

Council on Health and Human Services

THURSDAY, NOVEMBER 9, 2023
10 A.M. – 12 P.M.

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Meeting ID: **160 252 3189**- Passcode: **606261**

AGENDA

- 10:00 a.m.** **Call to Order and Welcome**
Council Chair, Rebecca Peterson
and Approval of October 12, 2023, meeting minutes
- 10:05 a.m.** **Director's Report**
HHS Director, Kelly Garcia
- 10:25 a.m.** **State Medical Director's Report**
State Medical Director, Dr. Robert Kruse
- 10:40 a.m.** **Uniform Regulatory Analysis Review**
Joe Campos, Compliance Division, Admin Rules Coordinator

RULES BEING REVIEWED:

- Chapter 441-8, Payment of Small Claims
- Chapter 441-11, Collection of Debt
- Chapter 441-13, Program Evaluation
- Chapter 441-122, Fiscal Oversight of the Early Childhood Iowa Initiative
- Chapter 441-200, Adoption Services
- Chapter 441-201, Subsidized Adoptions
- Chapter 441-203, Iowa Adoption Exchange
- Chapter 441-204, Subsidized Guardianship Program
- Chapter 641-1, Reportable Diseases, Poisonings and Conditions, and Quarantine and Isolation
- Chapter 641-2, Hepatitis Programs
- Chapter 641-7, Immunization and Immunization Education: Persons Attending Elementary or Secondary Schools, Licensed Child Care Center or Institutions of Higher Education
- Chapter 641-11, Human Immunodeficiency Virus (HIV) Infection and Acquired Immune Deficiency Syndrome (AIDS)
- Chapter 641-24, Private Well Testing, Reconstruction, and Plugging – Grants to Counties
- Chapter 641-153, Smokefree Air
- Chapter 641-154, Medical Cannabidiol Program
- Chapter 641-177, Health Data
- Chapter 641-194, Nonpayment of State Debt
- Chapter 641-196, Emergency Medical Services - Military Service, Veteran Reciprocity, and Spouses of Active-Duty Service Members

- Uniform Rules Regulatory Analysis (4)

Each legacy department merged into HHS as part of the government reorganization and maintained their own set of uniform rules. HHS proposes to keep one set of uniform rules for the combined department.

Existing uniform rule chapters:

- 17-2, 11, 13, 17, 18, 19
- 421-1, 2, 3, 4, 5, 6, 7
- 441-1, 3, 4, 5, 7, 9, 16
- 489-5
- 641-170, 171, 172, 173, 174, 175, 178
- 817-1, 2, 3, 5, 6

These rule chapters comprise the HHS uniform rules on agency procedure. HHS seeks to repeal all uniform rules that exist for a department or program merged into the Department as part of the government reorganization and to re-promulgate one set of uniform rules for HHS under agency number 441.

PROPOSED ACTIONS:

- ARC 7062C, Notice of Intended Action, Proposing Rulemaking Related to Agency Reorganization and Providing an Opportunity for Public Comment, the following rulemaking action is proposed:

ITEM 1. Rescind and reserve rule 421—1.2(17A,216A).

ITEM 2. Rescind and reserve rule 421—1.3(17A,216A).

ITEM 3. Amend rule 421—1.4(17A,216A) as follows:

421—1.4(17A,216A) Mission. The department's mission related to human rights is to ensure basic rights, freedoms, and opportunities for all by empowering underrepresented lowans and eliminating economic, social, and cultural barriers. The department helps individuals attain economic independence by ensuring access to government services and advancing educational achievement and entrepreneurial success consistent with their aspirations.

ITEM 4. Amend rule 421—1.5(17A,216A) as follows:

421—1.5(17A,216A) Contact information.

Requests for assistance, information, inquiries, submissions, petitions, and other communications may be directed to the department as follows: The office is located at 321 E. 12th Street, Des Moines, Iowa 50319. The main telephone number is (515)242-5655. The fax number is (515)242-6119. Regular office hours are Monday through Friday, 8 a.m.to 4:30 p.m., excluding legal holidays. The department's website is hhs.iowa.gov.

ITEM 5. Amend rule 421—1.6(216A) as follows:

421—1.6(216A) Human rights board. The authority, duties and composition of the human rights board are specified in Iowa Code section 216A.3.

ITEM 6. Rescind and reserve 421—Chapter 2.

ITEM 7. Rescind and reserve 421—Chapter 3.

ITEM 8. Rescind and reserve 421—Chapter 4.

ITEM 9. Rescind and reserve 421—Chapter 5.

ITEM 10. Rescind and reserve 421—Chapter 6.

ITEM 11. Rescind and reserve 421—Chapter 7.

- ARC 7063C, Notice of Intended Action, Proposing Rulemaking Related to Agency Reorganization and Providing an Opportunity for Public Comment, the following rulemaking action is proposed:

ITEM 1. Rescind and reserve rule 421—1.2(17A,216A).

ITEM 2. Rescind and reserve rule 421—1.3(17A,216A).

ITEM 3. Amend rule 421—1.4(17A,216A) as follows:

421—1.4(17A,216A) Mission. The department's mission related to human rights is to ensure basic rights, freedoms, and opportunities for all by empowering underrepresented lowans and eliminating economic, social, and cultural barriers. The department helps individuals attain economic independence by ensuring access to government services and advancing educational

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ITEM 8. Rescind and reserve 421—Chapter 4.

ITEM 9. Rescind and reserve 421—Chapter 5.

ITEM 10. Rescind and reserve 421—Chapter 6.

ITEM 11. Rescind and reserve 421—Chapter 7.

- Arc 7064C, Notice of Intended Action, Proposing Rulemaking Related to Agency Reorganization and Providing an Opportunity for Public Comment, the following rulemaking action is proposed:

ITEM 1. Rescind and reserve 641—Chapter 170.

ITEM 2. Rescind and reserve 641—Chapter 171.

ITEM 3. Rescind and reserve 641—Chapter 172.

ITEM 4. Rescind and reserve 641—Chapter 173.

ITEM 5. Rescind and reserve 641—Chapter 174.

ITEM 6. Rescind and reserve 641—Chapter 175.

ITEM 7. Rescind and reserve rule 641—176.1(135,17A).

ITEM 8. Rescind and reserve rule 641—176.2(135,17A).

ITEM 9. Rescind and reserve rule 641—176.3(135,17A).

ITEM 10. Rescind and reserve rule 641—176.4(135,17A).

ITEM 11. Rescind and reserve rule 641—176.5(135,17A).

ITEM 12. Rescind and reserve rule 641—176.8(135,17A).

- Arc 7065C, Notice of Intended Action, Proposing Rulemaking Related to Agency Reorganization and Providing an Opportunity for Public Comment, the following rulemaking action is proposed:

ITEM 1. Amend subrule 1.1(1) as follows:

1.1(1) Location. The child advocacy board is located in the Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0083; telephone (866)448-4608. Office hours are 8 a.m. to 4:30 p.m., Monday through Friday, except on state holidays. The child advocacy board is created within the department of health and human services.

ITEM 2. Amend subrule **1.1(2)**, definitions of “Department” and “Person or court responsible for the child,” as follows:

“*Department*” means the department of health and human services.

“*Person or court responsible for the child*” means the department, including but not limited to the department of health and human services, agency, or individual who is the guardian of a child by court order issued by the juvenile or district court and has the responsibility of the care of the child, or the court having jurisdiction over the child.

ITEM 3. Amend subrule 2.1(1) as follows:

2.1(1) Membership and terms. The child advocacy board is created within the department of health and human services. The state board consists of nine members appointed by the governor, subject to confirmation by the senate and directly responsible to the governor. One member shall be an active court appointed special advocate volunteer, one member shall be an active member of a local citizen foster care review board, and one member shall be a judicial branch employee or judicial officer appointed from nominees submitted by the judicial branch. The

appointment is for a term of four years that begins and ends as provided in Iowa Code section 69.19. Vacancies on the state board shall be filled in the same manner as original appointments are made. An employee of the department of health and human services, an employee of a child-placing agency, an employee of an agency with which the department of health and human services contracts for services for children under foster care, a foster parent providing foster care, or an employee of the district court is not eligible to serve on the state board. However, the judicial branch employee or judicial officer appointed from nominees submitted by the judicial branch in accordance with Iowa Code section 237.16(1) shall be eligible to serve on the state board.

ITEM 4. Amend subrule 2.2(1) as follows:

2.2(1) The director appoints an administrator for the child advocacy board. The administrator is responsible for the ongoing administration of the state and local boards' activities and of the court appointed special advocate program.

ITEM 5. Amend subrule 3.2(2) as follows:

3.2(2) A person employed by the department of health and human services or the judicial department, an employee of an agency with which the department of health and human services contracts for services for children under foster care, a foster parent providing foster care, or a child-placing agency shall not serve on a local board.

ITEM 6. Amend subrule 4.1(1), definition of "Administrator," as follows:

"Administrator" means the person selected by the director to lead, direct and manage the staff and programs established by the board.

ITEM 7. Amend paragraph 4.2(3)"g" as follows:

g. Not be a person employed by the state board, the department of health and human services, the district court, or an agency with which the department of health and human services contracts for services for children.

ITEM 8. Rescind and reserve 489—Chapter 5.

11:20 a.m.	MCO Quarter 4 Report Kurt Behrens, Management Analyst, Medicaid
11:35 a.m.	Budget Bill Rewrite Jess Benson, Finance
11:50 a.m.	Council Update
12:00 p.m.	Adjourn

The electronic meeting of the Council on Health and Human Services is being held in accordance with Iowa Code section 21.8 entitled "Electronic Meetings." The code states that a governmental body may conduct a meeting by electronic means only if circumstances are such that a meeting in person is impossible or impractical and access is provided to the public. An in-person meeting of the Council is impractical due to the schedules of the Council members. Notices and agendas were posted in the Lucas and Hoover buildings and posted on the Department's website. Minutes of the meeting will be kept.

List of helpful links:

- Mission, Vision, Guiding Principles: [Mission and Vision | Iowa Department of Health and Human Services](#)
- HHS Leadership: [Top Administrators | Iowa Department of Health and Human Services](#)
- HHS Dashboard: [Home | Iowa Department of Health and Human Services](#)