

## HUMAN SERVICES DEPARTMENT[441]

### Notice of Intended Action

#### **Proposing rulemaking related to residential facilities for children with an intellectual disability or brain injury and providing an opportunity for public comment**

The Department of Health and Human Services hereby proposes to rescind Chapter 116, “Licensing and Regulation of Residential Facilities for Children with an Intellectual Disability or Brain Injury,” Iowa Administrative Code, and to adopt a new Chapter 116 with the same title.

#### *Legal Authority for Rulemaking*

This rulemaking is proposed under the authority provided in Iowa Code section 237.3.

#### *State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code chapter 237.

#### *Purpose and Summary*

This proposed chapter was reviewed as a part of the Red Tape Review process laid out by Executive Order 10. Through the review, restrictive terms were removed, duplicative information was streamlined, and language was changed to be in line with modern procedures and practices. This proposed chapter relates specifically to the licensing and regulation of residential facilities serving children with an intellectual disability or a brain injury.

#### *Regulatory Analysis*

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 5, 2026. A public hearing was held on the following date(s):

- August 25, 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 2504.

#### *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 October 6, 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: [compliance@hhs.iowa.gov](mailto:compliance@hhs.iowa.gov)

### *Public Hearing*

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

|                                     |                                                                          |
|-------------------------------------|--------------------------------------------------------------------------|
| October 6, 2026<br>10 to 10:30 a.m. | Microsoft Teams<br>Meeting ID: 211 532 914 792 67<br>Passcode: 94Ve93DX  |
| October 6, 2026<br>2 to 2:30 p.m.   | Microsoft Teams<br>Meeting ID: 298 652 447 812 351<br>Passcode: GU7FC9wR |

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 441—Chapter 116 and adopt the following **new** chapter in lieu thereof:

### CHAPTER 116

### LICENSING AND REGULATION OF RESIDENTIAL FACILITIES FOR CHILDREN WITH AN INTELLECTUAL DISABILITY OR BRAIN INJURY

#### **441—116.1(237) Definitions.**

“*Caseworker*” means the same as defined in 441—Chapter 114.

“*Casework supervisor*” means the same as defined in 441—Chapter 114.

“*Child care worker*” means the same as defined in rule 441—114.2(237).

“*Community residential facility for children with an intellectual disability or brain injury*” means the same as a community residential facility as defined in rule 441—114.2(237).

“*Comprehensive residential facility for children with an intellectual disability or brain injury*” means a comprehensive residential facility as defined in rule 441—115.2(237).

“*Direct-service provider*” means any employee of an agency whose primary responsibility is the care and programming of the children through direct interactions.

“*Indirect-service provider*” means an employee of an agency who supervises, coordinates and administers employees and program components.

#### **441—116.2(237) Qualifications of staff.**

**116.2(1) *Direct-service providers.*** Direct-service providers shall be paraprofessionals or professionals meeting all of the following criteria:

*a.* Paraprofessionals shall:

- (1) Be at least 18 years of age.
- (2) Have graduated from high school or earned a high school equivalency degree.
- (3) Have completed the prescribed agency training program.
- (4) Be appropriate to the specific job description of the employing agency.

*b.* Professionals in the direct-service provider category shall:

- (1) Be at least 18 years of age.

(2) Have a bachelor of arts degree in a related field; or an associate of arts degree in a related field and two years' experience specific to the job responsibilities; or two years of higher education in a related field and two years' experience specific to job responsibilities; or four years' experience in programming specific to job responsibilities.

(3) Have completed the prescribed agency training program.

(4) Be appropriate to the specific job description of the employing agency.

**116.2(2) Indirect-service providers.** Indirect-service providers shall meet one of the following education and experience criteria:

*a.* Have a master of social work degree or a master of arts degree in a related field and one year of experience specific to job responsibilities.

*b.* Have a bachelor of arts degree in a related field and two years' experience specific to job responsibilities.

*c.* Have an associate of arts degree in a related field and four years' experience specific to job responsibilities.

*d.* Have five years' specific treatment program experience relating to the job responsibilities.

**441—116.3(237) Staff-to-client ratio.** The number and qualifications of the staff will vary depending on the needs of the children. There shall be at least a one-to-four staff-to-client ratio during prime programming time.

**441—116.4(237) Program components.** In addition to the requirements of 441—subrule 114.8(3), the facility shall have and follow a written procedure that defines who is responsible for overseeing personal hygiene of children and maintaining general orderliness of the facility.

**441—116.5(237) Restraint.** In addition to the provisions of 441—Chapters 114 and 115, a restraint may be used as stated in the child's individual service plan as approved by the parent or guardian, caseworker, and facility as long as that facility meets the standards for utilizing that particular type of restraint.

These rules are intended to implement Iowa Code chapter 237.