

## Council on Human Services Meeting Minutes

OCTOBER 13, 2022

<b>COUNCIL MEMBERS</b>	<b>HHS STAFF</b>
Rebecca Peterson	Director Kelly Garcia
Skylar Mayberry-Mayes	Matt Highland
Kimberly Kudej	Sarah Ekstrand
Sam Wallace	Victoria Daniels
Jack Willey	Carrie Malone
Monika Jindal	Nancy Freudenberg
Kay Fisk	Elizabeth Matney

<b>EX-OFFICIO LEGISLATIVE MEMBERS</b>
Representative Joel Fry
Senator Mark Costello
Senator Amanda Ragan
Representative Timi Brown-Powers

### **CALL TO ORDER**

Chair Rebecca Peterson called the Council meeting to order at 10:00 a.m. via zoom teleconference.

### **ROLL CALL**

All Council members were present, Senator Amanda Ragan was present, all other ex-officio members were absent.

### **APPROVAL OF MINUTES**

A motion was made by Willey and seconded by Kudej to approve the September 14, 2022, meeting minutes.

## **RULES**

### **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.

A motion was made by Wallace to approve and seconded by Fisk  
MOTION UNANIMOUSLY CARRIED

### **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.

A motion was made by Willey to approve and seconded by Kudej  
MOTION UNANIMOUSLY CARRIED

### **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.

A motion was made by Wallace to approve and seconded by Jindal  
MOTION UNANIMOUSLY CARRIED

**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.

A motion was made by Fisk to approve and seconded by Kudej  
MOTION UNANIMOUSLY CARRIED

**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)

A motion was made by Willey to approve and seconded by Wallace  
MOTION UNANIMOUSLY CARRIED

**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.

A motion was made by Wallace to approve and seconded by Kudej  
MOTION UNANIMOUSLY CARRIED

**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.

A motion was made by Wallace to approve and seconded by Jindal  
MOTION UNANIMOUSLY CARRIED

**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.

A motion was made by Willey to approve and seconded by Jindal  
MOTION UNANIMOUSLY CARRIED

**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.

A motion was made by Kudej to approve and seconded by Wallace  
MOTION UNANIMOUSLY CARRIED

## **RENT REIMBURSEMENT**

HHS Project Manager Victoria Daniels provided an overview of the new Rent Reimbursement program that goes into effect January 1, 2023. She explained that this is a property tax credit or rent reimbursement for low-income elderly or disabled residents of Iowa. 67% of those that qualify are currently active with DHS.

## **DIRECTOR'S REPORT**

Sarah Ekstrand informed the Council that our new Medical Director, Dr. Robert Kruse, has joined the team full-time and is already participating in a panel on obesity in Iowa today.

She stated that HHS received our state opioid response grant a few weeks ago. The 9 million dollars for the next 2 years will provide treatment and recovery programming for over 1100 people. We will also be able to provide prevention services to over 11,000 residents.

Director Garcia shared that she was able to visit our Boys State Training School in Eldora last week and be part of the exit conference with the court ordered monitor. It was a great visit, and the monitor is extremely pleased with all the work that has been done. She told Director Garcia that the students at the school were the most informed mental health consumers she

has ever encountered. She also shared that the Deputy Superintendent interviews have been completed and an offer will be made soon.

She updated the Council that we are continuing conversations with our attorney team at the DOJ regarding Glenwood and Woodward. The consent decree for Glenwood is completed and is now being reviewed by the U.S. Attorney General's office. We are still awaiting a draft version of the ADA compliance report, however she has received a verbal update of what we can expect. So much of the work our Medicaid team has done around community integration will be incredibly complimentary to the work that the DOJ is expecting the state to do. Liz will be giving an update of that work in a future meeting. We are ahead of schedule at Glenwood for the number of residents that have moved and been relocated. We are hearing some wonderful stories of new experiences for several of our former Glenwood residents.

Director Garcia shared that we had many team members attend the NAMI walk last weekend to support mental health awareness. We were also able to give a donation to NAMI.

## **ADJOURNMENT**

A motion was made by Wallace to adjourn the meeting and was seconded by Willey

Meeting adjourned at 11:15 a.m.

Respectfully Submitted by:

Julie McCauley

Council Secretary