RA 26-191

HUMAN SERVICES DEPARTMENT[441]

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapter 116
"Licensing and Regulation of Residential Facilities for Children
with an Intellectual Disability or Brain Injury"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 237.3
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 237

Public Hearing

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

August 25, 2026 10 a.m.	Microsoft Teams Meeting ID: 263 183 115 478 438 Passcode: RG9AC95E

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

Purpose and Summary

This chapter was reviewed as a part of the Red Tape Review process laid out by Executive Order 10. Through the review, restrictive terms were removed, duplicative information was streamlined, and language was changed to be in line with modern procedures and practices. This proposed chapter relates specifically to the licensing and regulation of residential facilities serving children with an intellectual disability or a brain injury.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

This proposed rulemaking does not have a cost to the public.

- **Classes of persons that will benefit from the proposed rulemaking:**

Children, families, and facilities serving children with an intellectual disability or a brain injury in Iowa will benefit from having clear, concise, and accurate rules regarding the certification standards for children's residential facilities in the State.

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 not expected to be a quantitative impact from this proposed rulemaking.

- **Qualitative description of impact:**

Children, families, and facilities serving children with an intellectual disability or a brain injury in Iowa will benefit from having clear, concise, and accurate rules regarding the certification standards for children's residential facilities in the State.

3. **Costs to the State:**

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

There are no other implementation or enforcement costs aside from personnel expenses.

- **Anticipated effect on State revenues:**

This proposed rulemaking is not expected to have an effect on State revenues.

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

The rules set forth in this proposed chapter are appropriate under Iowa Code chapter 237.

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 rulemaking is not expected to have an impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 441—Chapter 116 and adopt the following **new** chapter in lieu thereof:

CHAPTER 116
LICENSING AND REGULATION OF RESIDENTIAL FACILITIES FOR CHILDREN WITH AN INTELLECTUAL DISABILITY OR BRAIN INJURY

441—116.1(237) Definitions.

"Caseworker" means the same as defined in 441—Chapter 114.

"Casework supervisor" means the same as defined in 441—Chapter 114.

"Community residential facility for children with an intellectual disability or brain injury" means the same as a community residential facility as defined in rule 441—114.2(237).

"Comprehensive residential facility for children with an intellectual disability or brain injury" means a comprehensive residential facility as defined in rule 441—115.2(237).

"Child care worker" means the same as defined in rule 441—114.2(237).

"Direct-service provider" means any employee of an agency whose primary responsibility is the care and programming of the children through direct interactions.

"Indirect-service provider" means an employee of an agency who supervises, coordinates and administers employees and program components.

441—116.2(237) Qualifications of staff.

116.2(1) *Direct-service providers.* Direct-service providers shall be paraprofessionals or professionals meeting all of the following criteria:

a. Paraprofessionals shall:

(1) Be at least 18 years of age.

(2) Have graduated from high school or earned a high school equivalency degree.

(3) Have completed the prescribed agency training program.

(4) Be appropriate to the specific job description of the employing agency.

b. Professionals in the direct-service provider category shall:

(1) Be at least 18 years of age.

(2) Have a bachelor of arts degree in a related field; or an associate of arts degree in a related field and two years' experience specific to the job responsibilities; or two years of higher education in a related field and two years' experience specific to job responsibilities; or four years' experience in programming specific to job responsibilities.

(3) Have completed the prescribed agency training program.

(4) Be appropriate to the specific job description of the employing agency.

116.2(2) *Indirect-service providers.* Indirect-service providers shall meet one of the following education and experience criteria:

a. Have a master's degree in social work or a master of arts degree in a related field and one year of experience specific to job responsibilities.

b. Have a bachelor of arts degree in a related field and two years' experience specific to job responsibilities.

c. Have an associate of arts degree in a related field and four years' experience specific to job responsibilities.

d. Have five years' specific treatment program experience relating to the job responsibilities.

441—116.3(237) Staff-to-client ratio. The number and qualifications of the staff will vary depending on the needs of the children. There shall be at least a one-to-four staff-to-client ratio during prime programming time.

441—116.4(237) Program components. In addition to the requirements of 441—subrule 114.8(3), the facility shall have and follow a written procedure that defines who is responsible for overseeing personal hygiene of children and maintaining general orderliness of the facility.

441—116.5(237) Restraint. In addition to the provisions of 441—Chapters 114 and 115, a restraint may be used as stated in the child's individual service plan as approved by the parent or guardian, caseworker, and facility as long as that facility meets the standards for utilizing that particular type of restraint.

These rules are intended to implement Iowa Code chapter 237.