

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

**Proposing rulemaking related to child care centers
and providing an opportunity for public comment**

The Department of Health and Human Services hereby proposes to amend Chapter 109, “Child Care Centers,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 237A and 2025 Iowa Acts, House File 390.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 237A.5(1) and 45 CFR Part 98.

Purpose and Summary

This proposed rulemaking implements amendments required by 2025 Iowa Acts, House File 390. The legislation changes the requirement for child care center employees to have a physical examination within six months prior to employment to instead require the child care center employees to have a physical examination within six months of employment.

Additionally, this proposed rulemaking eliminates a requirement that providers cannot utilize a training credit more than one time every five years. Because of how frequently trainings are modified and updated, this will allow providers to have more flexibility in how they obtain their training hours.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on April 1, 2026. A public hearing was held on the following date(s):

- April 21, 2026

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 for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on June 2, 2026. Comments should be directed to:

Victoria L. Daniels
Department of Health and Human Services
Lucas State Office Building
321 East 12th Street

Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

June 2, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 292 485 993 110 827 Passcode: SZ3ZF7WH
June 2, 2026 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 210 627 075 668 02 Passcode: pS9uT6Pb

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

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).

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve subparagraph **109.7(2)“a”(3)**.

ITEM 2. Amend paragraph **109.9(1)“b”** as follows:

b. A physical examination report. As required in Iowa Code section 237A.5(1), personnel shall have good health as evidenced by a ~~preemployment~~ physical examination within six months of hire. Acceptable physical examinations shall be documented on a form prescribed by the department. The examination shall be performed within six months ~~prior to~~ of beginning employment and shall be repeated at least every three years. A physical examination may be requested if the employer has reason to believe an employee would not be able to perform a job successfully or safely due to a medical condition.