

Council on Human Services

THURSDAY, OCTOBER 13, 2022

10 A.M. – 11 A.M.

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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 September 14, 2022, meeting minutes**
- 10:05 a.m. Rules**

The following amendments to the administrative rules are presented for adoption at the October 13, 2022, Council on Human Services meeting.

R-1. Amendments to Chapter 54, “Facility Participation for RCFs,” Iowa Administrative Code. (Align rules with current practice and the Iowa Code).

This rule making aligns residential care facilities (RCFs) rules with existing policy. RCFs no longer use cost reporting, but instead have a set per diem that changes annually. Definitions have been updated and references to forms have been removed that are no longer in use. This review is part of the department’s five-year rules review process

R-2. Amendments to Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services- Updating HCBS Habilitation Eligibility Criteria,” Iowa Administrative Code. (Meet federal requirements for HCBS Habilitation Program)

The purpose of this rule making is to amend the needs-based and risk-based eligibility criteria for the Home and Community Based Services (HCBS) Habilitation program. As a condition of approval for the American Rescue Plan Act (ARPA), the Centers for Medicaid and Medicare (CMS) required states to meet maintenance of effort (MOE) requirements. States are also required to update their Medicaid state plan as a condition of approval due to the MOE requirements for ARPA. Under ARPA states are allowed enhanced FMAP for HCBS

services, however, states may not impose stricter eligibility standards, methodologies, or procedures for HCBS programs and services than were in place on April 1, 2021.

R-3. Amendments to Chapter 79, “Other Policies Relating to Providers of Medical and Remedial Care,” Iowa Administrative Code. (Updating cost reports for HCBS providers)

These amendments were drafted in collaboration with a stakeholder workgroup in response to proposed legislation regarding utilization of generally accepted accounting principles in completing Home and Community-Based Services (HCBS) waiver cost reports. These amendments clarify which programs submit cost reports; remove the 20% limitation from all salary, benefits, and payroll tax expenses, change the mileage reimbursement use for personal vehicles to match the amount allowed by the IRS. The amendments also change the cost reporting period to align with the provider’s fiscal year, set the maximum compensation allowed for top positions, and provide definitions for key terms. The rules also add language regarding rebasing for recalculation of rates every three years.

R-4. Amendments to Chapter 95, “PROMISE JOBS,” Iowa Administrative Code. (Align rules with current practice and the Iowa Code).

Changes were made to clarify language, accurately reflect the jobs readiness, and job search activities and update case retention rules in the PROMISE JOBS program. These changes are technical in nature and do not impact caseloads or program costs. This review is part of the department’s five- year rules review process.

R-5. Amendments to Chapter 109, “Child Care Centers,” Chapter 110, “Child Development Homes,” and Chapter 120, “Child Care Homes,” Iowa Administrative Code. (Implements new child care legislation, HF2589)

Under Iowa Code 135C persons defined as physicians may conduct well-child checks. This rulemaking expands that function to chiropractors, as well-child checks are within their scope of practice. These rules also modify rules to allow regulatory reductions to licensed child care centers to ease burdens on licensed centers. Results are based on a survey that was conducted with licensed child care center directors in response to the Governor’s Child Care Task Force. These amendments include modifications to written policies, changes in allowable points for directors and supervisors, updates in radon requirements, changes in training requirements for providers caring for school-age children, and changes in sharing information on completed record checks. (Implements HF 2589)

R-6. Amendments to Chapter 116, “Licensing and Regulation of residential Facilities for children with an Intellectual Disability or Brain Injury,” Iowa Administrative Code (Align rules with current practice and the Iowa Code).

This rule making updates a cross-reference to the Iowa Code section that contains the definition of brain injury. Updating the cross reference makes it easier for a user to find the definition. This rule making is part of the department's five-year rules review process.

R-7. Amendments to Chapter 119, "Record Check Evaluation," Iowa Administrative Code. (Align rules with current practice and the Iowa Code).

This rule making provides the form number of the document that must be submitted by a requesting party when submitting a request for a record check evaluation. The amendment identifies the way the form and documentation may be submitted to include mail, electronic mail, and facsimile. This rule making is part of the department's five-year rules review process.

R-8. Amendments to Chapter 168, "Child Care Expansion Programs," Iowa Administrative Code. (Rescind chapter).

This chapter is being rescinded as it contains outdated rules no longer used for wrap-around child care programs and expansion of school-age child care programs. Funding has not been allocated for these programs for over ten years. 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 50, "Application for Assistance -State Supplemental Assistance Program)," Iowa Administrative Code. (Align rules with current practice and Iowa Code).

This proposed rulemaking adds definitions to provide clarity to the program. Form numbers are added, and form names are removed to provide consistency across programs. Outdated references and processes are removed from the rules. This review is part of the department's five-year rules review process.

N-2. Amendments to Chapter 51, "Eligibility - State Supplementary Assistance Program)," Iowa Administrative Code. (Aligns rules with current practice and Iowa Code).

This proposed rulemaking updates federal code references to provide accurate listings. Outdated references are removed. This review is part of the department's five-year rules review process.

N-3. Amendments to Chapter 52, "Payment - State Supplementary Assistance Program," Iowa Administrative Code. (Aligns rules with current practice and Iowa Code)

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-4. Amendments to Chapter 78, "Amount, Duration and Scope of Medical and Remedial Services," and Chapter 79, "Other Policies Relating to Providers of Medical and Remedial Care," Iowa Administrative Code. (Implements HF 2546 and 2578)

During the 2022 legislative session HF 2546 was passed which requires Iowa Medicaid to establish a rate for psychiatric intensive care in Iowa. HF 2578 was also passed which requires implementation of a tiered reimbursement methodology for psychiatric intensive patient care under the Medicaid program no later than January 1, 2023. This proposed rule making defines acute psychiatric intensive care and identifies how a patient meets the need for that level of care. The rulemaking also identifies the payment methodology for the acute psychiatric intensive care services.

N-5. Amendments to Chapter 82, "Intermediate Care Facilities for Persons with an Intellectual Disability," Iowa Administrative Code. (Align rules with current practice and the Iowa Code).

This rules review resulted in proposed technical changes. References to federal regulations were updated to provide accurate listings. Names of forms and outdated references are proposed to be removed. This review is part of the department's five-year rules review process.

N-6. Amendments to Chapter 84, "Early and Periodic Screening, Diagnosis and Treatment," Iowa Administrative Code. (Align rules with current practice and federal regulations)

This rules review resulted in proposed technical changes. References to federal regulations are proposed to be updated to provide accurate listings. Outdated references are to be removed. This review is part of the department's five-year rules review process.

N-7. Amendments to Chapter 95, "Collections," Iowa Administrative Code. (Align rules with current practice, the Iowa Code, and federal regulations).

This rules review resulted in proposed technical changes. Proposed amendments bring the rules in line with current program terminology and correct outdated rule references. References to federal regulations are being updated to provide accurate listings and outdated references are being removed. Mailing addresses are being updated. This review is part of the department's five-year rules review process.

N-8. Amendments to Chapter 96, "Information and Records," Iowa Administrative Code. (Align rules with current practice, the Iowa Code and federal regulations).

This rules review resulted in proposed technical changes. References to obsolete forms are being replaced with current information. Proposed amendments update mailing addresses. This review is part of the department's five-year rules review process.

N-9. Amendments to Chapter 97, "Collection Service Center," Iowa Administrative Code. (Align rules with current practice, the Iowa Code, and federal regulations).

This rules review resulted in technical changes being proposed. References to obsolete language are being replaced with current information. This review is part of the department's five-year rules review process.

- 10:30 a.m. Rent Reimbursement – Project Manager Victoria Daniels**
- 10:50 a.m. Director's Report: HHS Director Kelly Garcia**
- 11:00 a.m. Adjourn**
- 11:00 a.m. Tour of Cherokee and CCUSO Facilities for Council Members**
- 12:00 p.m. Lunch**

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 accordingly.