ARC 0768D

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to residential facilities for children with an intellectual disability or brain injury

The Department of Health and Human Services hereby rescinds Chapter 116, "Licensing and Regulation of Residential Facilities for Children with an Intellectual Disability or Brain Injury," Iowa Administrative Code, and adopts a new Chapter 116 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted 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 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 chapter relates specifically to the licensing and regulation of residential facilities serving children with an intellectual disability or a brain injury.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 16, 2026, as **ARC 0565D**. Public hearings were held on the following date:

- October 6, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on October 23, 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.

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).

Effective Date

This rulemaking will become effective on January 1, 2027.

The following rulemaking action is adopted:

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.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.