

### Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 641—Chapter 75  
“Distribution of Federal Funds Restrictions—Provider Identification and Attestation”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 88 GA, ch. 85, section 98; and 90 GA, ch. 19, section 346

State or federal law(s) implemented by the rulemaking: 88 GA, ch. 85, section 98; 90 GA, ch. 19, section 346; and Title X of the Public Health Service Act, 42 U.S.C. §300 et seq.

### *Public Hearing*

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

November 6, 2024  
2 to 3 p.m.

Microsoft Teams  
Meeting ID: 238 807 808 374  
Passcode: sCAuM5

### *Public Comment*

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 of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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421 East 12th Street  
Des Moines, Iowa 50319  
Phone: 515.829.6021  
Email: [compliancerules@hhs.iowa.gov](mailto:compliancerules@hhs.iowa.gov)

### *Purpose and Summary*

The purpose of this rulemaking is to require that as a condition of eligibility as an applicant, grantee, grantee contractor, or grantee subcontractor for certain federal funds, each distinct location of a nonprofit health care delivery system will be assigned a distinct identification number and complete an attestation that abortions are not performed at the distinct location.

### *Analysis of Impact*

1. Persons affected by the proposed rulemaking:
  - Classes of persons that will bear the costs of the proposed rulemaking:  
There are no associated costs.
  - Classes of persons that will benefit from the proposed rulemaking:  
None, but no classes of persons will be harmed.
2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:
  - Quantitative description of impact:  
None.
  - Qualitative description of impact:  
None.
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 rulemaking to the costs and benefits of inaction:  
Not applicable.
5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:  
None.
6. Alternative methods considered by the agency:
- Description of any alternative methods that were seriously considered by the agency:  
The rulemaking is essentially a restatement of federal law, other agency rules, and federal and state program handbooks.
  - Reasons why alternative methods were rejected in favor of the proposed rulemaking:  
The statutory authority for the chapter states that the Department “shall” promulgate administrative rules.

#### *Small Business Impact*

If the rulemaking 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 rulemaking on small business:

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

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

There is no impact on small business.

#### *Text of Proposed Rulemaking*

Item 1. Rescind 641—Chapter 75 and adopt the following **new** chapter in lieu thereof:

#### CHAPTER 75 DISTRIBUTION OF FEDERAL FUND RESTRICTIONS—PROVIDER IDENTIFICATION AND ATTESTATION

#### **641—75.1(88GA,ch85,90GA,ch19) Definitions.**

“*Administer*” means to implement programs through contracts entered into by the department and selected private, governmental, and nonprofit organizations to provide programming directly to participants. “Administer” does not mean the evaluation of programs or the management of federal performance measures data collection. “Administer” also does not mean providing training and technical assistance.

“*CAPP*” means the community adolescent pregnancy prevention program using federal temporary assistance for needy families block grant funds appropriated to the department.

“*Family planning*” means the promotion of reproductive and family health through education, prevention of pregnancy, planning for pregnancy, and reproductive health services.

“*FPP*” means the state-funded family planning program that is a limited insurance coverage for men and women who are 12 to 54 years of age.

“*Nonprofit health care delivery system*” means an Iowa nonprofit corporation that controls, directly or indirectly, a regional health care network consisting of hospital facilities and various ambulatory and clinic locations that provide a range of primary, secondary, and tertiary inpatient, outpatient, and physician services.

“*PREP*” means the personal responsibility education program as specified in 42 U.S.C. Section 713 (as amended to January 1, 2024).

“*SRAE*” means the Sexual Risk Avoidance Education Grant Program authorized pursuant to Section 510 of Title V of the federal Social Security Act, 42 U.S.C. Section 710) as amended by the Consolidated Appropriations Act of 2022 (Public Law 117-103) and extended by division B, Title I, section 142, of the Further Additional Continuing Appropriations and Other Extensions Act, 2024 (Public Law 118-35), and the Further Consolidated Appropriations Act, 2024.

“*Title X*” refers to the federal requirements contained in 42 CFR Subpart A, Part 59 (as amended to August 1, 2024), and the Program Guidelines for Project Grants for Family Planning Services.

**641—75.2(88GA,ch85,90GA,ch19) Distinct provider identification number and attestation.**

**75.2(1)** The department will assign a unique identification number to each distinct location of a nonprofit health care delivery system receiving funds from the department to administer programs under:

- a. The Title X family planning program;
- b. PREP;
- c. SRAE;
- d. FPP; and
- e. CAPP grants.

**75.2(2)** Each applicant, grantee, grantee contractor, or grantee subcontractor, and each distinct location of a nonprofit health care delivery system receiving funds from the department as enumerated in subrule 75.2(1) shall provide to the department, on forms prescribed by the department, a signed attestation that abortions are not performed at the distinct location.

These rules are intended to implement 2019 Iowa Acts, chapter 85, sections 98 through 100, and 2023 Iowa Acts, chapter 19, section 346.