

Regulatory Analysis

Notice of Intended Action to be published: 641—Chapters 7, 37, 95, 97, 99, 142, and 154
“Terminology Conforming Changes”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 4.1A as enacted by 2025 Iowa Acts, Senate File 418

State or federal law(s) implemented by the rulemaking: Iowa Code section 4.1A as enacted by 2025 Iowa Acts, Senate File 418

Public Hearing

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

July 29, 2025
10 a.m.

Microsoft Teams
Meeting ID: 242 459 066 176 7
Passcode: Wu3Kc9DH

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:

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321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

The purpose of this proposed rulemaking is to amend Chapters 7, 37, 95, 97, 99, 142, and 154 to reflect 2025 Iowa Acts, Senate File 418.

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 rulemaking.
 - **Classes of persons that will benefit from the proposed rulemaking:**
The rulemaking has no specific benefit other than implementing new legislation.
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:**
Eleven rules are proposed to be amended.
 - **Qualitative description of impact:**
The proposed rulemaking updates language in Chapters 7, 37, 95, 97, 99, 142, and 154 to reflect 2025 Iowa Acts, Senate File 418.
3. **Costs to the State:**
 - **Implementation and enforcement costs borne by the agency or any other agency:**

The Department has personnel and other administrative costs associated with undertaking this proposed rulemaking.

- **Anticipated effect on State revenues:**

There is no impact on State revenues.

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

Rulemaking is appropriate because the changes are in conformance with the statutory construction and other changes contained in 2025 Iowa Acts, Senate File 418.

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 has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Amend paragraph **7.10(3)“b”** as follows:

b. ~~Gender~~ Sex of patient;

ITEM 2. Amend paragraph **37.27(2)“b”** as follows:

b. Licensees may not use information received from a criminal history records check obtained under these rules in a manner that would infringe upon the rights of any individual under the First Amendment to the Constitution of the United States, nor shall licensees use the information in any way that would discriminate among individuals on the basis of race, religion, national origin, ~~gender~~ sex, or age.

ITEM 3. Amend paragraph **37.31(3)“b”** as follows:

b. If the recipient licensee verifies information such as name, date of birth, social security number, ~~gender~~ sex, and other applicable physical characteristics.

ITEM 4. Amend paragraph **95.15(4)“b”** as follows:

b. The name and ~~gender~~ sex of the baby, if known.

(1) If the name is not furnished by the patient, the department shall complete the certificate with the name “baby boy” or “baby girl” and the last name of the patient.

(2) If the ~~gender~~ sex is unknown, the department shall complete the certificate with the name “baby” and the last name of the patient.

ITEM 5. Amend subparagraph **97.15(2)“b”(1)** as follows:

(1) The full legal name and ~~gender~~ sex of the deceased at the time of the death;

ITEM 6. Rescind and reserve rule **641—99.20(144)**.

ITEM 7. Strike “gender” wherever it appears in **641—Chapter 142**, Appendix A, and insert “sex” in lieu thereof.

ITEM 8. Amend paragraph **154.3(3)“a”** as follows:

a. The patient’s full legal name, Iowa residence address, date of birth, and sex ~~designation~~, as shown on the patient’s valid photo identification. If the patient’s information has changed since the issuance of the patient’s valid photo identification, the patient shall first update the patient’s valid identification to reflect the patient’s current information.

ITEM 9. Amend paragraph **154.5(3)“a”** as follows:

a. The primary caregiver’s full legal name, current residence address, date of birth, and sex ~~designation~~, as shown on the primary caregiver’s valid photo identification. If the primary caregiver’s information has changed since issuance of the primary caregiver’s valid photo identification, the primary caregiver shall first update the primary caregiver’s valid photo identification to reflect the primary caregiver’s current information.