

**AGENDA**

**Thursday, August 11, 2022  
Time: 10:00 a.m. – 12:00 p.m.**

**Join [Zoom](#) Meeting  
Call in: 1-551-285-1373 Meeting ID: 1618827935  
Passcode: 497162**

- 10:00 a.m.** Call to Order
- 10:05 a.m.** Approval of July 14, 2022, meeting minutes
- 10:10 a.m.** Public Hearing Presentations:

**Public Hearing on the Department of Health and Human Services  
SFY 2024 Budget recommendations and Legislative package**

**10:10 – Merea Bentrott, Iowa Health Care Association  
10:15 – Shanell Wagler, Early Childhood Iowa  
10:20 – Laurie Traetow, Iowa Dental Association**

- 10:25 a.m.** Rules - **Nancy Freudenberg**

**The following amendments to the administrative rules are presented for adoption at the August 11, 2022, Council on Human Services meeting.**

**R-1. Amendments to Chapter 11, “Collection of Public Assistance Debts,” Iowa Administrative Code. (Align rules with current practice and the Iowa Code)**

This rule making updates the name of the Food Assistance program to the Supplemental Nutrition Assistance Program (SNAP). Definitions are updated and references to forms are removed that are no longer used. This review is part of the department’s five-year rules review process.

**R-2. Amendments to Chapter 40, “Application for Aid,” Chapter 41, “Granting Assistance,” Chapter 46 “Overpayment Recovery,” and Chapter 60, “Refugee Cash Assistance,” Iowa 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), removes incorrect or obsolete cross references, rescinds obsolete rules, adds information on the kinship caregiver program, updates the division name and adds clarifying language to rules. Time frames for refugee cash assistance have been updated for refugees who entered the country on or after October 1, 2021, to allow for 12 months of assistance based on federal regulations. Rules have also been added to provide information on different categories of Afghan immigrants. This review is part of the department’s five-year rules review process.

**R-3. Amendments to Chapter 107, “Certification of Adoption Investigators,” Iowa Administrative Code. (Align rules with current practice and the Iowa Code)**

Clarification on dependent adult abuse being part of the evaluation process for record checks was added to the administrative rules. Forms were updated to add dependent adult abuse as a category. Updated language to cover records checks and reports was also added. This review is part of the department’s five-year rules review process.

**R-4. 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-5. Amendments to Chapter 111, “Family Life Homes,” Iowa Administrative Code (Align rules with current practice and the Iowa Code)**

These rules define the Family Life Home program administered through State Supplementary Assistance services. The names of the forms were removed to eliminate unnecessary future changes when form names change. This review is part of department’s five-year rules review process.

**R-6. Amendments to Chapter 130, “General Provisions,” Iowa Administrative Code. (Align rules with current practice and the Iowa Code)**

This rule making revises outdated language and replaces it with current person-centered language. A link to poverty income guidelines is being used instead of using income charts that need to be updated annually. The term child abuse investigation is being updated to child abuse assessment. This review is part of the department’s five-year rules review process.

**R-7. Amendments to Chapter 131, “Social Casework,” Iowa Administrative Code. (Align rules with current practice and the Iowa Code)**

The rule on adverse actions is being updated to specify the current rule reference. This review is part of the department’s five-year rules review process.

**R-8. Amendments to Chapter 160, “Adoption Opportunity Grant Program,” Iowa Administrative Code. (Rescinds chapter)**

The Adoption Opportunity Grant Program is not funded in Iowa. As a result, the chapter is no longer needed and is being rescinded. This review is part of the department’s five-year rules review process.

**R-9. Amendments to Chapter 187, “Aftercare Services Program,” Iowa Administrative Code. (Align rules with current practice and the Iowa Code)**

This rule making extends eligibility to youth ages 21 and 22 years, regardless of whether the youth participated in the aftercare program between the ages of 18 and 21 years old. It also extends eligibility to youth who participate in the Preparation for Adult Living (PAL) program, even if the youth did not spend six of 12 months in foster care prior to aging out of care. This change aligns the rules with Iowa Code. The meaning and intent of preservice has been clarified. Clarification on the payment of monthly stipends and treatment of income has also been added. This rule making is part of the department’s five-year rules review process.

**R-10. Amendments to Chapter 203, “Iowa Adoption Exchange,” Iowa Administrative Code. (Align rules with current practice and the Iowa Code)**

These rules update definitions used in the program and clarifies the process for registering children in the Iowa Adoption Exchange. Children with special needs under state guardianship shall be registered on the Iowa Adoption Exchange within 60 days of termination of parental rights unless a deferral is granted. All children under state guardianship for whom an adoptive home is not available within 90 days of termination of parental rights shall be registered on the exchange. This rule making is part of the department’s five-year rules review process.

**R-11. Amendments to Chapter 204, “Subsidized Guardianship Program,” Iowa Administrative Code. (Align rules with current practice and the Iowa Code)**

These rules add additional clarification when a subsidized guardianship can continue to age 21. Language is also added to provide information on when a subsidy would be terminated. 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 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 are updated and references to forms are removed that are no longer used. This review is part of the department’s five-year rules review process.

**N-2. Amendments to Chapter 79, “Other Policies Relating to Providers of Medical and Remedial Care – Documentation Requirements,” Iowa Administrative Code. (Provider documentation requirements)**

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 replace it with the requirement to provide a narrative only when the incident, illness, unusual or atypical event occurs during the service encounter. The proposed 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.

**N-3. 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 proposed 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) - Section 9817, 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.

**N-4. Amendments to Chapter 79, “Other Policies Relating to Providers of Medical and Remedial Care – Cost Reporting Rules,” Iowa Administrative Code. (Updating cost reports for HCBS providers)**

These proposed 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.

**N-5. Amendments to Chapter 93, “PROMISE JOBS,” Iowa Administrative Code.  
(Align rules with current practice and the Iowa Code)**

Proposed changes are being 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.

**N-6. 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 135 C persons defined as physicians may conduct well-child checks. This rule making expands that function to chiropractors, as well-child checks are within their scope of practice. These proposed 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)

**N-7. 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 proposed rulemaking 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 proposed rulemaking is part of the department’s five-year rules review process.

**N-8. 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 proposed 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.

**N-9. 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.

- 11:00 a.m.** MCO Quarterly Report, SFY 2022, Quarter 3 – **Kurt Behrens, Medicaid Management Analyst**
- 11:15 a.m.** HHS Branding Update – **Sarah Ekstrand, Public Information Officer, HHS**
- 11:30 a.m.** Director’s Report – **HHS Director Kelly Garcia**
- 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 accordingly.