

Council on Human Services

WEDNESDAY, SEPTEMBER 14, 2022

11 A.M. – 2 P.M.

JOINT HHS MEETING 10 A.M.-2 P.M.

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Join by Phone: 1-312-626-6799

Meeting ID: 862 3539 6515 Passcode: 923054

AGENDA

10:00 a.m. State Board of Health Call to Order

10:05 a.m. State Board of Health Agenda

11:00 a.m. Council on Human Services Call to Order

11:05 a.m. Director's Report: HHS Director Kelly Garcia

11:15 a.m. HHS Governance Discussion: HHS Director Kelly Garcia

12:00 p.m. Approval of August 11, 2022, meeting minutes

12:05 p.m. Rules

The following amendments to the administrative rules are presented for adoption at the September 14, 2022, Council on Human Services meeting.

R-1. Amendments to Chapter 36, "Facility Assessments," Iowa Administrative Code. (Align rules with current practice and the Iowa Code). This rule making enacts technical changes to remove the word "enterprise" from Iowa Medicaid. Rules are updated to remove form names and provide current unit names and addresses. This review is part of the department's five-year rules review process.

R-2. Amendments to Chapter 62, "Rent Reimbursement," Iowa Administrative Code. (Sets criteria for rent reimbursement program).

Iowa Code Chapter 425 provides for a property tax credit for low-income elderly and disabled Iowans. To provide parity for low-income elderly and disabled individuals who do not own property the law also establishes reimbursement for rent. Currently both the property tax credit and the rent reimbursement programs are administered by the Iowa Department of Revenue. Effective January 1, 2023, DHS takes over administration of the rent reimbursement portion of the program. This rulemaking provides the criteria for filing and processing those claims.

R-3. Amendments to Chapter 65, “Supplemental Nutrition Assistance Program Administration,” Administrative Code. (Align rules with current practice, Iowa Code, and federal regulations).

This rule making updates the name of Iowa’s food assistance program to the Supplemental Nutrition Assistance Program (SNAP), updates the name of the chapter and provides current definitions. Incorrect or obsolete cross references are removed, and obsolete rules are rescinded. Rules on application processing are also updated. This review is part of the department’s five-year rules review process.

R-4. Amendments to Chapter 66, “Emergency Food Assistance Program,” Iowa Administrative Code. (Align rules with current practice and federal regulations).

This proposed rulemaking updates the name of the Division to Financial, Food and Work Supports. Additional information is provided on The Emergency Food Assistance Program (TEFAP) for additional guidance to consumers on how eligibility is determined for the program and how claims are established against TEFAP entities. This review is part of the department’s five-year rules review process.

R-5. Amendments to Chapter 79, “Other Policies Relating to Providers of Medical and Remedial Care,” Iowa Administrative Code. (Implements new documentation requirements related to delivering services. Adopt Emergency after Noticed)

This rule making amends the documentation requirements for narrative service documentation for each service encounter and each shift for 24-hour services. This rule making removes the requirement for narrative service documentation for each service encounter or shift and replaces it with the requirement to provide a narrative only when the incident, illness, unusual or atypical event occurs during the service encounter. The rules clarify Medicaid providers must include records and documentation to substantiate the services provided to the member and all information necessary to allow accurate adjudication of the claim. In addition, documentation requirements must meet the professional standards pertaining to the service provided. Providers have requested the proposed amendments in response to the direct care workforce shortage.

R-6. Amendments to Chapter 89, “Debts Due from Transfer of Assets,” Iowa Administrative Code. (Align rules with current practice and Iowa Code).

This rule making updates the effective date for transfers of assets that took place between July 1, 1993, and December 31, 2018. This portion of the program was suspended effective January 1, 2019, and there have not been any referrals to recover resources from anyone who received the transferred resources since then. This review is part of the department's five-year rules review process.

R-7. Amendments to Chapter 91, “Medicare Drug Subsidy,” Iowa Administrative Code. (Align rules with current practice and federal law)

Chapter 91 provides the framework for the Medicare Drug Subsidy program for Medicare Part D beneficiaries. This rule making removes forms that have become obsolete, updates the rules, and provides correct rules references as part of the department's five-year rules review process.

R-8. Amendments to Chapter 109, “Child Care Centers,” Iowa Administrative Code. (Implements new child care ratio legislation, HF2198; Adopt Emergency after Noticed)

These rules allow an increased number of children to be served per staff person in the 2-year-old and 3-year-old age categories in licensed child care centers. The rules modify requirements for combining age groups and allows a staff person under the age of 18 to provide care to school age children, without being under the direct supervision of an adult. The rules also clarify that persons under the age of 18 shall not be the sole provider on the premises of a child care facility or transport children.

R-9. Amendments to Chapter 170, “Child Care Services,” Iowa Administrative Code (Implements HF 2252 from the 2022 legislative session; Adopt Emergency after Noticed). Previously for a parent to be eligible for child care assistance (CCA) a medical incapacity needed to be considered “temporary”. Under HF 2252 the Code of Iowa requirements are changed and removal of this temporary requirement will allow a family with one permanently disabled parent to be CCA-eligible based upon the needs of the parent who is not disabled.

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

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

This proposed rule making updated 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. Services that are specifically designed to assist refugees with obtaining employment and improving the employability of work skills of the individual are revised to match federal regulations and clarify services that are available. 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.

N-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 updated. This review is part of the department's five-year rules review process.

N-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.

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

Definitions are being 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.

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

Proposed changes are being made to reflect what appears in the 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.

N-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 proposed rulemaking clarifies 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.

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

Proposed 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 proposed rulemaking is part of the department’s five-year rules review process.

N-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 (IHHRC) 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 is for personal care services. These proposed amendments remove nursing supervision for unskilled personal care services and maintains nursing supervision for skilled services. Proposed 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.

12:45 p.m.

Budget Hearing Presentations:

- Opening Remarks: Director Kelly Garcia
- Executive Summary: CFO Jess Benson

1:15 p.m.

Council Discussion and Questions

1:30 p.m.

SFY 2024 Budget Decisions

- Approval of Budget for SFY 2024

1:35 p.m. Public Health Budget Overview

1:50 p.m. Council Updates

2:00 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 accordingly.