Regulatory Analysis

Notice of Intended Action to be published: 641—Chapter 67
"Blood Lead Testing"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 135.102

State or federal law(s) implemented by the rulemaking: Iowa Code section 135.105D and 2008 Iowa Acts, Senate File 2111

Public Hearing

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

November 6, 2024 2 to 3 p.m.	Microsoft Teams Meeting ID: 238 807 808 374 Passcode: sCAuM5

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 (HHS) 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

These proposed rules are intended to help ensure that all Iowa children receive at least one blood lead screening prior to age six.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

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

There are minimal costs incurred by the public since blood lead testing is covered by most insurance plans.

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

Children under the age of six will benefit.

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:

For school year 2021-2022, HHS received data from 683 schools representing 39,956 students. Of those, 80 percent matched HHS's database, meaning that 80 percent of students from participating schools had at least one blood lead test prior to the age of six. Among the 38,312 children born in Iowa in 2016, 98.6 percent were tested at least once prior to their sixth birthday in 2022.

- Qualitative description of impact:

Lead in the blood of children can cause serious health problems such as damage to the brain and nervous system, slowed growth and development, learning and behavior problems, hearing and speech problems, and irritability (sources: cdc.gov and mayoclinic.org)

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:
  - There are costs of approximately $25,000 for salary and fringe benefits for 0.25 full-time equivalent (FTE) position assigned to coordinate implementation.
  - There are costs of approximately $20,500 for contractor and state FTE position time for technical support from the Department of Management Division of Information Technology.
  - There are costs related to staff time at schools for implementation; however, there is no estimate for costs associated with this work.
- Anticipated effect on state revenues:

There is no anticipated impact on state revenues.

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

If this chapter did not exist, the HHS would need to rely on alternative mechanisms and measures to demonstrate the rate of children who receive at least one blood lead screening before age six in compliance with Iowa Code section 135.105D. The HHS would not be able to identify and educate parents of children enrolled in kindergarten who have not received a blood lead test about the serious health problems associated with exposure to lead.

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

There could be amendments to Iowa Code section 135.105D(3) to enable the Department of Education, rather than the individual schools, to provide the enrollment data to HHS. This could reduce the administrative burden on school staff time to achieve the purpose.

6. Alternative methods considered by the agency:

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

The agency has considered coordinating with the Department of Education to streamline the sharing of enrollment data with HHS and reduce the administrative burden on individual schools.

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

The language of Iowa Code section 135.105D(3) was determined to require the collection of enrollment data directly from individual schools.

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?

There are no impacts on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 641—Chapter 67 and adopt the following **new** chapter in lieu thereof:

CHAPTER 67
BLOOD LEAD TESTING

641—67.1(135) Definitions. For purposes of this chapter, the following definitions apply:

"Applicant" means any person seeking first-time enrollment in kindergarten in a public or accredited nonpublic elementary school in Iowa.

"Transfer student" means an applicant from any school outside Iowa who is seeking enrollment in kindergarten in a school in Iowa.

641—67.2(135) Persons included. The blood lead testing requirement specified in this chapter applies to all applicants and transfer students as defined in this chapter.

641—67.3(135) Persons excluded. Exclusions to these rules are permitted on an individual basis for religious reasons and for children determined by the department to be at very low risk for elevated blood lead levels. The parent or guardian of an applicant or transfer student approved for a religious exemption or an exemption for very low risk shall submit to the board of directors of each school district and the authorities in charge of each nonpublic school a valid department certificate of blood lead testing exemption.

641—67.4(135) Records. Within the constraints of the privacy rights of the parents or guardians and students, the local board of health, the department of education, and the department or its designee have the right to access the department's determination that a child has received a blood lead test and the certificates of blood lead testing exemption of children enrolled in kindergarten.

These rules are intended to implement Iowa Code chapter 135.