



**DHS Council Meeting Minutes
December 9, 2021**

EXECUTIVE COMMITTEE MEMBERS	DEPARTMENT OF HUMAN SERVICES
Rebecca Peterson - present	Director Kelly Garcia – present
Skylar Mayberry-Mayes – present	Jean Slaybaugh - present
Kimberly Kudej – absent	Matt Highland – present
Sam Wallace – absent	Alex Carfrae - present
Jack Willey – present	Cory Turner - present
Monika Jindal - present	Nancy Freudenberg – present
Kay Fisk - present	Julie McCauley - present
	Aza Adam - present

EX-OFFICIO LEGISLATIVE MEMBERS
Representative Joel Fry – absent
Senator Mariannette Miller-Meeks – absent
Senator Amanda Ragan – present
Representative Timi Brown-Powers – absent

Call to Order

Chair Rebecca Peterson called the Council meeting to order at 10:20 a.m. at the Independence Mental Health facility in Independence, Iowa, on Thursday, December 9, 2021.

Roll Call

Council members Sam Wallace and Kim Kudej were absent, all other 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 Fisk to approve the minutes of the November 9, 2021, meeting.

MOTION UNANIMOUSLY CARRIED

Rules

R-1. Amendments to Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services,” Chapter 79, “Other Policies Relating to Providers of Medical and Remedial Care,” and Amendments to Chapter 83 “Waivers,” Iowa Administrative Code. (Implements provider increases). Adopted and filed Emergency, now being finalized. During the 2021 Legislative Session HF891 appropriated funds to increase specific providers reimbursement rates. The proposed changes include revisions to 441-Chapters 78, 79 and 83 as follows:

- Increase the reimbursement rates and upper rate limits for providers of Home and Community Based Service (HCBS) Waiver and HCBS Habilitation services beginning July 1, 2021, by 3.55 percent over the rates in effect on June 30, 2021.
- Increase the monthly caps on the total monthly cost of HCBS waiver services and Habilitation.
- Increase the monthly cap on HCBS Supported Employment and Intellectual Disabilities Waiver Respite services.
- Increase annual or lifetime limitations for Home and Vehicle Modifications and Specialized Medical Equipment.
- Increase air ambulance rates to \$550 beginning July 1, 2021.
- Implement the Home Health Agency low utilization payment adjustment (LUPA) rate increase. This rate is applied when there are three or less visits provided in a 30-day period.

A motion was made by Willey 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 2, “Contracting out Department of human Services Employees and Property,” Iowa Administrative Code. (Aligns rules with current practices)

The Department is updating the administrative rules for entering into contracts with department employees in a service program or for the use of buildings and grounds of state institutions. This will allow the proposed rules to come into alignment with current practices and will also eliminate outdated definitions. Part of the department’s five-year rules review process for MHDS rules.

N-2. Amendments to Chapter 34, “Alternative Diagnostic Facilities,” Iowa Administrative Code. (Aligns rules with current practices)

The Department is revising outdated language used when a person is being assessed for admission to a state mental health institution on a voluntary basis. Language is being replaced with more current, person-centered language to be consistent with best practices for persons with mental illnesses. Part of the department’s five-year rules review process for MHDS rules.

N-3. Amendments to Chapter 81, “Nursing Facilities,” Iowa Administrative Code. (Decreasing minimum occupancy limitation to 70%)

2021 Iowa Acts, Senate File 891, Division 7, amends the nursing facility reimbursement methodology for the fiscal period of July 1, 2023, through June 30, 2025. The department shall rebase case-mix nursing facility rates using the Medicaid cost reports on file for the period ending December 31, 2022, and apply a minimum occupancy factor of 70 percent. The decreased minimum occupancy limitation is being used because of the concerns providers will continue to experience a decrease in nursing facility occupancy due to the public health emergency.

N-4. Amendments to Chapter 101, “Iowa Juvenile Home,” Iowa Administrative Code. (Rescind the chapter)

Rescinds Chapter 101 as the Iowa Juvenile Home is closed. Part of the department’s five-year rules review process for MHDS rules.

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

MOTION UNANIMOUSLY CARRIED

Director’s Report

Director Garcia provided an update on the Department of Justice investigation into the State Resource Centers that recently wrapped up. The DOJ released their final report on the investigation on December 8, 2021. She informed the Council that Iowa is in violation of the ADA as well as CRIPA. Iowa over utilizes institutionalization for individuals with IDD because we lack a full array of services. The findings are significant but not surprising. The way we use the state resource centers and other privately run facilities needs to change. She stated that her team has worked closely with DOJ over the last two years and is committed to solving these issues and we

have already made great strides. One way we're working to solve the issues is through building out access to services in the community. Everyone has the option of living out their life in the least restrictive setting as possible. She stated that even with the backdrop of the pandemic, there has been tremendous progress made in this space, but there is still significant work to do. Iowa will need to make significant effort in building out an array of services in several different areas to close the loop with DOJ. Director Garcia added that this includes negotiating the consent decree, having more vigorous conversations with guardians to make confident decisions for their loved ones being cared for outside an institution, and looking at the role of managed care. We need to ensure that our Medicaid team can do that work in a meaningful way.

Resource Centers Progress Update

MHDS Facilities Division Administrator Cory Turner added to Director Garcia's comments regarding the DOJ findings. He stated that many of the areas that the DOJ cited were already identified and significant work is being done to fix and improve these issues. He stated that the team is constantly working on the issues which include oversight, working with providers, and working with social workers on community integration. That is a huge area of focus right now. He informed the Council that staffing continues to be an issue at the facilities. They are using more advertising and a job fair to help with the issue. They have hired a board-certified behavior analysis, two psychology administrators, and a nurse practitioner. Next steps are hiring a full-time Medical Director.

Adjournment

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

Meeting adjourned at 11:40 a.m.

Respectfully Submitted by:
Julie McCauley
Council Secretary

