Regulatory Analysis

Notice of Intended Action to be published: 441—Chapters 105, 106, 114, and 115
"Protective Locked Environment for Certain Children"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 237C and 2025 Iowa Acts, House File 474

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 237C and 2025 Iowa Acts, House File 474

Public Hearing

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

December 2, 2025 10 a.m.	Microsoft Teams Meeting ID: 271 715 163 940 1 Passcode: vY6Zj9Sz

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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Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

This proposed rulemaking adds clarification to existing rules and implements 2025 Iowa Acts, Senate File 474, sections 33 through 37, regarding a protected locked environment for certain children. Proposed references to Iowa Code section 237.1(8A) are to that section as enacted by Senate File 474.

Analysis of Impact

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

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

There is no cost to the proposed rulemaking.

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

This proposed rulemaking will benefit children who, for their own safety, need to be kept in a protective locked environment as a part of their ongoing treatment and care.

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:**

This proposed rulemaking will benefit children who, for their own safety, need to be kept in a protective locked environment as a part of their ongoing treatment and care.

3. **Costs to the State:**

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

There are no additional enforcement costs to implement this proposed rulemaking.

- **Anticipated effect on State revenues:**

This proposed rulemaking is not expected to affect State revenues.

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

The proposed rulemaking is required by 2025 Iowa Acts, Senate File 474, sections 33 through 37.

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. The proposed rulemaking is required by 2025 Iowa Acts, Senate File 474, sections 33 through 37.

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

The proposed rulemaking is required by 2025 Iowa Acts, Senate File 474, sections 33 through 37.

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

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** definition of "Protective locked environment" in rule **441—105.1(232)**:

"Protective locked environment" means the same as defined in Iowa Code section 237.1(8A).

ITEM 2. Adopt the following **new** paragraph **105.8(10)"g"**:

g. Defining protective locked environment and how it is utilized to provide safety and security for children.

ITEM 3. Adopt the following **new** definition of "Protective locked environment," in rule **441—106.1(237C)**:

"Protective locked environment" means the same as defined in Iowa Code section 237.1(8A).

ITEM 4. Adopt the following **new** definition of "Protective locked environment," in rule **441—114.2(237)**:

"Protective locked environment" means the same as defined in Iowa Code section 237.1(8A).

ITEM 5. Adopt the following **new** definition of "Protective locked environment," in rule **441—115.2(237)**:

"Protective locked environment" means the same as defined in Iowa Code section 237.1(8A).

ITEM 6. Rescind the definition of "Nonsecure facility" in rule **441—115.2(237)**.

ITEM 7. Amend subrule 115.6(1) as follows:

115.6(1) ~~*Nonsecure*~~ *Protective locked environment facilities.* Physical restraints and a control room are permitted in ~~nonsecure~~ protective locked environment facilities.

ITEM 8. Amend subrule 115.6(3) as follows:

115.6(3) *Written policies.* A facility ~~which~~ that uses restraints shall have a written policy on their use. This policy shall include:

a. and *b.* No change.

c. Identification of staff or licensed professionals authorized to approve and use each form of restraint.

d. to *f.* No change.

ITEM 9. Amend paragraph **115.6(4)"b"** as follows:

b. A facility shall not use restraint as a disciplinary or punitive measure, for staff convenience, as a preventive measure, or as a substitute for programming.

ITEM 10. Amend paragraph **115.6(4)"d"** as follows:

d. A secure facility shall continually review any use of a restraint on a child, other than physical restraint. ~~The facility shall release the child from restraint immediately when the situation precipitating restraint no longer exists.~~

ITEM 11. Adopt the following **new** paragraph **115.6(4)"e"**:

e. A facility shall release the child from restraint immediately when the situation precipitating restraint no longer exists.

ITEM 12. Amend paragraph **115.7(4)"g"** as follows:

g. The child shall remain in the control room longer than one hour only with consultation and approval from the ~~supervisor~~ authorized staff or licensed professional. Documentation in the child's case record shall include the time in the control room, the reasons for the control, and the reasons for the extension of time. Use of the control room for a total of more than 12 hours in any 24-hour period shall occur only after authorization of the psychiatrist or upon court order. In no case shall a child be in a control room for a period longer than 24 hours.