

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 441—Chapter 156
“Payments for Foster Care”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 234.6

State or federal law(s) implemented by the rulemaking: Iowa Code section 234.38 and 2024 Iowa Acts, House File 2698

Public Hearing

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

November 12, 2024
1 to 2 p.m.

Microsoft Teams
Meeting ID: 287 138 322 978
Passcode: w3jvk8

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

These proposed rules establish a rate of maintenance payment for foster family care. 2024 Iowa Acts, House File 2698, states that funds appropriated shall be used to increase foster care reimbursement rates by 5 percent over the rates in effect on June 30, 2024.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking:
None were identified.
 - Classes of persons that will benefit from the proposed rulemaking:
Licensed foster families receiving a monthly maintenance payment for foster family care 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:
There is a 5 percent increase over the foster care reimbursement rates in effect on June 30, 2024.
 - Qualitative description of impact:
These additional funds will benefit foster families in Iowa. The funds will help the Department recruit additional families and retain currently licensed foster families.
3. Costs to the State:
 - Implementation and enforcement costs borne by the agency or any other agency:

None were identified.

- Anticipated effect on state revenues:

Each percentage increase to the current per diem rates would cost the State of Iowa approximately \$65,000 (1 percent).

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

The Department would be less capable of recruiting new foster families and retaining current families.

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

None were identified.

6. Alternative methods considered by the agency:

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

None were identified.

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

These amendments are mandated by the Iowa Code.

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. Amend subrule 156.6(1) as follows:

156.6(1) *Basic rate.* A monthly payment for care in a foster family home licensed in Iowa shall be made to the foster family based on the following schedule:

<u>Age of child</u>	<u>Daily rate</u>
0 through 5	\$16.78 <u>\$17.62</u>
6 through 11	\$17.45 <u>\$18.32</u>
12 through 15	\$19.10 <u>\$20.06</u>
16 or over	\$19.35 <u>\$20.32</u>

ITEM 2. Amend rule 441—156.7(234) as follows:

441—156.7(234) Kinship caregiver payment.

156.7(1) A kinship caregiver payment is a monthly payment to financially support the care of a child in a kinship caregiver's home. If approved by the department, kinship caregiver payment will be provided for a period of up to ~~six~~ four months.

156.7(2) All of the following conditions apply:

a. For each eligible child living in a kinship placement, a caregiver will receive ~~up to \$310 (\$10 per day)~~ a monthly payment according to the basic rate schedule in subrule 156.6(1) as a result of a court-ordered placement.

b. The payment will begin after ~~two consecutive months~~ 14 days of the child's placement in the kinship caregiver's home. The ~~two-month~~ 14-day requirement is waived if the child enters the kinship caregiver's home immediately following a paid placement for at least 30 days.

c. The payment will continue for up to ~~six~~ four months.

d. and *e.* No change.

This rule is intended to implement Iowa Code section 232.102.