

HUMAN SERVICES DEPARTMENT[441]

Regulatory Analysis

Notice of Intended Action to be published: 441—subrule 109.9(1)
“Child Care Centers”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 237A and 2025 Iowa Acts, House File 390

State or federal law(s) implemented by the rulemaking: Iowa Code section 237A.5(1) as amended by 2025 Iowa Acts, House File 390, and 45 CFR Part 98

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

April 21, 2026
2 p.m.

Microsoft Teams
Meeting ID: 249 659 865 572 07
Passcode: fz7CQ6dU

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. 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

Purpose and Summary

This rulemaking proposes amendments required by 2025 Iowa Acts, House File 390. The legislation changes the requirement for child care center employees to have a physical examination within six months prior to employment to instead require the child care center employees to have a physical examination within six months of employment.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**
 - **Classes of persons that will bear the costs of the proposed rulemaking:**
There are no costs associated with this proposed rulemaking.
 - **Classes of persons that will benefit from the proposed rulemaking:**
Child care center employees will benefit by having more flexibility in obtaining their required physical examinations.
2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

There is no expected quantitative impact.

- **Qualitative description of impact:**

Employees will have more time and flexibility to receive the required physical examinations within six months of the start of their employment, instead of within six months prior to their employment.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

There are no additional costs to implement this proposed rulemaking.

- **Anticipated effect on State revenues:**

This proposed rulemaking is not expected to affect State revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

This proposed rulemaking is appropriate under 2025 Iowa Acts, House File 390.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Not applicable.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

Not applicable.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.

- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This proposed rulemaking is not expected to impact small business.

Text of Proposed Rulemaking

ITEM 1. Amend paragraph **109.9(1)“b”** as follows:

b. A physical examination report. As required in Iowa Code section 237A.5(1), personnel shall have good health as evidenced by a ~~preemployment~~ physical examination within six months of hire. Acceptable physical examinations shall be documented on a form prescribed by the department. The examination shall be performed within six months ~~prior to~~ of beginning employment and shall be repeated at least every three years. A physical examination may be requested if the employer has reason to believe an employee would not be able to perform a job successfully or safely due to a medical condition.