



IOWA ADMINISTRATIVE BULLETIN

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PREFACE

The Iowa Administrative Bulletin is published biweekly 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"]; and agricultural credit corporation maximum loan rates [535.12].

PLEASE NOTE: Underscore indicates new material added to existing rules; ~~strike through~~ indicates deleted material.

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STEPHANIE A. HOFF, Deputy Editor		(515)281-8157
	Fax:	(515)281-5534

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	(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).

IAB Vol. XII, No. 23 (5/16/90) p. 2050, ARC 872A

NOTE: In accordance with Iowa Code section 7.17, a rule number within the Iowa Administrative Code includes a reference to the statute which the rule is intended to implement: 441—79.1(249A).

Schedule for Rule Making 2009

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. 24 '08	Jan. 14 '09	Feb. 3 '09	Feb. 18 '09	Feb. 20 '09	Mar. 11 '09	Apr. 15 '09	July 13 '09
Jan. 9	Jan. 28	Feb. 17	Mar. 4	Mar. 6	Mar. 25	Apr. 29	July 27
Jan. 23	Feb. 11	Mar. 3	Mar. 18	Mar. 20	Apr. 8	May 13	Aug. 10
Feb. 6	Feb. 25	Mar. 17	Apr. 1	Apr. 3	Apr. 22	May 27	Aug. 24
Feb. 20	Mar. 11	Mar. 31	Apr. 15	Apr. 17	May 6	June 10	Sep. 7
Mar. 6	Mar. 25	Apr. 14	Apr. 29	May 1	May 20	June 24	Sep. 21
Mar. 20	Apr. 8	Apr. 28	May 13	***May 13***	June 3	July 8	Oct. 5
Apr. 3	Apr. 22	May 12	May 27	May 29	June 17	July 22	Oct. 19
Apr. 17	May 6	May 26	June 10	June 12	July 1	Aug. 5	Nov. 2
May 1	May 20	June 9	June 24	***June 24***	July 15	Aug. 19	Nov. 16
May 13	June 3	June 23	July 8	July 10	July 29	Sep. 2	Nov. 30
May 29	June 17	July 7	July 22	July 24	Aug. 12	Sep. 16	Dec. 14
June 12	July 1	July 21	Aug. 5	Aug. 7	Aug. 26	Sep. 30	Dec. 28
June 24	July 15	Aug. 4	Aug. 19	***Aug. 19***	Sep. 9	Oct. 14	Jan. 11 '10
July 10	July 29	Aug. 18	Sep. 2	Sep. 4	Sep. 23	Oct. 28	Jan. 25 '10
July 24	Aug. 12	Sep. 1	Sep. 16	Sep. 18	Oct. 7	Nov. 11	Feb. 8 '10
Aug. 7	Aug. 26	Sep. 15	Sep. 30	Oct. 2	Oct. 21	Nov. 25	Feb. 22 '10
Aug. 19	Sep. 9	Sep. 29	Oct. 14	Oct. 16	Nov. 4	Dec. 9	Mar. 8 '10
Sep. 4	Sep. 23	Oct. 13	Oct. 28	***Oct. 28***	Nov. 18	Dec. 23	Mar. 22 '10
Sep. 18	Oct. 7	Oct. 27	Nov. 11	***Nov. 12***	Dec. 2	Jan. 6 '10	Apr. 5 '10
Oct. 2	Oct. 21	Nov. 10	Nov. 25	***Nov. 25***	Dec. 16	Jan. 20 '10	Apr. 19 '10
Oct. 16	Nov. 4	Nov. 24	Dec. 9	***Dec. 9***	Dec. 30	Feb. 3 '10	May 3 '10
Oct. 28	Nov. 18	Dec. 8	Dec. 23	***Dec. 23***	Jan. 13 '10	Feb. 17 '10	May 17 '10
Nov. 12	Dec. 2	Dec. 22	Jan. 6 '10	Jan. 8 '10	Jan. 27 '10	Mar. 3 '10	May 31 '10
Nov. 25	Dec. 16	Jan. 5 '10	Jan. 20 '10	Jan. 22 '10	Feb. 10 '10	Mar. 17 '10	June 14 '10
Dec. 9	Dec. 30	Jan. 19 '10	Feb. 3 '10	Feb. 5 '10	Feb. 24 '10	Mar. 31 '10	June 28 '10
Dec. 23	Jan. 13 '10	Feb. 2 '10	Feb. 17 '10	Feb. 19 '10	Mar. 10 '10	Apr. 14 '10	July 12 '10

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
22	Friday, April 3, 2009	April 22, 2009
23	Friday, April 17, 2009	May 6, 2009
24	Friday, May 1, 2009	May 20, 2009

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*****

The Administrative Rules Review Committee will hold its regular, statutory meeting on Friday, April 3, 2009, at 8 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Outside employment or activity, 66.3 Filed **ARC 7637B** 3/11/09

AGRICULTURAL DEVELOPMENT AUTHORITY[25]

Beginning farmer tax credit program—maximum net worth, lease limitations, 6.1, 6.5(1)
Filed Emergency **ARC 7619B** 3/11/09

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Designations for ethanol blended gasoline, 85.48 Filed **ARC 7628B** 3/11/09

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HUMAN RIGHTS DEPARTMENT[421]“umbrella”

Individual development accounts (IDAs), ch 14
Notice **ARC 7614B**, also Filed Emergency **ARC 7613B** 3/11/09

EDUCATION DEPARTMENT[281]

Statewide voluntary preschool program, 16.1 to 16.15 Notice **ARC 7608B** 3/11/09

Senior year plus program, ch 22 Notice **ARC 7612B** 3/11/09

Certified school to career program, rescind ch 48 Notice **ARC 7609B** 3/11/09

Phase III, educational excellence program, rescind ch 91 Notice **ARC 7610B** 3/11/09

Supplementary weighting plan for operational function sharing, 97.1, 97.2, 97.4, 97.5(6)“a,”
97.7(1)“a,” 97.7(9), 97.7(13) Notice **ARC 7611B** 3/11/09

ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561]“umbrella”

Removal of EPA clean air mercury rules (CAMR) provisions, 23.1, 25.3, 34.300 to 34.308
Notice **ARC 7622B** 3/11/09

Emission standards—Brick and Boiler MACTs, 23.1(4)“dd,” “dj” Filed **ARC 7623B** 3/11/09

Wastewater disposal systems, amendments to chs 60, 62 to 64 Filed **ARC 7625B** 3/11/09

Water quality standards—revisions to surface water classifications, 61.3(5) Notice **ARC 7624B** 3/11/09

Licensing of UST professionals, 134.17 to 134.29 Notice **ARC 7620B** 3/11/09

Assessment policy and procedure for underground storage tank owners and operators, 135.2,
135.8(1)“e,” 135.9(4)“f,” 135.10 Filed **ARC 7621B** 3/11/09

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Duplication of committee name, 4.2(2) Filed **ARC 7646B** 3/25/09

Legitimate expenditures of campaign funds, 4.25(1)“e” Filed **ARC 7647B** 3/25/09

Campaign disclosure procedures—committee assessments, 4.59 Filed **ARC 7645B** 3/25/09

Payment of penalty for late-filed campaign report, 4.62 Filed **ARC 7648B** 3/25/09

Executive branch ethics—definitions of “employee” and “official,” 6.2 Filed **ARC 7649B** 3/25/09

Prohibition of sales to state agency in which employee or official serves or is employed, 6.10
Filed **ARC 7650B** 3/25/09

Prohibition of campaign contributions by lobbyists during legislative session, 8.15 Filed **ARC 7651B** 3/25/09

HISTORICAL DIVISION[223]

CULTURAL AFFAIRS DEPARTMENT[221]“umbrella”

State historical society award program, 21.3(2) Notice **ARC 7602B** 3/11/09

HUMAN SERVICES DEPARTMENT[441]

Notification of debt forms, 11.1, 11.2(2) Notice **ARC 7654B** 3/25/09

Disability services management—“county of residence,” 25.11, 25.13 to 25.17 Notice **ARC 7626B** 3/11/09

Emergency mental health crisis services system, ch 26 Notice of Termination **ARC 7655B** 3/25/09

Mental health services for children and youth, ch 27 Notice of Termination **ARC 7656B** 3/25/09

SSA program—annual adjustments to eligibility and payment levels, 51.4(1), 51.7, 52.1
Filed **ARC 7605B** 3/11/09

Iowa unmet needs disaster grant program, 58.51 to 58.58
Notice **ARC 7604B**, also Filed Emergency **ARC 7603B** 3/11/09

Ticket to hope program, 58.61 to 58.68, 153.8
Notice **ARC 7642B**, also Filed Emergency **ARC 7641B** 3/25/09

Premiums assessed for Medicaid for employed people with disabilities (MEPD), 75.1(39)“b”
and “d” Notice **ARC 7629B** 3/11/09

Annual updates—statewide average cost of nursing facility services to a private-pay resident and of institutional care, 75.23(3), 75.24(3)“b” <u>Notice</u> ARC 7630B	3/11/09
Incident reporting standards for providers of HCBS habilitation and certain HCBS waiver services, amendments to ch 77 <u>Notice</u> ARC 7653B	3/25/09
Case management services, 78.27, 78.37, 78.43, 79.1, 79.3, 83.22(2), ch 90 title and preamble, 90.1 to 90.9 <u>Notice</u> ARC 7631B	3/11/09
Update of CFR references relating to payment methodology for prescription drugs, 79.1(8) <u>Notice</u> ARC 7627B	3/11/09
HAWK-I—increased income limits and monthly cost sharing, 86.1, 86.2(2), 86.8(1), 86.8(2) <u>Notice</u> ARC 7635B	3/11/09
Foster care and adoption policies, 113.4(1), 113.13, 113.17(1), 156.1, 156.8(1), 156.11, 200.4(1), 202.5(3), 202.11(4) <u>Filed</u> ARC 7606B	3/11/09

INSURANCE DIVISION[191]

COMMERCE DEPARTMENT[181]“umbrella”

Clarification of “CE term,” 11.2 <u>Filed</u> ARC 7662B	3/25/09
Procedures and nonadmitted insurers, 21.1 to 21.6, 21.9 <u>Filed</u> ARC 7663B	3/25/09

MANAGEMENT DEPARTMENT[541]

First years first grant program, ch 13 <u>Notice</u> ARC 7640B	3/25/09
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MEDICINE BOARD[653]

PUBLIC HEALTH DEPARTMENT[641]“umbrella”

Preliminary notice of denial—public record, 9.15(1) <u>Notice</u> ARC 7607B	3/11/09
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NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]“umbrella”

Permits and easements for construction and related activities on public lands and waters, ch 13 <u>Filed</u> ARC 7616B	3/11/09
General license regulations, ch 15 <u>Notice</u> ARC 7617B	3/11/09
Nursery stock sale to the public—pricing revisions, 71.3 <u>Notice</u> ARC 7615B	3/11/09

NATURAL RESOURCES DEPARTMENT[561]

Special nonresident deer and turkey licenses, ch 12 <u>Notice</u> ARC 7652B	3/25/09
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NURSING BOARD[655]

PUBLIC HEALTH DEPARTMENT[641]“umbrella”

License denial—appeal and hearing processes, 3.9 <u>Filed</u> ARC 7664B	3/25/09
Documentation in support of residency; multistate licensure discipline, 16.2, 16.3 <u>Filed</u> ARC 7665B	3/25/09

PHARMACY BOARD[657]

PUBLIC HEALTH DEPARTMENT[641]“umbrella”

Transfer of prescriptions by pharmacists or pharmacist-interns, 6.9 <u>Filed</u> ARC 7634B	3/11/09
Electronic transmission or scanning of a prescription or record, 6.16(4), 8.15(1), 9.18(7), 10.22(2), 21.7(3)“c,” 21.9, 21.12, 21.14 to 21.16 <u>Filed</u> ARC 7636B	3/11/09
Testing and quarantine of sterile compounds, 13.24(4), 13.24(6) <u>Filed</u> ARC 7633B	3/11/09

PROFESSIONAL LICENSURE DIVISION[645]

PUBLIC HEALTH DEPARTMENT[641]“umbrella”

Board of physical and occupational therapy, 206.1 <u>Filed</u> ARC 7644B	3/25/09
Sign language interpreters and transliterators—temporary licensure, 361.2, 362.2, 362.3(2) <u>Filed</u> ARC 7643B	3/25/09

PUBLIC SAFETY DEPARTMENT[661]

Sustainable design standards, ch 310 <u>Notice</u> ARC 7657B	3/25/09
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RACING AND GAMING COMMISSION[491]

INSPECTIONS AND APPEALS DEPARTMENT[481]“umbrella”

Licensure—receipt of certificate of noncompliance, 6.13 to 6.29 <u>Filed Emergency</u> ARC 7658B	3/25/09
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REAL ESTATE COMMISSION[193E]

Professional Licensing and Regulation Bureau[193]

COMMERCE DEPARTMENT[181]“umbrella”

Residential property seller disclosure statement, 14.1(6) <u>Notice</u> ARC 7639B	3/25/09
Continuing education—distance learning, 16.4(4) <u>Notice</u> ARC 7638B	3/25/09

REVENUE DEPARTMENT[701]

Clarifications and updates, amendments to chs 10, 38, 40, 41, 43, 46, 48, 50, 52, 54, 59, 86,
88, 89, 104 Notice **ARC 7632B** 3/11/09

TRANSPORTATION DEPARTMENT[761]

Traffic safety improvement program—application deadline, 164.9(1)“b” Filed **ARC 7618B** 3/11/09
Motor carrier safety and hazardous materials regulations, 520.1(1) Notice **ARC 7601B** 3/11/09

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Department duties; county commission account and training program; Iowa veterans
cemetery, 1.1 to 1.3, 1.5, 1.11 Notice **ARC 7659B** 3/25/09
County commissions of veteran affairs fund and training program, ch 7 Notice **ARC 7660B** 3/25/09
Veterans trust fund, 14.2, 14.3(1), 14.4, 14.5, 14.7 Notice **ARC 7661B** 3/25/09

ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

Regular, statutory meetings are held the second Tuesday of each month at the seat of government as provided in Iowa Code section 17A.8. A special meeting may be called by the Chair at any place in the state and at any time.

EDITOR'S NOTE: Terms ending April 30, 2011.

Senator Merlin Bartz
2081 410th Street
Grafton, Iowa 50440

Representative Marcella R. Frevert
P.O. Box 324
Emmetsburg, Iowa 50536

Senator Thomas Courtney
2200 Summer Street
Burlington, Iowa 52601

Representative David Heaton
510 East Washington
Mt. Pleasant, Iowa 52641

Senator Wally Horn
101 Stoney Point Road, SW
Cedar Rapids, Iowa 52404

Representative Tyler Olson
P.O. Box 2389
Cedar Rapids, Iowa 52406

Senator John P. Kibbie
P.O. Box 190
Emmetsburg, Iowa 50536

Representative Nathan Reichert
1155 Iowa Avenue
Muscatine, Iowa 52761

Senator James Seymour
901 White Street
Woodbine, Iowa 51579

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AGENCY	HEARING LOCATION	DATE AND TIME
COMMUNITY ACTION AGENCIES DIVISION[427]		
Individual development accounts (IDAs), ch 14 IAB 3/11/09 ARC 7614B	Room 208 Lucas State Office Bldg. Des Moines, Iowa	March 31, 2009 11 a.m.
EDUCATION DEPARTMENT[281]		
Senior year plus program, ch 22 IAB 3/11/09 ARC 7612B (ICN Network)	ICN Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	March 31, 2009 9 a.m. to 12 noon
	Louisa Rm., Mississippi Bend AEA 9 729 21st Street Bettendorf, Iowa	March 31, 2009 9 a.m. to 12 noon
	Rm. 115, Industrial Technologies Bldg. Northeast Iowa Community College 1625 Hwy. 150 S. Calmar, Iowa	March 31, 2009 9 a.m. to 12 noon
	Room A169, Carroll High School 2809 N. Grant Road Carroll, Iowa	March 31, 2009 9 a.m. to 12 noon
	Hawkeye Community College 5330 Nordic Drive Cedar Falls, Iowa	March 31, 2009 9 a.m. to 12 noon
	State Room, AEA 267 Clear Lake Regional Office 9184B 265th Street Clear Lake, Iowa	March 31, 2009 9 a.m. to 12 noon
	Room 024, Loft Hall Iowa Western Community College 1 2700 College Road Council Bluffs, Iowa	March 31, 2009 9 a.m. to 12 noon
	Turner Rm., Green Valley AEA 14 1405 N. Lincoln Creston, Iowa	March 31, 2009 9 a.m. to 12 noon
	Eastern Iowa Comm. College Dist. 1 Rm. 300, Kahl Education Center 326 W. 3rd Street Davenport, Iowa	March 31, 2009 9 a.m. to 12 noon
	Room 818, Smith Wellness Center Iowa Lakes Community College 3200 College Drive Emmetsburg, Iowa	March 31, 2009 9 a.m. to 12 noon
	Linn-Mar High School 3111 N. 10th Street Marion, Iowa	March 31, 2009 9 a.m. to 12 noon
	Regional Office, AEA 267 909 S. 12th Street Marshalltown, Iowa	March 31, 2009 9 a.m. to 12 noon

AGENCY	HEARING LOCATION	DATE AND TIME	
EDUCATION DEPARTMENT[281] (Cont'd) (ICN Network)	Videoconferencing and Training Center Indian Hills Community College 7 651 Indian Hills Drive Ottumwa, Iowa	March 31, 2009 9 a.m. to 12 noon	
	Room 139 Northeast Iowa Community College 1 10250 Sundown Road Peosta, Iowa	March 31, 2009 9 a.m. to 12 noon	
	Prairie Lakes AEA 8 500 N.E. 6th Street Pocahontas, Iowa	March 31, 2009 9 a.m. to 12 noon	
	Room 103, AEA 4 1382 4th Avenue N.E. Sioux Center, Iowa	March 31, 2009 9 a.m. to 12 noon	
	Room 206, Northwest AEA 12 1520 Morningside Avenue Sioux City, Iowa	March 31, 2009 9 a.m. to 12 noon	
	Rm. 528, North Campus/Trustee Hall Southeastern Community College 1 1500 W. Agency Road West Burlington, Iowa	March 31, 2009 9 a.m. to 12 noon	
	Supplementary weighting plan for operational function sharing, 97.1, 97.2, 97.4, 97.5(6)“a,” 97.7 IAB 3/11/09 ARC 7611B (ICN Network)	ICN Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	March 31, 2009 9 a.m. to 12 noon
		Louisa Rm., Mississippi Bend AEA 9 729 21st Street Bettendorf, Iowa	March 31, 2009 9 a.m. to 12 noon
		Rm. 115, Industrial Technologies Bldg. Northeast Iowa Community College 1625 Hwy. 150 S. Calmar, Iowa	March 31, 2009 9 a.m. to 12 noon
		Room A169, Carroll High School 2809 N. Grant Road Carroll, Iowa	March 31, 2009 9 a.m. to 12 noon
		Hawkeye Community College 5330 Nordic Drive Cedar Falls, Iowa	March 31, 2009 9 a.m. to 12 noon
		State Room, AEA 267 Clear Lake Regional Office 9184B 265th Street Clear Lake, Iowa	March 31, 2009 9 a.m. to 12 noon
		Room 024, Looft Hall Iowa Western Community College 1 2700 College Road Council Bluffs, Iowa	March 31, 2009 9 a.m. to 12 noon
	Turner Rm., Green Valley AEA 14 1405 N. Lincoln Creston, Iowa	March 31, 2009 9 a.m. to 12 noon	

AGENCY	HEARING LOCATION	DATE AND TIME
EDUCATION DEPARTMENT[281] (Cont'd) (ICN Network)		
	Eastern Iowa Comm. College Dist. 1 Rm. 300, Kahl Education Center 326 W. 3rd Street Davenport, Iowa	March 31, 2009 9 a.m. to 12 noon
	Room 818, Smith Wellness Center Iowa Lakes Community College 3200 College Drive Emmetsburg, Iowa	March 31, 2009 9 a.m. to 12 noon
	Linn-Mar High School 3111 N. 10th Street Marion, Iowa	March 31, 2009 9 a.m. to 12 noon
	Regional Office, AEA 267 909 S. 12th Street Marshalltown, Iowa	March 31, 2009 9 a.m. to 12 noon
	Videoconferencing and Training Center Indian Hills Community College 7 651 Indian Hills Drive Ottumwa, Iowa	March 31, 2009 9 a.m. to 12 noon
	Room 139 Northeast Iowa Community College 1 10250 Sundown Road Peosta, Iowa	March 31, 2009 9 a.m. to 12 noon
	Prairie Lakes AEA 8 500 N.E. 6th Street Pocahontas, Iowa	March 31, 2009 9 a.m. to 12 noon
	Room 103, AEA 4 1382 4th Avenue N.E. Sioux Center, Iowa	March 31, 2009 9 a.m. to 12 noon
	Room 206, Northwest AEA 12 1520 Morningside Avenue Sioux City, Iowa	March 31, 2009 9 a.m. to 12 noon
	Rm. 528, North Campus/Trustee Hall Southeastern Community College 1 1500 W. Agency Road West Burlington, Iowa	March 31, 2009 9 a.m. to 12 noon
ENVIRONMENTAL PROTECTION COMMISSION[567]		
Removal of EPA clean air mercury rule (CAMR) provisions, 23.1, 25.3, 34.300 to 34.308 IAB 3/11/09 ARC 7622B	Conference Rooms, Air Quality Bureau 7900 Hickman Rd. Urbandale, Iowa	April 13, 2009 1 p.m.
Surface water classification, 61.3(5) IAB 3/11/09 ARC 7624B	Fourth Floor Conference Rooms Wallace State Office Bldg. Des Moines, Iowa	April 7, 2009 1 p.m.
	Cherokee Community Center 530 W. Bluff St. Cherokee, Iowa	April 9, 2009 10 a.m.
	Municipal Utilities Conference Room 15 West 3rd St. Atlantic, Iowa	April 9, 2009 6 p.m.

AGENCY	HEARING LOCATION	DATE AND TIME
ENVIRONMENTAL PROTECTION COMMISSION[567] (Cont'd)		
	Falcon Civic Center 1305 5th Avenue NE Independence, Iowa	April 14, 2009 10 a.m.
	Public Library 123 Linn St. Iowa City, Iowa	April 14, 2009 6 p.m.
	Community Meeting Room 15 North 6th St. Clear Lake, Iowa	April 16, 2009 1 p.m.
Licensing of UST professionals, 134.17 to 134.29 IAB 3/11/09 ARC 7620B	Fifth Floor West Conference Room Wallace State Office Bldg. Des Moines, Iowa	April 2, 2009 1 p.m.
	Meeting Room B, Public Library 1401 5th St. Coralville, Iowa	April 6, 2009 1 p.m.
	Public Meeting Room 111 N. Main St. Denison, Iowa	April 7, 2009 1 p.m.
HUMAN SERVICES DEPARTMENT[441]		
Disability services management— county of residence, 25.11, 25.13 to 25.17 IAB 3/11/09 ARC 7626B	NE Conference Room 2, Fifth Floor Hoover State Office Bldg. Des Moines, Iowa	April 2, 2009 10 to 11 a.m.
Case management services, amendments to chs 78, 79, 83, 90 IAB 3/11/09 ARC 7631B	Room 128, Iowa Medicaid Enterprise 100 Army Post Rd. Des Moines, Iowa	April 2, 2009 1:30 to 3 p.m.
MANAGEMENT DEPARTMENT[541]		
First years first grant program, ch 13 IAB 3/25/09 ARC 7640B	Room 142 Lucas State Office Bldg. Des Moines, Iowa	April 14, 2009 10:30 a.m.
MEDICINE BOARD[653]		
Preliminary notice of denial— public record, 9.15(1) IAB 3/11/09 ARC 7607B	Board Office, Suite C 400 S.W. 8th St. Des Moines, Iowa	March 31, 2009 1:30 p.m.
PUBLIC SAFETY DEPARTMENT[661]		
Sustainable design standards, ch 310 IAB 3/25/09 ARC 7657B	First Floor Conference Room 125 Public Safety Headquarters Bldg. 215 East 7th St. Des Moines, Iowa	April 14, 2009 10:15 a.m.
REAL ESTATE COMMISSION[193E]		
Residential property seller disclosure statement, 14.1(6) IAB 3/25/09 ARC 7639B	Professional Licensure Conf. Rm., 2nd Floor 1920 SE Hulsizer Rd. Ankeny, Iowa	April 14, 2009 9 a.m.

AGENCY	HEARING LOCATION	DATE AND TIME
REAL ESTATE COMMISSION[193E] (Cont'd)		
Continuing education—distance learning, 16.4(4) IAB 3/25/09 ARC 7638B	Professional Licensure Conf. Rm., 2nd Floor 1920 SE Hulsizer Rd. Ankeny, Iowa	April 14, 2009 9 a.m.
TRANSPORTATION DEPARTMENT[761]		
Motor carrier safety and hazardous materials regulations, 520.1(1) IAB 3/11/09 ARC 7601B	DOT Motor Vehicle Division 6310 SE Convenience Blvd. Ankeny, Iowa	April 2, 2009 10 a.m. (If requested)
UTILITIES DIVISION[199]		
Notification rules for natural gas and electric utilities and electric transmission companies, 19.17, 20.19 IAB 2/25/09 ARC 7585B	350 Maple St. Des Moines, Iowa	March 26, 2009 10 a.m.
VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]		
Department duties; county commission account and training program; Iowa veterans cemetery, 1.1 to 1.3, 1.5, 1.11 IAB 3/25/09 ARC 7659B	Building A6A, Camp Dodge 7105 NW 70th Ave. Johnston, Iowa	April 17, 2009 1 to 2 p.m.
County commission of veterans affairs fund and training program, ch 7 IAB 3/25/09 ARC 7660B	Building A6A, Camp Dodge 7105 NW 70th Ave. Johnston, Iowa	April 17, 2009 2 to 4:30 p.m.
Veterans trust fund, 14.2, 14.3(1), 14.4, 14.5, 14.7 IAB 3/25/09 ARC 7661B	Building A6A, Camp Dodge 7105 NW 70th Ave. Johnston, Iowa	April 17, 2009 12:30 to 1 p.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].

The following list will be updated as changes occur:

ADMINISTRATIVE SERVICES DEPARTMENT[11]
AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]
 Agricultural Development Authority[25]
 Soil Conservation Division[27]
ATTORNEY GENERAL[61]
AUDITOR OF STATE[81]
BEEF INDUSTRY COUNCIL, IOWA[101]
BLIND, DEPARTMENT FOR THE[111]
CAPITAL INVESTMENT BOARD, IOWA[123]
CITIZENS’ AIDE[141]
CIVIL RIGHTS COMMISSION[161]
COMMERCE DEPARTMENT[181]
 Alcoholic Beverages Division[185]
 Banking Division[187]
 Credit Union Division[189]
 Insurance Division[191]
 Professional Licensing and Regulation Bureau[193]
 Accountancy Examining Board[193A]
 Architectural Examining Board[193B]
 Engineering and Land Surveying Examining Board[193C]
 Landscape Architectural Examining Board[193D]
 Real Estate Commission[193E]
 Real Estate Appraiser Examining Board[193F]
 Interior Design Examining Board[193G]
 Savings and Loan Division[197]
 Utilities Division[199]
CORRECTIONS DEPARTMENT[201]
 Parole Board[205]
CULTURAL AFFAIRS DEPARTMENT[221]
 Arts Division[222]
 Historical Division[223]
ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]
 City Development Board[263]
IOWA FINANCE AUTHORITY[265]
EDUCATION DEPARTMENT[281]
 Educational Examiners Board[282]
 College Student Aid Commission[283]
 Higher Education Loan Authority[284]
 Iowa Advance Funding Authority[285]
 Libraries and Information Services Division[286]
 Public Broadcasting Division[288]
 School Budget Review Committee[289]
EGG COUNCIL, IOWA[301]
ELDER AFFAIRS DEPARTMENT[321]
EMPOWERMENT BOARD, IOWA[349]
ENERGY INDEPENDENCE, OFFICE OF[350]
ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]
EXECUTIVE COUNCIL[361]
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Community Action Agencies Division[427]
Criminal and Juvenile Justice Planning Division[428]
Deaf Services Division[429]
Persons With Disabilities Division[431]
Latino Affairs Division[433]
Status of African-Americans, Division on the[434]
Status of Women Division[435]
Status of Iowans of Asian and Pacific Islander Heritage[436]
HUMAN SERVICES DEPARTMENT[441]
INSPECTIONS AND APPEALS DEPARTMENT[481]
Employment Appeal Board[486]
Foster Care Review Board[489]
Racing and Gaming Commission[491]
State Public Defender[493]
IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]
LAW ENFORCEMENT ACADEMY[501]
LIVESTOCK HEALTH ADVISORY COUNCIL[521]
LOTTERY AUTHORITY, IOWA[531]
MANAGEMENT DEPARTMENT[541]
Appeal Board, State[543]
City Finance Committee[545]
County Finance Committee[547]
NATURAL RESOURCES DEPARTMENT[561]
Energy and Geological Resources Division[565]
Environmental Protection Commission[567]
Natural Resource Commission[571]
Preserves, State Advisory Board for[575]
PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD, IOWA COMPREHENSIVE[591]
PREVENTION OF DISABILITIES POLICY COUNCIL[597]
PROPANE EDUCATION AND RESEARCH COUNCIL, IOWA[599]
PUBLIC DEFENSE DEPARTMENT[601]
Homeland Security and Emergency Management Division[605]
Military Division[611]
PUBLIC EMPLOYMENT RELATIONS BOARD[621]
PUBLIC HEALTH DEPARTMENT[641]
Professional Licensure Division[645]
Dental Board[650]
Medicine Board[653]
Nursing Board[655]
Pharmacy Board[657]
PUBLIC SAFETY DEPARTMENT[661]
RECORDS COMMISSION[671]
REGENTS BOARD[681]
Archaeologist[685]
REVENUE DEPARTMENT[701]
SECRETARY OF STATE[721]
SHEEP AND WOOL PROMOTION BOARD, IOWA[741]
TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]
TRANSPORTATION DEPARTMENT[761]
Railway Finance Authority[765]
TREASURER OF STATE[781]
TURKEY MARKETING COUNCIL, IOWA[787]
UNIFORM STATE LAWS COMMISSION[791]
VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]
VETERINARY MEDICINE BOARD[811]
VOLUNTEER SERVICE, IOWA COMMISSION ON[817]
VOTER REGISTRATION COMMISSION[821]
WORKFORCE DEVELOPMENT DEPARTMENT[871]
Labor Services Division[875]
Workers' Compensation Division[876]
Workforce Development Board and Workforce Development Center Administration Division[877]

ARC 7654B

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(4), the Department of Human Services proposes to amend Chapter 11, "Collection of Public Assistance Debts," Iowa Administrative Code.

The proposed amendments reflect the consolidation and simplification of forms used to notify households of public assistance overpayments. A notice of debt is issued to inform the debtor of the amount owed and the reason for the debt and to request the debtor to enter into a repayment agreement. Under these amendments, use of eleven notice of debt forms is discontinued. Three forms are retained, and the following forms are added to replace those discontinued:

- Form 470-4530, Notice of Child Care Assistance Overpayment;
- Form 470-4668, Notice of Food Assistance Overpayment;
- Form 470-4683, Notice of FIP or RCA Overpayment; and
- Form 470-4688, Notice of PROMISE JOBS Overpayment.

The existing forms have been revised to simplify the language, add the suggested minimum payment amounts, and add language that tells debtors to call the Department of Inspections and Appeals (DIA) to discuss other options if the debtor is unable to pay the suggested minimum amount. The revised forms are expected to reduce confusion for debtors who receive them and reduce the number of questions to the DIA.

These amendments do not provide for waivers in specified situations because they merely make technical changes. They do not affect the conditions for establishing or repaying a debt.

Any interested person may make written comments on the proposed amendments on or before April 15, 2009. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, 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 sections 217.34, 234.12, 239B.14, and 249A.5.

The following amendments are proposed.

ITEM 1. Amend rule **441—11.1(217)**, definition of "Written notification," as follows:

"*Written notification*" shall mean the notification sent to a debtor by the department on Form 470-1668, Notice of Setoff of an Iowa Income Tax Refund for Debts Owed the Department of Human Services, Form ~~427-0538~~ 470-4139, Notice of Income Offset Against State Warrants ~~for Debts Owed the Department of Human Services~~, and Form ~~427-0539~~ 470-4140, Notice of Income (Payroll) Offset ~~Against State Warrants for Debts Owed the Department of Human Services~~.

ITEM 2. Amend subrule 11.2(2) as follows:

11.2(2) Notice of debt. A claim is established when the first notice of the debt is issued to the household on one of the following forms:

- a. Form 470-0338, Demand Letter for Food Assistance Agency Error Overissuance (no longer issued).
- b. Form 470-2616, Demand Letter for FIP/RCA Agency Error Overissuance (no longer issued).
- c. Form 470-2891, ~~Demand Letter~~ Notice of Medical Assistance Overpayment.
- d. Form 470-3486, Demand Letter for Food Assistance Intentional Program Violation Overissuance (no longer issued).

HUMAN SERVICES DEPARTMENT[441](cont'd)

- e.* Form 470-3487, Demand Letter for Food Assistance Inadvertent Household Error Overissuance (no longer issued).
- f.* Form 470-3490, Demand Letter for FIP/RCA Client Error Overissuance (no longer issued).
- g.* Form 470-3627, Demand Letter for Child Care Assistance Provider Error Overissuance (no longer issued).
- h.* Form 470-3628, Demand Letter for Child Care Assistance Agency Error Overissuance (no longer issued).
- i.* Form 470-3807, Demand Letter for Child Care Assistance Client Error Benefit Overissuance (no longer issued).
- j.* Form 470-3984, Notice of Healthy and Well Kids in Iowa (HAWK-I) Premium Overpayment.
- k.* Form 470-3990, Demand Letter for PROMISE JOBS Agency Error Overissuance (no longer issued).
- l.* Form 470-3991, Demand Letter for PROMISE JOBS Client Error Overissuance (no longer issued).
- m.* Form 470-3992, Demand Letter for PROMISE JOBS Provider Error Overissuance (no longer issued).
- n.* Form 470-4179, Notice of Food Assistance ~~Trafficking~~ Debt.
- o.* Form 470-4530, Notice of Child Care Assistance Overpayment.
- p.* Form 470-4668, Notice of Food Assistance Overpayment.
- q.* Form 470-4683, Notice of FIP or RCA Overpayment.
- r.* Form 470-4688, Notice of PROMISE JOBS Overpayment.

ARC 7655B**HUMAN SERVICES DEPARTMENT[441]****Notice of Termination**

Pursuant to the authority of Iowa Code section 225C.6(1), the Department of Human Services hereby terminates rule-making proceedings under the provisions of Iowa Code section 17A.4(1)“b” for proposed rule making relating to Chapter 26, “Emergency Mental Health Crisis Services System,” Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on October 8, 2008, as **ARC 7263B**. The Notice proposed adoption of a new chapter to the Iowa Administrative Code to support a request for proposals for projects to begin implementation of an emergency mental health crisis services system. Core components of the system were telephone hotline services, mobile crisis services, walk-in crisis services, and crisis care coordination services.

The Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission voted to terminate this rule making because the proposed rules were thought to be too prescriptive and could interfere with providers’ achieving successful results for Iowans under the request for proposals.

The Department plans to propose new rules for review and approval by the Commission.

ARC 7656B**HUMAN SERVICES DEPARTMENT[441]****Notice of Termination**

Pursuant to the authority of Iowa Code section 225C.6(1), the Department of Human Services hereby terminates rule-making proceedings under the provisions of Iowa Code section 17A.4(1)“b” for proposed rule making relating to Chapter 27, “Mental Health Services for Children and Youth,” Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on October 8, 2008, as **ARC 7265B**. The Notice proposed adoption of a new chapter to the Iowa Administrative Code to support a request for proposals for initial projects to begin implementation of a comprehensive

HUMAN SERVICES DEPARTMENT[441](cont'd)

community-based mental health services system for children and youth. The rules reflected the formulation of basic administrative procedures for lead agencies and local systems of care to promote access to less restrictive, more appropriate, and less costly services in the community.

The Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission voted to terminate this rule making because the proposed rules were thought to be too prescriptive and could interfere with providers' achieving successful results for Iowans under the request for proposals.

The Department plans to propose new rules for review and approval by the Commission.

ARC 7642B**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 58, "Emergency Assistance," and Chapter 153, "Funding for Local Services," Iowa Administrative Code.

The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009, Public Law 110-329, appropriated \$600 million in additional funds to the Social Services Block Grant to address necessary expenses resulting from hurricanes, floods, and other natural disasters occurring during 2008 which the President declared major disasters and from Hurricanes Katrina and Rita. Iowa was awarded \$11,157,944 under this legislation.

The funds will be administered through the Department of Human Services as the single state agency for the Social Services Block Grant, but have been allocated to three departments (Human Services, Public Health, and Elder Affairs) for qualifying expenditures. Of the \$4,979,944 allocated to the Department of Human Services, the Department's amendment to the Social Services Block Grant Pre-Expenditure Report provides that \$3,330,627 will be used to fund a new mental health counseling program for persons directly affected by the weather-related disasters of 2008.

These amendments adopt new Division V in Chapter 58 to implement this program, which is called Ticket to Hope. Under this program, people in need of mental health services may receive up to eight authorized 45- to 50-minute psychotherapy sessions with an approved mental health provider. Access to the program will be through the Iowa Concern Hotline, which will determine eligibility, authorize services, and submit claims to the Department of Human Services for payment. The services will be provided at no cost to the person receiving counseling.

These amendments do not provide for waivers in specified situations, since the changes benefit the persons affected by offering care that is not otherwise accessible. 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 Emergency and are published herein as **ARC 7641B**. 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 April 15, 2009. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, 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.

ARC 7653B**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 77, "Conditions of Participation for Providers of Medical and Remedial Care," Iowa Administrative Code.

The proposed amendments affect the provider standards for home- and community-based habilitation services and for the seven home- and community-based services (HCBS) waivers (ill and handicapped, elderly, AIDS/HIV, mental retardation, brain injury, physical disability, and children's mental health). The Centers for Medicare and Medicaid Services (CMS) has approved amendments to Iowa's waivers that require a process for incident reporting. The changes are required by CMS and must be implemented for Iowa to continue to receive federal financial participation for home- and community-based services.

The amendments:

- Amend the incident reporting standards for habilitation providers and service providers under the mental retardation, brain injury, and children's mental health waivers.
- Add identical incident reporting standards for providers of services under the ill and handicapped, elderly, AIDS/HIV, and physical disability waivers.

The proposed incident reporting standards apply only to providers who have personal contact with members. The standards define "major" and "minor" incidents, prescribe the content of the incident report form, and set procedures for reporting of major and minor incidents. The standards require incident reports to be filed within 24 hours. Minor incidents would be reported only internally to the provider supervisor and noted in the member's file. Major incidents would also be reported to the member or the member's guardian, the member's case manager, and the Department's Bureau of Long-Term Care. Providers will be required to track and analyze incidents to determine if further training or changes in service procedures are needed.

These amendments exempt providers without direct member contact from the new incident reporting requirements. Otherwise, these amendments do not provide for waivers in specified situations because all providers that have direct contact with members should be held to the same standards of protection. Providers or members may request a waiver of any rule under the Department's general rule on exceptions at rule 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendments on or before April 15, 2009. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, 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.4.

The following amendments are proposed.

ITEM 1. Rescind the definition of "Incident" in subrule **77.25(1)**.

ITEM 2. Adopt the following **new** definitions in subrule **77.25(1)**:

"Major incident" means an occurrence involving a member during service provision that:

1. Results in a physical injury to or by the member that requires a physician's treatment or admission to a hospital;
2. Results in the death of any person;
3. Requires emergency mental health treatment for the member;

HUMAN SERVICES DEPARTMENT[441](cont'd)

4. Requires the intervention of law enforcement;
5. Requires a report of child abuse pursuant to Iowa Code section 232.69 or a report of dependent adult abuse pursuant to Iowa Code section 235B.3;
6. Constitutes a prescription medication error or a pattern of medication errors that leads to the outcome in paragraph “1,” “2,” or “3”; or
7. Involves a member’s location being unknown by provider staff who are assigned responsibility for oversight.

“*Member*” means a person who has been determined to be eligible for Medicaid under 441—Chapter 75.

“*Minor incident*” means an occurrence involving a member during service provision that is not a major incident and that:

1. Results in the application of basic first aid;
2. Results in bruising;
3. Results in seizure activity;
4. Results in injury to self, to others, or to property; or
5. Constitutes a prescription medication error.

ITEM 3. Rescind subrule 77.25(3) and adopt the following **new** subrule in lieu thereof:

77.25(3) *Incident management and reporting.* As a condition of participation in the medical assistance program, HCBS habilitation service providers must comply with the requirements of Iowa Code sections 232.69 and 235B.3 regarding the reporting of child abuse and dependent adult abuse and with the incident management and reporting requirements in this subrule.

a. Report form. Each major or minor incident shall be recorded on Form 470-4698, HCBS Incident and Death Report. The form shall be completed and signed by the provider staff who observed the incident or who first became aware of the incident. The report shall include the following information:

- (1) The name of the member involved.
- (2) The date and time the incident occurred.
- (3) A description of the incident, including designation of the incident as a major or minor incident.
- (4) The names of all provider staff and others who were present at the time of the incident or who responded after becoming aware of the incident. The confidentiality of other members or nonmembers who were present must be maintained by the use of initials or other means.
- (5) The action that the provider staff took to manage the incident.
- (6) The resolution of or follow-up to the incident.

b. Reporting procedure for major incidents. When a major incident occurs or when a staff member becomes aware of a major incident, provider staff shall notify the member or the member’s legal guardian within 24 hours of the incident and shall distribute the completed incident report form as follows:

- (1) To the supervisor of the provider staff involved within 24 hours of the incident.
- (2) To the member’s case manager and the department’s bureau of long-term care within 24 hours of the incident.
- (3) To the member or the member’s legal guardian within 24 hours of the incident.
- (4) To a centralized file with a notation in the member’s file.

c. Reporting procedure for minor incidents. When a minor incident occurs or when a staff member becomes aware of a minor incident, provider staff shall distribute the completed incident report form as follows:

- (1) To the supervisor of the provider staff involved within 24 hours of the incident.
- (2) To a centralized file with a notation in the member’s file.

d. Tracking and analysis. The provider shall track incident data and analyze trends to assess the health and safety of members served and determine if changes need to be made for service implementation or if staff training is needed to reduce the number or severity of incidents.

HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 4. Amend rule 441—77.30(249A), introductory paragraph, as follows:

441—77.30(249A) HCBS ill and handicapped waiver service providers. HCBS ill and handicapped waiver services shall be rendered by a person who is at least 16 years old (except as otherwise provided in this rule) and is not the spouse of the consumer served or the parent or stepparent of a consumer aged 17 or under. People who are 16 or 17 years old must be employed and supervised by an enrolled HCBS provider unless they are employed to provide self-directed personal care services through the consumer choices option. A person hired for self-directed personal care services need not be supervised by an enrolled HCBS provider. A provider hired through the consumer choices option for independent support brokerage, self-directed personal care, individual-directed goods and services, or self-directed community support and employment is not required to enroll as a Medicaid provider. The following providers shall be eligible to participate in the Medicaid HCBS ill and handicapped waiver program if they meet the standards in subrule 77.30(18) and also meet the standards set forth below for the service to be provided:

ITEM 5. Adopt the following **new** subrule 77.30(18):

77.30(18) Incident management and reporting. As a condition of participation in the medical assistance program, HCBS ill and handicapped waiver service providers must comply with the requirements of Iowa Code sections 232.69 and 235B.3 regarding the reporting of child abuse and dependent adult abuse and with the incident management and reporting requirements in this subrule. EXCEPTION: The conditions in this subrule do not apply to providers of goods and services purchased under the consumer choices option or providers of home and vehicle modification, home-delivered meals, or personal emergency response.

a. Definitions.

“Major incident” means an occurrence involving a consumer during service provision that:

1. Results in a physical injury to or by the consumer that requires a physician’s treatment or admission to a hospital;
2. Results in the death of any person;
3. Requires emergency mental health treatment for the consumer;
4. Requires the intervention of law enforcement;
5. Requires a report of child abuse pursuant to Iowa Code section 232.69 or a report of dependent adult abuse pursuant to Iowa Code section 235B.3;
6. Constitutes a prescription medication error or a pattern of medication errors that leads to the outcome in paragraph “1,” “2,” or “3”; or
7. Involves a consumer’s location being unknown by provider staff who are assigned responsibility for oversight.

“Minor incident” means an occurrence involving a consumer during service provision that is not a major incident and that:

1. Results in the application of basic first aid;
2. Results in bruising;
3. Results in seizure activity;
4. Results in injury to self, to others, or to property; or
5. Constitutes a prescription medication error.

b. Report form. Each major or minor incident shall be recorded on Form 470-4698, HCBS Incident and Death Report. The form shall be completed and signed by the provider staff who observed the incident or who first became aware of the incident. The report shall include the following information:

- (1) The name of the member involved.
- (2) The date and time the incident occurred.
- (3) A description of the incident, including designation of the incident as a major or minor incident.
- (4) The names of all provider staff and others who were present at the time of the incident or who responded after becoming aware of the incident. The confidentiality of other waiver-eligible or non-waiver-eligible consumers who were present must be maintained by the use of initials or other means.

HUMAN SERVICES DEPARTMENT[441](cont'd)

- (5) The action that the provider staff took to manage the incident.
- (6) The resolution of or follow-up to the incident.

c. Reporting procedure for major incidents. When a major incident occurs or when a staff member becomes aware of a major incident, provider staff shall notify the consumer or the consumer's legal guardian within 24 hours of the incident and shall distribute the completed incident report form as follows:

- (1) To the supervisor of the provider staff involved within 24 hours of the incident.
- (2) To the consumer's case manager and the department's bureau of long-term care within 24 hours of the incident.
- (3) To the consumer or the consumer's legal guardian within 24 hours of the incident.
- (4) To a centralized file with a notation in the consumer's file.

d. Reporting procedure for minor incidents. When a minor incident occurs or when a staff member becomes aware of a minor incident, provider staff shall distribute the completed incident report form as follows:

- (1) To the supervisor of the provider staff involved within 24 hours of the incident.
- (2) To a centralized file with a notation in the consumer's file.

e. Tracking and analysis. The provider shall track incident data and analyze trends to assess the health and safety of consumers served and determine if changes need to be made for service implementation or if staff training is needed to reduce the number or severity of incidents.

ITEM 6. Amend rule 441—77.33(249A), introductory paragraph, as follows:

441—77.33(249A) HCBS elderly waiver service providers. HCBS elderly waiver services shall be rendered by a person who is at least 16 years old (except as otherwise provided in this rule) and is not the spouse of the consumer served or the parent or stepparent of a consumer aged 17 or under. People who are 16 or 17 years old must be employed and supervised by an enrolled HCBS provider unless they are employed to provide self-directed personal care services through the consumer choices option. A person hired for self-directed personal care services need not be supervised by an enrolled HCBS provider. A person hired through the consumer choices option for independent support brokerage, self-directed personal care, individual-directed goods and services, or self-directed community support and employment is not required to enroll as a Medicaid provider. The following providers shall be eligible to participate in the Medicaid HCBS elderly waiver program if they meet the standards in subrule 77.33(22) and also meet the standards set forth below for the service to be provided:

ITEM 7. Adopt the following **new** subrule 77.33(22):

77.33(22) Incident management and reporting. As a condition of participation in the medical assistance program, HCBS elderly waiver service providers must comply with the requirements of Iowa Code sections 232.69 and 235B.3 regarding the reporting of child abuse and dependent adult abuse and with the incident management and reporting requirements in this subrule. EXCEPTION: The conditions in this subrule do not apply to providers of assistive devices, chore service, goods and services purchased under the consumer choices option, home and vehicle modification, home-delivered meals, personal emergency response, or transportation.

a. Definitions.

"Major incident" means an occurrence involving a consumer during service provision that:

- 1. Results in a physical injury to or by the consumer that requires a physician's treatment or admission to a hospital;
- 2. Results in the death of any person;
- 3. Requires emergency mental health treatment for the consumer;
- 4. Requires the intervention of law enforcement;
- 5. Requires a report of child abuse pursuant to Iowa Code section 232.69 or a report of dependent adult abuse pursuant to Iowa Code section 235B.3;
- 6. Constitutes a prescription medication error or a pattern of medication errors that leads to the outcome in paragraph "1," "2," or "3"; or

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7. Involves a consumer's location being unknown by provider staff who are assigned responsibility for oversight.

"Minor incident" means an occurrence involving a consumer during service provision that is not a major incident and that:

1. Results in the application of basic first aid;
2. Results in bruising;
3. Results in seizure activity;
4. Results in injury to self, to others, or to property; or
5. Constitutes a prescription medication error.

b. *Report form.* Each major or minor incident shall be recorded on Form 470-4698, HCBS Incident and Death Report. The form shall be completed and signed by the provider staff who observed the incident or who first became aware of the incident. The report shall include the following information:

- (1) The name of the member involved.
- (2) The date and time the incident occurred.
- (3) A description of the incident, including designation of the incident as a major or minor incident.
- (4) The names of all provider staff and others who were present at the time of the incident or who responded after becoming aware of the incident. The confidentiality of other waiver-eligible or non-waiver-eligible consumers who were present must be maintained by the use of initials or other means.

(5) The action that the provider staff took to manage the incident.

(6) The resolution of or follow-up to the incident.

c. *Reporting procedure for major incidents.* When a major incident occurs or when a staff member becomes aware of a major incident, provider staff shall notify the consumer or the consumer's legal guardian within 24 hours of the incident and shall distribute the completed incident report form as follows:

- (1) To the supervisor of the provider staff involved within 24 hours of the incident.
- (2) To the member's case manager and the department's bureau of long-term care within 24 hours of the incident.
- (3) To the consumer or the consumer's legal guardian within 24 hours of the incident.
- (4) To a centralized file with a notation in the consumer's file.

d. *Reporting procedure for minor incidents.* When a minor incident occurs or when a staff member becomes aware of a minor incident, provider staff shall distribute the completed incident report form as follows:

- (1) To the supervisor of the provider staff involved within 24 hours of the incident.
- (2) To a centralized file with a notation in the consumer's file.

e. *Tracking and analysis.* The provider shall track incident data and analyze trends to assess the health and safety of consumers served and determine if changes need to be made for service implementation or if staff training is needed to reduce the number or severity of incidents.

ITEM 8. Amend rule 441—77.34(249A), introductory paragraph, as follows:

441—77.34(249A) HCBS AIDS/HIV waiver service providers. HCBS AIDS/HIV waiver services shall be rendered by a person who is at least 16 years old (except as otherwise provided in this rule) and is not the spouse of the consumer served or the parent or stepparent of a consumer aged 17 or under. People who are 16 or 17 years old must be employed and supervised by an enrolled HCBS provider unless they are employed to provide self-directed personal care services through the consumer choices option. A person hired for self-directed personal care services need not be supervised by an enrolled HCBS provider. A person hired through the consumer choices option for independent support brokerage, self-directed personal care, individual-directed goods and services, or self-directed community support and employment is not required to enroll as a Medicaid provider. The following providers shall be eligible to participate in the Medicaid HCBS AIDS/HIV waiver program if they meet the standards in subrule 77.34(14) and also meet the standards set forth below for the service to be provided:

HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 9. Adopt the following **new** subrule 77.34(14):

77.34(14) Incident management and reporting. As a condition of participation in the medical assistance program, HCBS AIDS/HIV waiver service providers must comply with the requirements of Iowa Code sections 232.69 and 235B.3 regarding the reporting of child abuse and dependent adult abuse and with the incident management and reporting requirements in this subrule. EXCEPTION: The conditions in this subrule do not apply to providers of goods and services purchased under the consumer choices option or to home-delivered meals.

a. Definitions.

“*Major incident*” means an occurrence involving a consumer during service provision that:

1. Results in a physical injury to or by the consumer that requires a physician’s treatment or admission to a hospital;
2. Results in the death of any person;
3. Requires emergency mental health treatment for the consumer;
4. Requires the intervention of law enforcement;
5. Requires a report of child abuse pursuant to Iowa Code section 232.69 or a report of dependent adult abuse pursuant to Iowa Code section 235B.3;
6. Constitutes a prescription medication error or a pattern of medication errors that leads to the outcome in paragraph “1,” “2,” or “3”; or
7. Involves a consumer’s location being unknown by provider staff who are assigned responsibility for oversight.

“*Minor incident*” means an occurrence involving a consumer during service provision that is not a major incident and that:

1. Results in the application of basic first aid;
2. Results in bruising;
3. Results in seizure activity;
4. Results in injury to self, to others, or to property; or
5. Constitutes a prescription medication error.

b. Report form. Each major or minor incident shall be recorded on Form 470-4698, HCBS Incident and Death Report. The form shall be completed and signed by the provider staff who observed the incident or who first became aware of the incident. The report shall include the following information:

- (1) The name of the consumer involved.
- (2) The date and time the incident occurred.
- (3) A description of the incident, including designation of the incident as a major or minor incident.
- (4) The names of all provider staff and others who were present at the time of the incident or who responded after becoming aware of the incident. The confidentiality of other waiver-eligible or non-waiver-eligible consumers who were present must be maintained by the use of initials or other means.
- (5) The action that the provider staff took to manage the incident.
- (6) The resolution of or follow-up to the incident.

c. Reporting procedure for major incidents. When a major incident occurs or when a staff member becomes aware of a major incident, provider staff shall notify the consumer or the consumer’s legal guardian within 24 hours of the incident and shall distribute the completed incident report form as follows:

- (1) To the supervisor of the provider staff involved within 24 hours of the incident.
- (2) To the consumer’s case manager and the department’s bureau of long-term care within 24 hours of the incident.
- (3) To the consumer or the consumer’s legal guardian within 24 hours of the incident.
- (4) To a centralized file with a notation in the consumer’s file.

d. Reporting procedure for minor incidents. When a minor incident occurs or when a staff member becomes aware of a minor incident, provider staff shall distribute the completed incident report form as follows:

- (1) To the supervisor of the provider staff involved within 24 hours of the incident.

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(2) To a centralized file with a notation in the consumer's file.

e. Tracking and analysis. The provider shall track incident data and analyze trends to assess the health and safety of consumers served and determine if changes need to be made for service implementation or if staff training is needed to reduce the number or severity of incidents.

ITEM 10. Amend rule **441—77.37(249A)**, first unnumbered paragraph, as follows:

The standards in subrule 77.37(1) apply only to providers of supported employment, respite providers certified according to subparagraph 77.37(15)“a”(8), and providers of supported community living services that are not residential-based. The standards and certification processes in subrules 77.37(2) through 77.37(7) and 77.37(9) through 77.37(12) apply only to supported employment providers and non-residential-based supported community living providers.

ITEM 11. Rescind subrule 77.37(8) and adopt the following **new** subrule in lieu thereof:

77.37(8) Incident management and reporting. As a condition of participation in the medical assistance program, HCBS mental retardation waiver service providers must comply with the requirements of Iowa Code sections 232.69 and 235B.3 regarding the reporting of child abuse and dependent adult abuse and with the incident management and reporting requirements in this subrule. EXCEPTION: The conditions in this subrule do not apply to providers of goods and services purchased under the consumer choices option or providers of home and vehicle modification, personal emergency response, and transportation.

a. Definitions.

“*Major incident*” means an occurrence involving a consumer during service provision that:

1. Results in a physical injury to or by the consumer that requires a physician's treatment or admission to a hospital;
2. Results in the death of any person;
3. Requires emergency mental health treatment for the consumer;
4. Requires the intervention of law enforcement;
5. Requires a report of child abuse pursuant to Iowa Code section 232.69 or a report of dependent adult abuse pursuant to Iowa Code section 235B.3;
6. Constitutes a prescription medication error or a pattern of medication errors that leads to the outcome in paragraph “1,” “2,” or “3”; or
7. Involves a consumer's location being unknown by provider staff who are assigned responsibility for oversight.

“*Minor incident*” means an occurrence involving a consumer during service provision that is not a major incident and that:

1. Results in the application of basic first aid;
2. Results in bruising;
3. Results in seizure activity;
4. Results in injury to self, to others, or to property; or
5. Constitutes a prescription medication error.

b. Report form. Each major or minor incident shall be recorded on Form 470-4698, HCBS Incident and Death Report. The form shall be completed and signed by the provider staff who observed the incident or who first became aware of the incident. The report shall include the following information:

- (1) The name of the consumer involved.
- (2) The date and time the incident occurred.
- (3) A description of the incident, including designation of the incident as a major or minor incident.
- (4) The names of all provider staff and others who were present at the time of the incident or who responded after becoming aware of the incident. The confidentiality of other waiver-eligible or non-waiver-eligible consumers who were present must be maintained by the use of initials or other means.
- (5) The action that the provider staff took to manage the incident.
- (6) The resolution of or follow-up to the incident.

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c. Reporting procedure for major incidents. When a major incident occurs or when a staff member becomes aware of a major incident, provider staff shall notify the consumer or the consumer's legal guardian within 24 hours of the incident and shall distribute the completed incident report form as follows:

- (1) To the supervisor of the provider staff involved within 24 hours of the incident.
- (2) To the consumer's case manager and the department's bureau of long-term care within 24 hours of the incident.
- (3) To the consumer or the consumer's legal guardian within 24 hours of the incident.
- (4) To a centralized file with a notation in the consumer's file.

d. Reporting procedure for minor incidents. When a minor incident occurs or when a staff member becomes aware of a minor incident, provider staff shall distribute the completed incident report form as follows:

- (1) To the supervisor of the provider staff involved within 24 hours of the incident.
- (2) To a centralized file with a notation in the consumer's file.

e. Tracking and analysis. The provider shall track incident data and analyze trends to assess the health and safety of consumers served and determine if changes need to be made for service implementation or if staff training is needed to reduce the number or severity of incidents.

ITEM 12. Rescind subrule 77.39(6) and adopt the following **new** subrule in lieu thereof:

77.39(6) Incident management and reporting. As a condition of participation in the medical assistance program, HCBS brain injury waiver service providers must comply with the requirements of Iowa Code sections 232.69 and 235B.3 regarding the reporting of child abuse and dependent adult abuse and with the incident management and reporting requirements in this subrule. EXCEPTION: The conditions in this subrule do not apply to providers of goods and services purchased under the consumer choices option and providers of home and vehicle modification, personal emergency response, and transportation.

a. Definitions.

"Major incident" means an occurrence involving a consumer during service provision that:

1. Results in a physical injury to or by the consumer that requires a physician's treatment or admission to a hospital;
2. Results in the death of any person;
3. Requires emergency mental health treatment for the consumer;
4. Requires the intervention of law enforcement;
5. Requires a report of child abuse pursuant to Iowa Code section 232.69 or a report of dependent adult abuse pursuant to Iowa Code section 235B.3;
6. Constitutes a prescription medication error or a pattern of medication errors that leads to the outcome in paragraph "1," "2," or "3"; or
7. Involves a consumer's location being unknown by provider staff who are assigned responsibility for oversight.

"Minor incident" means an occurrence involving a consumer during service provision that is not a major incident and that:

1. Results in the application of basic first aid;
2. Results in bruising;
3. Results in seizure activity;
4. Results in injury to self, to others, or to property; or
5. Constitutes a prescription medication error.

b. Report form. Each major or minor incident shall be recorded on Form 470-4698, HCBS Incident and Death Report. The form shall be completed and signed by the provider staff who observed the incident or who first became aware of the incident. The report shall include the following information:

- (1) The name of the consumer involved.
- (2) The date and time the incident occurred.
- (3) A description of the incident, including designation of the incident as a major or minor incident.

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(4) The names of all provider staff and others who were present at the time of the incident or who responded after becoming aware of the incident. The confidentiality of other waiver-eligible or non-waiver-eligible consumers who were present must be maintained by the use of initials or other means.

(5) The action that the provider staff took to manage the incident.

(6) The resolution of or follow-up to the incident.

c. Reporting procedure for major incidents. When a major incident occurs or when a staff member becomes aware of a major incident, provider staff shall notify the consumer or the consumer's legal guardian within 24 hours of the incident and shall distribute the completed incident report form as follows:

(1) To the supervisor of the provider staff involved within 24 hours of the incident.

(2) To the consumer's case manager and the department's bureau of long-term care within 24 hours of the incident.

(3) To the consumer or the consumer's legal guardian within 24 hours of the incident.

(4) To a centralized file with a notation in the consumer's file.

d. Reporting procedure for minor incidents. When a minor incident occurs or when a staff member becomes aware of a minor incident, provider staff shall distribute the completed incident report form as follows:

(1) To the supervisor of the provider staff involved within 24 hours of the incident.

(2) To a centralized file with a notation in the consumer's file.

e. Tracking and analysis. The provider shall track incident data and analyze trends to assess the health and safety of consumers served and determine if changes need to be made for service implementation or if staff training is needed to reduce the number and severity of incidents.

ITEM 13. Adopt the following **new** subrule 77.41(12):

77.41(12) Incident management and reporting. As a condition of participation in the medical assistance program, HCBS physical disability waiver service providers must comply with the requirements of Iowa Code sections 232.69 and 235B.3 regarding the reporting of child abuse and dependent adult abuse and with the incident management and reporting requirements in this subrule. EXCEPTION: The conditions in this subrule do not apply to providers of goods and services purchased under the consumer choices option and providers of home and vehicle modification, specialized medical equipment, personal emergency response, and transportation.

a. Definitions.

"Major incident" means an occurrence involving a consumer during service provision that:

1. Results in a physical injury to or by the consumer that requires a physician's treatment or admission to a hospital;

2. Results in the death of any person;

3. Requires emergency mental health treatment for the consumer;

4. Requires the intervention of law enforcement;

5. Requires a report of child abuse pursuant to Iowa Code section 232.69 or a report of dependent adult abuse pursuant to Iowa Code section 235B.3;

6. Constitutes a prescription medication error or a pattern of medication errors that leads to the outcome in paragraph "1," "2," or "3"; or

7. Involves a consumer's location being unknown by provider staff who are assigned responsibility for oversight.

"Minor incident" means an occurrence involving a consumer during service provision that is not a major incident and that:

1. Results in the application of basic first aid;

2. Results in bruising;

3. Results in seizure activity;

4. Results in injury to self, to others, or to property; or

5. Constitutes a prescription medication error.

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b. Report form. Each major or minor incident shall be recorded on Form 470-4698, HCBS Incident and Death Report. The form shall be completed and signed by the provider staff who observed the incident or who first became aware of the incident. The report shall include the following information:

- (1) The name of the consumer involved.
- (2) The date and time the incident occurred.
- (3) A description of the incident, including designation of the incident as a major or minor incident.
- (4) The names of all provider staff and others who were present at the time of the incident or who responded after becoming aware of the incident. The confidentiality of other waiver-eligible or non-waiver-eligible consumers who were present must be maintained by the use of initials or other means.
- (5) The action that the provider staff took to manage the incident.
- (6) The resolution of or follow-up to the incident.

c. Reporting procedure for major incidents. When a major incident occurs or when a staff member becomes aware of a major incident, provider staff shall notify the consumer or the consumer's legal guardian within 24 hours of the incident and shall distribute the completed incident report form as follows:

- (1) To the supervisor of the provider staff involved within 24 hours of the incident.
- (2) To the consumer's case manager and the department's bureau of long-term care within 24 hours of the incident.
- (3) To the consumer or the consumer's legal guardian within 24 hours of the incident.
- (4) To a centralized file with a notation in the consumer's file.

d. Reporting procedure for minor incidents. When a minor incident occurs or when a staff member becomes aware of a minor incident, provider staff shall distribute the completed incident report form as follows:

- (1) To the supervisor of the provider staff involved within 24 hours of the incident.
- (2) To a centralized file with a notation in the consumer's file.

e. Tracking and analysis. The provider shall track incident data and analyze trends to assess the health and safety of consumers served and determine if changes need to be made for service implementation or if staff training is needed to reduce the number and severity of incidents.

ITEM 14. Rescind paragraph 77.46(1)"d" and adopt the following **new** paragraph in lieu thereof:

d. Incident management and reporting. As a condition of participation in the medical assistance program, HCBS children's mental health waiver service providers must comply with the requirements of Iowa Code sections 232.69 and 235B.3 regarding the reporting of child abuse and dependent adult abuse and must comply with the following incident management and reporting requirements. EXCEPTION: The conditions in this paragraph do not apply to providers of environmental modifications and adaptive devices.

- (1) Definitions.

"Major incident" means an occurrence involving a consumer during service provision that:

1. Results in a physical injury to or by the consumer that requires a physician's treatment or admission to a hospital;
2. Results in the death of any person;
3. Requires emergency mental health treatment for the consumer;
4. Requires the intervention of law enforcement;
5. Requires a report of child abuse pursuant to Iowa Code section 232.69 or a report of dependent adult abuse pursuant to Iowa Code section 235B.3;
6. Constitutes a prescription medication error or a pattern of medication errors that leads to the outcome in paragraph "1," "2," or "3"; or
7. Involves a consumer's location being unknown by provider staff who are assigned responsibility for oversight.

"Minor incident" means an occurrence involving a consumer during service provision that is not a major incident and that:

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1. Results in the application of basic first aid;
2. Results in bruising;
3. Results in seizure activity;
4. Results in injury to self, to others, or to property; or
5. Constitutes a prescription medication error.

(2) Report form. Each major or minor incident shall be recorded on Form 470-4698, HCBS Incident and Death Report. The form shall be completed and signed by the provider staff who observed the incident or who first became aware of the incident. The report shall include the following information:

1. The name of the consumer involved.
2. The date and time the incident occurred.
3. A description of the incident, including designation of the incident as a major or minor incident.
4. The names of all provider staff and others who were present at the time of the incident or who responded after becoming aware of the incident. The confidentiality of other waiver-eligible or non-waiver-eligible consumers who were present must be maintained by the use of initials or other means.
5. The action that the provider staff took to manage the incident.
6. The resolution of or follow-up to the incident.

(3) Reporting procedure for major incidents. When a major incident occurs or when a staff member becomes aware of a major incident, the provider staff shall notify the supervisor immediately. The supervisor shall immediately notify the consumer's case manager and the consumer's parent or legal guardian, unless the parent or legal guardian is suspected as the perpetrator. If the parent or legal guardian is suspected as the perpetrator, the supervisor shall follow the procedures for reporting child abuse according to Iowa Code section 232.69. The provider staff shall distribute the completed incident report form as follows:

1. To the supervisor of the provider staff involved within 24 hours of the incident.
2. To the consumer's case manager and the department's bureau of long-term care within 24 hours of the incident.
3. To the consumer or the consumer's legal guardian within 24 hours of the incident unless the parent or legal guardian is suspected as the perpetrator.
4. To a centralized file with a notation in the consumer's file.

(4) Reporting procedure for minor incidents. When a minor incident occurs or when a staff member becomes aware of a minor incident, provider staff shall notify the consumer's parent or legal guardian immediately and distribute the completed incident report form as follows:

1. To the supervisor of the provider staff involved within 24 hours of the incident.
2. To a centralized file with a notation in the consumer's file.

(5) Tracking and analysis. The provider shall track incident data and analyze trends to assess the health and safety of consumers served and determine if changes need to be made for service implementation or if staff training is needed to reduce the number and severity of incidents.

ARC 7640B**MANAGEMENT DEPARTMENT[541]****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 8.6(8) and 28.9(5), the Iowa Department of Management hereby gives Notice of Intended Action to adopt new Chapter 13, "First Years First Grant Program," Iowa Administrative Code.

The proposed new chapter establishes a competitive grant program to make funding available to local communities from moneys credited to the First Years First account, which is under the authority of the Iowa Department of Management pursuant to Iowa Code section 28.9(5).

These rules establish the purpose of the grant program, eligible applicants, application requirements, the application procedure, and the appeals process for the First Years First Grant Program. The program was established by the Legislature to advance quality early childhood programs and services to help prepare children from birth through five years of age for school.

Consideration will be given to all written suggestions or comments on the proposed rules on or before April 14, 2009. Such written materials should be sent to the First Years First Coordinator, Office of Empowerment, Iowa Department of Management, State Capitol Building, Des Moines, Iowa 50319; by facsimile to (515)281-4225; or by electronic mail to sonni.vierling@iowa.gov.

A public hearing will be held on April 14, 2009, at 10:30 a.m. in Room 142 at the Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa, at which time comments may be submitted 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 Sonni Vierling at (515)725-2074 to advise of specific needs.

These rules are intended to implement Iowa Code section 28.9(5).

The following amendment is proposed.

Adopt the following **new** 541—Chapter 13:

CHAPTER 13
FIRST YEARS FIRST GRANT PROGRAM

541—13.1(28) Purposes. The purposes of the first years first grant program are to make funding available to local communities and to leverage private match moneys for advancing quality early childhood programs and services that better prepare children from birth through five years of age for school readiness. The program is established with moneys credited to the first years first account, which is under the authority of the Iowa department of management (DOM) pursuant to Iowa Code section 28.9(5).

541—13.2(28) Eligible applicants.

13.2(1) Eligible applicants for the first years first grant program include designated community empowerment areas or tax-exempt organizations classified under Section 501(c)(3) of the Internal Revenue Code. An empowerment area is defined in the administrative rules for the Iowa empowerment board (see rule 349—1.4(28)).

13.2(2) Eligible applicants must be providers of early childhood programs and services that fit within the areas of early care/education services; family support programming; health; or science and technology.

MANAGEMENT DEPARTMENT[541](cont'd)

541—13.3(28) Threshold application requirements. To be considered for funding under the first years first grant program, an application shall meet all of the following requirements:

13.3(1) Be evidence-based and incorporate measurable objectives that indicate accountability and efficiency. For the purposes of this chapter, “evidence-based” means practices that are supported by the knowledge or findings of research or through the use of scientific methods. To review the most current criteria for and common elements of evidence-based practices, refer to the first years first request for proposals document, Appendix A, which can be downloaded from the following Web site: http://www.empowerment.state.ia.us/first_years_first.asp.

13.3(2) Include data measures consistent with project goals.

13.3(3) Demonstrate coordination with the local empowerment board as evidenced by a letter of support by the local empowerment board.

13.3(4) Demonstrate the ability to obtain private match funds.

541—13.4(28) Application procedure.

13.4(1) Subject to the availability of funds, applications will be reviewed by DOM staff for completeness in meeting the eligibility and threshold requirements outlined in rules 13.2(28) and 13.3(28). Applications that meet these requirements will be reviewed by the early childhood business committee, a subcommittee of the Iowa empowerment board (the Iowa board). When its review process is completed, the early childhood business committee will submit recommended applications to the Iowa board for final funding consideration. The early childhood business committee and the Iowa board are defined in rule 349—1.4(28).

13.4(2) Application contents, review criteria, and distribution information regarding first years first grant program funds shall be in accordance with the most current first years first request for proposals document, which can be downloaded from the following Web site: http://www.empowerment.state.ia.us/first_years_first.asp.

541—13.5(28) Appeal policy. An eligible applicant may file an appeal with the director of the department of management as follows:

13.5(1) *Appealable actions.* Issues that may be appealed include disbursement of funds and revocation of funding if initiated by the department.

13.5(2) *Nonappealable actions.* The denial or rejection of a grant application, the amount of a grant award, and other actions taken by the Iowa empowerment board are not appealable to the director of the department of management. These actions are subject to appeal procedures set forth by the Iowa empowerment board. Additional information about Iowa empowerment board policies can be found on the following Web site: http://www.empowerment.state.ia.us/common/pdf/ieb_appeal_process.pdf.

13.5(3) *Letter of appeal.* The letter of appeal must be submitted within five working days of the action of the department of management that led to the appeal and must clearly and fully identify all issues being contested.

13.5(4) *Time line for decision.* The director of the department shall review the appeal request and issue a decision within ten days of receipt of the request by the department or within ten days of receipt of any follow-up information requested from the applicant by the department.

These rules are intended to implement Iowa Code section 28.9(5).

ARC 7652B**NATURAL RESOURCES DEPARTMENT[561]****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 455A.4 and 456A.24, the Department of Natural Resources hereby gives Notice of Intended Action to adopt new Chapter 12, "Special Nonresident Deer and Turkey Licenses," Iowa Administrative Code.

This new chapter establishes the process by which the Department will issue special nonresident deer and turkey licenses to individuals as part of statewide or local efforts to promote the state and its natural resources.

Any interested person may make written suggestions or comments on the proposed rules on or before April 14, 2009. Written comments may be sent to Ross Harrison, Special Nonresident Deer and Turkey License Program Coordinator, Department of Natural Resources, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Program Coordinator at (515)281-5973 or at the Department's offices on the fourth floor of the Wallace State Office Building.

These rules are intended to implement Iowa Code section 483A.24.

The following amendment is proposed.

Adopt the following new 561—Chapter 12:

CHAPTER 12

SPECIAL NONRESIDENT DEER AND TURKEY LICENSES

561—12.1(483A) Purpose. These rules establish the process by which the department will issue special nonresident deer and turkey licenses to individuals as part of statewide or local efforts to promote the state and its natural resources.

561—12.2(483A) Definitions. When used in this chapter:

"Conservation organization" means an organization that is developed and managed pursuant to Iowa Code chapter 504, the revised Iowa nonprofit corporation Act, and whose mission emphasizes natural resource conservation or supports science-based natural resource management. A local or state chapter or division of a national or international conservation organization shall qualify as a conservation organization.

"Coordinator" means the department staff person appointed by the director to administer the process for allocation of special nonresident deer and turkey licenses pursuant to this chapter.

"Department" means the department of natural resources.

"Director" means the director of the department of natural resources.

"Internal committee" means the committee that ranks certain requests for special licenses for consideration by the legislative committee and consists of the coordinator, the administrator of the conservation and recreation division, the chief of the wildlife bureau, and the chief of the law enforcement bureau.

"Legislative committee" means the committee that makes the final selection of recipients of special nonresident deer and turkey licenses and consists of the majority leader of the Iowa senate, the speaker of the Iowa house of representatives, and the director of the Iowa department of economic development, or their designees, as described in Iowa Code section 483A.24.

NATURAL RESOURCES DEPARTMENT[561](cont'd)

“*Outdoor industry*” means a commercial enterprise or venture that promotes or otherwise contributes to the use of natural resources. For purposes of illustration, an outdoor industry may include, but is not limited to, a television or radio show production; a video/DVD production; still and motion photography; an article in the popular print media, such as in a newspaper or periodical; a lecture presentation; the manufacture or acquisition of sporting equipment for resale; or a similar activity. A business that solely provides guide or outfitter services is not an outdoor industry.

“*Program*” means the review and selection process through which special nonresident deer and turkey licenses are allocated in accordance with Iowa Code section 483A.24 and these rules.

“*Special licenses*” means the special nonresident deer licenses and special nonresident turkey licenses issued pursuant to these rules.

“*Special nonresident deer license*” means a deer license issued pursuant to Iowa Code section 483A.24(3).

“*Special nonresident turkey license*” means a turkey license issued pursuant to Iowa Code section 483A.24(4).

“*Sponsor*” means an entity that applies on behalf of one or more hunters.

561—12.3(483A) Availability of special licenses. The program shall be available to provide not more than the number of special licenses allowed by Iowa Code section 483A.24 to nonresidents through requests submitted by individual hunters or through a sponsor. Sponsors may be located in the state of Iowa.

561—12.4(483A) Coordinator duties. The coordinator of the program shall:

12.4(1) Assist the internal and legislative committees in the evaluation and selection of hunters who may receive special licenses.

12.4(2) Develop templates for requests for special licenses and provide the templates to hunters and sponsors upon request.

12.4(3) Convene the internal committee to rank hunters according to the criteria in 561—12.7(483A).

12.4(4) Summarize each request received and distribute the summaries to the internal committee and legislative committee.

12.4(5) Provide additional information regarding requesters as needed to aid the legislative committee in the selection process.

12.4(6) Establish the dates on which the legislative committee will select the conservation organizations and hunters who will receive special licenses and inform the organizations and hunters of their selection.

561—12.5(483A) Request, review and selection process.

12.5(1) *Submission of requests.* Individual hunters or sponsors shall submit a request, or requests, to the coordinator. A request must be on the form provided by the department and may be submitted to the coordinator at any time during the year.

12.5(2) *Review.*

a. The internal committee shall review the summaries prepared by the coordinator, rank the hunters according to criteria in 561—12.7(483A), and forward the rankings to the legislative committee for consideration and final selection.

b. Requests that demonstrate little or no promotion of the state of Iowa or its natural resources, as determined by the internal committee, shall not be included in the rankings forwarded to or considered by the legislative committee.

c. Review of requests shall occur at least once annually but may occur more frequently as needed based upon the number of requests and the dates by which they are received.

12.5(3) *Selection and payment.* Upon notice of selection to receive a special license, the sponsor or hunter shall make payment in accordance with rule 561—12.12(483A) to the department through the

NATURAL RESOURCES DEPARTMENT[561](cont'd)

coordinator. Payment must be made at least 30 days prior to the hunting season for which the license is valid.

561—12.6(483A) Consideration of requests. The legislative committee will determine which conservation organizations and hunters are best qualified to promote the state and its natural resources. In making such a determination, the legislative committee will select hunters and conservation organizations based on their expected ability to promote the state and its natural resources and, if applicable, based on the degree of success special license holders have had in previous years or seasons in promoting the state and its natural resources. By way of illustration, the committee may consider requests from the following:

12.6(1) A hunter who has a direct beneficial impact on the state through an arm's-length business relationship with an Iowa-based outdoor industry.

12.6(2) A conservation organization that will use the special nonresident deer license as a fund-raiser for that organization. A conservation organization shall be limited to one special nonresident deer license per year, whether the organization is a local or state chapter or division of a national or international conservation organization. The organization shall return to the department the greater amount of either one-half of the proceeds from its sale of the special nonresident deer license or the fee for a nonresident deer license as set forth in Iowa Code section 483A.1. The department's proceeds shall cover the cost of the special nonresident deer license. A license made available to a conservation organization in accordance with this subrule may be valid for up to two years after selection of the organization by the legislative committee. The sponsoring conservation organization shall notify the coordinator by July 1 or immediately following the sale of the special nonresident deer license of which year and for what season the special nonresident deer license will be used. The conservation organization shall specifically explain how and during what period the organization will market the special nonresident deer license for auction or some other legal fund-raiser.

12.6(3) A hunter nominated by the governor, a member of the Iowa legislature or a member of the legislative committee.

12.6(4) A hunter recommended by the department.

12.6(5) A hunter who is a well-known public figure nationally or regionally and who may provide a positive portrayal of the state and its natural resources.

561—12.7(483A) Ranking criteria.

12.7(1) The following criteria shall be used by the internal committee to rank individual hunters as identified in 12.6(1), 12.6(4) and 12.6(5). The rankings shall be determined as the average of the following rating points and will be provided to the legislative committee as an aid in determining the selection of hunters.

- a. Ten points if the hunter is directly affiliated with an Iowa-based outdoor industry.
- b. From 0 to 10 points applied to each of the following:
 - (1) The relative size of the hunter's potential audience.
 - (2) The hunter's proposal to promote the state and its natural resources.
 - (3) If the hunter has received a special license in the past, the value of the actual promotion of the state and its natural resources or special services provided as a result.
- c. From 0 to 5 points if the hunter meets the description in 12.6(5).

12.7(2) A conservation organization's request shall be forwarded to the legislative committee if the conservation organization meets the definition in 561—12.2(483A) and based on an evaluation of the organization's prior performance, if any, in selling the special nonresident deer license.

12.7(3) Hunters as identified in 12.6(3) shall not be ranked by the internal committee, and their requests will be forwarded to the legislative committee for its determination.

561—12.8(483A) Services provided by recipients of special licenses. In addition to promoting the state and its natural resources, recipients of special licenses may improve the ranking they receive for future license requests by providing additional services as specified by the department. Services shall be

NATURAL RESOURCES DEPARTMENT[561](cont'd)

limited to services which improve communications between the department and outdoor recreationalists and to assistance in marketing outdoor recreation and natural resource conservation.

561—12.9(483A) License term. With the exception of the term provided for in subrule 12.6(2), special licenses issued under these rules shall be valid for only the applicable deer or turkey season immediately following allocation of the license.

561—12.10(483A) Reporting. Within eight months after a hunter's participation in a hunt with a license issued pursuant to this chapter, the sponsor or hunter shall provide to the coordinator information about the hunt to demonstrate how the hunt will provide or has provided promotion of the state and its natural resources. This information may be in the form of testimonials of the participants, a completed DVD available for retail sale, a DVD copy of the actual television broadcast, an article in a periodical, or other verifiable means that demonstrate the promotional benefits. The legislative committee may consider compliance with this reporting requirement in evaluating future requests.

561—12.11(483A) Prohibitions. Photographs, videotapes, or any other form of media resulting from the special licenses issued pursuant to this chapter shall not be used for political campaign purposes.

561—12.12(483A) License costs. With the exception provided in subrule 12.6(2) for conservation organizations, a nonresident who obtains a special license issued pursuant to this chapter shall pay the applicable fee as follows:

12.12(1) For a special nonresident deer license, the fee described in Iowa Code section 483A.1 for a deer hunting license, antlered or any sex deer.

12.12(2) For a special nonresident turkey license, the fee described in Iowa Code section 483A.1 for a wild turkey hunting license.

561—12.13(483A) Hunter safety requirements. As provided in Iowa Code sections 483A.24(3) and 483A.24(4), the hunter safety and ethics certificate requirement is waived for holders of special licenses issued pursuant to this chapter.

These rules are intended to implement Iowa Code section 483A.24.

ARC 7657B

PUBLIC SAFETY DEPARTMENT[661]

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 103A.7, the Building Code Commissioner hereby gives Notice of Intended Action to adopt new Chapter 310, "Sustainable Design Standards," Iowa Administrative Code, with the approval of the Building Code Advisory Council.

Iowa Code section 103A.8B was newly enacted in 2008. It authorizes and requires the Building Code Commissioner, with the approval of the Building Code Advisory Council, to establish sustainable design or green building standards. These standards will be part of the State Building Code but will apply to construction projects only if triggered by another provision of law. During 2008, the standards proposed herein were applied to establish eligibility for enhancements to tax credits which apply to development in designated brownfields and grayfields areas.

PUBLIC SAFETY DEPARTMENT[661](cont'd)

The rules proposed herein are considered by the Building Code Commissioner to be the start of an ongoing process of development of sustainable design standards for the state of Iowa. Major developments are occurring in the evolution of these standards and significant changes are likely to occur in the next few years, so it is anticipated that there will be periodic revisions to these standards on an ongoing basis. Nevertheless, it is essential that initial standards be in place by July 1, 2009, as they are specified to be the basis for awarding enhanced tax credits for projects being developed in designated grayfields and brownfields areas.

During the public comment period for these proposed rules, the Building Code Commissioner specifically solicits recommendations for alternative frameworks for evaluating and approving building construction projects as sustainably designed and constructed. In addition, there are types of projects which may have need of standards tailored to the specific requirements of those projects. To accommodate such needs, the Building Code Commissioner solicits comments or suggestions regarding sustainable design standards appropriate to the following types of buildings: (1) Web portal businesses and data centers, (2) schools, and (3) health care facilities. While the United States Green Building Council Leadership in Energy and Environmental Design (LEED) Green Building Rating System includes specific requirements for schools and health care facilities, the Building Code Commissioner is interested in any suggestions or comments for other approaches to establishing sustainable design standards for these types of buildings. Any suggestions or comments regarding any other specialized sorts of occupancies which might be better served with separate standards are also welcome. Any such comments received will be considered for possible inclusion in the adopted rules.

The Commissioner also welcomes comments and suggestions as to how enforcement of the standards should proceed, given that certification of a building as meeting sustainable design standards may not occur until after construction is complete. The standards proposed herein will be used, in some instances, as the basis for tax credits or for enhancements to existing tax credits; in these cases, enforcement may be a matter of withholding the tax credit or enhancement until the required certification is obtained. However, if sustainable design is mandatory for a given building construction project, the enforcement authority needs a mechanism to determine compliance prior to the commencement of construction and for approval of construction plans and, during construction, for inspections. Any suggestions received as to how to deal with enforcement prior to and during construction may be incorporated into the adopted rules.

Comments may be submitted regarding these proposed rules through April 14, 2009, by telephone at (515)725-6185; facsimile transmission at (515)725-6195; mail to Michael Coveyou, Agency Rules Administrator, Iowa Department of Public Safety, 215 East 7th Street, Des Moines, Iowa 50319; or E-mail to admrule@dps.state.ia.us.

A public hearing will be held regarding these proposed rules on April 14, 2009, at 10:15 a.m. in the First Floor Public Conference Room (Room 125) at the State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa. Persons wishing to speak at the hearing are encouraged to contact Michael Coveyou, Agency Rules Administrator, by telephone at (515)725-6185 at least one day before the hearing. The hearing room is fully accessible.

These rules are intended to implement Iowa Code section 103A.8B.

The following amendment is proposed.

Adopt the following **new** 661—Chapter 310:

CHAPTER 310
SUSTAINABLE DESIGN STANDARDS

661—310.1(103A) Scope and purpose.

310.1(1) Scope. The standards established in this chapter shall apply to building construction projects in Iowa that are based upon state or federal statutory requirements; administrative rules adopted by state agencies that own, manage, regulate, or finance building construction projects; or federal regulations.

PUBLIC SAFETY DEPARTMENT[661](cont'd)

310.1(2) Purpose. The purpose of the standards and requirements included in this chapter is to promote sustainable design in building construction, which may be defined as construction which meets current needs while not compromising the needs of future generations. Sustainable design standards are intended to minimize the adverse environmental impacts of construction and the built environment.

661—310.2(103A) Definitions. The following definitions apply to rules 661—310.1(103A) through 661—310.6(103A):

“*Commercial*” means a building construction project that is not residential.

“*Commissioner*” means the building code commissioner.

“*Residential*” means a building construction project which involves a building that exclusively contains dwelling units, has no more than three dwelling units with each unit having a separate means of egress to the exterior of the building, and is not more than three stories above grade.

661—310.3(103A) Submission of projects.

310.3(1) Building code approval required. No building construction project shall be approved as a sustainably designed project pursuant to these rules unless construction plans for the project have been approved by the building code commissioner as meeting the state building code or by a local building department as meeting the applicable local building code.

310.3(2) Projects subject to state building code. If approval as a sustainably designed project is requested for a project that is otherwise subject to the state building code, the submission materials required by 661—Chapter 300 shall include a statement that approval for the project as sustainably designed is being requested.

310.3(3) Projects subject to local building codes. If approval from the building code commissioner is sought for a project that is subject to a local building code and code enforcement, construction plans shall be submitted to the building code bureau as provided in 661—Chapter 300, with a cover letter stating that approval of the project as a sustainably designed project is being requested and that the project has been submitted for review to the local building department. Evidence of approval of the construction plans by the local building department shall be submitted to the building code bureau prior to issuance of the commissioner’s approval of the project as a sustainably designed project.

310.3(4) Projects not otherwise subject to state or local building code. If approval as a sustainably designed project is sought for a building construction project that is otherwise not subject to the state building code or a local building code, construction plans for the project shall be submitted to the building code bureau and the project shall be subject to the state building code and to procedures and fees for review of construction plans and inspections as provided in 661—Chapter 300. The cover letter transmitted with the plans shall state that approval as a sustainably designed project is being requested and that the project is not subject to a local building code enforced by a local jurisdiction.

310.3(5) Application form. A completed application form prescribed by the commissioner shall be included with the submission of the construction plans for review of any project for which approval as a sustainably designed project is requested.

661—310.4(103A) Sustainable design criteria for residential projects. A residential building construction project shall be approved as sustainably designed if it meets either of the following requirements:

310.4(1) Satisfaction of the Iowa green streets criteria described in the publication “Iowa Green Streets Criteria,” published by the Iowa department of economic development, community development division; or

310.4(2) Satisfaction of any alternative set of criteria submitted in advance to the commissioner and approved by the commissioner as equivalent to the Iowa green streets criteria.

661—310.5(103A) Sustainable design criteria for commercial projects. A commercial building construction project shall be approved as sustainably designed if it meets the requirements of 310.5(1) and 310.5(2) or the requirements of 310.5(3).

PUBLIC SAFETY DEPARTMENT[661](cont'd)

310.5(1) The building receives certification from the United States Green Building Council at the gold level or better in the Leadership in Energy and Environmental Design (LEED) Green Building Rating System; and

310.5(2) The building complies with the requirements of ASHRAE 90.1-2007, Energy Standard for Buildings Except Low-Rise Residential Buildings, published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, 1791 Tullie Circle, N.E., Atlanta, GA 30329; or

310.5(3) The building satisfies any alternative set of criteria submitted in advance to the commissioner and approved by the commissioner as equivalent to the requirements set forth in 310.5(1) and 310.5(2).

661—310.6(103A) Fees.

310.6(1) *Projects subject to the state building code.* For any project for which approval as a sustainably designed project is requested from the commissioner and which is otherwise subject to the state building code, the additional fee for review for compliance with sustainable design standards shall be \$100, which shall be paid prior to review of the application.

310.6(2) *Projects subject to local building codes and code enforcement.* For any project approved by a local building department as compliant with the local building code and for which approval as a sustainably designed project is requested, a fee of \$250 shall apply and shall be paid prior to the commissioner's review of the application for approval as a sustainably designed project.

310.6(3) *Projects not otherwise subject to a building code.* For any project for which approval as a sustainably designed project is requested and which is not otherwise subject to a building code, the plan review fee shall be the same as the plan review fee for the project established in 661—subrule 300.4(2). An additional fee of \$100 for review for compliance with the requirements set forth in this chapter shall apply and shall be paid prior to review of the plan.

These rules are intended to implement Iowa Code section 103A.8B.

ARC 7639B

REAL ESTATE COMMISSION[193E]

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 543B.9, 543B.18, and 543B.15, the Real Estate Commission hereby gives Notice of Intended Action to amend Chapter 14, "Seller Property Condition Disclosure," Iowa Administrative Code.

The proposed amendment to subrule 14.1(6) will remove question 20 from the Residential Property Seller Disclosure Statement. This amendment is in response to Iowa Code section 558A.4(1) as amended by 2008 Iowa Acts, Senate File 2246, section 1, enacted July 1, 2008, that removes the requirement that properties located in a real estate improvement district be disclosed.

A public hearing will be held on April 14, 2009, at 9 a.m. in the Second Floor Professional Licensing Conference Room, 1920 SE Hulsizer Road, Ankeny, Iowa, at which time persons may present their views on the proposed amendment either orally or in writing. At the hearing, persons who wish to speak will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment.

Consideration will be given to all written suggestions or comments received before the end of the business day on April 14, 2009. Comments should be addressed to David Batts, Executive Officer, Iowa

REAL ESTATE COMMISSION[193E](cont'd)

Real Estate Commission, 1920 SE Hulsizer Road, Ankeny, Iowa 50021, or faxed to (515)281-7411. E-mail may be sent to David.Batts@Iowa.gov.

This amendment is intended to implement Iowa Code sections 543B.9, 543B.18 and 558A.4(1). The following amendment is proposed.

Rescind Question 20 in the Residential Property Seller Disclosure Statement in subrule **14.1(6)**.

ARC 7638B

REAL ESTATE COMMISSION[193E]

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 543B.9 and 543B.18, the Real Estate Commission hereby gives Notice of Intended Action to amend Chapter 16, "Prelicense Education and Continuing Education," Iowa Administrative Code.

The proposed amendment to subrule 16.4(4) increases the number of continuing education hours that may be taken through distance education.

A public hearing will be held on April 14, 2009, at 9 a.m. in the Second Floor Professional Licensing Conference Room, 1920 SE Hulsizer Road, Ankeny, Iowa, at which time persons may present their views on the proposed amendment either orally or in writing. At the hearing, persons who wish to speak will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment.

Consideration will be given to all written suggestions or comments received before the end of the business day on April 14, 2009. Comments should be addressed to Toni Bright, Education Director, Iowa Real Estate Commission, 1920 SE Hulsizer Road, Ankeny, Iowa 50021, or faxed to (515)281-7411. E-mail may be sent to toni.bright@iowa.gov.

There is no fiscal impact to the State of Iowa.

This amendment is intended to implement Iowa Code sections 543B.9 and 543B.18.

The following amendment is proposed.

Amend subrule 16.4(4) as follows:

16.4(4) A maximum of ~~18~~ 24 hours of continuing education may be taken by ~~correspondence/home study~~ distance education each three-year renewal period.

TREASURER OF STATE

Notice—Public Funds Interest Rates

In compliance with Iowa Code chapter 74A and section 12C.6, the committee composed of Treasurer of State Michael L. Fitzgerald, Superintendent of Credit Unions James E. Forney, Superintendent of Banking Thomas B. Gronstal, and Auditor of State David A. Vaudt have established today the following rates of interest for public obligations and special assessments. The usury rate for March is 4.50%.

INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS

74A.2 Unpaid Warrants	Maximum 6.0%
74A.4 Special Assessments	Maximum 9.0%

TREASURER OF STATE(cont'd)

RECOMMENDED Rates for Public Obligations (74A.3) and School District Warrants (74A.7). A rate equal to 75% of the Federal Reserve monthly published indices for U.S. Government securities of comparable maturities. All Iowa Banks and Iowa Savings Associations as defined by Iowa Code section 12C.1 are eligible for public fund deposits as defined by Iowa Code section 12C.6A.

The rate of interest has been determined by a committee of the state of Iowa to be the minimum interest rate that shall be paid on public funds deposited in approved financial institutions. To be eligible to accept deposits of public funds of the state of Iowa, a financial institution shall demonstrate a commitment to serve the needs of the local community in which it is chartered to do business. These needs include credit services as well as deposit services. All such financial institutions are required to provide the committee with a written description of their commitment to provide credit services in the community. This statement is available for examination by citizens.

New official state interest rates, effective March 10, 2009, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TIME DEPOSITS		
7-31 days	.....	Minimum 0.35%
32-89 days	.....	Minimum 0.60%
90-179 days	.....	Minimum 0.55%
180-364 days	.....	Minimum 0.85%
One year to 397 days	.....	Minimum 1.25%
More than 397 days	.....	Minimum 1.50%

These are minimum rates only. The one year and less are four-tenths of a percent below average rates. Public body treasurers and their depositories may negotiate a higher rate according to money market rates and conditions.

Inquiries may be sent to Michael L. Fitzgerald, Treasurer of State, State Capitol, Des Moines, Iowa 50319.

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:

April 1, 2008 — April 30, 2008	5.75%
May 1, 2008 — May 31, 2008	5.50%
June 1, 2008 — June 30, 2008	5.75%
July 1, 2008 — July 31, 2008	6.00%
August 1, 2008 — August 31, 2008	6.00%
September 1, 2008 — September 30, 2008	6.00%
October 1, 2008 — October 31, 2008	6.00%
November 1, 2008 — November 30, 2008	5.75%
December 1, 2008 — December 31, 2008	5.75%
January 1, 2009 — January 31, 2009	5.50%
February 1, 2009 — February 28, 2009	4.50%
March 1, 2009 — March 31, 2009	4.50%
April 1, 2009 — April 30, 2009	5.00%

ARC 7659B**VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]****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 35A.5 and 2008 Iowa Acts, chapter 1130, section 3, the Department of Veterans Affairs hereby proposes to amend Chapter 1, "Organization and Procedures," Iowa Administrative Code.

The amendments to Chapter 1 are proposed to establish the Iowa Veterans Cemetery; to make technical corrections; to comply with 2007 Iowa Acts, House File 817, that prescribes certain duties to the Iowa Department of Veterans Affairs; and to comply with 2008 Iowa Acts, Senate File 2134, that establishes the county commission of veterans affairs account, training program, and minimum requirements to county commissions of veterans affairs.

Any interested party or persons may present their views either orally or in writing at a public hearing to be held on April 17, 2009, from 1 to 2 p.m. at the Iowa Department of Veterans Affairs, Camp Dodge, Bldg. A6A, 7105 NW 70th Avenue, Johnston, 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 amendments. Persons who wish to make oral presentations at the public hearing should contact Kent Hartwig, Iowa Department of Veterans Affairs, Camp Dodge, Bldg. A6A, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824, or at (515)242-0031, prior to the date of the 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 Kent Hartwig at (515)242-0031.

Any interested person may make written comments or suggestions on the proposed amendments until 4:30 p.m. on April 14, 2009. Written comments and suggestions should be addressed to Kent Hartwig, Iowa Department of Veterans Affairs, Camp Dodge, Bldg. A6A, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824; sent by E-mail to kent.hartwig@iowa.gov; or sent by fax to (515)242-5659.

No fiscal impact is anticipated.

These amendments are intended to implement Iowa Code chapter 35A and section 35B.6 and 2008 Iowa Acts, chapter 1130.

The following amendments are proposed.

ITEM 1. Amend rule 801—1.1(35,35A,35D) as follows:

801—1.1(35,35A,35D) Definitions. The following definitions are unique to the ~~commission~~ department of veterans affairs:

"Annual school of instruction" means annual classroom certification and recertification training sponsored by the department for county veteran service officers to meet accreditation requirements ~~sponsored and directed by the commission~~ of the National Association of County Veteran Service Officers (NACVSO).

"Armed forces graves" means graves of any individuals who die during or after discharge from honorable service in the army, navy, air force, marines, merchant marines, coast guard, or as a federally activated reservist or member of the national guard, and are buried within the state of Iowa.

"Cemetery" means the Iowa Veterans Cemetery.

"Certificate of training" means a certificate provided to ~~an~~ a county veteran service officer upon satisfactory completion of an annual school of instruction.

"Commandant" means the commandant of the Iowa Veterans Home.

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801](cont'd)

“*Commission*” means the Iowa commission of veterans affairs.

“*Commissioner*” means a member of the Iowa commission of veterans affairs.

“*County commission*” means a county commission of veteran affairs.

“*County commissioner*” means a member of a county commission of veteran affairs.

“*County veteran service officer*” means an executive director or administrator of a county commission.

“*Department*” means the Iowa department of veterans affairs.

“*Executive director*” means the executive director of the Iowa ~~commission~~ department of veterans affairs.

~~“*Officer*” means an executive director of a county commission, a county commissioner, or a clerical assistant of a county commission.~~

ITEM 2. Amend rule 801—1.2(35,35A,35D) as follows:

801—1.2(35,35A,35D) Commission. The commission is established and operates in accordance with Iowa Code chapter 35A ~~as amended by 1992 Iowa Acts, chapter 1140, sections 7 to 11.~~

1.2(1) Office location. The commission maintains its office at the Iowa ~~Commission~~ Department of Veterans Affairs at Camp Dodge. The mailing address is: Iowa Commission of Veterans Affairs, c/o Camp Dodge, Building A6A, ~~7700 NW Beaver Drive~~ 7105 NW 70th Avenue, Johnston, Iowa 50131-~~1902~~ 1824. The telephone number is (515)242-5331 or 1-800-838-4692 (1-800-VET-IOWA).

1.2(2) Meetings and conduct of business.

a. Meetings. Regular meetings of the commission shall be held ~~the first Wednesday of each quarter~~ four times a year during the months of (January, April, July, and September October) at 10 a.m. Notice of the time, place, and tentative agenda of all meetings shall be posted on the bulletin board located in the office of the governor 24 hours prior to the meeting. The agenda for each meeting shall include a reasonable time period for public comment. Special meetings shall be held pursuant to call by the chairperson. Notice of time and place shall be posted in the same manner as a regular meeting.

b. A quorum shall consist of two-thirds of the membership appointed and qualified to vote.

c. A quorum is required to carry a position.

d. Copies of minutes shall be kept on file in the office of the ~~commission~~ department.

e. In cases not covered by these rules, Robert’s Rules of Order shall govern.

f. An equal number of meetings shall be conducted at Camp Dodge and the Iowa Veterans Home.

1.2(3) Duties. The duties of the commission are as follows:

a. Organize and annually select a chairperson, a senior vice-chairperson and a junior vice-chairperson at the first meeting of each state fiscal year.

b. ~~—Adopt rules pursuant to Iowa Code chapter 17A in accordance with 801—Chapters 2, 3, and 4 and establish policy for management and operation of the commission.~~

e. ~~—Prescribe the duties of the executive director and other employees as deemed necessary to carry out the duties of the commission, including but not limited to those set out in rule 1.3(35,35A). Those duties not all inclusive are training of officers in accordance with Iowa Code chapter 35B, maintenance of the war orphans educational fund, maintaining information and data concerning military service records of Iowa veterans, collecting and maintaining information concerning veterans affairs, and maintaining armed forces graves registration. The executive director shall report directly to the commission. The commission shall supervise the executive director’s administration of commission policy other than those related to the Iowa Veterans Home. The executive director shall make a full and detailed report biennially regarding matters pertaining to the commission other than those related to Iowa Code section 35D.17.~~

~~*d.* b. Supervise the commandant’s administration of commission policy for the operation and conduct of the Iowa Veterans Home as set out in rule 1.4(35A,35D) and 801—Chapter 10.~~

~~*e.* —Maintain information and data concerning military service records of Iowa veterans.~~

~~*f.* —Provide assistance to county commissions including, but not limited to, adoption of rules regarding training of officers, provision of training courses in accordance with Iowa Code chapter 35B as amended by 1992 Iowa Acts, chapter 1075, section 2.~~

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801](cont'd)

~~g. — Permanently maintain records pertaining to the war orphans educational fund in accordance with Iowa Code section 35.7 as amended by 1992 Iowa Acts, chapter 1140, section 4.~~

~~h. — Collect and maintain information concerning veterans affairs.~~

~~i. — Provide information concerning veterans service records and veterans affairs data to authorized recipients in accordance with 801—Chapter 6.~~

~~j. — Maintain alphabetical armed forces graves registration according to procedures as set out in rule 1.7(35A,35B).~~

c. Review proposed administrative rules submitted by the department concerning the management and operation of the department. Unless the commission votes to disapprove a proposed rule on a two-thirds vote at the earlier of the next regularly scheduled meeting of the commission or a special meeting of the commission called by the commission within 30 days of the date the proposed rule is submitted, the department may proceed to adopt the rule.

d. Advise and make recommendations to the department, the general assembly, and the governor concerning issues involving and impacting veterans in this state.

e. Advise and make recommendations to the general assembly and the governor concerning the management and operation of the department.

f. Conduct an equal number of meetings at Camp Dodge and the Iowa Veterans Home. The agenda for each meeting shall include a reasonable time period for public comment.

g. Administer the Iowa veterans trust fund pursuant to 801—Chapter 14, Iowa Administrative Code.

h. Maintain and authorize expenditures from the veterans license fee fund to fulfill the responsibilities of the commission pursuant to Iowa Code section 35A.11.

ITEM 3. Amend rule 801—1.3(35,35A) as follows:

801—1.3(35,35A) Executive director. The executive director is responsible for administering the duties of the department and the commission other than those related to the Iowa Veterans Home.

1.3(1) Office location and hours. The office of the executive director is located at Camp Dodge, Building A6A, ~~7700 NW Beaver Drive~~ 7105 NW 70th Avenue, Johnston, Iowa 50131-~~4902~~ 1824. The office is open to the public during the hours of 8 a.m. to 4:30 p.m. except Saturday, Sunday, and holidays. The telephone number is (515)242-5331 or 1-800-838-4692 (1-800-VET-IOWA).

1.3(2) Administrative staff. The executive director provides direction to administrative staff employed by the ~~commission~~ department to assist the executive director in carrying out assigned duties.

1.3(3) Investigation of applications. The executive director shall examine all applications and approve or disapprove same and make any investigation necessary to establish facts regarding veterans service status and veterans affairs data in accordance with Iowa Code chapters 35 and 35A.

1.3(4) Duties. The duties of the department are as follows:

a. Maintain and disseminate information to veterans and the public regarding facilities, benefits, and services available to veterans and their families and assist veterans and their families in obtaining such benefits and services.

b. Maintain information and data concerning the military service of Iowa veterans.

c. Assist county veteran affairs commissions established pursuant to Iowa Code chapter 35B. The department shall provide to county commissions suggested uniform benefits and administrative procedures for carrying out the functions and duties of the county commissions. The department shall also ensure compliance of county commissions with required office hours.

d. Permanently maintain the records including certified records of bonus applications for awards paid from the war orphans educational fund under Iowa Code chapter 35.

e. Collect and maintain information concerning veterans affairs.

f. Assist the United States Department of Veterans Affairs, the Iowa Veterans Home, funeral directors, and federally chartered veterans service organizations in providing information concerning veterans' service records and veterans affairs data.

g. Maintain alphabetically a permanent registry of the graves of all persons who served in the military or naval forces of the United States in time of war and whose mortal remains rest in Iowa.

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h. After consultation with the commission and the Iowa Association of County Veteran Service Officers, provide certification training to officers and county support staff pursuant to 2008 Iowa Acts, chapter 1130, section 3, and Iowa Code section 35B.6 as amended by 2008 Iowa Acts, chapter 1130, section 4. Training provided shall include accreditation by the National Association of County Veteran Service Officers. Continuing education training shall be provided by the department to meet the requirements established by the National Association of County Veteran Service Officers and to ensure that each officer is proficient in the use of electronic mail, general computer use, and use of the Internet to access information regarding facilities, benefits, and services available to veterans and their families. The department shall provide two schools of instruction annually. At least one school each year will provide continuing education requirements sufficient to maintain national accreditation and at least one school each year will provide accreditation training for nonaccredited officers, if needed.

i. Provide an annual training course for county commissioners of veteran affairs.

j. Establish and operate a state veterans cemetery pursuant to Iowa Code section 35A.5, subsection 10.

k. Authorize the sale, trade, or transfer of veterans commemorative property pursuant to Iowa Code chapter 37A and 801—Chapter 15, Iowa Administrative Code.

l. Adopt rules pursuant to Iowa Code chapter 17A and establish policy for the management and operation of the department. Prior to adopting rules, the department shall submit proposed rules to the commission for review pursuant to the requirements of Iowa Code section 35A.3.

m. Provide information requested by the commission concerning the management and operation of the department and the programs administered by the department.

n. Carry out the policies of the department.

ITEM 4. Adopt the following **new** rule 801—1.5(35A):

801—1.5(35A) Iowa Veterans Cemetery. The department shall operate and administer the Iowa Veterans Cemetery in accordance with United States Department of Veterans Affairs' standards.

1.5(1) Operation and maintenance. The cemetery shall be operated and maintained in accordance with national standards set forth in Title 38 U.S.C. Chapter 24.

1.5(2) Application for interment. The department shall provide veterans and their eligible dependents with a standardized application for interment at the cemetery. This application is available at the Iowa Veterans Cemetery, 34024 Veterans Memorial Drive, Adel, Iowa 50003-3300; the Iowa Department of Veterans Affairs, 7105 NW 70th Avenue, Camp Dodge, Building A6A, Johnston, Iowa 50131-1824; or online at www.iowava.org/vetcemetery/index.html.

1.5(3) Eligibility. The department shall make eligibility for interment determinations consistent with Title 38 U.S.C. Chapter 24. State residency shall not be considered a component of eligibility.

1.5(4) Appeal rights.

a. Final agency action. Eligibility determinations made by the cemetery director shall be the final decision of the department.

b. Judicial review. Judicial review of the department's decision may be sought in accordance with Iowa Code section 17A.19.

ITEM 5. Amend subrules 1.11(2), 1.11(3) and 1.11(5) as follows:

1.11(2) Application procedures. The application is available at the ~~commission~~ department of veterans affairs. The application may be submitted to the ~~commission~~ department with name, address and telephone number, along with required document DD-214.

1.11(3) Department processing and investigation.

a. The time period for filing applications shall ~~be from~~ begin on July 1, 1999, ~~to July 1, 2004.~~

b. The executive director of the ~~commission~~ department of veterans affairs will approve or disapprove the application.

1.11(5) Office address. The office of the ~~commission~~ department of veterans affairs is located at ~~7700 NW Beaver Drive~~ 7105 NW 70th Avenue, Camp Dodge, Building A6A, Johnston, Iowa 50131-~~1902~~ 1824.

ARC 7660B

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

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 35A.5, 2008 Iowa Acts, chapter 1130, and 2009 Iowa Acts, House File 283, the Iowa Department of Veterans Affairs hereby proposes to adopt new Chapter 7, "County Commissions of Veteran Affairs Fund and Training Program," Iowa Administrative Code.

This proposed new chapter is established to comply with 2008 Iowa Acts, chapter 1130, and 2009 Iowa Acts, House File 283, both of which amend the structure of county commissions of veteran affairs, including revisions to the amount of funds distributed and the method of distribution; the creation of a county commission of veteran affairs training program; and the establishment of minimum requirements for county commissions of veteran affairs.

Any interested party or persons may present their views either orally or in writing at a public hearing to be held on April 17, 2009, from 2 to 4:30 p.m. at the Iowa Department of Veterans Affairs, Camp Dodge, Bldg. A6A, 7105 NW 70th Avenue, Johnston, 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 rules. Persons who wish to make oral presentations at the public hearing should contact Kent Hartwig, Iowa Department of Veterans Affairs, Camp Dodge, Bldg. A6A, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824, or by telephone at (515)242-0031, prior to the date of the 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 Kent Hartwig at (515)242-0031.

Any interested person may make written comments or suggestions on the proposed rules until 4:30 p.m. on April 17, 2009. Written comments and suggestions should be addressed to Kent Hartwig, Iowa Department of Veterans Affairs, Camp Dodge, Bldg. A6A, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824; sent by E-mail to kent.hartwig@iowa.gov; or sent by fax to (515)242-5659.

Pursuant to 2008 Iowa Acts, chapter 1130, section 2, this proposed new chapter is based on a \$1 million appropriation from the General Assembly for the fiscal year beginning July 1, 2009, and for each subsequent fiscal year.

These rules are intended to implement Iowa Code chapters 35A and 35B as amended by 2008 Iowa Acts, chapter 1130, and 2009 Iowa Acts, House File 283.

The following amendment is proposed.

Adopt the following **new** 801—Chapter 7:

CHAPTER 7

COUNTY COMMISSIONS OF VETERAN AFFAIRS FUND AND TRAINING PROGRAM

801—7.1(35A,35B) County commissions of veteran affairs fund.

7.1(1) Purpose. 2008 Iowa Acts, chapter 1130, section 2, created the county commissions of veteran affairs fund. The purpose and legislative intent of this fund are to assist county commissions of veteran affairs in complying with legislative requirements for employing a county veteran service officer who is nationally accredited through the National Association of County Veterans Service Officers (NACVSO); who is occupied in veterans affairs service pursuant to Iowa Code section 35B.6 as amended by 2008 Iowa Acts, chapter 1130, for a minimum number of hours; and who maintains an

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801](cont'd)

office in a location owned or leased by the county. Funding is allocated annually to counties pursuant to a standing appropriation by the general assembly to the Iowa department of veterans affairs.

7.1(2) Allocation amount. The department shall annually allocate \$10,000 to each county from the county commissions of veteran affairs fund. In order to qualify for the allocation, a county must agree to expend the allocation pursuant to Iowa Code section 35B.6 as amended by 2008 Iowa Acts, chapter 1130, for the administration and maintenance of the county commission of veteran affairs office and staff and must also agree to maintain its current level of spending from the previous fiscal year. Moneys remaining in the county commissions of veteran affairs fund after the allocations have been distributed to the counties shall be used by the department to provide for a county commission of veteran affairs training program as outlined in rule 7.2(35A,35B). During fiscal year 2010, the department shall use account funds to arrange for an accreditation course by NACVSO to be held in this state. Following fiscal year 2010, the department shall arrange for an accreditation course by NACVSO to be held in this state when necessary.

7.1(3) Allocation report. Counties shall submit a written report to the department 30 days following the end of the fiscal year in which the allocation was received. The report shall provide an assessment of county veteran affairs services, including verification of an office and hours of employment, and documentation that the county veteran service officer is performing required duties pursuant to Iowa Code section 35B.6 as amended by 2008 Iowa Acts, chapter 1130. The allocation report shall also contain a final report on county veteran affairs expenditures for the fiscal year in which the allocation was received and the expenditure report from the previous fiscal year. Information provided in this report shall be used by the department to comply with rule 7.3(35A,35B).

7.1(4) Recovery of funds. The department shall be the entity charged with the recovery of county commissions of veteran affairs fund allocations from counties under the following circumstances:

a. Unauthorized use. Counties expending a portion of the allocation on items that do not provide services to veterans pursuant to Iowa Code section 35B.6 as amended by 2008 Iowa Acts, chapter 1130, will be required to return the unauthorized funds to the state of Iowa.

b. Maintenance of effort. Counties not maintaining their previous fiscal year's spending levels will be considered to have supplanted county funding with state allocation funds. Counties not complying with their maintenance of effort will be required to return the supplanted portion to the state of Iowa pursuant to Iowa Code section 35A.16(3) as enacted by 2008 Iowa Acts, chapter 1130, and amended by 2009 Iowa Acts, House File 283.

c. Noncompliance. Counties that are not in compliance with the requirements of Iowa Code section 35B.6 as amended by 2008 Iowa Acts, chapter 1130, and 2009 Iowa Acts, House File 283, and Iowa Code section 35B.12 on June 30 of each fiscal year will be required to return all moneys received during that fiscal year to the county commissions of veteran affairs fund pursuant to Iowa Code section 35A.16(3) as enacted by 2008 Iowa Acts, chapter 1130, and amended by 2009 Iowa Acts, House File 283. Counties that are deemed noncompliant due to the termination or resignation of an employee shall not be required to return the state allocation if an employee is hired within two months of the previous employee's separation.

7.1(5) Appeals. Applicants that are dissatisfied with the decision of the Iowa department of veterans affairs may file an appeal with the Iowa commission of veterans affairs. The written appeal must be received within 15 working days of the date of the notice of decision; must be based on a contention that the process was conducted outside of statutory authority, violated state or federal law, policy or rules, did not provide adequate public notice, was altered without adequate public notice, or involved conflicts of interest by staff; and must include a request that the commission review the decision and the reasons for the appeal. The Iowa commission of veterans affairs shall review the appeal at its next regularly scheduled meeting and shall issue a final decision.

801—7.2(35A,35B) County commission of veteran affairs training program. The department shall provide training for county veteran service officers in accordance with Iowa Code section 35A.5(9) as amended by 2008 Iowa Acts, chapter 1130, and Iowa Code section 35A.17 as enacted by 2008 Iowa Acts, chapter 1130.

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7.2(1) Training provided by the department shall meet the continuing education requirements as established by NACVSO and shall ensure that each officer and support staff are proficient in the use of electronic mail, computers, and the Internet in order to access information regarding facilities, benefits, and services available to veterans and their families.

7.2(2) A county veteran service officer and support staff shall attend an annual school of instruction provided by the department or a national school of accreditation provided by NACVSO. After attending the annual school of instruction or national school of accreditation, the county veteran service officer must present to the department a certificate of satisfactory completion of national accreditation training from NACVSO. The department shall certify the possession of a document indicating that the county veteran service officer has completed a course of accreditation and satisfactorily passed an examination for NACVSO accreditation. County veteran service officers shall be certified by the department by June 30, 2010, or within one year from the date of appointment.

7.2(3) A county veteran service officer shall maintain certification to remain in office.

a. To maintain certification, a county veteran service officer shall attend an annual school of instruction and meet the continuing education requirements of NACVSO for accreditation. The department shall issue an Iowa certificate of training to the county veteran service officer upon completion of the NACVSO continuing education requirements or upon issuance of a certificate of accreditation by NACVSO.

b. Attendance at training courses sponsored and directed by veterans organizations other than the department or NACVSO may be substituted for the annual school of instruction if the training is sufficient to meet NACVSO accreditation continuing education requirements.

7.2(4) The annual school of instruction and all associated training materials will be provided at the expense of the department.

7.2(5) Travel and lodging expenses incurred while attending the annual school of instruction shall be covered by the respective county.

7.2(6) The executive director shall maintain documentation regarding the school of instruction including, but not limited to, agendas, presentation dates, attendees, certificate of satisfactory completion of accreditation or continuing education training, and the issuance of certificates of training.

7.2(7) Inquiries regarding an annual school of instruction shall be directed to the executive director at the address set out in 801—subrule 1.3(1). The executive director shall answer such inquiries.

7.2(8) Disputes regarding the annual school of instruction, certificates of training, and related matters shall be reviewed by the chairperson of the commission, who will render a decision within 10 days of receipt of all relevant facts and supporting materials. Disputes that are not resolved by the chairperson shall be referred to the commission. Members of the commission will render a decision within 20 days of receipt of all relevant facts and supporting materials. The decision of the commission shall be final.

801—7.3(35A,35B) Report to the general assembly.

7.3(1) Report. The department shall annually within 60 days of the end of the fiscal year report to the general assembly on the following matters:

a. Information related to compliance with the requirements found in Iowa Code section 35B.6 as amended by 2008 Iowa Acts, chapter 1130, and 2009 Iowa Acts, House File 283, and Iowa Code section 35B.12 during the previous fiscal year.

b. The weekly operating schedule of each county commission of veteran affairs office maintained pursuant to Iowa Code section 35B.6 as amended by 2008 Iowa Acts, chapter 1130, and 2009 Iowa Acts, House File 283.

c. The number of hours of veterans' services provided by the executive director or the administrator of each county commission of veteran affairs during the previous fiscal year.

d. Population of each county, including the number of veterans residing in each county.

e. The total amount of compensation, disability benefits, or pensions received by the residents of each county under laws administered by the United States Department of Veterans Affairs.

f. An analysis of the information contained in paragraphs "a" through "e" of this subrule.

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7.3(2) County veteran affairs office assistance. Each county commission of veteran affairs shall provide information required in paragraphs 7.3(1) "a" through "c" to enable the department to complete the report. County officers will be provided with a form to return to the department by August 1 of each year.

7.3(3) Report submission. The annual report shall be provided to the president of the Iowa Association of County Veterans Service Officers prior to being presented to the general assembly. Each county veteran affairs office, board of supervisors, and the Iowa commission of veterans affairs shall receive an electronic copy of the submitted report.

These rules are intended to implement Iowa Code chapters 35A and 35B as amended by 2008 Iowa Acts, chapter 1130, and 2009 Iowa Acts, House File 283.

ARC 7661B**VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]****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 35A.5, the Department of Veterans Affairs hereby proposes amendments to Chapter 14, "Veterans Trust Fund," Iowa Administrative Code.

The amendments to Chapter 14 are proposed to modify the availability of assistance through the trust fund and to improve administration.

Any interested party or persons may present their views either orally or in writing at a public hearing to be held on April 17, 2009, from 12:30 to 1 p.m. at the Iowa Department of Veterans Affairs, Camp Dodge, Bldg. A6A, 7105 NW 70th Avenue, Johnston, 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 amendments. Persons who wish to make oral presentations at the public hearing should contact Kent Hartwig, Iowa Department of Veterans Affairs, Camp Dodge, Bldg. A6A, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824, or at (515)242-0031, prior to the date of the 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 Kent Hartwig at (515)242-0031.

Any interested person may make written comments or suggestions on the proposed amendments until 4:30 p.m. on April 17, 2009. Written comments and suggestions should be addressed to Kent Hartwig, Iowa Department of Veterans Affairs, Camp Dodge, Bldg. A6A, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824; sent by E-mail to kent.hartwig@iowa.gov; or sent by fax to (515)242-5659.

No fiscal impact is anticipated.

These amendments are intended to implement Iowa Code section 35A.13.

The following amendments are proposed.

ITEM 1. Amend rule 801—14.2(35A) as follows:

801—14.2(35A) Definition. For purposes of this chapter, "veteran" means the same as defined in Iowa Code section 35.1, or a resident of Iowa who served in the armed forces of the United States, completed a minimum aggregate of 90 days of active federal service, other than training, and was discharged under honorable conditions, or a former member of the national guard, reserve, or regular component of the armed forces of the United States who was honorably discharged due to injuries incurred while on active

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801](cont'd)

federal service that precluded completion of a minimum aggregate of 90 days of active federal service, other than training.

ITEM 2. Amend subrule 14.3(1) as follows:

14.3(1) Income. For the purposes of this chapter, an applicant's household income, ~~excluding~~ including VA pension benefits, ~~and~~ service-connected disability income, and social security income, shall not exceed ~~300~~ 200 percent of the federal poverty guidelines for the number of family members living in the primary residence in effect on the date the application is received by the county director of veterans affairs. Federal poverty guidelines shall be those guidelines established by the Iowa department of human services for the veteran's family size. The commission shall adjust the guidelines on July 1 of each year to reflect the most recent federal poverty guidelines.

ITEM 3. Amend rule 801—14.4(35A), introductory paragraph, as follows:

801—14.4(35A) Benefits available. Applications may be approved for any of the following purposes. By a majority vote, the commission may suspend some or all of these benefits for payment.

ITEM 4. Amend subrule 14.4(3) as follows:

14.4(3) Unemployment or underemployment assistance during a period of unemployment or underemployment due to prolonged physical or mental illness resulting from military service or disability resulting from military service. The commission may provide subsistence payments only to a veteran who has suffered a loss of income due to prolonged physical or mental illness resulting from military service or disability resulting from military service. The commission may provide subsistence payments of up to \$500 per month of unemployment or underemployment to a veteran. No payment may be made under this subrule if the veteran has other assets or income available to meet basic subsistence needs. A period of unemployment implies that it is possible for the veteran to be employed in the future. A rating from the VA of 100 percent due to individual unemployability (IU) rated permanent and total indicates that a veteran is unemployable and will not qualify for assistance under this subrule. The veteran shall provide such evidence as the commission may require, which includes but is not limited to evidence that the mental illness or disability is service-connected and evidence that the veteran is unemployed or underemployed for the period of payments. To qualify as underemployed, the applicant must be currently working at an income that is below ~~200~~ 150 percent of federal poverty guidelines due to limitations caused by the applicant's service-connected disability or illness. The maximum amount of aid payable in a consecutive 12-month period under this subrule is \$3,000 and a lifetime maximum of \$6,000.

ITEM 5. Amend paragraph **14.4(11)“c”** as follows:

c. The maximum amount of aid payable in a ~~consecutive 12-month period~~ calendar year under this subrule to a veterans organization is \$500.

ITEM 6. Amend subrule 14.5(2) as follows:

14.5(2) Date of application. The date of the application shall be the date the signed application and written verification are received by the ~~county director~~ Iowa department of veterans affairs.

ITEM 7. Amend paragraph **14.5(3)“a”** as follows:

a. The county director of veterans affairs or members of the county commission shall make a recommendation to the Iowa commission of veterans affairs as to whether to approve or deny the application. The Iowa commission of veterans affairs or a subcommittee appointed by the chair shall approve or deny all applications. Applications ~~that are denied by the subcommittee will be forwarded~~ submitted to the Iowa commission of veterans affairs ~~and~~ will be processed at its quarterly meetings as set forth in 801—paragraph 1.2(2)“a” or during a conference call for the ~~sole~~ purpose of voting on a trust fund expenditure. Applications must be approved by a majority vote of the commission membership or appointed subcommittee. The director of the Iowa department of veterans affairs shall notify an applicant within 15 days of the commission's decision. An explanation of the reasons for rejection of an application will accompany denials.

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801](cont'd)

ITEM 8. Amend subrule 14.5(4) as follows:

14.5(4) *Waiting list.* After all veterans trust fund moneys have been obligated, the commission shall approve or deny pending applications based on eligibility.

~~*a.* —The denial notice shall state either that the applicant meets eligibility requirements but no funds are available and the applicant will be placed on the waiting list or that the applicant does not meet eligibility requirements.~~

~~*b.* Applicants not awarded funding who meet the eligibility requirements and are approved for payment by the commission shall be placed on a statewide waiting list based on the date of approval and then according to the order in which the completed applications and verification were received by the ~~county~~ Iowa commission of ~~veteran~~ veterans affairs. In the event that more than one application is received at one time, the applicant shall be entered on the waiting list on the basis of the ~~day of the month of the person's~~ applicant's birthday, the ~~lowest number~~ oldest applicant being first on the waiting list. ~~Any subsequent tie shall be decided by the month of birth, January being month one and the lowest number.~~~~

~~*c.* —When funding allows additional applicants to be approved, their names shall be taken from the statewide waiting list, and their need and eligibility shall be redetermined at that time. An application packet, which includes instructions and necessary forms for verification of continuing eligibility, shall be sent to each applicant for completion. Packets shall be returned to the Iowa department of veterans affairs within time lines specified by the department. If the signed application and verification of continuing eligibility are not received by the time line specified by the department, the applicant shall not be considered for funding.~~

ITEM 9. Amend rule 801—14.7(35A) as follows:

801—14.7(35A) Appeal rights.

~~**14.7(1) *Final agency action. Subcommittee action.*** The approval or denial of an application by the commission or the department shall be the final decision of the agency. An applicant may appeal the decision of the subcommittee to the full Iowa commission of veterans affairs. The applicant shall appeal the decision of the subcommittee to the commission in writing within 30 days of receiving the written denial and shall provide relevant new information to substantiate the appeal.~~

~~**14.7(2) *Judicial review. Final agency action.*** Judicial review of the commission's final decisions may be sought in accordance with Iowa Code section 17A.19. The approval or denial of an application by the commission or by the department shall be the final decision of the agency.~~

~~**14.7(3) *Judicial review.*** Judicial review of the commission's or department's final decisions may be sought in accordance with Iowa Code section 17A.19.~~

ARC 7641B**HUMAN SERVICES DEPARTMENT[441]****Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services amends Chapter 58, "Emergency Assistance," and Chapter 153, "Funding for Local Services," Iowa Administrative Code.

The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009, Public Law 110-329, appropriated \$600 million in additional funds to the Social Services Block Grant to address necessary expenses resulting from hurricanes, floods, and other natural disasters occurring during 2008 which the President declared major disasters and from Hurricanes Katrina and Rita. Iowa was awarded \$11,157,944 under this legislation.

The funds will be administered through the Department of Human Services as the single state agency for the Social Services Block Grant, but have been allocated to three departments (Human Services, Public Health, and Elder Affairs) for qualifying expenditures. Of the \$4,979,944 allocated to the Department of Human Services, the Department's amendment to the Social Services Block Grant Pre-Expenditure Report provides that \$3,330,627 will be used to fund a new mental health counseling program for persons directly affected by the weather-related disasters of 2008.

These amendments adopt new Division V in Chapter 58 to implement this program, which is called Ticket to Hope. Under this program, people in need of mental health services may receive up to eight authorized 45- to 50-minute psychotherapy sessions with an approved mental health provider. Access to the program will be through the Iowa Concern Hotline, which will determine eligibility, authorize services, and submit claims to the Department of Human Services for payment. The services will be provided at no cost to the person receiving counseling.

These amendments do not provide for waivers in specified situations, since the changes benefit the persons affected by offering care that is not otherwise accessible. 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 February 24, 2009.

In compliance with Iowa Code section 17A.4(3), the Department finds that notice and public participation are contrary to the public interest in that there is an urgent need to make this assistance available as soon as possible. The grant is time-limited for the period October 1, 2008, through September 30, 2010.

The Department finds that these amendments confer a benefit upon the persons affected by affording access to mental health counseling. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)"b"(2), and the normal effective date of these amendments is waived.

These amendments are also published herein under Notice of Intended Action as **ARC 7642B** to allow for public comment.

These amendments are intended to implement Iowa Code section 234.6.

These amendments became effective March 1, 2009.

The following amendments are adopted.

ITEM 1. Reserve rules **441—58.59** and **441—58.60**.

ITEM 2. Adopt the following **new** division heading and preamble in 441—Chapter 58:

DIVISION V
TICKET TO HOPE PROGRAM

PREAMBLE

This division implements the ticket to hope program, a mental health counseling program funded through a social services emergency disaster relief grant that was authorized by Public Law 110-329, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009. The program

HUMAN SERVICES DEPARTMENT[441](cont'd)

pays for professional mental health evaluation and treatment services for individuals and families who have been affected by the weather-related disasters of 2008.

ITEM 3. Adopt the following **new** rules 441—58.61(234) to 441—58.68(234):

441—58.61(234) Definitions.

“Department” means the Iowa department of human services.

“Ticket to hope” means the mental health counseling program for individuals and families who have been directly affected by the weather-related disasters of 2008.

441—58.62(234) Application process. The process for obtaining assistance from the ticket to hope program is as follows:

58.62(1) A person requesting assistance shall contact the Iowa concern hotline by telephone at 1-800-447-1985.

58.62(2) The Iowa concern hotline shall gather information and determine eligibility for ticket to hope services based on criteria established in this division.

58.62(3) The Iowa concern hotline shall send to each eligible applicant a packet of information that includes:

- a. An introductory cover letter;
- b. A list of participating providers;
- c. An authorization form for one 45- to 50-minute session (valid for 30 days); and
- d. A demographic data form that includes a unique numeric client identifier.

58.62(4) The eligible applicant shall:

- a. Make an appointment with an approved provider; and
- b. Give the authorization and demographic data forms to the provider at the time of the appointment.

58.62(5) After the eligible applicant meets with the provider, the applicant may call the Iowa concern hotline and receive authorization for up to seven additional sessions. A new authorization form shall be issued for each session.

441—58.63(234) Eligibility criteria. To be eligible for assistance, a person living in Iowa must report:

1. That the impact of the 2008 disaster has impaired the person’s ability to carry out normal daily functions to some extent; and
2. That the person has no insurance coverage for mental health services, or has insurance with a high deductible that will deter the person from accessing necessary mental health services.

441—58.64(234) Provider participation. A mental health professional with an active professional license issued by the Iowa department of public health who is qualified to provide individual psychotherapy (i.e., Current Procedural Terminology code 90806, “individual psychotherapy, insight-oriented behavior modification or support, provided face to face with the patient in an office or outpatient setting”) according to the Iowa Plan vendor requirements shall be allowed to participate as a ticket to hope provider.

58.64(1) A mental health professional applying to participate in the program shall submit a copy of the professional license to the Iowa concern hotline.

58.64(2) The mental health professional shall agree to the terms of participation in the ticket to hope program by:

- a. Signing a professional services agreement with the department; and
- b. Returning the signed agreement to the Iowa concern hotline.

441—58.65(234) Provider reimbursement. A provider approved to participate shall be reimbursed as follows:

58.65(1) The provider shall submit a completed demographic data form and the authorization form to the Iowa concern hotline within 30 days after each completed session with an approved applicant.

HUMAN SERVICES DEPARTMENT[441](cont'd)

58.65(2) The provider shall be reimbursed at the lower of:

- a. A rate of \$93 per assessment or counseling session, or
- b. The prevailing Iowa Medicaid rate.

441—58.66(234) Reconsideration. An applicant may request reconsideration of a denial of access to services. A mental health professional may request reconsideration of a denial to be a part of the professional provider panel.

58.66(1) To request reconsideration, the person shall submit a written request to the DHS Division of Mental Health and Disability Services, 1305 East Walnut Street, Des Moines, Iowa 50319-0114.

58.66(2) The department shall review any additional evidence or documentation submitted and issue a reconsideration decision within 15 days from receipt of the request.

441—58.67(234) Appeal. The person may appeal the department's reconsideration decision according to procedures in 441—Chapter 7.

58.67(1) Appeals must be submitted in writing, either on Form 470-0487 or 470-0487(S), Appeal and Request for Hearing, or in any form that provides comparable information, to the DHS Appeals Section, 1305 East Walnut Street, Des Moines, Iowa 50319-0114, within 15 days of the date of the reconsideration decision.

58.67(2) A written appeal is filed on the date the envelope sent to the department is postmarked or, when the postmarked envelope is not available, on the date the appeal is stamped received by the department.

441—58.68(234) Discontinuance of program. The program shall end on June 30, 2010, or when the funds are expended, whichever occurs first.

These rules are intended to implement Iowa Code section 234.6.

ITEM 4. Adopt the following new rule 441—153.8(234):

441—153.8(234) Expenditure of supplemental funds. When supplemental funds are issued through the social services block grant as emergency disaster relief, the department shall administer the funds in compliance with the terms of the federal award rather than the provisions of this division.

[Filed Emergency 2/25/09, effective 3/1/09]

[Published 3/25/09]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/25/09.

ARC 7658B

RACING AND GAMING COMMISSION[491]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 99D.7 and 99F.4, the Iowa Racing and Gaming Commission hereby adopts amendments to Chapter 6, "Occupational and Vendor Licensing," Iowa Administrative Code.

This rule making establishes new rule 491—6.13(99D,99F,272D), which sets forth the requirements for the receipt of certificates of noncompliance from the centralized collection unit of the Department of Revenue for the collection of debt. Subsequent rules are renumbered, and cross references are updated accordingly.

Pursuant to Iowa Code section 17A.4(3), the Commission finds that notice and public participation are impracticable because of the need to implement legislation that is in effect relating to collection of state debt.

These amendments were Adopted and Filed Emergency and became effective March 23, 2009. Pursuant to Iowa Code section 17A.5(2)"b"(2), the Commission has determined that the adoption of

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

new rule 491—6.13(99D,99F,272D) is required by statute enacted in 2008 and that the rule's immediate effective date is necessary to carry out the purpose of the statute. This rule making confers a benefit on the public by providing a method of collecting debt.

These amendments are intended to implement Iowa Code chapters 99D, 99F and 272D.

These amendments became effective March 23, 2009.

The following amendments are adopted.

ITEM 1. Renumber rules **491—6.13(99D,99F)** to **491—6.28(99D)** as **491—6.14(99D,99F)** to **491—6.29(99D)**.

ITEM 2. Adopt the following **new** rule 491—6.13(99D,99F,272D):

491—6.13(99D,99F,272D) Receipt of certificate of noncompliance from the centralized collection unit of the department of revenue.

6.13(1) Upon the commission's receipt of a certificate of noncompliance, a commission representative shall initiate procedures for the suspension, revocation, or denial of issuance or renewal of licensure to an individual. A notice of intended action shall be served by restricted certified mail, return receipt requested, or by personal service in accordance with Iowa Rule of Civil Procedure 1.305.

6.13(2) The effective date of suspension or revocation, or denial of the issuance or renewal of a license, as specified in the notice, shall be no sooner than 30 days following service of the notice upon the licensee or applicant.

6.13(3) The filing of a district court action by a licensee or applicant challenging the issuance of a certificate of noncompliance shall automatically stay any administrative action. Upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the commission, the intended action will proceed as described in the notice. For purposes of determining the effective date of suspension or revocation, or denial of the issuance or renewal of a license, only the number of days before the action was filed and the number of days after the action was disposed of by the court will be counted.

6.13(4) Upon receipt of a withdrawal of a certificate of noncompliance from the centralized collection unit, the commission representative shall immediately reinstate, renew, or issue a license if the individual is otherwise in compliance with licensing requirements.

6.13(5) All commission fees for applications or license renewals must be paid by licensees or applicants before a license will be issued or renewed.

ITEM 3. Amend renumbered subrule 6.18(1) as follows:

6.18(1) Licensed owners and lessees wishing to race under a kennel/stable name may do so by applying for a license with the commission on forms furnished by the commission. All kennel/stable names must be licensed with the commission on forms furnished by the commission, and in accordance with the requirements of ~~491—6.16(99D)~~ 491—6.17(99D).

ITEM 4. Amend renumbered subrule 6.20(1) as follows:

6.20(1) A partnership is defined as a formal or informal arrangement between two or more persons to own a racing animal. All partnerships, excluding husband and wife, must be licensed with the commission on forms furnished by the commission, and in accordance with the requirements of ~~491—6.16(99D)~~ 491—6.17(99D).

ITEM 5. Amend renumbered subrule 6.21(1) as follows:

6.21(1) All corporations must be duly licensed by the commission on forms furnished by the commission, and in accordance with the requirements of ~~491—6.16(99D)~~ 491—6.17(99D). In addition, any stockholder owning a beneficial interest of 5 percent or more of the corporation must be licensed as an owner. The corporation must submit a complete list of stockholders owning a beneficial interest of 5 percent or more.

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

ITEM 6. Amend renumbered subrule **6.28(1)**, second and third unnumbered paragraphs, as follows:

If the results show a reading of 0.05 percent alcohol content or more, the licensee shall not be permitted to continue duties for that day. For a second violation, the licensee shall not be permitted to continue duties for that day and then shall be subject to fine or suspension by the board or commission representative. For a subsequent violation, the licensee may be subject to procedures following positive chemical analysis (see ~~6.27(3)~~ 6.28(3)).

If the results show a reading of 0.10 percent alcohol content or more, the licensee is subject to fine or suspension by the board or commission representative. For a subsequent violation, the licensee may be subject to procedures following positive chemical analysis (see ~~6.27(3)~~ 6.28(3)).

ITEM 7. Amend renumbered subrule 6.28(2), introductory paragraph, as follows:

6.28(2) *Drug prohibition/body fluid test.* Licensees whose duties require them to be in a restricted area, as defined in subrule ~~6.27(4)~~ 6.28(1), of a racing facility shall not have present within their systems any controlled substance as listed in Schedules I to V of U.S.C. Title 21 (Food and Drug Section 812), Iowa Code chapter 124 or any prescription drug unless it was obtained directly or pursuant to valid prescription or order from a duly licensed physician who is acting in the course of professional practice. Acting with reasonable cause, a commission representative may direct the above licensees to deliver a specimen of urine or subject themselves to the taking of a blood sample or other body fluids at a collection site approved by the commission. In these cases, the commission representative may prohibit the licensee from participating in racing until the licensee evidences a negative test result. Sufficient sample should be collected to ensure a quantity for a split sample when possible. A licensee who refuses to provide the samples herein described shall be in violation of these rules and shall be immediately suspended and subject to disciplinary action by the board or commission representative. All confirmed positive test costs and any related expenses shall be paid for by the licensee. Negative tests shall be at the expense of the commission.

[Filed Emergency 3/6/09, effective 3/23/09]

[Published 3/25/09]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/25/09.

ARC 7646B

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Adopted and Filed

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby amends Chapter 4, "Campaign Disclosure Procedures," Iowa Administrative Code.

Iowa Code section 68A.201(2) prohibits a committee from duplicating the name of another committee organized under the campaign laws. The amendment removes the word "substantially" from the current rule to bring the rule into conformity with the statute. The amendment also addresses those instances in which a committee wants to use the name of a committee that was previously organized but has now been certified as dissolved.

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 3, 2008, as **ARC 7377B**. No oral or written comments on the amendment were received. The amendment is identical to that published under Notice.

The Board adopted this amendment on February 25, 2009.

This amendment is intended to implement Iowa Code section 68A.201(2).

This amendment will become effective on April 29, 2009.

The following amendment is adopted.

Amend subrule 4.2(2) as follows:

4.2(2) Duplication of name prohibited. The committee name shall not ~~substantially~~ duplicate the name of another committee organized under Iowa Code ~~Supplement~~ chapter 68A. The board shall determine whether two committee names are in ~~substantial~~ duplication in violation of Iowa Code ~~Supplement~~ section 68A.201(2) "a." A committee ~~substantially~~ duplicating the name of another organized committee shall choose a new committee name upon notification from the board. A candidate who files an amended statement of organization to reflect a change in office sought shall not be required to change the name of the candidate's committee unless the committee's name ~~substantially~~ duplicates the name of another organized committee. A committee shall not duplicate the name of a dissolved committee for a period of ten years after the dissolved committee is certified as being dissolved except when the candidate for both committees is the same individual.

[Filed 3/3/09, effective 4/29/09]

[Published 3/25/09]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/25/09.

ARC 7647B

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Adopted and Filed

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby amends Chapter 4, "Campaign Disclosure Procedures," Iowa Administrative Code.

The amendment permits the use of candidate campaign funds to purchase any articles of clothing that are political advertising. Previously the rule only permitted the purchase of caps and T-shirts that are political advertising.

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 3, 2008, as **ARC 7373B**. No oral or written comments on the amendment were received. The amendment is identical to that published under Notice.

The Board adopted this amendment on February 25, 2009.

This amendment is intended to implement Iowa Code section 68A.302.

This amendment will become effective on April 29, 2009.

The following amendment is adopted.

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351](cont'd)

Amend paragraph **4.25(1)“e”** as follows:

e. Political advertising specialty items, such as campaign buttons, campaign stickers, bumper stickers, campaign pins, pencils, pens, matchbooks, balloons, scratch pads, calendars, magnets, key chains, ~~campaign caps and T-shirts~~ and articles of clothing that are political advertising.

[Filed 3/3/09, effective 4/29/09]

[Published 3/25/09]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 3/25/09.

ARC 7645B**ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby amends Chapter 4, “Campaign Disclosure Procedures,” Iowa Administrative Code.

The amendments clarify that a county statutory committee (county central committee) is to be treated as a “county” committee for purposes of assessing a civil penalty. The amendments also clarify that a committee is considered to be a “repeat delinquency” when the committee files two or more reports late within a calendar year, regardless of whether or not the treasurer of the committee has changed during the year.

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 31, 2008, as **ARC 7455B**. No oral or written comments on the amendments were received. The amendments are identical to those published under Notice.

The Board adopted these amendments on February 25, 2009.

These amendments are intended to implement Iowa Code section 68B.32A(8).

These amendments will become effective on April 29, 2009.

The following amendments are adopted.

ITEM 1. Amend subrule 4.59(2) as follows:

4.59(2) County and local committee assessments. County, county statutory, city, school, other political subdivision, and local ballot issue committees shall be assessed civil penalties for late-filed reports in accordance with the following schedule:

Date report received	First-time delinquency	Repeat delinquency by same treasurer of a committee in 12-month period
1 to 14 consecutive days delinquent	\$20	\$50
15 to 30 consecutive days delinquent	\$50	\$100
31 to 45 consecutive days delinquent	\$100	\$200

ITEM 2. Amend subrule 4.59(3) as follows:

4.59(3) State committee assessments. Statewide, general assembly, state statutory, and state political committees, and a judge standing for retention shall be assessed civil penalties for late-filed reports, except for supplementary and special election reports, in accordance with the following schedule:

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351](cont'd)

Date report received	First-time delinquency	Repeat delinquency by same treasurer of a committee in 12-month period
1 to 14 consecutive days delinquent	\$50	\$100
15 to 30 consecutive days delinquent	\$100	\$200
31 to 45 consecutive days delinquent	\$200	\$300

[Filed 3/3/09, effective 4/29/09]

[Published 3/25/09]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/25/09.

ARC 7648B**ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby amends Chapter 4, "Campaign Disclosure Procedures," Iowa Administrative Code.

The amendments clarify that when payment of a civil penalty is made for a late-filed campaign report, it is not being made to advocate for or against a candidate or ballot issue. Therefore, the payment of a civil penalty may be made by a person who would otherwise be prohibited from making a campaign contribution under Iowa Code section 68A.503. The payment, if made by a person other than the committee, is not required to be disclosed on a campaign disclosure report.

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 3, 2008, as **ARC 7380B**. No oral or written comments on the amendments were received. These amendments are identical to those published under Notice.

The Board adopted these amendments on February 25, 2009.

These amendments are intended to implement Iowa Code sections 68A.401(3) and 68B.32A(8).

These amendments will become effective on April 29, 2009.

The following amendments are adopted.

ITEM 1. Amend subrule 4.62(2) as follows:

4.62(2) Who may make payment. Payment may be made at the person's discretion, including from funds of a committee or from personal funds of an officer of a committee. ~~Payments from corporate entities as described in Iowa Code Supplement section 68A.503 are prohibited, except in the case of a ballot issue committee.~~

ITEM 2. Rescind and reserve subrule **4.62(3)**.

[Filed 3/3/09, effective 4/29/09]

[Published 3/25/09]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/25/09.

ARC 7649B**ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby amends Chapter 6, "Executive Branch Ethics," Iowa Administrative Code.

Iowa Code chapter 68B contains limitations on certain activities by "officials" and "employees" of the executive branch. The amendment reflects that an individual serving in an "interim" or "acting" position in the executive branch of state government is subject to those limitations.

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351](cont'd)

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 3, 2008, as **ARC 7378B**. No oral or written comments on the amendment were received. The amendment is identical to that published under Notice.

The Board adopted this amendment on February 25, 2009.

This amendment is intended to implement Iowa Code section 68B.2.

This amendment will become effective on April 29, 2009.

The following amendment is adopted.

Amend rule **351—6.2(68B)**, definitions of “Employee” and “Official,” as follows:

“*Employee*” means an individual who is a paid employee of any agency of state government. “Employee” includes an individual employed in an interim or acting capacity. “Employee” does not include an official or an independent contractor.

“*Official*” means a statewide elected official, an executive or administrative head or heads of a state agency, a deputy executive or administrative head or heads of a state agency, a member of a board or commission as defined under Iowa Code section 7E.4, or a head of a major subunit of a state agency whose position involves a substantial exercise of administrative discretion or the expenditure of public funds. “Official” includes an individual serving in an interim or acting capacity.

[Filed 3/3/09, effective 4/29/09]

[Published 3/25/09]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 3/25/09.

ARC 7650B**ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby amends Chapter 6, “Executive Branch Ethics,” Iowa Administrative Code.

Iowa Code section 68B.3 prohibits, with certain exceptions, officials or employees from selling goods or services having a value in excess of \$2,000 to a state agency unless the sale is made pursuant to an award or a competitively bid contract. The amendments to rule 351—6.10(68B) reflect that this prohibition would include sales made to the state agency in which the official or employee serves or is employed. The rule already exempts sales made as part of the official’s or employee’s official state duties, and the amendments do not change that exception.

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 3, 2008, as **ARC 7375B**. No oral or written comments on the amendments were received. The amendments are identical to those published under Notice.

The Board adopted these amendments on February 25, 2009.

These amendments are intended to implement Iowa Code section 68B.3.

These amendments will become effective on April 29, 2009.

The following amendments are adopted.

ITEM 1. Amend rule 351—6.10(68B), introductory paragraph, as follows:

351—6.10(68B) Prohibition on sales; when public bids required—disclosure of income. Pursuant to Iowa Code section 68B.3 ~~as amended by 2007 Iowa Acts, Senate File 40, section 1,~~ an official or employee shall not sell, in any one occurrence, goods or services having a value in excess of \$2,000 to a state agency unless the sale is made pursuant to an award or contract let after public notice and competitive bidding. This prohibition includes sales to the state agency in which the official serves or is employed.

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351](cont'd)

ITEM 2. Amend subrule 6.10(1), introductory paragraph, as follows:

6.10(1) Exceptions. The prohibition in Iowa Code section 68B.3 ~~as amended by 2007 Iowa Acts, Senate File 40, section 1,~~ and this rule shall not apply to any of the following:

ITEM 3. Amend rule ~~351—6.10(68B)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code section 68B.3 ~~as amended by 2007 Iowa Acts, Senate File 40, section 1.~~

[Filed 3/3/09, effective 4/29/09]

[Published 3/25/09]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/25/09.

ARC 7651B**ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby amends Chapter 8, "Executive Branch Lobbying," Iowa Administrative Code.

Iowa Code section 68A.504 prohibits lobbyists from making campaign contributions during the legislative session. The amendments reflect that this prohibition includes a contribution that is mailed during the legislative session but received by the candidate after the legislative session has adjourned. The amendments also reflect that, for purposes of this prohibition, a legislative session starts at 12 a.m. of the first day through 11:59:59 p.m. of the day that session adjourns sine die.

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 3, 2008, as **ARC 7374B**. No oral or written comments on the amendments were received. The amendments are identical to those published under Notice.

The Board adopted these amendments on February 25, 2009.

These amendments are intended to implement Iowa Code section 68A.504.

These amendments will become effective on April 29, 2009.

The following amendments are adopted.

ITEM 1. Amend rule 351—8.15(68A), introductory paragraph, as follows:

351—8.15(68A) Campaign contributions by lobbyists during the regular legislative session prohibited. Pursuant to Iowa Code ~~Supplement~~ section 68A.504, individuals who are registered in Iowa as either executive branch or legislative branch lobbyists are prohibited from contributing to, acting as an agent or intermediary for contributions to, or arranging for the making of monetary or in-kind contributions to the campaign of an elected state official, member of the general assembly, or candidate for state office on any day during the regular legislative session. This prohibition includes a contribution that is mailed during the legislative session but received by the candidate after the legislative session has adjourned.

ITEM 2. Adopt the following **new** subrule 8.15(4):

8.15(4) Date of session. For purposes of Iowa Code section 68A.504 and this rule, a legislative session commences at 12 a.m. of the first day of the legislative session through 11:59:59 p.m. of the day that the legislative session adjourns sine die.

ITEM 3. Amend rule ~~351—8.15(68A)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~Supplement~~ section 68A.504.

[Filed 3/3/09, effective 4/29/09]

[Published 3/25/09]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/25/09.

ARC 7662B**INSURANCE DIVISION[191]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 505.8 and 522B.18, the Insurance Division hereby amends Chapter 11, “Continuing Education for Insurance Producers,” Iowa Administrative Code.

The rules in Chapter 11 set out the requirements, procedures and fees relating to the type, amount, and proof of continuing education that insurance producers must complete and relating to the approval of continuing education providers and courses. This amendment clarifies the definition for “CE term” as it applies to persons who are newly licensed as insurance producers and to persons who hold existing insurance producer licenses.

Notice of Intended Action was published in the Iowa Administrative Bulletin on January 28, 2009, as **ARC 7536B**. A public hearing was held on February 17, 2009, at the offices of the Iowa Insurance Division, 330 Maple Street, Des Moines, Iowa 50319. The Division received no comments. No changes were made to the amendment as published under Notice.

This amendment is intended to implement Iowa Code chapter 522B.

This amendment will become effective April 29, 2009.

The following amendment is adopted.

Amend rule **191—11.2(505,522B)**, definition of “CE term,” as follows:

“CE term” means the period of time beginning that begins either on the date when a new producer’s insurance license is issued or renewed on the date after the expiration date of an existing producer’s license and that ends on the following license expiration date.

[Filed 3/6/09, effective 4/29/09]

[Published 3/25/09]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 3/25/09.

ARC 7663B**INSURANCE DIVISION[191]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 505.8 and 515E.3A and chapter 515, the Insurance Division hereby adopts amendments to Chapter 21, “Requirements for Excess and Surplus Lines, Risk Retention Groups and Purchasing Groups,” Iowa Administrative Code.

The rules in Chapter 21 provide duties and procedures for insurance producers and nonadmitted insurers in order to provide excess and surplus lines insurance in Iowa. The amendments to the rules update and clarify the duties and procedures. These amendments will be effective April 29, 2009, for policies sold or issued in Iowa on or after January 1, 2009.

Notice of Intended Action was published in the Iowa Administrative Bulletin on January 28, 2009, as **ARC 7537B**. A public hearing was held on February 17, 2009, at the offices of the Iowa Insurance Division, 330 Maple Street, Des Moines, Iowa 50319. The Division received no comments. No changes were made to the amendments as published under Notice.

These amendments are intended to implement Iowa Code chapters 515 and 515E.

INSURANCE DIVISION[191](cont'd)

These amendments will become effective April 29, 2009.

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 [21.1 to 21.6, 21.9] is being omitted. These amendments are identical to those published under Notice as **ARC 7537B**, IAB 1/28/09.

[Filed 3/6/09, effective 4/29/09]

[Published 3/25/09]

[For replacement pages for IAC, see IAC Supplement 3/25/09.]

ARC 7664B

NURSING BOARD[655]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 17A.3 and 147.76, the Board of Nursing hereby adopts an amendment to Chapter 3, "Licensure to Practice—Registered Nurse/Licensed Practical Nurse," Iowa Administrative Code.

This amendment defines appeal and hearing processes for an applicant denied licensure.

This amendment was published in the Iowa Administrative Bulletin on January 14, 2009, as **ARC 7485B**. This amendment is identical to that published under Notice.

This amendment will become effective April 29, 2009.

This amendment is intended to implement Iowa Code chapters 17A and 272C.

The following amendment is adopted.

Adopt the following **new** rule 655—3.9(17A,272C):

655—3.9(17A,272C) License denial.

3.9(1) An applicant who has been denied licensure by the board may appeal the decision and request a hearing on related issues. A notice of appeal and request for hearing must be served upon the board within 30 days following the date the notification of licensure denial was mailed to the applicant. The request for hearing shall specifically delineate the facts to be contested at hearing.

3.9(2) All hearings held pursuant to this rule shall be held in accordance with the process outlined in 655—Chapter 4.

This rule is intended to implement Iowa Code chapters 17A and 272C.

[Filed 3/6/09, effective 4/29/09]

[Published 3/25/09]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/25/09.

ARC 7665B

NURSING BOARD[655]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 17A.3 and 147.76, the Board of Nursing hereby amends Chapter 16, "Nurse Licensure Compact," Iowa Administrative Code.

These amendments identify additional documents to be used to support declaration of residency. In addition, the amendments provide for issuance of a multistate license for a nurse working on a visa and provide for license limitations for a disciplined licensee.

These amendments were published in the Iowa Administrative Bulletin on January 14, 2009, as **ARC 7487B**. These amendments are identical to those published under Notice.

These amendments will become effective April 29, 2009.

NURSING BOARD[655](cont'd)

These amendments are intended to implement Iowa Code chapter 152E.

The following amendments are adopted.

ITEM 1. Amend paragraph **16.2(2)“d”** as follows:

d. Military Form ~~DD~~ No. 2058, State of Legal Residence Certificate, or military Form DFAS 702, Defense Finance and Accounting Service Military Leave and Earnings Statement.

ITEM 2. Adopt the following **new** paragraph **16.2(2)“e”**:

e. A W-2 from the U.S. government or any bureau, division or agency thereof indicating the declared state of residence.

ITEM 3. Renumber subrules **16.2(3)** to **16.2(6)** as **16.2(6)** to **16.2(9)**.

ITEM 4. Adopt the following **new** subrules 16.2(3) to 16.2(5):

16.2(3) A nurse on a visa from another country who is applying for licensure in a party state may declare either the country of origin or the party state as the primary state of residence. If the foreign country is declared the primary state of residence, a single-state license will be issued by the party state.

16.2(4) A license issued by a party state is valid for practice in all other party states unless clearly designated as valid only in the state that issued the license.

16.2(5) When a party state issues a license authorizing practice only in that state and not authorizing practice in other party states (i.e., a single-state license), the license shall be clearly marked with words indicating that it is valid only in the state of issuance.

ITEM 5. Amend rule 655—16.3(152E) as follows:

655—16.3(152E) Limitations on multistate licensure privilege—discipline.

16.3(1) All home state board disciplinary orders, agreed or otherwise, which limit the scope of the licensee’s practice or require monitoring of the licensee as a condition of the order shall include the requirement that the licensee will limit the licensee’s practice to the home state during the pendency of the order. This requirement may allow the licensee to practice in other party states with prior written authorization from both the home state and party state boards.

16.3(2) An individual who held a license that was surrendered, revoked, or suspended or who submitted an application that was denied for cause in a prior state of primary residence may be issued a single-state license in a new primary state of residence until such time as the individual would be eligible for an unrestricted license by the prior state(s) of adverse action. Once an individual is eligible for licensure in the prior state(s), a multistate license may be issued.

ITEM 6. Amend **655—Chapter 16**, implementation sentence, as follows:

These rules are intended to implement ~~2000 Iowa Acts, House File 2105~~ Iowa Code chapter 152E.

[Filed 3/6/09, effective 4/29/09]

[Published 3/25/09]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 3/25/09.

ARC 7644B

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Physical and Occupational Therapy hereby amends Chapter 206, “Licensure of Occupational Therapists and Occupational Therapy Assistants,” Iowa Administrative Code.

This amendment updates and clarifies the occupational therapy screening process.

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 17, 2008, as **ARC 7442B**. A public hearing was held on January 6, 2009, from 10 to 10:30 a.m. in the Fifth Floor

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

Board Conference Room, Lucas State Office Building. Public comment was received in writing from 136 individuals.

Since publication of the Notice, the following changes have been made as a result of public comment received. The Board did not adopt the new rules that had been proposed for Chapters 201 and 208 in Items 1 and 3, respectively. The Board based its decision upon public concern that the proposed rules would limit and restrict physician groups in their ability to provide complete patient care. Concern was also raised that the proposed rules would limit and restrict patients in their choice of therapy services.

This amendment was adopted by the Iowa Board of Physical and Occupational Therapy on February 20, 2009.

This amendment will become effective April 29, 2009.

This amendment is intended to implement Iowa Code chapters 21, 147, 148A, 148B and 272C.

The following amendment is adopted.

Amend rule **645—206.1(147)**, definition of “Occupational therapy screening,” as follows:

“*Occupational therapy screening*” means a brief process which is directed by an occupational therapist in order for the occupational therapist to render a decision as to whether the individual warrants further, in-depth evaluation and which includes:

1. Assessment of the medical and social history of an individual;
2. Observations related by that individual’s caregivers; or
3. Observations or nonstandardized tests, or both, administered to an individual by the occupational therapist or an occupational therapy assistant under the direction of the occupational therapist.

Nothing in this definition shall be construed to prohibit licensed occupational therapists and occupational therapy assistants who work in preschools or school settings from providing short-term interventions, ~~not to exceed four months~~, to children prior to an evaluation, not to exceed 16 sessions per concern per school year, in accordance with state and federal educational policy.

[Filed 3/2/09, effective 4/29/09]

[Published 3/25/09]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 3/25/09.

ARC 7643B

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Sign Language Interpreters and Translitterators hereby amends Chapter 361, “Licensure of Sign Language Interpreters and Translitterators,” and Chapter 362, “Continuing Education for Sign Language Interpreters and Translitterators,” Iowa Administrative Code.

These amendments set a date range in which certain requirements apply for temporary license holders and modify other rules to ensure consistency between temporary licensure and permanent licensure requirements to enhance licensees’ understanding of requirements.

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 17, 2008, as **ARC 7407B**. A public hearing was held on January 6, 2009, from 9 to 9:30 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. No public comments were received. The adopted amendments are identical to those published under Notice.

These amendments were adopted by the Board of Sign Language Interpreters and Translitterators on February 16, 2009.

These amendments will become effective April 29, 2009.

These amendments are intended to implement Iowa Code chapters 21, 147, 154E and 272C.

The following amendments are adopted.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

ITEM 1. Amend subrule 361.2(2) as follows:

361.2(2) Licensees who were issued their licenses within six months prior to the renewal shall not be required to renew their licenses until the renewal ~~month~~ cycle two years later.

ITEM 2. Amend subrule 361.2(6), introductory paragraph, as follows:

361.2(6) Beginning July 1, 2007, and ending June 30, 2009, a temporary license holder shall be required to:

ITEM 3. Renumber subrules **362.2(3)** to **362.2(5)** as **362.2(4)** to **362.2(6)**.

ITEM 4. Adopt the following new subrule 362.2(3):

362.2(3) Requirements for temporary license holders. Prior to July 1, 2009, the temporary license holder shall comply with requirements specified in 645—subrule 361.2(6). Beginning July 1, 2009, the temporary license holder shall comply with continuing education requirements at the time of each license renewal including the first renewal of the license. Temporary license holders shall be required to obtain 40 hours as set forth in subparagraph 362.3(2)“a”(2) and paragraph 362.3(2)“b” for each subsequent renewal biennium beginning July 1, 2009. The temporary license holder may use only continuing education hours acquired during the current biennial license period for renewal.

ITEM 5. Amend subparagraph **362.3(2)“a”(2)** as follows:

(2) Obtained in content areas that conform to the content areas specified in the Registry of Interpreters for the Deaf (RID) Certification Maintenance Program Standards and Criteria for Approved Sponsors, revised edition, June 2004, with the exception of the number of CEUs required which is defined in 362.3(2)“b.” RID activity categories of independent study or teaching an academic class are not professional study categories that can be claimed for credit by temporary license holders.

[Filed 2/27/09, effective 4/29/09]

[Published 3/25/09]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 3/25/09.

AGENCY	RULE	DELAY
Economic Development, Iowa Department of[261]	71.1 to 71.6 [IAB 2/11/09, ARC 7561B]	Effective date of March 18, 2009, delayed 70 days by the Administrative Rules Review Committee at its meeting held March 6, 2009. [Pursuant to §17A.4(7)]