

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapters 77 and 78
“Terminology Conforming Changes”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 4.1A as enacted by 2025 Iowa Acts, Senate File 418, and 249A.14 as enacted by 2025 Iowa Acts, House File 1049, section 14

State or federal law(s) implemented by the rulemaking: Iowa Code section 4.1A as enacted by 2025 Iowa Acts, Senate File 418, and Iowa Code section 249A.14 as enacted by 2025 Iowa Acts, House File 1049, section 14

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

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department of Health and Human Services and advise of specific needs.

Public Comment

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

Victoria L. Daniels
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliance@hhs.iowa.gov

Purpose and Summary

The purpose of this proposed rulemaking is to update language in Chapters 77 and 78 to conform to changes made in 2025 Iowa Acts, Senate File 418, and 2025 Iowa Acts, House File 1049, section 14.

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:**

Four rules are amended in this rulemaking.

- **Qualitative description of impact:**

The proposed rulemaking updates language to conform to 2025 Iowa Acts, Senate File 418, and 2025 Iowa Acts, House File 1049, section 14.

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 implementing the legislation.

- **Anticipated effect on State revenues:**

This proposed rulemaking has 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 terms are being updated to conform with the statutory construction outlined in 2025 Iowa Acts, Senate File 418, and as required by 2025 Iowa Acts, House File 1049, section 14.

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 77.3(3)“a” as follows:

a. Definitions.

“*Adult beds*” means the number of staffed and available psychiatric beds ready for admission to individuals 18 years of age to 60 years of age.

“*Child beds*” means the number of staffed and available psychiatric beds ready for admission to individuals up to the age of 18.

~~“Gender” means female or male.~~

“Geriatric beds” means the number of staffed and available psychiatric beds ready for admission to individuals 60 years of age and older.

“Hospital,” for purposes of this subrule, means any licensed hospital providing inpatient psychiatric services and the state mental health institutes.

“Psychiatric bed tracking system” means a web-based electronic system managed by the department that can be searched to locate inpatient psychiatric services at an Iowa hospital.

“Sex” means the state of being either male or female as observed or clinically verified at birth.

ITEM 2. Amend paragraph 77.3(3)~~“d”~~ as follows:

d. Each update must include the number of child beds by ~~gender~~ sex, the number of adult beds by ~~gender~~ sex, and the number of geriatric beds by ~~gender~~ sex.

ITEM 3. Amend subparagraph 78.1(4)~~“b”~~(2) as follows:

(2) Procedures related to transsexualism, hermaphroditism, gender identity disorders, or body dysmorphic disorders. This subparagraph is intended to implement Iowa Code section 249A.14 as enacted by 2025 Iowa Acts, House File 1049, section 14.

ITEM 4. Amend subparagraph 78.10(3)~~“c”~~(2) as follows:

(2) The member is 36 weeks of age but younger than 108 weeks of age and there is documentation of either of the following conditions:

1. Cephalic index at least two standard deviations above the mean for the member’s ~~gender~~ sex and age; or
2. Asymmetry of 12 millimeters or more in the cranial vault, skull base, or orbitotragial depth.