

## **HEALTH AND HUMAN SERVICES[441]**

### **Notice of Intended Action**

The Department of Health and Human Services hereby proposes to amend 421—1.1, 421—1.4, 421—1.5, 421—1.6 and 441—9.12(1), Iowa Administrative Code. The Department of Health and Human Services also hereby proposes to rescind 421—1.2, 421—1.3, 421 Chapter 2, “Public Records and Fair Information Practices,” 421 Chapter 3, “Petitions for Rule Making,” 421 Chapter 4, “Agency Procedure for Rule Making,” 421 Chapter 5, “Declaratory Orders,” 421 Chapter 6, “Contested Cases,” 421 Chapter 7, “Waiver Rules,” 441—1.8, 641 Chapter 170, “Organization of the Department,” 641 Chapter 171, “Petitions for Rule Making,” 641 Chapter 172 “Declaratory Orders,” Chapter 173, “Contested Cases,” Chapter 174, “Agency Procedure for Rule Making,” Chapter 175, “Fair Information Practices and Public Records,” 641—176.1, 641—176.2, 641—176.3, 641—176.4, 641—176.5 and 641—176.8.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 217.6 and 2023 Iowa Acts, Senate File 514.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, 2023 Iowa Acts, Senate File 514.

#### *Purpose and Summary*

The purpose of this rulemaking is to update language in legacy agency chapters to reflect the agency changes made in 2023 Iowa Acts, Senate File 514, the state government reorganization bill. This rulemaking updates language in the human rights and human services chapters to reflect the changes in the reorganization bill, and rescinds a number of rules and chapters that are duplicative uniform rules of agency procedure previously adopted by the legacy agencies. 441

Iowa Administrative Code will be the chapter that codifies The Iowa Department of Health and Human Services uniform rules on agency procedure. This rulemaking action rescinds and reserves chapters previously adopted to reduce confusion among the public and regulated community regarding uniform rules for Iowa Health and Human Services.

*Fiscal Impact*

This rule making has no fiscal impact to the state of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making 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—1.8 Iowa Administrative Code.

*Public Comment*

Any interested person may submit comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department of Health and Human Services no later than 4:30 p.m. on {deadline for public comments (**not less than 20 days after publication**)}. Comments should be directed to:

Sarah Reisetter  
Lucas Building 6<sup>th</sup> Floor  
321 E. 12<sup>th</sup> Street  
Des Moines, IA 50319  
Email: [compliancerules@idph.iowa.gov](mailto:compliancerules@idph.iowa.gov)

*Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1) “b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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).

The following rule-making action proposed:

ITEM 1. Amend rule 421—1.1(17A,216A) as follows:

**421—1.1(17A,216A) Definitions.** As used in these rules, unless the context otherwise requires:

“*Board*” means the human rights board.

“*Department*” means the department of ~~human rights~~ health and human services.

“*Director*” means the director of the department of ~~human rights~~ health and human services.

“*Underrepresented*” means the historical marginalization of populations or groups in the United States and Iowa, including but not limited to African Americans, Asian and Pacific Islanders, persons who are deaf or hard of hearing, persons with disabilities, Latinos, Native Americans, women, persons who have low socioeconomic status, at-risk youth, and adults or juveniles with a criminal history.

ITEM 2. Rescind and reserve rule **421—1.2(17A,216A)**.

ITEM 3. Rescind and reserve rule **421—1.3(17A,216A)**.

ITEM 4. Amend rule 421—1.4(17A,216A) as follows:

**421—1.4(17A,216A) Mission.** The mission of the department related to human rights programming is to ensure basic rights, freedoms, and opportunities for all by empowering underrepresented Iowans and eliminating economic, social, and cultural barriers. The department helps individuals attain economic independence by ensuring access to government services and advancing educational achievement and entrepreneurial success consistent with their aspirations.

ITEM 5. Amend rule 421—1.5(17A,216A) as follows:

**421—1.5(17A,216A) Organization.**

**1.5(1) Contact information.** Requests for assistance, information, inquiries, submissions, petitions, and other communications related to human rights programming may be directed to the department as follows: The office is located at 321 E. 12th Street, Des Moines, Iowa 50319. The main telephone number is (515)242-5655. The fax number is (515)242-6119. Regular office hours are Monday through Friday, 8 a.m. to 4:30 p.m., excluding legal holidays. The department's website is humanrights.iowa.gov hhs.iowa.gov.

~~**1.5(2) Director.** The duties and responsibilities of the director are described in Iowa Code section 216A.2. The director is appointed by the governor, subject to confirmation by the senate. The director serves at the pleasure of the governor. The director is the chief administrative officer of the department and, in that capacity, administers the programs and services of the department in compliance with applicable federal and state laws and regulations. The duties of the director include preparing a budget, managing the internal operations of the department, appointing the deputy director and administrators of the divisions, and employing personnel. The director serves as an ex officio member of all of the commissions or councils within the department, as well as an ex officio, nonvoting member of the human rights board.~~

~~—1.5(3) *Central administration.* The central administration office is responsible for the overall planning, policy, management, communications, finances, and operations of the department.~~

~~—1.5(4) *Divisions.* The department is composed of the following divisions and offices:~~

~~—a. *Division of community action agencies.* A description of the division is contained in 421—Chapter 20.~~

~~—b. *Division of criminal and juvenile justice planning.* A description of the division is contained in 421—Chapter 30.~~

~~—c. *Division of community advocacy and services.* The division of community advocacy and services contains the following offices: the office of Latino affairs, the office on the status of women, the office of persons with disabilities, the office of deaf services, the office on the status of African Americans, the office of Asian and Pacific Islander affairs, and the office of Native American affairs. A description of the division is contained in 421—Chapter 40.~~

ITEM 6. Amend rule 421—1.6(216A) as follows:

**421—1.6(216A) Human rights board.** The authority, and duties and composition of the human rights board are specified in Iowa Code section 216A.3. The department shall provide staff support to the board.

~~1.6(1) The board shall consist of 16 members, including 11 voting members and 5 nonvoting members and determined as follows:~~

~~—a. The voting members shall consist of nine voting members selected by each of the permanent commissions within the department, and two voting members appointed by the governor. For purposes of this subrule, “permanent commissions” means the commission of Latino affairs, commission on the status of women, commission of persons with disabilities, commission on community action agencies, commission of deaf services, justice advisory board, commission~~

~~on the status of African Americans, commission of Asian and Pacific Islander affairs, and commission of Native American affairs. The term for voting members is four years. The board shall select a chairperson from the voting members of the board.~~

~~— *b.* The nonvoting members shall consist of the department director; two state representatives, one appointed by the speaker of the house of representatives and one by the minority leader of the house of representatives; and two state senators, one appointed by the majority leader of the senate and one by the minority leader of the senate. The regular term of an appointment made by a member of the general assembly shall be two years pursuant to Iowa Code section 69.16B.~~

~~1.6(2) A majority of the voting members of the board shall constitute a quorum, and the affirmative vote of two thirds of the voting members present is necessary for any substantive action taken by the board.~~

~~— 1.6(3) The board shall meet not less than four times a year. Meetings shall comply with the open meetings law, Iowa Code chapter 21. Agendas and approved minutes will be posted on the department's website.~~

~~— 1.6(4) The board shall have the following duties:~~

~~— *a.* Develop and monitor implementation of a comprehensive strategic plan to remove barriers for underrepresented populations and, in doing so, to increase Iowa's productivity and inclusivity, including performance measures and benchmarks.~~

~~— *b.* Approve, disapprove, amend, or modify the budget recommended by the director for the operation of the department, subject to the budget requirements pursuant to Iowa Code chapter 8.~~

~~— *c.* Adopt administrative rules pursuant to Iowa Code chapter 17A, upon the recommendation of the director, for the operation of the department.~~

~~— *d.* By November 1 of each year, approve the department report to the general assembly and~~

~~the governor that covers activities during the preceding fiscal year.~~

ITEM 7. Rescind and reserve **421—Chapter 2.**

ITEM 8. Rescind and reserve **421—Chapter 3.**

ITEM 9. Rescind and reserve **421—Chapter 4.**

ITEM 10. Rescind and reserve **421—Chapter 5.**

ITEM 11. Rescind and reserve **421—Chapter 6.**

ITEM 12. Rescind and reserve **421—Chapter 7.**

ITEM 13. Rescind and reserve rule **441—1.8(17A,217).**

ITEM 14. Amend subrule 9.12(1) as follows:

**9.12(1) *Nature and extent.*** The personally identifiable information collected by the department in its administration of human services programs varies by the type of record. The nature and extent of personally identifiable information is described below:

ITEM 15. Rescind and reserve **641—Chapter 170.**

ITEM 16. Rescind and reserve **641—Chapter 171.**

ITEM 17. Rescind and reserve **641—Chapter 172.**

ITEM 18. Rescind and reserve **641—Chapter 173.**

ITEM 19. Rescind and reserve **641—Chapter 174.**

ITEM 20. Rescind and reserve **641—Chapter 175.**

ITEM 21. Rescind and reserve rule **641—176.1(135,17A).**

ITEM 22. Rescind and reserve rule **641—176.2(135,17A).**

ITEM 23. Rescind and reserve rule **641—176.3(135,17A).**

ITEM 24. Rescind and reserve rule **641—176.4(135,17A).**

ITEM 25. Rescind and reserve rule **641—176.5(135,17A).**

ITEM 26. Rescind and reserve rule **641—176.8(135,17A)**.