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CITATION of Administrative Rules

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

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

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

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

PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD, IOWA COMPREHENSIVE[591](cont'd)

f. For claims submitted in situations where the tank owner and the eligible claimant are different parties, the board will reimburse costs under this subrule after invoices have been paid and only with written acknowledgment consenting to the work completed by both parties and submitted with the invoices.

g. Claimants shall be responsible for ensuring that any persons performing work meet all applicable licensing or certification requirements or both that may exist at the time of completion of the work to be reimbursed. If the work is performed by a board-contracted vendor, the board shall ensure that licensing and certification requirements of the general contractor are met.

h. Claims made under this subrule are subject to Iowa Code chapter 455G copayment requirements and cost recovery enforcement.

i. The board may remove tanks at sites that fail to meet the requirements under paragraph "a" or "b" of this subrule through a board-contracted vendor. These sites shall be subject to cost recovery, which may include a lien on the property.

[Filed 5/8/08, effective 7/9/08]
[Published 6/4/08]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/4/08.

ARC 6810B**PROPANE EDUCATION AND RESEARCH COUNCIL, IOWA[599]****Adopted and Filed**

Pursuant to the authority of Iowa Code Supplement section 101C.3, subsection 12, the Iowa Propane Education and Research Council hereby adopts new Chapter 1, "Iowa Propane Education and Research Council," Iowa Administrative Code.

These rules implement the authority of the Iowa Propane Education and Research Council organized in accordance with Iowa Code Supplement chapter 101C to engage in the activities of developing programs and projects relating to propane and collecting and managing funds derived from an assessment on sales of propane in accordance with and under the authority of Iowa Code Supplement chapter 101C.

These rules were Adopted and Filed Emergency and published in the January 30, 2008, Iowa Administrative Bulletin as **ARC 6553B**. Notice of Intended Action to solicit public comment on these rules was published simultaneously as **ARC 6554B**.

A public hearing was held on February 22, 2008; no comments were received, either at the public hearing or in writing. No changes have been made to the rules contained in the Notice of Intended Action. These rules are identical to those published under Notice of Intended Action.

These rules are intended to implement Iowa Code Supplement chapter 101C.

These rules will become effective on July 9, 2008, at which time the Adopted and Filed Emergency rules are hereby rescinded.

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

these rules [Ch 1] is being omitted. These rules are identical to those published under Notice as **ARC 6554B** and Adopted and Filed Emergency as **ARC 6553B**, IAB 1/30/08.

[Filed 5/9/08, effective 7/9/08]
[Published 6/4/08]

[For replacement pages for IAC, see IAC Supplement 6/4/08.]

ARC 6830B**PUBLIC HEALTH DEPARTMENT[641]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 136B.4, 136C.3 and 136D.7, the Department of Public Health hereby amends Chapter 38, "General Provisions for Radiation Machines and Radioactive Materials," Chapter 39, "Registration of Radiation Machine Facilities, Licensure of Radioactive Materials and Transportation of Radioactive Materials," Chapter 40, "Standards for Protection Against Radiation," Chapter 41, "Safety Requirements for the Use of Radiation Machines and Certain Uses of Radioactive Materials," Chapter 42, "Minimum Certification Standards for Diagnostic Radiographers, Nuclear Medicine Technologists, and Radiation Therapists," Chapter 44, "Minimum Requirements for Radon Mitigation," and Chapter 46, "Minimum Requirements for Tanning Facilities," Iowa Administrative Code.

The following paragraphs itemize the changes:

Items 1, 3, 9, and 13 amend the rules to reflect current federal regulations.

Item 2 adds an application fee for industrial radiographers. Fees are used to meet the costs of processing the application and issuing the permit card.

Item 4 adds a category for service provider registration. This category is added to clarify the categories of those required to register.

Item 5 corrects the language previously corrected elsewhere by changing the two-working-day period to a three-working-day period.

Item 6 rescinds a requirement for a permanent office in Iowa for registrants and licensees.

Item 7 adds an omitted reference.

Item 8 adds a new paragraph in order to meet the Nuclear Regulatory Commission compatibility requirements.

Items 10 and 12 amend language involving nationally tracked sources. Items 10 and 12 amend language to meet Nuclear Regulatory Commission compatibility requirements.

Item 11 corrects the address for obtaining forms.

Items 14 and 46 add clarifying language to require operators to have a current permit to practice. The permit is required by Chapter 42.

Items 16 to 21, 23 to 25, and 27 to 44 correct references to meet Nuclear Regulatory Commission compatibility requirements.

Item 22 amends the title of the studies. This change corrects language previously corrected elsewhere in Chapter 41 in order to meet the Nuclear Regulatory Commission compatibility requirements.

Item 26 rescinds a paragraph to meet Nuclear Regulatory Commission compatibility requirements.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

Item 45 corrects the name of the college to meet Nuclear Regulatory Commission compatibility requirements.

Item 47 amends definitions and adds new definitions to meet FDA standards for digital mammography.

Item 48 adds language to include reinstatement for mammography certification.

Items 49 and 50 amend language to include suspension, revocation and denial of mammography certification.

Items 51 and 52 amend and adopt new language regarding the accreditation process for mammography facilities.

Item 53 adds new language for computers used for mammography interpretation.

Items 54 to 61 add and correct language for training and continuing education for physicians, physicists, and technologists involved with mammography.

Items 62 to 64 adopt new language for clarification of mammography requirements.

Item 65 changes the time requirements for retaining mammography films.

Items 66 to 68 add language for digital mammography or to specify film-screen mammography or digital mammography.

Item 69 adds language requiring the reviewing physician to sign the required audits.

Item 70 corrects language for base plus fog density tests.

Item 71 removes language allowing a different requirement before an effective date of October 28, 2002.

Item 72 adds a new paragraph for digital mammography units.

Items 73 and 75 add new language for digital mammography units.

Item 74 clarifies language for mammography equipment evaluations.

Item 76 adopts new definitions necessary for clarification of terms in mammography.

Item 77 clarifies the type of physicist needed for the mammography evaluations.

Item 78 changes references to "withdrawal" to "suspension" or "revocation" for clarification of mammography disciplinary actions.

Item 79 adds a statement requiring inspections after revocation of mammography authorization.

Items 80, 84, and 86 correct references and remove a quality control responsibility for mammography physicians.

Items 81, 83, 85, and 87 add language for physicians performing stereotactically guided breast biopsies. The wording adds requirements for physicians who do not maintain the experience or education requirements. Items 81 and 83 also adopt new language to require physicians to have an Iowa medical license.

Item 82 adopts new language to require physicians to be responsible for supervision of radiologic technologists during procedures.

Item 88 rearranges wording for clarification.

Item 89 adds language for requalification in mammography.

Item 90 adds language to restrict hours to be earned for continuing education in mammography.

Item 91 amends wording for clarification and adds wording for requalification in mammography.

Item 92 adds language for additional identifiers for mammography records and corrects the type of physicist allowed.

Item 93 changes "radiation physicist" to "medical physicist" to clarify the qualifications of the individual.

Item 94 adds a new paragraph for responsibilities for a supervising stereotactic biopsy physician.

Items 95 to 97 expand language that specifies the requirements for mammography equipment.

Item 98 adds wording to clarify the qualifications of a medical physicist in mammography.

Item 99 adds wording to include all types of individuals covered under Chapter 42.

Item 100 changes the term "podiatry assistant" to "podiatric radiographer." The new term more accurately reflects the position. The amendment also clarifies definitions by specifying "advanced" CPR and by adding language to differentiate between indirect and direct supervision and adds two new definitions for "directly related" and "formally educated" for clarification.

Item 101 adds language to accurately reflect the supervision requirements for the different modalities.

Items 102, 103, 106, 109, 110, and 115 to 118 change the term "podiatry assistant" to "podiatric radiographer." The new term more accurately reflects the position.

Item 104 changes wording to make the language more uniform.

Item 105 adds the word "current" to clarify the distinction between "expired" and "current."

Items 107 and 111 add language for clarity.

Item 108 corrects a misspelled word.

Item 109 removes language requiring penalty hours for late submission of continuing education. This action follows guidelines of the national certification body.

Item 112 adds language to refer the various modalities to the proper area of the rules for training requirements. The amendment explains the requirements to be submitted for approval of a training program and includes requirements for instructors.

Item 113 changes the word "trained" to "educated" to better define the requirements for a supervising individual.

Item 114 removes a provision allowing temporary certification. The requirement for examination before certification is now uniform with other modalities.

Item 119 adds wording to clarify the fees required for radon mitigation installations.

Item 120 adds wording to require posting of instructions in tanning rooms to make the requirement uniform with other parts of Chapter 46.

Notice of Intended Action was published in the April 9, 2008, Iowa Administrative Bulletin as **ARC 6711B**. A public hearing was held on April 29, 2008. No individuals attended the hearing. Four sets of written comments were received and reviewed. Comments concerned items that are required by NRC compatibility or that are not allowed because the Agency does not have regulatory authority in the areas discussed. The adopted amendments are identical to those published under Notice.

These amendments were adopted by the State Board of Health on May 14, 2008.

These amendments will become effective on July 9, 2008.

These amendments are intended to implement Iowa Code chapters 136B, 136C, and 136D.

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

PUBLIC HEALTH DEPARTMENT[641](cont'd)

these amendments [amendments to Chs 38 to 42, 44, 46] is being omitted. These amendments are identical to those published under Notice as **ARC 6711B**, IAB 4/9/08.

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[Published 6/4/08]

[For replacement pages for IAC, see IAC Supplement 6/4/08.]

ARC 6832B

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Pursuant to the authority of Iowa Code section 135.11, the Department of Public Health hereby adopts new Chapter 82, "Office of Multicultural Health," Iowa Administrative Code.

The rules in Chapter 82 describe the purpose and responsibilities of the Office of Multicultural Health. The rules further describe the membership, duties, and meeting procedures of the Multicultural Health Advisory Council.

Notice of Intended Action was published in the March 26, 2008, Iowa Administrative Bulletin as **ARC 6684B**. No comments were received. The adopted rules are identical to those published under Notice.

These rules were adopted by the State Board of Health on May 14, 2008.

These rules will become effective on July 9, 2008.

These rules are intended to implement Iowa Code section 135.12.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these rules [Ch 82] is being omitted. These rules are identical to those published under Notice as **ARC 6684B**, IAB 3/26/08.

[Filed 5/14/08, effective 7/9/08]
[Published 6/4/08]

[For replacement pages for IAC, see IAC Supplement 6/4/08.]

ARC 6822B

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147A.4, the Department of Public Health hereby amends Chapter 131, "Emergency Medical Services Provider Education/Training/Certification," Iowa Administrative Code.

The rules in Chapter 131 describe the standards for the education, training, and certification of emergency medical providers and establish a standard of conduct for training programs, students, and providers. These amendments clarify the certification testing process and fees, adopt a clear process for those wishing to move to a lower level of certification, set a time frame for notification of address changes, establish a renewal process for those meeting National Registry of EMT reregistration requirements, update the authori-

zation standards for EMS training programs, and update disciplinary rules for providers and training programs.

Notice of Intended Action was published in the March 26, 2008, Iowa Administrative Bulletin as **ARC 6680B**. No comments were received. The adopted amendments are identical to those published under Notice.

These amendments were adopted by the State Board of Health on May 14, 2008.

These amendments will become effective on July 9, 2008.

These amendments are intended to implement Iowa Code chapter 147A.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Ch 131] is being omitted. These amendments are identical to those published under Notice as **ARC 6680B**, IAB 3/26/08.

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[Published 6/4/08]

[For replacement pages for IAC, see IAC Supplement 6/4/08.]

ARC 6814B

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 306B.2, 306B.3, 306C.11, 307.10 and 307.12, the Department of Transportation, on May 13, 2008, adopted amendments to Chapter 117, "Outdoor Advertising," Iowa Administrative Code.

Notice of Intended Action for these amendments was published in the March 12, 2008, Iowa Administrative Bulletin as **ARC 6637B**.

Chapter 117 pertains to outdoor advertising along interstate, freeway-primary and primary highways. The following summarizes the amendments to this chapter:

1. Municipal, county and school district recognition signs. Several amendments strike references to municipal, county and school district recognition signs. 2006 Iowa Acts, chapter 1068, sections 1 to 3, eliminated the permit requirement for these recognition signs. Recognition signs are official signs and notices which may be erected without Department approval.

2. LED displays. Item 1 adds a new definition of "LED display." Item 1 also amends the definition of "modification" to clarify that the addition of LED display capabilities to an advertising device is a modification (a new permit is required prior to the modification of an advertising device). Item 3 adds new language that allows LED displays to be used provided that the message is displayed in the minimum required time frame, is changed within the prescribed time frame, and is not a traveling or segmented message, and that the light intensity presented does not exceed that allowed for other illuminated displays. Item 5 amends subrule 117.5(5), paragraphs "c" to "f," to provide for a minimum spacing between LED displays of 500 feet within cities and 1000 feet outside cities.

3. Modifications. Item 1 amends the definition of "modification" to clarify that temporary extensions or cutouts may