

## Council on Human Services Meeting Minutes

AUGUST 11, 2022

<b>COUNCIL MEMBERS</b>	<b>HHS STAFF</b>
Rebecca Peterson	Director Kelly Garcia
Skylar Mayberry-Mayes	Sarah Reisetter
Kimberly Kudej	Matt Highland
Sam Wallace	Sarah Ekstrand
Jack Willey	Faith Sandberg-Rodriguez
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, all ex-officio members were absent.

### **APPROVAL OF MINUTES**

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

### **PUBLIC HEARING PRESENTATIONS**

Presentations were given verbally and in written from by the following stakeholders

- Iowa Healthcare Association

- Early Childhood Iowa
- Iowa Dental Association
- Iowa Behavioral Health Association

## **RULES**

### **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.

A motion was made by Wallace to approve and seconded by Kudej

**MOTION UNANIMOUSLY CARRIED**

### **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.

A motion was made by Willey to approve and seconded by Mayberry-Mayes

**MOTION UNANIMOUSLY CARRIED**

### **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.

A motion was made by Fisk to approve and seconded by Kudej

**MOTION UNANIMOUSLY CARRIED**

### **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.

A motion was made by Kudej to approve and seconded by Wallace

**MOTION UNANIMOUSLY CARRIED**

**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.

A motion was made by Mayberry-Mayes to approve and seconded by Wallace

**MOTION UNANIMOUSLY CARRIED**

**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.

A motion was made by Wallace to approve and seconded by Fisk

**MOTION UNANIMOUSLY CARRIED**

**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.

A motion was made by Kudej to approve and seconded by Willey

**MOTION UNANIMOUSLY CARRIED**

**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.

A motion was made by Wallace to approve and seconded by Willey

**MOTION UNANIMOUSLY CARRIED**

**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.

A motion was made by Fisk to approve and seconded by Wallace

**MOTION UNANIMOUSLY CARRIED**

**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.

A motion was made by Willey to approve and seconded by Wallace

**MOTION UNANIMOUSLY CARRIED**

**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.

A motion was made by Kudej to approve and seconded by Mayberry-Mayes

**MOTION UNANIMOUSLY CARRIED**

**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 rulemaking 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.

A motion was made by Wallace to approve and seconded by Mayberry-Mayes  
**MOTION UNANIMOUSLY CARRIED**

## **MCO QUARTERLY REPORT, SFY 2022, QUARTER 3**

Kurt Behrens, Medicaid Management Analyst, presented an executive summary of the MCO quarterly report to the Council. Kurt reported that currently we have 787,187 members enrolled in Medicaid. Enrollment has increased by 11,680 members between quarter 2 and quarter 3.

## **HHS BRANDING UPDATE**

Sarah Ekstrand, HHS Public Information Officer, provided a preview of the new HHS Brand. She stated the overall goal with the new brand was wanting people to know we are the State of Iowa, and we are trusted and reliable. This brand is a fresh start for our new agency, and we have a comprehensive style guide with different variations that serve the needs of our teams. Sarah shared our color palette, adding it has rich and vibrant colors which tie into our Iowa roots. The look and feel of images we have chosen to convey a message of warmth, support, and inclusion.

## **DIRECTOR'S REPORT**

HHS Director Kelly Garcia shared that Dr. Robb Kruse, our new State Medical Director, has been meeting with team members on a bi-weekly basis. His start date is in October.

HHS is continuing to actively monitor suspected and confirmed cases of Monkeypox and will continue to adjust vaccine eligibility criteria based on local data, federal guidelines, and vaccine availability. Right now, there are 13 confirmed cases in Iowa, and we have posted a regional map on our IDPH website of where those cases are located. We are actively deploying vaccine as part of a targeted distribution for high-risk individuals.

Director Garcia informed the Council that she has been traveling around Iowa as part of a listening tour in partnership with Supreme Court Chief Justice Susan Christensen. We are hearing from our providers, team members, and families in the juvenile justice and child welfare space. It has been a wonderful effort in four cities around Iowa. There will be 12 visits through the end of October. This is in concert with significant work we are doing on our child welfare side, as we align the structures of our new agency. We will be launching a request for proposal, to hire an external entity to come in and help us access our child welfare work. The goal is to determine how many case workers we need, the right case index for them to hold, so we can ask for more resources.

HHS is beginning the budget development process for SFY24. The department will create a formal budget book which will be reviewed at the joint September 14<sup>th</sup> meeting with the DHS Council and State Board of Health.

Director Garcia introduced the new HHS Table of Organization and provided an overview of the new structure of the agency.

## **ADJOURNMENT**

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

Meeting adjourned at 12:00 p.m.

Respectfully Submitted by:

Julie McCauley

Council Secretary