Regulatory Analysis

Notice of Intended Action to be published: 661—Chapter 88
"Notification of Law Enforcement Agency by Hospital Prior to Discharge of a Person with Serious Mental Impairment"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 229.22 as amended by 2010 Iowa Acts, Senate File 2352

State or federal law(s) implemented by the rulemaking: Iowa Code section 229.22

Public Hearing

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

October 22, 2025 9:30 to 10 a.m.	Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

Public Comment

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

Josie Wagler
215 East 7th Street
Des Moines, Iowa 50319
Email: wagler@dps.state.ia.us

Purpose and Summary

Pursuant to Iowa Code section 229.22 as amended by 2010 Iowa Acts, Senate File 2352, a hospital or facility is required to notify a specified law enforcement agency prior to the discharge of a patient brought to a hospital or facility for emergency mental health treatment by a law enforcement agency for whom an arrest warrant has been issued or charges are pending. The purpose of Chapter 88 is to establish the form to be used by law enforcement agencies to request this notification be made. However, this chapter is redundant and duplicative of procedure already established in Iowa Code section 229.22. Therefore, the Department is proposing to rescind this chapter.

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:**

Law enforcement agencies benefit from receiving notification of a person's discharge from a hospital or facility.

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:**

Not applicable.

- **Qualitative description of impact:**

The hospital or facility is responsible for notifying law enforcement prior to discharging the affected person.

3. **Costs to the State:**

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

There are none.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

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

The Department has determined this rulemaking to be redundant and duplicative of procedure already established in the Iowa Code. The form still exists for law enforcement to use pursuant to Iowa Code section 229.22.

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

Rescinding Chapter 88 in its entirety is the least restrictive method since the purpose of this chapter can still be achieved without this chapter.

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

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

None were considered.

- **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 anticipated to have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **661—Chapter 88**.