

State of Iowa
1960

Comp.

IOWA DEPARTMENTAL RULES

JULY
1960
SUPPLEMENT

Containing

The permanent rules and regulations of general application promulgated by
the state departments from January 1, 1960 to July 1, 1960



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PREFACE

This volume is published in compliance with section 14.3(7) of the Code. The rules of the various boards and departments are arranged in alphabetical order, using the names of the departments in general use.

Not all of the rules and regulations promulgated by the state departments have been included. The Act specifies "permanent" rules of "general application." Where rules have been omitted by the editor there is a notation indicating where such rules may be obtained.

July 1960

THE EDITOR

PUBLICATION OF DEPARTMENTAL RULES

Section 14.3 of the Code, subsection 7, requires the Code Editor to:

"Prepare the manuscript copy, and cause to be printed by the state superintendent of printing in each year in which a Code is published, a volume which shall contain the permanent rules and regulations of general application, promulgated by each state board, commission, bureau, division or department, other than a court, having statewide jurisdiction and authority to make such rules. The code editor may omit from said volume all rules and regulations applying to professional and regulatory examining and licensing provisions and any rules and regulations of limited application. The code editor may make reference in the volume as to where said omitted rules and regulations may be procured.

"This volume shall be known as the Iowa departmental rules and any rule printed therein may be cited as I.D.R. giving the year of publication and the page where the particular rule, by number, may be found.

"The code editor may provide cumulative, semiannual supplements for insertion in the latest published volume and a place shall be provided in the binding of said volume for insertion of such supplements."

IOWA

DEPARTMENTAL RULES

JULY 1960

AGRICULTURE DEPARTMENT

[Filed February 1, 1960]

Pursuant to the authority vested in the Department of Agriculture of the state of Iowa by the provisions of chapter 163, Code of Iowa, 1958, the following revised Rules and Regulations are hereby promulgated and adopted to be effective.

RULES AND REGULATIONS GOVERNING THE IMPORTATION OF LIVESTOCK INTO THE STATE OF IOWA.

SECTION I—GENERAL

A. No animal, including poultry or birds of any species that is affected with, or that has been exposed to any infectious, contagious or communicable disease or that originates from a quarantined area, shall be shipped or in any manner transported or moved into Iowa; EXCEPT, animals approved for interstate shipment, for immediate slaughter, by the Animal Disease Eradication Division, United States Department of Agriculture.

B. All livestock shipped or in any manner transported or moved into Iowa shall be accompanied by an official health certificate or permit or both when required which must be attached to the waybill or shall be in possession of the driver of the vehicle or the person in charge of the animals.

C. A copy of the health certificate shall be forwarded immediately by the most rapid means available to livestock sanitary official of the state of origin for his approval and transmittal.

D. All animals covered by these regulations originating from public stock yards or which may be assembled at public stock yards or concentration points from sources of unknown origin must meet Iowa requirements before being released.

E. Requirements for exhibition of livestock may be secured by contacting the Chief, Division of Animal Industry, Department of Agriculture, Des Moines 19, Iowa.

F. Livestock entering Iowa without a proper health certificate or a permit or both when required shall be held in quarantine at owner's risk and expense, until released by an authorized representative of the Department of Agriculture.

G. **Who May Inspect:** Accredited licensed graduate veterinarians or inspectors who are approved by the livestock sanitary official of the state of origin and veterinarians in the employ of the Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture.

H. **Who May Approve:** All health certificates shall bear the approval of the livestock sanitary official of the state of origin.

Section II—Official Health Certificates

An official health certificate is a legible record, attesting the animals covered thereby meet the requirements of the state of Iowa, accomplished on an official form of the state of origin, issued by an accredited veterinarian and approved by the livestock sanitary official of the state of origin; or an equivalent form of the United States Department of Agriculture issued by a federally employed veterinarian. Such certificate shall contain:

1. Date of issue.
2. Names and addresses of the consignor and consignee.
3. Origin of shipment.
4. Destination.
5. Accurate description or identification of animals.
6. The purpose for which they are shipped.

It shall indicate the health status of the animals involved and the dates and the results of the inspection and tests required by Iowa.

Health certificates shall not be valid more than 30 days from date of inspection, except health certificates on feeding and breeding swine exclusive of registered purebred swine shall not be valid more than ninety-six (96) hours from time of inspection.

Section III—Permits

A. Requests for permits should be directed to the Chief, Division of Animal Industry, Des Moines 19, Iowa. Phone number ATLantic 8-3960, day or night and shall set forth the following information: The name and address

of the consignor and consignee, number and kind of animal, sex and age of cattle intended for feeding and grazing purposes, origin of shipment, destination, purpose of shipment.

B. All animals entering Iowa under permit shall be consigned to an individual who is a legal resident of Iowa or to a livestock market or other agency operating under a permit issued by the Iowa Department of Agriculture. When required, livestock shall be held in quarantine at owners risk and expense until released by a representative of the Division of Animal Industry, Iowa Department of Agriculture.

C. All permits shall be void fifteen (15) days after date of issuance.

Section IV—Cattle

GENERAL. All cattle moving interstate must be accompanied by a permit or an official health certificate certifying that the cattle are free from symptoms of any infectious, contagious, or otherwise communicable disease, or from exposure thereto; or by both permit and health certificate when required, except cattle consigned to a public stock yard or a slaughtering establishment under federal inspection; or to a livestock market or a slaughtering establishment jointly approved by the Iowa Department of Agriculture and the United States Department of Agriculture, in which case they shall be accompanied by an official certificate, waybill or a signed owner's certificate.

Scabies. Cattle originating from herds or from areas under quarantine for cattle scab will not be admitted into Iowa.

A. Dairy and Breeding Cattle.

Tuberculosis. Cattle for dairy and breeding purposes located in a Tuberculosis Modified Accredited Area may enter the state of Iowa if they originate directly from:

1. Tuberculosis accredited herds, showing date of last test and herd accreditation number.
2. Tuberculosis negative herds tested within the previous twelve (12) months.
3. Cattle not meeting requirements outlined in paragraphs 1, and 2, are required to be tested negative within thirty (30) days prior to entry.
4. No test on calves under six (6) months.

Brucellosis. All brucellosis tests of cattle shall be conducted by state or federal laboratories, or by approved laboratories under the direct supervision of the Livestock Sanitary Official of the state of origin.

Cattle may enter Iowa providing their classification is clearly and positively stated, and depending on that classification; must meet the brucellosis requirements of A, B, C, or D immediately following:

A. No testing required but waybill or health certificate necessary for the following classes:

1. cattle going direct for immediate slaughter to an approved slaughter establishment.

2. cattle going direct to a public stock yard or to an approved livestock market.

B. No testing required for the following classes, but must be accompanied by a health certificate;

1. steers, spayed heifers, calves under 8 months of age.
2. cattle from certified brucellosis herds.
3. cattle from unquarantined herds in modified certified brucellosis areas.
4. official (brucella) vaccinated cattle under 30 months of age.

C. No testing required for the following classes, but permit and health certificate required:

1. Recognized beef type bulls and females for feeding and grazing only if cattle can be held separate and quarantined. Springer heifers and springer cows or heifers and cows with calf at side will not be admitted for feeding or grazing purposes as said animals shall be classified as **breeding cattle**.

D. (If A, B or C above are not applicable) All other cattle must meet the requirements of either (1), (2) or (3) below:

1. Breeding animals moving into certified areas must have a negative blood test within 30 days of shipment in addition to a permit and a health certificate and must be held in quarantine at destination and retested in not less than 30 days nor more than 60 days following entry into Iowa and found negative or sent to slaughter—all at owners expense, or

2. A complete negative herd test for brucellosis conducted within 90 days of shipment and providing each animal shipped is negative to another test not less than 30 days from the previous test and within 30 days prior to shipment, or

3. Breeding animals moving into noncertified areas; negative blood test within 30 days of shipment in addition to official health certificate.

B. **Feeder Cattle.** The following classes of cattle may be imported into Iowa **under feeder quarantine**, for feeding and grazing purposes:

1. Steers and spayed heifers official certificate or a permit required.

2. Bulls and female cattle of recognized beef type, under eighteen (18) months of age for a period not to exceed twelve (12) months. Official certificate and a permit required.

3. Bulls and female cattle of recognized beef type, over eighteen (18) months of age for a period not to exceed one hundred-twenty (120) days. Official certificate and a permit required.

C. **Slaughter Cattle.** Cattle for immediate slaughter which are apparently healthy may

enter the state of Iowa without health certificate and without tests for tuberculosis and brucellosis provided they are consigned directly to a public stock yard or a licensed slaughtering establishment where federal inspection is maintained; or to a livestock market or a slaughtering establishment jointly approved by the state of Iowa and the United States Department of Agriculture. The waybill accompanying such cattle shall be marked "Cattle for immediate slaughter."

Section V—Dogs

All dogs entering the state of Iowa for any purpose, except dogs for exhibition or performing dogs to be within the state for a limited period must be accompanied by a health certificate issued by an accredited veterinarian stating that they are free from symptoms of infectious, contagious or communicable disease, and that they have been vaccinated against rabies by one of the following methods:

1. Modified live virus vaccine (chick embryo origin) not more than three (3) years prior to entry.

2. Killed virus vaccine (Caprine origin) not more than one (1) year prior to entry. The above does not apply to puppies under three (3) months of age.

Section VI—Goats

Goats for dairy and breeding purposes may enter the state provided they are accompanied by a certificate of health showing a negative test for tuberculosis and come from a brucellosis-free herd and are negative to the agglutination test within thirty (30) days of the date of entry. The health certificate shall contain a full description of each animal giving age, color and markings. **IMMEDIATE SLAUGHTER**; apparently healthy goats may be imported into the state of Iowa when consigned directly to a recognized public stock yard or a slaughtering establishment where state or federal inspection is maintained.

Section VII—Horses, Mules and Asses. Official health certificate showing freedom from disease.

Section VIII—Sheep

Sheep for Feeding or Grazing Purposes. Sheep for feeding or grazing purposes may be imported into Iowa provided they are accompanied by a permit and health certificate or federal inspection form (ADE-5-48), stating that the sheep are free from symptoms of any infectious, contagious or communicable disease and **must be dipped** under state or federal supervision in a permitted dip approved by the United States Department of Agriculture, and the Iowa Department of Agriculture; unless qualifying under the following classification and exception:

A. Sheep originating in states or areas designated as scab-free by the Animal Disease Eradication Division, United States Department of Agriculture or from areas where sheep scab is not known to exist:

1. No dipping required provided the

sheep are moved direct from point of origin to point of destination, without being diverted enroute.

B. Sheep originating in states or areas **not** designated as scab-free or from areas where sheep scab is known to exist;

1. Must be dipped, within ten (10) days prior to entry during the period from April 1st through October 31st of each year.

2. Must be dipped, within ten (10) days prior to entry, during the period from November 1st through March 31st of each year, or may be moved direct to feedlot **without dipping, under quarantine.** Such quarantine shall remain in effect until the sheep are sold for slaughter, dipped under state or federal supervision, or after sixty (60) days from date of arrival, they may be inspected by a veterinarian and if found healthy, may be released from quarantine.

C. Sheep entering Iowa through public stock yards under federal supervision:

1. Sheep originating in scab-free areas; no dipping required provided the identity of the animals is maintained, and provided they are handled separate and apart from sheep originating in scab-infested areas or sheep of unknown origin.

2. Sheep originating in scab-infested states or areas or sheep from scab-free areas on which the identity of the animals is **not** maintained, or such sheep which are not handled separate and apart from sheep from scab-infested areas or sheep of unknown origin shall be considered exposed animals and shall be treated the same as sheep originating in scab-infested areas as outlined in paragraph B, part 1 and 2.

All sheep dipped at public stock yards shall be identified as "dipped sheep" by means of red branding paint, and the date of dipping shall be recorded on the inspection form (ADE 5-48).

Sheep for Breeding Purposes. Sheep for breeding purposes may be imported into Iowa provided they are moved direct from point of origin to point of destination, in Iowa without being diverted enroute, and provided they are accompanied by a health certificate stating that they are free from symptoms of any infectious, contagious or communicable disease.

The health certificate shall further include a statement that the sheep originate in:

1. A scab-free state or area or,

2. That the flock of origin has been inspected on the premises by an accredited veterinarian within ten (10) days prior to entry and found healthy.

Scrapie. Sheep from premises where scrapie has been known to exist within the last forty-two (42) months or sheep from flocks under surveillance for scrapie will not be admitted into Iowa.

Section IX—Swine

GENERAL. Swine that have been fed raw garbage will not be admitted into Iowa for

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any purpose, except for immediate slaughter to a slaughtering establishment under federal inspection and in compliance with federal requirements for interstate shipment.

A. *Slaughter Swine.* Swine for immediate slaughter may be imported into Iowa without health certificate, provided they are consigned directly to a public stock yard under federal inspection or a slaughtering establishment under federal inspection, or to a livestock market or a slaughtering establishment jointly approved by the state of Iowa and the United States Department of Agriculture.

B. *Registered purebred swine.* Registered purebred swine for breeding purposes may be imported into Iowa provided they are accompanied by a health certificate stating that the swine have been inspected and found healthy and that they have been vaccinated against hog cholera under one of the following methods:

1. Killed or dead hog cholera vaccine (crystal violet or tissue vaccine) not less than ten (10) days or more than six (6) months prior to entry.

2. Modified live virus hog cholera vaccine and anti-hog-cholera serum as recommended by the biological producer not less than ten (10) days or more than two (2) years prior to entry.

3. Anti-hog-cholera serum alone within five (5) days prior to entry provided each animal so treated be temperatured at time of injection and a temperature not exceeding 104 degrees disclosed.

C. *Feeding and breeding swine.* Swine, other than purebred (registered), intended for feeding and breeding purposes may be imported into the state of Iowa provided they are accompanied by a health certificate issued by an accredited veterinarian or a federally employed veterinarian, and pro-

vided they can comply with the following requirements:

1. The swine shall be identified by a numbered ear tag affixed to either ear of each animal and the ear tag numbers shall be recorded on the health certificate.

2. A copy of the health certificate shall be forwarded immediately to the Division of Animal Industry, State Capitol Bldg., Des Moines 19, Iowa.

3. The health certificate shall include a statement that the swine have been veterinary inspected within ninety-six (96) hours prior to entry, and found healthy.

4. The health certificate shall also include a statement that they have been vaccinated against hog cholera in compliance with subsection (B) above, give the date of vaccination and the name of the veterinarian by whom vaccinated.

5. Swine not vaccinated against hog cholera prior to entry shall in addition to complying with the foregoing requirements be accompanied by a permit issued by the Chief, Division of Animal Industry, Des Moines 19, Iowa. Telephone Atlantic 8-3960, Des Moines, Iowa (day or night). If the importer uses ear tags bearing the name of the importer the ear tag numbers need not be recorded on the health certificate provided the importer keeps available, for inspection by the Secretary of Agriculture, or his authorized agent, a record of the name and address of the producer of all such animals, for a period of at least one year after date of entry of the animals into Iowa. Ear tags will be furnished by the Department of Agriculture at cost, when applied for by the importer. All swine, except purebred (registered) imported for feeding or breeding purposes shall be quarantined on purchasers premises, and shall be maintained separate and apart from all other feeding or breeding swine for a period of twenty-one (21) days.

BANKING DEPARTMENT

[Filed January 26, 1960]

Pursuant to authority vested in the Superintendent of Banking by Section 524.10, Code of Iowa, and that vested in the State Banking Board by Section 528.51 as amended by the 58th General Assembly, rules and regulations effective July 4, 1959, [Filed May 21, 1959, July 1959 Supplement to I.D.R. page 6] pertaining to BANK PARKING LOT OFFICES are hereby amended as follows:

(1) By rescinding Regulation 8.12 and substituting in lieu thereof the sentence, "A PARKING LOT OFFICE may only be estab-

lished within some reasonable distance from the bank itself."

(2) By striking from Regulation 8.13 the word "parent".

(3) By striking from Regulation 8.15 the words "PARKING LOT and" in each of the two sentences constituting the regulation.

(4) By striking from Regulation 8.16 the words "whenever and wherever designated".

(5) By striking from Regulation 8.17 the words "a field" and substituting in lieu thereof the word "an".

COMMISSION FOR BLIND

[Filed April 26, 1960]

Pursuant to authority vested in this commission by Section 93, Code of Iowa, and by the Vocational Rehabilitation Act (29 U.S.C.

Ch. 4), as amended and the Randolph-Sheppard Vending Stand Act (20 U.S.C. Sec. 107) as amended, rules and regulations appearing at 1958 I.D.R. 34 are hereby rescinded and the following adopted in lieu thereof:

1. GENERAL PROVISIONS**1.1 Coverage**

The State Plan constitutes a description of the Vocational Rehabilitation Program for the blind for the State of Iowa. The State Plan, which provides for vocational rehabilitation services to the blind, is submitted by the State Commission for the Blind.

The Commission accepts the following definition of blindness, and services will not be denied to any person on the grounds that he is not blind if such person meets the condition of either (a) or (b) in the paragraph: (a) vision not more than 20/200 central visual acuity in the better eye, with correcting glasses, or a field defect in which the peripheral field has contracted to an extent that the widest diameter of visual field subtends at angular distance of not greater than 20 degrees. (b) a combination of loss of visual acuity and loss of visual field which imposes an employment handicap which is substantially that of a blind person, or a medical prognosis indicating a progressive loss of sight which will terminate in blindness as defined in (a) of this paragraph. A person who is considered blind under the terms of the definition of blindness as stated in (b) of this paragraph will be accepted for services only upon agreement with the general rehabilitation agency in this state.

Any individual who has a visual impairment but who is not eligible for services from the Commission under (a) or (b) in the preceding paragraph will be referred to the general rehabilitation agency.

1.2 Submittal of Plan Materials

(a) The Director of the Commission is authorized to submit plan material, plan amendments and reports direct to the Office of Vocational Rehabilitation.

(b) This Plan will be amended whenever necessary to reflect a material change in any phase of State Law, Organization, Policy, or Agency Operation. Such amendments will be submitted to the Office of Vocational Rehabilitation for approval before they are put into effect or within a reasonable time thereafter.

1.3 State-Wide Application of Plan

This Plan shall be in effect in all political sub-divisions of the State.

2. SCOPE OF AGENCY PROGRAM**2.1 Objectives and Services**

The Commission shall provide such activities and services under the vocational rehabilitation plan to each eligible individual found by diagnostic study to require such services as are necessary to render the blind person fit to engage in a remunerative occupation, including: (1) diagnostic and related services (including transportation) requested for the determination of eligibility for services and the nature and scope of services to be provided; (2) guidance; (3) physical restoration services; (4) training; (5) books and

training materials; (6) maintenance during rehabilitation; (7) placement; (8) tools, equipment, initial stocks, and supplies; initial stocks and supplies for vending stands; (9) acquisition of vending stand or other equipment, and initial stocks and supplies for small business enterprises under the supervision of the Commission; (10) transportation; (11) occupational licenses; and (12) other goods and services which may be necessary.

2.2 Remunerative Occupation

Remunerative occupation includes: employment in the competitive labor market; practice of a profession; self-employment, home making; farm or family work (including work for which payment is in kind rather than cash); sheltered employment, and industries or other home-bound work of a remunerative nature.

3. CASE FINDING AND INTAKE

Persons desirous of services offered by the Commission for the Blind should contact either the Commission directly or county welfare offices, local public or private service organizations, general medical practitioners, ophthalmologists, or optometrists. Students of the Braille and Sight Saving School are routinely referred to the Commission for the Blind at that time when commission services are considered feasible.

4. ELIGIBILITY**4.1 General Provisions**

The Commission assumes responsibility for determination of the eligibility of individuals for vocational rehabilitation and of the nature and scope of vocational rehabilitation service to be provided such individuals, and such responsibility will not be delegated to any other agency or individual not of the agency staff.

4.2 Basic Requirements

Eligibility for vocational rehabilitation will be determined upon the basis of three basic conditions: (1) the existence of blindness as defined in Section One, according to the examination of an approved ophthalmologist; (2) the impairment constitutes a substantial handicap to employment; (3) there shall be a reasonable expectation that vocational rehabilitation services may render the individual fit to engage in a remunerative occupation. Individuals who are homebound are not excluded.

Eligibility will be determined without regard to citizenship, creed, sex, race, color or national origin of the individual.

4.3 Other Factors

Six months residence immediately previous to his application is required to establish eligibility for rehabilitation service. However, if the applicant has resided in the state less than six months with evident intention of becoming a permanent resident, he may be accepted.

4.4 Certification

(a) Simultaneously with acceptance of the blind person for rehabilitation services, there will be a certification that the individual has met the basic eligibility requirements. The certified statement of eligibility will be signed and dated by the counselor.

(b) For each case determined to be ineligible for vocational rehabilitation services there shall be a certificate to that effect, dated and signed by the counselor.

4.5 Disabled Civil Employees of the U. S. Government.

The same standards of eligibility are applied to disabled civil employees of the U. S. Government who are disabled in the line of duty.

5. CASE STUDY AND DIAGNOSIS

5.1 Purpose

In each case, prior to and as a basis for formulating the individual's plan of vocational rehabilitation, there will be a thorough diagnostic study which will consist of a comprehensive evaluation of pertinent medical, social, psychological, educational, and vocational factors.

The diagnostic study will be adequate to provide the basis for: (1) establishing that a mental or physical condition is present which limits the activities the individual can perform; (2) appraising the current general health status of the individual in order to determine the limitations and capacities as far as possible; (3) determining how and to what extent the disabling condition may be expected to be removed, corrected, or minimized by physical restoration services, and; (4) selecting an employment objective commensurate with the individual's capacities and limitations.

5.2 Scope of Case Study

In each case, according to the degree necessary, the diagnostic study will include an evaluation of the individual's personality, intelligence level, educational background and achievement, vocational aptitudes and interests, employment experience and opportunities, and personal and social adjustments, and other pertinent data helpful in determining the nature and scope of services to be provided for accomplishing the individual's vocational objective.

5.3 Medical Diagnostic Study

The Commission policy will be to provide in each case: (1) a complete general medical examination providing an appraisal of the current medical status of the individual; (2) examination by an ophthalmologist and other specialists in all medical fields, as needed; (3) such clinical laboratory examinations as x-rays and other indicated studies as are necessary to establish the diagnosis and to determine the extent to which the disability may limit daily living and work activity and to estimate the probable results of physical restoration services.

5.4 General Medical

a. Minimum procedures routinely required in the general medical diagnosis are: (1) medical history; (2) determination of the physical and mental abilities and limitations of the individual including laboratory reports on blood, serological and urinalysis. All medical and eye reports must be approved by the ophthalmological and medical consultants.

b. Medical reports in lieu of securing new medical examinations are accepted from reliable sources such as Aid to the Blind, State University Hospitals, and doctors on the accredited list of the State Medical Society, which can be relied upon to provide sound information. The data requested in the general medical and eye examination report forms must be covered in the resume.

c. (1) A medical examination report, or a medical abstract resume if made within six months of plan development, will be accepted as an adequate substitute for a new examination. Exception to this practice will be made only upon the advice of the medical consultant. (2) An eye report, to be acceptable, must have been made within three months of plan development unless there is an eye report from an established agency or one already on file for the individual case in the office of the Aid to the Blind, State Department of Social Welfare, indicating that the disability is static and cannot be eliminated, arrested or reduced by surgery or treatment. Exception to this practice will be made only upon the advice of the ophthalmological consultant.

5.5 Medical Specialty Examinations

Examinations by a specialist in a specialty field will be secured in all cases in which there is a need for a more thorough study as indicated by the medical examination. (1) Eye examinations by accredited ophthalmologists are required. (2) In some very unusual case where the individual can not reach an ophthalmologist, a report from an optometrist who is on the accredited list of the State Department of Social Welfare for examinations for applicants for Aid to the Blind will be accepted. (3) A psychiatric examination will be secured in all cases of mental illness or emotional disturbance. A brief summary of the individual's social and vocational history will be furnished to the psychiatrist. (4) When dentistry is indicated to promote the health of the individual, the Commission will provide the service. The recency of specialists' reports shall be the same as for medical reports.

5.6 Diagnostic Hospitalization

In-patient hospitalization for diagnostic purposes will be provided in cases in which the diagnostic study required for adequate understanding of the client's condition cannot be satisfactorily done on an out-patient basis.

5.7 Psychological Evaluation in Mental Retardation Cases

The Commission will secure or provide psychological evaluation in all cases of mental or suspected retardation.

6. REHABILITATION PLAN FOR THE INDIVIDUAL

6.1 Content of Plan

An individual plan of vocational rehabilitation will be formulated for each client accepted for rehabilitation services. The plan will be based (1) Upon the evaluation of all data secured through the diagnostic study; (2) Will specify the vocational rehabilitation objective (or tentative objective when the ultimate objective cannot be determined at the time), the services necessary to accomplish the client's vocational rehabilitation, and the plan for providing or securing necessary services; and (3) Will be formulated with the client's participation.

6.2 Services to be Provided

The plan will provide for all rehabilitation services necessary to accomplish the vocational rehabilitation, and that such services will be carried to completion so far as possible.

6.3 Termination or Revision of Plan

The Commission will exercise its discretion in relation to the termination or revision of the individual's plan when for any reason it becomes evident that the services cannot be completed or that the client's needs have changed.

7. ORDER OF SELECTION FOR SERVICES

All necessary vocational rehabilitation services will be provided without delay to all handicapped individuals determined to be eligible for services. However, if a situation should develop under which vocational rehabilitation services cannot be extended without delay to all eligible clients, a plan amendment will be submitted, setting forth the criteria for order of selection of eligible clients for provision of services.

8. GUIDANCE

8.1 Policies for Guidance of Clients

Guidance in the form of vocational rehabilitation counseling, consisting of personal interviews, letters of advisement, and other direct and indirect contacts, are provided every client by a vocational rehabilitation counselor. Beginning with the initial interview, counseling seeks to develop such relationships with the client as are conducive to helping him explore and understand his vocational problems, limitations, and potentialities and to enable him to plan and execute a program of vocational rehabilitation that will accomplish maximum adjustment and satisfaction in suitable employment. Periodic contacts are maintained for guidance and counseling purposes throughout the entire vocational rehabilitation process and continue until the individual is considered to be rehabilitated, and his case record is ordered closed. Effort is made at all times to develop the independence of the individual and to utilize collateral facilities and co-operating individuals to provide competent guidance in vocational and

nonvocational areas effecting the client's program of vocational rehabilitation.

8.2 Methods for Evaluating Progress of Client

The individual's progress toward his vocational rehabilitation objective is evaluated by regular contacts, reports from professional personnel or agencies providing vocational rehabilitation services, reports from reliable co-operators and employers, periodic written progress reports by clients, and by the periodic review of all such information or by case staffing procedures.

9. ECONOMIC NEED

9.1 Economic Need Policies

a. The Commission will establish economic need for each client simultaneously with or within a reasonable time prior to provision of those services for which a needs test is required.

b. The following services are provided at the expense of the Commission only when found necessary to accomplish the vocational rehabilitation of an eligible disabled person and when the disabled individual is determined to be in economic need: (1) physical restoration services; (2) maintenance during rehabilitation (except under no circumstances is maintenance paid after a client is placed and actually receives remuneration for his employment or after 30 days from the date a client is placed in self-employment or for more than 30 days during an interruption of service or during any one illness of an acute intercurrent nature); (3) transportation (except transportation for diagnosis is not conditioned on economic need); (4) occupational licenses; (5) books and training materials; (6) tools, equipment, and initial stocks (including livestock) and supplies; equipment and initial stocks and supplies for vending stands; and necessary shelters in connection with the foregoing items; and (7) such goods and services as business licenses and reader or attendant services found necessary to render an eligible handicapped person fit to engage in a remunerative occupation.

Financial need is not a condition for the provision of any services not specifically mentioned or referred to in the paragraph immediately above.

c. The agency will maintain a written standard for measuring the financial need of clients with respect to normal living requirements and for determining their financial ability to meet the cost of necessary rehabilitation services. In the case of a client receiving Aid to the Blind, no further investigation is required to establish his financial need. Such information is available to the Commission at all times from the Department of Social Welfare.

d. In the determination of economic need, the Commission will secure data regarding the financial circumstances of the client, including his resources, living requirements, and obligations. The client (or a responsible relative or guardian) will be regarded as the primary source of information about his financial circumstances and needs, although informa-

tion from other reliable sources may be obtained if necessary.

e. All consequential resources available to the individual will be taken into account in calculating his financial need, with the exception of certain resources defined in the following section on methods of determining economic need.

9.2 Methods of Determining Economic Need

a. Need Standard

The Commission maintains a written standard for measuring financial need of clients in terms of normal living requirements. This standard is determined, following consideration of available information of the current cost of living, on the basis of the usual requirements which would provide the elements of living essential to the maintenance of the client's morale, and to permit the effective and successful undertaking of his vocational rehabilitation.

This standard consists of (1) a basic standard for determining normal living requirements for all clients and (2) adaptations of this standard to meet special circumstances. These circumstances include: (1) special needs accompanying designated types of disabilities; (2) variations based on differences in cost of normal living requirements in different localities; (3) variations based on the nature of normal living requirements caused by the particular rehabilitation services to be provided; (4) other objectively defined circumstances affecting the requirements of individuals in those circumstances.

This standard will also be adapted to meet the need for short periods of medical care for acute conditions arising during the course of vocational rehabilitation. Treatment will be available for a period not to exceed thirty days in the case of any one illness.

Prior to the provision of services conditioned upon financial need, the Commission's need standard or its modification appropriate to the defined circumstances will be applied in each case to determine the existence and extent of the individual's need. The individual will be considered in financial need if he has insufficient resources (1) to procure normal living requirements as defined by the standard, and (2) to meet the cost of necessary vocational rehabilitation services conditioned on financial need.

b. Client Resources

In determining the financial circumstances of the individual, the Commission will identify all consequential resources actually available to him, however derived, including all resources of the client, his spouse, and, if the client is a minor, the resources of his parents. These resources consist of (1) current income, including remuneration in kind and remuneration from on-the-job training; (2) any benefits to which the individual may be entitled by way of pension, compensation or insurance; and (3) capital assets, including both real and personal property.

The Commission has established policies regarding conditions under which resources are

considered "actually available" to the client. Only those resources which are actually available to him for use during the period of his vocational rehabilitation will be taken into account.

The Commission has established policies providing that certain defined resources of the client may be retained by him and need not be used in his vocational rehabilitation program. Resources which the client will not be expected to apply toward the cost of services involved in his vocational rehabilitation program are:

(1) amounts specified below of capital assets, both real and personal property, provided that current income will not be disregarded.

(a) \$10,000 in capital assets, other than cash, including client's shelter on basis of tax evaluation and including both real and personal property not otherwise specifically exempt.

(b) cash assets in an amount not to exceed \$1,000 for a single person or \$1,500 for a married person.

(2) resources of any type needed to meet the client's obligations for:

(a) support of dependents (including only persons in the home for whom he has assumed responsibility, and other persons for whose support he is legally responsible) in accordance with the standard established by the agency to measure the amount in which this obligation will be recognized. This standard is determined on the basis of the usual requirements which would provide the elements of living essential to adequate maintenance of the health of the client's dependents for their participation in ordinary activities and includes, in addition to the assets set forth in item 1, the resources invested in necessary home furnishings used by dependents and resources invested in tools, equipment, and vehicles used in providing support of dependents.

(b) obligations which the client is required by legal process to pay or which, if not recognized, would constitute a substantial obstacle to achievement of his vocational rehabilitation objective.

c. The total consequential resources actually available to the client, minus capital assets disregarded, and minus the amounts needed to meet obligations in accordance with applicable policies, will be considered to constitute the client's resources. In each case, the amount of the Commission's supplementation will be the amount by which the individual's living requirements, plus the cost of services to be purchased, exceed his resources for obtaining the planned vocational rehabilitation services conditioned on economic need.

If, prior to the start of the consummation of the rehabilitation plan, it is evident that a client is in need of clothing to make it possible for him adequately to clothe himself during training or other rehabilitation program, the agency may expend whatever is necessary to provide the needed clothing.

9.3 Uniform Application and Equitability of Standards

The staff of the Commission will be provided with written standards and instructions, and such training and supervision in their use as are necessary to achieve uniformity in applying them. Instructions as to monetary amounts for measuring the individual's normal living requirements, for recognizing obligations, for support of dependents, for amounts of capital assets that may be disregarded in calculating resources will be included in such instructions. Standards and policies on determining financial requirements and consideration of resources will provide for equitable treatment of all clients.

10. CONFIDENTIAL INFORMATION

10.1 Agency Regulations

The Commission maintains such regulations and rules as are necessary to assure that all information as to the personal facts and circumstances of applicants or clients given or made available to the agency, its representatives, or employees in the course of administration of the vocational rehabilitation program, including lists and names and addresses and records of agency evaluations will be held to be confidential.

The use of such information and records will be limited to purposes directly connected with the administration of the vocational rehabilitation program and may not be disclosed, directly or indirectly, other than in the administration of the program, unless the consent of the client to such release has been obtained either expressly or by necessary implication. Release of information to employers in connection with placement of the rehabilitation client may be considered as a release of information in connection with the administration of the rehabilitation program. Such information may, however, be released to welfare agencies or programs from which the client has requested services, for which his consent may be presumed, provided such agencies have adopted regulations which will insure that the information will be held confidential, and can assure that the information will be used only for the purposes for which it is provided.

All such information is the property of the Commission and may be used only in accordance with the agency's regulations.

10.2 Agency Procedures

The Commission has adopted such procedures and standards as are necessary to (1) give effect to its regulations; (2) to assure that all clients and interested persons are informed of the confidential nature of rehabilitation information; (3) assure the adoption of such office practices and availability of such office facilities and equipment as will assure the adequate protection of the confidential nature of the records.

11. SERVICES TO INDIVIDUALS

11.1 Training and Training Materials

a. **Training.** All necessary vocational rehabilitation services will be made available

to eligible individuals to the extent necessary to achieve vocational rehabilitation. Training will include vocational, prevocational, personal adjustment training, and other rehabilitation training which contributes to the individual's vocational adjustment. It also includes training provided directly by the state agency or procured from other private or public training facilities.

b. **Training Materials.** All necessary training supplies are provided to the client including: books, tape recorders and tapes, instruments for students taking chiropractic training, clinical coats, piano tuning tools, aprons, and other necessary helps.

11.2 Physical Restoration Services

It is the policy of the Commission to secure physical restoration services, when such are not otherwise available, for eligible disabled individuals to the extent necessary to achieve their vocational rehabilitation. "Physical Restoration Services" means those medical and medically related services which are necessary to correct or modify substantially within a reasonable period of time a physical or mental condition which is stable or slowly progressive, and includes: (1) medical or surgical treatment by general practitioners or medical specialists; (2) psychiatric treatment; (3) dentistry; (4) nursing services; (5) hospitalization (either in-patient or out-patient care) and clinic services; (6) convalescent nursing or rest home care; (7) drugs and supplies; (8) prosthetic devices essential to obtaining or retaining employment; (9) physical therapy; (10) occupational therapy; (11) medically directed speech and hearing therapy; (12) physical rehabilitation in a rehabilitation facility; (13) treatment of medical complications and emergencies, either acute or chronic, which are associated with or arise out of the provision of physical restoration services, or inherent in the condition under treatment; and (14) other medical or medically related rehabilitation services.

Physical restoration services will be furnished to an eligible client only when the following criteria are met: (a) the clinical status of the individual's condition must be stable or slowly progressive (i.e., the condition must not be acute or transitory, or of so recent an origin that the resulting functional limitations effect occupational performance cannot be identified); (b) eliminate or substantially reduce the handicapping condition within a reasonable period of time; (c) the individual must be found to be in need of financial assistance in meeting the costs of the services.

11.3 Transportation

The agency furnishes transportation incidental to provision of diagnostic or other vocational rehabilitation services. Transportation includes: cost of travel and subsistence during travel (or per diem allowances in lieu of subsistence) for the client and his attendant or guide when such assistance is needed.

11.4 Maintenance

(a) Maintenance will be provided only in order to enable an individual to derive the

full benefit of other vocational rehabilitation services that he is receiving.

(b) Maintenance grants cover the handicapped individual's basic living expenses such as food, shelter, clothing, health maintenance, and other subsistence expenses essential to achieving the individual's vocational rehabilitation objective.

(c) As needed in the individual case, maintenance may be provided at any time in connection with vocational rehabilitation services from the date of initiation of services, including diagnostic services, until such time as the client actually receives remuneration (not more than 30 days after placement) from his employment, or in the case of the client placed in self-employment, for not more than 30 days after he is so placed.

(d) The Commission assumes responsibility for providing as a part of maintenance amounts to cover the cost of medical care for short periods necessary to treat acute conditions arising in the course of vocational rehabilitation which, if not cared for, would constitute a hazard to achieving the individual's vocational rehabilitation objective. Such medical care shall be available for a period not to exceed thirty days in the case of any one illness.

11.5 Placement

The agency assumes the responsibility for the placement of all handicapped individuals accepted for vocational rehabilitation services.

The standards of the agency for determining that a client is suitably placed are:

(1) that the work performed is consistent with the client's physical, and mental capacities, interests, and personal characteristics.

(2) that the client possesses or has acquired necessary skills to perform the work successfully.

(3) that the work has reasonable permanency.

(4) that working conditions will neither aggravate the client's disability nor jeopardize the health or safety of others.

(5) that the employment provides reasonable maintenance for the client and his dependents at the highest economic level he can reasonably obtain.

(6) that if not employed full time, the employment is consistent with the client's capacity to work and produce.

(7) that the wage and working conditions conform with State and federal statutory requirements.

In each case there will be a reasonable period of follow-up after placement to assure that the vocational objective of the client has been achieved.

11.6 Tools, Equipment, Initial Stocks and Supplies, Occupational Licenses

Tools, equipment, initial stocks and supplies, including livestock, will be provided, as needed, in the individual case, for the opera-

tion of a business or agricultural enterprise or the pursuit of a trade, occupation, or profession by eligible clients. Tools, equipment, initial stocks and supplies will be supplied in such quantity and will be of such quality so as to give reasonable assurance of successful operation of the enterprise, performance in the occupation, or practice of the profession.

Guides and standards governing quality and quantity are developed as necessary with appropriate professional, trade, business training, and other organizations and institutions.

11.7 Other Goods and Services

The agency will provide a client with other goods and services as are necessary, such as an attendant or reader services. The necessary licenses to operate a profession or business for which the client was trained will be provided. In the case of licenses covering specific periods of time (such as cigarette licenses) in the controlled Business Enterprise Program, the agency retains the right to pro-rate the cost monthly from the profits of the business.

12. VENDING STANDS AND OTHER SMALL BUSINESSES FOR SEVERELY HANDICAPPED INDIVIDUALS

12.1 Persons to be Served

In selection of an operator, the Commission will permit no discrimination because of race, color, or creed. In order to be eligible for licensing as a stand operator, an individual must be blind according to the definition in Section 1.1 of this plan. Persons to be eligible do not have to be in economic need.

12.2 Policies Governing the Acquisition of Equipment and Initial Stocks and Supplies

a. (1) The Commission will assist blind persons in establishing any type of small business enterprise which seems feasible. Such small business enterprise will not be under the control of the Commission, but will belong to individual blind persons except for vending stands as provided hereafter in this section.

(2) The Commission will provide suitable vending stands and equipment for the location selected. Adequate initial stocks of merchandise also will be purchased for the use of the operator.

b. The location for vending stands shall be selected after it has been determined that the establishment of such an enterprise in that particular location will contribute to the maximum development of opportunities for the operator. The determination of the Commission shall be made upon the basis of established criteria and after an evaluation of all relevant facts disclosed as a result of the comprehensive survey of that particular location. The criteria for the evaluation of the location shall take into consideration such factors as population, traffic, continued availability, and type of premises.

c. Ownership of all assets of the program will be maintained by the Commission. The right, title, and interest in automatic coin

machines are vested in the Commission. However, if at any time any operator of a vending stand indicates a desire to purchase the equipment and stock of the stand and become an independent owner-operator, then the Commission will immediately adopt rules and regulations which will permit such purchase and which will conform to the federal law and regulations.

12.3 Policies of Management and Supervision

The responsibility for the management and supervision of the vending stands will be vested in the Commission.

No public or private agencies are used by the Commission in the program.

No set-aside funds will be taken from the proceeds of vending operations, except that the operator may be required to participate in the cost of purchasing new equipment for their stands or the cost of repair or replacement of equipment.

13. HEARINGS ON APPLICANT'S APPEALS

If an applicant or client is aggrieved by an action or inaction on the part of the counselor to whom the case has been assigned, the counselor shall inform the applicant or client of his right to a hearing before the members of the Commission. The applicant or client shall set forth his complaints in writing and with a request for a hearing, submit them to the Director of the Commission, who in turn will present them to the members of the Commission immediately. The Commission, within five days of the presentation of the case, will notify the individual in writing of the time for the hearing. The applicant or client shall appear in person, or he may be represented by counsel, or he may appear in person with counsel. After hearing all testimony, the Commission shall take the evidence under consideration and notify the applicant or client within five days after the hearing of the decision. The decision of the Commission shall be final.

14. RULES AND REGULATIONS GOVERNING THE VENDING STAND PROGRAM

A. Issuance and Conditions of Licenses

1. In issuing licenses to operate vending stands, the Commission will make no discrimination because of sex, race, color or creed. Preference shall be given to blind persons who are in need of employment, and to those who have resided within the state of Iowa for a period of at least one year. Licenses will be issued only to persons who are determined by the Commission to be:

(a) Blind—as defined in section 403.1 (p) of the federal regulations issued pursuant to the Vocational Rehabilitation Act (29 U.S.C. Ch. 4).

(b) Citizens of the United States;

(c) At least 21 years of age; and

(d) Certified by the Commission's Rehabilitation Division as qualified to operate a vending stand.

2. Licenses will be issued for an indefinite period but subject to termination if, after affording the operator an opportunity for a fair hearing, the Commission finds that the vending stand is not being operated in accordance with its rules and regulations, the terms and conditions of the permit, or the agreement with the operator.

3. The income from the vending machines within reasonable proximity to and in direct competition with the vending stand will be assigned to the operator. A vending machine shall be considered to be in reasonable proximity to and in direct competition with the stand if it vends articles of a type authorized by the permit, and is so located that it attracts customers who would otherwise patronize the vending stand.

B. Termination of Licenses

Any license to an individual for the operation of a vending stand on Federal or other property may be terminated when the Commission finds that the vending stand is not being operated in accordance with its rules and regulations, the terms and conditions governing the permit, or the agreement with the operator.

C. Fair Hearing for Operators

An opportunity for a fair hearing will be afforded to any operator dissatisfied with any action arising from the operation or administration of the vending stand program. The following stipulations shall be included in the procedure for such hearing:

(The word "operator" includes the personal representative or next of kin in a hearing relative to the determination of the amount to be paid by the Commission for an operator's ownership in the stock and equipment, in the event of the death of an operator).

1. An operator shall have the right to be represented at the hearing by counsel or by a friend;

2. Hearings shall be held within a reasonable time after the request therefor and at a time and place reasonably convenient to the operator;

3. The operator shall have an adequate opportunity to present his case, and for cross-examination;

4. The hearings shall be held before a three-member panel composed of:

(a) one member selected by the operator requesting the hearing;

(b) one member selected by the Commission representative involved in the action under question; and

(c) one member, who shall automatically become the panel chairman, selected by the first two members.

5. The decision shall be based upon the information adduced at the hearing, and the decision of the panel shall be final. A verbatim transcript of the testimony and exhibits (or an official report containing the substance of what transpired at hearing) to-

gether with all papers and reports filed in the proceedings shall be available to the operator and to the Commission;

6. The decision shall be in writing and shall set forth the issue, the relevant facts brought out at the hearing, the pertinent provisions in law and agency policy, and the reasoning that led to the decision. The operator and the Commission shall be furnished copies of the decision immediately upon its issuance;

7. The decision shall constitute the official action of the Commission in relation to the action which was the subject of the hearing.

D. Furnishing Equipment and Initial Stock

The Commission shall be responsible for (1) furnishing each vending stand with adequate, suitable equipment and for the maintenance and repair of such equipment, and (2) for furnishing each vending stand with adequate initial stock of merchandise.

E. Right, Title to and Interest in Vending Stand Equipment and Stock

The right, title to and interest in vending stand equipment and stock used in the program is vested in the State Commission for the Blind, except that if at any time any operator of a vending stand indicates a desire to become an independent owner-operator and purchase the equipment and stock of the stand he is operating, then the Commission will immediately adopt rules and regulations which will permit such purchase, and which will conform to the Federal law and regulations.

F. Funds Set Aside from Vending Stand Proceeds

No funds will be set aside from the proceeds of the vending stand operation, except that the operator may be required to participate in the cost of purchasing new equipment for their stands or the cost of repair or replacement of equipment.

G. Policies Governing the Duties, Supervision, Transfer, and Participation of Operators

The proceeds of the operation of each stand shall accrue to the operator after paying operating costs.

Each Vending Stand Operator shall agree to:

1. Perform faithfully and to the best of his ability the necessary duties in connection with the operation of the vending stand in accordance with the Commission's rules and regulations, and standards issued pursuant thereto, the terms of the permit, and the agreement with the operator.

2. Co-operate fully with officials and duly authorized representatives of the Commission in connection with their official program responsibilities.

3. Operate the vending stand in accord-

ance with all applicable health laws and regulations.

4. Furnish such reports as the Commission may from time to time require.

Supervision of Operators

The Commission will provide to each operator regular and systematic supervision and in-service training in the keeping of accounts, the selection and purchase of suitable merchandise, the maintenance of a clean and attractive location, and the adoption and utilization of sound business practices and methods, to assure the greatest possible financial return to the operator and to preserve the employment opportunities for the use of successive blind persons.

Transfer of Operators

When a vacancy occurs the operator who has demonstrated business and managerial ability will be considered for promotion to the more profitable stand, if he so desires.

Other factors which will be given consideration relative to transfer include: proximity of location of stand to residence of operator, family conditions, health of operator, or other pertinent data believed to be to the advantage of the operator or necessary for the success of the stand.

H. Explanation to Operator of His Rights and Responsibilities

The Commission shall furnish to each operator a copy of these Rules and Regulations, and a description of the arrangements for providing services to him, which shall be read to and explained to him to assure that he understands the provisions of such documents and the provisions of the permit and any agreements under which he operates, as evidenced by his signed statement.

AGREEMENT BETWEEN THE COMMISSION FOR THE BLIND AND THE OPERATOR OF A VENDING STAND

In compliance with such laws and with the rules and regulations required to be issued by the Commission to govern and apply to all vending stands now operating or to be established under the program, this agreement is entered into by and between the operator of a Vending Stand, located at in Iowa and the Iowa Commission for the Blind.

This agreement, executed on 19....., replaces and supersedes any and all previously executed agreements between the Operator and the Commission, concerning the operation of the Vending Stand.

In accordance with the provisions of the above laws, rules and regulations, and in order to provide the greatest possible financial return to the operator and to preserve and promote employment opportunities for other blind persons, the following standards of operation and service are included and made a part of this agreement:

1. Insofar as is reasonable and advisable

the operator will conduct the vending stand as an individual business.

2. The operator will maintain a stock of merchandise equivalent to that provided by the Commission.

3. The operator will confer with the Commission regarding the selection of additional items or lines of merchandise and their source of supply, but will do his own buying.

4. The operator will conduct the business on a cash basis—paying cash for goods and supplies, and shall not extend credit to his customers.

5. The operator will employ sound business practices including the taking of regular inventories of merchandise, in accordance with the policy of the Commission, and may request assistance from the Commission in so doing when and if help is needed.

6. The Vending Stand shall be in operation during the hours the building in which it is located is open for business. If this exceeds a reasonable day, the operator may employ an assistant or may make arrangements with the Commission for times during the day when the stand may be closed.

7. The assistants employed by the operator should receive a fair and reasonable rate of pay, and shall have the approval of the Commission. Insofar as is reasonable and to the best interest of the operator and the stand, employment should be given to the visually handicapped.

8. The operator will co-operate fully with officials and duly authorized representatives of the Commission in connection with their official program responsibilities.

9. The operator will make any and all such reports as may be required by the Commission.

10. The operator will perform faithfully and to the best of his ability the necessary duties in connection with the vending stand

in accordance with the standards prescribed by the Commission and in order to create a favorable acceptance of the Vending Stand program by the general public.

11. The Commission will furnish all reasonable supervision, consultation, in-service training in business operation and advise the operator on problems, which may be required for the successful operation of the stand.

12. It is understood that all right, title and interest to all vending stand equipment is vested in the Commission, and the Commission assumes responsibility for its repair, alteration, maintenance and replacement, and the operator will take no action which would impair such right, title and interest.

13. It is understood and agreed that if at any time the operator should desire to become an independent owner-operator and to purchase the equipment and stock of the stand, the Commission will immediately adopt rules and regulations which will permit such purchase.

14. It is further understood that at some future time the Commission and the operator may enter into an agreement whereby the operator will assume in whole or in part, responsibility for maintenance and replacement of equipment, if the operation of the stand becomes sufficiently profitable to warrant such an agreement.

15. If necessary, the Commission will purchase such licenses and bonds for the operator as may be necessary for the operation of the stand with the understanding that the operator will pay to the Commission the fees for same on a prorated monthly basis.

.....
(Signature of Operator)

Signed for the Commission

.....
(Title)

STATE COMPTROLLER

**Amendment
To
Rules For Auditing Claims**

[Filed June 24, 1960]

1958 I.D.R. 81 is amended as follows:

1. Amend Rule 1 by striking the rule, and inserting the following:

"Rule 1. All claims shall be typewritten or written in ink, and be itemized and certified to by the claimant. Approval of the claim shall be certified thereon by the head of the department or his deputy, or chairman of the board or commission or its executive officer. Claims shall show in the space provided therefor reference to the appropriation or allocation from which the claim is payable."

1958 I.D.R. 82 is amended as follows:

2. Amend Rule 5 by striking the rule, and inserting the following:

"Rule 5. Officers and State employees shall be allowed hotel and meal expenses when required to travel outside of the city

or town of their residence or official domicile, but in no event shall the amount thereof exceed \$11.00 per day in this state. When by reason of dining car, meals and berth on Pullman exceed the per diem same will be allowed if approved by the head of the department. Name of hotel where expense is incurred must be given, and receipt submitted. Charges for breakfast will not be allowed when claimant leaves his residence or domicile after 7:00 A.M. Hotel and meal expense is not limited outside the state but should be reasonable. It is the duty of the heads of departments to authorize only such amounts as are justified by nature of the travel. Hire of conference room—When necessary to engage a conference room at a hotel or other place in order to transact official business, a separate charge therefor will be allowed when authorized or approved by the head of the department.

These rules do not apply to elective officers."

These rules go into effect July 1, 1960.

CONSERVATION COMMISSION

ADMINISTRATIVE ORDER NO. 284

[Filed May 11, 1960]

The State Conservation Commission, on its own motion, does hereby order and declare

that under and pursuant to the power and authority of section 109.39, Code 1958, the catch and possession limit on yellow bass as provided by law shall not apply on Clear Lake, in Cerro Gordo County, until May 15, 1961.

HEALTH DEPARTMENT

Amendment to Rules and Regulations For Embalmer Examiners

[Filed June 10, 1960]

Pursuant to authority vested in my office by Section 135.11, Code 1958, the following amendment to rules and regulations of this department are hereby adopted:

1. Item 12, Depth of Grave, which appears

on page 207, 1958 I.D.R. is hereby rescinded and the following adopted in lieu thereof:

12. Depth of Grave. Except by special permission from the state department of health no interment of any human body shall be made in any public burial ground unless the distance from the top of the box or any other type of container in which the casket is placed, is at least 3 feet from the natural surface of the ground.

MERIT SYSTEM COUNCIL

[Filed March 18, 1960]

Pursuant to the personnel provisions of the State Department of Social Welfare Section 234.6, the Employment Security Commission, Section 96.11, the State Department of Health, Sections 135.6, and 135.11, the State Services for Crippled Children, Section 263.9, and the Mental Health Authority, Chapter 353, Laws of the 52'd General Assembly of the State of Iowa, and the Standards for a Merit System of Personnel Administration issued by the Federal Social Security Board on November 1, 1939, rules and regulations appearing at 1958 I.D.R., page 246, Article XII, Section 2, Demotions, paragraph 2 is deleted and the following substituted therefor:

"The Director may require all permanent employees who are demoted to pass a qualifying examination except in instances where the demotion is within a series."

[Filed March 22, 1960]

Pursuant to the personnel provisions of the Employment Security Law, Section 96.11 (4) Code of Iowa, the Federal Social Security Act as amended, and the Standards for a Merit System of Personnel Administration issued by the Federal Social Security Board on November 1, 1939, rules and regulations appearing at 1958 I.D.R., page 235, Article I, Section 7, and pertaining to exempt positions in the Employment Security Commission, is amended by adding:

Subsection (b) to read as follows:

"(b) Commissioners' confidential secretaries who are employed after March 1, 1960, not to exceed one for each Commissioner;" and by relettering subsection (b) to (c) and subsection (c) to (d).

[Filed April 1, 1960]

Pursuant to the authority vested in the Iowa Civil Defense Administration, as found in Chapter 82, Acts of the 58th General Assembly, creating a Civil Defense Administra-

tion, with the approval of the Iowa Merit System Council, and the agencies operating thereunder, to amend the Regulations to the Merit System, appearing in 1958 Iowa Departmental Rules. At page 231, Col. 1, add "Iowa Civil Defense Administration" after "Iowa Mental Health Authority"

At page 233, Col. 1, following section entitled "For the Merit System in the Iowa Mental Health Authority," add the following:

"For the Merit System in the Iowa Civil Defense Administration: Pursuant to the provisions of the Public Law 85-606, Eighty-fifth Congress, as administered by the United States Office of Civil and Defense Mobilization, and as provided in Chapter 82, Acts of the Fifty-eighth General Assembly of the State of Iowa, creating a civil defense administration, the Iowa Civil Defense Administration hereby adopts the following Regulations for application of the merit principle of personnel administration in the Iowa State Civil Defense Administration, and in those local units which apply for matching funds and are not under the jurisdiction of an acceptable local Civil Service Agency. These Regulations shall become effective January 1, 1960.

Statement of Policy

Article I, Section 1

STATEMENT OF POLICY

At page 233, line 16, after "the United States Department of Health", add the following:

"and to meet the requirements of Public Law 85-606 of the 85th Congress of the United States as administered by the United States Office of Civil and Defense Mobilization",

At page 233, line 22, strike "and".

At page 233, line 24 after Iowa City, Iowa, add:

"and the Iowa Civil Defense Administration,"

At page 233, line 32, strike "and".

At page 233, line 33, strike the period (.) and add:

“, and the Iowa Civil Defense Administration and the local Civil Defense units under its supervision.”

At page 233, line 41, strike “and”.

At page 233, line 42, after “Health Authority” add:

“, and the Iowa Civil Defense Administration,”

At page 233, line 53, strike “and”.

At page 233, line 56, strike the period (.) and add:

“, and the Iowa Civil Defense Administration and the local Civil Defense units which receive matching funds and are not qualified under a local Civil Service Department.”

ARTICLE I, SECTION 1

At page 235, line 17, after “Director”, add:

“or the Iowa Civil Defense Administration, as provided by Chapter 82, Acts of the 58th General Assembly of the State of Iowa.”

ARTICLE I, SECTION 4

At page 235, line 5, strike “or”.

At page 235, line 7, add after the word “authority”, the following:

“or the Iowa Civil Defense Administration appointing authority,”

ARTICLE I, SECTION 5

At page 235, line 5, strike “or”.

At page 235, line 5, after “Mental Health Authority”, add:

“or the Iowa Civil Defense Administration,”

ARTICLE I, SECTION 7

At page 235, after line 70 (preceding “8. Class”), add the following:

“The exempt positions in the Iowa Civil Defense Administration are the following:

(a) The State Director and one local director in each jurisdiction, at the option of the local authorities;

(b) Members of State and local boards or commissions;

(c) Members of advisory councils paid only for attendance at meetings;

(d) State and local officials serving ex-officio and performing incidental administrative duties;

(e) Part-time professional or technical persons who are paid for any form of medical, nursing or other professional or technical service and who are not engaged in the performance of administrative duties;

(f) Attorneys serving as legal counsel;

(g) Janitors.

ARTICLE II, SECTION 1

At page 236, line 7, strike “and”.

At page 236, line 8, strike the period (.), and add:

“, and the Iowa Civil Defense Administration.”

ARTICLE II, SECTION 1(c)

At page 236, line 5, strike “and”.

At page 236, line 6, after “Authority” add:

“, and the Iowa Civil Defense Administration,”

ARTICLE II, SECTION 1(h)

At page 236, line 17, strike “and”.

At page 236, line 17, strike the period (.), and add:

“, and the Iowa Civil Defense Administration.”

ARTICLE IX

At page 245, Col. 1, following complete Section 5, insert the following:

“6. Iowa Civil Defense Administration.

An employee who is in the service of the Iowa Civil Defense Administration on July 4, 1959, the effective date of the law creating the Iowa Civil Defense Administration, who has been in continuous employment since that date and certified by the Iowa Civil Defense Administration as having given satisfactory service, may be admitted to the examination for the position held by him on July 4, 1959, without regard to minimum qualifications of education and experience.

“Upon certification by the Director of the Merit System that he has attained a passing rating in the examination held in accordance with the provisions of Article V, he may be appointed as a permanent employee without being required to serve a probationary period, provided that he has had a total of six months of continuous service immediately preceding such appointment. Otherwise he shall serve a probationary period of six months beginning with the date on which he was employed.

Whenever any local unit of a Civil Defense Agency files an application to qualify under the provisions of Public Law 85-606, Eighty-fifth Congress, an employee of the local unit, who is certified as having given satisfactory service, and is certified by the Merit System Director as having passed a suitable examination, may be deemed a permanent employee without serving a probationary period if his period of continuous service has been six months or more.

New employees appointed subsequent to six months preceding the approval of the application, but prior to the examination for the position currently held shall be required to compete without preference.

An employee, certified as having given satisfactory service in accordance with the above paragraphs in this section, who has been transferred or promoted to a position in another class subsequent to July 4, 1959, or in a local unit subsequent to six months preceding the approval of the application but prior to the examination for the position currently

held, shall be required to meet the minimum qualifications of education and experience for the new class in order to be admitted to the examination for that position. Such an employee may, upon certification by the Director of the Merit System that he has attained a passing grade in the examination for that position, be retained as a permanent employee, provided that he has been employed six months. An employee, transferred or promoted as described above, who fails in the examination for the position currently held by him may, on certification by the Director of the Merit System that he has attained a passing grade in the examination for the position held by him on July 4, 1959, or in a local unit the position held by him six months prior to the approval of the application, be retained in that position as a permanent employee, provided there is a vacancy in the class.

The services of an employee whom the Director of the Merit System does not certify as having attained a passing grade in the examination for either of the positions referred to above in this section shall be terminated within thirty days after the establishment of

a register for such position or positions in accordance with these Regulations.

"An employee filing an application for an examination other than for the two positions referred to above in this section shall not be given any preference with regard to minimum qualifications or certification. New employees appointed subsequent to July 4, 1959, or in a local unit subsequent to six months preceding the approval of the application, but prior to the holding of examinations shall be required to compete without preference."

At page 245, Col. 1, change Section "6" to Section "7".

At page 245, Col. 1, Section 6, line 2, strike "or".

At page 245, Col. 1, Section 6, line 2, after "5" add "or 6".

ARTICLE XXII

At page 249, line 5, strike "and".

At page 249, line 6, after "Authority", add:
"and the Iowa Civil Defense Administration,"

PHARMACY EXAMINERS

[Filed January 21, 1960]

Pursuant to the rule making authority given it by section 205.13 of the 1958 Iowa Code for enforcing the provisions of chapter 205 of the 1958 Iowa Code, and after formal hearing and giving due consideration to the legislative intent, reasonableness and practicability of the rules, and having the benefit of special knowledge and skill and the technical advice of experts in the pertinent fields, the Board of Pharmacy Examiners of the State of Iowa hereby adopt the following rules:

1. The following shall constitute "the preparations of these poisonous drugs" as used in Section 205.5, 1958 Iowa Code:

Any compound or mixture in pharmacy made after a formula that contains as an ingredient one or more of the substances listed in Section 205.5, 1958 Iowa Code.

2. The following shall constitute "potent poisons" as used in Section 205.7, 1958 Iowa Code:

Any substance which, when introduced in relatively small amounts into an organism or system, may chemically produce an injurious or deadly effect or destroy living tissue.

3. The following shall constitute "not in themselves poisonous" as used in Section 205.8 (1), 1958 Iowa Code:

Any substance which, when introduced in relatively small amounts into an organism or system without producing injurious or deadly effect or destroy living tissue.

The following ruling is hereby made on this 20th day of January, 1960 by the Board of Pharmacy Examiners pursuant to authority given it by section 205.13, 1958 Iowa Code.

The application of Lehn and Fink Products Corporation has been presented to the Board requesting a ruling on the question as to whether the product sold under the registered trade name "Lysol Brand Disinfectant" and manufactured by Lehn and Fink Products Corporation is a poison within the provisions of chapter 205 of the Iowa Code. After oral hearings at which evidence was presented by Lehn and Fink Products Corporation and transcribed and printed in permanent form, and after making an investigation of the facts which consisted, among other things, consultation with experts in the field of chemistry, medicine and toxicology, and by examining written reports from Poison Control Centers and the statistical services of the United States Department of Health, Education and Welfare, as well as other public health agencies, and being fully advised in the premises, the Board of Pharmacy Examiners hereby finds:

1. That the product known as "Lysol Brand Disinfectant", manufactured by Lehn and Fink Products Corporation and presently being marketed in the State of Iowa, is a preparation which contains cresol (listed on the label of said product as cresylic acid) and, under the rules of this Board, falls within the prohibitions set forth in section 205.5 of the 1958 Iowa Code.

2. That the product known as "Lysol Brand Disinfectant", manufactured by Lehn and Fink Products Corporation, is a "potent poison", as provided in section 205.7 of the Iowa Code and the rules of this Board in that if the same is taken in relatively small quantities into the body, it will produce injury or death or destroy living tissue.

3. That "Lysol Brand Disinfectant", manufactured by Lehn and Fink Products Corpora-

tion is not a proprietary medicine, as it is a disinfectant and, further, it is poisonous as provided in Section 205.8 (1), and section 155.3 (7), 1958 Iowa Code and the rules of this Board in that if taken into the body in relatively small quantities, it will produce injury or death or destroy tissue.

It is, therefore, the rule of the Board of Pharmacy Examiners, upon the application of Lehn and Fink Products Corporation, and for the purposes of enforcing the provisions of chapter 205 of the 1958 Iowa Code, that:

1. "Lysol Brand Disinfectant", manufactured by Lehn and Fink Products Company,

falls within the scope of section 205.5 of the 1958 Iowa Code and must be sold by a licensed pharmacist, as provided therein.

2. "Lysol Brand Disinfectant", manufactured by Lehn and Fink Products Corporation, is a "potent poison" and can only be sold under the conditions as set forth in section 205.7, 1958 Iowa Code.

3. "Lysol Brand Disinfectant", manufactured by Lehn and Fink Products Corporation is not a proprietary medicine and is poisonous and, therefore, does not fall within the exclusion of section 205.8 (1), and section 155.3 (7), 1958 Iowa Code.

PUBLIC SAFETY DEPARTMENT

OFFICE OF THE FIRE MARSHAL

[Filed January 15, 1960]

Pursuant to authority granted in Chapter 101, Code 1958, Rules and Regulations pertaining to Storage and Handling of Liquefied Petroleum Gases are amended as follows:

1. Amend 1958 I.D.R., Rule B.6 (b), Page 304, by deleting the colon in line five (5) and inserting the following:

"An important building in heavily populated or congested areas shall be any structure having a total of at least 200 square feet of floor area; or any structure, regardless of floor area or location, which is designed or used for human habitation or occupancy."

2. Amend 1958 I.D.R., Rule B.6 (b), Page 304, by inserting the following paragraph under the distance table:

"Provided however, the above distance requirements may be reduced to not less than 10 feet for a single container of 1,200 gallons water capacity or less providing such a container is at least 25 feet from any other liquefied petroleum gas container of more than 125 gallons water capacity. Installation of containers for churches, schools, hotels, theaters, amphitheaters, hospitals, nursing homes, custodial homes, boarding houses, rest homes, dormitories, college buildings, lodge halls, club rooms, public meeting places, places of amusement and other buildings in which persons congregate from time to time whether publicly or privately owned shall conform with the distance table above."

3. Amend 1958 I.D.R., Rule B.6, Page 305, by adding the following new paragraph:

"(1) Containers connected for service shall not be located on any public sidewalk, street or thoroughfare in any city, town or village."

4. Amend 1958 I.D.R., Rule B.14 (b), Page 309, by inserting the following in line two (2):

"Portable containers for domestic service larger than 20 pounds shall not be transported in a passenger vehicle."

5. Amend 1958 I.D.R., Rule B.14, Page 309, by adding the following new paragraph:

"(j) Portable containers containing liquefied petroleum gas transported in trucks shall

be securely held in position to prevent movement, tipping over or physical damage."

6. Amend 1958 I.D.R., Division VIII, 8.1, Page 325, by adding the following new paragraph:

"(c) The service line from containers shall enter the building above the grade level."

7. Amend 1958 I.D.R., Division VIII, 8.3, Page 326, by adding the following new paragraph:

"(p) Piping in floors: Gas piping in solid floors such as concrete shall be laid in channels in the floor, suitably covered to permit access to the piping with a minimum of damage to the building."

[Filed January 15, 1960]

Pursuant to authority granted in Chapter 101, Code 1958, Rules and Regulations pertaining to Storage, Handling and Use of Flammable Liquids are amended as follows:

1. Amend 1958 I.D.R., (page 337) Division I, 101, by adding the following new paragraphs:

"101-08 "Container" shall mean any can, bucket, barrel, drum or portable tank, except stationary tanks, tank vehicles, and tank cars."

"101-09 "Important Building" shall mean any structure having a total of at least two hundred (200) square feet of floor area; or any structure, regardless of floor area, which is designed or used for human habitation or occupancy."

2. Amend 1958 I.D.R., (page 339) Division II, Chapter II, 202, by changing the heading of the distance table to read as follows:

"MINIMUM DISTANCE OF OUTSIDE ABOVEGROUND TANKS FOR FLAMMABLE LIQUIDS OTHER THAN CRUDE PETROLEUM TO IMPORTANT BUILDINGS OR LINE OF ADJOINING PROPERTY WHICH MAY BE BUILT UPON"

3. Amend 1958 I.D.R., (page 359) Division III, 271, by striking entire paragraph and inserting in lieu thereof the following:

"271 Every cargo tank having a total capacity in excess of 3,000 gallons and used for the distribution of Class I and Class II flammable liquids to automotive and marine service stations to which the public is in-

vited shall be divided into compartments, no one of which shall exceed 2,500 gallons. A designed tolerance of 10 per cent shall be allowed for capacities of individual compartments or tanks."

4. Amend 1958 I.D.R., (page 360) Division III, 491, by striking entire paragraph and inserting in lieu thereof the following:

"491 Each tank vehicle shall be provided with at least one portable fire extinguisher having at least a 12-B, C rating or when more than one is provided, each extinguisher shall have at least a 6-B rating. Fire extinguishers shall be kept in good condition at all times, and they shall be located in an accessible place on each tank vehicle."

[Filed January 15, 1960]

Pursuant to authority granted in chapter 100 and chapter 135C, Code 1958, Rules and Regulations pertaining to Nursing Homes and Custodial Homes are amended as follows:

1. Amend 1958 I.D.R., (page 366) Section 5., 5.4 paragraph d., by striking out the word "fifty" in line four and inserting in lieu thereof the words "one hundred".

Amend 1958 I.D.R., (page 366) Section 5., 5.4 paragraph d., by striking out the words "seventy-five" in line five and inserting in lieu thereof the words "one hundred fifty".

SOCIAL WELFARE DEPARTMENT

A RULE

RELATING TO THE PROGRAM FOR AID FOR THE DISABLED

[Filed February 18, 1960]

Be it resolved by the State Board of Social Welfare:

That Rule No. 61, dated August 12, 1959, [January 1960 Supplement to I.D.R. page 15] relating to the Program for the Disabled is hereby amended by striking therefrom, item (a) under 9.4, and inserting in lieu thereof:

"(a) Disability means a permanent total impairment of such severity that the disabled person requires assistance from another person in performing the normal activities of daily living."

A RULE

RELATING TO MEDICAL AND REMEDIAL CARE IN THE AID TO DEPENDENT CHILDREN PROGRAM

[Filed April 25, 1960]

Be it resolved by the State Board of Social Welfare:

That the Rule appearing in the July 1959, Supplement, I.D.R., at Page 22, Column 2 thereof, filed May 15, 1959, is hereby amended by striking and inserting in lieu thereof:

"Medical care is defined as medical or remedial services for which payment may be made by the Department and includes care in the home, office or clinic, provided or prescribed by medical doctors, osteopaths, chiropractors, chiropodists and dentists licensed to practice in the State of Iowa, or by members of such professions in other states, provided such practitioners are duly licensed in that state. Such services shall include prescribed drugs, medications, laboratory, diagnostic, therapeutic and dental services; and such other services and supplies as may be authorized by practitioners within the scope of their practice and the limitations of the plan."

That the Rule appearing in the January 1959 Supplement, I.D.R., at Page 16, Column

2 thereof, is hereby amended by striking therefrom the heading, "Types of Services for which Payment may not be made through the Medical Program", and inserting in lieu thereof: "Types of Services for which Payment may not be made through the Medical Plan", and by striking therefrom Item 2, under this heading, and inserting in lieu thereof:

"2. Items which may be provided in the assistance plan."

A RULE

RELATING TO MEDICAL AND REMEDIAL CARE IN THE OLD AGE ASSISTANCE PROGRAM

[Filed April 25, 1960]

Be it resolved by the State Board of Social Welfare:

That the Rule appearing in the July 1959, Supplement, I.D.R., at Page 22, Column 2 thereof, filed April 22, 1959, is hereby amended by striking and inserting in lieu thereof:

"Medical care is defined as medical or remedial services for which payment may be made by the Department and includes care in the home, office or clinic, provided or prescribed by medical doctors, osteopaths, chiropractors, chiropodists and dentists licensed to practice in the State of Iowa, or by members of such professions in other states, provided such practitioners are duly licensed in that state. Such services shall include prescribed drugs, medications, laboratory, diagnostic, therapeutic and dental services; and such other services and supplies as may be authorized by practitioners within the scope of their practice and the limitations of the plan."

That the Rule appearing in the January 1959, Supplement, I.D.R., at Page 15, Column 2 thereof, is hereby amended by striking therefrom Item 2, at the top of the Column, and inserting in lieu thereof:

"2. Items which may be provided in the assistance plan."

TREASURER OF STATE

22

**A RULE
RELATING TO MEDICAL AND REMEDIAL CARE
IN THE AID TO THE DISABLED PROGRAM**

[Filed April 25, 1960]

Be it resolved by the State Board of Social Welfare:

That the Rule appearing in the January 1960, Supplement, I.D.R., at Page 15, Column 1 thereof, filed August 12, 1959, is hereby

amended by striking "Health Allowance (OAA-AB)" which appears under 9.5 Amount of Assistance, in the first column under "Group I (Personal and Household)".

That the Rule appearing in Column 2 thereof, is hereby amended by striking "Dental" from the listing of "Temporary Specials", under "Group II (Special Considerations)" and adding the following: "Medical Care—Vendor Payments (Dental Only)".

TREASURER OF STATE

MOTOR VEHICLE FUEL TAX DIVISION

[Filed February 26, 1960]

Pursuant to authority vested in this office by section 324.58, Code of Iowa, the following rules and regulations pertaining to reporting and computing the tax due as required by the Iowa Motor Vehicle Fuel Tax Law are hereby adopted:

For the purpose of determining the amount of liability of tax imposed, the Motor Vehicle Fuel Tax on all purchases of a distributor shall be reported and computed on either gal-

lons loaded or adjustment of 60 degrees Fahrenheit figure for one calendar year. Any change must be requested from the Motor Vehicle Fuel Tax Division in writing.

Where a distributor has more than one motor vehicle fuel supplier, the distributor shall not report and compute the tax on purchases from one supplier on 60 degrees Fahrenheit temperature adjustment and from other suppliers on gallons loaded.

Invoiced gallonage shall mean the amount shown on the Bill of Lading or Manifest.