

Red Tape Review Rule Report (Due: September 1, 2026)

Department Name:	Public Safety	Date:	6-12-2025	Total Rule Count:	3
IAC #:	661	Chapter/ SubChapter/ Rule(s):	401	Iowa Code Section Authorizing Rule:	97A.5
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

The purpose of Chapter 401 is to outline administrative procedures as it relates to the Peace Officers' Retirement, Accident, and Disability System (PORS).

Is the benefit being achieved? Please provide evidence.

Yes. Application and review processes are clearly defined and easy for the reader to understand.

What are the costs incurred by the public to comply with the rule?

There are no costs incurred by the public to comply with this rule.

What are the costs to the agency or any other agency to implement/enforce the rule?

There are no costs to the Department or any other agency to implement or enforce this rule.

Do the costs justify the benefits achieved? Please explain.

Yes. There are no costs for the public to comply, and the benefit is achieved through clarity of processes and procedures as it relates to the PORS.

Are there less restrictive alternatives to accomplish the benefit? ☐ YES ☒ NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

The Department has determined this to be the least costly and least intrusive method to achieve the intended benefit of the rule.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

No.

RULES PROPOSED FOR REPEAL (list rule number[s]):

None.

RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):

CHAPTER 401

PEACE OFFICERS' RETIREMENT, ACCIDENT, AND
DISABILITY SYSTEM—ADMINISTRATIVE PROCEDURES

[Prior to 10/27/04, see 581—Ch 24]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

661—401.1(97A) Applications. Applications for benefits under Iowa Code chapter 97A shall be filed with the secretary on forms provided by the secretary. Applications for service retirement shall be made not more than 90 days nor less than 30 days in advance of the date of retirement. Applications for service retirement, ordinary disability or accidental disability shall be reviewed by the secretary for completeness and then forwarded to the board of trustees.

401.1(1) *Manner of review for ordinary or accidental disability.* The secretary shall compile the following materials, if available and applicable, for the board's review of a claim:

- a. The application;
- b. Any materials provided by the applicant;
- c. Any available medical information in the possession of the board or the state;
- d. Any information available through any workers' compensation claims made by the applicant; and
- e. Recommendations and reports from the medical board.

NOTE: This subrule does not impose a responsibility on the secretary to discover documents or evidence not in the secretary's possession. It is only intended to outline the types of evidence the secretary should provide to the board if available.

401.1(2) *Commissioner's application.* The commissioner may file an application for ordinary or accidental disability on behalf of a member in service. The secretary shall review such applications in the same manner as those filed by a member. The fact that the commissioner has filed an application on a member's behalf shall not prevent the commissioner or the board from denying the application. All applications for accidental disability benefits shall be deemed cross-filed by the commissioner for the purpose of considering disability benefits. Nothing in this rule prevents the board from denying any application.

[ARC 8935B, IAB 7/14/10, effective 7/1/10]

661—401.2(97A) Determination on initial review.

401.2(1) *Board approval.* The board may approve or deny the application as presented or may direct the applicant to provide further medical information.

401.2(2) *Denial and appeal.* A decision by the board to deny the application may be appealed by the applicant. Written notice of a denial shall be provided to the applicant by certified mail. The written notice shall disclose the applicant's right to appeal, the procedure for filing an appeal, and the deadline for filing an appeal. An appeal must be filed in writing with the secretary within 30 calendar days after the applicant receives written notice of the decision of the board. The board may extend the deadline for filing an appeal. At a minimum, an appeal shall include a short and concise statement of the basis for the appeal.

661—401.3(97A) Applications for reimbursement for medical attention. Member beneficiaries may make application for reimbursement of the costs of medical attention as defined in rule 661—400.2(97A). This rule provides

for the requirements of making application for reimbursement, the process for review and disposition of the application, and payment of approved applications.

401.3(1) *Making application.*

a. An application for reimbursement must be filed on a form provided by the secretary within 12 months of the member beneficiary's receiving treatment or incurring a cost for medical attention.

b. In the event there is a dispute with an insurance company regarding covered expenses, to remain eligible for reimbursement, the member beneficiary must file a request for extension, on a form provided by the secretary, if resolution of the dispute is expected to exceed 12 months.

c. Expenses shall only be reimbursed if the member beneficiary is retired as a result of an injury, illness or exposure occurring while in the performance of duty and is receiving a benefit as provided in Iowa Code section 97A.6(6).

d. Expenses shall be reimbursed only if the member beneficiary received medical attention for a condition with direct correlation to the disabling condition, the costs of which were not covered by insurance.

e. The system shall not reimburse for insurance premiums.

401.3(2) *Processing the application.*

a. Upon receipt of the application and supporting documentation, the secretary shall review the application for timeliness, completeness and validity. This subrule does not impose a responsibility on the secretary to discover documents or evidence not included on the application form.

b. The secretary shall refer the written application to the board for review at the next regularly scheduled meeting.

c. The member beneficiary does not need to be in attendance at the board meeting. In order to comply with Title II of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), specific information pertaining to an application for reimbursement or the member beneficiary's disabling condition will not be discussed in open forum of the board meeting unless the member beneficiary is present and approves discussion in a public meeting.

d. The board may approve or deny all or part of a reimbursement application. The board may request additional information to support the application for reimbursement or to determine the correlation of the expense to the disabling condition. The member beneficiary shall provide the documents to the secretary within a reasonable time period. In no case shall the application remain valid for a period of more than 12 months.

e. If the board denies any part of a request for reimbursement, the member beneficiary may request judicial review in accordance with Iowa Code section 97A.6(13).

f. The system will make reimbursements only to the member beneficiary or to the surviving spouse in the event the member beneficiary is deceased.

401.3(3) *Other provisions.*

a. Reimbursements for claimed expenses shall be reduced by any amount already received by the member beneficiary from workers' compensation or from a third party as a result of subrogation proceedings entered into as a result of the disabling injury.

b. In the event the member beneficiary is restored to active service pursuant to Iowa Code section 97A.6(7) "b," consideration of reimbursement for expenses pursuant to Iowa Code section 97A.14 shall not extend beyond the date of restoration to active service.

c. If the member beneficiary receiving a disability retirement pursuant to Iowa Code section 97A.6(6) becomes employed in a public safety occupation pursuant to Iowa Code section 97A.6(7) "d," consideration of reimbursement for expenses pursuant to Iowa Code section 97A.14 shall not extend beyond the date of employment with the employing jurisdiction.

[ARC 8935B, IAB 7/14/10, effective 7/1/10]

661—401.4 to 401.100Reserved.

661—401.101(17A) Applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.102(17A) Advice on possible rules before notice of proposed rule adoption. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.103(17A) Public rule-making docket. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.104(17A) Notice of proposed rule making. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.105(17A) Public participation. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.106(17A) Regulatory analysis. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.107(17A,25B) Fiscal impact statement. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.108(17A) Time and manner of rule adoption. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.109(17A) Variance between adopted rule and published notice of proposed rule adoption. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.110(17A) Concise statement of reasons. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.111(17A,97A) Agency rule-making record. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.112(17A,97A) Petitions for rule making. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.113(17A,97A) Waivers of rules. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.114 to 401.200Reserved.

661—401.201(17A) Petition for declaratory order. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.202(17A) Notice of petition. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.203(17A) Intervention. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.204(17A) Briefs. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.205(17A) Inquiries. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.206(17A) Service and filing of petitions and other papers. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.207(17A) Consideration. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.208(17A) Action on petition. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.209(17A) Refusal to issue order. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.210(17A) Contents of declaratory order—effective date. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.211(17A) Copies of orders. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.212(17A) Effect of a declaratory order. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.213 to 401.300Reserved.

661—401.301(17A) Contested case proceeding. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.302(17A) Discovery. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.303(17A) Subpoenas in a contested case. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.304(17A) Motions. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.305(17A) Settlements. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.306(17A) Prehearing conference. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.307(17A) Continuances. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.308(17A) Withdrawals. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.309(17A) Hearing procedures. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.310(17A) Evidence. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.311(17A) Ex parte communication. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.312(17A) Decisions. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.313(17A) No factual dispute contested cases. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

661—401.314(17A) Applications for rehearing. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code chapters 17A and 97A.

****For rules being re-promulgated with changes, you may attach a document with suggested changes.***

METRICS

Total number of rules repealed:	0
Proposed word count reduction after repeal and/or re-promulgation	0
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	0

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

No.