

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to more options for maternal support (MOMS) program

The Department of Health and Human Services hereby adopts new Chapter 164, “More Options for Maternal Support (MOMS) Program,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 217.41C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 217.41C and 2024 Iowa Acts, Senate File 2252.

Purpose and Summary

The MOMS program is designed to do the following:

- Provide personalized support to pregnant women to provide stabilization for families.
- Promote improved pregnancy outcomes, including reducing abortions, by helping women practice sound, health-related behaviors and improve prenatal nutrition.
- Improve child health and development by helping parents provide responsible and competent care for their children.
- Improve family economic self-sufficiency by linking parents to services that address individual economic and social needs.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024, as **ARC 8541C**. A public hearing was held on the following date(s):

- January 16, 2025
- January 21, 2025

Multiple public comments were received expressing concerns that MOMS service providers were not subject to HIPAA. However, services provided with MOMS funding are, by definition in the Iowa Code, nonmedical and are not considered health care services or treatment for purposes of the HIPAA privacy laws. Iowa Code section 217.41C(4)“j” specifies that MOMS providers shall “maintain confidentiality of all data, files, and records related to the pregnancy support services provided to persons accessing the pregnancy support services through the program in compliance with state and federal laws.” Because that language exists in the Iowa Code, it was not included in the rules.

One change has been made since publication of the Notice. The Department revised the definition of “program administrator” to make it clear that the Department may serve as the program administrator, consistent with the changes enacted by 2024 Iowa Acts, Senate File 2252.

Adoption of Rulemaking

This rulemaking was adopted by the Department on March 28, 2025.

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 June 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 441—Chapter 164:

CHAPTER 164
MORE OPTIONS FOR MATERNAL SUPPORT (MOMS) PROGRAM

441—164.1(217) Definitions.

“*Client*” means an individual receiving the services enumerated in Iowa Code section 217.41C through the program.

“*Pregnancy support services*” means the same as defined in Iowa Code section 217.41C.

“*Program*” means the more options for maternal support (MOMS) program outlined in Iowa Code section 217.41C.

“*Program administrator*” means the department or a nonprofit entity incorporated in this state with a tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code that is awarded a contract by the department to administer the program, including managing a statewide network of providers and other duties outlined in Iowa Code section 217.41C.

“*Provider of pregnancy support services*” or “*provider*” means the same as defined in Iowa Code section 217.41C.

441—164.2(217) Pregnancy support services. Pregnancy support services do not include health care treatment or services for purposes of the Health Insurance Portability and Accountability Act of 1996.

441—164.3(217) Program administrator responsibilities.

164.3(1) If a nonprofit entity is awarded a contract by the department through the request for proposals process to administer the program, that program administrator may assume ownership and oversight of any existing contracts providers have with the department. The program administrator will work with the department to facilitate and execute the contract reassignments.

164.3(2) A program administrator shall prepare and submit an annual program evaluation report in a format prescribed by the department at the end of each contracted year. The program administrator shall use the results of the evaluation report at a minimum to support and assist providers in the continuous quality improvement process.

164.3(3) A program administrator shall maintain a minimum number of providers, as specified by the department, to include any provider contracts reassigned by the department, if applicable.

164.3(4) A program administrator shall only be eligible to receive reimbursement for services described in its contract and shall not charge additional fees to the department or to providers.

441—164.4(217) Client feedback. The department will create a process for clients to provide confidential feedback regarding their experience with providers.

441—164.5(217) Appeals. An applicant for program administrator, provider, or client who disagrees with a decision of the department may submit an appeal in accordance with 441—Chapter 7.

These rules are intended to implement Iowa Code section 217.41C.

[Filed 3/28/25, effective 6/1/25]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/16/25.