

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to health data

The Department of Health and Human Services (Department) hereby rescinds Chapter 177, “Health Data,” Iowa Administrative Code and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 135.166, and 1996 Iowa Acts, Chapter 1212.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code Chapter 135.

Purpose and Summary

This rule provides that hospitals must submit data to a selected contractor of the Department. The contractor serves as an intermediary of the Department and completes data collection, maintenance, and dissemination to the Department and on the Department’s behalf. Allows the Department to charge fees for administrative costs related to providing data. Requires data be kept confidential in compliance with state and federal law.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 24, 2024, as **ARC 7370C**.

Two virtual public hearings were held on February 14, 2024, at 11:30 a.m. and February 26, 2024, at 12 p.m. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department of Health and Human Services Council on April 11, 2024.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department of Health and Human Services for a waiver of the discretionary provisions, if any, pursuant to 441—6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on July 1, 2024.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 177 and adopt the following **new** chapter in lieu thereof:

CHAPTER 177

HEALTH DATA

641—177.1(76GA,ch1212) Definitions. For purposes of this chapter, the following definitions shall apply:

“*Confidential record*” means a record that is not available as a matter of right for examination and copying by members of the public under applicable provisions of law. Confidential records include records or information contained in records that the agency is prohibited by law from making available for examination by members of the public, and records or information contained in records that are specified as confidential by Iowa Code section 22.7, or other provision of law, but that may be disclosed upon order of a court, the lawful custodian of the record, or by another person duly authorized to release the record. Mere inclusion in a record of information declared confidential by an applicable provision of law does not necessarily make that entire record a confidential record. Included in the definition are those data collected by the department, pursuant to 1996 Iowa Acts, chapter 1212, for preparation and dissemination as compilations.

“*Record*” means the whole or a part of a “public record” as defined in Iowa Code section 22.1 that is owned by or in the physical possession of this agency.

641—177.2(76GA,ch1212) Description of data to be submitted.

177.2(1) The department shall collect information from other state agencies for the purpose of public dissemination of health data.

177.2(2) Hospitals shall submit data to the contractor selected through the request for proposal process, which shall serve as an intermediary for the department. The information shall include inpatient, outpatient and ambulatory information.

177.2(3) The contractor selected through the request for proposal process shall collect, maintain, and disseminate hospital inpatient, outpatient, and ambulatory information pursuant to a memorandum of understanding with the department. The contractor selected through the request for proposal process shall submit data to the department pursuant to the memorandum of understanding.

641—177.3(76GA,ch1212) Fees. Fees charged for data provided by the department shall not exceed administrative costs. Such charges may include copying, postage, supervisory, computer programming, time, and medium fees. The department will work to provide requestors with an estimate of the charges to be assessed for copies and labor prior to producing copies of records.

641—177.4(76GA,ch1212) Patient confidentiality. The department shall protect patient confidentiality. Confidential records or parts of such records collected as a part of this process shall be kept confidential. All health data shall be collected, maintained, and disseminated only in accordance with Iowa and federal law.

These rules are intended to implement 1996 Iowa Acts, chapter 1212, section 5, and Iowa Code section 135.166.