

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to state-funded family medicine obstetrics fellowship program

The Department of Health and Human Services hereby adopts a new Chapter 106, “State-Funded Family Medicine Obstetrics Fellowship Program,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 135.193 and 2023 Iowa Acts, Senate File 561.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 135.193.

Purpose and Summary

This chapter allows Iowa teaching hospitals to participate in a Family Medicine Obstetrics Fellowship program. Participating hospitals are eligible to apply for reimbursement for the cost of training and teaching the fellows.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 24, 2024, as **ARC 7508C**. A public hearing was held on the following date(s):

- February 14, 2024
- February 26, 2024

Comments around payback clauses were received.

Changes from the Notice have been made. Additional language was added to subrule 106.2(2) to clarify that the teaching hospital could be reimbursed at the time funds are expended on the fellow as long as a program agreement was executed between the teaching hospital and the fellow. Revisions were made to subrule 106.2(5) to address this change. The reference to 2023 Iowa Acts, House File 561, section 67, was not adopted in subrule 106.2(2) since Iowa Code section 135.193 has been codified.

Adoption of Rulemaking

This rulemaking was adopted by the Department on July 19, 2024.

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.

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 September 11, 2024.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 641—Chapter 106:

CHAPTER 106
STATE-FUNDED FAMILY MEDICINE OBSTETRICS FELLOWSHIP PROGRAM

641—106.1(135) Definitions.

“*Rural area*” means all nonmetropolitan (metro) counties and all metro census tracts with rural-urban commuting area (RUCA) codes 4 through 10. The U.S. Department of Agriculture’s (USDA’s) Economic Research Service (ERS) creates RUCA codes using U.S. Census data.

“*Underserved area*” means an area, population group, or facility designated by the U.S. Department of Health and Human Services as a health professional shortage area for primary care.

641—106.2(135) Fellowship cost reimbursement to participating teaching hospital.

106.2(1) A teaching hospital may apply to the department of health and human services through a request for proposal (RFP) process if the teaching hospital intends to administer an obstetrics (OB) fellowship program and request reimbursement for expenses from the family medicine OB fellowship program fund. After the first RFP, RFPs will be posted as needed based on expressed interest from additional teaching hospitals.

106.2(2) A participating teaching hospital that has been accepted into the family medicine OB fellowship program through the RFP process may submit a reimbursement claim to the department for a fellow who has completed the requirements in Iowa Code section 135.193. A copy of the program agreement between the teaching hospital and the fellow must be submitted to the department for verification that the fellow has committed to serve the required five years of service in a rural or underserved area as defined in rule 641—106.1(135).

106.2(3) Subject to availability, funds from the family medicine OB fellowship program fund shall be used in accordance with Iowa Code section 135.193, and reimbursement will be no greater than the lesser of the amount of funds expended by the teaching hospital on the OB fellow or \$140,000 per fellow.

106.2(4) If the department receives more claims than funds available, the department will maintain a wait list of eligible fellows and will manage reimbursements to a participating teaching hospital for eligible fellows’ claims on a first-come, first-served basis. The department will reimburse a participating teaching hospital for eligible fellows who are on the wait list if additional funds become available.

106.2(5) The fellow shall enter into a recoupment agreement with the department prior to commencing any training with a participating hospital. The program agreement between a participating hospital and a fellow shall include notification of this requirement.

These rules are intended to implement Iowa Code section 135.193.

[Filed 7/19/24, effective 9/11/24]

[Published 8/7/24]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 8/7/24.