

Council on Human Services

THURSDAY, NOVEMBER 10, 2022

10 A.M. – 12 P.M.

AT THE HOOVER STATE OFFICE BUILDING OR VIA ZOOM

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Join by Phone: 1-551-285-1373

Meeting ID: 1618827935 Passcode: 497162

AGENDA

- 10:00 a.m. Call to Order**
- 10:05 a.m. Approval of October 13, 2022, meeting minutes**
- 10:05 a.m. Rules**

The following amendments to the administrative rules are presented for emergency adoption at the October 10, 2022, Council on Human Services meeting.

AE-I. Amendments to Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services, “Chapter 79, “Other Policies Relating to Providers of Medical and Remedial Care,” and Chapter 83, “Medicaid Waiver Service,” Iowa Administrative Code. (Implements HF 2578). Subject to emergency adoption approval by ARRC at their November 15, 2022, meeting.

2022 HF 2578 appropriated funds to increase specific Home and Community Based Services (HCBS) for waiver providers and HCBS habilitation providers reimbursement rates over the rates in effect June 30, 2022. Those increases are:

- Increase rates for Behavioral Health Intervention (BHIS) services by 20.6 percent.
- Increase rates for Applied Behavior Analysis (ABA) by 8.9 percent.
- Increase rates for Home Health Agency providers located in rural areas. These are the providers covered under the Low Utilization Payment Adjustment (LUPA) methodology whose rates may vary depending on the type of provider. LUPA is a standard per-visit payment for episodes of care with a low number of visits.

- Currently LUPA occurs when there are four or fewer visits during a 60-day episode of care.

As part of the American Rescue Plan Act (ARPA), Section 9817 of HCBS implementation plan, the Department has designated \$14.6 million in state funds to increase HCBS waiver and habilitation reimbursement rates by 4.25 percent. The following changes are being amended because of the proposed rate changes:

- Increase the reimbursement rates and upper rate limits for providers of HCBS waiver and habilitation services beginning July 1, 2022, by 4.25 percent over the rates that are in effect on June 30, 2022.
- Increase the monthly caps on the total monthly cost of HCBS waiver and Habilitation services.
- Increase the monthly cap on HCBS Support Employment and Intellectual Disabilities (ID) Waiver respite services.
- Increase the annual or lifetime limitations for Home and Vehicle Modifications and Specialized Medical Equipment.
- Technical errors were also corrected as part of the rule filing.

This rule filing will also be filed as a Noticed rule to allow the public an opportunity to comment. See Noticed Rule N-9.

The following amendments to the administrative rules are presented for adoption.

R-1. Amendments to Chapter 61, “Refugee Services Program,” Iowa Administrative Code. (Align rules with current practice and the federal code).

This rule making updates the definition of “refugee” to match the definition in the federal regulations. References to federal agencies are updated to reflect the current name of those agencies. The time frame to which services may be provided to newly arriving refugees is increased to five years after arrival in the United States to reflect the Department’s current practices. Outdated processes are removed from the rules. This review is part of the department’s five-year rules review process.

R-2. Amendments to Chapter 85, “Services in Psychiatric Institutions,” Iowa Administrative Code. (Aligns rules with current practice and Iowa Code)

This rule making updates federal code references and cross references to other Department rule chapters. Obsolete form names were removed from the rules. The locations of the state mental health institutes were also updated. This review is part of the department’s five-year rules review process.

R-3. Amendments to Chapter 117, “Foster Parent Training,” Iowa Administrative Code. (Aligns rules with current practice and Iowa Code)

Before a foster parent is licensed the individual must complete a variety of agency-approved training courses that teach foster parents how to support a child’s overall well-being and emotional needs. This rule making allows in-service training to be provided whether face-to-face or through interactive virtual training when provided to a group or an individual foster family. Training requirements are updated. This review is part of the department’s five-year rules review process.

R-4. Amendments to Chapter 133, “IV-A Emergency Assistance Program,” Iowa Administrative Code. (Aligns rules with current practice and Iowa Code)

Definitions have been updated to match those used in other Department programs and to be consistent across programs. Services that are no longer available have been removed from the rules. A reference to the food assistance program is being updated to the Supplemental Nutrition Assistance Program (SNAP) to reflect the current program’s name change. The list of specified relatives a child must be living with or has lived with in the past six months has been expanded to match current policy. This review is part of the department’s five-year rules review process.

R-5. Amendments to Chapter 142 “Interstate Compact on the Placement of Children,” Iowa Administrative Code. (Align rules with current practice and the Iowa Code).

Cross-references to Iowa Code have been updated. A clarification is made that placement into Iowa from any location or from Iowa to another location may include to or from any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico and with the consent of Congress, the government of Canada or any providence thereof. This review is part of the department’s five-year rules review process.

R-6. Amendments to Chapter 143, “Interstate Compact on the Placement of Juveniles,” Iowa Administrative Code. (Align rules with current practice and the Iowa Code)

The name of the governing body of the Interstate Compact on the Placement of Juveniles is updated to reflect the current name, the Interstate Commission for Juveniles. This Commission includes representatives from all 50 states, the District of Columbia and the US Virgin Islands who work together to preserve child welfare and promote public safety. Form names used to send a juvenile out of state under the commission are revised to reflect the current name. The rules clarify the Department must pay for the return of any runaway, escapee, or absconder to the State of Iowa for whom the Department has legal custody or guardianship.

R-7. Amendments to Chapter 166, “Quality Improvement Initiative Grants,” Iowa Administrative Code (Align rules with current practice and the Iowa Code).

Rules are updated to align with federal regulations regarding the use of civil money penalties (CMP) imposed by the Centers for Medicare and Medicaid (CMS). These rules also update the Department’s purposes for CMP emergency reserve fund grants. This review is part of the department’s five-year rules review process.

R-8. Amendments to Chapter 177, “In-Home Health-Related Care,” Iowa Administrative Code. (Align rules with current practice and the Iowa Code).

Currently the In-Home Health-Related Care (IHRC) Program requires a registered nurse to provide supervision of a client’s care plan to receive services. Over the past several years the Department has experienced more nursing agencies opting out of providing supervision services for this program. Medicaid programs providing similar services under the home-and community-based programs do not require a supervising practitioner when the services being provided are considered unskilled or are for personal care services. These amendments remove nursing supervision for unskilled personal care services and maintain nursing supervision for skilled services. Amendments also identify how the program is implemented from the application process through termination if termination is required. This rule making is part of the department’s five-year rules review process.

The following amendments to the administrative rules are presented as Noticed rules.

N-1. Amendments to Chapter 58, “Emergency Assistance-Disaster Assistance),” Iowa Administrative Code. (Align rules with current practice and Iowa Code).

Chapter 58 provides a state program of financial assistance and case management services to meet disaster-related expenses, food-related expenses, or serious needs of individuals and families who are adversely affected by a state-declared emergency. The program is intended to meet needs that cannot be met by other means of financial assistance. Definitions were updated. Proposed rules are being clarified that reimbursement of food or personal property may be in the form of checks or gift cards. Rules are being clarified to state the applicant must provide proof of their annual household income and an itemized list of the items that were damaged in the disaster. The proposed rule making allows insurance deductibles to be reimbursed up the \$5,000 limit per household if the household provides a denial letter from their insurance company. Rules are clarified regarding preexisting conditions, repairs, and amount of temporary housing coverage. Timeframes for the application period and length of time for approving grants were also clarified. This review is part of the department’s five-year rules review process.

N-2. Amendments to Chapter 80, “Procedure and Method of Payment,” Iowa Administrative Code. (Aligns rules with current practice and Iowa Code)

Chapter 80 provides information for providers of medical care participating in Medicaid on submitting claims to receive payment. This rules review resulted in proposed technical changes. References to federal regulations were updated to provide accurate listings. Outdated references were removed. This review is part of the department’s five-year rules review process.

N-3. Amendments to Chapter 82, “Intermediate Care Facilities for Persons with an Intellectual Disability (Implements HF 2578).

This proposed rule making implements HF 2578 to increase reimbursement rates for Intermediate Care Facilities for Persons with an Intellectual Disability (ICF ID) over the rates in effect on June 30, 2022. The entire rate increase is to be used for the wages and associated costs specific to wages, benefits and required withholding for direct support professionals and frontline management. These proposed amendments adopt a new wage add-on factor for community based ICF ID facilities to be included in the rates effective July 1, 2022, and after. The wage add-on factor is to be added to the maximum allowable base rate.

N-4. Amendments to Chapter 87, “Family Planning Program,” (Align rules with current practice and the Iowa Code)

Chapter 87 defines the state family planning program which is a state funded program with an allocated portion within the Medical Assistance program. These proposed rules add language to allow Afghan parolees and the Compacts of Free Association (COFA) with three Pacific Island nations populations to clarify their eligibility for the program. Minor updates and clarifications to eligibility criteria are proposed as part of the review process. Definitions are being updated to provide clarify and correct references to other chapters. Enterprise is being removed from Iowa Medicaid to be consistent across all Medicaid chapters. References to federal regulations are also being updated to provide accurate listings. This review is part of the department’s five-year rules review process.

N-5. Amendments to Chapter 90, “Case Management Services,” Iowa Administrative Code. (Align rules with current practice and the Iowa Code).

Chapter 90 provides information on case management services and when those services are available to members. This rules review resulted in proposed technical changes. Definitions are being updated to provide correct references in other chapters. References to federal regulations were updated to provide accurate listings. This review is part of the department’s five-year rules review process.

N-6. Amendments to Chapter 98, “Support Enforcement Services,” Iowa Administrative Code. (Align rules with current practice the Iowa Code and federal regulations)

Chapter 98 outlines the enforcement services provided by the Child Support Recovery Unit. This rules review resulted in proposed technical changes. These proposed rules update legal references for the Iowa Rules of Civil Procedure. Form names and numbers are being updated. References to the Iowa Code and federal regulations are also being updated to provide accurate listings. The name of the food assistance program is being updated to replace it with the federal name of the Supplemental Nutrition and Assistance Program. This review is part of the department’s five-year rules review process.

N-7. Amendments to Chapter 99, “Support Establishment and Adjustment Services,” Iowa Administrative Code. (Align rules with current practice, the Iowa Code, and federal regulations).

Chapter 99 outlines the rules governing the provision of services provided by the Child Support Recovery Unit regarding the establishment of paternity, the establishment of support obligations, the review and adjustment of support obligations, the modification of support obligations and the suspension and termination of support obligations. This rules review resulted in proposed technical changes. These proposed amendments are being updated to align the rules with the current procedures for paternity establishment in the Iowa Code. References to federal regulations and Iowa Code are being updated to provide accurate listings. Outdated guidance on establishment of support obligations and guidelines for setting support awards are being rescinded. This review is part of the department’s five-year rules review process.

N-8. Amendments to Chapter 152, “Foster Care Contracting,” Iowa Administrative Code. (Align rules with current practice the Iowa Code and federal regulations)

Chapter 152 outlines the contracting process used for providers of foster group care, child welfare emergency services shelter and supervised apartment living. This chapter provides the rules for rate-setting, payments, and provider monitoring. The proposed amendments update definitions. Form names and numbers and legal references are also updated. This review is part of the department’s five-year rules review process.

N-9. Amendments to Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services, “Chapter 79, “Other Policies Relating to Providers of Medical and Remedial Care,” and Chapter 83, “Medicaid Waiver Service,” Iowa Administrative Code. (Implements HF 2578). For description see Rule AE-I for emergency filing listed above.

- 10:40 a.m.** **Managed Care Quarterly Report, SFY 2022, Quarter 4 –**
Medicaid Management Analyst Kurt Behrens
- 11:00 a.m.** **Child Protective Services Assessment – ACFS Division**
Administrator Janee Harvey
- 11:30 a.m.** **Director’s Report – Chief of Strategic Operations Matt Highland**
- 11:50 a.m.** **Council Update**
- 12:00 p.m.** **Adjourn**

This meeting is accessible to persons with disabilities. (If you have special needs, please contact the Department of Human Services (515) 281-5452 two days prior to the meeting.) Note: Times listed on agenda for specific items are approximate and may vary depending on the length of discussion for preceding items. Please plan accord