



**DHS Council Meeting Minutes  
June 9, 2022**

<b>EXECUTIVE COMMITTEE MEMBERS</b>	<b>DEPARTMENT OF HUMAN SERVICES</b>
Rebecca Peterson - present	Director Kelly Garcia – present
Skylar Mayberry-Mayes – present	Jean Slaybaugh - present
Kimberly Kudej – present	Matt Highland – present
Sam Wallace – absent	Cory Turner - present
Jack Willey – present	Faith Sandberg-Rodriguez-present
Monika Jindal - present	Nancy Freudenberg – present
Kay Fisk – present	Carrie Malone - present
	Vern Armstrong - present
	Janee Harvey - present
	Liz Matney – present

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

**Call to Order**

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

**Roll Call**

Peterson, Fisk, Kudej, Willey, Mayberry-Mayes, and Jindal were present. Wallace was absent. All ex-officio members were absent.

**Approval of Minutes**

A motion was made by Mayberry-Mayes and seconded by Kudej to approve the minutes of the May 12, 2022, meeting.

**MOTION UNANIMOUSLY CARRIED**

**Rules**

**R-1 Amendments to Chapter 7, “Appeals and Hearings,” Iowa Administrative Code. (Adds new service standards for mailing documents, ensures consistency with other state agencies).**

This rulemaking updates information on the current appeal process, including adding additional days for mailing and receiving documents to allow for new service standards implemented for first class mail by the United States Postal Service effective October 1, 2021. Amendments ensure consistency with other state agencies

regarding the Rules of Civil Procedure for abandoned appeals. Further clarification has been added when an appeal hearing cannot be granted in specific situations. This review is part of the department's five-year rules review process.

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

**R-2 Amendments to Chapter 13, "Program Evaluation," Iowa Administrative Code. (Aligns rules with current practice).**

This rulemaking updates the name of Iowa's food assistance program to the Supplemental Nutrition Assistance Program to be consistent with the name of the federal program and to alleviate confusion around food benefits. This review is part of the department's five-year rules review process.

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

**R-3 Amendments to Chapter 22, "Autism Support Program," Iowa Administrative Code. (Align rules with current practice and the Iowa Code).**

This chapter was updated to reflect the change that requirements for notices of adverse action were moved from Chapter 7 to Chapter 16. Code cites were updated. This review 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**

**R-4 Amendments to Chapter 57, "Interim Assistance Reimbursement," Iowa Administrative Code. (Align rules with current practice).**

Form names were removed from this chapter as the names are outdated. This will reduce confusion for individuals who obtain assistance through this program. 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 77, "Conditions of Participation for Providers of Medical and Remedial Care," Iowa Administrative Code. (Applied behavior analysis services).**

This rulemaking allows registered behavior technicians to deliver applied behavior analysis (ABA) services under the direct supervision of behavior analysts or assistant behavior analysts licensed pursuant to Iowa Code chapter 154D. Claims for payment for such services must be submitted by the licensed supervisor. ABA is a covered benefit under Medicaid. The rules will allow providers to expand their organization by creating positions specific to registered behavior technicians while serving Medicaid members.

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

**R-6 Amendments to Chapter 78, "Amount, Duration and Scope of Medical and Remedial Services" Iowa Administrative Code. (Updates the prior authorization form used for medical child care).**

The department changed the forms used in the prior authorization approval process for medical child care. The revised form provides greater detail on the child's medical and behavioral needs. Medical child care is specialized child care for children with significant medical needs and developmental delays. Medical child care combines traditional child care and nursing care and provides additional services. Hours are determined through a prior authorization process. Changes were made to the form to better align and capture the needs of the children, including those on the autism spectrum.

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

**MOTION UNANIMOUSLY CARRIED**

**R-7 Amendments to Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services,” Iowa Administrative Code. (Sets an annual benefit maximum for dental services for members 21 years of age or older).**

This rule making clarifies that payment will be made for emergency dental services defined in federal regulations. The rule also sets an annual benefit maximum of \$1,000 for members 21 years of age or older for coverage of dental services per state fiscal year.

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

**MOTION UNANIMOUSLY CARRIED**

**R-8 Amendments to Chapter 81, “Nursing Facilities,” Iowa Administrative Code. (Aligns rules with federal regulations regarding hours of training required for nurse aid programs)**

The department updated rules to reflect federal regulations regarding the increased number of hours of training required for nurse aid programs. There is also an increase in the instructor-to-student ratio which will allow more students to attend nursing programs. Additional language is being added for laboratory and clinical training options. This rule was held over by Council from last month pending further information on instructor to student ratios in surrounding states.

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

**MOTION UNANIMOUSLY CARRIED**

**R-9 Amendments to Chapter 161, “Iowa Senior Living Trust Fund,” Chapter 162, “Nursing Facility Conversion and Long-Term Care Services Development Grant,” and Chapter 164, “Iowa Hospital Trust Fund,” Iowa Administrative Code. (Rescind rule chapters no longer in effect).**

All three chapters are rescinded as these programs no longer exist and the legislation that authorized the programs has been repealed. This review is part of the department’s five-year rules review process.

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

**MOTION UNANIMOUSLY CARRIED**

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

**N-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.

**N-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) to be consistent with the federal program, 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.

**N-3 Add new 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 will take over administration of the rent reimbursement portion of the program. This proposed rulemaking provides the criteria for filing and processing those claims.

**N-4 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.

**N-5 Amendments to Chapter 109, "Child Care Centers," Iowa Administrative Code. (Implements new child care ratio legislation, HF2198)**

These proposed 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 also 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. We are currently waiting for the Governor to sign this legislation before work with the Code Editor's office can begin.

**N-6 Amendments to Chapter 111, "Family Life Homes," Iowa Administrative Code (Align rules with current practice and the Iowa Code).**

This proposed rulemaking is part of the five-year rules review process. 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 as form names change.

**N-7 Amendments to Chapter 130, "General Provisions," Iowa Administrative Code. (Align rules with current practice and the Iowa Code).**

This proposed rulemaking 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 rulemaking is part of the five-year rules review process.

**N-8 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 rule making is part of the five-year rules review process.

**N-9 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 rule making is part of the five-year rules review process.

**N-10 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 pre-services 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 five-year rules review process.

**N-11 Amendments to Chapter 203, “Iowa Adoption Exchange,” Iowa Administrative Code. (Align rules with current practice and the Iowa Code).**

These proposed 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 five-year rules review process.

**N-12 Amendments to Chapter 204, “Subsidized Guardianship Program,” Iowa Administrative Code. (Align rules with current practice and the Iowa Code).**

These proposed rules add additional clarification when a subsidized guardianship can continue to age 21. Language is also being added to provide information on when a subsidy would be terminated. This rule making is part of the five-year rules review process.

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

**MOTION UNANIMOUSLY CARRIED**

**2022 Legislative Session Wrap Up**

Carrie Malone, DHS Legislative Liaison, provided the Council with a final report of the 2022 Legislative session highlighting two bills that were signed into law by Governor Reynolds. The first bill, HF 2252, is all about better supporting Iowa children and families. Highlights include expanding child care assistance for permanently disabled parents and increasing the age of foster care from 18 to 21. The second bill, HF 2507, is the Family First implementation bill that emphasizes that when a child is removed from their home, placement priority is given to a relative or fictive kin.

**DHS Budget Summary**

Jess Benson, our new CFO, introduced himself to the Council. Jess was previously at LSA as a budget analyst for 17 years. Jess provided an overview of the 2.1-billion-dollar budget that was passed by the legislature. Jess stated this is a 90 million dollar increase over the previous year. Most of that increase is to support the County mental health system.

**Director’s Report**

Matt Highland, Director of Strategic Operations, provided the Director’s report which included updates on alignment, branding, and the new HHS website. Part of the work taking place is focused on the new agency structure including the development of a high-level table of organization. Extensive progress has also been made on the new HHS branding strategy and website projects. Matt shared that we had our first in person HHS Leadership meeting on May 25<sup>th</sup>. The team focused on the developing a vision, mission, and guiding principles for HHS using the feedback of more than 1400 employees.

**Adjournment**

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

Meeting adjourned at 11:30 a.m.

Respectfully Submitted by:  
Julie McCauley  
Council Secretary