

**21—67.11(162) Foster oversight organizations and foster care homes.**

**67.11(1)** A registered animal shelter, registered pound or licensed dealer shall not operate a foster care home or operate an organization that utilizes a foster care home unless the shelter, pound or dealer is in compliance with this rule and other applicable provisions of this chapter and Iowa Code chapter 162. If an out-of-state organization is utilizing foster care homes in Iowa, that organization must also be licensed or registered in the state of Iowa as an animal shelter, pound or dealer.

**67.11(2)** A registered animal shelter, registered pound or licensed dealer may apply to the department for a permit authorizing the shelter, pound or dealer to utilize one or more foster care homes in carrying out its mission of providing for the care and maintenance of an animal that has been taken in or entrusted to the animal shelter, pound or dealer. For purposes of this rule, an animal shelter, pound or dealer that has been granted such authorization shall be considered a foster oversight organization.

**67.11(3)** A registered animal shelter, registered pound or licensed dealer may not utilize a foster care home unless the shelter, pound or dealer has been granted authorization by the department to be a foster oversight organization. An animal shelter, pound or dealer that uses a foster care home without first obtaining a permit authorizing the shelter, pound or dealer to be a foster oversight organization shall be considered to be operating illegally, shall be subject to suspension or revocation of its license to operate, and may be subject to other penalties authorized in Iowa Code chapter 162.

**67.11(4)** A registered animal shelter, registered pound or licensed dealer seeking to obtain a permit to be a foster oversight organization shall make application to the department on a form prescribed by the department. When feasible, the application shall be submitted to the department at the same time that the registered animal shelter, registered pound or licensed dealer submits its certificate of registration renewal or license renewal application. The permit application shall provide sufficient information to allow the department to determine the ability of the proposed foster oversight organization to provide adequate screening and oversight of any foster care home operating under the authority of the foster oversight organization.

*a.* Such application shall include, but not be limited to, the following information:

(1) The proposed foster oversight organization's plan for providing oversight of the foster care home. The plan shall include the frequency of inspections of the foster care home by the foster oversight organization and the criteria to be used by the foster oversight organization in reviewing the foster care home during periodic inspections. The plan shall also include the actions to be taken by the foster oversight organization in the event that the foster oversight organization determines that the foster care home is not adequately providing for the animals in the foster care home. Foster oversight organizations shall inspect foster care homes annually, at minimum, and an annual written inspection report must be on file with the foster oversight organization. Annual inspection reports shall be retained for a minimum of two years.

(2) The name, mailing address, email address and telephone number of the staff person connected with the proposed foster oversight organization who will have primary responsibility for administering the proposed foster care program.

(3) The name, mailing address, email address and telephone number of a secondary staff person connected with the proposed foster oversight organization who will have responsibility for administering the proposed foster care program in the absence of the primary administrator.

(4) The number of foster care homes the foster oversight organization is applying for and currently oversees. During the first year of application, the foster oversight organization will be limited to a maximum of 20 foster care homes. Upon renewal of the foster oversight organization permit, the foster oversight organization may apply for more than 20 foster care homes, subject to the approval of the department.

(5) Copies of all forms utilized by the foster oversight organization. This includes, but is not limited to, inspection forms and applications.

(6) The number of paid employees, both full-time and part-time, working for the foster oversight organization, the number of volunteers serving the foster oversight organization, and the number of volunteer hours utilized per week.

(7) The criteria used to determine if a foster care home is capable of caring for an animal.

(8) The actions taken by the foster oversight organization if the foster care home is unable to care for an animal.

b. If the foster oversight organization changes locations, a new application must be submitted.

c. If the primary or secondary contact listed on the application is no longer associated with the foster oversight organization, the department must be notified and provided with the name, mailing address, email address and telephone number of the staff person administering the foster care program.

d. The foster oversight organization must provide documentation to demonstrate that the foster oversight organization has sufficient infrastructure to adequately supervise all foster care homes and the care of the animals within the foster care homes.

**67.11(5)** The initial approval of a foster oversight organization shall be in effect only until the next expiration date of the registered animal shelter's, registered pound's, or licensed dealer's license. Thereafter, a foster oversight organization permit renewal shall be concurrent with the facility's certificate of registration or license renewal, unless circumstances otherwise require.

Foster oversight agreements must be renewed yearly at the same time that the registered animal shelter, registered pound, or licensed dealer submits its certificate of registration renewal application. The renewal agreement must contain the number of foster care homes for which the animal shelter or pound is requesting approval.

**67.11(6)** A foster oversight organization shall require that all persons seeking to operate a foster care home under the foster oversight organization submit a written application to the foster oversight organization specifying the proposed foster care home's qualifications, including but not limited to the ability of the foster care home to provide adequate care, exercise, feed, water, shelter, space, and veterinary care.

**67.11(7)** A foster oversight organization shall not be authorized to approve more than 20 foster care homes during the first year of operation. In granting a permit to a foster oversight organization, the department may further restrict the number of foster care homes a particular foster oversight organization may utilize if the department determines that the foster oversight organization does not have adequate personnel to supervise the number of foster care homes for which authorization was sought or the adequate ability to care for all animals in foster care. The department may authorize the foster oversight organization to approve more than 20 foster care homes only if the department finds that the foster oversight organization has and maintains adequate personnel assigned to provide sufficient oversight of foster care homes.

**67.11(8)** A foster oversight organization shall not authorize a foster care home to have in its care more than six animals, including animals owned by the foster care home, with the exception of a litter of puppies or kittens under 16 weeks of age. A litter of puppies or kittens under 16 weeks of age is considered the equivalent of one dog or cat. The mother of the litter of puppies or kittens is considered one dog or cat. No more than two litters of puppies or kittens under 16 weeks of age may be in a foster home at any given point in time.

**67.11(9)** A person who has been found to have engaged in or participated in an act constituting animal abandonment, neglect, cruelty, or abuse shall not be authorized to operate a foster care home. In addition, if a person has had a license or permit issued under Iowa Code chapter 162 or under the United States Department of Agriculture's animal care program revoked or has surrendered that person's license in lieu of revocation, then that person shall not be authorized to operate a foster care home.

**67.11(10)** A foster oversight organization shall not place a sexually intact animal in a foster care home where there is a sexually intact animal of the opposite sex of the same species unless the foster oversight organization determines that the fostered animal is too young to breed. If the foster oversight organization determines that a sexually intact animal may be placed in a foster care home with another sexually intact animal of the opposite sex of the same species because the fostered animal is too young to breed, then the foster oversight organization shall monitor the physical development of the fostered animal to either remove the animal before it is capable of breeding or to neuter or spay the fostered animal.

**67.11(11)** The foster oversight organization shall retain a copy of all the following documents for a period of 24 months and shall make such documents available for inspection by the department during regular business hours:

- a.* Applications to operate a foster care home, including any written approvals, conditional approvals, or denials.
- b.* Inspections or other reports relating to the operation of a foster care home. Inspection forms must be kept on file for each foster home. Inspections of a foster care home must be conducted by the foster oversight organization at minimum yearly.
- c.* Any written complaints or notes written by staff of the foster oversight organization relating to an oral complaint against a foster care home.
- d.* Any documents relating to the investigation or other resolution of a complaint regarding a foster care home.
- e.* Any documents relating to the revocation or suspension of a foster care home's authorization.
- f.* A current list of animals in foster care homes.

**67.11(12)** The foster oversight organization shall maintain detailed records as to which animals have been placed in a foster care home, when each animal was placed in a foster care home, and the ultimate disposition of each animal.

**67.11(13)** All adoptions and euthanasias of animals placed in a foster care home shall be the responsibility of the foster oversight organization and shall not be performed by the foster care home unless an emergency euthanasia must be performed by a licensed veterinarian to prevent the needless suffering of the animal.

**67.11(14)** All deaths, injuries, or emergency euthanasias occurring within a foster care home shall be reported to the foster oversight organization within 24 hours of the event.

**67.11(15)** It is the primary responsibility of the foster oversight organization to provide for oversight and regulation of its foster care homes; however, the department may choose to inspect a foster care home if the department determines that it would be in the best interests of the animals being maintained in the foster care home to conduct the inspection or if the department deems an inspection desirable to determine whether a foster oversight organization is properly fulfilling its role of screening and oversight of foster care homes. If the department determines that either serious or chronic problems exist in a foster care home, the department may order the foster oversight organization to suspend or rescind the authorization of the foster care home. The foster oversight organization shall immediately obtain physical examinations of all animals previously placed in the foster care home.

**67.11(16)** If the department determines that a foster oversight organization is not providing adequate screening or oversight of its foster care homes, the department may suspend or rescind the foster oversight organization's authorization to use foster care homes.

**67.11(17)** If the department suspends or revokes the license of an animal shelter, pound or dealer that is also a foster oversight organization, then the authorization to operate of the foster oversight organization and that of the foster care homes operating under the foster oversight organization shall immediately cease.

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