

Regulatory Analysis

Notice of Intended Action to be published: 641—Chapter 145
“Iowa Physician Orders for Scope of Treatment”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 144D.2

State or federal law(s) implemented by the rulemaking: Iowa Code sections 144D.2 and 144A.7

Public Hearing

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

October 21, 2025
10 a.m.

Microsoft Teams
Meeting ID: 286 319 808 076 0
Passcode: tX6ck6P8

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which 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:

Victoria L. Daniels
321 East 12th Street
Lucas State Office Building
Des Moines, Iowa 50319
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

The physician orders for scope of treatment plan, or “POST form,” is a document that contains medical orders that may be relied upon across medical settings and that consolidates a patient’s preferences for life-sustaining treatments and interventions. The purpose of this chapter is to establish the process for the development, review, modification, and posting of the POST form.

Upon a Red Tape Review of this chapter, it was determined that the language is duplicative of Iowa Code chapter 144D. In addition, there is no rulemaking authority for this chapter. As such, the Department is proposing to rescind the chapter. This will not cause any disruption in the effectiveness of the orders for scope of treatment as determined by a patient and their medical provider.

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 costs associated with this rulemaking.
 - **Classes of persons that will benefit from the proposed rulemaking:**
No one will benefit from or be harmed by this proposed rulemaking.
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:**
There is no data associated with this proposed rulemaking.
 - **Qualitative description of impact:**
This rulemaking is rescinding a chapter for which there is no rulemaking authority.

3. **Costs to the State:**

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

The Department incurs personnel and other administrative costs for this rulemaking.

- **Anticipated effect on State revenues:**

This rulemaking will have no effect on State revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Chapter rescission is appropriate since there is no rulemaking authority for this chapter.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Not applicable.

6. **Alternative methods considered by the agency:**

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

Not applicable.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

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?

This rulemaking will have no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **641—Chapter 145**.