

STATE OF IOWA

1969

**IOWA
DEPARTMENTAL
RULES**

JANUARY

1969

SUPPLEMENT

Containing

The permanent rules and regulations of general application promulgated
by the state departments from July 1, 1968 to January 10, 1969



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NOTICE

The statutes provide that the Code Editor may publish cumulative, semi-annual supplements to the Iowa Departmental Rules. Inquiry should be made each six months of the Superintendent of Printing for distribution of these supplements.

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.

January 1969

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 such volume for insertion of such supplements."

Reserved see Pg 14

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IOWA DEPARTMENTAL RULES JANUARY 1969

AGRICULTURE DEPARTMENT

Pursuant to the authority contained in sections 159.5(10) and 163.1, Code of Iowa, 1966, the rules of the department filed in the office of the secretary of state on May 14, 1968 [July 1968 Supp. I.D.R.], and relating to hog cholera, are hereby amended by striking all of said rules, and the following rules are adopted in lieu thereof.

[Filed July 9, 1968]

1.32(163) Swine vaccination. All swine of thirty days of age or over that are sold or leased to move intrastate and not consigned direct to slaughter or for serum production, must be accompanied by a valid certificate of vaccination issued by a licensed veterinarian or notarized statement of vaccination by owner against hog cholera by a method approved and recog-

nized by the Iowa department of agriculture and the United States department of agriculture.

Unvaccinated swine at time of sale or lease, must be vaccinated on the premises of the seller or lessor or may move to an Iowa auction market or approved feeder pig market to be vaccinated; and must move to the premises of the purchaser or lessee within twenty-four hours of vaccination, where they shall be placed under twenty-one-day quarantine.

Freshly vaccinated swine, if not moved within twenty-four hours of vaccination, shall be placed under twenty-one-day quarantine on the owner's premises.

This rule is intended to implement chapter 163, Code of Iowa, 1966.

[Effective July 9, 1968]

AGRICULTURE DEPARTMENT

(continued)

Pursuant to authority of section 215.18, 1966 Code, rule 14.33(215) appearing at page 5, January, 1968 IDR Supplement, is amended as follows.

[Filed August 30, 1968]

14.33(215) Strike from lines 5 and 6 the words and figures "August 31, 1967"

and insert in lieu thereof the words and figures "August 31, 1968".

This rule is intended to implement chapter 215, 1966 Code.

[Effective August 30, 1968]

AUDITOR OF STATE

Pursuant to the authority of section 534.31 of the Code as amended by the 62nd GA, chapter 383, section 7, the amendments to the rules relating to the Savings and Loan Division filed on June 28, 1968 in the office of the Secretary of State are hereby amended.

[Filed July 9, 1968]

Item 1. consisting of the additions of paragraphs "d", "e", "f", "g" and "h" to subrule 3.1(1) are rescinded.

This amendment is intended to implement sections 534.10 and 534.42 of the Code.

[Effective July 9, 1968]

CONSERVATION COMMISSION

Pursuant to the authority of sections 109.38 and 109.39, chapter 109, Code of 1966, the following rule is hereby adopted.

[Filed September 20, 1968]

DIVISION OF FISH AND GAME

PROMISCUOUS FISHING

12.1(109) **General.** The conservation commission may, after an investigation, when it is found there is imminent danger of loss of fish through natural causes, authorize by public order the taking of fish from any area and by such means as they may deem advisable to salvage such imperiled fish populations.

12.1(1) *Method of take.* Fish may be taken by any means except by use of dynamite, poison, electric shocking devices or any stupefying substances.

12.1(2) *Commercial purposes.* This rule shall not authorize the taking of fish for commercial purposes.

[Effective September 20, 1968]

[This Rule was submitted to the attorney general July 22, 1968. The attorney general did not render an opinion within thirty days. This Rule is hereby filed without such opinion as provided for in section 17A of the Code as amended.]

CONSERVATION COMMISSION

(continued)

Pursuant to the authority of section 106.3, Code 1966, the following rule is hereby adopted.

[Filed August 14, 1968]

DIVISION OF LANDS AND WATERS

Administrative Order No. 316, approved by Departmental Rules Review Committee and filed June 21, 1962, is hereby rescinded and the following adopted in lieu thereof.

59.1(106) **Special rules and regulations concerning the operation of vessels on the impoundment of the Maquoketa river in Delaware county, Iowa, extending West-erly and Northerly from the line between sections 29 and 30 in Delhi township in said county, to the line between sections 10 and 15 in Milo township in said county which impoundment is sometimes known and referred to as Hartwick lake or Lake Delhi.**

59.1(1) **Water recreation activity restrictions shall be obeyed, including restrictions within posted areas which are marked with approved buoys.**

59.1(2) **No dock or obstruction of any nature shall be placed in the water without first obtaining a permit from the conservation commission.**

59.1(3) **Application for dock permits and buoy permits shall be made on forms provided by the conservation commission for that purpose.**

59.1(4) *Reserved for future use.*

59.1(5) **Every dock or structure shall be constructed and maintained in accordance with the requirements on the permit issued by the conservation commission and shall be removed from the water on or before December 15 of each year.**

59.1(6) **All buoys shall be those of a system adopted by the state conservation commission and shall be constructed, placed and maintained in accordance with chapter 106, Code 1966, and the applicable rules and regulations of the conservation commission.**

59.1(7) **Swimming or wading shall be restricted to an area within twenty-five feet of shore except in special areas approved by the conservation commission and marked by approved buoys.**

59.1(8) **No motorboat shall be operated at speeds greater than ten miles per hour at any time between the hours from one hour after sunset to one hour before sunrise.**

59.1(9) **No motorboat shall be operated at a speed which will create appreciable wake or roll when within fifty feet of an occupied craft at anchor or traveling at a no-wake speed.**

59.1(10) Boating accidents shall be reported as required in chapter 106.7, Code 1966, and the applicable departmental rule,

59.1(11) All water skiers shall wear a life belt or life jacket.

59.2(106) Regulation A-1 of departmental rule No. 15, which reads: "No motorboat shall be operated at speeds greater than five miles per hour when within two hundred fifty feet of another craft traveling at five miles per hour or less.", shall not apply to this area, as described in rule 59.1.

CONSERVATION COMMISSION

(continued)

Pursuant to the authority of section 106.3 and 106.26, Code 1966, the following rule is hereby adopted.

[Filed July 16, 1968]

DIVISION OF LANDS AND WATERS

60.1(106) A safety zone is hereby established in Iowa waters above and below all navigation lock and dam structures on the Mississippi river between the Iowa-Minnesota border and the Iowa-Missouri border. The established zone shall be six hundred feet upstream and one hundred feet downstream from the roller gate or tainter gate section of the structure.

60.1(1) The safety zone does not include the area directly above and below

the navigation lock or the auxiliary lock structure.

60.1(2) The safety zone does not include the area directly above and below the solid fill portion of the dam and structure.

60.2(106) The safety zone shall be recognized by the state of Iowa only when plainly marked in accordance with the uniform marking system, as adopted by the state of Iowa, including buoys placed at the outer limits of the restricted safety zone six hundred feet above and one hundred feet below the structure as described in rule 60.1.

60.3(106) No boat or vessel of any type shall enter the established safety zone as recognized by the state of Iowa as described in rule 60.2.

CONSERVATION COMMISSION

(continued)

Pursuant to the authority of section 109.5 and 109.6, Code of Iowa 1966, the following departmental rules are hereby rescinded.

[Filed October 14, 1968]

DIVISION OF FISH AND GAME

(109) 1. Departmental Rule (unnumbered) filed October 5, 1962 as shown on page 141 of the 1966 IDR, is hereby rescinded.

(109) 2. Departmental Rule (unnumbered) filed October 3, 1962 as shown on page 143 of the 1966 IDR, is hereby rescinded.

(109) 3. Departmental Rule (unnumbered) filed October 25, 1962 as shown on page 144 of the 1966 IDR, is hereby rescinded.

(109) 4. Departmental Rule 18.1 filed July 13, 1965 as shown on page 145 of the IDR, is hereby rescinded.

[Effective November 13, 1968]

[The attached rule was submitted to the attorney general on September 12, 1968. The attorney general did not render an opinion in the time specified in chapter 17A of the Code.]

CONSERVATION COMMISSION

(continued)

Pursuant to the authority of section 109.5 and 109.6, Code of Iowa 1966, the

following official notices are hereby rescinded.

[Filed October 14, 1968]

DIVISION OF FISH AND GAME

(109) 1. Official notice (unnumbered) filed September 19, 1962 as shown on page 140 of the 1966 IDR, pertaining to the establishment of a refuge on Storm Lake Island, is hereby rescinded.

(109) 2. Official notice (unnumbered) filed, September 19, 1962 as shown on page 140 of the 1966 IDR, pertaining to the use of outboard motors on Little Wall Lake, is hereby rescinded.

(109) 3. Official notice (unnumbered) filed, September 19, 1962 as shown on page 140 of the 1966 IDR, pertaining to the use of outboard motors on Brown's Slough, is hereby rescinded.

[Effective November 13, 1968]

[The attached rule was submitted to the attorney general on September 12, 1968. The attorney general did not render an opinion in the time specified in chapter 17A of the Code.]

CONSERVATION COMMISSION

(continued)

Pursuant to the authority of section 109.5 and 109.6, Code of Iowa 1966, the following Administrative Orders and Rules are hereby rescinded.

[Filed October 14, 1968]

DIVISION OF FISH AND GAME

(109) 1. Administrative Order number 158, filed August 20, 1952 as shown on page 126 of the 1966 IDR, is hereby rescinded.

(109) 2. Administrative Order number 168, filed June 18, 1953 as shown on page 126 of the 1966 IDR, is hereby rescinded.

(109) 3. Administrative Order number 169, filed June 25, 1952 as shown on page 126 of the 1966 IDR, is hereby rescinded.

(109) 4. Administrative Order number 197, filed April 5, 1955 as shown on page 127 of the 1966 IDR, is hereby rescinded.

(109) 5. Administrative Order number 237, filed April 29, 1957 as shown on page 127 of the 1966 IDR, is hereby rescinded.

(109) 6. Administrative Order number 238, filed July 2, 1957 as shown on page 127 of the 1966 IDR, is hereby rescinded.

(109) 7. Administrative Order number 251, filed April 16, 1958 as shown on page 127 of the 1966 IDR, is hereby rescinded.

(109) 8. Administrative Order number 271, filed March 16, 1959 as shown on page 127 of the 1966 IDR, is hereby rescinded.

(109) 9. Administrative Order (unnumbered), filed November 7, 1957 as shown on page 127 of the 1966 IDR, is hereby rescinded.

(109) 10. Rule (unnumbered) filed, August 15, 1960 as shown on page 127 of the 1966 IDR, is hereby rescinded.

(109) 11. Rule (unnumbered) entitled "Special Hunting Regulation for Odessa Area During Duck Season" as shown on page 128 of the 1966 IDR, is hereby rescinded.

[Effective November 13, 1968]

[The attached rule was submitted to the attorney general on September 12, 1968. The attorney general did not render an opinion in the time specified in chapter 17A of the Code.]

DENTISTRY BOARD, STATE

Pursuant to the authority of chapter 166, Acts of the 62nd General Assembly, the following rules are adopted.

[Filed October 23, 1968]

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CHAPTER 1

GENERAL PROVISIONS

1.1(Ch. 166, 62G.A.) **Definitions.** For the purpose of the interpretation of the following rules:

1.1(1) "Board" shall mean the Iowa state board of dentistry.

1.1(2) "Department" shall mean the department of health, state of Iowa.

1.1(3) "Rule" shall mean a requirement, procedure, or standard of general application prescribed by the board relating to either the administration or enforcement of this chapter [Ch. 166, 62 G.A.] or the regulation of the practice of dentistry and dental hygiene.

1.1(4) "Order" shall mean a requirement, procedure or standard of specific or limited application adopted by the board relating to any matter the board is authorized to act upon, including the professional conduct of licensees hereunder and the examination for licensure and licensure of any person hereunder.

1.1(5) "Examination planning meeting" shall mean that meeting of the board held at the time and place of the annual meeting of the Iowa Dental Association.

1.1(6) "Examination meeting" shall mean those meetings of the board held in Iowa City for the purpose of examining candidates for licensure as dentists or as dental hygienists, the time and place of such examination meetings to be fixed by the board as near to the spring commencement of the University of Iowa as may be practicable. The time and place of such examination meeting shall be published in the Journal of the American Dental Association at least sixty days prior to such examination meeting.

1.1(7) "Annual meeting" shall mean that meeting of the board held each year in Iowa City in conjunction with the examination meeting for the purpose of electing officers for the ensuing year and conducting such other business as may properly come before the board.

1.1(8) "Special meetings" shall mean those meetings of the board other than

above provided for, which special meetings, including telephone conferences, shall be held at such times and places and upon such notice, written or oral, as the chairman, secretary or a majority of the board deems necessary.

1.1(9) Three members of the board shall constitute a quorum for the purpose of conducting the business of the board. Sturgis Standard Code of Parliamentary Procedure shall, when not in conflict herewith, govern the deliberations of the board.

1.1(10) "Chapter" shall mean Dental Practice Act of Iowa, as from time to time amended, which consists of chapter 166, Acts of the 62nd G.A.

1.1(11) The board interprets "practicing in Iowa" as used in section 11 of the chapter [Ch. 166, 62G.A.] to mean rendering a professional service in this state either as an employee or an independent contractor for any valuable consideration. Any licensee residing in Iowa eligible for the five-dollar renewal fee provided for therein shall be required to certify in writing to the board that he is not or will not be "practicing in Iowa" during the time to which such renewal relates, which status shall be shown on the licensee's record and continued thereon unchanged until otherwise directed by the board.

1.2(Ch. 166, 62 G.A.) **Organization of board.** The board at its annual meeting shall organize for the ensuing year, selecting from its own membership a chairman, vice-chairman, secretary, treasurer and such other officers as it may from time to time deem necessary, which officers shall assume their duties July 1. The vice-chairman shall prepare and submit an annual budget to the board at such time as the board designates.

1.3(Ch. 166, 62 G.A.) **Tenses, gender and number.** For the purposes of these rules and regulations, the present tense includes the past and future tenses, and the future, the present and past, and the past, the present and future; the masculine gender includes the feminine and the neuter, and the feminine, the masculine and neuter; and the neuter, the masculine and feminine; and the singular includes the plural, and the plural, the singular, as the context requires.

1.4(Ch. 166, 62 G.A.) **Fee splitting prohibited.** No individual or group of individuals engaged in the practice of dentist-

ry in the state of Iowa shall, except as authorized by the provisions of this rule, rule 5.2(4), or section 32, subsection 8, of the chapter [Ch. 166, 62 G.A.], split, divide or allocate, either directly or indirectly with any dentist or layman other than an associated licensed dentist or licensed hygienist practicing in the same office, any fees earned in rendering dental service; provided, however, that this rule shall not be interpreted to prevent an employer from paying an employee in the regular course of employment.

1.5(Ch. 166, 62 G.A.) Limitation on signs. No dentist shall use letters of a size greater than six inches in height as part of any sign, name plate, or other professional public announcement.

1.6(Ch. 166, 62 G.A.) Number of signs limited. No dentist shall display simultaneously at his place of business or elsewhere more than two signs, name plates or other professional announcements, such signs to employ only lettering to show his name, address, and professional title or degree and specialty, together with his office hours and telephone number; provided, however, that a dentist may use his name and address and designate his office hours on the building directory and the entrance door to his office.

1.7(Ch. 166, 62 G.A.) Sign illumination limited. No dentist shall use lighted signs, electric, neon or otherwise, nor any glaring lights to illuminate signs, posters or any other professional announcement.

1.8(Ch. 166, 62 G.A.) Dentist's presence required. No dentist shall practice dentistry in any place or location where dental services are rendered where the name or names on the door, window, wall, directory, or any sign whatsoever, shall indicate or tend to indicate that such place or location is owned or operated by any person not actually practicing dentistry therein; provided, however, that in the event that the dentist whose name so appears on such window, wall, or sign, shall have terminated his practice, this rule shall not be applicable to any other dentist practicing in such establishment for twelve months immediately following such termination. No dentist shall have a proprietary interest in more than three places of business where dentistry is practiced nor display his license or annual renewal certificate therein.

1.9(Ch. 166, 62 G.A.) Public announcements and professional cards limited. A dentist shall make use of no announcement through any media, means, agency or device of an advertising nature, except he may advise his patients of record by letter or otherwise, or he may publicly announce only by way of newspaper the opening, relocation or termination of his practice of dentistry or professional association, which announcement shall state only his name, degree, specialty, as recognized by the board, office location where he is actually engaged in practice, office hours, telephone numbers and may be published in no more than seven consecutive publications in the same newspaper. Such announcement shall be limited to a space equivalent to a two-column width and three inches in length. The board interprets a professional card, to be either the announcement above-described and limited or a card one column wide and one inch in length. No shaded or solid background or any other attention-getting device shall be allowed.

1.10(Ch. 166, 62 G.A.) Attention-getting signs prohibited. No person licensed by the board shall employ any advertising sign, whether same be a projecting sign or otherwise, which shall by its design, intent or character, reasonably appear to be principally attention getting in nature as distinguished from merely imparting the information contained thereon to the general public.

1.11(Ch. 166, 62 G.A.) Official forms. The following board forms are the official forms to be used by the board for the purposes respectively indicated therefor:

1.11(1) Board Form 1—Dental license (8½ x 11).

1.11(2) Board Form 2—Dental hygienist's license (8½ x 11).

1.11(3) Board Form 3—Grade average of applicant's for licensure for dentistry (yellow paper).

1.11(4) Board Form 4—Grade form average of applicants for dental hygiene (blue paper).

1.11(5) Board Form 5—Ballot for mail vote.

1.11(6) Board Form 6—Dentist's application for license.

1.11(7) Board Form 7—Hygienist's application for license.

1.11(8) Board Form 8—Notice to applicant of results of his examination (used for both dentists and hygienists).

1.11(9) Board Form 9—Letter to accompany notice of applicant of examination results.

1.11(10) Board Form 10—Notice of renewal fee and application for renewal of license to practice dentistry.

1.11(11) Board Form 11—Application for renewal of license to practice dental hygiene.

1.11(12) Board Form 12—Renewal certificates for dentists and hygienists.

1.11(13) Board Form 13—Information for applicants for examination in dentistry and dental hygiene.

1.11(14) Board Form 14—Examination instructions to state board candidates.

1.11(15) Board Form 15—Prosthetic design forms.

1.11(16) Board Form 16—Lettersize letterhead stationery.

1.11(17) Board Form 17—Letterhead envelopes.

1.11(18) Board Form 18—Large size envelopes—license size.

1.11(19) Board Form 19—Envelopes to mail renewal certificate (small window size).

1.11(20) Board Form 20—Envelopes to mail renewal applications (large window size).

1.11(21) Board Form 21—Application for reciprocity for dentists.

1.11(22) Board Form 22—Information to dentists for reciprocity.

1.11(23) Board Form 23—Application for reciprocity for hygienists.

1.11(24) Board Form 24—Information to hygienists for reciprocity.

1.11(25) Board Form 25—Receipts acknowledging payment of fees.

1.11(26) Board Form 26—Registry of dentists and hygienists.

1.11(27) Board Form 27—Directory, published biennially.

1.11(28) Board Form 28—Seal of board.

1.11(29) Board Form 29—Temporary faculty license.

1.11(30) Board Form 30—Resident dentist license.

1.11(31) Board Form 31—Application for reinstatement of license.

1.11(32) Board Form 32—Notice of failure to renew.

1.11(33) Board Form 33—Voucher.

1.11(34) Board Form 34—Certificate of nonpractice.

1.12(Ch. 166, 62 G.A.) **Displaying license and annual renewal certificate.** The license and current annual renewal certificate must be prominently displayed by each licensee at the principal office of employment. An additional certificate shall be obtained from the secretary of the board whenever a dentist practices at more than one address and same shall be displayed therein, but no more than two such additional certificates shall be issued. A fee of five dollars will be charged for each additional certificate.

1.13(Ch. 166, 62 G.A.) **Notice required of change of address.** Every licensee shall upon changing his principal office and within ten days thereafter furnish the secretary of the board with his new address.

1.14(Ch. 166, 62 G.A.) **Reinstatement application.** All applications for reinstatement under section 12 of the chapter [Ch. 166, 62G.A.] and for reinstatement of a hygienist's license shall be made on Board Form No. 31 and filed with the secretary of the board, together with the then current annual license fee and a penalty fee of ten dollars. The applicant shall present himself for the clinical examination prescribed herein at such time and place fixed by the board, unless the board expressly waives such examination for good cause shown by the applicant and upon presentation of satisfactory and convincing evidence of his knowledge and information regarding current techniques, procedures, materials and theories obtaining in the practice of dentistry. Each applicant shall present the written recommendation of two active practitioners of dentistry licensed in Iowa who are and have been members of the American Dental Association for one or more years last past that he be reinstated, which recommendation shall be unqualified and shall specifically detail the personal knowledge each has of the applicant, his professional

and moral suitability for reinstatement and the reason for so recommending. The application shall also include the following:

1.14(1) Name and current residence of applicant.

1.14(2) Date of admission to practice in Iowa and license number for which reinstatement is sought.

1.14(3) Dates and places of practice, and reasons for seeking reinstatement and why license was not maintained.

1.14(4) Names of all professional (dental) organizations in which membership is or was held, and dates thereof.

1.14(5) List of all study clubs and professional meetings attended, with dates and places thereof.

1.14(6) List of all postgraduate courses taken, with dates and places thereof.

1.14(7) Other states in which licensed, and the identifying number of each license.

1.15(Ch. 166, 62 G.A.) The board shall maintain as a part of its records the following information:

1.15(1) A list of applicants who have failed the board's examination but who are still eligible for re-examination.

1.15(2) Alphabetical lists of all licensees to practice dentistry in Iowa who are and who are not in good standing with the board.

1.15(3) Alphabetical lists of all licensees to practice dental hygiene in Iowa who are and who are not in good standing with the board.

1.15(4) Alphabetical lists of dentists registered in but not practicing in Iowa.

1.15(5) An alphabetical list of resident dentist licensees.

1.15(6) An alphabetical list of dental college faculty permit holders.

1.15(7) An alphabetical list of licensees in federal services.

1.16 through 1.24 *Reserved for future use.*

CHAPTER 2

APPLICATIONS FOR LICENSURE

2.1(Ch. 166, 62 G.A.) **Applications to practice dentistry.** Any person desiring to take the examination for licensure to practice dentistry within the state of Iowa must first present to the board an application and credentials, as prescribed by the chapter [Ch. 166, 62 G.A.], and shall conform to the following rules of the board:

2.1(1) An application on a form, hereinafter referred to as Board Form No. 6, furnished by the board must be completely filled out.

2.1(2) The completed application shall be filed with the board not later than thirty days prior to the date set for the beginning of the examination for which application is made.

2.1(3) The applicant shall furnish satisfactory evidence of having graduated from an accredited dental college which shall have been approved by the board.

2.1(4) For identification purposes, the applicant shall furnish one notarized, unmounted passport size photograph, 3" x 3", taken not more than twelve months before date of application.

2.1(5) The fee of fifty dollars as fixed by the chapter [Ch. 166, 62 G.A.] shall accompany the application. The fee of fifty dollars will be returned to those applicants who are found to be ineligible to take the examination.

2.1(6) The applicant shall furnish a testimonial of good moral character by the dean or other authorized representative of the dental school from which the applicant graduated, and if he is a member of the American Dental Association he shall furnish a like testimonial by the president or secretary of the constituent or component society or its equivalent, and certification by the secretary of the board of dental examiners of the state in which he may be licensed.

The board may require from an applicant or obtain from other sources such other information pertinent to the character, education and experience of the applicant as it may deem necessary in order to pass upon the applicant's qualifications.

2.1(7) The board shall compile the names of the successful candidates on a

suitable and appropriate form, which shall be known as Board Form No. 3, and when so compiled the same shall become a permanent part of the records maintained by said board and available to public inspection at all reasonable hours.

2.2(Ch. 166, 62 G.A.) Verification of application. Every applicant shall sign his application and shall swear or affirm to the truth of the statements contained therein before a notary public or other person authorized by law to administer oaths.

2.3(Ch. 166, 62 G.A.) Rejection of incomplete application. Incomplete applications shall be returned to the applicant with the tendered fee, together with a statement setting forth the reasons for such rejection.

2.4(Ch. 166, 62 G.A.) Applications to practice dental hygiene. Any person desiring to take examination for licensure to practice dental hygiene must present an application and credentials as prescribed by the chapter [Ch. 166, 62 G.A.] and shall conform to the following rules of the board:

2.4(1) An application on a form, hereinafter referred to as Board Form No. 7, furnished by the board must be completed in all respects.

2.4(2) The completed application shall be filed with the board not later than thirty days prior to the date set for the beginning of the examination for which application is made.

2.4(3) The applicant shall furnish a certified photostatic copy of a diploma or certificate in dental hygiene from an accredited school of dental hygiene approved by the board.

2.4(4) The applicant shall present to the board a certificate duly issued by the National Board of Examiners for Dental Hygienists evidencing the successful completion of the examination administered by said national board.

2.4(5) For identification purposes the applicant shall furnish one notarized, unmounted passport size photograph, 3" x 3", taken not more than twelve months before the date of application.

2.4(6) A fee of twenty-five dollars shall accompany the application.

2.4(7) The applicant shall furnish evidence of good moral character satisfac-

tory to the board, in addition to the requirements prescribed in chapter 166, section 8. For the purpose of the chapter [Ch. 166, 62 G.A.], an accredited school of dental hygiene shall include only those schools of dental hygiene now or hereafter approved by the board.

2.5(Ch. 166, 62 G.A.) The board shall compile the names of the successful candidates on a suitable and appropriate form, which shall be known as Board Form No. 4, and when so compiled the same shall become a permanent part of the records maintained by said board and available to public inspection at all reasonable hours.

2.6(Ch. 166, 62 G.A.) No information regarding the grades of the respective applicants shall be divulged by the board until the applicants themselves have been notified by the board.

2.7 through 2.14 Reserved for future use.

CHAPTER 3

EXAMINATIONS

3.1(Ch. 166, 62 G.A.) Examination procedure, dentists. The following rules are deemed by the board to provide for an examination sufficiently thorough to test the fitness of the applicant and same shall govern the conduct of examination and be strictly adhered to throughout the entire examination. An examinee who violates any of the rules, regulations or instructions applicable to him may be declared by the board to have failed the examination.

3.1(1) Unless otherwise notified in writing, applicants must appear at the appointed hour on the first day of the examination at the college of dentistry in Iowa City as fixed by the board, at which time the board shall assign each applicant a number for identification purposes during such examination.

3.1(2) The ability of an examinee to read and interpret instructions shall be evaluated and considered by the board as a part of the examination.

3.1(3) Any examinee who gives or receives unauthorized assistance in any portion of the examination may be dismissed from the examination.

3.1(4) An examinee must be present punctually at the time designated for

commencing each session of the examination.

3.1(5) If the examinee fails the first examination and desires to take a second examination, he shall notify the board at least thirty days prior to the first day of the next examination, and he shall be required to certify that the material statements contained in his original application are currently true and correct.

3.1(6) The examinee must attain an average grade of not less than seventy-five percent in the clinical portion of the examination. The grade of the theoretical portion of the examination will be ascertained by averaging the grades of Part I and Part II of the examination administered by the National Board of Dental Examiners.

3.1(7) The secretary of the board will assign board members to the specific operations in the clinical portion of the examination that they are to grade.

3.1(8) The examinee must furnish his own patients, all needed materials, supplies and instruments; and the director of the dental clinic at the college of dentistry may aid in the procurement of patients.

3.1(9) The general clinical requirements hereinafter prescribed for the examination may be confirmed, added to, modified or changed in any particular, without notice, as the board in its discretion shall deem advisable for the purpose of sufficiently evaluating and testing the fitness of the examinee to practice dentistry.

3.1(10) All operations must be performed by the examinee in the presence of the board members assigned for such purpose. The examinee shall be informed as to which board member has been designated to grade the required operation.

3.1(11) Notwithstanding the educational experience of any examinee, the board may deduct points from the grade of the examinee in all restorations where the normal contact and tooth form has not been restored and where all margins have not been carried to self-cleansing areas.

3.1(12) The board may deduct points from the grade of the examinee if the cases selected do not have approximating contacting teeth.

3.1(13) Each examinee may be required to perform clinical operations as follows, which operations must be previously approved by one or more board members:

a. Oral diagnosis: Charting, treatment planning and slide examination.

b. Operative:

(1) Gold foil restoration, Class 2, 3 or 4 (Class 5, only if specifically authorized).

(2) Amalgam restoration, Class 2.

c. Crown and bridge: Cast gold crown (or a three-quarter crown only if specifically authorized).

d. Prosthetics: Impression, cast, design of partial denture on surveyed cast and on Board Form No. 15, with written instructions to technician.

3.2(Ch. 166, 62 G.A.) Scope of examination, dentists.

3.2(1) All applicants, except as otherwise provided herein, shall present a certificate duly issued over the signature of the secretary of the National Board of Dental Examiners evidencing successful completion of Part I and II of the examination administered by said National Board of Dental Examiners; such national board certificate shall be required, and the board no longer shall administer an examination on theory unless otherwise provided.

3.2(2) Examinees who otherwise qualify but who have failed in one or more subjects of the national board examination may be admitted to the clinical examination, but the license will be withheld until certification of Part II is received from the secretary of said National Board of Dental Examiners.

3.2(3) At the discretion of the board, any dentist who has lawfully practiced dentistry in another state or territory for five years may be exempted from presenting a certificate evidencing successful completion of the examination administered by said National Board of Dental Examiners.

3.2(4) All examinees shall be prepared to be examined for general knowledge of the chapter.

3.3(Ch. 166, 62 G.A.) Examination procedure, hygienists. The following rules and regulations must be strictly adhered to

throughout the entire examination and shall govern the conduct of the examinations. An examinee who violates any of the rules, regulations, or instructions applicable to him may be declared by the board to have failed the examination.

3.3(1) Each applicant shall be required to do two complete oral prophylaxes.

3.3(2) Each applicant for licensure as a hygienist shall be required to give a demonstration of his skill in removing lime deposits, accretions and stains from exposed surfaces of the teeth and from the root surfaces to the depth of the attached gingiva, polishing the teeth and making instrumental examination for caries, and charting the mouth and teeth in as many cases as may be designated by the board during the examination.

3.3(3) Each applicant may further be required to perform such other practical demonstrations as the board in its discretion may specify during the course of examination, which may include but shall not necessarily be limited to the following:

a. Take full mouth, plus bite-wing X-rays. These X-rays to be mounted and presented to an examiner at the time of the oral interview.

b. Give a presentation of procedures for mouth care including the use of models and brushes to demonstrate the use of toothbrushes.

c. Demonstrate the care and sharpening of instruments used by dental hygienists.

d. Pouring of cast from impression that will be provided.

e. Recognition of errors in X-ray technique from projected slides.

f. Such other tests as may be determined by the board.

3.3(4) An average of seventy-five percent constitutes a passing grade in the clinical part of the examination.

3.4(Ch. 166, 62 G.A.) Scope of examination, hygienists.

3.4(1) In grading such practical demonstrations, the following will be observed and evaluated by the board:

a. Consideration for patient.

- b.* Position of chair.
- c.* Neatness of operator and operation.
- d.* Instrumentation.
- e.* Operation of engine.
- f.* Use of medicaments.
- g.* Gum laceration or injury.
- h.* Sharpness of instruments.
- i.* Final results.

3.5 through 3.10 Reserved for future use.

CHAPTER 4

AUXILIARY PERSONNEL

4.1(Ch. 166, 62 G.A.) Definitions.

4.1(1) The term "dental assistant" means any person other than a hygienist or dental laboratory technician who acts by assisting a dentist in rendering dental services to a patient.

4.1(2) The term "hygienist" means a person holding a license as a dental hygienist issued by the board pursuant to the provisions of the chapter [Ch. 166, 62 G.A.].

4.1(3) The term "dental laboratory technician" as used in these rules shall include all legal entities other than a licensed dentist who fabricates, constructs, makes, alters or repairs oral prosthetic appliances solely and exclusively for a licensed dentist and under his supervision or direction.

4.2(Ch. 166, 62 G.A.) Dental assistants. Dental assistants may perform all services at the direction and under the supervision of the licensed dentist, except the following services:

4.2(1) Any and all removal of or addition to the hard or soft tissue of the oral cavity.

4.2(2) Any and all diagnosis of or prescription for or treatment or attempt to correct by any medicine, appliance, or method, any disease, disorder, lesion, injury, deformity, or defect of the oral cavity, teeth, gums or maxillary or mandibular arches of the human being.

4.2(3) The administration of anesthetics.

4.2(4) A prophylaxis.

4.2(5) Making an impression of the maxillary or mandibular arch, or any part thereof.

4.3(Ch. 166, 62 G.A.) Practice of dental hygiene. In assisting the members of the dental profession in providing oral health care, the following services performed by the dental hygienist shall be deemed:

4.3(1) Educational: Issuing written and oral instructions for optimal oral health, including the teaching of proper brushing techniques and interdental stimulation.

4.3(2) Therapeutic: Application or administration of medicaments prescribed by a licensed dentist, and a complete oral prophylaxis of all surfaces of the teeth to the depth of the attached gingiva.

4.3(3) Preventive: The topical application of medicaments and other methods for caries control.

4.3(4) Diagnostic: Making of X-ray exposures of teeth and surrounding tissues; obtaining and recording vital medical and dental history, including the charting of carious lesions, periodontal pockets and other abnormal conditions; and making impressions for study models.

All such services shall be performed under the supervision of a licensed dentist.

4.4(Ch. 166, 62 G.A.) Advertising and soliciting dental service prohibited. No auxiliary personnel, including the dental assistant, hygienist and dental laboratory technician as defined in rule 4.1 shall advertise, solicit, represent or hold himself or itself out in any manner to the general public that he or it will furnish, construct, repair, or alter prosthetic, orthodontic or other appliances, with or without consideration, to be used as substitutes for or as a part of natural teeth or associated structures or for correction of malocclusions or deformities, or that he or it will render any other dental service.

4.5(Ch. 166, 62 G.A.) Unlawful practice by auxiliary personnel. Any assistant, hygienist, or dental laboratory technician who assists a dentist in practicing dentistry in any capacity other than as an employee or independent contractor, or who directly or indirectly procures a licensed dentist to act as nominal owner, proprietor, or director of a dental office as a guise or subterfuge to enable such assist-

ant, hygienist or dental laboratory technician to engage directly or indirectly in the practice of dentistry defined by the chapter [Ch. 166, 62 G.A.], or who renders dental service directly or indirectly on or for members of the public other than as an employee or independent contractor for an employing dentist shall be deemed to be practicing dentistry without a license.

4.6 through 4.14 Reserved for future use.

CHAPTER 5

SUSPENSION OR REVOCATION OF LICENSES OF DENTISTS AND DENTAL HYGIENISTS

5.1(Ch. 166, 62 G.A.) General grounds. In general terms, suspension or revocation of licenses under these rules shall be on those grounds specified in sections 32 and 34 of the chapter [Ch. 166, 62 G.A.].

5.2(Ch. 166, 62 G.A.) Dishonorable or unprofessional conduct in the practice of dentistry or dental hygiene, defined. "For being guilty of dishonorable or unprofessional conduct in the practice of dentistry or dental hygiene" as used in section 34, subsection 13 of the chapter [Ch. 166, 62 G.A.] shall include:

5.2(1) The indiscriminate or promiscuous prescribing or dispensing of any drug which, under the circumstances, has no therapeutic value.

5.2(2) The practice of dentistry or dental hygiene while in a state of advanced physical or mental disability which renders the licensee incapable of performing professional services or impairs functions of judgment necessary to his practice.

5.2(3) The failure to maintain adequate safety and sanitary conditions for a dental office.

5.2(4) The act of a dentist in:

a. Splitting fees, accepting rebates, or commissions, except as authorized by the provisions of this rule, rule 1.4 or the chapter [Ch. 166, 62 G.A.] from any source associated with the service rendered to a patient; provided, however, that the sharing of income in a dental partnership or association shall not be construed as splitting fees nor shall com-

pensating dental auxiliaries on the basis of a percentage of the fee received for the over-all service be deemed accepting a commission.

b. Making suggestive, lewd, lascivious or improper advances to a patient.

c. Engaging in personal conduct which brings discredit to the profession of dentistry and which results in the imposition of a sentence of incarceration in any penal institution, whether or not such sentence is suspended.

d. Employing, assisting, or enabling in any manner an unlicensed person to practice dentistry. The phrase "for conducting the practice of dentistry so as to permit directly or indirectly an unlicensed person to perform work which under this chapter can legally be done only by persons licensed to practice dentistry or dental hygiene in this state" as found in section 34, subsection 5 of the chapter [Ch. 166, 62 G.A.], shall include the practice by a licensed dentist in the same premises occupied by a dental laboratory or technician or the maintenance of a professional association with a dental laboratory or technician if such dental laboratory or technician advertises, solicits, represents, holds itself or himself out in any manner to the general public that it or he will sell, supply, furnish, construct, repair or alter prosthetic dentures, bridges, orthodontic or other appliances or devices to be used as substitutes for, or as a part of natural teeth or associated structures or for correction of malocclusions or deformities, or who in any way violates the provisions of section 34 of the chapter [Ch. 166, 62 G.A.].

"In the same premises" as used hereinabove shall mean identical public facilities used in common, such as office door, reception room, receptionist, files, telephone, telephone number, address, post-office box, etc.

"The maintenance of a professional association" as used hereinabove shall mean any continuing arrangement of any kind or nature under which the licensed dentist delegates to or permits the assumption by the dental laboratory or dental laboratory technician of any service constituting the practice of dentistry as defined in this chapter [Ch. 166, 62 G.A.].

5.2(5) Practice of dentistry under any name except the licensee's own proper

name, such as the use of the words, "clinic", "institute", or any other title that may suggest a public or semipublic activity, or teaching institution, or that could be interpreted to imply superiority over other dental practitioners, shall constitute the unlawful practice of dentistry under the name of an association or trade name, as those terms are used in section 34, subsection 14 of the chapter [Ch. 166, 62 G.A.], and shall be grounds for discipline under section 34 of the chapter [Ch. 166, 62 G.A.].

5.3(Ch. 166, 62 G.A.) Exterior signs limited. The use of signs on the outside of a building wherein a dentist or several dentists conduct their practices which attract the attention of members of the public who are not otherwise seeking to locate a dentist who practices at that location and the use of devices and signs which are intended to, or result in, public attention to the practitioners in that building constitutes unlawful advertising. Any medium employed by a dentist to identify the site of his practice which, apart from the information it contains, constitutes a physical object with attention-getting properties or characteristics, whether by reason of size, shape, color, illumination, pictorial representation, or animation, constitutes unlawful advertising under section 19 and section 32, subsections 1 and 2 of the chapter [Ch. 166, 62 G.A.].

5.4(Ch. 166, 62 G.A.) Hygienist's wrongful solicitation of patients. The board shall revoke or suspend the license of any dental hygienist who is found guilty of using or attempting to use in any manner whatsoever any patient recall list, records, reprints or copies of same, or information gathered therefrom of the names of patients whom he might have served in the office of a prior employer, unless such names appear upon the bona fide recall list of his present employer and were caused to so appear through the legitimate practice of dentistry as provided for in this chapter [Ch. 166, 62 G.A.]. The board shall also suspend or revoke the license of any licensed dentist who is found guilty of aiding or abetting or encouraging a dental hygienist employed by him to make any use of a recall list to solicit patronage from patients formerly served in the office of any dentist formerly employing such hygienist. No order of suspension or revocation provided in this rule shall be made or entered except after hearing by the board as provided in the

chapter [Ch. 166, 62 G.A.], and such order shall be subject to judicial review as provided by law.

5.5 through 5.9 *Reserved for future use.*

CHAPTER 6

PROCEDURAL RULES

6.1(Ch. 166, 62 G.A.) Definitions. For the purpose of the rules in this chapter the following definitions shall apply:

6.1(1) "Board" means the Iowa state board of dentistry, or not less than three members thereof, authorized by law to adjudicate contested cases.

6.1(2) "Contested case" means any adversary proceeding before the board the purpose of which is to determine the legal right of any licensee under this chapter [Ch. 166, 62 G.A.] to have his license renewed, or to determine the question of the suspension or revocation thereof in accordance with the terms of this chapter [Ch. 166, 62 G.A.].

6.1(3) "Respondent" means any person against whom an accusation, charge or order to show cause has been filed as provided for in this chapter [Ch. 166, 62 G.A.], or any person whose legal right provided for in this chapter [Ch. 166, 62 G.A.] shall be determined or affected.

6.2(Ch. 166, 62 G.A.) Order to show cause, revocation, suspension. A hearing to determine whether a license should be renewed or revoked or suspended as provided for in said chapter [Ch. 166, 62 G.A.], shall only be initiated after causing an investigation of the accusation or charges giving rise thereto to be made and a citation to issue under the seal of the board, signed by the secretary or chairman, requiring the licensee to personally appear at a time and place certain and show cause, if any he has, why his license should be renewed; or to personally appear and answer to or defend against any accusation or charge provided in the chapter [Ch. 166, 62 G.A.] as a ground for the suspension or revocation of his license. The citation shall consist of a written statement of charges or accusations setting forth in ordinary and concise language the acts of omission or commission with which the respondent is charged and shall be sufficiently detailed to enable the respondent to answer or defend against.

Said citation shall specify the statutes or rules which the respondent is alleged to have violated.

6.3(Ch. 166, 62 G.A.) Service of citation or order to show cause. Upon the issuance thereof the citation or the order to show cause, as the case may be, and a copy of all charges or accusations filed against the licensee or other accompanying information relating to the order to show cause, shall be served upon the respondent as provided for in the chapter [Ch. 166, 62 G.A.]. If the respondent is a resident of the state of Iowa and can be personally found therein for the purpose of making service, such personal service of the citation may be made upon the respondent in the same manner as provided by law for the service of an original notice in a civil action, and proof thereof made by the return of service executed by such person authorized by law in such cases. But if the respondent is neither a resident of the state of Iowa nor personally present therein so that personal service of the citation can be made upon him within said state, then the citation and copies of the accusation or charges against the respondent shall be served upon respondent by certified mail, addressed to his last known post-office address as shown by the records of the board.

6.4(Ch. 166, 62 G.A.) Time and place of hearing. The hearing on the order to show cause for the renewal of the license, or on the question of suspension or revocation thereof, shall be fixed by the board for a time and place certain, which hearing shall be held not earlier than twenty days following the service of the order to show cause or the citation upon the respondent. For the purpose of this rule, and if certified mail is used for making service, service upon the respondent shall be deemed to have been made when a sealed envelope, addressed to the last known address of the respondent as shown by the records of the board, and having good and sufficient postage affixed thereto, and containing the order to show cause or the citation referred to hereinabove, is deposited in the United States mail in any city or town within the state of Iowa.

6.5(Ch. 166, 62 G.A.) Right of personal appearance. The order to show cause or the citation, as the case may be, shall notify the respondent that he may be physically present at such hearing and may be represented by counsel thereat,

and that he may present any relevant evidence pertaining to the propriety of renewing his license, or pertaining to the question of the suspension or revocation of his license or the last renewal thereof, and that he will be given a full opportunity to be heard and to present all evidence or witnesses in his behalf and to cross-examine all witnesses testifying against him.

6.6(Ch. 166, 62 G.A.) Depositions for use as evidence in the hearing. On request of the respondent, or upon notice from the board to the respondent, the board may permit the testimony of any material witness, residing within or without the state, to be taken for use as evidence in the hearing, by deposition in the same manner prescribed by law for evidentiary depositions in civil actions. Such request or notice shall specify the nature of the proceeding then pending; the name and address of the witness whose testimony is desired; a showing of the materiality of the testimony of such witness and that such witness will be unable to be personally present at such hearing. Whereupon, and upon being satisfied from the showing so made, the board shall forward a request to such witness to appear and testify by deposition before an officer authorized to administer oaths named in the request at a time and place specified therein.

6.7(Ch. 166, 62 G.A.) Conduct of the hearing. All hearings conducted by the board under this chapter in which the rights of any licensee are to be determined shall be governed by the following procedure:

6.7(1) Every hearing in a contested case shall be presided over by the chairman of the board, or in his absence by the vice-chairman. Not less than three members of the board shall be necessary to constitute a quorum for the purpose of conducting such hearing.

6.7(2) The attorney for the board shall advise the member or members of the board concerning the conduct of the hearing and rulings on the admission or exclusion of evidence and other matters of law.

6.7(3) Any member of the board shall voluntarily disqualify himself and withdraw from any case to which he cannot accord a fair and impartial hearing or consideration. Any party may request the

disqualification of any board member by filing an affidavit, prior to the taking of evidence at a hearing, stating with particularity the grounds upon which it claimed that a fair and impartial hearing cannot be accorded. The issue shall be determined by the other members of the board. No board member shall withdraw voluntarily or be subject to disqualification if his disqualification would prevent the exercise of a quorum qualified to act in a particular case.

6.7(4) All proceedings at the hearing shall be reported in writing, and the board shall prepare an official record, which shall include testimony and exhibits in each contested case, but it shall not be necessary to transcribe the record unless it is requested for purposes of rehearing or court review.

6.8(Ch. 166, 62 G.A.) Evidence.

6.8(1) All evidence shall be taken only on oath or affirmation.

6.8(2) Each party shall have the right to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If respondent does not testify in his own behalf, he may be called and examined as if under cross-examination.

6.8(3) The board may admit and give probative effect to relevant evidence which possesses probative value and shall not be bound by the technical rules relating to the admissibility of evidence; provided, however, that the board shall give effect to the rules of privilege recognized by law. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. All evidence including records and documents (except tax returns and tax reports) in the possession of the board of which it desires to avail itself shall be offered and made a part of the record in the case. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

6.9(Ch. 166, 62 G.A.) Decision in contested case.

6.9(1) No right, license or privilege shall be granted, issued, renewed, revoked, suspended, limited or conditioned except upon the affirmative vote of at least three members of the board.

6.9(2) Whenever, in a contested case, a member of the board who has not participated in the hearing votes in the decision of the case, a final decision, if adverse to the respondent, shall not be made until a proposed decision, including the statement of reasons therefor, has been served on the respondent and opportunity has been afforded to file exceptions and present argument to all of the members of the board who are to render the final decision.

6.9(3) The respondent shall have the opportunity to present either oral or written argument and to present additional newly discovered evidence after the close of the record but prior to final decision.

6.9(4) Informal disposition of a contested case may be made in the manner prescribed by law.

6.10(Ch. 166, 62 G.A.) Form of decision—findings. Every decision and order adverse to a party to the proceeding shall be in writing and shall contain a statement of findings or reasons, a determination of the issues presented, and decision of the board. The findings shall consist of a statement of the conclusions upon each contested issue of fact necessary to the decision. Parties to the proceedings shall be notified of the decision and order in person or by mail. A copy of the decision and order and accompanying statement of reasons together with proof of service shall be delivered or mailed, upon request, to the respondent or to his attorney of record.

6.11(Ch. 166, 62 G.A.) Effective date of decision—stay of execution—notice to licensee.

6.11(1) The decision or order of the board shall become effective immediately upon its service on respondent; provided, however, that the board may, in its discretion, stay the enforcement of its decision pending appeal or reconsideration within thirty days after said service.

6.11(2) The board may, upon its own motion or upon petition of respondent, reconsider or grant a rehearing of any decision rendered in a contested case or may

condition any such decision upon just and reasonable grounds.

6.11(3) The filing of a petition for review shall not automatically stay the enforcement of the board decision.

6.12 through 6.19 Reserved for future use.

CHAPTER 7

RECIPROCITY

7.1(Ch. 166, 62 G.A.) For dentists. Any dentist who has been lawfully licensed to practice in another state or territory which has and maintains a standard for the practice of dentistry substantially equal to that now maintained in this state, and who has been lawfully and continuously engaged in the practice of dentistry for five or more years immediately before filing his application to practice in this state and who shall deposit with the secretary of the board a duly attested certificate from the examining board or examining authority of the state or territory in which he is licensed or registered, certifying to the fact of his licensing or registration and of his being a person of good moral character and of professional attainments, may, upon the payment of a fee of fifty dollars be granted a license to practice dentistry in this state. Provided, however, that no license shall be issued to any such applicant, unless the state or territory from which such certificate has been granted to such applicant shall have extended a like privilege to engage in the practice of dentistry within its own borders to dentists heretofore and hereafter licensed by this state, and provided further, that the board shall have power to enter into reciprocal relations with similar departments or boards of other states whose laws are substantially the same as the provisions of this chapter [Ch. 166, 62 G.A.] for the purposes of this rule, in computing the five-year period of practice in another state or territory any person who served in any federal service or on the faculty of an accredited dental college may count the time spent by him in such service.

7.1(1) Each applicant shall attach to his application, Board Form No. 21, a certified copy of any and all licenses to practice dentistry he may hold from other state or territories, together with his sworn statement of his previous service

in dentistry, detailing places and dates of employment and indicate whether or not he has ever had a license revoked or suspended. If his license has ever been revoked or suspended, then he must furnish a sworn statement detailing the circumstances thereof.

7.1(2) Each applicant must certify to the board that he has sustained no conviction of a felony or indictable misdemeanor and has committed no violation of this chapter [Ch. 166, 62 G.A.] or any comparable act defining unprofessional conduct or the illegal practice of dentistry in the state or territory from which he comes.

7.1(3) Each applicant may be required to personally appear before the board for interview at the regular examination meeting or such special meeting as may be fixed by the board.

7.1(4) Each applicant for an Iowa license by reciprocity hereunder must establish to the board's satisfaction that he is a member in good standing of any existing national dental association to which he would be eligible for membership.

7.1(5) Each applicant for an Iowa dental license by reciprocity may be required to pass an examination on the provisions of the Iowa Dental Practice Chapter.

7.2(Ch. 166, 62 G.A.) For dental hygienists. Any dental hygienist currently licensed to practice in another state or territory which has and maintains a standard for the practice of dental hygiene substantially equal to that now maintained in this state, who shall file with the secretary of the board a duly attested certificate from the examining board or examining authority of such other state or territory in which he is licensed or registered, certifying to the fact of his licensing or registration and of his being a person of good moral character and of professional attainments, may, upon the payment of a fee of twenty-five dollars, be granted a license to practice dental hygiene in this state.

7.2(1) He shall complete and file with the secretary of the board his application for such license to practice dental hygiene on Board Form No. 23, and he shall in addition attach a certified copy of any and all licenses to practice dental hygiene he may hold from other states or territories and he shall include with his appli-

cation a sworn statement of his previous dental hygiene practice, detailing places and dates of employment and the names of his employers and indicate whether or not he has ever had a license revoked or suspended. If his license has ever been revoked or suspended, he shall furnish a sworn statement detailing the circumstances thereof.

7.2(2) Each applicant may be required to personally appear before the board for interview at the regular examination meeting or such special meeting as may be fixed by the board.

7.2(3) Each applicant for license as a dental hygienist shall be required to present satisfactory evidence of graduation from a school of dental hygiene approved by the board.

7.3 through 7.9 *Reserved for future use.*

CHAPTER 8

MISCELLANEOUS RULES

8.1(Ch. 166, 62 G.A.) Dental residents, internes, and graduate students. All persons granted permission by the Iowa board of dentistry to practice as a resident, interne or graduate student in board approved teaching or educational institutions offering specialty oriented courses shall be required to furnish to the board the following:

8.1(1) A written request from the superintendent, director or head of the institution in which the applicant seeks to enroll.

8.1(2) A written statement of a licensed Iowa dentist who proposes to exercise supervision and direction over said applicant, specifying in general terms the time and manner thereof.

8.1(3) All applicants herein mentioned shall be required to furnish to the board such additional information as the board may deem necessary to enable it to determine the proficiency of such applicant.

8.1(4) If said licensee leaves the service of such institution during the tenure of said residency, internship or graduate study, the authority granted by the board to said licensee shall be automatically canceled.

8.1(5) The applicant for the "Resident Dentist License" shall file his application therefor with the secretary of the board on Board Form No. 30, together with the fee of ten dollars, whereupon the board may issue such license.

8.1(6) Such licensee shall be subject to all provisions of the chapter [Ch. 166, 62 G.A.] and rules of the board and any violation thereof, or the failure of the licensee to perform and progress satisfactorily or receive effective supervision as determined by the board, shall be ground for the revocation of such license after such notice and hearing as the board may prescribe.

8.2(Ch. 166, 62 G.A.) **Dental college faculty permits.** The board may issue to such members of the faculty of the dental college eligible for licensure but not yet licensed and registered to practice dentistry or dental hygiene in this state a permit entitling the holder thereof to perform all clinical operations which a person licensed to practice dentistry or dental hygiene in this state may lawfully perform, but only within the facilities of the dental college and as an adjunct of his teaching

functions therein. Such permit shall expire on the first day of July next following the date of issuance, and may be extended at the sole discretion of the board for not more than one additional year. A fee of ten dollars shall be paid by the applicant to the board on the issuance of such permit. The dean of the dental college shall certify to the board those bona fide members of the college's faculty who are not licensed and registered to practice dentistry or dental hygiene in Iowa, and shall promptly notify the board of any change in personnel on the faculty. Any faculty member so certified shall, prior to commencing his duties in the dental college, make written application to the board for such permit. Such a permit shall be valid only as long as the holder thereof remains a member of the faculty of the dental college, and shall subject the holder to all provisions of the chapter [Ch. 166, 62 G.A.] regulating the practice of dentistry and dental hygiene in this state.

8.3 through 8.9 *Reserved for future use.*

[Effective November 23, 1968]

EMPLOYMENT SECURITY COMMISSION

Pursuant to the authority of section 96.11(2), Code of Iowa 1966, Regulation 200—Separation Notices, appearing at page 152, 1966 IDR, is hereby amended.

[Filed September 11, 1968]

Amend by striking paragraph C, and subparagraph (1), and paragraph D, and subparagraphs (1) and (2).

[Effective September 11, 1968]

HEALTH DEPARTMENT

AIR POLLUTION CONTROL COMMISSION

Pursuant to authority of section 4, subsections 3 and 5 of chapter 162, Acts of the Sixty-second General Assembly, the following rules relating to abatement and prevention of air pollution by control of open burning are adopted.

[Filed January 10, 1969]

CHAPTER 1

DEFINITIONS

1.1(Ch. 162, 62 G.A.) General.

1.1(1) *Meaning.* For the purpose of these rules and regulations, the following terms shall have the meaning indicated

in this chapter. The definitions set out in section 2 of chapter 162, Acts of the 62nd General Assembly, shall be considered to be incorporated verbatim in these rules.

1.1(2) *Scope.* No attempt is made to define ordinary words which are used in accordance with their established dictionary meaning, except where the context otherwise requires and it is necessary to define the meaning as used in these rules and regulations to avoid misunderstanding.

1.2(Ch. 162, 62 G.A.) Definitions of terms.

1.2(1) *Backyard burning.* The burning of rubbish originating on the premises by individuals domiciled on the premises.

1.1(2) *Chimney or stack.* Any flue, conduit, or duct permitting the discharge or passage of air contaminants into the open air, or constructed or arranged for this purpose.

1.2(3) *Garbage.* All solid and semisolid putrescible and nonputrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, and serving of food or of material intended for use as food, but excluding recognized industrial byproducts.

1.2(4) *Open burning.* Any burning of combustible materials wherein the products of combustion are emitted into the open air without passing through a chimney or stack.

1.2(5) *Refuse.* Garbage, rubbish, and all other putrescible and nonputrescible wastes, except sewage and water-carried trade wastes.

1.2(6) *Rubbish.* All waste materials of nonputrescible nature.

1.2(7) *Salvage operations.* Any business, industry, or trade engaged wholly or in part in salvaging or reclaiming any product or material, including, but not limited to, chemicals, drums, metals, motor vehicles, or shipping containers.

1.2(8) *Trade waste.* All solid or liquid material or rubbish resulting from building operations, construction, or the conduct of any business, industry, or trade, including, but not limited to, chemicals, cinders, grease, paint, plastic products, and other forms of liquid or solid waste materials.

CHAPTER 2

OPEN BURNING

2.1(Ch. 162, 62 G.A.) Open burning.

2.1(1) *Open burning of refuse.* No person shall allow, cause, or permit open burning of refuse, including trade wastes, except as provided in subrules 2.1(3) and 2.1(4).

2.1(2) *Salvage by burning.* No person shall conduct a salvage operation by open burning, except as provided in subrule 2.1(3).

2.1(3) *Variations.* Any person wishing to engage in the open burning of trade

wastes, or in a salvage operation by open burning, may make application for a variance.

a. Application for variance. Each application for such variance shall be submitted to the technical secretary, accompanied by an affidavit stating the following:

(1) The name, address, and telephone number of the person submitting the affidavit or, if such person is a legal entity, the name and address of the individual authorized to accept service of process on its behalf and the name of the official in charge of the premises where refuse or trade wastes are to be burned, or salvage operations by open burning are to be performed.

(2) The type of business activity involved.

(3) The proposed operating practice, including the type and quantity of trade waste scheduled for disposal by open burning, or the type and number of items scheduled for salvage by open burning.

(4) Whether the open burning is to be conducted in a single instance, intermittently, or continuously.

(5) The exact location where open burning is proposed for disposal of rubbish or trade waste, or for salvage by open burning.

(6) The procedures to be followed to minimize air pollution.

(7) Reasons why no other method can be used for disposal of the trade waste without resulting in a hazard to health or property.

2.1(4) *Exemptions.* The conditions listed below are exempted from these rules and regulations.

a. Cooking of food. Open fires used only for the cooking of food for human consumption, or for recreational purposes, except for the premises of permanent commercial establishments.

b. Premise fires. Backyard burning, not including garbage, at dwellings of four-family units or less. The adoption of more restrictive ordinances or regulations of a governing body of the political subdivision relating to control of backyard burning shall not be precluded by these rules and regulations. Unless otherwise

provided by ordinance or regulation, fires for open burning of plant material grown on the premises or deposited thereon by the elements shall be permitted.

c. Diseased trees. The burning of diseased trees. However, when the burning of diseased trees causes air pollution, the commission may take appropriate action to secure relocation of the burning operations.

d. Disaster rubbish. The open burning of rubbish produced during community disasters in cases where an officially declared emergency condition exists.

e. Flare stacks. Flare stacks for the combustion of waste gases.

f. Training fires. Fires set for the purpose of bona fide instruction and training of public or industrial employees in the methods of fighting fires.

g. Clearing and grubbing rubbish. The open burning of combustible mate-

rials produced in clearing, grubbing, and construction operations, provided that such burning shall be limited to areas located at least one-fourth mile from any inhabited building.

2.1(5) Compliance. Nothing in these rules and regulations is intended to permit any practice which is a violation of any statute, ordinance, or regulation.

2.1(6) Effective date. Governmental bodies conducting refuse disposal operations by burning shall submit to the commission proposals for meeting these rules and regulations within six months after the effective date, and shall comply with these rules and regulations within twelve months after the effective date.

These rules are intended to implement section 4, subsections 3 and 5 of chapter 162, Acts of the 62nd General Assembly.

[Effective April 30, 1969]

HEALTH DEPARTMENT

Pursuant to authority of sections 135.11(17) and 135.31, Code of Iowa, 1966, rule 3.2 which appears in July 1966 Supplement, I.D.R. 32 relating to phenylketonuria is rescinded and the following adopted in lieu thereof.

[Filed July 9, 1968]

PHENYLKETONURIA

3.2 The tests performed by the labora-

tory are scheduled on at least a weekly basis and reports of the number of tests performed are made quarterly to the state hygienic laboratory.

This rule is intended to implement section 135.31, Code 1966.

[Effective July 9, 1968]

INSURANCE DEPARTMENT

Pursuant to authority given under section 508.25, Code of 1966, rule 2.1(508) through rule 2.9(508), entitled "Life Insurance Companies", found on pages 56 and 57 of the Iowa Departmental Rules January 1967 Supplement are hereby rescinded and the following adopted in lieu thereof.

[Filed December 17, 1968]

CHAPTER 3

LIFE INSURANCE COMPANIES— VARIABLE ANNUITIES CONTRACTS

3.1(508) Definitions. When used in this regulation:

"Contracts on a variable basis" or "variable contract" shall mean any (group or individual) policy or contract issued by an insurance company which provides for insurance or annuity benefits which may vary according to the investment experience of any separate or segregated account or accounts maintained by the insurer as to such policy or contract, as provided for in sections 508.31 and 508.32, Code 1966.

"Agent" shall mean any person who is qualified and licensed as a life insurance agent.

"Variable contract agent" shall mean an agent who sells or offers to sell any contract on a variable basis.

"Commissioner" shall mean the insurance commissioner of Iowa.

3.2(508) Insurance company qualifications.

3.2(1) No company shall deliver or issue for delivery variable contracts within this state unless it is licensed under chapter 508, entitled "Life Insurance Companies", to do a life insurance or annuity business in this state; and the commissioner is satisfied that its condition or method of operation in connection with the issuance of such contracts will not render its operation hazardous to the public or its policyholders in this state. To this end the commissioner shall consider among other things:

a. The history and financial condition of the company,

b. The character, responsibility and fitness of the officers and directors of the company, and

c. The law and regulation under which the company is authorized in the state of domicile to issue variable contracts.

3.2(2) If the company is licensed and is a subsidiary of an admitted life insurance company, or affiliated with such company by common management or ownership, it may be deemed by the commissioner to have satisfied the aforementioned provisions.

3.2(3) Before any company shall deliver or issue for delivery variable contracts within this state, it shall submit to the commissioner:

a. A general description of the kinds of variable contracts it intends to issue,

b. If requested by the commissioner, a copy of the statutes and regulations of its state of domicile under which it is authorized to issue variable contracts, and

c. If requested, biographical data with respect to officers and directors of the company.

3.3(508) Filing, policy forms and provision.

3.3(1) No contract on a variable basis or certificates evidencing variable benefits issued pursuant to any such contract shall be issued or delivered to any person in this state until a copy of the form of the

same has been filed with and approved by the commissioner.

3.3(2) The commissioner shall disapprove or withdraw approval of any such contract form or certificate if:

a. Such contract or certificate contains provisions which are unjust, unfair, inequitable, ambiguous, misleading, likely to result in misrepresentation or contrary to law, or

b. Sales of such contracts are being solicited by any means of advertising, communication or dissemination of information which involves misleading or inadequate description of the provisions of the contract.

3.3(3) Any variable contract delivered or issued for delivery in this state and any certificates evidencing variable benefits issued pursuant to any such contract on a group basis shall contain a statement of the essential features of the procedures to be followed by the insurance company in determining the dollar amount of such variable benefits and shall state that such dollar amounts will vary to reflect investment experience and shall contain on its first page a clear and prominently placed statement to the effect that the benefits thereunder as on a variable basis.

3.3(4) Illustrations of benefits payable under any contract providing benefits payable in variable amounts shall not include projections of past investment experience into the future or attempted predictions of future investment experience. Hypothetical illustrations of rates to possible levels of annuity payments may be used if submitted to and not disapproved by the commissioner.

3.3(5) No individual variable annuity contract calling for the payment of periodic stipulated payments shall be delivered or issued for delivery in this state unless it contains in substance the following provision or provisions which in the opinion of the commissioner are more favorable to the holders of such contracts:

a. A provision that there shall be a period of grace of thirty days or of one month, within which any stipulated payment to the insurer falling due after the first payment may be made, during which period of grace the contract shall continue in force. The contract may include a statement of the basis for determining the date

as of which any such payment received during the period of grace shall be applied to produce the values under the contract arising therefrom,

b. A provision that at any time within one year from the date of default, in making periodic stipulated payments to the insurer during the life of the annuitant and unless the cash surrender value has been paid, the contract may be reinstated upon payment to the insurer of such overdue payments as required by the contract and of all indebtedness to the insurer on the contract, including interest. The contract may include a statement of the basis for determining the date as of which the amount to cover such overdue payments and indebtedness shall be applied to produce the values under the contract arising therefrom,

c. A provision specifying the option available in the event of default in a periodic stipulated payment. Such options may include an option to surrender the contract for a cash value as determined by the contract and shall include an option to receive a paid-up annuity if the contract is not surrendered for cash, the amount of such paid-up annuity being determined by applying the value of the contract at the annuity commencement date in accordance with the terms of the contract.

3.3(6) Any variable contract evidencing variable benefits delivered or issued for delivery in this state shall stipulate the expense, mortality and investment increment factors to be used in computing the dollar amount of variable benefits or other contractual payments or values thereunder, and shall guarantee that expenses will not adversely affect such dollar amounts. In computing the dollar amount of variable benefits or other contractual payments or values under any variable contract, the annual net investment increment assumption shall not exceed five percent, except with the approval of the commissioner. "Expenses" as used in this paragraph may exclude some or all taxes, as stipulated in the contract.

3.3(7) To the extent that the level of benefits may be affected by mortality results, the mortality factor shall be determined from the Annuity Mortality Table for 1949, Ultimate, or any modification of that table not having a higher mortality rate at any age, or, if approved by the commissioner, from another table.

3.3(8) The reserve liability for variable annuities shall be established pursuant to the requirements of the standard valuation law in accordance with actuarial procedure that would recognize the variable nature of the benefits provided.

3.4(508) Separate account or accounts and investments. Any domestic life insurance company issuing variable contracts shall establish one or more separate or segregated accounts as provided in section 508.32, Code 1966, to invest and reinvest all or any of the amounts received in connection with such variable contracts subject to the following limitations.

3.4(1) Except as hereinafter provided, amounts allocated to any separate or segregated account and accumulation thereon may be invested and reinvested without regard to any requirements or limitations prescribed by the laws of this state governing the investments of life insurance companies; provided, that to the extent that the company's reserve liability with regard to benefits guaranteed as to dollar amount and duration and funds guaranteed as to principal amount or stated rate of interest is maintained in any separate or segregated account, a portion of the assets of such separate or segregated account at least equal to such reserve liability shall be, except as the commissioner may otherwise approve, invested in accordance with laws of this state governing the investments of life insurance companies. The investments in such separate or segregated account or accounts shall not be taken into account in applying the investment limitations applicable to the investments of the company.

3.4(2) With respect to seventy-five percent of the market value of the total assets in a separate or segregated account, no such company shall purchase or otherwise acquire the securities of any issuer, other than securities issued or guaranteed as to principal and interest by the United States, if immediately after such purchase or acquisition the market value of such investment, together with prior investments of such separate or segregated account in such security taken at market, would exceed five percent of the market value of the assets of said separate or segregated account; provided, however, that the commissioner may waive such limitation if in his opinion such waiver will not render the operation of such separate or segregated account hazardous to the public or the policy holders in this state.

3.4(3) The separate or segregated account shall not invest in the voting securities of a single issuer in an amount in excess of ten percent of the total issued and outstanding voting securities of such issuer. The foregoing shall not apply with respect to securities held in separate or segregated accounts, the voting rights in which are exercisable only in accordance with instructions from persons having interests in such accounts.

3.4(4) The limitations in subrules 3.4(2), 3.4(3) and 3.4(6) shall not apply to the investments of a separate or segregated account in the securities of an investment company registered under the Investment Company Act of 1940, provided the investments of such investment companies comply in substance with subrules 3.4(2) and 3.4(3) hereof.

3.4(5) Unless otherwise approved by the commissioner, assets allocated to a separate or segregated account shall be valued at their market value on the date of valuation or, if there is no readily available market, then as provided under the terms of the contract or the rules or other written agreement applicable to such separate or segregated account; provided, that the portion of the assets of such separate or segregated account equal to the company's reserve liability with regard to the benefits and funds referred to in subrule 3.4(1), if any, shall be valued in accordance with the rules otherwise applicable to the company's assets.

3.4(6) All such common stock investments shall be in stock which is listed or admitted to trading on a securities exchange registered under the Securities Exchange Act of 1934 or which is publicly held and has been traded in the "over-the-counter market" and as to which current stock market quotations are readily available.

3.4(7) The provisions of section 508.8, Code 1966, and any regulations applicable to the officers and directors of insurance companies with respect to conflicts of interest shall also apply to members of any separate or segregated account's committee, board or other similar body. No officer or director of such company nor any member of the committee, board or body of a separate or segregated account shall receive directly or indirectly any commission or any other compensation with re-

spect to the purchase or sale of assets of such separate or segregated account.

3.4(8) All contracts on a variable basis shall state that the portion of the assets of any such separate or segregated accounts equal to the reserves and other contract liabilities with respect to such account shall not be chargeable with liabilities arising out of any other business the company may conduct.

3.4(9) Notwithstanding any other provisions in these rules, a company may:

a. With respect to any separate or segregated account registered with the securities and exchange commission as a unit investment trust exercise voting rights in connection with any securities of a regulated investment company registered under the Investment Company Act of 1940 and held in such separate or segregated account in accordance with instructions from persons having interests in such accounts ratably as determined by the company, or

b. With respect to any separate or segregated account registered with the securities and exchange commission as a management investment company, establish for such account a committee, board or other body, the members of which may or may not be otherwise affiliated with such company and may be elected to such membership by the vote of persons having interests in such account ratably as determined by the company. Such committee, board or other body may have the power, exercisable alone or in conjunction with others, to manage such account or accounts and the investment of its assets.

A company, committee, board or other body may make such other provisions in respect to any such separate or segregated account as may be deemed appropriate to facilitate compliance with requirements of any federal or state law now or hereafter in effect; provided that the commissioner approves such provisions as not hazardous to the public or the company's policyholders in this state.

3.4(10) No sale, exchange or other transfer of assets may be made by a company between any of its separate or segregated accounts or between any other investment account and one or more of its separate or segregated accounts unless, in case of a transfer into a separate or segregated account, such transfer is made solely to establish the account or to sup-

port the operation of the contracts with respect to such account to which the transfer is made and unless such transfer, whether into or from an account or accounts, is made by a transfer of cash or by a transfer of securities having a valuation which could be readily determined in the market place, and further provided that such transfer of securities must have been approved by the commissioner. The commissioner may authorize other transfers among such accounts if, in his opinion, such transfers would not be inequitable. The assets of such accounts shall not be pledged or transferred by the company or the separate or segregated account as collateral for a loan.

3.4(11) The company shall maintain in each such separate or segregated account assets with a value at least equal to the reserves and other contract liabilities with respect to such accounts, except as may otherwise be approved by the commissioner.

3.5(508) Required reports. Any company issuing individual variable contracts providing benefits in variable amounts shall mail to the contract holder, at least once in each contract year after the first, at his last address known to the company, a statement or statements reporting the investments held in the separate or segregated account and, in the case of contracts under which payments have not yet commenced, a statement reporting as of a date not more than four months previous to the date of mailing the number of accumulation units credited to such contracts and the dollar value of a unit or the value of the contract holder's account.

An insurer issuing contracts on a variable basis shall annually on or before March 1 submit to the commissioner an annual statement for the business of its separate or segregated accounts. This statement shall be on such form as may be prescribed by the National Association of Insurance Commissioners and shall include details as to all of the income, disbursements, assets and liability items associated with such account or accounts and such other information as the commissioner of insurance may reasonably require.

3.6(508) Examination of agents and other persons. No agent shall be eligible to sell or offer for sale a contract on a variable basis unless prior to making any solicitation or sale of such a contract, he

also be licensed as a variable contract agent, however, any agent who participates only in the sale or offering for sale of variable contracts that are not registered under the federal Securities Act of 1933 need not be licensed as a variable contract agent.

3.6(1) Any agent applying for a license as a variable contract agent shall do so by filing with this department the form or forms approved for such use by the commissioner.

3.6(2) The licensing as a variable contract agent complying with subrule 3.6(1) shall not become effective until such agent shall have satisfactorily passed a written examination upon securities and variable contracts. Such examination to be divided into two parts. Part I shall be on securities generally. Part II shall deal with variable contracts and shall be composed of at least fifteen questions, but not more than fifty questions, concerning the history, purpose, regulation and sale of contracts on a variable basis.

3.6(3) The examination will be given in such places and at such times as the commissioner shall from time to time designate. Upon application for license as a variable contract agent, the applicant shall be notified of the date of the next examination.

3.6(4) The examination recommended for the testing of variable contract agents by the National Association of Insurance Commissioners and such other approved tests as the commissioner may deem adequate for such testing are to be used in this state, except as provided hereafter in subrules 3.6(5) and 3.6(6).

3.6(5) A satisfactory alternative examination to Part I of the written examination called for in subrule 3.6(2) above shall include any securities examination which is declared by the commissioner to be an equivalent examination on the basis of content and administration. The following examinations are deemed to be a satisfactory alternative examination:

a. Any state securities sales examination,

b. The National Association of Securities Dealers, Inc. Examination for Principals, or Examination for Qualification as a Registered Representative,

c. The various securities examinations required by the New York Stock

Exchange, the American Stock Exchange, Pacific Stock Exchange, or any other registered national securities exchange which the commissioner approves as a satisfactory alternative examination.

d. The securities and exchange commission test given pursuant to section 15(b) (8) of the Securities Exchange Act of 1934,

e. The examination recommended for the testing of variable contract agents by the National Association of Insurance Commissioners, when adopted by the insurance department of any state or territory of the United States and approved for use by such department by the securities and exchange commission.

3.6(6) Any applicant for license as a variable contract agent shall not be required to take Part I of the National Association of Insurance Commissioner's examination if, at the time of application, evidence is presented that the applicant:

a. Has previously passed a satisfactory alternative examination as defined in subrule 3.6(5) of these regulations, or

b. Is currently registered with the federal securities and exchange commission as a broker-dealer, or

c. Is currently associated with a broker-dealer and has met qualification requirements with respect to such association.

3.6(7) Every applicant applying for license as a variable contract agent shall satisfactorily complete Part II of the examination required by subrule 3.6(2) with a grade of at least seventy percent, or shall present evidence of a successful completion of either a variable contract examination given under the supervision of an insurance department of any state or territory of the United States which has adopted Part II of the examination recommended for the testing of variable contract agents by the National Association of Insurance Commissioners or has been examined and licensed by any such department prior to its adoption of the National Association of Insurance Commissioners model regulation.

3.6(8) Any applicant who fails to pass Part I of the examination required by subrule 3.6(2) may not take Part I of the examination again until seven days after initially taking it. After a second such failure, such applicant may not take the

examination again until ninety days after taking the second examination. After a third and any subsequent failure, such applicant may not take the examination again until one hundred eighty days after the third and any subsequent examinations.

Any applicant failing to pass Part II of the examination may take Part II again seven days after the first examination. After a second such failure, such applicant may not take the examination again until ninety days after taking the second examination. After a third and any subsequent such failure, such applicant may not take the examination again until one hundred eighty days after the third and any subsequent examinations.

3.6(9) Every application for a license as a variable contract agent shall be accompanied by an examination fee of five dollars per part to be taken. A fee of five dollars per part will be charged for each re-examination administered to an applicant.

3.6(10) Report of the results of any examination given pursuant to this regulation shall be made by the department on any appropriate form approved by the commissioner.

3.6(11) Part I of the written examination provided for in subrule 3.6(2) shall also be administered to other persons who are not required to be licensed to sell insurance in this state upon their submission of the form or forms approved for such use by the commissioner and payment of the examination fee.

3.6(12) Results of the examination administered pursuant to subrule 3.6(2) will be reported by this department to the applicant or his company. In addition, examination results will be reported by this department to any other state insurance department requesting confirmation of the examination grade, either upon request of such department or upon request of the applicant or his company. A charge of one dollar shall be made for any certification requested.

3.6(13) Records of the examination grade of each applicant upon an examination administered by this department, or upon an examination deemed to be a satisfactory alternative examination and administered by another agency or authority and reported to this department, will be

retained in the file pertaining to said applicant.

3.6(14) Any person licensed in this state as a variable contract agent shall immediately report to the commissioner:

a. Any suspension or revocation of his variable contract agent's license or life insurance agent's license in any other state or territory of the United States.

b. The imposition of any disciplinary sanction including suspension or expulsion from membership, suspension or revocation of or denial of registration imposed upon him by any national securities exchange, or national securities association, or any federal, or state or territorial agency with jurisdiction over securities or contracts on a variable basis.

c. Any judgment or injunction entered against him on the basis of conduct deemed to have involved fraud, deceit, misrepresentation, or violation of any insurance or securities law or regulation.

3.6(15) The commissioner may reject any application, suspend, revoke or refuse

to renew any variable contract agent's license upon any ground that would bar such applicant or such agent from being licensed to sell life insurance contracts or securities in this state. The rules governing any proceeding relating to the suspension or revocation of a life insurance agent's license shall also govern any proceeding for suspension or revocation of a variable contract agent's license.

3.6(16) Renewal of a variable contract agent's license shall follow the same procedure established for renewal of an agent's license to sell life insurance contracts in this state.

3.7(508) Foreign companies. If the law or regulation in the place of domicile of a foreign company provides a degree of protection to the policyholders and the public which is substantially equal to that provided by these regulations, the commissioner, to the extent deemed appropriate by him in his discretion, may consider compliance with such law or regulation as compliance with these regulations.

[Effective January 16, 1968]

LABOR BUREAU

Pursuant to authority of section 88A.11 of the Code, the following rules are adopted.

[Filed October 15, 1968]

EMPLOYMENT SAFETY RULES

CONSTRUCTION DIVISION

TITLE II

CHAPTER 3

CRANES, DERRICKS, AND HOISTS

3.1(88A) T. II Scope.

3.1(1) These rules on "Cranes, Derricks and Hoists" pertain to the temporary use of this equipment on construction work and are for the purpose of providing protection for the public, employees and property. They do not cover installations by a railway, electric or communication utility in the exercise of its function as a utility and located outdoors or in buildings used exclusively for that purpose.

All hoists, cranes or derricks shall be constructed, installed, inspected, maintained, and operated by the owner or user as specified in applicable parts of these rules.

3.1(2) Operators' qualifications and responsibilities.

a. Only duly qualified and authorized persons selected or assigned by the employer or the employer's representative shall operate cranes, derricks or hoists.

b. The operator shall be responsible for those operations under his direct control. Whenever there is any hazard as to safety, the operator shall notify the employer or his representative immediately of such hazard. The employer or his representative shall immediately take corrective action.

3.2(88A) T. II Definitions.

3.2(1) Crane. A machine for raising, shifting and lowering heavy weights commonly by means of a projecting swinging arm. It may be driven manually or by power and may be fixed or mobile.

3.2(2) Deadman. A buried log (or similar inert mass) serving as an anchor (as for a guy rope).

3.2(3) Derricks.

a. Breast derrick—A derrick without a boom, the mast consisting of two side members spread farther apart at the base than at the top, tied together at top and bottom by rigid members, the top held from tipping by guys, and the load raised and lowered by ropes through a sheave or block secured to the top cross-piece.

b. Gin-pole derrick—A derrick consisting only of a mast, with guys from its top so arranged as to permit leaning the mast in any direction, the load being raised or lowered by ropes leading through sheaves or blocks at the top of the mast.

c. Guy derrick—A fixed derrick consisting of a mast capable of being rotated, supported in a vertical position by three or more guys, and a boom whose bottom end is hinged or pivoted to move in a vertical plane, with lines between the head of the mast and the head of the boom for raising and lowering the boom, and lines from the head of the boom for raising and lowering the load.

d. Stiff-leg derrick—A derrick similar to a guy derrick except that the mast is supported or held in place by two or more stiff members capable of resisting either tensile or compressive forces. Sills are generally provided to connect the lower ends of the two stiff-legs to the foot of the mast.

3.2(4) Dog. A mechanical device for holding, gripping or fastening something.

3.2(5) Gooseneck. (Of a stiff-leg derrick)—An iron hook connecting a spear with a mast.

3.2(6) Ground. A copper or copper alloy rod driven a minimum of eight feet into the earth and electrically connected to the equipment by a copper wire at least No. 2 American Wire Gauge.

3.2(7) Gudgeon pin. A wrist pin, a crosshead pin on which a connecting rod turns.

3.2(8) Guy. A rope, chain, or rod attached to something to brace, steady or guide it.

3.2(9) Hoist. An apparatus for raising or lowering the load by the application of a pulling force, and not including a car or platform running in guides.

3.2(10) Hoist tower. A temporary elevator shaft or scaffolding used to hoist materials.

3.2(11) Material hoist cage. An enclosure used to contain materials being hoisted.

3.2(12) Kinking. Becoming tightly twisted at one or more points.

3.2(13) Moused hook. A hook provided with a safety closing device which must be manually released.

3.2(14) Pawl. A pivoted tongue or sliding bolt on one part of a machine that is adapted to fall into notches on another part (as a ratchet wheel) so as to permit motion in one direction and prevent it in reverse.

3.2(15) Shackle. A "U" shaped metal fitting with a pin through the ends.

3.2(16) Sheaves. Any grooved wheel or pulley.

3.2(17) Sheave pin. Axle for the sheave.

3.2(18) Spider. (Of a guy derrick)—A plate with holes at the head of the mast into which are fastened the guys which support the derrick.

3.3(88A) T. II Material hoists.

3.3(1) No personnel shall be allowed to ride in material hoist cages unless proper safety devices are installed.

3.4(88A) T. II Shaftway construction.

3.4(1) Hoist shaftways shall be constructed of sound material. Towers shall be vertically straight and plumb. The shaftway structure, including foundation footings, shall be built with a factor of safety which will sustain maximum possible loading, including wind loading.

3.4(2) The shaftway tower shall be cross-braced and strutted and firmly anchored. When erected independently of a structure, towers shall be guyed at each corner at least every thirty-two feet in height with a minimum three-eighths-inch diameter wire rope. Anchorage shall be sufficient to develop full strength of the guy. Guy wires shall not be attached to

reinforcing steel projecting through the floor in freshly poured concrete or other insecure portions of new work. Commercially built hoists and towers shall be guyed according to manufacturer's recommendations.

3.4(3) When it is necessary to cross public streets, passageways, or working areas with guy wires, adequate clearance for traffic shall be provided and the guy shall be marked with warning or clearance lights. The lower end of the guy shall be protected from damage by moving vehicles where necessary.

3.4(4) Metal scaffolding sections used for material hoist towers shall be carefully erected in accordance with manufacturer's instructions. Substantial foundation footing shall be provided and tower shall be securely anchored to the building or independently guyed as for wood towers.

3.5(88A) T. II Shaftway enclosures.

3.5(1) Shaftways of inside hoists shall be enclosed solidly or with substantial wire mesh of not greater than two-inch openings to a height of at least six feet from each landing, except on sides used for loading and unloading. Where workmen are working near such shaftways, above the six-foot level, a temporary guard between them and the shaftway shall be erected.

3.5(2) All inside material hoists shall be protected at all floors with sliding gates of sufficient height to prevent anyone from looking over them into the shaft.

3.6(88A) T. II Landing platforms.

3.6(1) Where landing platforms connect the shaftway to the building, such platforms shall be constructed of sound material capable of sustaining maximum possible load. Standard guard rails and toeboards shall be provided.

3.6(2) Where platform entrance to a shaftway is exposed to hazard of falling objects, substantial overhead protection shall be provided.

3.6(3) All landing platforms shall be kept free and clear of building material and debris at all times. All landing platforms shall be adequately lighted.

3.7(88A) T. II Cages.

3.7(1) Material hoist cages shall be substantially constructed with toeboards and heavy screen wire enclosures on un-

used sides. Enclosure material shall be of sufficient size to prevent the projection of wheelbarrow handles, tools, and other objects over the edge.

3.7(2) Where wood is used for the car floor, it shall be sound and at least one and one-half inches in thickness, securely fastened and braced to the cage frame. If floors are covered with metal, they shall have a nonslip surface.

3.7(3) The cage roof shall be constructed of material strong enough to protect the men loading from falling objects.

3.8(88A) T. II Hoisting ropes and sheaves.

3.8(1) Steel wire hoisting ropes, not less than plow steel grade and equal in flexibility to standard 6 x 19 plow steel wire rope with a factor of safety as follows shall be used as suspension means for all hoists.

a. Material hoists and derricks.
5 to 1

b. Mobile cranes.

(1) For supporting rated loads (including boom suspensions): The strength factor for live or running ropes that wind on drums or pass over sheaves shall be not less than 3.5 to 1. The strength factor for standing or guy ropes shall be not less than 3.0 to 1.

(2) For supporting the boom and the working attachments at recommended travel positions and boom lengths: The strength factor for live or running ropes shall be not less than 3.5 to 1. The strength factor for standing or guy ropes shall be not less than 3.0 to 1.

(3) For supporting the boom under recommended erection conditions: The strength factor for live or running ropes shall be not less than 3.0 to 1. The strength factor for standing or guy ropes shall be not less than 2.5 to 1.

3.8(2) The minimum dimensions for all sheaves used for material hoists shall be as given in the following table:

Rope Diameter	Tread Diameter
5/16	6-1/2
3/8	7-1/2
1/2	10
5/8	12-1/2
3/4	15
7/8	17-1/2
1	20
1-1/8	22-1/2
1-1/4	25

Mobile lifting cranes, follow the table given below:

Ratio of pitch diameter to rope diameter:

Load hoist sheaves on boom	18:1
Load hoist sheaves in lower block	16:1
Load hoist drums	18:1
Boom hoist sheaves	15:1
Boom hoist drums	15:1

3.8(3) Wire ropes shall be inspected by the operator at least once each week when in use and no rope shall be used for the purpose of raising or lowering men [See subrule 3.3(1)] or materials when more than ten percent of the total wires are broken in any running foot of said rope, or when the wires on the crown of the strands are worn down to less than sixty percent of their original area, or when, by superficial inspection, the rope shows marked signs of corrosion.

3.8(4) Wire ropes shall never be uncoiled like fiber rope. The end of the rope shall be held and the coil rolled on the ground like a hoop.

3.8(5) Wire ropes shall be lubricated regularly to protect them from corrosion and excessive wear. Lubricants shall be free from acid or alkali, and shall be of the proper consistency.

3.8(6) Wire ropes that have been burned shall not be used for load-carrying purposes.

3.8(7) Ropes shall be securely fastened to drums and shaft conveyances by zinc plugs, wedge-socket type connections, or by suitable clamps, and at least two full turns of the rope shall remain on the winding drum at all times. When clamps are used, not less than three clamps shall be used.

3.8(8) Where there is a possibility of material falling on, or striking the wire rope, so as to throw them off the sheaves or drums, they shall be boxed in horizontally, or, if vertical, to a height of twelve feet.

3.8(9) Where fixtures are attached to wire rope by means of wire rope clips, the clips shall be attached with the base of the clip against the live, or long end and the U-bolt bearing against the dead, or short end of the rope.

3.8(10) Replacement ropes on mobile cranes shall be at least the same size and type as originally furnished or recommended by the crane manufacturer.

3.9(88A) T. II Concrete bucket towers.

3.9(1) A concrete bucket tower located inside a structure and which is three feet or less from any scaffold, or the edge of the shaftway, or floor opening in which it is installed, shall be substantially enclosed on all sides. The enclosure shall extend at least eight feet above such scaffold or floor.

3.9(2) Openings with platforms shall be formed at each floor level, and the runway leading to the tower shall be guarded with railing and toeboards.

3.9(3) When a concrete bucket is discharged into a chute, the chute shall be substantially constructed of wood or metal and extend from the tower to the point where the concrete is to be poured or transferred to vehicles or hoppers. The chute shall be substantially supported and pitched so that the concrete will flow by gravity. The pit shall be drained and shall be deep enough so that any spillage from the bucket will fall below the blocking on which the bucket rests while being filled.

3.9(4) Men shall not work in the pit without first resting the bucket on strong timbers supported on two sides of the tower.

3.9(5) The bucket tower shall be securely guyed at two or more elevations as may be necessary and the sheaves over which the cable passes shall be firmly secured to overhead sheave beams and supporting framework and the sheaves shall be kept well-lubricated.

3.9(6) Every bucket hoist shall be provided with a broken rope type safety device.

3.9(7) A substantial platform provided with railing and toeboards shall be constructed near the top of the tower where the concrete is dumped into the chute, and a strong ladder fastened to one side of the tower to enable a man to reach the platform in safety.

3.9(8) Workmen shall not ride in or on the bucket.

3.10(88A) T. II Hoisting engines (does not apply to mobile cranes).

3.10(1) Hoisting engines shall have sufficient capacity to handle the maximum load with reserve power for any emergency.

3.10(2) Hoisting engines shall be enclosed with barricades for the protection of the public.

3.10(3) Engines shall have brakes capable of stopping and holding one and one-half times the rated load and a dog or pawl to be used when a load is held for an extended length of time.

3.10(4) Where electric power is used, the panel boards, motors source of power, brakes, and other devices shall be installed and operated in accordance with the applicable rules of the Iowa employment safety commission in effect on October 8, 1968, local and Iowa state electrical codes.

3.10(5) Where internal combustion engines are used, the engine shall be directly connected to the winding drum or traction sheave with only a transmission or clutch to control power transmission, or both. The engine shall be equipped with an overspeed governor.

3.10(6) Electrically powered hoists, except those with conventional clutches and brakes, shall be equipped with an effective magnetic release brake which will be automatically applied when the controlling mechanism of the machine is in "stop" position. The brake magnet shall be so installed that its action will not be affected by any motor field discharge or by counter-electromotive force, or by any single ground or accidental short circuit.

3.10(7) Mechanical brakes on hoists powered by internal combustion engines shall be installed so as to stop movement of the winding drum or traction sheave. Foot or hand pressure shall be required to apply the brake.

3.11(88A) T. II Signals.

3.11(1) The signal codes to be used [see Appendix Figure One] shall be posted next to the signaling device at each work level and at the operator's location. All wording shall be in large size letters, clearly visible to all concerned.

3.11(2) The hoist rope shall be marked to indicate the position of the hoist at each landing. Marking shall be done with paint and not with rags or other material.

3.12(88A) T. II Cranes.

3.12(1) Inspection and maintenance.

a. General maintenance and inspec-

tion shall be performed regularly, and all worn or broken wire rope or worn or broken parts shall be repaired or replaced at once. In addition to this periodic inspection, the operator shall check the safe operating condition of his equipment before commencing work each day. The daily check shall include brakes, controls, wire rope, sheaves, firefighting equipment, and clean up of oil, grease, and debris, from walkways and floors. Fire-fighting equipment shall be kept in the cab.

b. Cranes shall never be manually oiled or greased while in motion.

3.12(2) Capacity.

a. No load shall be lifted which exceeds the rated capacity of the crane at the operating boom angle or radius. Attachment to the crane of plates or signs showing manufacturer's safe loads for various radii or boom angles is required.

3.12(3) Operation.

a. Standard operating signals shall be agreed upon and shall be used to direct all operations.

b. Outriggers shall be used when needed with rubber-tired cranes.

c. When cranes are being operated on soft ground, timber mats shall be laid down.

d. Slings shall be adequate for the load being lifted.

e. Tag lines or guide ropes shall be used on loads that are liable to swing or must be guided through a restricted space. The signalman or operator shall determine that the proper sling is being used and that it is correctly applied before the load is lifted.

f. Riding of loads by workmen is prohibited.

g. Loads shall not be swung over the heads of workmen.

h. A shackle or moused hook shall be used with swinging buckets.

i. Approved type hard hats as specified in Iowa employment safety commission rules, General Division, Title IV, Chapter 1, "Head, Eye and Respiratory Protection" shall be worn at all times by the operator of all cranes, derricks and hoists and by all personnel who are within an area up to fifty feet beyond the ra-

dus of the boom and load whenever the crane, derrick or hoist is not secured as provided in subrule 3.12(6).

3.12(4) Moving cranes.

a. Getting on or off a moving crane is prohibited.

3.12(5) Electrical power lines.

a. An operator shall not operate a crane, derrick, or hoist where any part of the equipment or load being moved comes within ten feet of an energized electric power line rated at thirty-five KV or below.

b. If a signalman is present to direct the operator and is in proper position to determine clearances or if an approved type insulating barrier not a part of or an attachment to the crane, derrick or hoist has been erected to prevent physical contact with the lines and if the equipment is properly grounded, the crane, derrick or hoist may be operated to within six feet of such energized power lines.

c. In all instances where the energized power or electrical line rating exceeds thirty-five KV, the clearance between the crane, derrick, hoist or load must be increased by one foot for each additional twenty-five KV or fraction thereof over thirty-five KV.

d. In transit, with no load and boom lowered, the clearance shall be a minimum of four feet.

e. EXCEPTION: Where operation closer than the above clearances is required, special safeguards designed by a registered electrical engineer and approved by the labor commissioner may be used, provided, equivalent safety is achieved.

3.12(6) Securing machine.

a. Power shall be cut off and all controls locked before the operator leaves the cab.

b. Booms of mobile cranes shall be lowered to the ground or tied to a support when the machine is left unattended by an operator overnight or for a longer period of time.

c. The operator shall never leave the machine while a load is suspended.

d. Proper cribbing supports must be installed when assembling or disassembling booms.

3.13(88A) T. II Derricks.

3.13(1) Guy derricks.

a. Derricks shall rest on a good foundation and be securely braced to prevent slipping. Derricks and foundations shall be inspected frequently.

b. The top of the mast shall be braced by not less than six guy lines as nearly equally spaced as possible.

c. Sufficient horizontal shoring shall be installed against the foot blocks of the derrick to take the pull of the hoisting engine. Foot blocks shall be securely anchored.

d. The gudgeon pin shall be carefully examined by the operator each time the derrick is erected. It shall be cleaned with a safe solvent and a search made for hair cracks. If cracks are discovered, a new pin shall be installed. The gudgeon pin, sheave pin, and foot bearing shall be oiled regularly. When work is stopped for any length of time, the boom shall be lowered to the horizontal position to prevent it swinging in the wind or being tampered with.

e. Double sets of bolts shall always be used to fasten back the legs of a stiff-leg derrick.

f. The gooseneck or spider shall be securely held in place by hold-down guys.

3.13(2) Breast derricks.

a. Gears shall be thoroughly protected and provided with a ratchet stop that will safely hold the load.

b. A hole shall be drilled in each of the gear shafts outside the crank handle, and a cotter pin (not a nail or piece of wire) shall be placed in each hole so that the handle cannot work off the shaft.

c. When mechanical brakes are provided, the operator shall be sure that the brake will safely hold the load. Before lowering the load by the brake, cranks shall be removed so that no one can be struck by them.

3.13(3) Pipe laying derricks.

a. Top and bottom blocks shall be guarded to prevent workmen's fingers being caught between rope and blocks.

b. Winding drum shall be equipped with a friction brake and a positive pawl.

c. Gear wheels shall be thoroughly guarded, even though the mechanism is hand-driven.

d. All blocks, hooks, slings, brakes, and ropes shall be inspected at the start of each shift by the operator.

e. When derricks are left on the street at night the rope shall be wound up until the blocks meet, drum wheels secured and locked, and warning lights placed if required.

3.14(88A) T. II Gin poles.

3.14(1) Gin poles shall have no less than four guy lines, secured approximately ninety degrees apart.

3.14(2) Anchors shall be at least one-half the distance of the height of the pole from its base, and shall consist of approved deadmen or be attached to a permanent stable object. When guy lines are anchored to deadmen, the anchors shall be located at least one and one-half times the height of the pole from the base.

3.14(3) Gin poles shall be of selected timber sound and free from knots or steel,

and shall be securely fastened at the foot to prevent kicking out during operation.

3.15(88A) T. II Slings.

3.15(1) An experienced man shall be placed in charge of all slings on the job and shall be held responsible for their good condition. They shall be frequently inspected. If slings are of wire rope they shall be lubricated at regular intervals.

3.15(2) The eyes of rope slings shall be properly spliced-in and shall have thimbles in them to withstand wear.

3.15(3) Slings shall not be bent around sharp corners of the load.

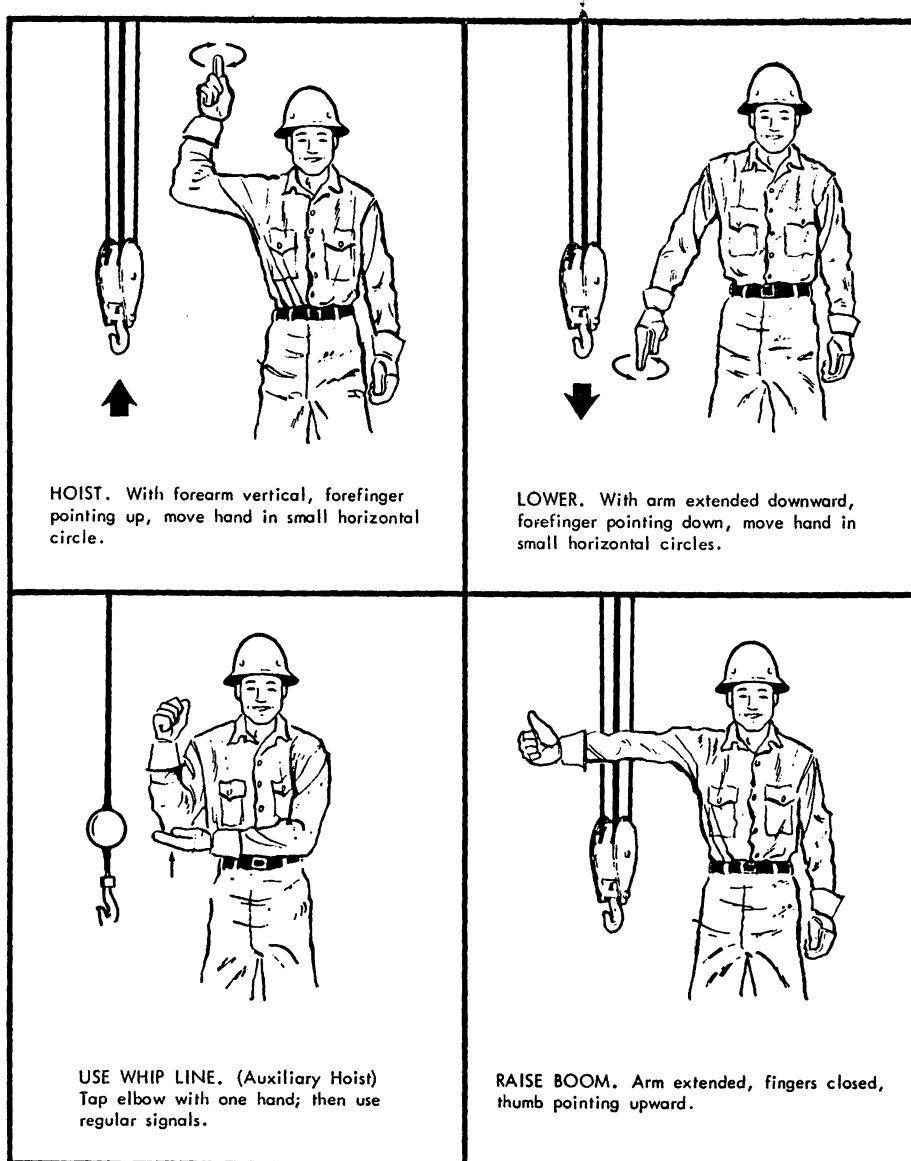
3.15(4) When lifting a load with multiple slings, they shall be arranged so as to equalize the weight of the load as much as possible.

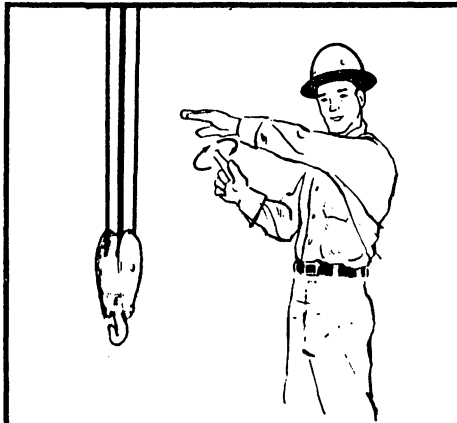
3.15(5) When plates are lifted they shall be held by clamps that hold firmly under the load.

These rules are intended to implement chapter 88A of the Code.

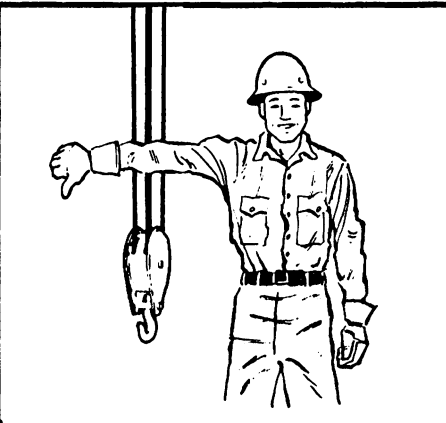
[Effective October 15, 1968]

FIGURE ONE
HAND SIGNALS

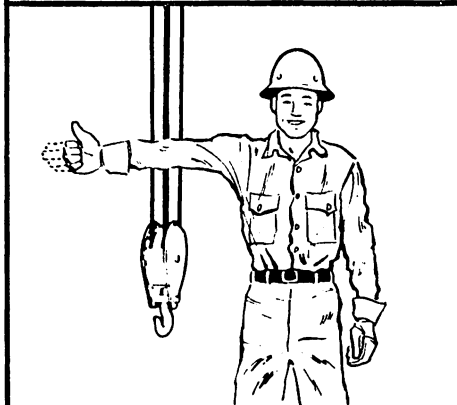




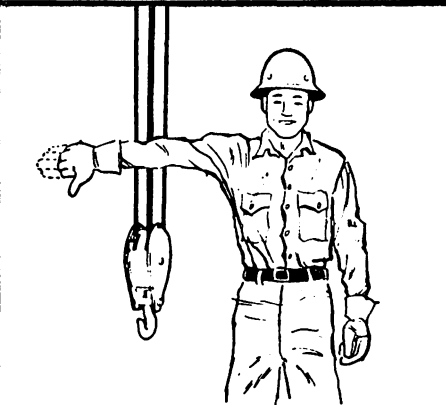
MOVE SLOWLY. Use one hand to give any motion signal and place other hand motionless in front of hand giving the motion signal. (Hoist Slowly shown as example)



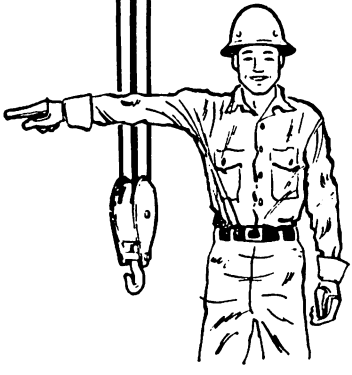
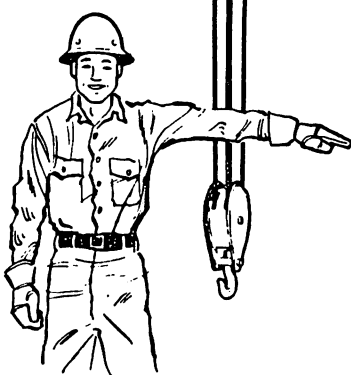
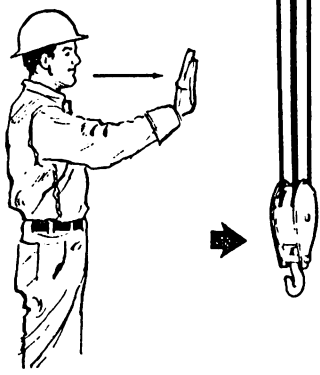
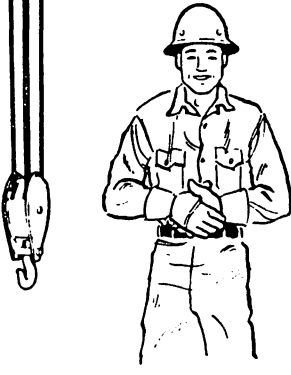
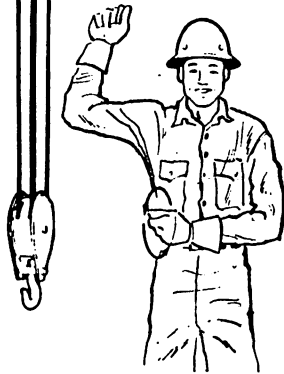
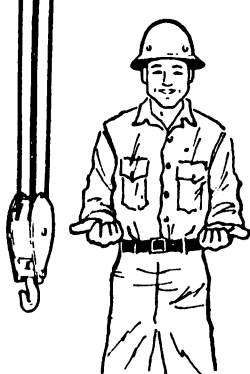
LOWER BOOM. Arm extended fingers closed, thumb pointing downward.

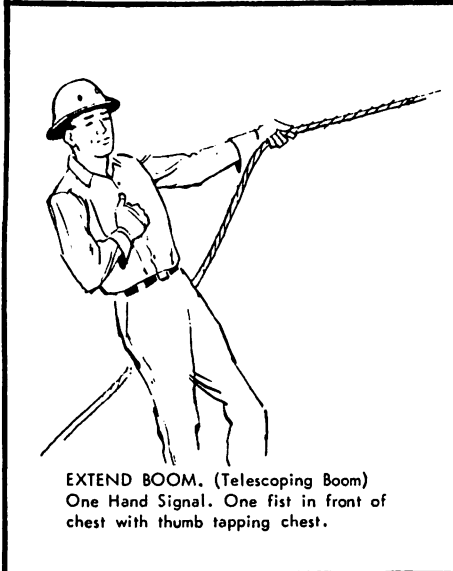


RAISE THE BOOM AND LOWER THE LOAD. With arm extended thumb pointing up, flex fingers in and out as long as load movement is desired.

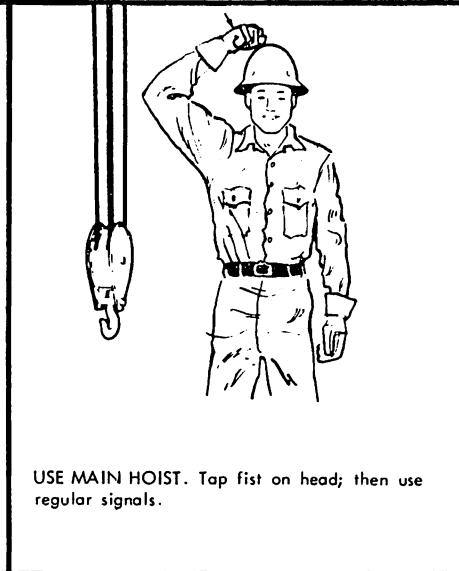


LOWER THE BOOM AND RAISE THE LOAD. With arm extended, thumb pointing down, flex fingers in and out as long as load movement is desired.

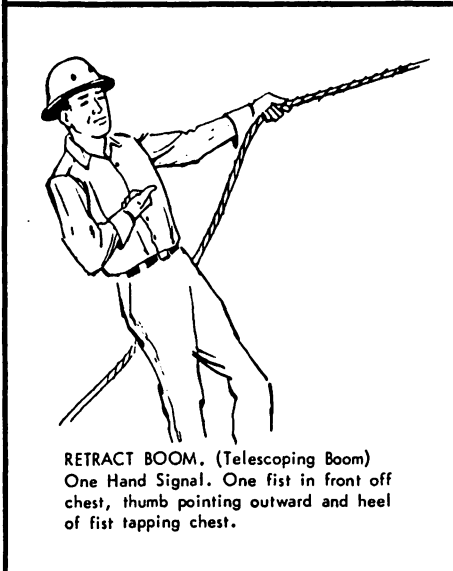
 <p>SWING. Arm extended point with finger in direction of swing of boom.</p>	 <p>STOP. Arm extended, palm down, hold position rigidly.</p>
 <p>TRAVEL. Arm extended forward, hand open and slightly raised, make pushing motion in direction of travel.</p>	 <p>DOG EVERYTHING. Clasp hands in front of body.</p>
 <p>TRAVEL. (One Track) Lock the track on side indicated by raised fist. Travel opposite track in direction indicated by circular motion of other fist, rotated vertically in front of body. (For crawler cranes only)</p>	 <p>EXTEND BOOM. (Telescoping Booms) Both fists in front of body with thumbs pointing outward.</p>



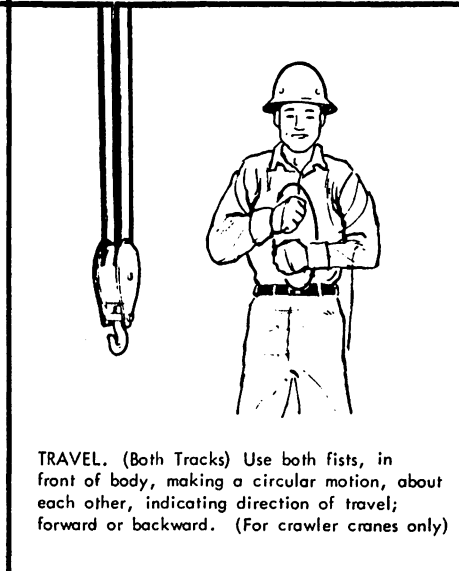
EXTEND BOOM. (Telescoping Boom)
One Hand Signal. One fist in front of chest with thumb tapping chest.



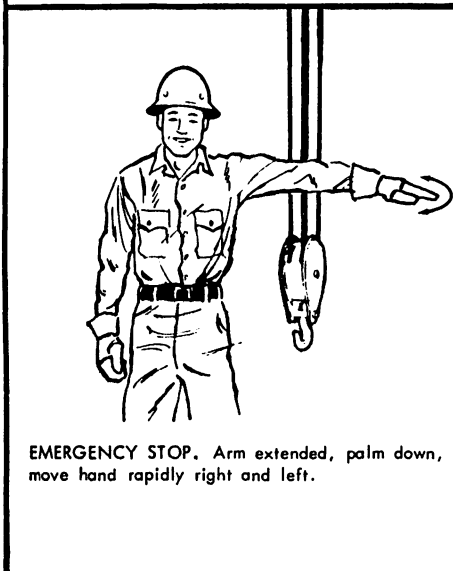
USE MAIN HOIST. Tap fist on head; then use regular signals.



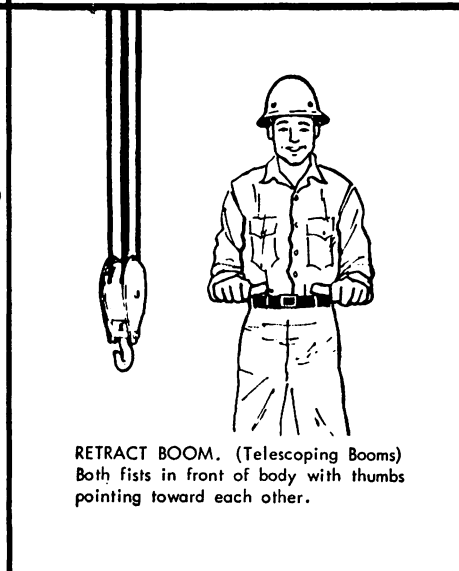
RETRACT BOOM. (Telescoping Boom)
One Hand Signal. One fist in front of chest, thumb pointing outward and heel of fist tapping chest.



TRAVEL. (Both Tracks) Use both fists, in front of body, making a circular motion, about each other, indicating direction of travel; forward or backward. (For crawler cranes only)



EMERGENCY STOP. Arm extended, palm down, move hand rapidly right and left.



RETRACT BOOM. (Telescoping Booms)
Both fists in front of body with thumbs pointing toward each other.

LABOR BUREAU

(continued)

Pursuant to authority of section 88A.11 of the Code, the following rules are adopted.

[Filed September 13, 1968]

EMPLOYMENT SAFETY RULES

GENERAL DIVISION

TITLE IV

CHAPTER 1

SAFETY REQUIREMENTS FOR
EXPLOSIVE-ACTUATED
FASTENING TOOLS

1.1(88A) T. IV Scope. These rules provide safety requirements for a tool or machine which, actuated by explosives or any similar means, propels a stud, pin, fastener, or other object for the purpose of affixing it by penetration to any other object. These rules do not apply to devices designed for attaching objects to soft construction materials, such as wood, plaster, tar, dry wall board, and the like, or to stud welding equipment.

1.2(88A) T. IV Purpose. The purpose of these rules is to provide reasonable safety for life, limb, and property, by establishing requirements for design, care, use, and storage of explosive-actuated fastening tools. Requirements of these rules are expected to apply to tools made and sold after the approval date hereof. These rules shall apply to all explosive-actuated tools and accessory equipment used subsequent to its adoption. Explosive-actuated tools approved or in proper use prior to adoption of these rules need not be modified to conform to these rules unless the labor commissioner considers that sufficient hazard exists to warrant such action, or definite provision is made in these rules.

1.3(88A) T. IV Exception. In cases of practical difficulty and unnecessary hardship, the enforcing officers or body may grant exceptions to the literal requirements of these rules, or permit the use of other devices or methods, but only when

it is clearly evident that equivalent protection and safety is thereby secured.

1.4(88A) T. IV Definitions.

1.4(1) Approved tool. A tool meeting the requirements of these rules or a tool acceptable to the labor commissioner, after testing by a nationally recognized testing agency when required by the labor commissioner.

1.4(2) To chamber. To fit properly without the use of excess force, the case being duly supported.

1.4(3) Explosive power load, a/k/a (also known as) load. Any explosive substance in any form capable of producing a propellant force.

1.4(4) Hammer-operated piston tool—low velocity type. A device which, by means of a heavy mass hammer supplemented by a load, moves a piston designed to be captive to drive a stud, pin, or fastener into a work surface, always starting the fastener at rest and in contact with the work surface. It shall be so designed that when used with any load that accurately chambers in it, it will not cause such stud, pin, or fastener to have a mean velocity in excess of three hundred feet per second when measured, by use of accepted ballistic test methods, six and five tenths feet from the muzzle end of the barrel. No individual test firing of a series shall exceed three hundred feet per second by more than eight percent.

1.4(5) High velocity tool. A device or machine which when used with a load propels or discharges a stud, pin, or fastener, at velocities in excess of three hundred feet per second when measured, by use of accepted ballistic test methods, six and five tenths feet from the muzzle end of the barrel for the purpose of impinging it upon, affixing it to, or penetrating another object or material.

1.4(6) Low velocity piston tool. A device that utilizes a piston designed to be captive to drive a stud, pin, or fastener into a work surface. It shall be so designed that when used with any load that accurately chambers in it, it will not cause such stud, pin, or fastener to have a mean velocity in excess of three hundred feet per second when measured, by use of ac-

cepted ballistic test methods, six and five tenths feet from the muzzle end of the barrel. No individual test firing of a series shall exceed three hundred feet per second by more than eight percent.

1.4(7) Protective shield or guard. A device or guard attached to the muzzle end of the tool, which is designed to confine flying particles.

1.4(8) Qualified operator. A person who meets the requirements of 1.10(1) "a" or 1.10(1) "b" hereof with respect to the specific tool to be used.

1.4(9) Stud, pin, or fastener. A fastening device specifically designed and manufactured for use in explosive-actuated fastening tools.

1.4(10) Tool. An explosive-actuated fastening device unless otherwise indicated, and all accessories pertaining thereto.

1.4(11) Unapproved tool. A device not approved, or one which does not meet the requirements of these rules.

1.5(88A) T. IV Design requirements.

1.5(1) High velocity tools shall have the characteristics specified in subrules 1.5(2) through 1.5(6), and, at the discretion of the manufacturer, any additional safety features he may wish to incorporate.

1.5(2) Protective shield or guard.

a. The muzzle end of the tool shall have a protective shield or guard at least three and one-half inches in diameter, mounted perpendicular to and concentric with the barrel, and designed to confine any flying fragments or particles that might otherwise create a hazard at the time of firing.

b. Where a standard shield or guard cannot be used, or where it does not cover all apparent avenues through which flying particles might escape, a special shield or guard, fixture, or jig designed and built or approved by the manufacturer of the tool being used, which provides this degree of protection, shall be used as a substitute.

c. The tool shall be so designed that it cannot be fired unless it is equipped with a standard protective shield or guard, or a special shield, guard, fixture, or jig.

1.5(3) Firing mechanism.

a. The firing mechanism shall be so designed that the tool cannot fire during loading or preparation to fire, or if the tool should be dropped while loaded.

b. Firing of the tool shall be dependent upon at least two separate and distinct operations of the operator, with the final firing movement being separate from the operation of bringing the tool into the firing position.

c. The tool shall be so designed as not to be operable other than against a work surface, and unless the operator is holding the tool against the work surface with a force of at least five pounds greater than the total weight of the tool.

d. The tool shall be so designed that it will not operate when equipped with the standard guard indexed to the center position if any bearing surface of the guard is tilted more than eight degrees from contact with the work surface.

1.5(4) Variable power. The tool shall be so designed that positive means of varying the power are available or can be made available to the operator as part of the tool, or as an auxiliary, in order to make it possible for the operator to select a power level adequate to perform the desired work without excessive force.

1.5(5) Inspection. The tool shall be designed that all breeching parts will be reasonably visible to allow a check for any foreign matter that may be present.

1.5(6) Construction. The tool shall be so designed that all parts of the tool will be of adequate strength to resist maximum stresses expected upon firing when using any commercially available load which will chamber in the tool.

1.5(7) Low velocity piston tools shall have the characteristics specified in subrules 1.5(8) through 1.5(12), and, at the discretion of the manufacturer, any additional safety features he may wish to incorporate.

1.5(8) Protective shield or guard. The muzzle end of the tool shall be designed so that suitable protective shields, guards, jigs, or fixtures, designed and built or approved by the manufacturer of the tool being used, can be mounted perpendicular to the barrel.

1.5(9) Firing mechanism.

a. The tool shall be so designed that it shall not in ordinary usage propel or discharge a stud, pin, or fastener while loading or during preparation to fire, or if the tool should be dropped while loaded.

b. Firing of the tool shall be dependent upon at least two separate and distinct operations of the operator, with the final firing movement being separate from the operation of bringing the tool into the firing position.

c. The tool shall be so designed as not to be operable other than against a work surface, and unless the operator is holding the tool against the work surface with a force of at least five pounds greater than the total weight of the tool.

1.5(10) Variable power. The tool shall be so designed that positive means of varying the power are available or can be made available to the operator as part of the tool, or as an auxiliary, in order to make it possible for the operator to select a power level adequate to perform the desired work without excessive force.

1.5(11) Inspection. The tool shall be so designed that all breeching parts will be reasonably visible to allow a check for any foreign matter that may be present.

1.5(12) Construction. The tool shall be so designed that all parts of the tool will be of adequate strength to resist maximum stresses expected upon firing when using any commercially available load which will chamber in the tool.

1.5(13) Hammer-operated piston tools—low velocity type, shall have the characteristics specified in subrules 1.5(14) through 1.5(18), and, at the discretion of the manufacturer, any additional safety features he may wish to incorporate.

1.5(14) Protective shield or guard. The muzzle end of the tool shall be so designed that suitable protective shields, guards, jigs, or fixtures, designed and built or approved by the manufacturer of the tool being used, can be mounted perpendicular to the barrel.

1.5(15) Firing mechanism.

a. The tool shall be so designed that it shall not in ordinary usage propel

or discharge a stud, pin, or fastener while loading, or during preparation to fire, or if the tool should be dropped while loaded.

b. The firing mechanism shall be so designed to be insensitive except to a heavy hammer blow (in excess of three foot-pounds). It shall consist of a broad firing surface on which the load impinges, the load being contained in the ram struck by the hammer and the actual firing point of the load variable axially and determined by the length of the fastener used.

c. Firing of the tool shall be dependent upon at least two separate and distinct operations of the operator, with the final firing movement being separate from the operation of bringing the tool into the firing position.

1.5(16) Variable power. The tool shall be so designed that positive means of varying the power are available or can be made available to the operator as part of the tool, or as an auxiliary, in order to make it possible for the operator to select a power level adequate to perform the desired work without excessive force.

1.5(17) Inspection. The tool shall be so designed that all breeching parts will be reasonably visible to allow a check for any foreign matter that may be present.

1.5(18) Construction. The tool shall be so designed that all parts of the tool will be of adequate strength to resist maximum stresses expected upon firing when using any commercially available load which will chamber in the tool.

1.6(88A) T. IV Requirements for loads and fasteners.

1.6(1) Identification of cased loads. There shall be a standard means of identifying the power levels of loads used in tools. Colors and printed descriptions, according to the table below, shall be strikingly printed on the container to provide visual identification. Color identification shall be further placed on each load to provide a visual indication of the power level of the load. Such means of identification shall be a uniform color and numbering system, as follows:

Power Level	COLOR IDENTIFICATION		(Feet Per Second ±45)
	Case Color	Load Color	Nominal Velocity
1	Brass	Gray	300
2	Brass	Brown	390
3	Brass	Green	480
4	Brass	Yellow	570
5	Brass	Red	660
6	Brass	Purple	750
7	Nickel	Gray	840
8	Nickel	Brown	930
9	Nickel	Green	1,020
10	Nickel	Yellow	1,110
11	Nickel	Red	1,200
12	Nickel	Purple	1,290

Note: The nominal velocity applies to three-eighths-inch diameter three hundred fifty-grain ballistic slug fired in a test device and has no reference to actual fastener velocity developed in any specific size or type of tool.

1.6(2) Optional identification. Where means other than the power load levels are to be used to control the penetration, an identification method acceptable to the labor commissioner shall be employed.

1.6(3) Identification of caseless loads. Caseless loads shall be coded to identify similar power load levels by color, number, configuration, or other appropriate method.

1.6(4) No load (cased or caseless) shall be used if it will accurately chamber in any existing approved commercially available low velocity piston tool or hammer operated piston tool — low velocity type — and will cause a fastener to have a mean velocity in excess of three hundred feet per second when measured six and five tenths feet from the muzzle end of the barrel. No individual test firing of a series shall exceed three hundred feet per second by more than eight percent.

1.6(5) Fasteners. Fasteners used in tools shall be only those specifically manufactured for use in such tools.

1.7(88A) T. IV Numbering.

1.7(1) Each approved tool shall bear some legible permanent indication as to its model number, which shall serve as a means of identification for checking ap-

proved tools. Each approved tool shall bear a permanent and unique manufacturer's serial number.

1.8(88A) T. IV Operation.

1.8(1) Eye protection. Operators and assistants using tools shall be safeguarded by means of approved face shields, safety goggles, safety glasses, or other approved eye protection as specified in Iowa employment safety commission rules General Division, Title IV, Chapter 1, "Head, Eye and Respiratory Protection". Approved head and face protection shall be used, as required by working conditions.

1.8(2) Inspection. Before using a tool, the operator shall inspect it to determine to his satisfaction that it is clean, that all moving parts operate freely, and that the barrel is free from obstructions.

1.8(3) Defect during use. When a tool develops a defect during use, the operator shall immediately cease to use it, and the tool shall be taken out of service until repaired.

1.8(4) Tool handling. Tools shall not be loaded until just prior to the intended firing time. Neither loaded nor empty tools are to be pointed at any workmen. (Hands should be kept clear of open barrel end.)

1.8(5) Loading. No tools shall be loaded unless being prepared for immediate use, nor shall an unattended tool be left loaded.

1.8(6) Misfires. In case of a misfire, the operator shall hold the tool in the operating position for at least thirty seconds. He shall then try to operate the tool a second time. He shall wait another thirty seconds, holding the tool in the operating position, then he shall proceed to remove the explosive load in strict accordance with the manufacturer's instructions. Misfired cartridges shall where practical be placed carefully in a metal container filled with water, and returned to the supervisor for disposal.

1.8(7) Safeguarding and storage. A tool shall never be left unattended in a place where it would be available to unauthorized persons.

1.8(8) Piercing of materials. Driving into materials easily penetrated shall be avoided unless such materials are backed

by a substance that will prevent the pin or fastener from passing completely through and creating a flying missile hazard on the other side.

1.8(9) Materials. Fasteners shall not be driven into very hard or brittle materials including, but not limited to, cast iron, glazed tile, surface-hardened steel, glass block, live rock, face brick, or hollow tile.

1.8(10) Distance from edge of material. Fasteners shall not be driven directly into materials such as brick or concrete closer than three inches from the unsupported edge or corner, or into steel surfaces closer than one-half inch from the unsupported edge or corner, unless a special guard, fixture, or jig is used.

Exception: Low velocity tools may drive no closer than two inches from an edge in concrete or one-quarter inch in steel.

a. When fastening other materials, such as a two- by four-inch wood section to a concrete surface, it is permissible to drive a fastener of no greater than seven thirty-seconds-inch shank diameter not closer than two inches from the unsupported edge or corner of the work surface.

1.8(11) Predrilled holes. Fasteners shall not be driven through existing holes unless a positive guide is used to secure accurate alignment.

1.8(12) Spalling. No fastener shall be driven into any spalled area unless proper safety precautions are taken.

1.8(13) Explosive atmosphere. Tools shall not be used in an explosive or flammable atmosphere.

1.8(14) Guards, shields, and attachments. All tools shall be used with the correct shield, guard, or attachment recommended by the manufacturer.

1.9(88A) T. IV Servicing.

1.9(1) Before loading for each day's use, the tool shall be tested to see that safety devices are in proper working condition.

1.9(2) Method of testing shall be in accordance with the manufacturer's recommended procedure.

1.9(3) Any tool found not in safe working order shall be immediately removed from service and not used until proper repairs are made. The owner of the tool shall have it serviced and inspected at regular intervals by competent service personnel, and shall not permit it to be altered or repaired except by competent repair men.

1.10(88A) T. IV Qualified operator.

1.10(1) Training and testing.

a. The operator shall be trained to clean the tool correctly and to recognize any worn or defective parts or defective operation. He shall also be able to use the tool safely under varying conditions, know the limitations of its use and demonstrate his competence by actually operating the tool in the presence of the person who instructed him in its use. He shall be familiar with the provisions of these rules and the instructions provided by the tool manufacturer for operation, care and safe use of the tool.

b. Nothing in these rules shall be construed as prohibiting instruction by tool manufacturers or their authorized representatives in the safe use of explosive-actuated tools and the issuance of operator cards to those instructed provided that cards are issued only to those meeting the requirements of subrule 1.10(1)"a".

This rule is intended to implement chapter 188A of the Code.

[Effective September 13, 1968]

POLLUTION

See: HEALTH DEPARTMENT

Air Pollution Control Commission

PUBLIC SAFETY DEPARTMENT

IOWA LAW ENFORCEMENT
ACADEMY

Pursuant to authority of chapter 112, section 11, subsection 4, Acts of the 62nd General Assembly, the following rules are adopted.

TITLE I

CHAPTER 1

MINIMUM STANDARDS FOR IOWA
LAW ENFORCEMENT OFFICERS

1.1(Ch. 112, 62 G.A.) General requirements for law enforcement officers. In no case shall any person hereafter be recruited, selected, or appointed as a law enforcement officer unless such person:

1.1(1) Is a citizen of the United States and a resident of Iowa or intends to become a resident upon being employed.

1.1(2) Has reached his or her twenty-first birthday and has not reached his or her sixtieth birthday at the time of his or her appointment.

1.1(3) Has a current active drivers license issued by the state of Iowa.

1.1(4) Is able to read and write the English language.

1.1(5) Is not a drug addict or a drunkard.

1.1(6) Is of good moral character as determined by a thorough background investigation including a fingerprint search conducted of local, state and national fingerprint files and has not been convicted of a felony.

1.1(7) *Reserved for future use.*

1.1(8) Has not claimed exemption from military service on account of being a conscientious objector.

1.2(Ch. 112, 62 G.A.) Additional requirements for state, county and city law en-

forcement officers. The following additional requirements shall apply to all law enforcement officers hereafter recruited, selected, or appointed except those employed by towns with a population of under 2000 people:

1.2(1) Is a high school graduate with a diploma, or possesses an equivalency certificate which meets the minimum score required by the state of Iowa as determined by the state department of public instruction.

1.2(2) If a male, is at least 5'7" in height without shoes.

1.2(3) Is of a weight proportional to height as determined by an examining physician.

1.2(4) Has an uncorrected vision of not less than 20-100 in either eye; correctable to 20-20, and normal color vision.

1.2(5) Has normal hearing in each ear as determined by an examining physician.

1.2(6) Has participated in an oral interview held by the hiring authority, or representative, or representatives, to determine such things as appearance, background and ability to communicate.

1.2(7) Has been examined by a physician to determine if free from physical, emotional, or mental condition which might adversely affect the performance of duties.

1.2(8) Has attained a satisfactory grade in a pre-employment written examination.

1.3(Ch. 112, 62 G.A.) Higher standards not prohibited. While no law enforcement officer can be selected who does not meet requisite minimum requirements, they shall not limit, or restrict, law enforcement agencies in establishing additional recruitment standards.

These rules are intended to implement chapter 112, Acts of the 62nd General Assembly.

[Effective December 12, 1968]

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12/8/70

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