Regulatory Analysis

Notice of Intended Action to be published: 641—Chapter 113
"Public Health Response Teams"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 135.143
State or federal law(s) implemented by the rulemaking: Iowa Code section 135.143

Public Hearing

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

November 6, 2024 10 a.m.	Microsoft Teams Meeting ID: 268 876 122 100 Passcode: QXqezE

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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Purpose and Summary

The primary purpose of public health response teams is to respond to Iowa incidents and to provide support for Iowa medical and public health personnel, hospitals, and resources. A public health response team (PHRT) may also be requested to respond to an out-of-state disaster or emergency pursuant to the emergency management assistance compact in Iowa Code section 29C.21.

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:

Local communities and citizens during times of disaster 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:

Since 2004, the following PHRTs have been deployed as follows:
Logistical Support Response Team (LSRT)
Disaster Medical Assistance Team (DMAT)
Environmental Health Response Team (EHRT)
Iowa Mortuary Operations Response Team (IMORT)

- October 4, 2022 EHRT—meeting for possible deployment to Florida
- March 10, 2020—COVID-19 Repatriation Mission

- March 15, 2020 LSRT—Lucas Building Mission
- April 24, 2020 DMAT—Wells Fargo NP testing Des Moines Mission
- 2012 LSRT—Creston, Iowa, Tornado
- 2008 DMAT—Cedar Rapids, Iowa, Floods
- 2005 EHRT—Hurricane Katrina
- 2004 DMAT—Florida Hurricane

● Qualitative description of impact:

This chapter outlines the responsibilities of PHRTs, including activation, deployment, volunteer protections, trainings, and duties while deployed in disasters.

3. Costs to the State:

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

Personnel and other administrative costs.

● 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:

Rulemaking is both appropriate and required by law. Without PHRTs, there would be no infrastructure and support for Iowa communities and citizens during times of disaster.

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

No. Rulemaking is both appropriate and required by law.

6. Alternative methods considered by the agency:

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

None.

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

Rulemaking is both appropriate and required by law.

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 is no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 641—Chapter 113 and adopt the following **new** chapter in lieu thereof:

CHAPTER 113
PUBLIC HEALTH RESPONSE TEAMS

641—113.1(135) Definitions. For purposes of this chapter, the following definitions apply:

"Defend" means that the office of the Iowa attorney general shall provide a public health response team member with legal representation at no cost to the public health response team member.

"Disaster medical assistance team" or *"DMAT"* means a public health response team that is sponsored and approved by the department, to provide medical assistance in the event of a disaster or threatened disaster or other incident as defined in Iowa Code section 135.143.

"Environmental health response team" or *"EHRT"* means a public health response team that is sponsored and approved by the department to provide environmental health expertise and assistance in the event of a disaster or threatened disaster or other incident defined in Iowa Code section 135.143.

"Indemnify" means the state of Iowa will pay all sums that a public health response team member is legally obligated to pay as damages because of any claim made against the public health response team member that arises out of the provision of direct medical care or other support services rendered or that should have been rendered during a disaster, threatened disaster, or other incident defined in Iowa Code section 135.143, or arising out of a training exercise to prepare for a disaster or other incident defined in Iowa Code section 135.143.

"Iowa mortuary operational response team" or *"IMORT"* means a public health response team that is sponsored and approved by the department to provide decedent care in the event of a mass fatality disaster or threatened disaster or other incident defined in Iowa Code section 135.143.

"Logistical support response team" or *"LSRT"* means a public health response team that is sponsored and approved by the department to provide logistical support and assistance in the event of a disaster or threatened disaster or other incident defined in Iowa Code section 135.143.

"Public health response team" or *"PHRT"* means a team of professionals, including licensed health care providers, nonmedical professionals skilled and trained in disaster or emergency response, and public health practitioners, that is sponsored and approved by the department to provide assistance in the event of a disaster or threatened disaster or other incident defined in Iowa Code section 135.143. "Public health response team" includes a disaster medical assistance team, an environmental health response team, a logistical support response team, the Iowa mortuary operational response team and other teams established and approved upon written order of the director to supplement and support disrupted or overburdened local medical and public health personnel, hospitals, and resources.

"Public health response team member" or *"PHRT member"* means an individual who has registered with the department and has received approval from the department to serve on a public health response team.

641—113.2(135) Public health response team members.

113.2(1) *Registration and approval.* An individual may apply to the department to be a public health response team member. The applicant shall apply on the Iowa statewide registry of volunteers (iSERV) website or on a form approved by the department and shall provide all requested information. The department will register and approve an individual to serve as a PHRT member when the department is satisfied that the individual satisfies the requirements of this chapter and will perform on a PHRT in compliance with Iowa Code section 135.143 and this chapter. Upon registration and approval of an individual, the department will provide the individual with written notification that the individual is registered with the department and has been approved to serve on a PHRT. The written notification will also include the effective date of the approval and the terms and conditions of approval.

113.2(2) *Denial and revocation.* The department may deny approval to an individual or may revoke an individual's approval if the department determines the individual has violated or failed to

comply with Iowa Code section 135.143 or this chapter, any term or condition contained in the written approval notification from the department, any operational procedure, or state or federal law, or has exposed or may expose the state to undue risk. The department will notify the individual of the department's decision in writing by certified mail, return receipt requested. In the event an individual is dissatisfied with the department's decision, the individual may submit a request for reconsideration to the department. Such request shall be delivered by certified mail, return receipt requested, within 20 days of the date of the denial or revocation notification, to the department. The department will review the matter and issue a written decision within 20 days of receipt of the request. The department's decision shall be final agency action. This appeal process does not constitute a contested case proceeding as defined in Iowa Code chapter 17A.

113.2(3) *Effect of revocation.* If the department revokes a public health response team member's approval, the action may preclude future eligibility, but shall not negate defense and indemnification coverage or other protection for covered acts or omissions that occurred during the effective date of approval.

641—113.3(135) Public health response team.

113.3(1) *General requirements.*

a. An individual may make application to be a member of a PHRT pursuant to subrule 113.2(1).

b. The department will establish the Iowa Volunteer Public Health Response Team Operational Procedures Manual. The operational procedures will be in writing and will be provided to each PHRT member. All PHRT members shall follow the PHRT operational procedures as established by the department. The Iowa Volunteer Public Health Response Team Operational Procedures Manual is available from the department.

c. If the department notifies a PHRT member of a violation of Iowa Code section 135.143, this chapter, or an operational procedure, the PHRT member shall correct the deficiency or violation identified by the department within a time frame determined by the department. If a PHRT member fails to correct a deficiency or violation within the time frame identified by the department, or if the deficiency or violation constitutes an immediate danger to the public health, safety, or welfare, the department may initiate action to revoke approval pursuant to subrule 113.2(2).

113.3(2) *Team composition.*

a. A PHRT shall be comprised of health care professionals and administrative personnel as identified in the Iowa Volunteer Public Health Response Team Operational Procedures Manual.

b. The department is responsible for maintaining adequate staffing.

113.3(3) *Licensure and educational requirements.*

a. Each PHRT member shall hold and maintain an active unrestricted license, registration, or certification to practice in Iowa (if applicable) in the member's respective medical or health care profession.

b. Each PHRT member shall complete required training as listed in the Iowa Volunteer Public Health Response Team Operational Procedures Manual, including training specified in respective team annexes.

c. The department may provide specific position training to PHRT members as determined to be necessary.

d. The department will develop and implement training exercises to test the team's notification process, deployment readiness, and response capabilities.

e. The department is responsible for documenting each PHRT member's completion of required training.

113.3(4) *Deployment and standdown.*

a. PHRTs shall prepare to deploy within two to four hours of notification by the department. PHRTs shall not self-deploy and shall not be covered by the provisions of Iowa Code section 135.143 and this chapter if the PHRTs self-deploy or are deployed by another agency or entity.

b. Deployment and standdown procedures are outlined in the Iowa Volunteer Public Health Response Team Operational Procedures Manual and shall be followed by all PHRT members.

641—113.4(135) Legal and other protections. A PHRT member acting pursuant to Iowa Code section 135.143 and this chapter shall be considered an employee of the state under Iowa Code section 29C.21 and chapter 669, shall be afforded protection as an employee of the state under Iowa Code section 669.21 whom the state shall defend and indemnify, and shall be considered an employee of the state for purposes of workers' compensation, disability, and death benefits, provided that the member has done all of the following:

1. Registered with and received approval from the department pursuant to subrule 113.2(1) to serve on a PHRT.

2. Provided direct medical care or other support services during a disaster, threatened disaster, or other incident described in Iowa Code section 135.143(1); or participated in a training exercise to prepare for a disaster or other incident described in Iowa Code section 135.143(1).

641—113.5(135) Reporting requirements and duties.

113.5(1) Upon obtaining knowledge or becoming aware of any injury allegedly arising out of the negligent rendering of, or the negligent failure to render, medical or other services as a PHRT member, the member shall provide written notice to the department, as soon as practicable, containing to the extent obtainable the circumstance of the alleged injury, the name and address of the injured, and any other relevant information.

113.5(2) Upon obtaining knowledge or becoming aware of any injury as defined in subrule 113.5(1), a PHRT member shall promptly take all reasonable steps to prevent further or additional injury from the same or similar circumstances, situations, or conditions.

113.5(3) A PHRT member shall immediately notify the office of the Iowa attorney general of service or receipt of an original petition, suit, or claim seeking damage from the PHRT member related to participation on a PHRT.

113.5(4) Each PHRT member shall fully cooperate with the state in the defense of any claim or suit related to participation on a PHRT, including attending hearings, depositions, and trials and assisting in securing and giving evidence, responding to discovery and ensuring the attendance of witnesses.

113.5(5) Each PHRT member shall accept financial responsibility for personal expenses and costs incurred in the defense of any claim or suit related to participation on a PHRT, including travel, meals, and compensation for time and lost practice.

These rules are intended to implement Iowa Code section 135.143.