

### Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 441—Chapter 57  
“Interim Assistance Reimbursement”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 1984 Iowa Acts, Chapter 1310  
State or federal law(s) implemented by the rulemaking: 1984 Iowa Acts, Chapter 1310

#### *Public Hearing*

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

November 6, 2024  
2 to 3 p.m.

Microsoft Teams  
Meeting ID: 238 807 808 374  
Passcode: sCAuM5

#### *Public Comment*

Any interested person may submit written or oral comments concerning this Regulatory Analysis. Written or oral comments in response to this Regulatory Analysis 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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#### *Purpose and Summary*

The purpose of this proposed chapter is to reimburse states and their political subdivisions that have furnished interim assistance in cash or in the form of vendor payments. This chapter provides additional clarity and structure for implementation.

#### *Analysis of Impact*

1. Persons affected by the proposed rulemaking:
  - Classes of persons that will bear the costs of the proposed rulemaking:  
No costs were identified.
  - Classes of persons that will benefit from the proposed rulemaking:  
County agencies 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:  
These rules facilitate the reimbursement from the Social Security Administration to all 99 Iowa counties by way of 13 Mental Health and Disability Services (MHDS) regions.
  - Qualitative description of impact:  
These rules will benefit county agencies seeking reimbursement for providing interim assistance to persons who are waiting on Supplemental Security Income (SSI) benefits. The clarity provided increases compliance with federal regulations and guidelines.
3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:  
There are no additional costs beyond those already appropriated.
  - Anticipated effect on state revenues:  
There is no impact.
4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:  
Eliminating the rules entirely could lead to confusion or lack of available information for county agencies.
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.
  - Reasons why alternative methods were rejected in favor of the proposed rulemaking:  
Much of the benefit can be achieved through employee manuals and forms prescribed by the Department. However, an additional framework is needed to provide simplicity and consistency.

*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. Rescind 441—Chapter 57 and adopt the following **new** chapter in lieu thereof:

CHAPTER 57  
INTERIM ASSISTANCE REIMBURSEMENT

**441—57.1(249) Definitions.**

“*Benefits*” means Supplemental Security Income (SSI) for the aged, blind, and disabled (a federal cash assistance program under Title XVI of the Social Security Act) and any federally administered state supplementary assistance payments that are determined by the Social Security Administration to be due an individual at the time the SSI payment is made.

“*County agency*” means a county or county subdivision under the jurisdiction of the county board of supervisors, including a county commission of veteran affairs, that furnishes relief in the form of

cash or vendor payments to or in behalf of needy persons in accordance with established standards under the provisions of Iowa Code chapter 35B or 252.

*“Initial payment”* means the amount of benefits determined by the Social Security Administration to be payable to an eligible person (including any retroactive amounts) when the person is first determined to be eligible for SSI. The initial payment does not include any emergency advance payments, any presumptive disability or blindness payments, or any immediate payments authorized under Section 1631 of the Social Security Act.

*“Initial posteligibility payment”* means the amount of benefits determined by the Social Security Administration to be payable to an eligible person (including any retroactive amounts) when the person is first determined eligible for SSI following a period of suspension or termination. The initial posteligibility payment does not include any emergency advance payments, any presumptive disability or blindness payments, or any immediate payments authorized under Section 1631 of the Social Security Act.

*“Interim assistance”* means the same as defined in 20 CFR Part 416 as amended to August 1, 2024.

*“Interim period”* means either (1) the period beginning with the month following the month in which a person filed an application for benefits for which the person was found to be eligible and ending with and including the month the person’s benefits began, or (2) the period beginning the day the person’s benefits were reinstated after a period of suspension or termination, and ending with (and including) the month the person’s benefits were resumed. The interim period does not include any periods during which the person is underpaid by the Social Security Administration due to that agency’s failure to make a timely modification of the person’s SSI benefit or for any other reason.

**441—57.2(249) Requirements for reimbursement.** In order to receive reimbursement for interim assistance payments, a county agency must meet the following requirements.

**57.2(1) Agreement.** The county agency shall enter into a written agreement with the department of health and human services on a form prescribed by the department.

**57.2(2) Authorization.** The county agency shall secure written authorization from the person seeking interim assistance. By signing a form prescribed by the department, the person:

*a.* Indicates the intent to apply for SSI benefits.

*b.* Authorizes the Social Security Administration to:

(1) Withhold the amount of interim assistance from the person’s initial payment or initial posteligibility payment, and

(2) Make this amount payable to the county agency.

**57.2(3) Records.** The county agency shall:

*a.* Maintain a file for each person who has received interim assistance.

*b.* Maintain adequate records of all transactions made relating to interim assistance.

*c.* Comply with the provisions of the Federal Information Security Management Act (FISMA); 20 CFR Part 401 as amended to April 1, 2009; and the Privacy Act of 1974 relating to the safeguarding of information concerning individuals who have applied for interim assistance.

**441—57.3(249) Certificate of authority.**

**57.3(1)** The county agency shall submit the information requested on a form prescribed by the department to the Social Security Administration at the address given on the form:

*a.* Before the date the agency first participates in the program, and

*b.* Subsequently when changes in the list of authorized officials occur.

**57.3(2)** The county agency shall submit a copy of the form referenced in subrule 57.3(1) to the department at the address given on the form each time the form is submitted to the Social Security Administration.

These rules are intended to implement 1984 Iowa Acts, chapter 1310, section 9.