



IOWA ADMINISTRATIVE BULLETIN

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Pages 59 to 120

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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.

STEPHANIE A. HOFF, Administrative Code Editor

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CITATION of Administrative Rules

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

441 IAC 79	(Chapter)
441 IAC 79.1	(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

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

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
4	Friday, August 1, 2014	August 20, 2014
5	Friday, August 15, 2014	September 3, 2014
6	Wednesday, August 27, 2014	September 17, 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*****

The Administrative Rules Review Committee will hold its regular, statutory meeting on Tuesday, August 5, 2014, at 9 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

AGING, DEPARTMENT ON[17]

Iowa aging program instructions; definitions, 1.2, 1.4, 1.5	Filed	ARC 1532C	7/9/14
Department fiscal operations—removal of references to Iowa aging program instructions, 5.9(2), 5.10(2)	Filed	ARC 1533C	7/9/14
Area agencies on aging—planning and administration, 6.2, 6.3(4), 6.6(2), 6.11(3), 6.14(1)	Filed	ARC 1534C	7/9/14
Long-term care ombudsman program, amendments to ch 8	Filed	ARC 1535C	7/9/14
Resident advocate committees, rescind ch 9	Filed	ARC 1536C	7/9/14
Options counselors, 23.7	Filed	ARC 1537C	7/9/14

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Federal Wholesome Meat Act regulations—adoption by reference, 76.2	Filed	ARC 1546C	7/23/14
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Economic development region initiatives, amendments to ch 31	Notice	ARC 1540C	7/9/14
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EDUCATIONAL EXAMINERS BOARD[282]

EDUCATION DEPARTMENT[281]“umbrella”

Board decision to set case for hearing, 11.6	Filed	ARC 1543C	7/23/14
Substitute authorization—elementary classroom, 22.2	Notice	ARC 1552C	7/23/14
School business official authorization—validity, 22.3(6)	Notice	ARC 1551C	7/23/14
School administration manager authorization—experience requirement, 22.6(5)	Filed	ARC 1542C	7/23/14

EDUCATION DEPARTMENT[281]

Secondary credit for students in grades 7 and 8, 12.5(4)“I”	Notice	ARC 1527C	7/9/14
Workforce training and economic development funds, ch 27	Notice	ARC 1529C	7/9/14
School bus driver’s authorization—physical fitness, 43.15	Notice	ARC 1528C	7/9/14

HOMELAND SECURITY AND EMERGENCYMANAGEMENT DEPARTMENT[605]

Enhanced 911 telephone systems; department organization, amendments to ch 10	Filed	ARC 1538C	7/9/14
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HUMAN SERVICES DEPARTMENT[441]

Standards for crisis response services, amendments to ch 24	Notice	ARC 1554C	7/23/14
HCBS brain injury (BI) waiver training, 77.39	Notice	ARC 1553C	7/23/14
Reimbursement rate increase for emergency medical service providers, 79.1(2)	Notice	ARC 1518C, also Filed Emergency ARC 1519C	7/9/14
Medicaid—alternative reimbursement rate methodology for community mental health centers, 79.1(25)	Notice	ARC 1520C, also Filed Emergency ARC 1521C	7/9/14
Child development homes—emergency contact records, 110.5(1)“a”	Notice	ARC 1556C	7/23/14
Child development homes—compliance checks, 110.6	Notice	ARC 1555C	7/23/14
Minimum foster group care payment rates, 156.9	Notice	ARC 1522C, also Filed Emergency ARC 1523C	7/9/14
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INSPECTIONS AND APPEALS DEPARTMENT[481]

Elder group homes, assisted living programs, adult day services—verification of conviction or record of founded abuse, dementia training; admission and retention in adult day services program, 67.19, 67.23, 70.23(1)	Filed	ARC 1547C	7/23/14
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IOWA FINANCE AUTHORITY[265]

Shelter assistance fund, 41.1 to 41.12	Filed	ARC 1539C	7/9/14
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WORKFORCE DEVELOPMENT DEPARTMENT[871]“umbrella”

Federal occupational safety and health standards—adoption by reference, 10.20, 26.1	Filed	ARC 1531C	7/9/14
Elevator safety board—adoption by reference of national electrical code and portions of ASME safety code for elevators and escalators, 71.14, 72.1, 72.9, 72.13, 73.8	Notice	ARC 1560C	7/23/14
Boiler and pressure vessel board—schedule for internal inspection of certain objects, 90.6	Notice	ARC 1550C	7/23/14

NATURAL RESOURCE COMMISSION[571]

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Boating—zoning of Mississippi River adjacent to city of Clayton, 40.60 Notice **ARC 1530C** 7/9/14**NURSING BOARD[655]**

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Description and organization of board; newsletter, 1.3, 1.4 Filed **ARC 1541C** 7/23/14**PROFESSIONAL LICENSURE DIVISION[645]**

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Marital and family therapists and mental health counselors—licensure, 31.2, 31.6, 31.8
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references; research activities credit, amendments to chs 5, 7, 8, 10, 42, 52, 86 to 89
Filed **ARC 1545C** 7/23/14Candy subject to sales and use tax, 231.4(2) Notice **ARC 1544C** 7/23/14**SECRETARY OF STATE[721]**Absentee ballots; special elections, 21.320(3)"b," 21.352 to 21.355, 21.359, 21.361,
21.403(2), 21.404 Filed **ARC 1549C** 7/23/14Voting systems—digital ballot images, Unisyn OpenElect OVCS central count tabulator,
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WORKFORCE DEVELOPMENT DEPARTMENT[871]"umbrella"

Payroll tax tables, 8.8 Filed Emergency **ARC 1517C** 7/9/14

ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

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

Senator Mark Chelgren
819 Hutchinson
Ottumwa, Iowa 52501

Senator Thomas Courtney
2609 Clearview
Burlington, Iowa 52601

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

Senator Pam Jochum
2368 Jackson Street
Dubuque, Iowa 52001

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2036 East 48th Street
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Mt. Auburn, Iowa 52313

Representative Jeff Smith
185 NE Gracewood Drive
Waukee, Iowa 50263

Representative Guy Vander Linden
1610 Carbonado Road
Oskaloosa, Iowa 52577

Brenna Findley
Administrative Rules Coordinator
Governor's Ex Officio Representative
Capitol, Room 18
Des Moines, Iowa 50319
Telephone (515)281-5211

EDUCATIONAL EXAMINERS BOARD[282]

Substitute authorization— elementary classroom, 22.2 IAB 7/23/14 ARC 1552C	Room 3 Southwest, Third Floor Grimes State Office Bldg. Des Moines, Iowa	August 13, 2014 1 p.m.
School business official authorization—validity, 22.3(6) IAB 7/23/14 ARC 1551C	Room 3 Southwest, Third Floor Grimes State Office Bldg. Des Moines, Iowa	August 13, 2014 1 p.m.

EDUCATION DEPARTMENT[281]

Secondary credit for students in grades 7 and 8, 12.5(4)“I” IAB 7/9/14 ARC 1527C	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	July 29, 2014 10 to 11 a.m.
Workforce training and economic development funds, ch 27 IAB 7/9/14 ARC 1529C	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	July 29, 2014 11 a.m. to 12 noon
School bus driver’s authorization—physical fitness, 43.15 IAB 7/9/14 ARC 1528C	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	July 29, 2014 9 to 10 a.m.

LABOR SERVICES DIVISION[875]

Elevator safety board—adoption by reference of national electrical code and portions of ASME safety code for elevators and escalators, 71.14, 72.1, 72.9, 72.13, 73.8 IAB 7/23/14 ARC 1560C	Capitol View Room 1000 East Grand Ave. Des Moines, Iowa	August 13, 2014 1:30 p.m. (If requested)
Boiler and pressure vessel board—schedule for internal inspection of certain objects, 90.6 IAB 7/23/14 ARC 1550C	Capitol View Room 1000 East Grand Ave. Des Moines, Iowa	August 13, 2014 9 a.m. (If requested)

NATURAL RESOURCE COMMISSION[571]

Boating—zoning of the Mississippi River adjacent to city of Clayton, 40.60 IAB 7/9/14 ARC 1530C	Fourth Floor West Conference Room Wallace State Office Bldg. Des Moines, Iowa	July 31, 2014 1 p.m.
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PROFESSIONAL LICENSURE DIVISION[645]

Marital and family therapists and mental health counselors—licensure, 31.2, 31.6, 31.8 IAB 7/23/14 ARC 1558C	Fifth Floor Board Conference Room 526 Lucas State Office Bldg. Des Moines, Iowa	August 12, 2014 8 to 8:30 a.m.
Physical and occupational therapists and therapist assistants—licensure, continuing education, 200.4(3), 203.2(1), 203.3(2), 207.2(1), 207.3(2) IAB 7/23/14 ARC 1559C	Fifth Floor Board Conference Room 526 Lucas State Office Bldg. Des Moines, Iowa	August 12, 2014 8 to 8:30 a.m.

PUBLIC SAFETY DEPARTMENT[661]

Electrical installations—adoption
by reference of 2014 edition
of national electrical code with
specified exceptions, 504.1
IAB 7/23/14 **ARC 1557C**

First Floor Public Conference Room 125
Oran Pape State Office Bldg.
215 E. 7th St.
Des Moines, Iowa

August 12, 2014
1 p.m.

TRANSPORTATION DEPARTMENT[761]

Driver education—teaching
parent; driving test,
604.31, 634.11
IAB 7/9/14 **ARC 1526C**

DOT Motor Vehicle Division Offices
6310 SE Convenience Blvd.
Ankeny, Iowa

August 1, 2014
10 a.m.
(If requested)

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 1552C

EDUCATIONAL EXAMINERS BOARD[282]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code section 272.31, the Board of Educational Examiners hereby gives Notice of Intended Action to amend Chapter 22, “Authorizations,” Iowa Administrative Code.

The Board’s rules currently provide for the issuance of a substitute authorization, which provides an individual limited authority to act as a substitute teacher in a secondary classroom for no more than 5 consecutive days and no more than 10 days in a 30-day period in one job assignment for a regularly assigned teacher who is absent. To obtain the substitute authorization, an applicant must hold a bachelor’s degree. The applicant must also pass a background check and complete a minimum of 15 hours of coursework in classroom management, strategies for learning, diversity, and ethics. The proposed amendment would expand the authority of this authorization to include the elementary classroom.

This proposed amendment is based on input from the field. Specifically, school administrators have indicated they often face a shortage of qualified substitute teachers and would benefit from a rule granting the administrators the discretion to place holders of the substitute authorization in elementary classrooms as well as secondary classrooms.

Any interested person may make written comments or suggestions on the proposed amendment before 4 p.m. on Friday, August 15, 2014. Written comments and suggestions should be addressed to Kim Cunningham, Board Secretary, Board of Educational Examiners, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319-0147, or sent by e-mail to kim.cunningham@iowa.gov, or by fax to (515)281-7669.

Any interested party or persons may present their views either orally or in writing at the public hearing that will be held Wednesday, August 13, 2014, at 1 p.m. in Room 3 Southwest, Third Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment. Persons who wish to make oral presentations at the public hearing may contact the Executive Director, Board of Educational Examiners, at the above address, or at (515)281-5849, prior to the date of the public hearing.

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

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

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

This amendment is intended to implement Iowa Code section 272.31(4).

The following amendment is proposed.

Amend rule 282—22.2(272), introductory paragraph, as follows:

282—22.2(272) Substitute authorization. A substitute authorization allows an individual to substitute in a ~~middle school, junior high school, or high school~~ grades PK-12 for no more than 5 consecutive days and no more than 10 days in a 30-day period in one job assignment for a regularly assigned teacher who is absent, except in the driver’s education classroom. A school district administrator may file a written request with the board for an extension of the 10-day limit in one job assignment on the basis of documented need and benefit to the instructional program. The licensure committee will review the

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request and provide a written decision either approving or denying the request. An individual who holds a paraeducator certificate without a bachelor's degree and completes the substitute authorization program is authorized to substitute only in the special education classroom in which the individual paraeducator is employed. This special education classroom may be on the preschool or elementary school level as well as the middle school, junior high school or high school level.

ARC 1551C**EDUCATIONAL EXAMINERS BOARD[282]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 272.31, the Board of Educational Examiners hereby gives Notice of Intended Action to amend Chapter 22, “Authorizations,” Iowa Administrative Code.

The proposed amendment would make the school business official authorization valid for two years from the date of issuance, rather than from the date of employment. This change would increase administrative efficiency as Board staff members are not always informed of an applicant's date of employment and often receive applications before the applicant has been hired. Board staff collaborated with the Iowa School Business Management Academy in proposing this change.

Any interested person may make written comments or suggestions on the proposed amendment before 4 p.m. on Friday, August 15, 2014. Written comments and suggestions should be addressed to Kim Cunningham, Board Secretary, Board of Educational Examiners, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319-0147, or sent by e-mail to kim.cunningham@iowa.gov, or by fax to (515)281-7669.

Any interested party or persons may present their views either orally or in writing at the public hearing that will be held Wednesday, August 13, 2014, at 1 p.m. in Room 3 Southwest, Third Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment. Persons who wish to make oral presentations at the public hearing may contact the Executive Director, Board of Educational Examiners, at the above address, or at (515)281-5849, prior to the date of the public hearing.

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

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

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

This amendment is intended to implement Iowa Code section 272.31(4).

The following amendment is proposed.

Amend subrule 22.3(6) as follows:

22.3(6) Validity.

a. The initial school business official authorization shall be valid for two years from the date of ~~employment~~ issuance.

b. The standard school business official authorization shall be valid for three years, and it shall expire three years from the date of issuance on the last day of the practitioner's birth month.

ARC 1554C**HUMAN SERVICES DEPARTMENT[441]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code sections 225C.6 and 331.397 and 2014 Iowa Acts, House File 2379, the Department of Human Services proposes to amend Chapter 24, “Accreditation of Providers of Services to Persons with Mental Illness, Mental Retardation, and Developmental Disabilities,” Iowa Administrative Code.

These amendments allow for technical correction of the title of the chapter to be in compliance with the accepted change of the term “mental retardation” to the term “intellectual disabilities.”

These amendments also restructure the chapter to add divisions that clearly outline service accreditation requirements.

Finally, these amendments provide new accreditation standards in Chapter 24 for crisis response services. Mental health and disability services (MHDS) regions are required to offer basic crisis response services, and as funding is available, additional crisis response services are to be provided in the MHDS regions.

2014 Iowa Acts, House File 2379, requires the Department to accredit crisis stabilization programs. MHDS regions began operation July 1, 2014, and are required to offer basic crisis response services. The MHDS regions will be developing additional core services in accordance with Iowa Code section 331.397. These amendments will set an expected standard that providers must meet for crisis response services.

Any interested person may make written comments on the proposed amendments on or before August 12, 2014. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to policyanalysis@dhs.state.ia.us.

These amendments 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 331.397 and 2014 Iowa Acts, House File 2379.

The following amendments are proposed.

ITEM 1. Amend **441—Chapter 24**, title, as follows:

ACCREDITATION OF PROVIDERS OF SERVICES TO PERSONS WITH
MENTAL ILLNESS, ~~MENTAL RETARDATION~~ INTELLECTUAL
DISABILITIES, AND OR DEVELOPMENTAL DISABILITIES

ITEM 2. Amend **441—Chapter 24**, preamble, as follows:

PREAMBLE

The mental health, ~~mental retardation, developmental disabilities, and brain injury~~ disability services commission has ~~established~~ adopted this set of standards to be met by all providers of services to people with mental illness, ~~mental retardation~~ intellectual disabilities, or developmental disabilities ~~that are under the authority of the commission~~. These standards apply to providers that are not required to be licensed by the department of inspections and appeals. These providers include community mental health centers, mental health services providers, case management providers, ~~and~~ supported community living providers, and crisis response providers in accordance with Iowa Code chapter 225C.

HUMAN SERVICES DEPARTMENT[441](cont'd)

The standards serve as the foundation of a performance-based review of those organizations for which the ~~commission~~ department holds accreditation responsibility, as set forth in Iowa Code chapters 225C and 230A. The mission of accreditation is to assure individuals using the services and the general public of organizational accountability for meeting best practices performance levels, for efficient and effective management, and for the provision of quality services that result in quality outcomes for individuals using the services.

The ~~commission's~~ department's intent is to establish standards that are based on the principles of quality improvement and are designed to facilitate the provision of excellent quality services that lead to positive outcomes. The intent of these standards is to make organizations providing services responsible for effecting efficient and effective management and operational systems that enhance the involvement of individuals using the services and to establish a best practices level of performance by which to measure provider organizations.

ITEM 3. Adopt the following **new 441—Chapter 24**, Division I title and preamble:

DIVISION I

SERVICES FOR INDIVIDUALS WITH DISABILITIES

PREAMBLE

This set of standards in this division has been established to be met by all providers of case management, day treatment, intensive psychiatric rehabilitation, supported community living, partial hospitalization, outpatient counseling and emergency services.

ITEM 4. Amend rule **441—24.1(225C)**, definition of “Commission,” as follows:

“*Commission*” means the mental health, ~~mental retardation, developmental disabilities, and brain injury~~ disability services commission (MH/MR/DD/BI MH/DS commission) as established and defined in Iowa Code section 225C.5.

ITEM 5. Reserve rules **441—24.10** to **441—24.19**.

ITEM 6. Adopt the following **new 441—Chapter 24**, Division II title and preamble:

DIVISION II

CRISIS RESPONSE SERVICES

PREAMBLE

The department of human services in consultation with the mental health and disability services commission has established this set of standards to be met by all providers of crisis response services.

ITEM 7. Adopt the following **new** rules 441—24.20(225C) to 441—24.40(225C):

441—24.20(225C) Definitions.

“*Action plan*” means a written strategy developed with input from the individual to assist in identifying the presenting problem; methods to prevent, reduce or manage future crises; and discharge options.

“*Clinical supervisor*” means a mental health professional or psychiatric nurse practitioner who oversees the work of a nonlicensed crisis staff.

“*Crisis assessment*” means a face-to-face clinical interview to ascertain an individual’s current and previous level of functioning, potential for dangerousness, and current psychiatric and medical condition. The crisis assessment becomes part of the individual’s action plan.

“*Crisis incident*” means an occurrence leading to physical injury or death, resulting from a prescription medication error, or triggering a report of child or dependent adult abuse.

“*Crisis response services*” means short-term individualized mental health services which follow a crisis screening or assessment and which are designed to restore the individual to prior functional level.

“*Crisis response staff*” means a person trained to provide crisis response services.

“*Crisis screening*” means a process to determine what crisis stabilization service is appropriate to effectively resolve the presenting crisis.

HUMAN SERVICES DEPARTMENT[441](cont'd)

“*Crisis stabilization community-based services*” or “*CSCBS*” means services provided short-term in community-based settings to de-escalate a crisis situation and stabilize the individual following a mental health crisis.

“*Crisis stabilization residential services*” or “*CSRS*” means services provided short-term in non-community-based residential settings to de-escalate a crisis situation and stabilize the individual following a mental health crisis.

“*Department*” means the department of human services.

“*Dispatch*” means the function within crisis line operations to coordinate access to crisis care.

“*Face-to-face*” means services provided in person or via videoconferencing in conformance with the federal Health Insurance Portability and Accountability Act (HIPAA) privacy rules.

“*Informed consent*” means the same as defined in rule 441—24.1(225C).

“*Mental health crisis*” means a behavioral, emotional, or psychiatric situation which results in a high level of stress or anxiety for the individual or persons providing care for the individual and which cannot be resolved without intervention.

“*Mental health professional*” means the same as defined in Iowa Code section 228.1.

“*Mobile response*” means a mental health service which provides on-site, face-to-face mental health crisis services for an individual experiencing a mental health crisis. Crisis response staff providing mobile response have the capacity to intervene wherever the crisis is occurring, including but not limited to the individual’s place of residence, an emergency room, police station, outpatient mental health setting, school, recovery center or any other location where the individual lives, works, attends school, or socializes.

“*Psychiatric nurse*” means a person who meets the requirements of a certified psychiatric nurse, is eligible for certification by the American Nursing Association, and is licensed by the state of Iowa to practice nursing as defined in Iowa Code chapter 152.

“*Qualified prescriber*” means a practitioner or other staff following the instruction of a practitioner as defined in Iowa Code section 155A.3 and a physician assistant or advanced registered nurse practitioner operating under the prescribing authority granted in Iowa Code section 147.107.

“*Restraint*” means the application of physical force or the use of a chemical agent or mechanical device for the purpose of restraining the free movement of an individual’s body to protect the individual, or others, from immediate harm.

“*Rights restriction*” means limitations not imposed on the general public in the areas of communications, mobility, finances, medical or mental health treatment, intimacy, privacy, type of work, religion, and place of residence.

“*Self-administered medication*” means the process where a trained staff member observes an individual inject, inhale, ingest or, by any other means, take medication following the instructions of a qualified prescriber.

“*Stabilization plan*” means a written short-term strategy that is used to stabilize a crisis and is developed by a mental health professional with the involvement and consent of the individual or the individual’s representative.

“*Staff-administered medication*” means the direct application of a prescription drug, whether by injection, inhalation, ingestion, or any other means, to the body of an individual by a qualified prescriber or authorized staff following instructions of a qualified prescriber.

“*Treatment summary*” means a written summarization of the treatment and action plan at the point of an individual’s discharge or transition to another service.

“*Twenty-four-hour crisis line*” or “*24-hour crisis line*” means a crisis line that provides information and referral, counseling, crisis service coordination, and linkages to screening and mental health services 24 hours a day.

“*Twenty-four-hour crisis response*” or “*24-hour crisis response*” means services that are available 24 hours a day and that provide access to screening and assessment and linkage to mental health services.

“*Twenty-three-hour observation and holding*” or “*23-hour observation and holding*” means a level of care provided for up to 23 hours in a secure and protected, medically staffed, psychiatrically supervised treatment environment.

HUMAN SERVICES DEPARTMENT[441](cont'd)

“*Warm line*” means a telephone line staffed by peer counselors who provide nonjudgmental, nondirective support to an individual who is experiencing a personal crisis.

441—24.21(225C) Standards for crisis response services. An organization may be accredited to provide any one or all of the identified crisis response services. A provider seeking crisis response service accreditation shall comply with the general standards within this division and additional standards for each specific service.

441—24.22(225C) Standards for policies and procedures. The organization has a policies and procedures manual that contains policy guidelines and administrative procedures for all organizational activities and services specific to the organization and that addresses the standards in rule 441—24.2(225C).

441—24.23(225C) Standards for organizational activities.

24.23(1) Other standards. The organization shall meet the standards in subrules 24.3(1) to 24.3(4) in addition to the standards in subrule 24.23(2).

24.23(2) Organizational environment.

a. Performance benchmark. The organization provides services in an organizational environment that is safe and supportive for the individuals being served and for the staff providing services.

b. Performance indicators.

(1) The environment supports the self-image and recovery of the individual using the service and preserves the individual’s dignity and privacy.

(2) The environment is safe and accessible and meets all applicable local, state, and federal regulations.

(3) The processes that service and maintain the environment and the effectiveness of the environment are reviewed within the organization’s monitoring and improvement system.

(4) The organization establishes intervention procedures for behavior that presents significant risk of harm to the individual using the service or to others. The interventions also ensure that the individual’s rights are protected and due process is afforded.

(5) All toys and other materials used by children are clean and safe.

441—24.24(225C) Standards for crisis response staff. All crisis response staff shall have the qualifications described in this rule. Additional staff requirements are described in each service.

24.24(1) Performance benchmark. The organization shall utilize staff qualified to provide crisis response services.

24.24(2) Performance indicators.

a. Crisis response service staff shall meet one or more of the following qualifications:

(1) Be a mental health professional as defined in Iowa Code section 228.1.

(2) Have a bachelor’s degree with 30 semester hours or equivalent in a human services field (including, but not limited to, psychology, social work, mental health counseling, marriage and family therapy, nursing, education) and at least one year of experience in behavioral or mental health services.

(3) Be a law enforcement officer trained in crisis intervention including, but not limited to, mental health first aid and mental health in-service training.

(4) Be an emergency medical technician (EMT) trained in crisis intervention including, but not limited to, mental health first aid.

(5) Be a peer support specialist with a minimum certification of mental health first aid.

(6) Be a family peer support specialist with a minimum certification of mental health first aid.

(7) Be a registered nurse with three years of mental health experience.

b. For all staff other than mental health professionals, organizations shall have documentation in staff records to verify satisfactory completion of department-approved training including:

(1) A minimum of 30 hours of department-approved crisis intervention and training.

(2) A posttraining assessment of competency.

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441—24.25(225C) Standards for services.

24.25(1) *Standard for eligibility.* An eligible recipient is an individual experiencing a mental health crisis or emergency where a mental health crisis screening is needed to determine the appropriate level of care.

24.25(2) *Confidentiality and legal status.* The organization shall meet the standards in subrule 24.4(6).

24.25(3) *Service systems.* The organization shall meet the standards in subparagraphs 24.4(7) “b”(1) to (3).

24.25(4) *Respect for individual rights.* The organization shall meet the standards in subrule 24.4(8).

441—24.26(225C) Accreditation. The administrator for the division of mental health and disability services shall determine whether to grant, deny or revoke the accreditation of the centers, services and programs as determined in Iowa Code section 225C.6(1) “c.”

24.26(1) The organization shall meet the standards of subrule 24.5(1), with the addition of crisis response service providers.

24.26(2) The organization shall meet the standards in subrules 24.5(2) and 24.5(3).

24.26(3) Performance outcome determinations are as follows:

a. Quality assurance staff shall determine a performance compliance level based on the number of indicators found to be in compliance.

(1) For service indicators, if 25 percent or more of the files reviewed do not comply with the requirements for a performance indicator, then that indicator is considered out of compliance and corrective action is required.

(2) Corrective action is required when any indicator under policies and procedures or organizational activities is not met.

b. In the overall rating, the performance rating for policies and procedures shall count as 15 percent of the total, organizational activities as 15 percent of the total, and services as 70 percent of the total.

(1) Each of the three indicators for policies and procedures has a value of 5.0 out of a possible score of 15.

(2) Each of the 34 indicators for organizational activities has a value of .44 out of a possible score of 15.

(3) Each service has a separate weighting according to the total number of indicators applicable for that service, with a possible score of 70, as follows:

c. Quality assurance staff shall determine a separate score for each service to be accredited. When an organization offers more than one service under this chapter, there shall be one accreditation award for all the services based upon the lowest score of the services surveyed.

Service	Number of Indicators	Value of Each Indicator
24-hour crisis response	16	4.4
Crisis evaluation	15	4.6
24-hour crisis line	14	5.0
Warm line	14	5.0
Mobile response	13	5.4
23-hour observation and holding	41	1.7
Crisis stabilization, community-based	33	2.1
Crisis stabilization, residential	41	1.7

24.26(4) The organization shall meet the standards in subrules 24.5(5) to 24.5(7).

441—24.27(225C) Deemed status. The department shall grant deemed status to organizations accredited by a recognized national, not-for-profit, accrediting body when the department determines the accreditation is for similar services. The provider shall fulfill the standards described in subrules

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24.6(1) to 24.6(6). The national accrediting bodies currently recognized as meeting division criteria for possible deeming are:

1. The Joint Commission on Accreditation of Healthcare Organizations (JCAHO).
2. The Commission on Accreditation of Rehabilitation Facilities (CARF).
3. The Council on Quality and Leadership in Supports for People with Disabilities (The Council).
4. The Council on Accreditation of Services for Families and Children (COA).
5. The American Association of Suicidology (AAS).

441—24.28(225C) Complaint process. The department shall receive and record complaints by individuals using services, employees, any interested people, and the public relating to or alleging violations of applicable requirements of the Iowa Code or administrative rules in accordance with the standards described in rule 441—24.7(225C).

441—24.29(225C) Appeal procedure. The department shall receive appeals according to the process in rule 441—24.8(225C).

441—24.30(225C) Exceptions to policy. The department shall receive exceptions to policy that meet the standards in rule 441—24.9(225C).

441—24.31(225C) Standards for individual crisis response services. Crisis response services provided to children and youth shall include coordination with parents, guardians, family members, natural supports, and service providers and with other systems such as education, juvenile justice and child welfare.

Crisis response services for individuals who have co-occurring or multi-occurring diagnoses shall focus on the integration and coordination of treatment services, and supports necessary to stabilize the individual, without regard to which condition is primary. Crisis response services shall not be denied due to the presence of a co-occurring substance abuse condition or developmental or neurodevelopmental disability.

441—24.32(225C) Crisis evaluation. Crisis evaluation consists of two components: crisis screening and crisis assessment.

24.32(1) Crisis screening. The purpose of crisis screening is to determine the presenting problem and appropriate level of care.

a. Performance benchmark. All screening shall include a brief assessment of lethality, substance use, alcohol use and safety needs. Screening can be provided by telephone or face-to-face by crisis response staff.

b. Performance indicators.

- (1) The organization shall document the provision of crisis screening training.
- (2) The organization shall have written policies and procedures describing a uniform process for screening and referrals and identifying the types of records kept on individuals.
- (3) Screening services are available 24 hours a day, 365 days a year.

24.32(2) Crisis assessment. The purpose of crisis assessment is to determine the precipitating factors of the crisis, the individual and family functioning needs, and the diagnosis if present and to initiate an action plan and discharge plan. A licensed mental health professional shall conduct a crisis assessment within 24 hours of an individual's admission to a crisis stabilization service.

a. Assessment requirements. The assessment shall include:

- (1) Action plan.
- (2) Active symptoms of psychosis.
- (3) Alcohol use.
- (4) Coping ability.
- (5) History of trauma.
- (6) Impulsivity or absence of protective factors.
- (7) Intensity and duration of depression.

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- (8) Lethality assessment.
- (9) Level of external support available to the individual.
- (10) Medical history.
- (11) Physical health.
- (12) Prescription medication.
- (13) Crisis details.
- (14) Stress indicators and level of stress.
- (15) Substance use.

b. Performance benchmark. Individuals using this service receive comprehensive evaluation to determine the appropriate level of care.

c. Performance indicators.

(1) The organization shall have written policies and procedures describing a uniform process for assessment by a mental health professional, making referrals, and identifying types of records.

(2) The organization shall document the use of mental health professionals as defined in Iowa Code section 228.1(6) to complete assessments.

(3) The organization shall document that information collected is sufficient to determine the appropriate level of care.

(4) The results of the assessment shall be clearly explained to the individual and the individual's family or guardian when appropriate and shall be documented in the individual's record.

(5) The organization shall document the individual's strengths, preferences and needs in an action plan. The individual's family or guardian may receive a copy of an action plan with a signed release.

441—24.33(225C) Twenty-four-hour crisis response. The purpose of 24-hour crisis response shall be to provide access to screening and assessment designed to de-escalate and stabilize the crisis. When the assessment indicates, an action plan will be developed to support the individual in returning to the individual's precrisis level of functioning. Twenty-four-hour crisis response staff shall link the individual to appropriate services. Crisis response staff shall provide service to individuals of any age.

24.33(1) Performance benchmark. Individuals in mental health crisis have the ability to access services, including, but not limited to, screening, assessment and stabilization in the least restrictive level of care appropriate.

24.33(2) Performance indicators.

a. The organization publicizes the availability of 24-hour crisis response.

b. Access is available 24 hours a day, 365 days a year to crisis response screening, and services are available face-to-face or by telephone.

c. When an action plan is developed, an individual shall receive support identified in the plan.

d. Mental health services shall be provided by a mental health professional as defined in Iowa Code section 228.1(6).

e. At least one advanced registered nurse practitioner, physician assistant, or psychiatrist shall be available for consultation 24 hours a day, 365 days a year.

f. The organization shall provide documentation of the staffing pattern and schedule.

g. The organization shall maintain a contact log that includes demographic information for tracking purposes.

h. The organization shall document the integration and coordination of care in the individual's record.

i. The organization shall document the discharge and follow-up plan in the individual's record, and a copy of the summary shall be provided to the individual and to the members of the treatment team.

441—24.34(225C) Twenty-four-hour crisis line. A 24-hour crisis line shall provide counseling, crisis service coordination, information and referral, linkage to services and screening.

24.34(1) Performance benchmark. Individualized and appropriate screening, crisis service coordination and referrals are provided to individuals in crisis.

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24.34(2) Performance indicators.

- a. The crisis line service shall be available 24 hours a day, 365 days a year.
- b. The crisis line shall utilize standardized call center software with the capability to track:
 - (1) Date and time of answered call, topic of call, screening provided, referral, hold time, and demographics of call.
 - (2) Number of contacts, including terminated and lost calls.
- c. The organization shall have a triage procedure to link to emergency services, mobile response and provider support services.
- d. The organization shall have written policies and procedures describing a uniform process of screening and training for crisis line staff.
- e. The crisis line staff shall be trained in screening, peer counseling, crisis service coordination, and information and referral.
- f. Within two years of operation, the crisis line shall meet accreditation standards through the American Association of Suicidology, with a level I or level II rating.
- g. The organization shall provide documentation that verifies the following:
 - (1) Callers are screened for lethality and vulnerability.
 - (2) Callers receive crisis service coordination.
 - (3) The staffing pattern is in accordance with organizational policies and procedures.

441—24.35(225C) Warm line. A warm line shall provide short-term and nondirective support to assist the caller.

24.35(1) Performance benchmark. A warm line will provide nonjudgmental listening, nondirective assistance, information, referral, and triage when appropriate.

24.35(2) Performance indicators.

- a. A warm line is answered by a live person with live transfer capability to crisis response services as needed.
- b. The organization shall have written policies and procedures for standard collection of demographics of warm-line callers.
- c. The organization shall have written policies and procedures for a standard screening process.
- d. The organization shall provide referral to crisis response or other appropriate services.
- e. The organization shall collect data on call answer times, duration of calls, and number of calls dropped, lost or terminated.
- f. The organization shall describe the staffing pattern and schedule in its policies and procedures manual.
- g. The organization shall document staff qualifications and training for peer support specialists, family peer support specialists, and peer counselors.

441—24.36(225C) Mobile response. Mobile response provides on-site, in-person intervention for individuals experiencing a mental health crisis. The mobile response staff shall provide crisis response services in the individual's home or at locations in the community. Staff shall respond in pairs to ensure the safety of both the provider and the individual served. A single staff person may respond if accompanied by another person who meets one of the criteria listed in paragraph 24.24(2)"a." Twenty-four-hour access to a mental health professional is required.

24.36(1) Performance benchmark. Mobile response services are delivered to individuals in crisis in a timely manner.

24.36(2) Performance indicators.

- a. The organization shall dispatch mobile response staff in less than 15 minutes from the initial call for assistance.
- b. Mobile response staff shall have face-to-face contact with the individual in crisis within 60 minutes from dispatch.

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c. The organization shall track and trend data of response time for initial dispatch, response resulting in hospitalization, diversion from inpatient, or diversion from jail. The data for each fiscal year shall be reported to the department within 60 days of the close of the fiscal year.

d. When an action plan is developed, a copy shall be sent to the individual's service providers within 24 hours of the assessment.

e. The organization shall document in the individual's service record:

- (1) Triage and referral information.
- (2) Reduction in the level of risk present in the crisis situation.
- (3) Coordination with other mental health resources.
- (4) Names and affiliation of all individuals participating in the mobile response.
- (5) Evaluation criteria for admission to inpatient psychiatric hospital care.

f. The organization shall document contact with the individual at 10, 30 and 60 days postdischarge.

441—24.37(225C) Twenty-three-hour crisis observation and holding. Twenty-three-hour crisis observation and holding services may be a stand-alone service or embedded within a crisis stabilization residential service. Twenty-three-hour crisis observation and holding services are designed for individuals who need short-term crisis intervention in a safe environment that is less restrictive than hospitalization. This level of service is appropriate for individuals who require protection or when an individual's ability to cope in the community is severely compromised and it is expected that the crisis can be resolved in 23 hours. Twenty-three-hour crisis observation and holding services include, but are not limited to, treatment, administering medication, meeting with extended family or significant others, and referral to appropriate services. Twenty-three-hour crisis observation and holding chairs can be utilized.

24.37(1) Admission criteria. The services may be provided if any of the following admission criteria are met:

a. There are indications that the symptoms can be stabilized and an alternative treatment can be initiated within a 23-hour period.

b. There is an indication of a potential suicide attempt or persistent ideation with strong intent or suicide rehearsal.

c. The presenting crisis cannot be safely evaluated or managed in a less restrictive setting, or no such setting is available.

d. The individual does not meet inpatient criteria, and it is determined a period of observation will assist in the stabilization and prevention of symptom exacerbation.

e. Further evaluation is necessary to determine the individual's service needs.

f. There is an indication of actual or potential danger to self or others as evidenced by a current threat.

g. There is a loss of impulse control leading to life-threatening behavior and other psychiatric symptoms that require stabilization in a structured, monitored setting.

h. The individual is experiencing a crisis demonstrated by an abrupt or substantial change in normal life functioning brought on by a specific cause, sudden event or severe stressor.

24.37(2) Staffing requirements.

a. The organization shall have a designated medical director or administrator who is responsible for the management and operation of the program or facility.

b. Registered nurse practitioners and physician assistants shall have at least three years of mental health experience.

c. At least one registered nurse practitioner, physician assistant or psychiatrist shall be available for consultation 24 hours a day, 365 days a year.

d. Mental health services appropriate to the individual's service needs shall be provided by a mental health professional as defined in Iowa Code section 228.1(6).

e. Staff shall be on duty 24 hours a day and shall remain awake for the 24-hour schedule.

f. A registered nurse is available on site 24 hours a day.

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24.37(3) *Twenty-three-hour observation and holding safety.*

a. Performance benchmark. The organization completes an incident report when organizational staff is notified an incident has occurred.

b. Performance indicators.

(1) The incident report shall document:

1. The name of the individual or individuals who were involved in the incident.
2. Date and time of occurrence of the incident.
3. A description of the incident.
4. Names and signatures of all staff present at the time of the incident.
5. The action taken by the staff.
6. The resolution or follow-up to the incident.

(2) The provider shall keep a copy of the incident report in a centralized file and give a copy to the individual, the mental health and disability services region, and the individual's parent or guardian when appropriate.

24.37(4) *Treatment summary.* A treatment summary shall be prepared and a copy of the summary provided to the individual and the individual's treatment team.

a. Contents. At a minimum, the treatment summary shall include:

- (1) Action plan.
- (2) Assessment of the crisis, including challenges and strengths.
- (3) Course and progress of the individual with regard to each identified challenge.
- (4) Evaluation of the individual's mental status to inform ongoing placement and support decisions.
- (5) Recommendations and arrangements for further service needs.
- (6) Signature of the treating mental health professional.
- (7) Treatment interventions.

b. Treatment indicators.

(1) Individuals shall give informed consent.

(2) Treatment providers, family members and other natural supports as appropriate are contacted within 23 hours of the individual's admission.

(3) The organization shall have written policies and procedures for medication administration, storage and documentation.

(4) The organization shall maintain individual records including, but not limited to, a treatment summary and verification of individual choice.

(5) The 23-hour crisis observation and holding facility has a homelike, comfortable environment conducive to recovery.

(6) The 23-hour crisis observation and holding is primarily used as a diversion from inpatient level of care.

(7) The organization shall have a plan to demonstrate telephone contact for parents and significant others.

(8) The organization shall have written policies and procedures for standardized documentation of discharge locations to track how many individuals were discharged home, to a community provider or to a higher level of care.

(9) The organization shall document the actual number of individuals served within the 23-hour period. For those individuals staying beyond the 23-hour period, documentation for the delay shall be included in the individual treatment record.

(10) The organization shall track and trend data of individual readmission.

(11) Twenty-three-hour observation and holding services shall comply with applicable state fire marshal rules and fire ordinances and applicable local health, fire, occupancy code, and safety regulations. The organization shall maintain documentation of such compliance.

1. Based on standards used for public facilities, all food and drink shall be clean, wholesome, free from spoilage, and stored and served in a manner safe for human consumption.

2. Doors must not be locked from the inside. The use of door locks shall be approved by the fire marshal and professional staff.

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3. Twenty-three-hour observation and holding programs shall have an emergency preparedness program to describe the process for an individual to continue receiving services during a disaster including, but not limited to, cases of severe weather or fire.

(12) Twenty-three-hour observation and holding services shall provide a safe, clean, well-ventilated, properly heated environment in good repair and free from vermin.

(13) An individual's resting or sleeping area shall include:

1. A sturdily constructed bed or comfortable chair.
2. A sanitized mattress protected with a clean mattress pad, or sanitized chair.
3. Windows in bedrooms shall have curtains or window blinds.
4. Clean linen shall be available.
5. Doors or partitions for privacy.
6. Staff shall respect the individual's right to privacy.

(14) Bathrooms shall provide individuals with facilities necessary for personal hygiene and personal privacy.

1. A safe supply of hot and cold running water which is potable.
2. Clean towels, electric hand dryers or paper towel dispensers, and an available supply of toilet paper and soap.
3. Natural or mechanical ventilation capable of removing odors.
4. Tubs or showers shall have slip-proof surfaces.
5. Partitions with doors which provide privacy if a bathroom has multiple toilet stools.
6. Toilets, wash basins, and other plumbing or sanitary facilities shall at all times be maintained in good operating condition.
7. If the facility is coeducational, the program shall designate and have privacy in bathrooms for male and female individuals.

(15) The organization shall provide:

1. Areas in which an individual may be alone when appropriate.
2. Areas for private conversations with others.
3. Secure space for personal belongings.

(16) Clothing. Individuals shall be allowed to wear their own clothing in accordance with program rules.

(17) Twenty-three-hour observation and holding shall have written policies on safety.

1. Twenty-three-hour observation and holding shall not use seclusion.
2. Twenty-three-hour observation and holding shall not use mechanical or chemical restraints at any time.

(18) Smoking. The organization shall follow the smokefree air Act, Iowa Code chapter 142D.

(19) Health and safety.

1. Performance benchmark.
 - Twenty-three-hour observation and holding services shall have emergency preparedness policies and procedures which include health and safety measures.
 - The organization shall follow the medication administration and documentation standards in rule 441—24.40(225C).
2. Performance indicators.
 - Twenty-three-hour observation and holding services shall have an emergency preparedness program designed to provide effective utilization of available resources for an individual's care during a disaster event including, but not limited to, cases of severe weather or fire.
 - Twenty-three-hour observation and holding services shall comply with rule 441—24.39(225C).

441—24.38(225C) Crisis stabilization community-based services (CSCBS). The goal of CSCBS is to stabilize and reintegrate the individual back into the community. CSCBS is designed for voluntary individuals in need of a safe, secure environment that is less intensive and restrictive than an inpatient hospital. Individuals in CSCBS receive services including, but not limited to, psychiatric services,

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medication, counseling, referrals, peer support and linkage to ongoing services. The length of stay in a CSCBS is expected to be less than five days.

24.38(1) Eligibility. To be eligible, an individual must:

- a. Be aged 18 or older, for an adult facility, or aged 17 or under, for a juvenile facility;
- b. Be determined appropriate for placement by mental health assessment; and
- c. Be determined not to need inpatient acute hospital psychiatric services.

24.38(2) Staffing requirements.

a. The program shall have a designated director or administrator who is responsible for the management and operation of the program.

b. At least one licensed nurse practitioner, physician assistant, or psychiatrist shall be available for consultation 24 hours a day, 365 days a year.

c. Mental health services shall be provided by a mental health professional with expertise appropriate to the individual's needs.

d. Each individual receiving crisis stabilization services shall have contact with a mental health professional at least one time a day.

e. Each individual receiving crisis stabilization services shall have a minimum of one hour per day of additional services including, but not limited to, skill building, peer support or family peer support services; or other therapeutic programming.

24.38(3) Performance benchmark. The individual using this service is provided safe, secure and structured crisis stabilization services in the least restrictive location that meets the needs of the individual. This program can be for youth aged 17 and under or adults aged 18 and older.

24.38(4) Performance indicators.

a. The organization shall document that, with the individual's consent, treatment providers, family members and other natural supports are contacted within 24 hours of the individual's admission.

b. The organization shall provide daily programming including, at minimum, daily contact with a mental health professional and one hour of additional programming.

c. The organization shall document the numbers of days an individual receives crisis stabilization services. The documentation shall record specific reasons for the delivery of services beyond three to five days.

d. The organization shall maintain individual records that include:

(1) Daily contact with a mental health professional.

(2) Additional services provided including, but not limited to, skill building, peer support or family support peer services.

(3) Medication record.

e. The organization shall provide verification of individual choice including, but not limited to, treatment participation and discharge plan options.

f. The organization shall track and trend data of readmission, including an analysis of data trends looking at effectiveness, and shall take appropriate corrective action. The information shall be documented in the organization's performance improvement system.

24.38(5) Crisis stabilization incident reporting.

a. *Performance benchmark.* The organization completes an incident report when organizational staff is notified that an incident has occurred.

b. *Performance indicators.*

(1) The incident report shall document:

1. The name of the individual served who was involved in the incident.

2. Date and time of occurrence of the incident.

3. A description of the incident.

4. Names and signatures of all staff present at the time of the incident.

5. The action the staff took to handle the situation.

6. The resolution or follow-up to the incident.

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(2) The provider shall keep a copy of the incident report in a centralized file and give a copy to the individual, the mental health and disability services region, and the individual's parent or guardian when appropriate.

24.38(6) Service requirements.

a. Stabilization plan. The individual in crisis shall be involved collaboratively in all aspects of crisis stabilization services including, but not limited to, admission, treatment planning, intervention, and discharge. The involvement of family members and others shall be encouraged.

Within 24 hours of an individual's admission to crisis stabilization services, a written short-term stabilization strategy will be developed, with the involvement and consent of the individual, and will be reviewed frequently to assess the need for the individual's continued placement in the program. At a minimum, this plan will include:

(1) Criteria for discharge, including referrals and linkages to appropriate services and coordination with other systems.

(2) Description of any physical disability and any accommodations necessary to provide the same or equal services and benefits as those afforded nondisabled individuals.

(3) Evidence of input by the individual, including the individual's signature.

(4) Goal statement. Goals shall be consistent with the individual's needs and projected duration of service delivery and shall include objectives which build on the individual's strengths and which are stated in terms that allow measurement of progress.

(5) Rights restrictions.

(6) Names of all other persons participating in the development of the plan.

(7) Specification of treatment responsibilities and methods.

b. Performance benchmark. The organization completes a stabilization plan within 24 hours of the individual's admittance.

c. Performance indicators.

(1) The organization shall maintain in individual records a written short-term stabilization strategy that is developed with the involvement and consent of the individual and within 24 hours of the individual's admittance and that is reviewed frequently to assess the need for the individual's continued placement in the program.

(2) The organization shall maintain individual records that indicate a stabilization plan has been completed within the 24-hour time frame.

(3) The organization shall document reasons for stabilization plans that do not meet the criteria.

24.38(7) Treatment summary. Prior to the individual's discharge from this service, a treatment summary shall be completed. A copy of the summary will be provided to the individual and shared with the individual's treatment team of providers, if applicable.

a. Contents. At a minimum, this treatment summary will include:

(1) Course and progress of the individual with regard to each identified problem.

(2) Documented note of a mental health professional contact one time daily.

(3) Evolution of the mental status to inform ongoing placement and support decisions.

(4) Final assessment, including general observations and significant findings of the individual's condition initially while services were being provided and at discharge.

(5) Recommendations and arrangements for further service needs.

(6) Signature of the mental health professional.

(7) Stabilization plan.

(8) Reasons for termination of service.

(9) Treatment interventions.

b. Performance benchmark. An individual treatment summary shall be completed during the length of stay in crisis stabilization residential services.

c. Performance indicators.

(1) The organization shall maintain in individual records a written treatment summary developed with the involvement of the individual. A copy of the summary shall be provided to the individual upon discharge.

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(2) The organization shall document incidents in which a treatment plan was not completed within the length of stay and any corrective action necessary to alleviate this issue.

24.38(8) Health and safety.

a. Performance benchmark. Crisis stabilization community-based services shall have emergency preparedness policies and procedures which include health and safety measures.

b. Performance indicators.

(1) Crisis stabilization community-based services shall have an emergency preparedness program designed to provide effective utilization of available resources for an individual's care to continue during a disaster event including, but not limited to, cases of severe weather or fire.

(2) Crisis stabilization community-based services shall comply with rule 441—24.39(225C).

441—24.39(225C) Crisis stabilization residential services (CSRS). The goal of CSRS is to stabilize and reintegrate the individual back into the community. CSRS is designed for voluntary individuals who are in need of a safe, secure environment that is less intensive and restrictive than an inpatient hospital. Group residential services shall have the capacity to serve more than two individuals at a time. This program can be for youth aged 17 and under or adults aged 18 and older. Youth and adults cannot be housed in the same facility setting.

24.39(1) Eligibility. To be eligible, an individual must:

a. Be aged 18 or older, for an adult facility, or aged 17 or under, for a juvenile facility;

b. Be determined appropriate for placement by mental health assessment; and

c. Be determined not to need inpatient acute hospital psychiatric services.

24.39(2) Staffing requirements.

a. The program shall have a designated director or administrator who is responsible for the management and operation of the program or facility of no more than 16 beds.

b. At least one licensed nurse practitioner, physician assistant, or psychiatrist shall be available for consultation 24 hours a day, 365 days a year.

c. Mental health services shall be provided by a mental health professional with expertise appropriate to the individual's needs.

d. Each individual receiving crisis stabilization services shall have contact with a mental health professional at least one time a day.

e. Each individual receiving crisis stabilization services shall have a minimum of one hour per day of additional services including, but not limited to, skill building, peer support or family peer support services; or other therapeutic programming.

f. The crisis stabilization service shall provide awake staffing 24 hours a day, 365 days a year.

24.39(3) Performance benchmark. The individual is provided safe, secure and structured crisis stabilization services in the least restrictive location that meets the needs of the individual.

24.39(4) Performance indicators.

a. The organization shall document that, with the individual's consent, treatment providers, family members and other natural supports are contacted within 24 hours of the individual's admission.

b. The organization shall ensure that a comprehensive mental health assessment is completed within 24 hours of the individual's admission.

c. The organization shall provide daily programming including, at minimum, daily contact with a mental health professional and one hour of additional programming.

d. The average length of stay in a CSRS is expected to be less than five days.

e. The organization shall document the number of days an individual receives crisis stabilization services. The documentation shall record specific reasons for lengths of stay beyond three to five days.

f. The organization shall maintain individual records that include:

(1) Stabilization plan.

(2) Medication record.

(3) Treatment summary.

(4) Daily contact with a mental health professional.

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g. Additional services provided include, but are not limited to, skill building, peer support or family peer support services.

h. The organization shall provide verification of individual choice including, but not limited to, treatment participation and discharge plan options.

i. The organization shall track and trend data of readmission including an analysis of data trends, looking at effectiveness, and shall take appropriate corrective action. The information shall be documented in the organization's performance improvement system.

j. For a youth facility, the organization shall document that the youth's education needs are met, with educational services received in the program, and that a transition program is in place to return the youth to school upon discharge.

24.39(5) Crisis stabilization incident reporting.

a. *Performance benchmark.* The organization completes an incident report when organizational staff is notified that an incident has occurred.

b. *Performance indicators.*

(1) The incident report shall document:

1. The name of the individual who was involved in the incident.
2. Date and time of occurrence of the incident.
3. A description of the incident.
4. Names and signatures of all organizational staff present at the time of the incident.
5. The action the organizational staff took to handle the situation.
6. The resolution or follow-up to the incident.

(2) The provider shall keep a copy of the incident report in a centralized file and give a copy to the individual, the mental health and disability services region, and the individual's parent or guardian when appropriate.

24.39(6) Service requirements.

a. *Stabilization plan.* The individual in crisis shall be involved collaboratively in all aspects of crisis stabilization services including, but not limited to, admission, treatment planning, intervention, and discharge. The involvement of family members and others shall be encouraged.

Within 24 hours of an individual's admission to crisis stabilization services, a written short-term stabilization strategy will be developed, with the involvement and consent of the individual, and will be reviewed frequently to assess the need for the individual's continued placement in the program. At a minimum, this plan will include:

(1) Criteria for discharge, including referrals and linkages to appropriate services and coordination with other systems.

(2) Description of any physical disability and any accommodations necessary to provide the same or equal services and benefits as those afforded nondisabled individuals.

(3) Evidence of input by the individual, including the individual's signature.

(4) Goal statement.

(5) Goals that are consistent with the individual's needs and projected length of stay.

(6) Objectives that build on the individual's strengths and that are stated in terms that allow measurement of progress.

(7) Rights restrictions.

(8) Signatures of all other individuals participating in the development of the plan.

(9) Specification of treatment responsibilities and methods.

b. *Performance benchmark.* The organization completes a stabilization plan within 24 hours of the individual's admittance.

c. *Performance indicators.*

(1) The organization shall maintain in individual records a written short-term stabilization strategy that is developed with the involvement and consent of the individual and within 24 hours of the individual's admission and that is reviewed frequently to assess the need for the individual's continued placement in the program.

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(2) The organization shall maintain individual records that indicate a stabilization plan has been completed within the 24-hour time frame.

(3) The organization shall document reasons for stabilization plans that do not meet the criteria.

24.39(7) Treatment summary. Prior to the individual's discharge, a treatment summary shall be completed. A copy of the summary will be provided to the individual and shared with the individual's treatment team of providers, if applicable.

a. Contents. At a minimum, this treatment summary will include:

(1) Course and progress of the individual with regard to each identified problem.
(2) Documented daily contact with a mental health professional.
(3) Evolution of the individual's mental status to inform ongoing placement and support decisions.
(4) Final assessment, including general observations and significant findings of the individual's condition while services were being provided and at discharge.

(5) Recommendations and arrangements for further service needs.

(6) Signature of the mental health professional.

(7) Stabilization plan.

(8) Reasons for termination of service.

(9) Treatment interventions.

b. Performance benchmark. A treatment summary shall be completed during the individual's length of stay in CSRS.

c. Performance indicators.

(1) The organization shall maintain in individual records a written treatment summary developed with the involvement and consent of the individual.

(2) A copy of the summary shall be provided to an individual upon discharge.

(3) The organization shall document incidents in which a treatment plan was not completed within the length of stay and any corrective action necessary to alleviate this issue.

24.39(8) Health and safety.

a. Performance benchmarks.

(1) CSRS shall have emergency preparedness policies and procedures which include health and safety measures.

(2) The organization provides crisis stabilization services in a facility that meets all applicable local, state and federal regulations.

(3) The organization shall follow the medication administration and documentation standards in rule 441—24.40(225C).

b. Performance indicators.

(1) Health and fire safety inspections.

1. Crisis stabilization residential services shall comply with state fire marshal rules and fire ordinances and applicable local health, fire, occupancy code, and safety regulations. The program shall maintain documentation of such compliance.

2. Based on standards used for public facilities, all food and drink shall be clean, wholesome, free from spoilage, and stored and served in a manner safe for human consumption.

3. Crisis stabilization residential services shall comply with rule 441—24.40(225C).

(2) Emergency preparedness. Crisis stabilization residential services shall have an emergency preparedness program designed to provide effective utilization of available resources for an individual's care to continue during a disaster event including, but not limited to, cases of severe weather or fire.

(3) Crisis stabilization residential services shall provide a safe, clean, well-ventilated, properly heated environment in good repair and free from vermin.

(4) Individuals' bedrooms shall include:

1. A sturdily constructed bed.

2. A sanitized mattress protected with a clean mattress pad.

3. A designated space in proximity to the sleeping area, for personal possessions and for hanging clothing.

4. Windows in bedrooms shall have curtains or window blinds.

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5. Clean linens shall be available.
- (5) Sleeping areas shall include:
 1. Doors for privacy.
 2. Partitioning or placement of furniture to provide privacy for all individuals.
 3. There shall be no more than two individuals per room. Single rooms shall be at least 80 square feet not including closets. Dual occupancy rooms shall be at least 120 square feet not including closets.
 4. Individuals shall be allowed to keep and display personal belongings and add personal touches to the decoration of their rooms in accordance with program policy.
 5. Staff shall respect the individual's right to privacy by knocking on the door of the individual's room before entering.
 - (6) Bathrooms shall provide individuals with facilities necessary for personal hygiene and personal privacy, including:
 1. A safe supply of hot and cold running water which is potable.
 2. Clean towels, electric hand dryers or paper towel dispensers, and an available supply of toilet paper and soap.
 3. Natural or mechanical ventilation capable of removing odors.
 4. Tubs or showers shall have slip-proof surfaces.
 5. Partitions with doors which provide privacy if a bathroom has multiple toilet stools.
 6. Toilets, wash basins, and other plumbing or sanitary facilities shall at all times be maintained in good operating condition.
 7. If the facility is coeducational, the program shall designate and have privacy in bathrooms for male and female individuals.
 - (7) Facilities shall follow state and federal laws regarding smoking on property.
 - (8) The organization shall allow for the following:
 1. Areas in which an individual may be alone when appropriate.
 2. Areas for private conversations with others.
 3. The organization shall provide secure space for personal belongings.
 - c. Housekeeping.* If individuals take responsibility for maintaining their own living quarters and for the day-to-day housekeeping activities of the program, the individuals' responsibilities shall be clearly defined in writing and shall be a part of the orientation program. Staff assistance and equipment shall be provided as needed.
 - d. Clothing.*
 - (1) Individuals shall be allowed to wear their own clothing in accordance with program rules. If clothing is provided by programs, it shall be suited to the climate and appropriate.
 - (2) Laundry facilities shall be accessible so that individuals may wash their clothing.
 - e. Religion/culture.* The organization shall ensure an individual's rights to religion and culture to include:
 - (1) The individual shall have the opportunity to participate in religious activities and services in accordance with the individual's own faith or that of a minor individual's parent(s) or guardian.
 - (2) The facility shall, when necessary and reasonable, arrange for transportation to religious activities.
 - f. Smoking.* The organization shall follow the smokefree air Act, Iowa Code chapter 142D.

441—24.40(225C) Medication—administration, storage and documentation. This rule sets forth medication requirements for 23-hour crisis observation and holding, crisis stabilization community-based services, and crisis stabilization residential services.

24.40(1) Performance benchmark. Policies and procedures shall be developed to ensure prescription and over-the-counter drugs are administered or self-administered safely and properly in accordance with federal, state and local laws and regulations. Medication shall be administered by a qualified prescriber or an individual following instructions of a qualified prescriber. Trained staff shall observe an individual taking medication following instructions of a qualified prescriber. Medication storage shall be maintained in accordance with the security requirements of federal, state and local

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laws. Organizations shall have in individual case records written policies and procedures regarding use of medication.

24.40(2) Performance indicators.

a. Administration of medication.

(1) There shall be a specific routine for medication administration, indicating dose schedules and standardization of abbreviations.

(2) There shall be specific methods for control and accountability of medication products throughout the program.

(3) The organization ensures prescription and over-the-counter drugs are administered or self-administered safely and properly in accordance with federal, state and local laws and regulations.

(4) Medications are prescribed by a qualified prescriber under Iowa law.

(5) Prescription drugs shall not be administered to or self-administered by an individual without a written order signed by a qualified prescriber.

b. Staff-administered medication.

(1) Authorized staff administering medications shall be qualified, and a current, accurate list of such staff shall be maintained.

(2) Medications shall be administered only in accordance with the instructions of the qualified prescriber. The type and amount of the medication, the time and date of medication administration, and the authorized staff administering the medication shall be documented in the individual's medication record.

c. Self-administered medication.

(1) Only staff who have completed department-approved training in policies and procedures on self-administration can monitor self-administration of prescription medication.

(2) Self-administration of prescription and over-the-counter medications shall be permitted only when the medication is clearly and completely labeled.

d. Medication storage. Medication storage policies for medications under the care and control of the provider shall include:

(1) All medication shall be maintained in locked storage. Controlled substances shall be maintained in a locked box within the locked cabinet.

(2) Medications requiring refrigeration shall be kept in a refrigerator and separated from food and other items.

(3) Disinfectants and medication for external use shall be stored separately from internal and injectable medications.

(4) The medication for each individual shall be stored in the original containers.

(5) All potent poisonous or caustic medication shall be plainly labeled; stored separately from other medication in a specific well-illuminated cabinet, closet, or storeroom; and made accessible only to authorized staff.

(6) Medication shall be dispensed from a licensed pharmacy. Medication provided to an individual shall be dispensed only from a licensed pharmacy in the state of Iowa in accordance with the pharmacy laws of the Iowa Code, or from a licensed pharmacy in another state according to the laws of that state, or by a qualified prescriber.

(7) Prescription medications prescribed for one individual shall not be administered to or allowed to be in the possession of another individual.

e. Medication labeling. All prescribed medications shall be clearly labeled with the individual's full name; prescriber's name; prescription number; name and strength of the medication; dosage; directions for use; date of issue; and name, address and telephone number of the pharmacy or prescriber issuing the medication. Medications shall be packaged and labeled according to state and federal guidelines.

f. Monthly inspection. The staff member in charge of medications shall provide monthly inspection of all storage units.

g. Damaged labels. Medication containers having soiled, damaged, illegible, or makeshift labels shall be returned to the issuing pharmacist, pharmacy, or qualified prescriber for relabeling or disposal.

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h. Unused medications. Unused prescription drugs prescribed for individuals who have left the facility without their medication shall be destroyed by the staff in charge with a witness present, and a notation shall be made on the individual's record. When an individual is discharged or leaves the facility, medications currently being administered shall be sent, in their original containers, with the individual or with a responsible agent, and with the approval of the qualified prescriber.

i. Medication brought by individual. If the prescribed and over-the-counter medication the individual brings to the program is not to be used, the medication shall be packaged, sealed and stored. The sealed packages of medications shall be returned to the individual or family at the time of the individual's discharge.

j. Medication documentation.

(1) The organization shall have written policies and procedures for the review, approval, and implementation of ethical, safe, human and efficient behavioral intervention procedures.

(2) The organization shall have written policies and procedures to inform the individual and the individual's legal guardian, if appropriate, about all prohibitions on the use of medication as a restraint.

(3) All medications administered and self-administered and the detection of adverse drug reactions shall be documented in the case record.

(4) All medication orders shall be documented in the individual's case records and shall define the name of the medication, dose, route of administration, frequency of administration, the name of the qualified prescriber who prescribed the medication, and the name of the provider administering or dispensing the medication.

(5) Medication records shall be documented by authorized staff administering the medication.

k. Medication rights and responsibilities.

(1) Medication shall not be used as a restraint. The use of psychopharmacological medication in excess of the individual's standard plan of care is prohibited. Using medication as a restraint includes:

1. Drugs or medications used to control behavior or restrict the individual's freedom of movement.
2. Drugs or medications used in excessive amounts or in excessive frequency.
3. Neuroleptics, anxiolytics, antihistamines, and atypical neuroleptics, or other medication used for calming, rather than for the medication's indicated treatment.

(2) Drugs or medication used for standard treatment of the individual's medical or psychiatric condition shall not be considered a restraint.

These rules are intended to implement Iowa Code section 331.397 and 2014 Iowa Acts, House File 2379.

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Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 77, “Conditions of Participation for Providers of Medical and Remedial Care,” Iowa Administrative Code.

This amendment clarifies the training requirements for home- and community-based services (HCBS) brain injury (BI) waiver service providers and direct service staff.

The effect of this amendment is that any provider or direct service worker providing BI waiver services on or before December 31, 2014, will be presumed to be in compliance with the training requirement in effect when the provider or direct service worker began providing services and is not required to

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complete the Department's BI waiver training modules. After January 1, 2015, direct service workers will have 60 days to complete the Department's BI waiver training modules.

Any interested person may make written comments on the proposed amendment on or before August 12, 2014. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to policyanalysis@dhs.state.ia.us.

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.

The following amendment is proposed.

Amend rule 441—77.39(249A), introductory paragraph, as follows:

441—77.39(249A) HCBS brain injury waiver service providers. Providers shall be eligible to participate in the Medicaid brain injury waiver program if they meet the requirements in this rule and the subrules applicable to the individual service. Beginning January 1, 2015, providers initially enrolling to deliver BI waiver services and each of their staff members involved in direct consumer service must have completed the department's ~~online~~ brain injury training course prior to modules one and two within 60 days from the beginning date of service provision, with the exception of staff members who are certified through the Academy of Certified Brain Injury Specialists (ACBIS) as a certified brain injury specialist (CBIS) or certified brain injury specialist trainer (CBIST), providers of home and vehicle modification, specialized medical equipment, transportation, personal emergency response, financial management, independent support brokerage, self-directed personal care, individual-directed goods and services, and self-directed community supports and employment. Providers enrolled to provide BI waiver services and each of their staff members involved in direct consumer service on or before December 31, 2014, shall be deemed to have completed the required training.

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Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code section 237A.12, the Department of Human Services proposes to amend Chapter 110, “Child Development Homes,” Iowa Administrative Code.

This amendment would require that child development home providers have readily accessible accurate emergency contact information regarding the children in care. Presently, there are no administrative rules that require providers to have a paper copy of emergency contact information, nor is there a clear requirement in the case of information saved into a mobile device. In the instance of information saved into a mobile device, the emergency contact information may not be appropriately accessible to those who need it.

Any interested person may make written comments on the proposed amendment on or before August 12, 2014. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to policyanalysis@dhs.state.ia.us.

HUMAN SERVICES DEPARTMENT[441](cont'd)

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 237A.12.

The following amendment is proposed.

Amend paragraph **110.5(1)“a”** as follows:

a. The home shall have a non-pay, working telephone with emergency numbers posted for police, fire, ambulance, and the poison information center. ~~If the working telephone is a mobile telephone, these numbers must be programmed and saved into the telephone.~~ The number for each child's parent, for a responsible person who can be reached when the parent cannot, and for the child's physician shall be written on paper and readily accessible by the telephone. The home must prominently display all emergency information, and a paper copy of emergency parent contact information must be kept in all travel vehicles. If the working telephone is a mobile telephone, ~~these~~ all emergency numbers must also be programmed and saved into the telephone.

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HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code section 237A.4A, the Department of Human Services proposes to amend Chapter 110, “Child Development Homes,” Iowa Administrative Code.

This amendment updates administrative rules to be in compliance with Iowa Code section 237A.4A, which provides that the Department shall complete annual inspections of child development homes and shall seek to meet a target percentage of annual inspections of 100 percent in the fiscal year that began July 1, 2013, and in succeeding years. Current administrative rules for the Department date from 2009 and reflect the requirement for the Department to check 20 percent of child development homes annually.

Any interested person may make written comments on the proposed amendment on or before August 12, 2014. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to policyanalysis@dhs.state.ia.us.

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 237A.4A.

The following amendment is proposed.

Amend rule 441—110.6(237A) as follows:

441—110.6(237A) Compliance checks. During a calendar year, the department shall seek to check 20 ~~100 percent or more~~ of all child development homes in each county for compliance with registration requirements. Completed evaluation checklists shall be placed in the registration files.

ARC 1560C**LABOR SERVICES DIVISION[875]****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 89A.3, the Elevator Safety Board hereby gives Notice of Intended Action to amend Chapter 71, “Administration of the Conveyance Safety Program,” Chapter 72, “Conveyances Installed On or After January 1, 1975,” and Chapter 73, “Conveyances Installed Prior to January 1, 1975,” Iowa Administrative Code.

The proposed amendments adopt by reference the most recent National Electrical Code, NFPA 70 (2011), and significant portions of the 2013 American Society of Mechanical Engineers (ASME) A17.1, Safety Code for Elevators and Escalators. The 2013 edition of ASME A17.1 contains provisions specific to wind turbine tower elevators for the first time; sets forth enhanced safety provisions to protect mechanics and inspectors working around limited-use, limited application elevators; and requires that emergency recall connecting relays be placed outside an elevator machine room.

Iowa adopted previous editions of ASME A17.1 that required a full-load safety test at least once every five years and prohibited automatic reset of safety devices on escalators and moving walks. The 2013 edition of ASME A17.1 changes these provisions. To promote public safety, the Elevator Safety Board proposes to differ from ASME A17.1 (2013) as it relates to these two provisions.

Iowa has not enforced the ASME A17.1 (2010) code requirements concerning daily telephone testing and witnessing of safety tests on periodic inspections. The proposed amendments continue to differ from ASME A17.1 concerning periodic inspections, but propose to adopt the daily telephone testing requirement.

The purposes of these amendments are to protect the health and safety of the public, facilitate the installation of new technologies in Iowa, and implement legislative intent.

If requested in accordance with Iowa Code section 17A.4(1)“b” by the close of business on August 12, 2014, a public hearing will be held on August 13, 2014, at 1:30 p.m. in the Capitol View Room at 1000 East Grand Avenue, Des Moines, Iowa. Interested persons will be given the opportunity to make oral statements and file documents concerning the proposed amendments. The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should call (515)281-5915 in advance to arrange access or other needed services.

Written data, views, or arguments to be considered in adoption shall be submitted by interested persons no later than August 13, 2014, to Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to kathleen.uehling@iwd.iowa.gov.

No variance procedures are included in this rule making. Applicable variance procedures are set forth in 875—Chapter 66.

After analysis and review of this rule making, no impact on jobs will occur.

These amendments are intended to implement Iowa Code chapter 89A.

The following amendments are proposed.

ITEM 1. Amend rule 875—71.14(89A), introductory paragraph, as follows:

875—71.14(89A) Safety tests. Only safety test reports submitted on approved forms from elevator mechanics who are employed by authorized companies shall be considered to meet the requirements of this rule. The alternative test methods set forth at ASME A17.1, Rule 8.6.11.10, shall not be allowed as a substitute for a full-load safety test.

LABOR SERVICES DIVISION[875](cont'd)

ITEM 2. Rescind subparagraph **71.14(1)“b”(3)** and adopt the following new subparagraph in lieu thereof:

(3) Part 8, excluding Rule 8.11.1.1, of the edition of ASME A17.1 currently adopted for new conveyances at rule 875—72.1(89A).

ITEM 3. Amend paragraph **72.1(8)“b”** as follows:

b. ASME A17.7 shall mean ASME A17.7-2007/CSA B44-10 07;

ITEM 4. Amend subrule 72.1(9), introductory paragraph, as follows:

72.1(9) For installations ~~on or after~~ between January 31, 2014, and November 1, 2014:

ITEM 5. Amend paragraph **72.1(9)“b”** as follows:

b. ASME A17.7 shall mean ASME A17.7-2007/CSA B44-10 07;

ITEM 6. Adopt the following new subrule 72.1(10):

72.1(10) For installations on or after November 1, 2014:

- a. ASME A17.1 shall mean ASME A17.1-2013/CSA B44-13;
- b. ASME A17.7 shall mean ASME A17.7-2007/CSA B44-07;
- c. ASME A18.1 shall mean ASME A18.1 (2003), except Chapters 4, 5, 6, and 7;
- d. ANSI A117.1 shall mean ANSI A117.1 (2003), except for Rule 407.4.6.2.2; and
- e. ANSI/NFPA 70 shall mean ANSI/NFPA 70 (2011).

ITEM 7. Amend rule 875—72.9(89A) as follows:

875—72.9(89A) Escalators and moving walks. The provisions contained in ASME A17.1, part 6, are adopted by reference, except for those portions that allow an operating or safety device to reset automatically.

ITEM 8. Amend subrule 72.13(1) as follows:

72.13(1) General. ~~All~~ Except as set forth in this rule, all maintenance, repairs, replacements, and alterations shall comply with the edition of ASME A17.1-2007/CSA B44-07 currently adopted for new conveyances at rule 875—72.1(89A) or ASME A17.7-2007/CSA B44-07, as applicable, except as noted in 875—subrules 73.8(3) and 73.8(4). Rule 875—71.10(89A) describes alterations which require that the entire conveyance be brought into compliance with the most current codes.

ITEM 9. Amend subrule 72.13(3), introductory paragraph, as follows:

72.13(3) Sump pump exemption. The provisions of ~~ASME A17.1-2007/CSA B44-07 and ASME A17.1S-2005, Rule 2.2.2,~~ that require a pit sump or drain shall not apply to an elevator alteration when all of the following criteria are met:

ITEM 10. Amend subrule 72.13(4), introductory paragraph, as follows:

72.13(4) Pit excavation exemption. The full length of the platform guard set forth in ~~ASME A17.1-2007/CSA B44-07 and ASME A17.1S-2005, Rule 2.15.9.2(a),~~ shall not be required if all of the following criteria are met:

ITEM 11. Amend subrule 73.8(1) as follows:

73.8(1) General. ~~All~~ Except as set forth in this rule, all maintenance, repairs and alterations shall comply with the edition of ASME A17.1-2007/CSA B44-07 currently adopted for new conveyances at rule 875—72.1(89A) or ASME A17.7-2007/CSA B44-07, as applicable, except as noted in subrules 73.8(3) and 73.8(4). Rule 875—71.10(89A) describes alterations which require that the entire conveyance be brought into compliance with the most current code.

ITEM 12. Amend subrule 73.8(3), introductory paragraph, as follows:

73.8(3) Sump pump exemption. The provisions of ~~ASME A17.1-2007/CSA B44-07 and ASME A17.1S-2005, Rule 2.2.2,~~ that require a pit sump or drain shall not apply to an elevator alteration when all of the following criteria are met:

LABOR SERVICES DIVISION[875](cont'd)

ITEM 13. Amend subrule 73.8(4), introductory paragraph, as follows:

73.8(4) Pit excavation exemption. The full length of the platform guard set forth in ASME A17.1-2007/CSA B44-07 and ASME A17.1S-2005, Rule 2.15.9.2(a), shall not be required if all of the following criteria are met:

ITEM 14. Rescind subrule 73.8(6) and adopt the following **new** subrule in lieu thereof:

73.8(6) Safety bulkheads. Documentation from the manufacturer establishing that a safety bulkhead was installed shall establish compliance with ASME A17.1, Rule 8.6.5.8.

ARC 1550C

LABOR SERVICES DIVISION[875]

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 89.14, the Boiler and Pressure Vessel Board hereby gives Notice of Intended Action to amend Chapter 90, “Administration of the Boiler and Pressure Vessel Program,” Iowa Administrative Code.

2013 Iowa Acts, House File 484, authorized the Boiler and Pressure Vessel Board to establish by rule an internal inspection schedule of up to four years for certain utility boilers. These amendments propose a new subrule consistent with that authority, make conforming amendments, and update obsolete language.

The purposes of these amendments are to implement legislative intent and protect the health and safety of the public.

If requested in accordance with Iowa Code section 17A.4(1)“b” by the close of business on August 12, 2014, a public hearing will be held on August 13, 2014, at 9 a.m. in the Capitol View Room at 1000 East Grand Avenue, Des Moines, Iowa. Interested persons will be given the opportunity to make oral statements and file documents concerning the proposed amendments. The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should call (515)281-5915 in advance to arrange access or other needed services.

Written data, views, or arguments to be considered in adoption shall be submitted by interested persons no later than August 13, 2014, to the Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to kathleen.uehling@jwd.iowa.gov.

By cutting costs for utility companies, this rule making may have a beneficial impact on jobs.

These amendments are intended to implement Iowa Code chapter 89.

The following amendments are proposed.

ITEM 1. Amend paragraph **90.6(2)“a”** as follows:

a. All required inspections must be performed according to the schedule set forth in Iowa Code section 89.3, unless an exception is set forth in this rule.

ITEM 2. Amend subrule 90.6(8) as follows:

90.6(8) Internal inspections on a four-year cycle based on process safety management compliance. The owner shall demonstrate compliance with the requirements set forth in ~~2012 Iowa Acts, Senate File 2280,~~ Iowa Code section 89.3(5)“a”(4)(b) by annually submitting to the labor commissioner a notarized affidavit. The affidavit shall be in a format approved by the labor commissioner and shall be signed by the owner or an officer of the company.

ITEM 3. Adopt the following **new** subrule 90.6(9):

90.6(9) Internal inspection on a four-year cycle for utility objects. An object that meets the criteria of this subrule shall be inspected internally at least once every four years and externally every year. If

LABOR SERVICES DIVISION[875](cont'd)

at any time the object or the owner no longer meets the criteria of this subrule, internal inspections shall be performed on a two-year cycle.

a. The object is owned and operated by an electric public utility subject to rate regulation under Iowa Code chapter 476.

b. The object and the owner meet all the requirements for a two-year internal inspection interval as set forth in Iowa Code section 89.3, subsection 4.

c. If the object is shut down for a period sufficient to allow safe entry, and more than two years have passed since the last internal inspection, the owner shall notify the labor commissioner of the outage and shall schedule an internal inspection.

d. If the labor commissioner determines that an earlier inspection is necessary, the owner shall prepare the object for inspection pursuant to rule 875—90.5(89).

ARC 1558C**PROFESSIONAL LICENSURE DIVISION[645]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 147.76, the Board of Behavioral Science hereby gives Notice of Intended Action to amend Chapter 31, “Licensure of Marital and Family Therapists and Mental Health Counselors,” Iowa Administrative Code.

These proposed amendments revise the examination requirements for temporary licensure to make them consistent with the Iowa Code, define the requirements for the counseling theories content area and the supervised counseling practicum content area for applicants who entered programs of study prior to July 1, 2012, and define requirements for licensure by endorsement for an applicant who has been licensed at the independent level in another state for at least five years.

Any interested person may make written comments on the proposed amendments no later than August 12, 2014, addressed to Judy Manning, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; e-mail judith.manning@idph.iowa.gov.

A public hearing will be held August 12, 2014, from 8 to 8:30 a.m. in the Fifth Floor Board Conference Room 526, Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

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

These amendments are intended to implement Iowa Code sections 147.3, 147.10, 147.55, 154D.2, and 154D.7.

The following amendments are proposed.

ITEM 1. Amend subrule 31.2(5) as follows:

31.2(5) The candidate for permanent licensure shall have the examination score sent directly from the testing service to the board. ~~If the~~ The candidate for temporary licensure ~~has not completed the examination prior to issuance of a temporary license, the candidate~~ must successfully complete the examination before the temporary license ~~expires~~ is issued.

ITEM 2. Amend subparagraph **31.6(2)“a”(1)** as follows:

(1) Counseling theories. Studies that provide an understanding of counseling theories, utilize personal and environmental data in the mental health counseling process, and investigate procedures that are appropriate to various counseling theories and specific settings.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

ITEM 3. Amend subparagraph **31.6(2)“a”(2)** as follows:

(2) Supervised counseling practicum. A graduate-level clinical supervised counseling practicum in a mental health setting in which students must complete supervised practicum experiences that total a minimum of 100 clock hours over a minimum ten-week academic term. The practicum provides for the development of counseling skills under supervision. The student’s practicum includes all of the following:

1. At least 40 hours of direct service with actual clients that contributes to the development of counseling skills;

2. Weekly interaction with an average of 1 hour per week of individual or triadic supervision throughout the practicum by a program faculty member, a student supervisor, or a site supervisor who is working in biweekly consultation with a program faculty member in accordance with the supervision contract;

3. An average of 1½ hours per week of group supervision that is provided on a regular schedule throughout the practicum by a program faculty member or a student supervisor; and

4. Evaluation of the student’s counseling performance throughout the practicum, including documentation of a formal evaluation after the student completes the practicum.

ITEM 4. Amend rule 645—31.8(154D) as follows:

645—31.8(154D) Licensure by endorsement. An applicant who has been a licensed marriage and family therapist or mental health counselor under the laws of another jurisdiction may file an application for licensure by endorsement with the board office.

31.8(1) The board may receive by endorsement any applicant from the District of Columbia or another state, territory, province or foreign country who:

~~1. a.~~ Submits to the board a completed application;

~~2. b.~~ Pays the licensure fee;

~~3. c.~~ Shows evidence of licensure requirements that are similar to those required in Iowa;

~~4. d.~~ Provides official transcripts sent directly from the school to the board verifying completion of a master’s degree of 45 hours or equivalent if the applicant entered a program of study prior to July 1, 2010, or verifying completion of a master’s degree of 60 hours or equivalent if the applicant entered a program of study on or after July 1, 2010, or the appropriate doctoral degree. After March 31, 2009, graduates from a non-CACREP-accredited mental health counselor program or a non-COAMFTE-accredited marital and family therapy program shall provide an equivalency evaluation of their educational credentials by the Center for Credentialing and Education, Inc. (CCE), Web site <http://cce-global.org>. The professional curriculum must be equivalent to that stated in these rules. Applicants shall bear the expense of the curriculum evaluation;

~~5. e.~~ Supplies satisfactory evidence of the candidate’s qualifications in writing on the prescribed forms by the candidate’s supervisors. If verification of clinical experience is not available, the board may consider submission of documentation from the state in which the applicant is currently licensed or equivalent documentation of supervision; ~~and~~

~~6. f.~~ Provides verification(s) of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification direct from the jurisdiction’s board office if the verification provides:

~~▲ (1)~~ Licensee’s name;

~~▲ (2)~~ Date of initial licensure;

~~▲ (3)~~ Current licensure status; and

~~▲ (4)~~ Any disciplinary action taken against the license; ~~and~~

~~g.~~ Has the examination score sent directly from the testing service to the board.

31.8(2) In lieu of meeting the requirements of paragraphs 31.8(1) “d” and “e,” applicants who meet the qualifications below may instead submit documentation demonstrating how each of the qualifications below is satisfied:

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

a. The applicant has been licensed as a mental health counselor or a marital and family therapist in another state for at least five years at the independent level (independent level means the highest level of licensure in the field offered by the particular state);

b. The applicant has been practicing under the independent license in a clinical mental health or marital and family therapy counseling setting for at least five years;

c. The applicant possesses a master's degree or higher in mental health counseling or marital and family therapy; and

d. The applicant does not have any past or pending disciplinary action from any state licensing boards related to any mental health counseling or marital and family therapy license currently or previously held by the applicant.

ARC 1559C**PROFESSIONAL LICENSURE DIVISION[645]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 147.76, the Board of Physical and Occupational Therapy hereby gives Notice of Intended Action to amend Chapter 200, “Licensure of Physical Therapists and Physical Therapist Assistants,” Chapter 203, “Continuing Education for Physical Therapists and Physical Therapist Assistants,” and Chapter 207, “Continuing Education for Occupational Therapists and Occupational Therapy Assistants,” Iowa Administrative Code.

These proposed amendments clarify the examination requirements for physical therapy applicants who fail the examination more than three times and clarify continuing education requirements for physical therapy and occupational therapy licensees.

Any interested person may make written comments on the proposed amendments no later than August 12, 2014, addressed to Judy Manning, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; e-mail judith.manning@idph.iowa.gov.

A public hearing will be held August 12, 2014, from 8 to 8:30 a.m. in the Fifth Floor Board Conference Room 526, Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

The proposed amendments are subject to waiver pursuant to 645—Chapter 18.

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

These amendments are intended to implement Iowa Code chapters 148A and 148B and sections 272C.1 and 272C.2.

The following amendments are proposed.

ITEM 1. Amend subrule 200.4(3) as follows:

200.4(3) Before the board may approve an applicant for testing beyond three attempts, an applicant shall ~~reapply for licensure and shall~~ demonstrate evidence satisfactory to the board of having successfully completed additional coursework. The Federation of State Boards of Physical Therapy (FSBPT) determines the total number of times an applicant may take the examination in a lifetime. The board will not approve an applicant for testing when the applicant has exhausted the applicant's lifetime opportunities for taking the examination, as determined by FSBPT.

ITEM 2. Amend paragraph **203.2(1)“a”** as follows:

a. Requirements for physical therapist licensees. Each biennium, each person who is licensed to practice as a physical therapist in this state shall be required to complete a minimum of 40 hours

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

of continuing education approved by the board; a minimum of ~~20~~ 30 hours shall be ~~clinical in nature~~ directly and primarily related to the clinical application of physical therapy.

ITEM 3. Amend paragraph **203.2(1)“b”** as follows:

b. Requirements for physical therapist assistant licensees. Each biennium, each person who is licensed to practice as a physical therapist assistant in this state shall be required to complete a minimum of 20 hours of continuing education approved by the board; a minimum of ~~10~~ 15 hours shall be ~~clinical in nature~~ directly and primarily related to the clinical application of physical therapy.

ITEM 4. Rescind subrule 203.3(2) and adopt the following **new** subrule in lieu thereof:

203.3(2) Specific criteria.

a. Licensees may obtain continuing education hours of credit by:

(1) Attending workshops, conferences, or symposiums.

(2) Accessing online training, such as viewing interactive conferences, attending webinars, or completing online training courses.

(3) Completing an American Physical Therapy Association-approved postprofessional clinical residency or fellowship. A licensee will receive 1 hour of credit for every 2 hours spent in clinical residency, up to a maximum of 20 hours. Clinical residency hours may not be used for credit if the licensee is also seeking credit hours earned for postprofessional academic coursework in the same renewal period.

(4) Directly supervising students for clinical education if the physical therapist or physical therapist assistant who is supervising is an American Physical Therapy Association Advanced Credentialed Clinical Instructor and if the student being supervised is from an accredited physical therapist or physical therapist assistant program and is participating in a full-time clinical experience (defined as approximately 40 hours per week, ranging from 1 to 18 weeks). One hour will be awarded for every 160 contact hours of supervision. A maximum of 8 hours for a physical therapist and 4 hours for a physical therapist assistant may be awarded per biennium. The physical therapist or physical therapist assistant must have documentation from the accredited educational program indicating the number of hours spent supervising a student.

(5) Presenting professional programs that meet the criteria listed in this rule. Two hours of credit will be awarded for each hour of presentation for the first offering of the course. A course schedule or brochure must be maintained for audit.

(6) Completing academic courses that directly relate to the professional competency of the licensee. Official transcripts indicating successful completion of academic courses that apply to the field of physical therapy will be necessary in order for the licensee to receive the following continuing education credits:

1 academic semester hour = 15 continuing education hours of credit

1 academic trimester hour = 12 continuing education hours of credit

1 academic quarter hour = 10 continuing education hours of credit

(7) Teaching in an approved college, university, or graduate school. The licensee may receive the following continuing education credits on a one-time basis for the first offering of a course:

1 academic semester hour = 15 continuing education hours of credit

1 academic trimester hour = 12 continuing education hours of credit

1 academic quarter hour = 10 continuing education hours of credit

(8) Authoring research or other activities, the results of which are published in a recognized professional publication. The licensee shall receive 5 hours of credit per page.

(9) Participating in professional organizations related to the practice of physical therapy, with 1 credit hour received for each 6 months of service as an officer, delegate, or committee member, for a maximum of 4 hours per biennium. Verification of participation must be provided by the professional organization to document the continuing education credit.

b. Continuing education hours of credit in the following topics are not considered to be directly and primarily related to the clinical application of physical therapy and therefore must not exceed a

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

maximum combined total of 10 hours of credit for a physical therapist licensee and 5 hours of credit for a physical therapist assistant licensee:

- (1) Business-related topics, such as marketing, time management, government regulations, and other like topics.
- (2) Personal skills topics, such as career burnout, communication skills, human relations, and other like topics.
- (3) General health topics, such as clinical research, CPR, mandatory reporter training, and other like topics.

ITEM 5. Amend paragraph **207.2(1)“a”** as follows:

a. Requirements for occupational therapist licensees. Each biennium, each person who is licensed to practice as an occupational therapist in this state shall be required to complete a minimum of 30 hours of continuing education approved by the board; a minimum of ~~15~~ 20 hours shall be ~~clinical in nature~~ directly and primarily related to the clinical application of occupational therapy.

ITEM 6. Amend paragraph **207.2(1)“b”** as follows:

b. Requirements for occupational therapy assistant licensees. Each biennium, each person who is licensed to practice as an occupational therapy assistant in this state shall be required to complete a minimum of 15 hours of continuing education approved by the board; a minimum of ~~8~~ 10 hours shall be ~~clinical in nature~~ directly and primarily related to the clinical application of occupational therapy.

ITEM 7. Rescind subrule 207.3(2) and adopt the following **new** subrule in lieu thereof:

207.3(2) Specific criteria.

- a.* Licensees may obtain continuing education hours of credit by:
- (1) Attending workshops, conferences, or symposiums.
 - (2) Accessing online training, such as viewing interactive conferences, attending webinars, or completing online training courses.
 - (3) Directly supervising students for clinical education if the student being supervised is from an accredited occupational therapy or occupational therapy assistant program and is participating in a full-time clinical experience (defined as approximately 40 hours per week, ranging from 1 to 18 weeks). One hour will be awarded for every 160 contact hours of supervision. A maximum of 8 hours for an occupational therapist and 4 hours for an occupational therapy assistant may be awarded per biennium. The occupational therapist or occupational therapy assistant must have documentation from the accredited educational program indicating the number of hours spent supervising a student.
 - (4) Presenting professional programs that meet the criteria listed in this rule. Two hours of credit will be awarded for each hour of presentation for the first offering of the course. A course schedule or brochure must be maintained for audit.
 - (5) Completing academic courses that directly relate to the professional competency of the licensee. Official transcripts indicating successful completion of academic courses that apply to the field of occupational therapy will be necessary in order for the licensee to receive the following continuing education credits:
 - 1 academic semester hour = 15 continuing education hours of credit
 - 1 academic trimester hour = 12 continuing education hours of credit
 - 1 academic quarter hour = 10 continuing education hours of credit
 - (6) Teaching in an approved college, university, or graduate school. The licensee may receive the following continuing education credits on a one-time basis for the first offering of a course:
 - 1 academic semester hour = 15 continuing education hours of credit
 - 1 academic trimester hour = 12 continuing education hours of credit
 - 1 academic quarter hour = 10 continuing education hours of credit
 - (7) Authoring research or other activities, the results of which are published in a recognized professional publication. The licensee shall receive 5 hours of credit per page.
 - (8) Participating in professional organizations related to the practice of occupational therapy, with 1 credit hour received for each 6 months of service as an officer, delegate, or committee member, for a

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

maximum of 4 hours per biennium. Verification of participation must be provided by the professional organization to document the continuing education credit.

b. Continuing education hours of credit in the following topics are not considered to be directly and primarily related to the clinical application of occupational therapy and therefore must not exceed a maximum combined total of 8 hours of credit for an occupational therapist licensee and 4 hours of credit for an occupational therapy assistant licensee:

(1) Business-related topics, such as marketing, time management, government regulations, and other like topics.

(2) Personal skills topics, such as career burnout, communication skills, human relations, and other like topics.

(3) General health topics, such as clinical research, CPR, mandatory reporter training, and other like topics.

ARC 1557C**PUBLIC SAFETY DEPARTMENT[661]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 103.6, the Electrical Examining Board hereby gives Notice of Intended Action to amend Chapter 504, “Standards for Electrical Work,” Iowa Administrative Code.

The Electrical Examining Board is authorized to adopt administrative rules governing all aspects of the licensing of electricians and electrical contractors and of the state electrical inspection program. The proposed amendment updates rule 661—504.1(103) regarding electrical installations by the adoption of the 2014 edition of the National Electrical Code (NEC), with specified exceptions. The Board intends that this amendment shall become effective January 1, 2015.

A public hearing on the proposed amendment will be held on August 12, 2014, at 1 p.m. in the First Floor Public Conference Room (Room 125), Oran Pape State Office Building, 215 East 7th Street, Des Moines, Iowa 50319. Persons may present their views orally or in writing at the public hearing. Otherwise, any written comments or information regarding the proposed amendment may be directed to the Agency Rules Administrator by mail to Agency Rules Administrator, Iowa Department of Public Safety, Oran Pape State Office Building, 215 East 7th Street, Des Moines, Iowa 50319; or by electronic mail to admrule@dps.state.ia.us by 4:30 p.m. on August 12, 2014.

Iowa Code section 103.6(1)“a” requires the Electrical Examining Board to adopt rules that set minimum standards “set forth in the most current publication of the national electrical code issued and adopted by the national fire protection association,” and to “adopt rules reflecting updates to the code and amendments to the code.”

The National Fire Protection Association (NFPA) has developed the National Electrical Code (NEC) since 1911 as part of a family of codes and standards. The NEC is designed to be a uniform approach to electrical work across the country, with the primary goal of protecting people and property from electrical hazards. New editions are issued every three years, after a process that includes input from many groups and individuals interested in electrical issues. Each new edition reflects the newest installation practices in the electrical industry.

Significant changes in the 2014 edition of the NEC reflect changes in communication and energy demands in industrial, business and consumer contexts. Changes in industrial/business and personal consumer reliance on Internet services and communications devices, along with changes in energy demands and technology innovation, resulted in standards that better protect people and property as

PUBLIC SAFETY DEPARTMENT[661](cont'd)

demands on electrical service increase and change. The changes in the 2014 edition are based on modifications in the industry related to energy efficiency, energy production, residential uses, and special needs for health care facilities.

These types of changes are particularly relevant in Iowa. Iowa economic recovery outpaced other states and has remained strong (Iowa Business Council, 2014 Iowa Competitiveness Indicators (2014); Iowa Workforce Development, "Iowa's Workforce and the Economy" (2013)). Electrical demand is correlated to economic growth (U.S. Energy Information Administration, "U.S. Economy and Electricity Demand Growth are Linked, But Relationship is Changing" (2013)). Iowa's plan for more robust broadband and other communications infrastructure suggests that electrical demand will continue to increase (Connect Iowa, "Iowa Broadband: Current Market Analysis & Initial Recommendations for Acceleration of Iowa's Broadband Market" (August 2010)). Nationally, a 26 percent increase in demand for electricity is expected by 2030 (National Academies, "What you Need to Know About Energy: Electricity" (2014)).

Across the United States, about two-thirds of the states are in the process of examining the 2014 edition of the NEC for adoption. Of the states bordering Iowa, Nebraska and South Dakota have adopted the 2014 edition of the NEC; Minnesota is nearly finished with the adoption process for the 2014 edition of the NEC; Wisconsin has adopted the 2011 edition of the NEC; and there are no statewide standards set in Illinois or Missouri.

Information regarding the economic impact of the adoption of the 2014 NEC indicates that Iowa will benefit from having the most recent version of the NEC. Demands for electrical work are likely to continue to rise, and Iowa can maintain a competitive edge with other states by updating its standards to meet the current industry expectations and to provide better protection and safety for individuals and property.

The Electrical Examining Board sets the statewide minimum standard for electrical work in Iowa. Local communities can impose additional standards, and some local governments have inquired about the statewide adoption of the 2014 NEC requirements.

The Electrical Examining Board has sought input from interested persons in several ways. In conjunction with the public meetings of the Electrical Examining Board in 2014, the key changes in the 2014 NEC edition have been discussed, with presentations by experts and opportunities for input from those in attendance, including board members and the public. A special public meeting was held on March 25, 2014, to encourage interested persons to discuss comments and concerns with a subcommittee of the Electrical Examining Board. In addition to the public notice of the meeting, invitations were sent to groups and licensees who were likely to have an interest in the adoption of the 2014 NEC, including the Iowa Association of Building Officials, the Farm Bureau, the Master Builders of Iowa, the National Electrical Contractors Association, the Home Builders Association, the National Electrical Manufacturers Association, the Associated Builders and Contractors of Iowa, Joint Apprenticeship Training Centers, local unions, and all individuals who signed up for e-mail notifications from the Electrical Examining Board. E-mail notifications were made to at least 800 recipients. After that special meeting, additional comments were provided to the Board, and individuals also provided comments at the April board meeting to discuss their views about the adoption of the 2014 edition of the NEC. Comments were provided to the Electrical Examining Board after the April meeting as well.

Based on input received from organizations and individuals, the Electrical Examining Board intends to adopt the 2014 NEC with three primary exceptions:

(1) Ground-fault circuit-interrupter (GFCI) protection for personnel will be required, except for receptacles that are not readily accessible and for a single or duplex receptacle for two appliances within dedicated space for the appliances. The Board has determined that a GFCI located under a kitchen sink is "readily accessible," which addresses some concerns expressed by contractors.

(2) Lighting load provisions will include an exception that accommodates local energy code provisions.

(3) Modification of GFCI requirements for replacement receptacles and branch circuit extensions or modifications are excepted because these products are new, experience with them has been limited, and few manufacturers produce the necessary products.

PUBLIC SAFETY DEPARTMENT[661](cont'd)

Rules of the Electrical Examining Board are subject to the waiver provisions of rule 661—501.5(103). The Board does not have authority to waive requirements established by statute.

After analysis and review of this rule making, there should be a positive impact on jobs. This rule making lessens the burden for electricians to enter into Iowa's market, simplifying the examination process. Further, this rule making should allow Iowans to obtain business in other markets. The Board will continue to work with stakeholders to maximize this rule making's positive impact on jobs.

This amendment is intended to implement Iowa Code section 103.6.

The following amendment is proposed.

Amend rule 661—504.1(103) as follows:

661—504.1(103) Installation requirements. The provisions of the National Electrical Code, ~~2011~~ 2014 edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169-7471, are adopted as the requirements for electrical installations performed by persons licensed pursuant to 661—Chapters 500 through 503 and to installations subject to inspection pursuant to Iowa Code chapter 103 with the following amendments:

504.1(1) Add the following exceptions to section 210.8, paragraph (A), subparagraph (2):

- a. Exception No. 1 to (2): Receptacles that are not readily accessible.
- b. Exception No. 2 to (2): A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7(A)(6), (A)(7), or (A)(8).
- c. Receptacles installed under the exceptions to 210.8(A)(2) shall not be considered as meeting the requirements of 210.52(G).

504.1(2) Add the following exceptions to section 210.8, paragraph (A), subparagraph (5):

- a. Exception No. 2 to (5): Receptacles that are not readily accessible.
- b. Exception No. 3 to (5): A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7(A)(6), (A)(7), or (A)(8).
- c. Receptacles installed under the exceptions to 210.8(A)(5) shall not be considered as meeting the requirements of 210.52(G).

504.1(3) Delete section 210.12(B).

504.1(4) Delete the exception to section 220.12 and insert in lieu thereof the following exception:

EXCEPTION: Where the building is designed and constructed to comply with an energy code adopted by the local authority, the lighting load shall be permitted to be calculated at the values specified in the energy code.

504.1(5) Delete section 406.4(D)(4).

This rule is intended to implement Iowa Code chapter 103.

ARC 1544C

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.3 and 421.14, the Department of Revenue proposes to amend Chapter 231, “Exemptions Primarily of Benefit to Consumers,” Iowa Administrative Code.

REVENUE DEPARTMENT[701](cont'd)

The rules in Chapter 231 implement the sales and use tax, as required under the Streamlined Sales and Use Tax Agreement. This amendment clarifies examples of candy subject to sales and use tax as candy.

The 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 this proposed amendment on or before August 12, 2014. Such written comments should be directed to the Policy Section, Policy and Communications Division, Department of Revenue, Hoover State Office Building, P.O. Box 10457, Des Moines, Iowa 50306. Persons who want to convey their views orally should contact the Policy Section, Policy and Communications Division, Department of Revenue, at (515)281-8450 or at the Department of Revenue offices on the fourth floor of the Hoover State Office Building.

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

This amendment is intended to implement Iowa Code section 423.3(57)“b.”

The following amendment is proposed.

Rescind subrule 231.4(2) and adopt the following **new** subrule in lieu thereof:

231.4(2) Nonexclusive examples.

a. *Taxable candy.* Examples of items taxable as candy include, but are not limited to: preparations of fruits, nuts, or other ingredients in combination with sugar, honey, or other natural or artificial sweeteners in the form of bars, drops, or pieces; caramel-coated or other candy-coated apples or other fruit; candy-coated popcorn; hard or soft candies including jellybeans, taffy, licorice not containing flour, marshmallows, and mints; dried fruit leathers or other similar products prepared with natural or artificial sweeteners; candy breath mints; chewing gum; and mixes of candy pieces.

Sales of items which are normally sold for use as ingredients in recipes but which can be eaten as candy are taxable on and after July 1, 2004. Examples of these items include, but are not limited to: sweetened baking chocolate in bars or pieces; white and dark chocolate almond bark; toffee bits; M&M’s, including those sold for baking; candy primarily intended for decorating baked goods; and sweetened baking chips, including mint chips, peanut butter chips, butterscotch chips, and chocolate chips.

b. *Nontaxable items.* Sales of the following are generally not taxable as candy: jams, jellies, preserves, or syrups; frostings; dried fruits without added sweetener; breakfast cereals; ice cream or other frozen desserts covered with chocolate or similar coverings; cotton candy; cakes, cookies, and similar products covered with chocolate or other similar coating; and granola bars. However, these and similar items are taxable if sold as prepared food under rule 701—231.5(423).

TREASURER OF STATE

Notice—Public Funds Interest Rates

In compliance with Iowa Code chapter 74A and section 12C.6, the committee composed of Treasurer of State Michael L. Fitzgerald, Superintendent of Credit Unions JoAnn Johnson, Superintendent of Banking James M. Schipper, and Auditor of State Mary Mosiman have established today the following rates of interest for public obligations and special assessments. The usury rate for July is 4.50%.

INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS

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

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

TREASURER OF STATE(cont'd)

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

New official state interest rates, effective July 10, 2014, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TIME DEPOSITS

7-31 days	Minimum .05%
32-89 days	Minimum .05%
90-179 days	Minimum .05%
180-364 days	Minimum .05%
One year to 397 days	Minimum .05%
More than 397 days	Minimum .10%

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

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

ARC 1546C**AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 189A.7(8), the Agriculture and Land Stewardship Department hereby amends Chapter 76, “Meat and Poultry Inspection,” Iowa Administrative Code.

The amendment updates a reference to federal regulations in order to retain recognition of the state meat and poultry program.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1468C** on May 28, 2014. No comments were received from the public. The adopted amendment is identical to the amendment published under Notice of Intended Action.

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

This amendment is intended to implement Iowa Code section 159.5(8) and Iowa Code chapter 189A.

This amendment will become effective August 27, 2014.

The following amendment is adopted.

Amend rule 21—76.2(189A) as follows:

21—76.2(189A) Federal Wholesome Meat Act regulations adopted. Part 303, Part 304, Part 305, Part 306, Parts 308 through 320, Part 329, Part 416, Part 417, Part 418, Part 424, Part 430, Part 441 and Part 442 of Title 9, Chapter III, of the Code of Federal Regulations, revised as of ~~January 1, 2013~~ March 7, 2013, are hereby adopted in their entirety by reference. Part 307 except Sections 307.5 and 307.6 and Part 325 except Sections 325.3 and 325.12 of Title 9, Chapter III, of the Code of Federal Regulations, revised as of January 1, 2013, are hereby adopted in their entirety by reference. Part 500 of Title 9, Chapter III, of the Code of Federal Regulations, revised as of January 1, 2013, is adopted by reference, except that references in Sections 500.5, 500.6, 500.7, and 500.8 to the federal Uniform Rules of Practice are not adopted.

This rule is intended to implement Iowa Code sections 189A.3 and 189A.7(8).

[Filed 7/2/14, effective 8/27/14]

[Published 7/23/14]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 7/23/14.

ARC 1543C**EDUCATIONAL EXAMINERS BOARD[282]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby amends Chapter 11, “Complaints, Investigations, Contested Case Hearings,” Iowa Administrative Code.

The amendment states that the Board “may,” rather than “shall,” set a case for hearing if there is probable cause of a violation of the Code of Professional Conduct and Ethics. The amendment also sets forth factors for the Board to consider in determining whether to set a case for hearing.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1378C** on March 19, 2014. A public hearing was held on April 9, 2014, with written comment accepted until April 11, 2014. No one attended the hearing, and no written comments were received.

This amendment is identical to that published under Notice of Intended Action.

There is an agencywide waiver provision available in 282—Chapter 6.

The Board of Educational Examiners adopted this amendment on June 20, 2014.

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

This amendment is intended to implement Iowa Code section 272.2(4).

This amendment will become effective August 27, 2014.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

The following amendment is adopted.

Amend rule 282—11.6(272) as follows:

282—11.6(272) Ruling on the initial inquiry. Upon review of the investigator's report, the board may take any of the following actions:

11.6(1) Reject the case. If a determination is made by the board to reject the case, the complaint shall be returned to the complainant along with a statement specifying the reasons for rejection. A letter of explanation concerning the decision of the board shall be sent to the respondent.

11.6(2) Require further inquiry. If determination is made by the board to order further inquiry, the complaint and recommendations by the investigator(s) shall be returned to the investigator(s) along with a statement specifying the information deemed necessary.

11.6(3) Accept the case. If a determination is made by the board that probable cause exists to conclude that the criteria of professional practices or the criteria of competent performance have been violated, notice shall may be issued, pursuant to rule 282—11.7(17A,272), and a formal hearing shall may be conducted in accordance with rules 282—11.7(17A,272) to 282—11.21(17A,272), unless a voluntary waiver of hearing has been filed by the respondent pursuant to the provisions of subrule 11.4(6). In determining whether to issue a notice of hearing, the board may consider the following:

a. Whether the alleged violation is of sufficient magnitude to warrant a hearing by the board.

b. Whether there is sufficient evidence to support the complaint.

c. Whether the alleged violation was an isolated incident.

d. Whether adequate steps have been taken at the local level to ensure similar behavior does not occur in the future.

11.6(4) Release of investigative report. If the board finds probable cause of a violation, the investigative report will be available to the respondent upon request. Information contained within the report is confidential and may be used only in connection with the disciplinary proceedings before the board.

[Filed 6/27/14, effective 8/27/14]

[Published 7/23/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/23/14.

ARC 1542C

EDUCATIONAL EXAMINERS BOARD[282]

Adopted and Filed

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

The amendment adds an experience requirement to convert the initial School Administration Manager authorization to a standard School Administration Manager authorization. This requirement also includes a verification that the applicant has met the competencies and skills verified by the supervising administrator and aligns the conversion requirements to the requirements to convert an initial teaching or initial administrator license.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1379C** on March 19, 2014. A public hearing was held on April 9, 2014, with written comment accepted until April 11, 2014. No one attended the hearing, and no written comments were received.

This amendment is identical to that published under Notice of Intended Action.

There is an agencywide waiver provision available in 282—Chapter 6.

The Board of Educational Examiners adopted this amendment on June 20, 2014.

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

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

This amendment will become effective August 27, 2014.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

The following amendment is adopted.

Amend subrule 22.6(5) as follows:

22.6(5) *Specific requirements for a standard school administration manager authorization.* The initial school administration manager authorization shall be converted to the standard school administration manager authorization provided the following requirements are met.

a. Training. A school administration manager shall attend an approved training program at the onset of the individual's hire as a school administration manager. The training for school administration managers is set forth in 281—subrule 82.7(2).

b. Experience. An applicant shall complete one year of experience as a school administration manager in an Iowa school. The supervising administrator shall verify this experience and the applicant's completion of the required competencies.

~~*b. c. Competencies.*~~ Applicants shall demonstrate completion of or competency in the following:

(1) Each school administration manager shall demonstrate competence in technology appropriate to the school administration manager position. The school administration manager will:

1. Become proficient in the use of the approved time-tracking software tool;
2. Schedule the administrator's time using the approved software, update and reconcile the calendar daily, and attempt to pre-calendar the administrator at or above the administrator's goal; and
3. Regularly schedule, review, and reflect with the administrator on the graphs and data provided through the software.

(2) Each school administration manager shall demonstrate appropriate personal skills. The school administration manager:

1. Is an effective communicator with all stakeholders, including but not limited to colleagues, community members, parents, and students;
2. Works effectively with employees, students, and stakeholders;
3. Maintains confidentiality when dealing with student, parent, and staff issues;
4. Clearly understands the administrator's philosophy of behavior expectations and consequences; and
5. Maintains an environment of mutual respect, rapport, and fairness.

[Filed 6/27/14, effective 8/27/14]

[Published 7/23/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/23/14.

ARC 1547C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 231B.2(1), 231C.3(1) and 231D.2(2), the Department of Inspections and Appeals hereby amends Chapter 67, "General Provisions for Elder Group Homes, Assisted Living Programs and Adult Day Services," and Chapter 70, "Adult Day Services," Iowa Administrative Code.

The amendments in Items 1 and 2 implement legislative changes made to Iowa Code section 135C.33 by 2014 Iowa Acts, House File 2365. The legislation provides employers 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 to verify a conviction or founded abuse may take up to seven calendar days to be available on the system used by employers for verification.

Item 3 rescinds rule 481—67.23(231B,231C,231D) regarding training related to Alzheimer's disease and similar forms of irreversible dementia. The rule requires programs to comply with administrative rules implementing Iowa Code section 231.62. Iowa Code section 231.62 was amended by 2012 Iowa

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

Acts, chapter 1086, section 13, to remove the requirement that the Department on Aging adopt rules to implement certain training and education provisions for those who regularly deal with persons with Alzheimer's disease and similar forms of irreversible dementia.

The amendments in Item 4 implement legislative changes in 2014 Iowa Acts, Senate File 2193. The legislation adds to Iowa Code chapter 231D a new section which sets forth requirements for admission and retention of participants in an adult day services program.

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 28, 2014, as **ARC 1472C**. No comments were received on the proposed amendments. These amendments are identical to those published under Notice of Intended Action.

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

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

These amendments are intended to implement Iowa Code sections 231B.2(1), 231C.3(1), 231D.2(2), and 135C.33 and 2014 Iowa Acts, House File 2365 and Senate File 2193.

These amendments shall become effective August 27, 2014.

The following amendments are adopted.

ITEM 1. Amend paragraph **67.19(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 **67.19(10)“a”** as follows:

a. The program 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.

ITEM 3. Rescind and reserve rule **481—67.23(231B,231C,231D)**.

ITEM 4. Amend subrule 70.23(1) as follows:

70.23(1) *Persons who may not be admitted or retained.* A program shall not knowingly admit or retain a participant who:

~~*a.* Is bed-bound; or~~

~~*b. a.* Requires routine, three-person assistance with standing, transfer or evacuation; or~~

~~*e. b.* Is dangerous to self or other participants or staff, including but not limited to a participant who:~~

~~(1) Despite intervention chronically elopes, is sexually or physically aggressive or abusive, or displays unmanageable verbal abuse or aggression; or~~

~~(2) Displays behavior that places another participant at risk; or~~

~~*d. (2)* Is in an acute stage of alcoholism, drug addiction, or uncontrolled mental illness; or~~

~~*e. c.* Is under the age of 18; or~~

~~*f.* Requires more than part-time or intermittent health-related care; or~~

~~*g.* Has unmanageable incontinence on a routine basis despite an individualized toileting program;~~

or

~~*h.* Is medically unstable; or~~

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

~~i. Requires maximal assistance with activities of daily living.~~

[Filed 7/2/14, effective 8/27/14]

[Published 7/23/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/23/14.

ARC 1541C

NURSING BOARD[655]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 17A.3 and 147.76, the Board of Nursing hereby amends Chapter 1, "Administrative and Regulatory Authority," Iowa Administrative Code.

The amendments:

- Replace the current mission statement with the new mission statement.
- Change the election date of Board officers to occur prior to May 1 of each year.
- Establish standing committees after May 1 of each year.
- Alter the scheduling requirement for future Board meeting dates.
- Remove the requirement that meetings be held in Des Moines, Iowa.
- Replace the use of Robert's Rules of Order with broader requirements for conducting meetings and ensuring equal rights and responsibilities for members.
- Eliminate references to provisions rescinded in 2001.
- Remove the subrule that provided for licensee notification in the Board newsletter.
- Remove reference to the state's general fund.

Notice of Intended Action for these amendments was published in the February 5, 2014, Iowa Administrative Bulletin as **ARC 1312C**. No public comment was received. These amendments are identical to those published under Notice of Intended Action.

These amendments were adopted by the Board on June 11, 2014.

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

These amendments are intended to implement Iowa Code chapters 17A, 147, and 152.

These amendments will become effective August 27, 2014.

The following amendments are adopted.

ITEM 1. Amend rule 655—1.3(17A,147,152) as follows:

655—1.3(17A,147,152) Description and organization of the board.

1.3(1) Description of the board. The board derives its legal authority for regulating and enforcing regulations for nursing education, nursing practice and continuing education for nurses under the provisions of Iowa Code chapters 147, 147A, 152, 152E and 272C. The mission of the board is to protect the public health, safety and welfare by ~~ensuring that nursing is practiced by at least minimally competent licensed individuals who practice within their authorized scope of practice~~ regulating the licensure of nurses, the practice of nurses, and nursing education and continuing education.

1.3(2) Organization of the board and meetings. The composition of the board is defined in Iowa Code sections 147.14 and 147.19. The board shall:

a. At the last regularly scheduled meeting prior to May 1:

(1) ~~Eleet~~ elect a chairperson and vice chairperson from its membership to begin serving as officers on May 1.

(2) ~~b. Establish~~ At the first regularly scheduled meeting after May 1, establish standing committees.

(3) ~~c.~~ Schedule regular meeting dates ~~through the summer of the following year.~~

(4) ~~Hold~~ and hold regularly scheduled meetings ~~in Des Moines, Iowa.~~

NURSING BOARD[655](cont'd)

~~b. d.~~ Hold special meetings called by the chairperson or upon request of four members of the board to the chairperson or executive director. Special meetings may be held by electronic means in accordance with Iowa Code section 21.8.

~~e. e.~~ Make available to the public, the date, time, and location of board meetings.

~~d. f.~~ Make available to the public, the date on which board materials are due in the board office for the agenda of regularly scheduled meetings. Materials received three weeks prior to a scheduled board meeting shall be placed on the agenda. Materials from emergency or unusual circumstances may be added to the agenda with the chairperson's approval.

~~e. g.~~ Allow members of the public to be present during board meetings unless the board votes to hold a closed session.

(1) Anyone who has submitted materials for the agenda or whose presence has been requested by the board will be given the opportunity to address the board.

(2) At every regularly scheduled board meeting, time will be designated for "Public Comment." During the time on the agenda labeled "Public Comment," anyone may speak for up to two minutes per person. Requests to speak at a later time for two minutes per person when a particular topic comes before the board should be made at the time of "Public Comment" and will be granted at the discretion of the chairperson. No more than ten minutes will be allotted to public comment at any one time unless the chairperson indicates otherwise.

(3) One who has not asked to address the board during "Public Comment" may be recognized by the chairperson if one raises a hand. Acknowledgment and an opportunity to speak will be at the discretion of the chairperson.

~~f. h.~~ Hold a closed session if the board voted to do so in a public roll call vote with an affirmative vote of at least two-thirds if the total board is present or a unanimous vote if less are than two-thirds of the board is present. The board will recognize the appropriate statute allowing for a closed session when voting to go into closed session. Minutes of all discussion, persons present, and action occurring at a closed session will be recorded along with a tape recording of the proceedings. The records shall be stored securely in the board office and shall not be made available for public inspection.

~~g. i.~~ Govern its meetings in accordance with Iowa Code chapter 21 ~~and its proceedings by "Robert's Rules of Order, Revised."~~ The board proceedings shall be conducted to ensure that all members have equal rights, privileges and obligations.

~~h. j.~~ Appoint a full-time executive director who, under the direction of the board, is responsible for the administration of policies and programs of the board and for the operation of the board office. Appointment or termination of appointment of the executive director shall require a majority vote of the entire board.

~~i. k.~~ Act on a petition for adoption of rules. Any person may request the promulgation, amendment, or repeal of a rule in accordance with Iowa Code section 17A.7 and 655—Chapter 8.

~~(1) to (4) Rescinded IAB 4/4/01, effective 5/9/01.~~

~~j. l.~~ Adopt, amend, or repeal rules in accordance with Iowa Code sections 17A.3, 17A.4, 17A.5, 17A.6, and 17A.7.

1.3(3) Information. Members of the public may obtain information or submit requests to the board office that relate to regulating and enforcing regulations on nursing education, nursing practice, and continuing education for nurses. Requests for information resulting in legally binding answers require a petition for rule making or a petition for declaratory ruling order. See 655—Chapter 8, "Petition Petitions for Rule Making"; 655—Chapter 9, "Declaratory Rulings Orders"; and 655—Chapter 10, "Agency Procedure for Rule Making."

1.3(4) Petition for declaratory orders. Any person may petition the board for a declaratory order as to the applicability of statute, rule, policy statement, decision or order which is under the board's jurisdiction. The petition shall be submitted in writing to the board office and shall be in accordance with 655—Chapter 9.

~~a. to e. Rescinded IAB 4/4/01, effective 5/9/01.~~

1.3(5) Public hearings. Public hearings shall be held in accordance with Iowa Code section 17A.4, subsection 1, paragraphs "a" and "b," with respect to rule making and 655—Chapter 10.

NURSING BOARD[655](cont'd)

~~a. to e. Rescinded IAB 4/4/01, effective 5/9/01.~~

1.3(6) *Public records and rosters.* Public records and rosters of licensees shall be made available in accordance with Iowa Code chapter 22 and ~~sections~~ section 147.8 and 147.43 and 655—Chapter 11.

ITEM 2. Amend rule 655—1.4(147,152,272C) as follows:

655—1.4(147,152,272C) Newsletter.

1.4(1) The board may publish or contract with a vendor to publish a newsletter as a nonpublic forum to disseminate official information related to the regulated profession. This official information may include statutory requirements, statutory changes, rules, rule changes, proposed or pending rule changes, licensing requirements, license renewal procedures, board action, board interpretative rulings or guidelines, office procedures, disciplinary action, ethical or professional standards, education requirements, education opportunities (prelicense education, continuing education and professional development), board business, board meetings and board news.

~~1.4(2) When the board is required or allowed to mail notices to licensees about matters such as license renewal, the board may include such notices in the newsletter.~~

~~1.4(3) 1.4(2)~~ The newsletter ~~may include vendor advertising to enable~~ enables the board to communicate with licensees and other interested persons ~~without expending moneys appropriated from the state's general fund,~~ and may include vendor advertising in order to defray the cost of the newsletter and to provide a targeted opportunity for licensees to receive profession-specific information to facilitate entry into the profession and enhance professional performance.

~~1.4(4) 1.4(3)~~ All newsletter advertising must be consistent with the board's mission as set forth in subrule 1.3(1). The board derives its legal authority for regulating and enforcing regulations for nursing education, nursing practice and continuing education for nurses under the provisions of Iowa Code chapters 147, 147A, 152, 152E and 272C. ~~The mission of the board is to protect the public health, safety and welfare by ensuring that nursing is practiced by at least minimally competent licensed individuals who practice within their authorized scope of practice.~~

~~1.4(5) 1.4(4)~~ All newsletter advertising must be professional and respectful of the nature of the regulated profession, established as a nonpublic forum, and consistent with rules established by the board. Advertising shall be restricted to commercial offerings of goods and services directly related to the lawful practice of the profession or the regulation of the profession. Political, advocacy or issue-oriented advertising shall not be permitted.

~~1.4(6) 1.4(5)~~ Newsletter advertising shall be considered consistent with the board's mission if the advertising pertains to commercial offerings of goods or services in one or more of the following areas:

- a. Entry into the profession, such as prelicense education or internship opportunities.
- b. A licensee's compliance with statute or board rules, such as continuing education courses or publications containing professional standards.
- c. The lawful and competent performance of the profession, e.g., malpractice insurance, or goods or services uniquely used in the profession.
- d. Employment opportunities in the profession.
- e. A professional's marketing of professional services to other professionals.
- f. Education programs designed to enhance credentials of professionals, or professional-specific degrees.
- g. Private and public notices of scholarship and grant opportunities.

~~1.4(7) 1.4(6)~~ Newsletter advertising shall be clearly separated from the substantive sections of each newsletter. Vendors authorized to solicit newsletter advertising must do so consistent with the board's advertising guidelines in a manner which is viewpoint-neutral and nondiscriminatory in all respects. Goods or services advertised in a newsletter must be lawful for all possible readers of any age to view, use or buy. The front page of each newsletter containing advertising must include a prominent disclaimer

NURSING BOARD[655](cont'd)

notifying the reader that the board plays no role in the solicitation of advertising and does not explicitly or implicitly endorse any advertiser or any good or service advertised in the newsletter.

[Filed 6/23/14, effective 8/27/14]

[Published 7/23/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/23/14.

ARC 1545C

REVENUE DEPARTMENT[701]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 421.14 and 422.68, the Department of Revenue hereby adopts amendments to Chapter 5, "Public Records and Fair Information Practices," Chapter 7, "Practice and Procedure Before the Department of Revenue," Chapter 8, "Forms and Communications," Chapter 10, "Interest, Penalty, Exceptions to Penalty, and Jeopardy Assessments," Chapter 42, "Adjustments to Computed Tax and Tax Credits," Chapter 52, "Filing Returns, Payment of Tax, Penalty and Interest, and Tax Credits," Chapter 86, "Inheritance Tax," Chapter 87, "Iowa Estate Tax," Chapter 88, "Generation Skipping Transfer Tax," and Chapter 89, "Fiduciary Income Tax," Iowa Administrative Code.

Notice of Intended Action was published in IAB Vol. XXXVI, No. 24, p. 2217, on May 28, 2014, as **ARC 1469C**.

Items 1 through 7, 14 through 29, and 33 amend various rules and subrules to eliminate references to the Iowa estate tax and generation skipping transfer tax related to the repeal of these taxes in 2014 Iowa Acts, House File 2435, applicability for which is set forth in Items 30, 31 and 32.

Items 8 and 9 amend paragraph 42.11(3)"d" and the implementation sentence for rule 701—42.11(15,422) to update the date for which Iowa is coupled with federal changes to the credit for increasing research activities, which is the basis for the Iowa credit for increasing research activities for Iowa individual income tax.

Items 10, 11, 12 and 13 amend paragraphs 52.7(3)"d," 52.7(5)"d," and 52.7(6)"d" and the implementation sentence for rule 701—52.7(422) to update the date for which Iowa is coupled with federal changes to the credit for increasing research activities, which is the basis for the Iowa credit for increasing research activities for Iowa corporation income tax. This change is similar to the change in Items 8 and 9.

Items 30 and 31 amend subrule 87.1(1) and rule 701—87.6(451) to state that the Iowa estate tax only applies for deaths occurring prior to January 1, 2005.

Item 32 amends 701—Chapter 88 by adding new rule 701—88.7(421) to state that the generation skipping transfer tax only applies for deaths occurring prior to January 1, 2005.

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

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

These amendments are intended to implement Iowa Code sections 15.335, 422.3, 422.10, 422.32 and 422.33 as amended by 2014 Iowa Acts, House File 2435, and 2014 Iowa Acts, House File 2435, section 25.

REVENUE DEPARTMENT[701](cont'd)

These amendments will become effective August 27, 2014, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

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 Chs 5, 7, 8, 10, 42, 52, 86 to 89] is being omitted. These amendments are identical to those published under Notice as **ARC 1469C**, IAB 5/28/14.

[Filed 7/2/14, effective 8/27/14]

[Published 7/23/14]

[For replacement pages for IAC, see IAC Supplement 7/23/14.]

ARC 1549C

SECRETARY OF STATE[721]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 47.1 and 17A.3, the Secretary of State hereby amends Chapter 21, "Election Forms and Instructions," Iowa Administrative Code.

These amendments are necessitated by the passage of 2014 Iowa Acts, House File 2366. The bill was signed into law by Governor Branstad on April 25, 2014, necessitating amendments to a number of existing administrative rules implementing sections of the Iowa Code that have been amended by this legislation. The statutory changes which necessitate these amendments include allowing county commissioners to use one envelope as a combined absentee ballot return envelope and affidavit envelope, eliminating the requirement for a voter to list a party affiliation on a primary election absentee ballot affidavit envelope, and changing the deadline by which a county commissioner must receive an absentee ballot to review the envelope marked with the affidavit for completeness.

These amendments were published under Notice of Intended Action in the Iowa Administrative Bulletin on May 28, 2014, as **ARC 1473C**. No public comments or requests for public hearing were received. The following changes have been made to the amendments published under Notice of Intended Action:

1. Proposed Item 9 has been omitted from the amendments published herein because the substance of the amendment is already included in Item 8. Proposed Items 10 to 15 have been renumbered as Items 9 to 14 herein.

2. In subrule 21.404(2) in renumbered Item 14, the filing deadline for candidates for city office has been changed from the seventieth day to the sixty-ninth day before the election to meet the requirements of Iowa Code section 39.2(3)"b."

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

These amendments are intended to implement Iowa Code chapter 53 as amended by 2014 Iowa Acts, House File 2366.

These amendments will become effective August 27, 2014.

The following amendments are adopted.

ITEM 1. Amend subparagraph **21.320(3)"b"(3)** as follows:

(3) The ~~affidavit~~ envelope affidavit form, which can be printed by the voter on an envelope and used for the voter's declaration of eligibility and voter registration application, if necessary.

ITEM 2. Amend rule 721—21.352(53) as follows:

721—21.352(53) Review of returned affidavit envelopes marked with affidavits.

21.352(1) Personnel. The commissioner may assign staff members to complete the review of returned affidavit envelopes marked with affidavits. Only persons who have been trained for this responsibility shall be authorized to review affidavit envelopes marked with affidavits.

SECRETARY OF STATE[721](cont'd)

~~21.352(2) Affidavit envelopes reviewed~~ Review of envelopes marked with affidavits. The affidavit envelopes marked with affidavits of all absentee ballots returned to the commissioner's office shall be reviewed, including those of ballots returned by the bipartisan team delivering absentee ballots to health care facilities, such as hospitals and nursing homes. If a reviewer finds that any absentee affidavits returned from any health care facility are incomplete or defective, the commissioner shall send the bipartisan delivery team back to assist voters as needed with completing affidavits or to deliver any replacement ballots.

21.352(3) Instructions. Each reviewer shall receive instructions in substantially the form prepared by the state commissioner of elections. The instructions shall provide basic security and procedural guidance and include a method for accounting for all returned absentee ballots. The prohibitions shall include:

- a. Leaving unsecured ballots unattended.
- b. Altering any information on any affidavit.
- c. Adding any information to any affidavit, except as specifically required to comply with the requirements of the law.
- d. Sealing any affidavit envelope marked with the affidavit that is found open.
- e. Discarding any return carrier envelopes, ballots, or affidavit envelopes marked with affidavits that are returned by voters.

ITEM 3. Amend rule 721—21.353(53) as follows:

721—21.353(53) Opening the return carrier envelopes that are not marked with voters' affidavits. ~~The~~ If the commissioner is using return carrier envelopes that are not marked with voters' affidavits, the commissioner may direct a staff member to open the return carrier envelopes either manually or with an automatic letter opener, if one is available. Only a trained reviewer may remove the contents of the return carrier envelope. The return carrier envelopes opened and emptied pursuant to this rule shall be stored for 22 months for federal elections and 6 months for local elections in a manner that will facilitate retrieval, if necessary.

ITEM 4. Amend rule 721—21.354(53) as follows:

721—21.354(53) Review process. ~~A reviewer shall remove the contents from only one return carrier envelope at a time.~~

~~21.354(1) Return carrier envelopes preserved.~~ The return carrier envelopes shall be stored in a manner that will facilitate their retrieval, if necessary. They shall be stored for 22 months for federal elections and 6 months for local elections.

21.354(2) 21.354(1) Examination of affidavit envelope marked with affidavit. The reviewer shall make sure that:

- a. The affidavit envelope marked with the affidavit is sealed, apparently with the ballot inside.
- b. The affidavit envelope marked with the affidavit has not been opened and resealed.
- c. The affidavit includes all of the following: the voter's signature.
 - (1) A signature.
 - (2) For primary elections only, political party affiliation.

~~21.354(3) 21.354(2) No defects or incomplete information.~~ If the reviewer finds that the required information on the affidavit is complete signed and that there are no defects that would cause the absentee and special voters precinct board to reject the ballot, the reviewer shall put the affidavit envelope marked with the affidavit into a group of envelopes to be retained in the secure storage area with ~~others~~ other ballots that require no further attention until they are delivered to the absentee and special voters precinct board.

21.354(4) 21.354(3) Defective and incomplete affidavits. The commissioner shall contact the voter if the reviewer finds any of the following flaws in the affidavit or affidavit envelope marked with the affidavit:

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a. The commissioner shall contact the voter immediately if the affidavit envelope marked with the affidavit is defective. An affidavit envelope marked with the affidavit is defective if:

- (1) The absentee ballot is not enclosed in the affidavit envelope marked with the affidavit.
- (2) The affidavit envelope marked with the affidavit is not sealed.
- (3) The affidavit envelope marked with the affidavit has been opened and resealed.
- (4) The voter submits a change of address in a new precinct after returning a voted absentee ballot.

b. The commissioner shall contact the voter within 24 hours if the affidavit is ~~incomplete~~ not signed. An ~~incomplete~~ affidavit lacks:

- (1) ~~The signature of the voter.~~
- (2) ~~For primary elections only, political party affiliation.~~

c. If an affidavit envelope marked with the affidavit has flaws that are included in both paragraphs "a" and "b," the commissioner shall follow the process in paragraph "a."

~~21.354(5)~~ **21.354(4)** *Defective and incomplete affidavits stored separately.* The commissioner shall store the defective and incomplete affidavit envelopes marked with affidavits separately from other returned absentee ballot affidavit envelopes marked with affidavits.

a. Incomplete affidavit envelopes marked with affidavits requiring voter correction must be available for retrieval when the voter comes to make corrections.

b. Defective affidavit envelopes marked with affidavits must be attached to the replacement ballot (if any) for review by the absentee and special voters precinct board.

ITEM 5. Amend rule 721—21.355(53), introductory paragraph, as follows:

721—21.355(53) Notice to voter. When the commissioner finds an incomplete absentee ballot affidavit or finds a defective affidavit envelope marked with the affidavit, the commissioner shall notify the voter in writing and, if possible, by telephone and by e-mail. The commissioner shall keep a separate checklist for each voter showing the reasons for which the voter was contacted and the methods used to contact the voter.

ITEM 6. Amend subrules 21.355(1) and 21.355(2) as follows:

21.355(1) Notice to voter—incomplete ballot affidavit. Within 24 hours after receipt of an absentee ballot with an incomplete affidavit, the commissioner shall send a notice to the voter at the address where the voter is registered to vote, as well as to the address where the ballot was sent, if it is a different address. The notice shall include:

a. ~~Explanation of missing required information (lack of signature or, for primary elections only, political party affiliation) that the voter's absentee ballot affidavit is missing the voter's signature.~~

b. The voter's options for ~~correcting~~ completing the affidavit as follows:

- (1) Completing the affidavit at the commissioner's office by 5 p.m. the day before the election;
- (2) Requesting a replacement ballot pursuant to Iowa Code section 53.18; or
- (3) Voting at the polls on election day.

c. Address of commissioner's office, business hours and contact information.

21.355(2) Notice to voter—defective ballot affidavit. Immediately after determining that an absentee ballot affidavit envelope marked with the affidavit is defective, the commissioner shall send a notice to the voter at the address where the voter is registered to vote, as well as to the address where the ballot was sent, if it is a different address. The notice shall include the following information:

a. to d. No change.

ITEM 7. Amend the implementation sentence at the end of rule **721—21.355(53)** as follows:

Rules 721—21.351(53) through 721—21.355(53) are intended to implement ~~2009~~ Iowa Code Supplement sections 53.18 and 53.25 as amended by ~~2010~~ 2014 Iowa Acts, ~~Senate file 2196~~ House File 2366, and ~~section 53.25~~ division II.

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ITEM 8. Amend rule 721—21.359(53) as follows:

721—21.359(53) Processing absentee ballots before election day. The commissioner may only direct the absentee and special voters precinct board to open affidavit envelopes marked with affidavits on the Monday before election day under the following circumstances:

For any election, only if the commissioner has provided secrecy envelopes (or folders) pursuant to subrule 21.359(1) and the commissioner determines removing secrecy envelopes from affidavit envelopes marked with affidavits is necessary due to the quantity of voted absentee ballots received as set forth in Iowa Code section 53.23, subsection 3, paragraph “a.”

For general elections, if the commissioner convenes the absentee and special voters precinct board pursuant to Iowa Code section 53.23, subsection 3, paragraph “c,” to begin tabulation of absentee ballots.

21.359(1) No change.

21.359(2) When the absentee and special voters precinct board convenes to begin processing absentee ballots, the board shall first review voters’ affidavits to determine which ballots will be accepted for counting and prepare the notices to those voters whose ballots have been rejected for the reasons set forth in ~~2009 Iowa Code Supplement~~ section 53.25. ~~Affidavit envelopes~~ Envelopes marked with affidavits containing ballots that are rejected shall be stored in the manner prescribed by Iowa Code section 53.26. The applications submitted for rejected ballots shall be stored in a secure location for the time period required by Iowa Code section 50.19.

21.359(3) ~~The affidavit envelopes~~ Envelopes marked with affidavits containing ballots that have been accepted for counting by the absentee and special voters precinct board shall be stacked with the affidavits facing down. The envelopes shall be opened and the secrecy envelope containing the ballot shall be removed.

21.359(4) No change.

21.359(5) The following security procedures shall be followed:

a. No change.

b. No ballots shall be counted or examined before election day except as provided in Iowa Code section 53.23, subsection 3, paragraph “c,” ~~as amended by 2009 Iowa Acts, House File 670, section 1.~~

c. When secrecy envelopes are removed from affidavit envelopes marked with affidavits on the day before an election and not tabulated as permitted by Iowa Code section 53.23, subsection 3, paragraph “c,” ~~as amended by 2009 Iowa Acts, House File 670, section 1,~~ the number of secrecy envelopes shall be recorded before the ballots are stored and the number shall be verified before any ballots are removed from the secrecy envelopes on election day. The ballots may be bundled and sealed in groups of a specified number to make counting easier.

This rule is intended to implement Iowa Code section 53.23 as amended by ~~2009~~ 2014 Iowa Acts, House File ~~670~~ 2366, division II.

ITEM 9. Amend rule 721—21.361(53), introductory paragraph, as follows:

721—21.361(53) Rejection of absentee ballot. The absentee and special voters precinct board shall reject absentee ballots without opening the affidavit envelope marked with the affidavit if any of the conditions cited in Iowa Code section 53.25 ~~as amended by 2009 Iowa Acts, House File 475,~~ exist.

ITEM 10. Amend subrules 21.361(3) to 21.361(5) as follows:

21.361(3) An absentee ballot shall be rejected if the affidavit envelope marked with the affidavit is open.

21.361(4) An absentee ballot shall be rejected if the affidavit envelope marked with the affidavit has been opened and resealed.

21.361(5) An absentee ballot shall be rejected if the affidavit envelope marked with the affidavit contains more than one ballot of any kind.

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ITEM 11. Rescind subrule **21.361(7)**.

ITEM 12. Amend rule **721—21.361(53)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~sections~~ section 49.9 and 53.14 and section 53.25 as amended by ~~2009~~ 2014 Iowa Acts, House File ~~475~~ 2366, division II.

ITEM 13. Amend subrule 21.403(2) as follows:

21.403(2) Election calendar. The election calendar shall be adjusted as follows:

a. The deadline for candidates to file nomination papers with the ~~city clerk~~ county commissioner shall be not later than ~~12 noon~~ 5 p.m. on the fifty-third day before the election.

~~*b.* The city clerk shall deliver all nomination papers accepted by the clerk to the county commissioner of elections not later than 5 p.m. on the fifty-third day before the election.~~

~~*e. b.* A candidate who has filed nomination papers for the special election may withdraw by filing a written notice of withdrawal in the office of the county commissioner not later than 5 p.m. on the fiftieth day before the election.~~

~~*d. c.* A person who would have the right to vote for the office in question may file a written objection to the legal sufficiency of a candidate's nomination papers or to the qualifications of the candidate for this special election with the county commissioner not later than 12 noon on the fiftieth day before the election.~~

~~*e. d.* The hearing on the objection must be held within 24 hours of receipt of the objection.~~

ITEM 14. Amend subrules 21.404(2) and 21.404(3) as follows:

21.404(2) Special elections to fill vacancies held in conjunction with the general election. If the proposed date of the special election coincides with the date of the general election, the council shall give notice of the proposed date of the special city election not later than 76 days before the date of the general election. Candidates shall file nomination papers with the ~~city clerk~~ county commissioner not later than 5 p.m. on the ~~seventieth~~ sixty-ninth day before the general election. ~~The city clerk shall deliver the nomination papers accepted by the clerk not later than 5 p.m. on the sixty-ninth day before the general election.~~ Objection and withdrawal deadlines shall be 64 days before the general election, ~~the same as the deadlines for candidates who file their nomination papers with the commissioner.~~ Hearings on objections shall be held as soon as possible in order to facilitate printing of the general election ballot.

21.404(3) Election calendar. If the special election date is not the same as the date of the general election, the election calendar shall be adjusted as follows:

a. The deadline for candidates to file nomination papers with the ~~city clerk~~ county commissioner shall be not later than ~~12 noon~~ 5 p.m. on the twenty-fifth day before the election.

~~*b.* The city clerk shall deliver all nomination papers accepted by the clerk to the county commissioner of elections not later than 5 p.m. on the twenty-fifth day before the election.~~

~~*e. b.* A candidate who has filed nomination papers for the special election may withdraw by filing a written notice of withdrawal in the office of the county commissioner not later than 5 p.m. on the twenty-second day before the election.~~

~~*d. c.* A person who would have the right to vote for the office in question may file a written objection to the legal sufficiency of a candidate's nomination papers or to the qualifications of the candidate for this special election with the county commissioner not later than 12 noon on the twenty-second day before the election.~~

~~*e. d.* The hearing on the objection must be held within 24 hours of receipt of the objection.~~

[Filed 7/2/14, effective 8/27/14]

[Published 7/23/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/23/14.

ARC 1548C

SECRETARY OF STATE[721]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 47.1 and 17A.3, the Secretary of State hereby amends Chapter 22, "Voting Systems," Iowa Administrative Code.

These amendments are necessary to establish uniformity in the treatment of digital ballot images captured by the various voting systems certified by the Board of Examiners for Voting Systems for use in the state of Iowa. Current rules address digital ballot images for two of the three systems certified for use in the state. These amendments remove the individual references to digital ballot images and adopt in lieu thereof a rule of general applicability to all certified voting systems. These amendments also adopt standards for use of the Unisyn OpenElect OVCS central count tabulator certified for the first time on January 17, 2014, by the Board of Examiners for Voting Systems for use in the state.

These amendments were published under Notice of Intended Action in the Iowa Administrative Bulletin on May 28, 2014, as **ARC 1474C**. No public comments or requests for public hearing were received, and no change has been made to the amendments published under Notice of Intended Action.

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

These amendments are intended to implement Iowa Code section 52.26.

These amendments will become effective August 27, 2014.

The following amendments are adopted.

ITEM 1. Adopt the following **new** subrule 22.201(2):

22.201(2) Digital ballot images that are saved as the voted ballots are scanned and the portions of those images that are printed on the results tapes may be used for the purpose of tallying write-in votes cast in the election. Digital ballot images that are saved as the voted ballots are scanned shall not be transferred to the election computer used as part of the voting system as defined by rule 721—22.1(52). Digital ballot images shall be treated as voted ballots under Iowa Code section 50.12 in terms of preservation, access, retention, and destruction, except the images shall not be accessed in the event of an official recount as required by Iowa Code section 50.48(4) "a" or election contest unless the actual physical ballots are unavailable.

ITEM 2. Rescind and reserve paragraph **22.261(2)"e."**

ITEM 3. Rescind and reserve paragraph **22.261(3)"d."**

ITEM 4. Amend paragraph **22.264(2)"c"** as follows:

c. Ballot acceptance by the OVO unit. In an official election, the commissioner shall not program the OVO for unconditional acceptance of all ballots and shall program the OVO unit to accept undervoted ballots. The system shall also be programmed to query the voter and give the voter the on-screen option to "Cast Ballot as Marked" in each of the following situations:

(1) to (3) No change.

ITEM 5. Adopt the following **new** subrule 22.264(7):

22.264(7) Central count automatic tabulator configuration choices. The following settings are mandatory for all elections in which the OVCS is used.

a. Ballot control. In an official election, the commissioner shall program the central count automatic tabulator to accept overvoted ballots and undervoted ballots. The commissioner shall program the central count automatic tabulator to sort blank ballots and unreadable ballots as required by Iowa Code section 52.37. Ballots with write-in votes may be sorted for further review by the absentee and special voters precinct board at the commissioner's discretion.

b. Reports. The following are required reports:

(1) Opening the polls. Before ballots are tabulated in the central count automatic tabulator, a Zero Certification report shall be printed and shall be signed by the members of the absentee and special voters precinct board.

SECRETARY OF STATE[721](cont'd)

(2) Closing the polls. After all ballots are tabulated by the central count automatic tabulator, a poll report shall be printed. The poll report is the official record of ballots tabulated in the absentee precinct and shall be signed by the members of the absentee and special voters precinct board.

c. *Reopen polls.* The commissioner shall enable the option to reopen the polls, but protect it against unauthorized use.

ITEM 6. Amend subrule 22.266(2) as follows:

22.266(2) Precinct automatic tabulator configuration choices. The following selections are mandatory for all elections.

a. *Access, messaging and tabulating selections.* The Machine Behavioral Settings shall be configured as follows:

(1) The option to allow voters to review ballot selections detected by the precinct automatic tabulator shall be disabled.

(2) Results for each precinct automatic tabulator shall be consolidated by precinct and shall not be reported by split within a precinct.

~~(3) The option to store ballot images as ballots are scanned by the precinct automatic tabulators shall be disabled.~~

(4) (3) The automatic tabulators shall be configured to report write-in votes when the oval is darkened, regardless of whether there is text written on the corresponding write-in line.

b. and c. No change.

ITEM 7. Amend paragraph **22.266(3)“b”** as follows:

b. *Reports.* The following are required reports:

(1) Opening the polls. Before ballots are tabulated in the central count automatic tabulator, a Zero Certification report shall be printed and shall be signed by the members of the absentee and special voters precinct board.

(2) Closing the polls. After all ballots are tabulated by the central count automatic tabulator, a poll report shall be printed. The poll report is the official record of ballots tabulated in the absentee precinct and shall be signed by the members of the absentee and special voters precinct board. ~~The following certification text shall appear at the end of the poll report:~~

~~We, the undersigned precinct election officials of this precinct, hereby attest that this tape shows the results of all ballots cast and counted by the Optical Scan tabulation device at this election.~~

~~{print lines for each of the officials to sign}~~

Precinct Election Officials

Date: _____

Time: _____

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 7/23/14.