



IOWA ADMINISTRATIVE BULLETIN

Published Biweekly

VOLUME XXXVIII
May 11, 2016

NUMBER 23
Pages 2157 to 2208

CONTENTS IN THIS ISSUE

Pages 2165 to 2208 include ARC 2521C to ARC 2537C

AGING, DEPARTMENT ON[17]

Filed, Area agencies on aging—public hearing process and procedures, options counseling services, contact information, 6.2(7), 6.5, 6.6(2)“f,” 6.12 ARC 2522C	2174
--	------

ALL AGENCIES

Agency identification numbers	2163
Citation of administrative rules	2159
Schedule for rule making	2160

EDUCATIONAL EXAMINERS BOARD[282]

EDUCATION DEPARTMENT[281]“umbrella”

Filed, Early childhood education—elementary endorsement, 13.26 ARC 2527C	2176
Filed, Substitute authorization, 22.2 ARC 2528C	2181
Filed, Early childhood paraeducator area of concentration, 24.4(1) ARC 2529C	2182

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Notice, Local emergency management coordinators—baseline and professional development training, 7.4(4) ARC 2534C	2165
--	------

IOWA PUBLIC INFORMATION BOARD[497]

Filed, Procedures—conflict of interest, 1.4(2) ARC 2536C	2184
--	------

MEDICINE BOARD[653]

PUBLIC HEALTH DEPARTMENT[641]“umbrella”

Notice, Pain management resources, 13.2(8) ARC 2535C	2166
--	------

Filed, Permanent physician licensure, amendments to ch 9 ARC 2524C	2185
Filed, Administrative medicine licensure, 9.20, 11.4 ARC 2523C	2188
Filed, Specific minimum standards for appropriate supervision of a physician assistant by a physician, 21.4 to 21.8 ARC 2532C	2190

NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]“umbrella”

Notice, Antlerless-deer-only license quotas for 2016, 106.6(6) ARC 2533C	2167
Filed, Waterfowl and coot hunting seasons, 91.1, 91.3, 91.6 ARC 2526C	2193

PROFESSIONAL LICENSURE DIVISION[645]

PUBLIC HEALTH DEPARTMENT[641]“umbrella”

Amended Notice, Specific minimum standards for appropriate supervision of a physician assistant by a physician, 327.8 ARC 2531C	2169
---	------

PUBLIC HEARINGS

Summarized list	2161
-----------------------	------

REVENUE DEPARTMENT[701]

Notice, Fiduciary income tax—deduction for administrative expenses not allowed on federal tax return, 89.8(8)“g” ARC 2537C	2171
---	------

TRANSPORTATION DEPARTMENT[761]

- Filed, Adoption by reference of federal motor carrier safety and hazardous materials regulations, 520.1(1) **ARC 2525C** ... 2196
- Filed, Commercial driver licensing, amendments to ch 607 **ARC 2530C** 2199

USURY

- Notice 2173

VOTER REGISTRATION COMMISSION[821]

- Filed, Request for voter registration list—definition of “political purpose,” 3.2 **ARC 2521C** 2208

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.

STEPHANIE A. HOFF, Administrative Code Editor

Telephone: (515)281-3355

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 2B.5A, 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 2016

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

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
25	Wednesday, May 18, 2016	June 8, 2016
26	Friday, June 3, 2016	June 22, 2016
1	Friday, June 17, 2016	July 6, 2016

PLEASE NOTE:

Rules will not be accepted after **12 o'clock noon** on the filing deadline 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*****

EDUCATION DEPARTMENT[281]

Standards for teacher intern preparation programs, amendments to ch 77 IAB 4/27/16 ARC 2509C	State Board Room, Second Floor Grimes State Office Building Des Moines, Iowa	May 17, 2016 9 a.m. to 10 a.m.
--	--	-----------------------------------

ENVIRONMENTAL PROTECTION COMMISSION[567]

Animal feeding operations, amendments to ch 65 IAB 4/13/16 ARC 2496C	Roosevelt Room, Air Quality Bureau 7900 Hickman Rd. Windsor Heights, Iowa	May 23, 2016 10 a.m.
	Downstairs Meeting Room Carroll County Courthouse 114 E. 6th St. Carroll, Iowa	May 24, 2016 10 a.m.
	Boardroom Clay County Administration Bldg. 300 W. 4th St. Spencer, Iowa	May 25, 2016 10 a.m.
	Muse-Norris Conference Center North Iowa Area Community College 500 College Dr. Mason City, Iowa	May 26, 2016 10 a.m.
	Education Center, Marr Park Washington County Conservation Board 2943 Highway 92 Ainsworth, Iowa	May 31, 2016 10 a.m.
	Room 115, Dairy Center Northeast Iowa Community College 1527 Highway 150 South Calmar, Iowa	June 3, 2016 10 a.m.

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Local emergency management coordinators—baseline and professional development training, 7.4(4) IAB 5/11/16 ARC 2534C	Cyclones Conference Room, Suite 500 7900 Hickman Rd. Windsor Heights, Iowa	May 31, 2016 11 a.m.
--	--	-------------------------

LABOR SERVICES DIVISION[875]

Federal occupational safety and health standards—adoption by reference, 10.20, 26.1 IAB 4/27/16 ARC 2516C	Capitol View Room 1000 E. Grand Ave. Des Moines, Iowa	May 18, 2016 10 a.m. (If requested)
---	---	---

MEDICINE BOARD[653]

Pain management resources, 13.2(8) IAB 5/11/16 ARC 2535C	Board Office, Suite C 400 S.W. 8th St. Des Moines, Iowa	May 31, 2016 11 a.m.
--	---	-------------------------

NATURAL RESOURCE COMMISSION[571]

Antlerless-deer-only license quotas for 2016, 106.6(6) IAB 5/11/16 ARC 2533C	Fourth Floor West Conference Room Wallace State Office Building Des Moines, Iowa	June 1, 2016 2 p.m.
---	--	------------------------

PROFESSIONAL LICENSURE DIVISION[645]

Massage therapists—licensure, continuing education, amendments to chs 131, 133 IAB 4/27/16 ARC 2503C	Fifth Floor Conference Room 526 Lucas State Office Bldg. Des Moines, Iowa	May 18, 2016 9 to 10 a.m.
---	---	------------------------------

Specific minimum standards for appropriate supervision of a physician assistant by a physician, 327.8 IAB 5/11/16 ARC 2531C	Fifth Floor Board Conference Room 526 Lucas State Office Bldg. Des Moines, Iowa	June 3, 2016 9 to 10 a.m.
--	---	------------------------------

The following list will be updated as changes occur.

“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 are included alphabetically in SMALL CAPITALS at the left-hand margin.

ADMINISTRATIVE SERVICES DEPARTMENT[11]
AGING, DEPARTMENT ON[17]
AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]
 Soil Conservation and Water Quality Division[27]
ATTORNEY GENERAL[61]
AUDITOR OF STATE[81]
BEEF INDUSTRY COUNCIL, IOWA[101]
BLIND, DEPARTMENT FOR THE[111]
CAPITAL INVESTMENT BOARD, IOWA[123]
CHIEF INFORMATION OFFICER, OFFICE OF THE[129]
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]
 Utilities Division[199]
CORRECTIONS DEPARTMENT[201]
 Parole Board[205]
CULTURAL AFFAIRS DEPARTMENT[221]
 Arts Division[222]
 Historical Division[223]
EARLY CHILDHOOD IOWA STATE BOARD[249]
ECONOMIC DEVELOPMENT AUTHORITY[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]
ENERGY INDEPENDENCE, OFFICE OF[350]
ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]
EXECUTIVE COUNCIL[361]
FAIR BOARD[371]
HUMAN RIGHTS DEPARTMENT[421]
 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]
Child Advocacy Board[489]
Racing and Gaming Commission[491]
State Public Defender[493]
IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]
IOWA PUBLIC INFORMATION BOARD[497]
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]
Military Division[611]
HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]
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]
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 2534C**HOMELAND SECURITY AND EMERGENCY MANAGEMENT
DEPARTMENT[605]****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 17A.3, the Homeland Security and Emergency Management Department hereby gives Notice of Intended Action to amend Chapter 7, “Local Emergency Management,” Iowa Administrative Code.

The proposed amendment of subrule 7.4(4) makes two changes related to training requirements for local emergency management coordinators. The first change reduces the time frame to complete baseline and professional development training from five years to two years. The second change removes the list of ten specific baseline courses from the subrule and allows the Department Director to develop the needed courses in consultation with the Iowa Emergency Management Association and to maintain the list on the Department’s Web site.

The ideas for the amendment were brought forth by the Statewide Training, Exercise and Planning Collaborative (STEPCC). STEPCC is composed of local and state emergency management personnel. STEPCC feels that the present five-year time frame to complete these training requirements is excessive and that a two-year time frame would provide adequate time for completion. Additionally, STEPCC recognizes that the courses which make up the baseline training requirement are subject to renaming, renumbering, or elimination by those agencies that create and manage the courses. Any one of those actions then requires that the administrative rule be changed as well, a process which STEPCC views as cumbersome and one that can cause delay for the local emergency management coordinator. Allowing the Director to determine the courses and to notify the affected audience directly by publishing the list of courses on the Department Web site will improve the efficiency of the program.

Consideration will be given to all written suggestions or comments on the proposed amendment received on or before May 31, 2016. Such written materials should be sent to the Administrative Rules Coordinator, Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa, 50324; by fax to (515)725-3260; or by e-mail to john.benson@iowa.gov.

Also, there will be a public hearing on May 31, 2016, at 11 a.m. in the Department of Homeland Security and Emergency Management Cyclones Conference Room at 7900 Hickman Road, Suite 500, Windsor Heights, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any person who intends to attend the public hearing and has special requirements, such as those relating to hearing or mobility impairment, should contact the Homeland Security and Emergency Management Department and advise of specific needs.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code chapter 29C.

The following amendment is proposed.

Amend subrule 7.4(4) as follows:

7.4(4) Local emergency management coordinator continuing education requirements. Each local emergency management coordinator shall meet the following educational development requirements. The director may extend the time frame for meeting these continuing education requirements upon request from the commission.

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605](cont'd)

a. Within ~~five~~ two years of appointment as a local emergency management coordinator, the person must complete ~~the following~~ a set of study courses: prescribed by the director and developed in consultation with the Iowa Emergency Management Association. The listing of courses shall be maintained on the department's Web site.

- ~~(1) A Citizen's Guide to Disaster Assistance IS-7.~~
- ~~(2) Emergency Operations Center (EOC) Management and Operations IS-775.~~
- ~~(3) Emergency Manager: An Orientation to the Position IS-1.~~
- ~~(4) Are You Ready? An In-depth Guide to Citizen Preparedness IS-22.~~
- ~~(5) An Introduction to Hazardous Materials IS-5A.~~
- ~~(6) Introduction to Incident Command System IS-100.b.~~
- ~~(7) ICS for Single Resources and Initial Action Incidents IS-200.a.~~
- ~~(8) Radiological Emergency Management IS-3.~~
- ~~(9) Introduction to Hazard Mitigation IS-393.a.~~
- ~~(10) Emergency Management Program Development.~~

b. Within ~~five~~ two years of appointment as a local emergency management coordinator, the person must complete the professional development series of courses as prescribed by the Federal Emergency Management Agency.

c. Upon completion of the requirements established in ~~subrule 7.4(4)~~, paragraphs "*a*" and "*b*;" of this subrule, a person must complete annually a minimum of 24 hours of state-approved emergency management training. Since completion of the annual training will follow the federal fiscal year, October 1 to September 30, the requirement to complete 24 hours of annual training will commence on the next October 1.

d. The local emergency management coordinator must document completion of courses by submitting a copy of the certificate of completion, a letter indicating satisfactory completion, or other appropriate documentation.

e. The Iowa homeland security and emergency management department, in ~~conjunction~~ consultation with the Iowa Emergency Management Association, may substitute courses when deemed appropriate.

f. An emergency management coordinator who has met the baseline requirements prior to October 1, 2006, will not be required to take any of the ~~new~~ study courses listed above prescribed by the director in accordance with paragraph "*a*" to reestablish the person's baseline.

ARC 2535C

MEDICINE BOARD[653]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code section 147.76, the Board of Medicine hereby proposes to amend Chapter 13, "Standards of Practice and Principles of Medical Ethics," Iowa Administrative Code.

The purpose of Chapter 13 is to establish standards of practice and principles of medical ethics for administrative medicine physicians, medical physicians and surgeons, and osteopathic physicians and surgeons. The proposed amendments update the Board's recommended resources for physicians who treat chronic pain.

The Board approved this Notice of Intended Action during a regularly scheduled meeting on April 8, 2016.

Any interested person may present written comments on the proposed amendments not later than 4:30 p.m. on May 31, 2016. Such written materials should be sent to Mark Bowden, Executive Director,

MEDICINE BOARD[653](cont'd)

Board of Medicine, 400 S.W. Eighth Street, Suite C, Des Moines, Iowa 50309-4686; or sent by e-mail to mark.bowden@iowa.gov.

There will be a public hearing on May 31, 2016, at 11 a.m. at the Board's office, 400 S.W. Eighth Street, Suite C, Des Moines, Iowa, at which time persons may present their views either orally or in writing.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapters 147, 148 and 272C.

The following amendments are proposed.

ITEM 1. Amend paragraph **13.2(8)“e”** as follows:

e. ~~Interagency Guideline on Opioid Dosing for Chronic Non-cancer Pain Prescribing Opioids for Pain. In March 2007, the Washington State Agency Medical Directors' Group published an educational pilot to improve care and safety of patients with chronic, noncancer pain who are treated with opioids. The guidelines include opioid dosing recommendations. Developed by the Washington State Agency Medical Directors' Group in collaboration with an expert advisory panel, actively practicing providers and public stakeholders, the guideline focuses on evidence-based treatment for chronic-pain patients. The guideline was published in 2007 and updated in 2015.~~

ITEM 2. Adopt the following **new** paragraph **13.2(8)“h”**:

h. CDC Guideline for Prescribing Opioids for Chronic Pain. On March 15, 2016, the U.S. Centers for Disease Control and Prevention (CDC) issued a guideline to provide recommendations for the prescribing of opioid pain medication for patients 18 years of age and older in primary care settings. Recommendations focus on the use of opioids in treating chronic pain (pain lasting longer than three months or past the time of normal tissue healing) outside of active cancer treatment, palliative care, and end-of-life care.

ARC 2533C

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code sections 455A.5(6), 481A.38, 481A.39, 481A.48(1), 483A.8, 483A.8B, 483A.8C, 483A.24, and 483A.24B, the Natural Resource Commission (Commission) hereby gives Notice of Intended Action to amend Chapter 106, “Deer Hunting by Residents,” Iowa Administrative Code.

Chapter 106 sets regulations for deer hunting by residents and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements. The proposed amendment keeps the antlerless-deer-only license quotas the same for 2016 as they were for the last two years. The regulation changes enacted for the 2014 season, which were maintained in the 2015 season, appear to have stabilized deer numbers at the levels agreed to in 2009 by the Deer Study Advisory Group (DSAG). The DSAG was created to review, analyze, and make recommendations on issues relating to the state's deer population.

Any interested person may make written suggestions or comments on the proposed amendment on or before June 1, 2016. Written comments may be directed to the Department of Natural Resources, Dale Garner, Wildlife Bureau Chief, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0034; by e-mail at dale.garner@dnr.iowa.gov; or by fax at (515)725-8201. Persons who wish to

NATURAL RESOURCE COMMISSION[571](cont'd)

convey their comments orally may contact Mr. Garner at (515)725-8494 or by visiting the fourth floor of the Wallace State Office Building during regular business hours.

There will be a public hearing on Wednesday, June 1, 2016, at 2 p.m. in the Fourth Floor West Conference Room of the Wallace State Office Building, Des Moines, Iowa. At the public hearing, persons may present their views either orally or in writing. Participants will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and request specific accommodations.

The proposed amendment will have a neutral impact on jobs in the state. The following types of jobs are positively impacted by deer hunting generally and should see no noticeable change due to this rule making: hunting equipment retailers (weapons, ammunition, clothing, chairs, stands, binoculars, and other supporting equipment); field guides and outfitters; taxidermists; and restaurants, hotels, and gas stations for hunters traveling around the state.

This amendment is intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48(1), 483A.8, 483A.8B, 483A.8C, 483A.24 and 483A.24B.

The following amendment is proposed.

Amend subrule 106.6(6) as follows:

106.6(6) Antlerless-deer-only licenses. Paid antlerless-deer-only licenses will be available by county for the ~~2015~~ 2016 deer season as follows:

County	Quota	County	Quota	County	Quota
Adair	1025	Floyd	0	Monona	850
Adams	1450	Franklin	0	Monroe	1950
Allamakee	2975	Fremont	525	Montgomery	750
Appanoose	2200	Greene	0	Muscatine	775
Audubon	0	Grundy	0	O'Brien	0
Benton	325	Guthrie	1950	Osceola	0
Black Hawk	0	Hamilton	0	Page	750
Boone	450	Hancock	0	Palo Alto	0
Bremer	650	Hardin	0	Plymouth	0
Buchanan	200	Harrison	850	Pocahontas	0
Buena Vista	0	Henry	925	Polk	1350
Butler	0	Howard	200	Pottawattamie	850
Calhoun	0	Humboldt	0	Poweshiek	300
Carroll	0	Ida	0	Ringgold	2200
Cass	400	Iowa	450	Sac	0
Cedar	775	Jackson	675	Scott	200
Cerro Gordo	0	Jasper	775	Shelby	225
Cherokee	0	Jefferson	1650	Sioux	0
Chickasaw	375	Johnson	850	Story	150
Clarke	2100	Jones	525	Tama	200
Clay	0	Keokuk	450	Taylor	2200
Clayton	2775	Kossuth	0	Union	1500
Clinton	400	Lee	1275	Van Buren	3800
Crawford	150	Linn	850	Wapello	1825
Dallas	1875	Louisa	775	Warren	2200
Davis	2800	Lucas	2200	Washington	750

NATURAL RESOURCE COMMISSION[571](cont'd)

County	Quota	County	Quota	County	Quota
Decatur	2200	Lyon	0	Wayne	2200
Delaware	525	Madison	2100	Webster	0
Des Moines	800	Mahaska	475	Winnebago	0
Dickinson	0	Marion	1650	Winneshiek	1975
Dubuque	725	Marshall	150	Woodbury	850
Emmet	0	Mills	750	Worth	0
Fayette	1500	Mitchell	0	Wright	0

ARC 2531C**PROFESSIONAL LICENSURE DIVISION[645]****Amended Notice of Intended Action**

Pursuant to the authority of Iowa Code section 148C.3, the Board of Physician Assistants hereby gives Notice of Intended Action to amend Chapter 327, "Practice of Physician Assistants," Iowa Administrative Code.

Proposed rule 645—327.8(147,148,148C,86GA,SF505) establishes minimum standards for appropriate supervision of a physician assistant by a physician. The rule was jointly approved by the Board of Medicine and the Board of Physician Assistants in accordance with 2015 Iowa Acts, Senate File 505, division XXXI, section 113.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2417C** on February 17, 2016. A number of public comments were received from stakeholders on **ARC 2417C**. Comments in favor of the rule came from the Iowa Medical Society, the Iowa Osteopathic Medical Association and the Board of Medicine. Comments in opposition to the rule were received from the Iowa Physician Assistant Society; the American Academy of Physician Assistants; the Iowa Association of Rural Health Clinics; the University of Iowa Carver College of Medicine, Department of Family Medicine; and a number of individual licensed physician assistants. All comments on **ARC 2417C** received can be accessed at the following link: <http://idph.iowa.gov/Portals/1/userfiles/26/PA/Compiled%20Public%20Comments.pdf>.

In order to address stakeholder concerns and minimize the potential negative impact on private sector jobs, a number of revisions were made to the version of the rule published under Notice of Intended Action. These revisions include:

- Adding definitions of "remote medical site" and "supervision,"
- Updating the face-to-face meetings requirement to clarify that only one of a physician assistant's supervising physicians is required to meet face-to-face with the physician assistant at least twice a year,
- Removing the requirement for supervising physicians to complete annual reviews for the physician assistants they supervise, and
- Removing the requirement for quarterly chart reviews and instead requiring all supervising physicians to review a representative sample of the charts completed by each physician assistant the supervising physician supervises. The sample of charts reviewed should reflect the amount of time a supervising physician is actually supervising the physician assistant.

This rule can only be waived after joint approval of the waiver by both the Board of Medicine and the Board of Physician Assistants as provided by 645—subrule 327.8(4) proposed herein.

Any interested person may make written comments on the proposed amendments no later than June 3, 2016, addressed to Sarah Reisetter, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; e-mail sarah.reisetter@idph.iowa.gov.

A public hearing will be held on Friday, June 3, 2016, from 9 to 10 a.m. in the Fifth Floor Board Conference Room 526, Lucas State Office Building, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

After analysis and review of this rule making, the Board of Physician Assistants concludes that the rule may have a negative impact on jobs for physician assistants in the state of Iowa due to the new documentation requirements for face-to-face meetings and specific chart review requirements that do not exist under Iowa law for other mid-level practitioners and do not acknowledge and address the role of modern health information technology and emerging trends in health care, such as telemedicine.

These amendments are intended to implement Iowa Code chapters 147, 148, 148C, 272C and 2015 Iowa Acts, Senate File 505, division XXXI, section 113.

The following amendments are proposed.

ITEM 1. Adopt the following new rule 645—327.8(147,148,148C,86GA,SF505):

645—327.8(147,148,148C,86GA,SF505) Specific minimum standards for appropriate supervision of a physician assistant by a physician. This rule establishing the minimum standards for appropriate supervision of a physician assistant by a physician in the state of Iowa is hereby jointly adopted by the board of medicine and the board of physician assistants in accordance with 2015 Iowa Acts, Senate File 505, division XXXI, section 113.

327.8(1) Definitions.

“*Remote medical site*” means a medical clinic for ambulatory patients which is away from the main practice location of a supervising physician and in which a supervising physician is present less than 50 percent of the time the remote medical site is open. “*Remote medical site*” will not apply to nursing homes, patient homes, hospital outpatient departments, outreach clinics, or any location at which medical care is incidentally provided (e.g., diet center, free clinic, site for athletic physicals, jail facility).

“*Supervision*” means that a supervising physician retains ultimate responsibility for patient care, although a physician need not be physically present at each activity of the physician assistant or be specifically consulted before each delegated task is performed. Supervision shall not be construed as requiring the physical presence of the supervising physician at the place where such services are rendered except insofar as the physical presence is expressly required by these rules or by Iowa Code chapter 148C.

327.8(2) Minimum standards. The following are minimum standards for appropriate supervision of a physician assistant by a physician in the state of Iowa:

a. *Review of requirements.* Before a physician can supervise a physician assistant practicing in Iowa, both the supervising physician and the physician assistant shall review all of the requirements of physician assistant licensure, practice, supervision, and delegation of medical services as set forth in Iowa Code section 148.13, Iowa Code chapter 148C, this chapter, 653—Chapter 21, and 645—Chapters 326, 328 and 329.

b. *Face-to-face meetings.* At least one supervising physician shall meet face-to-face with each physician assistant a minimum of twice annually. If the physician assistant is practicing at a remote site, both meetings shall be at the remote site. Each party shall ensure that the face-to-face meetings are documented. The meetings are for the purpose of discussing topics deemed appropriate by the physician or the physician assistant, including supervision requirements, assessment of education, training, skills, and experience, review of delegated services, and medical services provided by the physician assistant.

c. *Assessment of education, training, skills, and experience.* Each supervising physician and the physician assistant shall ensure that the other party has the appropriate education, training, skills, and relevant experience necessary to successfully collaborate on patient care delivered by the team.

d. *Communication.* Each supervising physician and the physician assistant shall communicate and consult on medical problems, complications, emergencies, and patient referrals as indicated by the clinical condition of the patient.

e. *Chart reviews.* Each supervising physician shall conduct and document an ongoing review of a representative sample of the physician assistant’s patient charts encompassing the scope of the physician assistant’s practice provided under the physician’s supervision and discuss the findings of the reviews with the physician assistant.

f. *Delegated services.* The medical services and medical tasks delegated to and provided by the physician assistant shall be in compliance with subrule 327.1(1). All delegated medical services shall be within the scope of practice of the supervising physician and the physician assistant. The supervising

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

physician and the physician assistant shall have the education, training, skills, and relevant experience to perform the delegated services prior to delegation.

g. Timely consultation. The supervising physician shall be available for timely consultation with the physician assistant, either in person or by telephonic or other electronic means.

h. Alternate supervision. If the supervising physician will not be available for any reason, an alternate supervising physician will be available to ensure continuity of supervision. The physician will ensure the alternate supervising physician is available for a timely consult and will ensure the physician assistant is notified of the means by which to reach the alternate supervising physician. The physician assistant shall not practice if supervision is not available.

i. Failure to supervise. Failure to adequately direct and supervise a physician assistant or failure to comply with the minimum standards of supervision in accordance with this chapter, Iowa Code chapter 148C, Iowa Code section 148.13, 653—Chapter 21, and 645—Chapters 326, 328 and 329 may be grounds for disciplinary action for both the physician and the physician assistant.

327.8(3) Amendment. Rule 645—327.8(147,148,148C,86GA,SF505) may only be amended by agreement of the board of medicine and the board of physician assistants through a joint rule-making process.

327.8(4) Joint waiver or variance. Rule 645—327.8(147,148,148C,86GA,SF505) may only be waived upon approval by both the board of medicine and the board of physician assistants pursuant to 653—Chapter 3 and 645—Chapter 18, Iowa Code section 17A.9A, or any other provision of law.

ITEM 2. Amend **645—Chapter 327**, implementation sentence, as follows:

These rules are intended to implement Iowa Code section 147.107 and chapters 148C and 272C and 2015 Iowa Acts, Senate File 505, division XXXI, section 113.

ARC 2537C

REVENUE DEPARTMENT[701]

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 2016 Iowa Code section 421.14, the Department of Revenue hereby gives Notice of Intended Action to amend Chapter 89, “Fiduciary Income Tax,” Iowa Administrative Code.

The subject matter of paragraph 89.8(8)“g” is the “no double deduction” rule as it applies to deductions from fiduciary income tax. Paragraph 89.8(8)“g” clarifies how the federal “no double deduction” rule applies to Iowa fiduciary income tax. The federal “no double deduction” rule under IRC Section 642(g) states that certain deductions for administration expenses taken on the federal estate tax return may not be deducted on the federal fiduciary income tax return. The basis for Iowa fiduciary taxable income is federal fiduciary taxable income with adjustments provided in the Iowa Code. Only deductions allowed on the federal fiduciary income tax return are allowed on the Iowa fiduciary income tax return unless there is a specific provision in the Iowa Code stating otherwise.

2015 Iowa Acts, chapter 125, section 1, (“the Act”) created a specific deduction from Iowa fiduciary income tax for administrative expenses not allowed on the federal fiduciary income tax return. The Act applies to all Iowa fiduciary income tax returns filed for tax years ending on or after July 1, 2015. This proposed amendment to paragraph 89.8(8)“g” updates the “no double deduction” rule to correspond with the change made by the Act.

Any interested person may make written suggestions or comments on the proposed amendment on or before May 31, 2016. Such written comments should be directed to the Policy Section, Policy and Communications Division, Department of Revenue, Hoover State Office Building, P.O. Box 10457, Des

REVENUE DEPARTMENT[701](cont'd)

Moines, Iowa 50306. Persons who want to convey their views orally should contact the Policy Section, Policy and Communications Division, Department of Revenue at (515)281-8450 or at the Department of Revenue offices on the fourth floor of the Hoover State Office Building.

Requests for a public hearing must be received by May 31, 2016.

After analysis and review of this rule making, the Department expects fiduciary income tax revenues to decrease as a result of the increased amount allowed as a deduction on the Iowa fiduciary income tax return.

Any person who believes that the application of the discretionary provisions of this amendment would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

After analysis and review of this rule making, no adverse impact on jobs has been found.

This amendment is intended to implement Iowa Code subsection 422.7(58).

The following amendment is proposed.

Amend paragraph **89.8(8)“g”** as follows:

g. The no double deduction rule. Expenses of administration, certain debts of the decedent like medical expenses incurred prior to death and losses during the period of administration are proper deductions in computing both the taxable income of an estate or trust (or on the decedent's individual return in case of medical expenses) and the taxable estate for federal estate tax purposes under 26 U.S.C. Sections 2053 and 2054. The no double deduction rule only applies to trusts when the trust assets are included for federal estate tax purposes. 26 U.S.C. Section 642(g) prohibits the double deduction of those items which qualify as deductions for both taxes. To prevent the double deduction, it is a prerequisite for the allowance of the deduction for income tax purposes that a statement be filed with the fiduciary return of income waiving the right to claim the item or portion of the item as a deduction on the federal estate tax return. The waiver once filed with the fiduciary return of income is irrevocable. However, unless the waiver has been filed, the decision to claim the deduction or portion of the deduction on the federal estate tax return can be changed anytime prior to the time the item or portion of the item is finally allowed for federal estate tax purposes.

The waiver requirement has no application to estates and trusts not required to file a federal estate tax return.

The no double deduction rule has no application to deductions in respect of a decedent, such as deductions relating to trade or business expenses, interest, taxes, expenses for the production of income and the allowance for depletion, which are deductible both for income tax purposes and federal estate tax purposes. See 26 U.S.C. Section 691(b) and federal regulations 26 CFR Section 1.691(b)-1 for what constitutes deductions in respect of a decedent.

The no double deduction rule does not apply to the deduction of an item for Iowa inheritance tax purposes. Items are deductible or not in computing the taxable shares for Iowa inheritance tax purposes by reference alone to Iowa Code chapter 450.

Assuming an item is otherwise deductible for income and inheritance tax purposes, the no double deduction rule has the following applications for Iowa income and inheritance tax:

1. ~~For estates~~ Estates and trusts not required to file a federal estate tax return, ~~an item is deductible for~~ can claim the item as a deduction on both the Iowa inheritance tax return and the Iowa fiduciary income tax purposes return.

2. ~~Estates~~ For tax years ending before July 1, 2015, estates and trusts required to file a federal estate tax return can always claim the item as a deduction on the Iowa inheritance tax return. In addition, the same item or portion of the item is a deduction ~~for~~ on the Iowa fiduciary income tax purposes return if the item or portion of the item is not claimed as a deduction on the federal estate tax return. If it is claimed as a deduction on the federal estate tax return, it is not deductible ~~for~~ on the Iowa fiduciary income tax purposes return.

3. For tax years ending on or after July 1, 2015, estates and trusts required to file a federal estate tax return can claim the item as a deduction on the Iowa inheritance tax return and the Iowa fiduciary

REVENUE DEPARTMENT[701](cont'd)

income tax return, regardless of whether the item or a portion of the item was claimed on the federal estate tax return.

This ~~rule~~ paragraph applies both to estates and trusts with a situs within and without Iowa.

USURY

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

May 1, 2015 — May 31, 2015	4.00%
June 1, 2015 — June 30, 2015	4.00%
July 1, 2015 — July 31, 2015	4.25%
August 1, 2015 — August 31, 2015	4.25%
September 1, 2015 — September 30, 2015	4.25%
October 1, 2015 — October 31, 2015	4.25%
November 1, 2015 — November 30, 2015	4.25%
December 1, 2015 — December 31, 2015	4.00%
January 1, 2016 — January 31, 2016	4.25%
February 1, 2016 — February 29, 2016	4.25%
March 1, 2016 — March 31, 2016	4.00%
April 1, 2016 — April 30, 2016	3.75%
May 1, 2016 — May 31, 2016	4.00%

ARC 2522C

AGING, DEPARTMENT ON[17]

Adopted and Filed

Pursuant to the authority of Iowa Code section 231.23, the Department on Aging hereby amends Chapter 6, "Area Agency on Aging Planning and Administration," Iowa Administrative Code.

These amendments do the following:

1. Modernize the notice requirements for Area Plan hearings. Previously, area agencies on aging (AAA) were required to publish notice of hearing on an Area Plan in the newspaper of each county served by the area agency on aging. The amended rule removes this requirement and instead requires area agencies on aging to send notice to all known groups of older individuals, public officials, and other interested parties 14 business days prior to the public hearing and in accordance with any applicable state or federal laws and regulations governing the public hearing process.
2. Provide a current address for the Department's official Web site.
3. Correct a reference to the name of the Office of the State Long-Term Care Ombudsman Program, which was incorrectly referred to as the Long-Term Care Resident's Advocate Program.
4. Add the service of options counseling to the current list of services that can be provided directly by an area agency on aging without prior approval from the Department.
5. Merge the public hearing provisions of rules 17—6.2(231) and 17—6.12(231).

Notice of Intended Action was published in the January 20, 2016, Iowa Administrative Bulletin as **ARC 2365C**. The Department received comments from one respondent during the comment period. A summary of the comments and the Department's response are as follows:

Comments: The respondent was in opposition to the removal of the requirement for area agencies on aging to publish notice of hearing on an Area Plan in the newspaper of each county served by the area agency on aging.

The respondent cited a 2012 survey which concluded that 85 percent of Iowans read their local newspaper and that 86 percent of Iowans believe that public notices should be included in newspapers. The respondent believes that public notice advertising in the newspaper is a cost-effective way to reach citizens and that the newspaper's searchable Internet site also added value.

Department response: The newspaper publication requirement has not been translating to participation in the Area Plan hearings. For State Fiscal Years 2014 and 2015, the area agencies on aging published notice of their Area Plan hearings in a newspaper 254 times. Fifty percent of the Area Plan hearings were not attended by anyone in spite of publication of the notice in newspapers. Only 30 percent of the Area Plan hearings had two or more participants.

The amendments do not prohibit AAAs from posting notice in newspapers. However, the amendments do provide additional flexibility in the manner in which public notice may be provided, which will be monitored by the Department. The Department's goal is to increase the participation by the general public in the AAA Area Plan process and to allow other cost-effective methods in the notification of the general public related to local Area Plan public hearings.

These amendments are identical to those published under Notice.

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department's general rule on exceptions found in 17—Chapter 11.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 231.23.

These amendments will become effective on June 15, 2016.

The following amendments are adopted.

ITEM 1. Amend subrule 6.2(7) as follows:

6.2(7) Procedures for area plans, plan amendments and revisions.

AGING, DEPARTMENT ON[17](cont'd)

a. Public hearing(s). The AAA shall hold at least one public hearing on the area plan and all plan amendments as required in this chapter. Priority services and direct service requests shall appear as a distinct agenda ~~item~~ items for any hearing.

(1) The public hearing(s) shall be held prior to submission of the area plan or amendment(s) at a time which permits older individuals, public officials, and other interested parties reasonable opportunity to participate. The hearing(s) shall be held at a barrier-free, fully accessible location.

(2) The AAA shall ~~advertise~~ provide notice, in accordance with Iowa Code section 21.4(1), of the hearing by sending notice to all known groups of older individuals, PSA public officials, and other interested parties. ~~The AAA shall also publish a notice in the official newspapers as designated for each county served by the PSA.~~ The notice shall be issued 14 business days prior to the public hearing and include the time, date, and location of the public hearing. The AAA shall comply with any applicable state or federal laws and regulations governing public hearing processes and procedures.

(3) ~~The hearing on the area plan shall include the priority services and priority services requirement as a distinct agenda item with a specific time set for the beginning of that portion of the hearing. The AAA shall prepare and submit to the department a written record of the public hearing in accordance with instructions issued by the department.~~

b. Review and comment by the advisory council.

(1) The AAA shall submit the area plan, amendments and revisions for review and comment to the AAA advisory council.

(2) The official representative of the AAA shall sign the plan, amendment or revision to signify that the AAA has completed all of the requirements of this chapter. The AAA shall then submit the area plan, amendment or revision to the department for review.

ITEM 2. Amend rule 17—6.5(231) as follows:

17—6.5(231) AAA contact information. Information on how to contact the appropriate AAA office may be obtained by sending a request to the Department on Aging, Jessie Parker Building, 510 East 12th Street, Suite 2, Des Moines, Iowa 50319; or by telephone at (515)725-3333; or by visiting the department's Web site www.aging.iowa.gov, www.iowaaging.gov.

ITEM 3. Amend paragraph 6.6(2)“f” as follows:

f. Coordinate planning by individuals, agencies and organizations interested in the prevention of abuse, neglect and exploitation of older individuals and assist in implementation of educational and awareness activities, in coordination with the office of the state long-term care resident's advocate ombudsman program;

ITEM 4. Amend subrule 6.12(1) as follows:

6.12(1) An AAA must submit a request to provide direct service as part of the area plan. The request may be approved by the department based on documentation of the criteria given in subrule ~~6.12(3)~~ 6.12(2). The following services may be furnished directly by the AAA and are exempt from the requirements in subrule ~~6.12(3)~~ 6.12(2):

- a.* Information and assistance;
- b.* Outreach;
- c.* Case management;
- d.* Advocacy representation;
- e.* Public education;
- f.* Employment services;
- g.* Mental health outreach;
- h.* Coordination of efforts concerning the prevention of elder abuse-;
- i.* Options counseling.

AGING, DEPARTMENT ON[17](cont'd)

ITEM 5. Rescind subrule **6.12(2)**.

ITEM 6. Renumber subrules **6.12(3)** and **6.12(4)** as **6.12(2)** and **6.12(3)**.

[Filed 4/12/16, effective 6/15/16]

[Published 5/11/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/11/16.

ARC 2527C

EDUCATIONAL EXAMINERS BOARD[282]

Adopted and Filed

Pursuant to the authority of Iowa Code section 272.2(1)“a,” the Board of Educational Examiners hereby amends Chapter 13, “Issuance of Teacher Licenses and Endorsements,” Iowa Administrative Code.

An endorsement revision work group composed of early childhood educators, Department of Education and Board of Educational Examiners consultants, and higher education faculty from two regents institutions and two private institutions worked for approximately 18 months on revisions to the coursework requirements for early childhood education to reflect national standards and the changing needs of Iowa’s children. The length of time dedicated to this process reflected the group’s desire to wait for national standards revisions before moving forward. This adopted amendment to the early childhood endorsement:

- Updates the requirements for endorsement 100 (birth-grade 3 inclusive) to reflect national standards for both regular education and special education students in early childhood inclusive settings.
- Updates the requirements for endorsement 103 (PK-K) to reflect national standards in early childhood education, which include a minimum of 18 semester hours of coursework.
- Requires that candidates for endorsement 103 also have the K-6 elementary classroom teacher endorsement 102 or 262 (endorsement 103 cannot be offered stand-alone).
- Eliminates endorsement 106, which has become redundant because of the adoption of the preceding recommendation. Institutes of higher education (IHE) programs that still offer endorsement 106 can instead offer the updated endorsement 103 with endorsement 102 or offer endorsement 100.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2412C** on February 17, 2016. A public hearing took place on March 9, 2016. No one attended the public hearing, and no written comments were received.

Following publication of the Notice of Intended Action, the endorsement revision work group recommended adding endorsement 262 (early childhood special education) as an option to be paired with endorsement 103 in an effort to provide more flexibility. The group also recommended a limited number of nonsubstantive changes for clarity and grammatical reasons. This adopted amendment includes the recommended changes.

This amendment is subject to waiver pursuant to 282—Chapter 6.

The Board of Educational Examiners adopted this amendment on April 8, 2016.

After analysis and review of this rule making, there is no anticipated impact on jobs.

This amendment is intended to implement Iowa Code section 272.2(1)“a.”

This amendment will become effective June 15, 2016.

The following amendment is adopted.

Amend rule 282—13.26(272) as follows:

282—13.26(272) Requirements for elementary endorsements.

13.26(1) Teacher—prekindergarten-kindergarten.

a. Authorization. The holder of this endorsement is authorized to teach at the prekindergarten-kindergarten level. Applicants for this endorsement must also hold the

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

teacher—elementary classroom endorsement set forth in subrule 13.26(5) or the early childhood special education endorsement set forth in 282—subrule 14.2(1).

b. Content. Coursework must total a minimum of 18 semester hours and shall include the following:

~~(1) Human growth and development: infancy and early childhood, unless completed as part of the professional education core.~~

~~(2) Curriculum development and methodology for young children.~~

~~(3) Child-family-school-community relationships (community agencies).~~

~~(4) Guidance of young children three to six years of age.~~

~~(5) Organization of prekindergarten-kindergarten programs.~~

~~(6) Child and family nutrition.~~

~~(7) Language development and learning.~~

~~(8) Kindergarten: programs and curriculum development.~~

(1) Child development and learning to include young children's characteristics and needs, with an emphasis on cognitive, language, physical, social, and emotional development, both typical and atypical, the multiple interacting influences on early development, and the creation of environments that are healthy, respectful, supportive, and challenging for each and every child.

(2) Building family and community relationships to include understanding that successful early childhood education depends upon reciprocal and respectful partnerships with families, communities, and agencies, that these partnerships have complex and diverse characteristics, and that all families should be involved in their children's development and learning.

(3) Assessment in early childhood to include child observation, documentation, and data collection, the development of appropriate goals, the benefits and uses of assessment for curriculum and instructional strategies, the use of technology when appropriate for assessment and adaptations, and building assessment partnerships with families to positively influence the development of each child.

(4) Developmentally effective approaches to include understanding how positive relationships and supportive interactions are the foundation of working with young children and families; knowing and understanding a wide array of developmentally appropriate approaches, including play and creativity, instructional strategies, and tools to connect with children and families; and reflecting on the teacher's own practice to promote positive outcomes for each child.

(5) Content knowledge to build a meaningful curriculum through the use of academic disciplines, including language and literacy, the arts (music, drama, dance, and visual arts), mathematics, science, social studies, physical activity, and health, for designing, implementing, and evaluating inquiry-based experiences that promote positive development and learning for each child.

(6) Collaboration and professionalism to include involvement in the early childhood field, knowledge about ethical and early childhood professional standards, engagement in continuous collaborative learning to inform practice, reflective and critical perspectives on early childhood education, and informed advocacy for young children and the profession.

(7) Field experiences and opportunities to observe and practice in a variety of early childhood settings, which include, at a minimum, 40 hours of observation and practice in a variety of preschool settings such as urban, rural, socioeconomic status, cultural diversity, program types, and program sponsorship.

(8) Historical, philosophical, and social foundations of early childhood education.

(9) Student teaching in a prekindergarten setting as required in rule 281—79.14(256).

13.26(2) Teacher—prekindergarten birth through grade three, inclusive settings.

a. Authorization. The holder of this endorsement is authorized to teach children from birth through grade three in inclusive settings.

b. Content.

~~(1) Child growth and development with emphasis on cognitive, language, physical, social, and emotional development, both typical and atypical, for infants and toddlers, preprimary, and primary school children (grades one through three), unless combined as part of the professional education core.~~

~~(2) Historical, philosophical, and social foundations of early childhood education.~~

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

~~(3) Developmentally appropriate curriculum with emphasis on integrated multicultural and nonsexist content including language, mathematics, science, social studies, health, safety, nutrition, visual and expressive arts, social skills, higher thinking skills, and developmentally appropriate methodology, including adaptations for individual needs, for infants and toddlers, preprimary, and primary school children.~~

~~(4) Characteristics of play and creativity, and their contributions to the cognitive, language, physical, social and emotional development and learning of infants and toddlers, preprimary, and primary school children.~~

~~(5) Classroom organization and individual interactions to create positive learning environments for infants and toddlers, preprimary, and primary school children based on child development theory emphasizing guidance techniques.~~

~~(6) Observation and application of developmentally appropriate assessments for infants and toddlers, preprimary, and primary school children recognizing, referring, and making adaptations for children who are at risk or who have exceptional educational needs and talents.~~

~~(7) Home-school-community relationships and interactions designed to promote and support parent, family and community involvement, and interagency collaboration.~~

~~(8) Family systems, cultural diversity, and factors which place families at risk.~~

~~(9) Child and family health and nutrition.~~

~~(10) Advocacy, legislation, and public policy as they affect children and families.~~

~~(11) Administration of child care programs to include staff and program development and supervision and evaluation of support staff.~~

~~(12) Pre-student teaching field experience with three age levels in infant and toddler, preprimary, and primary programs, with no less than 100 clock hours, and in different settings, such as rural and urban, socioeconomic status, cultural diversity, program types, and program sponsorship.~~

~~(13) Student teaching experiences with two different age levels, one before kindergarten and one from kindergarten through grade three.~~

(1) Promoting child development and learning and individual learning differences.

1. Understand the nature of child growth and development for infants and toddlers (birth through age 2), preprimary (age 3 through age 5) and primary school children (age 6 through age 8), both typical and atypical, in areas of cognition, language development, physical motor, social-emotional, mental health, aesthetics, and adaptive behavior and how these impact development and learning in the first years of life, including the etiology, characteristics, and classifications of common disabilities in infants and young children and specific implications for development and learning.

2. Recognize that children are best understood in the contexts of family, culture and society and that cultural and linguistic diversity, stress, risk factors, biological and environmental factors, family strengths, and trauma influence development and learning at all stages, including pre-, peri-, and postnatal development and learning. Communicate the importance of responsive care to a child's development of identity and sense of self.

3. Use developmental knowledge to create learning environments and classroom procedures that promote positive social interaction, active engagement, high expectations for learning, mutual respect, and self-regulation through individually appropriate expectations and positive guidance techniques for each child to meet the child's optimum potential regardless of proficiency. Implement and evaluate preventative and reductive strategies to address challenging behaviors. Use motivational and instructional interventions to teach individuals with exceptionalities how to adapt to different environments. Know how to intervene safely and appropriately with individuals in crisis.

4. Use both child-initiated and teacher-facilitated instructional methods, including strategies such as small and large group projects, play, systematic instruction, group discussion and cooperative decision making. Organize space, time, materials, peers, and adults to maximize progress in natural and structured environments. Embed learning opportunities in everyday routines, relationships, activities, and places. Understand the impact of social and physical environments on development and learning.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

5. Engage in intentional practices and implement learning experiences that value diversity and demonstrate understanding that bias and discrimination impact development. Understand how language, culture, and family background influence and support the learning of each child.

(2) Building family and community relationships.

1. Build family and community relationships to include understanding that successful early childhood education depends upon reciprocal and respectful partnerships with families, communities, and agencies, that these partnerships have complex and diverse characteristics, and that all families should be involved in their children's development and learning.

2. Understand diverse family and community characteristics and how language, culture, and family background influence and support children's learning, and apply that knowledge to develop, implement, and evaluate learning experience and strategies that respect and reflect the diversity of children and their families.

3. Understand how to apply theories and knowledge of dynamic roles and relationships within and between families, schools, and communities. Recognize how to adapt consistently to the expressed and observed strengths and needs of the family, including two-way communication, and how to support families' choices and priorities in the development of goals and intervention strategies.

4. Understand how to coordinate with all (caregivers, professionals, and agencies) who provide care and learning opportunities for each child by developing a community of support for children and families through interagency collaboration to include agreements, referrals, and consultation.

(3) Observing, documenting, and assessing to support young children and families.

1. Use technically sound formal and informal assessments that minimize bias and evaluation results to adapt and guide instruction. Demonstrate a range of appropriate assessment and evaluation strategies (e.g., family interview, observation, documentation, assessment instrument) to support individual strengths, interests, and needs.

2. Design curricula, assessments, and teaching and intervention strategies that align with learner and program goals, including the development of individualized family service plans (IFSPs) and individualized education plans (IEPs). Assist families in identifying resources, priorities, and concerns in relation to the child's development. Understand and utilize assessment partnerships with families and with professional colleagues to build effective learning environments. Understand the role of the families in the assessment process and support the choices they make (e.g., observer, participant). Participate as a team member to integrate assessment results in the development and implementation of individualized plans.

3. Understand and utilize observation, documentation, and other appropriate assessment tools and approaches, including the use of technology in documentation, assessment and data collection. Implement authentic assessment based on observation of spontaneous play. Demonstrate knowledge of alignment of assessment with curriculum, content standards, and local, state, and federal requirements. Assess progress in the developmental domains, play, and temperament.

4. Understand and utilize responsible assessments to promote positive outcomes for each child, including the use of assistive technology for children with disabilities. Use a variety of materials and contexts to maintain the interest of infants and young children in the assessment process.

5. Implement current educational, legal, and ethical guidelines when using assessment practices to support children's individual strengths, interests, and needs (e.g., cultural, linguistic, ability diversity).

(4) Using developmentally and individually effective approaches to connect with children and families.

1. Understand positive relationships and supportive interactions as the foundation of the teacher's work with young children. Reflect on the teacher's own practice to promote positive outcomes for each child and family.

2. Develop, implement, and evaluate individualized plans, including IFSPs and IEPs, as a team leader with families and other professionals. Demonstrate appropriate and effective supports for children and families transitioning into and out of programs or classrooms. Seek and use additional resources and agencies outside the program/school when needed to effectively facilitate the learning and social/emotional development of each child.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

3. Plan, develop, implement, and evaluate integrated learning experiences for home-, center- and school-based environments for infants, toddlers, preprimary and primary children, their families, and other care providers based on knowledge of individual children, the family, and the community. Select, develop, and evaluate developmentally and functionally appropriate materials, equipment, and environments. Develop adaptations and accommodations for infants, toddlers, preprimary, and primary children to meet their individual needs. Use a broad repertoire of developmentally and individually appropriate teaching/learning approaches and effective strategies and tools for early education, including appropriate uses of technology. Facilitate child-initiated development and learning.

4. Consider an individual's abilities, interests, learning environments, and cultural and linguistic factors in the selection, development, and adaptation of learning experiences for individuals with exceptionalities. Use teacher-scaffolded and -initiated instruction to complement child-initiated learning. Link development, learning experiences, and instruction to promote educational transitions. Use individual and group guidance and problem-solving techniques to develop supportive relationships with and among children. Use strategies to teach social skills and conflict resolution.

5. Implement basic health, nutrition, and safety management procedures, including the design of physically and psychologically safe and healthy indoor and outdoor environments to promote development and learning. Recognize signs of emotional distress, physical and mental abuse and neglect in young children and understand mandatory reporting procedures. Demonstrate proficiency in infant-child cardiopulmonary resuscitation, emergency procedures and first aid.

6. Understand principles of administration, organization, and operation of programs for children from birth to age 8 and their families, including staff and program development, supervision, evaluation of staff, and continuing improvement of programs and services. Employ adult learning principles in consulting with and training family members and service providers.

7. Demonstrate the ability to collaborate with general educators and other colleagues to create safe, inclusive, culturally responsive learning environments to engage individuals with exceptionalities and diverse abilities in meaningful learning activities and social interactions.

(5) Using content knowledge to build a meaningful curriculum.

1. Develop and implement appropriate current research-supported learning experiences with a focus on the developmental domains, play, temperament, language and literacy to include first (home) and second language acquisition, mathematics, science, the arts (music, visual art, and drama), physical activity, health and safety, social studies, social skills, higher-thinking skills, and developmentally and individually appropriate methodology. Methods courses are required for the following areas: literacy, mathematics, social studies, science, physical education and wellness, and visual and performing arts.

2. Use the Iowa Early Learning Standards and the Iowa core with information from ongoing child observations and assessments to plan, implement, and evaluate appropriate instruction that improves academic and developmental progress of each child, including those with IFSPs/IEPs.

3. Understand the central concepts, structures of the discipline, and tools of inquiry of content areas taught, and demonstrate the ability to organize this knowledge, integrate cross-disciplinary skills, and develop meaningful learning progressions for individuals with exceptionalities (diverse abilities).

4. Modify general and specialized curricula to make them accessible to individuals with exceptionalities (diverse abilities). Develop adaptations and accommodations for infants, toddlers, preprimary, and primary children to meet their individual needs.

(6) Professional responsibilities.

1. Demonstrate awareness of early childhood program criteria, including the following: National Association for the Education of Young Children (NAEYC), Iowa Early Learning Standards, Head Start Performance Standards, and Iowa Quality Preschool Program Standards (IQPPS).

2. Collaborate with supervisors, mentors, and colleagues to enhance professional growth within and across disciplines to inform practice, including the use of data for decision making, and understand how to design and implement a professional development plan based on student achievement, self, peer, and supervisory evaluations and recommended practices.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

3. Understand the significance of lifelong learning and participate in professional activities and learning communities. Participate in activities of professional organizations relevant to early childhood regular education, special education, and early intervention.

4. Use relevant national and state professional guidelines (national, state, or local), state curriculum standards, and current trends for content and outcomes and to inform and improve practices for young children and their families.

5. Adhere to state and national professional and ethical principles, practices, and codes.

6. Advocate for developmentally and individually appropriate practice, demonstrate awareness of issues that affect the lives of each child, and demonstrate necessary communication skills.

7. Understand historical, philosophical and foundational knowledge and how current issues and the legal bases of services influence professional practice in early childhood, early intervention, early childhood special education, and general and regular education in the K-3 age groups. Understand trends and issues in early childhood education, early childhood special education, and early intervention.

8. Provide guidance and direction to paraeducators, tutors, and volunteers.

(7) Early childhood field experiences.

1. Pre-student teaching field experiences, which must comprise a minimum of 100 clock hours, to include at least 20 hours of working with each age group (infants and toddlers, preprimary, and primary).

2. Experiences working in at least three settings that offer early childhood education, such as approved child care centers and registered child development homes, school-based preschool, community agencies, or home visiting programs.

3. Experiences working with children who have a range of abilities and disabilities and who reflect diverse family systems and other differentiating factors, such as urban and rural, socioeconomic status, and cultural and linguistic diversity.

4. Completion of supervised student teaching experience in at least two different settings including registered child development homes, home visiting programs, state-accredited child care centers, or classrooms which include both children with and without disabilities in two of three age levels: infant and toddler, preprimary, and primary.

13.26(3) to 13.26(5) No change.

[Filed 4/19/16, effective 6/15/16]

[Published 5/11/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/11/16.

ARC 2528C

EDUCATIONAL EXAMINERS BOARD[282]

Adopted and Filed

Pursuant to the authority of Iowa Code section 272.2(1)"a," the Board of Educational Examiners hereby amends Chapter 22, "Authorizations," Iowa Administrative Code.

This amendment allows the Board to issue the substitute authorization on the paraeducator certificate, which will clarify the limitations of a paraeducator who applies for a substitute authorization and remove the requirement for a separate renewal. This amendment also increases the substitute authorization to five years to mirror other license types.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2411C** on February 17, 2016. A public hearing took place on March 9, 2016. No one attended the public hearing, and no written comments were received. This amendment is identical to that published under Notice.

This amendment is subject to waiver pursuant to 282—Chapter 6.

The Board of Educational Examiners adopted this amendment on April 8, 2016.

After analysis and review of this rule making, there is no anticipated impact on jobs.

This amendment is intended to implement Iowa Code section 272.2(1)"a."

This amendment will become effective June 15, 2016.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

The following amendment is adopted.

Amend rule 282—22.2(272) as follows:

282—22.2(272) Substitute authorization. A substitute authorization allows an individual to substitute in grades PK-12 for no more than 5 consecutive days and no more than 10 days in a 30-day period in one job assignment for a regularly assigned teacher who is absent, except in the driver's education classroom. A school district administrator may file a written request with the board for an extension of the 10-day limit in one job assignment on the basis of documented need and benefit to the instructional program. The licensure committee will review the request and provide a written decision either approving or denying the request. An individual who holds a paraeducator certificate without a bachelor's degree and completes the substitute authorization program is authorized to substitute only in the special education classroom in which the individual paraeducator is employed. For these individuals, the authorization will appear on the paraeducator certificate and will not include separate renewal requirements.

22.2(1) Application process. Any person interested in the substitute authorization shall submit records of credit to the board of educational examiners for an evaluation in terms of the required courses or contact hours. Application materials are available from the office of the board of educational examiners, online at <http://www.boee.iowa.gov/> or from institutions or agencies offering approved courses or contact hours.

a. No change.

b. *Validity.* The substitute authorization shall be valid for ~~three~~ five years.

c. No change.

22.2(2) and 22.2(3) No change.

[Filed 4/19/16, effective 6/15/16]

[Published 5/11/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/11/16.

ARC 2529C

EDUCATIONAL EXAMINERS BOARD[282]

Adopted and Filed

Pursuant to the authority of Iowa Code section 272.2(1)"a," the Board of Educational Examiners hereby amends Chapter 24, "Paraeducator Certificates," Iowa Administrative Code.

A committee of paraeducator preparation program staff members, Department of Education staff, and Board of Educational Examiners staff met over several months to examine possible changes to the early childhood paraeducator area of concentration. This amendment, which is the result of the committee's work, replaces the current early childhood paraeducator area of concentration.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2410C** on February 17, 2016. A public hearing took place on March 9, 2016. No one attended the public hearing, and no written comments were received. This amendment is identical to that published under Notice.

This amendment is subject to waiver pursuant to 282—Chapter 6.

The Board of Educational Examiners adopted this amendment on April 8, 2016.

After analysis and review of this rule making, there is no anticipated impact on jobs.

This amendment is intended to implement Iowa Code section 272.2(1)"a."

This amendment will become effective June 15, 2016.

The following amendment is adopted.

Amend subrule 24.4(1) as follows:

24.4(1) Early childhood—prekindergarten through grade 3. The paraeducator shall successfully complete the following list of competencies ~~so that, under the direction and supervision of a qualified classroom teacher, the paraeducator will be able to:~~

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

- ~~a. Reinforce skills, strategies, and activities involving individuals or small groups.~~
- ~~b. Participate as a member of the team responsible for developing service plans and educational objectives for parents and their children.~~
- ~~c. Listen to and communicate with parents in order to gather information for the service delivery team.~~
- ~~d. Demonstrate knowledge of services provided by health care providers, social services, education agencies, and other support systems available to support parents and provide them with the strategies required to gain access to these services.~~
- ~~e. Demonstrate effective strategies and techniques to stimulate cognitive, physical, social, and language development in the student.~~
- ~~f. Gather information as instructed by the classroom teacher about the performance of individual children and their behaviors, including observing, recording, and charting, and share information with professional colleagues.~~
- ~~g. Communicate and work effectively with parents and other primary caregivers.~~
- a. *Foundations.* Under the supervision of a licensed education professional, the paraeducator will:
 - (1) Know and understand young children's typical and atypical developmental stages and their needs at each stage.
 - (2) Recognize multiple influences on young children's development and learning.
 - (3) Recognize developmentally appropriate practices for interactions with and the education of young children.
- b. *Learning environment.* Under the supervision of a licensed education professional, the paraeducator will:
 - (1) Describe the elements of environments that support children's learning and well-being.
 - (2) Demonstrate skills, strategies, and activities involving an individual child or small groups of children to reinforce instruction from a licensed teacher.
 - (3) Set up environments that are safe, inclusive, and responsive to children's developmental strengths, interests and needs.
- c. *Content and instruction.* Under the supervision of a licensed education professional, the paraeducator will:
 - (1) Recognize effective strategies and techniques to stimulate cognitive, physical, social, emotional, and language development for each child in a developmentally appropriate way.
 - (2) Demonstrate knowledge and understanding of the Iowa Early Learning Standards by describing what young children know and do in order to provide experiences and interactions to promote learning.
 - (3) Gather information, as instructed by the classroom teacher, about an individual child's development, learning and behaviors including observing, recording, and charting.
- d. *Emotional and behavioral competencies.* Under the supervision of a licensed education professional, the paraeducator will:
 - (1) Gather information, as instructed by the classroom teacher, to identify children's skills and provide appropriate levels of support needed for the children to access, participate and engage in activities.
 - (2) Implement teacher-designed intervention plans to promote positive social relationships, interactions and behaviors that are age- and developmentally appropriate.
- e. *Professional relationships.* Under the supervision of a licensed education professional, the paraeducator will:
 - (1) Demonstrate the ability to collaborate with an educational team to systematically and regularly exchange information to support problem solving, planning, and the implementing of instruction and individualized interventions.
 - (2) Demonstrate the ability to establish relationships with all children and their families that are respectful, supportive and sensitive.
 - (3) Demonstrate a collaborative relationship with the teacher to support children's learning.
 - (4) Demonstrate knowledge of community services and agencies available to assist families.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

f. Ethical and professional practice. Under the supervision of a licensed education professional, the paraeducator will:

(1) Demonstrate knowledge of Iowa Early Learning Standards and the preschool program standards being implemented, which may include the Iowa Quality Preschool Program Standards, Head Start Program Performance Standards and National Association for the Education of Young Children (NAEYC) Program Standards and Accreditation Criteria.

(2) Reserved.

[Filed 4/19/16, effective 6/15/16]

[Published 5/11/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/11/16.

ARC 2536C

IOWA PUBLIC INFORMATION BOARD[497]

Adopted and Filed

Pursuant to the authority of Iowa Code section 23.6, the Iowa Public Information Board hereby amends Chapter 1, "Organization and General Administration," Iowa Administrative Code.

This amendment reflects the procedure currently utilized by the Board and staff when a conflict of interest is discovered.

Notice of Intended Action for this amendment was published in the Iowa Administrative Bulletin on January 20, 2016, as **ARC 2364C**. The Board received no public comment on the proposed amendment. No changes were made to the amendment as published under Notice of Intended Action.

The Iowa Public Information Board adopted this amendment on April 21, 2016.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code sections 23.6 and 68B.2A.

This amendment will become effective on June 15, 2016.

The following amendment is adopted.

Amend subrule 1.4(2) as follows:

1.4(2) Procedures. As soon as a member of the board or an employee of the board becomes aware of a conflict of interest, the member or employee of the board shall follow these procedures:

a. If the conflict is known before a meeting, the member or employee of the board shall fully disclose the interest to the ~~chairperson of the board in writing at least 24 hours before the~~ at the board's next meeting.

b. If the conflict is discovered during a meeting, the member or employee of the board shall orally inform the board, ~~and of the nature of the conflict shall be reported in writing to the chairperson of the board within 24 hours after the meeting~~ as soon as the conflict is discovered.

c. The board member or employee of the board who has the conflict shall not participate in discussion or vote on any advisory opinion, declaratory order, or complaint. An announced conflict shall be reported in the board's minutes and the minutes shall reflect the matters on which the board member or employee of the board abstained from participating.

[Filed 4/22/16, effective 6/15/16]

[Published 5/11/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/11/16.

ARC 2524C

MEDICINE BOARD[653]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Medicine hereby amends Chapter 9, "Permanent Physician Licensure," Iowa Administrative Code.

The purpose of Chapter 9 is to establish requirements for licensure for administrative medicine physicians, medical physicians and surgeons, and osteopathic physicians and surgeons. The proposed amendments update language throughout the chapter. The need for these amendments was determined during the Board's continuing review of its administrative rules, pursuant to Iowa Code section 17A.9A.

The Board approved the Notice of Intended Action during a regularly scheduled meeting on December 10, 2015. The Notice was published as **ARC 2360C** in the Iowa Administrative Bulletin on January 6, 2016. A public hearing on **ARC 2360C** was held on January 26, 2016. No comments were received or statements presented.

On April 8, 2016, the Board voted to adopt and file these amendments, which are identical to those published under Notice.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapters 147, 148 and 272C.

These amendments will become effective on June 15, 2016.

The following amendments are adopted.

ITEM 1. Amend the following definitions in rule **653—9.1(147,148)**:

"Current, active status" means a license that is in effect and grants the privilege of practicing administrative medicine, medicine and surgery or osteopathic medicine and surgery, as applicable.

"Inactive license" means any license that is not in current, active status. ~~Inactive license may include licenses formerly known as delinquent, lapsed, or retired.~~ A physician whose license is inactive continues to hold the privilege of licensure in Iowa but may not practice ~~medicine~~ under an inactive Iowa license until the inactive license is reinstated to ~~current~~, active status.

ITEM 2. Adopt the following new paragraph **9.3(1)"e"**:

e. A military service applicant or a veteran may apply for credit for verified military education, training, or service toward any experience or educational requirement for permanent licensure under this subrule or may be eligible for permanent licensure through reciprocity as specified in 653—Chapter 18.

ITEM 3. Amend paragraph **9.4(2)"a"** as follows:

a. Pay a nonrefundable initial application fee of ~~\$450 plus the \$45 fee identified in 653—subrule 8.4(6) and fee~~ for the evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI) as specified in 653—paragraph 8.4(1)"a"; and

ITEM 4. Amend paragraph **9.4(3)"a"** as follows:

a. Full legal name, date and place of birth, home address, mailing address, ~~and~~ principal business address, and personal e-mail address regularly used by the applicant or licensee for correspondence with the board.

ITEM 5. Amend paragraph **9.5(2)"a"** as follows:

a. Pay a nonrefundable initial application fee of ~~\$450 plus the \$45 fee identified in 653—subrule 8.4(6) and fee~~ for the evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI) as specified in 653—paragraph 8.4(1)"a"; and

ITEM 6. Amend paragraph **9.5(3)"a"** as follows:

a. Full legal name, date and place of birth, home address, mailing address, ~~and~~ principal business address, and personal e-mail address regularly used by the applicant or licensee for correspondence with the board.

MEDICINE BOARD[653](cont'd)

ITEM 7. Amend paragraph **9.6(2)“a”** as follows:

a. Pay a nonrefundable initial application fee of \$450 plus the \$45 fee identified in 653—subrule 8.4(6) and fee for the evaluation of the fingerprint packet and the criminal history background checks by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI) as specified in 653—paragraph 8.4(1)“a”; and

ITEM 8. Amend paragraph **9.6(3)“a”** as follows:

a. Full legal name, date and place of birth, home address, mailing address, and principal business address, and personal e-mail address regularly used by the applicant or licensee for correspondence with the board.

ITEM 9. Amend paragraph **9.7(1)“d”** as follows:

d. Candidates who meet the following requirements are eligible to take USMLE Step 3:

(1) Submit a completed application form and pay the required examination fee as specified in rule 653—subrule 8.3(1) 8.3(147,148,272C).

(2) No change.

(3) Document holding a medical degree from a board-approved educational institution. If a candidate holds a medical degree from an educational institution not approved by the board at the time the applicant graduated and was awarded the degree, the candidate shall meet the requirements specified in 9.3(1)“e”(3) subparagraph 9.3(1)“b”(3).

(4) No change.

ITEM 10. Amend subrule 9.8(4) as follows:

9.8(4) If the final review indicates questions or concerns that cannot be remedied by continued communication with the physician, the executive director, director of licensure and administration and director of legal affairs shall determine if the questions or concerns indicate any uncertainty about the applicant’s current qualifications for licensure.

a. and b. No change.

ITEM 11. Amend paragraph **9.8(7)“c”** as follows:

c. If the physician has not engaged in active clinical practice in the past three years in any jurisdiction of the United States or Canada, require an applicant to:

(1) to (4) No change.

ITEM 12. Amend paragraph **9.8(8)“c”** as follows:

c. If the physician has not engaged in active clinical practice in the past three years in any jurisdiction of the United States or Canada, require an applicant to:

(1) to (4) No change.

ITEM 13. Amend subrule 9.9(2) as follows:

9.9(2) Reactivation of the application. To reactivate the application, an applicant shall submit a nonrefundable fee for reactivation of the application fee of \$150 as specified in 653—paragraph 8.4(1)“b” and shall update credentials.

a. and b. No change.

c. Once the reactivation period expires, ~~an~~ the application for licensure is withdrawn and the applicant must reapply and submit a new nonrefundable application fee and a new application, documents and credentials.

ITEM 14. Adopt the following **new** paragraph **9.11(1)“e”**:

e. When a physician with a permanent Iowa license receives an Iowa administrative medicine license, the permanent Iowa license shall immediately become inactive.

ITEM 15. Amend rule 653—9.12(147,148) as follows:

653—9.12(147,148) Notification required to change the board’s data system.

9.12(1) Change of address contact information. A licensee shall notify the board of any change in the home address, or the address of the place of practice, home or practice telephone number, or personal

MEDICINE BOARD[653](cont'd)

e-mail address regularly used by the applicant or licensee for correspondence with the board within one month of making an address the change.

9.12(2) No change.

9.12(3) Deceased. A licensee file shall be closed and labeled “deceased” when the board receives a copy of the physician’s death certificate or other reliable information of the licensee’s death.

ITEM 16. Amend subrule 9.13(1) as follows:

9.13(1) Renewal notice. Staff shall send a renewal notice ~~by regular mail~~ to each licensee ~~at the licensee’s last known address~~ at least 60 days prior to the expiration of the license. The renewal notice may be sent by e-mail or by regular mail at the discretion of staff. If e-mail is used for notification of licensure renewal, the notice shall be sent to the personal e-mail address specified in subrule 9.12(1).

ITEM 17. Amend paragraph **9.13(3)“a”** as follows:

a. Renewal fee.

(1) ~~The renewal fee is \$550 if fees for renewal is made via paper application or \$450 if renewal is made via on-line application; are specified in 653—subparagraph 8.4(1)“c”(1) and are assessed per biennial period or a prorated portion thereof if the current license was issued for a period of less than 24 months.~~

(2) There is no renewal fee due for a physician who was on active duty in the U.S. armed forces, reserves or national guard during the renewal period. “Active duty” means full-time training or active service in the U.S. armed forces, reserves or national guard.

(3) A physician who fails to renew before the expiration of the license shall be charged a penalty fee as set forth in 653—paragraph 8.4(1)“d.”

ITEM 18. Amend subrule 9.13(6) as follows:

9.13(6) Failure to renew. Failure of the licensee to renew a license within two months following its expiration date shall cause the license to become inactive and invalid. A licensee whose license is invalid or inactive is prohibited from practice until the license is reinstated in accordance with rule 653—9.15(147,148).

a. and *b.* No change.

ITEM 19. Amend subrule 9.15(1) as follows:

9.15(1) Reinstatement within one year of the license’s becoming inactive. An individual whose license is in inactive status for up to one year and who wishes to reinstate the license shall submit a completed renewal application; the reinstatement fee; documentation of continuing education; and, if applicable, documentation on training on chronic pain management, training on end-of-life care, and training on identifying and reporting abuse; ~~and the reinstatement fee.~~ All of the information shall be received in the board office within one year of the license’s becoming inactive for the applicant to reinstate under this subrule. For example, a physician whose license became inactive on March 1 has until the last day of the following February to renew under this subrule.

a. ~~Fees~~ Fee for reinstatement of an unrestricted Iowa license within one year of the license’s becoming inactive. The reinstatement fee is ~~\$550 except specified in 653—paragraph 8.4(1)“g”~~ when the license in the most recent license period had been granted for less than 24 months; in that case, the reinstatement fee is prorated according to the date of issuance and the physician’s month and year of birth.

b. to *d.* No change.

ITEM 20. Amend subrule 9.15(2) as follows:

9.15(2) Reinstatement of an unrestricted Iowa license that has been inactive for one year or longer. An individual whose license is in inactive status and who has not submitted a reinstatement application that was received by the board within one year of the license’s becoming inactive shall follow the application cycle specified in this rule and shall satisfy the following requirements for reinstatement:

a. Submit an application for reinstatement to the board upon forms provided by the board. The application shall require the following information:

MEDICINE BOARD[653](cont'd)

(1) Full legal name, date and place of birth, license number, home address, mailing address, ~~and principal business address, and personal e-mail address regularly used by the applicant or licensee for correspondence with the board;~~

(2) to (8) No change.

(9) A completed fingerprint packet to facilitate a national criminal history background check. The \$45 fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks will be assessed to the applicant.

b. Pay the reinstatement fee ~~of \$500 plus the \$45 fee identified in 653—subrule 8.4(6) for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks-~~ specified in 653—paragraph 8.4(1) “f.” ~~No fee is required for reinstatement for those whose licenses became inactive between December 8, 1999, and July 4, 2001; however, the \$45 fee for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks will be assessed.~~

c. Provide documentation of completion of ~~80~~ 40 hours of category 1 credit within the previous two years and documentation of training on chronic pain management, end-of-life care, and identifying and reporting abuse as specified in 653—Chapter 11.

d. If the physician has not engaged in active clinical practice in the past three years in any jurisdiction of the United States or Canada, require an applicant to:

(1) to (4) No change.

e. No change.

[Filed 4/13/16, effective 6/15/16]

[Published 5/11/16]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 5/11/16.

ARC 2523C

MEDICINE BOARD[653]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Medicine hereby amends Chapter 9, “Permanent Physician Licensure,” and Chapter 11, “Continuing Education and Training Requirements,” Iowa Administrative Code.

The purpose of Chapter 9 is to establish requirements for the licensure of administrative medicine physicians, medical physicians and osteopathic physicians. The purpose of Chapter 11 is to establish requirements for continuing education and training for licensees under Iowa Code chapter 148. The amendments implement 2015 Iowa Acts, Senate File 276, which was signed into law on April 17, 2015, and became effective July 1, 2015. The amendments define requirements for an administrative medicine license and the continuing education and training required to maintain that license.

The Board approved the Notice of Intended Action during a regularly scheduled meeting on December 10, 2015. The Notice was published as **ARC 2359C** in the Iowa Administrative Bulletin on January 6, 2016. A public hearing on **ARC 2359C** was held on January 26, 2016. Leah McWilliams, representing the Iowa Osteopathic Medical Association, attended the hearing to seek clarification on requirements for an administrative medicine license.

On April 8, 2016, the Board voted to adopt and file these amendments, which are identical to those published under Notice.

After analysis and review of this rule making, it has been determined that these amendments may help create jobs in Iowa. The administrative medicine license is for physicians who are being hired for nonclinical administrative jobs within the health care system.

These amendments are intended to implement 2015 Iowa Acts, Senate File 276, and Iowa Code chapters 147, 148 and 272C.

These amendments will become effective on June 15, 2016.

The following amendments are adopted.

MEDICINE BOARD[653](cont'd)

ITEM 1. Adopt the following new rule 653—9.20(147,148):

653—9.20(147,148) Administrative medicine licensure.

9.20(1) Definitions.

“*Administrative medicine*” means administration or management utilizing the medical and clinical knowledge, skill, and judgment of a licensed physician and capable of affecting the health and safety of the public or any person. A physician with an administrative medicine license may advise organizations, both public and private, on health care matters; authorize and deny financial payments for care; organize and direct research programs; review care provided for quality; and other similar duties that do not require direct patient care. Administrative medicine does not include the authority to practice clinical medicine, examine, care for or treat patients, prescribe medications including controlled substances, or delegate medical acts or prescriptive authority to others.

“*Administrative medicine license*” means a license issued by the board pursuant to this rule.

9.20(2) Application. An application for an administrative medicine license shall be made to the board of medicine pursuant to the requirements established in Iowa Code section 148.3 and this chapter. An applicant for an administrative medicine license shall be subject to all of the permanent licensure requirements established in Iowa Code section 148.3 and this chapter, except that the applicant shall not be required to demonstrate that the applicant has engaged in active clinical practice in the past three years as outlined in paragraphs 9.8(7)“c” and 9.15(2)“d.”

The board may, in its discretion, issue an administrative medicine license authorizing the licensee to practice administrative medicine only, as defined by this rule. The license shall be designated “administrative medicine license.”

9.20(3) Fees. All license and renewal fees shall be paid to the board in accordance with 653—Chapters 8 and 9.

9.20(4) Demonstration of competence.

a. If an applicant for initial licensure or reinstatement of an administrative medicine license has not actively practiced administrative or clinical medicine in a jurisdiction of the United States or Canada in the past three years, the board may require the applicant to demonstrate competence in a method prescribed by the board in accordance with paragraphs 9.8(7)“c” and 9.15(2)“d.”

b. A physician who holds an administrative medicine license and has not engaged in active clinical practice in a jurisdiction of the United States or Canada for more than three years may be required to demonstrate competence to practice clinical medicine in a method prescribed by the board in accordance with paragraphs 9.8(7)“c” and 9.15(2)“d” prior to obtaining a permanent Iowa medical license.

9.20(5) No exemptions to laws and rules. A physician with an administrative medicine license shall be subject to the same laws and rules governing the practice of medicine as a person holding a permanent Iowa medical license.

9.20(6) Only one active license at a time. When applicable, a person’s active Iowa permanent or Iowa resident license shall immediately become inactive upon issuance of an administrative license.

9.20(7) Interstate medical licensure compact. A physician who holds only an administrative medicine license may not be eligible for licensure under the interstate medical licensure compact.

ITEM 2. Amend rule 653—11.4(272C) as follows:

653—11.4(272C) Continuing education and training requirements for renewal or reinstatement. A licensee shall meet the requirements in this rule to qualify for renewal of a permanent license, an administrative medicine license, or special license or to qualify for reinstatement of a permanent license or an administrative medicine license.

11.4(1) Continuing education and training requirements.

a. Continuing education for permanent license or administrative medicine license renewal. Except as provided in these rules, a total of 40 hours of category 1 credit or board-approved equivalent shall be required for biennial renewal of a permanent license or an administrative medicine license. This may include up to 20 hours of credit carried over from the previous license period and category 1 credit acquired within the current license period.

MEDICINE BOARD[653](cont'd)

(1) and (2) No change.

b. to e. No change.

11.4(2) Exemptions from renewal requirements.

a. A licensee shall be exempt from the continuing education requirements in subrule 11.4(1) when, upon license renewal, the licensee provides evidence for:

(1) Periods that the licensee served honorably on active duty in the U.S. armed forces, reserves or national guard;

(2) Periods that the licensee ~~resided~~ practiced in another state or district ~~having and did not provide medical care, including telemedicine services, to patients located in Iowa, if the other state or district had~~ continuing education requirements for the profession and the licensee met all requirements of that state or district for practice therein;

(3) and (4) No change.

b. No change.

11.4(3) No change.

11.4(4) Reinstatement requirement. An applicant for license reinstatement whose license has been inactive for one year or more shall provide proof of successful completion of ~~80~~ 40 hours of category 1 credit completed within 24 months prior to submission of the application for reinstatement or proof of successful completion of SPEX or COMVEX-USA within one year immediately prior to the submission of the application for reinstatement.

11.4(5) to 11.4(8) No change.

[Filed 4/13/16, effective 6/15/16]

[Published 5/11/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/11/16.

ARC 2532C

MEDICINE BOARD[653]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Medicine hereby amends Chapter 21, "Physician Supervision of a Physician Assistant," Iowa Administrative Code.

The purpose of Chapter 21 is to establish eligibility requirements and supervisory requirements for medical physicians and surgeons and osteopathic physicians and surgeons who supervise physician assistants.

The adopted rule, 653—21.4(147,148,148C,272C,86GA,SF505), implements 2015 Iowa Acts, Senate File 505, division XXXI, section 113, which directs the Board of Medicine and the Board of Physician Assistants to jointly adopt rules pursuant to Iowa Code chapter 17A to establish specific minimum standards or a definition of supervision for appropriate supervision of physician assistants by physicians. The Boards were to jointly file Notices of Intended Action pursuant to Iowa Code section 17A.4(1)"a" on or before February 1, 2016, for adoption of such rules.

The Board of Medicine approved a Notice of Intended Action to adopt rule 653—21.4(147,148,148C,86GA,SF505), during a regularly scheduled meeting on December 10, 2015. A similar Notice of Intended Action to adopt rule 645—327.8(147,148,148C,86GA,SF505) was approved by the Board of Physician Assistants on January 20, 2016.

Notice of Intended Action by the Board of Medicine was published in the January 10, 2016, Iowa Administrative Bulletin as **ARC 2372C**. A public hearing on **ARC 2372C** was held on February 12, 2016, and a public hearing on Board of Physician Assistants' **ARC 2417C** was held on March 9, 2016. Subcommittees of the Boards of Medicine and Physician Assistants met on April 8, 2016, to consider possible changes in the Notices in response to public comments. At the conclusion of the subcommittee meetings on April 8, 2016, both subcommittees accepted the following list of changes made to the proposed amendments and agreed to present the revised Notices to their respective boards for adoption:

MEDICINE BOARD[653](cont'd)

1. The definitions of “remote medical site” and “supervision” were added in a new subrule 21.4(1), and proposed subrules 21.4(1) to 21.4(3) were renumbered as 21.4(2) to 21.4(4) and are cited as such below.

2. Paragraph 21.4(2)“b” was revised to clarify that at least one supervising physician shall meet face-to-face with each physician assistant twice annually. If the physician assistant is practicing in a remote medical site, then both meetings shall be at the remote site.

3. Paragraph 21.4(2)“c” was revised to clarify that the requirement is expected of each supervising physician and each physician assistant.

4. Paragraph 21.4(2)“d” was revised to clarify that the requirement is expected of each supervising physician and each physician assistant.

5. Paragraph 21.4(2)“e” was revised to clarify that each supervising physician shall conduct and document an ongoing review of a representative sample of the physician assistant’s patient charts encompassing the scope of the physician assistant’s practice provided under the physician’s supervision and discuss the findings of the reviews with the physician assistant.

6. Paragraphs “g” to “j” were relettered as “f” to “i” because Noticed paragraph “f” was not adopted.

7. Paragraph 21.4(2)“h” was clarified to require that if the physician assistant’s supervising physician is not available to provide supervision, then the supervising physician must ensure that an alternate supervising physician is available and that the physician assistant is notified of the means by which to reach the alternate supervising physician.

8. Subrule 21.4(4) was revised to permit a waiver or variance of the rule, provided the waiver or variance is approved by both the Board of Medicine and the Board of Physician Assistants.

The Board of Medicine on April 15, 2016, voted to adopt and file the proposed amendments with the aforementioned changes from the original Notice.

After review and analysis of this rule making, no negative impact on private sector jobs and employment opportunities within the state of Iowa has been found. The joint rule making expresses existing definitions and existing physician assistant supervisory requirements found in the Iowa Code and Iowa Administrative Code. The joint rule making places these existing requirements under joint control by both the Board of Medicine and the Board of Physician Assistants.

These amendments are intended to implement Iowa Code chapters 147, 148, 148C and 272C and 2015 Iowa Acts, Senate File 505, division XXXI, section 113.

These amendments will become effective June 15, 2016.

The following amendments are adopted.

ITEM 1. Renumber rules **653—21.4(148,272C)** to **653—21.7(17A,147,148,272C)** as **653—21.5(148,272C)** to **653—21.8(17A,147,148,272C)**.

ITEM 2. Adopt the following new rule 653—21.4(147,148,148C,272C,86GA,SF505):

653—21.4(147,148,148C,272C,86GA,SF505) Specific minimum standards for appropriate supervision of a physician assistant by a physician. This rule establishing the minimum standards for appropriate supervision of a physician assistant by a physician in the state of Iowa is hereby jointly adopted by the board of medicine and the board of physician assistants in accordance with 2015 Iowa Acts, Senate File 505, division XXXI, section 113.

21.4(1) Definitions.

“*Remote medical site*” means a medical clinic for ambulatory patients which is away from the main practice location of a supervising physician and in which a supervising physician is present less than 50 percent of the time the remote medical site is open. “*Remote medical site*” will not apply to nursing homes, patient homes, hospital outpatient departments, outreach clinics, or any location at which medical care is incidentally provided (e.g., diet center, free clinic, site for athletic physicals, jail facility).

“*Supervision*” means that a supervising physician retains ultimate responsibility for patient care, although a physician need not be physically present at each activity of the physician assistant or be specifically consulted before each delegated task is performed. Supervision shall not be construed as

MEDICINE BOARD[653](cont'd)

requiring the physical presence of the supervising physician at the place where such services are rendered except insofar as the physical presence is expressly required by these rules or by Iowa Code chapter 148C.

21.4(2) Minimum standards. The following are minimum standards for appropriate supervision of a physician assistant by a physician in the state of Iowa:

a. Review of requirements. Before a physician can supervise a physician assistant practicing in Iowa, both the supervising physician and the physician assistant shall review all of the requirements of physician assistant licensure, practice, supervision, and delegation of medical services as set forth in Iowa Code section 148.13, Iowa Code chapter 148C, this chapter, and 645—Chapters 326, 327, 328 and 329.

b. Face-to-face meetings. At least one supervising physician shall meet face-to-face with each physician assistant a minimum of twice annually. If the physician assistant is practicing at a remote site, both meetings shall be at the remote site. Each party shall ensure that the face-to-face meetings are documented. The meetings are for the purpose of discussing topics deemed appropriate by the physician or the physician assistant, including supervision requirements, assessment of education, training, skills, and experience, review of delegated services, and medical services provided by the physician assistant.

c. Assessment of education, training, skills, and experience. Each supervising physician and the physician assistant shall ensure that the other party has the appropriate education, training, skills, and relevant experience necessary to successfully collaborate on patient care delivered by the team.

d. Communication. Each supervising physician and the physician assistant shall communicate and consult on medical problems, complications, emergencies, and patient referrals as indicated by the clinical condition of the patient.

e. Chart reviews. Each supervising physician shall conduct and document an ongoing review of a representative sample of the physician assistant's patient charts encompassing the scope of the physician assistant's practice provided under the physician's supervision and discuss the findings of the reviews with the physician assistant.

f. Delegated services. The medical services and medical tasks delegated to and provided by the physician assistant shall be in compliance with 645—subrule 327.1(1). All delegated medical services shall be within the scope of practice of the supervising physician and the physician assistant. The supervising physician and the physician assistant shall have the education, training, skills, and relevant experience to perform the delegated services prior to delegation.

g. Timely consultation. The supervising physician shall be available for timely consultation with the physician assistant, either in-person or by telephonic or other electronic means.

h. Alternate supervision. If the supervising physician will not be available for any reason, an alternate supervising physician will be available to ensure continuity of supervision. The physician will ensure the alternate supervising physician is available for a timely consult and will ensure the physician assistant is notified of the means by which to reach the alternate supervising physician. The physician assistant shall not practice if supervision is not available.

i. Failure to supervise. Failure to adequately direct and supervise a physician assistant or failure to comply with the minimum standards of supervision in accordance with this chapter, Iowa Code chapter 148C, Iowa Code section 148.13, and 645—Chapters 326, 327, 328 and 329 may be grounds for disciplinary action for both the physician and the physician assistant.

21.4(3) Amendment. Rule 653—21.4(147,148,148C,272C,86GA,SF505) may only be amended by agreement of the board of medicine and the board of physician assistants through a joint rule-making process. This subrule is effective on June 15, 2016, or upon adoption of an identical subrule by the board of physician assistants, whichever is later.

21.4(4) Joint waiver or variance. Rule 653—21.4(147,148,148C,272C,86GA,SF505) may only be waived upon approval by both the board of medicine and the board of physician assistants pursuant to 653—Chapter 3 and 645—Chapter 18, Iowa Code section 17A.9A, or any other provision of law. This subrule is effective on June 15, 2016, or upon adoption of an identical subrule by the board of physician assistants, whichever is later.

MEDICINE BOARD[653](cont'd)

ITEM 3. Amend **653—Chapter 21**, implementation sentence, as follows:
These rules are intended to implement Iowa Code sections 148.13 and 272C.3 and 2015 Iowa Acts, Senate File 505, division XXXI, section 113.

[Filed 4/21/16, effective 6/15/16]

[Published 5/11/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/11/16.

ARC 2526C

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455A.5(6), 481A.38, 481A.39, and 481A.48, the Natural Resource Commission (Commission) hereby amends Chapter 91, "Waterfowl and Coot Hunting Seasons," Iowa Administrative Code.

Chapter 91 contains the regulations for hunting waterfowl and coots and includes season dates, bag limits, possession limits, shooting hours, and areas open to hunting. The amendments adjust the season dates to comply with federal regulations published on March 28, 2016, in 81 Fed. Reg. 17,301–17,355. The amendments also ensure that the seasons open on different weekends and that an experimental special September teal season (all species) is continued for the third year. The federal regulations authorize up to 16 days for the special teal season. However, in response to hunter feedback requesting that ducks have a two-week period of calm and hunter inactivity between the teal and regular duck seasons, the Commission has proposed a 9-day teal season in the north and south zones and a 16-day teal season in the Missouri River zone. This structure will provide ducks a respite after the teal season in the south zone, allow the youth waterfowl hunt to occur prior to the regular duck season in all three zones, and will also allow the opening and closing dates in each zone to be staggered.

Additionally, every five years the United States Fish and Wildlife Service (USFWS) allows states to make changes to their waterfowl hunting zone boundaries. Iowa's changes must be submitted no later than May 1, 2016, and shall be implemented in the 2017-2018 season and last through the spring of 2021. The amendments expand the existing Missouri River zone south along I-29 to the Missouri border. Except for this southern expansion, the north and south zones remain the same.

Notice of Intended Action was published in the Iowa Administrative Bulletin on February 17, 2016, as **ARC 2409C**. The Commission held one formal public hearing on March 8, 2016, and a more informal statewide meeting through the Iowa Communications Network on February 24, 2016. Fifty-nine comments were received, addressing four categories: duck hunting season dates, goose hunting season dates, the special September teal season, and the waterfowl hunting zone configuration. Concerning the duck hunting season, 14 comments requested earlier dates and 26 requested later dates. Similarly, 3 comments requested earlier dates for the goose hunting season while 31 requested later dates. Thirteen comments requested a full 16-day teal season, while 4 comments opposed the teal season entirely. Finally, 3 comments supported the new waterfowl zone configurations (effective the 2017-2018 season), 6 comments opposed it, and 3 comments submitted other configurations.

The following changes have been made from the Notice of Intended Action:

1. Subrules 91.1(1) and 91.3(1) were amended to clarify that the existing zone boundaries shall remain effective for the 2016-2017 season.
2. Seven days were moved from the October segment of the dark goose season in the south zone to the end of the season in January. Days were removed from October and added to January for dark geese in the south zone but not elsewhere for two reasons. First, more than half of all comments received (31 of 59) requested later goose hunting dates, with a majority of these (16) specifically requesting later dates in the south zone. Second, while these 16 commenters represent an extremely small percentage of the total waterfowl hunters in the state (less than a quarter of one percent), the Commission has heard this same request for years and is prepared to modify this season accordingly.

NATURAL RESOURCE COMMISSION[571](cont'd)

3. Nine additional days were added to the end of the second segment of the light goose season in the south zone to allow for later season hunting. Seven days were removed from the third week in October and added to the third week of January. Days were removed from October and added to January for light geese in the south zone so that the seasons for dark geese and light geese remain concurrent in light of the above change to the dark goose season in the south zone. Two more days were added because staff discovered that a mathematical error in the Notice led to the original selection of January 18 instead of January 20. When combined, these nine days push the end of the second segment from January 18 to January 27.

4. The second segment for light geese in the Missouri River zone has been corrected to run from October 22 to January 27, which is an extension of nine days from the original proposal of October 22 to January 18. Staff discovered that a mathematical error led to the selection of January 18; federal regulations allow for these additional days.

5. Finally, the light goose conservation order season has been pushed back from January 19 to January 28 due to the change in dates proposed for the south zone. Federal regulations require that the regular waterfowl seasons be closed before the conservation order season opens.

After analysis and review of this rule making, there will not be an impact on jobs in the state.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, and 481A.48.

These amendments will become effective on June 15, 2016.

The following amendments are adopted.

ITEM 1. Amend subrules 91.1(1) to 91.1(4) as follows:

91.1(1) Zone boundaries. The following zone boundaries apply in the time frames noted:

a. For the 2016-2017 season, the north duck hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, east to State Highway 37, southeast to State Highway 183, northeast to State Highway 141, east to U.S. Highway 30, and along U.S. Highway 30 to the Iowa-Illinois border. The Missouri River duck hunting zone is that part of Iowa west of Interstate 29 and north of State Highway 175. The south duck hunting zone is the remainder of the state.

b. For the 2017-2021 seasons, the north duck hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, east to State Highway 37, southeast to State Highway 183, northeast to State Highway 141, east to U.S. Highway 30, and along U.S. Highway 30 to the Iowa-Illinois border. The Missouri River duck hunting zone is that part of Iowa west of Interstate 29 and south to the Iowa-Missouri border. The south duck hunting zone is the remainder of the state.

91.1(2) Season dates - north zone. Special September teal season: September 5 3 through September 20 11. For all ducks: ~~October 3~~ September 24 through October 18 2 and October 24 15 through December 6 4.

91.1(3) Season dates - south zone. Special September teal season: September 5 3 through September 20 11. For all ducks: October 3 1 through October 7 5 and October 17 22 through December 10 15.

91.1(4) Season dates - Missouri River zone. Special September teal season: September 5 3 through September 20 18. For all ducks: October 3 ~~through 8~~ and October 7 9 and October 24 22 through December 17 18.

ITEM 2. Amend subrules 91.3(1) to 91.3(5) as follows:

91.3(1) Zone boundaries. The following zone boundaries apply in the time frames noted:

a. For the 2016-2017 season, the north goose hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, east to State Highway 37, southeast to State Highway 183, northeast to State Highway 141, east to U.S. Highway 30, and along U.S. Highway 30 to the Iowa-Illinois border. The Missouri River goose hunting zone is that part of Iowa west of Interstate 29 and north of State Highway 175. The south goose hunting zone is the remainder of the state.

b. For the 2017-2021 seasons, the north goose hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State

NATURAL RESOURCE COMMISSION[571](cont'd)

Highway 175, east to State Highway 37, southeast to State Highway 183, northeast to State Highway 141, east to U.S. Highway 30, and along U.S. Highway 30 to the Iowa-Illinois border. The Missouri River goose hunting zone is that part of Iowa west of Interstate 29 and south to the Iowa-Missouri border. The south goose hunting zone is the remainder of the state.

91.3(2) *Season dates - north zone.* Dark geese (Canada geese, white-fronted geese, brant and any other geese that are not light geese): September ~~26~~ 24 through October 9 and October 15 through January 1, ~~2016~~ 4, 2017. Light geese (white and blue-phase snow geese and Ross' geese): September ~~26~~ 24 through October 9 and October 15 through January 10, ~~2016~~ 13, 2017.

91.3(3) *Season dates - south zone.* Dark geese (Canada geese, white-fronted geese, brant and any other geese that are not light geese): October 3 ~~1~~ through October 9 and October 22 through January 8, ~~2016~~ 18, 2017. Light geese (white and blue-phase snow geese and Ross' geese): October 3 ~~1~~ through October 9 and October 22 through January 15, ~~2016~~ 27, 2017.

91.3(4) *Season dates - Missouri River zone.* Dark geese (Canada geese, white-fronted geese, brant and any other geese that are not light geese): October 10 ~~8~~ through October 16 and October 22 through January 15, ~~2016~~ 18, 2017. Light geese (white and blue-phase snow geese and Ross' geese): October 10 ~~8~~ through October 16 and October 22 through January 15, ~~2016~~ 27, 2017.

91.3(5) *Bag limit.* The daily bag limit for dark geese (Canada geese, white-fronted geese, brant and any other geese that are not light geese) is 5 and may include no more than 2 Canada geese from September ~~26~~ 24 through October 31 and no more than 3 Canada geese from November 1 through the end of the season. The daily bag limit for light geese (white and blue-phase snow geese and Ross' geese) is 20.

ITEM 3. Amend subrules 91.3(8) to 91.3(11) as follows:

91.3(8) *Light goose conservation order season.* Only light geese (white and blue-phase snow geese and Ross' geese) may be taken under a conservation order from the U.S. Fish and Wildlife Service from January 16, ~~2016~~ 28, 2017, through April 15, ~~2016~~ 2017.

a. to e. No change.

91.3(9) *Cedar Rapids/Iowa City goose hunting zone.*

a. *Season dates.* September ~~5~~ 3 through September ~~13~~ 11.

b. to d. No change.

91.3(10) *Des Moines goose hunting zone.*

a. *Season dates.* September ~~5~~ 3 through September ~~13~~ 11.

b. to d. No change.

91.3(11) *Cedar Falls/Waterloo goose hunting zone.*

a. *Season dates.* September ~~5~~ 3 through September ~~13~~ 11.

b. to d. No change.

ITEM 4. Amend rule 571—91.6(481A) as follows:

571—91.6(481A) Youth waterfowl hunt. A special youth waterfowl hunt will be held on September ~~26~~ 17 and ~~27~~ 18 in the north duck hunting zone, ~~October 10~~ September 24 and ~~11~~ 25 in the south duck hunting zone, and October 17 ~~1~~ and 18 ~~2~~ in the Missouri River duck hunting zone. Youth hunters must be residents of Iowa as defined in Iowa Code section 483A.1A and less than 16 years old. Each youth hunter must be accompanied by an adult 18 years old or older. The youth hunter does not need to have a hunting license or stamps. The adult must have a valid hunting license and habitat stamp if normally required to have them to hunt and a state waterfowl stamp. Only the youth hunter may shoot ducks and coots. The adult may hunt for any other game birds for which the season is open. The daily bag and possession limits are the same as for the regular waterfowl season, as defined in rule 571—91.1(481A). All other hunting regulations in effect for the regular waterfowl season apply to the youth hunt.

[Filed 4/18/16, effective 6/15/16]

[Published 5/11/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/11/16.

ARC 2525C**TRANSPORTATION DEPARTMENT[761]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 307.12, 307A.2, 321.449 and 321.450, the Iowa Department of Transportation, on April 12, 2016, adopted amendments to Chapter 520, "Regulations Applicable to Carriers," Iowa Administrative Code.

Notice of Intended Action for these amendments was published in the February 17, 2016, Iowa Administrative Bulletin as **ARC 2401C**.

Iowa Code section 321.449 requires the Department to adopt rules consistent with the Federal Motor Carrier Safety Regulations (FMCSR) promulgated under United States Code, Title 49, and found in 49 Code of Federal Regulations (CFR) Parts 385 and 390 to 399. Iowa Code section 321.450 requires the Department to adopt rules consistent with the Federal Hazardous Materials Regulations (HMR) promulgated under United States Code, Title 49, and found in 49 CFR Parts 107, 171 to 173, 177, 178 and 180.

Commercial vehicles transporting goods in interstate commerce are subject to the FMCSR on the effective dates specified in the Federal Register (FR). Commercial vehicles transporting hazardous materials in interstate commerce or transporting certain hazardous materials intrastate are subject to the HMR on the effective dates specified in the FR. The adoption of the federal regulations by the Department will extend the enforcement of the regulations to commercial vehicles operated intrastate unless exempted by statute.

Proposed federal regulations are published in the FR to allow a period for public comment, and, after adoption, the final regulations are published in the FR. Each year, a revised edition of 49 CFR is published, incorporating all of the final regulations adopted during the year.

To ensure the consistency required by statute, the Department annually adopts the specified parts of 49 CFR as adopted by the United States Department of Transportation.

The amendments to the FMCSR and the HMR that have become final and effective since the 2014 edition of the CFR are listed below. The parts affected are followed by FR citations.

Amendments to the FMCSR and Federal HMR

Parts 385, 390-392, 395 and 397 (FR Vol. 79, No. 191, Pages 59450-59458, 10-02-14)

This final rule amends Federal Motor Carriers Safety Administration (FMCSA) regulations by making technical corrections throughout 49 CFR, Subtitle B, Chapter III. FMCSA is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update references, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations. Effective date: October 2, 2014.

Part 390 (FR Vol. 79, No. 204, Pages 63057-63059, 10-22-14)

This final rule adopts, as final, certain amendments to the FMCSRs required by the Reliable Home Heating Act. Currently, the FMCSRs include a provision which enables motor carriers providing direct assistance in responding to an emergency declared by a governor to do so without having to comply with certain federal safety regulations. However, the duration of the relief is limited to 30 days unless FMCSA extends the exemption. This final rule amends the emergency relief provision in the FMCSRs so that the safety requirements in 49 CFR Parts 390-399 will not apply if a governor declares a state of emergency caused by a shortage of residential heating fuel; determines at the end of the 30-day exemption period currently authorized by the regulations that the emergency shortage has not ended; and extends the declaration of emergency for up to two additional 30-day periods. Effective date: October 22, 2014.

Parts 392 and 396 (FR Vol. 79, No. 243, Pages 75437-75449, 12-18-14)

This final rule rescinds the requirement that commercial motor vehicle (CMV) drivers operating in interstate commerce, except drivers of passenger-carrying CMVs, submit, and motor carriers retain, driver-vehicle inspection reports when the driver has neither found nor been made aware of any vehicle defects or deficiencies. This rule also harmonizes the pre- and post-trip inspection lists. It responds in part to the President's January 2011 Regulatory Review and Reform initiative, removing a significant

TRANSPORTATION DEPARTMENT[761](cont'd)

information collection burden without adversely impacting safety. FMCSA also makes a technical change to 49 CFR Section 396.11 to eliminate redundant language. Effective date: December 18, 2014. Parts 171, 172, 173, 178 and 180 (FR Vol. 80, No. 5, Pages 1075-1169, 01-08-15)

This final rule amends the HMRs to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. These revisions are necessary to harmonize the HMRs with recent changes made to the International Maritime Dangerous Goods Code, the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air, the United Nations Recommendations on the Transport of Dangerous Goods and subsequently address three petitions for rule making. Effective date: January 1, 2015.

Parts 171, 172 and 173 (FR Vol. 80, No. 34, Pages 9217-9218, 02-20-15)

This final rule extends for modes of transportation other than air the mandatory compliance date of a final rule published on August 6, 2014, under Docket No. HM-224F from February 6, 2015, until August 7, 2015. This extension was made in response to formal comments received from multiple stakeholders outlining challenges faced by the regulated community in fully implementing the provisions of the final rule by the February 6, 2015, mandatory compliance date. The compliance date for the final rule published August 6, 2014, at 79 FR 46012, was extended until August 7, 2015.

Part 385 (FR Vol. 80, No. 64, Pages 18146-18158, 04-03-15)

This final rule specifies inflation adjustments to civil penalty amounts assessed to those who violate the FMCSRs and HMRs. Some of these adjustments are required by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996. Most of the civil penalties were last adjusted for inflation in 2007, and some have not been changed since 2003. Other changes to the civil penalties were mandated by Congress in the Moving Ahead for Progress in the 21st Century Act. This final rule ensures that FMCSA's civil penalties are consistent with the applicable statutes. Effective date: June 2, 2015.

Part 391 (FR Vol. 80, No. 78, Pages 22789-22825, 04-23-15)

This final rule amends the FMCSRs to require certified medical examiners performing physical examinations of CMV drivers to use a newly developed Medical Examination Report Form, MCSA-5875, in place of the current form and to use Form MCSA-5876 for the Medical Examiner's Certificate and to report results of all CMV drivers' physical examinations performed (including the results of examinations where the driver was found not to be qualified) to FMCSA by midnight (local time) of the next calendar day following the examination. The reporting of results includes all CMV drivers who are required to be medically certified to operate in interstate commerce, not only those who hold or apply for commercial learner's permits (CLP) or commercial driver's licenses (CDL), and results of any examinations performed in accordance with the FMCSRs with any applicable state variances (which will be valid for intrastate operations only). For holders of CLP/CDLs (interstate and intrastate), FMCSA will electronically transmit driver identification, examination results, and restriction information from examinations performed from the national registry to the state driver licensing agencies. FMCSA will also transmit medical variance information for all CMV drivers electronically to the state driver licensing agencies. Effective date: June 22, 2015.

Part 390 (FR Vol. 80, No. 101, Pages 30164-30180, 05-27-15)

This final rule adopts regulations governing the lease and interchange of passenger-carrying CMVs to identify the motor carrier operating a passenger-carrying CMV that is responsible for compliance with the FMCSRs and ensure that a lessor surrenders control of the CMV for the full term of the lease or temporary exchange of CMVs and drivers. This action is necessary to ensure that unsafe passenger carriers cannot evade FMCSA oversight and enforcement by entering into a questionable lease arrangement to operate under the authority of another carrier that exercises no actual control over those operations. This rule will enable the FMCSA, the National Transportation Safety Board, and federal and state partners to identify motor carriers transporting passengers in interstate commerce and correctly assign responsibility to these entities for regulatory violations during inspections, compliance investigations, and crash investigations. It also provides the general public with the means to identify the responsible motor carrier at the time

TRANSPORTATION DEPARTMENT[761](cont'd)

transportation services are provided. Effective date: July 27, 2015. Compliance date: Motor carriers of passengers operating CMVs under a lease or interchange agreement are subject to this rule on or after January 1, 2017.

Part 385 (FR Vol. 80, No. 117, Pages 34839-34841, 06-18-15)

This final rule amends hazardous materials safety permit rules to update the current incorporation by reference of the “North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuramics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR Part 173.403.” Currently the rules reference the April 1, 2014, edition of the out-of-service criteria and, through this final rule, FMCSA incorporates the April 1, 2015, edition. Effective date: June 18, 2015.

Part 391 (FR Vol. 80, No. 119, Pages 35577-35596, 06-22-15)

This final rule makes corrections to a rule that appeared in the Federal Register on April 23, 2015 (80 FR 22790). In that rule, FMCSA amended the FMCSRs to require certified medical examiners performing physical examinations of CMV drivers to use a newly developed Medical Examination Report Form, MCSA-5875, in place of the current form and to use Form MCSA-5876 for the Medical Examiner’s Certificate and to report results of all CMV drivers’ physical examinations performed (including the results of examinations where the driver was found not to be qualified) to FMCSA by midnight (local time) of the next calendar day following the examination. That final rule was a follow-on rule to the medical certification requirements as part of the CDL final rule, published on December 1, 2008, and the National Registry of Certified Medical Examiners final rule, published on April 20, 2012. Effective date: June 22, 2015.

Parts 107 and 171 (FR Vol. 80, No. 175, Pages 54418-54440, 09-10-15)

This final rule adopts regulations to include the standard operating procedures and criteria used to evaluate applications for special permits and approvals. This rule making addresses issues identified in the Hazardous Materials Transportation Safety Improvement Act of 2012 related to the Office of Hazardous Materials Safety’s Approvals and Permits Division. In addition, this rule making also provides clarity regarding what conditions need to be satisfied to promote special permit application completeness. An application that contains the required information reduces processing delays by reducing the number of applications rejected due to incompleteness. Through public notice and comment, this final rule is required to establish standard operating procedures to support the administration of the special permit and approval programs, and objective criteria to support the evaluation of special permit and approval applications. These amendments do not change previously established policies, to include but not be limited to any inspection activities subsequent to issuance, modification or renewal of a special permit and approval. Effective date: November 9, 2015.

Various portions of the federal regulations and Iowa statutes allow some exceptions when the exceptions will not adversely impact the safe transportation of commodities on the nation’s highways. Granting additional exceptions for drivers and the motor carrier industry in Iowa would adversely impact the safety of the traveling public in Iowa.

These amendments are identical to those published under Notice of Intended Action.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 321.449 and 321.450.

These amendments will become effective June 15, 2016.

Rule-making actions:

ITEM 1. Amend paragraph **520.1(1)“a”** as follows:

a. Motor carrier safety regulations. The Iowa department of transportation adopts the Federal Motor Carrier Safety Regulations, 49 CFR Parts 385 and 390-399 (October 1, ~~2014~~ 2015).

TRANSPORTATION DEPARTMENT[761](cont'd)

ITEM 2. Amend paragraph **520.1(1)“b”** as follows:

b. Hazardous materials regulations. The Iowa department of transportation adopts the Federal Hazardous Materials Regulations, 49 CFR Parts 107, 171-173, 177, 178, and 180 (October 1, ~~2014~~ 2015).

[Filed 4/18/16, effective 6/15/16]

[Published 5/11/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/11/16.

ARC 2530C

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 307.12, 307A.2 and 321.187, the Iowa Department of Transportation, on April 20, 2016, adopted amendments to Chapter 607, “Commercial Driver Licensing,” Iowa Administrative Code.

Notice of Intended Action for these amendments was published in the March 16, 2016, Iowa Administrative Bulletin as **ARC 2451C**.

Item 1 updates the facsimile number and adds a reference to the Department's Web site. Items 2 to 5, 7 to 15, 18 to 20 and 24 update Iowa Code citations to remove references to the 2015 Iowa Acts. Item 16 implements third-party testing by Iowa-based motor carriers as authorized by Iowa Code section 321.187 and will increase access to commercial driver's license skills testing for Iowa-based motor carriers and their trainee drivers. Item 17 authorizes the acceptance of skills test results from certified third-party testers. Item 18 corrects the implementation sentence to add a reference to Iowa Code section 321.187. Item 20 increases the period of time in which a commercial driver may renew a commercial driver's license before license expiration from 30 days to 90 days, which conforms to current practice and gives drivers more time to complete their renewal transaction before license expiration. Item 20 also changes the period of time in which a driver may renew before license expiration when faced with circumstances that render doing so within 90 days before expiration impractical from one year to 364 days, which conforms with a Federal Motor Carrier Safety Administration interpretation of federal rules which dictates that a commercial driver's license may not be valid more than eight years and 364 days. The amendments within Item 20 also correct a Code of Federal Regulations (CFR) citation and make changes for clarity. Item 21 corrects an Iowa Code citation. Item 22 addresses restricted commercial driver's licenses and changes the definition of “good driving record” to add consistency in the identification and enumeration of disqualifying acts and violations, improve the safety of persons allowed to operate a commercial motor vehicle under a restricted commercial driver's license, and make nonsubstantive changes to add clarity and create consistency. The amendments within Item 22 also change the attribution of the 180-day period of validity from two set periods, one during spring planting and one during fall harvest, to a flexible 180-day period that may be taken at any time during the calendar year and may be taken in up to three increments at the election of the driver. This change will be effective on January 1, 2017, and is in response to requests from suppliers of agricultural inputs that sought more flexibility in the administration of the 180-day period. Three individual periods of validity will allow suppliers and their drivers to craft periods of validity that correspond to yearly fluctuations in planting and harvest demands without being restricted to defined periods that may or may not correspond, and will also allow agricultural suppliers to add drivers in mid-year when needed to respond to demand or weather events that affect the application of agricultural inputs. Item 23 eliminates an outdated subrule concerning self-certification procedures which were required before January 30, 2014.

The amendments within Item 6 update the citation in 49 CFR Part 383. The amendments to 49 CFR Part 383 that have become effective since the 2014 edition of the CFR are listed in the information below. The parts affected are followed by Federal Register (FR) citations.

Part 383 (FR Vol. 79, No. 191, Pages 59450-59458, 10-02-14)

TRANSPORTATION DEPARTMENT[761](cont'd)

This final rule amends Federal Motor Carrier Safety Administration's (FMCSA) regulations by making technical corrections throughout 49 CFR, Subtitle B, Chapter III. The FMCSA is making minor changes to correct errors and omissions, ensure conformity with the Office of the Federal Register style guidelines, update references, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations. Effective date: October 2, 2014. Part 383 (FR Vol. 80, No. 78, Pages 22790-22825, 4-23-15)

This final rule amends the Federal Motor Carrier Safety Regulations (FMCSR) to require certified medical examiners performing physical examinations of commercial motor vehicle (CMV) drivers to use a newly developed Medical Examination Report Form, MCSA-5875, in place of the current form and to use Form MCSA-5876 for the Medical Examiner's Certificate and to report results of all CMV drivers' physical examinations performed (including the results of examinations where the driver was found not to be qualified) to FMCSA by midnight (local time) of the next calendar day following the examination. The reporting of results includes all CMV drivers who are required to be medically certified to operate in interstate commerce, not only those who hold or apply for commercial learner's permits (CLP) or commercial driver's licenses (CDL), and results of any examinations performed in accordance with the FMCSRs with any applicable state variances (which will be valid for intrastate operations only). For holders of CLP/CDLs (interstate and intrastate), FMCSA will electronically transmit driver identification, examination results, and restriction information from examinations performed from the national registry to the state driver licensing agencies. FMCSA will also transmit medical variance information for all CMV drivers electronically to the state driver licensing agencies. Effective date: June 22, 2015.

Part 383 (FR Vol. 80, No. 119, Pages 35577-35596, 06-22-15)

This final rule makes corrections to a rule that appeared in the Federal Register on April 23, 2015 (80 FR 22790), which is summarized in the preceding paragraph. That final rule was a follow-on rule to the medical certification requirements as part of the CDL final rule, published on December 1, 2008, and the National Registry of Certified Medical Examiners final rule, published on April 20, 2012. Effective date: June 22, 2015.

Part 383 (FR Vol. 80, No. 190, Pages 59065-59075, 10-01-15)

This final rule amends FMCSA regulations by making technical corrections and ministerial corrections throughout 49 CFR, Subtitle B, Chapter III. The FMCSA is making minor changes to correct errors and omissions, ensure conformity with the Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories (UL) standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. Effective date: October 1, 2015.

These amendments do not provide for waivers. Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Nonsubstantive changes were made to correct the facsimile number within Item 1 and to make minor grammatical changes from the Notice of Intended Action.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 321.176B, 321.187 and 321.188.

These amendments will become effective June 15, 2016.

Rule-making actions:

ITEM 1. Amend rule 761—607.2(17A) as follows:

761—607.2(17A) Information.

607.2(1) Information and location. Applications, forms and information about the commercial driver's license (CDL) are available at any driver's license examination station. Assistance is also available by mail from the Office of Driver Services, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by

TRANSPORTATION DEPARTMENT[761](cont'd)

telephone at (800)532-1121 or (515)244-8725; or by facsimile at (515)237-3071 239-1837; or on the department's Web site at www.iowadot.gov.

607.2(2) Manual. A copy of a study manual for the commercial driver's license tests is available upon request at any driver's license examination station and on the department's Web site.

This rule is intended to implement Iowa Code section 17A.3.

ITEM 2. Amend rule 761—607.3(321), introductory paragraph, as follows:

761—607.3(321) Definitions. The definitions in Iowa Code section 321.1 ~~as amended by 2015 Iowa Acts, House File 635, section 44,~~ apply to this chapter of rules. In addition, the following definitions are adopted:

ITEM 3. Amend rule **761—607.3(321)**, definition of "CDLIS," as follows:

"CDLIS" means "commercial driver's license information system" as defined in Iowa Code section 321.1 ~~as amended by 2015 Iowa Acts, House File 635, section 44.~~

ITEM 4. Amend rule **761—607.3(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.1 ~~as amended by 2015 Iowa Acts, House File 635, section 44,~~ 321.174, 321.188 ~~as amended by 2015 Iowa Acts, House File 635, section 53,~~ 321.191, 321.193, 321.207 and 321.208.

ITEM 5. Amend rule **761—607.7(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 22.11, 321.12 ~~as amended by 2015 Iowa Acts, House File 635, section 46,~~ and 321.199.

ITEM 6. Amend paragraph **607.10(1)"c,"** introductory paragraph, as follows:

c. The following portions of 49 CFR Part 383 (October 1, ~~2014~~ 2015):

ITEM 7. Amend rule **761—607.10(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.187, 321.188 ~~as amended by 2015 Iowa Acts, House File 635, section 53,~~ 321.207, 321.208 and 321.208A.

ITEM 8. Amend rule 761—607.15(321) as follows:

761—607.15(321) Application. An applicant for a commercial driver's license shall comply with the requirements of Iowa Code sections 321.180(2)"e," ~~as amended by 2015 Iowa Acts, House File 635, section 50,~~ 321.182 and 321.188 ~~as amended by 2015 Iowa Acts, House File 635, section 53,~~ and 761—Chapter 601, and must provide the proofs of citizenship or lawful permanent residence and state of domicile required by 49 CFR Section 383.71. If the applicant is domiciled in a foreign jurisdiction and applying for a nondomiciled commercial driver's license, the applicant must provide a document required by 49 CFR Section 383.71(f).

This rule is intended to implement Iowa Code sections 321.180 ~~as amended by 2015 Iowa Acts, House File 635, section 50,~~ 321.182 and 321.188 ~~as amended by 2015 Iowa Acts, House File 635, section 53.~~

ITEM 9. Amend subrule 607.17(3) as follows:

607.17(3) Tank vehicle. A tank vehicle endorsement (N) is required to operate a tank vehicle as defined in Iowa Code section 321.1 ~~as amended by 2015 Iowa Acts, House File 635, section 44.~~ A vehicle transporting a tank, regardless of the tank's capacity, which does not otherwise meet the definition of a commercial motor vehicle in Iowa Code section 321.1 is not a tank vehicle.

ITEM 10. Amend rule **761—607.17(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.1 ~~as amended by 2015 Iowa Acts, House File 635, section 44,~~ 321.176A, and 321.189.

ITEM 11. Amend rule **761—607.18(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.189 and 321.191 ~~as amended by 2015 Iowa Acts, House File 635, section 55.~~

TRANSPORTATION DEPARTMENT[761](cont'd)

ITEM 12. Amend rule 761—607.20(321) as follows:

761—607.20(321) Commercial learner's permit.

607.20(1) Validity.

a. A commercial learner's permit allows the permit holder to operate a commercial motor vehicle when accompanied as required by Iowa Code section 321.180(2) "d." ~~as amended by 2015 Iowa Acts, House File 635, section 50.~~

b. A commercial learner's permit is valid for 180 days and may be renewed for an additional 180 days without retaking the general and endorsement knowledge tests required by Iowa Code section 321.188 ~~as amended by 2015 Iowa Acts, House File 635, section 53.~~

c. to e. No change.

607.20(2) Requirements.

a. An applicant for a commercial learner's permit must hold a valid Class A, B, C, or D driver's license issued in this state ~~other than that is not~~ an instruction permit, a special instruction permit, a motorized bicycle license or a temporary restricted license; ~~must be at least 18 years of age;~~ and must meet the requirements to obtain a valid commercial driver's license, including the requirements set forth in Iowa Code section 321.188 ~~as amended by 2015 Iowa Acts, House File 635, section 53.~~ However, the applicant does not have to complete the driving skills tests required for a commercial driver's license to obtain a commercial learner's permit.

b. No change.

607.20(3) Endorsements. A commercial learner's permit may include the following endorsements. All other endorsements are prohibited on a commercial learner's permit.

a. An applicant for a passenger endorsement (P) must take and pass the passenger endorsement knowledge test. A commercial learner's permit holder with a passenger endorsement is prohibited from operating a commercial motor vehicle carrying passengers, other than federal/state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the permit holder required by Iowa Code section 321.180(2) "d." ~~as amended by 2015 Iowa Acts, House File 635, section 50.~~

b. An applicant for a school bus endorsement (S) must take and pass the school bus endorsement knowledge test. A commercial learner's permit holder with a school bus endorsement is prohibited from operating a commercial motor vehicle carrying passengers, other than federal/state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the permit holder required by Iowa Code section 321.180(2) "d." ~~as amended by 2015 Iowa Acts, House File 635, section 50.~~

c. No change.

607.20(4) Restrictions. A commercial learner's permit may include the air brake (L), medical variance (V), Class A passenger vehicle (M), Class A and B passenger vehicle (N) and intrastate only (K) restrictions described in rule 761—607.18(321). In addition, a commercial learner's permit may include the following restrictions that are specific to the commercial learner's permit:

a. *Passenger.* The passenger restriction (P, no passengers in CMV bus) applies to a permit holder who has a commercial learner's permit with a passenger or school bus endorsement and prohibits the operation of a commercial motor vehicle carrying passengers, other than federal/state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the permit holder required by Iowa Code section 321.180(2) "d." ~~as amended by 2015 Iowa Acts, House File 635, section 50.~~

b. No change.

This rule is intended to implement Iowa Code sections 321.180 ~~as amended by 2015 Iowa Acts, House File 635, section 50~~, 321.186, and 321.188 ~~as amended by 2015 Iowa Acts, House File 635, section 53.~~

ITEM 13. Amend rule **761—607.27(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.186 and 321.188 ~~as amended by 2015 Iowa Acts, House File 635, section 53.~~

TRANSPORTATION DEPARTMENT[761](cont'd)

ITEM 14. Amend subrule 607.28(6) as follows:

607.28(6) Military waiver. The department may waive the requirement that an applicant pass a required skills test for an applicant who is on active duty in the military service or who has separated from such service in the past year, provided the applicant meets the requirements of Iowa Code subsection 321.188(6) as amended by 2015 Iowa Acts, House File 635, section 53.

ITEM 15. Amend rule ~~761—607.28(321)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~section~~ sections 321.186 and ~~section~~ 321.188 as amended by 2015 Iowa Acts, House File 635, section 53.

ITEM 16. Adopt the following new rule 761—607.30(321):

761—607.30(321) Third-party testing.

607.30(1) Purpose and definitions. The skills test required by rule 761—607.28(321) may be administered by third-party testers and third-party skills test examiners approved and certified by the department. For the purpose of administering third-party skills testing and this rule, the following definitions shall apply:

“*Community college*” means an Iowa community college established under Iowa Code chapter 260C.

“*Iowa-based motor carrier*” means a motor carrier or its subsidiary that has its principal place of business in the state of Iowa and operates a permanent commercial driver training facility in the state of Iowa.

“*Motor carrier*” means the same as defined in 49 CFR Section 390.5.

“*Permanent commercial driver training facility*” means a facility dedicated to a program of commercial driving instruction that is offered to employees or potential employees of the motor carrier as incident to the motor carrier’s commercial operations, that requires at least 40 hours of instruction, and that includes fixed and permanent structures and facilities for the off-road portions of commercial driving instruction, including classroom, pretrip inspection, and basic vehicle control skills. A permanent commercial driver training facility must include a fixed and paved or otherwise hard-surfaced area for basic vehicle control skills testing that is permanently marked and capable of inspection and measurement by the department.

“*Skills test*” means the skills test required by rule 761—607.28(321).

“*Subsidiary*” means a company that is partly or wholly owned by a motor carrier that holds a controlling interest in the subsidiary company.

“*Third-party skills test examiner*” means the same as defined in 49 CFR Section 383.5.

“*Third-party tester*” means the same as defined in 49 CFR Section 383.5.

607.30(2) Certification of third-party testers.

a. The department may certify as a third-party tester a community college or Iowa-based motor carrier to administer skills tests. A community college or Iowa-based motor carrier that seeks certification as a third-party tester shall contact the department’s office of driver services and schedule a review of the proposed testing program, which shall include the proposed testing courses and facilities, information sufficient to identify all proposed third-party skills test examiners, and any other information necessary to demonstrate compliance with 49 CFR Section 383.75.

b. No community college or Iowa-based motor carrier shall be certified to conduct third-party testing unless and until the community college or Iowa-based motor carrier enters an agreement with the department that meets the requirements of 49 CFR Section 383.75 and demonstrates sufficient ability to conduct skills tests in a manner that consistently meets the requirements of 49 CFR Section 383.75.

c. The department shall issue a certified third-party tester a certificate of authority that identifies the classes and types of vehicles for which skills tests may be administered. The certificate shall be valid for the duration of the agreement executed pursuant to paragraph 607.30(2)“b,” unless revoked by the department for engaging in fraudulent activities related to conducting skills tests or failing to comply

TRANSPORTATION DEPARTMENT[761](cont'd)

with the requirements, qualifications, and standards of this chapter, the agreement, or 49 CFR Section 383.75.

607.30(3) *Certification of third-party skills test examiners.*

a. A certified third-party tester shall not employ or otherwise use as a third-party skills test examiner a person who has not been approved and certified by the department to administer skills tests. Each certified third-party tester shall submit for approval the names of all proposed third-party skills test examiners on a form provided by the department. The department shall not approve as a third-party skills test examiner a person who does not meet the requirements, qualifications and standards of 49 CFR Sections 383.75 and 384.228, including but not limited to all required training and examination and a nationwide criminal background check. The criteria for passing the nationwide criminal background check shall include no felony convictions within the last ten years and no convictions involving fraudulent activities.

b. The department shall issue a certificate of authority for each person certified as a third-party skills test examiner that identifies the certified third-party tester for which the person will administer skills tests and the classes and types of vehicles for which the person may administer skills tests. The certificate shall be valid for a period of four years from the date of issuance of the certificate.

c. The department shall revoke the certificate if the person holding the certificate does not administer skills tests to at least ten different applicants per calendar year; does not successfully complete the refresher training required by 49 CFR Section 384.228 every four years; is involved in fraudulent activities related to conducting skills tests; or otherwise fails to comply with and meet the requirements, qualifications and standards of this chapter or 49 CFR Sections 383.75 and 384.228.

d. A third-party skills test examiner who is also a skills instructor shall not administer a skills test to an applicant who received skills training from that third-party skills test examiner.

607.30(4) *Bond.* As a condition of certification, an Iowa-based motor carrier must maintain a bond in the amount of \$50,000 to pay for the retesting of drivers in the event that the third-party tester or one or more of its third-party skills test examiners are involved in fraudulent activities related to conducting skills tests of applicants for a commercial driver's license.

607.30(5) *Limitation applicable to Iowa-based motor carriers.* An Iowa-based motor carrier certified as a third-party tester may only administer the skills test to persons who are enrolled in the Iowa-based motor carrier's commercial driving instruction program and shall not administer skills tests to persons who are not enrolled in that program.

607.30(6) *Training and refresher training for third-party skills test examiners.* All training and refresher training required under this rule shall be provided by the department, in form and content that meet the recommendations of the American Association of Motor Vehicle Administrators' International Third-Party Examiner/Tester Certification Program.

This rule is intended to implement Iowa Code section 321.187.

ITEM 17. Adopt the following **new** subrule 607.31(4):

607.31(4) *Skills test results from certified third-party testers.* A third-party skills tester certified under rule 761—607.30(321) shall transmit the skills test results of tests administered by the third-party tester through secure electronic means determined by the department. The department may retest any person who has passed a skills test administered by a certified third-party tester if it appears to the department that the skills test administered by the third-party tester was administered fraudulently or improperly, and as needed to meet the third-party skills test examiner oversight requirements of 49 CFR Section 383.75(a)(5).

ITEM 18. Amend rule **761—607.31(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~section sections~~ sections 321.186, 321.187 and section 321.188 as amended by 2015 Iowa Acts, House File 635, section 53.

ITEM 19. Amend rule 761—607.35(321) as follows:

761—607.35(321) *Issuance of commercial driver's license and commercial learner's permit.* A commercial driver's license or commercial learner's permit issued by the department shall include the

TRANSPORTATION DEPARTMENT[761](cont'd)

information and markings required by Iowa Code section 321.189(2) "b." as amended by 2015 Iowa Acts, House File 635, section 54.

This rule is intended to implement Iowa Code section 321.189 as amended by 2015 Iowa Acts, House File 635, section 54.

ITEM 20. Amend rule 761—607.37(321) as follows:

761—607.37(321) Commercial driver's license renewal. The department shall administer commercial driver's license renewals as required by 49 CFR Section 383.73.

607.37(1) Licensee requirements. To renew a commercial driver's license, the licensee shall apply at a driver's license examination station and complete the following requirements:

a. Make The licensee shall make a written self-certification of type of driving as required by rule 761—607.50(321) and provide a current medical examiner's certificate if required.

b. No change.

c. Provide The licensee shall provide proof of citizenship or lawful permanent residency and state of domicile as required by rule 761—607.15(321) and ~~49 CFR 383.71(d)(7)~~ 49 CFR 383.73(d)(7). Proof of citizenship or lawful permanent residency is not required if the licensee provided such proof at initial issuance or a previous renewal or upgrade of the license and the department has a notation on the licensee's record confirming that the required proof of legal citizenship or legal presence check was made and the date on which it was made.

d. If the ~~applicant~~ licensee is domiciled in a foreign jurisdiction and renewing a non-domiciled commercial driver's license, the ~~applicant~~ licensee must provide a document required by 49 CFR 383.71(f) at each renewal.

607.37(2) Early renewal. A valid commercial driver's license may be renewed ~~30~~ 90 days before the expiration date. If this is impractical, the department for good cause may renew a license earlier, not to exceed ~~one year~~ 364 days prior to the expiration date. The department may allow renewal earlier than ~~one year~~ 364 days prior to the expiration date for active military personnel being deployed due to actual or potential military conflict.

This rule is intended to implement Iowa Code sections 321.186, 321.188 as amended by 2015 Iowa Acts, House File 635, section 53, and 321.196.

ITEM 21. Amend subrule 607.39(2) as follows:

607.39(2) Notice. A 30-day advance notice of disqualification shall be served by the department in accordance with rule 761—615.37(321). Pursuant to Iowa Code subsection ~~321.208(9)~~ 321.208(12), a peace officer on behalf of the department may serve the notice of disqualification immediately.

ITEM 22. Amend subrules 607.49(5) and 607.49(6) as follows:

607.49(5) Good driving record. A "good driving record" means a driving record showing:

a. and *b.* No change.

c. No convictions in any type of motor vehicle for:

(1) to (4) No change.

(5) Reckless driving, drag racing, or eluding or attempting to elude a law enforcement officer.

(6) and (7) No change.

(8) ~~Accident-connected traffic law violations~~ A moving violation that contributed to a motor vehicle accident.

(9) A violation deemed serious under rule 761—615.17(321).

d. No record of ~~at-fault accidents~~ contributive accidents, as defined in rule 761—615.1(321).

607.49(6) Issuance.

a. No change.

b. A restricted commercial driver's license shall be coded with restriction "W" on the face of the driver's license, with the restriction explained in text on the back of the driver's license. In addition, the license shall be issued with a restriction stating the license's period of validity.

c. to *e.* No change.

TRANSPORTATION DEPARTMENT[761](cont'd)

~~f.~~ ~~There~~ On or before December 31, 2016, there are two periods of validity for commercial motor vehicle operation: March 15 through June 30, and October 4 through December 14. ~~These are referred to as “seasonal periods.”~~ Validity shall not exceed 180 days in any 12-month period. Any period of validity authorized previously by another state’s license shall be considered a part of the 180-day maximum period of validity.

~~g.~~ On or after January 1, 2017, a licensee may have up to three individual periods of validity for a restricted commercial driver’s license, provided the cumulative period of validity for all individual periods does not exceed 180 days in any calendar year. An individual period of validity may be 60, 90, or 180 consecutive days, at the election of the licensee. A licensee may add 30 days to an individual period of validity by applying for an extension, subject to the 180-day cumulative maximum period of validity. A request for extension must be made no later than the date of expiration of the individual period of validity for which an extension is requested; a request for extension made after that date shall be treated as a request for a new individual period of validity. An extension shall be calculated from the date of expiration of the individual period of validity for which an extension is requested. Any period of validity authorized previously by another state’s license shall be considered a part of the 180-day cumulative maximum period of validity.

~~g.~~ ~~h.~~ A restricted commercial driver’s license must be validated for commercial motor vehicle operation for each ~~seasonal~~ individual period of validity. This means that the applicant/licensee must appear at a driver’s license examination station during the current seasonal period or not more than 30 days before the beginning of the period to have the person’s good driving record confirmed at each application for an individual period of validity. Upon confirmation, the department shall issue a replacement license with a restriction validating the license for that ~~seasonal~~ individual period of validity, provided the person is otherwise eligible for the license. The fee for a replacement license shall be as specified in Iowa Code section 321.195.

~~h.~~ ~~i.~~ The same process must be repeated for each ~~seasonal~~ individual period of validity within a calendar year.

ITEM 23. Amend rule 761—607.50(321) as follows:

761—607.50(321) Self-certification of type of driving and submission of medical examiner’s certificate.

607.50(1) No change.

~~**607.50(2)** *Enrollment of existing CDL holders.* Every person who holds a commercial driver’s license on or after January 30, 2012, and up to January 30, 2014, and who has not otherwise made a self-certification of type of driving under subrule 607.50(1) shall make to the department a self-certification of type of driving. The self-certification may be made on or after January 30, 2012, but must be made no later than January 29, 2014.~~

~~**607.50(3)**~~ **607.50(2)** *Submission of medical examiner’s certificate by persons certifying to non-excepted interstate driving.* Every person who self-certifies to non-excepted interstate driving must give the department a copy of the person’s current medical examiner’s certificate. A person who fails to provide a required medical examiner’s certificate shall not be allowed to proceed with an initial issuance, transfer, renewal, or upgrade of a license until the person gives the department a medical examiner’s certificate that complies with the requirements of this subrule, or changes the person’s self-certification of type of driving to a type other than non-excepted interstate driving. For persons submitting a current medical examiner’s certificate, the department shall post a medical certification status of “certified” on the person’s CDLIS driver’s record. A person who self-certifies to a type of driving other than non-excepted interstate shall have no medical certification status on the CDLIS driver’s record.

~~**607.50(4)**~~ **607.50(3)** *Maintaining certified status.* To maintain a medical certification status of “certified,” a person who self-certifies to non-excepted interstate driving must give the department a copy of each subsequently issued medical examiner’s certificate valid for the person. The copy must be given to the department at least ten days before the previous medical examiner’s certificate expires.

~~**607.50(5)**~~ **607.50(4)** *CDL downgrade.* If the medical examiner’s certificate or medical variance for a person self-certifying to non-excepted interstate driving expires or if the Federal Motor Carrier Safety

TRANSPORTATION DEPARTMENT[761](cont'd)

Administration notifies the department that the person's medical variance was removed or rescinded, the department shall post a medical certification status of "not certified" to the person's CDLIS driver's record and shall initiate a downgrade of the person's commercial driver's license or commercial learner's permit. The medical examiner's certificate of a person who fails to maintain a medical certification status of "certified" as required by subrule ~~607.50(4)~~ 607.50(3) shall be deemed to be expired on the date of expiration of the last medical examiner's certificate filed for the person as shown by the person's CDLIS driver's record. The downgrade will be initiated and completed as follows:

a. to c. No change.

d. If the person fails to take the action in either paragraph ~~607.50(5)~~ 607.50(4) "b" or "c" before the end of the 60-day period, the department shall remove the commercial motor vehicle privileges from the person's commercial driver's license or commercial learner's permit and shall leave the person's medical certification status as "not certified" on the person's CDLIS driver's record.

~~**607.50(6)** *CDL downgrade of existing CDL holders who fail to enroll before January 30, 2014.* Every person subject to subrule ~~607.50(2)~~ who fails to make a self-certification of type of driving or fails to give the department a copy of the person's medical examiner's certificate as required by subrule ~~607.50(3)~~ before January 30, 2014, shall be subject to a CDL downgrade. The department shall post a medical certification status of "not certified" to the CDLIS driver's record and shall initiate a downgrade of the driver's commercial driver's license following the procedure set forth in subrule ~~607.50(5)~~. In such cases, the 60-day period shall begin January 30, 2014, and the person shall be required to make an initial self-certification of type of driving to terminate the CDL downgrade and to avoid removal of the commercial driver's license privilege. The person's status and privilege under subrule ~~607.50(5)~~ shall be determined according to the certification made or not made.~~

~~**607.50(7)** **607.50(5)** *Establishment or reestablishment of "certified" status.* A person who has no medical certification status or whose medical certification status has been posted as "not certified" on the person's CDLIS driver's record may establish or reestablish the status as "certified" by submitting a current medical examiner's certificate or medical variance to the department. A person who has failed to self-certify to a type of driving or has self-certified to a type of driving other than non-excepted interstate must also make a self-certification of type of driving to non-excepted interstate driving. The department shall then post a medical certification status of "certified" on the person's CDLIS driver's record.~~

~~**607.50(8)** **607.50(6)** *Reestablishment of the CDL privilege.* A person whose commercial motor vehicle privileges have been removed from the person's commercial driver's license or commercial learner's permit under the provisions of paragraph ~~607.50(5)~~ 607.50(4) "d" may reestablish the commercial motor vehicle privileges by either of the following methods:~~

a. and b. No change.

~~**607.50(9)** **607.50(7)** *Change of type of driving.* A person may change the person's self-certification of type of driving at any time. As required by subrule ~~607.50(3)~~ 607.50(2), a person certifying to non-excepted interstate driving must give the department a copy of the person's current medical examiner's certificate prepared by a medical examiner.~~

~~**607.50(10)** **607.50(8)** *Record keeping.* The department shall comply with the medical record-keeping requirements set forth in 49 CFR Section 383.73.~~

This rule is intended to implement Iowa Code sections 321.182, 321.188 as amended by 2015 Iowa Acts, House File 635, section 53, and 321.207 as amended by 2015 Iowa Acts, House File 635, section 60.

ITEM 24. Amend rule ~~761—607.51(321)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code section 321.1 as amended by 2015 Iowa Acts, House File 635, section 44.

[Filed 4/20/16, effective 6/15/16]

[Published 5/11/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/11/16.

ARC 2521C

VOTER REGISTRATION COMMISSION[821]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 48A.39 and 17A.3, the Secretary of State hereby amends Chapter 3, “Lists of Registered Voters,” Iowa Administrative Code.

This amendment is intended to define the term “political purpose” under Iowa Code section 48A.39. This definition clarifies a wide range of legitimate uses, including those typically undertaken by political parties, academic institutions, and media organizations.

This amendment was published under Notice of Intended Action in the November 25, 2015, Iowa Administrative Bulletin as **ARC 2261C**. The adopted amendment is identical to that published under Notice of Intended Action.

This amendment was adopted by the Voter Registration Commission on April 5, 2016.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 48A.19.

This amendment will become effective June 15, 2016.

The following amendment is adopted.

Amend rule 821—3.2(48A) as follows:

821—3.2(48A) Request for list.

3.2(1) *Requests.* A request for a list of registered voters may be made in writing on a Specifications for Voter List form submitted to either a county commissioner or the state registrar. A commissioner or the registrar may accept a request for a list made via telephone provided the commissioner or registrar is confident that both the requester and the commissioner or registrar clearly understand the specifics of the request and provided the requester agrees that the voter registration information will only be used for the purposes set forth in Iowa Code section 48A.39. If a request is unclear or ambiguous, the commissioner or registrar may require that the request be submitted in writing.

3.2(2) *Definition.* The term “political purpose” means research, advocacy, or education relating to the election, administration, or governance of public policies or officials.

[Filed 4/11/16, effective 6/15/16]

[Published 5/11/16]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 5/11/16.