



IOWA ADMINISTRATIVE BULLETIN

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PREFACE

The Iowa Administrative Bulletin is published biweekly in pamphlet form pursuant to Iowa Code chapters 2B and 17A and contains Notices of Intended Action and rules adopted by state agencies.

It also contains Proclamations and Executive Orders of the Governor which are general and permanent in nature; Regulatory Analyses; effective date delays and objections filed by the Administrative Rules Review Committee; Agenda for monthly Administrative Rules Review Committee meetings; and other materials deemed fitting and proper by the Administrative Rules Review Committee.

The Bulletin may also contain public funds interest rates [12C.6]; workers' compensation rate filings [515A.6(7)]; usury rates [535.2(3)“a”]; agricultural credit corporation maximum loan rates [535.12]; and regional banking—notice of application and hearing [524.1905(2)].

PLEASE NOTE: *Italics* indicate new material added to existing rules; ~~strike-through letters~~ indicate deleted material.

KATHLEEN K. WEST, Administrative Code Editor
STEPHANIE A. HOFF, Deputy Editor

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CITATION of Administrative Rules

The Iowa Administrative Code shall be cited as (agency identification number) IAC (chapter, rule, subrule, lettered paragraph, or numbered subparagraph).

- 441 IAC 79 (Chapter)
- 441 IAC 79.1(249A) (Rule)
- 441 IAC 79.1(1) (Subrule)
- 441 IAC 79.1(1)“a” (Paragraph)
- 441 IAC 79.1(1)“a”(1) (Subparagraph)

The Iowa Administrative Bulletin shall be cited as IAB (volume), (number), (publication date), (page number), (ARC number).

Schedule for Rule Making 2007

NOTICE SUBMISSION DEADLINE	NOTICE PUB. DATE	HEARING OR COMMENTS 20 DAYS	FIRST POSSIBLE ADOPTION DATE 35 DAYS	ADOPTED FILING DEADLINE	ADOPTED PUB. DATE	FIRST POSSIBLE EFFECTIVE DATE	POSSIBLE EXPIRATION OF NOTICE 180 DAYS
Dec. 27 '06	Jan. 17 '07	Feb. 6 '07	Feb. 21 '07	Feb. 23 '07	Mar. 14 '07	Apr. 18 '07	July 16 '07
Jan. 12	Jan. 31	Feb. 20	Mar. 7	Mar. 9	Mar. 28	May 2	July 30
Jan. 26	Feb. 14	Mar. 6	Mar. 21	Mar. 23	Apr. 11	May 16	Aug. 13
Feb. 9	Feb. 28	Mar. 20	Apr. 4	Apr. 6	Apr. 25	May 30	Aug. 27
Feb. 23	Mar. 14	Apr. 3	Apr. 18	Apr. 20	May 9	June 13	Sept. 10
Mar. 9	Mar. 28	Apr. 17	May 2	May 4	May 23	June 27	Sept. 24
Mar. 23	Apr. 11	May 1	May 16	***May 16***	June 6	July 11	Oct. 8
Apr. 6	Apr. 25	May 15	May 30	June 1	June 20	July 25	Oct. 22
Apr. 20	May 9	May 29	June 13	June 15	July 4	Aug. 8	Nov. 5
May 4	May 23	June 12	June 27	***June 27***	July 18	Aug. 22	Nov. 19
May 16	June 6	June 26	July 11	July 13	Aug. 1	Sept. 5	Dec. 3
June 1	June 20	July 10	July 25	July 27	Aug. 15	Sept. 19	Dec. 17
June 15	July 4	July 24	Aug. 8	Aug. 10	Aug. 29	Oct. 3	Dec. 31
June 27	July 18	Aug. 7	Aug. 22	***Aug. 22***	Sept. 12	Oct. 17	Jan. 14 '08
July 13	Aug. 1	Aug. 21	Sept. 5	Sept. 7	Sept. 26	Oct. 31	Jan. 28 '08
July 27	Aug. 15	Sept. 4	Sept. 19	Sept. 21	Oct. 10	Nov. 14	Feb. 11 '08
Aug. 10	Aug. 29	Sept. 18	Oct. 3	Oct. 5	Oct. 24	Nov. 28	Feb. 25 '08
Aug. 22	Sept. 12	Oct. 2	Oct. 17	Oct. 19	Nov. 7	Dec. 12	Mar. 10 '08
Sept. 7	Sept. 26	Oct. 16	Oct. 31	Nov. 2	Nov. 21	Dec. 26	Mar. 24 '08
Sept. 21	Oct. 10	Oct. 30	Nov. 14	***Nov. 14***	Dec. 5	Jan. 9 '08	Apr. 7 '08
Oct. 5	Oct. 24	Nov. 13	Nov. 28	Nov. 30	Dec. 19	Jan. 23 '08	Apr. 21 '08
Oct. 19	Nov. 7	Nov. 27	Dec. 12	***Dec. 12***	Jan. 2 '08	Feb. 6 '08	May 5 '08
Nov. 2	Nov. 21	Dec. 11	Dec. 26	***Dec. 26***	Jan. 16 '08	Feb. 20 '08	May 19 '08
Nov. 14	Dec. 5	Dec. 25	Jan. 9 '08	Jan. 11 '08	Jan. 30 '08	Mar. 5 '08	June 2 '08
Nov. 30	Dec. 19	Jan. 8 '08	Jan. 23 '08	Jan. 25 '08	Feb. 13 '08	Mar. 19 '08	June 16 '08
Dec. 12	Jan. 2 '08	Jan. 22 '08	Feb. 6 '08	Feb. 8 '08	Feb. 27 '08	Apr. 2 '08	June 30 '08
Dec. 26	Jan. 16 '08	Feb. 5 '08	Feb. 20 '08	Feb. 22 '08	Mar. 12 '08	Apr. 16 '08	July 14 '08

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
25	Wednesday, May 16, 2007	June 6, 2007
26	Friday, June 1, 2007	June 20, 2007
1	Friday, June 15, 2007	July 4, 2007

PLEASE NOTE:

Rules will not be accepted after **12 o'clock noon** on the Friday filing deadline days unless prior approval has been received from the Administrative Rules Coordinator's office.

If the filing deadline falls on a legal holiday, submissions made on the following Monday will be accepted.

*****Note change of filing deadline*****

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The Iowa Administrative Code and Supplements are sold in complete sets by subscription. Supplement (replacement pages) subscriptions must be for the complete year and will expire on June 30 of each year.

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Iowa Administrative Code Supplement – \$510

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The Iowa Administrative Bulletin is sold as a separate publication and may be purchased by subscription or single copy. All subscriptions will expire on June 30 of each year. Subscriptions must be paid in advance and are prorated quarterly.

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January 1, 2007, to June 30, 2007	\$164
April 1, 2007, to June 30, 2007	\$ 82

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Attn: Nicole Navara
 Legislative Services Agency
 Miller Building
 Des Moines, IA 50319
 Telephone: (515)281-6766

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AGENCY	HEARING LOCATION	DATE AND TIME OF HEARING
EDUCATIONAL EXAMINERS BOARD[282]		
Practitioner licenses for applicants from foreign institutions, 14.104 IAB 5/9/07 ARC 5866B	Room 3 Southwest, Third Floor Grimes State Office Bldg. Des Moines, Iowa	May 30, 2007 1 p.m.
EDUCATION DEPARTMENT[281]		
Iowa vocational rehabilitation services, amendments to ch 56 IAB 5/9/07 ARC 5871B	Saxton Room, First Floor Jessie M. Parker State Office Bldg. 510 East 12th St. Des Moines, Iowa	May 29, 2007 3 to 4 p.m.
INSURANCE DIVISION[191]		
Securities regulation, ch 50 IAB 4/11/07 ARC 5835B	Lobby Conference Room 330 Maple St. Des Moines, Iowa	May 15, 2007 9:30 a.m.
LABOR SERVICES DIVISION[875]		
Protective clothing and equipment standards for firefighters, rescind ch 27 IAB 5/9/07 ARC 5860B	Stanley Room 1000 E. Grand Ave. Des Moines, Iowa	May 30, 2007 2:30 p.m.
Elevators—terminology updated, chs 66, 71 to 73, 75, 76 IAB 4/25/07 ARC 5844B	Stanley Room 1000 E. Grand Ave. Des Moines, Iowa	May 17, 2007 1:30 p.m. (If requested)
Galvanic action restrictions; water heaters, 91.6, ch 95 IAB 5/9/07 ARC 5852B	Capitol View Room 1000 E. Grand Ave. Des Moines, Iowa	May 30, 2007 9 a.m. (If requested)
LOTTERY AUTHORITY, IOWA[531]		
Pull-tab general rules—claiming prizes, 19.8 IAB 5/9/07 ARC 5855B	2323 Grand Ave. Des Moines, Iowa	May 31, 2007 10 a.m. (If requested)
NATURAL RESOURCE COMMISSION[571]		
Beaver, bobcat, otter—season dates, quotas, grace and tagging periods, 108.4, 108.6 to 108.8 IAB 5/9/07 ARC 5873B	Fourth Floor West Conference Rm. Wallace State Office Bldg. Des Moines, Iowa	May 30, 2007 10 a.m.
Help us stop hunger deer donation program, ch 116 IAB 5/9/07 ARC 5872B	Fourth Floor East Conference Rm. Wallace State Office Bldg. Des Moines, Iowa	May 29, 2007 1:30 p.m.

REAL ESTATE COMMISSION[193E]

Prelicense and continuing education for salesperson license, 4.1, 16.2, 16.5(3) IAB 4/25/07 ARC 5846B	Second Floor Conference Room 1920 SE Hulsizer Rd. Ankeny, Iowa	May 23, 2007 9 a.m.
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Iowa airport registration, 720.2 to 720.6, 720.10, 720.15 IAB 4/25/07 ARC 5841B	DOT Modal Conference Room 800 Lincoln Way Ames, Iowa	May 17, 2007 10 a.m. (If requested)
School transportation services provided by regional transit systems, 911.5(1), 911.7, 911.10(8) IAB 5/9/07 ARC 5868B	DOT Modal Conference Room 800 Lincoln Way Ames, Iowa	May 31, 2007 10 a.m. (If requested)

VOLUNTEER SERVICE, IOWA COMMISSION ON[817]

Retired and senior volunteer program, ch 7 IAB 5/9/07 ARC 5883B	Main Conference Rm., 2nd Floor 200 East Grand Ave. Des Moines, Iowa	May 31, 2007 8:30 a.m.
Iowa youth mentoring program certification, ch 8 IAB 5/9/07 ARC 5882B	Main Conference Rm., 2nd Floor 200 East Grand Ave. Des Moines, Iowa	May 31, 2007 10 a.m.

Due to reorganization of state government by 1986 Iowa Acts, chapter 1245, it was necessary to revise the agency identification numbering system, i.e., the bracketed number following the agency name.

“Umbrella” agencies and elected officials are set out below at the left-hand margin in CAPITAL letters.

Divisions (boards, commissions, etc.) are indented and set out in lowercase type under their statutory “umbrellas.”

Other autonomous agencies which were not included in the original reorganization legislation as “umbrella” agencies are included alphabetically in small capitals at the left-hand margin, e.g., BEEF INDUSTRY COUNCIL, IOWA[101].

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ARC 5866B
EDUCATIONAL EXAMINERS
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Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby gives Notice of Intended Action to amend Chapter 14, “Issuance of Practitioner’s Licenses and Endorsements,” Iowa Administrative Code.

The proposed amendment would provide applicants clear guidance on which credential evaluation services the Board of Educational Examiners will accept.

A waiver provision is not included. The Board has adopted a uniform waiver rule.

Any interested party or persons may present their views either orally or in writing at the public hearing that will be held Wednesday, May 30, 2007, at 1 p.m. in Room 3 South-west, Third Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment. Persons who wish to make oral presentations at the public hearing may contact the Executive Director, Board of Educational Examiners, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319-0147, or at (515)281-5849, prior to the date of the public hearing.

Any person who intends to attend the public hearing and requires special accommodations for specific needs, such as a sign language interpreter, should contact the office of the Executive Director at (515)281-5849.

Any interested person may make written comments or suggestions on the proposed amendment before 4 p.m. on Friday, June 1, 2007. Written comments and suggestions should be addressed to Marcia J. Henderson, Board Secretary, Board of Educational Examiners, at the above address; sent by E-mail to marcia.henderson@iowa.gov; or faxed to (515)281-7669.

This amendment is intended to implement Iowa Code chapter 272.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendment is proposed.

Amend rule 282—14.104(272) as follows:

282—14.104(272) Applicants from foreign institutions. An applicant for initial licensure whose preparation was completed in a foreign institution ~~will be required to have all records translated into English~~ *must obtain a course-by-course credential evaluation report completed by one of the board-approved credential evaluation services* and then file ~~these records~~ *this report* with the board of educational examiners

for a determination of eligibility for licensure. *The applicant must demonstrate English proficiency by providing evidence of passing the TOEFL test at the level established by the board.*

ARC 5869B

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 17, “Open Enrollment,” Iowa Administrative Code.

This amendment corrects an oversight. When the open enrollment statute (Iowa Code section 282.18) was amended in 2005 to change the statutory deadline for filing an open enrollment request from January 1 to March 1, the State Board of Education amended appropriate parts of Chapter 17 to conform to the legislation. Paragraph 17.4(2)“d” amended herein was inadvertently omitted from rule making at that time.

An agencywide waiver provision is provided in 281—Chapter 4.

Interested individuals may make written comments on the proposed amendment on or before May 29, 2007, at 4:30 p.m. Comments on the proposed amendment should be directed to Carol Greta, Iowa Department of Education, 2nd Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-8661; E-mail carol.greta@iowa.gov; or fax (515)281-4122.

This amendment is intended to implement Iowa Code section 282.18 as amended by 2005 Iowa Acts, chapter 179, sections 93 to 95.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendment is proposed.

Amend subrule **17.4(2)**, paragraph “**d**,” as follows:

- d. Loss of accreditation.
 - (1) Removal of accreditation by the state board after ~~January~~ *March* 1.
 - (2) Surrender of accreditation after ~~January~~ *March* 1.
 - (3) Permanent closure of a nonpublic school after ~~January~~ *March* 1.

ARC 5871B

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 56, “Vocational Rehabilitation Services Division,” Iowa Administrative Code.

The proposed amendments continue the process of aligning state and federal regulations. Other amendments have been proposed by vocational rehabilitation counselors in the field as commonsensical ways to better serve clients of Iowa Vocational Rehabilitative Services (IVRS), and none of these amendments is disallowed by federal or state law.

An agencywide waiver provision is provided in 281—Chapter 4.

Interested individuals may make written comments on the proposed amendments on or before May 29, 2007, at 4:30 p.m. Comments on the proposed amendments should be directed to Kenda Jochimsen, Vocational Rehabilitation Services Division, Rehabilitation Services Bureau, Jessie M. Parker State Office Building, 510 East 12th Street, Des Moines, Iowa 50319-0240; telephone (515)281-4154; E-mail kenda.jochimsen@iowa.gov; or fax (515)281-0120.

A public hearing will be held on May 29, 2007, from 3 to 4 p.m. in the Saxton Room, 1st Floor, Jessie M. Parker State Office Building, 510 East 12th Street, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact and advise the Rehabilitation Services Bureau of specific needs by calling (515)281-4026.

These amendments are intended to implement Iowa Code chapter 259, the federal Rehabilitation Act of 1973, and the corresponding federal regulations.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are proposed.

ITEM 1. Amend **281—Chapter 56**, title, as follows:

CHAPTER 56
VOCATIONAL REHABILITATION SERVICES
DIVISION
IOWA VOCATIONAL REHABILITATION SERVICES

ITEM 2. Amend rule 281—56.1(259) as follows:

281—56.1(259) Responsibility of division. The division of vocational rehabilitation services is responsible for providing services leading to employment for eligible Iowans with disabilities in accordance with Iowa Code chapter 259, the federal Rehabilitation Act of 1973 as amended, the federal Social Security Act (42 U.S.C. Section 301, et seq.), and the corresponding federal regulations therefor.

ITEM 3. Amend rule **281—56.3(259)**, definitions of “case record,” “employment outcome,” “home modification,” “individual with a most significant disability,” “individual with a significant disability,” and “physical or mental impairment,” as follows:

“Case record” means the file of personally identifiable information, *whether written or electronic in form*, on an individual *that is* collected to carry out the purposes of the division as defined in the Act and the Social Security Act. This information remains a part of the case record and is subject to these rules even when temporarily physically removed, either in whole or in part, from the file folder in which it is normally kept.

“Employment outcome” means, with respect to an individual, entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market; supported employment; or any other type of employment, including self-employment, telecommuting, *homemaking, other unpaid work within the individual’s family*, or business ownership, that is consistent with an individual’s strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

“Home modification” means the alteration of an already existing living unit to make it usable or more usable by a person with a disability *who is involved with the independent living program or as necessary to achieve stable employment as part of an individual plan for employment*.

“Individual with a most significant disability” means an individual who is seriously limited in three or more functional capacities (mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or ~~cognitive/ motor~~ *work skills*) in terms of an employment outcome *and includes an individual who, because of a disability, has been separated from employment or is in danger of becoming separated from employment*.

“Individual with a significant disability” means an individual who has a significant physical or mental impairment that seriously limits one or more functional capacities (mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or ~~cognitive/ motor~~ *work skills*) in terms of an employment outcome or who is a recipient of SSD/SSI.

“Physical or mental impairment” means:

1. No change.
2. No change.
3. *Any impairment for which an individual has a documented history of receiving special education services in both elementary and secondary school.*

ITEM 4. Amend rule **281—56.3(259)** by adding the following **new** definitions in alphabetical order:

“Residency requirement” is a condition of eligibility and is met by an individual who resides in the state of Iowa and is present and available for participation in a rehabilitation plan.

“Satisfactory employment” means stable employment consistent with an individual’s IPE and acceptable to both the individual and the employer.

ITEM 5. Amend rule 281—56.4(259) as follows:

281—56.4(259) Individuals who are recipients of SSD/SSI. Recipients of social security disability payments or supplemental security income payments are automatically eligible for vocational rehabilitation services *and are determined automatically as being significantly disabled*.

ITEM 6. Amend rule 281—56.5(259) as follows:

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281—56.5(259) Eligibility for vocational rehabilitation services. Eligibility for vocational rehabilitation services shall be determined upon the basis of the following:

56.5(1) A determination by qualified personnel that the applicant has a physical or mental ~~disability~~ *impairment*;

56.5(2) and **56.5(3)** No change.

56.5(4) *A determination that the individual meets the residency requirement.*

ITEM 7. Amend rule 281—56.6(259) as follows:

281—56.6(259) Eligibility for specific services. Financial need must be established prior to provision of certain services at the division's expense. Applicants are eligible for physical restoration, occupational licenses, customary occupational tools and equipment, training materials, maintenance and transportation (except transportation for diagnosis, guidance or placement) only on the basis of financial need and when services are not otherwise immediately available. The following criteria are established for determination of eligibility of clients for the following services:

56.6(1) No change.

56.6(2) Training and training materials.

a. The training and books and supplies are necessary for the client's satisfactory occupational adjustment.

b. The client has the mental and physical capacity to acquire a skill that the client can perform in an occupation commensurate with the client's abilities and limitations.

c. The client is not otherwise precluded by law from employment in the client's field of training.

d. *The client meets the residency requirement.*

56.6(3) and **56.6(4)** No change.

56.6(5) Maintenance. A client is eligible for maintenance when it is necessary to the client's vocational rehabilitation *and is an extra expense incurred due to the IPE.*

ITEM 8. Amend rule 281—56.9(259) as follows:

281—56.9(259) Individuals who are blind. Pursuant to 111—10.4(216B), individuals who meet the department for the blind's definition of "blind" are to be served primarily by the department for the blind. *Individuals with multiple disabilities who also are blind may receive technical assistance and consultation services while the department for the blind provides their rehabilitation plan.*

ITEM 9. Amend rule 281—56.10(259) as follows:

281—56.10(259) Students in high school. The division may serve students in high school ~~without regard to their grade level or age~~, *provided the student demonstrates the maturity level, skills, and learning characteristics required to legally work in competitive environments for nonfamily members.* If an applicant is in high school and is determined to be eligible for vocational rehabilitation services, such services may begin before the student exits the secondary school system. The services shall not supplant services for which the secondary school is responsible.

When the division determines that a student is eligible for services, the student's place on the waiting list under rule 281—56.8(259) shall be determined. If the waiting list category appropriate for the student is a category currently being served, the student's case shall be moved to Status 10-1. Otherwise the case is placed in Status 04-0, and the student's name is added to the waiting list for that category, based on the student's date of eligibility. An IPE may be written for a student in Status 10-1 at any time the student's vocational goal and the services necessary to reach that goal have been agreed upon by the student and the student's division coun-

selor. The IPE must be in place when the student exits the secondary school system, unless the student has agreed to an extension or is on a waiting list *or applied for services in the last quarter of the student's senior year.*

The counselor assigned by the division to work with the student may participate in the student's individualized education program meetings *to provide consultation and technical assistance*, even if the student is on the waiting list for services. Once a student is removed from the waiting list, the counselor may also provide vocational counseling and planning for the student and coordinate services with transition planning teams. When such services do not supplant services for which the secondary school is responsible, the division may begin to provide services specifically related to employment, such as supported employment, ~~selective placement~~, or job coaching services, as early as the ~~beginning of the student's final junior year of secondary school.~~ *Students in high school or in an alternative high school who have not yet met high school graduation requirements after four years of secondary enrollment may continue to receive said services that do not supplant the responsibilities of the high school. Students in their final year of high school who have made satisfactory progress and who have demonstrated skills to work in their trained profession may receive assistance in purchasing tools to be used on a job.*

ITEM 10. Amend rule 281—56.11(259) as follows:

281—56.11(259) Establishment of financial need. The division establishes the client's financial need prior to providing physical restoration, including prostheses; transportation (for other than diagnostic, guidance or placement purposes); maintenance; and occupational licenses, tools and equipment. Recipients of SSD/SSI are not subject to a financial needs test for any services.

In determining financial need, the clients or, in the case of minors, the minors' parents or guardians are required to make a specific declaration regarding all family income from any source that may be applied toward the cost of rehabilitation services, except those of diagnosis, counseling, training and placement, which are provided without regard to financial need. The income should be available to the client; that is, actually on hand, free from prior obligations and ready when needed.

The division shall observe the following policies in making a determination of financial need based upon the findings:

56.11(1) and **56.11(2)** No change.

56.11(3) Consideration shall be given to the client's responsibility for the *immediate needs and* maintenance of the client's dependents, and the client shall be expected to reserve sufficient funds to meet the client's family obligations and to provide for the family's future care, education and medical expenses.

56.11(4) to **56.11(6)** No change.

56.11(7) *Grants and scholarships, while not required to be searched for a comparable benefit, may be considered when determining financial support of a plan.*

ITEM 11. Amend rule 281—56.12(259) as follows:

281—56.12(259) Case finding and intake. The division seeks to locate all disabled individuals of employable age who *desire to be employed full- or part-time and* may be eligible for vocational rehabilitation services. To that end, referrals are accepted from all sources, and the division has established working relationships with public and private agencies in the areas of health, welfare, compensation, education, em-

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ployment, and other related services. All new cases, whether referred to a local worker or to the division, are checked for previous information and are acknowledged promptly by letter or a personal call.

ITEM 12. Amend subrule **56.13(1)**, paragraph “b,” as follows:

b. The division accepts a medical report in lieu of securing a new examination when the report can be relied upon to provide a sound basis for diagnosis of the physical or mental condition of the individual and is from one of the following providers or sources:

- (1) to (11) No change.
- (12) A licensed mental health counselor; or
- (13) A certified school psychologist;
- (14) *A recent individualized education program (IEP) as recognized by the Iowa department of education which documents a history of special education programs or services; or*
- (15) *An accredited or certified medical or treatment institution recognized by the state of Iowa or licensed by the department of public health or department of human services in any other state.*

ITEM 13. Amend rule 281—56.14(259) as follows:

281—56.14(259) Individual plan for employment (IPE).

56.14(1) Content. The IPE contains the client’s expected employment goal, the specific vocational rehabilitation services needed to reach that goal, the entity or entities that will provide those services, *the method by which satisfactory progress will be evaluated*, and the methods available for procuring the services.

56.14(2) and **56.14(3)** No change.

56.14(4) Cooperation by the client. The division requires good conduct, regular attendance and cooperation of all individuals engaged in *the rehabilitation training plan’s implementation*. The division makes the following provisions for ensuring trainee cooperation: instruction, verbally or by pamphlet, emphasizing the importance of these factors to the success of the IPE; at the beginning of the program, advising each trainee about what is expected of the trainee and that services shall continue only if the trainee’s progress, attitude and conduct are satisfactory; requiring periodic progress, grade and attendance reports from the training agency; promptly calling the trainee’s attention to evidence of unsatisfactory progress or attendance before such conditions become serious; providing encouragement to the trainee to promote good work habits, with due commendation for effective effort; and maintaining good relationships with the training agency.

56.14(5) *Ticket to work. The client’s signature on the IPE verifies the ticket assignment to the division unless otherwise directed by the client.*

ITEM 14. Amend rule 281—56.16(259) as follows:

281—56.16(259) Training.

56.16(1) No change.

56.16(2) Types of training. The types of training programs available are as follows:

- a. to f. No change.
- g. ~~On-the-job~~ *Customized training, which is a plan developed by the client’s counselor in cooperation with the client and the employer-trainer whereby the employer-trainer accepts the client for training for a specific job or job family, paid or unpaid, that may or may not result in employment with the training employer.*

56.16(3) No change.

56.16(4) Financial assistance for postsecondary training. Calculations of financial assistance for postsecondary training are based on tuition and fee amounts.

a. No change.

b. Support services for postsecondary training. Unless approved as an exception by the supervisor, the amounts authorized for the items listed herein cannot exceed the amounts that would otherwise be spent on tuition and fees.

(1) to (3) No change.

(4) Tutoring shall be provided only for courses that are part of the actual degree requirements and only when this service is not available for free through the school attended by the client. Tutoring for program entrance examinations, such as the *SAT GRE*, LSAT, or MCAT, is not allowed *without an exception approved by the supervisor*.

(5) to (8) No change.

56.16(5) No change.

ITEM 15. Amend rule 281—56.17(259) as follows:

281—56.17(259) Maintenance. The costs of maintenance shall not exceed the amount of increased expenses that the rehabilitation causes for the client or the client’s family. Maintenance is not intended to provide relief from poverty or abject living conditions. ~~A supervisor’s written approval is required for amounts exceeding \$100 per week and for extraordinary one-time living expenses in excess of \$75 per day for a client.~~ *Guidance regarding the financial support of maintenance is available from the division’s case service manual.*

ITEM 16. Amend rule 281—56.18(259) as follows:

281—56.18(259) Transportation. When necessary to enable an applicant or a client to participate in or receive the benefits of other vocational rehabilitation services, travel and related expenses, including expenses for training in the use of public transportation vehicles and systems, may be provided by the division. Transportation services may include the use of private or commercial conveyances (such as private automobile or van, public taxi, bus, ambulance, train, or plane) or the use of public transportation and coordination with a regional transit agency. *The division shall not purchase or lease vehicles for a client. The division shall not pay for maintenance or repair of vehicles unless written approval of the supervisor allows for an exception.*

ITEM 17. Rescind subrule **56.19(2)**, paragraph “c.”

ITEM 18. Amend rule 281—56.20(259) as follows:

281—56.20(259) Business initiatives.

56.20(1) Entrepreneurs with disabilities (EWD) program. Pursuant to rule 261—56.1(15), the purpose of the EWD program is to provide technical assistance, business development grants (up to \$10,000) and financial assistance grants (up to \$10,000) to qualified Iowans with disabilities. EWD is administered by the Iowa department of economic development in collaboration with the division and the department for the blind. The EWD rules (see 261—Chapter 56) are fully included by reference herein. The following paragraphs supplement 261—Chapter 56:

a. If a client has previously received educational or training equipment from the division through another rehabilitation program and the same equipment could be used in the client’s proposed business, the division may limit or deny EWD assistance to the client.

b. If a client no longer uses equipment purchased for the client under this program, the equipment shall be returned to the division.

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c. *The EWD program requires 51 percent ownership by the client in a for-profit business.*

56.20(2) ~~First step Step program. A client who cannot become self-sufficient or who does not for personal reasons, including reasons of personal choice, elect to declare an intent to be self-sufficient as a result of the client's business endeavor or may receive limited technical and financial assistance under this program whose business idea requires less technical and financial assistance than is available through the EWD program, but who will earn from the business at least 80 percent per month in Substantial Gainful Activity (SGA) as defined by the federal Social Security Administration may pursue small business ownership through the First Step program. Unless a written exception is approved by a supervisor, the division shall contribute to a client no more than \$1,000 for technical assistance and no more than \$2,500 for financial assistance. If a client no longer uses equipment purchased for the client under this program, the equipment shall be returned to the division. If the business grows, it may be considered for the EWD program with the expenditures not to exceed the EWD limits minus the expenditures covered by the First Step program.~~

ITEM 19. Amend rule 281—56.21(259) as follows:

281—56.21(259) Placement. The division not only prepares individuals with disabilities for jobs and trains them in techniques in securing their own jobs, but also accomplishes the actual placement, directly or indirectly, of all eligible individuals with disabilities who receive rehabilitation services. Placement activities are based upon adequate evaluation and preparation of the client and ordinarily include some combination of the following: evaluation of the client's job readiness; development and execution of a plan for job-seeking activities; instruction in making job applications and in conduct and appearance during interviews; employer contacts; registration with the state workforce development center administration division; job analysis and modification; job coaching; employer or supervisor consultation, advisement and training; ~~selective placement efforts~~ *time-limited job coaching*; postplacement follow-up; and relocation costs. Satisfactory employment is the objective of all division services of preparation, and placement services are an important, integral part of the overall vocational rehabilitation program. As such, in addition to the services listed herein, placement services may include the need for transportation and subsistence allowances and the purchase and acquisition of appropriate clothing, tools, equipment, and occupational licenses.

ITEM 20. Amend rule 281—56.23(259) as follows:

281—56.23(259) Miscellaneous or auxiliary services.

56.23(1) No change.

56.23(2) Interpreter and note taker. If deemed necessary by the division to enable a client to engage in all parts of the vocational rehabilitation or independent living program process, interpreter services or note taker services shall be provided to such client, *unless provision of such services is the statutory responsibility of an institution or organization.*

Interpreter services are those special communications services provided by persons qualified by training and experience to facilitate communication between division personnel and persons unable to communicate verbally in English. ~~This includes~~ *Persons receiving services include* deaf and hard-of-hearing persons who communicate using signs and finger spelling, as well as lip reading, writing, gestures, pictures, and other methods. Persons not fluent in the English

language who could benefit from having any part of the vocational rehabilitation process translated into their major language are included. The division shall purchase sign language interpreter services, including transliterating services, from appropriately licensed interpreters only.

Note taker services are services provided to make written notes and summaries of orally presented material. The notes may be made from a live presentation, such as a classroom lecture, or from materials that have been taped. *These services are only purchased when the law states that the presenter or institution is not statutorily responsible.*

56.23(3) No change.

ITEM 21. Amend rule 281—56.24(259) as follows:

281—56.24(259) Facilities.

56.24(1) and **56.24(2)** No change.

56.24(3) ~~Facilities providing on-the-job customized training.~~ Facilities selected as locations for employment training must have personnel qualified with respect to personality, knowledge and skills in the technique of instruction, have adequate equipment and instructional materials and be willing to make definite provisions for a plan of graduated progress in the job to be learned according to an efficiently organized and supervised instructional schedule.

56.24(4) ~~Facilities providing personal adjustment training.~~ In addition to other standards set for tutorial and ~~on-the-job customized~~ training, an important basis for selection of facilities for personal adjustment training is a sympathetic understanding of the personal adjustment needs of the individual and their importance to the client's total rehabilitation.

ITEM 22. Amend subrule **56.25(1)** by adopting **new** paragraph "e" as follows:

e. Documented evidence supports that the client is in the process of repaying a previously defaulted student loan.

ITEM 23. Amend rule 281—56.29(259) as follows:

281—56.29(259) Review process. At the time of making application for rehabilitation services, and at other times throughout the rehabilitation process, all applicants and clients shall be informed of the right to appeal and the procedures by which to file an appeal. If an applicant or client is dissatisfied with any agency decision that directly affects the applicant or client, the applicant, client, or designated representative may appeal that decision *or request mediation*. The term "appellant" shall be used to indicate the applicant, client, or designated representative who initiates an appeal. The appellant initiates the appeal process either by filing the appropriate division appeal form, available from any counselor or supervisor of the division, or by calling a counselor or supervisor. If the appeal process is initiated by telephone, the counselor or supervisor who received the call must complete the appeal form to the best of that person's ability with information from the appellant. An appeal must be filed within 90 days of notification of the disputed decision. Once the appeal form has been filed with the division administrator, a hearing shall be held before an impartial hearing officer (IHO) within the next 60 days unless an extension of time is mutually agreed upon or one of the parties shows good cause for an extension. The appellant may request that the appeal go directly to impartial hearing, but the appellant shall be offered the opportunity for a supervisor review or mediation. *The appellant may request assistance with an appeal or mediation from the Iowa client assistance program (ICAP).*

ITEM 24. Amend subrule 56.35(7) as follows:

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56.35(7) Policy manuals. Manuals containing the policies and procedures for programs administered by the division are available in every office of the division. Subscriptions to all or ~~part~~ *some* of the manuals are available at the cost of production and handling. Requests for subscription information should be addressed to Vocational Rehabilitation Services Division, 510 E. 12th Street, Des Moines, Iowa 50319.

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HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 75, “Conditions of Eligibility,” and Chapter 76, “Application and Investigation,” Iowa Administrative Code.

These amendments eliminate mandatory interviews for the Medicaid programs for which an interview is still required. Under current rules, no interview is required for children applying for or receiving Medicaid or HAWK-I benefits, for adults applying for IowaCare, or for people who receive federal Supplemental Security Income (SSI) benefits. Federal Medicaid regulations do not require an interview when eligibility is determined at the time of application or at the time of the annual review. Iowa is one of only 12 states that still have an interview requirement for some applicants and one of only 5 states that still have an interview requirement at the annual review for some recipients.

Eliminating mandatory interviews for adults applying under coverage groups related to the Family Medical Assistance Program or the medically needy coverage group and adults applying under an SSI-related coverage group who do not receive SSI will:

- Make policy consistent across programs and result in equitable treatment of all applicants and recipients, regardless of the coverage group for which they may qualify.
- Improve access to medical assistance for people who are elderly or disabled and for working parents. With recent increases in gasoline prices, travel to a Department office for an interview may pose a hardship, particularly for people living in rural areas. Also, it may be difficult for parents to take off work (many times without pay) to attend the interview. Many elderly and disabled recipients are dealing with health concerns that make traveling difficult or have representatives who do not live close by.
- Reduce administrative costs resulting from the “churning” effect when an application is denied or assistance is canceled because the person failed to attend the interview and, therefore, has to reapply.

Eliminating the mandatory interview requirement does not prohibit the Department’s eligibility workers from requesting an interview with the applicant or recipient if the information provided is questionable or the worker otherwise feels the need to discuss the person’s situation. The Department will also hold an interview if the applicant or recipient

requests one. The Department is still required to verify the identity of the applicant as a condition of eligibility.

These amendments do not provide for waivers in specified situations because they benefit the people affected.

Any interested person may make written comments on the proposed amendments on or before May 30, 2007. Comments should be directed to Mary Ellen Imlau, Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515) 281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code section 249A.3.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are proposed.

ITEM 1. Amend subrule **75.1(35)**, paragraph “j,” subparagraph (2), as follows:

(2) All eligibility factors shall be reviewed on ~~recertifications~~ *redeterminations of eligibility*. ~~A face-to-face interview is not required for recertifications if the last face-to-face interview was less than 12 months ago and there has not been a break in assistance. When the length of time between face-to-face interviews would exceed 12 months, a face-to-face interview shall be required.~~

ITEM 2. Amend rule 441—75.52(249A) as follows:

Amend subrule 75.52(1), introductory paragraph and paragraph “a,” as follows:

75.52(1) Reviews. Eligibility factors shall be reviewed at least annually for the ~~family medical assistance program and family medical assistance FMAP-related programs.~~

a. ~~A face-to-face interview~~ *Reviews* shall be conducted at least annually at the time of a review for adults using information contained in and verification supplied with Form 470-2881, 470-2881(M), 470-4083 (Spanish), or 470-4083(M), Review/Recertification Eligibility Document.

Amend subrule 75.52(3), introductory paragraph, as follows:

75.52(3) Forms. Information for the annual ~~face-to-face determination interview~~ *review* shall be submitted on Form 470-2881, 470-2881(M), 470-4083 (Spanish), or 470-4083(M), Review/Recertification Eligibility Document (RRED), with the following exceptions:

ITEM 3. Amend subrule **75.57(9)**, paragraph “a,” subparagraph (1), as follows:

(1) ~~Upon application for which a face-to-face interview is completed pursuant to 441—subrule 76.2(1), all earned and unearned income received by the eligible group during the 30 days prior to the interview shall be used to project future income unless the applicant provides verification that those 30 days are not indicative of future income. Upon application for which a face-to-face interview is not completed pursuant to subrule 441—76.2(1), the department shall use all earned and unearned income received by the eligible group during the 30 days prior to before the application date shall be used to project future income unless the applicant provides verification that those 30 days are not indicative of future income.~~ *EXCEPTION:* If the applicant provides verification that the 30-day period specified above is not indicative of future income, income from a longer period or verification of anticipated income from the income source may be used to project future income. Allowable work expenses shall be deducted

HUMAN SERVICES DEPARTMENT[441](cont'd)

from earned income, except when *in* determining eligibility under the 185 percent test defined at rule 441—75.57(249A). The determination of initial eligibility is a three-step process as described at rule 441—75.57(249A).

ITEM 4. Amend rule 441—76.1(249A) as follows:

Amend subrule 76.1(3) as follows:

76.1(3) Applicant cooperation. An applicant must cooperate with the department in the application process, which may include providing information or verification, attending a required *scheduled* face-to-face interview, or signing documents. Failure to cooperate with *in* the application process shall serve as a basis for rejection of an application.

Amend subrule **76.1(7)**, paragraph “**b**,” subparagraph (4), as follows:

(4) ~~An~~ *Designation of an* authorized representative does not relieve a competent applicant or recipient or a responsible person as defined in 76.1(7)“a” of the primary responsibility to cooperate with the ~~application process or department in the determination of initial and~~ ongoing eligibility, which may include providing information or verification, attending a required *scheduled* face-to-face interview, or signing documents on which the authorized representative’s signature would be inadequate.

ITEM 5. Amend rule 441—76.2(249A) as follows:

Amend subrule 76.2(1) as follows:

76.2(1) Interviews.

a. In processing applications for Medicaid for ~~children adults~~, *the department may require a face-to-face or telephone interview shall not be required upon written notice to the applicant. In processing applications for Medicaid for adults, a face-to-face interview shall be held with the applicant. The face-to-face interview may be replaced with a telephone interview when: An interview is not required as a condition of eligibility for children.*

(1) ~~The health of the applicant is such that the applicant cannot reasonably be expected to attend the face-to-face interview in the county office.~~

(2) ~~The applicant has moved out of the state and the distance is such that the applicant cannot reasonably be expected to commute to attend the face-to-face interview.~~

b. For SSI-related Medicaid for adults, ~~an~~ *the department may require a face-to-face or telephone interview may be required at the time of review.*

c. ~~The county office~~ *department* shall notify the applicant in writing of the date, time and method of ~~the initial an~~ interview. This notice shall be provided to the applicant personally or by mail or facsimile. ~~Rescheduled interviews~~ *Interviews that are rescheduled* at the request of the applicant or authorized representative may be agreed upon verbally and; a written confirmation is not required.

d. Failure of the applicant or client to attend ~~an a~~ *scheduled* interview shall serve as a basis for rejection of an application or cancellation of assistance for adults. Failure of the applicant or client to attend an interview shall not serve as a basis for rejection of an application or cancellation of assistance for children.

Amend subrule 76.2(5) as follows:

76.2(5) Reporting of changes. The applicant shall report ~~no later than at the time of the face-to-face interview any change as defined at 441—paragraph 75.52(4)“c” which occurs after during the application was signed process within five working days of the change. Changes that occur after the face-to-face interview approval for benefits shall be reported by the applicant in accordance with paragraph 75.52(4)“c.”~~

ARC 5875B**HUMAN SERVICES DEPARTMENT[441]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services proposes to amend Chapter 130, “General Provisions,” Chapter 150, “Purchase of Service,” and Chapter 153, “Funding for Local Services,” to rescind Chapter 173, “Family Planning Services,” and to amend Chapter 176, “Dependent Adult Abuse,” Iowa Administrative Code.

These amendments remove policies applicable to purchase of family planning services. With the implementation of Iowa Family Planning Network benefits in February 2006, after approval of a waiver of federal Medicaid requirements, Social Services Block Grant funds are no longer used for family planning.

The amendments also remove references to eligibility for other services previously offered to adults through the Department. Rules on adult day care and transportation were rescinded in 2002. Funding for purchasing adult services is now administered through the Medicaid home- and community-based services waivers and through the county central points of coordination.

These amendments do not provide for waivers in specified situations because funding for these services is no longer available.

Any interested person may make written comments on the proposed amendments on or before May 30, 2007. Comments should be directed to Mary Ellen Imlau, Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515) 281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code section 234.6.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are proposed.

ITEM 1. Amend rule 441—130.7(234), introductory paragraph, as follows:

441—130.7(234) Case plan. The department worker shall develop a case plan with or on behalf of persons approved to receive services. However, a case plan is not required (1) for child or adult protective investigation, (2) for family planning, (3) (2) for foster care cases in which the department does not have custody, guardianship or a voluntary placement agreement, or (4) (3) when child care is the only service. A case plan shall be developed with or on behalf of every other person approved to receive services unless the person has a case manager as specified in 441—Chapter 24. When department services are provided before an individual program plan in compliance with 441—Chapter 24 is approved, a depart-

HUMAN SERVICES DEPARTMENT[441](cont'd)

ment case plan must be developed according to the requirements of this rule.

ITEM 2. Amend rule 441—150.3(234) as follows:

Rescind and reserve subrule **150.3(4)**, paragraph “a.”

Amend subrule **150.3(5)**, paragraph “p,” subparagraph (2), as follows:

Amend the introductory paragraph as follows:

(2) For the fiscal year beginning July 1, 2006, the maximum reimbursement rates for services provided under a purchase of social service agency contract (adoption, shelter care, ~~family planning~~, and supervised apartment living) shall be increased by 3 percent over the rates in effect on June 30, 2006, or increased to the provider’s actual and allowable cost plus inflation, whichever is less. The rates may also be adjusted under any of the following circumstances:

Amend numbered paragraph “1” as follows:

1. If a new service was added after June 30, 2006, the initial reimbursement rate for the service shall be based upon actual and allowable costs. A new service does not include a new building or location or other changes in method of service delivery for a service currently provided under the contract.

For adoption, the only time a provider shall be considered to be offering a new service is if the provider adds the adoptive home study, the adoptive home study update, placement services, or postplacement services for the first time. Preparation of the child, preparation of the family and preplacement visits are components of the services listed above.

For shelter care, if the provider is currently offering shelter care under social services contract, the only time the provider shall be considered to be offering a new service is if the provider adds a service other than shelter care.

~~For family planning, the only time the provider shall be considered to be offering a new service is when a new unit of service is added by administrative rule.~~

For supervised apartment living, the only time a provider shall be considered to be offering a new service is when the agency adds a cluster site or a scattered site for the first time. If, for example, the agency has a supervised apartment living cluster site, the addition of a new site does not constitute a new service.

If the department defines, in administrative rule, a new service as a social service that may be purchased, this shall constitute a new service for purposes of establishment of a rate. Once the rate for the new service is established for a provider, the rate will be subject to any limitations established by administrative rule or law.

ITEM 3. Rescind and reserve paragraph **153.5(2)“a.”**

ITEM 4. Rescind and reserve **441—Chapter 173.**

ITEM 5. Amend subrule 176.6(7) as follows:

176.6(7) Based on the evaluation, the department shall complete an assessment of services needed by a dependent adult believed to be the victim of abuse, the dependent adult’s family, or a caretaker. The department shall explain that the department does not have independent legal authority to compel the acceptance of protective services. Upon voluntary acceptance of the offer of services, the department shall make referrals or may provide necessary protective services to eligible dependent adults, their family members, and caretakers. ~~The department may establish a sliding fee schedule for those persons able to pay a portion of the protective services provided. The following services may be offered and provided without regard to income: dependent adult protec-~~

~~tion, social casework, adult day care, adult support, transportation, and family planning.~~

ARC 5880B

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of 2006 Iowa Acts, chapter 1115, section 19(2)“h,” the Department of Human Services proposes to amend Chapter 153, “Funding for Local Services,” Iowa Administrative Code.

These amendments clarify the definition of “county of residence” for the State Payment Program. Persons who are placed in a hospital, correctional facility, nursing facility, ICF/MR, or residential care facility for the purpose of receiving services do not change their county of residence by moving to the county where the services are located; nor do students change their county of residence by attending a college or university.

The amendments provide for the transfer of a person’s county of residence if it seems more reasonable for the county where the services are provided to be responsible for management duties. If the counties involved do not agree on the transfer, the question may be referred to the Residency Team established by the Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission. Decisions of the Residency Team may be appealed using the Department’s standard appeal process.

The transfer provision does provide for a waiver of the policy on “county of residence” in specified situations. These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

These amendments were also Adopted and Filed Without Notice and are published herein as **ARC 5879B**. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated by reference.

Any interested person may make written comments on the proposed amendments on or before May 30, 2007. Comments should be directed to Mary Ellen Imlau, Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515) 281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code section 331.440.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

ARC 5860B**ARC 5852B****LABOR SERVICES DIVISION[875]****LABOR SERVICES DIVISION[875]****Notice of Intended Action****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 88.5, the Labor Commissioner hereby gives Notice of Intended Action to rescind Chapter 27, "Protective Clothing and Equipment Standards for Firefighters," Iowa Administrative Code.

Pursuant to the authority of Iowa Code section 89.14, the Boiler and Pressure Vessel Board hereby gives Notice of Intended Action to amend Chapter 91, "General Requirements for All Objects," and to rescind Chapter 95, "Water Heater Supply Boilers," and adopt new Chapter 95, "Water Heaters," Iowa Administrative Code.

Pursuant to 2007 Iowa Acts, Senate File 116, Iowa Code section 88.5 will be amended by striking subsection 11 effective July 1, 2007. Therefore, the Labor Commissioner proposes to rescind 875—Chapter 27, "Protective Clothing and Equipment Standards for Firefighters," which is intended to implement Iowa Code subsection 88.5(11). Previously, the Labor Commissioner adopted by reference the U.S. Department of Labor's standard for personal protective equipment, and that standard provides adequate protection for fire fighters.

The proposed amendments clarify restrictions relating to galvanic action. The proposed amendments also revise the safety and health regulations applicable to water heaters by removing unnecessary restrictions; adopting a regulation that all water heaters shall be in accordance with a recognized standard; revising the rules to make them easier to read; requiring installation in accordance with the manufacturer's recommendations; and adopting new rules for bulging or leaking tanks, exhaust flues, leaks from pipes, valves, and fittings, and carbonization. The proposed amendments eliminate the requirement that water heaters be provided expansion tanks built in accordance with the American Society of Mechanical Engineers' Code in certain cases.

The principal reasons for adoption of this amendment are to implement 2007 Iowa Acts, Senate File 116, and to make Iowa's rules more consistent with federal regulations.

Written data, views, or arguments to be considered in adoption must be submitted no later than May 30, 2007, to Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to kathleen.uehling@iowa.gov.

The purposes of these amendments are to make the rules more current, make changes identified as necessary during the rules review required by Iowa Code subsection 89.14(7), protect the safety of the public, and implement legislative intent.

A public hearing will be held on May 30, 2007, at 2:30 p.m. in the Stanley Room at Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa. The public will be given the opportunity to make oral statements and submit documents. The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should telephone (515)242-5869 in advance to arrange access or other needed services.

If a request for an oral presentation is received by the close of business on May 29, 2007, from 25 interested persons, a governmental subdivision, or an agency or association of 25 or more persons, a public hearing will be held on May 30, 2007, at 9 a.m. in the Capitol View Room at 1000 East Grand Avenue, Des Moines, Iowa. Interested persons will be given the opportunity to make oral statements and file documents concerning the proposed amendments. The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should call (515)242-5869 in advance to arrange access or other needed services.

This amendment is intended to implement 2007 Iowa Acts, Senate File 116.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

Written data, views, or arguments to be considered in adoption shall be submitted by interested persons no later than May 30, 2007, to the Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to kathleen.uehling@iwd.iowa.gov.

The following amendment is proposed.

These amendments are intended to implement Iowa Code chapter 89.

Rescind and reserve **875—Chapter 27**.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are proposed.

ITEM 1. Amend rule 875—91.6(89) as follows:

875—91.6(89) Piping, valves, and fitting requirements.
Pipes, valves, and fittings subject to the effects of galvanic ac-

LABOR SERVICES DIVISION[875](cont'd)

tion shall not be used on objects covered by these rules except where permitted in 875—Chapter 95. The minimum piping, valve, and fitting supplied on any object shall be Schedule 40. The piping design must take into account the removal of material for mechanical joints such as threading or bolting, corrosion and erosion requirements, and the effects of hydrostatic head pressure. Dielectric fittings shall be used where dissimilar metals are joined.

ITEM 2. Rescind 875—Chapter 95 and adopt the following **new** chapter in lieu thereof:

CHAPTER 95
WATER HEATERS

875—95.1(89) Scope. This chapter applies to water heaters supplying potable hot water when the heat input is greater than 50,000 Btu's per hour or the water-containing capacity is greater than 50 gallons. However, if the heat input is equal to or greater than 200,000 Btu's per hour or the water-containing capacity is equal to or greater than 120 gallons, 875—Chapter 94 shall apply instead of this chapter.

875—95.2(89) Recognized standard. All water heaters shall be in accordance with a recognized standard such as those promulgated by the Canadian Standards Association, American National Standards Institute 21.10.13, Underwriters Laboratories, American Gas Association, Gas Appliance Manufacturers Association, or the applicable ASME Code adopted by reference at rule 875—94.2(89).

875—95.3(89) Installation. Water heaters shall be installed in accordance with the manufacturer's recommendations. Water heaters designed solely for heating potable water shall not be used for space heating. Water heaters designed for both space heating and potable water must comply with 875—Chapter 94. Water heaters shall not be installed for use at temperatures exceeding 210 degrees Fahrenheit or for pressures exceeding 160 psig. When the water supply to a water heater exceeds 75 percent of the design pressure of the water heater, a pressure-reducing valve is required.

875—95.4(89) Temperature and pressure relief valves. Each water heater with storage capacity shall have at least one automatically resetting temperature and pressure relief valve bearing the ASME Code symbol "HV." Water heaters with no storage capacity shall have at least one automatically resetting pressure relief device bearing the AMSE Code symbol "HV," and a temperature control device recommended by the manufacturer.

95.4(1) Materials. All materials used in temperature and pressure relief valves shall be rated for temperatures and pressures at or greater than the maximum allowable working pressure of the water heater.

95.4(2) Size. Temperature and pressure relief valves shall not be smaller than 3/4 inch. The inlet opening shall have an inside diameter approximately equal to, or greater than, the seat diameter. The minimum opening through any part of the valve shall not be less than 1/2-inch diameter.

95.4(3) Capacity. The Btu-relieving capacity of the pressure-relieving device or devices on a water heater shall be equal to or greater than the maximum Btu input rate. The relieving capacity for electric water heaters shall be at least 3,500 Btu's per hour per kilowatt input. The pressure setting shall be less than or equal to the maximum allowable working pressure of the water heater.

95.4(4) Mounting. Temperature and pressure relief valves shall be connected to the top of water heaters or directly to a tapped or flanged opening in the water heater. Tem-

perature and pressure relief valves shall be installed with their spindles vertical or horizontal.

875—95.5(89) Shutoff valves prohibited. Shutoff valves shall not be placed between the temperature and pressure relief valve and the water heater or on discharge pipes between such valves and the atmosphere.

875—95.6(89) Thermal expansion. If a system is equipped with a check valve or pressure-reducing valve in the cold-water inlet line, consideration should be given to installation of an airtight expansion tank or other suitable air cushion. If an expansion tank is provided, it shall be in accordance with a nationally recognized standard and rated for a maximum allowable working pressure equal to or greater than that of the temperature and pressure relief valve. Except for prepressurized tanks, provisions shall be made for draining the tank without emptying the system.

875—95.7(89) Stop valves. Stop valves shall be used in each supply and return pipe connection of multiple water heater installations to permit draining the heater without emptying the system.

875—95.8(89) Carbonization. Carbonization and other indications of improper flame shall be corrected through adjusting and cleaning the burners in accordance with the manufacturer's recommendations.

875—95.9(89) Leaks. Water or fuel leaks from pipes, valves, and fittings are prohibited.

875—95.10(89) Flues. Exhaust flues that effectively release exhaust to the outside shall be installed. Gaps, holes and deterioration in flues are prohibited.

875—95.11(89) Tanks. Tanks integral to a water heater that exhibit bulges or leaks shall be handled as follows:

95.11(1) If the tank does not bear an ASME stamp, it shall be removed.

95.11(2) If the tank bears an ASME stamp, it shall be removed or repaired pursuant to rule 875—91.8(89).

875—95.12(89) Galvanized pipes, valves, and fittings. On water heaters without an ASME stamp, galvanized pipes, valves, and fittings may be used on water applications, provided that a dielectric union is also installed in direct contact with dissimilar metals.

These rules are intended to implement Iowa Code chapter 89.

ARC 5855B

LOTTERY AUTHORITY, IOWA[531]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 99G.9(3), the Iowa Lottery Authority hereby gives Notice of Intended Action to amend Chapter 19, "Pull-Tab General Rules," Iowa Administrative Code.

This amendment proposes to rescind rule 531—19.8(99G), prize claims, and adopt a new rule in lieu thereof

LOTTERY AUTHORITY, IOWA[531](cont'd)

to remove the requirement that a player must claim a prize prior to a retailer's first close of business following the player's purchase of a winning ticket. The new rule provides that game prizes must be claimed within 90 days of the announcement of the end of a game. Additionally, this rule differentiates between prizes claimed at the retailer and those claimed at a lottery office and addresses special event and game rules. This amendment ensures that the pull-tab prize claim rule is consistent with the prize claim rule for scratch tickets.

Any interested party may submit written comments concerning this proposed rule or may submit a written request to make an oral presentation. The comments or request must include all of the following: the name, address, and telephone number of the party making the comments or request; a reference to the specific subrule or subrules that are the subjects of the comments or request; and the general content of a requested oral presentation.

All comments or requests should be addressed to the Iowa Lottery Rules Administrator and should either be mailed to 2323 Grand Avenue, Des Moines, Iowa 50312, faxed to (515)725-7882, or E-mailed to mtooman@ialottery.com. All comments or requests for oral presentations must be received by the Lottery Rules Administrator on or before May 29, 2007.

A meeting to hear requested oral presentations is scheduled for May 31, 2007, at 10 a.m. at the Iowa Lottery headquarters at the address above. The meeting will be canceled without further notice if no oral presentations are requested.

This amendment is intended to implement Iowa Code sections 99G.9(3), 99G.21, and 99G.31.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is proposed.

Rescind rule 531—19.8(99G) and adopt the following **new** rule in lieu thereof:

531—19.8(99G) Claiming prizes.

19.8(1) Claim period. Prizes must be claimed within 90 days of the announced end of the pull-tab game.

19.8(2) Prizes claimed at retailer. The specific game rules shall specify prizes that shall be claimed from the retailer. To claim a prize from a retailer, the winner shall sign the back of the winning ticket and fill out a claim form if required by the specific game rules. If a retailer can verify the claim, the retailer shall pay the prize. If a retailer cannot verify the claim, the player shall submit the ticket and a completed claim form to the lottery. If the claim is validated by the lottery, a draft shall be forwarded to the player in payment of the amount due. If the claim is not validated by the lottery, the claim shall be denied and the player shall be promptly notified.

19.8(3) Prizes claimed at lottery. The specific game rules shall specify prizes that may be claimed only from the lottery. To claim a prize from the lottery, the player may personally present the completed claim form obtained from a licensed retailer or any lottery office and the ticket to any lottery office or may mail the ticket and claim form to the Iowa Lottery Authority, 2323 Grand Avenue, Des Moines, Iowa 50312-4999. If the claim is validated by the lottery, the prize or a check, warrant, or draft shall be forwarded to the player in payment of the amount due less any applicable state or federal income tax withholding. If the claim is not validated by the lottery, the claim shall be denied and the player shall be promptly notified.

19.8(4) Prizes in special events. The specific game rules shall set forth the manner in which prizes won in special events or drawings may be claimed.

19.8(5) Variation by specific game rules. The specific game rules may vary the terms of this rule in respect to the manner in which prizes are claimed or the claim period applicable to any pull-tab game or special event.

This rule is intended to implement Iowa Code sections 99G.9(3), 99G.21, and 99G.31.

ARC 5862B**MEDICAL EXAMINERS
BOARD[653]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 147.76 and 272C.3, the Board of Medical Examiners hereby gives Notice of Intended Action to amend Chapter 13, “Standards of Practice and Principles of Medical Ethics,” Iowa Administrative Code.

The Board of Medical Examiners approved the amendment during a meeting held on March 29, 2007.

The proposed amendment corrects the name of the Accreditation Council for Pharmacy Education due to the recent change of name of this accreditation body. The amendment also provides that acceptable training for a pharmacist to qualify as a pharmacist authorized to administer immunizations pursuant to rule 653—13.3(147) include an organized course of study in a college or school of pharmacy or an approved program of pharmaceutical continuing education that meets the standards identified in subrule 13.3(1). The Board of Pharmacy Examiners has also submitted a Notice of Intended Action, published herein as **ARC 5867B**, proposing to amend similar language in 657—subrule 8.33(1), paragraph “a.”

The Board of Medical Examiners and the Board of Pharmacy Examiners jointly regulate the area of practice addressed by rule 653—13.3(147). Neither Board feels it necessary or expedient to provide for waiver of the rule. Any deviation from the requirements of the rule would need to be negotiated and determined by both Boards.

Any interested person may present written comments, data, views, and arguments on the proposed amendment not later than 4:30 p.m. on May 29, 2007. Such written materials should be sent to Ann E. Mowery, Executive Director, Iowa Board of Medical Examiners, 400 S.W. Eighth Street, Suite C, Des Moines, Iowa 50309-4686.

This amendment is intended to implement Iowa Code sections 147.76 and 272C.3.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is proposed.

MEDICAL EXAMINERS BOARD[653](cont'd)

Amend subrule **13.3(1)**, paragraph “a,” introductory paragraph, as follows:

a. “Authorized pharmacist” means an Iowa-licensed pharmacist who has documented that the pharmacist has successfully completed an educational program meeting the training standards on vaccine administration as provided by an American Accreditation Council on Pharmaceutical for Pharmacy Education (ACPE)-approved provider of continuing pharmaceutical education program on vaccine administration meeting the training standards that:

ARC 5873B**NATURAL RESOURCE
COMMISSION[571]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 108, “Mink, Muskrat, Raccoon, Badger, Opossum, Weasel, Striped Skunk, Fox (Red and Gray), Beaver, Coyote, River Otter, Bobcat, Gray (Timber) Wolf and Spotted Skunk Seasons,” Iowa Administrative Code.

These amendments allow a limited number of bobcats to be taken in the southern part of Iowa, close the beaver trapping season on April 1 instead of April 15, and establish the grace and tagging period for both the otter and bobcat seasons at 48 hours.

Any interested person may make written suggestions or comments on the proposed amendments on or before May 31, 2007. Written comments may be directed to the Wildlife Bureau’s Web site at www.iowadnr.com or may be sent to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Wildlife Bureau at (515)281-6156 or at the Wildlife Bureau offices on the fourth floor of the Wallace State Office Building.

There will be a public hearing May 30, 2007, at 10 a.m. in the Fourth Floor West Conference Room of the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These amendments are intended to implement Iowa Code sections 481A.6, 481A.38, 481A.39, 481A.87, and 481A.90.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are proposed.

ITEM 1. Amend rule 571—108.4(481A) as follows:

571—108.4(481A) Beaver. Open season for the taking of beaver shall be from 8 a.m. on the first Saturday in November through April 15 of succeeding year. No bag or possession limit.

ITEM 2. Amend rule 571—108.6(481A) as follows:

571—108.6(481A) Bobcat, gray Gray (timber) wolf, and spotted skunk. Continuous closed season.

ITEM 3. Amend rule 571—108.7(481A) as follows:

571—108.7(481A) River otter trapping and bobcat.

108.7(1) License requirements. Each person who traps takes river otters or bobcats shall have a valid fur harvester license and pay the habitat fee if normally required to have a license to hunt or trap.

108.7(2) Areas open to trapping Open area. Trapping for river otters is open River otters may be taken statewide. Bobcats may be taken in the following counties: Adams, Appanoose, Clarke, Davis, Decatur, Des Moines, Fremont, Henry, Jefferson, Lee, Lucas, Mills, Monroe, Montgomery, Page, Ringgold, Taylor, Union, Van Buren, Wapello, and Wayne.

108.7(3) Quotas and seasonal bag limit.

a. Seasonal bag limits. The seasonal bag limit is two 2 river otters and 1 bobcat per trapper person.

b. Quotas. The quota for the number of river otters that may be taken is 400 statewide. The quota for the number of bobcats that may be taken is 150 in the open area. The season shall end for river otters when the number of river otters trapped, as determined by the harvest reporting system, reaches 400. The season shall end for bobcats when the number of bobcats taken, as determined by the harvest reporting system, reaches 150. Trappers shall be allowed a 72 48-hour grace period after the quota is reached to clear their traps of river otters or bobcats. River otters or bobcats found in traps during the grace period may be kept even though the quota is exceeded provided that the trapper has not reached the trapper’s personal bag limit. River otters or bobcats trapped after the grace period or in excess of the seasonal bag limit must be turned over to the department; the trapper shall not be penalized.

108.7(4) Season dates. The season for trapping taking river otters and bobcats opens on the same date as the trapping seasons described in 571—108.1(481A) first Saturday in November and closes when the quota has been reached, as explained in this rule, or on January 31 of the following year, whichever occurs first.

108.7(5) Reporting requirements.

a. A trapper Anyone, including a landowner or tenant not required to have a fur harvester license, who traps takes a river otter or bobcat must report the harvest to a DNR conservation officer or designated DNR employee within 24 hours. The trapper fur harvester must arrange to receive a CITES tag or Iowa river otter harvest tag from the officer or designated DNR employee within 72 48 hours of the time the harvest is reported or before the river otter or bobcat is skinned, whichever first occurs first.

b. Conservation officer reporting. Upon receiving a telephone report from a trapper that a river otter or bobcat has been legally taken, the conservation officers officer or designated DNR employee will call the department’s harvest reporting system. The number of river otters and bobcats taken will be updated daily, and a message will be recorded on the department’s telephone system. The number taken will be available 24 hours a day. Trappers Fur harvesters may check

NATURAL RESOURCE COMMISSION[571](cont'd)

the message daily to determine when the season closes and the grace period begins and ends. The department will use all practical means to publicize these dates.

108.7(6) Tagging requirements. Every river otter *or bobcat* that may legally be kept by a trapper must have a CITES tag ~~or Iowa river otter harvest tag~~ attached. Tags will be supplied by the conservation officer *or designated DNR employee*. The tag must remain with the pelt until the pelt is sold or used for other purposes that render it no longer available for sale. Persons displaying river otters as taxidermy mounts or as other decorative items must keep the tags in their possession as proof of legal harvest.

ITEM 4. Amend rule 571—108.8(481A) as follows:

571—108.8(481A) Accidental capture of a river otter or bobcat during a closed season. A person who accidentally captures a river otter or bobcat during a closed season *or in a closed area* or after the person's individual bag limit has been reached shall not be penalized provided that:

1. The river otter or bobcat is captured during a legal trapping season or as part of a legal depredation control process; and

2. A conservation officer is contacted within 24 hours and the river otter or bobcat and all parts thereof are turned over to a conservation officer as soon as practical.

ARC 5872B

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission gives Notice of Intended Action to adopt Chapter 116, "Help Us Stop Hunger Program Administration," Iowa Administrative Code.

This proposed new chapter establishes the operational structure of the Help Us Stop Hunger (HUSH) deer donation program, which encourages deer harvest by hunters and the donation of deer into a system that provides free venison to Iowa's needy.

Any interested person may make written comments on this proposed new chapter on or before May 29, 2007. Such written materials should be directed to Ross Harrison, HUSH Coordinator, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034. Persons who wish to convey their views orally should contact Ross Harrison at (515)281-5973.

A public hearing will be held on May 29, 2007, at 1:30 p.m. in the Fourth Floor East Conference Room of the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed rules.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or

mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This amendment is intended to implement Iowa Code chapter 483A.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following **new** chapter is proposed.

CHAPTER 116

HELP US STOP HUNGER PROGRAM ADMINISTRATION

571—116.1(483A) Purpose. This chapter establishes the procedures for the administration of the help us stop hunger (HUSH) deer donation program. HUSH is established pursuant to Iowa Code section 483A.8(1) to encourage hunters, during periods of excessive deer populations, to harvest more deer than needed for personal consumption and to donate those deer to a program to feed Iowans in need.

571—116.2(483A) Definitions.

"Deer" means any wild deer legally taken in Iowa and deer confiscated as legal evidence if the confiscated carcass is considered by a conservation officer to be in good condition for donation.

"Department" means the department of natural resources.

"Distributor" means the Food Bank of Iowa or, in the event the Food Bank of Iowa discontinues participation in HUSH, such other venison distribution service provider as shall be designated by future contract with the department.

"Field dressed" means that the deer has been properly bled and cleaned of its internal organs.

"Food Bank of Iowa" means the private, nonprofit charitable organization incorporated under that name, whose mission is to alleviate hunger and reduce food waste in Iowa.

"HUSH" means the help us stop hunger program.

"HUSH coordinator" means an employee of the department who administers the deer donation program.

"Meat processor" means any business that is licensed by the department of agriculture and land stewardship's bureau of meat and poultry inspection, the USDA, or a neighboring state's department that is similar to Iowa's, to process meat for retail customers.

571—116.3(483A) Restrictions. Deer is the only species of wildlife that shall be covered by the HUSH program. The entire deer carcass must be donated, but the hunter may keep the antlers, head and cape.

571—116.4(483A) HUSH council. There is hereby created a HUSH council. Members shall serve without additional compensation.

116.4(1) Membership. The HUSH council shall include the following voting members:

a. The HUSH coordinator, who shall serve as the chairperson;

b. An additional department representative designated by the department's wildlife bureau chief;

c. A representative of the Food Bank of Iowa appointed by its executive director;

d. The chief of the department of agriculture and land stewardship's bureau of meat and poultry inspection or a designee of the chief.

116.4(2) Duties.

NATURAL RESOURCE COMMISSION[571](cont'd)

a. To set a fair market price, the council shall consider prices for similar services paid by retail customers in Iowa and nearby states and shall recommend to the department an annual per-deer processing payment to be made to meat processors.

b. The council shall recommend to the department an annual per-deer administrative payment to be made to the Food Bank of Iowa. The Food Bank of Iowa shall provide information to assist in this determination but shall not participate in any vote of the council regarding the recommendation of the annual per-deer administrative payment to the Food Bank of Iowa.

c. The council shall make recommendations to the department to resolve conflicts or disputes in the operation of the HUSH program as brought to it by any person or entity.

d. The council shall adopt standards for participating lockers to meet in terms of their record of violations of rules of the bureau of meat and poultry inspection and the department of natural resources.

e. The council shall advise the department in the administration of HUSH.

116.4(3) Administration. The HUSH coordinator shall convene the council as needed to conduct business. A majority vote shall be required for action or decision by the council. The chief of the department's wildlife bureau shall have the right to overrule the council for cause and shall provide the council with justification for the reasons. A quorum to conduct business shall consist of three council members, one of whom shall be the HUSH coordinator.

571—116.5(483A) Duties of the department. During periods of excessive deer populations, the department shall promote the harvest of deer by hunters and the donation of deer at meat processors participating in HUSH. During periods of nonexcessive deer populations, HUSH may continue with less emphasis on promotion to hunters.

116.5(1) Meat processors. The department shall enlist as many meat processors as available to participate in HUSH and shall enter into uniform agreements with meat processors. The department shall provide forms for donations of deer by hunters, posters for meat processors to advertise their participation, venison pickup receipts and invoices, and two-pound freezer bags for use by meat processors that are HUSH participants. The department shall provide informational and promotional materials to meat processors regarding HUSH.

116.5(2) Venison distributor. The department shall enter into an annual agreement with the Food Bank of Iowa or, in the event the Food Bank of Iowa discontinues participation in HUSH, other service providers designated by future contract to carry out the duties described in 571—116.6(483A). The department shall pay the distributor a per-deer rate of payment for administrative services provided. The department shall make such payments to the distributor as described in the annual agreement for the purpose of making payments to participating meat processors.

571—116.6(483A) Duties of venison distributor. In order to continue participation in HUSH, the distributor shall enter into an annual agreement with the department for venison pickup from meat processors and distribution throughout Iowa, and for the administration of financial accounts with meat processors. The distributor shall make reports to the department. The distributor shall be compensated by the department at a rate per deer as determined annually by the department, with recommendations from the HUSH council taken into consideration.

116.6(1) Venison pickup and distribution. The distributor shall cause timely pickup of venison from meat processors and distribution of the venison to the distributor's member social service agencies.

116.6(2) Payments to meat processors. The distributor shall make payments to meat processors at the rate set by the department. Prior to receiving payment, a meat processor shall be required to provide the following: a record of each donated deer that includes information required by the department, an invoice from the meat processor, a copy of a completed donor form, and a supporting record of the venison pickup. Provided funding is available from the department, payments shall be made to meat processors within 30 days of submittal of a complete and accurate record.

116.6(3) Reports to the department. The distributor shall keep accurate records of the amount of venison picked up from meat processors and distributed to qualified agencies, including copies of receipts and invoices from venison pickups, and by April 1 of each year shall provide the department a report of each donated deer for which payment was made to a meat processor.

116.6(4) Reimbursement to the department. If any funding provided by the DNR is unused for venison processing or administrative costs, all unused funds shall be refunded to the department by May 1 of each year.

571—116.7(483A) Meat processors.

116.7(1) Eligibility. To participate in the HUSH program, each meat processor shall enter into a uniform annual agreement with the department which details the meat processor's participation. The agreement shall be signed by the meat processor and the department by August 1 prior to the coming deer season. Exceptions to this date may be considered by the HUSH council, which will then make recommendations to the department.

116.7(2) Requirements. Meat processors shall accept the entire field-dressed carcass of a donated deer, pursuant to 571—116.3(483A), and shall not assess any fees or costs to donors. Information from the donor is required for each donated deer and shall be submitted on forms provided by the department. Payment shall not be made to a meat processor without this information.

116.7(3) Venison. Meat processors shall accept a donated deer, pursuant to 571—116.3(483A), if the meat processor determines the venison is in acceptable condition. Deer shall be processed into pure ground venison with no additives, put into bags provided by the department, and frozen prior to being received by a representative of the Food Bank of Iowa or another designated distributor. Venison pickup shall be initiated by the meat processor by contacting the meat processor's designated pickup person.

116.7(4) Venison pickup. At the time of venison pickup, the meat processor shall provide accurate information and an official signature on a form provided by the department. The meat processor shall retain one copy of the form for billing purposes and one copy for the meat processor's business records.

116.7(5) Billing the distributor. To receive payment for venison processing, the meat processor shall submit to the distributor a copy of the venison pickup and invoice form, the department form that provides information on each donated deer, and any additional information that is required by the department on the form provided.

571—116.8(483A) Partnerships with other organizations. The department, at its own discretion, may enter into agreements with other organizations for the purpose of ex-

NATURAL RESOURCE COMMISSION[571](cont'd)

panding the deer donation program. The department may include the offer of matching grants to pay for deer processing to organizations that acquire funding from sources other than the state of Iowa.

These rules are intended to implement Iowa Code chapter 483A.

ARC 5867B**PHARMACY EXAMINERS
BOARD[657]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 147.76 and 272C.3, the Board of Pharmacy Examiners hereby gives Notice of Intended Action to amend Chapter 8, "Universal Practice Standards," Iowa Administrative Code.

The amendment was approved at the January 16, 2007, regular meeting of the Board of Pharmacy Examiners.

The proposed amendment corrects the name of the Accreditation Council for Pharmacy Education due to the recent change of name of this accreditation body. The amendment also provides that acceptable training for a pharmacist to qualify as a pharmacist authorized to administer immunizations pursuant to rule 657—8.33(147,155A) include an organized course of study in a college or school of pharmacy or an approved program of pharmaceutical continuing education that meets the standards identified in subrule 8.33(1). The Board of Medical Examiners has also submitted a Notice of Intended Action, published herein as **ARC 5862B**, proposing to amend similar language in 653—subrule 13.3(1), paragraph "a."

The Board of Medical Examiners and the Board of Pharmacy Examiners jointly regulate the area of practice addressed by rule 657—8.33(147,155A). Neither Board feels it necessary or expedient to provide for waiver of the rule. Any deviation from the requirements of the rule would need to be negotiated and determined by both Boards.

Any interested person may present written comments, data, views, and arguments on the proposed amendment not later than 4:30 p.m. on May 29, 2007. Such written materials may be sent to Terry Witkowski, Executive Officer, Board of Pharmacy Examiners, 400 S.W. Eighth Street, Suite E, Des Moines, Iowa 50309-4688; or by E-mail to terry.witkowski@iowa.gov.

This amendment is intended to implement Iowa Code sections 147.76, 155A.4, and 272C.3.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is proposed.

Amend subrule **8.33(1)**, paragraph "a," introductory paragraph, as follows:

a. "Authorized pharmacist" means an Iowa-licensed pharmacist who has documented that the pharmacist has successfully completed an educational program meeting the

~~training standards on vaccine administration as provided by organized course of study in a college or school of pharmacy or an American Accreditation Council on Pharmaceutical for Pharmacy Education (ACPE)-approved provider of continuing pharmaceutical education program on vaccine administration that:~~

ARC 5868B**TRANSPORTATION
DEPARTMENT[761]****Notice of Intended Action**

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 307.10, 307.12 and 321.377, the Department of Transportation hereby gives Notice of Intended Action to amend Chapter 911, "School Transportation Services Provided by Regional Transit Systems," Iowa Administrative Code.

Item 1 adopts the current versions of those parts of the Code of Federal Regulations (CFR) referenced in Chapter 911 and adds the acronym "ADA" to paragraph 911.5(1)"a." Item 2 eliminates a reference to an obsolete date. Item 3 is amended to include additional Federal Motor Vehicle Safety Standards (FMVSS). These additional standards are: Standard 213, Child Restraint Systems, and Standard 225, Child Restraint Anchoring Systems. Item 4 is amended to add a new requirement for a posttrip inspection when school transportation is provided. This amendment coincides with changes made to 281 IAC 43.41(285).

The amendments to the CFR that affect Chapter 911 and have become final and effective since the 2003 edition are listed in the information below. The parts affected are followed by Federal Register (FR) citations.

49 CFR Part 38

No changes.

49 CFR Part 571

FR Vol. 69, No. 28, P. 6583

(FMVSS; fuel system integrity; final rule; correcting amendment)

This document contains a correction to the final rule published on December 1, 2003, (68 FR 67068) that amended the rear and side impact test procedures for the fuel system integrity. The standard subject to this correction is FMVSS No. 301, Fuel System Integrity. This correction references Part 586 rather than Part 590 as published in the December 2003 final rule.

FR Vol. 69, No. 106, P. 31034-31035

(FMVSS; occupant crash protection; correcting amendment)

This document corrects an inconsistency between FMVSS No. 208, Occupant Crash Protection, and 49 CFR Part 595, Subpart B, Retrofit On-Off Switches for Air Bags. This document resolves the problem by permitting the use of the abbreviation "pass" in lieu of "passenger" on the telltales.

TRANSPORTATION DEPARTMENT[761](cont'd)

FR Vol. 71, No. 167, P. 51129-51132

(FMVSS; occupant crash protection; final rule; delay of compliance date)

This document delays the compliance date of the requirement for vehicles to meet the air bag suppression requirement with LATCH-equipped child restraints, FMVSS No. 208. The previous compliance date of September 1, 2006, has been extended to September 1, 2007.

FR Vol. 70, No. 138, P. 41631-41634

(FMVSS; occupant crash protection; interim final rule; request for comments)

The National Highway Traffic Safety Administration amends 49 CFR Part 571, Standard No. 208, Occupant Crash Protection, pertaining to vehicles manufactured on or after September 1, 2003, and before September 1, 2006. This rule revises the phase-in of compliance for limited line manufacturers with the advanced air bag requirements.

FR Vol. 71, No. 168, P. 51522-51529

(FMVSS; seat belt assemblies; final rule)

This document responds to three petitions for reconsideration of an August 2005 final rule amending the FMVSS for seat belt assemblies. The amendments made in this final rule become mandatory for all seat belt assemblies subject to the standard that are manufactured on or after February 22, 2007. The petitions requested minor technical modifications to the emergency-locking retractor provisions of FMVSS No. 209.

FR Vol. 70, No. 155, P. 47131-47137

(FMVSS; bus emergency exits and window retention and release; final rule; response to petitions for reconsideration)

This document responds to petitions for reconsideration of an April 19, 2002, final rule amending FMVSS No. 217, Bus Emergency Exits and Window Retention and Release. A request was granted to allow manufacturers the same flexibility for placing wheelchair securement anchorages as manufacturers currently have for maintaining the rear exit door clearance area required by FMVSS No. 217. Other requests pertaining to "do not block" warning labels were denied.

49 CFR Part 655

No changes.

These rules do not provide for waivers. Issuing waivers would be inappropriate for safety-related rules.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to the Department of Transportation, Office of Policy and Legislative Services, 800 Lincoln Way, Ames, Iowa 50010; fax (515)239-1639; Internet E-mail address: tracy.george@dot.iowa.gov.
5. Be received by the Office of Policy and Legislative Services no later than May 29, 2007.

A meeting to hear requested oral presentations is scheduled for Thursday, May 31, 2007, at 10 a.m. in the Modal Conference Room, Department of Transportation, 800 Lincoln Way, Ames, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

These amendments are intended to implement Iowa Code chapters 321 and 324A.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

Proposed rule-making actions:

ITEM 1. Amend subrule 911.5(1) as follows:

911.5(1) Code of Federal Regulations. The department of transportation adopts the following portions of the October 1, 2003 2006, Code of Federal Regulations, which are referenced throughout this chapter:

a. 49 CFR Part 38, Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles.

b. and c. No change.

ITEM 2. Amend paragraph **911.7(1)“b”** as follows:

b. ~~On or after July 1, 2001, each~~ Each bus in use must also comply with the following federal motor vehicle safety standards:

(1) to (4) No change.

ITEM 3. Amend subrule 911.7(2) as follows:

911.7(2) Passenger restraint/protection. Each automobile, multipurpose vehicle or school bus must provide passenger restraint/protection devices as required for that type of vehicle in the federal motor vehicle safety standards. Each bus must meet the standards listed in either “a” to “d” through “f” below or “e” “g” below:

a. to d. No change.

e. ~~Standard No. 222, School Bus Passenger Seating and Crash Protection 213, Child Restraint Systems.~~

f. ~~Standard No. 225, Child Restraint Anchoring Systems.~~

g. ~~Standard No. 222, School Bus Passenger Seating and Crash Protection.~~

ITEM 4. Amend rule 761—911.10(321) by adding the following **new** subrule:

911.10(8) Posttrip inspection. After each trip that had students on board, the driver must perform a posttrip inspection of the interior of the vehicle used to transport the students.

NOTICE—USURY

In accordance with the provisions of Iowa Code section 535.2, subsection 3, paragraph “a,” the Superintendent of Banking has determined that the maximum lawful rate of interest shall be:

May 1, 2006 — May 31, 2006	6.75%
June 1, 2006 — June 30, 2006	7.00%
July 1, 2006 — July 31, 2006	7.00%
August 1, 2006 — August 31, 2006	7.25%
September 1, 2006 — September 30, 2006	7.00%
October 1, 2006 — October 31, 2006	7.00%
November 1, 2006 — November 30, 2006	6.75%
December 1, 2006 — December 31, 2006	6.75%
January 1, 2007 — January 31, 2007	6.50%
February 1, 2007 — February 28, 2007	6.50%
March 1, 2007 — March 31, 2007	6.75%
April 1, 2007 — April 30, 2007	6.75%
May 1, 2007 — May 31, 2007	6.50%

ARC 5883B**VOLUNTEER SERVICE, IOWA
COMMISSION ON[817]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code chapter 15H and section 17A.3, the Iowa Commission on Volunteer Service hereby gives Notice of Intended Action to amend Chapter 7, "Retired and Senior Volunteer Program (RSVP)," Iowa Administrative Code.

These rules establish the procedures for the administration of the Retired and Senior Volunteer Program to ensure that grant awards are made in a fair and orderly manner.

Any interested person may make written suggestions or comments on the proposed rules on or before May 31, 2007. Such written materials should be directed to Adam Lounsbury, Iowa Commission on Volunteer Service, 200 East Grand Avenue, Des Moines, Iowa 50309; fax (515)242-4776. Persons wishing to convey their views orally should contact Adam Lounsbury at (515)242-5466.

Also, there will be a public hearing on May 31, 2007, at 8:30 a.m. at the Iowa Department of Economic Development Main Conference Room, on the second floor of 200 East Grand Avenue, Des Moines, Iowa 50309, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rules.

Any persons who will attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact Adam Lounsbury and advise of specific needs.

These rules are intended to implement Iowa Code section 15H.2(3)"i."

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is proposed.

Amend **817—Chapter 7** as follows:

CHAPTER 7
RETIRED AND SENIOR VOLUNTEER
PROGRAM (RSVP)

817—7.1(81GA, HF478)(15H) Purpose and program description. The purpose of the retired and senior volunteer program (RSVP) is to identify and address priority community needs through the mobilization of adult volunteers aged 55 and over, thereby recognizing and using the competence, wisdom and experience of *elders this age group* for the benefit of all Iowans. RSVP grants will give support to each RSVP project serving Iowa and provide discretionary *funding grants* on a competitive basis for RSVP project expansion. The commission *provides administers* two types of RSVP grants:

7.1(1) RSVP grant. Each RSVP project which has a current memorandum of agreement to operate an RSVP project from the Corporation for National and Community Service (the federal domestic volunteer agency) is to be allocated a share of state funds appropriated for distribution. Each RSVP project ~~director~~ shall submit to the commission a budget outlining the method by which the project will expend the grant allotted to the project; and other information as requested by the commission.

7.1(2) State-developed RSVP project grant grants. From state funds appropriated by the legislature, RSVP projects will be developed that are consistent with the goals of the Corporation for National and Community Service, the RSVP and the commission. After a review by the *RSVP grant review* committee pursuant to subrule 7.4(3), grants will be awarded on a competitive basis by the commission and the Corporation for National and Community Service to local organizations or groups to initiate new RSVP projects. *Decisions to make state funding available for new state-developed programs or existing program expansions must be approved by the commission.*

817—7.2(81GA, HF478)(15H) Applications. Appropriate forms and applications for each grant are available from the commission or the Corporation for National and Community Service.

817—7.3(81GA, HF478)(15H) Grant criteria. To respond to funding priorities, as funds are made available, the executive director of the commission and the state director of the Corporation for National and Community Service will coordinate in establishing criteria for the awarding of state-developed funds. ~~As~~ At a minimum, the criteria will contain the following:

1. Goals and objectives of the project;
2. The qualifications of the applicant to manage funds;
3. Letters of local support verifying coordination and cooperation and the need for volunteers;
4. Total project budget;
5. Evidence of ability to submit timely and accurate reports;
6. Description and time line of planned activities;
7. Agreement to develop for the project ~~an advisory council~~ *a community partnership group* whose membership should include ~~minority members, RSVP volunteers, and representatives from the public and private sectors~~ *a cross-section of the community served*;
8. Description of the applicant organization, including staffing pattern; and
9. Documentation of the applicant's ability to provide the required local match.

817—7.4(81GA, HF478)(15H) Application process for new state-developed project grants. ~~Following are the procedures to request applications and award funds:~~

7.4(1) The commission and the Corporation for National and Community Service shall issue a request for proposals containing project criteria and application forms for the appropriate fiscal year.

7.4(2) The applicant shall submit the completed application to the commission according to the time line identified in the request for proposals.

7.4(3) Applications submitted will be reviewed by the ~~RSVP~~ *a grant review* committee, which is composed of up to two representatives ~~each of each of the following:~~ the Corporation for National and Community Service, the Iowa commission on volunteer service, and the Iowa ~~RSVP~~ *Directors*

VOLUNTEER SERVICE, IOWA COMMISSION ON[817](cont'd)

Association citizens of Iowa. Using the criteria in rule 817—7.3(81GA, HF478)(15H), the committee will review the applications for appropriateness and to determine the merit of the project.

7.4(4) Applicants whose projects have been selected for funding shall be notified by the commission.

7.4(5) The commission will contract with the approved applicant(s) for the appropriate fiscal year, July 1 to June 30.

817—7.5(81GA, HF478)(15H) Administration of grants. The commission shall prepare contractual agreements for the grants.

7.5(1) Execution of contract. ~~This~~ The contract shall be executed by the executive director of the commission and the duly authorized official of the local RSVP project.

7.5(2) Contract requirements. The contract shall include due dates and the process for the submission of project reports and financial reports.

7.5(3) Reporting. All grant recipients shall submit ~~biannually~~ *biannual* progress and financial reports to the Corporation for National and Community Service ~~that shall be provided and provide these reports~~ to the commission.

7.5(4) Distribution of funds. *The base-level formula for distribution of funds will be based on the 2001 state funding levels. When applicable, any relinquished funds will be distributed based on the existing formula. New programs that are not state-developed will begin at the minimum funding level.*

7.5(5) Training. *Up to 1.5 percent of funds designated for RSVP grants may be retained by the commission for training and technical assistance for RSVP project directors and members.*

7.5(6) Administrative funds. *The commission or any other state agency may not retain RSVP grant funds for administration or any other purpose not designated pursuant to this chapter.*

817—7.6(81GA, HF478)(15H) Reversion of funds. Grant funds not expended by the project by June 30 shall revert to the commission.

These rules are intended to implement 2005 Iowa Acts, House File 478, section 2(3)“i.” Iowa Code section 15H.2(3)“i.”

ARC 5882B

VOLUNTEER SERVICE, IOWA COMMISSION ON[817]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code chapter 15H and section 17A.3, the Iowa Commission on Volunteer Service hereby gives Notice of Intended Action to adopt Chapter 8, “Iowa Youth Mentoring Program Certification,” Iowa Administrative Code.

These rules establish procedures for the certification of youth mentoring programs to ensure that certifications are handled in a fair and orderly manner.

Any interested person may make written suggestions or comments on these proposed rules on or before June 1, 2007. Such written materials should be directed to Adam Lounsbury, Iowa Commission on Volunteer Service, 200 East Grand Avenue, Des Moines, Iowa 50309; fax (515)242-4809. Persons wishing to convey their views orally should contact Adam Lounsbury at (515)242-5466.

Also, there will be a public hearing on May 31, 2007, at 10 a.m. at the Iowa Department of Economic Development, Main Conference Room, Second Floor, 200 East Grand Avenue, Des Moines, Iowa 50309, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rules.

Any persons who plan to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact Adam Lounsbury at the above address and advise of specific needs.

These rules are intended to implement Iowa Code chapter 15H.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following **new** chapter is proposed.

CHAPTER 8 IOWA YOUTH MENTORING PROGRAM CERTIFICATION

One of the purposes of the Iowa mentoring partnership (IMP) is to certify mentoring programs that meet those certification standards for youth mentoring programs outlined in this chapter. The Iowa mentoring partnership assists with the development and support of a network of mentoring providers and provides training and support services to certified mentoring programs and programs with a conditional certification. The Iowa mentoring partnership seeks to increase the capacity of these programs, deliver resources, raise awareness, and enhance the quality of mentoring relationships in Iowa.

817—8.1(15H) Definitions.

“Certification” means the process which identifies youth mentoring programs as meeting the criteria for effective practice to be eligible for financial and technical assistance.

“Commission” means the Iowa commission on volunteer service.

“Conditional certification” means a temporary certification identifying a youth mentoring program before the program is fully operational in order for the program to apply for financial and technical assistance.

“Mentoring certification application” means the application developed by the Iowa commission on volunteer service, which can be adopted by all agencies and departments of state government. The application contains information which shall be used to determine an applicant’s designation as a certified mentoring program for participation in the Iowa mentoring partnership.

“Mentoring program” means a program that provides older mentors to youth. A mentoring program must meet all of the following requirements:

1. Be located in this state;

VOLUNTEER SERVICE, IOWA COMMISSION ON[817](cont'd)

2. Be operated as a public or private not-for-profit entity, part of a school or area education agency, or part of a faith-based community;

3. Serve youth aged 5 to 23;

4. Appropriately screen mentors, requiring a minimum of two hours of orientation and training prior to serving in a mentoring capacity;

5. Require mentors and youth to meet for a minimum of one hour per week over the course of a school or calendar year;

6. Require mentors and youth in an E-mentoring program to communicate electronically, at least once per week, over the course of a school or calendar year.

817—8.2(15H) Certification. The commission is responsible for ascertaining that a youth mentoring program is qualified to be designated as a certified mentoring program.

8.2(1) Full certification. Before a mentoring program can participate in the Iowa mentoring partnership, it must be certified by the commission.

a. A review team shall review applications from youth mentoring programs to determine whether the mentoring programs are eligible to participate in the Iowa mentoring partnership.

b. Full certification means the commission has determined that the youth mentoring program has met the established standards.

c. Applications for mentoring program certification are available from the Iowa Commission on Volunteer Service, 200 East Grand Avenue, Des Moines, Iowa 50309, or the Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319.

d. Applicants shall receive written notification of the commission's decision.

8.2(2) Conditional certification. Some mentoring programs are temporarily certified before the program becomes fully operational or before the program has met the standards for full certification.

a. Conditional certification may be in effect for six months and may be used for the purpose of applying for financial and technical assistance available to certified mentoring programs. The commission may grant an extension of conditional certification if it is determined that significant progress is being made toward meeting the requirements for full certification.

b. The mentoring program name will not be included on the IMP Web site, nor will the program be referred potential mentors, until the mentoring program has been fully certified. The Web site of the Iowa mentoring partnership is www.iowamentoring.org.

c. It shall be the responsibility of the mentoring program to notify the commission when the program believes it has met the certification criteria.

d. Additional documentation may be required of new mentoring programs to verify elements of the application. Mentoring programs may be requested to provide documentation of continued eligibility at any time during and after conditional certification.

8.2(3) Recertification. Certified youth mentoring programs shall submit verification of continued eligibility to the commission at least every two years.

a. The form for recertification shall be provided by the commission.

b. Other documents and regular reporting will be requested to verify the continuing eligibility of the mentoring program.

8.2(4) Documentation. Various and specific documentation may be required by the commission during the certification process. Each program shall provide relevant information upon the commission's request in order to be considered for certification.

Applications shall be signed by an authorized representative of the organization.

8.2(5) Reapplication. A mentoring program may reapply upon proof of compliance with Iowa youth mentoring program certification standards. Any program that is denied certification or decertified for any reason bears the burden of proving that all deficiencies previously cited have been corrected. Corrections shall be in accordance with requirements of the Iowa mentoring partnership. Applications may be requested from the Iowa Commission on Volunteer Service, 200 East Grand Avenue, Des Moines, Iowa 50309, or the Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319.

8.2(6) Notification. The commission shall be notified within 30 days following a change in staff of the mentoring program director or an authorized representative of the certified mentoring program.

817—8.3(15H) Description of application. The IMP application requires information about individuals who manage and administer the local mentoring program. Names, current addresses, federal identification number, and names of board and committee members must be included. Documents which establish nonprofit status may be required.

Specific questions are included on the application regarding mentoring program operations, training, number of mentors and mentees, structure of the program, and other information to determine whether the program meets the certification standards established in rule 817—8.4(15H).

Information contained in the application may be reviewed by the applicant upon request to the Iowa Commission on Volunteer Service, 200 East Grand Avenue, Des Moines, Iowa 50309. Material to be added to a file may be sent to the commission at the above address.

817—8.4(15H) Certification standards. The commission has established standards to certify youth mentoring programs. These standards are intended to indicate whether programs are operating under the quality policies and procedures established by a national panel of mentoring program experts, researchers and others.

8.4(1) The mentoring program should have a statement of purpose and long-range plan that include:

a. Who, what, where, when, why, and how activities will be performed.

b. Input from originators, staff, funders, potential volunteers, and participants.

c. Assessment of community need.

d. Realistic, attainable, and easy-to-understand operational plan.

e. Goals, objectives, and time lines for all aspects of the plan.

f. Funding and resource development plan.

8.4(2) The mentoring program shall have recruitment plans for both mentors and participants that include:

a. Strategies that portray accurate expectations and benefits.

b. Year-round marketing and public relations strategies.

c. Targeted outreach based on participants' needs.

d. Volunteer opportunities beyond mentoring.

VOLUNTEER SERVICE, IOWA COMMISSION ON[817](cont'd)

e. A philosophy consistent with the program's statement of purpose and long-range plan.

f. A goal of serving at least 15 youth, computed as an average of the number of youth served over the preceding three program years.

8.4(3) The mentoring program shall have an orientation for mentors and mentees that includes:

- a. Program overview.
- b. Description of eligibility, screening process, and suitability requirements.
- c. Level of commitment expected (time, energy, flexibility).
- d. Expectations and restrictions (accountability).
- e. Expected benefits and rewards of the program.
- f. A separate focus for potential mentors and participants.
- g. A summary of program policies, including but not limited to policies on written reports, interviews, evaluations, and reimbursement.

8.4(4) The mentoring program shall have eligibility screening for mentors and participants that includes:

- a. An application process and review.
- b. A face-to-face interview.
- c. Reference checks for mentors, which may include character references, a child abuse registry check, a driving record check, and a criminal record check where legally permissible.
- d. Suitability criteria that relate to the program's statement of purpose and needs of the target population. Criteria may include some or all of the following: personality profile, skills identification, gender, age, language, and racial requirements, level of education, career interests, motivation for volunteering, and academic standing.
- e. Successful completion of prematch training and orientation.

8.4(5) The mentoring program shall have a readiness and training curriculum for all mentors and participants that includes:

- a. Knowledgeable trainers.
- b. Orientation to the program and resource network, including information and referral, other support services, and schools.
- c. Skills development as appropriate.
- d. Cultural sensitivity and appreciation training.
- e. Guidelines for participants on how to get the most out of the mentoring relationship.
- f. Do's and don'ts of relationship management.
- g. Job and role descriptions.
- h. Confidentiality and liability information.
- i. Crisis management/problem solving resources.
- j. Communications skills development.
- k. Ongoing sessions as necessary.

8.4(6) The mentoring program should have a matching strategy that includes:

- a. A link with the program's statement of purpose.
- b. A commitment to consistency.
- c. A grounding in the program's eligibility criteria.
- d. A rationale for the selection of a particular matching strategy from the wide range of available models.
- e. Appropriate criteria for matches, including some or all of the following: gender, age, language requirements, availability, needs, interests, preferences of volunteer and participant, life experience, and temperament.
- f. A signed statement of understanding that both parties agree to the conditions of the match and the mentoring relationship.

g. Prematch social activities between mentor and participant pools.

h. Team-building activities to reduce the anxiety of the first meeting.

8.4(7) The mentoring program should have a monitoring process that includes:

- a. Consistent, scheduled meetings with staff, mentors, and participants.
- b. A tracking system for ongoing assessment.
- c. Written records.
- d. Input from community partners, family, and significant others.
- e. A process for managing grievances, praise, rematching, interpersonal problem solving, and premature relationship closure.

8.4(8) The mentoring program should have a support, recognition, and retention component that includes:

- a. A formal kick-off event.
- b. Ongoing peer support groups for volunteers, participants, and others.
- c. Ongoing training and development.
- d. Relevant discussion of issues and dissemination of information.
- e. Networking with appropriate organizations.
- f. Social gatherings of different groups as needed.
- g. Annual recognition and appreciation event.
- h. Newsletters or other mailings to participants, mentors, supporters, and funders.

8.4(9) The mentoring program should have closure steps that include:

- a. Private and confidential exit interviews regarding the mentoring relationship between:
 - (1) Participant and staff;
 - (2) Mentor and staff; and
 - (3) Mentor and participant without staff.
- b. Clearly stated policy for future contacts.
- c. Assistance to participants in defining future steps for achieving personal goals.

8.4(10) The mentoring program should have an evaluation process based on:

- a. Outcome analysis of the program and mentoring relationships.
- b. Program criteria and statement of purpose.
- c. Informational needs of board, funders, community partners, and other supporters of the program.

817—8.5(15H) Special consideration. In addition to the standards listed above, the commission may give consideration to other factors to determine certification status in order to ensure that only high-quality youth mentoring programs are certified.

At the discretion of the commission, on-site audits may be conducted to determine certification.

817—8.6(15H) Decertification. A youth mentoring program shall be decertified by the commission if it is determined that the program no longer meets the certification standards identified herein for a high-quality mentoring program or if program personnel cannot be contacted by the commission.

8.6(1) Written notice of the intent to revoke certification shall be provided to a youth mentoring program when the commission determines that there is reasonable cause to believe the program does not comply with the rules contained herein. Notice shall be sent by United States mail at least 20 days before decertification becomes effective.

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8.6(2) If the commission sends a letter by first-class mail to the last-known address provided to the commission by the youth mentoring program and the letter is returned as undeliverable, this may be considered grounds for decertification.

8.6(3) Decertification procedures may be initiated by the commission or following investigation of a complaint filed by the general public. A request for an investigation from the public must be in written form and shall specify the reason(s) why the certified youth mentoring program no longer meets the certification standards. Supporting documentation may be attached to the request. The identity of the complainant is confidential pursuant to Iowa Code section 22.7(18).

8.6(4) Benefits and designation as a certified mentoring program will continue until the final decision is issued by the commission.

817—8.7(15H) Fraudulent practices in connection with certified mentoring programs. A person is considered to be guilty of a fraudulent practice if the person knowingly falsi-

fies information on an application for the purpose of obtaining certification and any other potential benefits, including those offered through the Iowa mentoring partnership or other state contracts and grants available only to certified mentoring programs.

The commission may investigate allegations or complaints of fraudulent practices and will take action to decertify a youth mentoring program upon concluding that a violation has occurred.

A violation under this rule is grounds for decertification of the youth mentoring program responsible for the violation. Decertification shall be in addition to any penalty otherwise authorized.

817—8.8(15H) Appeal procedure. Commission decisions regarding certified mentoring programs may be contested by an adversely affected party as detailed in 817—Chapter 5.

These rules are intended to implement Iowa Code chapter 15H.

ARC 5881B**HISTORICAL DIVISION[223]****Adopted and Filed Emergency After Notice**

Pursuant to the authority of Iowa Code sections 303.1 and 303.1A, the Department of Cultural Affairs hereby rescinds Chapter 49, "Historical Resource Development Program," and adopts new Chapter 49, "Historical Resource Development Program Grants," Iowa Administrative Code.

The rules delete program details that were unnecessarily specific and limiting at the administrative rules level.

Notice of Intended Action was published in the Iowa Administrative Bulletin on February 28, 2007, as **ARC 5759B**. The Director of the Department adopted these rules on April 20, 2007.

The Department sought input about the rules by holding a public hearing. No members of the public provided comments. These rules are identical to those published under Notice of Intended Action.

Pursuant to Iowa Code section 17A.5(2)"b"(2), the normal effective date of these rules has been waived and these rules became effective upon filing on April 20, 2007. The Department finds that these rules confer a benefit on potential Historical Resource Development Program grant applicants by clarifying the grant application process.

These rules are intended to implement Iowa Code chapter 303.

These rules became effective April 20, 2007.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these rules [Ch 49] is being omitted. These rules are identical to those published under Notice as **ARC 5759B**, IAB 2/28/07.

[Filed Emergency After Notice 4/20/07, effective 4/20/07]
[Published 5/9/07]

[For replacement pages for IAC, see IAC Supplement 5/9/07.]

ARC 5865B**INSURANCE DIVISION[191]****Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 505.8, the Insurance Division hereby amends Chapter 20, "Property and Casualty Insurance Rate and Form Filing Procedures," Iowa Administrative Code.

Chapter 20 describes the procedures for filing insurance policy rates and forms for approval by the Insurance Division. The amendments to Chapter 20 that were Adopted and Filed and published in the Iowa Administrative Bulletin on March 28, 2007, as **ARC 5808B** changed the procedures to require the filing of all rates and forms through electronic means in order to make the filing and approval process more efficient. In that rule making, rule 20.2(505) was adopted. This rule allows objections to be made to certain form filings. However, the wording of subrule 20.2(1) inadvertently allows objections to be filed for a rate filing. The purpose of this amendment is to remove the words "or rate" that were inadvertently placed in subrule 20.2(1).

This amendment became effective May 2, 2007, the date on which the amendments in **ARC 5808B** also became effective, and insurance producers and companies must comply with this amendment July 1, 2007, the same date that they must comply with the amendments in **ARC 5808B**.

In compliance with Iowa Code section 17A.4(2), the Division finds that notice and public participation are unnecessary because the amendment is a technical correction: It simply restores the objection options as they were prior to the adoption of rule 20.2(505) in **ARC 5808B**. There is no other effect on the filing process.

The Division also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of the amendment should be waived and that this amendment should be made effective on May 2, 2007, as it corrects an error in the earlier rule making whose effective date was also May 2, 2007.

The Insurance Division adopted this amendment on April 18, 2007.

This amendment became effective on May 2, 2007.

This amendment is intended to implement Iowa Code chapter 505.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is adopted.

Amend rule 191—20.2(505) as follows:

191—20.2(505) Objection to filing.

20.2(1) Any insured or established organization with one or more insureds among its members that has an objection to a form ~~or rate~~ filing may submit to the insurance commissioner a written request for a hearing on the filing. A request for a hearing must be filed within 20 days after the filing has been received by the commissioner.

20.2(2) Within 20 days after receipt of the request for a hearing, the commissioner will hold a hearing to consider the objection to the filing. The commissioner will provide not less than 10 days' written notice of the time and place of the hearing to the person or association filing the demand, to the filing insurer or organization, and to any other person requesting notice. The commissioner may suspend or postpone the effective date of the filing pending the hearing. Upon consideration of the information received at the hearing, the commissioner may determine whether or not to approve the filing.

[Filed Emergency 4/18/07, effective 5/2/07]

[Published 5/9/07]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/9/07.

ARC 5859B**LABOR SERVICES DIVISION[875]****Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code subsection 91D.1(3), the Labor Commissioner hereby amends Chapter 215, "Minimum Wage Scope and Coverage," Iowa Administrative Code.

LABOR SERVICES DIVISION[875](cont'd)

Pursuant to 2007 Iowa Acts, House File 1, the minimum wage and the initial employment wage increased effective April 1, 2007. These amendments remove obsolete language and align the rules with the new statutory minimums.

The principal reasons for adoption of these amendments are to implement 2007 Iowa Acts, House File 1, and to remove obsolete language from the rules.

Pursuant to Iowa Code subsection 17A.4(2), the Labor Commissioner finds that notice and public participation are unnecessary, impracticable and contrary to the public interest due to the effective date of the statutory change.

Pursuant to Iowa Code subsection 17A.5(2)“b”(2), the Labor Commissioner finds that waiver of the normal effective date of these amendments is appropriate because these amendments confer a benefit by increasing the wages for certain employees.

These amendments are intended to implement 2007 Iowa Acts, House File 1.

These amendments became effective April 16, 2007.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are adopted.

ITEM 1. Amend subrule 215.1(1) as follows:

215.1(1) Every employer shall pay to each of the employer's employees performing work in this state wages of not less than ~~\$5.15~~ \$6.20 per hour unless otherwise noted in 875—Chapters 215 through 220.

ITEM 2. Amend subrule 215.2(1) as follows:

215.2(1) The wage rate requirement in rule 215.1(91D) does not apply until the employee has completed 90 calendar days of employment with the employer. The 90-day calendar period is counted from the employee's initial day of work. The employer shall pay to each employee who has not completed 90 calendar days of employment at least \$5.30 per hour the following effective wage rates: ~~Effective January 1, 1990, the state minimum initial employment wage rate shall be \$3.35 per hour; effective January 1, 1991, the state minimum initial employment wage rate shall be \$3.85 per hour; and effective January 1, 1992, the state minimum initial employment wage rate shall be \$4.25 per hour.~~

[Filed Emergency 4/16/07, effective 4/16/07]

[Published 5/9/07]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/9/07.

ARC 5878B

RACING AND GAMING COMMISSION[491]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code sections 99D.7 and 99F.4, the Racing and Gaming Commission hereby amends Chapter 10, "Thoroughbred and Quarter Horse Racing," Iowa Administrative Code.

These amendments update existing rules to correspond with the national uniform rules of racing as they relate to medication of a racing animal and to comply with 2007 Iowa

Acts, Senate File 129, which was enacted on April 10, 2007.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 5705B** on February 14, 2007. A public hearing was held on March 6, 2007, and no comments were received.

The Commission finds, pursuant to Iowa Code section 17A.5(2)“b”(2), that the normal effective date of the amendments should be waived and the amendments made effective upon filing with the Administrative Rules Coordinator. These amendments confer a benefit to the public by implementing the changes to be effective for the live race meet at Prairie Meadows, and to comply with 2007 Iowa Acts, Senate File 129.

These rules became effective April 20, 2007.

These amendments are intended to implement Iowa Code chapters 99D and 99F.

The following amendments are adopted.

ITEM 1. Amend subrule **10.4(17)**, paragraph “g,” as follows:

g. A horse placed on the veterinarian's list, bleeders exempt, may be allowed to enter only after it has been removed from the list by the commission veterinarian. Requests for removal of any horse from the veterinarian's list will be accepted only after three calendar days from the placing of the horse on the veterinarian's list have elapsed. Removal from the list will be at the discretion of the commission veterinarian, who may require satisfactory workouts or examinations to adequately demonstrate that the problem that caused the horse to be placed on the list has been rectified. Horses that are entered to race and then placed on the veterinarian's list for any reason will not be allowed to enter a race for a minimum of three calendar days beginning the day after the horse was scheduled to race.

Every confirmed bleeder, regardless of age, shall be placed on the bleeder list and be ineligible to race for the following time periods:

(1) *First incident – 14 days.*

(2) *Second incident within 365-day period – 30 days.*

(3) *Third incident within 365-day period – 180 days.*

(4) *Fourth incident within 365-day period – barred for racing lifetime.*

For the purposes of counting the number of days a horse is ineligible to run, the day the horse bled externally is the first day of the recovery period. The voluntary administration of furosemide without an external bleeding incident shall not subject the horse to the initial period of ineligibility specified in subparagraph (1). A horse may be removed from the bleeder list only upon the direction of the official veterinarian, who shall certify in writing to the stewards the recommendation for removal. A horse which has been placed on a bleeder list in another jurisdiction pursuant to these rules shall be placed on a bleeder list in this jurisdiction.

ITEM 2. Amend subrule **10.7(1)** by adding the following **new** paragraphs “h” to “k”:

h. The possession or use of blood doping agents, including but not limited to those listed below, on the premises of a facility under the jurisdiction of the commission is forbidden:

(1) Erythropoietin;

(2) Darbepoetin;

(3) Oxyglobin®; and

(4) Hemopure®.

i. The use of extracorporeal shock wave therapy or radial pulse wave therapy shall not be permitted unless the following conditions are met:

RACING AND GAMING COMMISSION[491](cont'd)

(1) Any treated horse shall not be permitted to race for a minimum of ten days following treatment;

(2) The use of extracorporeal shock wave therapy or radial pulse wave therapy machines shall be limited to veterinarians licensed to practice by the commission;

(3) Any extracorporeal shock wave therapy or radial pulse wave therapy machines on the association grounds must be registered with and approved by the commission or its designee before use;

(4) All extracorporeal shock wave therapy or radial pulse wave therapy treatments must be reported to the official veterinarian on the prescribed form not later than the time prescribed by the official veterinarian.

j. The use of a nasogastric tube (a tube longer than six inches) for the administration of any substance within 24 hours prior to the post time of the race in which the horse is entered is prohibited without the prior permission of the official veterinarian or designee.

k. Non-steroidal anti-inflammatory drugs (NSAIDs).

(1) The use of one of three approved NSAIDs shall be permitted under the following conditions:

1. The level does not exceed the following permitted serum or plasma threshold concentrations which are consistent with administration by a single intravenous injection at least 24 hours before the post time for the race in which the horse is entered:

- Phenylbutazone (or its metabolite oxyphenylbutazone) – 5 micrograms per milliliter;
- Flunixin – 20 nanograms per milliliter;
- Ketoprofen – 10 nanograms per milliliter.

2. The NSAIDs listed in numbered paragraph “1” or any other NSAIDs are prohibited from being administered within the 24 hours before post time for the race in which the horse is entered.

3. The presence of more than one of the three approved NSAIDs, with the exception of phenylbutazone in a concentration below 1 microgram per milliliter of serum or plasma, or the presence of any unapproved NSAID in the post-race serum or plasma sample is not permitted. The use of all but one of the approved NSAIDs shall be discontinued at least 48 hours before the post time for the race in which the horse is entered.

(2) Any horse to which an NSAID has been administered shall be subject to having a blood sample(s), urine sample(s) or both taken at the direction of the official veterinarian to de-

termine the quantitative NSAID level(s) or the presence of other drugs which may be present in the blood or urine sample(s).

ITEM 3. Amend subrule **10.7(4)**, paragraphs “c” and “d,” as follows:

c. Veterinarians must submit daily to the commission veterinarian on a prescribed form a report of all *procedures*, medications and other substances which the veterinarian prescribed, administered, or dispensed for racing animals registered at the current race meeting as provided in Iowa Code section 99D.25(10). Reports shall be submitted not later than noon the day following the treatments’ being reported. Reports shall include the racing animal, trainer, *procedure*, medication or other substance, dosage or quantity, route of administration, date and time administered, dispensed, or prescribed. *Reports shall be signed by the practicing veterinarian.*

d. Within 20 minutes following the administration of furosemide, the veterinarian must deliver to the commission veterinarian or commission representative a signed affidavit certifying information regarding the treatment of the horse. The statement must include, at a minimum, the name of the practicing veterinarian, the tattoo number of the horse, the location of the barn and stall where the treatment occurred, the race number of the horse, the name of the trainer, and the time that the furosemide was administered. This affidavit must be signed by the trainer or trainer’s designee who witnessed the administration of furosemide. The veterinarian shall not administer the furosemide if a witness is not present. Furosemide shall only be administered (*by a single intravenous injection*) in a dose level of ~~250 milligrams~~ *allowed by Iowa Code section 99D.25A, subsection 7.*

ITEM 4. Amend subrule **10.7(4)** by adding the following **new** paragraph “h”:

h. Unless approved by the commission veterinarian, veterinarians shall not have contact with an entered horse on race day except for the administration of furosemide.

[Filed Emergency After Notice 4/20/07, effective 4/20/07]

[Published 5/9/07]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 5/9/07.

ARC 5863B**CORRECTIONS DEPARTMENT[201]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 904.105, 904.108 and 17A.3, the Department of Corrections hereby adopts amendments to Chapter 1, "Departmental Organization and Procedures," Iowa Administrative Code.

The purpose of these amendments is to update the address of the Department of Corrections central office to reflect the recent move to the Capitol Complex and provide additional information on the organizational structure of the Department.

Notice of Intended Action was published in the Iowa Administrative Bulletin on February 14, 2007, as **ARC 5707B**. A public hearing was held on March 6, 2007, from 1 to 3 p.m. in the First Floor Conference Room of the Department of Corrections. No written or oral testimony was received.

Nonsubstantive changes have been made from the Notice of Intended Action to the mailing addresses in subrule 1.3(3), and clarifications pertaining to organizational structure have been made to rule 201—1.2(904) and to subrules 1.8(1), 1.8(2) and 1.8(5).

These amendments were approved during the April 13, 2007, meeting of the Board of Corrections.

These amendments will become effective on June 13, 2007.

These amendments are intended to implement Iowa Code sections 904.101 to 904.108 and 17A.3.

The following amendments are adopted.

ITEM 1. Amend **201—Chapter 1**, parenthetical implementation statutes, by striking "246" and inserting "904" in lieu thereof.

ITEM 2. Amend rule **201—1.1(904)**, definition of "deputy director," as follows:

"Deputy director" means the administrator *who is appointed by the director and is responsible for an operational division within the department of corrections. The ~~four~~ five operational divisions are administration, ~~community services, institutions eastern operations, western operations, offender services~~ and prison industries.*

ITEM 3. Amend rule 201—1.2(904) as follows:

201—1.2(904) ~~Function~~ Mission and function. The department of corrections is mandated by Iowa Code chapter 246 904 and consists of a policy board, a director and ~~four~~ five operational divisions.

The mission of the department of corrections is to protect the public, the employees, and the offenders.

The department is charged with the operation of the state's penal institutions, ~~four community judicial district department of corrections programs, prison industries, and corrections administration, and contracting with the judicial district departments of correctional services for community correctional services.~~ It is further charged with accreditation and funding of community-based corrections' programs, including, but not limited to pretrial release, presentence investigation, probation, parole, residential facilities, work release centers, and other duties provided for by law.

ITEM 4. Amend rule 201—1.3(904) as follows:

201—1.3(904) Location Offices.

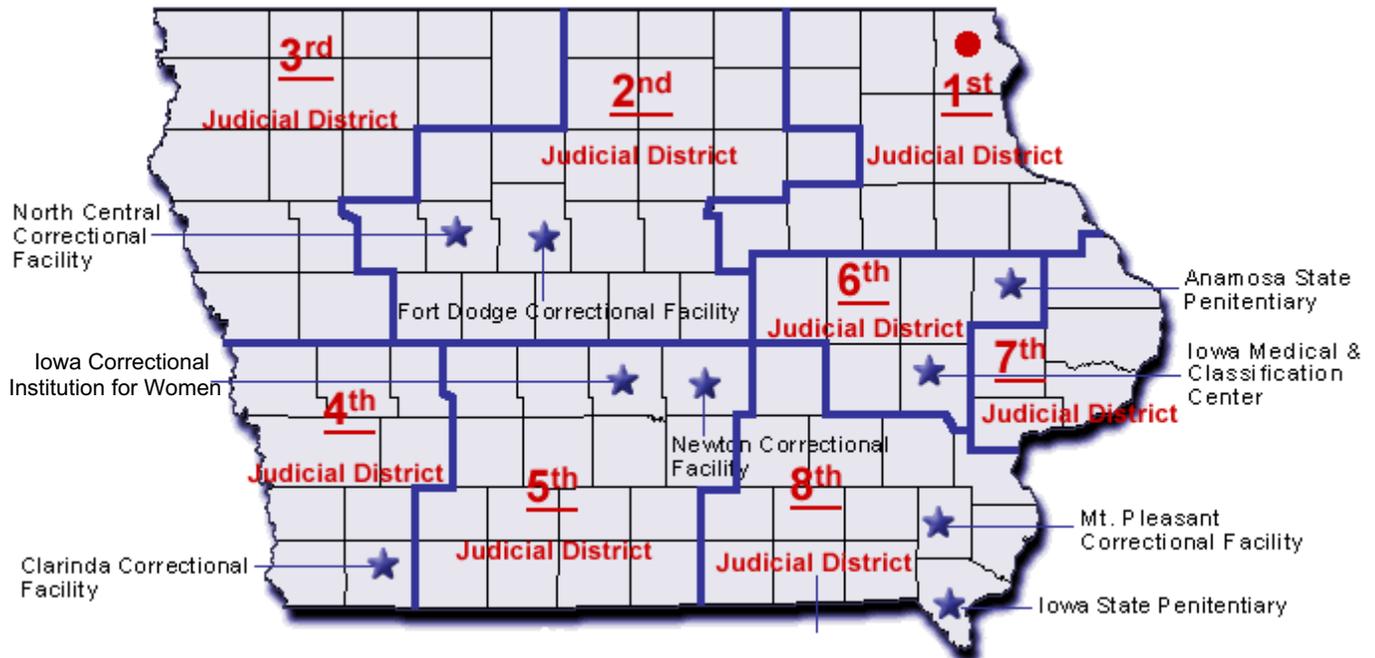
1.3(1) Central office. The central office for the department of corrections is located in the Capitol Annex, 523 East 12th Street, Des Moines, Iowa 50319; phone (515) 281-4811. *Jessie Parker State Office Building in the Capitol Complex in Des Moines. Its mailing address is the Department of Corrections, Jessie Parker State Office Building, 510 E. 12th Street, Des Moines, Iowa 50319; telephone (515) 725-5701. Office hours are 8 a.m. to 4:30 p.m., Monday through Friday, excluding holidays.*

1.3(2) Division offices. *The central offices of the divisions of the department are also located in the Jessie Parker State Office Building.*

1.3(3) Contact information. *Contact information for correctional institutions and judicial district departments of correctional services and other offices located outside the principal headquarters is listed below and may also be found on the department's Web site, which is listed in rule 1.4(904). The following map provides a general overview of judicial district department of correctional services and correctional institution locations.*

CORRECTIONS DEPARTMENT[201](cont'd)

*Department of Corrections Institutions
and
Judicial District Departments of Correctional Services*



*Anamosa State Penitentiary
406 North High Street, Box 10
Anamosa, IA 52205
(319)462-3504
(319)462-4962 Fax*

*Iowa Medical and Classification Center
Box A - Highway 965
Oakdale, IA 52319
(319)626-2391
(319)626-2141 Fax*

*Mt. Pleasant Correctional Facility
1200 East Washington
Mt. Pleasant, IA 52641
(319)385-9511
(319)385-8828 Fax*

*Iowa State Penitentiary
3 John Bennett Drive, Box 316
Fort Madison, IA 52627
(319)372-5432
(319)372-6967 Fax*

*Newton Correctional Facility
307 S. 60th Avenue W, P.O. Box 218
Newton, IA 50208
(641)792-7552
(641)791-1683 Fax*

*Fort Dodge Correctional Facility
1550 L Street
Fort Dodge, IA 50501-5767
(515)574-4700
(515)574-4707 Fax*

*North Central Correctional Facility
313 Lanedale
Rockwell City, IA 50579
(712)297-7521
(712)297-7875 Fax*

*Iowa Correctional Institution for Women
300 Elm Ave. SW, P.O. Box 700
Mitchellville, IA 50169
(515)967-4236
(515)967-5347 Fax*

*Clarinda Correctional Facility
2000 N. 16th Street, Box 1338
Clarinda, IA 51362
(712)542-5634/5635
(712)542-4844 Fax*

*First Judicial District, DCS
314 East Sixth Street, P.O. Box 4030
Waterloo, IA 50704-4030
(319)236-9626
(319)291-3947 Fax*

*Second Judicial District, DCS
510 Fifth Street, P.O. Box 623
Ames, IA 50010-0623
(515)232-1511
(515)232-9453 Fax*

*Third Judicial District, DCS
515 Water Street
Sioux City, IA 51103
(712)252-0590
(712)252-0634 Fax*

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*Fourth Judicial District, DCS
801 South Tenth Street
Council Bluffs, IA 51501
(712)325-4943
(712)325-0312 Fax*

*Sixth Judicial District, DCS
951 29th Ave. SW
Cedar Rapids, IA 52404
(319)398-3675
(319)398-3684 Fax*

*Eighth Judicial District, DCS
1805 West Jefferson, P.O. Box 1060
Fairfield, IA 52556-1060
(641)472-4242
(641)472-9966 Fax*

*Fifth Judicial District, DCS
604 Locust Street, Equitable Bldg., Suite 317
Des Moines, IA 50309
(515)280-4220
(515)280-4259 Fax*

*Seventh Judicial District, DCS
605 Main Street
Davenport, IA 52803-5244
(563)322-7986
(563)324-2063 Fax*

ITEM 5. Renumber rules **201—1.4(904)** to **201—1.6(904)** as **201—1.6(904)** to **201—1.8(904)** and adopt the following **new** rules:

201—1.4(904) Internet Web site. The department's Internet home page is located at <http://www.doc.state.ia.us>.

201—1.5(904) Method by which and location where the public may obtain information or make submissions or reports.

1.5(1) Persons wishing to obtain information from or report information to the department may contact any of the offices listed in rule 1.3(904) or found on the department's Web site.

1.5(2) Persons wishing to make submissions to the department may do so by delivering or forwarding information to the principal offices of the affected division or, if the subject matter is relevant to a specific prison or judicial district department of correctional services, the nearest office as listed in rule 1.3(904) or found on the department's Web site.

ITEM 6. Amend renumbered rules 201—1.6(904) to 201—1.8(904) as follows:

201—1.6(904) Board of corrections. The director of the department has, by statute, the advice and counsel of the board of corrections. This seven-member board is appointed by the governor with confirmation by the senate, and its powers and duties are policymaking and advisory with respect to the services and programs operated by the department.

1.6(1) A quorum shall consist of two-thirds of the membership appointed and qualified to vote.

1.6(2) When a quorum is present, a position is carried by a majority of the qualified members of the board.

1.6(3) Copies of administrative rules and other materials considered are made a part of the minutes by reference.

1.6(4) Copies of the minutes are kept on file in the director's office.

1.6(5) At each meeting the board shall set the date and location of the next meeting.

a. Notice of the meetings shall be given pursuant to Iowa Code chapter 21.

b. When it is determined by the chairperson of the board that an emergency meeting is required, the communications media shall be notified as far in advance of the meeting as time allows. The nature of the emergency shall be stated in the minutes.

c. Persons wishing to appear before the board shall submit their request to the department office not less than ten

days prior to the meeting. Presentations may be made at the discretion of the ~~chair~~ *chairperson* and only upon matters appearing on the agenda.

d. Persons wishing to submit written material should do so at least ten days in advance of the scheduled meeting to ~~assure~~ *ensure that* board members have adequate time to receive and evaluate the material.

1.6(6) In cases not covered by these rules, Robert's Rules of Order shall govern.

1.6(7) The chairperson may appoint committees of the board as necessary to conduct the business of the board. Committee meetings shall comply with Iowa Code chapter 21.

1.6(8) The board shall:

a. Oversee the work of the department and, for this purpose, it shall have access at any time to all books, papers, documents and records of the department.

b. Report to the governor and the general assembly recommendations regarding the activities of the department when necessary.

201—1.7(904) Director. The governor appoints the director of the department of corrections. The director is responsible for the daily administration of the department. The operations are performed by ~~four~~ *five* divisions *consisting of eastern operations, western operations, administration, prison industries, and offender services*. The deputy directors of these divisions report to the director of the department.

In addition to the deputy directors, the general counsel/inspector general, the director of media and public relations, and the director of training and professional development report to the director of the department.

1.7(1) The appointment and qualifications of the director are mandated in Iowa Code section ~~246.107~~ *904.107*.

1.7(2) Duties of the director are prescribed in Iowa Code section ~~246.108~~ *904.108*.

1.7(3) The director shall have the authority to place on notice; intended administrative action, pursuant to Iowa Code chapter 17A by approval of the board of corrections. A report listing all rules placed under notice during the previous month shall be submitted to the board of corrections at its regular meeting for review. The board of corrections shall review and shall adopt rules following the period of public comment.

201—1.8(904) Organization of the department.

1.8(1) The ~~two regional deputy director of the division of institutions shall be~~ *directors are* responsible for the follow-

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ing institutions and facilities *and for liaison with the following judicial district departments of correctional services*, which are generally described herein. These descriptions are in no way binding on the director's authority to transfer inmates offenders between institutions.

a. *Regional deputy director for eastern operations:*

a. (1) The Iowa state penitentiary, Fort Madison, which is classified as a maximum security facility.

(1) 1. John Bennett facility, Fort Madison, which is classified as a medium security facility.

(2) 2. Prison farms, Fort Madison, which are classified as minimum security facilities.

3. *Clinical care unit, which is a special needs unit.*

b. (2) The Iowa state men's reformatory *Anamosa state penitentiary*, Anamosa, which is classified as a medium security facility.

(1) 1. Luster Heights camp, Harpers Ferry, which is a conservation commission camp administered by the men's reformatory *Anamosa state penitentiary* at Anamosa and is classified as a minimum security facility.

(2) 2. Reserved.

e. (3) The Iowa correctional institution for women at Mitchellville is classified as a medium and minimum security facility. *The Iowa medical and classification center, Oakdale.*

d. (4) Mount Pleasant correctional facility, *Mount Pleasant*, is classified as a medium security facility.

e. The Clarinda correctional facility is classified as a medium security facility.

f. The north central correctional facility, Rockwell City, is classified as a minimum secured facility.

g. The Iowa medical and classification center, Oakdale, is classified as a maximum security facility for females and medium security facility for males.

h. The correctional release center, Newton, is classified as a minimum security facility.

(5) *The first judicial district department of correctional services.*

(6) *The sixth judicial district department of correctional services.*

(7) *The seventh judicial district department of correctional services.*

(8) *The eighth judicial district department of correctional services.*

b. *Regional deputy director for western operations:*

(1) *The Iowa correctional institution for women at Mitchellville.*

(2) *The Clarinda correctional facility, Clarinda.*

(3) *The north central correctional facility, Rockwell City.*

(4) *The Newton correctional facility, Newton.*

(5) *The correctional release center, Newton.*

(6) *The Fort Dodge correctional facility, Fort Dodge.*

(7) *The second judicial district department of correctional services.*

(8) *The third judicial district department of correctional services.*

(9) *The fourth judicial district department of correctional services.*

(10) *The fifth judicial district department of correctional services.*

1.8(2) The two regional deputy director of the division of community corrections directors:

a. Shall be responsible for the following service areas:

(1) Contracting with the eight judicial district departments of correctional services for work release centers.

(2) Contracting with the eight judicial district departments of correctional services for parole services.

(3) ~~Interstate compact services.~~

(4) 3) Providing coordinated placement of work releasees and parolees with the district departments upon order of the Iowa board of parole.

(5) ~~Jail inspection.~~

b. ~~The deputy director of community corrections shall~~ Shall further provide assistance and support to the judicial district departments of correctional services and for periodic review and accreditation of these programs. The following services shall be provided in addition to parole and work release:

(1) Pretrial interviews.

(2) Pretrial supervision.

(3) Presentence investigation.

(4) Probation.

(5) Residential services.

(6) Community service sentencing.

(7) ~~Rescinded, IAB 3/20/91.~~

(8) 7) ~~O.W.I. OWI facilities.~~

1.8(3) The deputy director for the division of administration shall be responsible for the following:

a. Budget development and control.

b. Personnel and training.

c. ~~The corrections training center, Mount Pleasant Accountable government oversight.~~

d. Planning and development.

e. General administrative support.

f. Fiscal policy and procedures.

g. Evaluations and inspections *Engineering.*

h. Data processing.

i. ~~Rescinded, IAB 3/20/91.~~

1.8(4) The deputy director for prison industries shall be responsible for the following:

a. The manufacturing/service/purchasing operations.

b. The activities and programs of the sales manager and territorial sales staff of Iowa prison industries.

c. The budget, income and expense forecasts and financial recordkeeping *record keeping*/reporting required to operate Iowa prison industries as a self-supporting activity.

d. *Private sector employment.*

e. *Farms.*

f. *Centralized canteen.*

g. *State and federal surplus.*

1.8(5) The deputy director for offender services shall be responsible for the following services within the department of corrections and for providing assistance to the judicial district departments of correctional services:

a. *Offender classification.*

b. *Interstate compact administration.*

c. *Offender records.*

d. *Offender transfers.*

e. *Program development.*

f. *Substance abuse treatment services.*

g. *Cognitive learning.*

h. *Batterers' education programs.*

i. *Sex offender treatment.*

j. *Offender education programs.*

k. *Offender preemployment programs.*

1.8(6) The general counsel/inspector general shall be responsible for the following:

a. *Legal services.*

b. *Coordination of court orders.*

c. *Investigations.*

d. *EEO/AA.*

e. *Administrative law judges.*

f. *Jail inspections.*

g. *Policy.*

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1.8(7) *The director of media and public relations shall be responsible for the following:*

- a. Providing public information to constituency groups and the media.*
- b. Facilitating internal communications in the department.*
- c. Supervising the office of victims and restorative justice.*

1.8(8) *The director of training and professional development shall be responsible for the following:*

- a. Comprehensive oversight of the development, implementation and review of the department's agencywide staff development training.*
- b. Training policies/plans including implementation, curriculum approval, program/policy audit, and evaluation.*

ITEM 7. Amend **201—Chapter 1**, implementation clause, as follows:

These rules are intended to implement Iowa Code sections 246.101 to 246.108 904.101 to 904.108.

[Filed 4/17/07, effective 6/13/07]
[Published 5/9/07]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/9/07.

ARC 5864B**CORRECTIONS DEPARTMENT[201]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 904.108 and 904.512, the Department of Corrections hereby adopts amendments to Chapter 20, "Institutions Administration," Iowa Administrative Code.

The purpose of these amendments is to provide for a centralized visitor application and approval process within the Department, expand the number of allowable visitors, limit the types of allowable visitors for sex offenders, outline when a visitation exception may be granted, provide that attorneys and ministers need only complete one initial application to visit multiple offenders, and provide a centralized banking system for deposit of funds into offenders' accounts.

Notice of Intended Action was published in the Iowa Administrative Bulletin on February 14, 2007, as **ARC 5708B**. A public hearing was held on March 6, 2007, from 1 to 3 p.m. in the First Floor Conference Room of the Department of Corrections. One person attended the hearing and offered comments. These amendments are identical to those published under Notice of Intended Action.

These amendments were approved during the April 13, 2007, meeting of the Board of Corrections.

These amendments will become effective on June 13, 2007.

These amendments are intended to implement Iowa Code section 904.512.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of

these amendments [20.2, 20.3, 20.5] is being omitted. These amendments are identical to those published under Notice as **ARC 5708B**, IAB 2/14/07.

[Filed 4/17/07, effective 6/13/07]
[Published 5/9/07]

[For replacement pages for IAC, see IAC Supplement 5/9/07.]

ARC 5870B**EDUCATION DEPARTMENT[281]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education amends Chapter 34, "Funding for Children Residing in State Institutions or Mental Health Institutes," Iowa Administrative Code.

These amendments primarily provide secondary students in a Mental Health Institute (Cherokee or Independence), the State Training School (Eldora), or the Iowa Juvenile Home (Toledo) the same access to Postsecondary Educational Options (dual credit courses) as any other secondary student in Iowa and provide the funding therefor. Secondly, the amendments change certain deadlines to conform to legislative changes to Iowa Code section 257.6(1), which was amended by 2006 Iowa Acts, chapter 1152, section 22.

An agencywide waiver provision is provided in 281—Chapter 4.

Notice of Intended Action was published in the March 14, 2007, Iowa Administrative Bulletin as **ARC 5767B**. A public hearing was held on April 4, 2007, and public comments were allowed until 4:30 p.m. on April 4, 2007. One written comment was received. Educators at community colleges had a concern about the use of the term "dual credit" in the rules, as that term does not appear in statute or elsewhere in any administrative rule. Therefore, since publication of the Notice of Intended Action, the amendments have been changed to eliminate the use of that term. These amendments otherwise are identical to those published under Notice.

These amendments are intended to implement Iowa Code section 257.6(1) and chapters 218 and 261C.

These amendments shall become effective June 27, 2007. The following amendments are adopted.

ITEM 1. Amend rule 281—34.4(218) as follows:

281—34.4(218) Notification.

34.4(1) Students served at mental health institutes. The Mental Health Institute, Cherokee, Iowa, and the Mental Health Institute, Independence, Iowa, shall notify the district of residence of each child who on ~~the third Friday in September~~ *the date specified in Iowa Code section 257.6, subsection 1*, is residing in these institutions. The notification shall occur on or ~~after the third Friday in September and on or before the fourth Friday in September~~ *before October 10* and shall be in writing or in a printable electronic medium. The notification shall include the child's name, birth date, and grade level and the names and addresses of the child's parents or guardians.

34.4(2) Students served at the State Training School at Eldora and the Iowa Juvenile Home at Toledo. The State Training School at Eldora and the Iowa Juvenile Home at Toledo shall notify the AEA in which the institution is located and the district of residence of each child who on ~~the third Friday in September~~ *the date specified in Iowa Code section 257.6,*

EDUCATION DEPARTMENT[281](cont'd)

subsection 1, is residing in these institutions if the child's release date is known and the release date is within the current school year. The notification shall occur on or ~~after the third Friday in September and on or before the fourth Friday in September~~ before October 10. For students served pursuant to an IEP, the State Training School at Eldora and the Iowa Juvenile Home at Toledo shall by the last Friday in October also notify the AEA in which the institution is located and the district of residence of each child residing in these institutions if the child's release date is known and the release date is within the current school year. Notifications shall be in writing or in a printable electronic medium and shall include the child's name, birth date, and grade level and the names and addresses of the child's parents or guardians.

ITEM 2. Amend rule 281—34.11(218) by adding the following **new** subrule:

34.11(9) Costs of courses. Costs include the actual expenses, if reasonable and customary, for tuition, textbooks, course materials, and fees directly related to courses taken pursuant to rule 281—34.15(218,233A,261C) by students who are residents of the state of Iowa.

ITEM 3. Adopt the following **new** rule:

281—34.15(218,233A,261C) Postsecondary credit courses. Eleventh and twelfth grade students who attend an institution and are residents of the state of Iowa are eligible to be enrolled in college courses offered by an eligible postsecondary institution as defined in Iowa Code section 261C.3(1) and to receive both secondary and postsecondary credit therefor.

34.15(1) Noneligible courses. Postsecondary courses utilized in the attainment of an adult diploma or general equivalency diploma are not eligible for funding hereunder.

34.15(2) Eligible courses. Postsecondary courses eligible for funding hereunder must meet all of the following requirements. The course must be:

- a. Supplementing, not supplanting, courses offered at the institution.
- b. Included in the college catalog or an amendment or addendum to the catalog.
- c. Open to all registered college students, not just secondary students.
- d. Taught by a college-employed instructor.
- e. Taught utilizing the college course syllabus.
- f. Of the same quality as a course offered on a college campus.
- g. Nonsectarian.

34.15(3) Maximum number of college courses allowed. A student is allowed to take a maximum of three college courses during a semester, for a maximum of six college courses per regular school year, while the student is in attendance at the institution. College courses taken outside the regular school year shall not be funded under this chapter. If the student exceeds the course limit, the costs of the additional courses shall not be funded hereunder.

[Filed 4/19/07, effective 6/27/07]

[Published 5/9/07]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/9/07.

ARC 5853B

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 249A.4 and 600.22, the Department of Human Services amends Chapter 75, "Conditions of Eligibility," and Chapter 201, "Subsidized Adoption," Iowa Administrative Code.

These amendments change the Medicaid eligibility requirements for children who are in state-funded foster care or who receive an adoption subsidy payment. Iowa, along with 46 other states, is a member of the Interstate Compact on Adoption and Medical Assistance. Federal Medicaid regulations require Compact members to provide medical assistance coverage for all children who live in the state and receive an adoption subsidy funded under the federal Foster Care and Adoption Assistance Program (Title IV-E of the Social Security Act), regardless of what state entered into the subsidy agreement.

In 2006 Iowa Acts, chapter 1184, section 10(10), the General Assembly directed the Department to provide medical assistance reciprocity for children who receive an adoption subsidy but who are not eligible for funding under Title IV-E. These amendments provide that Iowa will furnish medical assistance coverage to children who live in Iowa but receive non-IV-E subsidized adoption payments from another state if that state has entered into a reciprocal agreement to do the same for Iowa children in similar circumstances who live in that state. This provision allows the child to be eligible for medical assistance without consideration of the family's income.

Individual states have some options in determining what services are covered under their Medicaid programs, so that coverage in another state may not be identical to the coverage offered by the state that entered into the adoption subsidy agreement. However, because each state requires providers to enroll in that state's program in order to receive medical assistance payments, it may be very difficult to find providers that will agree to enroll with another state to bill services for an individual child. Allowing the adopted child to receive medical assistance through the state where the family resides ensures that the family will have access to medical assistance providers equal to that of other state residents.

These amendments also clarify that children for whom Iowa has foster care or adoption subsidy payment responsibility continue to be eligible for Iowa medical assistance even when placed out of state, unless they are eligible for coverage in the other state, whether pursuant to a reciprocal agreement or otherwise.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on February 28, 2007, as **ARC 5758B**. The Department received no comments on the Notice of Intended Action. These amendments are identical to those published under Notice of Intended Action.

The Council on Human Services adopted these amendments on April 11, 2007.

HUMAN SERVICES DEPARTMENT[441](cont'd)

These amendments are intended to implement Iowa Code sections 249A.4 and 600.23 and 2006 Iowa Acts, chapter 1184, section 10(10).

These amendments shall become effective on July 1, 2007.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [75.1(10), 75.1(16), 201.10(2)] is being omitted. These amendments are identical to those published under Notice as **ARC 5758B**, IAB 2/28/07.

[Filed 4/11/07, effective 7/1/07]
[Published 5/9/07]

[For replacement pages for IAC, see IAC Supplement 5/9/07.]

ARC 5879B**HUMAN SERVICES
DEPARTMENT[441]****Adopted and Filed Without Notice**

Pursuant to the authority of 2006 Iowa Acts, chapter 1115, section 19(2)“h,” the Department of Human Services amends Chapter 153, “Funding for Local Services,” Iowa Administrative Code.

These amendments clarify the definition of “county of residence” for the State Payment Program. Persons who are placed in a hospital, correctional facility, nursing facility, ICF/MR, or residential care facility for the purpose of receiving services do not change their county of residence by moving to the county where the services are located; nor do students change their county of residence by attending a college or university.

The amendments provide for the transfer of a person’s county of residence if it seems more reasonable for the county where the services are provided to be responsible for management duties. If the counties involved do not agree on the transfer, the question may be referred to the Residency Team established by the Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission. Decisions of the Residency Team may be appealed using the Department’s standard appeal process.

The transfer provision does provide for a waiver of the policy on “county of residence” in specified situations. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

The Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission adopted these amendments on April 19, 2007.

Pursuant to Iowa Code section 17A.4(2), the Department finds that notice and public participation are unnecessary because 2006 Iowa Acts, chapter 1115, section 19(2)“h,” authorizes the Department to adopt rules without notice and public participation.

These amendments are also published herein under Notice of Intended Action as **ARC 5880B** to allow for public comment.

These amendments are intended to implement Iowa Code section 331.440.

These amendments shall become effective July 1, 2007.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are adopted.

ITEM 1. Amend rule **441—153.51(331)**, definition of “county of residence,” as follows:

“County of residence” means the county in Iowa where, at the time an adult applies for or receives services, the adult is living and has established an ongoing presence with the declared, good-faith intention of living permanently or for an indefinite period. The county of residence of an adult who is a homeless person is the county where the adult usually sleeps. “*County of residence*” does not mean the county where the adult is present for the purpose of:

1. Attending a college or university; or
2. Receiving services in a hospital, a correctional facility, a nursing facility, an intermediate care facility for persons with mental retardation, or a residential care facility.

The county of residence may be transferred using procedures set forth in subrule 153.53(5).

ITEM 2. Amend rule **441—153.53(331)** as follows:

Amend subrule 153.53(1), introductory paragraph, as follows:

153.53(1) Initiation of application. The county CPC or the CPC’s designee shall be responsible for applying for state payment program funding for any person residing in that county who may be eligible and whose county of residence is that county.

Adopt **new** subrule 153.53(5) as follows:

153.53(5) Transfer of county of residence. The designated county of residence for an adult may be transferred when it seems more reasonable for the county in which the person is receiving services to assume management of the services.

a. Examples of situations where transfer may be reasonable include, but are not limited to:

(1) The person receiving services has been in a facility for more than a year; and the person no longer has any connection to the county of residence, such as relatives who live there, and, so far as anyone can tell, has no desire to return to the county of residence.

(2) The person receiving services was in the state and county of residence for such a short time before needing services that no real attachment was established in the county of residence.

(3) The person is a student attending a college or university but lives and works in the community 12 months per year.

b. If the county of residence desires a transfer and the county in which the person is receiving services agrees, the county accepting the transfer shall notify the department’s state payment program manager. The new county of residence shall complete the application procedures, if necessary, and maintain responsibility for the person’s case.

c. If the county of residence desires a transfer and the county in which the services are being received does not agree, the county of residence may appeal for resolution to

HUMAN SERVICES DEPARTMENT[441](cont'd)

the residency team established by the mental health, mental retardation, developmental disabilities, and brain injury commission. Either county may appeal the decision of the residency team using the procedures in 441—Chapter 7.

[Filed Without Notice 4/20/07, effective 7/1/07]

[Published 5/9/07]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/9/07.

ARC 5854B

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services amends Chapter 170, "Child Care Services," Iowa Administrative Code.

These amendments:

- Revise the Child Care Assistance fee schedule to increase fees by smaller increments and to make the fee dependent on the number of children in a family who are receiving assistance.
- Specify that depreciation is not an allowable deduction in the calculation of net self-employment income and that a net loss in self-employment income cannot be offset from other household income.
- Clarify the date when a reported change is effective.
- Remove a reference to suspended Family Investment Program benefits. Suspension has been eliminated by the change to prospective budgeting that became effective on January 1, 2007.

The State Child Care Advisory Council has recommended changes in the Child Care Assistance fee schedule to minimize changes in the amount of fees due to minor changes in family income and to provide more equitable charges for families with different numbers of children in care. Fees are charged for only one child per family. Under the current fee schedule, a family with one child in care is charged the same amount as a family with several children in care when the families' incomes are similar.

The amendments increase the number of income increments in the fee schedule from 15 to 28. The increments represent smaller ranges of income and allow smaller increments in fee amounts. Three different fee amounts are specified at each income level:

- An amount for families with two children in care that is roughly equivalent to the previous fee,
- A lower amount for families with one child in care, and
- A higher amount for families with three or more children in care.

These changes are intended to be cost-neutral for the state, but may result in higher or lower fees for a particular family. Approximately three-fourths of the families receiving Child Care Assistance pay no fees, either because the family's income is below the federal poverty level or because the family's eligibility for assistance is determined without regard to income (such as Family Investment Program participants and families receiving protective child care). The State Child Care Advisory Council has recommended that the Depart-

ment continue the policy of exempting families from paying fees when the family income is below the federal poverty level.

The change in paragraph 170.2(1)"c" regarding treatment of self-employment income aligns Child Care Assistance policy with that of Medicaid, Food Assistance, and the Family Investment Program.

The clarification on when a change is effective is being made in response to administrative appeal decisions about the interpretation of subrule 170.2(4). The amendment is structured to provide an incentive for timely reporting changes (within ten days of the change) by allowing the effective date of the resulting change in eligibility or fees to be retroactive to the date the change occurred. For changes that are not timely reported, the effective date of the change in eligibility or fees shall be no earlier than the date the change is reported.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on February 14, 2007, as **ARC 5714B**. The Department received one comment on the Notice of Intended Action requesting that the proposed fee schedule be rejected in favor of a methodology to calculate an individual fee for each household based on a percentage of the household's income. The Department is in the process of analyzing the formula suggested and will present its results to the steering committee of the State Child Care Advisory Council for further consideration.

The Department has made the following changes to the amendments since the Notice of Intended Action:

- Updated the income increment figures in the new fee schedule to reflect 2007 federal poverty guidelines, which have been issued since the Notice of Intended Action was published.
- Changed the language in subrule 170.4(2) to reflect that the new fee schedule shall apply to all eligibility determinations made on or after July 1, 2007, instead of upon the implementation of the child care computer system.

The Department has decided to keep policy changes at the time of system implementation to a minimum to reduce the potential for time or cost overruns in system development and to minimize the number of changes that staff, providers, and families have to deal with in implementing the system. Since the new fee schedule will not be phased in, it is not necessary to keep the current fee schedule in the rules after July 1, 2007. Therefore, the provisions that were proposed as new paragraph 170.4(2)"d" are adopted as new paragraph 170.4(2)"a," and existing paragraph 170.4(2)"a" is rescinded.

Any fee that is determined before July 1, 2007, will be based on the current fee schedule and will remain in effect until the family's eligibility is redetermined. The new fee schedule will be applied to all new applications as of July 1, 2007. The new fee schedule will be applied to existing cases when the family's eligibility is redetermined, either at the time of recertification or when the family reports a change that affects eligibility, such as the birth of a child.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

The Council on Human Services adopted these amendments on April 11, 2007.

These amendments are intended to implement Iowa Code sections 237A.13 and 239B.24.

HUMAN SERVICES DEPARTMENT[441](cont'd)

These amendments shall become effective on July 1, 2007.

The following amendments are adopted.

ITEM 1. Amend subparagraph **170.2(1)“c”(1)** as follows:

(1) Income considered shall include wages or salary, net income profit from farm or nonfarm self-employment, social security, dividends, interest, income from estates or trusts, net rental income and royalties, public assistance or welfare payments, pensions and annuities, unemployment compensation, workers' compensation, alimony, child support, and veterans pensions. *“Net profit from self-employment” means gross income less the costs of producing the income other than depreciation. A net loss in self-employment income cannot be offset from other earned or unearned income.*

ITEM 2. Amend subrule **170.2(4)** by adopting **new** paragraphs **“a”** and **“b”** as follows:

a. If the change is timely reported within ten calendar days, the effective date of the change shall be the date when the change occurred.

b. If the change is not timely reported, the effective date of the change shall be the date when the change is reported to the department's local office or designee.

ITEM 3. Rescind and reserve subrule **170.3(5)**.

ITEM 4. Amend subrule 170.4(2) as follows:

Amend the introductory paragraph as follows:

170.4(2) Fees. Fees for services received shall be charged to clients according to the ~~schedule~~ *schedules* in this subrule, except that fees shall not be charged to clients receiving services without regard to income. ~~Nothing in these rules shall preclude a client from voluntarily contributing toward the costs of service.~~ *The fee is a per-unit charge that is applied to the child in the family who receives the largest number of units of service. The fee shall be charged for only one child in the family, regardless of how many children receive assistance.*

Rescind paragraph **“a”** and adopt the following **new** paragraph in lieu thereof:

a. Sliding fee schedule. The fee schedule shown in the following table is effective for eligibility determinations made on or after July 1, 2007:

Level	Monthly Income According to Family Size										Unit Fee Based on Number of Children in Care		
	1	2	3	4	5	6	7	8	9	10	1	2	3 or more
A	\$808	\$1,084	\$1,359	\$1,635	\$1,910	\$2,186	\$2,461	\$2,737	\$3,012	\$3,288	\$0.00	\$0.00	\$0.00
B	\$851	\$1,141	\$1,431	\$1,721	\$2,011	\$2,301	\$2,591	\$2,881	\$3,171	\$3,461	\$0.20	\$0.45	\$0.70
C	\$875	\$1,173	\$1,471	\$1,769	\$2,067	\$2,365	\$2,664	\$2,962	\$3,260	\$3,558	\$0.45	\$0.70	\$0.95
D	\$899	\$1,205	\$1,511	\$1,817	\$2,124	\$2,430	\$2,736	\$3,042	\$3,349	\$3,655	\$0.70	\$0.95	\$1.20
E	\$924	\$1,239	\$1,553	\$1,868	\$2,183	\$2,498	\$2,813	\$3,128	\$3,442	\$3,757	\$0.95	\$1.20	\$1.45
F	\$949	\$1,272	\$1,596	\$1,919	\$2,243	\$2,566	\$2,889	\$3,213	\$3,536	\$3,859	\$1.20	\$1.45	\$1.70
G	\$976	\$1,308	\$1,640	\$1,973	\$2,305	\$2,638	\$2,970	\$3,303	\$3,635	\$3,968	\$1.45	\$1.70	\$1.95
H	\$1,002	\$1,344	\$1,685	\$2,027	\$2,368	\$2,710	\$3,051	\$3,393	\$3,734	\$4,076	\$1.70	\$1.95	\$2.20
I	\$1,030	\$1,381	\$1,732	\$2,083	\$2,434	\$2,785	\$3,137	\$3,488	\$3,839	\$4,190	\$1.95	\$2.20	\$2.45
J	\$1,058	\$1,419	\$1,779	\$2,140	\$2,501	\$2,861	\$3,222	\$3,583	\$3,943	\$4,304	\$2.20	\$2.45	\$2.70
K	\$1,088	\$1,459	\$1,829	\$2,200	\$2,571	\$2,941	\$3,312	\$3,683	\$4,054	\$4,424	\$2.45	\$2.70	\$2.95
L	\$1,118	\$1,498	\$1,879	\$2,260	\$2,641	\$3,022	\$3,402	\$3,783	\$4,164	\$4,545	\$2.70	\$2.95	\$3.20
M	\$1,149	\$1,540	\$1,932	\$2,323	\$2,715	\$3,106	\$3,498	\$3,889	\$4,281	\$4,672	\$2.95	\$3.20	\$3.45
N	\$1,180	\$1,582	\$1,984	\$2,387	\$2,789	\$3,191	\$3,593	\$3,995	\$4,397	\$4,799	\$3.20	\$3.45	\$3.70
O	\$1,213	\$1,627	\$2,040	\$2,453	\$2,867	\$3,280	\$3,694	\$4,107	\$4,520	\$4,934	\$3.45	\$3.70	\$3.95
P	\$1,246	\$1,671	\$2,095	\$2,520	\$2,945	\$3,369	\$3,794	\$4,219	\$4,643	\$5,068	\$3.70	\$3.95	\$4.20
Q	\$1,281	\$1,718	\$2,154	\$2,591	\$3,027	\$3,464	\$3,900	\$4,337	\$4,773	\$5,210	\$3.95	\$4.20	\$4.45
R	\$1,316	\$1,764	\$2,213	\$2,661	\$3,110	\$3,558	\$4,007	\$4,455	\$4,904	\$5,352	\$4.20	\$4.45	\$4.70
S	\$1,353	\$1,814	\$2,275	\$2,736	\$3,197	\$3,658	\$4,119	\$4,580	\$5,041	\$5,502	\$4.45	\$4.70	\$4.95
T	\$1,390	\$1,863	\$2,337	\$2,810	\$3,284	\$3,757	\$4,231	\$4,705	\$5,178	\$5,652	\$4.70	\$4.95	\$5.20
U	\$1,429	\$1,915	\$2,402	\$2,889	\$3,376	\$3,863	\$4,349	\$4,836	\$5,323	\$5,810	\$4.95	\$5.20	\$5.45
V	\$1,467	\$1,968	\$2,468	\$2,968	\$3,468	\$3,968	\$4,468	\$4,968	\$5,468	\$5,968	\$5.20	\$5.45	\$5.70
W	\$1,509	\$2,023	\$2,537	\$3,051	\$3,565	\$4,079	\$4,593	\$5,107	\$5,621	\$6,135	\$5.45	\$5.70	\$5.95

HUMAN SERVICES DEPARTMENT[441](cont'd)

Level	Monthly Income According to Family Size										Unit Fee Based on Number of Children in Care		
	1	2	3	4	5	6	7	8	9	10	1	2	3 or more
X	\$1,550	\$2,078	\$2,606	\$3,134	\$3,662	\$4,190	\$4,718	\$5,246	\$5,774	\$6,302	\$5.70	\$5.95	\$6.20
Y	\$1,593	\$2,136	\$2,679	\$3,222	\$3,765	\$4,307	\$4,850	\$5,393	\$5,936	\$6,479	\$5.95	\$6.20	\$6.45
Z	\$1,636	\$2,194	\$2,752	\$3,309	\$3,867	\$4,425	\$4,982	\$5,540	\$6,098	\$6,655	\$6.20	\$6.45	\$6.70
AA	\$1,682	\$2,256	\$2,829	\$3,402	\$3,975	\$4,549	\$5,122	\$5,695	\$6,268	\$6,842	\$6.45	\$6.70	\$6.95
BB	\$1,728	\$2,317	\$2,906	\$3,495	\$4,084	\$4,672	\$5,261	\$5,850	\$6,439	\$7,028	\$6.70	\$6.95	\$7.20

To use the chart:

- (1) Find the family size used in determining income eligibility for service.
- (2) Move across the monthly income table to the column headed by that number. (See subparagraph (5) if the family has more than ten members.)
- (3) Move down the column for the applicable family size to the highest figure that is equal to or less than the family's gross monthly income. Income at or above that amount (but less than the amount in the next row) corresponds to the fees in the last three columns of that row.
- (4) Choose the fee that corresponds to the number of children in the family who receive child care assistance.
- (5) When a family has more than ten members, determine the income level by multiplying the figures in the four-member column for the rows closest to the family's income level by 0.03. Round the numbers to the nearest dollar and multiply by the number of family members in excess of ten. Add the results to the amounts in the ten-member column to determine the threshold amounts.

EXAMPLES:

1. Family 1 has two members, monthly income of \$1,075, and one child in care. Since the income is at or above the Level A amount but less than the Level B amount, Family 1 pays \$0.00 for each unit of child care service that the child receives.
2. Family 2 has three members, monthly income of \$1,400, and one child in care. Since the income is at or above the Level B amount but less than the Level C amount, Family 2 pays \$0.20 for each unit of child care service that the child receives.
3. Family 3 has three members, monthly income of \$1,400, and two children in care. The younger child receives ten units of child care service per week. The older child is school-aged and receives only five units of service per week. Since the income is at or above the Level B amount but less than the Level C amount, Family 3 pays \$0.45 for each unit of child care service that the younger child receives.

[Filed 4/11/07, effective 7/1/07]

[Published 5/9/07]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/9/07.

ARC 5861B

LABOR SERVICES DIVISION[875]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 22.11, 88A.3, and 88B.3, the Labor Commissioner hereby amends Chapter 1, "Description of Organization and Procedures Before the Division," Chapter 61, "Administration of Iowa Code Chapter 88A," and Chapter 155, "Asbestos Removal and Encapsulation," Iowa Administrative Code.

The amendments delete outdated language relating to asbestos removal projects and requests for access to open records. The amendments also remove from the amusement ride rules a sentence which is inconsistent with the statute.

Notice of Intended Action was published in the February 28, 2007, Iowa Administrative Bulletin as **ARC 5756B**. No member of the public commented on the Notice of Intended Action. No changes have been made from the Notice of Intended Action.

The purposes of these amendments are to protect the safety and health of the public and implement legislative intent. These amendments are intended to implement Iowa Code chapters 22, 88A, and 88B.

These amendments will become effective June 13, 2007.

The following amendments are adopted.

ITEM 1. Amend subrule 1.12(3) as follows:

1.12(3) Request for access. A request for access to open records shall identify the particular record sought by name or description in order to facilitate the location of the record. ~~The custodian may require a request to be in writing.~~ Written requests shall include the name, address, and telephone number of the person requesting the information. A person shall not be required to give a reason for requesting an open record.

ITEM 2. Amend subrule 61.2(9) as follows:

61.2(9) Receipt and disbursement. Revenue from permits, annual inspections, reinspections or for any other services or requirements prescribed by the Act or the rules shall be paid to the division. Checks for these fees shall be made payable to Division of Labor Services and mailed to Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319. ~~An operator is not required to make payment in any form for any service or any cause or purpose to an inspector or other representative of the commissioner.~~

ITEM 3. Amend rule **875—155.1(88B)**, definition of "asbestos project," as follows:

"Asbestos project" means any activity involving the removal or encapsulation of friable asbestos materials, other

LABOR SERVICES DIVISION[875](cont'd)

releases of asbestos such as by the operation of hand-operated or power-operated tools that may produce or release fibers of asbestos, or other substantial alteration of asbestos-containing, nonfriable material. ~~Any activities that do not qualify as construction pursuant to rule 875—150.2(91C) are not asbestos projects.~~

[Filed 4/16/07, effective 6/13/07]

[Published 5/9/07]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/9/07.

ARC 5876B

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Optometry Examiners amends Chapter 181, "Continuing Education for Optometrists," Iowa Administrative Code.

This rule making amends requirements for continuing education relating to continuing education with examination (CEE).

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 14, 2007, as **ARC 5771B**. A public hearing was held on April 3, 2007, from 9 to 9:30 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. The Board received public comments noting that a national task force has been formed to discuss the issue of continuing education with examination. The Iowa Optometric Association asked that the Board remove references to CEE requirements and wait to move forward with a rule making relating to the requirements until the task force has developed some recommendations. The Board agreed to modify the amendment to take out references to CEE.

This amendment was adopted by the Board of Optometry Examiners on April 19, 2007.

This amendment will become effective June 13, 2007.

This amendment is intended to implement Iowa Code chapters 21, 147, 154 and 272C.

The following amendment is adopted.

Amend subrule **181.3(2)**, paragraph "c," as follows:

c. Required continuing education hours. Beginning with the July 1, 2008, biennium, therapeutic licensees who provide proof of current CELMO certification meet continuing education requirements for the biennium. If the licensee does not have current proof of CELMO certification, then the following are required in order to meet the continuing education requirement in paragraph 181.2(1)"b":

(1) Twenty hours required from COPE Category B (Ocular Disease and Management) ~~with 4 of the 20 hours as continuing education with examination (CEE); and~~

(2) ~~Twenty~~ 20 hours required from COPE Category C (Related Systemic Disease) ~~with 4 of the 20 hours as continuing education with examination (CEE); and~~

(3) (2) Ten additional hours required from any of the COPE Categories of A (Clinical Optometry), B, C and D (Optometric Business Management). Hours obtained in Category D may not exceed 6 hours of the total continuing education hours requirement.

[Filed 4/19/07, effective 6/13/07]

[Published 5/9/07]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/9/07.

ARC 5856B

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 17A.3 and 321.4, the Department of Public Safety hereby amends Chapter 4, "Weapons," and adopts new Chapter 91, "Weapons Permits," Iowa Administrative Code.

Iowa Code chapter 724 establishes a system of permitting for persons in Iowa to carry weapons and to acquire handguns. The Department of Public Safety is assigned a number of responsibilities under that chapter, although the primary responsibility for issuing most weapons permits in Iowa rests with county sheriffs. The responsibility for issuing those permits which are not issued by a sheriff resides with the Commissioner of Public Safety. While Iowa Code chapter 724 provides substantial discretion to sheriffs and the Commissioner in issuing permits, particularly permits to carry, that discretion is restricted by a framework established by various provisions of federal and state law. These rules implement procedures, requirements and forms for the issuance and denial of permits.

The current rules on weapons permitting have become somewhat outdated. The amendments adopted herein update outdated provisions and move the weapons permitting rules to new Chapter 91. This is part of a more general initiative to renumber all administrative rules of the Department of Public Safety to make them more accessible to the general public and those who are subject to the provisions of the rules.

The rules adopted herein include the following changes from the current provisions of the weapons permitting rules:

- Several definitions have been added, and others that are no longer needed have been deleted.
- Reference to the form for weapons permit ID cards for peace officers has been removed, as active duty peace officers are no longer required to have weapons permits, pursuant to the federal Law Enforcement Officers Safety Act of 2004.
- Provisions regarding firearms training courses have been updated.
- Certain provisions regarding background investigations required of applicants for weapons permits have been updated.
- The reference to the federal classification of firearms as collectors' items has been updated.

PUBLIC SAFETY DEPARTMENT[661](cont'd)

These rules were proposed in a Notice of Intended Action published in the Iowa Administrative Bulletin on September 27, 2006, as **ARC 5396B**. A public hearing on the proposed amendments was held on October 20, 2006. Comments were received regarding the Department's authority for rule making and asking for further clarity in a number of the provisions in the rules, especially in the definitions. Each of these requests for clarification has been addressed in the adopted rules. All of the changes noted above were included in the rules as proposed in the Notice of Intended Action. Several additional editorial changes for clarification have also been made.

These amendments are intended to implement Iowa Code chapter 724.

These amendments will become effective on July 1, 2007. The following amendments are adopted.

ITEM 1. Rescind and reserved rules **661—4.1(724)** through **661—4.12(17A,724)**.

ITEM 2. Adopt the following **new** chapter:

CHAPTER 91
WEAPONS PERMITS

661—91.1(724) Definitions. The following definitions apply to rules in this chapter:

"Applicant" means a person who is applying for a permit to acquire pistols or revolvers or to carry weapons.

"Approved handgun training program" means a handgun safety training program which includes qualifying on a firing range and which is offered or certified by one of the following organizations:

1. Iowa law enforcement academy.
2. National Rifle Association.
3. U.S. military or Iowa national guard.
4. Another organization approved by the commissioner.

"Certified peace officer" means a person who is certified by the Iowa law enforcement academy as having successfully completed a course of instruction for a peace officer that included a firearms training program and who is currently employed by an Iowa law enforcement agency which requires current certification.

"Commissioner" means the commissioner of the Iowa department of public safety or, as applicable, the commissioner's designee.

"Completed fingerprint card" means a standard fingerprint card with two sets (every existing finger and thumb) of fully rolled fingerprint impressions and all information required to check Federal Bureau of Investigation (FBI) and Iowa division of criminal investigation (DCI) records for any disqualifying criminal conviction.

"Identification documentation for an Iowa resident" means any of the following:

1. A driver's license or nonoperator identification card that contains a photograph of the person and that has been issued by the Iowa department of transportation; or
2. A motor vehicle license or nonoperator identification card that contains a photograph of the person and that has been issued by a state other than Iowa and at least one current document indicating Iowa residency including a residential lease agreement, utility bill, voter registration, tuition receipt for a college or university in Iowa, or other documentation that is acceptable to the issuing officer and that indicates the intent of the person's presence in Iowa is something other than merely transitory in nature; or
3. A document which contains the name, place of residence, date of birth and photograph of the holder issued by or

under the authority of the United States, a state or a political subdivision of a state and which is of a type intended or commonly accepted for the purpose of identification of individuals and at least one current document indicating Iowa residency including a residential lease agreement, utility bill, voter registration, tuition receipt for a college or university in Iowa, or other documentation that is acceptable to the issuing officer and that indicates the intent of the person's presence in Iowa is something other than merely transitory in nature; or

4. A motor vehicle license or nonoperator identification card that contains a photograph of the person and that has been issued by a state other than Iowa and a document indicating that the person is a member of the United States armed forces on active duty and whose permanent duty station is located in Iowa; or

5. A driver's license or nonoperator identification card that contains a photograph of the person and that has been issued by the Iowa department of transportation and an immigration document containing the alien registration number (ARN) of a permanent resident alien or nonimmigrant alien and documentation indicating that the person has continuously resided in the state for at least 90 days prior to making application. A nonimmigrant alien shall also be required to display a valid hunting license issued in any state.

"Identification documentation for a nonresident" means a motor vehicle license or nonoperator identification card which has been issued by a state other than Iowa and which contains a photograph of the person to whom it was issued.

"IOWA system" means the Iowa on-line warrants and articles criminal justice information system operated by the Iowa department of public safety for use by law enforcement and criminal justice agencies in the exchange of criminal history and other criminal justice information.

"NICS" means the National Instant Criminal Background Check System established by the Federal Bureau of Investigation for the purpose of determining whether the transfer of a firearm to any person or the issuance of a firearms-related permit would be in violation of federal or state law. A NICS check shall include inquiries to the Iowa computerized criminal history database and the persons file of the Iowa on-line warrants and articles (IOWA) system.

"Qualify on a firing range" means to demonstrate proficiency with a handgun on a course of fire as part of an approved handgun training program.

"State employee" means a person whose need to go armed arises out of employment by the state of Iowa. "State employee" includes a railroad special agent as described in Iowa Code chapter 80.

661—91.2(724) Forms. The following forms, the use of which is required by provisions of this chapter, are provided by the commissioner and are available from the department of public safety or a sheriff:

1. Form WP0. For enrollment in a training program and for certification of the successful completion of the training program.
2. Form WP1. Professional permit to carry weapons.
3. Form WP2. Nonprofessional permit to carry weapons.
4. Form WP3. Application for annual permit to acquire pistols or revolvers.
5. Form WP4. Annual permit to acquire pistols or revolvers.
6. Form WP5. Application for permit to carry weapons.

PUBLIC SAFETY DEPARTMENT[661](cont'd)

7. Form WP6. Notification to a person holding a permit to carry weapons or an annual permit to acquire pistols or revolvers that the permit has been revoked.

8. Form WP7. Certified peace officer permit to carry weapons.

9. Form WP8. Wallet-size permit to carry weapons which includes, at a minimum, the name and date of birth of the permit holder and the type of permit. A professional permit to carry weapons shall state the nature of employment requiring the holder to go armed. A nonprofessional permit to carry weapons shall state the reason for issuance and any restrictions or limitations of the authority granted by the permit.

10. Form WP10. Reserve peace officer permit to carry weapons.

661—91.3(724) Training programs.

91.3(1) The Iowa Code requires any applicant for a permit to carry a weapon to successfully complete a training program designed to qualify persons in the safe use of firearms and requires that the commissioner approve all training programs.

91.3(2) The commissioner recognizes and accepts approved handgun training programs as defined in rule 661—91.1(724). Another program may be approved by the commissioner if it is substantially similar to or exceeds the requirements of an approved handgun training program.

661—91.4(724) Application procedures for a permit to carry a weapon.

91.4(1) A resident of Iowa who wishes to obtain or renew a permit to carry a weapon shall apply to the sheriff of the county of residence. The applicant shall:

- a. Submit a fully and accurately completed application form;
- b. Submit a certificate of completion of an approved handgun training program which includes qualifying on a firing range. This requirement may be waived on an application for renewal of a permit;
- c. If so requested by the sheriff, submit two completed fingerprint cards;
- d. Meet all the applicable requirements enumerated in Iowa Code chapter 724;
- e. Comply with the applicable requirements of the United States Code, including 18 U.S.C. 921, et seq., also known as the Gun Control Act of 1968;
- f. Pay the required fee; and
- g. Display identification documentation for an Iowa resident as defined in rule 661—91.1(724). This requirement may be waived on an application for renewal of a permit.

91.4(2) The sheriff may use discretion in determining additional criteria for issuance of a permit pursuant to subrule 91.4(1). The sheriff may restrict or limit the authority granted by nonprofessional permits.

91.4(3) Prior to issuing a permit pursuant to subrule 91.4(1), the sheriff shall conduct a background investigation which includes, at a minimum, a NICS check run through the IOWA system.

91.4(4) A nonresident of Iowa, or a state employee who is required by employment to go armed, who wishes to obtain a permit to carry a weapon shall apply to the commissioner. The applicant shall:

- a. Submit a fully and accurately completed application form;
- b. Submit a certificate of completion of an approved handgun training program which includes qualifying on a fir-

ing range. This requirement may be waived on an application for renewal of a permit;

c. Submit two completed fingerprint cards. This requirement may be waived on an application for renewal of a permit;

d. Meet all the applicable requirements enumerated in Iowa Code chapter 724;

e. Comply with the applicable requirements of the United States Code, including 18 U.S.C. 921, et seq., also known as the Gun Control Act of 1968;

f. Pay the required fee; and

g. Display, as applicable, identification documentation for an Iowa resident or identification documentation for a nonresident as defined in rule 661—91.1(724). This requirement may be waived on an application for renewal of a permit.

91.4(5) The commissioner may use discretion in determining additional criteria for issuance of a permit pursuant to subrule 91.4(4). The commissioner may restrict or limit the authority granted by nonprofessional permits.

91.4(6) Prior to issuing a permit pursuant to subrule 91.4(4), the commissioner shall conduct a background investigation which includes, at a minimum, a NICS check run through the IOWA system.

661—91.5(724) Firearm purchase or transfer—permit to acquire pistols or revolvers.

91.5(1) The application for an annual permit to acquire pistols or revolvers shall be made to the sheriff of the county of the applicant's residence. The applicant shall:

- a. Submit a fully and accurately completed application form;
- b. If so requested by the sheriff, submit two completed fingerprint cards;
- c. Meet all of the applicable requirements of Iowa Code chapter 724;
- d. Comply with the applicable requirements of the United States Code, including 18 U.S.C. 921, et seq., also known as the Gun Control Act of 1968; and
- e. Display identification documentation for an Iowa resident as defined in rule 661—91.1(724).

91.5(2) Prior to issuing a permit pursuant to subrule 91.5(1), the sheriff shall conduct a background investigation which includes, at a minimum, a NICS check run through the IOWA system.

91.5(3) An annual permit to acquire pistols or revolvers shall be issued to the applicant immediately upon determination by the sheriff that the applicant complies with statutory requirements.

661—91.6(724) Reports and remittance to the state.

91.6(1) Each sheriff shall remit to the commissioner, by the seventh working day of the month which follows the month in which one or more permits to carry a weapon were issued, information about such permits, including the permit holder's name, date of birth, NICS transaction number, type of permit issued and the portion of the fee to be remitted to the department as required by the Iowa Code. The reporting of issued permits to carry a weapon shall be on a form designated for that purpose.

91.6(2) Fees for each reporting period shall be remitted by the sheriff in the form of a check made payable to: Iowa Department of Public Safety.

91.6(3) A copy of the form revoking a permit to carry a weapon shall be sent to the commissioner by the sheriff within seven working days from the date the permit holder received notification of the permit revocation.

PUBLIC SAFETY DEPARTMENT[661](cont'd)

661—91.7(724) Offensive weapons as collector's items—method of classification. An offensive weapon, other than a machine gun, shall be classified by the commissioner as a collector's item when the firearm is so defined as a curio or relic in 27 CFR 478.11 as published April 1, 2006, in the Code of Federal Regulations.

These rules are intended to implement Iowa Code chapter 724.

[Filed 4/13/07, effective 7/1/07]

[Published 5/9/07]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/9/07.

ARC 5857B

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 17A.3 and 321.4, the Department of Public Safety hereby amends Chapter 4, "Weapons," and adopts new Chapter 95, "Disposition of Seized and Forfeited Weapons and Ammunition," Iowa Administrative Code.

Iowa Code chapter 809 governs the handling and disposition of property seized by law enforcement agencies, and Iowa Code chapter 809A establishes criteria and procedures for forfeiture of seized property. Generally, responsibility for administering seized and forfeited weapons is assigned to the Department of Public Safety.

The rules governing disposition of seized and forfeited weapons and ammunition are currently located in 661 Iowa Administrative Code Chapter 4, Division II. These rules are outdated and incomplete, in that they currently address only seized and forfeited firearms and ammunition, but not other seized and forfeited weapons. The rules adopted herein include updated provisions and provisions for weapons other than firearms. Also, the Department's rules generally are being renumbered to make the rules more accessible to members of the public and to persons subject to the provisions of the rules. In coordination with that initiative, this rule making rescinds Division II of Chapter 4 and adopts new Chapter 95.

These rules were proposed in a Notice of Intended Action published in the Iowa Administrative Bulletin on September 27, 2006, as **ARC 5395B**. A public hearing on the proposed amendments was held on October 20, 2006. Some general concerns were expressed about the Department's adopting new policy. While there are some provisions in the rules adopted herein which were not in the predecessor rules, the policies adopted are not new, but have been in effect for several years. The adopted rules are identical to those proposed in the Notice of Intended Action.

These amendments are intended to implement Iowa Code sections 809.21 and 809A.17.

These amendments will become effective on July 1, 2007. The following amendments are adopted.

ITEM 1. Rescind rules **661—4.51(809A)** through **661—4.59(809A)**.

ITEM 2. Adopt the following **new** chapter:

CHAPTER 95 DISPOSITION OF SEIZED AND FORFEITED WEAPONS AND AMMUNITION

661—95.1(809,809A) Definitions. The following definitions apply to rules in this chapter:

"Ammunition reference file" means the physical collection of ammunition received, collected and maintained by the division of criminal investigation criminalistics laboratory for testing and evaluation purposes.

"Firearms inventory" means a listing of firearms received, collected, maintained, and disposed of by the division of criminal investigation criminalistics laboratory and of transactions regarding firearms completed by the laboratory. Firearms in the temporary custody of the laboratory for evidentiary examination are not included in the firearms inventory.

"Firearms reference file" means the physical collection of firearms received, collected and maintained by the division of criminal investigation criminalistics laboratory for comparison and identification purposes.

"Law enforcement purpose" means use by a peace officer in the execution of the officer's duties or use in training of peace officers or training offered by law enforcement agencies to peace officers or other persons.

661—95.2(809,809A) Ammunition and firearms. The division of criminal investigation criminalistics laboratory shall examine and evaluate all firearms and ammunition submitted to the laboratory pursuant to Iowa Code section 809A.17. All firearms submitted to the laboratory shall be evaluated and disposed of as provided in Iowa Code sections 809.21 and 809A.17 and these rules. Any ammunition submitted to the laboratory may be entered into the laboratory's ammunition reference file and may be utilized by the laboratory for testing and evaluation purposes.

661—95.3(809,809A) Firearms inventory. There is established a continuous firearms inventory in the division of criminal investigation criminalistics laboratory. All firearms transactions covered by any of the provisions noted herein, other than receipts and returns of weapons for evidentiary examination, shall be recorded as and made a part of the continuous firearms inventory. Each individual entry in the inventory shall be maintained for a period of no less than 20 years. Inventory entries which refer to firearms retained in the firearms reference file shall be maintained permanently.

661—95.4(809,809A) Deposit of firearms in the firearms reference file. There is established a division of criminal investigation criminalistics laboratory firearms reference file. Firearms submitted to the laboratory, other than firearms submitted solely for evidentiary examination, shall be evaluated as to their possible worth for testing and evaluation purposes. Any firearms deemed useful for such purposes shall be deposited in the firearms reference file.

661—95.5(809,809A) Disposition of firearms (interstate). Any firearm in the possession of the division of criminal investigation criminalistics laboratory pursuant to Iowa Code section 809A.17 which is not entered into the firearms reference file pursuant to the provisions of rule 661—95.4(809,809A) and which the commissioner of public safety deems appropriate for distribution to other crime laboratories may be offered to them. The transfer of a firearm shall be completed within one year of its evaluation.

PUBLIC SAFETY DEPARTMENT[661](cont'd)

661—95.6(809A) Transfer of rifles and shotguns to the department of natural resources. Any rifle or shotgun in the possession of the division of criminal investigation criminalistics laboratory pursuant to Iowa Code section 809A.17 which is not entered in the firearms reference file pursuant to rule 661—95.4(809,809A) or distributed to another crime laboratory pursuant to rule 661—95.5(809,809A) may be transferred to the Iowa department of natural resources for disposition pursuant to the rules of that department.

661—95.7(809,809A) Disposition of firearms (intrastate). Any firearm not entered in the firearms reference file pursuant to rule 661—95.4(809,809A) and still in the possession of the division of criminal investigation criminalistics laboratory pursuant to Iowa Code section 809A.17, subsequent to the procedures set out in rules 661—95.5(809,809A) and 661—95.6(809A), shall be evaluated for usefulness to Iowa law enforcement agencies. Any firearm which is deemed suitable for law enforcement purposes may be distributed to an Iowa law enforcement agency which has made a request for such firearm. This distribution shall be made in accordance with the reasonable needs of the requesting agency as determined by the commissioner of public safety. Any firearm received by a law enforcement agency pursuant to this rule is for the internal use of the receiving agency and may not be resold or otherwise distributed outside of the receiving agency, other than to be returned to the division of criminal investigation criminalistics laboratory.

661—95.8(809,809A) Final disposition and destruction of firearms. All firearms in the possession of the division of criminal investigation criminalistics laboratory pursuant to Iowa Code section 809A.17 which are not disposed of by the procedures provided in rules 661—95.2(809,809A) through 661—95.7(809,809A) shall be destroyed. Destruction shall be accomplished by grinding and chopping at a scrap metal facility or meltdown at a suitable foundry operation. All destruction shall be supervised and conducted by the staff of the division of criminal investigation criminalistics laboratory. Documentation of the destruction of the firearms shall be made in the firearms inventory.

661—95.9(809,809A) Claims. Any disputed claim of ownership or right of possession of a firearm or of ammunition subject to rules 661—95.1(809,809A) through 661—95.8(809, 809A) shall be adjudicated in accordance with the procedures regarding contested cases set forth in 661—Chapter 10.

661—95.10(809,809A) Disposition of explosives. Any law enforcement agency in possession of forfeited explosives shall contact the arson and explosives bureau of the fire marshal division for instructions and shall follow the instructions received from the fire marshal division for the disposition of the forfeited explosives.

661—95.11(809,809A) Disposition of weapons other than firearms and explosives. Any law enforcement agency in the possession of a forfeited weapon other than a firearm, ammunition, or explosives may contact the division of criminal investigation criminalistics laboratory for instructions regarding the disposition of the forfeited weapons.

These rules are intended to implement Iowa Code sections 809.21 and 809A.17.

[Filed 4/13/07, effective 7/1/07]

[Published 5/9/07]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/9/07.

ARC 5877B

RACING AND GAMING COMMISSION[491]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 99D.7 and 99F.4, the Racing and Gaming Commission hereby amends Chapter 1, "Organization and Operation," Chapter 4, "Contested Cases and Other Proceedings," Chapter 5, "Track and Excursion Gambling Boat Licensees' Responsibilities," Chapter 6, "Occupational and Vendor Licensing," Chapter 10, "Thoroughbred and Quarter Horse Racing," Chapter 11, "Gambling Games," and Chapter 12, "Accounting and Cash Control," Iowa Administrative Code.

Item 1 increases the upfront investigative fee that an applicant for initial licensure must remit to the Department of Public Safety.

Item 2 allows a gaming representative to revoke the license of a person who refuses to take a drug test.

Item 3 allows the stewards to enter into an informal settlement with a licensee.

Item 4 adds refusal to submit to drug testing to the information included in personnel records that the facility is required to retain and store.

Item 5 updates the Web site address of the Commission.

Items 6 through 9 update existing rules to correspond with the national uniform rules of racing as they relate to medication of a racing animal.

Item 10 requires that the public have access to rules of play, payout schedules and permitted wagering amounts.

Item 11 requires notification to the Commission on movement of gambling games or implements of gambling.

Item 12 outlines how tickets with expired redemption periods will be accounted for.

These amendments are identical to those published under Notice of Intended Action in the February 14, 2007, Iowa Administrative Bulletin as **ARC 5705B**. A public hearing was held on March 6, 2007. No comments were received.

The amendments to 491—Chapter 10 are also Adopted and Filed Emergency After Notice and published herein as **ARC 5878B**.

These amendments will become effective June 13, 2007.

These amendments are intended to implement Iowa Code chapters 99D and 99F.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of

RACING AND GAMING COMMISSION[491](cont'd)

these amendments [1.5(1), 4.4(4), 4.6(8), 5.4(14)“b,” 6.4(2), 10.4(17)“g,” 10.7(1)“h” to “k,” 10.7(4)“c,” “d,” and “h,” 11.4(4), 11.9(1), 12.14(7)“b”] is being omitted. These amendments are identical to those published under Notice as **ARC 5705B**, IAB 2/14/07.

[Filed 4/20/07, effective 6/13/07]
[Published 5/9/07]

[For replacement pages for IAC, see IAC Supplement 5/9/07.]

ARC 5858B

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 307.10, 307.12 and 314.1A, the Department of Transportation, on April 10, 2007, adopted Chapter 180, “Public Improvement Quotation Process for Governmental Entities,” Iowa Administrative Code.

Notice of Intended Action for these rules was published in the February 28, 2007, Iowa Administrative Bulletin as **ARC 5724B**.

2006 Iowa Acts, chapter 1017, section 14, (Iowa Code section 26.14) requires a governmental entity to solicit competitive quotations for a public improvement when the estimated total cost of the public improvement exceeds the competitive quotation threshold established in this section (as ad-

justed pursuant to Iowa Code section 314.1B), but is less than the competitive bid threshold established in section 3 of the legislation (Iowa Code section 26.3). Section 28 of the legislation (Iowa Code section 314.1A) requires the Department to adopt rules prescribing the manner by which governmental entities shall administer the quotation process. These new rules implement this rule-making requirement.

These rules were developed in conjunction with the Vertical Infrastructure Advisory Committee, which is composed of representatives of cities, counties, school boards, private contractors and labor.

These rules do not provide for waivers. Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

These rules are identical to those published under Notice of Intended Action.

These rules are intended to implement Iowa Code sections 26.2, 26.13, 26.14, 314.1A, 314.1B, and 573.2.

These rules will become effective June 13, 2007.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these rules [Ch 180] is being omitted. These rules are identical to those published under Notice as **ARC 5724B**, IAB 2/28/07.

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