

## INSPECTIONS AND APPEALS DEPARTMENT[481]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 135G.10, the Department of Inspections and Appeals hereby gives Notice of Intended Action to amend Chapter 71, “Subacute Mental Health Care Facilities,” Iowa Administrative Code.

The proposed amendments implement the changes to Iowa Code chapter 135G, “Subacute Mental Health Care Facilities,” resulting from 2015 Iowa Acts, Senate File 401, including an increase in the number of publicly funded subacute care facility beds from 50 to 75. 2015 Iowa Acts, Senate File 401, also allows for the treatment of persons involuntarily hospitalized in accordance with Iowa Code chapter 229. The amendments therefore eliminate the requirement in the rules that persons be voluntarily admitted to a subacute mental health care facility.

The Department does not believe that the proposed amendments impose any financial hardship on any regulated entity, body, or individual.

Any interested person may make written suggestions or comments on the proposed amendments on or before June 16, 2015. Such written materials should be addressed to the Director, Department of Inspections and Appeals, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0083; faxed to (515)242-6863; or e-mailed to [david.werning@dia.iowa.gov](mailto:david.werning@dia.iowa.gov).

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

These amendments are intended to implement Iowa Code section 135G.10 and 2015 Iowa Acts, Senate File 401.

The following amendments are proposed.

ITEM 1. Amend subrule 71.3(6) as follows:

**71.3(6) *Licensed beds limit.*** The total number of publicly funded subacute care facility beds licensed under this chapter shall not exceed ~~50~~ 75.

ITEM 2. Rescind subparagraph **71.13(2)“b”(2)**.

ITEM 3. Renumber subparagraphs **71.13(2)“b”(3)** to **(6)** as **71.13(2)“b”(2)** to **(5)**.

ITEM 4. Amend subparagraphs **71.13(4)“a”(2)** and **(3)** as follows:

(2) The individual can be safely maintained and effectively treated with less intensive services in a community setting; or

(3) The symptoms of the individual do not meet admission criteria in subrule 71.13(2); ~~or~~ .

ITEM 5. Rescind subparagraph **71.13(4)“a”(4)**.

ITEM 6. Rescind paragraph **71.13(6)“b.”**

ITEM 7. Reletter paragraphs **71.13(6)“c”** to **“f”** as **71.13(6)“b”** to **“e.”**