

HHS Red Tape Review Process

The following steps have been completed for administrative rules that required to be reviewed in 2023:

1. The HHS Administrative Rules team worked with teams across HHS to draft rule rewrites and analyses required by Executive Order 10, including the red tape rule report and regulatory analysis. Draft documents were submitted to the Legislative Services Agency and Governor's Office for initial review.
2. Regulatory analyses were published in the November 1 Iowa Administrative Bulletin.
3. The HHS Council reviewed the regulatory analyses, including draft rule rewrite text, during the November 9 meeting.

Next steps:

1. A public comment period is open through November 27, 2023, and an online public hearing is scheduled for November 28, 2023 from 10am-12pm.
2. Comments received during the public comment period and the public hearing will be shared with HHS Council.
3. The HHS Administrative Rules team will work with teams across HHS to make revisions to documents based on public comments/feedback.
4. Revised versions of the documents will be submitted to the Legislative Services Agency and Governor's Office for approval to move forward with rulemaking.
5. The Notice of Intended Action will be submitted on December 6 for publication in the December 27 Iowa Administrative Bulletin.
6. The HHS Administrative Rules team will present noticed rules at the Administrative Rules Review Committee.
7. Two additional public hearings will be held.
8. Final documents will be presented to the HHS Council prior to adoption.
9. Adopted filings will be submitted.

Regulatory Analysis Template

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Agency Name Health & Human Services (HHS) Rule # IAC 441--170

Iowa Code Section Authorizing Rule 234.6

State or Federal Law(s) Implemented by the Rule 90th General Assembly, HF 707

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

Date/Time: Thursday, January 18, 2024

Location: meet.google.com/jsa-xaxv-keg

Any interested person may submit written comments concerning this regulatory analysis. Written comments in response to this regulatory analysis must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Contact Name

Joe Campos

Address

Joe.campos@idph.iowa.gov

Email and/or phone number

515-304-0963

Purpose and summary of proposed rule:

This rule change implements the Child Care Assistance (CCA) program. Revising 441 IAC 170 to update family income level to 160% FPL, revise the provider reimbursement rates and to update the minimum hours of participation from 28 to 32 for families who do not have a special needs child. Also, revise the CCA family fee chart to update annual federal poverty level changes.

Analysis of Impact of Proposed Rule

1. Persons affected by the proposed rule

- Classes of persons that will bear the costs of the proposed rule:

None identified.

- Classes of persons that will benefit from the proposed rule:

Low-income families who would otherwise have no ability to pay for child care and these families

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would lose employment. Child care providers would also lose a funding stream and many would be forced to close.

Impact of the proposed rule, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred

- Quantitative description of impact:

An increase in the number of families who will be eligible for this program is set to increase.

- Qualitative description of impact:

More families will be eligible for child care services and providers will be paid more for the CCA children in their care.

2. Costs to the state

- Implementation and enforcement costs borne by the agency or any other agency:

- Anticipated effect on state revenues:

3. Comparison of the costs and benefits of the proposed rule to the costs and benefits of inaction

Would have serious impact on home-based child care businesses if eliminated. Would also remove access to childcare for low income families.

4. Determination if less costly methods or less intrusive methods exist for achieving the purpose of the proposed rule

None identified.

5. Alternative methods considered by the agency

- Description of any alternative methods that were seriously considered by the agency:

NA

- Reasons why they were rejected in favor of the proposed rule:

This rule change is being initiated by the passing of HF 707.

Small Business Impact

If the rule will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rule on small business:

- Establish less stringent compliance or reporting requirements in the rule for small business.

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- Establish less stringent schedules or deadlines in the rule for compliance or reporting requirements for small business.
- Consolidate or simplify the rule’s compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rule for small business.
- Exempt small business from any or all requirements of the rule.

If legal and feasible, how does the rule use a method discussed above to reduce the substantial impact on small business?

Smaller, and home based child care businesses are set to benefit from this rule change. Low-income families would have no ability to pay for child care and these families would lose employment. Child care providers would also lose a funding stream and many would be forced to close.

Text of Proposed Rule:

ITEM 1. Amend subparagraph 170.2(1)“a”(1) as follows:

170.2(1) *Financial eligibility.* Financial eligibility for child care assistance shall be based on federal poverty levels as determined by the Office of Management and Budget and on Iowa’s median family income as determined by the U.S. Census Bureau. Poverty guidelines and median family income amounts are updated annually. Changes shall go into effect for the child care assistance program on July 1 of each year.

a. Income limits.

(1) For initial eligibility, an applicant family’s nonexempt gross monthly income as established in paragraph 170.2(1)“c” cannot exceed the amounts in this subparagraph.

1. 160 percent of the federal poverty level applicable to the family size for children needing basic care; or

ITEM 2. Amend subparagraph 170.2(2)“b”(2) as follows:

(2) The parent is employed 32 or more hours per week (28 hours per week if the family includes a special needs child) or an average of 32 or more hours per week (28 hours per

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week if the family includes a special needs child) during the month. Child care services may be provided for the hours of employment and for actual travel time between the child care location and the place of employment. If the parent works a shift consisting of at least six hours of employment between the hours of 8 p.m. and 6 a.m. and needs to sleep during daytime hours, child care services may also be provided to allow the parent to sleep during daytime hours.

ITEM 3. Amend subparagraph 170.2(2)“b”(8) as follows:

(8) The parent is employed and participating in academic or vocational training for 32 or more hours per week (28 hours per week if the family includes a special needs child) or an average of 32 or more hours per week (28 hours per week if the family includes a special needs child) in the aggregate, during the month. Child care services may be provided for the hours of employment, the hours of participation in academic or vocational training and for actual travel time between the child care location and the place of employment or training. All of the requirements relating to academic or vocational training found at subparagraph 170.2(2)“b”(1), except for the requirement to be enrolled full-time, apply to the part-time training in this subparagraph.

ITEM 4. Amend paragraph 170.2(3)“a” as follows:

a. Priority groups. As funds are determined available, families shall be served on a statewide basis from a service-area-wide waiting list as specified in subrule 170.3(4) based on the following schedule in descending order of prioritization.

(1) Families with an income at or below 100 percent of the federal poverty level whose members, for at least 32 hours per week in the aggregate, are employed or are participating at a satisfactory level in an approved training program or educational program, and parents with a family income at or below 100 percent of the federal poverty level who are under

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the age of 21 and are participating in an educational program leading to a high school diploma or equivalent.

(2) Parents under the age of 21 with a family income at or below 100 percent of the federal poverty guidelines who are participating, at a satisfactory level, in an approved training program or in an education program.

(3) Families with an income of more than 100 percent but not more than 160 percent of the federal poverty guidelines whose members, for at least 32 hours per week in the aggregate, are employed or are participating at a satisfactory level in an approved training program or educational program.

(4) Families with an income at or below 200 percent of the federal poverty guidelines whose members are employed at least 28 hours per week with a special-needs child as a member of the family.

ITEM 5. Amend paragraph 170.4(2)“a” as follows:

a. Sliding fee schedule.

(1) For families whose eligibility is established in subparagraphs 170.2(1) “a”(1) and 170.2(1)“a”(2), the fee schedule shown in the following table is effective for eligibility determinations made on or after July 1, 2023:

Le ve l	Monthly Income According to Family Size													Unit Fee Based on Number of Children in Care		
	1	2	3	4	5	6	7	8	9	10	11	12	13 +	1	2	3 or mo re
A	\$1, 07	\$1, 45	\$1, 8	\$2, 1	\$2, 57	\$2, 9	\$3, 3	\$3, 6	\$4, 0	\$4, 4	\$ 4,	\$ 5,	\$5, 5	\$0. 00	\$0. 00	\$0. 00

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	6	0	24	97	1	45	18	92	66	39	8	1	60			
											1	8				
											3	7				
											\$	\$				
B	\$1,133	\$1,526	\$1,920	\$2,313	\$2,706	\$3,100	\$3,493	\$3,886	\$4,280	\$4,673	5,066	5,460	\$5,853	\$0.20	\$0.45	\$0.70
C	\$1,165	\$1,569	\$1,974	\$2,378	\$2,782	\$3,187	\$3,591	\$3,995	\$4,400	\$4,804	5,208	5,613	\$6,017	\$0.45	\$0.70	\$0.95
D	\$1,196	\$1,611	\$2,028	\$2,443	\$2,858	\$3,274	\$3,689	\$4,104	\$4,520	\$4,935	5,350	5,766	\$6,181	\$0.70	\$0.95	\$1.20
E	\$1,230	\$1,657	\$2,084	\$2,511	\$2,938	\$3,365	\$3,792	\$4,219	\$4,646	\$5,073	5,509	5,937	\$6,364	\$0.95	\$1.20	\$1.45
F	\$1,263	\$1,702	\$2,141	\$2,579	\$3,048	\$3,477	\$3,906	\$4,335	\$4,764	\$5,193	5,629	6,059	\$6,492	\$1.20	\$1.45	\$1.70
G	\$1,299	\$1,749	\$2,202	\$2,636	\$3,070	\$3,504	\$3,938	\$4,372	\$4,806	\$5,240	5,678	6,117	\$6,560	\$1.45	\$1.70	\$1.95
H	\$1,334	\$1,797	\$2,261	\$2,707	\$3,153	\$3,599	\$4,045	\$4,491	\$4,937	\$5,383	5,829	6,276	\$6,728	\$1.70	\$1.95	\$2.20
I	\$1,372	\$1,847	\$2,324	\$2,770	\$3,216	\$3,662	\$4,108	\$4,554	\$5,000	\$5,446	5,893	6,340	\$7,100	\$1.95	\$2.20	\$2.45
J	\$1,409	\$1,898	\$2,388	\$2,838	\$3,295	\$3,741	\$4,187	\$4,633	\$5,079	\$5,525	5,973	6,420	\$7,278	\$2.20	\$2.45	\$2.70

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											\$	\$				
K	\$1,448	\$1,951	\$2,454	\$2,957	\$3,459	\$3,963	\$4,465	\$4,968	\$5,471	\$5,974	6,477	6,980	\$7,482	\$2,445	\$2,970	\$2,995
L	\$1,488	\$2,004	\$2,521	\$3,037	\$3,553	\$4,071	\$4,587	\$5,103	\$5,620	\$6,136	6,652	7,169	\$7,686	\$2,700	\$2,995	\$3,290
M	\$1,529	\$2,060	\$2,592	\$3,124	\$3,656	\$4,188	\$4,720	\$5,252	\$5,784	\$6,316	6,848	7,380	\$7,912	\$2,995	\$3,290	\$3,585
N	\$1,571	\$2,116	\$2,662	\$3,208	\$3,754	\$4,300	\$4,846	\$5,392	\$5,938	\$6,484	7,030	7,576	\$8,122	\$3,200	\$3,495	\$3,790
O	\$1,615	\$2,175	\$2,737	\$3,302	\$3,867	\$4,432	\$4,997	\$5,562	\$6,127	\$6,692	7,257	7,822	\$8,387	\$3,445	\$3,740	\$4,035
P	\$1,659	\$2,235	\$2,797	\$3,362	\$3,927	\$4,492	\$5,057	\$5,622	\$6,187	\$6,752	7,317	7,882	\$8,447	\$3,700	\$3,995	\$4,290
Q	\$1,706	\$2,297	\$2,859	\$3,424	\$4,000	\$4,576	\$5,152	\$5,728	\$6,304	\$6,880	7,456	8,032	\$8,607	\$3,995	\$4,290	\$4,585
R	\$1,752	\$2,360	\$2,922	\$3,487	\$4,074	\$4,660	\$5,247	\$5,834	\$6,420	\$7,007	7,594	8,180	\$9,767	\$4,200	\$4,495	\$4,790
S	\$1,801	\$2,426	\$3,000	\$3,574	\$4,158	\$4,742	\$5,326	\$5,910	\$6,494	\$7,078	7,662	8,246	\$9,833	\$4,445	\$4,740	\$5,035

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											\$	\$				
T	\$1,850	\$2,492	\$3,135	\$3,777	\$4,419	\$5,062	\$5,704	\$6,346	\$6,989	\$7,631	8,273	8,916	\$9,558	\$4,70	\$4,95	\$5,20
U	\$1,902	\$2,562	\$3,223	\$3,883	\$4,543	\$5,204	\$5,864	\$6,523	\$7,185	\$7,844	8,504	9,166	\$9,825	\$4,95	\$5,20	\$5,45
V	\$1,954	\$2,631	\$3,311	\$3,989	\$4,666	\$5,346	\$6,023	\$6,701	\$7,378	\$8,058	8,736	9,415	\$10,093	\$5,20	\$5,45	\$5,70
W	\$2,008	\$2,705	\$3,404	\$4,100	\$4,797	\$5,495	\$6,192	\$6,889	\$7,587	\$8,284	8,980	9,679	\$10,376	\$5,45	\$5,70	\$5,95
X	\$2,063	\$2,779	\$3,496	\$4,212	\$4,928	\$5,645	\$6,361	\$7,076	\$7,794	\$8,509	9,225	9,943	\$10,658	\$5,70	\$5,95	\$6,20
Y	\$2,121	\$2,857	\$3,594	\$4,330	\$5,066	\$5,803	\$6,539	\$7,274	\$8,012	\$8,748	9,483	10,211	\$10,947	\$5,95	\$6,20	\$6,45
Z	\$2,179	\$2,934	\$3,689	\$4,448	\$5,203	\$5,958	\$6,717	\$7,473	\$8,230	\$8,986	9,742	10,499	\$11,255	\$6,20	\$6,45	\$6,70
A	\$2,240	\$3,017	\$3,795	\$4,572	\$5,349	\$6,128	\$6,905	\$7,682	\$8,461	\$9,238	10,014	10,793	\$11,570	\$6,45	\$6,70	\$6,95
B	\$4,000	\$5,000	\$6,000	\$7,000	\$8,000	\$9,000	\$9,000	\$9,000	\$9,000	\$9,000	\$1,000	\$1,000	\$1,000	\$6,70	\$6,95	\$7,20

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(2) To use the chart:

1. Find the family size used in determining income eligibility for service.
2. Move across the monthly income table to the column headed by that number.
3. Move down the column for the applicable family size to the highest figure that

is equal to or less than the family’s gross monthly income. Income at or above that amount (but less than the amount in the next row) corresponds to the fees in the last three columns of that row.

4. Choose the fee that corresponds to the number of children in the family who receive child care assistance.

(3) For families whose eligibility is established in subparagraph 170.2(1)“a”(3), the fee schedule shown in the following tables is effective for eligibility determinations made on or after July 1, 2023:

Monthly Income According to Family Size (Basic Care)

Le ve l	1	2	3	4	5	6	7	8	9	10	11	12	13	Fee for Each Child in Care
													+	
A	\$2,	\$3,	\$4	\$5	\$6,	\$6	\$7	\$8	\$9	\$1	\$	\$	\$1	33%
	54	43	,3	,2	08	,9	,8	,7	,6	0,	1,	2,	3,	
	9	4	20	04	9	75	59	44	30	4	9	8	9	
B	\$2,	\$3,	\$4	\$5	\$6,	\$7	\$8	\$9	\$1	\$1	\$	\$	\$1	45%
	66	58	,5	,4	35	,2	,2	,1	0,	0,	1,	2,	3,	
	3	6	12	36	9	85	09	32	8	2	0	3	5	
											5	1		

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											\$	\$				
C	\$2,776	\$3,739	\$4,704	\$5,667	\$6,630	\$7,595	\$8,558	\$9,521	\$10,486	\$11,449	\$	\$	\$12,412	\$13,375	\$14,338	60%
D	\$2,833	\$3,815	\$4,797	\$5,779	\$6,761	\$7,743	\$8,725	\$9,707	\$10,689	\$11,671	\$	\$	\$12,653	\$13,635	\$14,617	60%
Monthly Income According to Family Size (Special-Needs Care)																
Level	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	Fee for Each Child in Care
A	\$2,549	\$3,434	\$4,319	\$5,204	\$6,089	\$6,974	\$7,859	\$8,744	\$9,629	\$10,514	\$	\$	\$11,399	\$12,284	\$13,169	33%
B	\$2,776	\$3,739	\$4,704	\$5,667	\$6,630	\$7,595	\$8,558	\$9,521	\$10,486	\$11,449	\$	\$	\$12,412	\$13,375	\$14,338	45%
C	\$3,002	\$4,044	\$5,086	\$6,128	\$7,170	\$8,212	\$9,254	\$10,296	\$11,338	\$12,380	\$	\$	\$13,422	\$14,464	\$15,506	60%
D	\$3,116	\$4,197	\$5,278	\$6,359	\$7,440	\$8,521	\$9,602	\$10,683	\$11,764	\$12,845	\$	\$	\$13,926	\$15,007	\$16,088	60%
<p>(4) To use the tables:</p> <ol style="list-style-type: none"> Determine which table to use for each child in the family by whether the child needs basic or special-needs care. 																

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2. Find the family size used in determining income eligibility for service.
3. Move across the monthly income table to the column headed by that number.
4. Move down the column for the applicable family size to the highest figure that is equal to or less than the family’s gross monthly income. Income at or above that amount (but less than the amount in the next row) corresponds to the fee for that eligible child in the last column of that row.
5. Repeat for each eligible child in the family.

ITEM 6. Amend paragraph 170.4(7)“a” as follows:

a. Rate of payment. The rate of payment for child care services, except for in-home care which shall be paid in accordance with 170.4(7) “d,” shall be the actual rate charged by the provider for a private individual, not to exceed the maximum rates shown below. When a provider does not have a half-day rate in effect, a rate is established by dividing the provider’s declared full-day rate by 2. When a provider has neither a half-day nor a full-day rate, a rate is established by multiplying the provider’s declared hourly rate by 4.5. Payment shall not exceed the rate applicable to the provider type and age group as shown in the tables below. To be eligible for the special-needs rate, the provider must submit documentation to the child’s service worker that the child needing services has been assessed by a qualified professional and meets the definition for “child with special needs,” and a description of the child’s special needs, including, but not limited to, adaptive equipment, more careful supervision, or special staff training.

Table 1				
Half-Day Rate Ceilings for (Licensed Center)				
	No Quality Rating	Quality Rating 1 or 2	Quality Rating 3 or 4	Quality Rating 5

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Age Group	Basic	Special Needs	Basic	Special Needs	Basic	Special Needs	Basic	Special Needs
Infant and Toddler	\$23.21	\$51.94	\$23.21	\$51.94	\$23.21	\$51.94	\$24.05	\$51.94
Preschool	\$18.98	\$30.43	\$19.50	\$30.43	\$19.50	\$30.43	\$21.00	\$30.43
School Age	\$15.00	\$30.34	\$15.50	\$30.34	\$16.00	\$30.34	\$ 17.00	\$30.34

Table 2
Half-Day Rate Ceilings for (Child Development Home A/B)

	No Quality Rating		Quality Rating 1 or 2		Quality Rating 3 or 4		Quality Rating 5	
Age Group	Basic	Special Needs	Basic	Special Needs	Basic	Special Needs	Basic	Special Needs
Infant and Toddler	\$14.00	\$21.00	\$14.00	\$21.00	\$14.00	\$21.00	\$15.00	\$22.50
Preschool	\$12.75	\$19.13	\$13.00	\$19.50	\$13.75	\$20.63	\$15.00	\$22.50
School Age	\$11.25	\$16.88	\$12.50	\$8.75	\$13.00	\$19.50	\$13.50	\$20.75

Table 3
Half-Day Rate Ceilings for (Child Development Home C)

	No Quality Rating		Quality Rating 1 or 2		Quality Rating 3 or 4		Quality Rating 5	
Age Group	Basic	Special Needs	Basic	Special Needs	Basic	Special Needs	Basic	Special Needs
Infant and Toddler	\$15.25	\$22.88	\$15.25	\$22.88	\$15.25	\$22.88	\$16.25	\$24.38
Prescho	\$15.00	\$22.50	\$15.00	\$22.50	\$15.00	\$22.50	\$16.00	\$24.00

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School Age	\$13.00	\$19.50	\$13.75	\$20.63	\$14.50	\$21.75	\$15.00	\$22.50

Table 4		
Half-Day Rate Ceilings for Child Care Home (Not Registered)		
Age Group	Basic	Special Needs
Infant and Toddler	\$12.98	\$19.47
Preschool	\$12.50	\$18.75
School Age	\$10.82	\$16.23

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TEXT BOXES WILL EXPAND AS YOU TYPE

Agency Name Iowa Health and Human Services Rule # 641-106

Iowa Code Section Authorizing Rule 135.182

State or Federal Law(s) Implemented by the Rule SF 561, IA 90th Gen Assembly

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

Date/Time: December 20, 2023

Location: <https://meet.google.com/nkg-jzin-yvp>

Any interested person may submit written comments concerning this regulatory analysis. Written comments in response to this regulatory analysis must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Contact Name

Joe Campos, Administrative Rules Coordinator, Iowa Health and Human Services

Address

joe.campos@idph.iowa.gov

Email and/or phone number

515-304-0963

Purpose and summary of proposed rule:

To allow Iowa teaching hospitals to participate in a Family Medicine/Obstetrics fellowship program. Participating hospitals are eligible to apply for reimbursement for the cost of training and teaching the fellow.

Analysis of Impact of Proposed Rule

1. Persons affected by the proposed rule

- Classes of persons that will bear the costs of the proposed rule:

Teaching hospitals/medical systems if there are costs additional to reimbursement rates.

- Classes of persons that will benefit from the proposed rule:

Rural Iowans.

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2. Impact of the proposed rule, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred

- Quantitative description of impact:

Costs borne by the state are as enumerated in SF 561 (90th Gen. Assemb.)

- Qualitative description of impact:

Increased medical service providers in rural and underserved areas of the state, and better outcomes for rural Iowans.

3. Costs to the state

- Implementation and enforcement costs borne by the agency or any other agency:

Costs borne by the state are as enumerated in SF 561 (90th Gen. Assemb.)

- Anticipated effect on state revenues:

N/A

4. Comparison of the costs and benefits of the proposed rule to the costs and benefits of inaction

HHS is implementing this rule to the level required by recent legislation, specifically SF561. The cost of inaction is potential increase of poor outcomes for rural Iowans.

5. Determination if less costly methods or less intrusive methods exist for achieving the purpose of the proposed rule

HHS is implementing this rule to the level required by SF 561 (90th Gen. Assemb.). There are no identified less costly methods for achieving this purpose. The cost associated with this process for hospitals and medical systems remains the same, but creates an avenue for those hospitals and medical systems to receive reimbursement for the cost of training throughout the Family Medicine/Obstetrics Fellowship.

6. Alternative methods considered by the agency

- Description of any alternative methods that were seriously considered by the agency:

There were no alternative methods seriously considered by the agency as current processes are pursuant to state code.

- Reasons why they were rejected in favor of the proposed rule:

NA

Small Business Impact

If the rule will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rule on small business:

- Establish less stringent compliance or reporting requirements in the rule for small business.
- Establish less stringent schedules or deadlines in the rule for compliance or reporting requirements for small business.
- Consolidate or simplify the rule's compliance or reporting requirements for small business.

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- Establish performance standards to replace design or operational standards in the rule for small business.
- Exempt small business from any or all requirements of the rule.

If legal and feasible, how does the rule use a method discussed above to reduce the substantial impact on small business?

N/A

Text of Proposed Rule:

CHAPTER 106

State-Funded Family Medicine Obstetrics Fellowship Program

641—106.2(135.182) Definitions.

“*Rural area*” means all non-metropolitan (metro) counties and all metro census tracts with RUCA codes 4-10. The U.S. Department of Agriculture’s (USDA)’s Economic Research Service (ERS) creates RUCA codes using U.S. Census data.

“*Underserved area*” means an area, population group, or facility designated by the U.S. Department of Health and Human Services as a Health Professional Shortage Area for primary care.

641—106.3(135.182) Fellowship cost reimbursement to participating teaching hospital

a. A teaching hospital may apply to the department of health and human services through a request for proposal (RFP) process if they intend to administer an OB fellowship program and request reimbursement for expenses from the family medicine obstetrics fellowship program fund. After the first RFP, RFPs will be posted as needed based on expressed interest from additional teaching hospitals.

b. A participating teaching hospital, who has been accepted into the family medicine

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obstetrics fellowship program through the RFP process may submit a reimbursement claim to the department for a fellow that has completed the requirements in Iowa Code 135.182. A copy of the five year program agreement must be submitted to the department for verification of the required five years of service in a rural or underserved area.

c. Subject to availability, funds from the family medicine obstetrics fellowship program fund shall be used in accordance with Iowa Code 138.182 and reimbursement will be no greater than the lesser of the amount or funds expended by the teaching hospital on the OB fellow or 140,000 dollars per fellow.

d. If the department receives more claims than funds available, the department will maintain a wait list of eligible fellows and will manage reimbursements to a participating teaching hospital for eligible fellow's claims on a first come first serve basis. The department will reimburse a participating teaching hospital for eligible fellows that are on the waitlist if additional funds become available.

e. A participating teaching hospital shall return prorated funds to the department if a fellow does not meet the requirements of Iowa Code 138.182. The amount of returned funds shall be directly proportional to the portion of the five year service not completed by the OB fellow.

These rules are intended to implement Iowa Code section 135.182.

Regulatory Analysis Template

TEXT BOXES WILL EXPAND AS YOU TYPE

Agency Name Iowa Health and Human Services Rule # 641-95.6 and 641-99.14

Iowa Code Section Authorizing Rule Iowa Code 144.13

State or Federal Law(s) Implemented by the Rule SF517 (90th Gen Assemb.)

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

Date/Time: November 28, 2023

Location: <https://meet.google.com/nkg-jzin-yvp>

Any interested person may submit written comments concerning this regulatory analysis. Written comments in response to this regulatory analysis must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Contact Name

Joe Campos, Administrative Rules Coordinator

Address

joe.campos@idph.iowa.gov

Email and/or phone number

515.304.0963

Purpose and summary of proposed rule:

To allow adopted adults to add omitted parents to their birth certificate.

Analysis of Impact of Proposed Rule

1. Persons affected by the proposed rule

- Classes of persons that will bear the costs of the proposed rule:

Adopted individuals filing for a birth certificate.

- Classes of persons that will benefit from the proposed rule:

Adopted individuals and families wishing to have omitted parents represented on birth certificates.

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2. Impact of the proposed rule, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred

- Quantitative description of impact:

Minimal; anticipate 50 applicants within 5 years. Total revenue anticipated to be \$750 in 5 years.

- Qualitative description of impact:

Increased connection to family.

3. Costs to the state

- Implementation and enforcement costs borne by the agency or any other agency:

None

- Anticipated effect on state revenues:

None

4. Comparison of the costs and benefits of the proposed rule to the costs and benefits of inaction

HHS is implementing this rule to the level required by recent legislation (SF 517).

5. Determination if less costly methods or less intrusive methods exist for achieving the purpose of the proposed rule

There are no identified less costly methods for achieving this purpose. The cost associated with this process is identical to all other birth certificate applications. All methods for obtaining information are as delineated in SF 517, enacted July 1, 2023.

6. Alternative methods considered by the agency

- Description of any alternative methods that were seriously considered by the agency:

There were no alternative methods seriously considered by the agency as current processes are pursuant to state code. Alternatives will be examined and discussed when this chapter is up for full red tape review.

- Reasons why they were rejected in favor of the proposed rule:

NA

Small Business Impact

If the rule will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rule on small business:

- Establish less stringent compliance or reporting requirements in the rule for small business.
- Establish less stringent schedules or deadlines in the rule for compliance or reporting requirements for small business.
- Consolidate or simplify the rule's compliance or reporting requirements for small business.

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- Establish performance standards to replace design or operational standards in the rule for small business.
- Exempt small business from any or all requirements of the rule.

If legal and feasible, how does the rule use a method discussed above to reduce the substantial impact on small business?

No impact.

Text of Proposed Rule:

641.95.6(1)b.

b. The state registrar shall charge a fee of \$15 to prepare an adoption certificate, amend a certificate, amend a certificate of live birth to reflect a legal change of name, prepare a delayed certificate, process other administrative or legal actions, prepare a noncertified copy of an original certificate of birth pursuant to Iowa Code sections 144.23A and 144.24A, or prepare copies of supporting documents on file in the state registrar's office. No fee shall be charged for establishment of paternity.

641—99.14(144) Establishment of new certificate of live birth following adoption.

99.14(1) Upon receipt of a completed Certificate of Adoption Report form or a certified copy of the decree of adoption from a court of competent jurisdiction and the information required pursuant to rule 641—99.13(144), the state registrar shall establish a new certificate of live birth for a person who was born in Iowa and has been adopted.

99.14(2) The new certificate of live birth shall not be marked "amended."

99.14(3) When a new certificate of live birth is established, the actual date and place of birth shall be shown on the certificate.

99.14(4) The county registrar and state registrar shall seal the original certificate of live birth. The state registrar shall place the original certificate of live birth and all related adoption information in a sealed file, and the file shall not be opened and inspected except by the state registrar for administrative purposes or upon an order from a court of competent jurisdiction pursuant to Iowa Code section 144.24 or as provided in Iowa Code section 144.24A.

99.14(5) In accordance with Iowa Code section 144.23A, an adopted person may apply to the state registrar to have their original certificate of birth prior to adoption reestablished to include the name of an omitted biological parent.

99.14(65) The new certificate of live birth after adoption shall not be on file at the county registrar's office.

99.14(76) The state registrar shall reveal the date of the adoption and the name and address of the court that issued the adoption decree upon the receipt of a completed, notarized Revelation of County

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of Adoption form from an adult adopted person, a biological parent, an adoptive parent, or the legal representative of the adult adopted person, the biological parent, or the adoptive parent pursuant to Iowa Code section 144.24.

99.14(87) Administrative and certified copy fees shall be charged and remitted pursuant to rule 641—95.6(144).