11(3) *Obtaining information from a third party.* The agency is required to obtain information to verify and investigate applications for licensure or permit, complaints concerning licensees, and alleged violations of law and statute. Requests to third parties for this information may involve the release of records requiring special procedures.

a. Where necessary, the agency shall obtain from the subject individual an authorization for the release of specially protected information on a form that meets the requirements of the law.

b. To obtain alcohol and drug abuse patient information, the agency shall obtain special authorization from the subject individual on a "Consent to Release Alcohol and Drug Abuse Patient Information" form or other appropriate form.

c. The agency is authorized by law to subpoena books, papers, records, and any other real evidence, whether or not privileged or confidential under law, to help it determine whether it should institute an administrative hearing.

650—6.12(153,147,22) Release to subject.

6.12(1) The subject of a confidential record may file a written request to review confidential records about that person as provided in rule 6.6(153,147,22). However, the agency need not release the following records to the subject:

a. The identity of a person providing information to the agency need not be disclosed directly or indirectly to the subject of the information when the information is authorized to be held confidential pursuant to Iowa Code section 22.7(18) or other provisions of law.

b. Records need not be disclosed to the subject when they are the work product of an attorney or are otherwise privileged.

c. Peace officers' investigative reports may be withheld from the subject, except as required by the provisions of Iowa Code section 22.7(5).

d. All information in licensee complaint and investigation files maintained by the board for purposes of licensee discipline are required to be withheld from the subject prior to the filing of formal charges and the notice of hearing in a licensee disciplinary proceeding.

e. As otherwise authorized by state or federal law or rule.

6.12(2) Where a record has multiple subjects with interest in the confidentiality of the record, the agency may take reasonable steps to protect confidential information relating to another subject.

650—6.13(153,147,22) Availability of records.

6.13(1) *General.* Agency records are open for public inspection and copying unless otherwise provided by rule or law.

6.13(2) *Confidential records.* The following records may be withheld from public inspection. Records are listed by category, according to the legal basis for withholding them from public inspection.

a. Tax records made available to the agency. (Iowa Code sections 422.20 and 422.72)

b. Prior to initiation of a contested case, all complaint files, investigation files, other investigation reports, and other investigative information in the possession of the board or its employees or agents which relates to licensee or registrant discipline. (Iowa Code section 272C.6(4))

c. Criminal history, prior misconduct or investigative information relating to an applicant for licensure or registration. (Iowa Code section 147.21(1))

d. Information relating to results of an examination for licensure, registration, or certification other than final score except for information about results of an examination which is given to the person who took the examination. (Iowa Code section 147.21(3))

e. Information relating to the contents of an examination for licensure, registration, or certification. (Iowa Code section 147.21(2))

f. Information contained in professional substance abuse reports or other investigative reports relating to the abuse of controlled substances. (Iowa Code section 204.504)

g. Minutes of closed meetings of the board. (Iowa Code section 21.5(4))

h. Records of closed session board disciplinary hearings. (Iowa Code sections 272C.6(1) and 21.5(4))

i. Information or records received from a restricted source and any other information or records made confidential by law.

j. Identifying details in final orders, decisions, and opinions to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets under Iowa Code section 17A.3(1) "d."

k. Those portions of agency staff manuals, instructions or other statements issued which set forth criteria or guidelines to be used by agency staff in conducting audits, in making inspections, in negotiating settlements, or in the selection or handling of cases, such as operational tactics or allowable tolerances or criteria for the defense, prosecution or settlement of cases, when disclosure of these statements would:

(1) Enable law violators to avoid detection;

(2) Facilitate disregard of requirements imposed by law; or

(3) Give a clearly improper advantage to persons who are in an adverse position to the agency.

(See Iowa Code sections 17A.2 and 17A.3)

l. Records which constitute attorney work product, attorney-client communications, or which are otherwise privileged. Attorney work product is confidential under Iowa Code sections 22.7(4), 622.10, and 622.11, Iowa R.C.P. 122(c), Fed. R. Civ. P. 26 (b)(3), and case law. Attorney-client communications are confidential under Iowa Code sections 622.10 and 622.11, the rules of evidence, the Code of Professional Responsibility, and case law.

m. Any other records made confidential by law.

n. Records which are exempt from disclosure under Iowa Code section 22.7.

o. Information in nonlicensee investigation files maintained by the board which are otherwise exempt from disclosure under Iowa Code section 22.7 or other provisions of law.

6.13(3) Authority to release confidential records. The agency may have discretion to disclose some confidential records which are exempt from disclosure under Iowa Code section 22.7 or other law. Any person may request permission to inspect records withheld from inspection under a statute which authorizes limited or discretionary disclosure as provided in rule 6.4(153,147,22). If the agency initially determines that it will release such records, the agency may, where appropriate, notify interested parties and withhold the records from inspections as provided in subrule 6.4(3).

650—6.14(153,147,22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the agency by personal identifier in record systems as defined in rule 6.1(153,147,22). For each record system, this rule describes the legal authority for the collection of that information, the means of storage of that information and indicates whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system. The record systems maintained by the agency are:

6.14(1) Information on nonlicensee investigation files maintained by the board. This information is collected by the board pursuant to the authority granted in Iowa Code sections 147.2, 147.83, 147.84, 147.85, and 147.93. This information is stored on paper only. This information is a public record except to the extent that certain information may be exempt from disclosure under Iowa Code section 22.7 or other provisions of law.

6.14(2) Information in complaint, compliance, and investigative files maintained by the board for the purposes of discipline. This information is collected pursuant to Iowa Code sections 153.33, 272C.3, and 272C.9. This information is stored on paper only. This information is required to be kept confidential pursuant to Iowa Code section 272C.6(4). However, information may be released to the licensee or registrant once a disciplinary proceeding is commenced by the filing of formal charges and the notice of hearing.

6.14(3) Records of board disciplinary hearings. These records contain information about licensees and persons under the board's jurisdiction who are subject of a board disciplinary proceeding or other action. This information is collected by the board pursuant to the authority granted in Iowa Code sections 153.23 and 153.33, and chapter 272C. This information is stored on paper only. These records may also contain the following:

a. Formal charges and notices of hearings and final written decisions imposing sanctions, including informal stipulations and settlements. This information is collected by the board pursuant to the authority granted in Iowa Code sections 153.23 and 153.33, and chapter 272C. This information is stored on paper only. This information is a public record pursuant to sections 272C.5 and 272C.6.

b. Court reporter notes, tape recordings, exhibits, pleadings, motions, orders, and other documents that constitute the record in a disciplinary hearing. If a hearing is closed pursuant to Iowa Code section 272C.6(1), the record is confidential under Iowa Code section 21.5(4). This information is collected by the board pursuant to the authority granted in Iowa Code sections 153.23 and 153.33, and chapter 272C. This information is stored on recorder tape or paper only.

6.14(4) Continuing education records. These records contain educational information about persons registered or licensed by the board. This information is collected pursuant to the authority granted in Iowa Code section 272C.2. This information is stored on paper only.

6.14(5) Sponsors of continuing education. These records contain information concerning continuing education sponsors, annual reports, recertification forms, courses, and attendance sheets. This information is collected pursuant to Iowa Code section 272C.2. This information is stored on paper only.

6.14(6) Application records. These records contain information about applicants which may include name, address, telephone number, social security number, place of birth, date of birth, education, certifications, examinations with scores, character references, fingerprints, diplomas and any additional information the board may request. This information is collected by the board pursuant to Iowa Code sections 147.2, 153.21, 153.22, and 153.37 and 2000 Iowa Acts, chapter 1002. This information is stored on paper only. The personal information contained in these records may be confidential in whole or in part pursuant to Iowa Code sections 147.21(1) to 147.21(3), 22.7(1), and 22.7(19) or other provisions of law.

6.14(7) Examination records. These records contain examination information and scores for any of the following examinations: Joint Commission on National Dental Examinations; Joint Commission on National Dental Hygiene Examinations; Central Regional Dental Testing Service, Inc. examinations; Iowa jurisprudence examinations; state radiography examinations; state dental examinations; state dental hygiene examinations; and state dental assistant registration examinations. This information is collected by the board pursuant to Iowa Code sections 147.21 and 147.34. This information is stored on paper only. The information contained in these records is confidential in part pursuant to Iowa Code sections 147.21(2), 147.21(3), 22.7(1), and 22.7(19).

6.14(8) *Licensure, registration, permit or certification records.* These records contain information about currently, previously, or reinstated licensed dentists, dental hygienists, and dental assistants. This information includes name of license, registration, permit or certificate holder, license, registration, permit or certificate number, date issued, current renewal status and current address. This information is collected by the board pursuant to the authority granted in Iowa Code sections 136C.2, 147.2, 147.10, 153.22, 153.23, and 153.30. This information is stored on paper, in automated data processing systems, on microfiche, or in the state archives.

6.14(9) *Personnel files.* The agency maintains files containing information about employees, families and dependents, and applicants for positions with the agency. The files include payroll records, biographical information, medical information relating to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code section 22.7(11).

6.14(10) *Compliance reports.* These records contain information about dentists and their dental facilities which are inspected to determine compliance with board regulations including the use of parental sedation, general anesthesia, or nitrous oxide by dentists in dental facilities. This information is collected by the board pursuant to the authority granted in Iowa Code section 153.20. The information contained in these reports is confidential in whole or in part pursuant to Iowa Code sections 22.7(5), 272C.3, and 272C.6(4). This information is stored on paper only.

6.14(11) *Litigation files.* These files or records contain information regarding litigation or anticipated litigation, which includes judicial and administrative proceedings. The records include briefs, depositions, docket sheets, documents, correspondence, attorney notes, memoranda, research materials, witness information, investigation materials, information compiled under the direction of the attorney, and case management records. The files contain materials which are confidential as attorney work product and attorney-client communications. Some materials are confidential under other applicable provisions of law or because of a court order. Persons wishing copies of pleadings and other documents filed in litigation should obtain these from the clerk of the appropriate court which maintains the official copy.

650—6.15(153,147,22) *Other groups of records.* This rule describes groups of records maintained by the agency other than record systems as defined in rule 6.1(153,147,22). These records are routinely available to the public. However, the agency's files of these records may contain confidential information as discussed in rule 6.13(153,147,22). These records are stored on paper only. The records listed may contain information about individuals.

6.15(1) *Board agendas, minutes, news releases, statistical reports and compilations, newsletters, publications, correspondence, opinions, rulings, and other information intended for the public except those records concerning closed sessions which are exempt from disclosure under Iowa Code section 21.5 or which are otherwise confidential by law.* These records may contain information about individuals, including board members and staff. This information is collected pursuant to Iowa Code section 21.3. This information is stored on paper only.

6.15(2) *Records of board rule-making proceedings.* These records may contain information about individuals making written or oral comments on rules proposed by the board. This information is collected pursuant to Iowa Code section 17A.4. This information is stored electronically and on paper.

6.15(3) *Board decisions, findings of fact, final orders, declaratory rulings, and other statements of law or policy issued by the board in the performance of its function.* This information is stored on paper only.

6.15(4) Administrative records. This includes documents concerning budget, property inventory, purchasing, yearly reports, office policies for employees, time sheets, printing and supply requisitions.

6.15(5) Office manuals. Information in office manuals such as the procedures manual may be confidential under Iowa Code section 17A.2(7)“f” or other applicable provision of law.

650—6.16(153,147,22) Data processing system. The board does not currently have a data processing system which matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information on another record system.

650—6.17(153,147,22) Purpose and scope. This chapter implements Iowa Code section 22.11 by establishing board policies and procedures for the maintenance of records.

This chapter does not:

1. Require the board to index or retrieve records which contain information about individuals by that person’s name or other personal identifier.
2. Make available to the general public records which would otherwise not be available under the public records law, Iowa Code chapter 22.
3. Govern the maintenance or disclosure of, notification of or access to, records in the possession of the board which are governed by rules of another board or agency.
4. Apply to grantees, including local governments or subdivisions, administering state-funded programs, unless otherwise provided by law or agreement.
5. Make available records compiled by the board in reasonable anticipation of court litigation or formal administrative proceedings. The availability of the records to the general public or to any subject individual or party to litigation or proceedings shall be governed by applicable legal and constitutional principles, statutes, rules of discovery, evidentiary privileges, and applicable rules of the board.

These rules are intended to implement Iowa Code section 22.11 and chapters 147, 153, and 272C and Iowa Code chapter 252J.

[Filed 8/23/78, Notice 6/28/78—published 9/20/78, effective 10/25/78]

[Filed 4/9/79, Notice 10/4/78—published 5/2/79, effective 6/6/79]

[Filed emergency 12/16/83—published 1/4/84, effective 12/16/83]

[Filed emergency 2/24/84, after Notice 1/4/84—published 3/14/84, effective 2/24/84]

[Filed 12/14/84, Notice 10/10/84—published 1/2/85, effective 2/6/85]

[Filed 4/28/88, Notice 3/23/88—published 5/18/88, effective 6/22/88]

[Filed 4/21/95, Notice 2/15/95—published 5/10/95, effective 6/14/95]

[Filed 4/30/96, Notice 1/3/96—published 5/22/96, effective 6/26/96]

[Filed 1/22/99, Notice 12/2/98—published 2/10/99, effective 3/17/99]

[Filed emergency 1/21/00—published 2/9/00, effective 1/21/00]

[Filed 10/23/00, Notice 8/9/00—published 11/15/00, effective 1/1/01]

TITLE III
LICENSING

CHAPTER 10
GENERAL

[Prior to 5/18/88, Dental Examiners, Board of[320]]

650—10.1(153) Licensed or registered personnel. Persons engaged in the practice of dentistry in Iowa must be licensed by the board as a dentist, and persons performing services under Iowa Code section 153.15 must be licensed by the board as a dental hygienist. Persons engaged in the practice of dental assisting must be registered by the board pursuant to 650—Chapter 20.

This rule is intended to implement Iowa Code sections 147.2 and 153.17.

650—10.2(153) Display of license, registration, and renewal. The license to practice dentistry or dental hygiene or the registration as a dental assistant and the current renewal must be prominently displayed by the licensee or registrant at the principal office of employment.

10.2(1) Additional license or registration certificates shall be obtained from the board whenever a licensee or registrant practices at more than one address. If more than two additional certificates are requested, explanation must be made in writing to the board and the appropriate fee must be paid.

10.2(2) Duplicate licenses or certificates of registration shall be issued by the board upon satisfactory proof of loss or destruction of the original license or certificate of registration.

This rule is intended to implement Iowa Code sections 147.7, 147.10 and 147.80(17).

650—10.3(153) Supervision of dental hygienist.

10.3(1) The administration of local anesthesia shall only be provided under the direct supervision of a dentist. Direct supervision of the dental hygienist requires that the supervising dentist be present in the treatment facility, but it is not required that the dentist be physically present in the treatment room.

10.3(2) All other authorized services provided by a dental hygienist shall be performed under the general supervision of a dentist currently licensed in the state of Iowa. General supervision shall mean that a dentist has examined the patient and has prescribed authorized services to be provided by a dental hygienist. The dentist need not be present in the facility while these services are being provided. If a dentist will not be present, the following requirements shall be met:

1. Patients or their legal guardian must be informed prior to the appointment that no dentist will be present and therefore no examination will be conducted at that appointment.

2. The hygienist must consent to the arrangement.

3. Basic emergency procedures must be established and in place and the hygienist must be capable of implementing these procedures.

4. The treatment to be provided must be prior prescribed by a licensed dentist and must be entered in writing in the patient record.

Subsequent examination and monitoring of the patient, including definitive diagnosis and treatment planning, is the responsibility of the dentist and shall be carried out in a reasonable period of time in accordance with the professional judgment of the dentist based upon the individual needs of the patient.

General supervision shall not preclude the use of direct supervision when in the professional judgment of the dentist such supervision is necessary to meet the individual needs of the patient.

Nothing in these rules shall be interpreted so as to prevent a licensed dental hygienist from providing educational services, assessment, screening, or data collection for the preparation of preliminary written records for evaluation by a licensed dentist.

10.3(3) A dental hygienist shall not practice independent from the supervision of a dentist nor shall a dental hygienist establish or maintain an office or other workplace separate or independent from the office or other workplace in which the supervision of a dentist is provided.

This rule is intended to implement Iowa Code section 153.15.

650—10.4(153) Unauthorized practice. A dental hygienist who assists a dentist in practicing dentistry in any capacity other than as an employee or independent contractor supervised by a licensed dentist or who directly or indirectly procures a licensed dentist to act as nominal owner, proprietor, director, or supervisor of a practice as a guise or subterfuge to enable such dental hygienist to engage in the practice of dentistry or dental hygiene, or who renders dental service(s) directly or indirectly on or for members of the public other than as an employee or independent contractor supervised by a licensed dentist shall be deemed to be practicing illegally. The unauthorized practice of dental hygiene means allowing a person not licensed in dentistry or dental hygiene to perform dental hygiene services authorized in Iowa Code section 153.15 and rule 650—1.1(153). The unauthorized practice of dental hygiene also means the performance of services by a dental hygienist which exceeds the scope of practice granted in Iowa Code section 153.15.

This rule is intended to implement Iowa Code sections 147.10, 147.57 and 153.15.

[Filed 8/23/78, Notice 6/28/78—published 9/20/78, effective 10/25/78]

[Filed emergency 12/16/83—published 1/4/84, effective 12/16/83]

[Filed emergency 2/24/84 after Notice 1/4/84—published 3/14/84, effective 2/24/84]

[Filed 12/14/84, Notice 10/10/84—published 1/2/85, effective 2/6/85]

[Filed 4/28/88, Notice 3/23/88—published 5/18/88, effective 6/22/88]

[Filed 7/28/95, Notice 5/10/95—published 8/16/95, effective 9/20/95]

[Filed 10/30/98, Notice 5/20/98—published 11/18/98, effective 12/23/98]

[Filed 1/22/99, Notice 11/18/98—published 2/10/99, effective 3/17/99]

[Filed 7/23/99, Notice 5/19/99—published 8/11/99, effective 9/15/99*]

[Filed 1/21/00, Notice 12/15/99—published 2/9/00, effective 3/15/00]

[Filed 10/23/00, Notice 8/9/00—published 11/15/00, effective 1/1/01]

**CHAPTER 14
RENEWAL**

[Prior to 5/18/88, Dental Examiners, Board of[320]]

650—14.1(153) Renewal of license to practice dentistry or dental hygiene. A license to practice dentistry or a license to practice dental hygiene must be renewed biennially.

14.1(1) Application for renewal must be made in writing to the board at least 30 days before the current license expires.

14.1(2) The appropriate fee as specified in 650—Chapter 15 of these rules shall accompany the application for renewal of a license at least 30 days before the current license expires. A penalty shall be assessed by the board for late renewal.

14.1(3) Completion of continuing education is required for renewal of an active license. Failure to comply will automatically result in an inactive renewal.

14.1(4) In order to renew a license as a dental hygienist the licensee shall be required to furnish evidence of a valid annual certification in a nationally recognized course in cardiopulmonary resuscitation.

14.1(5) The dental hygiene committee may, in its discretion, review any applications for renewal of a dental hygiene license and make recommendations to the board. The board's review is subject to 650—Chapter 5.

This rule is intended to implement Iowa Code section 147.10 and chapters 153 and 272C.

650—14.2(153) Notice of renewal. The board will notify each licensee by mail of the expiration of the license. A penalty may be assessed by the board for late renewal.

This rule is intended to implement Iowa Code section 147.10.

650—14.3(153) Grounds for nonrenewal of license to practice dentistry or dental hygiene or of registration as a dental assistant. The board may refuse to renew, after proper notice and hearing, a license or registration on the following grounds:

14.3(1) Violation of Iowa Code chapter 147 or 153 during the term of the last license or registration or renewal of license or registration.

14.3(2) Commission of any acts of unprofessional conduct during the term of the last license or registration or renewal of license or registration.

14.3(3) Failure to obtain required continuing education.

This rule is intended to implement Iowa Code section 153.23 and chapter 272C.

650—14.4(153) Late fee. Failure to renew the license prior to August 1 following June 30 expiration shall result in a late fee of \$50 being assessed by the board in addition to the renewal fee. Failure to renew prior to September 1 following expiration shall result in a late fee of \$100 being assessed. Failure to renew prior to October 1 following expiration shall result in a late fee of \$150 being assessed. The maximum late fee shall be \$150.

14.4(1) No renewal application shall be considered timely and sufficient until received by the board and accompanied by the material required for renewal and all applicable renewal and late fees.

14.4(2) Failure of a licensee to renew a license prior to November 1 following its expiration shall cause the license to lapse and become invalid. A licensee whose license has lapsed and become invalid is prohibited from the practice of dentistry or dental hygiene until the license is reinstated in accordance with rule 14.5(153).

This rule is intended to implement Iowa Code sections 147.10, 147.11, 153.30 and 272C.2.

650—14.5(153) Reinstatement of a lapsed license or registration. Application for reinstatement of a lapsed license or registration does not preclude the board from taking other disciplinary action as provided in this chapter.

14.5(1) A licensee or a registrant who allows a license or registration to lapse by failing to renew may be reinstated at the discretion of the board by submitting the following:

a. A completed application for reinstatement of a lapsed license to practice dentistry or dental hygiene or application for reinstatement of a lapsed registration. The reinstatement fee of \$150 shall accompany the application.

b. Name and address of applicant.

c. Dates and places of practice.

d. A list of other states in which licensed or registered and the identifying number of each license or registration.

e. Character references from persons who are not licensed or registered in the profession concerned and such other information as the board may require to evaluate the applicant.

f. Reasons for seeking reinstatement and why license or registration was not maintained.

g. Payment of all renewal fees then due plus reinstatement fee.

h. Evidence of completion of a total of 15 hours of continuing education for each lapsed year or part thereof in accordance with 650—Chapter 25. Dental assistants shall be required to submit evidence of completion of a total of 10 hours of continuing education for each lapsed year or part thereof in accordance with 650—20.12(153,78GA,ch1002).

i. If licensed or registered in another state, the licensee or registrant shall provide certification by the state board of dentistry or equivalent authority of such state that the licensee or registrant has not been the subject of final or pending disciplinary action.

j. Statement as to any investigations, claims, complaints, judgments or settlements made with respect to the licensee arising out of the alleged negligence or malpractice in rendering professional services as a dentist, dental hygienist, or dental assistant.

14.5(2) The board may require a licensee or registrant applying for reinstatement to successfully complete an examination designated by the board prior to reinstatement if necessary to ensure the licensee or registrant is able to practice the licensee's or registrant's respective profession with reasonable skill and safety.

14.5(3) When the board finds that a practitioner applying for reinstatement is or has been subject to disciplinary action taken against a license or registration held by the applicant in another state of the United States, District of Columbia, or territory, and the violations which resulted in such actions would also be grounds for discipline in Iowa in accordance with rule 650—30.4(153), the board may deny reinstatement of a license or registration to practice dentistry, dental hygiene, or dental assisting in Iowa or may impose any applicable disciplinary sanctions as specified in rule 650—30.2(153) as a condition of reinstatement.

14.5(4) The dental hygiene committee may, in its discretion, review any applications for reinstatement of a lapsed dental hygiene license and make recommendations to the board. The board's review of the dental hygiene committee recommendation is subject to 650—Chapter 5.

This rule is intended to implement Iowa Code sections 147.10, 147.11, 153.30 and 272C.2.

[Filed 8/23/78, Notice 6/28/78—published 9/20/78, effective 10/25/78]

[Filed emergency 12/16/83—published 1/4/84, effective 12/16/83]

[Filed emergency 2/24/84 after Notice 1/4/84—published 3/14/84, effective 2/24/84]

[Filed 12/14/84, Notice 10/10/84—published 1/2/85, effective 2/6/85]

[Filed 4/28/88, Notice 3/23/88—published 5/18/88, effective 6/22/88]

[Filed 8/1/91, Notice 5/29/91—published 8/21/91, effective 9/25/91]

[Filed 1/29/93, Notice 11/25/92—published 2/17/93, effective 3/24/93]

[Filed 1/27/95, Notice 11/23/94—published 2/15/95, effective 3/22/95]

[Filed 1/22/99, Notice 11/18/98—published 2/10/99, effective 3/17/99]

[Filed 10/23/00, Notice 8/9/00—published 11/15/00, effective 1/1/01]

CHAPTER 15
FEES

[Prior to 5/18/88, Dental Examiners, Board of[320]]

650—15.1(153) License application fees. Applications considered by the board or dental hygiene committee are nonrefundable.

15.1(1) The fee for a license application to practice dentistry shall be \$100.

15.1(2) The fee for a license application to practice dental hygiene shall be \$50.

15.1(3) The fee for a resident dentist license application shall be \$40.

15.1(4) The fee for a faculty permit application shall be \$50.

15.1(5) The fee for a reciprocal license application to practice dentistry issued on the basis of credentials shall be \$275.

15.1(6) The fee for a reciprocal license application to practice dental hygiene issued on the basis of credentials shall be \$100.

15.1(7) The fee for a reinstatement application for inactive practitioners shall be \$50.

15.1(8) The fee for a reinstatement application for a lapsed license is \$150.

15.1(9) The fee for an application for issuance of a general anesthesia permit shall be \$100.

15.1(10) The fee for an application for issuance of a conscious sedation permit shall be \$100.

15.1(11) The fee for an application for issuance of a permit to authorize a dental hygienist to administer local anesthesia shall be \$35.

15.1(12) The fee for an application for registration as a dental assistant trainee is \$10.

15.1(13) The fee for an application for registration as a registered dental assistant is \$40.

15.1(14) The fee for an application for registration as an expanded function dental assistant is \$40.

650—15.2(153) Renewal fees. All fees are nonrefundable.

15.2(1) The fee for renewal of a license to practice dentistry for a biennial period shall be \$240 for an active practitioner and \$240 for an inactive practitioner.

15.2(2) The fee for renewal of a license to practice dental hygiene for a biennial period shall be \$120 for an active practitioner and \$120 for an inactive practitioner.

15.2(3) The fee for renewal of a general anesthesia permit shall be \$100.

15.2(4) The fee for renewal of a conscious sedation permit shall be \$100.

15.2(5) The fee for renewal of a permit to authorize a dental hygienist to administer local anesthesia shall be \$20.

15.2(6) The fee for renewal of registration as a registered dental assistant is \$60.

15.2(7) The fee for renewal of registration as an expanded function dental assistant is \$60.

15.2(8) Beginning July 1, 2002, the fee for renewal of a certificate of qualification in dental radiography is \$30.

650—15.3(153) Late renewal fees. All fees are nonrefundable. A licensee who fails to renew a license to practice following expiration shall be subject to late renewal fees pursuant to 650—Chapter 14. A registrant who fails to renew a registration to practice following expiration shall be subject to late renewal fees pursuant to 650—Chapter 20.

650—15.4(153) Miscellaneous fees.

15.4(1) The fee for issuing a duplicate license or registration certificate shall be \$10.

15.4(2) The fee for a certification of the Iowa license or registration shall be \$10.

These rules are intended to implement Iowa Code sections 147.10, 147.80 and 153.22.

[Filed 8/23/78, Notice 6/28/78—published 9/20/78, effective 10/25/78]

[Filed 3/18/82, Notice 2/3/82—published 4/14/82, effective 5/19/82]

[Filed emergency 12/16/83—published 1/4/84, effective 12/16/83]

[Filed emergency 2/24/84 after Notice 1/4/84—published 3/14/84, effective 2/24/84]

[Filed 10/3/86, Notice 8/13/86—published 10/22/86, effective 11/26/86]

[Filed emergency 2/19/88—published 3/9/88, effective 2/19/88]

[Filed 4/28/88, Notice 3/23/88—published 5/18/88, effective 6/22/88]

[Filed 8/1/91, Notice 5/29/91—published 8/21/91, effective 9/25/91]

[Filed 1/29/92, Notice 11/13/91—published 2/19/92, effective 3/25/92]

[Filed 10/30/98, Notice 5/20/98—published 11/18/98, effective 12/23/98]

[Filed 1/22/99, Notice 11/18/98—published 2/10/99, effective 3/17/99]

[Filed 10/23/00, Notice 8/9/00—published 11/15/00, effective 1/1/01]

CHAPTER 16
PRESCRIBING, ADMINISTERING, AND DISPENSING DRUGS

[Prior to 5/18/88, Dental Examiners, Board of[320]]

650—16.1(153) Definitions.

“*Controlled substance*” means a drug, substance, or immediate precursor in Schedules I through V of division II, of Iowa Code chapter 124.

“*Prescription drug*” means (a) any drug or medicine the label of which is required by federal law to bear the statement: “Caution: federal law prohibits dispensing without a prescription,” (b) any drug or medicine which, because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not safe for use except under the supervision of a practitioner licensed by law to prescribe, administer, or dispense such drug or medicine, or (c) a new drug or medicine which is limited under state law to use under the professional supervision of a practitioner licensed by law to prescribe, administer, or dispense such drug or medicine as defined in Iowa Code section 155.3(10).

650—16.2(153) Scope of authority.

16.2(1) A license issued by this board permits the licensee to prescribe, administer, or dispense prescription drugs if the use is directly related to the practice of dentistry within the scope of the dentist-patient relationship. Registration with the Federal Drug Enforcement Administration and the Iowa board of pharmacy examiners further extends this privilege to controlled substances.

16.2(2) A dental examination must be conducted and a medical history taken before a dentist initially prescribes, administers, or dispenses medication to a patient, except for patients who receive fluoride dispensed under protocols approved by the dental health bureau of the department of public health. The examination must focus on the patient’s dental problems, and the resulting diagnosis must relate to the patient’s specific complaint. The patient’s dental record must contain written evidence of the examination and medical history.

16.2(3) On each occasion when a medication is prescribed, administered, or dispensed to a patient an entry must be made in the patient’s dental record containing the following information: the name, quantity, and strength of the medication; the directions for its use; the date of issuance; and the condition for which the medication was used.

16.2(4) A patient’s dental record that contains an entry pertaining to the issuance of medications must be retained by the dentist for a minimum of five years following the date of the last entry.

650—16.3(153) Purchasing, administering, and dispensing of controlled substances.

16.3(1) When controlled substances are purchased, records must be maintained showing the date of receipt, the name and address of the supplier, the name and quantity of drugs received.

16.3(2) When controlled substances are administered or dispensed, records separate and apart from the patient records must be maintained showing date of dispensing, name and address of person to whom the drugs were administered or dispensed, and the name and quantity of drugs administered or dispensed.

16.3(3) All records must be retained for a period of two years from the date of the last entry. All records must be readily available for inspection by state or federal agents.

16.3(4) Every two years the dentist is required to perform a complete inventory of all controlled substances in stock.

16.3(5) Security of controlled substances must be maintained by storage in a securely locked, substantially constructed cabinet.

16.3(6) The dentist shall notify state controlled substance authorities of the loss or theft of controlled substances upon the discovery of the loss or theft.

650—16.4(153) Dispensing—requirements for containers and labeling.

16.4(1) Containers. A prescription drug shall be dispensed in a container which meets the requirements of the Poison Prevention Packaging Act of 1970, 15 U.S.C. §§ 1471-1476 (1976) which relates to childproof closure, unless otherwise required by the patient. Containers must also meet the requirements of Section 502G of the Federal Food Drug and Cosmetic Act, 21 U.S.C. §301 et seq. (1976) which pertains to light resistance and moisture-resistance needs of the drug being dispensed.

16.4(2) Labeling. A label shall be affixed to the container in which a prescription drug is dispensed bearing the following information:

1. Name and address of the dentist.
2. Name of the patient.
3. Date dispensed.
4. Directions for use.
5. Name and strength of medication.
6. If it is Schedule II, III, or IV controlled substance, the federal transfer warning statement must appear on the label as follows: "Caution: Federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed."
7. Cautionary statements, if any.

16.4(3) Prescription sample drugs dispensed in the original container or package and provided without charge shall be deemed to conform to labeling and packaging requirements.

650—16.5(153) Identifying information on prescriptions.

16.5(1) Prescriptions for Schedule II, III, IV, and V controlled substances must include the name and address of the prescribing dentist and the dentist's federal DEA number. The name and address of the prescribing dentist may be preprinted. Proper security shall be maintained if prescription forms are preprinted.

16.5(2) The dentist's signature on a prescription must be original, not a copy or facsimile.

16.5(3) Emergency prescriptions. If an emergency requires the issuance of a prescription, an appropriate prescription may be telephoned to a pharmacist. An emergency prescription for a Schedule II controlled substance must be covered by a written prescription within 72 hours. A dentist may not order a renewal or a refill of an emergency prescription unless the order is in writing and the dentist has given the patient a dental examination and has taken a medical history.

16.5(4) For the purpose of authorizing an oral prescription of a controlled substance listed in Schedule II of the uniform controlled substances Act, Iowa Code chapter 124, the term “emergency situation” means those situations in which the prescribing dentist determines:

a. That immediate administration of the controlled substance is necessary for proper treatment of the intended ultimate user;

b. That no appropriate alternative treatment is available, including administration of a drug which is not a controlled substance under Schedule II of Iowa Code chapter 124;

c. That it is not reasonably possible for the prescribing dentist to provide a written prescription to be presented to the person dispensing the substance prior to dispensing.

These rules are intended to implement Iowa Code section 153.20.

[Filed 1/23/87, Notice 12/17/86—published 2/11/87, effective 3/18/87]

[Filed 4/28/88, Notice 3/23/88—published 5/18/88, effective 6/22/88]

[Filed emergency 10/23/00—published 11/15/00, effective 10/23/00]

CHAPTERS 17 to 19

Reserved

TITLE IV
AUXILIARY PERSONNEL

CHAPTER 20
DENTAL ASSISTANTS

[Prior to 5/18/88, Dental Examiners, Board of[320]]

650—20.1(153,78GA,ch1002) Registration required. A person shall not practice on or after July 1, 2001, as a dental assistant unless the person has registered with the board and received a certificate of registration pursuant to this chapter.

650—20.2(153,78GA,ch1002) Definitions. As used in this chapter:

“Dental assistant” means any person who, under the supervision of a dentist, performs any extra-oral services including infection control, dental radiography, or the use of hazardous materials or performs any intraoral services on patients. The term “dental assistant” does not include persons otherwise actively licensed in Iowa to practice dental hygiene or nursing who are engaged in the practice of said profession.

“Direct supervision” means that the dentist is present in the treatment facility, but it is not required that the dentist be physically present in the treatment room while the dental assistant is performing acts assigned by the dentist.

“General supervision” means that a dentist has delegated the services to be provided by a dental assistant. The dentist need not be present in the facility while these services are being provided.

“Personal supervision” means the dentist is physically present in the treatment room to oversee and direct the services of the dental assistant.

650—20.3(153,78GA,ch1002) Scope of practice.

20.3(1) In all instances, a dentist assumes responsibility for determining, on the basis of diagnosis, the specific treatment patients will receive and which aspects of treatment may be delegated to qualified personnel as authorized in these rules.

20.3(2) A lawfully licensed dentist may delegate to a dental assistant those procedures for which the dental assistant has received training. This delegation shall be based on the best interests of the patient. The dentist shall exercise supervision and shall be fully responsible for all acts performed by a dental assistant. A dentist may not delegate to a dental assistant any of the following:

- a. Diagnosis, examination, treatment planning, or prescription, including prescription for drugs and medicaments or authorization for restorative, prosthodontic or orthodontic appliances.
- b. Surgical procedures on hard and soft tissues within the oral cavity and any other intraoral procedure that contributes to or results in an irreversible alteration to the oral anatomy.
- c. Administration of local anesthesia.
- d. Placement of sealants.
- e. Removal of any plaque, stain, or hard natural or synthetic material except by toothbrush, floss, or rubber cup coronal polish, or removal of any calculus.
- f. Dental radiography, unless the assistant is qualified pursuant to 650—Chapter 22.
- g. Those procedures that require the professional judgment and skill of a dentist.

20.3(3) A dental assistant may perform duties consistent with these rules under the supervision of a licensed dentist. The specific duties dental assistants may perform are based upon:

- a. The education of the dental assistant.
- b. The experience of the dental assistant.

650—20.4(153,78GA,ch1002) Categories of dental assistants. There are three categories of dental assistants. Both the supervising dentist and dental assistant are responsible for maintaining documentation of training. Such documentation must be maintained in the office of practice and shall be provided to the board upon request.

20.4(1) *Dental assistant trainee.* Dental assistant trainees are all individuals who have received no prior training or experience in dental assisting, but who will learn the necessary skills under the personal supervision of a licensed dentist. The dental assistant trainee shall meet the following requirements:

a. Within 60 days of employment, the dental assistant trainee shall successfully complete a course of study and examination in the areas of infection control, hazardous waste and jurisprudence. The course of study shall be prior approved by the board and sponsored by a board-approved postsecondary school.

b. Immediately after satisfactorily completing six months of work as a dental assistant within the previous 12-month period, the trainee or dentist must apply to the board for the trainee to be reclassified as a registered dental assistant.

20.4(2) *Registered dental assistant.* A registered dental assistant may perform under general supervision all extraoral duties in the dental office or dental clinic that are assigned by the dentist that are consistent with these rules. During intraoral procedures, the registered dental assistant may, under direct supervision, assist the dentist in performing duties assigned by the dentist that are consistent with these rules. The registered dental assistant may take radiographs if certified pursuant to 650—Chapter 22.

20.4(3) *Expanded function dental assistant.* Beginning July 1, 2002, an expanded function dental assistant may perform under general supervision all extraoral duties in the dental office or dental clinic that are assigned by the dentist that are consistent with these rules. Beginning July 1, 2002, an expanded function dental assistant may perform, under direct supervision, intraoral procedures for which the dental assistant has successfully completed formal training sponsored by a board-approved program accredited by the Commission on Dental Accreditation of the American Dental Association or other program approved by the board. All expanded function duties must be assigned by the dentist and be consistent with these rules. Examples of expanded function dental assistant duties include, but are not limited to, the monitoring of nitrous oxide inhalation analgesia, temporization of crowns, placement and removal of temporary restorations, placement of periodontal dressings, taking impressions for dental appliances, and bite registrations.

650—20.5(153,78GA,ch1002) Registration requirements prior to July 2, 2001.

20.5(1) A person employed as a dental assistant as of July 1, 2001, shall be registered with the board as a registered dental assistant without meeting the application requirements specified in 20.6(153,78GA,ch1002), provided the application is postmarked by July 1, 2001.

20.5(2) Applications for registration prior to July 2, 2001, must be filed on official board forms and include the following:

a. The fee as specified in 650—Chapter 15.

b. Evidence of current employment as a dental assistant as demonstrated by a signed statement from the applicant's employer.

c. Evidence of current certification in dental radiography pursuant to 650—Chapter 22 if engaging in dental radiography.

20.5(3) Applications must be signed and verified by the applicant as to the truth of the documents and statements contained therein.

650—20.6(153,78GA,ch1002) Registration requirements after July 1, 2001. Effective July 2, 2001, dental assistants must meet the following requirements for registration:

20.6(1) Dental assistant trainee.

a. The employer of a dental assistant trainee must notify the board in writing of such employment within seven days of the time the dental assistant begins work.

b. Applications for registration as a dental assistant trainee must be filed on official board forms and include the following:

- (1) The fee as specified in 650—Chapter 15.
- (2) Evidence of high school graduation.
- (3) Evidence the applicant is 18 years of age or older.

(4) Any additional information required by the board relating to the character and experience of the applicant as may be necessary to evaluate the applicant's qualifications.

c. Within 60 days of employment, the dental assistant trainee is required to successfully complete a board-approved course of study and examination in the areas of infection control, hazardous materials and jurisprudence. The course of study may be taken at a board-approved postsecondary school or on the job using curriculum approved by the board for such purpose. Evidence of meeting this requirement shall be submitted within 60 days by the employer dentist.

20.6(2) Registered dental assistant.

a. To meet this qualification, a person must:

- (1) Work in a dental office for six months as a dental assistant trainee; or
- (2) Have had at least six consecutive months of prior dental assisting experience under a licensed dentist within the past two years; or
- (3) Be a graduate of a postsecondary dental assisting program.

b. Applications for registration as a registered dental assistant must be filed on official board forms and include the following:

- (1) The fee as specified in 650—Chapter 15.
- (2) Evidence of meeting one of the requirements specified in 20.6(2)“a.”
- (3) Evidence of successful completion of a course of study approved by the board and sponsored by a board-approved postsecondary school in the areas of infection control, hazardous materials, and jurisprudence. The course of study may be taken at a board-approved postsecondary school or on the job using curriculum approved by the board for such purpose.

(4) Evidence of successful completion of a board-approved examination in the areas of infection control, hazardous materials, and jurisprudence.

(5) Evidence of meeting the qualifications of 650—Chapter 22 if engaging in dental radiography.

(6) Evidence of current certification in cardiopulmonary resuscitation sponsored by a nationally recognized provider.

(7) Any additional information required by the board relating to the character, education and experience of the applicant as may be necessary to evaluate the applicant's qualifications.

20.6(3) Expanded function dental assistant.

a. To meet the qualifications of expanded function dental assistant, applicants must:

- (1) Have two years of experience as a registered dental assistant; or
- (2) Be a current certified dental assistant as defined by the Dental Assisting National Board with six months of dental assisting experience; and

(3) Have successfully completed a formal program in one or more expanded functions within the previous two years of application as an expanded function dental assistant or documentation of equivalent out-of-state registration or education.

b. Beginning July 1, 2002, applications for registration as an expanded function dental assistant must be filed on official board forms and include the following:

- (1) The fee as specified in 650—Chapter 15.
- (2) Evidence of meeting the qualifications specified in 20.6(3)“a.”
- (3) Evidence of successful completion of a course of study approved by the board and sponsored by a board-approved postsecondary school in the areas of infection control, hazardous materials, and jurisprudence. The course of study may be taken at a board-approved postsecondary school or on the job using curriculum approved by the board for such purpose.
- (4) Evidence of successful completion of a board-approved examination in the areas of infection control, hazardous materials, and jurisprudence.
- (5) Evidence of meeting the qualifications of 650—Chapter 22 if engaging in dental radiography.
- (6) Evidence of current certification in cardiopulmonary resuscitation sponsored by a nationally recognized provider.
- (7) Evidence of successful completion of a formal program in one or more expanded functions sponsored by a school accredited by the Commission on Dental Accreditation of the American Dental Association or a program approved by the board.
- (8) Any additional information required by the board relating to the character, education and experience of the applicant as may be necessary to evaluate the applicant’s qualifications.

c. An expanded function dental assistant is limited to performing only those expanded duties that are delegated by and under the supervision of a licensed dentist and for which the assistant has been trained within the limits of these rules.

20.6(4) All applications must be signed and verified by the applicant as to the truth of the documents and statements contained therein.

650—20.7(153,78GA,ch1002) Registration denial. The board may deny an application for registration as a dental assistant for any of the following reasons:

1. Failure to meet the requirements for registration as specified in these rules.
2. Pursuant to Iowa Code section 147.4, upon any of the grounds for which registration may be revoked or suspended as specified in 650—Chapter 30.

650—20.8(147,153,78GA,ch1002) Registration denied—appeal procedure. An applicant who has been denied registration by the board may appeal the denial and request a hearing on the issues related to the registration denial by serving a notice of the appeal and request for hearing upon the executive director not more than 30 days following the date of the mailing of the notification of registration denial to the applicant or not more than 30 days following the date upon which the applicant was served notice if notification was made in the manner of service of an original notice. The hearing and subsequent procedures shall be considered a contested case hearing and shall be governed by the procedures outlined in 650—Chapter 51.

This rule is intended to implement Iowa Code sections 147.3, 147.4 and 147.29.

650—20.9(153,78GA,ch1002) Examination requirements. Beginning July 2, 2001, applicants for registration must successfully pass an examination approved by the board on infection control, hazardous waste, and jurisprudence.

20.9(1) Examinations approved by the board are those administered by the board or board’s approved testing centers or the Dental Assisting National Board Infection Control Examination, if taken after June 1, 1991, in conjunction with the board-approved jurisprudence examination.

20.9(2) Information on taking the examination may be obtained by contacting the board office at 400 S.W. 8th Street, Suite D, Des Moines, Iowa 50309-4687.

20.9(3) An examinee must meet such other requirements as may be imposed by the board's approved dental assistant testing centers.

20.9(4) A dental assistant trainee must successfully pass the examination within 60 days of the first date of employment. A dental assistant trainee who does not successfully pass the examination within 60 days shall be prohibited from working in a dental office or clinic until the examination has been passed in accordance with these rules.

20.9(5) A score of 75 or better on the board infection control/hazardous material exam and a score of 75 or better on the board jurisprudence exam shall be considered successful completion of the examination. The board accepts the passing standard established by the Dental Assisting National Board for applicants who take the Dental Assisting National Board Infection Control Examination.

650—20.10(153,78GA,ch1002) System of retaking dental assistant examinations.

20.10(1) *Second examination.*

a. On the second examination attempt, a dental assistant shall be required to obtain a score of 75 percent or better on each section of the examination.

b. A dental assistant who fails the second examination will be required to complete the remedial education requirements set forth in subrule 20.10(2).

20.10(2) *Third and subsequent examinations.*

a. Prior to the third examination attempt, a dental assistant must submit proof of additional formal education in the area of the examination failure in a program approved by the board or sponsored by a school accredited by the Commission on Dental Accreditation of the American Dental Association.

b. A dental assistant who fails the examination on the third attempt may not practice as a dental assistant in a dental office or clinic until additional remedial education approved by the board has been obtained.

c. For the purposes of additional study prior to retakes, the fourth or subsequent examination failure shall be considered the same as the third.

650—20.11(153,78GA,ch1002) Renewal of registration. A certificate of registration as a registered dental assistant or expanded function dental assistant must be renewed biennially.

20.11(1) The board will notify each registrant by mail of the expiration of the registration.

20.11(2) Application for renewal must be made in writing to the board at least 30 days before the current registration expires.

20.11(3) The appropriate fee as specified in 650—Chapter 15 shall accompany the application for renewal. A penalty shall be assessed by the board for late renewal.

20.11(4) Failure to renew the registration by June 30 shall result in assessment of a late fee of \$20 in addition to the renewal fee. Failure to renew by July 30 shall result in assessment of a late fee of \$40. Failure to renew by August 30 following expiration shall result in assessment of a late fee of \$60. Failure to renew a registration prior to September 30 following expiration shall cause the registration to lapse and become invalid. A registrant whose registration has lapsed and become invalid is prohibited from practicing as a dental assistant until the registration is reinstated in accordance with 650—14.5(153).

20.11(5) Completion of continuing education is required for renewal of an active registration. Failure to comply will automatically result in a lapsed registration.

20.11(6) In order to renew a registration, the registrant shall be required to furnish evidence of valid certification in a nationally recognized course in cardiopulmonary resuscitation.

20.11(7) The board may refuse to renew a registration in accordance with 650—14.3(153).

650—20.12(153,78GA,ch1002) Continuing education. Beginning July 1, 2001, each person registered as a dental assistant shall complete 20 hours of continuing education approved by the board during the biennium period as a condition of registration renewal.

20.12(1) At least two continuing education hours must be in the subject area of infection control.

20.12(2) A maximum of three hours may be in cardiopulmonary resuscitation.

20.12(3) For dental assistants who have a special endorsement in radiography, at least two hours of continuing education must be obtained in the subject area of radiography.

20.12(4) For the renewal period July 1, 2001, to June 30, 2003, at least one hour of continuing education must be obtained in the subject area of jurisprudence.

650—20.13(252J,261) Receipt of certificate of noncompliance. The board shall consider the receipt of a certificate of noncompliance from the college student aid commission pursuant to Iowa Code sections 261.121 to 261.127 and 650—Chapter 34 or receipt of a certificate of noncompliance of a support order from the child support recovery unit pursuant to Iowa Code chapter 252J and 650—Chapter 33. Registration denial or denial of renewal of registration shall follow the procedures in the statutes and board rules as set forth in this rule.

This rule is intended to implement Iowa Code chapter 252J and sections 261.121 to 261.127.

650—20.14(153) Unlawful practice. A dental assistant who assists a dentist in practicing dentistry in any capacity other than as a person supervised by a dentist in a dental office, or who directly or indirectly procures a licensed dentist to act as nominal owner, proprietor or director of a dental office as a guise or subterfuge to enable such dental assistant to engage directly or indirectly in the practice of dentistry, or who performs dental service directly or indirectly on or for members of the public other than as a person working for a dentist shall be deemed to be practicing dentistry without a license.

650—20.15(153) Advertising and soliciting of dental services prohibited. Dental assistants shall not advertise, solicit, represent or hold themselves out in any manner to the general public that they will furnish, construct, repair or alter prosthetic, orthodontic or other appliances, with or without consideration, to be used as substitutes for or as part of natural teeth or associated structures or for the correction of malocclusions or deformities, or that they will perform any other dental service.

These rules are intended to implement Iowa Code chapter 153 and 2000 Iowa Acts, chapter 1002.

[Filed 4/9/79, Notice 10/4/78—published 5/2/79, effective 6/6/79*]

[Filed 8/3/79, Notice 6/27/79—published 8/22/79, effective 9/26/79]

[Filed 3/20/86, Notice 9/11/85—published 4/9/86, effective 5/14/86]

[Filed 4/28/88, Notice 3/23/88—published 5/18/88, effective 6/22/88]

[Filed 11/19/93, Notices 6/9/93, 8/18/93—published 12/8/93, effective 1/12/94]

[Filed 11/2/95, Notice 8/16/95—published 11/22/95, effective 12/27/95]

[Filed 10/23/00, Notice 8/9/00—published 11/15/00, effective 1/1/01]

*The Administrative Rules Review Committee at their May 21, 1979, meeting delayed the effective date of Chapters 20 and 21 70 days.

CHAPTER 21
DENTAL LABORATORY TECHNICIAN
[Prior to 5/18/88, Dental Examiners, Board of[320]]

650—21.1(153) Definition. “Dental laboratory technician” as used in these rules shall include a person other than a licensed dentist who fabricates, constructs, makes, or repairs oral prosthetic appliances solely and exclusively for a licensed dentist and under the dentist’s supervision or direction. A dental laboratory technician who performs any of the duties of a dental assistant, as defined in 650—20.2(153,78GA,ch1002), must be registered with the board as a dental assistant.

650—21.2(153) Unlawful practice by dental laboratory technician. Any dental laboratory technician who assists a dentist in practicing dentistry in any capacity other than as an employee or independent contractor, or who directly or indirectly procures a licensed dentist to act as nominal owner, proprietor or director of a dental office as a guise or subterfuge to enable such dental laboratory technician to engage directly or indirectly in the practice of dentistry, or who renders dental service directly or indirectly on or for members of the public other than as an employee or independent contractor for an employing dentist shall be deemed to be practicing dentistry without a license.

650—21.3(153) Advertising and soliciting dental services prohibited. No dental laboratory or dental laboratory technician shall advertise, solicit, represent or hold themselves, or itself out in any manner to the general public that they or it will furnish, construct, repair or alter prosthetic, orthodontic or other appliances, with or without consideration, to be used as substitutes for or as part of natural teeth or associated structures or for the correction of malocclusions or deformities, or that they or it will render any other dental service.

This chapter is intended to implement Iowa Code sections 153.17, 153.32(5) and 153.33.

[Filed 4/9/79, Notice 10/4/78—published 5/2/79, effective 6/6/79*]

[Filed 3/20/86, Notice 9/11/85—published 4/9/86, effective 5/14/86]

[Filed 4/28/88, Notice 3/23/88—published 5/18/88, effective 6/22/88]

[Filed 10/23/00, Notice 8/9/00—published 11/15/00, effective 1/1/01]

*At their meeting held May 21, 1979, the Administrative Rules Review Committee delayed the effective date of Chapter 21 for 70 days.

... ..

... ..

... ..

... ..

... ..

e. The fee as specified in these rules.

f. Additional information the board may require relating to character, education and experience as may be necessary to pass upon the applicant's qualification.

22.7(2) Any person who does not meet the requirements of subrule 22.7(1) may apply for student status as defined in subrule 22.4(3).

650—22.8(153) Renewal requirements.

22.8(1) Commencing in 1993, certificates shall be renewed biennially.

22.8(2) The renewal application shall be made in writing to the board at least 30 days before the current certificate expires.

22.8(3) Beginning July 1, 2001, attendance once every two years at an updating seminar in dental radiography approved by the board shall be required for renewal. At the time of renewal the dental assistant shall be required to sign a statement that the dental assistant has attended the required course during the previous two-year period. Proof of attendance at such course of study shall be retained by the dental assistant and submitted to the board as further proof of compliance at the request of the board.

22.8(4) All certificates shall expire on June 30, 1993, and every two years thereafter.

22.8(5) The appropriate fee as specified in this chapter shall accompany the application for renewal. A penalty shall be assessed by the board for failure to renew within 30 days after expiration as specified in this chapter.

22.8(6) Failure to renew a certificate prior to November 1 following expiration shall cause the certificate to lapse and become invalid. A certificate holder whose certificate has lapsed and become invalid is prohibited from taking radiographs until the procedures for reinstatement are met.

22.8(7) The board may require recertification, qualification and clinical evaluation of a dental assistant holding a certificate of qualification in dental radiography if the board, in its discretion, believes such action is necessary for the protection of the public.

650—22.9(136C) Certification of qualification in dental radiography—fees.

22.9(1) The fee for application for a certificate of qualification or student status leading to qualification shall be \$35. Beginning July 1, 2001, the fee for application for a certificate of qualification or student status leading to qualification shall be \$15.

22.9(2) The fee for renewal of a certificate shall be \$60. Beginning July 1, 2002, the fee for renewal of a certificate shall be \$30.

22.9(3) Failure to renew the certificate prior to August 1 following June 30 expiration shall result in a late fee of \$15 being assessed by the board in addition to the renewal fee. Failure to renew prior to September 1 following expiration shall result in a late fee of \$30 being assessed. Failure to renew prior to October 1 following expiration shall result in a late fee of \$60 being assessed. The maximum late fee shall be \$60.

22.9(4) The fee for reinstatement of a lapsed certificate of qualification in dental radiography shall be \$60.

650—22.10(153) Responsibilities of certificate holder.

22.10(1) The dental assistant holding a certificate of qualification issued by the board shall conspicuously display the certificate in the office of employment.

22.10(2) The dental assistant holding a certificate of qualification issued by the board shall notify the office of the board of any address change within 60 days.

650—22.11(153) Enforcement.

22.11(1) Any individual except a licensed dentist or a licensed dental hygienist who participates in dental radiography in violation of this chapter or Iowa Code chapter 136C shall be subject to the criminal and civil penalties set forth in Iowa Code sections 136C.4 and 136C.5.

22.11(2) Any licensed dentist who permits a person to engage in dental radiography contrary to this chapter or Iowa Code chapter 136C shall be subject to discipline by the board pursuant to 650—Chapter 30.

650—22.12(153) Reinstatement of lapsed certificate of qualification in dental radiography.

22.12(1) Certificate holders who allow their certificates to lapse by failing to renew such certificate may be reinstated by submitting the following:

- a. A completed application for reinstatement of a lapsed certificate to engage in dental radiography.
- b. Payment of reinstatement fee and current renewal fee.
- c. Proof of attendance of an updating seminar in dental radiography taken within the previous four-year period from the date of application.
- d. A dental assistant who ceases to participate in dental radiography for more than two years shall be required to successfully complete the examination and proficiency evaluation pursuant to rule 22.6(153).
- e. A dental assistant who has current certification issued by another state is exempt from the examination requirement.

22.12(2) Reserved.

These rules are intended to implement Iowa Code section 136C.3 and chapter 153.

- [Filed 12/3/81, Notice 9/16/81—published 12/23/81, effective 7/1/82]
- [Filed 12/12/85, Notice 9/11/85—published 1/1/86, effective 2/5/86]
- [Filed 3/20/86, Notice 9/11/85—published 4/9/86, effective 5/14/86]
- [Filed 10/3/86, Notice 8/13/86—published 10/22/86, effective 11/26/86]
- [Filed 4/28/88, Notice 3/23/88—published 5/18/88, effective 6/22/88]
- [Filed 11/21/90, Notice 8/22/90—published 12/12/90, effective 1/16/91]
- [Filed 1/29/93, Notice 11/25/92—published 2/17/93, effective 3/24/93]
- [Filed 1/27/95, Notice 11/23/94—published 2/15/95, effective 3/22/95]
- [Filed 4/21/95, Notice 2/15/95—published 5/10/95, effective 6/14/95]
- [Filed 5/1/97, Notice 2/26/97—published 5/21/97, effective 6/25/97]
- [Filed 1/22/99, Notice 11/18/98—published 2/10/99, effective 3/17/99]
- [Filed 10/23/00, Notice 8/9/00—published 11/15/00, effective 1/1/01]

TITLE V
PROFESSIONAL STANDARDS

CHAPTER 25
CONTINUING EDUCATION
[Prior to 5/18/88, Dental Examiners, Board of[320]]

650—25.1(153) Definitions. For the purpose of these rules on continuing education, definitions shall apply:

“Advisory committee.” An advisory committee on continuing education shall be formed to review and advise the board with respect to applications for approval of sponsors or activities and requests for postapproval of activities. Its members shall be appointed by the board and consist of a member of the board, two licensed dentists with expertise in the area of professional continuing education, two licensed dental hygienists with expertise in the area of professional continuing education, and two registered dental assistants with expertise in the area of professional continuing education. The advisory committee on continuing education may tentatively approve or deny applications or requests submitted to it pending final approval or disapproval of the board at its next meeting.

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

“Approved sponsor” means a person or an organization sponsoring continuing education activities which has been approved by the board as a sponsor pursuant to these rules. During the time an organization, educational institution, or person is an approved sponsor, all continuing education activities of such person or organization may be deemed automatically approved provided they meet the continuing education guidelines of the board.

“Board” means the board of dental examiners.

“Continuing dental education” consists of education activities designed to review existing concepts and techniques and to update knowledge on advances in dental and medical sciences. The objective is to improve the knowledge, skills, and ability of the individual to deliver the highest quality of service to the public and professions.

Continuing dental education should favorably enrich past dental education experiences. Programs should make it possible for practitioners to attune dental practice to new knowledge as it becomes available. All continuing dental education should strengthen the skills of critical inquiry, balanced judgment and professional technique.

“Hour” of continuing education means one unit of credit which shall be granted for each hour of contact instruction and shall be designated as a “clock hour.” This credit shall apply to either academic or clinical instruction.

“Licensee” means any person licensed to practice dentistry or dental hygiene in the state of Iowa.

“Registrant” means any person registered to practice as a dental assistant in the state of Iowa.

650—25.2(153) Continuing education requirements.

25.2(1) Beginning January 1, 1979, each person licensed to practice dentistry or dental hygiene in this state shall complete during each calendar year a minimum of 15 hours of continuing education approved by the board. Compliance with the requirement of continuing education is a prerequisite for license renewal in each subsequent license renewal year.

Beginning January 1, 1984, each person licensed to practice dentistry or dental hygiene in this state shall complete during the biennium ending December 31, 1985, and each biennium thereafter a minimum of 30 hours of continuing education approved by the board.

25.2(2) For the license renewal period beginning July 1, 1992, the continuing education compliance period shall extend from January 1, 1990, through June 30, 1992. For all subsequent license renewal periods the continuing education compliance period shall be the 24-month period ending on the June 30 immediately preceding the July 1 commencement date of the license renewal period.

25.2(3) Hours of continuing education credit may be obtained by attending and participating in a continuing education activity, either previously approved by the board or which otherwise meets the requirement herein and is approved by the board pursuant to subrule 25.3(5).

25.2(4) It is the responsibility of each licensee or registrant to finance the costs of continuing education. All fees for continuing education courses shall be remitted by licensee or registrant directly to the sponsor or as the board may otherwise direct.

25.2(5) Every licensee or registrant shall maintain a record of all courses attended by keeping the certificates of attendance for four years after the end of the year of attendance. The board reserves the right to require any licensee or registrant to submit the certificates of attendance for the continuing education courses attended as further evidence of compliance for any year no more than four years previously.

25.2(6) Licensees and registrants are responsible for obtaining proof of attendance forms when attending courses. Clock hours must be verified by the sponsor with the issuance of proof of attendance forms to the licensee or registrant.

25.2(7) Each licensee or registrant shall file a signed continuing education reporting form reflecting the required minimum number of continuing education credit hours in compliance with this chapter and 650—Chapter 20. Such report shall be filed with the board at the time of application for renewal of a dental or dental hygiene license or renewal of dental assistant registration.

25.2(8) No carryover of credits from one biennial period to the next will be allowed.

25.2(9) Licensees shall complete training relating to the identification and reporting of child abuse and dependent adult abuse pursuant to the requirements set forth by Iowa Code section 232.69(3) and chapter 235B.

25.2(10) A licensed dental hygienist or registered dental assistant shall furnish evidence of valid certification for cardiopulmonary resuscitation which shall be credited toward the continuing education requirement for renewal of the license or registration. Such evidence shall be filed at the time of renewal of the license or registration. Credit hours awarded shall not exceed three continuing education credit hours per biennium. Valid certification means certification by an organization on an annual basis or, if that certifying organization requires certification on a less frequent basis, evidence that the hygienist or dental assistant has been properly certified for each year covered by the renewal period.

650—25.3(153) Approval of programs and activities. A continuing education activity shall be qualified for approval if the board determines that:

25.3(1) It constitutes an organized program of learning (including a workshop or symposium) which contributes directly to the professional competency of the licensee or registrant; and

25.3(2) It pertains to common subjects or other subject matters which relate integrally to the practice of dentistry, dental hygiene, or dental assisting which are intended to refresh and review, or update knowledge of new or existing concepts and techniques; and

25.3(3) It is conducted by individuals who have a special education, training and experience by reason of which said individuals should be considered experts concerning the subject matter of the program. The program must include a manual or written outline which substantively pertains to the subject matter of the program.

25.3(4) Activity types acceptable for continuing dental education credit may include:

a. Attendance at a multiday convention-type meeting. A multiday, convention-type meeting is held at a national, state, or regional level and involves a variety of concurrent educational experiences directly related to the practice of dentistry. Effective July 1, 2000, attendees shall receive three hours of credit with the maximum allowed six hours of credit per biennium. Prior to July 1, 2000, attendees shall receive five hours of credit with the maximum allowed ten hours of credit per biennium. Four hours of credit shall be allowed for presentation of an original table clinic at a convention-type meeting as verified by the sponsor when the subject matter conforms with 25.3(7). Attendees at the table clinic session of a dental, dental hygiene, or dental assisting convention shall receive two hours of credit as verified by the sponsor.

b. Postgraduate study relating to health sciences shall receive 15 credits per semester hour.

c. Successful completion of Part II of the National Board Examination for dentists, or the National Board Examination for dental hygienists, if taken five or more years after graduation will result in 15 hours credit.

d. Computer CD-ROM programs that are interactive and require branching, navigation, participation and decision making on the part of the viewer are allowed a maximum of 12 hours per biennium.

e. Credit may be given for other continuing education activities upon request and approval by the Iowa board of dental examiners.

25.3(5) Prior approval of activities. An organization or person other than an approved sponsor, which desires prior approval of a course, program or other continuing education activity or who desires to establish approval of the activity prior to attendance, shall apply for approval to the board at least 90 days in advance of the commencement of the activity on a form provided by the board. The board shall approve or deny the application. The application shall state the dates, subjects offered, total hours of instruction, names and qualifications of speakers and other pertinent information. Applications may include the following:

a. Original presentation of continuing dental education courses shall result in credit double that which the participant receives. Credit will not be granted for repeating presentations within the biennium. Credit is not given for teaching which represents part of the licensee's or registrant's normal academic duties as a full-time or part-time faculty member or consultant.

b. Publications of scientific articles in professional dental, dental hygiene, or dental assistant related journals shall result in a maximum of 5 hours per article; maximum of 20 hours per biennium.

c. Home study activities shall result in a maximum of 6 hours of credit per biennium; the licensee or registrant must submit a written report of activity. Activity may include television viewing, video programs, correspondence work or research.

25.3(6) Postapproval of activities. A licensee or registrant seeking credit for attendance and participation in an educational activity which was not conducted by an approved sponsor or otherwise approved may submit to the board, within 60 days after completion of such activity, its dates, subjects, instructors, and their qualifications, the number of credit hours and proof of attendance therefor. Within 90 days after receipt of such application the board shall advise the licensee or registrant in writing by ordinary mail whether the activity is approved and the number of hours allowed therefor. All requests may be reviewed by the advisory committee on continuing education prior to final approval or denial by the board. A licensee or registrant not complying with the requirements of this paragraph may be denied credit for such activity.

25.3(7) Subject matter acceptable for continuing dental education credit:

a. In order for specific course subject material to be acceptable for credit, the stated course objectives, overall curriculum design or course outlines shall clearly establish conformance with the following criteria:

(1) The subject matter is of value to dentistry and directly applicable to oral health care.

(2) The information presented enables the dental professional to enhance the dental health of the public.

(3) The dental professional is able to apply the knowledge gained within the professional capacity of the individual.

(4) The dental science courses include, but are not limited to, those within the eight recognized dental specialty areas and topics such as geriatric dentistry, hospital dentistry, oral diagnosis, oral rehabilitation and preventative dentistry.

b. Unacceptable subject matter includes personal development, business aspects of practice, personnel management, government regulations, insurance, collective bargaining, and community service presentations. While desirable, those subjects are not applicable to dental skills, knowledge, and competence. Therefore, such courses will receive no credit toward renewal. The board may deny credit for any course. Courses in patient treatment record keeping, risk management, and OSHA regulations are acceptable subject matter.

650—25.4(153) Approval of sponsors.

25.4(1) An organization or person not previously approved by the board, which desires approval as a sponsor of courses, programs, or other continuing education activities, shall apply for approval to the board stating its education history for the preceding two years, including approximate dates, subjects offered, total hours of instruction presented, and names and qualifications of instructors. All applications shall be reviewed by the advisory committee on continuing education prior to final approval or denial by the board.

25.4(2) Prospective sponsors must apply to the board of dental examiners using a "Sponsor Approval Form" in order to obtain approved sponsor status. Board-approved sponsors must file a sponsor recertification record report biennially.

25.4(3) The person or organization sponsoring continuing education activities shall make a written record of the Iowa licensees or registrants in attendance and send a signed copy of such attendance record to the board office upon completion of the activity, but in no case later than July 1 of even-numbered years. The report shall be sent to the Iowa Board of Dental Examiners, 400 S.W. 8th Street, Suite D, Des Moines, Iowa 50309-4687.

25.4(4) Sponsors must be formally organized and adhere to board rules for planning and providing continuing dental education activities. Programs sponsored by individuals or institutions for commercial or proprietary purposes, especially programs in which the speaker advertises or urges the use of any particular dental product or appliance, may be recognized for credit on a prior approval basis only. When courses are promoted as approved continuing education courses which do not meet the requirements as defined by the board, the sponsor will be required to refund the registration fee to the participants. Approved sponsors may offer noncredit courses provided the participants have been informed that no credit will be given. Failure to meet this requirement may result in loss of approved sponsor status.

650—25.5(153) Review of programs. The board on its own motion or at the recommendation of the advisory committee on continuing education may monitor or review any continuing education program already approved by the board and upon evidence of significant variation in the program presented from the program approved may disapprove all or any part of the approved hours granted to the program.

650—25.6(153) Hearings. In the event of denial, in whole or in part, of any application for approval of a continuing education program or credit for continuing education activity, the applicant, licensee, or registrant shall have the right, within 20 days after the sending of the notification of the denial by ordinary mail, to request a hearing which shall be held within 60 days after receipt of the request for hearing. The hearing shall be conducted by the board or a qualified hearing officer designated by the board. If the hearing is conducted by a hearing officer, the hearing officer shall submit a transcript of the hearing with the proposed decision of the hearing officer. The decision of the board or decision of the hearing officer after adoption by the board shall be final.

650—25.7(153) Waivers, extensions and exemptions.

25.7(1) *Waivers.* The board may, in individual cases involving physical disability or illness, grant waivers of the minimum education requirements or extensions of time within which to fulfill the same or make the required reports. No waiver or extension of time shall be granted unless written application is made on forms provided by the board and signed by the licensee or registrant and a physician licensed by the board of medical examiners. Waivers of the minimum educational requirements may be granted by the board for any period of time not to exceed one calendar year. In the event that the physical disability or illness upon which a waiver has been granted continues beyond the period of the waiver, the licensee or registrant must reapply for an extension of the waiver. The board may, as a condition of the waiver granted, require the applicant to make up a certain portion or all of the minimum educational requirements waived by methods prescribed by the board.

25.7(2) *Extensions or exemptions.* Extensions or exemptions of continuing education requirements will be considered by the board on an individual basis. Licensees or registrants will be exempt from the continuing education requirements for:

- a. Periods that the person serves honorably on active duty in the military services;
- b. Periods that the person practices the person's profession in another state or district having a continuing education requirement and the licensee or registrant meets all requirements of that state or district for practice therein;
- c. Periods that the person is a government employee working in the person's licensed or registered specialty and assigned to duty outside the United States; or
- d. Other periods of active practice and absence from the state approved by the board.

650—25.8(153) Exemptions for inactive practitioners. A licensee or registrant who is not engaged in practice in the state of Iowa, residing in or out of the state of Iowa, may be granted a waiver of compliance and obtain a certificate of exemption upon written application to the board. The application shall contain a statement that the applicant will not engage in the practice of the applicant's profession in Iowa without first complying with all regulations governing reinstatement after exemption. The application for a certificate of exemption shall be submitted upon the form provided by the board.

650—25.9(153) Reinstatement of inactive practitioners. Inactive practitioners who have been granted a waiver of compliance with these regulations and obtained a certificate of exemption shall, prior to engaging in the practice of dentistry, dental hygiene, or dental assisting in the state of Iowa, satisfy the following requirements for reinstatement:

25.9(1) Submit written application for reinstatement to the board upon forms provided by the board; and

25.9(2) Furnish in the application evidence of one of the following:

- a. The full-time practice of the profession in another state of the United States or the District of Columbia and completion of continuing education for each year of inactive status substantially equivalent in the opinion of the board to that required under the rules; or
- b. Completion of a total number of hours of accredited continuing education computed by multiplying 15 by the number of years a certificate of exemption shall have been in effect for a dentist or dental hygienist, or by multiplying 10 by the number of years a certificate of exemption shall have been in effect for a dental assistant; or
- c. Successful completion of CRDTS or other Iowa state license or registration examination conducted within one year immediately prior to the submission of such application for reinstatement; or
- d. The licensee or registrant may petition the board to determine the continuing education credit hours required for reinstatement of the Iowa license or registration.

25.9(3) Applications must be filed with the board along with the following:

a. Certification by the state board of dentistry or equivalent authority in which applicant has engaged in the practice of the applicant's profession that the applicant has not been the subject of final or pending disciplinary action.

b. Statement as to any claims, complaints, judgments or settlements made with respect to the applicant arising out of the alleged negligence or malpractice in rendering professional services as a dentist, dental hygienist, or dental assistant.

650—25.10(153) Noncompliance with continuing dental education requirements. It is the licensee's or registrant's personal responsibility to comply with these rules. The license or registration of individuals not complying with the continuing dental education rules may be subject to disciplinary action by the board.

Inquiries relating to acceptability of continuing dental education activities, approval of sponsors, or exemptions should be directed to: Advisory Committee on Continuing Dental Education, Iowa Board of Dental Examiners, 400 S.W. 8th Street, Suite D, Des Moines, Iowa 50309-4687.

650—25.11(153) Dental hygiene continuing education. The dental hygiene committee, in its discretion, shall make recommendations to the board for approval or denial of requests pertaining to dental hygiene education. The dental hygiene committee may utilize the continuing education advisory committee as needed. The board's review of the dental hygiene committee recommendation is subject to 650—Chapter 5. The following items pertaining to dental hygiene shall be forwarded to the dental hygiene committee for review.

1. Dental hygiene continuing education requirements and requests for approval of programs, activities and sponsors.

2. Requests by dental hygienists for waivers, extensions and exemptions of the continuing education requirements.

3. Requests for exemptions from inactive dental hygiene practitioners.

4. Requests for reinstatement from inactive dental hygiene practitioners.

5. Appeals of denial of dental hygiene continuing education and conduct hearings as necessary.

These rules are intended to implement Iowa Code section 147.10.

[Filed 8/23/78, Notice 6/28/78—published 9/20/78, effective 10/25/78]

[Filed emergency 12/16/83—published 1/4/84, effective 12/16/83]

[Filed emergency 2/24/84 after Notice 1/4/84—published 3/14/84, effective 2/24/84]

[Filed 12/12/85, Notice 9/11/85—published 1/1/86, effective 2/5/86]

[Filed 4/28/88, Notice 3/23/88—published 5/18/88, effective 6/22/88]

[Filed 3/16/90, Notice 12/27/89—published 4/4/90, effective 5/9/90]

[Filed 4/3/91, Notice 2/20/91—published 5/1/91, effective 6/5/91]

[Filed 1/29/93, Notice 11/25/92—published 2/17/93, effective 3/24/93]

[Filed 5/1/97, Notice 2/26/97—published 5/21/97, effective 6/25/97]

[Filed 10/17/97, Notice 8/13/97—published 11/5/97, effective 12/10/97]

[Filed 1/22/99, Notice 11/18/98—published 2/10/99, effective 3/17/99]

[Filed 4/29/99, Notice 3/24/99—published 5/19/99, effective 6/23/99]

[Filed 11/12/99, Notice 8/11/99—published 12/1/99, effective 1/5/00]

[Filed emergency 1/21/00—published 2/9/00, effective 1/21/00]

[Filed 10/23/00, Notice 8/9/00—published 11/15/00, effective 1/1/01]

CHAPTER 27
STANDARDS OF PRACTICE AND
PRINCIPLES OF PROFESSIONAL ETHICS

650—27.1(153) General.

27.1(1) *Dental ethics.* The following principles relating to dental ethics are compatible with the Code of Professional Ethics and advisory opinions published in August 1998 by the American Dental Association. These principles are not intended to provide a limitation on the ability of the board to address problems in the area of ethics but rather to provide a basis for board review of questions concerning professional ethics. The dentist's primary professional obligation shall be service to the public with the most important aspect of that obligation being the competent delivery of appropriate care within the bounds of the clinical circumstances presented by the patient, with due consideration being given to the needs and desires of the patient. Unprofessional conduct includes, but is not limited, to any violation of these rules.

27.1(2) *Dental hygiene ethics.* The following principles relating to dental hygiene ethics are compatible with the Code of Ethics of the American Dental Hygienists' Association published in 1995. Standards of practice for dental hygienists are compatible with the Iowa dental hygienists' association dental hygiene standards of practice adopted in May 1993. These principles and standards are not intended to provide a limitation on the ability of the dental hygiene committee to address problems in the area of ethics and professional standards for dental hygienists but rather to provide a basis for committee review of questions regarding the same. The dental hygienist's primary responsibility is to provide quality care and service to the public according to the clinical circumstances presented by the patient, with due consideration of responsibilities to the patient and the supervising dentist according to the laws and rules governing the practice of dental hygiene.

27.1(3) *Dental assistant ethics.* Dental assistants shall utilize the principles of professional dental and dental hygiene ethics for guidance, and the laws and rules governing the practice of dental assisting.

650—27.2(153,272C) Patient acceptance. Dentists, in serving the public, may exercise reasonable discretion in accepting patients in their practices; however, dentists shall not refuse to accept patients into their practice or deny dental service to patients because of the patient's race, creed, sex or national origin.

650—27.3(153) Emergency service. Emergency services in dentistry are deemed to be those services necessary for the relief of pain or to thwart infection and prevent its spread.

27.3(1) Dentists shall make reasonable arrangements for the emergency care of their patients of record.

27.3(2) Dentists shall, when consulted in an emergency by patients not of record, make reasonable arrangements for emergency care.

650—27.4(153) Consultation and referral.

27.4(1) Dentists shall seek consultation, if possible, whenever the welfare of patients will be safeguarded or advanced by utilizing those practitioners who have special skills, knowledge and experience.

27.4(2) The specialist or consulting dentist upon completion of their care shall return the patient, unless the patient expressly states a different preference, to the referring dentist or, if none, to the dentist of record for future care.

27.4(3) The specialist shall be obliged, when there is no referring dentist and upon completion of the treatment, to inform the patient when there is a need for further dental care.

27.4(4) A dentist who has a patient referred for a second opinion regarding a diagnosis or treatment plan recommended by the patient's treating dentist, should render the requested second opinion in accordance with these rules. In the interest of the patient being afforded quality care, the dentist rendering the second opinion should not have a vested interest in the ensuing recommendation.

650—27.5(153) Use of personnel. Dentists shall protect the health of their patients by assigning to qualified personnel only those duties that can be legally delegated. Dentists shall supervise the work of all personnel working under their direction and control.

650—27.6(153) Evidence of incompetent treatment.

27.6(1) Licensees or registrants shall report to the board instances of gross or continually faulty treatment by other licensees or registrants.

27.6(2) Licensees or registrants may provide expert testimony when that testimony is essential to a just and fair disposition of a judicial or administrative action.

650—27.7(153) Representation of care and fees.

27.7(1) Dentists shall not represent the care being rendered to their patients or the fees being charged for providing the care in a false or misleading manner.

27.7(2) A dentist who accepts a third-party payment under a copayment plan as payment in full without disclosing to the third-party payer that the patient's payment portion will not be collected is engaging in deception and misrepresentation by this overbilling practice.

27.7(3) A dentist shall not increase a fee to a patient solely because the patient has insurance.

27.7(4) Payments accepted by a dentist under a governmentally funded program, a component or constituent dental society sponsored access program, or a participating agreement entered into under a program of a third party shall not be considered as evidence of overbilling in determining whether a charge to a patient or to another third party on behalf of a patient not covered under any of these programs, constitutes overbilling under this rule.

27.7(5) A dentist who submits a claim form to a third party reporting incorrect treatment dates is engaged in making unethical, false or misleading representations.

27.7(6) A dentist who incorrectly describes a dental procedure on a third party claim form in order to receive a greater payment or incorrectly makes a noncovered procedure appear to be a covered procedure is engaged in making an unethical, false or misleading representation to the third party.

27.7(7) A dentist who recommends or performs unnecessary dental services or procedures is engaged in unprofessional conduct.

27.7(8) Recommending removal of restorations or removing said restorations from the nonallergic patient for the alleged purpose of removing toxic substances from the body, when such activity is initiated by the dentist, is an improper and unacceptable treatment regimen.

650—27.8(153) General practitioner announcement of services. General dentists who wish to announce the services available in their practices are permitted to announce the availability of those services so long as they avoid any communications that express or imply specialization. General dentists shall also state that the services are being provided by a general dentist.

650—27.9(153) Unethical and unprofessional conduct.

27.9(1) Licensee actions determined by the board to be verbally abusive, coercive, intimidating, harassing, untruthful or threatening in connection with the practice of dentistry shall constitute unethical or unprofessional conduct.

27.9(2) A treatment regimen shall be fully explained and patient authorization obtained before treatment is begun.

27.9(3) A dentist or dental hygienist determined to be infected with HIV or HBV shall not perform an exposure-prone procedure except as approved by the expert review panel as defined in Iowa Code section 139C.1, established by the Iowa department of public health under subsection 139C.2(3), or if the dentist or dental hygienist works in a hospital setting, the licensee may elect either the expert review panel established by the hospital or the expert review panel established by the Iowa department of public health for the purpose of making a determination of the circumstances under which the dentist or dental hygienist may perform exposure-prone procedures. The licensee shall comply with the recommendations of the expert review panel. Failure to do so shall constitute unethical and unprofessional conduct and is grounds for disciplinary action by the board.

650—27.10(153) Retirement or discontinuance of practice.

27.10(1) A licensee, upon retirement, or upon discontinuation of the practice of dentistry, or upon leaving or moving from a community, shall notify all active patients in writing, or by publication once a week for three consecutive weeks in a newspaper of general circulation in the community, that the licensee intends to discontinue the practice of dentistry in the community, and shall encourage patients to seek the services of another licensee. The licensee shall make reasonable arrangements with active patients for the transfer of patient records, or copies thereof, to the succeeding licensee. "Active patient" means a person whom the licensee has examined, treated, cared for, or otherwise consulted with during the two-year period prior to retirement, discontinuation of the practice of dentistry, or leaving or moving from a community.

27.10(2) Nothing herein provided shall prohibit a licensee from conveying or transferring the licensee's patient records to another licensed dentist who is assuming a practice, provided that written notice is furnished to all patients as hereinbefore specified.

650—27.11(153,272C) Record keeping. Dentists shall maintain patient records in a manner consistent with the protection of the welfare of the patient. Records shall be permanent, timely, accurate, legible, and easily understandable.

27.11(1) Dental records. Dentists shall maintain dental records for each patient. The records shall contain all of the following:

a. Personal data.

(1) Name, date of birth, address and, if a minor, name of parent or guardian.

(2) Name and telephone number of person to contact in case of emergency.

b. Dental and medical history. Dental records shall include information from the patient or the patient's parent or guardian regarding the patient's dental and medical history. The information shall include sufficient data to support the recommended treatment plan.

c. Patient's reason for visit. When a patient presents with a chief complaint, dental records shall include the patient's stated oral health care reasons for visiting the dentist.

d. Clinical examination progress notes. Dental records shall include chronological dates and descriptions of the following:

- (1) Clinical examination findings, tests conducted, and a summary of all pertinent diagnoses;
- (2) Plan of intended treatment and treatment sequence;
- (3) Services rendered and any treatment complications;
- (4) All radiographs, study models, and periodontal charting, if applicable;
- (5) Name, quantity, and strength of all drugs dispensed, administered, or prescribed; and
- (6) Name of dentist, dental hygienist, or any other auxiliary, who performs any treatment or service or who may have contact with a patient regarding the patient's dental health.

e. Informed consent. Dental records shall include, at a minimum, documentation of informed consent that includes discussion of procedure(s), treatment options, potential complications and known risks, and patient's consent to proceed with treatment.

27.11(2) Retention of records. A dentist shall maintain a patient's dental record for a minimum of five years after the date of last examination, prescription, or treatment. Records for minors shall be maintained for a minimum of either (a) one year after the patient reaches the age of majority (18), or (b) five years, whichever is longer. Proper safeguards shall be maintained to ensure safety of records from destructive elements.

27.11(3) Electronic record keeping. The requirements of this rule apply to electronic records as well as to records kept by any other means. When electronic records are kept, a dentist shall keep either a duplicate hard copy record or use an unalterable electronic record.

27.11(4) Correction of records. Notations shall be legible, written in ink, and contain no erasures or white-outs. If incorrect information is placed in the record, it must be crossed out with a single non-deleting line and be initialed by a dental health care worker.

27.11(5) Confidentiality and transfer of records. Dentists shall preserve the confidentiality of patient records in a manner consistent with the protection of the welfare of the patient. Upon request of the patient or patient's new dentist, the dentist shall furnish the dental records or copies or summaries of the records, including dental radiographs or copies of the radiographs, as will be beneficial for the future treatment of that patient. The dentist may charge a nominal fee for duplication of records, but may not refuse to transfer records for nonpayment of any fees.

These rules are intended to implement Iowa Code sections 153.34(7), 153.34(9), 272C.3, 272C.4(1f) and 272C.4(6).

[Filed 9/1/88, Notice 7/27/88—published 9/21/88, effective 10/26/88]

[Filed 2/1/91, Notice 12/12/90—published 2/20/91, effective 3/27/91]

[Filed 1/29/93, Notice 11/25/92—published 2/17/93, effective 3/24/93]

[Filed 7/30/93, Notice 6/9/93—published 8/18/93, effective 9/22/93]

[Filed 7/28/94, Notice 3/30/94—published 8/17/94, effective 9/21/94]

[Filed 1/27/95, Notice 12/7/94—published 2/15/95, effective 3/22/95]

[Filed 1/22/99, Notice 11/18/98—published 2/10/99, effective 3/17/99]

[Filed 7/21/00, Notice 5/17/00—published 8/9/00, effective 9/13/00]

[Filed 10/23/00, Notice 8/9/00—published 11/15/00, effective 1/1/01]

TITLE VI
PROFESSIONAL REGULATION

CHAPTER 30
DISCIPLINE

[Prior to 5/18/88, Dental Examiners, Board of[320]]

650—30.1(153) General. The board has authority to impose discipline for any violation of Iowa Code chapter 153, title IV, subtitle 3, or the rules promulgated thereunder.

650—30.2(153) Methods of discipline. The board has authority to impose the following disciplinary sanctions:

1. Revocation of license or registration.
2. Suspension of license or registration until further order of the board or for a specified period.
3. Nonrenewal of license or registration.
4. Prohibit permanently, until further order of the board or for a specified period, the engaging in specified procedures, methods or acts.
5. Probation.
6. Require additional education or training.
7. Require reexamination.
8. Order a physical or mental examination.
9. Impose civil penalties not to exceed \$10,000 where specifically provided by rules.
10. Issue citation and warning.
11. Such other sanctions allowed by law as may be appropriate.

650—30.3(153) Discretion of board. The following factors may be considered by the board in determining the nature and severity of the disciplinary sanction to be imposed:

1. The relative seriousness of the violation as it relates to assuring the citizens of this state a high standard of professional care.
2. The facts of the particular violation.
3. Any extenuating circumstances or other countervailing considerations.
4. Number of prior violations or complaints.
5. Seriousness of prior violations or complaints.
6. Whether remedial action has been taken.
7. Such other factors as may reflect upon the competency, ethical standards and professional conduct of the licensee or registrant.

650—30.4(153) Grounds for discipline. The following shall constitute grounds for the imposition by the board of one or more of the disciplinary sanctions set forth in rule 650—30.2(153) specifically including the imposition of civil penalties not to exceed \$10,000.

1. Fraud or deceit in procuring a resident dentist license, faculty permit, or license to practice dentistry or dental hygiene, or registration as a dental assistant, whether by examination or credentials. Fraud or deceit shall mean any false or misleading statement of a material fact or omission of information required to be disclosed.
2. Fraud or deceit in renewing a resident dentist license, faculty permit, or other license to practice dentistry or dental hygiene, or registration as a dental assistant, including but not limited to false or misleading statements concerning continuing education required for renewal.

3. Fraud in representation as to skill or ability whether by words or conduct, false or misleading allegations, or concealment of that which should have been disclosed, including but not limited to false or misleading statements contained in advertising allowed by these rules.

4. Conviction of a felony if the conviction relates to the practice of the profession.

5. Habitual use of drugs or intoxicants rendering unfit for practice.

6. Practicing dentistry, dental hygiene, or dental assisting while in a state of advanced physical or mental disability where such disability renders the licensee or registrant incapable of performing professional services or impairs functions of judgment necessary to the practice.

7. Making suggestive, lewd, lascivious or improper advances to a patient.

8. Willful and gross malpractice.

9. Willful and gross neglect.

10. Obtaining any fee by fraud or misrepresentation.

11. Splitting fees, accepting rebates, or accepting commissions from any source associated with the service rendered to the patient except as provided elsewhere by law or rule. The sharing of income in a partnership or association shall not be construed as splitting fees nor shall compensating dental hygienists on the basis of a percentage of the fee received for the overall service be deemed accepting a commission.

12. Failure to pay fees required by these rules.

13. Unprofessional conduct including, but not limited to, those acts defined by Iowa Code section 153.32 and 650—Chapter 27.

14. Using or attempting to use any patient recall list, records, reprints or copies thereof, or any information gathered from patients served by a dental hygienist in the office of a prior employer unless such names appear on a recall list of the new employer through the legitimate practice of dentistry.

15. Engaging in the practice of dentistry, dental hygiene, or dental assisting in Iowa after failing to renew a license or registration to practice in Iowa within 90 days of expiration of the license or registration.

16. Failure to maintain a satisfactory standard of competency.

17. Failure to maintain adequate safety and sanitary conditions for a dental office.

18. Indiscriminately or promiscuously prescribing or dispensing any drug or prescribing or dispensing any drug for other than lawful purposes.

19. Encouraging, assisting or enabling the unauthorized practice of dentistry, dental hygiene, or dental assisting in any manner.

20. Associating with a dental laboratory or technician where the dentist delegates or permits the assumption by the dental laboratory or dental laboratory technician of any service constituting the practice of dentistry or where the laboratory or technician holds itself out to the public in any way as selling, supplying, furnishing, constructing, repairing or altering prosthetic dentures, bridges, orthodontic or other appliances or devices to be used as substitutes for or as part of natural teeth or associated structures, or for correction of malocclusions or deformities.

21. Failure to prominently display the names of all persons who are practicing dentistry, dental hygiene, or dental assisting within an office.

22. Employment of or permitting an unlicensed or unregistered person to practice dentistry, dental hygiene, or dental assisting.

23. Failure to comply with the decision of the board imposing discipline.

24. Failure to report any of the following:

Any acts or omissions which could result in the suspension or revocation of a license or registration when committed by a person licensed or registered to practice dentistry, dental hygiene, or dental assisting.

Every adverse judgment in a professional malpractice action to which the licensee or registrant was a party.

Every settlement of a claim against the licensee or registrant alleging malpractice.

25. Advertising of any kind or character or through any mode or media except as is expressly authorized by the rules of the board.
26. Employing or making use of advertising solicitors or publicity agents or soliciting employment personally or by representative except as is expressly authorized by rules of the board.
27. Employing any person to obtain, contract for, sell or solicit patronage, or make use of free publicity press agents except as is expressly authorized by rules of the board.
28. Any violation of any provision of Iowa Code chapter 153, or for being a party to or assisting in any violation of any provision of Iowa Code chapter 153.
29. Any willful or repeated violations of Iowa Code chapter 153, or for being a party to or assisting in any violation of any provision of Iowa Code chapter 153.
30. Knowingly submitting a false continuing education reporting form or failure to meet the continuing education requirements for renewal of an active license or registration.
31. Failure to notify the board of change of address within 60 days.
32. Failure to report a license or registration revocation, suspension or other disciplinary action taken by a licensing authority of another state, territory or country within 30 days of the final action by the licensing authority. A stay by an appellate court shall not negate this requirement; however, if the disciplinary action is overturned or reversed by a court of last resort, the report shall be expunged from the records of the board when the board is so notified.
33. Failure to comply with a subpoena issued by the board.
34. Engaging in the practice of dentistry, dental hygiene, or dental assisting with an expired or inactive renewal.
35. Failure to comply with the recommendations for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures issued by the Centers for Disease Control of the United States Department of Health and Human Services.
36. Failure to comply with the recommendations of the expert review panel established pursuant to Iowa Code subsection 139C.2(3) and applicable hospital protocols established pursuant to subsection 139C.2(1).
37. Failure to comply with the infection control standards which are consistent with the standards set forth in 347—Chapters 10 and 26.
38. Failure to fully and promptly comply with office inspections conducted at the request of the board to determine compliance with sanitation and infection control standards.
39. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the licensee's or registrant's profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
40. Habitual intoxication or addiction to the use of drugs.
41. Noncompliance with a support order or with a written agreement for payment of support as evidenced by a certificate of noncompliance issued pursuant to Iowa Code chapter 252J. Disciplinary proceedings initiated under this subrule shall follow the procedures set forth in Iowa Code chapter 252J and Iowa Administrative Code 650—Chapter 33.
42. Receipt of a certificate of noncompliance issued by the college student aid commission pursuant to Iowa Code sections 261.121 to 261.127. Disciplinary proceedings initiated under this subrule shall follow the procedures set forth in Iowa Code sections 261.121 to 261.127 and Iowa Administrative Code 650—Chapter 34.
43. Practicing beyond training.
44. Delegating any acts to any licensee or registrant that are beyond the training or education of the licensee or registrant, or that are otherwise prohibited by rule.

650—30.5(153) Impaired practitioner review committee. Pursuant to the authority of Iowa Code section 272C.3(1)“k,” the board establishes the impaired practitioner review committee.

30.5(1) Definitions.

“*Impaired practitioner program contract*” or “*contract*” means the written document establishing the terms for participation in the impaired practitioner program prepared by the impaired practitioner review committee.

“*Impairment*” means an inability to practice dentistry or dental hygiene with reasonable safety and skill as a result of alcohol or drug abuse, dependency, or addiction, or any neuropsychological or physical disorder or disability.

“*IPP*” or “*program*” means the impaired practitioner program.

“*IPRC*” or “*committee*” means the impaired practitioner review committee.

“*Self-report*” means the licensee providing written or oral notification to the board that the licensee has been or may be diagnosed as having an impairment prior to the board’s receiving a complaint or report alleging an impairment prior to the date of self-report.

30.5(2) Purpose. The IPRC evaluates, assists, monitors and, as necessary, makes reports to the board on the recovery or rehabilitation of dentists or dental hygienists who self-report impairments. Reports on the activities of the IPRC shall be made to the board on a quarterly basis.

30.5(3) Composition of the committee. The chairperson of the board shall appoint the members of the IPRC. The membership of the IPRC may include, but is not limited to:

- a. Executive director of the board or the director’s designee from the board’s staff;
- b. One licensee who has remained free of addiction for a period of no less than two years since successfully completing a recovery program for drug or alcohol dependency, addiction, or abuse;
- c. One physician/counselor with expertise in substance abuse/addiction treatment programs;
- d. One physician with expertise in the diagnosis and treatment of neuropsychological disorders and disabilities; and
- e. One public member.

30.5(4) Eligibility. To be eligible for participation in the IPP, a licensee must self-report an impairment or suspected impairment directly to the office of the board. A licensee is deemed ineligible to participate in the program if the board or committee finds evidence of any of the following:

- a. The licensee engaged in the unlawful diversion or distribution of controlled substances or illegal substances;
- b. At the time of the self-report, the licensee is already under board order for an impairment or any other violation of the laws and rules governing the practice of the profession;
- c. The licensee has caused harm or injury to a patient;
- d. There is currently a board investigation of the licensee that concerns serious matters related to the ability to practice with reasonable safety and skill or in accordance with the accepted standards of care;
- e. The licensee has been subject to a civil administrative or criminal sanction, or ordered to make reparations or remuneration by a government or regulatory authority of the United States, this or any other state or territory or a foreign nation for actions that the committee determines to be serious infractions of the laws, administrative rules, or professional ethics related to the practice of dentistry or dental hygiene; or
- f. The licensee failed to provide truthful information or to fully cooperate with the board or committee.
- g. There is currently a complaint before the board.

30.5(5) Type of program. The IPP is an individualized recovery or rehabilitation program designed to meet the specific needs of the impaired practitioner. The committee shall meet with the licensee and, upon the recommendation of an IPRC-approved evaluator, shall determine the type of recovery or rehabilitation program required to treat the licensee’s impairment. The committee shall prepare a contract, to be signed by the licensee, that shall provide a detailed description of the goals of the program, the requirements for successful completion, and the licensee’s obligations therein.

30.5(6) Terms of participation. A licensee shall agree to comply with the terms for participation in the IPP established in the contract. Terms of participation specified in the contract shall include, but are not limited to:

a. Duration. The length of time a licensee shall participate in the program shall be determined by the committee in accordance with the following:

(1) Participation in the program for licensees impaired as a result of chemical dependency or alcohol or substance abuse or addiction is set at a minimum of four years.

(2) Length of participation in the program for licensees with impairments resulting from neuro psychological or physical disorders or disabilities will vary depending upon the recommendations for treatment provided by a qualified evaluator designated by the committee to establish an appropriate treatment protocol.

b. Noncompliance. A licensee participating in the program is responsible for notifying the committee of any instance of noncompliance including, but not limited to, a relapse. Notification of non-compliance made to the IPRC by the licensee, any person responsible for providing or monitoring treatment, or another party shall result in full review by the board for the filing of formal charges or other action the board deems appropriate.

c. Practice restrictions. The IPRC may impose restrictions on the license to practice dentistry or dental hygiene as a term of the contract until such time as it receives a report from an approved evaluator that the licensee is capable of practicing with reasonable safety and skill. As a condition of participating in the program, a licensee is required to agree to restrict practice in accordance with the terms specified in the contract. In the event that the licensee refuses to agree to or comply with the restrictions established in the contract, the committee shall refer the licensee to the board for appropriate action.

30.5(7) Limitations. The IPRC establishes the terms and monitors a participant's compliance with the program specified in the contract. The IPRC is not responsible for participants who fail to comply with the terms of or successfully complete the IPP. Participation in the program under the auspices of the IPRC shall not relieve the board of any duties and shall not divest the board of any authority or jurisdiction otherwise provided. Any violation of the statutes or rules governing the practice of dentistry or dental hygiene by a participant shall be referred to the board for appropriate action.

30.5(8) Confidentiality. The IPRC is subject to the provisions governing confidentiality established in Iowa Code section 272C.6. Accordingly, information in the possession of the board or the committee about licensees in the program shall not be disclosed to the public. Participation in the IPP under the auspices of the IPRC is not a matter of public record.

This chapter is intended to implement Iowa Code sections 153.34(9), 252H.10, 272C.3(1)“k,” 272C.3(2)“e,” 272C.4, 272C.5, 272C.10, 598.21(4)“e,” and 598.21(8) and Iowa Code chapter 252J.

[Filed 4/9/79, Notice 10/4/78—published 5/2/79, effective 6/6/79]

[Filed 1/23/87, Notice 12/17/86—published 2/11/87, effective 3/18/87]

[Filed 4/28/88, Notice 3/23/88—published 5/18/88, effective 6/22/88]

[Filed 10/18/88, Notice 9/7/88—published 11/16/88, effective 12/21/88]

[Filed 3/17/89, Notice 1/25/89—published 4/5/89, effective 5/10/89]

[Filed 1/29/93, Notice 11/25/92—published 2/17/93, effective 3/24/93]

[Filed 7/30/93, Notice 6/9/93—published 8/18/93, effective 9/22/93]

[Filed 1/27/94, Notice 12/8/93—published 2/16/94, effective 3/23/94]

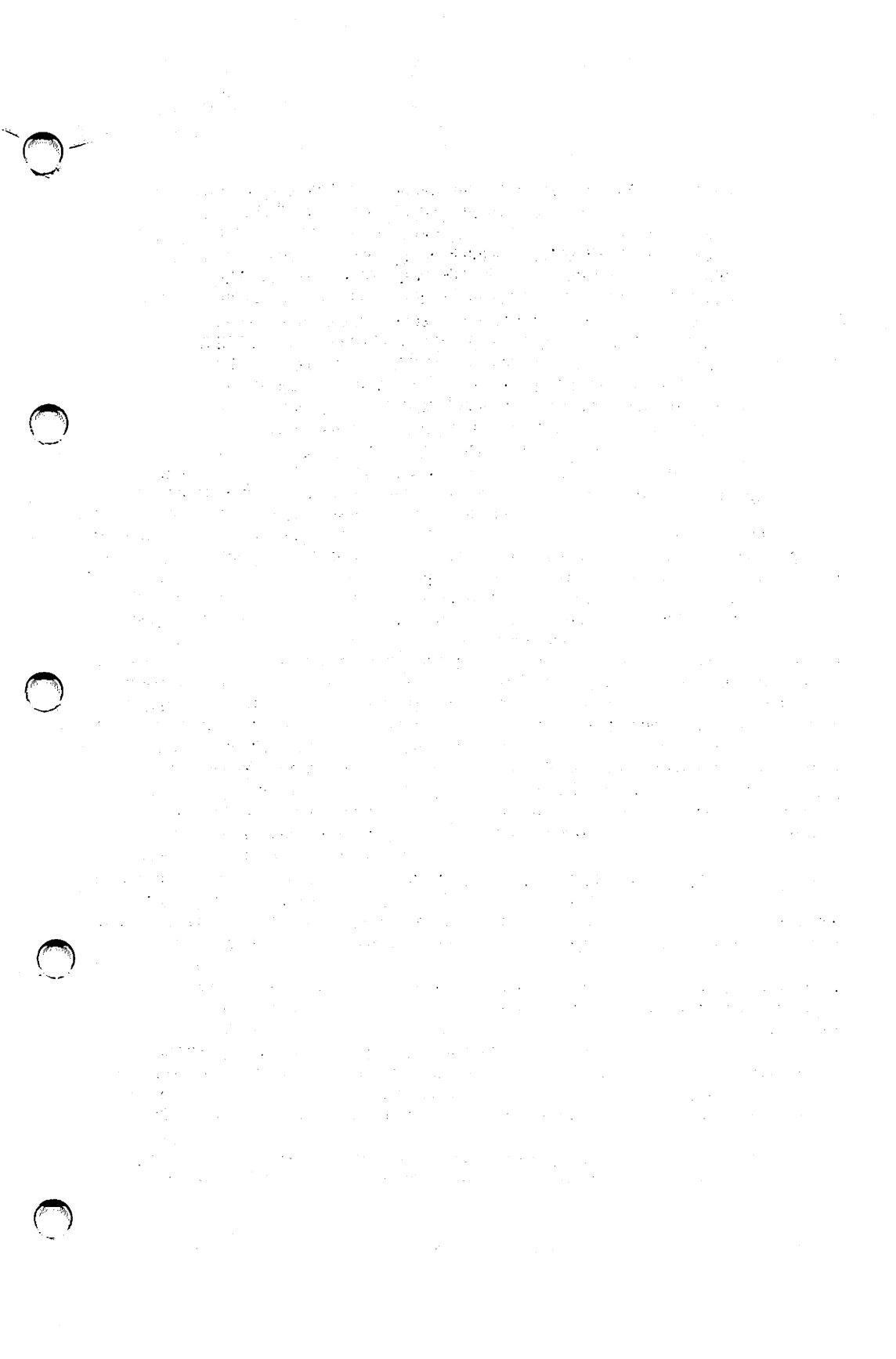
[Filed 4/30/96, Notice 1/3/96—published 5/22/96, effective 6/26/96]

[Filed 4/30/96, Notice 2/14/96—published 5/22/96, effective 6/26/96]

[Filed 2/5/97, Notice 9/25/96—published 2/26/97, effective 4/2/97]

[Filed 1/22/99, Notice 12/2/98—published 2/10/99, effective 3/17/99]

[Filed 10/23/00, Notice 8/9/00—published 11/15/00, effective 1/1/01]



CHAPTER 31
COMPLAINTS AND INVESTIGATIONS

[Prior to 5/18/88, Dental Examiners, Board of [320]]

650—31.1(272C) Complaint review. The board shall, upon receipt of a complaint, or may upon its own motion, pursuant to other evidence received by the board, review and investigate alleged acts or omissions which the board reasonably believes constitute cause under applicable law or administrative rule for licensee or registrant discipline. All complaints regarding the practice of dental hygiene will be initially directed to the dental hygiene committee. The committee shall review the complaint and make a recommendation to the board.

650—31.2(153) Form and content. A written complaint should include the following facts:

1. The full name, address, and telephone number of the complainant.
2. The full name, address, and telephone number of the licensee or registrant.
3. A statement of the facts concerning the alleged acts or omissions.

650—31.3(153) Address. The written complaint may be delivered personally or by mail to the executive director of the board. The current office address is 400 S.W. 8th Street, Suite D, Des Moines, Iowa 50309-4687.

650—31.4(153) Investigation. In order for the board to determine if probable cause exists for a hearing on the complaint, the executive director or authorized designee shall cause an investigation to be made into the allegations of the complaint.

650—31.5(153) Issuance of investigatory subpoenas.

31.5(1) The executive director or designee may, upon the written request of a board investigator or on the director's own initiative, subpoena books, papers, records, and other real evidence which is necessary for the board to decide whether to institute a contested case proceeding. In the case of a subpoena for mental health records, each of the following conditions shall be satisfied prior to the issuance of the subpoena:

- a. The nature of the complaint reasonably justifies the issuance of a subpoena;
- b. Adequate safeguards have been established to prevent unauthorized disclosure;
- c. An express statutory mandate, articulated public policy, or other recognizable public interest favors access; and
- d. An attempt was made to notify the patient and to secure an authorization from the patient for release of the records at issue.

31.5(2) A written request for a subpoena or the director's written memorandum in support of the issuance of a subpoena shall contain the following:

- a. The name and address of the person to whom the subpoena will be directed;
- b. A specific description of the books, papers, records or other real evidence requested;
- c. An explanation of why the documents sought to be subpoenaed are necessary for the board to determine whether it should institute a contested case proceeding; and
- d. In the case of a subpoena request for mental health records, confirmation that the conditions described in 31.5(1) have been satisfied.

31.5(3) Each subpoena shall contain:

- a. The name and address of the person to whom the subpoena is directed;
- b. A description of the books, papers, records or other real evidence requested;
- c. The date, time and location for production or inspection and copying;
- d. The time within which a motion to quash or modify the subpoena must be filed;
- e. The signature, address and telephone number of the executive director or designee;
- f. The date of issuance; and
- g. A return of service attached to the subpoena.

31.5(4) Any person who is aggrieved or adversely affected by compliance with the subpoena must, within 14 days after service of the subpoena, or before the time specified for compliance if such time is less than 14 days, file with the board a motion to quash or modify the subpoena. The motion shall describe the legal reasons why the subpoena should be quashed or modified, and may be accompanied by legal briefs or factual affidavits.

31.5(5) Upon receipt of a timely motion to quash or modify a subpoena, the board may request an administrative law judge to hold a hearing and issue a decision, or the board may conduct a hearing and issue a decision. Oral argument may be scheduled at the discretion of the board or the administrative law judge. The administrative law judge or the board may quash or modify the subpoena, deny the motion, or issue an appropriate protective order.

31.5(6) A person aggrieved by a ruling of an administrative law judge who desires to challenge that ruling must appeal the ruling to the board by serving on the executive director, either in person or by certified mail, a notice of appeal within ten days after service of the decision of the administrative law judge.

31.5(7) If the person contesting the subpoena is not the person under investigation, the board's decision is final for purposes of judicial review. If the person contesting the subpoena is the person under investigation, the board's decision is not final for purposes of judicial review until either the person is notified the investigation has been concluded with no formal action, or there is a final decision in the contested case.

650—31.6(153) Board appearances. The board may request a licensee or registrant to appear before the board to discuss a pending investigation. By electing to participate in the board appearance, the licensee or registrant waives any objection to a board member's both participating in the appearance and later participating as a decision maker in a contested case proceeding on the grounds of a personal investigation and a combination of investigative and adjudicative functions. If the executive director participates in the appearance, the licensee or registrant further waives any objection to having the executive director assist the board in the contested case proceeding.

650—31.7(153) Peer review. A complaint may be assigned to a peer review committee for review, investigation and report.

31.7(1) The board shall determine which peer review committee will review a case involving a dentist or dental assistant and what complaints or other matters shall be referred to a peer review committee for investigation, review, and report to the board. The board may use the peer review committee system organized under the dental care programs council of the Iowa dental association, a peer review committee system organized by the Iowa dental assistants association, or a specifically constituted peer review committee designated by the board for matters involving dentists or dental assistants.

31.7(2) The dental hygiene committee shall determine which peer review committee will review a case involving a dental hygienist and what complaints or other matters shall be referred to a peer review committee for investigation, review, and report to the dental hygiene committee. The dental hygiene committee may use the peer review system organized under the ethics committee of the Iowa dental hygienists' association or a specifically constituted peer review committee designated by the dental hygiene committee for matters involving dental hygienists.

31.7(3) The Iowa dental association, the Iowa dental hygienists' association and the Iowa dental assistants association shall register yearly and keep current their peer review systems with the board. Peer review committee members shall be registered with the board when appointed.

31.7(4) Members of the peer review committees shall not be liable for acts, omissions or decisions made in connection with service on the peer review committee. However, immunity from civil liability shall not apply if the act is done with malice.

650—31.8(272C) Duties of peer review committees.

31.8(1) The peer review committees shall observe the requirements of confidentiality imposed by Iowa Code section 272C.6.

31.8(2) The board may provide investigatory and related services to peer review committees.

31.8(3) A peer review committee shall thoroughly investigate a complaint as assigned and make written recommendations to the board in accordance with the board's direction.

31.8(4) Written recommendations shall contain a statement of facts, the recommendation for disposition and the rationale supporting the recommendation. The peer review should consider relevant statutes, board rules, ethical standards and standards of care in making its recommendations.

31.8(5) Written recommendations shall be signed by the members of the peer review committee concurring in the report.

31.8(6) Upon completion all investigative reports prepared by peer review committees or staff together with any recommendations shall be submitted to the board.

650—31.9(272C) Board review. The board shall review all investigative reports and proceed pursuant to 650—Chapter 51.

650—31.10(272C) Confidentiality of investigative files. Complaint files, investigation files, all other investigation reports, and other investigative information in the possession of the board or peer review committee acting under the authority of the board or its employees or agents which relate to licensee or registrant discipline shall be privileged and confidential, and shall not be subject to discovery, subpoena, or other means of legal compulsion for their release to any person other than the licensee or registrant and the board, its employees and agents involved in licensee or registrant discipline, or be admissible in evidence in any judicial or administrative proceeding other than the proceeding involving licensee or registrant discipline. However, a final written decision and finding of fact of the board in a disciplinary proceeding shall be public record.

650—31.11(272C) Reporting of judgments or settlements. Each licensee or registrant shall report to the board every adverse judgment in a malpractice action to which the licensee or registrant is a party and every settlement of a claim against the licensee or registrant alleging malpractice. The report together with a copy of the judgment or settlement must be filed with the board within 30 days from the date of said judgment or settlement.

650—31.12(272C) Investigation of reports of judgments and settlements. Reports received by the board from the commissioner of insurance, insurance carriers and licensees or registrants involving adverse judgments in a professional malpractice action, and settlement of claims alleging malpractice, shall be reviewed and investigated by the board in the same manner as is prescribed in these rules for the review and investigation of complaints.

650—31.13(272C) Reporting acts or omissions. Each licensee or registrant having knowledge of acts or omissions set forth in rule 650—30.4(153) shall report to the board those acts or omissions when committed by another person licensed or registered by the board. The report shall include the name and address of the licensee or registrant and the date, time and place of the incident.

650—31.14(272C) Failure to report licensee or registrant. Upon obtaining information that a licensee or registrant failed to file a report required by rule 31.13(272C) within 30 days from the date the licensee or registrant acquired the information, the board may initiate a disciplinary proceeding against the licensee or registrant who failed to make the required report.

650—31.15(272C) Immunities. A person shall not be civilly liable as a result of filing a report or complaint with the board, or for the disclosure to the board or its agents or employees, whether or not pursuant to a subpoena of records, documents, testimony or other forms of information which constitute privileged matter concerning a recipient of health care services or some other person, in connection with proceedings of a peer review committee, or in connection with duties of the board. However, immunity from civil liability shall not apply if the act is done with malice.

These rules are intended to implement Iowa Code chapter 17A as amended by 1998 Iowa Acts, chapter 1202, and Iowa Code sections 153.33, 272C.3, and 272C.4.

[Filed 4/9/79, Notice 10/4/78—published 5/2/79, effective 6/6/79]

[Filed 4/28/88, Notice 3/23/88—published 5/18/88, effective 6/22/88]

[Filed 9/1/88, Notice 7/27/88—published 9/21/88, effective 10/26/88]

[Filed 4/21/95, Notice 2/15/95—published 5/10/95, effective 6/14/95]

[Filed 1/22/99, Notice 11/18/98—published 2/10/99, effective 3/17/99]

[Filed 4/29/99, Notice 3/24/99—published 5/19/99, effective 6/23/99]

[Filed emergency 1/21/00—published 2/9/00, effective 1/21/00]

[Filed 10/23/00, Notice 8/9/00—published 11/15/00, effective 1/1/01]

CHAPTER 32
MEDIATION OF DISPUTES

650—32.1(153) Definitions.

“Board” means the Iowa board of dental examiners.

“Center” or *“mediation center”* means an approved dispute resolution center that has applied for and received approval from the executive director of the prosecuting attorneys training coordination council provided for in Iowa Code section 679.3.

“Mediation” means an informal dispute resolution process by which the parties involved in a dispute voluntarily agree to enter into informal discussion and negotiation with the assistance of a mediator.

650—32.2(153) Mediation authorized. The board has the authority to provide for mediation of disputes between licensees or registrants and their patients when requested by either party or recommended by the board and agreed to by the parties.

32.2(1) The board may recommend for mediation those cases that are appropriate, which could include, but are not limited to, cases involving fee disputes.

32.2(2) The board’s referral of a matter to mediation shall not preclude the board from taking disciplinary action against the affected licensee or registrant. There is no obligation that the licensee or registrant participate in mediation and the licensee or registrant shall not be subject to disciplinary action for failure to participate in a board recommended mediation.

650—32.3(153) Mediation process.

32.3(1) Subsequent to an investigation by the board, the board may recommend mediation to address a dispute between a licensee or registrant and a patient.

32.3(2) If mediation is recommended by the board, the board shall notify the licensee or registrant, the patient and a mediation center of the recommendation within 30 days.

32.3(3) Upon receipt of a mediation request from the board, the mediation center shall provide the parties with a written statement setting forth the center’s established procedures and the cost, if any, prior to each mediation session.

32.3(4) If mediation is agreed upon by the parties involved, the mediation center shall schedule a mediation at a time and place convenient and neutral to the parties and the mediator.

650—32.4(153) Assignment of mediator. The assignment of a mediator shall be made by the mediation center. At the request of either party, and upon a showing of good cause, the director of the mediation center shall review the assignment of the mediator and shall, upon a showing of good cause, remove a mediator and assign another mediator to the case. Good cause includes partiality, bias, or the existence of a personal or professional relationship with any of the parties.

650—32.5(153) Cancellation. If mediation is scheduled, either party may contact the mediation center to cancel the mediation meeting or reschedule the mediation meeting.

650—32.6(153) Mediation meetings. In addition to any duties imposed by statute or rule, each mediator shall:

32.6(1) Clarify the names of all participating parties present and facilitate agreement on the attendance of assisting parties at the mediation meeting, as well as the extent to which such persons may participate in the proceedings.

32.6(2) Ensure that the parties understand that the mediator does not legally represent any of the parties and is neutral in the proceedings.

32.6(3) Help the parties review any proposed solution to determine if it can be effectively implemented and to help the parties understand the consequences of the proposed solution.

650—32.7(153) Mediation report. The mediation center shall report to the board whether or not the parties agreed to participate in mediation and whether or not the mediation was successful. The mediation center shall not, however, disclose the terms of the mediation to the board. The mediation center shall make such report within 15 days of the conclusion of the mediation.

650—32.8(679) Mediation agreement. If the parties involved in the dispute reach agreement, the agreement may be reduced to writing setting forth the settlement of the issues and the future responsibilities of each party.

650—32.9(679) Mediation confidential. All verbal or written information relating to the subject matter of mediation or a mediation agreement transmitted between any party to a dispute and a mediator or the staff of an approved center or any other person present during any stage of mediation, whether reflected in notes, memoranda, or other work products in the case files, is confidential communications except as otherwise expressly provided for in Iowa Code chapter 679. Mediators and center staff members shall not be examined in any judicial or administrative proceeding regarding confidential communications and are not subject to judicial or administrative process requiring the disclosures of confidential communications. This rule does not apply when a mediator or center staff member has reason to believe that a party to a dispute has given perjured evidence.

650—32.10(679) Mediator immunity. No mediator, employee or agent of a center, or member of a center's board may be held liable for civil damages for any statement or decision made in the process of mediation unless the mediator, employee, agent or member acted in bad faith, with malicious purpose or in a manner exhibiting willful and wanton disregard of human rights, safety or property.

These rules are intended to implement Iowa Code section 153.33 and Iowa Code chapter 679.

[Filed 2/1/91, Notice 12/12/90—published 2/20/91, effective 3/27/91]

[Filed 10/23/00, Notice 8/9/00—published 11/15/00, effective 1/1/01]

TITLES VII to X

CHAPTER 33
CHILD SUPPORT NONCOMPLIANCE

650—33.1(252J,598) Definitions. For the purpose of this chapter the following definitions shall apply:

“*Act*” means Iowa Code sections 252J.1 to 252J.9.

“*Board*” means the Iowa board of dental examiners.

“*Certificate*” means a document known as a certificate of noncompliance which is provided by the child support unit certifying that the named licensee or registrant is not in compliance with a support order or with a written agreement for payment of support entered into by the child support unit and the licensee or registrant.

“*Child support unit*” means the child support recovery unit of the Iowa department of human services.

“*Denial notice*” means a board notification denying an application for the issuance or renewal of a license or registration as required by the Act.

“*License*” means a license to practice dentistry or dental hygiene.

“*Registration*” means registration to practice as a dental assistant trainee, registered dental assistant, or expanded function dental assistant.

“*Revocation or suspension notice*” means a board notification suspending a license or registration for an indefinite or specified period of time or a notification revoking a license or registration as required by the Act.

“*Withdrawal certificate*” means a document known as a withdrawal of a certificate of noncompliance provided by the child support unit certifying that the certificate is withdrawn and that the board may proceed with issuance, reinstatement, or renewal of a license or registration.

650—33.2(252J,598) Issuance or renewal of a license or registration—denial. The board shall deny the issuance or renewal of a license or registration upon the receipt of a certificate from the child support unit. This rule shall apply in addition to the procedures set forth in the Act.

33.2(1) *Service of denial notice.* Notice shall be served upon the licensee, registrant, or applicant by certified mail, return receipt requested; by personal service; or through authorized counsel.

33.2(2) *Effective date of denial.* The effective date of the denial of issuance or renewal of a license or registration, as specified in the denial notice, shall be 60 days following service of the denial notice upon the licensee, registrant, or applicant.

33.2(3) *Preparation and service of denial notice.* The executive director of the board is authorized to prepare and serve the denial notice upon the licensee, registrant, or applicant.

33.2(4) *Licensee, registrant, or applicant responsible to inform board.* Licensees, registrants, and applicants shall keep the board informed of all court actions, and all child support unit actions taken under or in connection with the Act and shall provide the board copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to the Act, all court orders entered in such actions, and any withdrawal of certificates issued by the child support unit.

33.2(5) *Reinstatement following license or registration denial.* All board fees required for application, license or registration renewal, or license or registration reinstatement shall be paid by licensees, registrants, or applicants before a license or registration will be issued, renewed, or reinstated after the board has denied the issuance or renewal of a license or registration pursuant to the Act.

33.2(6) *Effect of filing in district court.* In the event a licensee, registrant, or applicant files a timely district court action following service of a board notice, the board shall continue with the intended action described in the denial notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the board to proceed. For purposes of determining the effective date of the denial of the issuance or renewal of a license or registration, the board shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

33.2(7) Final notification. The board shall notify the licensee, registrant, or applicant in writing through regular first-class mail, or such other means as the board determines appropriate in the circumstances, within ten days of the effective date of the denial of the issuance or renewal of a license or registration, and shall similarly notify the licensee, registrant, or applicant if the license or registration is issued or renewed following the board's receipt of a withdrawal certificate.

650—33.3(252J,598) Suspension or revocation of a license or registration. The board shall suspend or revoke a license or registration upon the receipt of a certificate from the child support unit according to the procedures set forth in the Act. This rule shall apply in addition to the procedures set forth in the Act.

33.3(1) Service of revocation or suspension notice. Revocation or suspension notice shall be served upon the licensee or registrant by certified mail, return receipt requested; by personal service; or through authorized counsel.

33.3(2) Effective date of revocation or suspension. The effective date of the suspension or revocation of a license or registration, as specified in the revocation or suspension notice, shall be 60 days following service of the revocation or suspension notice upon the licensee or registrant.

33.3(3) Preparation and service of revocation or suspension notice. The executive director of the board is authorized to prepare and serve the revocation or suspension notice upon the licensee or registrant and is directed to notify the licensee or registrant that the license or registration will be suspended unless the license or registration is already suspended on other grounds. In the event that the license or registration is on suspension, the executive director shall notify the licensee or registrant of the board's intention to revoke the license or registration.

33.3(4) Licensee or registrant responsible to inform board. The licensee or registrant shall keep the board informed of all court actions, and all child support unit action taken under or in connection with the Act, and shall provide the board copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to the Act, all court orders entered in such actions, and any withdrawal certificates issued by the child support unit.

33.3(5) Reinstatement following license or registration suspension or revocation. A licensee or registrant shall pay all board fees required for license or registration renewal or reinstatement before a license or registration will be reinstated after the board has suspended a license or registration pursuant to the Act.

33.3(6) Effect of filing in district court. In the event a licensee or registrant files a timely district court action pursuant to the Act and following service of a revocation or suspension notice, the board shall continue with the intended action described in the revocation or suspension notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the board to proceed. For purposes of determining the effective date of the suspension or revocation, the board shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

33.3(7) Final notification. The board shall notify the licensee or registrant in writing through regular first-class mail, or such other means as the board determines appropriate in the circumstances, within ten days of the effective date of the suspension or revocation of a license or registration, and shall similarly notify the licensee or registrant if the license or registration is reinstated following the board's receipt of a withdrawal certificate.

These rules are intended to implement Iowa Code sections 252J.1 to 252J.9 and chapter 598.

[Filed 4/30/96, Notice 1/3/96—published 5/22/96, effective 6/26/96]

[Filed 10/23/00, Notice 8/9/00—published 11/15/00, effective 1/1/01]

CHAPTER 34
STUDENT LOAN DEFAULT/NONCOMPLIANCE
WITH AGREEMENT FOR PAYMENT OF OBLIGATION

650—34.1(261) Definitions. For the purpose of this chapter, the following definitions shall apply:

“*Board*” means the board of dental examiners.

“*Certificate of noncompliance*” means written certification from the college student aid commission to the licensing authority certifying that the licensee or registrant has defaulted on an obligation owed to or collected by the commission.

“*Commission*” means the college student aid commission.

650—34.2(261) Issuance or renewal of a license or registration—denial. The board shall deny the issuance or renewal of a license or registration upon receipt of a certificate of noncompliance from the college student aid commission according to the procedures set forth in Iowa Code sections 261.121 to 261.127. In addition to those procedures, this rule shall apply.

34.2(1) The notice required by Iowa Code section 261.126 shall be served by restricted certified mail, return receipt requested, or by personal service in accordance with the Iowa Rules of Civil Procedure. Alternatively, the applicant, registrant, or licensee may accept service personally or through authorized counsel.

34.2(2) The effective date of the denial of the issuance or renewal of a license or registration, as specified in the notice required by Iowa Code section 261.126, shall be 60 days following service of the notice upon the applicant, registrant, or licensee.

34.2(3) The board’s executive director is authorized to prepare and serve the notice required by Iowa Code section 261.126 upon the applicant, registrant, or licensee.

34.2(4) Applicants, registrants, and licensees shall keep the board informed of all court actions and all college student aid commission actions taken under or in connection with Iowa Code chapter 261 and shall provide the board copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 261.127, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the college student aid commission.

34.2(5) All board fees required for application, license or registration renewal or license or registration reinstatement must be paid by applicants, registrants, or licensees, and all continuing education requirements must be met before a license or registration will be issued, renewed, or reinstated after the board has denied the issuance or renewal of a license or registration pursuant to Iowa Code chapter 261.

34.2(6) In the event an applicant, registrant, or licensee timely files a district court action following service of a board notice pursuant to Iowa Code sections 261.126 and 261.127, the board shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the board to proceed. For purposes of determining the effective date of the denial of the issuance or renewal of a license or registration, the board shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

34.2(7) The board shall notify the applicant, registrant, or licensee in writing through regular first-class mail, or such other means as the board deems appropriate in the circumstances, within ten days of the effective date of the denial of the issuance or renewal of a license or registration, and shall similarly notify the applicant, registrant, or licensee when the license or registration is issued or renewed following the board’s receipt of a withdrawal of the certificate of noncompliance.

650—34.3(261) Suspension or revocation of a license or registration. The board shall suspend or revoke a license or registration upon receipt of a certificate of noncompliance from the college student aid commission according to the procedures set forth in Iowa Code sections 261.121 to 261.127. In addition to those procedures, the following shall apply:

34.3(1) The notice required by Iowa Code section 261.126 shall be served by restricted certified mail, return receipt requested, or by personal service in accordance with the Iowa Rules of Civil Procedure. Alternatively, the licensee or registrant may accept service personally or through authorized counsel.

34.3(2) The effective date of revocation or suspension of a license or registration, as specified in the notice required by Iowa Code section 261.126, shall be 60 days following service of the notice upon the licensee or registrant.

34.3(3) The executive director is authorized to prepare and serve the notice required by Iowa Code section 261.126 and is directed to notify the licensee or registrant that the license or registration will be suspended, unless the license or registration is already suspended on other grounds. In the event a license or registration is on suspension, the executive director shall notify the licensee or registrant of the board's intention to revoke the license or registration.

34.3(4) Licensees and registrants shall keep the board informed of all court actions and all college student aid commission actions taken under or in connection with Iowa Code chapter 261 and shall provide the board copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 261.127, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the college student aid commission.

34.3(5) All board fees required for license or registration renewal or reinstatement must be paid by licensees and registrants, and all continuing education requirements must be met before a license or registration will be renewed or reinstated after the board has suspended or revoked a license or registration pursuant to Iowa Code chapter 261.

34.3(6) In the event a licensee or registrant timely files a district court action following service of a board notice pursuant to Iowa Code sections 261.126 and 261.127, the board shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the board to proceed. For purposes of determining the effective date of the denial of the issuance or renewal of a license or registration, the board shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

34.3(7) The board shall notify the licensee or registrant in writing through regular first-class mail, or such other means as the board deems appropriate in the circumstances, within ten days of the effective date of the suspension or revocation of a license or registration, and shall similarly notify the licensee or registrant when the license or registration is reinstated following the board's receipt of a withdrawal of the certificate of noncompliance.

These rules are intended to implement Iowa Code sections 261.121 to 261.127.

[Filed 1/22/99, Notice 12/2/98—published 2/10/99, effective 3/17/99]

[Filed 10/23/00, Notice 8/9/00—published 11/15/00, effective 1/1/01]

17.9(422,423)	Sales of breeding livestock, fowl and certain other property used in agricultural production		
17.10(422,423)	Materials used for seed inoculations	18.1(422,423)	Tangible personal property purchased from the United States government
17.11(422,423)	Purchases for sales by schools—sales tax	18.2(422,423)	Sales of butane, propane and other like gases in cylinder drums, etc.
17.12(422)	Coat or hat checkrooms	18.3(422,423)	Chemical compounds used to treat water
17.13(422,423)	Railroad rolling stock	18.4(422)	Mortgages and trustees
17.14(422,423)	Chemicals, solvents, sorbents, or reagents used in processing	18.5(422,423)	Sales to agencies or instrumentalities of federal, state, county and municipal government
17.15(422,423)	Demurrage charges	18.6(422,423)	Relief agencies
17.16(422,423)	Sale of a draft horse	18.7(422,423)	Containers, including packing cases, shipping cases, wrapping material and similar items
17.17(422,423)	Beverage container deposits	18.8(422)	Auctioneers
17.18(422,423)	Films, video tapes and other media, exempt rental and sale	18.9(422)	Sales by farmers
17.19(422,423)	Gross receipts from the sale or rental of tangible personal property or from services performed, rendered, or furnished to certain nonprofit corporations exempt from tax	18.10(422,423)	Florists
17.20(422)	Raffles	18.11(422,423)	Landscaping materials
17.21(422)	Exempt sales of prizes	18.12(422,423)	Hatcheries
17.22(422,423)	Modular homes	18.13(422,423)	Sales by the state of Iowa, its agencies and instrumentalities
17.23(422,423)	Sales to other states and their political subdivisions	18.14(422,423)	Sales of livestock and poultry feeds
17.24(422)	Nonprofit private museums	18.15(422,423)	Student fraternities and sororities
17.25(422,423)	Exempt sales by excursion boat licensees	18.16(422,423)	Photographers and photostaters
17.26(422,423)	Bedding for agricultural livestock or fowl	18.17(422,423)	Gravel and stone
17.27(422,423)	Statewide notification center service exemption	18.18(422,423)	Sale of ice
17.28(422,423)	State fair and fair societies	18.19(422,423)	Antiques, curios, old coins or collector's postage stamps
17.29(422,423)	Reciprocal shipment of wines	18.20(422)	Communication services
17.30(422,423)	Nonprofit organ procurement organizations	18.21(422,423)	Morticians or funeral directors
17.31(422,423)	Sale of electricity to water companies	18.22(422,423)	Physicians, dentists, surgeons, ophthalmologists, oculists, optometrists, and opticians
17.32(422)	Food and beverages sold by certain organizations are exempt	18.23(422)	Veterinarians
17.33(422,423)	Sales of building materials, supplies and equipment to not-for-profit rural water districts	18.24(422,423)	Hospitals, infirmaries and sanitariums
17.34(422,423)	Sales to hospices	18.25(422,423)	Warranties and maintenance contracts
17.35(422,423)	Sales of livestock ear tags	18.26(422)	Service charge and gratuity
		18.27(422)	Advertising agencies, commercial artists, and designers

CHAPTER 18
TAXABLE AND EXEMPT SALES
DETERMINED BY METHOD OF
TRANSACTION OR USAGE

- 18.28(422,423) Casual sales
- 18.29(422,423) Processing, a definition of the word, its beginning and completion characterized with specific examples of processing
- 18.30(422) Taxation of American Indians
- 18.31(422,423) Tangible personal property purchased by one who is engaged in the performance of a service
- 18.32(422,423) Sale, transfer or exchange of tangible personal property or taxable enumerated services between affiliated corporations
- 18.33(422,423) Printers' and publishers' supplies exemption with retroactive effective date
- 18.34(422,423) Automatic data processing
- 18.35(422,423) Drainage tile
- 18.36(422,423) True leases and purchases of tangible personal property by lessors
- 18.37(422,423) Motor fuel, special fuel, aviation fuels and gasoline
- 18.38(422,423) Urban transit systems
- 18.39(422,423) Sales or services rendered, furnished, or performed by a county or city
- 18.40(422,423) Renting of rooms
- 18.41(422,423) Envelopes for advertising
- 18.42(422,423) Newspapers, free newspapers and shoppers' guides
- 18.43(422,423) Written contract
- 18.44(422,423) Sale or rental of farm machinery and equipment
- 18.45(422,423) Sale or rental of computers, industrial machinery and equipment; refund of and exemption from tax paid for periods prior to July 1, 1997
- 18.46(422,423) Automotive fluids
- 18.47(422,423) Maintenance or repair of fabric or clothing
- 18.48(422,423) Sale or rental of farm machinery, equipment, replacement parts, and repairs used in livestock, dairy, or plant production
- 18.49(422,423) Aircraft sales, rental, component parts, and services exemptions prior to, on, and after July 1, 1999
- 18.50(422,423) Property used by a lending organization
- 18.51(422,423) Sales to nonprofit legal aid organizations
- 18.52(422,423) Irrigation equipment used in farming operations
- 18.53(422,423) Sales to persons engaged in the consumer rental purchase business
- 18.54(422,423) Sales of advertising material
- 18.55(422,423) Drop shipment sales
- 18.56(422,423) Wind energy conversion property
- 18.57(422,423) Exemptions applicable to the production of flowering, ornamental, and vegetable plants
- 18.58(422,423) Exempt sales or rentals of computers, industrial machinery and equipment, and exempt sales of fuel and electricity on and after July 1, 1997
- 18.59(422,423) Exempt sales to nonprofit hospitals
- 18.60(422,423) Exempt sales of gases used in the manufacturing process
- 18.61(422,423) Exclusion from tax for property delivered by certain media
- CHAPTER 19
SALES AND USE TAX ON
CONSTRUCTION ACTIVITIES
- 19.1(422,423) General information
- 19.2(422,423) Contractors are consumers of building materials, supplies, and equipment by statute
- 19.3(422,423) Sales of building materials, supplies, and equipment to contractors, subcontractors, builders or owners
- 19.4(422,423) Contractors, subcontractors or builders who are retailers
- 19.5(422,423) Building materials, supplies, and equipment used in the performance of construction contracts within and outside Iowa
- 19.6(422,423) Prefabricated structures
- 19.7(422,423) Types of construction contracts
- 19.8(422,423) Machinery and equipment sales contracts with installation
- 19.9(422,423) Construction contracts with equipment sales (mixed contracts)

701—17.33(422,423) Sales of building materials, supplies and equipment to not-for-profit rural water districts. Retroactive to July 1, 1998, sales of building materials, supplies, and equipment to not-for-profit rural water districts (those organized under Iowa Code chapter 504A and as provided by Iowa Code chapter 357A), which are used by the districts for the construction of their facilities, are exempt from tax. See rule 701—19.3(422,423) for definitions of the terms “building materials,” “building supplies,” and “building equipment” which are applicable to this rule. Additionally, for the purposes of this rule, cranes, underground boring machines, water main pulling equipment, and similar machinery used by a rural water district for the construction of its facilities are “building equipment.” This rule does not exempt rentals of building equipment from tax, but a rural water district’s rentals of building equipment may be exempt from tax if the rental is on or in connection with new construction, alteration, reconstruction, remodeling, or expansion of real property or a structure. See rule 701—19.13(422,423).

This rule is intended to implement Iowa Code section 422.45 as amended by 1999 Iowa Acts, chapter 59.

701—17.34(422,423) Sales to hospices. As of July 1, 1999, gross receipts from the sale or rental of tangible personal property to or the performance of services for any freestanding nonprofit hospice facility which operates a hospice program are exempt from tax if the property or service is purchased for use in the hospice’s program. A “hospice program” is any program operated by a public agency, a private organization, or a subdivision of either, which is primarily engaged in providing care to terminally ill individuals. A “freestanding hospice facility” is any hospice program housed in a building which is dedicated only to the hospice program and which is not attached to any other building or complex of buildings. An individual is “terminally ill” if that individual has a medical prognosis that the individual’s life expectancy is six months or less if the illness runs its normal course.

This rule is intended to implement Iowa Code section 422.45 as amended by 1999 Iowa Acts, chapter 62.

701—17.35(422,423) Sales of livestock ear tags. On and after July 1, 2000, sales of livestock ear tags by a nonprofit organization, the income of which is exempt from federal taxation under Section 501(c)(6) of the Internal Revenue Code, are exempt from tax if the proceeds of those sales are used in bovine research programs selected or approved by the nonprofit organization. For the purposes of this rule, the definition of “livestock” is found in subrule 17.9(1).

This rule is intended to implement Iowa Code Supplement section 422.45 as amended by 2000 Iowa Acts, chapter 1169.

[Filed 12/12/74]

[Filed 11/5/76, Notice 9/22/76—published 12/1/76, effective 1/15/77]

[Filed 9/2/77, Notice 6/15/77—published 9/21/77, effective 10/26/77]

[Filed 4/28/78, Notice 3/22/78—published 5/17/78, effective 7/1/78]

[Filed emergency 4/28/78—published 5/17/78, effective 4/28/78]

[Filed 5/26/78, Notice 3/22/78—published 6/14/78, effective 7/19/78*]

[Filed 1/5/79, Notice 11/29/78—published 1/24/79, effective 2/28/79]

[Filed 2/16/79, Notice 1/10/79—published 3/7/79, effective 4/11/79]

[Filed 3/15/79, Notice 2/7/79—published 4/4/79, effective 5/9/79]

[Filed emergency 6/11/79—published 6/27/79, effective 7/1/79]

[Filed 1/18/80, Notice 12/12/79—published 2/6/80, effective 3/12/80]

[Filed emergency 7/17/80—published 8/6/80, effective 7/17/80]

[Filed 12/5/80, Notice 10/29/80—published 12/24/80, effective 1/28/81]

[Filed 2/10/83, Notice 1/5/83—published 3/2/83, effective 4/6/83]

*Effective date of 17.3“c” delayed by the Administrative Rules Review Committee at its July 11, 1978, meeting under the provisions of the Sixty-seventh General Assembly, S.F. 244, section 19. See amendment published 3/7/79.

[Filed 3/23/84, Notice 2/15/84—published 4/11/84, effective 5/16/84]
 [Filed 8/23/85, Notice 7/17/85—published 9/11/85, effective 10/16/85]
 [Filed 10/7/85, Notice 8/14/85—published 10/23/85, effective 11/27/85]
 [Filed 12/2/85, Notice 7/17/85—published 12/18/85, effective 1/22/86]
 [Filed 3/21/86, Notice 9/11/85—published 4/9/86, effective 5/14/86]
 [Filed 8/22/86, Notice 7/16/86—published 9/10/86, effective 10/15/86]
 [Filed emergency 11/14/86—published 12/17/86, effective 11/14/86]
 [Filed 12/29/86, Notice 11/19/86—published 1/14/87, effective 2/18/87]
 [Filed 11/12/87, Notice 10/7/87—published 12/2/87, effective 1/6/88]
 [Filed 2/5/88, Notice 10/21/87—published 2/24/88, effective 3/30/88]
 [Filed 10/14/88, Notice 9/7/88—published 11/2/88, effective 12/7/88]
 [Filed 11/23/88, Notice 9/21/88—published 12/14/88, effective 1/18/89]
 [Filed 11/22/89, Notice 10/18/89—published 12/13/89, effective 1/17/90]◊
 [Filed 8/30/90, Notice 7/25/90—published 9/19/90, effective 10/24/90]◊
 [Filed 10/12/90, Notice 9/5/90—published 10/31/90, effective 12/5/90]
 [Filed emergency 3/15/91—published 4/3/91, effective 3/15/91]
 [Filed 3/15/91, Notice 2/6/91—published 4/3/91, effective 5/8/91]
 [Filed 5/10/91, Notice 4/3/91—published 5/29/91, effective 7/3/91]
 [Filed 8/16/91, Notice 7/10/91—published 9/4/91, effective 10/9/91]
 [Filed 3/26/92, Notice 2/19/92—published 4/15/92, effective 5/20/92]
 [Filed 11/6/92, Notice 9/30/92—published 11/25/92, effective 12/30/92]
 [Filed 7/1/93, Notice 5/26/93—published 7/21/93, effective 8/25/93]
 [Filed 9/24/93, Notice 8/18/93—published 10/13/93, effective 11/17/93]
 [Filed 10/22/93, Notice 9/15/93—published 11/10/93, effective 12/15/93]
 [Filed 10/6/95, Notice 8/30/95—published 10/25/95, effective 11/29/95]◊
 [Filed 2/9/96, Notice 1/3/96—published 2/28/96, effective 4/3/96]
 [Filed 10/31/96, Notice 9/25/96—published 11/20/96, effective 12/25/96]
 [Filed 10/17/97, Notice 9/10/97—published 11/5/97, effective 12/10/97]
 [Filed 4/17/98, Notice 12/3/97—published 5/6/98, effective 6/10/98]
 [Filed 8/5/98, Notice 7/1/98—published 8/26/98, effective 9/30/98]
 [Filed 10/15/98, Notice 9/9/98—published 11/4/98, effective 12/9/98]
 [Filed 10/30/98, Notice 9/23/98—published 11/18/98, effective 12/23/98]
 [Filed 3/19/99, Notice 2/10/99—published 4/7/99, effective 5/12/99]
 [Filed 12/10/99, Notice 11/3/99—published 12/29/99, effective 2/2/00]
 [Filed 10/27/00, Notice 9/20/00—published 11/15/00, effective 12/20/00]

f. The gross receipts from the installation or repair of any inside wire which provides electrical current that allows an electronics device to function shall be subject to tax. Such gross receipts are from the enumerated service of electrical repair or installation, and are thus subject to tax. The gross receipts from “inside wire maintenance charges” for services performed under a service or warranty contract shall also be subject to tax. Depending on circumstances, such receipts are for the enumerated service of “electrical repair” or are incurred under an “optional service or warranty contract” for an enumerated service. In either event, the receipts are subject to tax. See rule 701—18.25(422,423).

g. The gross receipts from the rental of any device for home or office use or to provide a communication service to others shall be fully taxable; such receipts are for the enumerated service of “rental of tangible personal property.” The gross receipts from rental include rents, royalties, and copyright and license fees. Any periodic fee for maintenance of the device which is included in the gross receipts for the rental of the device shall also be subject to tax.

h. The sale of any device, new or used, in place at the time of sale on the customer’s premises or sold to the customer elsewhere is the sale of tangible personal property, and thus a sale subject to tax. The sale of an entire inventory of devices may or may not be subject to tax, depending upon whether it does or does not come within the purview of the casual sales exemption, see Iowa Code section 422.42(2) and subrule 18.28(3). Other exemptions may be applicable as well. See Iowa Code section 422.45 and 701—Chapter 17.

i. The gross receipts for the repair or installation of inside wire or the repair or installation of any electronic device, including a telephone or telephone switching equipment shall, as a general rule, be subject to tax whether the customer or purchaser is billed by way of a flat fee or flat hourly charge covering all costs including labor and materials, or by way of a premises visit or trip charge, or by a single charge covering and not distinguishing between charges for labor and materials, or is billed by a charge with labor and material segregated, or is billed for labor only. An exception is this: If the gross receipts are for services on or in connection with new construction, reconstruction, alteration, expansion or remodeling of a building or structure, the gross receipts shall not be subject to tax. For further information concerning the conditions under which such gross receipts for repair or installation would not be subject to tax, see rule 701—19.1(422,423) and 701—subrule 26.2(1).

j. If a company bills a handling charge to a customer for sending the customer an electronic device by mail or by a delivery service, this charge shall constitute a part of the gross receipts from the sale of the device and shall be subject to tax. The gross receipts of a mandatory service rendered in connection with the sale of tangible personal property are considered by the department to be a part of the gross receipts from the sale of the property itself and thus subject to tax.

k. The purchase or rental of tangible personal property by companies providing communication services shall be subject to tax.

l. The amount of any deposit paid by a customer to a company providing communication service if returned to the customer shall not be subject to tax. Any portion of a deposit utilized by a company as payment for the sale of tangible personal property or a taxable service shall be included in gross receipts or gross taxable services and shall be subject to tax.

m. On and after July 1, 1997, the gross receipts from sales of prepaid telephone calling cards and prepaid authorization numbers are subject to tax as sales of tangible personal property.

18.20(4) When one commercial communication company furnishes another commercial communication company services or facilities which are used by the second company in furnishing communication service to its customers, such services or facilities furnished to the second company are in the nature of a sale for resale; and the charges, including any carrier access charges, shall be exempt from sales tax. The charges for services or facilities initially purchased for resale and subsequently used or consumed by the second company shall be subject to tax, and the tax shall be collected and paid by the seller unless the seller has taken a valid exemption certificate in good faith from the purchaser and other requirements of 701—subrule 15.3(2) are met.

18.20(5) Prior to July 1, 1999, charges for access to or use of what is commonly referred to as the “Internet” or charges for other contracted on-line services are the gross receipts from the performance of a taxable service if access is by way of a local or in-state long distance telephone number and if the predominant service offered is two-way transmission and receipt of information from one site to another as described in paragraph “a” of subrule 18.20(1). If a user’s billing address is located in Iowa, a service provider should assume that Internet access or contracted on-line service is provided to that user in Iowa unless the user presents suitable evidence that the site or sites at which these services are furnished are located outside this state.

On and after July 1, 1999, gross receipts from charges paid to a provider for access to an on-line computer service are exempt from tax. An “on-line computer service” is one which provides for or enables multiple users to have computer access to the Internet. Charges paid to a provider for other contracted on-line services which do not provide access to the Internet and which are communication services remain subject to Iowa tax through May 14, 2000.

On and after May 15, 2000, the furnishing of any contracted on-line service is exempt from Iowa tax if the information is made available through a computer server. The exemption applies to all contracted on-line services, as long as they provide access to information through a computer server.

***18.20(6)** The gross receipts paid for the performance of the service of sending or receiving any document commonly referred to as a “fax” from one point to another within this state are subject to sales tax. See 18.20(1)“a.” Gross receipts paid for the service of providing a telephone line or other transmission path for the use of what is commonly called a “fax” machine are the gross receipts from the performance of a taxable service if the points of transmission and receipt of a fax are in this state. See 18.20(1)“a” and “b.”

EXAMPLE A. Klear Kopy Services is located in Des Moines, Iowa. Klear Kopy charges a customer \$2 to transmit a fax (via its machine) to Dubuque, Iowa. The \$2 is taxable gross receipts. Midwest Telephone Company charges Klear Kopy \$500 per month for the intrastate communications on Klear Kopy’s dedicated fax line. The \$500 is also gross receipts from a taxable communication service.

EXAMPLE B. The XYZ Law Firm is located in Des Moines, Iowa. The firm owns a fax machine and uses the fax machine in the performance of its legal work to transmit and receive various documents. The firm does not perform faxing services but will, on billings for legal services to clients, break out the amount of a billing which is attributable to expenses for faxing. For example, “bill to John Smith for August, 1997, \$1,000 for legal services performed, fax expenses which are part of this billing—\$30.” The \$30 is not gross receipts for the performance of any taxable service, the faxing service performed being only incidental to the performance of the nontaxable legal services.

EXAMPLE C. The TUV Hospital is located in Cedar Rapids, Iowa. The surgeons successfully perform delicate brain surgery on patient W. To perform that surgery it was necessary for the surgeons to consult with a number of colleagues; the consultation was via E-mail. After the operation, the TUV Hospital sent patient W a bill for \$10,000 of nontaxable hospital services. Listed as an expense is “E-mail—\$200.” The E-mail services are performed incidentally to the nontaxable hospital services; therefore, the \$200 is not taxable gross receipts.

EXAMPLE D. D is a dentist practicing in Mason City, Iowa. D subscribes to an on-line service which, in return for a monthly fee, informs its subscribers of the latest dental surgery techniques and advises them about how these techniques can be applied to individual patients. After consultation on patient E's problem through the on-line service, D performs complex surgery on patient E. D's bill to patient E reads as follows: "dental reconstruction—\$2,750; on-line consultation portion—\$240." The \$240 is not taxable gross receipts, this charge being incidental to the nontaxable charge for dental work.

This rule is intended to implement Iowa Code sections 34A.7(1)"c"(2), 422.42(2), 422.42(3), 422.43(9), 422.45(5), 422.45(8), 422.45 and 422.51(1) and Iowa Code Supplement section 422.45 as amended by 2000 Iowa Acts, chapter 1189, section 29.

701—18.21(422,423) Morticians or funeral directors. A mortician or funeral director is engaged in the business of selling both tangible personal property and funeral services. Examples of the former are caskets, other burial containers, flowers, and grave clothing. Examples of the latter are cremation, transportation by hearse and embalming. Tax is due only upon gross receipts from the sale of tangible personal property and taxable services, and not upon gross receipts from the sale of nontaxable services.

If a mortician or funeral director separately itemizes charges for tangible personal property, taxable services and nontaxable services, as required by the rules of the Federal Trade Commission, or Iowa Code section 523A.8(1)"b," whichever is applicable, tax is due only upon the gross receipts from the sales of tangible personal property and taxable services. If contrary to the rules or the statute, or if the applicable rules are rescinded or the statute repealed, and the mortician or funeral director charges a lump sum to a customer covering the entire cost of the funeral without dividing the charges for sales of tangible personal property and taxable and nontaxable services, the mortician or funeral director shall report the full amount of the funeral bill less any cash advanced by the mortician or funeral director, with tax due on 50 percent of the difference. *Kistner v. Iowa State Board of Assessment and Review*, 224 Iowa 404, 280 N.W. 587 (1938). Cash advance items may include, but are not limited to, the following: cemetery or crematory services, pallbearers, public transportation, clergy honoraria, flowers, musicians, singers, nurses, obituary notices, gratuities, and death certificates.

The mortician or funeral director is considered to be purchasing caskets, outer burial containers, and grave clothing for resale, and may purchase these items from suppliers without payment of tax. The mortician or director should present the supplier with a certificate of resale as set out in rule 701—15.3(422,423). A mortician or director is considered to be the user or consumer of office furniture and equipment, funeral home furnishings, advertising calendars, booklets, motor vehicles and accessories, embalming equipment, instruments, fluid and other chemicals used in embalming, cosmetics, and grave equipment, stretchers, baskets, and other items if title or possession does not pass to the customer. *Kistner*, supra.

For purposes of this rule, the terms of morticians or funeral directors shall also include cemeteries, cemetery associations and anyone engaged in activities similar to those discussed in the rule.

This rule is intended to implement Iowa Code sections 422.42(3), 422.43, 423.1 and 423.2.

701—18.22(422,423) Physicians, dentists, surgeons, ophthalmologists, oculists, optometrists, and opticians. Physicians, dentists, surgeons, ophthalmologists, oculists, optometrists, and opticians shall not be liable for tax on services rendered such as examinations, consultations, diagnosis, surgery and other kindred services, nor on the applicable exemptions prescribed under 701—Chapter 20.

The purchase of materials, supplies, and equipment by these persons is subject to tax unless the particular item is exempt from tax when purchased by an individual for the individual's own use. For example, the purchase for use in the office of prescription drugs would not be subject to tax nor would the purchase of prosthetic devices such as artificial limbs or eyes.

Sales of tangible personal property to dentists, which are to be affixed to the person of a patient as an ingredient or component part of a dental prosthetic device, are exempt from tax. These include artificial teeth, and facings, dental crowns, dental mercury and acrylic, porcelain, gold, silver, alloy, and synthetic filling materials.

Sales of tangible personal property to physicians or surgeons, which are prescription drugs to be used or consumed by a patient, are exempt from tax.

Sales of tangible personal property to ophthalmologists, oculists, optometrists, and opticians, which are prosthetic devices designed, manufactured, or adjusted to fit a patient, are exempt from tax. These include prescription eyeglasses, contact lenses, frames, and lenses.

The purchase by such persons of materials such as pumice, tongue depressors, stethoscopes, which are not in themselves exempt from tax, would be subject to tax when purchased by such professions.

The purchase of equipment, such as an X-ray machine, X-ray photograph or frames for use by such persons is subject to tax. On the other hand, the purchase of an item of equipment that is utilized directly in the care of an illness, injury or disease, which item would be exempt if purchased directly by the patient, is not subject to tax.

This rule is intended to implement Iowa Code sections 422.42(3), 422.43, 422.45(13-15), 423.2 and 423.4(4).

701—18.23(422) Veterinarians. Purchase of food, drugs, medicines, bandages, dressings, serums, tonics, and the like, but not to include tools and equipment, which are used in treating livestock raised as part of agricultural production is exempt from tax. Where these same items are used in treating animals maintained as pets for hobby purposes, sales tax is due. See rule 701—18.48(422, 423) for an exemption for machinery used in livestock or dairy production which may be applicable to veterinarians but should be claimed only with caution by them.

A veterinarian engaged in retail sales, in addition to furnishing professional services, must account for sales tax on the gross receipts from such sales.

This rule is intended to implement Iowa Code sections 422.42(3) and 422.43.

701—18.24(422,423) Hospitals, infirmaries and sanitariums. Hospitals, infirmaries, sanitariums, and like institutions are engaged primarily in rendering services. These facilities shall not be subject to tax on their purchases of items of tangible personal property exempt under 701—Chapter 20 when the items would be exempt if purchased by the individual and if the item is used substantially for the tax-exempt purpose. See rule 18.59(422,423) for an exemption applicable to sales of goods and furnishing of services on and after July 1, 1998, to a nonprofit hospital.

Hospitals, infirmaries, and sanitariums may be the purchasers for use or consumption of tangible personal property used or consumed in furnishing services. *Modern Dairy Co. v. Department of Revenue*, 413 Ill. 55, 108 N.E.2d 8 (1952). However, tangible personal property can be purchased for resale by these facilities and, if purchased for resale, is exempt from tax on the purchases. *Burrows Co. v. Hollingsworth*, 415 Ill. 202, 112 N.E.2d 706 (1953); *Fefferman v. Marohn*, 408 Ill. 542, 97 N.E.2d 785 (1951). Property is purchased for resale if the conditions in subrule 18.31(1) are applicable. See also 701—subrule 15.3(2) with respect to resale exemption certificates.

18.58(8) *Designing or installing new industrial machinery or equipment.* The gross receipts from the services of designing or installing new industrial machinery or equipment are exempt from tax. The enumerated services of electrical or electronic installation are included in this exemption. To qualify for the exemption, the sale or rental of the machinery or equipment must be subject to exemption under this rule. In addition, the machinery or equipment must be “new.” For purposes of this subrule, “new” means never having been used or consumed by anyone. The exemption is not applicable to reconstructed, rebuilt, or repaired or previously owned machinery or equipment. The exemption is applicable to new machinery and equipment designed or installed for rental as well as for sale. The gross receipts from design or installation must be separately identified, charged separately, and reasonable in amount for the exemption to apply. A “computer” is not considered to be machinery or equipment, and its installation or design is not eligible for this exemption.

18.58(9) *Property used in recycling or reprocessing of waste products.* Gross receipts from the sale or rental of machinery (including vehicles subject to registration), equipment, or computers directly and primarily used in the recycling or reprocessing of waste products are exempt from tax. “Reprocessing” is not a subcategory of “processing.” Reprocessing of waste products is an activity separate and independent from the processing of tangible personal property. Machinery or equipment used in the recycling or reprocessing of waste products includes, but is not limited to, compactors, balers, crushers, grinders, cutters, or shears directly and primarily used for this purpose. The sale of an end loader, forklift, truck, or other moving device is exempt from tax if the device is directly and primarily used in the movement of property which is an integral part of recycling or reprocessing. The sale of a bin for storage ordinarily would not be exempt from tax; storage without more activity would not be a part of recycling or reprocessing. Certain limits for exemption placed upon industrial machinery and equipment are not applicable to machinery and equipment used in recycling or reprocessing. For example, the exemption will apply even if the machinery, equipment or computer is purchased by a person other than an insurance company, financial institution or commercial enterprise. A person engaged in a profession or occupation could purchase property for direct and primary use in recycling or reprocessing of waste products and the exemption would apply.

a. By way of nonexclusive examples, recycling or reprocessing can begin when waste or material which would otherwise become waste is collected or separated. A vehicle used directly and primarily for collecting waste which will be recycled or reprocessed could be a vehicle used for an exempt purpose under this rule. Thus, the purchaser of a garbage truck could claim this exemption if the truck were directly and primarily used in recycling and not, for instance, in hauling garbage to a landfill. Machinery or equipment used to segregate waste from material to be recycled or reprocessed or used to separate various forms of materials which will be reprocessed (e.g., glass and aluminum) can also be used at the beginning of recycling or reprocessing.

b. Machinery and equipment directly and primarily used in recycling or reprocessing. See subrule 18.58(1) for the definition of “directly used” which is applicable to this subrule. The examples of machinery not directly used in processing set out in 18.58(5)“a” should be studied for guidance in determining whether similar machinery is or is not used in recycling or reprocessing; e.g., machinery used in plant security (see 18.58(5)“a”(4)) is not machinery directly used in recycling or reprocessing.

c. Integral use in recycling or reprocessing. Ordinarily, any operation or series of operations which does not transform waste or material which would otherwise become waste into new raw materials or products would not be a part of recycling or reprocessing. However, activities which do not do this, but are an “integral part” of recycling or reprocessing, are themselves recycling or reprocessing. For example, an endless belt which moves aluminum cans from a machine where they are shredded to a machine where the shredded aluminum is crushed into blocks would be an endless belt used in recycling or reprocessing and the exemption applies. See subrule 18.29(5) for a discussion of when an activity is an integral part of “processing.” Some of that discussion is applicable to this subrule.

d. The end of recycling or reprocessing. Recycling or reprocessing ends when waste or a material which would otherwise become waste is in the form of raw material or in the form of a product. For instance, a corporation purchases a machine which grinds logs, stumps, pallets, crates, and other waste wood into wood chips. After grinding, the wood chips are sold and transported to various sites where the chips are dumped and spread out over the ground for use in erosion control. The machine which grinds the wood chips is a machine used in recycling. The truck which transports the wood chips from the machine to the sites is not used in recycling because at the time the chips are placed in the truck they are in the form in which they will be used in erosion control.

This rule is intended to implement Iowa Code Supplement section 422.45(27) as amended by 1998 Iowa Acts, Senate File 2288; Iowa Code section 422.45(29); and Iowa Code chapter 423.

701—18.59(422,423) Exempt sales to nonprofit hospitals. On and after July 1, 1998, the gross receipts from sales or rentals of tangible personal property to and from the rendering, furnishing, or performing of services for a nonprofit hospital licensed under Iowa Code chapter 135B are exempt from tax if the property or service purchased is used in the operation of the hospital. A hospital is not entitled to claim a refund for tax paid by a contractor on the sale or use of tangible personal property or the performance of services in the fulfillment of a written construction contract with the hospital. However, see the circumstances set out below in which sales of goods, wares or merchandise, or taxable services to a hospital for use in the fulfillment of a construction contract, are exempt from Iowa tax.

For the purposes of this rule, the word “hospital” means a place which is devoted primarily to the maintenance and operation of facilities for diagnosis, treatment, or care, over a period exceeding 24 hours, of two or more nonrelated individuals suffering from illness, injury, or a medical condition (such as pregnancy). The word “hospital” includes general hospitals, specialized hospitals (e.g., pediatric, mental, and orthopedic hospitals, and cancer treatment centers), sanatoriums, and other hospitals licensed under Iowa Code chapter 135B. Also included are institutions, places, buildings, or agencies in which any accommodation is primarily maintained, furnished, or offered for the care, over a period exceeding 24 hours, of two or more nonrelated aged or infirm persons requiring or receiving chronic or convalescent care. Excluded from the meaning of the term “hospital” are institutions for well children; day nursery and child care centers; foster boarding homes and houses; homes for handicapped children; homes, houses, or institutions for aged persons which limit their function to providing food, lodging, and provide no medical or nursing care, and house no bedridden person; dispensaries or first-aid stations maintained for the care of employees, students, customers, members of any commercial or industrial plant, educational institution, or convent; freestanding hospice facilities which operate a hospice program in accordance with 42 CFR § 418 and freestanding clinics which do not provide diagnosis, treatment, or care for periods exceeding 24 hours. This list of inclusions and exclusions is not exclusive. For additional information see 481—Chapter 51.

Ordinarily, goods, wares, or merchandise (such as building materials, supplies, and equipment; see rule 701—19.3(422,423) for definitions) which is purchased by a hospital and used by a contractor in the fulfillment of a written contract with the hospital cannot be purchased exempt from Iowa tax. The goods, wares, and merchandise used in the fulfillment of these construction contracts are not used in the “operation” of a hospital but in activities at least one step removed from that operation. See *Polich v. Anderson-Robinson Coal Co.*, 227 Iowa 553, 288 N.W. 650 (1939).

However, for a limited period, the gross receipts from all sales of goods, wares, or merchandise or from services rendered, furnished, or performed are exempt from tax (or a claim for refund may be filed for tax paid) if the tangible personal property or the taxable service is used in the fulfillment of a written construction contract with a hospital and all of the following circumstances exist:

1. Deliveries under contracts of sale of the goods, wares, or merchandise occurred or the taxable services were rendered, furnished, or performed between July 1, 1998, and December 31, 2001, inclusive. A claim for refund may be filed for any tax paid for this period, so long as the claim is filed prior to April 1, 2002, and the requirements of "2" and "3" below are also met. Claims for refunds of tax, interest, or penalty paid for the period of July 1, 1998, to December 31, 2001, are limited to \$25,000 in the aggregate. If the amount of the claimed refunds for this period totals more than \$25,000, the department must prorate the \$25,000 among all claimants in relation to the amounts of the claimants' valid claims.

2. The written construction contract was entered into prior to December 31, 1999, or bonds to fund the construction were issued prior to December 31, 1999.

3. The property or services were purchased directly by the hospital or by a contractor as an agent of the hospital. For the purposes of this exemption, no hospital can retroactively designate a contractor to be its agent and by this means transform a contractor's purchases of goods, wares, merchandise, or services into its own. Upon the department's request, a hospital claiming that a contractor is or has been its purchasing agent must present suitable evidence of a principal-agent relationship between itself and the contractor during any period for which exempt sales or a refund is claimed. The best evidence of a principal and purchasing agent relationship is a written document setting out the terms of the relationship and the period for which the agency is in effect; however, other evidence, which is the equivalent of a written document in reliability, will be considered by the department when necessary.

This rule is intended to implement Iowa Code Supplement section 422.45 as amended by 2000 Iowa Acts, chapter 1207.

701—18.60 (422,423) Exempt sales of gases used in the manufacturing process. Effective May 24, 1999, but retroactive to January 1, 1991, sales of argon and other similar gases to be used in the manufacturing process are exempt from tax. For the purposes of this rule, only inert gases are gases which are similar to argon. An "inert gas" is any gas which is normally chemically inactive. It will not support combustion and cannot be used as either a fuel or as an oxidizer. Argon, nitrogen, carbon dioxide, helium, neon, krypton, and xenon are nonexclusive examples of inert gases. Oxygen, hydrogen, and methane are nonexclusive examples of gases which are not inert. These sales are exempt only if the gas is purchased by a "manufacturer," for used in "processing," as those terms are defined in subrule 18.45(1), for the period prior to July 1, 1997, and as those terms are defined in subrule 18.58(1) for the period beginning July 1, 1997.

This rule is intended to implement Iowa Code section 422.45 as amended by 1999 Iowa Acts, chapter 170.

701—18.61(422,423) Exclusion from tax for property delivered by certain media. For the period beginning March 15, 1995, and ending December 31, 2002, inclusive, a taxable “sale” of tangible personal property does not occur if the substance of the transaction is delivered to the purchaser digitally, electronically, or by utilizing cable, radio waves, microwaves, satellites, or fiber optics. This exclusion from tax is not applicable to any leasing of tangible personal property, a lease not being a “sale” of tangible personal property for the purposes of Iowa sales and use tax law, *Cedar Valley Leasing, Inc. v. Iowa Department of Revenue*, 274 N.W.2d 357 (Iowa 1979). The exclusion is also not applicable to property delivered by any medium other than those listed above. Sales of items such as artwork, drawings, photographs, music, electronic greeting cards, “canned” software (see subrule 18.34(1)), entertainment properties (e.g., films, concerts, books, and television and radio programs), and all other digitized products delivered as described above are not taxable, except the exclusion does not repeal by implication the tax on the service of providing pay television. See rule 701—26.56(422). If an order for a product is placed by way of any of the media described above but the product ordered is delivered by conventional, physical means, e.g., the U.S. Postal Service or common carrier, sale of the product is not excluded from tax under this rule.

This rule is intended to implement Iowa Code Supplement section 422.43 as amended by 2000 Iowa Acts, chapter 1195, section 2.

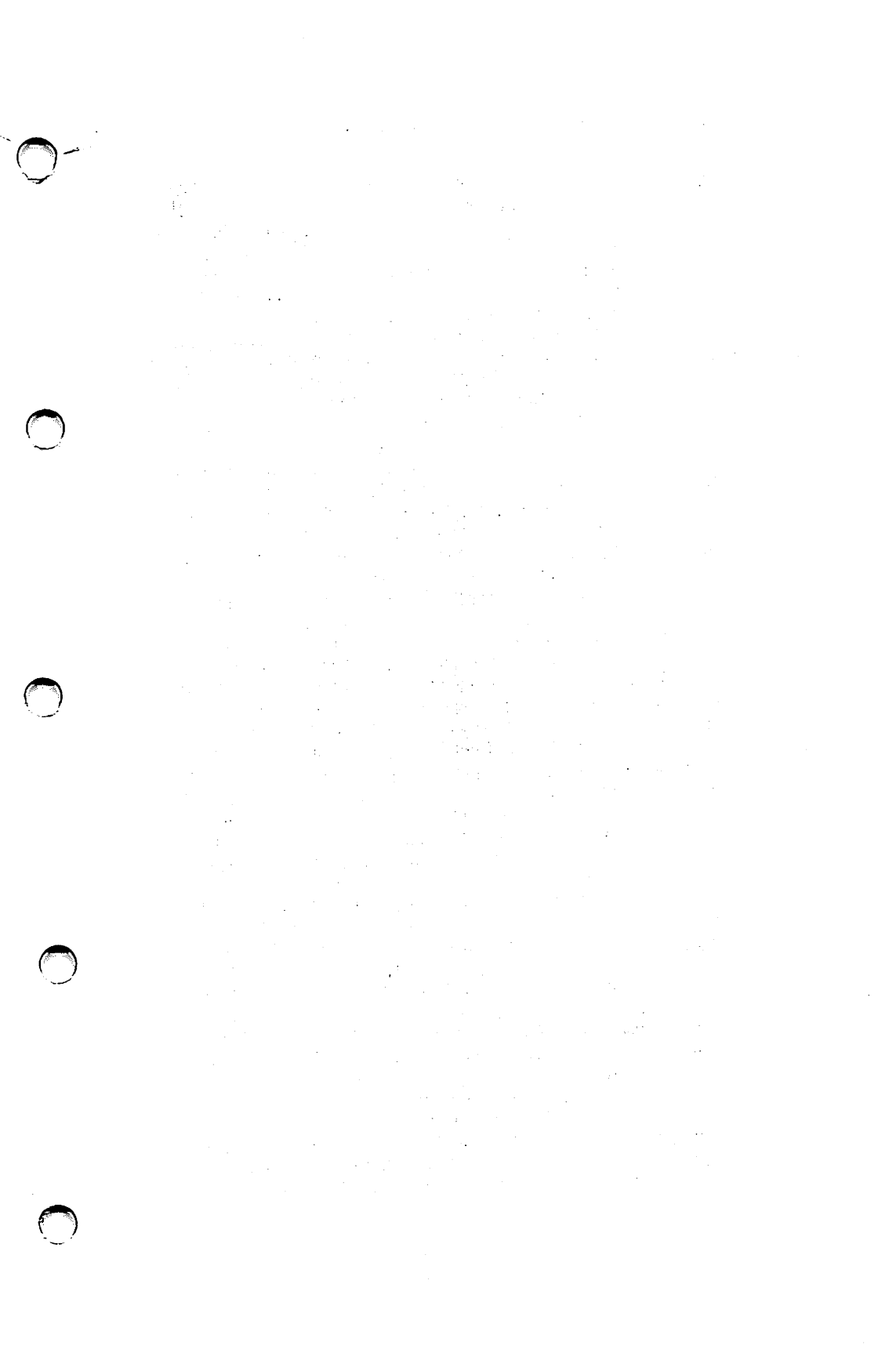
[Filed 12/12/74]

- [Filed 1/9/76, Notice 12/1/75—published 1/26/76, effective 3/1/76]
- [Filed 11/5/76, Notice 9/22/76—published 12/1/76, effective 1/5/77]
- [Filed 9/2/77, Notice 6/15/77—published 9/21/77, effective 10/26/77]
- [Filed effective date change 10/20/77—published 11/2/77, effective 10/20/77]
- [Filed 4/28/78, Notice 3/22/78—published 5/17/78, effective 7/1/78]
- [Filed 1/5/79, Notice 11/29/78—published 1/24/79, effective 2/28/79]
- [Filed 3/15/79, Notice 2/7/79—published 4/4/79, effective 5/9/79]
- [Filed 3/20/79, Notice 1/10/79—published 4/4/79, effective 5/9/79]
- [Filed 1/18/80, Notice 12/12/79—published 2/6/80, effective 3/12/80]
- [Filed 3/28/80, Notice 2/20/80—published 4/16/80, effective 5/21/80]
- [Filed 5/23/80, Notice 4/16/80—published 6/11/80, effective 7/16/80]
- [Filed emergency 7/17/80—published 8/6/80, effective 7/17/80]
- [Filed 8/1/80, Notice 6/25/80—published 8/20/80, effective 9/24/80]
- [Filed 12/5/80, Notice 10/29/80—published 12/24/80, effective 1/28/81]
- [Filed 3/13/81, Notice 2/4/81—published 4/1/81, effective 5/6/81]
- [Filed 6/5/81, Notice 4/29/81—published 6/24/81, effective 7/29/81]
- [Filed 9/11/81, Notice 8/5/81—published 9/30/81, effective 11/4/81]
- [Filed 3/25/82, Notice 2/17/82—published 4/14/82, effective 5/19/82]
- [Filed emergency 2/9/83—published 3/2/83, effective 3/1/83]
- [Filed 4/22/83, Notices 3/2/83, 3/16/83—published 5/11/83, effective 6/15/83]
- [Filed emergency 7/29/83—published 8/17/83, effective 7/29/83]
- [Filed 9/9/83, Notice 8/3/83—published 9/28/83, effective 11/2/83]
- [Filed 11/30/84, Notice 7/18/84—published 12/19/84, effective 1/23/85]
- [Filed 12/14/84, Notice 9/26/84—published 1/2/85, effective 2/6/85]
- [Filed 8/23/85, Notice 7/17/85—published 9/11/85, effective 10/16/85]
- [Filed 10/4/85, Notice 8/28/85—published 10/23/85, effective 11/27/85]
- [Filed 10/18/85, Notice 9/11/85—published 11/6/85, effective 12/11/85]
- [Filed 12/13/85, Notice 11/6/85—published 1/1/86, effective 2/5/86]
- [Filed 1/10/86, Notice 9/11/85—published 1/29/86, effective 3/5/86]
- [Filed 3/21/86, Notice 2/12/86—published 4/9/86, effective 5/14/86]
- [Filed 3/21/86, Notice 9/11/85—published 4/9/86, effective 5/14/86]

- [Filed 8/22/86, Notice 7/16/86—published 9/10/86, effective 10/15/86]
- [Filed 9/5/86, Notice 7/30/86—published 9/24/86, effective 10/29/86]
- [Filed 10/31/86, Notice 9/24/86—published 11/19/86, effective 12/24/86]
- [Filed emergency 11/14/86—published 12/17/86, effective 11/14/86]
- [Filed 12/29/86, Notice 11/19/86—published 1/14/87, effective 2/18/87]
- [Filed 1/23/87, Notice 12/17/86—published 2/11/87, effective 3/18/87]
- [Filed 10/16/87, Notice 9/9/87—published 11/4/87, effective 12/9/87]
- [Filed 10/30/87, Notice 9/23/87—published 11/18/87, effective 12/23/87]
- [Filed 12/23/87, Notice 10/7/87—published 1/13/88, effective 2/17/88]
- [Filed 1/7/88, Notice 12/2/87—published 1/27/88, effective 3/2/88]
- [Filed 2/5/88, Notice 10/21/87—published 2/24/88, effective 3/30/88]
- [Filed 3/3/88, Notice 1/27/88—published 3/23/88, effective 4/27/88]
- [Filed 8/19/88, Notice 7/13/88—published 9/7/88, effective 10/12/88]
- [Filed 10/14/88, Notice 9/7/88—published 11/2/88, effective 12/7/88]
- [Filed emergency 12/23/88—published 1/11/89, effective 1/2/89]
- [Filed 3/3/89, Notice 1/25/89—published 3/22/89, effective 4/26/89]
- [Filed 3/31/89, Notice 2/22/89—published 4/19/89, effective 5/24/89]
- [Filed 8/16/89, Notice 7/12/89—published 9/6/89, effective 10/11/89]◊
- [Filed 10/26/89, Notice 9/20/89—published 11/15/89, effective 12/20/89]
- [Filed 11/22/89, Notice 10/18/89—published 12/13/89, effective 1/17/90]◊
- [Filed 1/5/90, Notice 11/29/89—published 1/24/90, effective 2/28/90]
- [Filed 4/26/90, Notice 3/21/90—published 5/16/90, effective 6/20/90]
- [Filed 8/30/90, Notice 7/25/90—published 9/19/90, effective 10/24/90]
- [Filed 9/28/90, Notice 8/22/90—published 10/17/90, effective 11/21/90]
- [Filed 7/5/91, Notice 5/29/91—published 7/24/91, effective 8/28/91]
- [Filed 10/11/91, Notice 9/4/91—published 10/30/91, effective 12/4/91]
- [Filed 3/13/92, Notice 2/5/92—published 4/1/92, effective 5/6/92]
- [Filed emergency 3/26/92—published 4/15/92, effective 4/1/92]
- [Filed 6/5/92, Notice 4/15/92—published 6/24/92, effective 7/29/92]
- [Filed 9/23/92, Notice 8/19/92—published 10/14/92, effective 11/18/92]
- [Filed 11/6/92, Notice 9/30/92—published 11/25/92, effective 12/30/92]
- [Filed 9/24/93, Notice 8/18/93—published 10/13/93, effective 11/17/93]
- [Filed 10/8/93, Notice 9/1/93—published 10/27/93, effective 12/1/93]
- [Filed 12/30/94, Notice 11/23/94—published 1/18/95, effective 2/22/95]
- [Filed 10/6/95, Notice 8/30/95—published 10/25/95, effective 11/29/95]
- [Filed 2/9/96, Notice 1/3/96—published 2/28/96, effective 4/3/96]
- [Filed 5/16/96, Notice 4/10/96—published 6/5/96, effective 7/10/96]
- [Filed 10/31/96, Notice 9/25/96—published 11/20/96, effective 12/25/96]
- [Filed 12/19/96, Notices 10/9/96, 11/20/96—published 1/15/97, effective 2/19/97*]
- [Filed 10/17/97, Notice 9/10/97—published 11/5/97, effective 12/10/97]
- [Filed 4/17/98, Notice 12/3/97—published 5/6/98, effective 6/10/98]
- [Filed 10/15/98, Notice 9/9/98—published 11/4/98, effective 12/9/98]
- [Filed 3/19/99, Notice 2/10/99—published 4/7/99, effective 5/12/99]
- [Filed emergency 6/22/99—published 7/14/99, effective 7/1/99]
- [Filed 7/9/99, Notice 6/2/99—published 7/28/99, effective 9/1/99]
- [Filed 12/10/99, Notice 11/3/99—published 12/29/99, effective 2/2/00]◊
- [Filed 10/27/00, Notice 9/20/00—published 11/15/00, effective 12/20/00]◊

◊Two ARCs

*Effective date of 18.20(5) and 18.20(6) delayed 70 days by the Administrative Rules Review Committee at its meeting held February 10, 1997.



CHAPTER 84
UNFAIR CIGARETTE SALES
[Prior to 12/17/86, Revenue Department[730]]

701—84.1(421B) Definitions. For purposes of this chapter “wholesaler” and “retailer” mean a cigarette wholesaler and cigarette retailer as defined in Iowa Code section 421B.2. See opinion of the Attorney General, Griger to Bair, Director, Iowa Department of Revenue, 80-1-15. “Sale” or “sales” shall include an offer for sale.

This rule is intended to implement Iowa Code section 421B.2.

701—84.2(421B) Minimum price. The formula for determining the “cost” to a wholesaler or retailer as defined in Iowa Code section 421B.2 is not conclusive. The retailer, wholesaler or the department may prove that the “cost” is either higher or lower.

Any wholesaler or retailer who desires to prove that the wholesaler’s or retailer’s cost is less than the statutory presumptive cost computed according to the Iowa unfair cigarette sales Act, Iowa Code chapter 421B, shall submit a petition for approval of a lower cost along with actual cost data to the department of revenue and finance. The statutory presumptive cost must be used in determining minimum price until approval has been granted by the department. If the requester continues to sell cigarettes at less than the presumptive cost, the department may revoke the requester’s permit or seek an injunction pursuant to Iowa Code section 427B.10 to prevent such action.

Any requester making sales of cigarettes in or into Iowa for more than 12 months shall submit cost data for the 12-month period ending no more than 30 days prior to the submission of the petition. Any requester making sales of cigarettes in or into Iowa for less than 12 months shall submit cost data for the period beginning with the start of business and ending no more than 30 days prior to the submission of the petition. The department shall notify the wholesaler or retailer of the acceptance or rejection of the petition. If the requester disagrees with the department’s determination, the requester may file a protest within 60 days of the department’s decision in accordance with rule 701—7.41(17A).

Costs of doing business shall include, but are not limited to, freight charges, labor, and equipment costs to affix stamps, ink, glue, permit fees, management fees, labor costs (including salaries of officers), rents, depreciation, selling costs, maintenance expenses, interest expenses, delivery costs, taxes, insurance, advertising expenses, and any other operational and administrative costs. The requester shall set forth the basis for allocated costs. When the computed cost amounts to any fractional part of a cent, the cost must not be less than the next higher cent. However, sales made between wholesalers as provided for in Iowa Code section 421B.5, sales described in Iowa Code section 421B.6, and sales outside of the ordinary channels of trade as provided in Iowa Code section 421B.9 shall not be required to adhere to the minimum pricing requirements set forth in Iowa Code section 421B.3 and this rule. See rule 84.5(421B).

84.2(1) Wholesaler’s cost of cigarettes. The statutory method for determining the wholesaler’s cost of cigarettes is as follows:

- a. “Basic cost of cigarettes” equals the lowest of true invoice cost, or lowest replacement cost, less trade or cash discounts plus one half of the state cigarette tax.
- b. “Cost to wholesaler” equals the basic cost of cigarettes plus 3 percent of the basic cost plus the one half of the state cigarette tax not already included.

84.2(2) Retailer's cost of cigarettes. The statutory method for determining the retailer's cost of cigarettes is as follows:

a. "Basic cost of cigarettes" equals the lower of either true invoice cost exclusive of state cigarette tax or lowest replacement cost exclusive of state cigarette tax, minus trade or cash discounts plus one half of the state cigarette tax.

b. "Cost to retailers" equals the basic cost plus 3 percent of the basic cost, to the extent the retailer is allowed discounts ordinarily allowed wholesalers, plus 6 percent of the basic cost, plus the one half of the state cigarette tax not already included.

For purposes of determining the basic cost of cigarettes for wholesalers or retailers, trade or cash discounts may be deducted, if available, even though not taken. The discount taken or available must be clearly specified on the invoice or it will not be allowed as a reduction in the basic cost of cigarettes. Any financial incentive given to a wholesaler or retailer by a manufacturer at a later date will not reduce the basic cost of cigarettes.

The following example will demonstrate the application of this rule.

Manufacturer's list price	\$26.70/1,000
Minimum cost to wholesaler:	
Invoice price	\$26.70
Less: 2% discount	.5340
Plus ½ of the tax per M.	4.50
Basic cost of cigarettes	<u>\$30.6660</u>
Plus 3% of basic cost	.9199
	<u>\$31.5859</u>
Plus ½ of the tax per M.	4.50
Minimum cost to wholesaler	<u>\$36.0859/1000</u>
	7.217/carton
	(7.22 to nearest ¢)
Wholesaler's minimum price to retailers per carton	\$ 7.22
Less state tax	<u>1.80</u>
Invoice price exclusive of tax	\$ 5.42
Plus ½ of state tax per carton	<u>.90</u>
Basic cost of cigarettes	\$ 6.32
Plus 6% of basic cost	.38
Plus ½ of state tax	<u>.90</u>
Minimum retail	\$ 7.60/carton
	.76/pack

This rule is intended to implement Iowa Code sections 421B.2, 421B.3, 421B.5, 421B.6 and 421B.9.

701—84.3(421B) Combination sales. Whenever cigarettes and another item are offered for sale at a total combined price, the sales price shall not be lower than the "cost to the wholesaler or retailer" of all articles sold. The "cost to the wholesaler or retailer" of all of the articles sold on a combined basis shall be determined under Iowa Code section 421B.2, subsections (1), (3), and (4).

If a promotional gift is given to the wholesaler or retailer by a cigarette manufacturer at no cost, which gift is to be given to consumers at no cost upon the sale of cigarettes, the minimum sales price will not be affected. The invoice cost of the promotional gift is zero, and therefore, the “cost to the wholesaler” or “cost to the retailer” of the promotional gift is zero. If, however, the wholesaler or retailer were to purchase items to be given away with the purchase of cigarettes by consumers, the minimum sales price would increase. The “cost to the wholesaler” or the “cost to the retailer” of the promotional item would be based upon the lower of invoice cost or replacement cost. (See 1958 O.A.G. 22.)

This rule is intended to implement Iowa Code section 421B.4.

701—84.4(421B) Retail redemption of coupons. The redemption of coupons by retailers, which coupons were supplied to consumers by manufacturers and will be redeemed from the retailers by the manufacturers, does not affect the minimum sales price of cigarettes. The retailer is still receiving the statutory minimum price even though that price is paid by two different persons, the consumer and the manufacturer. (See 1986 O.A.G. 68.) Manufacturer incentives to the consumer in lieu of a coupon which reduce the cost of the cigarettes to the consumer do not affect the minimum sales price of cigarettes when the manufacturer absorbs the loss for the incentive.

This rule is intended to implement Iowa Code section 421B.3.

701—84.5(421B) Exempt sales.

84.5(1) Sales between wholesalers. The sale price of cigarettes from one wholesaler to another wholesaler is not required to have included therein the “cost to the wholesaler” as defined in Iowa Code section 421B.2(4). All of the provisions of Iowa Code section 421B.3 shall apply to the subsequent sale by the purchasing wholesaler to any other person except another wholesaler.

84.5(2) Exempt sales. The provisions of Iowa Code chapter 421B do not apply to the following sales transactions:

- a. An isolated sale, or
- b. A bona fide clearance sale for the purpose of discontinuing trade in cigarettes as long as the sale states the reason for the sale and the quantity of cigarettes to be sold, or
- c. The sale of damaged or imperfect cigarettes as long as the sale states the reason for the sale and the quantity of cigarettes to be sold.

84.5(3) Sales to meet lawful competition. A wholesaler or retailer may sell cigarettes below cost in good faith in order to meet the price of a competitor who is selling the same article at the cost to the competitor as defined in chapter 421B. Sales made under the exemptions contained in Iowa Code section 421B.6 and subrules 84.5(1) and 84.5(2) and sales of a bankrupt or forced sale shall not be considered in determining the cost to a competitor.

This rule is intended to implement Iowa Code sections 421B.5 to 421B.7.

701—84.6(421B) Notification of manufacturer’s price increase. For purposes of determining the minimum cost of cigarettes to wholesalers or retailers, all manufacturers dealing with Iowa permittees shall notify the department in writing or by telegram within five working days of the effective date of any change in the manufacturer’s list price for cigarettes.

This rule is intended to implement Iowa Code sections 421B.8 and 421B.11.

701—84.7(421B) Permit revocation. The department may revoke any permit issued under division I of Iowa Code chapter 453A for any violation of Iowa Code chapter 421B. The authority to revoke a retail cigarette permit for a violation of Iowa Code chapter 421B rests in the department even though the permit was issued by a city or county. The revocation shall be effectuated under the provisions of rule 701—81.12(453A).

Once the permit is revoked, the permittee cannot obtain another cigarette permit, nor may a permit be issued for the location covered by the revoked permit regardless of the identity of the applicant, for a period of at least six months.

This rule is intended to implement Iowa Code section 421B.11.

[Filed 3/14/80, Notice 2/6/80—published 4/2/80, effective 5/7/80]

[Filed without Notice 6/5/81—published 6/24/81, effective 7/29/81]

[Filed 9/9/83, Notice 8/3/83—published 9/28/83, effective 11/2/83]

[Filed emergency 11/14/86—published 12/17/86, effective 11/14/86]

[Filed 10/27/00, Notice 5/17/00—published 11/15/00, effective 12/20/00]

CHAPTER 85

Reserved

DAIRIES (cont'd)

Transportation **21**—68.2(6), 68.71; **761**—400.47, *see also Milk/Dairy Products subheads Bulk Tankers above; Haulers above*
 Violations/penalties **21**—68.21, 68.36, 68.68
 Water supply **21**—68.27, 68.35

DAMS

See also FLOOD CONTROL

Construction/operation

Abandonment, removal **567**—73.10, 73.11
 Animal feeding operations, distance **567**—72.2(9), 72.3(5)
 Approval **567**—71.3, 72.3(2)c
 Movable structures **567**—73.1
 Permits **567**—52.20
 Taxation **701**—19.10(2)e

Definitions **567**—70.2

Hazards **567**—72.3(2), 73.30–73.32

Inspections **567**—73.20–73.26, 73.30–73.32

Water levels **567**—73.2

DATA PROCESSING

See COMPUTERS

DAY CARE

Adult **321**—chs 24, 28; **441**—150.3(5)p(2), 150.22(7)p, 153.35, ch 171, 176.6(7),
see also HUMAN SERVICES DEPARTMENT: Medical Assistance(Medicaid)
subheads Day Care, Adult; Day Services, Adult

Children, *see CHILDREN: Care Services*

DEAF

See also DEAF SERVICES DIVISION; SPEECH PATHOLOGY AND AUDIOLOGY

Hearing aids, medical assistance providers **441**—77.13, 78.14, 78.28(4), 79.1(2), 80.2(2)b

School, state

Generally **681**—ch 16

Address **681**—16.1(4)

Administrators, financial disclosure **351**—11.2“32” ap-ar

Forms **681**—16.6

Organization **681**—11.1(7,8), 16.1

Procurement **681**—16.7

Solicitation **681**—16.9

Transportation **681**—16.8

DEAF (cont'd)

Special education

Definitions 281—41.5

Records 281—5.14(11)

Support personnel 281—41.9(3)b; 282—15.3“1,2,” 15.3(7)

Teachers 282—14.20(14), 15.2(6)

Telecommunications devices, 911 service 199—ch 37; 605—10.14(2)l, *see also* DEAF
SERVICES DIVISION: Services

Vocational rehabilitation, interpreter services 111—10.5

DEAF SERVICES DIVISION

Address 429—1.2, 6.3, 7.3

Administrator 429—1.1, 1.2(3), 4.1(6), 5.2(1-4)

Affirmative action 429—ch 5

Commission 429—1.3

Committees 429—1.3(5)

Contested cases 429—ch 9

Declaratory orders 429—ch 6

Definitions 429—2.1

Employment policies 429—1.3(5)a, ch 5

Human rights department authority 429—5.1, chs 6-9

Organization 429—ch 1

Records

Generally, public/fair information 429—ch 3

Confidential 429—3.14(2)f, 4.1

Employee 429—5.2(5)

Open 429—4.1(5,6)

Rule making 429—chs 7, 8

Services

Generally 429—ch 2

Census registry 429—2.3(13), 4.1(7)

Consultants 429—1.2(3)c, 2.3(5)

Fees 429—1.3(8), 2.4

Forms 429—ch 4

Interpreters/sign language 429—1.2(3)b, 1.3(8), 2.3(1-3,6), 2.4, 4.1(8,11,15)

Library 429—2.3(7), 4.1(9,10)

Telecommunications devices for deaf (TDD) 429—4.1(12,13)

Telephone Pioneers of America (TPA) 429—4.1(12)

DEATH

See also *LIVESTOCK*

Abuse, domestic, review team **641**—ch 91

Autopsies

Certificates, death **641**—101.1, 102.1(2), see also *Certificates below*

Definition **645**—100.1

Fees **641**—126.3

Sudden infant death syndrome (SIDS) **641**—126.1

Beneficiaries

Credit union accounts **189**—8.5

Emergency services providers **661**—ch 59

IPERS benefits **581**—21.10, 21.11(7,8), 21.14(3,4), 21.18(3), 21.19(2)*a*, 21.27,
21.29(3)*b,c,g*

Burial, see *BURIAL*

Certificates **481**—51.12(2)*b*, 57.16(1)*s*, 58.15(2)*j*, 62.18(1)*p*, 63.17(1)*s*; **641**—96.1,
98.2, 99.12, 101.1(2,3), 101.2, 101.3, 101.5(4), 101.8, 102.1(2), 104.1, 104.2,
127.2

Children, review team **641**—ch 90

Crime victims, medical examiner investigations **641**—127.1(1,7)

Disease, see *DISEASES: Communicable*

Disinterment **641**—101.7; **645**—100.1, 100.8

Employment benefits **871**—25.14

Family investment program (FIP) recipients **441**—45.25, 56.2

Fetus **641**—101.4—101.6, 102.1(2); **645**—100.2, 100.3, 100.11

Fire-related, investigations **661**—5.6

Foster care facilities **441**—114.21

Funerals, see *FUNERALS*

Health care facilities, see *HEALTH CARE FACILITIES: Residents*

Hospices **481**—53.19

Hospitals, see *HOSPITALS*

Insurance, benefits, see *INSURANCE subheads Accident/Health: Individual Policies; Life*

Investigations, see *Medical Examiner's Duties below*

Loans, records **187**—15.3(2)*c*

Lottery prizes **705**—1.22

Maternal **641**—ch 5

Medical examiner's duties **641**—99.12(2), 101.1, 101.2, 102.1, chs 126, 127;
645—100.7(3);

Motor vehicles, title transfer **761**—400.12, 400.14(4,5)

DEATH (cont'd)

Peace officers, benefits **581**—ch 24

Reports **21**—90.11(3), 91.14(3); **201**—50.21(3), 51.18(3); **481**—52.9(6); **641**—1.5(8), 1.9, 5.1, 126.3(1,3), 127.1(4,8); **875**—4.8

Research, human remains **645**—100.7

State employees

Deferred compensation **581**—15.6(13)

Family member, leave **581**—14.3(11)

IPERS, *see Beneficiaries above*

Sudden infant death syndrome (SIDS) **641**—126.1, 175.13(3)*a*(5), 175.15(2)*l*

Supplementary assistance recipients, residential facilities **441**—54.5(5)

Swimming pools/spas **641**—15.4(7), 15.51(6)

Taxation

Estate **701**—ch 87

Fiduciary **701**—ch 89

Inheritance **189**—8.5(3); **701**—ch 86

Military service **701**—39.11

Penalties, waiver **701**—10.8, 10.21, 10.43(3), 10.66(5), 10.79, 10.85(1), 10.90, 10.97, 10.101(4), 10.111

Restitution payments, exemption **701**—40.34

Retirement benefits **701**—40.45

Surtax **701**—42.1

Unemployment compensation **871**—25.14

DEBTS

Agriculture, mediation service **61**—ch 17

Bankruptcy, *see BANKRUPTCY*

Counties

Human services offset **441**—ch 14

Institutions, credit balances **441**—28.13

Management companies, licensure **187**—2.9

Medical assistance, asset transfers **441**—ch 89; **481**—ch 75

State, collection

Driver's license suspension **761**—615.25

Offset **283**—10.2(5-7); **441**—25.65(3), 25.76(2), 65.21(6), 95.3, 95.6, 95.7, 98.81, 162.8; **701**—43.3(3-5), ch 150; **871**—25.16

Overpayments, recoupment **441**—ch 46; **481**—ch 71; **871**—25.16

Property sales **701**—ch 152

Publication **701**—154.16

System, centralized **701**—ch 151

Uncollectible, tax credit 701—15.4

Utility bills 199—19.4(16), 20.4(16), 21.4(1), 22.4(5)*h*

DECLARATORY ORDERS

See various state agencies subhead Declaratory Orders

DEER

See also HUNTING

Depredation management 571—106.11

Farm

Inspections, meat 21—76.13

Tests, brucellosis/tuberculosis 21—64.38(8), 64.44, 65.12

Livestock dealers 21—66.1

DEFERRED COMPENSATION PROGRAM

State employees 361—ch 5; 581—15.6, *see also PERSONNEL DEPARTMENT*

DEFIBRILLATION

Public access defibrillation (PAD) program 641—132.1, 132.16

DENTISTS AND DENTISTRY

Advertising 650—20.15, 21.3, ch 26, 27.7(1), 27.8, 30.4“3,25–27”

AIDS 650—27.9(3), 30.4“35”

Anesthesia, *see Drugs below*

Assistants

Generally 650—ch 20

Continuing education 650—14.5(1)*h*, 20.12, ch 25

Laboratory technicians 650—21.1

Radiography 650—20.12(3), ch 22

Registration, *see Licenses/Registrations below*

Care facilities, *see HEALTH CARE FACILITIES*

Child support noncompliance 650—11.11, 20.13, 30.4“41,” ch 33

Colleges, *see University below*

Complaints 650—6.11(2,3), 6.12(1)*d*, 6.13(2)*b*, 6.14(2), 30.3“4,5,” ch 31, *see also Malpractice below*

Conduct 650—10.4, 20.14, 20.15, 27.9, 30.4, *see also Examiners Board: Discipline below*

Contested cases, *see Examiners Board below*

Definitions 191—40.1; 641—88.1; 650—ch 1, 6.1, 6.10(1), 16.1, 20.2, 21.1, 22.1, 25.1, ch 28, 29.1, 30.5(1), 32.1, 33.1, 34.1, 51.35

DENTISTS AND DENTISTRY (cont'd)

Disease exposure

- Emergency care providers, notification 641—11.49, 11.51—11.53
- Practitioners 650—27.9(3)

Disputes, patients 650—ch 32

Drugs

- Anesthesia/sedation/nitrous oxide 650—6.14(10), 10.3(1), 11.10, 15.1(9–11), 15.2(3–5), ch 29
- Controlled substances 650—ch 16; 657—1.1(3)*d*, ch 10
- Indiscriminate use 650—30.4“5,18,40”
- Patient information 650—6.11(3)*b*
- Prescriptions 650—ch 16; 657—10.11–10.19, 10.21, 10.22, 29.7
- Registration 657—10.2–10.9
- Reports 650—29.9

Education

- Anesthesia/sedation/nitrous oxide administration 650—29.3, 29.4
- Continuing 650—6.14(4,5), 13.2(6), 14.1(3), 14.5(1)*h*, 20.12, ch 25, 29.11, 34.2(5), 34.3(5)
- Loans, repayment program 641—110.21
- Patient 650—10.3(2)“4”

Ethics 650—ch 27, 30.4“39”

Examinations

- See also Hygienists below; Licenses below*
- Assistants 650—20.9, 20.10, 22.4, 22.6, 22.12(1)*d,e*
- Patients, follow-up 650—10.3(2)“4”

Examiners board

- Address 650—5.5, 6.3, 9.1, 9.3(3), 9.5, 9.6(2), 25.4(3), 25.10, 31.3, 51.13(4,5)
- Adjudicative proceedings, emergency 650—51.30
- Anesthesia credentials committee 650—29.10
- Conflicts of interest 650—ch 8
- Contested cases 650—11.9, 20.8, 29.12, 31.6, ch 51
- Declaratory orders 650—ch 9
- Discipline 650—6.9(2)*f*, 6.10(2)*h,i*, 6.12(1)*d*, 6.13(2)*h*, 6.14(2,3,9), 14.3, 14.5(3), 22.11, ch 30, 31.14, 51.8, 51.33, 51.35
- Forms 650—6.11(3)*a*, 6.14(5), 22.7(2), 25.4(2), 25.8
- Hearings 650—6.10(2)*i*, 6.11(3)*c*, 6.12(1)*d*, 6.13(2)*h*, 6.14(2,3), 11.9, 14.3, 25.6, 29.12, ch 51
- Mediation, disputes 650—ch 32
- Meetings 650—1.4, 5.2, 6.13(2)*g*

*DENTISTS AND DENTISTRY (cont'd)**Examiners board*

Organization 650—ch 5

Peer review 650—31.7, 31.8

Records/reports

Generally, public/fair information 650—ch 6

Confidential 650—6.9(2), 6.10(2)*b*, 6.11, 6.12, 6.13(2,3), 6.14, 6.15, 30.5(8)

Data processing 650—6.14(8), 6.16

Declaratory orders 650—6.15(3)

Definitions 650—6.1, 6.10(1)

Disclaimer 650—6.17

Disclosure 650—6.10, 6.11, 6.13(3), 6.14(1), 6.15(1)

Hearings/proceedings 650—6.2(9)*f*, 6.10(2)*h,i*, 6.11(3)*c*, 6.12(1)*d*, 6.13(2)*h*,
6.14(2,3), 51.24

Open 650—6.9(1), 6.13(1), 6.14, 6.15

Personally identifiable information 650—6.14, 6.16, 6.17“1”

Personnel 650—6.14(9)

Rule-making 650—6.15(2)

Rule making 650—6.15(2), ch 7

Subpoenas 650—31.5, 51.15

Faculty, permits 650—13.2

Family/community health division 641—ch 20, 170.4(4)

Felonies 650—11.8

Fillings/restorations, removal 650—27.7(8)

Fluoridation, water 641—ch 20

Health maintenance organizations (HMOs) 191—ch 40, *see also HEALTH
MAINTENANCE ORGANIZATIONS (HMOs)*

Hearings 650—6.10(2)*i*, 6.11(3)*c*, 6.12(1)*d*, 6.13(2)*h*, 6.14(2,3), 14.3, 25.6, 29.12,
ch 51

Hygienists

Committee 650—1.1, 5.1, 5.2(5,6), 5.6, 7.1(5), 11.5—11.8, 13.2(2), 14.1(5), 14.5(4),
30.4“42,” 31.1, 31.5(2), 51.4(2), 51.7(3)

Continuing education 650—14.1(3), ch 25

Duties 650—ch 1, 10.3(2)

Ethics 650—10.4, 27.1(2), 30.4

Examination 650—6.14(7), 11.4, 12.2—12.4

Felonies 650—11.8

Licenses 650—6.14(8), 10.1, 10.2, 11.4—11.6, ch 14, 15.1(2,6)

Permits 650—6.14(8), 11.10, 13.2, 15.1(11), 15.2(5)

Scope of practice 641—ch 194; 650—10.4

*DENTISTS AND DENTISTRY (cont'd)**Hygienists*

- Supervision 650—10.3
- Waivers 650—25.8
- Impaired practitioner review committee 650—30.5
- Inactive practitioners 650—1.1, 15.2(1), 25.8, 25.9
- Information, public 650—ch 6
- Insurance 581—15.2
- Laboratory technicians 650—ch 21, 30.4“20”
- Licenses/registrations
 - Generally* 650—ch 10
 - Application 650—6.11(3), 6.13(2)c, 6.14(6), ch 11, 13.1, 14.4, 15.1, 20.5, 20.6
 - Continuing education, *see Education above*
 - Denial 650—11.9, 20.7, 20.8, 33.2, 34.2
 - Display 650—10.2, 30.4“21”
 - Duplicate/additional 650—10.2, 15.4(1)
 - Examinations 650—6.13(2)d,e, 6.14(7), 11.1, 11.2, 11.3(2)b,c,j, 11.4, ch 12, 13.1(5), 14.5(2), 20.9, 20.10, 25.9(2)c, 51.34(7)
 - Fees 650—11.2(2)e, 11.3(2)k, 11.5(2), 14.4, 14.5(1)a, ch 15
 - Fraud 650—30.4
 - Hygienists, *see Hygienists above*
 - Interns/residents 650—13.1
 - Public health department division 641—170.4(1)
 - Reciprocity 650—11.2(2)c, 11.3, 15.1(5,6)
 - Records 650—6.11(3), 6.14(8)
 - Reinstatement 650—6.14(8), 14.5, 15.1(7,8), 25.9, 33.2(5), 33.3(5,7), 34.2(5), 51.34
 - Renewal 650—6.14(8), 13.1(4), ch 14, 15.2, 15.3, 20.11, 30.2“3,” 30.4“15,” 33.2, 34.2
 - Revocation/suspension 650—13.1(6), 30.2“1-3,” 33.3, 34.3, 51.2, 51.34
- Loans, student, nonpayment 650—11.11, 20.13, 30.4“42,” ch 34
- Malpractice 650—11.3(2)h, 30.4“8,24,” 31.11, 31.12
- Medical assistance 441—78.3(11), 78.4, 78.28(2), 79.1(2), 79.1(13)d, 79.6, 79.14(1)b(8), 80.2(2)e, 81.13(15)
- Office, closure, notification 650—27.10
- Patients, disputes, mediation 650—ch 32
- Peer review 650—1.8, 1.9, 31.7, 31.8
- Permits 650—6.11(3), 6.14(8), 11.10, 13.2, 15.1, 15.2, ch 29
- Public health programs, records 641—175.14(1)e
- Radiography, *see X-rays below*
- Records 650—16.6(2), 27.10, 27.11, 29.13, *see also Examiners Board above*
- Retirement, notification 650—27.10

DENTISTS AND DENTISTRY (cont'd)

Scope of practice 641—ch 194; 650—20.3

Services 650—27.3, 27.8

Specialists 650—ch 28

Taxation

Prescription exemption 701—20.7(2)*e*

Sales 701—16.40, 16.41, 18.22

University

Admission 681—2.4

Faculty 650—13.2

Veterinarians 491—9.5(4)*f*, 10.6(4)*g*

Violations/penalties 650—22.11, 51.35(5)

Volunteer providers 641—ch 88

X-rays 441—78.4(2); 641—38.8(1), 41.1(1,3,4), 41.1(6)*b*(1), 41.1(7); 650—ch 22,
see also X-RAYS

DETECTIVES, PRIVATE

Licensing 661—ch 2

Missing person information 661—ch 19

Sales/use tax 701—18.43, 26.69

Security guards 661—2.4(2)*b*

DIETITIANS

Child support noncompliance 641—ch 192

Complaints, *see Examiners Board below*

Confidentiality 645—80.101“6”

Continuing education

Generally 645—81.2

Activities, approval 645—81.2(3), 81.3, 81.4(2,4)

Exemption 645—81.8

Hearings 645—81.11

Records/reports 645—81.4, 81.5

Sponsors 645—81.4(1,3,5)

Waivers 645—81.7, 81.9

Definitions 645—80.1, 81.1

Diabetes education programs 641—ch 9

Ethics 645—80.101

DIETITIANS (cont'd)

Examiners board

*See also PROFESSIONAL LICENSURE DIVISION**

Address 645—80.2(2)

Discipline 645—80.100

Forms 645—80.2, 80.6(1,2), 81.4, 81.8, 81.10

Hearings 645—81.11

Meetings 645—80.2, 80.3

Organization 645—80.3

Public health department authority 641—170.4(1)

Health care facilities, *see HEALTH CARE FACILITIES*

Hospital outpatients 441—78.31(1)n, 78.31(4)b(2), 78.31(4)c(2)

Impaired practitioner review committee 641—ch 193

Inactive 645—81.8, 81.10

Information, public 645—80.2

Licensure

Application 645—80.4—80.6, 81.10

Consultants 645—80.4(5)

Denial 641—192.1, 195.2

Duplicates 645—80.9(6)

Eligibility 645—80.4

Examinations 645—80.4, 80.7, 80.10(4)c

Fees 641—192.2(5), 195.3(7); 645—80.6(3,4), 80.8, 80.9

Foreign education 645—80.4(1)a

Reinstatement 641—192.2(5,7), 195.3(7); 645—80.8(4), 80.9(4), 81.6, 81.10

Renewal 641—192.1, 192.2(5), 195.2; 645—80.8, 80.9(1-3), 81.5

Suspension/revocation/probation 641—192.2, 195.3

Temporary 645—80.5

Loans, student, noncompliance 641—ch 195

Medical assistance providers 441—77.33(12), 78.1(14), 78.18(7), 78.31(1)n,
78.31(4)b(2), 78.31(4)c(2), 78.31(4)h, 78.37(12), 79.1(16)i

Scope of practice 641—ch 194

Waivers 645—80.4(4), 81.7, 81.9

WIC (women, infants, children) program 641—73.6, 73.10(1)f

*Rules 645—chs 6-17 apply to all professional licensure boards

DISABILITIES

Alcohol/drug treatment centers, food stamps **441—65.9**

Blind, *see BLIND*

Building code requirements, *see BUILDINGS: Building Code: Access, Handicapped*

Burial benefits **441—56.2**

Children

Adoptions, subsidized **441—200.3(2)**, 201.2, 201.3, 201.4(4), 201.5(9), 201.6, 201.10,
ch 203

Care services **441—170.1**, 170.2, 201.6(1)a(4)

Education, *see Education below*

Foster care **441—156.6(4)**, 156.8(7), 202.2(5), *see also Residential Care Facilities
below*

Group treatment **441—ch 185 Div. V**

Hospitalization **681—6.6**, 12.1(3)

Special needs, *see HUMAN SERVICES DEPARTMENT: Children*

Vehicle standards **281—44.5**

Council, prevention, *see PREVENTION OF DISABILITIES POLICY COUNCIL*

Day care, adult **441—153.35**, ch 171

Deaf, *see DEAF*

Developmental

Apartments, *see Community Living Arrangements this subheading below*

Appeals **441—153.42**, 153.59

Children, special needs, *see HUMAN SERVICES DEPARTMENT: Children*

Community living arrangements **441—24.1**, 24.3(4), 24.21, 24.26(4), 153.35, ch 206,
see also MENTAL HEALTH; MENTALLY RETARDED

Council, governor's **441—1.7**, ch 38

Counties, expenditures **441—ch 25**, 153.39, 153.40

Family support subsidy **441—ch 184 Div. I**

Foster care **441—202.2(5)**

Grants **441—9.11**, ch 38, 153.31—153.42, 153.51—153.59

Loans, risk pool **441—25.61—25.66**, 25.71—25.76

Nursing facilities, screening program **441—81.3(3)**

Residential care **441—ch 207**; **481—63.47**

Services

Case management **441—24.1**, 24.3(1), 24.4(1)a, 24.21, 24.26(4), 78.33, 130.2(4),
130.6, 130.7, 153.31, 153.32, 153.34, 153.41, 153.53(3), 153.55, 180.5,
182.5(6), 202.2(5)

Family-centered **441—chs 180**, 182

Standards **441—ch 22**, 24.2, 24.3, 24.24—24.26

DISABILITIES (cont'd)

Discrimination

- Community services block grants 427—22.5
- Contracts, state agency, *see DISCRIMINATION*
- Credit 161—ch 6
- Education 281—12.1(1), 12.5(8,13), 66.4(14)
- Employment 161—8.26—8.32, 8.55, 8.65; 429—5.1; 541—4.5; 581—20.3(2,3), 20.6; 681—7.1, 7.2
- Homeless, grants 261—24.11(1)d, 29.10
- Insurance 191—15.11(2)
- Medical/remedial care 441—79.5
- Public accommodations 161—ch 10

Division, persons with disabilities

- Commission 431—1.3
- Organization 431—ch 1
- Records 431—ch 2, *see also HUMAN RIGHTS DEPARTMENT*

Driver's licenses, *see Motor Vehicles below*

Education

- Board responsibility 281—12.1(1), 12.5(8,13)
- Bus standards 281—44.5
- Community colleges
 - Access, parking lots 281—21.9(5,7)
 - Needs survey 281—21.4(4)
 - Plant standards 281—21.8
- Curriculum 281—12.5(4), 12.5(8)a, *see also Special this subheading below*
- Hospital-schools 441—ch 28; 681—12.1(3)
- Records 281—5.14(6—11), 5.15(15)
- Special 281—ch 41, *see also EDUCATION: Special Education*
- Standards 281—12.1(1), 12.5(8), 41.143
- Vocational 281—ch 56; 441—41.24(7), *see also Community Colleges this subheading above; Employment: Services, Vocational below*

Elevators, *see BUILDINGS: Building Code*

Employment

- Accessibility, buildings 871—24.24(16), *see also BUILDINGS: Building Code*
- Benefits 581—14.2(2)h,m, 14.3(10,12), 14.5(4), 14.19(5)i, 15.4; 701—40.22; 871—24.2(1)g, 24.7(2), 24.13(3)d, 24.13(4)i,j, 24.24(16), 24.25(35), *see also Pregnancy/Childbirth this subheading below; Retirement this subheading below; Workers' Compensation below*

*DISABILITIES (cont'd)**Employment*

- Certified disability program **581**—1.1, 6.1(3)
- Claims, injury **781**—2.14(10), ch 10; **876**—3.1(2,3)
- Discrimination, *see Discrimination above*
- Division duties **431**—1.1, 1.2(3)*b*
- Entrepreneurs, grants **261**—ch 56
- Health care facilities **481**—57.12(1)*e*, 58.11(1)*e*, 63.11(1)*e*
- Military leaves, reemployment **581**—14.9(6)
- New employment opportunities fund **877**—ch 13
- Occupational injuries, report **875**—4.4(2)
- Placement **877**—8.4(6)
- Pregnancy/childbirth **161**—8.55; **871**—24.11(4)*e*, 24.26(5,6)
- PROMISE JOBS, exemption **441**—41.24(2)*d*
- Regents, medical leaves **681**—3.143
- Retirement **581**—15.4(3), 17.14(3), 21.13(1), 21.13(2)*c*, 21.22, 21.24(5)*a*(2), 21.31, ch 24; **701**—40.33
- Self-employment loan program (SELP) **261**—ch 51
- Services, vocational **441**—24.3(1,4), 24.21, 24.22, 24.26(2)
- Sheltered work activity **441**—ch 172
- Small business
 - SELP program **261**—ch 51
 - Targeted program **261**—ch 55; **481**—ch 25
 - Taxation, deduction **701**—40.21, 53.11(4), 59.8
- Testing **581**—5.4(2)*a*, 5.5(2); **681**—3.52(4)
- Training, unemployed **261**—ch 30; **441**—41.24(7), 93.107, ch 172; **877**—10.3(4)*b*(4)
- Vacation accrual **581**—14.3(12)
- Veterans **581**—5.5(2)
- Wages
 - Records **875**—216.30
 - Taxation, employer deduction **701**—40.21, 53.11(4), 59.8
- Youth **877**—10.1, 10.3(4)*b*(4)
- Family investment program (FIP) **441**—41.24(2)*d*, 41.28(1)*b*
- Family support subsidy **441**—ch 184 Div. I
- Fishing, licenses **571**—15.7, 15.8
- Food stamps **441**—65.9, 65.43
- Foster care, *see Children above*
- Grants
 - Developmental disabilities **441**—9.11, chs 38, 153
 - Entrepreneurs **261**—ch 56

*DISABILITIES (cont'd)**Grants*

- New employment opportunities **877**—ch 13
- Small business, targeted **261**—ch 55
- Technical assistance, nonprofit organizations, employment/training **261**—ch 30
- Group living arrangements **441**—65.9, *see also Residential Care Facilities below*
- Head injuries, advisory council **641**—ch 55
- Health care facilities, *see HEALTH CARE FACILITIES*
- Home care aide services **641**—ch 80
- Home/vehicle modification, medical assistance **441**—77.33(9), 77.37(17), 77.39(16), 77.41(3), 78.37(9), 78.41(4), 78.43(5), 78.46(2), 79.1(2)p.5, 7, 79.1(17), 83.26, 83.66, 83.86, 83.106
- Hospital construction, *see HOSPITALS*
- Hospital-schools **441**—ch 28; **681**—12.1(3)
- Housing, *see Developmental Disabilities: Community Living Arrangements above; Home Modification, Medical Assistance above; Rent Subsidy below; BUILDINGS: Building Code: Access, Handicapped*
- Hunting **571**—15.5, 15.7, 51.7, 92.3(5), 94.7(4), 98.2, 98.13(2), 99.3(2), 106.7(4), 106.10
- Insurance **191**—35.4(4), 36.4(11–13), 36.5(4), 36.6(1)d,j,k,n, 36.6(6), 36.7(8); **581**—15.4, *see also Workers' Compensation below*
- Land/water conservation fund projects **571**—27.6(3)b
- Library **111**—ch 6; **286**—4.7; **429**—4.1(9,10)
- License plate, auto, *see Motor Vehicles: Registration below*
- Licensure, professional, waivers, *see specific profession subhead Continuing Education*
- Loan repayment, industrial technology student program **283**—35.1(7)d
- Long-term care insurance **581**—15.4
- Low-income
 - Energy assistance **427**—ch 10
 - Loans, small business **261**—ch 51
- Meals, congregate/home-delivered **321**—6.8“19,20,” 7.3(4)b, 7.3(5), 7.3(17)d
- Medical assistance **441**—75.1(4,17,25,33,38,39), 75.5(3)c(5), 75.20, 75.24(3), 75.58(1)b, 78.33, 78.37(11,13), 79.5, 201.6, 201.10, *see also Home/Vehicle Modification, Medical Assistance above; Waiver Services, Medicaid below*
- Motor vehicles
 - See also Transportation below*
 - Driver's license **761**—600.4, 601.1(4), 602.26(3)a(4)
 - Modification, *see Home/Vehicle Modification, Medical Assistance above*
 - Parks/recreation areas **571**—51.7, 61.2, 61.5(10,11,15), 66.4(4)
 - Permits **761**—ch 411, *see also Parks/Recreation Areas this subheading above*
 - Plates, parking stickers **761**—400.53, 411.3, 411.4

*DISABILITIES (cont'd)**Motor vehicles*

Registration **761**—400.21(4), 400.33, 400.35, 401.20, 401.24, 411.4
 School buses **281**—44.5
 Seat belts **761**—600.16
 Veterans **761**—400.33, 401.24, 411.4
 Wheelchair lift, parking cone **761**—411.6
 Windshield placards **761**—411.3

Nurses, license examinations **655**—3.4(7)

Nursing care, in-home **441**—50.2(3), 52.1(5), 83.21—83.31, ch 177; **701**—40.43

Parking

Area schools **281**—21.9(5)

Building code **661**—16.704(5)

Permits, *see Motor Vehicles: Parks/Recreation Areas above*

Public, standards **661**—ch 18

State facilities **401**—4.1, 4.3, 4.8(3), 4.11

Universities **681**—4.6(1-3), 4.30(1-3), 4.70(1-3)

Peace officers' retirement/accident/disability **581**—17.14(3), 21.5(1)a(38), ch 24;
701—40.4, 40.33

Personal assistance services program **441**—ch 184 Div. II

Recreation areas

Cabins, reservations **571**—61.4(4)

Vehicle permits **571**—51.7, 61.2, 61.5(10,11,15), 66.4(4)

Registration plates, *see Motor Vehicles above*

Rent subsidy **441**—ch 53

Residential care facilities **441**—chs 114—116, 156.19, 185.10(8)c,
 ch 185 Div. V, 185.106(2)a, 185.107(4), ch 207; **481**—63.47

Retirement benefits, *see Employment above*

Seat belts, *see Motor Vehicles above*

Sheltered work services **441**—ch 172

Sidewalk construction, ramps **761**—150.4(3)c

Signature, rubber stamp **645**—325.11(3)a; **653**—12.4(3)d

Supplementary assistance **441**—50.2, ch 52

Taxation

Corporate, deduction, small business **701**—53.11

Franchise, deduction, small business **701**—59.8

Income

Deductions **701**—40.21, 41.5(4)

Exemptions/exclusions **701**—40.4, 40.22, 40.33, 40.35, 40.47

Returns, filing **701**—39.1(4)

*DISABILITIES (cont'd)**Taxation*

Property

Credits **701**—73.12, 80.1(3)Exemptions **701**—80.4Telecommunications network facilities **751**—14.5Telephone directory assistance **199**—22.3(9)*d*

Transportation

*See also Motor Vehicles above*Federal transit assistance **761**—ch 922Game management areas, vehicle restriction **571**—51.1, 51.7Human services recipients **441**—174.3School bus standards **281**—44.5Trails, vehicle permit **571**—66.4Unemployment compensation, *see Employment: Benefits above*Utilities, disconnection **199**—19.4(15)*h*(5), 19.4(15)*i*(3), 20.4(15)*h*(6), 20.4(15)*i*(3)Veterans **581**—5.5(2), 21.24(5)*a*(2); **701**—40.35, 80.1(3); **761**—400.33, 401.24, 411.4Vocational rehabilitation, *see Education above*Voting **721**—21.300, 22.22“4”Waiver services, Medicaid **441**—ch 53, 77.30, 77.39, 77.41, 78.34, 78.43, 78.46,
79.1(2,15), 79.14(1), 80.2(2)*ae*, ch 83Weatherization assistance program **427**—ch 5Workers' compensation **581**—15.4(3); **876**—2.4, 3.1(2), 8.4, *see also WORKERS'*
*COMPENSATION***DISASTERS**Benefits, eligibility **871**—24.47Drugs, distribution **657**—7.8(3)Elderly, area agencies on aging **321**—6.7(2), 7.3(9)*b*(8), 7.3(11)*b*Elections, postponements **721**—21.1Emergency management division, *see PUBLIC DEFENSE DEPARTMENT*Firefighters, airport, benefits **581**—21.6(9)*d*(4)Floods, *see FLOOD CONTROL*Food distribution **321**—7.3(9)*b*(6,8), 7.3(11)*b*; **441**—73.61

Funds

Contingency **361**—ch 7Recovery **261**—23.14Loans/grants **261**—23.14; **361**—7.5, 7.7; **427**—10.13; **605**—5.16(5), 7.6, ch 8,
*see also FLOOD CONTROL*Mass gatherings **641**—19.4(8)Open burning **567**—23.2(3)*a*

DISASTERS (cont'd)

Price gouging **61**—ch 31

Relief Act, employment benefits **871**—24.47

Services division, *see PUBLIC DEFENSE DEPARTMENT: Emergency Management Division*

Soil/water conservation practices, restoration **27**—10.41(1)

Taxation, corporate, operating loss **701**—53.2(3)c

Telephone, enhanced 911 service **199**—39.2(1)e, 39.2(2); **605**—ch 10; **701**—40.39; **721**—21.810

Volunteers, employee leave **581**—14.14; **681**—3.151

Water usage, restriction **567**—52.10

DISCLOSURE

Banks **187**—9.2(7); **191**—50.81(4-6), 50.83; **781**—ch 5, *see also Mortgage Loans below*

Bonding activities, obligations **781**—7.3

Campground membership advertisements **61**—25.5

Credit **781**—ch 5

Credit unions **189**—18.3; **191**—50.83(2-4)

Elections, campaign disclosure, *see ETHICS AND CAMPAIGN DISCLOSURE*

Employees **361**—ch 9; **581**—18.5

Environmental audits **567**—ch 12

Executive branch officials **361**—ch 9

Funeral directors, costs **645**—101.212(13)

Gaming establishments **491**—22.13(9,10)

Grain dealers **21**—91.8

Health care facilities **441**—81.13(19)p, 82.2(1)e

HIV test results, sexual assault **641**—11.74

Industrial loan corporations **781**—ch 5

Insurance

Accident/health **191**—28.3, 28.14, 36.7, 37.1, 37.15, 39.7, 39.10(4), 41.21

Auto **191**—15.10

Life

Advertising/sales **191**—15.3(10), 15.4, 15.8, ch 15 Appendix I

Annuities **191**—15.3(10), 16.10 “Exhibit B”

Credit **191**—28.3, 28.14

Long-term care **191**—39.7(5), 39.20“4,” 72.5

Mortgage loans **191**—5.50-5.55

Service contracts/records **191**—23.23, 54.13(4)d

DISCLOSURE (cont'd)

- Lobbyists, reports 351—13.2
- Mortgage loans 189—9.2(9); 191—5.50-5.55; 197—ch 5, 11.6, 12.4
- Motor vehicles
 - Damage, title requirements 761—400.55
 - “Lemon Law” 61—ch 30
 - Odometer statements, titles 761—400.52
 - Records, drivers/nonoperators 761—chs 415, 611
 - Service contracts 191—23.23
- Prize promotions, advertisement 61—ch 32
- Racing, greyhound/horse, ownership 491—7.5(2)e, 9.2(7)l, 9.3(1)a(6), 10.2(7)l, 10.5(1)a(8)
- Real estate 187—9.2(7), 16.10; 193E—1.37, 1.39, 1.40; 193F—2.6, 9.7, 9.9-9.13, *see also Securities Programs below*
- Records, *see FAIR INFORMATION PRACTICES*
- Rental purchase agreements 61—ch 19
- Retirement facilities 191—24.10-24.12
- Savings and loan associations 197—ch 5, 11.6, 12.4, *see also Banks above*
- Securities programs
 - Generally 191—50.57(4)
 - Banks/savings institutions/credit unions 191—50.81(4-6), 50.83(2-4)
- Warehouses, grain 21—90.7

DISCRIMINATION

- Accountancy board 193A—12.2(2)
- Affirmative action/equal opportunity 161—8.6, 8.7, 8.65; 281—12.1(1), 94.2, ch 95; 321—2.5, 6.1(5,6); 429—ch 5; 441—105.3, 150.3(3)c-f, 150.5(3)c-f, 150.7(3)b-e, 150.22(5); 541—4.4, 4.5(2)d; 581—ch 20; 641—72.4(4); 681—3.1, ch 7, 8.6(3); 877—12.19
- Age 161—8.15-8.18; 261—24.11(1)c, 29.10; 321—2.4(3); 371—4.25; 427—22.5(3); 641—73.16
- Attorney general 61—1.3(3)e
- Blind 111—7.20, 10.9(1,3), 11.10(1,3); 191—15.11(2)
- Civil rights, *see CIVIL RIGHTS*
- Community action agency programs 427—22.5(3)
- Community development block grant 261—23.5(9)
- Complaints 161—1.5(2), ch 3; 321—2.4(4); 441—65.11; 581—12.1(5), 20.6; 875—ch 9, 36.4, 36.6-36.11; 877—12.19(5), 12.21(4)c