

Red Tape Review Rule Report (Due: September 1, 2026)

Department Name:	Public Safety	Date:	8/15/2025	Total Rule Count:	1
IAC #:	661	Chapter/ SubChapter/ Rule(s):	88	Iowa Code Section Authorizing Rule:	2009 Iowa Code Supplement section 229.22 as amended by 2010 Iowa Acts, Senate File 2352
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

The intended benefit of the rule is to establish a form for a law enforcement agency to use when requesting notification from the hospital prior to the discharge of a person who was delivered by a law enforcement agency to the hospital because of a serious mental health impairment. However, this rule is redundant and duplicative of procedure already established in Iowa Code section 229.22.

Is the benefit being achieved? Please provide evidence.

The benefit can still be achieved without this rule.

What are the costs incurred by the public to comply with the rule?

There is no cost for the public to comply.

What are the costs to the agency or any other agency to implement/enforce the rule?

There is no cost to the Department to implement/enforce this rule.

Do the costs justify the benefits achieved? Please explain.

While there is no cost to comply or implement this rule, it is duplicative of current procedure outlined in Iowa Code section 229.22.

Are there less restrictive alternatives to accomplish the benefit? ☒ YES ☐ NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

Yes, the less restrictive alternative would be to repeal 661-88 in its entirety.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

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Yes, the entirety of Chapter 88 is duplicative of statutory language and processes.

RULES PROPOSED FOR REPEAL (list rule number[s]):

Chapter 88 in its entirety.

RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):

None.

CHAPTER 88

**NOTIFICATION OF LAW ENFORCEMENT AGENCY BY HOSPITAL PRIOR TO DISCHARGE OF A PERSON WITH
SERIOUS MENTAL IMPAIRMENT**

~~661—88.1(229) Notification request.~~

~~—88.1(1) Scope. Pursuant to 2009 Iowa Code Supplement section 229.22 as amended by 2010 Iowa Acts, Senate File 2352, a hospital or facility is required to notify a law enforcement agency prior to the discharge of a person who was detained and delivered to the hospital by the law enforcement agency because of a serious mental impairment, provided that the law enforcement agency has submitted to the hospital a request for such notification using the form specified in subrule 88.1(2) and that an arrest warrant has been issued for the person or criminal charges are pending against the person.~~

~~—88.1(2) Form. A law enforcement agency requesting notification prior to the discharge from a hospital of a person who was delivered by a law enforcement agency to the hospital because of a serious mental impairment shall submit Form DPS-229, published by the department of public safety, to the hospital with all portions of the form completed as designated in the instructions.~~

~~This rule is intended to implement 2009 Iowa Code Supplement section 229.22 as amended by 2010 Iowa Acts, Senate File 2352.~~

***For rules being re-promulgated with changes, you may attach a document with suggested changes.**

METRICS

Total number of rules repealed:	1
Proposed word count reduction after repeal and/or re-promulgation	204

Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	1
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ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

No.