Regulatory Analysis

Notice of Intended Action to be published: 441—Chapter 164
"More Options for Maternal Support (MOMS) Program"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 217.41C

State or federal law(s) implemented by the rulemaking: Iowa Code section 217.41C and 2024 Iowa Acts, Senate File 2252

Public Hearing

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

November 19, 2024 2 to 3 p.m.	Microsoft Teams Meeting ID: 222 143 545 89 Passcode: Ythqof

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

The MOMS program is designed to:

- Provide personalized support to pregnant women to provide stabilization for families.
- Promote improved pregnancy outcomes, including reducing abortions, by helping women practice sound, health-related behaviors and improve prenatal nutrition.
- Improve child health and development by helping parents provide responsible and competent care for their children.
- Improve family economic self-sufficiency by linking parents to services that address individual economic and social needs.

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:**

Women who are pregnant or may become pregnant and their families 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:**

The program is still so new that aggregated numbers have not yet been compiled and shared.

- **Qualitative description of impact:**

Pregnant women and their families receive the support and assistance they need.

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 impact on state revenues.

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

Rulemaking is required by Iowa Code section 217.41C.

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?

There is no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 441—Chapter 164:

CHAPTER 164
MORE OPTIONS FOR MATERNAL SUPPORT PROGRAM

441—164.1(217) Definitions.

"Client" means an individual receiving the services enumerated in Iowa Code section 217.41C through the program.

"Pregnancy support services" means the same as defined in Iowa Code section 217.41C.

"Program" means the more options for maternal support or MOMS program outlined in Iowa Code section 217.41C.

"Program administrator" means a nonprofit entity incorporated in this state with a tax-exempt status pursuant to section 501(c)(3) of the Internal Revenue Code that is awarded a contract by the

department to administer the program, including managing a statewide network of providers and other duties outlined in Iowa Code section 217.41C.

"Provider of pregnancy support services" or *"provider"* means the same as defined in Iowa Code section 217.41C.

441—164.2(217) Pregnancy support services. Pregnancy support services do not include health care treatment or services for purposes of the Health Insurance Portability and Accountability Act of 1996.

441—164.3(217) Program administrator responsibilities.

164.3(1) If a nonprofit entity is awarded a contract by the department though the request for proposals process to administer the program, that program administrator may assume ownership and oversight of any existing contracts providers have with the department. The program administrator will work with the department to facilitate and execute the contract reassignments.

164.3(2) A program administrator shall prepare and submit an annual program evaluation report in a format prescribed by the department at the end of each contracted year. The program administrator shall use the results of the evaluation report at a minimum to support and assist providers in the continuous quality improvement process.

164.3(3) A program administrator shall maintain a minimum number of providers, as specified by the department, to include any provider contracts reassigned by the department, if applicable.

164.3(4) A program administrator shall only be eligible to receive reimbursement for services described in its contract and shall not charge additional fees to the department or to providers.

441—164.4(217) Client feedback. The department will create a process for clients to provide confidential feedback regarding their experience with providers.

441—164.5(217) Appeals. An applicant for program administrator, provider, or client who disagrees with a decision of the department may submit an appeal in accordance with 441—Chapter 7.

These rules are intended to implement Iowa Code section 217.41C.