



IOWA ADMINISTRATIVE BULLETIN

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PREFACE

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

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

The Bulletin may also contain public funds interest rates [12C.6]; workers' compensation rate filings [515A.6(7)]; usury rates [535.2(3)"a"]; and agricultural credit corporation maximum loan rates [535.12].

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

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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 2014

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

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
1	Friday, June 20, 2014	July 9, 2014
2	Wednesday, July 2, 2014	July 23, 2014
3	Friday, July 18, 2014	August 6, 2014

PLEASE NOTE:

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

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

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

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Personnel records; human resources—veteran preference, compliance with statute and collective bargaining agreements, clarification of practice, amendments to chs 4, 44, 52 to 54, 57, 60, 63, 64 IAB 6/11/14 ARC 1503C	Room 8, A Level Hoover State Office Bldg. Des Moines, Iowa	July 1, 2014 9 to 10 a.m.
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Continuing education; transition provisions, ch 3 IAB 6/11/14 ARC 1500C	Board Offices, Suite 350 200 E. Grand Ave. Des Moines, Iowa	July 1, 2014 9 a.m.

EDUCATION DEPARTMENT[281]

Appeal procedures for federal programs, 6.23 IAB 6/11/14 ARC 1498C	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	July 1, 2014 1 to 2 p.m.
Supplementary weighting—whole-grade sharing and operational services, 97.1, 97.5, 97.7 IAB 6/11/14 ARC 1499C (See also ARC 1486C herein)	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	July 1, 2014 2 to 3 p.m.

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Best management practices for grain vacuuming at small grain elevators; federal air toxics standards for chemical manufacturing plants and prepared feeds manufacturing, 22.10(3)“a,” 23.1(4) IAB 5/14/14 ARC 1458C	Conference Rooms, Air Quality Bureau 7900 Hickman Rd. Windsor Heights, Iowa	June 16, 2014 1 p.m.
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Retired and senior volunteer program (RSVP), 7.1(1), 7.4(1), 7.5 IAB 6/11/14 ARC 1492C	Central First Floor Conference Room 200 E. Grand Ave. Des Moines, Iowa	July 8, 2014 1 to 1:30 p.m.
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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.

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ARC 1503C

ADMINISTRATIVE SERVICES DEPARTMENT[11]

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 8A.104(5), the Department of Administrative Services (DAS) proposes to amend Chapter 4, “Public Records and Fair Information Practices,” Chapter 44, “Professional/Trade Dues Deductions,” Chapter 52, “Job Classification,” Chapter 53, “Pay,” Chapter 54, “Recruitment, Application and Examination,” Chapter 57, “Appointments,” Chapter 60, “Separations, Disciplinary Actions and Reduction in Force,” Chapter 63, “Leave,” and Chapter 64, “Benefits,” Iowa Administrative Code.

The Department of Administrative Services is continuing its effort to review its administrative rules in accordance with Executive Order 71 by amending certain human resources rules to eliminate conflict with statute, providing for preference for veterans in state employment, aligning rules for the phased retirement program with changes to the Iowa Code, making changes that were negotiated during collective bargaining, and making other revisions that reflect and clarify departmental practice.

The Department of Administrative Services does not intend to grant waivers under the provisions of these rules, other than as may be allowed under the Department’s general rules concerning waivers.

Interested persons may make written comments on the proposed amendments until 4:30 p.m. on July 1, 2014. Comments should be directed to Caleb Hunter, Department of Administrative Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-6140 or by e-mail to Caleb.Hunter@iowa.gov.

A public hearing will be held on July 1, 2014, from 9 to 10 a.m. in Room 8, A Level, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact and advise the Department of Administrative Services of specific needs by calling (515)281-3351.

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

These amendments are intended to implement Iowa Code chapter 8A, subchapter IV.

The following amendments are proposed.

ITEM 1. Amend rule 11—4.14(8A,22) as follows:

11—4.14(8A,22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the department by personal identifier in record systems as defined in rule 11—4.1(8A,22). Unless otherwise stated, the authority to maintain the record is provided by ~~2003 Iowa Code Supplement~~ chapter 8A.

4.14(1) to 4.14(3) No change.

4.14(4) Comparison with data from outside the department. Personally identifiable information in systems of records maintained by the department is retrievable through the use of personal identifiers and may be compared with information from outside the department when specified by law. This comparison is allowed in situations including:

a. Determination of any offset of a debtor’s income tax refund or rebate for child support recovery or foster care recovery (~~2003 Iowa Code Supplement~~ section 8A.504);

b. Calculation of any offset against an income tax refund or rebate for default on a guaranteed student loan (~~2003 Iowa Code Supplement~~ section 8A.504);

ADMINISTRATIVE SERVICES DEPARTMENT[11](cont'd)

c. Offset from any tax refund or rebate for any liability owed a state agency (2003 Iowa Code Supplement section 8A.504);

d. Offset for any debt which is in the form of a liquidated sum due, owing, and payable to the clerk of district court as a criminal fine, civil penalty surcharge, or court costs (2003 Iowa Code Supplement section 8A.504).

4.14(5) No change.

4.14(6) *Record systems with personally identifiable retrieval.* The department maintains the systems or records that contain personally identifiable and confidential information as described in the following paragraphs. The legal authority for the collection of the information is listed with the description or the system.

a. *Personnel files.* Personnel files are maintained by the department and the employee's appointing authority. An employee may have several files depending on the purpose of the file and the records maintained within the file. Personnel files consist of records that concern individual state employees and their families, as well as applicants for state employment.

(1) Personnel files contain personal, private, and otherwise confidential records related to: a state employee's employment, performance and discipline and will be maintained as confidential in accordance with Iowa Code section 22.7(11) and any other applicable law.

1. Applicants:

- ~~Preemployment information, including information gathered during background screenings;~~
- ~~Test scores.~~

2. Benefits:

- ~~Employee assistance program participation;~~
- ~~Wellness program participation;~~
- ~~Pre-tax programs;~~
- ~~Health, dental, life, and long-term disability insurance;~~
- ~~Benefit elections and miscellaneous benefit documents;~~
- ~~Medical information on the employee or a member of the employee's immediate family;~~
- ~~Medical information to support the employee's sick leave usage and fitness for duty determinations;~~

- ~~Deferred compensation;~~

- ~~Workers' compensation.~~

3. Employee performance and discipline.

- ~~Investigations incident to the employee's employment;~~
- ~~Information related to disciplinary actions;~~
- ~~Complaints, grievances, and appeals;~~
- ~~Performance planning and evaluation;~~
- ~~Training; and~~
- ~~Other information incident to the employment of individuals.~~

(2) These records are collected in accordance with ~~2003 Iowa Code Supplement chapter 8A, and Iowa Code chapters 8A, 19B, 20, 70A, 85, 85A, 85B, 91A, and 509A,~~ and are confidential records under Iowa Code section 22.7(11) and other law, because the information in the record is private and personal, the disclosure of which would likely result in an unwarranted invasion of the privacy of the subject of the record or the subject's family. It is unlikely that the personal and private information in these records can be separated from otherwise releasable information without identifying the subject or the subject's family.

b. *Employee payroll records.* The payroll records system consists of records that concern individual state employees and their families.

(1) ~~This system contains the following information:~~

- ~~1. Workers' compensation;~~
- ~~2. Health, dental, life, and long-term disability insurance;~~
- ~~3. Qualified domestic relations orders;~~
- ~~4. Charitable contributions;~~

ADMINISTRATIVE SERVICES DEPARTMENT[11](cont'd)

5. ~~Garnishments;~~
6. ~~Pay and benefits;~~
7. ~~Equal employment opportunity;~~
8. ~~Training;~~
9. ~~Deferred compensation; and~~
10. ~~Other information incident to the employment of individuals.~~

(2) (1) Records under the jurisdiction of the department are collected in accordance with ~~2003 Iowa Code Supplement chapter 8A, and Iowa Code chapters 8A, 19B, 20, 70A, 85, 85A, 85B, 91A, and 509A, and portions~~ are confidential records ~~in part~~ under Iowa Code section 22.7 and other law.

(3) (2) These records contain names, social security numbers, and other identifying numbers, and are collected in the form of paper, microfilm, tape, and ~~computer~~ electronic records. ~~Computer~~ Electronic records permit the comparison of personally identifiable information in one record system with that in another system.

c. *Vehicle dispatcher files.* Vehicle assignments and credit card records may be accessed by personal identifier or by vehicle identification number. Other records which may contain personally identifiable information, but are not retrievable by it, are: mileage reports, auction information, automobile insurance premiums, pool car billings, departmental billing, motor fuel tax refund, and motor oil claims. Records are stored on paper, ~~computer~~ electronically, and on microfilm.

d. *Capitol complex parking files.* The general services enterprise maintains records concerning parking assignments, decals, gate cards, after-hours building passes, parking tickets, departmental parking coordinators, and hearings and appeals. All records except those related to hearings and appeals may be retrieved by personal identifier data. Records related to hearings and appeals are filed by date of hearing only. Records are stored on paper and ~~computer~~ electronically. Records relating to hearings and appeals are also stored on audio tapes.

e. *Annual bid bonds.* The printing division maintains a file of annual bid bonds for vendors eligible to bid on printing contracts. The file is alphabetical by vendor name and contains only those papers necessary for execution of the bond. This record is stored on paper only.

f. *Telephone directory of state employees.* The information technology enterprise maintains a telephone directory of state employees. The directory contains names, department names, business addresses and telephone numbers. The publication also includes private industry information and advertising containing business names, addresses and telephone numbers. This record is stored on both paper and ~~computer~~ electronically.

g. *Contracts.* These are records pertaining to training, consultants, and other services. These records are collected in accordance with ~~2003 Iowa Code Supplement chapter 8A and Iowa Code chapter chapters 8A and 19B, and portions~~ are confidential records ~~in part~~ under Iowa Code section 22.7. These records contain names, social security numbers, and other identifying numbers, and are collected in the form of paper, microfilm, tape, and ~~computer~~ electronic records. ~~Computer~~ Electronic records permit the comparison of personally identifiable information in one record system with that in another system.

h. *Vendor files.* The department maintains files of vendors eligible to do business with the state of Iowa. Files may contain applications, vendor information booklets, vendor codes, commodity codes, minority-owned vendor identification information, and mailing lists. Records are stored on paper and ~~computer~~ electronically.

4.14(7) *Releasable information on state employees.* The following information that is maintained in the state payroll system or a personnel file shall be released to the public without the consent of the employee because the information is not considered to be confidential information:

- a. No change.
- b. The ~~date~~ dates on which the state employee was employed by state government.
- c. and d. No change.

ADMINISTRATIVE SERVICES DEPARTMENT[11](cont'd)

ITEM 2. Amend subrule 4.18(4) as follows:

4.18(4) The director shall prescribe the forms to be used for collecting and recording information on employees and applicants for employment, as well as the procedures for the completion, processing, ~~retention~~, and release of those forms and records, as well as the information contained on them.

ITEM 3. Amend **11—Chapter 4**, implementation sentence, as follows:

These rules are intended to implement ~~2003 Iowa Code Supplement chapter 8A and Iowa Code chapter chapters 8A and 22.~~

ITEM 4. Amend rule 11—44.2(70A) as follows:

11—44.2(70A) Qualifications. To qualify to receive dues deductions, an association must have and may be required to maintain 100 members or more who are state officers or employees participating in either the centralized payroll system or the department of transportation payroll system. For purposes of meeting the minimum requirements, the association cannot count the enrollment of state officers or employees participating in similar programs that have been authorized by existing Iowa Code sections, by collective bargaining contracts, or by the appropriate governing authority. An association seeking to be qualified must supply officials in charge of each affected payroll system with an alphabetized, certified list of the state employees and their social security numbers for whom dues deductions are being requested. The type of dues being requested and the amount and frequency of the deduction must also be noted.

ITEM 5. Amend rule 11—44.11(70A) as follows:

11—44.11(70A) Annual review of participating employees. During September of each year, each participating association must, if requested by the department, supply officials in charge of each affected payroll system with a certified list of all state employees who have a professional/trade association dues deduction. The list must contain the same information required in rule 11—44.2(70A), as ~~it~~ the list will be used by the state to determine if the association continues to have 100 or more employees participating in the program.

If the minimum qualification is not being maintained, written notification ~~will~~ may be provided to the association giving ~~them~~ it 90 days to meet the minimum qualification. If, at the end of the 90-day period, the minimum qualification has not been attained, the dues deduction for all participating employees for that association ~~will~~ may be terminated.

ITEM 6. Amend subrule 52.4(2) as follows:

52.4(2) Position classification decisions shall be based on documented evidence of the performance of a kind and level of work that is permanently assigned and performed ~~over~~ or more of the time and that is attributable to a particular job classification.

ITEM 7. Amend subrule 53.4(7) as follows:

53.4(7) Pay corrections. An employee's pay shall be corrected if it is found to be in violation of these rules or a collective bargaining agreement. Corrections shall be made on the first day of a pay period.

a. No change.

b. Overpayment and underpayment. If an error results in an employee's being overpaid for wages, except for FICA, state and federal income taxes and IPERS contributions shall be collected. Also, premiums for health, dental and life insurance benefits that have been underpaid shall be subject to collection. An employee may choose to repay the amount from wages in the pay period following discovery of the error, or have the overpayment deducted from succeeding pay periods not to exceed the number of pay periods during which the overpayment occurred, or the employee or appointing authority may submit an alternate repayment plan to the director. The repayment plan shall identify the details of the overpayment, the reasons why the department's recouping the amount of overpayment in the same number of pay periods as those during which the overpayment occurred presents a hardship to the employee, and the terms of the alternate repayment plan. The director shall notify the appointing

ADMINISTRATIVE SERVICES DEPARTMENT[11](cont'd)

authority of the decision on the alternate repayment plan. ~~The appointing authority shall submit the repayment plan on forms prescribed by the department beginning with the document correcting the employee's pay.~~ If the employee ~~terminates~~ separates from employment, the amount remaining shall be deducted from wages, vacation payout, applicable sick leave payout and any wage correction payback from IPERS. The collection of overpaid wages shall not result in reducing the employee's pay below relevant state and federal minimum wage statutes for each hour actually worked during the pay period in which the collection of overpaid wages occurs.

ITEM 8. Rescind and reserve subrule **53.6(12)**.

ITEM 9. Rescind and reserve rule **11—53.10(8A)**.

ITEM 10. Amend subrule 53.11(6) as follows:

53.11(6) *Holiday hours.* Holiday hours that have already been paid at a premium rate shall not be counted in calculating overtime, except as specifically provided for in a collective bargaining agreement.

ITEM 11. Amend **11—Chapter 53**, implementation sentence, as follows:

These rules are intended to implement Iowa Code Supplement sections ~~8A.401, 8A.402, 8A.411, 8A.413, 8A.417, 8A.418, 8A.439, 8A.455, 8A.456 and 8A.458~~ chapter 8A, subchapter IV.

ITEM 12. Amend subrule 54.2(4) as follows:

54.2(4) *Application for eligible lists.* Persons may apply to be on eligible lists as follows:

a. Promotional lists. Promotional applicants shall meet the minimum qualifications. Promotional applicants may be subject to keyboard examinations, background checks, psychological examinations, and other examinations used for further screening. The following persons may apply to be on promotional eligible lists:

(1) Permanent employees, including permanent employees of the board of regents and community-based corrections;

(2) Persons enrolled in work experience programs who have successfully completed at least 90 calendar days in the program; ~~and~~

(3) Persons who have been formally enrolled in the department's intern development program for a period of at least 90 calendar days; ~~and~~

(4) Disabled veterans who are enrolled in a job training program in accordance with the provisions of rule 11—57.9(8A) and have worked a minimum of 160 hours up to a maximum of 780 hours.

b. No change.

ITEM 13. Amend subrule 54.2(7) as follows:

54.2(7) *Qualifications.* Applicants must meet the qualifications for the class as well as any selective requirements associated with a particular class or position as indicated in the class description. The director shall determine whether or not an applicant meets such qualifications and requirements.

Applicants and employees may, as a condition of the job, be required to have a current license, certificate, or other evidence of eligibility or qualification. Employees who fail to meet and maintain this requirement shall be subject to discharge in accordance with rule ~~11—57.9(8A)~~ 11—57.10(8A) or 11—subrule 60.2(4).

Any fees associated with obtaining or renewing a license, certificate, or other evidence of eligibility or qualification shall be the responsibility of the applicant or employee unless otherwise provided by statute.

ITEM 14. Amend **11—Chapter 54**, implementation sentence, as follows:

These rules are intended to implement Iowa Code Supplement sections ~~8A.401, 8A.402, 8A.412 to 8A.414, 8A.416, 8A.452, 8A.453, 8A.456 and 8A.458~~ chapter 8A, subchapter IV.

ITEM 15. Amend rule 11—57.1(8A) as follows:

11—57.1(8A) *Filling vacancies.* Unless otherwise provided for in these rules or the Iowa Code, the filling of all vacancies shall be subject to the provisions of these rules. No vacant position in the executive

ADMINISTRATIVE SERVICES DEPARTMENT[11](cont'd)

branch shall be filled until the position has been classified in accordance with Iowa Code chapter 8A and these rules.

~~An employee who has participated in the phased retirement program shall not be eligible for permanent employment for hours in excess of those worked at the time of retirement.~~ A former employee who has participated in any early retirement or early termination program shall not be eligible for any state employment, except as provided for in the applicable program.

A person who has served as a commissioner or board member of a regulatory agency shall not be eligible for employment with that agency until two years after termination of the appointment.

ITEM 16. Amend rule 11—57.4(8A) as follows:

11—57.4(8A) Temporary appointment. Persons may be appointed with temporary status to any class. They may be paid at any rate of pay within the range for the class to which appointed.

Temporary appointments may be made to temporary positions or to permanent positions, or on an overlap basis to unauthorized positions, and may be made to any class and at any rate of pay within the range for the class to which appointed.

A temporary appointment shall not exceed 780 work hours in a fiscal year.

A temporary employee shall have no rights to appeal, transfer, demotion, promotion, reinstatement, or other rights of position, nor be entitled to vacation, sick leave, or other benefits, unless the temporary employee becomes covered by a collective bargaining agreement, in which case the temporary employee may have rights under the collective bargaining agreement.

A person appointed with temporary status shall only be given another temporary type of appointment to the extent that the total number of hours worked in all temporary and seasonal appointments in any agency in a fiscal year does not exceed 780 hours.

ITEM 17. Amend rule 11—57.7(8A) as follows:

11—57.7(8A) Seasonal appointment. The director may authorize appointing authorities to make seasonal appointments to positions. Seasonal appointments may be made to any class and at any rate of pay within the range for the class to which appointed. Seasonal appointments may, however, be made only during the seasonal period approved by the director for the agency requesting to make the appointment; and must be concluded by the end of that period. To be eligible to make seasonal appointments, the appointing authority must first submit a proposed seasonal period to the director for approval. Such period shall not exceed six months in a fiscal year; however, the appointment may start as early as the beginning of the pay period that includes the first day of the seasonal period and may end as late as the last day of the pay period that includes the last day of the seasonal period.

Persons appointed with seasonal status shall have no rights ~~of~~ to appeal, transfer, promotion, demotion, reinstatement, or other rights of position, nor be entitled to vacation, sick leave, or other benefits, unless the temporary employee becomes covered by a collective bargaining agreement, in which case the temporary employee may have rights under the collective bargaining agreement.

A person appointed with seasonal status ~~to a classification covered by a collective bargaining agreement shall not work in excess of 780 hours in that status in such a class or classes, nor shall that person accumulate more than 780 hours worked in any combination of temporary statuses in any agency or any combination of agencies during a fiscal year~~ shall only be given another temporary or seasonal appointment to the extent that the total number of hours worked in all temporary and seasonal appointments in any agency in a fiscal year does not exceed 780 hours.

ITEM 18. Renumber rule ~~11—57.9(8A)~~ as **11—57.10(8A)**.

ITEM 19. Adopt the following new rule 11—57.9(8A):

11—57.9(8A) Noncompetitive appointments for disabled veterans. A disabled veteran who satisfactorily completes a federally funded job training program approved by the United States Department of Veterans Affairs in a state agency may be appointed noncompetitively into a vacant position in the job classification in which the veteran has been trained. A person who satisfactorily

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completes the program is eligible for a noncompetitive appointment with that agency for a period of one year. The appointment will be made in accordance with 11—subparagraph 54.2(4)“a”(4).

ITEM 20. Amend **11—Chapter 57**, implementation sentence, as follows:

These rules are intended to implement Iowa Code Supplement sections ~~8A.401, 8A.402, 8A.411 to 8A.413, 8A.416 to 8A.418, 8A.453, 8A.456 and 8A.458~~ chapter 8A, subchapter IV.

ITEM 21. Rescind and reserve paragraph **60.1(1)“b.”**

ITEM 22. Amend subrule 60.3(2) as follows:

60.3(2) The agency's reduction in force shall conform to the following provisions:

a. and *b.* No change.

~~*c.*—An agency shall not implement a reduction in force until it has first terminated all temporary employees in the same class in the reduction in force unit, as well as those who have probationary status in the same class.~~

d. *c.* The appointing authority shall develop a plan for the reduction in force and shall submit that plan to the director for approval in advance of the effective date. The plan must be approved by the director before it can become effective. The plan shall include the reason(s) for and the effective date of the reduction in force, the reduction in force unit(s), the reason(s) for choosing the unit(s) if the unit(s) is smaller than a bureau, the number of permanent merit system covered employees by class to be eliminated or reduced in hours, the cutoff date for length of service and performance credits to be utilized in determining retention points, and any other information requested by the director.

e. *d.* The appointing authority shall notify each affected employee in writing of the reduction in force, the reason(s) for it, and the employee's rights under these rules. A copy of the employee's retention points computation worksheet shall be furnished to the employee. The official notifications to affected employees shall be made at least 20 workdays prior to the effective date of the reduction in force unless budgetary limitations require a lesser period of time. These official notifications shall occur only after the agency's reduction in force plan has been approved by the director, unless otherwise authorized by the director.

f. *e.* The appointing authority shall notify the affected employee(s), in writing, of any options or assignment changes during the various steps in the reduction in force process. In each instance the employee shall have five calendar days following the date of receipt of the notification in which to respond in writing to the appointing authority in order to exercise the rights provided for in this rule that are associated with the reduction in force.

ITEM 23. Amend **11—Chapter 60**, implementation sentence, as follows:

These rules are intended to implement 2003 Iowa Code Supplement section 8A.413.

ITEM 24. Amend subrule 63.3(11) as follows:

63.3(11) Employees may also use accrued sick leave, not to exceed a total of 40 hours per fiscal year, for the following purposes:

a. When a death occurs in the immediate family;

b. For the temporary care of, or necessary attention to, members of the immediate family.

For purposes of this subrule, “immediate family” means the employee's spouse, children, grandchildren, foster children, stepchildren, legal wards, parents, grandparents, foster parents, stepparents, brothers, foster brothers, stepbrothers, sons-in-law, brothers-in-law, sisters, foster sisters, stepsisters, daughters-in-law, sisters-in-law, aunts, uncles, nieces, nephews, first cousins, corresponding relatives of the employee's spouse and other persons who are members of the employee's household.

This leave shall be granted at the convenience of the employee whenever possible and consistent with the staffing needs of the appointing authority.

ITEM 25. Amend subrule 64.6(5) as follows:

64.6(5) *Absolute safeguards of the employer, trustee, their employees, and agents.*

a. *Questions of fact.* The trustee and the plan administrator are authorized to resolve any questions of fact necessary to decide the participating employee's rights under the plan. An appeal of a decision

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of the plan administrator shall be made to the trustee, or the trustee's designee, who shall render a final decision on behalf of the plan.

b. Plan construction. The trustee and the plan administrator are authorized to construe the plan and to resolve any ambiguity in the plan and to apply reasonable and fair procedures for the administration of the plan. An appeal of a decision of the plan administrator shall be made to the trustee, ~~who~~ or the trustee's designee, within 30 days of the plan administrator's decision. The trustee, or the trustee's designee, shall render a final decision on behalf of the plan.

c. to e. No change.

ITEM 26. Amend subrule 64.6(8) as follows:

64.6(8) Disposition of funds while employed.

a. Unforeseeable emergency. A participating employee may request that the plan administrator allow the withdrawal of some or all of the funds held in the participating employee's account based on an unforeseeable emergency. Forms must be completed and returned to the plan administrator for review in order to consider a withdrawal request. The plan administrator shall determine whether the participating employee's request meets the definition of an unforeseeable emergency as provided for in federal regulations. In addition to being extraordinary and unforeseeable, an unforeseeable emergency must not be reimbursable:

- (1) By insurance or otherwise;
- (2) By liquidation of the participating employee's assets, to the extent the liquidation of such assets would not itself cause severe financial hardship; or
- (3) By cessation of deferrals under the plan.

Upon the plan administrator's approval of an unforeseeable emergency distribution, the participating employee will be required to stop current deferrals for a period of no less than six months.

A participating employee who disagrees with the initial denial of a request to withdraw funds on the basis of an unforeseeable emergency may request that the trustee or the trustee's designee reconsider the request by submitting additional written evidence of qualification or reasons why the request for withdrawal of funds from the plan should be approved. All such requests must be in writing and be received by the trustee, or the trustee's designee, within 30 calendar days of the date of the initial denial. Requests received after 30 days will be rejected as untimely, and the initial denial shall become final agency action.

b. and c. No change.

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ARCHITECTURAL EXAMINING BOARD[193B]

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 544A.29, the Architectural Examining Board hereby gives Notice of Intended Action to amend Chapter 2, “Registration,” Iowa Administrative Code.

The rules in Chapter 2 describe the process for registration and renewal of certificates of registration for registrants to be authorized to practice architecture in Iowa. These amendments will update registration by examination, change the biennial renewal requirement to an annual requirement, remove business entity registration, and adjust the fees accordingly.

Any interested person may make written suggestions or comments on the proposed amendments on or before July 1, 2014. Such written materials should be directed to Lori SchraderBachar, Iowa Architectural Examining Board, 200 E. Grand Avenue, Suite 350, Des Moines, Iowa 50309. E-mail

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may be sent to lori.schraderbachar@iowa.gov. Persons who wish to convey their views orally should contact Lori SchraderBachar, Iowa Architectural Examining Board, at (515)725-9030 or at the Board offices, 200 E. Grand Avenue, Suite 350, Des Moines, Iowa.

Also, there will be a public hearing on July 1, 2014, at 9 a.m. at the Board offices, 200 E. Grand Avenue, Suite 350, 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 amendments.

Any persons who intend to attend the public hearing and have special requirements, such as those relating to hearing or mobility impairments, should contact the Architectural Examining Board and advise of specific needs.

These proposed amendments are subject to waiver or variance pursuant to 193—Chapter 5.

These proposed amendments were approved by the Board on May 13, 2014.

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

These amendments are intended to implement Iowa Code section 544A.10.

The following amendments are proposed.

ITEM 1. Amend subrule 2.3(4) as follows:

2.3(4) Applicants who have passed one or more but not all divisions of the ARE by ~~January 1, 2006,~~ shall have a rolling five-year period to pass each of the remaining divisions. A passing grade for any remaining division shall be valid for five years, after which time the division must be retaken if all remaining divisions have not been passed. ~~The rolling five-year period shall commence after January 1, 2006, on the date when the first division that has been passed is administered. Applicants who have passed no divisions of the ARE by January 1, 2006, shall be governed by the above rolling five-year requirement.~~ The rolling five-year period shall commence on the date when the first division that has been passed is administered. ~~Any division passed prior to January 1, 2006, shall no longer remain valid if all remaining divisions have not been passed by July 1, 2014.~~

~~Effective January 1, 2011, and thereafter, the Authorization to Test of any applicant shall terminate unless the applicant has passed or failed a division of the ARE within a period of five years, which includes the five-year period prior to January 1, 2011. Any applicant whose authorization is so terminated must establish a new eligibility under the then-current procedures of the board.~~

ITEM 2. Amend subrule 2.5(1) as follows:

2.5(1) Active status. Certificates of registration expire ~~biennially~~ annually on ~~June 30~~ December 31. In order to maintain authorization to practice in Iowa, a registrant is required to renew the certificate of registration prior to the expiration date. A registrant who fails to renew by the expiration date is not authorized to practice architecture in Iowa until the certificate is reinstated as provided in rule 193B—2.6(544A,17A).

~~a. A registrant whose last name begins with the letter A through K shall renew in even-numbered years, and a registrant whose last name begins with the letter L through Z shall renew in odd-numbered years.~~

~~b. a.~~ It is the policy of the board to ~~mail~~ send to each registrant a notice of the pending expiration date at the registrant's last-known address approximately one month prior to the date the certificate of registration is scheduled to expire. The notice, when provided, may be by e-mail communication or in the quarterly newsletter. Failure to receive this notice does not relieve the registrant of the responsibility to timely renew the certificate and pay the renewal fee. A registrant should contact the board office if the registrant does not receive a renewal notice prior to the date of expiration.

~~e. b.~~ Upon the board's receipt of a timely and sufficient renewal application as provided in 193—subrule 7.40(3), the board's ~~executive secretary~~ administrator shall issue a new certificate of registration reflecting the next expiration date, unless grounds exist for denial of the application. However, the board will accept an otherwise sufficient renewal application that is untimely if the board receives the application and late fee within 30 days of the date of expiration.

~~d. c.~~ If grounds exist to deny a timely and sufficient application to renew, the board shall send written notification to the applicant by restricted certified mail, return receipt requested. Grounds may

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exist to deny an application to renew if, for instance, the registrant failed to satisfy the continuing education as required as a condition for registration. If the basis for denial is pending disciplinary action or disciplinary investigation which is reasonably expected to culminate in disciplinary action, the board shall proceed as provided in 193—Chapter 7. If the basis for denial is not related to a pending or imminent disciplinary action, the applicant may contest the board's decision as provided in 193—subrule 7.40(1).

e. d. When a registrant appears to be in violation of mandatory continuing education requirements, the board may, in lieu of proceeding to a contested case hearing on the denial of a renewal application as provided in rule 193—7.40(546,272C), offer a registrant the opportunity to sign a consent order. While the terms of the consent order will be tailored to the specific circumstances at issue, the consent order will typically impose a penalty between \$50 and \$250, depending on the severity of the violation; establish deadlines for compliance; and require that the registrant complete hours equal to double the deficiency in addition to the required hours; and may impose additional educational requirements on the registrant. Any additional hours completed in compliance with the consent order cannot again be claimed at the next renewal. The board will address subsequent offenses on a case-by-case basis. A registrant is free to accept or reject the offer. If the offer of settlement is accepted, the registrant will be issued a renewed certificate of registration and will be subject to disciplinary action if the terms of the consent order are not complied with. If the offer of settlement is rejected, the matter will be set for hearing, if timely requested by the applicant pursuant to 193—subrule 7.40(1).

f. e. The board may notify a registrant whose certificate of registration has expired. The failure of the board to provide this courtesy notification or the failure of the registrant to receive the notification shall not extend the date of expiration.

g. f. A registrant who continues to practice architecture in Iowa after the registration has expired shall be subject to disciplinary action. Such unauthorized activity may also be grounds to deny a registrant's application for reinstatement.

ITEM 3. Amend rule 193B—2.6(544A,17A) as follows:

193B—2.6(544A,17A) Reinstatement of lapsed certificate of registration to active status. An individual may reinstate a lapsed certificate of registration to active status as follows:

2.6(1) If the individual's registration has been lapsed for up to 24 12 months, the individual may reinstate the registration by selecting either Option 1 or Option 2 as follows:

a. Option 1. The individual shall:

- (1) Pay the reinstatement fee of \$25 per month of expired registration;
- (2) Pay the current renewal fee;
- (3) Provide a written statement outlining the professional activities of the applicant during the period of nonregistration. The statement shall include a list of all projects with which the applicant had involvement and shall explain the service provided by the applicant; and
- (4) Submit documented evidence of completion of 12 contact hours (8 hours in public protection subjects) of continuing education requirements continuing education hours for each year or portion of a year of expired registration in compliance with requirements in 193B—Chapter 3 in addition to the 24 12 hours (16 hours in public protection subjects) which should have been reported on the June 30 December 31 renewal date on which the applicant failed to renew. The continuing education hours used for reinstatement may not be used again at the next renewal. Out-of-state residents may submit a statement from their resident state's licensing board as documented evidence of compliance with their resident state's mandatory continuing education requirements during the period of nonregistration. The statement shall bear the seal of the licensing board. Out-of-state residents whose resident state has no mandatory continuing education shall comply with the documented evidence requirements outlined in this subrule.

b. Option 2. The individual shall:

- (1) File a new application for registration as prescribed in rules 193B—2.2(544A,17A) and 193B—2.3(544A,17A), particularly subrules 2.2(1) and 2.3(3); and

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(2) Provide a written statement outlining the professional activities of the applicant during the period of nonregistration. The statement shall include a list of all projects with which the applicant had involvement and shall explain the service provided by the applicant.

2.6(2) If an individual's registration has been lapsed for more than 24 ~~12~~ months, the individual may reinstate the registration by selecting either Option 1 or Option 2 as follows:

a. Option 1. The individual shall:

(1) Pay the reinstatement fee of \$25 per month of expired registration, up to a maximum of ~~\$750~~ \$300;

(2) Pay the current renewal fee;

(3) Provide a written statement outlining the professional activities of the applicant during the period of nonregistration. The statement shall include a list of all projects with which the applicant had involvement and shall explain the service provided by the applicant; and

(4) Submit documented evidence of completion of ~~12 contact hours (8 hours in public protection subjects) of continuing education requirements~~ continuing education hours for each year or portion of a year of expired registration in compliance with requirements in 193B—Chapter 3 up to a maximum of ~~48 contact hours (32 hours in public protection subjects)~~ 24 continuing education hours. The continuing education hours used for reinstatement may not be used again at the next renewal. Out-of-state residents may submit a statement from their resident state's licensing board as documented evidence of compliance with their resident state's mandatory continuing education requirements during the period of nonregistration. The statement shall bear the seal of the licensing board. Out-of-state residents whose resident state has no mandatory continuing education shall comply with the documented evidence requirements outlined in this subrule.

b. Option 2. The individual shall:

(1) File a new application for registration as prescribed in rules 193B—2.2(544A,17A) and 193B—2.3(544A,17A), particularly subrules 2.2(1) and 2.3(3); and

(2) Provide a written statement outlining the professional activities of the applicant during the period of nonregistration. The statement shall include a list of all projects with which the applicant had involvement and shall explain the service provided by the applicant.

ITEM 4. Amend rule 193B—2.7(544A,17A) as follows:

193B—2.7(544A,17A) Reinstatement of lapsed certificate of registration to inactive status. An individual may reinstate a lapsed certificate of registration to inactive status as follows:

1. Pay the reinstatement fee of \$25 per month of expired registration up to a maximum of ~~\$750~~ \$300;

2. Pay the current renewal fee;

3. Provide a written statement in which the applicant affirms that the applicant has not engaged in any of the practices in Iowa that are listed in Iowa Code section 544A.16 during the period of lapsed registration.

ITEM 5. Amend subrule 2.8(1) as follows:

2.8(1) An individual may reinstate an inactive registration or retired registration to active registration as follows:

a. Pay the current active registration fee. If reinstating to active status at a date that is less than ~~12~~ six months from the next ~~biennial~~ annual renewal date, one-half of the current active registration fee shall be paid.

b. Submit documented evidence of completion of ~~24 contact hours (16 contact hours in public protection subjects) of continuing education~~ 12 continuing education hours in compliance with requirements in 193B—Chapter 3. The hours used to reinstate to active status cannot again be used to renew.

~~(1) At the first biennial renewal date of July 1 that is less than 12 months from the date of the filing of the application to restore the certificate of registration to active status, the person shall not be required to report continuing education.~~

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~~(2) At the first biennial renewal date of July 1 which is more than 12 months, but less than 24 months, from the date of the filing of the application to restore the certificate of registration to active status, the person shall report 12 hours of previously unreported continuing education.~~

ITEM 6. Rescind and reserve rule **193B—2.10(544A)**.

ITEM 7. Amend rule 193B—2.11(544A,17A) as follows:

193B—2.11(544A,17A) Fee schedule. Under the authority provided in Iowa Code chapter 544A, the following fees are hereby adopted:

Examination fees:

Fees for examination subjects shall be paid directly to the testing service selected by NCARB

Initial registration fee	\$ 50
(plus \$5 per month until renewal)	
Reciprocal application and registration fee	\$200 \$100
Biennial <u>Annual</u> renewal fee	\$200 <u>\$100</u>
Biennial <u>Annual</u> renewal fee (inactive)	\$100 <u>\$50</u>
Biennial renewal fee (retired) <u>Retired status</u>	\$ 50 <u>None</u>
Reinstatement of lapsed individual registration (per month)	\$ 25
Duplicate wall certificate fee	\$ 50
Late renewal fee	\$ 25

(for renewals postmarked on or after ~~July~~ January 1 and before ~~July 31~~ January 30)

ITEM 8. Adopt the following new rule 193B—2.12(544A,272C):

193B—2.12(544A,272C) Transition provisions.

2.12(1) The registration provisions of this chapter and the continuing education provisions of 193B—Chapter 3 shall first apply to those registrants whose registrations expire June 30, 2015, and shall thereafter apply to each renewal cycle. The board is transitioning from a biennial renewal cycle to an annual renewal cycle and from a June 30 expiration date to a December 31 expiration date. The board is taking this action as part of a broader national effort by architectural licensing authorities to sustain the same renewal cycles to facilitate mobility and cross-jurisdiction practice.

2.12(2) The last biennial cycle starts July 1, 2014, and ends June 30, 2016, for registrants whose last names begin with A-K. In order to convert all registrants to an annual renewal cycle, the following provisions shall apply:

a. Registrants whose last names begin with L-Z and whose registrations will expire June 30, 2015, shall renew for an 18-month period expiring December 31, 2016. The registration renewal fee shall be \$150 for this 18-month period. When these registrants renew for the January 1, 2017, annual renewal cycle, they shall report as a condition for renewal a total of 18 continuing education hours (CEHs) taken between July 1, 2015, and December 31, 2016. Thereafter, the provisions of this chapter shall fully apply.

b. Registrants whose last names begin with A-K and whose registrations will expire June 30, 2016, shall renew for a 6-month period expiring December 31, 2016. The registration renewal fee shall be \$50 for this 6-month period. When these registrants renew for the January 1, 2017, annual renewal cycle, they shall report as a condition for renewal a total of 6 CEHs taken between July 1, 2016, and December 31, 2016. Thereafter, the provisions of this chapter shall fully apply.

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ARCHITECTURAL EXAMINING BOARD[193B]

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 272C.2(1) and 544A.29, the Architectural Examining Board hereby gives Notice of Intended Action to rescind Chapter 3, “Continuing Education,” Iowa Administrative Code, and to adopt a new Chapter 3 with the same title.

The rules in Chapter 3 describe professional licensees’ continuing education requirement as a condition of registration renewal. This amendment rescinds Chapter 3 and adopts a new Chapter 3 that will change the biennial renewal requirement to an annual requirement and will specify that the continuing education shall be in public protection subjects.

Any interested person may make written suggestions or comments on the proposed rules on or before July 1, 2014. Such written materials should be directed to Lori SchraderBachar, Iowa Architectural Examining Board, 200 E. Grand Avenue, Suite 350, Des Moines, Iowa 50309. E-mail may be sent to lori.schraderbachar@iowa.gov. Persons who wish to convey their views orally should contact Lori SchraderBachar, Iowa Architectural Examining Board, at (515)725-9030 or at the Board offices, 200 E. Grand Avenue, Suite 350, Des Moines, Iowa.

Also, there will be a public hearing on July 1, 2014, at 9 a.m. at the Board offices, 200 E. Grand Avenue, Suite 350, 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 rules.

Any persons who intend to attend the public hearing and have special requirements, such as those relating to hearing or mobility impairments, should contact the Architectural Examining Board and advise of specific needs.

The proposed rules are subject to waiver or variance pursuant to 193—Chapter 5.

The proposed rules were approved by the Board on May 13, 2014.

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

These rules are intended to implement Iowa Code sections 544A.10 and 272C.2.

The following amendment is proposed.

Rescind 193B—Chapter 3 and adopt the following **new** chapter in lieu thereof:

CHAPTER 3
CONTINUING EDUCATION

193B—3.1(544A,272C) Continuing education. The following rules adopted by the architectural examining board are in compliance with Iowa Code chapter 544A and section 272C.2 requiring professional and occupational licensees to participate in a continuing education program as a condition of registration renewal.

193B—3.2(544A,272C) Definitions. The following definitions apply as used in Iowa Code chapter 544A and this chapter of the architectural examining board rules, unless the context otherwise requires.

“*Continuing education*” or “*CE*” means postlicensure learning that enables a registered architect to increase or update knowledge of and competence in technical and professional subjects related to the practice of architecture to safeguard the public’s health, safety, and welfare.

ARCHITECTURAL EXAMINING BOARD[193B](cont'd)

“Continuing education hour” or *“CEH”* means one continuous instructional hour (50 to 60 minutes of contact) spent in structured educational activities intended to increase or update the architect’s knowledge and competence in health, safety, and welfare subjects. If the provider of the structured educational activities prescribes a customary time for completion of such an activity and if the prescribed time is not deemed unreasonable by the board, then such prescribed time shall be accepted for CEH purposes as the architect’s time irrespective of actual time spent on the activity.

“Distance learning” means any education process based on the geographical separation of student and instructor. “Distance learning” includes computer-generated programs, webinars, and home-study/correspondence programs.

“Health, safety, and welfare subjects” means technical and professional subjects that the board deems appropriate to safeguard the public and that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment.

1. Building systems: structural, mechanical, electrical, plumbing, communications, security, and fire protection.

2. Construction contract administration: contracts, bidding, and contract negotiations.

3. Construction documents: drawings, specifications, and delivery methods.

4. Design: urban planning, master planning, building design, site design, interiors, safety and security measures.

5. Environmental: energy efficiency, sustainability, natural resources, natural hazards, hazardous materials, weatherproofing, and insulation.

6. Legal: laws, codes, zoning, regulations, standards, life safety, accessibility, ethics, and insurance to protect owners and the public.

7. Materials and methods: construction systems, products, finishes, furnishings, and equipment.

8. Occupant comfort: air quality, lighting, acoustics, and ergonomics.

9. Predesign: land use analysis, programming, site selection, site and soils analysis, and surveying.

10. Preservation: historic, reuse, and adaptation.

“Not engaged in active practice” means that an architect is not engaged in the practice of architecture or earning monetary compensation by providing professional architectural services in any licensing jurisdiction of the United States or a foreign country.

“Retired from active practice” has the same meaning as “not engaged in active practice.”

“Structured educational activities” means educational activities in which at least 75 percent of an activity’s content and instructional time is to be devoted to health, safety, and welfare subjects related to the practice of architecture, including courses of study or other activities under the areas identified as health, safety, and welfare subjects and provided by qualified individuals or organizations, whether the courses of study or other activities are delivered by direct contact or distance learning methods.

193B—3.3(544A,272C) Basic requirements.

3.3(1) To renew registration, an architect must, in addition to meeting all other requirements, complete a minimum of 12 CEHs each calendar year or be exempt from these continuing education requirements as provided in rule 193B—3.5(544A,272C). Failure to comply with these requirements may result in nonrenewal of the architect’s registration.

3.3(2) All 12 CEHs must be completed in health, safety, and welfare subjects acquired in structured educational activities. CEHs may be acquired at any location. Excess CEHs cannot be credited to a future calendar year.

3.3(3) An architect shall complete and submit forms as required by the board certifying that the architect has completed the required CEHs. Forms may be audited by the board for verification of compliance with these requirements. Documentation of reported CEHs shall be maintained by the architect for two years after the period for which the form was submitted. If the board disallows any CEHs, the architect shall have 60 days from notice of such disallowance to either provide further evidence of having completed the CEHs disallowed or remedy the disallowance by completing the required number of CEHs (provided that such CEHs shall not again be used for the next calendar year). If the board finds, after proper notice and hearing, that the architect willfully disregarded these

ARCHITECTURAL EXAMINING BOARD[193B](cont'd)

requirements or falsified documentation of required CEHs, the architect may be subject to disciplinary action.

3.3(4) An architect who holds registration in Iowa for less than 12 months from the date of initial registration shall not be required to report CEHs at the first registration renewal.

193B—3.4(544A,272C) Authorized structured educational activities. The following list may be used by all registrants in determining the types of activities which may fulfill CE requirements if the activities are conducted as structured educational activities on health, safety, and welfare subjects:

1. Short courses or seminars sponsored by colleges or universities.
2. Technical presentations held in conjunction with conventions or at seminars sponsored by the American Institute of Architects (AIA), Construction Specifications Institute, Construction Products Manufacturers Council, National Council of Architecture Registration Boards (NCARB), or similar organizations devoted to architectural education.
3. Distance learning sponsored by the AIA, NCARB, or similar organizations.
4. College or university credit courses. Each semester hour shall equal 12 CEHs. A quarter hour shall equal 8 CEHs.

193B—3.5(544A,272C) Exemptions.

3.5(1) As provided in Iowa Code section 272C.2(4), a registered architect shall be deemed to have complied with the continuing education requirements set forth in this chapter if the architect attests in the required affidavit that for not less than ten months of the preceding one-year period of registration, the architect:

- a. Has served honorably on active duty in the military service; or
- b. Is a resident of another state or district having a continuing education requirement for registration as an architect and has complied with all requirements of that state or district for practice therein; or
- c. Is a government employee working as an architect and assigned to duty outside the United States.

3.5(2) Architects who so attest on their affidavits that they are retired from active practice or are not engaged in active practice may maintain their registrations in retired or inactive status without satisfying CE requirements. Such architects may, however, reenter practice only after satisfying the board of their proficiency. Proficiency may be established by any one of the following:

- a. Submitting verifiable evidence of compliance with the aggregate continuing education requirements for the reporting periods attested as retired from active practice or not engaged in active practice up to a maximum of 48 CEHs.
- b. Retaking the architectural registration examination.
- c. Fulfilling alternative reentry requirements determined by the board which serve to assure the board of the current competency of the architect to engage in the practice of architecture.

3.5(3) The board shall have authority to make exceptions for reasons of individual hardship, including health (certified by a medical doctor) or other good cause. See Iowa Administrative Code 193—Chapter 5.

193B—3.6(544A,272C) Transition provisions.

3.6(1) The CE provisions of this chapter shall first apply to those registrants whose registrations expire June 30, 2015, and shall thereafter apply to each renewal cycle. The board is transitioning from a biennial renewal cycle to an annual renewal cycle and from a June 30 expiration date to a December 31 expiration date. The board is taking this action as part of a broader national effort by architectural licensing authorities to sustain the same renewal cycles to facilitate mobility and cross-jurisdiction practice.

3.6(2) The last biennial cycle starts July 1, 2014, and ends June 30, 2016, for registrants whose last names begin with A-K. In order to convert all registrants to an annual renewal cycle, the following provisions shall apply:

ARCHITECTURAL EXAMINING BOARD[193B](cont'd)

a. Registrants whose last names begin with L-Z and whose registrations will expire June 30, 2015, shall renew for an 18-month period expiring December 31, 2016. The registration renewal fee shall be \$150 for this 18-month period. When these registrants renew for the January 1, 2017, annual renewal cycle, they shall report as a condition for renewal a total of 18 CEHs taken between July 1, 2015, and December 31, 2016. Thereafter, the provisions of this chapter shall fully apply.

b. Registrants whose last names begin with A-K and whose registrations will expire June 30, 2016, shall renew for a 6-month period expiring December 31, 2016. The registration renewal fee shall be \$50 for this 6-month period. When these registrants renew for the January 1, 2017, annual renewal cycle, they shall report as a condition for renewal a total of 6 CEHs taken between July 1, 2016, and December 31, 2016. Thereafter, the provisions of this chapter shall fully apply.

These rules are intended to implement Iowa Code section 272C.2.

ARC 1498C**EDUCATION DEPARTMENT[281]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 6, “Appeal Procedures,” Iowa Administrative Code.

The proposed new rule is intended to keep the state of Iowa in compliance with appeal procedures in federal regulations. New subrule 6.23(2) contains references to the particular programs for which adherence to the appeals process is required. This is not an exhaustive list. In all other cases, the federal appeals process is enacted only if the program contains an appeals process requirement with which Iowa maintains compliance.

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

Interested individuals may make written comments on the proposed rule on or before July 1, 2014, at 4:30 p.m. Comments on the proposed rule should be directed to Nicole Proesch, Attorney, Iowa Department of Education, Second Floor, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146; telephone (515)281-8661; or e-mail at Nicole.Proesch@iowa.gov.

A public hearing will be held on July 1, 2014, from 1 to 2 p.m. in the State Board Room, Second Floor, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa, at which time persons may present their views either orally or in writing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact and advise the Department of Education of their specific needs by calling (515)281-5295.

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

This rule is intended to implement Iowa Code sections 256.7(1), 256.7(6), 256.9(1) and 256.9(7).

The following amendment is proposed.

Adopt the following **new** rule 281—6.23(256,17A):

281—6.23(256,17A) Additional requirements for specific programs.

6.23(1) General rule. If a specific federal program’s statutes or regulations impose requirements on appeals to the state board of education, the director of education, or the department of education, those specific requirements shall be followed and are incorporated by this reference.

6.23(2) Specific programs. The following is a nonexhaustive list to which this rule applies.

EDUCATION DEPARTMENT[281](cont'd)

- a. Appeals under the Child and Adult Care Food Program (CACFP) shall be governed by the requirements contained in 7 CFR Section 226.6 as of May 15, 2014.
- b. Due process complaints under Part B of the Individuals with Disabilities Education Act and Iowa Code chapter 256B shall be governed by Iowa Administrative Code 281—Chapter 41.
- c. Due process complaints under Part C of the Individuals with Disabilities Education Act shall be governed by Iowa Administrative Code 281—Chapter 120.

ARC 1499C**EDUCATION DEPARTMENT[281]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 97, “Supplementary Weighting,” Iowa Administrative Code.

2014 Iowa Acts, House File 2271, related to supplementary weighting for shared operational functions of school districts, amends Iowa Code sections 257.11(7)“a”(1) and 257.11(7)“c” and “d.” In addition, 2014 Iowa Acts, Senate File 2056, related to whole-grade sharing incentives for school districts, amends Iowa Code sections 257.3(2)“d,” 257.11(2)“c,” and 257.11A and repeals Iowa Code section 257.11(5). The new operational sharing law, with an immediate enactment clause, makes substantial changes to operational sharing provisions in Iowa. In operational sharing, districts share personnel in listed positions under the law and receive additional state payment for doing so. With these new changes in the law, the current administrative rules are no longer accurate and need to be updated.

In addition, whole-grade sharing incentives have also been changed by other legislation with the same sunset and timing requirements that impact operational sharing. Changes to those rules are also contained within this rule making.

A previous rule making (**ARC 1119C**, IAB 10/16/13) based on similar legislation passed in the 2013 Session of the Iowa General Assembly was session-delayed by the Administrative Rules Review Committee in November 2013. The amendments in this rule making are based on the new law adopted in lieu of the 2013 legislation and will replace amendments adopted in **ARC 1119C**.

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

Interested individuals may make written comments on the proposed amendments on or before July 1, 2014, at 4:30 p.m. Comments on the proposed amendments should be directed to Jeff Berger, Deputy Director, Iowa Department of Education, Second Floor, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146; telephone (515)281-8661; or e-mail at jeff.berger@iowa.gov.

A public hearing will be held on July 1, 2014, from 2 to 3 p.m., in the State Board Room, Second Floor, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact and advise the Department of Education of specific needs by calling (515)281-5295.

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 1486C**. The purpose of this Notice is to solicit public comment on that submission, the subject matter of which is incorporated by reference.

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

These amendments are intended to implement Iowa Code sections 257.11(7)“a”(1) and 257.11(7)“c” and “d” as amended by 2014 Iowa Acts, House File 2271; Iowa Code sections 257.3(2)“d,” 257.11(2)“c,” and 257.11A as amended by 2014 Iowa Acts, Senate File 2056; and 2014 Iowa Acts, Senate File 2056, section 3.

ARC 1502C

INSPECTIONS AND APPEALS DEPARTMENT[481]

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 10A.104(5) and 135C.14, the Department of Inspections and Appeals hereby gives Notice of Intended Action to amend Chapter 50, “Health Care Facilities Administration,” Iowa Administrative Code.

The amendments implement legislative changes made to Iowa Code section 135C.33 by 2014 Iowa Acts, House File 2365. The legislation provides employers and certified nurse aide training programs with additional time to verify the conviction or entry of a record of founded abuse of current employees. The change from 48 hours to seven calendar days resulted from recommendations of the Background Check Study Committee that met in 2013 pursuant to 2013 Iowa Acts, Senate File 347. The Committee recommended the change because the information necessary for employers or training programs to verify a conviction or founded abuse may take up to seven calendar days to be available on the system used by employers or training programs for verification.

Item 5 changes the requirement for submission of a plan of correction from ten working days to ten calendar days. A plan of correction is submitted by facilities to explain how the facility will correct a deficient practice identified by the Department during an inspection. The change to ten calendar days is consistent with federal requirements, thereby eliminating confusion for providers.

The Department does not believe that the proposed amendments impose any financial hardship on any regulated entity, body, or individual.

The State Board of Health reviewed the proposed amendments at its May 14, 2014, meeting.

Any interested person may make written suggestions or comments on the proposed amendments on or before July 1, 2014. Such written materials should be addressed to the Director, Department of Inspections and Appeals, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0083; faxed to (515)242-6863; or e-mailed to david.werning@dia.iowa.gov.

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

These amendments are intended to implement Iowa Code sections 135C.14 and 135C.33 and 2014 Iowa Acts, House File 2365.

The following amendments are proposed.

ITEM 1. Amend paragraph **50.9(9)“a”** as follows:

a. The employer shall act to verify the information within ~~48 hours~~ seven calendar days of notification. “Verify,” for purposes of this subrule, means to access the single contact repository (SING) to perform a background check, to request a criminal background check from the department of public safety, to request an abuse record check from the department of human services, to conduct an online search through the Iowa Courts Online Web site, or to contact the county clerk of court office and obtain a copy of relevant court documents.

ITEM 2. Amend paragraph **50.9(10)“a”** as follows:

a. The facility shall act to verify credible information within ~~48 hours~~ seven calendar days of receipt. “Verify,” for purposes of this subrule, means to access the single contact repository (SING) to perform a background check, to request a criminal background check from the department of public safety, to request an abuse record check from the department of human services, to conduct an online search through the Iowa Courts Online Web site, or to contact the county clerk of court office and obtain a copy of relevant court documents.

INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

ITEM 3. Amend subparagraph **50.9(12)“c”(1)** as follows:

(1) The program shall act to verify the information within ~~48 hours~~ seven calendar days of notification. “Verify,” for purposes of this paragraph, means to access the single contact repository (SING) to perform a background check, to request a criminal background check from the department of public safety, to request an abuse record check from the department of human services, to conduct an online search through the Iowa Courts Online Web site, or to contact the county clerk of court office and obtain a copy of relevant court documents. If the information is verified, the program shall follow the requirements of paragraph 50.9(12)“a” to determine whether or not the student’s involvement in a clinical education component may continue.

ITEM 4. Amend paragraph **50.9(12)“d”** as follows:

d. Program receipt of credible information that a student has been convicted of a crime or has a record of founded abuse. If a program receives credible information, as determined by the program, that a student has been convicted of a crime or a record of founded child or dependent adult abuse has been entered in the abuse registry after the record checks and any evaluation have been performed, from a person other than the student, and the student has not informed the program of such information within 48 hours, the program shall act to verify the credible information within ~~48 hours~~ seven calendar days of receipt of the credible information. “Verify,” for purposes of this paragraph, means to access the single contact repository (SING) to perform a background check, to request a criminal background check from the department of public safety, to request an abuse record check from the department of human services, to conduct an online search through the Iowa Courts Online Web site, or to contact the county clerk of court office and obtain a copy of relevant court documents. If the information is verified, the requirements of paragraph 50.9(12)“a” shall be applied to determine whether or not the student’s involvement in a clinical education component may continue.

ITEM 5. Amend subrule **50.10(7)**, introductory paragraph, as follows:

50.10(7) Plan of correction. Within ten ~~working~~ calendar days following receipt of the statement of deficiencies, the health care facility shall submit a plan of correction to the department.

ARC 1497C

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 Iowa Code sections 17A.4 and 421.1A(4)“e,” the Property Assessment Appeal Board hereby gives Notice of Intended Action to amend Chapter 71, “Assessment Practices and Equalization,” Iowa Administrative Code.

The amendment to subrule 71.21(6) provides for a correction to the subrule to bring it into compliance with 2013 Iowa Acts, Senate File 295, division VI, and mirrors the language found therein.

The proposed amendment will not necessitate additional expenditures by political subdivisions or agencies and entities which contract with political subdivisions.

Any interested person may make written suggestions or comments on the proposed amendment on or before July 1, 2014. Such written comments should be directed to the Property Assessment Appeal Board, P.O. Box 10486, Des Moines, Iowa 50306.

Persons who want to convey their views orally should contact the Property Assessment Appeal Board at (515)725-0338 or at the Property Assessment Appeal Board offices at the Hoover State Office Building, Fourth Floor, 1305 E. Walnut Street, Des Moines, Iowa 50319.

Requests for a public hearing must be received by July 1, 2014.

REVENUE DEPARTMENT[701](cont'd)

The amendment was also Adopted and Filed Emergency and is published herein as **ARC 1496C**. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated herein by reference.

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

This amendment is intended to implement Iowa Code section 441.37A(1)“b” as amended by 2013 Iowa Acts, Senate File 295, division VI.

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:

June 1, 2013 — June 30, 2013	3.75%
July 1, 2013 — July 31, 2013	4.00%
August 1, 2013 — August 31, 2013	4.25%
September 1, 2013 — September 30, 2013	4.50%
October 1, 2013 — October 31, 2013	4.75%
November 1, 2013 — November 30, 2013	4.75%
December 1, 2013 — December 31, 2013	4.50%
January 1, 2014 — January 31, 2014	4.75%
February 1, 2014 — February 28, 2014	5.00%
March 1, 2014 — March 31, 2014	4.75%
April 1, 2014 — April 30, 2014	4.75%
May 1, 2014 — May 31, 2014	4.75%
June 1, 2014 — June 30, 2014	4.75%

ARC 1492C**VOLUNTEER SERVICE, IOWA COMMISSION ON[817]****Amended Notice of Intended Action**

Pursuant to the authority of Iowa Code chapter 15H and section 17A.3 and Executive Order 48, the Iowa Commission on Volunteer Service hereby gives notice that on April 16, 2014, the Commission approved this Amended Notice of Intended Action for amendments to Chapter 7, “Retired and Senior Volunteer Program (RSVP),” Iowa Administrative Code.

Notice of Intended Action was published in the March 19, 2014, Iowa Administrative Bulletin as **ARC 1386C**. After receiving oral and written comments from interested parties, the Commission decided to alter the language of Items 3 and 4 as it was originally proposed, in order to solicit additional input. There are no proposed changes to Items 1 and 2. Items 3 and 4 are revised to clarify reporting and distribution of funds.

In Item 3, the term “active” was added to better define volunteers, and the requirement to submit a volunteer roster has been removed. Furthermore, the volunteer management training reporting requirements were changed to require that projects report to the Commission the number of attendees and the number of attendees who report that the training increased their relevant knowledge.

In Item 4, the first paragraph was revised to indicate that the base level formula for funding applies to established programs and that a new base level is established each year. The paragraph further clarifies how relinquished and new program funding will be distributed. In the second paragraph, the dollar value of the threshold per volunteer has been removed, as the Commission will set the amount on an annual basis. The word “may” was added to qualify that a program’s funds may be reduced if the threshold is

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

not met, and a timeline by which the threshold must be met has been clarified. A clause was added to allow for exceptions due to hardships that may be other than financial in nature.

Public comments concerning the proposed amendments will be accepted until 4:30 p.m. on July 8, 2014. Interested persons may submit written comments by contacting Kristin Honz, Iowa Commission on Volunteer Service, 200 East Grand Avenue, Des Moines, Iowa 50309; or e-mail Kristin.Honz@iowa.gov.

The Commission will hold a public hearing on Tuesday, July 8, 2014, from 1 to 1:30 p.m. to receive comments on these amendments. The public hearing will be held in the Central First Floor Conference Room, Iowa Economic Development Authority, 200 East Grand Avenue, Des Moines, Iowa.

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

These amendments are intended to implement Iowa Code section 15H.2(3)“i.”

The following amendments are proposed.

ITEM 1. Amend subrule 7.1(1) as follows:

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

ITEM 2. Amend subrule 7.4(1) as follows:

7.4(1) The commission ~~and~~ or the Corporation for National and Community Service shall issue a request for proposals containing project criteria and application ~~forms~~ instructions based on the most recent application instructions or notice of funding opportunity for RSVP that is available from the Corporation for National and Community Service for the appropriate fiscal year.

ITEM 3. Amend subrule 7.5(3) as follows:

7.5(3) *Reporting.* All grant recipients shall submit biannual progress and financial reports to the Corporation for National and Community Service and provide these reports to the commission. Beginning in state fiscal year 2015, RSVP projects will report to the commission, with each payment request, on the number of active volunteers serving in the prior period. RSVP projects will also report to the commission on the number of persons provided with volunteer management training and the number of persons who report that the training increased their knowledge of effective volunteer management practices.

ITEM 4. Amend subrule 7.5(4) as follows:

7.5(4) *Distribution of funds.* The base-level formula for distribution of funds for established programs will be based on the ~~2001~~ prior fiscal year's state funding levels. When applicable, any relinquished funds will be distributed based on ~~the existing~~ the current fiscal year's distribution formula. New programs that are not state-developed will begin at the ~~minimum~~ base funding level for RSVP grants established by the commission.

Beginning in state fiscal year 2016, distribution of state funds will include an established maximum average cost per volunteer as determined by the commission on an annual basis. The maximum cost per volunteer will be set one year in advance. If the commission does not establish a new rate, the prior year's rate remains in effect. The maximum cost per volunteer calculation is based on the number of volunteers divided by the sum of awarded state plus federal funds. Any program that exceeds the maximum cost at the time of the January biannual progress report may have subsequent grant awards reduced to comply with this threshold. Additional funds that are not awarded due to these reductions will be distributed to projects that are below the maximum volunteer cost threshold or will be used to fund expansion of other projects. The commission may grant a temporary exception to the maximum cost threshold for new projects or in the case of financial or other hardship.

ARC 1493C

ECONOMIC DEVELOPMENT AUTHORITY[261]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 15.106A, the Economic Development Authority hereby adopts new Chapter 42, "Iowa Tourism Grant Program," Iowa Administrative Code.

The rules in Chapter 42 describe the Iowa Tourism Grant Program. The purpose of the Iowa Tourism Grant Program is to promote tourism in Iowa by funding tourism-related marketing initiatives and meetings, events, and professional development efforts that benefit both local economies around the state and the state's economy. These rules describe the nature and the amount of the grant awards to be made, the program eligibility requirements, the application requirements and process, the scoring process, and the administration of grant contracts under the program.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 19, 2014, as **ARC 1380C**. No public comment was received on these rules. These rules are identical to those published under Notice of Intended Action.

These rules were adopted by the Economic Development Authority Board on May 16, 2014.

The Authority finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of these rules should be waived and that these rules should be made effective on May 19, 2014, as they confer a benefit on the public by providing funds to promote tourism in the state, thereby growing the state's economy.

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

These rules are intended to implement Iowa Code section 15.106A.

These rules became effective May 19, 2014.

The following amendment is adopted.

Adopt the following **new** 261—Chapter 42:

CHAPTER 42
IOWA TOURISM GRANT PROGRAM

261—42.1(15) Definitions. For purposes of this chapter unless the context otherwise requires:

"Authority" means the economic development authority created in Iowa Code section 15.105.

"Collaborative application" means an application in which either multiple partners are providing monetary support for the project or multiple partners are actively participating in the project or both.

"Head applicant" means the applicant on a collaborative application that is both the recipient of the funds and the administrator of the project.

"Marketing" means planning for or implementing efforts to publicize a community, event or destination using a range of strategies, tools and tactics.

"Meetings, events and professional development" means the acquisition of or attendance at regional or national tourism-related meetings and conventions; execution of local festivals or similar tourism events that positively impact local and state economies; or execution of local or regional tourism-related education opportunities.

"Project" means a tourism-related marketing initiative or a meeting, an event or a professional development effort that benefits both state and local economies.

"Rural area" means either a city with a population of 10,000 or less, or a county that is among the 33 least populated in Iowa based on the latest data from the U.S. Census Bureau.

"Tourism" means a site or event that attracts people from beyond a 50-mile radius or people who spend the night away from home to visit a site or event.

261—42.2(15) Program description.

42.2(1) The authority will accept competitive applications for tourism-related projects in each fiscal year in which funding is available. The authority will award grants to projects based on the criteria

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described in subrule 42.4(1), and the authority will award grants to projects in a manner designed to prioritize those projects that provide the greatest benefit to state and local economies.

42.2(2) The maximum grant award is \$5,000 per application. The minimum grant award is \$500 per application.

42.2(3) The authority will make awards based on the total amount of funding available each fiscal year. Funds will be awarded as reimbursement for expenditures that are directly related to the implementation of an eligible project.

42.2(4) There are two classes of applications: (1) tourism-related marketing initiatives and (2) event-based applications, which include meetings, events or professional development efforts. An applicant may submit two applications within a class type or one application within each class type but shall not submit more than two applications each fiscal year. If one of the applications submitted by the applicant is a collaborative application, it will be included among the head applicant's total number of allowed applications. An applicant shall not receive more than two awards per fiscal year.

261—42.3(15) Program eligibility and application requirements.

42.3(1) Eligibility. To be eligible under the program, an applicant shall meet all of the following requirements:

a. The applicant must be a tourism-related entity based in the state of Iowa, including a nonprofit or for-profit organization, city, county, or regional government or planning entity.

b. The applicant shall demonstrate an amount of local match equal to at least 25 percent of the amount of grant funds to be received by the applicant under the program. The local match shall be in the form of cash.

c. The applicant shall submit a completed application, including all of the information described in subrule 42.3(2).

d. The applicant shall submit the application on or before the application deadline established in subrule 42.3(3).

42.3(2) Application requirements. When submitting an application for grant funds under the program, an applicant shall include all of the following information:

a. The applicant's name, mailing address, e-mail address, telephone number, contact person, and federal employer identification number. If the application is a collaborative application, the head applicant shall identify itself and provide the names of all partner applicants.

b. A detailed description of the project, including an explanation of how the project either markets tourism in Iowa or is a tourism-related meeting, event or professional development opportunity, and an explanation of how state funds will support the project.

c. Documentation that the grant request is consistent with the cost of implementing the project.

d. Written documentation establishing the amount and source of the required local cash match.

e. Detailed information sufficient to enable the authority to accurately assess the impact and quality of the project described in the application. Such information shall include how the project is part of an overall plan to increase tourism locally and in the state of Iowa.

f. If the applicant is an event, attraction, restaurant or lodging facility, then the applicant must provide verification that the information about the applicant has been updated at or added to the authority's Web site, www.traveliowa.com, within the 18 months preceding the application deadline. The authority may waive this requirement at its sole discretion.

42.3(3) Deadlines. The authority will only consider applications received on or before the applicable deadline. The deadline shall be 4:30 p.m. the first Monday in August of each fiscal year unless the authority, at its sole discretion, provides a different deadline for the submission of applications. The authority may provide a different deadline for the program as a whole, but the authority will not change the deadline at the request of any individual applicant. The authority will develop an application process and post all relevant application information, including deadline changes, on its Internet site at www.traveliowa.com.

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261—42.4(15) Application scoring and approval process.

42.4(1) Scoring criteria. The authority will not review or score an application unless the application meets the requirements and deadlines of rule 261—42.3(15). An application meeting the requirements and deadlines of rule 261—42.3(15) will be given a numerical score between zero and 100. The higher an application's numerical score, the more likely it will receive funding under the program. The criteria used to score the applications and the maximum number of points that may be attributed to each criterion are as follows:

a. Project information: 15 points. The applicant will explain the project, the time line for its creation and implementation and how state funds will support the project. The authority will view favorably information that clearly articulates the project, sets forth a reasonable time line for the project's creation and implementation, and fully describes how state funds will be used to support the project.

b. Tourism industry growth: 15 points. The authority will consider how the project supports the mission of the Iowa tourism office and how the project grows state and local economies. The authority will view favorably applications that are most in line with the mission of the Iowa tourism office and have the most potential to create economic growth.

c. Participation in the tourism industry: 15 points. The authority will view favorably applicants whose representatives are active in the tourism industry. Examples of active participation in the tourism industry include but are not limited to membership in one or more tourism regions; attendance at the Iowa tourism conference; participation in the Iowa tourism office's partnership programs (cooperative and Iowa travel guide advertising); participation in the Travel Federation of Iowa's District Leader Program; and participation in other statewide tourism-related groups such as the Iowa Group Travel Association and Iowa Destination Marketing Alliance.

d. Need: 15 points. The authority will consider the financial need of an applicant and will recognize the importance of funding projects that would not take place without assistance under the program.

e. Quality and strategy: 15 points. The authority will view favorably projects that are part of a broader strategy to increase tourism locally and in the state of Iowa.

f. Local cash match/leveraged funds ratio: 10 points. The authority will consider the proportion of local cash match to the project's total budget and will view favorably applications with the highest ratio of local cash match to the project's total budget.

g. Collaboration: 5 points. The authority will view favorably applications that represent a collaboration of multiple entities.

h. Iowa tourism office recognition: 5 points. Applicants may determine the most appropriate way to recognize the authority's Iowa tourism office for its investment in the project. The authority will view favorably applicants with a well-developed plan to recognize the Iowa tourism office.

i. Population diversity: 5 points. Applications from an applicant based in a rural area, as defined in rule 261—42.1(15), will receive 5 points. Applications from applicants not based in a rural area will receive zero points. If the application is a collaborative application, population diversity will be based on the community of the head applicant.

42.4(2) Approval process. The director of the authority will establish a review committee consisting of members of the Iowa tourism industry. The committee will score all completed applications in accordance with the criteria described in rules 261—42.3(15) and 261—42.4(15) and will use those scores to determine successful applicants. The committee may recommend partial funding of any or all applicants. If, after initially scoring all of the completed applications, the review committee is not able to allocate all the funds available, the authority may allow one or more additional rounds of applications to be submitted and scored. Before the execution of contracts, the authority will provide an award letter for each successful applicant to indicate the applicant's acceptance or rejection of the recommended award amount. If any awards are rejected, the authority may allow one or more additional rounds of applications to be submitted and scored. For each additional round of applications, the authority will follow the same eligibility requirements and use the same scoring criteria as used in earlier rounds. The authority may accept as many rounds of applications for awards as it deems appropriate.

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261—42.5(15) Contract administration.

42.5(1) Notice of approval. The authority will notify successful applicants in writing of an approved request for funding. Such a notification may include the terms or conditions under which approval is granted.

42.5(2) Contract required. Each successful applicant that accepts the recommended award amount shall enter into a contract with the authority. The contract will describe the project that the applicant will institute as described in the application and will include the terms and conditions under which the grant funds will be disbursed. The contract will also include the terms and conditions under which grant funds must be repaid or penalties incurred in the event the grantee does not fulfill all obligations under the contract.

42.5(3) Contract amendments. All requests by a grantee for an amendment to the contract will require the approval of the director of the authority. The director will review each such request and approve or deny it. If a request is approved, the grantee and the director will execute a written amendment to the contract. Only a written amendment duly executed by both parties to the contract will be valid and binding.

42.5(4) Reports required. Each grantee shall submit a written report to the authority within 60 days of the end of the project completion date, as specified in the contract.

42.5(5) Record keeping. Each grantee shall maintain all records necessary for the verification and validation of the proper use of grant funds under the contract and shall submit such records to the authority upon request.

261—42.6(15) Expenses, records, and reimbursements.

42.6(1) General. Each grantee shall at all times incur expenses and be reimbursed for such expenses by the authority only as described in this chapter or in a contract executed hereunder. The authority may deny reimbursement for any expenditure not directly related to the implementation of a tourism-related marketing project or a meeting, an event or a professional development project.

42.6(2) Eligible expenses. Only expenditures directly related to the implementation of a tourism-related marketing project or a meeting, an event or a professional development project will be reimbursed under the program. Examples of eligible expenses include the following:

a. The costs associated with all phases of the execution of marketing tactics and strategies, including planning and design and production of tools such as advertising, print materials, digital tools and exhibits.

b. The cost to register for a tourism-related regional or national conference.

c. The costs associated with producing or hosting a meeting or training that shares best practices or otherwise provides tourism-related education, including but not limited to payments to speakers, payments to vendors, venue rental, and equipment rental.

d. The costs associated with acquiring a regional or national meeting, including but not limited to bid fees, rights fees, sponsorships, payments to vendors, venue rental, and equipment rental.

e. The costs associated with executing a local event or festival, including but not limited to payments to vendors, payments to speakers or entertainers, venue rental, and equipment rental for new events or existing events in Iowa in order to augment the event.

42.6(3) Ineligible expenses. Expenses that are not directly related to the implementation of a tourism-related marketing project or a meeting, an event or a professional development project will be deemed ineligible. Ineligible expenses include but are not limited to solicitation efforts; lobbying fees; items that are purchased for resale; prizes given to participants or event/festival attendees; alcoholic beverages; internships; all travel, meal and lodging costs of applicant staff or the applicant's contractor; projects that receive funding from the authority's regional sports authority district program; marketing programs already subsidized by the authority including, but not limited to, advertising in the Iowa travel guide or participation in the cooperative partnership program; or a project of an Iowa tourism region.

42.6(4) Required records and reimbursements. A grantee shall submit any records requested by the authority as documentation of the expenditures incurred for implementation of the project. Such records may include invoices, original receipts, or check copies. If a grantee pays an expense using a credit

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card, the grantee shall submit a copy of a check register or bank statement indicating that the credit card invoice was paid. The authority will not reimburse expenses included on a nonitemized receipt.

42.6(5) *Repayments of certain funds.* If the authority reimburses a grantee for the cost of a refundable bid fee and the grantee is unsuccessful in the effort to win the right to hold that event, then the grantee shall return the amount of such reimbursement to the authority.

42.6(6) *Reallocation of funds.* If, at the time of a grantee's final reporting of expenses, the grantee cannot adequately document eligible expenses or documents an amount that is less than the awarded amount, the authority may award additional funds to other grantees, open additional rounds of applications, or revert the moneys to the general fund. If the authority awards additional funds to other grantees, such grantees shall submit documentation establishing how such funds will be expended, and the authority will execute contract amendments providing for the expenditure of the additional funds.

These rules are intended to implement Iowa Code section 15.106A.

[Filed Emergency After Notice 5/19/14, effective 5/19/14]

[Published 6/11/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/11/14.

ARC 1486C

EDUCATION DEPARTMENT[281]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby amends Chapter 97, "Supplementary Weighting," Iowa Administrative Code.

2014 Iowa Acts, House File 2271, related to supplementary weighting for shared operational functions of school districts, amends Iowa Code sections 257.11(7)"a"(1) and 257.11(7)"c" and "d." In addition, 2014 Iowa Acts, Senate File 2056, related to whole-grade sharing incentives for school districts, amends Iowa Code sections 257.3(2)"d," 257.11(2)"c," and 257.11A and repeals section 257.11(5). The new operational sharing law, with an immediate enactment clause, makes substantial changes to operational sharing provisions in Iowa. In operational sharing, districts share personnel in listed positions under the law and receive additional state payment for doing so. With these new changes in the law, the current administrative rules are no longer accurate and need to be updated.

In addition, whole-grade sharing incentives have also been changed by other legislation with the same sunset and timing requirements that impact operational sharing. Changes to those rules are also contained herein.

A previous rule making (**ARC 1119C**, IAB 10/16/13) based on similar legislation passed in the 2013 Session of the Iowa General Assembly was session-delayed by the Administrative Rules Review Committee in November 2013. The amendments herein are based on the new law adopted in lieu of the 2013 legislation and will replace amendments adopted in **ARC 1119C**.

In compliance with Iowa Code section 17A.4(3), the Department of Education finds that notice and public participation are not practical in this instance. These amendments are based upon a law that is already enacted, and Iowa school districts wish to have clarity on this issue as soon as practicable, as they are making hiring decisions for the upcoming 2014-15 school year. The rule making for **ARC 1119C** received much public comment, both written and oral, at the hearing, State Board of Education and Administrative Rules Review Committee steps of that process. This rule making complies with the current legislation, which was passed by the Legislature after much review by the affected community. These amendments align the rules with the statute and ensure that the program proceeds as intended.

In compliance with Iowa Code section 17A.4(3), the Administrative Rules Review Committee at its May 13, 2014, meeting reviewed the Department's findings and the amendments and approved the Emergency adoption.

The Department also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made

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effective May 15, 2014, as they confer a benefit upon the public by ensuring speedy and uniform compliance with the Department's legislative mandate.

The Department has determined that these amendments will not necessitate additional annual expenditures exceeding \$100,000 or combined expenditures exceeding \$500,000 within five years by all affected persons, including the agency. Therefore, no fiscal impact statement accompanies this rule making.

The Department has determined that these amendments will have no impact on small business within the meaning of Iowa Code section 17A.4A.

These amendments are also published herein under Notice of Intended Action as **ARC 1499C** to allow for public comment.

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

These amendments are intended to implement Iowa Code sections 257.11(7)"a"(1) and 257.11(7)"c" and "d" as amended by 2014 Iowa Acts, House File 2271; Iowa Code sections 257.3(2)"d," 257.11(2)"c," and 257.11A as amended by 2014 Iowa Acts, Senate File 2056; and 2014 Iowa Acts, Senate File 2056, section 3.

These amendments became effective on May 15, 2014.

The following amendments are adopted.

ITEM 1. Amend the following definitions in rule **281—97.1(257)**:

"Fraction of a school year at the secondary level" shall mean the product of the class periods minutes per day of class times the number of days per year the class meets divided by the product of the total number of class periods in a school day times the total number of days in a school year. All class periods minutes available in a normal day shall be used in the calculation.

"Political subdivision" shall mean a political subdivision in the state of Iowa and shall include a city, a township, a county, a public school district, a community college, an area education agency, or an institution governed by the state board of regents (~~Malcolm Price Laboratory School, Iowa Braille and Sight Saving School,~~ Iowa School for the Deaf, Iowa State University, University of Iowa, and University of Northern Iowa).

"Supplant" shall mean the community college's replacing the identical course that was offered by the school district in the preceding year or the second preceding year, offering a course that consists of substantially the same concepts and skills as the content of a course provided by the school district or the community college's offering a course that is required by the school district in order to meet the minimum accreditation standards in Iowa Code section 256.11. If a student is unable to earn credit in both courses, then the two courses would be deemed similar enough in content and skills to be defined as supplanting.

ITEM 2. Amend rule 281—97.5(257) as follows:

281—97.5(257) Supplementary weighting plan for whole-grade sharing.

97.5(1) Whole-grade sharing. A school district which participates in a whole-grade sharing arrangement executed pursuant to Iowa Code sections 282.10 to 282.12 and which has adopted a board resolution to study dissolution or has adopted a board resolution jointly with all other affected boards to study reorganization to take effect on or before July 1, ~~2014~~ 2019, is eligible to assign a weighting of one-tenth of the fraction of the school year during which resident pupils attend classes pursuant to subrule 97.2(1), paragraph "a," "b," or "c." A school district participating in a whole-grade sharing arrangement shall be eligible for supplementary weighting under this subrule for a maximum of three years. Receipt of supplementary weighting for the second year and for the third year shall be conditioned upon submission of information resulting from the study to the school budget review committee indicating progress or continued progress toward the objective of dissolution or reorganization on or before July 1, ~~2014~~ 2019.

97.5(2) No change.

97.5(3) Consecutive years. A school district that is eligible to add a supplementary weighting for resident students attending classes under a whole-grade sharing arrangement pursuant to subrule 97.5(1)

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is not required to utilize consecutive years. However, the final year in which a supplementary weighting may be added on October 1 for this purpose shall not be later than the school year that begins July 1, 2013 2018.

97.5(4) and **97.5(5)** No change.

97.5(6) Filing progress reports. Each school district that assigned a supplementary weighting to resident students attending class in a whole-grade sharing arrangement and that intends to assign a supplementary weighting to resident students attending class in a whole-grade sharing arrangement in the following year shall file a report of progress toward reorganization with the school budget review committee, on forms developed by the department of education, no later than August 1 preceding October 1 on which date the district intends to request supplementary weighting for whole-grade sharing.

a. No change.

b. The report must indicate progress toward a reorganization or dissolution to occur on or before July 1, 2014 2019. Indicators of progress may include, but are not limited to:

(1) to (12) No change.

c. to *e.* No change.

ITEM 3. Amend rule 281—97.7(257) as follows:

281—97.7(257) Supplementary weighting plan for operational services.

97.7(1) Eligibility. ~~Except for students listed under subrule 97.2(6), a resident student is eligible for supplementary~~ Supplementary weighting if the student is eligible to be counted as a resident student for certified enrollment and is available if all of the following criteria are met:

a. The district shares a discrete operational function with one or more other political subdivisions pursuant to a written contract.

b. The district shares ~~the~~ an operational function for at least 20 percent of the contract time period during the fiscal year that is customary for a full-time employee in the operational function ~~being shared,~~ and at least one of the sharing partners also shares the operational function for at least 20 percent of the contract time period during the fiscal year. The 20 percent is measured each fiscal year and for each discrete operational function.

c. Personnel shared as part of ~~the~~ an operational function are employees of one of the sharing partners but are not employees of more than one of the sharing partners.

d. If the district shares an operational function with more than one political subdivision, the sharing arrangement is listed only once for purposes of supplementary weighting.

e. If the district shares more than one individual in the same operational function, that operational function shall be listed only once for the purposes of supplementary weighting.

f. No individual personnel shall be included for operational function sharing more than once for supplementary weighting in the same fiscal year.

g. If more than one sharing arrangement is implemented in any one operational function area and the services shared are substantially similar as determined by the department of education, only the sharing arrangement implemented first will be eligible for supplementary weighting.

h. The operational function areas shared include one or more of the areas listed in subrule 97.7(2).

97.7(2) Operational function area eligibility. “Operational function sharing” means sharing of managerial personnel in the discrete operational function areas of superintendent management, business management, human resources management, student transportation management, facility operation or maintenance management, ~~social worker, school nurse, curriculum director or school counselor, or school librarian.~~ “Operational function sharing” does not mean sharing of clerical personnel or school principals. The operational function sharing arrangement does not need to be a newly implemented sharing arrangement in order to be eligible for supplementary weighting.

a. Superintendent management.

(1) Shared personnel must perform the services of a superintendent, in the case of a school district, or chief administrator, in the case of an area education agency, or executive administrator, in the case of other political subdivisions, ~~for each of the sharing partners.~~ An individual performing the function of a superintendent or chief administrator must be properly licensed for that position.

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(2) If the services of a superintendent are shared in any of the five eligible years, the district may not also share an assistant superintendent in any year for purposes of supplementary weighting.

(3) Clerical or other support services personnel in the superintendent function area or executive administrator function area shall not be considered shared superintendent management under this subrule.

(4) Shared superintendent services or executive administrator services shall not include contracting for services from a private provider even if another political subdivision is contracting for services from the same private provider.

b. Business management.

(1) Shared personnel must perform the services of managing the business operations ~~for each of the sharing partners~~. Managing business operations would include personnel performing the duties of a business manager or school business official, or personnel performing the duties listed in the Iowa Code for a board secretary including, but not limited to, board secretary duties listed in Iowa Code chapter 291, or personnel performing the duties listed in the Iowa Code for a board treasurer including, but not limited to, board treasurer duties listed in Iowa Code chapter 291, ~~in each of the sharing partners~~.

(2) Services of clerical personnel, school administration managers, superintendents, principals, teachers, board officers except those listed in subparagraph (1), or any other nonbusiness administration personnel shall not be considered shared business management under this subrule.

(3) Shared business management shall not include contracting for services from a private provider even if another political subdivision is contracting for services from the same private provider.

c. Human resources management.

(1) Shared personnel must perform the services of managing human resources ~~for each of the sharing partners~~.

(2) Services of clerical personnel, superintendents, principals, ~~school administration managers, school business officials, business managers~~, curriculum directors, teachers, or board officers shall not be considered shared human resources management under this subrule.

(3) Shared human resources management shall not include contracting for services from a private provider even if another political subdivision is contracting for services from the same private provider.

d. Student transportation management.

(1) Shared personnel shall include transportation directors or supervisors. Shared personnel must perform services related to transportation ~~for each of the sharing partners, but may perform different transportation services for each of the sharing partners~~.

(2) Services of school business officials, business managers, school administration managers, clerical or paraprofessional personnel, school bus mechanics, and school bus drivers shall not be considered shared student transportation management under this subrule.

(3) Shared transportation management shall not include contracting for services from a private provider even if another political subdivision is contracting for services from the same private provider.

e. Facility operations and maintenance.

(1) Shared personnel shall include facility managers and supervisors of buildings or grounds. Shared personnel must perform services related to facility operations and maintenance ~~for each of the sharing partners, but may perform different facility operations and maintenance services for each of the sharing partners~~.

(2) Services of school business officials, business managers, school administration managers, clerical personnel or custodians shall not be considered shared facility operations and maintenance management for supplementary weighting under this subrule.

(3) Shared facility operations and maintenance management shall not include contracting for services from a private provider even if another political subdivision is contracting for services from the same private provider.

f. Curriculum director.

(1) Shared personnel must perform the services of a curriculum director ~~for each of the sharing partners~~. An individual performing the function of a curriculum director must be properly licensed for that position.

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(2) ~~Clerical Technology directors and clerical, paraprofessional, or other support services personnel in the improvement of instruction function area shall not be considered a shared curriculum director under this subrule.~~

(3) ~~Shared curriculum director services shall not include contracting for services from a private provider even if another political subdivision is contracting for services from the same private provider.~~

~~g.—School administration manager.~~

(1) ~~Shared personnel must perform the services of a school administration manager for each of the sharing partners. An individual performing the function of a school administration manager must be properly licensed for that position.~~

(2) ~~Principals, assistant principals, deans of students, or paraprofessional, clerical or other support services personnel in the school administration function area shall not be considered a shared school administration manager under this subrule.~~

(3) ~~Shared school administration manager services shall not include contracting for services from a private provider even if another political subdivision is contracting for services from the same private provider.~~

~~h.—Social worker.~~

(1) ~~Shared personnel must perform the services of a social worker for each of the sharing partners. An individual performing the function of a social worker must be properly licensed for that position by holding a statement of professional recognition from the board of educational examiners.~~

(2) ~~Assistants in social work or clerical, paraprofessional, or other support services personnel in the attendance and social work services function area shall not be considered a shared social worker under this subrule.~~

(3) ~~Shared social worker services shall not include contracting for services from a private provider even if another political subdivision is contracting for services from the same private provider.~~

~~i.—School nurse.~~

(1) ~~Shared personnel must perform the services of a school nurse for each of the sharing partners. An individual performing the function of a school nurse must be properly licensed for that position by holding a statement of professional recognition from the board of educational examiners.~~

(2) ~~Assistants, licensed practical nurses, or paraprofessionals, aides, clerical or other support services personnel in the health or psychological services function area shall not be considered a shared school nurse under this subrule.~~

(3) ~~Shared school nurse services shall not include contracting for services from a private provider even if another political subdivision is contracting for services from the same private provider.~~

~~j. g. School counselor.~~

(1) ~~Shared personnel must perform the services of a school counselor for each of the sharing partners. An individual performing the function of a school counselor must be properly licensed for that position.~~

(2) ~~Deans of students, social workers, or clerical, paraprofessional, or other support services personnel in the guidance services function area shall not be considered a shared school counselor under this subrule.~~

(3) ~~Shared school counselor services shall not include contracting for services from a private provider even if another political subdivision is contracting for services from the same private provider.~~

~~k.—School librarian.~~

(1) ~~Shared personnel must perform the services of a school librarian for each of the sharing partners. An individual performing the function of a school librarian must be properly licensed for that position.~~

(2) ~~Technology directors, media specialists, or paraprofessional, aide, clerical or other support services personnel in the library media services function area shall not be considered a shared school librarian under this subrule.~~

(3) ~~Shared school librarian services shall not include contracting for services from a private provider even if another political subdivision is contracting for services from the same private provider.~~

97.7(3) Years of eligibility. A school district participating in an operational function sharing arrangement shall be eligible for supplementary weighting under this rule for a maximum of five years.

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The five years of eligibility shall include each year in which any shared operational function is included for supplementary weighting. The supplementary weighting for eligible shared operational functions may be included beginning on October 1, 2013.

a. Receipt of supplementary weighting ~~after the first year~~ shall be conditioned upon the submission of ~~cost~~ information provided in the format prescribed by the department of education as part of the BEDS fall data collection ~~and certified annual report documenting cost savings directly attributable to the shared operational functions.~~

b. The documentation on the BEDS fall data collection shall be filed no later than the published deadline for that data collection ~~and the documentation on the certified annual report shall be filed no later than September 15 preceding the October 1 on which the operational function sharing is included for supplementary weighting.~~

97.7(4) *Contiguous districts.* School districts that share operational functions with other school districts are not required to be contiguous school districts. If the districts are not contiguous, the district(s) separating those districts is not required to be a party to the operational sharing arrangement.

97.7(5) to 97.7(9) No change.

97.7(10) *Weighting.* ~~Resident students eligible for supplementary weighting pursuant to rule 281 97.7(257) shall be eligible for a weighting of two hundredths per pupil included in the actual enrollment in the district. A school district that shares an operational function in the area of superintendent management shall be assigned a supplementary weighting of eight pupils for the function. A school district that shares an operational function in the area of business management, human resources management, transportation management, or operation and maintenance management shall be assigned a supplementary weighting of five pupils for the function. A school district that shares the operational functions of a curriculum director or a school counselor shall be assigned a supplementary weighting of three pupils for the function. The supplementary weighting shall be assigned to each discrete operational function shared. The maximum number of years for which a supplementary weighting shall be assigned for all operational functions shared is five years. The department shall reserve the authority to determine if an operational sharing arrangement constitutes a discrete arrangement, new arrangement, or continuing qualifying operational sharing arrangement if the circumstances have not been clearly described in the Iowa Code or the Iowa Administrative Code.~~

97.7(11) *Sharing arrangement duties.* A school district may receive the additional weighting for the sharing of services of an individual with a political subdivision even if the type of operational function performed by the individual for the school district and the type of operational function performed by the individual for the political subdivision are not the same operational function, so long as both operational functions are eligible for weighting. In such case, the school district shall be assigned the additional weighting for the type of operational function that the individual performs for the school district, and the school district shall not receive additional weighting for any other function performed by the individual.

97.7(11) 97.7(12) *Maximum weighting.* The maximum amount of additional weighting for which a school district participating in operational function sharing shall be eligible ~~in a budget year~~ is an amount corresponding to ~~40~~ 21 full-time equivalent pupils. The maximum additional weighting applies to the total of all operational function sharing rather than to each discrete operational function. Each eligible discrete operational function sharing arrangement shall be included in the total of all operational function sharing. If the district's total of all discrete operational function sharing exceeds 21 full-time equivalent pupils, the department shall make a reduction in the total rather than separately adjusting the discrete operational function sharing that made up the total.

97.7(12) *Minimum weighting.* The minimum amount of additional weighting for which a school district participating in operational function sharing shall be eligible is an amount corresponding to ten additional pupils. The minimum additional weighting applies to the total of all operational function sharing rather than each discrete operational function.

97.7(13) *Filing cost savings documentation.* ~~Each school district that receives supplementary weighting for sharing one or more operational functions shall file with the department of education documentation of cost savings directly attributable to the shared operational functions. This documentation shall be submitted in the format prescribed by the department of education as part of~~

EDUCATION DEPARTMENT[281](cont'd)

the certified annual report and the BEDS fall data collection. The district or AEA shall report the FTE for each discrete operational function area eligible for supplementary weighting on its BEDS fall data collection. The certified annual report shall be filed no later than September 15 preceding the October 1 on which the operational function sharing is included for supplementary weighting and the BEDS fall data collection shall be filed no later than its published deadline. If a district or AEA does not file in a timely manner its certified annual report and its BEDS fall data collection, it will not be eligible to request operational function sharing supplementary weighting.

~~97.7(13)~~ 97.7(13) *Uses of funding.* Additional funds provided through supplementary weighting for operational function sharing shall be used to increase student opportunities.

~~97.7(14)~~ *Determining cost savings.* The criteria considered by the department of education in determining shared operational function cost savings and increased student opportunities shall include, but not be limited to, the following:

~~a.~~ a. The level of FTE for each discrete operational function area eligible for supplementary weighting as compared to the level of FTE for that same discrete operational function area in the 2012-2013 school year as reported on the BEDS fall data collection.

~~b.~~ b. If, in the opinion of department staff, the FTE is not sufficient documentation on which to determine eligibility for operational function sharing supplementary weighting, the department may also review the following from the certified annual report:

(1) The percent of costs calculated as the total of general fund expenditures for all operational functions that could be shared, in function codes 2300 and greater, divided by the total of all general fund expenditures, multiplied by 100, in the prior fiscal year compared to the 2012-2013 fiscal year. The prior fiscal year is the fiscal year ending on June 30 as reported on the certified annual report that was due on September 15, prior to October 1 on which the district included any operational function shared for supplementary weighting. The cost savings and increased student opportunities shall be evidenced by the percent which is less than or equal to the percent in the 2012-2013 fiscal year.

(2) The department of education will adjust the total expenditures to exclude distorting financial transactions or interagency financial transactions. Distorting financial transactions shall be determined by the department of education.

~~c.~~ c. If the district increases the total FTE of personnel in any discrete operational function area eligible for supplementary weighting, the district will not be eligible for supplementary weighting for operational function sharing for that discrete operational function area until the fiscal year in which the FTE is decreased to or below the level reported by the district on its BEDS staff data collection in fiscal year 2012-2013.

~~d.~~ d. If the district cannot demonstrate cost savings directly attributable to the shared operational function or increased student opportunities, the district will not be eligible for supplementary weighting for operational function sharing for that fiscal year.

~~97.7(15)~~ 97.7(14) *Area education agency maximum funding.* The provisions of rule 281—97.7(257) also apply to an area education agency except for ~~per-pupil weightings, minimum weightings, pupil counts for operational function sharing and maximum weightings.~~

~~a.~~ a. ~~In lieu of minimum weightings, an An~~ area education agency shall be eligible for a minimum amount of additional funding of \$50,000 \$30,000 in a budget year for the total of all operational function sharing arrangements.

~~b.~~ b. ~~In lieu of maximum weightings, an An~~ area education agency shall be eligible for a maximum amount of additional funding of \$200,000 in a budget year for the total of all operational function sharing arrangements.

~~c.~~ c. ~~In lieu of supplementary weighting of students, the The~~ department of management shall annually set a weighting for each area education agency to generate the approved operational function sharing dollars using each area education agency's special education cost-per-pupil amount and foundation level.

EDUCATION DEPARTMENT[281](cont'd)

ITEM 4. Amend **281—Chapter 97**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 257.6, 257.11 as amended by 2014 Iowa Acts, Senate File 2056 and House File 2271, and 257.12; and Iowa Code chapter 261E, and 2007 Iowa Acts, Senate File 588, section 6.

[Filed Emergency 5/15/14, effective 5/15/14]

[Published 6/11/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/11/14.

ARC 1484C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 75, "Conditions of Eligibility," Iowa Administrative Code.

The purpose of these amendments is to increase the statewide average cost of nursing facility services to a private-pay person. These amendments are not related to rates paid by Medicaid for nursing facility care.

The cost figure is used to determine a period of ineligibility when an applicant or recipient transfers assets for less than fair market value. When assets are transferred to attain or maintain Medicaid eligibility, the individual is ineligible for Medicaid payment of long-term care services. The period of ineligibility is determined by dividing the amount transferred by the statewide average cost of nursing facility services to a private-pay person.

The Department conducted a survey of freestanding nursing facilities, hospital-based skilled facilities, and special populations facilities in Iowa to update the statewide average cost for nursing facilities. The average private-pay cost of nursing facility services per month is increased from \$5,057.65 to \$5,103.24.

In addition, these amendments update the average charges for nursing facilities, psychiatric medical institutions for children (PMICs) and mental health institutes (MHIs). These average charges are used to determine the disposition of the income of a medical assistance income trust (MAIT).

Nursing facility amounts are not related to the rates paid by Medicaid for nursing facility care. For this purpose, the Department's survey for statewide average private-pay charges at nursing facility level of care included only the freestanding nursing facilities in Iowa. Hospital-based skilled facilities and special populations units were not included in the survey since recipients are allowed to use the average cost of the specialized care.

The average charge to a private-pay resident of nursing facility care increased from \$4,642 per month to \$4,666.

The average charges for PMICs and MHIs are based on Medicaid rates because Medicaid is the primary payer of these services.

- The average charge for care in a PMIC increased from \$6,111 per month to \$6,297 per month.
- The average charge for care in an MHI increased from \$19,590 per month to \$20,498 per month.

The increases in these amounts will allow a few additional individuals to qualify for medical assistance with MAITs.

The maximum Medicaid rate for intermediate care facilities for individuals with intellectual disabilities (ICF/ID) is not addressed in this rule making because the maximum rate is decreased. This change is addressed in a separate rule making (see **ARC 1483C** herein).

Notice of Intended Action for these amendments was published in the Iowa Administrative Bulletin as **ARC 1415C** on April 2, 2014. The Department received no comments during the comment period. These amendments are identical to those published under Notice of Intended Action.

The Council on Human Services adopted these amendments on May 14, 2014.

Pursuant to Iowa Code section 17A.5(2)"b"(2), the Department finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective

HUMAN SERVICES DEPARTMENT[441](cont'd)

on July 1, 2014. The normal effective date can be waived since these amendments confer a benefit on the public. The average costs and charges are increased, thus allowing additional individuals to qualify for medical assistance by decreasing the period of ineligibility due to transfer of assets and by allowing individuals to be eligible with a medical assistance income trust.

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 at 441—1.8(17A,217).

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

These amendments are intended to implement Iowa Code section 249A.4.

These amendments will become effective July 1, 2014.

The following amendments are adopted.

ITEM 1. Amend subrule 75.23(3) as follows:

75.23(3) *Period of ineligibility.* The number of months of ineligibility shall be equal to the total cumulative uncompensated value of all assets transferred by the individual (or the individual's spouse) on or after the look-back date specified in subrule 75.23(2), divided by the statewide average private-pay rate for nursing facility services at the time of application. The department shall determine the average statewide cost to a private-pay resident for nursing facilities and update the cost annually. For the period from July 1, ~~2013~~ 2014, through June 30, ~~2014~~ 2015, this average statewide cost shall be ~~\$5,057.65~~ \$5,103.24 per month or ~~\$166.37~~ \$167.87 per day.

ITEM 2. Amend paragraph **75.24(3)“b”** as follows:

b. A trust established for the benefit of an individual if the trust is composed only of pension, social security, and other income to the individual (and accumulated income of the trust), and the state will receive all amounts remaining in the trust upon the death of the individual up to the amount equal to the total medical assistance paid on behalf of the individual. For disposition of trust amounts pursuant to Iowa Code sections 633C.1 to 633C.5, the average statewide charges and Medicaid rates for the period from July 1, ~~2013~~ 2014, to June 30, ~~2014~~ 2015, shall be as follows:

(1) The average statewide charge to a private-pay resident of a nursing facility is ~~\$4,642~~ \$4,666 per month.

(2) No change.

(3) The average statewide charge to a resident of a mental health institute is ~~\$19,590~~ \$20,498 per month.

(4) The average statewide charge to a private-pay resident of a psychiatric medical institution for children is ~~\$6,111~~ \$6,297 per month.

(5) No change.

[Filed Emergency After Notice 5/14/14, effective 7/1/14]

[Published 6/11/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/11/14.

ARC 1483C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 75, “Conditions of Eligibility,” Iowa Administrative Code.

The purpose of this amendment is to implement the annual update of the maximum Medicaid rate for intermediate care facilities for individuals with intellectual disabilities (ICF/ID). This rate is used to determine the disposition of the income of a medical assistance income trust (MAIT).

The Iowa Department of Human Services provided the maximum charge for care in an ICF/ID. The maximum Medicaid rate for care in an ICF/ID decreased from \$25,922 per month to \$25,040 per month.

HUMAN SERVICES DEPARTMENT[441](cont'd)

The result of this change may be that fewer individuals will qualify for medical assistance with Miller trusts. However, very few, if any, individuals in ICF/IDs will have monthly income between the current amount and the new amount.

The average charges for other medical institutions are not addressed in this rule making because those average charges are increased in a separate rule making (see **ARC 1484C** herein).

Notice of Intended Action for this amendment was published in the Iowa Administrative Bulletin as **ARC 1416C** on April 2, 2014. The Department received no comments during the comment period. This amendment is identical to that published under Notice of Intended Action.

The Council on Human Services adopted this amendment on May 14, 2014.

Pursuant to Iowa Code section 17A.5(2)“b”(2), the Department finds that the normal effective date of this amendment, 35 days after publication, should be waived and the amendment made effective on July 1, 2014. The normal effective date can be waived since this amendment confers a benefit on the public by ensuring that state rules remain in compliance with federal regulations in accordance with federal law.

This amendment does 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 at 441—1.8(17A,217).

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

This amendment is intended to implement Iowa Code section 249A.4.

This amendment will become effective on July 1, 2014.

The following amendment is adopted.

Amend subparagraph **75.24(3)“b”(2)** as follows:

(2) The maximum statewide Medicaid rate for a resident of an intermediate care facility for persons with an intellectual disability is ~~\$25,922~~ \$25,040 per month.

[Filed Emergency After Notice 5/14/14, effective 7/1/14]

[Published 6/11/14]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/11/14.

ARC 1496C**REVENUE DEPARTMENT[701]****Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code sections 17A.4 and 421.1A(4)“e,” the Property Assessment Appeal Board amends Chapter 71, “Assessment Practices and Equalization,” Iowa Administrative Code.

The amendment to subrule 71.21(6) provides for a correction to the subrule to bring it into compliance with 2013 Iowa Acts, Senate File 295, division VI.

Pursuant to Iowa Code section 17A.4(3), the Property Assessment Appeal Board finds that notice and public participation are unnecessary because the amendment mirrors the statutory period for filing an appeal as set forth in Iowa Code section 441.37A(1)“b,” which was amended by 2013 Iowa Acts, Senate File 295, division VI.

The Administrative Rules Review Committee at its May 13, 2014, meeting reviewed the Property Assessment Appeal Board’s amendment and approved the Emergency adoption.

Pursuant to Iowa Code section 17A.5(2)“b”(2), the Property Assessment Appeal Board further finds that the normal effective date for the amendment, 35 days after publication, should be waived and the amendment made effective May 20, 2014. The amendment confers a benefit on the public and is in compliance with 2013 Iowa Acts, Senate File 295, division VI.

The amendment is also published herein under Notice of Intended Action as **ARC 1497C** to allow for public comment.

The amendment will not necessitate additional expenditures by political subdivisions or agencies and entities which contract with political subdivisions.

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

REVENUE DEPARTMENT[701](cont'd)

This amendment is intended to implement Iowa Code section 441.37A(1)“b” as amended by 2013 Iowa Acts, Senate File 295, division VI.

This amendment became effective May 20, 2014.

The following amendment is adopted.

Amend subrule 71.21(6) as follows:

71.21(6) *Appeal and jurisdiction.* Notice of appeal confers jurisdiction for the board. The procedure for appeals and parameters for jurisdiction are as follows:

a. Jurisdiction is conferred upon the board by written notice of appeal given to the secretary. The written notice of appeal shall include a petition setting forth the basis of the appeal and the relief sought. The written notice of appeal shall be filed with the secretary within 20 calendar days after the date of adjournment of the local board of review or May 31, whichever is later. Appeals postmarked within this time period shall also be considered to have been timely filed. The appellant may appeal the action of the board of review relating to protests of assessment, valuation, or the application of an equalization order. No new grounds in addition to those set out in the protest to the local board of review can be pleaded, but additional evidence to sustain those grounds may be introduced. The appeal is a contested case.

b. and *c.* No change.

[Filed Emergency 5/20/14, effective 5/20/14]

[Published 6/11/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/11/14.

ARC 1485C

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Adopted and Filed

Pursuant to the authority of Iowa Code section 8A.104(5), the Department of Administrative Services (DAS) hereby amends Chapter 1, "Department Organization," Chapter 117, "Procurement of Goods and Services of General Use," and Chapter 118, "Purchasing Standards for Service Contracts," Iowa Administrative Code.

The Department of Administrative Services is amending certain procurement rules to eliminate conflict with statute and to provide flexibility and retain accountability for sole source procurements.

Notice of Intended Action was published in the Iowa Administrative Bulletin on February 5, 2014, as **ARC 1302C**. No public comment was received. No changes were made to the amendments 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 chapter 8A.

These amendments will become effective July 16, 2014.

The following amendments are adopted.

ITEM 1. Adopt the following **new** subrule 1.2(5):

1.2(5) Central procurement enterprise location. The central procurement enterprise's primary office is located in the Hoover State Office Building, Third Floor, 1305 East Walnut Street, Des Moines, Iowa 50319; telephone (515)725-2725. Office hours are 8 a.m. to 4:30 p.m., Monday through Friday, excluding holidays.

ITEM 2. Amend subrule 117.3(3) as follows:

117.3(3) Construction procurement. Formal competition shall be used for selection of a vendor for construction, erection, demolition, alteration, or repair of a public improvement when the cost of the work exceeds \$100,000 or the adjusted competitive threshold established in Iowa Code section 314.1B.

ITEM 3. Amend subrule 117.7(4) as follows:

117.7(4) ~~Construction~~ Advertisement of construction procurement exceeding \$100,000. Construction solicitations shall be advertised twice in a newspaper of general circulation published in the county within which the work is to be done when the cost of the work exceeds \$100,000 or the adjusted competitive threshold established in Iowa Code section 314.1B. Additional means of advertisement used shall be consistent with practices in the construction industry. The department may publish an advertisement in an electronic format as an additional method of soliciting bids.

ITEM 4. Amend rule 11—117.15(8A) as follows:

11—117.15(8A) Thresholds for delegating procurement authority.

117.15(1) No change.

117.15(2) Agency direct purchasing—advanced level. An agency ~~certified by the director or designee as a "procurement center of excellence"~~ may procure non-master agreement goods up to \$50,000 per transaction in a competitive manner. ~~To be certified, only in the event the agency personnel engaged in the purchase of goods must complete~~ have completed enhanced procurement training established by the director or designee. ~~Agency personnel must complete training within a two-year period in order for the agency to be certified.~~

117.15(3) and 117.15(4) No change.

117.15(5) Misuse of agency authority.

a. to c. No change.

d. The department may rescind delegated authority of an agency that misuses its authority or uses the authority to procure goods or services already available on a master agreement.

ADMINISTRATIVE SERVICES DEPARTMENT[11](cont'd)

~~e. The director or designee may revoke an agency's delegated authority if the agency fails to maintain "procurement center of excellence" certification or uses the authority to procure goods or services already available on a master agreement.~~

ITEM 5. Amend subrule 118.7(2) as follows:

118.7(2) *Special procedures required for sole source procurements.*

a. When the annual value of the service contract exceeds \$5,000 or when the estimated value of the multiyear service contract in the aggregate, including renewals, is equal to or greater than \$15,000, the ~~head~~ director of a state agency or designee shall sign the sole source contract or the amendment. In the absence of the director of a state agency or designee, the sole source contract shall be signed only by the DAS director or designee. Use of sole source procurement does not relieve a state agency from negotiating a fair and reasonable price and thoroughly documenting the procurement action.

b. When the annual value of the service contract exceeds \$5,000 or when the estimated value of the multiyear service contract in the aggregate, including renewals, is equal to or greater than \$15,000, a state agency shall be required to complete a sole source justification form. The director of the state agency ~~or designee~~ shall sign the sole source justification form. In the absence of the director of the state agency or designee, the sole source justification form shall be signed only by the DAS director or designee. The claim for the first payment on a contract requires a copy of the signed original contract, a copy of the precontract questionnaire, a copy of the sole source justification form, and an original invoice or original claimant signature.

c. No change.

[Filed 5/15/14, effective 7/16/14]

[Published 6/11/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/11/14.

ARC 1490C

COLLEGE STUDENT AID COMMISSION[283]

Adopted and Filed

Pursuant to the authority of Iowa Code section 261.3, the Iowa College Student Aid Commission hereby adopts amendments to Chapter 2, "Commission Procedures for Rule Making," and Chapter 3, "Declaratory Orders," Iowa Administrative Code.

The rules in Chapter 2 describe the Commission's rule-making procedures. These amendments update the Commission's address as identified by a regular review of the administrative rules and provide additional information about how interested parties may obtain copies of notices of changes to administrative rules.

The rules in Chapter 3 describe how individuals may file petitions for a declaratory order with the Commission. These amendments update the Commission's address.

Notice of Intended Action was published in the Iowa Administrative Bulletin on February 19, 2014, as **ARC 1346C**. The adopted amendments are identical to those published under Notice.

The Commission does not intend to grant waivers under the provisions of these rules.

These amendments were adopted during the May 16, 2014, meeting of the Iowa College Student Aid Commission.

After analysis and review of this rule making, the Commission finds that there is no impact on jobs.

These amendments are intended to implement Iowa Code chapter 261.

These amendments will become effective on July 30, 2014.

The following amendments are adopted.

ITEM 1. Amend subrule 2.4(3) as follows:

2.4(3) *Copies of notices.* Persons desiring to receive copies of all future Notices of Intended Action must file with the commission a written request indicating the name and address to which such notices

COLLEGE STUDENT AID COMMISSION[283](cont'd)

should be sent. Within seven days after submission of a Notice of Intended Action to the administrative rules coordinator for publication in the Iowa Administrative Bulletin, the commission shall mail or electronically transmit a copy of that notice to those persons who have filed a written request for either mailing or electronic transmittal with the commission for Notices of Intended Action. The written request shall be accompanied by payment of the subscription price which may cover the full cost of the subscription service, including its administrative overhead and the cost of copying and mailing the Notices of Intended Action for a period of one year. Interested persons may also subscribe to the service provided at <https://www.legis.iowa.gov/Subscribe/agencyChanges.aspx> to receive rule-making information regarding the commission.

ITEM 2. Amend subrules 2.5(1) and 2.5(5) as follows:

2.5(1) *Written comments.* For at least 20 days after publication of Notice of Intended Action, arguments, data, and views may be submitted in writing on the proposed rule. Such written submissions should identify the proposed rule to which they relate and should be submitted to Executive Director, College Student Aid Commission, ~~200 Tenth Street, Fourth~~ 430 East Grand Avenue, Third Floor, Des Moines, Iowa 50309-3609 1920, or to the person designated in the Notice of Intended Action.

2.5(5) *Accessibility.* The commission shall schedule oral proceedings in rooms accessible to, and functional for, persons with physical disabilities. Persons who have special requirements should contact the administrative secretary at College Student Aid Commission, ~~200 Tenth Street, Fourth~~ 430 East Grand Avenue, Third Floor, Des Moines, Iowa 50309-3609 1920, or (515)242-3341 in advance to arrange access or other needed services.

ITEM 3. Amend subrule 2.6(2), introductory paragraph, as follows:

2.6(2) *Mailing list.* Small businesses or organizations of small businesses may be registered on the commission's small business impact list by making a written application addressed to College Student Aid Commission, ~~200 Tenth Street, Fourth~~ 430 East Grand Avenue, Third Floor, Des Moines, Iowa 50309-3609 1920. The application for registration shall state:

ITEM 4. Amend subrule 2.11(1) as follows:

2.11(1) *General.* When requested by a person, either prior to the adoption of a rule or within 30 days after its publication in the Iowa Administrative Bulletin as an adopted rule, the commission shall issue a concise statement of reasons for the rule. Requests for such a statement must be in writing and be delivered to College Student Aid Commission, ~~200 Tenth Street, Fourth~~ 430 East Grand Avenue, Third Floor, Des Moines, Iowa 50309-3609 1920. The request should indicate whether the statement is sought for all or only a specified part of the rule. Requests will be considered made on the date received.

ITEM 5. Amend rule 283—3.1(17A), introductory paragraph, as follows:

283—3.1(17A) *Petition for declaratory order.* Any person may file a petition with the college student aid commission for a declaratory order as to the applicability to specified circumstances of a statute, rule, or order within the primary jurisdiction of the commission, at ~~200 Tenth Street, Fourth~~ 430 East Grand Avenue, Third Floor, Des Moines, Iowa 50309-3609 1920. A petition is deemed filed when it is received by the commission. The commission shall provide the petitioner with a file-stamped copy of the petition if the petitioner provides an extra copy for this purpose. The petition must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

ITEM 6. Amend subrule 3.3(3), introductory paragraph, as follows:

3.3(3) A petition for intervention shall be filed at ~~200 Tenth Street, Fourth~~ 430 East Grand Avenue, Third Floor, Des Moines, Iowa 50309-3609 1920. Such a petition is deemed filed when it is received by the commission. The commission will provide the petitioner with a file-stamped copy of the petition for intervention if the petitioner provides an extra copy for this purpose. A petition for intervention must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

COLLEGE STUDENT AID COMMISSION[283](cont'd)

ITEM 7. Amend rule 283—3.5(17A) as follows:

283—3.5(17A) Inquiries. Inquiries concerning the status of a declaratory order proceeding may be made to Executive Director, College Student Aid Commission, ~~200 Tenth Street, Fourth~~ 430 East Grand Avenue, Third Floor, Des Moines, Iowa 50309-~~3609~~ 1920.

ITEM 8. Amend subrule 3.6(2) as follows:

3.6(2) Filing—when required. All petitions for declaratory orders, petitions for intervention, briefs, or other papers in a proceeding for a declaratory order shall be filed with the College Student Aid Commission, ~~200 Tenth Street, Fourth~~ 430 East Grand Avenue, Third Floor, Des Moines, Iowa 50309-~~3609~~ 1920. All petitions, briefs, or other papers that are required to be served upon a party shall be filed simultaneously with the commission.

[Filed 5/19/14, effective 7/30/14]

[Published 6/11/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/11/14.

ARC 1491C

COLLEGE STUDENT AID COMMISSION[283]

Adopted and Filed

Pursuant to the authority of Iowa Code section 261.96, the Iowa College Student Aid Commission hereby amends Chapter 27, "Iowa Grant Program," Iowa Administrative Code.

The rules in Chapter 27 describe the administration of the Iowa Grant Program. This amendment provides additional student eligibility as defined in Iowa Code section 261.93.

Notice of Intended Action was published in the Iowa Administrative Bulletin on February 19, 2014, as **ARC 1345C**. The adopted amendment is identical to that published under Notice.

The Commission does not intend to grant waivers under the provisions of these rules.

This amendment was adopted during the May 16, 2014, meeting of the Iowa College Student Aid Commission.

After analysis and review of this rule making, the Commission finds that there is no impact on jobs.

This amendment is intended to implement Iowa Code chapter 261.

This amendment will become effective on July 30, 2014.

The following amendment is adopted.

Amend subparagraph **27.1(7)“b”(4)** as follows:

(4) Is the child of a fire fighter or police officer included under Iowa Code section 97B.49B who was killed in the line of duty as determined by the Iowa public employees' retirement system in accordance with Iowa Code section 97B.52, subsection 2.

[Filed 5/19/14, effective 7/30/14]

[Published 6/11/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/11/14.

ARC 1489C

EDUCATION DEPARTMENT[281]

Adopted and Filed

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby amends Chapter 44, "School Buses," Iowa Administrative Code.

This chapter provides the rules concerning school bus regulation in Iowa. Approximately every five years, there is a comprehensive review of these rules and subsequent update to reflect best current

EDUCATION DEPARTMENT[281](cont'd)

practice. The major change in this update concerns combining into one rule elements that are currently in two separate rules. The bus chassis used to be bid out separately from the remainder of the bus, so rules were split for both areas of the bus. Now, the common practice is for bus bids to be done comprehensively, and these rules reflect that comprehensive change by incorporating the content of rule 281—44.4(285), which pertains to school bus bodies, into rule 281—44.3(285), which pertains to chassis. Much of what is underscored in rule 281—44.3(285) is content from rescinded rule 281—44.4(285) to reflect that change.

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

Notice of Intended Action was published in the April 2, 2014, Iowa Administrative Bulletin as **ARC 1409C**. Public comments were allowed until 4:30 p.m. on April 22, 2014. A public hearing was held on that date. No one attended the public hearing. No written comments were received regarding these amendments. These amendments 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 chapter 285.

These amendments shall become effective on July 16, 2014.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Ch 44] is being omitted. These amendments are identical to those published under Notice as **ARC 1409C**, IAB 4/2/14.

[Filed 5/16/14, effective 7/16/14]

[Published 6/11/14]

[For replacement pages for IAC, see IAC Supplement 6/11/14.]

ARC 1488C

EDUCATION DEPARTMENT[281]

Adopted and Filed

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby amends Chapter 64, "Child Development Coordinating Council," Iowa Administrative Code.

These amendments to the rules concerning the actions of the Child Development Coordinating Council are related to the amendments concerning the "Shared Visions" program in 281—Chapter 67 (published herein as **ARC 1487C**). These corresponding amendments seek to change the parameters of the grant process and update the rules to reflect the new requirements in the program for awarding and maintaining grant status for those in the program.

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

Notice of Intended Action was published in the April 2, 2014, Iowa Administrative Code as **ARC 1394C**. A public hearing was held on April 22, 2014, with three persons in attendance. Five written comments were also received. Some comments reflected the perception that the proposed amendments required grant submission on an annual basis, which is not required. Other comments included overall support for the program, concerns about both entry into and stability within the grant process, concerns about the National Association for the Education of Young Children requirements (which are part of the underlying law), and suggestions about potential revisions for compliance with program requirements.

Two revisions have been made to the amendments published under Notice of Intended Action based upon comments received during the hearing process and from the Administrative Rules Review Committee. Rule 281—64.14(256A,279), which was proposed to be rescinded in Item 6, has been retained in order to keep the 45-day notification requirement. The second sentence of the rule has been stricken because the provision duplicates other provisions in this rule making. In addition, rule 281—64.18(256A,279) has been changed to strike outdated language regarding budget reversions.

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

These amendments are intended to implement Iowa Code chapters 256A and 279.

These amendments shall become effective on July 16, 2014.

EDUCATION DEPARTMENT[281](cont'd)

The following amendments are adopted.

ITEM 1. Amend rule 281—64.6(256A,279) as follows:

281—64.6(256A,279) Eligibility identification procedures. In a year in which funds are made available by the Iowa legislature, the council shall grant awards to child development programs for at-risk three- and four-year-old children and public school child development programs for at-risk three-, four-, and five-year-old children on a competitive basis. Competitive grants will be awarded with a renewal option for up to five years when grantees meet program requirements. If program requirements are not met, the department may discontinue grant funding at the start of the following fiscal year.

ITEM 2. Amend subrule 64.9(1) as follows:

64.9(1) Criteria points. The following information shall be provided and points shall be awarded to applicants based on the following criteria as stated in the request for proposal:

1. Provision of a comprehensive child development program.
2. Limited class size.
3. ~~Limited pupil-teacher~~ Child-teacher ratios of not less than one staff member per eight children.
4. Provision of parental involvement.
5. Demonstration of community support.
6. Utilization of services provided by other community agencies.
7. Use of qualified teachers.
8. Existence of a plan for program evaluation including, but not limited to, measurement of student outcomes.
9. Developmentally appropriate practices.

ITEM 3. Amend rule 281—64.10(256A,279) as follows:

281—64.10(256A,279) Application process. The council shall advise the department to announce through public notice the opening of an application period.

ITEM 4. Amend rule 281—64.11(256A,279) as follows:

281—64.11(256A,279) Request for proposals. Applications for the child development grants and public school grants shall be distributed by the department upon request.

~~The request for proposal for public school grants for at-risk three-, four-, and five-year-old children shall document all day, everyday kindergarten to serve at-risk five-year-old children, which may be a part-day combination of three- to five-year-old at-risk children.~~

Proposals not containing the specified information or not received by the specified date may not be considered.

All applications shall be submitted in accordance with instructions in the requests for proposals. The proposals shall be submitted to the department.

ITEM 5. Amend subrule 64.12(4) as follows:

64.12(4) The council shall advise the department to notify successful applicants and shall to provide to each of them a contract for signature. ~~This contract shall be signed by an official with authority to bind the applicant and shall be returned to the council prior to the award of any funds under this program.~~

ITEM 6. Amend rule 281—64.14(256A,279) as follows:

281—64.14(256A,279) Notification of applicants. Applicants shall be notified within 45 days following the due date for receipt of proposals as to whether their request shall be funded. ~~Funds for grants approved by the council shall be awarded through a contract entered into by the department and the applicant.~~

EDUCATION DEPARTMENT[281](cont'd)

ITEM 7. Amend rule 281—64.15(256A,279) as follows:

281—64.15(256A,279) Grantee responsibilities.

64.15(1) The grantee shall maintain records which include but are not limited to:

- a. Information on children and families served.
- b. Direct services provided to children.
- c. Record of expenditures.
- d. Other appropriate information specified by the council necessary to the overall evaluation.

Monitoring of such records will be conducted through the submission of annual reports by the grantee and may include on-site review as determined necessary by the department.

64.15(2) Continuation programs shall participate in the Self-Study and Accreditation Program of the National Academy of Early Childhood Programs. Programs shall have two years from the date of initial funding to complete the self-study process. Programs shall have three years from the date of initial funding to attain accreditation. Programs unable to attain accreditation by the end of the three-year period may apply for a waiver of accreditation by March 15 of the third year. Waivers shall be awarded at the discretion of the council. Programs not attaining accreditation or not receiving a waiver of accreditation will be terminated. New/expansion programs shall participate in the accreditation process of the National Association for the Education of Young Children during the programs' first year of funding. New/expansion programs shall be granted a waiver of accreditation during their first year of funding and must attain accreditation during their second year of funding. Programs not able to attain accreditation during their second year may apply for a waiver of accreditation by March 15 of the current fiscal year. Waivers shall be granted at the discretion of the council. Programs that do not attain accreditation or that do not receive a waiver will not be funded.

64.15(3) New/expansion programs shall participate in the Self-Study and Accreditation Program of the National Academy of Early Childhood Programs during their first year of council funding. New/expansion programs shall be granted a waiver of accreditation during their first year of funding. New/expansion programs must complete self-study and attain accreditation during their second year of funding. Programs not able to attain accreditation during their second year may apply for a waiver of accreditation by March 15 of the current fiscal year. Waivers shall be granted at the discretion of the council. Programs not attaining accreditation or not receiving waivers will be terminated. Continuation programs shall participate in the renewal process and maintain accreditation with the National Association for the Education of Young Children. Programs unable to maintain accreditation may apply for a waiver of accreditation. Waivers shall be awarded at the discretion of the council. Programs that do not maintain accreditation or that do not receive a waiver will not be funded.

64.15(4) Grantees shall provide quarterly annual reports that include information detailing progress toward goals and objectives, expenditures and services provided on forms provided for those reports. Failure to submit reports by the due date shall result in suspension of financial payments to the grantee until the time that the report is received. No new awards shall be made for continuation programs where when there are delinquent reports from prior grants.

64.15(5) No change.

ITEM 8. Amend rule 281—64.18(256A,279) as follows:

281—64.18(256A,279) Contract revisions and budget reversions. The grantee shall immediately inform the department of any revisions in the project budget. The department and the grantee may negotiate a revision to the contract to allow for expansion or modification of services but shall not increase the total amount of the grant. The council ~~shall approve~~ may advise the department regarding revised contracts if the revision is in excess of 10 percent of a budget category. Grantees who revert 3 percent or more of their program budget at the end of the ~~1998~~ budget year, ~~and every budget year thereafter,~~ will have that dollar amount permanently deducted from all subsequent grant awards.

EDUCATION DEPARTMENT[281](cont'd)

ITEM 9. Amend rule 281—64.20(256A,279) as follows:

281—64.20(256A,279) Termination for cause. The contract may be terminated in whole or in part at any time before the date of completion, whenever it is determined by the council that the grantee has failed to comply substantially with the conditions of the contract. The grantee shall be notified in writing by the department of the reasons for the termination and the effective date. The grantee shall not incur new obligations for the terminated portion after the effective date of termination and shall cancel as many outstanding obligations as possible.

The department shall administer the child development grants and public school grants contingent upon their availability. If there is a lack of funds necessary to fulfill the fiscal responsibility of the child development grants and the public school grants, the contracts shall be terminated or renegotiated. The council may terminate or renegotiate a contract upon 30 days' notice when there is a reduction of funds by executive order.

The contract may be terminated in whole or in part by June 30 of the current fiscal year in the event that the grantee has not attained accreditation by the National Academy of Early Childhood Programs Association for the Education of Young Children or has not been awarded a waiver of accreditation by the council.

[Filed 5/16/14, effective 7/16/14]

[Published 6/11/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/11/14.

ARC 1487C

EDUCATION DEPARTMENT[281]

Adopted and Filed

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby amends Chapter 67, "Educational Support Programs for Parents of At-risk Children Aged Birth Through Three Years," Iowa Administrative Code.

These amendments revise what is known as the "Shared Visions" early education grant program, with changes in eligibility for participation in the parent support component and changes in the grant process of the entities providing this service. The amendments increase the age range of at-risk children whose parents may participate in the program from birth through age three to from birth through age five, with emphasis on service to the original birth through age three group. Criteria in the grant program have been modified such that competitive grants will be awarded with a renewal option for up to five years if the program requirements are met.

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

Notice of Intended Action was published in the April 2, 2014, Iowa Administrative Bulletin as **ARC 1396C**. Public comments were allowed until 4:30 p.m. on April 22, 2014. A public hearing was held on that date, with no one in attendance. Some written comments concerning related 281—Chapter 64 (**ARC 1394C**, IAB 4/2/14) were received, but no comments specific to these amendments were received.

The following changes were made to the amendments published under Notice: In response to positive input from the State Board of Education, passages were added in rules 281—67.2(279) and 281—67.3(279) to clarify that priority is given to parents of children who are aged birth through three years, although the program continues to provide service to parents of children through age five. Other changes mirror changes in 281—Chapter 64 (**ARC 1488C** herein), including retention of the 45-day notification requirement and removal of language concerning future eligibility of potential grantees.

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

These amendments are intended to implement Iowa Code section 279.51.

These amendments shall become effective on July 16, 2014.

EDUCATION DEPARTMENT[281](cont'd)

The following amendments are adopted.

ITEM 1. Amend **281—Chapter 67**, title, as follows:

EDUCATIONAL SUPPORT PROGRAMS FOR PARENTS
OF AT-RISK CHILDREN AGED BIRTH THROUGH ~~THREE~~ FIVE YEARS

ITEM 2. Amend rule 281—67.1(279) as follows:

281—67.1(279) Purpose. These rules set forth procedures and conditions under which state funds shall be granted to school districts, area education agencies or other agencies which administer quality educational support services to parents of at-risk children aged birth through ~~three~~ five years.

ITEM 3. Amend rule 281—67.2(279) as follows:

281—67.2(279) Definitions.

“*Applicant*” means a public school district, area education agency or an agency which applies for the funds to provide quality educational support programs to parents of at-risk children aged birth through ~~three~~ five years, with an emphasis on parents of children aged birth through three years.

“*At-risk children*” means children birth through age ~~three~~ five who are at risk because of physical or environmental influence.

“*Council*” means the child development coordinating council.

“*Department*” means the department of education.

“*Early intervention interagency council*” means the community early intervention interagency councils for ~~handicapped~~ infants and toddlers with disabilities and their families formed to assist with the implementation of P.L. 99-457, Part H, which amends P.L. 94-142, Education of the Handicapped Act.

“*Educational support services*” means individual or group opportunities providing information to parents which focuses on: parenting skills, child growth and development, building of self-concept, nutrition, positive guidance techniques, family resource management, parent literacy, and how to access the array of supportive services from a network of agencies that are available to families with young children who are at risk.

“*Grantee*” means the applicant designated to receive the grants for educational support services to parents of at-risk children aged birth through ~~three~~ five years.

“*Parent*” means biological, adoptive, surrogate, foster parent, or guardian.

“*Quality educational support services*” means educational support services that have a qualified or trained staff to provide a program which meets the needs of parents through the use of a validated curriculum or which is based on a model project which has proven successful in another state or location.

ITEM 4. Amend rule 281—67.3(279) as follows:

281—67.3(279) Eligibility identification procedures. In a year in which funds are made available by the Iowa legislature, the department shall grant awards to applicants for the provision of educational support services to parents of at-risk children aged birth through ~~three~~ five years with priority to applicants that serve parents of at-risk children aged birth through three years. Funds shall be made available on a competitive basis to schools or nonprofit agencies demonstrating an ability to provide quality educational support services to parents of at-risk children aged birth through ~~three~~ five years. Competitive grants will be awarded with a renewal option for up to five years contingent upon the awardee’s meeting program requirements. If program requirements are not met, the department may discontinue grant funding at the start of the following fiscal year.

ITEM 5. Amend rule 281—67.4(279) as follows:

281—67.4(279) Eligibility. The available funds shall be directed to serve parents of at-risk children aged birth through ~~three~~ five years in the primary eligibility category as follows:

EDUCATION DEPARTMENT[281](cont'd)

Parents having one or more children aged birth through ~~three~~ five years who meet the current income eligibility guidelines for free and reduced price meals in a local school or whose total income is, or is projected to be, equal to or less than 125 percent of the federally established poverty guidelines.

ITEM 6. Amend rule 281—67.5(279) as follows:

281—67.5(279) Secondary eligibility. The available funds shall be directed to serve parents of at-risk children aged birth through ~~three~~ five years when children qualify in one or more of the secondary eligibility categories as follows:

1. Children who are abused.
2. Children functioning below chronological age in two or more developmental areas, one of which may be English proficiency, as determined by an appropriate professional.
3. Children born with an established biological risk factor, such as very low birth weight (under 1500 grams—approximately three pounds) or with conditions such as spina bifida, Down's syndrome or other genetic disorders.
4. Children born to a parent who was under the age of 18.
5. Children residing in a household where one or more of the parents or guardian:
 - Has not completed high school;
 - Has been identified as a substance abuser;
 - Has been identified as chronically mentally ill;
 - Is incarcerated;
 - Is illiterate;
 - Is a child abuser or spouse abuser; or
 - Has limited English proficiency.
6. Children having other special circumstances, such as foster care or being homeless.

ITEM 7. Amend rule 281—67.6(279) as follows:

281—67.6(279) Grant awards criteria.

67.6(1) Criteria points. The following information shall be provided and points shall be awarded to applicants based on the following criteria as stated in the request for proposal:

1. Identification of parents of at-risk children.
- ~~2. Parent accessibility to the project.~~
- ~~3.~~ 2. Positive family focus.
- ~~4.~~ 3. Educational support programs to provide family services.
- ~~5.~~ 4. Community and interagency coordination.
- ~~6. Use of media and materials.~~
- ~~7.~~ 5. Overall program evaluation.
- ~~8.~~ 6. Letters of community support.
- ~~9.~~ 7. Program budget (administrative) costs not to exceed 10 percent of total award.

67.6(2) Additional grant components. The following information shall be provided and points shall be awarded to applicants based on the following additional components.

1. Documentation of a need for this project.
- ~~2. Demonstration that the concept outlined within the application has support of the community-based child development coordinating council or P. L. 99-457, Part H, early intervention interagency council, when applicable.~~
- ~~3.~~ 2. Justification of how this project will utilize services from other agencies and how this project will supplement services to the eligible population.
- ~~4.~~ 3. Identification of the curriculum to be used or the model to be replicated.
- ~~5.~~ 4. Demonstration that persons qualified to administer these educational support services to parents will be employed.

EDUCATION DEPARTMENT[281](cont'd)

ITEM 8. Amend rule 281—67.8(279) as follows:

281—67.8(279) Request for proposals. Applications for the educational support services to parents of at-risk children aged birth through ~~three~~ five years grants shall be distributed by the department upon request.

ITEM 9. Amend subrule 67.9(1) as follows:

67.9(1) Grants for educational support services to parents of at-risk children aged birth through ~~three~~ five years shall not supplant other existing funding sources.

ITEM 10. Amend rule 281—67.10(279) as follows:

281—67.10(279) Notification of applicants. Applicants shall be notified of the department's decision to approve or disapprove the proposal within 45 days of the deadline for applications. Negotiations may be required. Successful applicants will be requested to have an official with vested authority sign a contract with the department.

ITEM 11. Amend rule 281—67.11(279) as follows:

281—67.11(279) Grantee responsibilities. The grantee shall maintain records which include, but are not limited to:

1. Demographic information on parents and children served.
2. Qualifying criteria for those parents receiving educational support services.
3. Documentation of the number of contact hours in either individual or group sessions with parents.
4. Documentation of the type of educational support service provided to parents.
5. Indication of where the services were provided, i.e., home, school or community facility.
6. Evaluation of how each project goal and objective was met, on what timeline, and with what success rate.
7. Record of expenditures and an annual audit.
8. Other information specified by the department necessary to the overall evaluation.

Grantees shall complete a year-end report on forms provided by the department documenting the information outlined in this rule. The final project report is due ~~45~~ 30 days after the completion of the project as defined in the contract with the department. ~~The payment of the final quarter of the grant award will be made by the department to the grantee upon receipt and approval of the project final report. No new awards shall be made for continuation of programs where there are delinquent reports from prior grants.~~

ITEM 12. Amend rule 281—67.14(279) as follows:

281—67.14(279) Contract revisions. The grantee shall immediately inform the department of any revisions in the project budget. The department and the grantee may negotiate a revision to the contract to allow for expansion or modification of services but shall not increase the total amount of the grant. The council may ~~approve~~ advise the department regarding revised contracts if the revision is in excess of 10 percent of a budget category.

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ARC 1495C

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission hereby amends Chapter 61, "Water Quality Standards," Iowa Administrative Code.

This amendment provides water quality certification pursuant to Section 401 of the federal Clean Water Act (33 U.S.C. Section 1341) for U.S. Army Corps of Engineers' 2014 Regional Permit 7 (RP 7).

Section 404 of the Clean Water Act (CWA) requires a permit from the Corps of Engineers for the discharge of dredged or fill materials into the nation's waters. Section 401 of the CWA requires that before the Corps can issue a Section 404 permit, the state water quality agency must certify that the proposed activity will not violate state water quality standards.

Section 404 authorizes the Corps to issue general permits on a state, regional or nationwide basis for categories of activities where such activities will have minimal adverse effects. The Corps has used its general permit authority to issue a number of nationwide basis and regional general permits for use in Iowa. General permits, including RP 7, can be issued for a period not exceeding five years, and a state water quality agency must provide Section 401 certification for a Section 404 general permit before the general permit is valid for that particular state. The Commission previously provided Section 401 certification for this regional permit. This permit is referenced in paragraph 61.2(2)"g."

The Corps issued the final 2014 RP 7 and it will expire on December 31, 2018. This amendment provides Section 401 certification for RP 7.

With the adoption of this amendment, the Department of Natural Resources is certifying Regional Permit 7.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 19, 2014, as **ARC 1370C**. No changes were made to the amendment published under Notice of Intended Action.

This amendment is intended to have a positive impact on jobs and small businesses. The Iowa certification of the Corps' nationwide and regional permits will reduce the regulatory burden on permit applicants by allowing these businesses to avoid individual certifications for their projects. This amendment allows transportation projects to proceed more rapidly and should therefore allow more projects to be undertaken and completed, thus boosting economic activity.

This amendment is intended to implement Iowa Code chapter 455B, division III, part 1.

This amendment will become effective on July 16, 2014.

The following amendment is adopted.

Amend paragraph **61.2(2)"g"** as follows:

g. This policy shall be applied in conjunction with water quality certification review pursuant to Section 401 of the Act. In the event that activities are specifically exempted from flood plain development permits or any other permits issued by this department in 567—Chapters 70, 71, and 72, the activity will be considered consistent with this policy. Other activities not otherwise exempted will be subject to 567—Chapters 70, 71, and 72 and this policy. United States Army Corps of Engineers (Corps) nationwide permits 3, 4, 5, 6, 7, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 27, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, and 52 as well as Corps regional permits 7, 27, 33, and 34 as ~~promulgated June 20, 2012~~ revised through July 16, 2014, are certified pursuant to Section 401 of the Clean Water Act subject to the following Corps regional conditions and the state water quality conditions:

(1) Side slopes of a newly constructed channel will be no steeper than 2:1 and planted to permanent, perennial, native vegetation if not armored.

(2) Nationwide permits with mitigation may require recording of the nationwide permit and pertinent drawings with the registrar of deeds or other appropriate official charged with the responsibility for maintaining records of title to, or interest in, real property and may also require the permittee to provide proof of that recording to the Corps.

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

(3) Mitigation shall be scheduled prior to, or concurrent with, the discharge of dredged or fill material into waters of the United States.

(4) For newly constructed channels through areas that are unvegetated, native grass filter strips, or a riparian buffer with native trees or shrubs a minimum of 35 feet wide from the top of the bank must be planted along both sides of the new channel. A survival rate of 80 percent of desirable species shall be achieved within three years of establishment of the buffer strip.

(5) For single-family residences authorized under nationwide permit 29, the permanent loss of waters of the United States (including jurisdictional wetlands) must not exceed 1/4 acre.

(6) For nationwide permit 46, the discharge of dredged or fill material into ditches that would sever the jurisdiction of an upstream water of the United States from a downstream water of the United States is not allowed.

(7) For projects that impact an outstanding national resource water, outstanding Iowa water, fens, bogs, seeps, or sedge meadows, an individual Section 401 Water Quality Certification will be required (Iowa Section 401 Water Quality Certification condition).

(8) For nationwide permits when the Corps' district engineer has issued a waiver to allow the permittee to exceed the limits of the nationwide permit, an individual Section 401 Water Quality Certification will be required (Iowa Section 401 Water Quality Certification condition).

(9) Heavy equipment shall not be used or operated within the stream channel. If in-stream work is unavoidable, it shall be performed in such a manner as to minimize the duration of the disturbance, turbidity increases, substrate disturbance, bank disturbance, and disturbance to riparian vegetation. This condition does not further restrict otherwise authorized drainage ditch maintenance activities (Iowa Section 401 Water Quality Certification condition).

Written verification by the Corps or 401 certification by the state is required for activities covered by these permits as required by the nationwide permits or the Corps, and the activities are allowed subject to the terms and conditions of the nationwide and regional permits. The department will maintain and periodically update a guidance document listing special waters of concern. This document will be provided to the Corps for use in determining whether preconstruction notices should be provided to the department and other interested parties prior to taking action on applications for projects that would normally be covered by a nationwide or regional permit and not require a preconstruction notice under nationwide permit conditions.

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ARC 1478C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 239B.4(6), the Department of Human Services amends Chapter 7, "Appeals and Hearings," Chapter 40, "Application for Aid," and Chapter 41, "Granting Assistance," Iowa Administrative Code.

These amendments implement policies that allow the Department to establish a new ineligibility period for participants who access Family Investment Program (FIP) benefits with an electronic access card at a prohibited location when:

(1) The appeal is timely filed within the notice period of the notice of decision establishing the beginning date of the ineligibility period,

(2) Assistance is continued pending the final decision of the appeal, and

(3) The Department's action is affirmed.

Assistance issued pending the final decision of the appeal is not subject to recovery.

HUMAN SERVICES DEPARTMENT[441](cont'd)

This change will standardize how the ineligibility period for participants who access FIP benefits at a prohibited location is applied to participant households.

These amendments also change the name of Form 470-0462 to "Financial Support Application."

Finally, these amendments remove the requirement that every person in the eligible group apply for and accept health or medical insurance when it is available at no cost or when the cost is paid by a third party. Medicaid removed the requirement that members cooperate with the Health Insurance Premium Payment program (HIPP). The FIP rule was implemented to match Medicaid's requirement that participants cooperate with HIPP. Since this is no longer a requirement for Medicaid, the Department is removing the requirement.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1385C** on March 19, 2014. The Department received no comments during the comment period. These amendments have been changed since publication under Notice of Intended Action. New Item 9 has been added to amend the Financial Support Application form title for consistency.

The Council on Human Services adopted these amendments on May 14, 2014.

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 at 441—1.8(17A,217).

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

These amendments are intended to implement Iowa Code section 239B.4.

These amendments will become effective August 1, 2014.

The following amendments are adopted.

ITEM 1. Adopt the following **new** subrule 7.9(6):

7.9(6) Recovery of assistance when a new ineligibility period is established for the use of an electronic access card at a prohibited location. Assistance issued pending the final decision of the appeal is not subject to recovery when a new ineligibility period is established for the use of an electronic access card at a prohibited location. A new ineligibility period pursuant to 441—subrule 41.25(11) shall be established when the department is affirmed in a timely appeal of the establishment of an ineligibility period for the use of an electronic access card at a prohibited location. All of the following conditions shall exist:

a. The appeal is filed within the timely notice period of the notice of decision establishing the beginning date of the ineligibility period.

b. Assistance is continued pending the final decision of the appeal.

c. The department's action is affirmed.

ITEM 2. Amend rule 441—40.22(239B), introductory paragraph, as follows:

441—40.22(239B) Application. The application for the family investment program shall be submitted on the ~~Health and~~ Financial Support Application, Form 470-0462 or Form 470-0466 (~~Spanish~~) 0462(S). The application shall be signed by the applicant, the applicant's authorized representative or, when the applicant is incompetent or incapacitated, someone acting responsibly on the applicant's behalf. When both parents, or a parent and a stepparent, are in the home and eligibility is determined on a family or household basis, one parent or stepparent may sign the application and attest to the information for the assistance unit.

ITEM 3. Amend rule 441—40.23(239B), introductory paragraph, as follows:

441—40.23(239B) Date of application. The date of application is the date an identifiable ~~Health and~~ Financial Support Application, Form 470-0462 or Form 470-0466 (~~Spanish~~) 0462(S), is received by the department. When an application is delivered to a closed office, it will be considered received on the first day that is not a weekend or state holiday following the day that the office was last open.

ITEM 4. Amend paragraph **40.27(3)"b"** as follows:

b. When the client has completed Form 470-0462 or Form 470-0466 (~~Spanish~~) 0462(S), ~~Health and~~ Financial Support Application, for another purpose, this form may be used as the review document.

HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 5. Amend paragraph **41.23(5)“b”** as follows:

b. Attestation of status. As a condition of eligibility, an attestation of citizenship or alien status shall be made for all applicants and recipients on Form 470-0462 or 470-0462(S), ~~Health and Financial Support Application~~, or Form 470-2549, Statement of Citizenship Status. Form 470-2881, 470-2881(S), 470-2881(M), or 470-2881(MS), Review/Recertification Eligibility Document, may be used to attest to the citizenship of dependent children who enter a recipient household. Failure to sign a form attesting to citizenship when required to do so creates ineligibility for the entire eligible group. The attestation may be signed by:

- (1) The applicant;
- (2) Someone acting responsibly on the applicant's or recipient's behalf if the applicant or recipient is incompetent or incapacitated; or
- (3) Any adult member of the assistance unit, when eligibility is determined on a family or household basis.

ITEM 6. Adopt the following new paragraph **41.25(11)“e”**:

e. A new period of ineligibility shall be established when:

- (1) A recipient timely appeals the notice of decision establishing the ineligibility period,
- (2) Assistance is continued pending the final decision of the appeal, and
- (3) The department's action is affirmed.

Assistance issued pending the final decision of an appeal is not subject to recovery pursuant to 441—subrule 7.9(6).

ITEM 7. Rescind paragraph **41.27(1)“j.”**

ITEM 8. Amend subparagraph **41.30(3)“e”(1)** as follows:

(1) Families with adults as defined in subrule 41.30(1) who have or are close to having received 60 months of FIP assistance may request a hardship exemption. Requests for the hardship exemption shall be made on Form 470-3826, Request for FIP Beyond 60 Months. In addition, families that have received FIP for 60 months shall complete Form 470-0462 or Form 470-0466 (Spanish) 0462(S), ~~Health and Financial Support Application~~, as described at rule 441—40.22(239B) as a condition for regaining FIP eligibility. Failure to provide the required application within ten days from the date of the department's request shall result in denial of the hardship request.

ITEM 9. Amend subparagraphs **41.30(3)“f”(2), (10) and (11)** as follows:

(2) When a ~~Health and Financial Support Application~~ is required to regain FIP eligibility, the 30-day time frame in rule 441—40.25(239B) shall apply.

(10) When Form 470-3826 is not received before the effective date of the FIP cancellation and a ~~Health and Financial Support Application~~ is required for the family to regain FIP eligibility, the effective date of assistance shall be no earlier than seven days from the date of application as described at rule 441—40.26(239B).

(11) Eligibility for a hardship exemption shall last for six consecutive calendar months. EXCEPTION: The six-month hardship exemption ends when FIP for the family is canceled for any reason and a ~~Health and Financial Support Application~~ is required for the family to regain FIP eligibility. In addition, when FIP eligibility depends on receiving a hardship exemption, the family shall submit a new Form 470-3826. A new hardship exemption determination shall be required prior to FIP approval.

[Filed 5/14/14, effective 8/1/14]

[Published 6/11/14]

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ARC 1482C**HUMAN SERVICES DEPARTMENT[441]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 75, "Conditions of Eligibility," Iowa Administrative Code.

This amendment increases premiums for applicants and recipients under the Medicaid for Employed People with Disabilities (MEPD) program with income over 150 percent of the federal poverty level (FPL).

The Department is requesting these increases because the maximum premium payable by an individual whose income exceeds 150 percent of the official poverty guidelines shall be commensurate with the cost of state employees' group health insurance in this state. The average cost to the state for state employees' health insurance for a single person is \$647 effective January 1, 2014. Therefore, the maximum premium must be set at that amount.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1417C** on April 2, 2014. The Department received no comments on this amendment during the comment period. This amendment is identical to that published under Notice of Intended Action.

The Council on Human Services adopted this amendment on May 14, 2014.

This amendment does not provide for waivers in specific situations because all members are subject to the same sliding scale for MEPD premiums. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

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

This amendment is intended to implement Iowa Code section 249A.4.

This amendment will become effective August 1, 2014.

The following amendment is adopted.

Amend subparagraph **75.1(39)“b”(3)** as follows:

(3) Premiums shall be assessed as follows:

IF THE INCOME OF THE APPLICANT IS ABOVE:	THE MONTHLY PREMIUM IS:
150% of Federal Poverty Level	\$29 <u>31</u>
165% of Federal Poverty Level	\$39 <u>42</u>
180% of Federal Poverty Level	\$44 <u>50</u>
200% of Federal Poverty Level	\$51 <u>58</u>
225% of Federal Poverty Level	\$56 <u>68</u>
250% of Federal Poverty Level	\$66 <u>78</u>
300% of Federal Poverty Level	\$86 <u>99</u>
350% of Federal Poverty Level	\$106 <u>119</u>
400% of Federal Poverty Level	\$124 <u>140</u>
450% of Federal Poverty Level	\$144 <u>160</u>
550% of Federal Poverty Level	\$182 <u>201</u>
650% of Federal Poverty Level	\$221 <u>242</u>

HUMAN SERVICES DEPARTMENT[441](cont'd)

IF THE INCOME OF THE APPLICANT IS ABOVE:	THE MONTHLY PREMIUM IS:
750% of Federal Poverty Level	\$ 262 <u>284</u>
850% of Federal Poverty Level	\$ 305 <u>335</u>
1000% of Federal Poverty Level	\$ 369 <u>404</u>
1150% of Federal Poverty Level	\$ 440 <u>475</u>
1300% of Federal Poverty Level	\$ 515 <u>556</u>
1480% of Federal Poverty Level	\$ 598 <u>647</u>

[Filed 5/14/14, effective 8/1/14]

[Published 6/11/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/11/14.

ARC 1481C**HUMAN SERVICES DEPARTMENT[441]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 79, "Other Policies Relating to Providers of Medical and Remedial Care," Iowa Administrative Code.

These amendments remove the specific dollar amount and effective date of the pharmacy professional dispensing fee while indicating that the fee shall be set by a fee schedule determined through surveys of dispensing costs. The amendments also rescind an obsolete paragraph pertaining to the dispensing fee that is no longer in effect.

Removing the specific dollar amount and effective date of the pharmacy professional dispensing fee, while following the legislative requirement to set the dispensing fee based on a cost of dispensing survey, allows more efficient implementation of the established dispensing fee. The dispensing fee will be determined by the Department based on a survey conducted every two years beginning in SFY 2014-2015. The amendments indicate that the fee will be set by a fee schedule determined through surveys of dispensing costs. Additionally, the fee will be posted at the Iowa Medicaid Enterprise (IME) Web site (www.ime.state.ia.us) under IME Provider Fee Schedules.

The description of the pharmacies surveyed is clarified by replacing the phrase "Iowa Medicaid retail pharmacy providers" with "Iowa Medicaid participating pharmacy providers." The phrase "retail pharmacy providers" may be confused with "retail community pharmacies," which are surveyed by the federal Centers for Medicare and Medicaid Services to determine the National Average Drug Acquisition Cost (NADAC), and which may not include specialty pharmacies and "closed door" pharmacies that provide drugs only for nursing facility residents. For purposes of the dispensing fee, the Iowa Medicaid program surveys all pharmacies participating in the Iowa Medicaid program as providers, in compliance with legislative requirements.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1391C** on April 2, 2014. The Department received no comments during the comment period. These amendments are identical to those published under Notice of Intended Action.

The Council on Human Services adopted these amendments on May 14, 2014.

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 at 441—1.8(17A,217).

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

These amendments are intended to implement Iowa Code section 249A.4.

These amendments will become effective August 1, 2014.

The following amendments are adopted.

HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 1. Rescind and reserve paragraph **79.1(8)“i.”**

ITEM 2. Rescind paragraph **79.1(8)“j”** and adopt the following **new** paragraph in lieu thereof:

j. The professional dispensing fee shall be a fee schedule amount determined by the department based on a survey of Iowa Medicaid participating pharmacy providers' costs of dispensing drugs to Medicaid beneficiaries conducted every two years beginning in SFY 2014-2015.

[Filed 5/14/14, effective 8/1/14]

[Published 6/11/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/11/14.

ARC 1476C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 135C.14 and 135C.2(3)“b,” the Department of Inspections and Appeals hereby amends Chapter 57, “Residential Care Facilities,” Iowa Administrative Code.

Iowa Code section 135C.2(3)“b” allows the Department to establish by administrative rule special classifications within the residential care facility category for facilities intended to serve individuals who have special health care problems or conditions in common. New rule 481—57.7(135C) establishes a special classification for memory care within a residential care facility and sets forth the requirements for the provision of memory care in residential care facilities.

The Department does not believe that the adopted amendment imposes any financial hardship on any regulated entity, body, or individual.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 2, 2014, as **ARC 1413C**. No comments were received on the proposed amendment. The adopted amendment is identical to the one published under Notice of Intended Action.

The State Board of Health initially reviewed the amendment at its March 12, 2014, meeting and subsequently approved this rule making at its May 14, 2014, meeting.

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

This amendment is intended to implement Iowa Code sections 135C.14 and 135C.2(3)“b.”

This amendment shall become effective July 16, 2014.

The following amendment is adopted.

Adopt the following **new** rule 481—57.7(135C):

481—57.7(135C) Special classification—memory care.

57.7(1) Designation and application. A residential care facility may choose to care for residents who require memory care in a distinct part of the facility or designate the entire residential care facility as one that provides memory care. Residents in the memory care unit or facility shall meet the level of care requirements for a residential care facility. “Memory care” in a residential care facility means the care of persons with early Alzheimer’s-type dementia or other disorders causing dementia. (I, II, III)

a. Application for approval to provide this category of care shall be submitted by the licensee on a form provided by the department. (III)

b. Plans to modify the physical environment shall be submitted to the department for review based on the requirements of 481—Chapter 60. (III)

c. If the unit or facility is to be a locked unit or facility, all locking devices shall meet the Life Safety Code and any requirements of the state fire marshal. If the unit or facility is to be unlocked, a system of security monitoring is required. (I, II, III)

57.7(2) Résumé of care. A résumé of the program of care shall be submitted to the department for approval at least 30 days before a separate memory care unit or facility is opened. For facilities with a

INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

memory care unit, this résumé of care is in addition to the résumé of care required by subrule 57.3(2). A new résumé of the program of care shall be submitted when services are substantially changed. The résumé of the program of care shall:

- a. Describe the population to be served;
- b. State the philosophy and objectives;
- c. List criteria for transfer to and from the memory care unit or facility;
- d. Include a copy of the floor plan;
- e. List the titles of policies and procedures developed for the unit or facility;
- f. Propose a staffing pattern;
- g. Set out a plan for specialized staff training;
- h. State visitor, volunteer, and safety policies;
- i. Describe programs for activities, social services and families; and
- j. Describe the interdisciplinary team and roles.

57.7(3) Policies and procedures. Separate written policies and procedures shall be implemented in the memory care unit or facility and shall address the following.

a. Criteria for admission and the preadmission evaluation process. The policy shall require a statement from the attending physician approving the placement before a resident may be moved into a memory care unit or facility. (II, III)

b. Safety, including a description of the actions required of staff in the event of a fire, natural disaster, or emergency medical event or catastrophic event. Safety procedures shall also explain steps to be taken when a resident is discovered to be missing from the unit or facility, when hazardous cleaning materials or potentially dangerous mechanical equipment is being used in the unit or facility, and the manner in which the effectiveness of the security system will be monitored. (II, III)

c. Staffing requirements, including the minimum number, types and qualifications of staff in the unit or facility in accordance with resident needs. (II, III)

d. Visitation policies, including suggested times for visitation and ensuring the residents' rights to free access to visitors unless visits are contraindicated by the interdisciplinary team. (II, III)

e. Process and criteria which will be used to monitor and to respond to risks specific to the residents, including, but not limited to, drug use, restraint use, infections, incidents and acute behavioral events. (II, III)

57.7(4) Plans. Plans for the unit or facility shall be submitted in accordance with 481—Chapter 60. (II, III)

57.7(5) Assessment prior to transfer or admission. Prior to transfer or admission to the memory care unit or facility, a complete assessment of the resident applicant's physical, mental, social and behavioral status shall be completed to determine whether the applicant meets admission criteria. This assessment shall be completed by facility staff and shall become part of the resident's permanent record upon admission. (II, III)

57.7(6) Staff training. All staff working in a memory care unit or facility shall have training appropriate to the needs of the residents. (I, II, III)

a. Upon assignment to the unit or facility, all staff working in the unit or facility shall be oriented to the needs of residents requiring memory care. Staff shall have at least six hours of special training appropriate to their job descriptions within 30 days of assignment to the unit or facility. (I, II, III)

b. Training shall include the following topics: (II, III)

- (1) An explanation of Alzheimer's disease and related disorders, including symptoms, behavior and disease progression;
- (2) Skills for communicating with persons with dementia;
- (3) Skills for communicating with family and friends of persons with dementia;
- (4) An explanation of family issues such as role reversal, grief and loss, guilt, relinquishing the caregiving role, and family dynamics;
- (5) The importance of planned and spontaneous activities;
- (6) Skills in providing assistance with activities of daily living;
- (7) Skills in working with challenging residents;

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- (8) Techniques for cueing, simplifying, and redirecting;
- (9) Staff support and stress reduction;
- (10) Medication management and nonpharmacological interventions.

c. Nursing staff, certified medication aides, medication managers, social services personnel, housekeeping and activity personnel shall have a minimum of six hours of in-service training annually. This training shall be related to the needs of memory care residents. The six-hour initial training required in paragraph 57.7(6)“a” shall count toward the required annual in-service training. (II, III)

57.7(7) Staffing. There shall be at least one staff person on a memory care unit at all times. (I, II, III)

57.7(8) Others living in the memory care unit. Residents not requiring memory care services may live in the memory care unit if a spouse requiring memory care services lives in the unit or if no other beds are available in the facility and the resident or the resident’s legal representative consents to the placement in writing. (II, III)

This rule is intended to implement Iowa Code sections 135C.14 and 135C.2(3)“b.”

[Filed 5/14/14, effective 7/16/14]

[Published 6/11/14]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/11/14.

ARC 1477C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Pursuant to the authority of Iowa Code section 135.11, the Department of Public Health hereby amends Chapter 7, “Immunization and Immunization Education: Persons Attending Elementary or Secondary Schools, Licensed Child Care Centers or Institutions of Higher Education,” Iowa Administrative Code.

These amendments are necessary to implement 2013 Iowa Acts, Senate File 419, to modify the Iowa Immunization Registry (hereinafter referred to as the registry) to capture “health screening records” to include vision screening records specified in 2013 Iowa Acts, Senate File 419. The amendments also change the type of medical provider that will have access to the registry for the purpose of health screenings as well as how records are to be shared between agencies.

Notice of Intended Action was published in the December 11, 2013, Iowa Administrative Bulletin as **ARC 1229C**. No public comments were received.

After additional internal review and for clarification purposes, the definition of “nurse practitioner” was rescinded in new Item 2 and replaced with the definition of “advanced registered nurse practitioner” in renumbered Item 3. In renumbered Item 3, the definition of “health screening” was amended to omit the phrase “or other public health screening.” Also, the language in subrule 7.12(4) has been clarified.

The State Board of Health adopted these amendments on May 14, 2014.

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

These amendments are intended to implement 2013 Iowa Acts, Senate File 419.

These amendments will become effective on July 16, 2014.

The following amendments are adopted.

ITEM 1. Amend rule **641—7.1(139A)**, definition of “Immunization registry,” as follows:

“*Immunization registry*” or “*registry*” means the database and file server maintained by the department as well as the software application that allows enrolled users to exchange immunization or health screening records.

ITEM 2. Rescind the definition of “Nurse practitioner” in rule **641—7.1(139A)**.

ITEM 3. Adopt the following new definitions in rule **641—7.1(139A)**:

“*Advanced registered nurse practitioner*” or “*ARNP*” means an advanced registered nurse practitioner as defined in 655—7.1(152).

PUBLIC HEALTH DEPARTMENT[641](cont'd)

“*Health screening*” means a vision screen or dental screen.

“*Screening provider*” means an ophthalmologist, optometrist, pediatrician, family practice physician, free clinic, child care center, local public health department, public or accredited nonpublic school, community-based organization, advanced registered nurse practitioner (ARNP), physician assistant, dentist or dental hygienist.

ITEM 4. Amend rule 641—7.11(22) as follows:

641—7.11(22) Iowa’s immunization Statewide registry.

7.11(1) *Statewide registry.* The department shall maintain a statewide immunization and health screening registry. Enrolled users are responsible for purchasing and maintaining all computer hardware related to use of the registry and for providing an Internet connection to transfer information between the user’s computer and the registry.

7.11(2) *Purpose and permitted uses of registry.*

a. The registry shall ~~consist of~~ contain immunization and health screening information, including identifying and demographic data, to allow enrolled users to maintain and access a database of immunization and health screening histories for purposes of ensuring that patients are fully immunized and screened.

b. and *c.* No change.

d. The registry shall contain health screening data, including screening results and follow-up information.

7.11(3) *Release of information to the registry.* Enrolled users shall provide immunization and health screening information, including identifying and demographic data, to the registry. Information provided may include, but is not limited to, the following:

a. to m. No change.

n. Date of health screening;

o. Health screening results;

p. Source of health screening;

q. Health screening follow-up information;

~~*r.*~~ Patient comments;

~~*s.*~~ Provider name, license, and business address; and

~~*t.*~~ Patient history, including previously unreported doses.

7.11(4) *Confidentiality of registry information.* Immunization and health screening information, including identifying and demographic data maintained on the registry, is confidential and may not be disclosed except under the following limited circumstances:

a. The department may release information from the registry to the following:

(1) The person ~~immunized~~ or the parent or legal guardian of the person immunized; or screened.

(2) No change.

(3) Persons or entities requesting immunization or health screening data in an aggregate form that does not identify an individual either directly or indirectly.

(4) to (6) No change.

(7) Enrolled users from other states or jurisdictions who have signed and completed enrollment in the state’s or jurisdiction’s immunization registry.

b. Enrolled users shall not release ~~immunization~~ data obtained from the registry except to the person ~~immunized~~, or the parent or legal guardian of the person immunized or screened, admitting officials of licensed child care centers and schools, medical or health care providers providing continuity of care, and other enrolled users of the registry.

ITEM 5. Amend rule 641—7.12(22) as follows:

641—7.12(22) Release of immunization and health screening information.

7.12(1) *Between a physician, physician assistant, nurse, ~~or~~ certified medical assistant, or screening provider and the elementary, secondary, or postsecondary school or licensed child care center that the*

PUBLIC HEALTH DEPARTMENT[641](cont'd)

student attends. A physician, a physician assistant, a nurse, ~~or~~ a certified medical assistant, or a screening provider shall disclose a student's or patient's immunization or health screening information, including the student's name, date of birth, and demographic information, the month, day, year and vaccine(s) administered, health screening results and clinic source and location, to an elementary, secondary, or postsecondary school or a licensed child care center upon written or verbal request from the elementary, secondary, or postsecondary school or licensed child care center. Written or verbal permission from a student or parent is not required to release this information to an elementary, secondary, or postsecondary school or licensed child care center that the student attends.

7.12(2) *Among physicians, physician assistants, nurses, ~~or~~ certified medical assistants, or screening providers.* Immunization or health screening information, including the student's or patient's last name, first name, date of birth, and demographic information, the month, day, year and vaccine(s) administered, health screening results and clinic source and location, shall be provided by a physician, physician assistant, nurse, ~~or~~ certified medical assistant, or screening provider to another health care provider without written or verbal permission from the student, parent, ~~or~~ guardian or patient.

7.12(3) *Among an elementary school, secondary school, postsecondary school, and licensed child care center that the student attends.* An elementary school, secondary school, postsecondary school, and licensed child care center shall disclose a student's immunization or health screening information, including the student's last name, first name, date of birth, and demographic information, the month, day, and year of vaccine(s) administered, health screening results and clinic source and location, to another elementary school, secondary school, postsecondary school, and licensed child care center that the student attends. Written or verbal permission from a student, or if the student is a minor, the student's parent or guardian, is not required to release this information to an elementary school, secondary school, postsecondary school, and licensed child care center that the student attends.

7.12(4) *~~Between~~ Among the department and a physician, physician assistant, nurse, certified medical assistant, screening provider, elementary school, secondary school, postsecondary school, and licensed child care center. A physician, physician assistant, nurse, certified medical assistant, elementary school, secondary school, postsecondary school, and licensed child care center shall disclose a student's immunization information in the format specified by the department, including the student's name, date of birth, grade, and demographic information, the month, day, year and vaccine(s) administered, and clinic source and location upon written or verbal request from the department. Written or verbal permission from a student or parent is not required to release this information to the department. A student's or patient's immunization or health screening information, including name, date of birth, grade, and demographic information; vaccine(s) administered and the month, day and year of administration; and health screening results, clinic source, and location, all in a format specified by the department, shall be disclosed upon written or verbal request among the department, physicians, physician assistants, nurses, certified medical assistants, screening providers, elementary schools, secondary schools, postsecondary schools, and licensed child care centers. Written or verbal permission from a student, patient, parent, or guardian is not required to release this information.*

[Filed 5/14/14, effective 7/16/14]

[Published 6/11/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/11/14.

ARC 1479C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Pursuant to the authority of Iowa Code section 136C.3, the Department of Public Health hereby adopts new Chapter 37, "Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material," and amends Chapter 38, "General Provisions for Radiation Machines and Radioactive Materials," Chapter 39, "Registration of Radiation Machine Facilities, Licensure of Radioactive

PUBLIC HEALTH DEPARTMENT[641](cont'd)

Materials and Transportation of Radioactive Materials,” and Chapter 40, “Standards for Protection Against Radiation,” Iowa Administrative Code.

The rules in new Chapter 37 reflect the new United States Nuclear Regulatory Commission (US NRC) Part 37 rules that deal with physical protection of category 1 and category 2 quantities of radioactive materials. These amendments ensure that the Iowa Administrative Code is compatible with US NRC regulations pursuant to the stipulations of the state of Iowa’s status as a US NRC agreement state. The following paragraphs summarize the changes:

Item 1 adopts new Chapter 37 including Appendix A.

Item 2 amends subrule 38.1(3) to reference new Chapter 37.

Item 3 amends subrule 38.8(11) to rescind references to rule 641—40.54(136C) and to adopt references to new rule 641—37.77(136C).

Item 4 amends subrule 39.1(3) to update the effective date for references to the Code of Federal Regulations to maintain compatibility with US NRC regulations.

Item 5 rescinds and reserves rule 641—40.54(136C) as the language is now included in Chapter 37.

Item 6 rescinds and reserves Chapter 40, Appendix G.

Notice of Intended Action was published in the April 2, 2014, Iowa Administrative Bulletin as **ARC 1414C**. No comments were received. The adopted amendments are identical to those published under Notice.

The State Board of Health adopted these amendments on May 14, 2014.

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

These amendments are intended to implement Iowa Code chapter 136C.

These amendments will become effective on July 16, 2014.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [adopt Ch 37; amend Chs 38 to 40] is being omitted. These amendments are identical to those published under Notice as **ARC 1414C**, IAB 4/2/14.

[Filed 5/14/14, effective 7/16/14]

[Published 6/11/14]

[For replacement pages for IAC, see IAC Supplement 6/11/14.]

ARC 1494C**PUBLIC HEALTH DEPARTMENT[641]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 105.4, the Plumbing and Mechanical Systems Board hereby adopts new Chapter 61, “State Mechanical Code,” Iowa Administrative Code.

The purpose of the rules in Chapter 61 is to describe the minimum standards for mechanical materials and mechanical methods in buildings and on premises in Iowa. The rules include the adoption by reference of the International Mechanical Code, 2012 edition. The rules also delete all references in the International Mechanical Code to permitting and inspecting which the Board has no authority to implement. Initial interpretive authority over the mechanical code is retained by state or local jurisdictions that perform inspections. The ultimate appeal for any interpretation remains with the Plumbing and Mechanical Systems Board and may be made by the filing of a petition for declaratory order or a petition for waiver.

Other modifications to the International Mechanical Code include:

- Replacing the phrase “International Fuel Gas Code” with “NFPA 54, National Fuel Gas Code, 2012 edition” and “NFPA 58, Liquefied Petroleum Gas Code, 2011 edition,” both of which have been adopted by reference by the Department of Public Safety in 661—Chapter 226.

- Replacing all references to the “International Plumbing Code” with “state plumbing code.”

- Adding requirements for hospitals and health care facilities.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

- Eliminating all references to the IC Electrical Code and the National Electrical Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 5, 2014, as **ARC 1364C**. Two comments were received in support of replacing the “International Fuel Gas Code” with “NFPA 54, National Fuel Gas Code, 2012 edition” and “NFPA 58, Liquefied Petroleum Gas Code, 2011 edition.” These rules are identical to the rules published under Notice of Intended Action.

The Plumbing and Mechanical Systems Board adopted these rules on May 20, 2014.

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

These rules are intended to implement Iowa Code section 105.4.

These rules shall become effective on July 16, 2014.

The following amendment is adopted.

Adopt the following **new** 641—Chapter 61:

CHAPTER 61
STATE MECHANICAL CODE

641—61.1(105) Definitions. The following definitions apply to this chapter:

“*Ambulatory health care facility*” means a facility or portion thereof used to provide services or treatment that provides, on an outpatient basis, treatment for one or more patients that renders the patients incapable of taking action for self-preservation under emergency conditions without the assistance of others; or provides, on an outpatient basis, anesthesia that renders the patient incapable of taking action for self-preservation under emergency conditions without the assistance of others.

“*Hospice*” means a facility licensed or seeking licensure pursuant to Iowa Code section 135J.2.

“*Hospital*” means a facility licensed or seeking licensure pursuant to Iowa Code chapter 135B.

“*Intermediate care facility for persons with an intellectual disability*” means a facility licensed or seeking licensure pursuant to Iowa Code section 135C.2(3)“c.”

“*Life Safety Code*” means the 2000 edition of the Life Safety Code of the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269, or the most recent version of the Life Safety Code adopted by reference by the federal Centers for Medicare and Medicaid Services.

“*Nursing facility*” means a facility licensed or seeking licensure pursuant to Iowa Code section 135C.6, including a nursing facility for intermediate care or a nursing facility for skilled care.

641—61.2(105) Adoption by reference. The provisions of the International Mechanical Code, 2012 edition, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041, are hereby adopted by reference as the requirements for the design, installation, maintenance, alteration, and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings, with the following amendments:

61.2(1) Delete section 101.1.

61.2(2) In section 101.2, delete the phrase “International Fuel Gas Code” and insert in lieu thereof “NFPA 54, National Fuel Gas Code, 2012 edition; NFPA 58, Liquefied Petroleum Gas Code, 2011 edition; and the state plumbing code.”

61.2(3) Delete sections 103, 104, 105, 106, 107, 108, 109, and 110 and sections therein.

61.2(4) Delete section 401.1 and insert in lieu thereof the following new section:

401.1 Scope. This chapter shall govern the ventilation of spaces within a building intended to be occupied. These buildings shall meet either the requirements of ASHRAE Standard 62.1, “Ventilation for Acceptable Indoor Air Quality,” 2010 edition, published by the American Society of Heating, Refrigeration, and Air-Conditioning Engineers, 1791 Tullie Circle N.E., Atlanta, GA 30329, or the requirements contained in this chapter. Mechanical exhaust systems, including exhaust systems serving clothes dryers and cooking appliances; hazardous exhaust systems; dust, stock, and refuse conveyor systems; subslab soil exhaust systems; smoke control systems; energy recovery ventilation systems; and other systems specified in Section 502 shall comply with Chapter 5.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

61.2(5) Add the following footnote “i” related to the gym, stadium, arena (play area) category of the sports and amusement occupancy classification in Table 403.3, Minimum Ventilation Rates:

i. When combustion equipment is intended to be used on the playing surface, additional dilution ventilation and/or source control shall be provided.

61.2(6) Delete appendices A and B.

61.2(7) Delete all references to the “International Plumbing Code” and insert in lieu thereof “state plumbing code.”

641—61.3(105) Hospitals and health care facilities.

61.3(1) A hospital that is required to meet the provisions of the state mechanical code shall be deemed to be in compliance with the fire safety requirements of the state mechanical code if the hospital is in compliance with the provisions of rule 661—205.5(100). In any other case in which an applicable requirement of the Life Safety Code is inconsistent with an applicable requirement of the state mechanical code, the hospital shall be deemed to be in compliance with the state mechanical code requirement if the Life Safety Code requirement is met.

61.3(2) A nursing facility or hospice that is required to meet the provisions of the state mechanical code shall be deemed to be in compliance with the fire safety requirements of the state mechanical code if the nursing facility or hospice is in compliance with the provisions of rule 661—205.10(100). In any other case in which an applicable requirement of the Life Safety Code is inconsistent with an applicable requirement of the state mechanical code, the nursing facility or hospice shall be deemed to be in compliance with the state mechanical code requirement if the Life Safety Code requirement is met.

61.3(3) An intermediate care facility for persons with an intellectual disability or intermediate care facility for persons with mental illness that is required to meet the provisions of the state mechanical code shall be deemed to be in compliance with the fire safety requirements of the state mechanical code if the intermediate care facility is in compliance with the provisions of rule 661—205.15(100). In any other case in which an applicable requirement of the Life Safety Code is inconsistent with an applicable requirement of the state mechanical code, the intermediate care facility shall be deemed to be in compliance with the state mechanical code requirement if the Life Safety Code requirement is met.

61.3(4) An ambulatory health care facility that is required to meet the provisions of the state mechanical code shall be deemed to be in compliance with the fire safety requirements of the state mechanical code if the ambulatory health care facility is in compliance with the provisions of rule 661—205.20(100). In any other case in which an applicable requirement of the Life Safety Code is inconsistent with an applicable requirement of the state mechanical code, the ambulatory health care facility shall be deemed to be in compliance with the state mechanical code requirement if the Life Safety Code requirement is met.

61.3(5) A religious nonmedical health care institution that is required to meet the provisions of the state mechanical code shall be deemed to be in compliance with the provisions of the state mechanical code if the institution is in compliance with the provisions of rule 661—205.25(100). In any other case in which an applicable requirement of the Life Safety Code is inconsistent with an applicable requirement of the state mechanical code, the religious nonmedical health care institution shall be deemed to be in compliance with the state mechanical code requirement if the Life Safety Code requirement is met.

641—61.4(105) Enforcement. Any state or local jurisdiction retaining authority to perform inspections of mechanical installations in the state of Iowa shall retain initial interpretive authority over the state mechanical code and may implement an appeals process with respect to such interpretation. Ultimate appeal of any initial interpretation may be made to the plumbing and mechanical systems board by the

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filing of a petition for declaratory order pursuant to rule 641—57.1(17A) or the filing of a petition for waiver pursuant to 641—Chapter 31.

These rules are intended to implement Iowa Code section 105.4.

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PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Pursuant to the authority of Iowa Code section 135.176(2), the Department of Public Health hereby adopts new Chapter 108, "Medical Residency Training State Matching Grants Program," Iowa Administrative Code.

These rules provide for the awarding of grants for sponsors of accredited graduate medical education residency programs to establish new programs, expand existing programs, or support medical residency programs in excess of the federal residency cap.

Notice of Intended Action was published in the April 2, 2014, Iowa Administrative Bulletin as **ARC 1392C**. Comments were received from Mercy Medical Center, Graduate Medical Education Department; University of Iowa Health Care, Office of the Vice President for Medical Affairs; and the Vice President of Institutional Advancement, Des Moines University. The following lists the comments received and the Department's responses.

Comment 1: It will be important to support at-risk residency positions (defined as Accreditation Council for Graduate Medical Education-accredited residency positions for which the sponsoring institution supplies all the financial support because it has exceeded the residency cap) on at least an equal footing with the establishment of new or alternative campus residency training programs or expansion of existing residency programs.

Response: This recommendation can be addressed in the request for proposal process to the extent that the timing of the request for proposal follows competitive guidelines contained in 641—Chapter 176.

Comment 2: The timing of the request for proposal and award process should coincide with the typical calendar period of a residency program.

Response: This recommendation can be addressed in the request for proposal process to the extent that the timing of the request for proposal follows competitive guidelines contained in 641—Chapter 176.

Comment 3: The establishment of a dedicated fund to support residency programs is an unrealistic expectation.

Response: This recommendation cannot be addressed in the rules without legislative changes to Iowa Code section 135.176.

Comment 4: The 25 percent amount for matching grants is low and should be changed to a higher match, such as 50 percent.

Response: This recommendation cannot be addressed in the rules without legislative changes to Iowa Code section 135.176.

Comment 5: Funds should not be used within one fiscal year but rather could be used during the process to plan and implement a new program or be maintained until a new program is operationalized.

Response: This recommendation can be addressed in the request for proposal process to the extent that the timing of the request for proposal follows competitive guidelines contained in 641—Chapter 176.

Comment 6: The Department should create a selection committee to assist in setting priorities for selection of grant awards to include family medicine, internal medicine, psychiatry, pediatrics,

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emergency medicine, and obstetrics and gynecology. This committee should be made up of experienced physicians and administrators who have experience in graduate medical education.

Response: This recommendation can be addressed in the request for proposal process to the extent that the timing of the request for proposal follows competitive guidelines contained in 641—Chapter 176.

Comment 7: The Department should ensure that dollars are only for new residency positions, and paragraph 108.5(3)“c” pertaining to the funding of residency positions which are in excess of the federal residency cap should be eliminated.

Response: This recommendation cannot be addressed in the rules without legislative changes to Iowa Code section 135.176.

Comment 8: A pipeline document of those intending to apply for funds should be created.

Response: The Department will consider making a request to graduate medical education program sponsors for information to create a pipeline document.

Based on comments received and further internal review, no changes were made to the rules published under Notice of Intended Action.

The State Board of Health adopted these rules on May 14, 2014.

After analysis and review of this rule making, it is projected that these rules will positively impact physician employment opportunities in Iowa, as well as employment of associated health care providers and other jobs supporting the work of physicians in Iowa communities. No specific projection for employment can be made at this time.

These rules are intended to implement Iowa Code section 135.176 as amended by 2014 Iowa Acts, Senate File 2196, section 7.

These rules will become effective on July 16, 2014.

The following amendment is adopted.

Adopt the following **new** 641—Chapter 108:

CHAPTER 108

MEDICAL RESIDENCY TRAINING STATE MATCHING GRANTS PROGRAM

641—108.1(135) Scope and purpose. The medical residency training state matching grants program is established to provide greater access to health care by increasing the number of practicing physicians in Iowa through the expansion of residency positions in Iowa. The department shall provide funding to sponsors of accredited graduate medical education residency programs for the establishment, expansion, or support of medical residency training programs that will increase the number of residents trained. Funding for the program may be provided through the health care workforce shortage fund, medical residency training account, and is specifically dedicated to the medical residency training state matching grants program as established in Iowa Code section 135.176. These rules shall be implemented only to the extent funding is available.

641—108.2(135) Definitions. For the purposes of these rules, the following definitions shall apply:

“*Accredited medical residency training program*” means a graduate medical education program approved by the Accreditation Council for Graduate Medical Education (ACGME) or by the American Osteopathic Association (AOA).

“*Department*” means the Iowa department of public health.

“*Director*” means the director of the Iowa department of public health.

“*Health professional shortage areas*” means federal designations that are based on general health professional shortage area (HPSA) designation criteria, plus additional criteria and guidelines specific to each of the three types of designations from the Health Resources and Services Administration Federal Office of Shortage Designations. The three types of designations include primary care, dental and mental health.

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“In excess of the federal residency cap” means a residency position for which no federal Medicare funding is available because the residency position is a position beyond the cap for residency positions established by the federal Balanced Budget Act of 1997, Pub. L. No. 105-33.

“New or alternative campus accredited medical residency training program” means a program that is accredited by a recognized entity approved for such purpose by the ACGME or the AOA with the exception that a new medical residency training program that, by reason of an insufficient period of operation is not eligible for accreditation on or before the date of submission of an application for a grant, may be deemed accredited if the ACGME or the AOA finds, after consultation with the appropriate accreditation entity, that there is reasonable assurance that the program will meet the accreditation standards of the entity prior to the date of graduation of the initial class in the program.

“Sponsor” means a hospital, school, or consortium located in Iowa that sponsors and maintains primary organizational and financial responsibility for a graduate medical education residency program in Iowa and is accountable to the accrediting body.

641—108.3(135) Eligibility criteria. To be eligible for a matching grant, a sponsor shall satisfy the following requirements and qualifications:

108.3(1) A sponsor shall be financially and organizationally responsible for a residency training program that is accredited by the ACGME or by the AOA.

108.3(2) A sponsor shall establish a dedicated fund to support a residency program. A sponsor funding residency positions in excess of the federal residency cap exclusive of funds provided under this program is deemed to have satisfied this requirement and shall be eligible for a matching grant equal to the amount of funds expended for such residency positions, subject to the limitation on the maximum award of grant funds specified in rule 641—108.4(135).

108.3(3) A sponsor shall demonstrate through documented financial information that funds have been reserved and will be expended by the sponsor in the amount required to provide matching funds for each residency in the request for proposal for state matching funds. A sponsor shall document this requirement by providing with its request for proposal a signed, notarized statement of the organization’s chief financial officer that such a fund exists, as well as what amounts of moneys have been set aside in this fund for purposes of supporting residency programs.

108.3(4) A sponsor shall demonstrate a need for such residency program in the state by providing with its request for proposal objective evidence of such need including:

- a. Workforce data, including state and federal workforce data and data from tracking databases;
- b. Population data, including community health needs assessments;
- c. Supply and demand data, including health professional shortage area designations; and
- d. Other related research including unique community- or state-level factors which establish a need for such residency program.

108.3(5) A sponsor shall submit with its request for proposal a recruitment and retention plan to encourage residents to enter practice in Iowa with a preference for health professional shortage areas and to demonstrate over time the impact on Iowa’s workforce.

641—108.4(135) Amount of grant.

108.4(1) The department shall award funds based upon the funds set aside in the special fund, as identified in subrule 108.3(3).

108.4(2) The total amount of a grant awarded to a sponsor shall be limited to no more than 25 percent of the amount of funds the sponsor demonstrates through documented financial information have been reserved and will be expended by the sponsor for each residency sponsored for the purpose of the residency program.

108.4(3) A sponsor, if awarded, shall enter into a contract with the department over a three-year project period to include one year (12 months) renewable contract periods. Annual contracts shall include annual budgets and, upon approval of annual performance measures, renewal applications for the project period. Annual contract periods shall be renewed based on the availability of funds.

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108.4(4) A sponsor shall receive funds based on budgeted expenses that include but are not limited to:

- a.* Stipends and fringe benefits for residents and fellows;
- b.* The portion of teaching physician salaries and fringe benefits associated with teaching and supervision of residents and fellows;
- c.* Other direct costs that can be attributed to medical education (e.g., clerical salaries, telephone, office supplies).

108.4(5) An individual sponsor shall not receive more than 25 percent of the state matching funds available each year to support the program. However, if less than 95 percent of the available funds have been awarded in a given year, a sponsor may receive more than 25 percent of the state matching funds available if total funds awarded do not exceed 95 percent of the available funds. If more than one sponsor meets the requirements of this rule and has established, expanded, or supported a graduate medical residency training program in excess of the sponsor's 25 percent maximum share of state matching funds, the state matching funds shall be divided proportionately among such sponsors.

641—108.5(135) Review process.

108.5(1) The department shall follow requirements for competitive selection contained in 641—Chapter 176 in awarding these funds.

108.5(2) The department shall establish a request for proposal process for sponsors eligible to receive funding. The request for proposal and review process and review criteria for preference in awarding the grants shall be described in the request for proposal, including preference in the residency specialty. This preference may be reflective of a subspecialty where particular demands for services have been demonstrated, of geographic areas of preference, or of other particular preferences that advance the objectives of the program.

108.5(3) Each request for proposal issued by the department will identify one or more of the following purposes for use of the funding:

- a.* The establishment of new or alternative campus accredited medical residency training programs;
- b.* The provision of new residency positions within existing accredited medical residency or fellowship training programs; or
- c.* The funding of residency positions which are in excess of the federal residency cap.

108.5(4) An applicant may appeal the denial of a properly submitted request for proposal. Appeals shall be governed by rule 641—176.8(135,17A).

These rules are intended to implement Iowa Code section 135.176.

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