

AGENDA

Thursday, July 14, 2022
Time: 10:00 a.m. – 11:30 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 June 9, 2022, meeting minutes
- 10:10 a.m.** Rules - **Nancy Freudenberg**

The following amendments to the administrative rules are presented for adoption at the July 14, 2022, Council on Human Services meeting.

R-1 Amendments to Chapter 5, “Declaratory Orders,” Iowa Administrative Code. (Align rules with current practice and the Iowa Code)

This rule making makes changes to contact information and minor changes to wording for consistency throughout the rules. This review is part of the department’s five-year rules review process.

R-2 Amendments to Chapter 47, “Diversion Initiatives,” Iowa Administrative Code. (Aligns rules with current practice)

This rule making 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 in Division I. Division II relates to the Family Self-Sufficiency Grants Program. Rules are updated to clarify the Bureau of Refugee Services can provide PROMISE JOBS Services to refugees who have not yet obtained United States citizenship. This review is part of the department’s five-year rules review process.

R-3 Amendments to Chapter 158, “Foster Home Insurance Fund,” Iowa Administrative Code. (Updates insurance fund to cover auto damage)

This rule making updates the insurance coverage under the Foster Home Insurance Fund to include auto damage by foster care children as a covered expense. This rule making does not change the premium or the total costs the Department currently pays. This review 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 36, “Facility Assessments,” Iowa Administrative Code. (Align rules with current practice and the Iowa Code)

This rule making proposes technical changes to remove the word “enterprise” from Iowa Medicaid, removes form names and updates unit names and addresses. This review is part of the department’s five-year rules review process.

N-2 Amendments to Chapter 66, “Emergency Food Assistance,” Iowa Administrative Code. (Align rules with current practice and the Iowa Code)

This proposed rulemaking updates the name of the Division to Financial, Food and Work Supports. Additional information is provided on the Emergency Food Assistance Program (TEFAP) for additional guidance to consumers on how eligibility is determined for the program and how claims are established against TEFAP entities. This review is part of the department’s five-year rules review process.

N-3 Amendments to Chapter 79, “Other Policies Relating to Providers of Medical and Remedial Care,” Iowa Administrative Code. (Amends documentation requirements for narrative service encounters)

This proposed rule will positively impact direct care service providers by removing the requirement for narrative service documentation for each service encounter or shift and replace it with the requirements to provide a narrative only when the incident, illness, unusual or atypical event occurs during the service encounter. The proposed amendments will clarify that Medicaid providers must include all records and documentation to support the services provided to members and 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 rule amendments in response to the direct care workforce crisis.

N-4 Amendments to Chapter 89, “Debts Due from Transfer of Assets,” Iowa Administrative Code. (Align rules with current practice and Iowa Code)

This rule making updates the effective date for transfers of assets that took place between July 1, 1993, and December 31, 2018. This portion of the program was suspended effective January 1, 2019, and there have not been any referrals to recover resources from anyone who received the transferred resources since then. This review is part of the department’s five- year rules review process.

N-5 Amendments to Chapter 91, “Medicare Drug Subsidy,” Iowa Administrative Code. (Implements new child care ratio legislation, HF2198)

Chapter 91 provides the framework for the Medicare Drug Subsidy program for Medicare Part D beneficiaries. This proposed rulemaking removes forms that have become obsolete, updates the rules and provides correct rules references as part of the department’s five-year rules review process.

N-6 Amendments to Chapter 170, “Child Care Services,” Iowa Administrative Code (Implements HF 2252 from the 2022 legislative session)

Previously, for a parent to be eligible for child care assistance (CCA) a medical incapacity needed to be considered “temporary”. Under HF 2252 the Code of Iowa requirements are changed and removal of this temporary requirement will allow a family with one permanently disabled parent to be CCA-eligible based upon the needs of the parent who is not disabled.

- 10:40 a.m.** HHS Alignment Update – **Sarah Reisetter, Public Health Deputy Director, HHS**
- 11:00 a.m.** Director’s Report – **HHS Director Kelly Garcia**
- 11:20 a.m.** Council Update
- 11:30 a.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.

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to declaratory order.

The Human Services Department hereby amends Chapter 5, "Declaratory Orders," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 17A.9.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 17A.9.

Purpose and Summary

This rule making is part of the Department's five-year rules review process. This rule making makes changes to contact information and nonsubstantive changes to verbiage for consistency throughout the agency's rules.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on May 18, 2022, as ARC 6328C.

No public comments were received.

No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Human Services Department on July 14, 2022.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441_1.8(17A, 217).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).
07/09/2022 10:50 PM

Effective Date

This rule making will become effective on October 1, 2022.

The following rule-making action is adopted:

Please see attached.

The following rule-making actions are adopted:

ITEM 1. Amend rule 441—5.1(17A) as follows:

441—5.1(17A) Petition for declaratory order. Any person may file a petition with the department for a declaratory order as to the applicability to specified circumstances of a statute, rule, or order within the primary jurisdiction of the department at the ~~Office Bureau~~ of Policy Analysis Coordination, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut, Des Moines, Iowa 50319-0114 , or at appeals@dhs.state.ia.us. ~~A petition is deemed filed when it is received by that office.~~ The date of receipt of a petition is the day it reaches the department's rules administrator. The department shall provide the petitioner with a file-stamped copy of the petition if the petitioner provides the department an extra copy for this purpose. The petition ~~must shall~~ be typewritten or legibly handwritten in ink and ~~should shall~~ substantially conform to the following form:

BEFORE THE DEPARTMENT OF HUMAN SERVICES

Petition by (Name of Petitioner) for a Declaratory Order on (Cite provisions of law involved).	}	PETITION FOR DECLARATORY ORDER
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The petition ~~must shall~~ provide the following information:

1. A clear and concise statement of all relevant facts on which the order is requested. For public assistance policy rulings, the request should state facts such as the amount of income and resources of a person who may be affected by the policy.
2. A citation and the relevant language of the specific statutes, rules, or orders, whose applicability is questioned, and any other relevant law.
3. The questions petitioner wants answered, stated clearly and concisely.
4. The answers to the questions desired by the petitioner and a summary of the reasons urged by the petitioner in support of those answers. A request which seeks to change rather than to declare or determine policy will be denied.
5. The reasons for requesting the declaratory order and disclosure of the petitioner's interest in the outcome.
6. A statement indicating whether the petitioner is currently a party to another proceeding involving the questions at issue and whether, to the petitioner's knowledge, those questions have been decided by, are pending determination by, or are under investigation by, any governmental entity.
7. The names and addresses of other persons, or a description of any class of persons, known by the petitioner to be affected by, or interested in, the questions presented in the petition.
8. Any request by the petitioner for a meeting provided for by rule 441—5.7(17A).
9. The petitioner's state identification number, if applicable.

The petition ~~must shall~~ be dated and signed by the petitioner or the petitioner's representative. It ~~must shall~~ also include the name, mailing address, and telephone number of the petitioner and petitioner's representative and a statement indicating the person to whom communications concerning the petition should be directed.

ITEM 2. Amend subrule 5.3(3) as follows:

5.3(3) Filing and form of petition for intervention. A petition for intervention shall be filed at the ~~office bureau~~ of policy analysis. ~~A petition is deemed filed when it is received by that office.~~ The date of receipt of a petition is the day it reaches the department's rules administrator. The department shall provide the petitioner with a file-stamped copy of the petition for intervention if the petitioner provides an extra copy for this purpose. A petition for intervention ~~must shall~~ be typewritten or legibly handwritten in ink and ~~should shall~~ substantially conform to the following form:

BEFORE THE DEPARTMENT OF HUMAN SERVICES

Petition by (Name of Original
Petitioner)
for a Declaratory Order on (Cite
provisions
of law cited in original petition).

}

PETITION FOR
INTERVENTION

The petition for intervention ~~must~~ shall provide the following information:

1. Facts supporting the intervenor's standing and qualifications for intervention.
2. The answers urged by the intervenor to the question or questions presented and a summary of the reasons urged in support of those answers.
3. Reasons for requesting intervention and disclosure of the intervenor's interest in the outcome.
4. A statement indicating whether the intervenor is currently a party to any proceeding involving the questions at issue and whether, to the intervenor's knowledge, those questions have been decided by, are pending determination by, or are under investigation by, any governmental entity.
5. The names and addresses of any additional persons, or a description of any additional class of persons, known by the intervenor to be affected by, or interested in, the questions presented.
6. Whether the intervenor consents to be bound by the determination of the matters presented by the declaratory order proceeding.

The petition ~~must~~ shall be dated and signed by the intervenor or the intervenor's representative. It ~~must~~ shall also include the name, mailing address, and telephone number of the intervenor and the intervenor's representative, and a statement indicating the person to whom communications should be directed.

ITEM 3. Amend rule 441—5.5(17A) as follows:

441—5.5(17A) Inquiries. Inquiries concerning the status of a declaratory order proceeding may be made to the Rules Administrator, ~~Office Bureau~~ of Policy ~~Analysis~~ Coordination, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut, Des Moines, Iowa 50319-0114, or at appeals@dhs.state.ia.us.

ITEM 4. Amend rule 441—5.6(17A) as follows:

441—5.6(17A) Service and filing of petitions and other papers.

5.6(1) Service. Except where otherwise provided by law, every petition for declaratory order, petition for intervention, brief, or other paper filed in a proceeding for a declaratory order shall be served by ~~mailing~~ mail, email, or personal delivery upon each of the parties of record to the proceeding, and on all other persons identified as affected by or interested in the questions presented, simultaneously with their filing. The party filing a document is responsible for service on all parties and other affected or interested persons. All documents filed shall indicate all parties or other persons served and the date and method of service.

5.6(2) Filing. All petitions for declaratory orders, petitions for intervention, briefs, or other papers in a proceeding for a declaratory order shall be filed with the ~~Office Bureau~~ of Policy ~~Analysis~~ Coordination, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut, Des Moines, Iowa 50319-0114, or at appeals@dhs.state.ia.us. All documents are considered filed upon receipt by the department's rules administrator.

ITEM 5. Amend subrule 5.9(2) as follows:

5.9(2) Action on refusal. A refusal to issue a declaratory order ~~must~~ shall indicate the specific grounds for the refusal and constitutes final department action on the petition.

ITEM 6. Amend rule 441—5.10(17A) as follows:

441—5.10(17A) Contents of declaratory order—effective date. In addition to the ruling itself, a

declaratory order ~~must~~ shall contain the date of its issuance, the name of petitioner and all intervenors, the specific statutes, rules, or orders involved, the particular facts upon which it is based, and the reasons for its conclusion.

A declaratory order is effective on the date of issuance.

ITEM 7. Amend rule 441—5.11(17A) as follows:

441—5.11(17A) Copies of orders. A copy of all orders issued in response to a petition for a declaratory order shall be mailed promptly to the original petitioner and all intervenors. An email response may be sent to the petitioner and other parties upon agreement of the petitioner and each party as applicable.



Iowa Department of Human Services
Information on Proposed Rules

Name of Program Specialist	Telephone Number	Email Address
Adrienne Erazo	515-281-5425	aerazo@dhs.state.ia.us

1. Give a brief purpose and summary of the rulemaking:
This rulemaking was reviewed as part of the Department's five-year rules review process. This rulemaking makes changes to contact information and nonsubstantive changes to verbiage for consistency throughout the agency's rules.
2. What is the legal basis for the change? (Cite the authorizing state and federal statutes and federal regulations):
Iowa Code sections 17A.3 through 17A.7.
3. Describe who this rulemaking will positively or adversely impact.
This rulemaking will have a positive impact on the public by providing updated contact information for the Department rules administrator including an email address, which facilitates easier communication.
4. Does this rule contain a waiver provision? If not, why?
The proposed amendments do not include waiver provisions because they confer benefits on those affected and are pursuant to federal law that does not provide for waivers, given that the process is optional. Individuals may request a waiver under the Department's general rule on exceptions at Iowa Admin. Code 441—1.8.
5. What are the likely areas of public comment?
There is no likely area of public comment.
6. Do these rules have an impact on private-sector jobs and employment opportunities in Iowa? (If yes, describe nature of impact, categories and number of jobs affected, state regions affected, costs to employer per employee.)
The proposed amendments have no impact on private-sector jobs and employment opportunities in Iowa.



Administrative Rule Fiscal Impact Statement

Date: March 4, 2022

Agency: Human Services

IAC citation: 441 IAC 5

Agency contact: Adrienne Erazo

Summary of the rule:

This rulemaking was reviewed as part of the Department's five-year rules review process. This rulemaking makes changes to contact information and nonsubstantive changes to verbiage for consistency throughout the agency's rules.

Fill in this box if the impact meets these criteria:

- No fiscal impact to the state.
- Fiscal impact of less than \$100,000 annually or \$500,000 over 5 years.
- Fiscal impact cannot be determined.

Brief explanation:

[Budget Analysts must complete this section for ALL fiscal impact statements.](#)

There is no fiscal impact to the state. No additional costs to the regulated community or State of Iowa as a whole are anticipated.

Fill in the form below if the impact does not fit the criteria above:

- Fiscal impact of \$100,000 annually or \$500,000 over 5 years.

Assumptions:

There is no fiscal impact to the state.

Describe how estimates were derived:

There are no potential costs estimated for this rule.

Estimated Impact to the State by Fiscal Year

	Year 1 (FY 2022)	Year 2 (FY 2023)
Revenue by each source:		
General fund	_____	_____
Federal funds	_____	_____
Other (specify):	_____	_____
TOTAL REVENUE	_____	_____
Expenditures:		
General fund	_____	_____
Federal funds	_____	_____
Other (specify):	_____	_____
TOTAL EXPENDITURES	_____	_____
NET IMPACT	_____	_____
<p><input type="checkbox"/> This rule is required by state law or federal mandate. <i>Please identify the state or federal law:</i> Identify provided change fiscal persons:</p>		
<p><input type="checkbox"/> Funding has been provided for the rule change. <i>Please identify the amount provided and the funding source:</i></p>		
<p><input checked="" type="checkbox"/> Funding has not been provided for the rule. <i>Please explain how the agency will pay for the rule change:</i> There is no fiscal impact to the state.</p>		
<p><i>Fiscal impact to persons affected by the rule:</i> There is no fiscal impact. There is no fiscal impact to the state. No additional costs to the regulated community or State of Iowa as a whole are anticipated.</p>		
<p><i>Fiscal impact to counties or other local governments (required by Iowa Code 25B.6):</i> There is no fiscal impact.</p>		
Agency representative preparing estimate:	Rob Beran	JH 04/05/2022
Telephone number:	281-6188	

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to Diversion Initiatives.

The Human Services Department hereby amends Chapter 47, "Diversion Initiatives," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code chapter 239B and Iowa Code section 234.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 239B and Iowa Code section 234.6, 7 CFR Part 273.

Purpose and Summary

As part of the Department's five-year rules review process, this rule making updates the name of Iowa's food assistance program in Division I of Chapter 47. The formal name of Iowa's program has been changed from the Food Assistance Program to the Supplemental Nutrition Assistance Program (SNAP) to be consistent with the name of the federal program and to alleviate confusion around food benefits that are available.

Division II of Chapter 47 relates to the Family Self-Sufficiency Grants Program. This rule making clarifies that the Bureau of Refugee Services can provide PROMISE JOBS services to refugees who have not yet obtained United States citizenship. A family self-sufficiency grant shall be authorized for removing an identified barrier to self-sufficiency that will enable a PROMISE JOBS participant to either obtain new employment or retain existing employment. This rule making also clarifies the duties of the Department's division administrator relating to issuing payments and approving local plans for family self-sufficiency grants

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on May 18, 2022, as ARC 6327C.

No public comments were received.

No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Council on Human Services on July 14, 2022.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441_1.8(17A,217)

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on October 1, 2022.

The following rule-making action is adopted:

Please see attached.

The following rule-making actions are adopted:

ITEM 1. Amend **441—Chapter 47**, Division I preamble, as follows:

PREAMBLE

These rules implement the Iowa promoting awareness of the benefits of a healthy marriage program. This program uses federal funds from the Temporary Assistance to Needy Families (TANF) block grant to provide information to certain households about the benefits of a healthy and stable marriage. Eligibility for this program also establishes categorical eligibility for the Iowa ~~food assistance program~~ supplemental nutrition assistance program (SNAP) under 441—Chapter 65.

ITEM 2. Amend rule 441—47.1(234), introductory paragraph, as follows:

441—47.1(234) Eligibility criteria. Eligibility for the promoting awareness of the benefits of a healthy marriage program is always determined in conjunction with determination of eligibility for ~~food assistance~~ SNAP under 441—Chapter 65.

ITEM 3. Amend subrule 47.1(1) as follows:

47.1(1) Application. There is no separate application for the program. Eligibility for the program is determined whenever the department determines a household’s eligibility for ~~food assistance~~ SNAP.

ITEM 4. Amend subrules 47.1(4) and 47.1(5) as follows:

47.1(4) Otherwise eligible for ~~food assistance~~ SNAP. The household must meet all eligibility criteria for ~~food assistance~~ SNAP except as provided in this rule. A household that includes a member who is currently disqualified from ~~food assistance~~ SNAP due to an intentional program violation is not eligible for the program.

47.1(5) Minimum ~~food assistance~~ SNAP benefit. The household must be eligible for a monthly ~~food assistance~~ SNAP benefit greater than zero. Households with a monthly ~~food assistance~~ SNAP benefit of zero are not eligible for the program.

ITEM 5. Amend paragraph **47.2(2)“b”** as follows:

b. The household’s ~~food assistance~~ SNAP certification period under 441—Chapter 65 ends.

ITEM 6. Amend rule **441—47.21(239B)**, definition of “Bureau of refugee services,” as follows:

“*Bureau of refugee services*” or “*BRS*” means a unit of the department of human services that provides PROMISE JOBS services to refugees who have not obtained United States citizenship.

ITEM 7. Amend subrule 47.22(2) as follows:

47.22(2) The program shall be available for use by the bureau of refugee services (BRS) for PROMISE JOBS participants who are refugees who have not obtained United States citizenship, as delineated in the PROMISE JOBS agreement.

ITEM 8. Amend rule 441—47.24(239B), introductory paragraph, as follows:

441—47.24(239B) Assistance available in family self-sufficiency grants. Family self-sufficiency grants shall be authorized for removing an identified barrier to self-sufficiency when it can be reasonably anticipated that the assistance will enable PROMISE JOBS participant families to obtain or retain employment ~~or obtain employment~~ in the two full calendar months following the date of authorization of payment. For example, if a payment is authorized on August 20, it should be anticipated that the participant can find employment in September or October.

ITEM 9. Amend subrule 47.24(2) as follows:

47.24(2) Types of assistance. The department, in conjunction with IWD and BRS, shall determine those barriers to self-sufficiency which can be considered for family self-sufficiency grants such as, but not limited to, auto maintenance or repair, licensing fees, child care, and referral to other resources, including those necessary to address questions of domestic violence. The IWD service delivery areas and BRS shall have the opportunity to adjust the list of approvable barriers to self-sufficiency based on local resources and circumstances. These adjustments shall be approved by

the department division administrator and the appropriate responsible administrator prior to implementation.

ITEM 10. Amend subrule 47.24(5) as follows:

47.24(5) *Supplanting.* Family self-sufficiency grants shall not be used for services already available through the department, PROMISE JOBS, or other local resources at no cost.

ITEM 11. Amend subrule 47.24(7) as follows:

47.24(7) *Issuing payments.* Family self-sufficiency grants are PROMISE JOBS benefits and shall be authorized through the PROMISE JOBS expense allowance system. ~~Warrants Payments~~ may be issued to the participants or to a vendor for support services provided to the family. The department division administrator in conjunction with the appropriate responsible administrator shall have discretion in determining method of payment. The IWD service delivery area or BRS shall have the opportunity to adjust these payment options in an individual case based on circumstances and needs of the family with the approval of the department division administrator and the appropriate responsible administrator prior to implementation.

ITEM 12. Amend paragraph **47.25(1)“d”** as follows:

d. Demonstration of how removing the barrier is related to obtaining or retaining ~~or obtaining~~ employment, meeting the criteria from rule 441—47.24(239B).

ITEM 13. Amend rule 441—47.26(239B), introductory paragraph, as follows:

441—47.26(239B) Approved local plans for family self-sufficiency grants. Each IWD service delivery area shall create and provide to IWD the written policies and procedures for administering family self-sufficiency grants. BRS shall create and provide to the department the written policy and procedures for administering family self-sufficiency grants. The plan shall be reviewed for required elements and quality of service to ensure that it meets the purpose of the program and approved by the department division administrator and the ~~IWD division~~ appropriate responsible administrator. The written policies and procedures shall be available to the public at county offices, PROMISE JOBS offices, and ~~at~~ IWD. At a minimum, these policies and procedures shall contain or address the following:

ITEM 14. Amend paragraph **47.26(1)“b”** as follows:

b. How determinations will be made that the service or assistance requested meets the program’s objective of helping the family obtain or retain employment ~~or obtain employment~~.



Iowa Department of Human Services
Information on Proposed Rules

Table with 3 columns: Name of Program Specialist (Kari Lind and Angela Madison), Telephone Number (515-281-7000), Email Address (klind@dhs.state.ia.us)

1. Give a brief purpose and summary of the rulemaking:

Chapter 47 was reviewed as part of the Department's five-year rules review project. This proposed rule making updates the name of Iowa's food assistance program in Division I. The formal name of Iowa's food assistance program has changed from the Food Assistance Program to the Supplemental Nutrition Assistance Program (SNAP) to be consistent with the name of the federal program and to alleviate confusion around food benefits that are available.

Division II relates to the Family Self-Sufficiency Grants Program. The proposed rule making clarifies the Bureau of Refugee Services can provide PROMISE JOBS services to refugees who have not yet obtained United States citizenship. A family self-sufficiency grant shall be authorized for removing an identified barrier to self-sufficiency that will enable a PROMISE JOBS participant to either obtain new employment or retain existing employment. This rule making also clarifies the duties of the Department's Division Administrator relating to issuing payments and approving local plans for family self-sufficiency grants.

2. What is the legal basis for the change? (Cite the authorizing state and federal statutes and federal regulations):

Code of Iowa chapters 234.6 and 239B grant the Department the legal basis for making changes to this chapter of rules. Federal regulations at 7 CFR Part 273 governs SNAP administration.

3. Describe who this rulemaking will positively or adversely impact.

This will have no impact on Division I or II programs. The formal name of Iowa's food assistance program is changed to Supplemental Nutrition Assistance Program (SNAP) to be consistent with the name of the federal program and to alleviate confusion around food benefits that are available. Division II simply updates and clarifies language of existing rules.

4. Does this rule contain a waiver provision? If not, why?

The proposed amendments do not include waiver provisions because they confer benefits on those affected and are pursuant to federal law that does not provide for waivers, given that the process is optional. Individuals may request a waiver under the Department's general rule on exceptions at Iowa Admin. Code 441-1.8.

5. What are the likely areas of public comment?

As the proposed amendments are believed to have no impact on the programs, there is no likely area of public comment.

6. Do these rules have an impact on private-sector jobs and employment opportunities in Iowa? (If yes, describe nature of impact, categories and number of jobs affected, state regions affected, costs to employer per employee.)

The proposed amendments have no impact on private-sector jobs and employment opportunities in Iowa.

Describe how estimates were derived:

There are no potential costs estimated for this rule.

Estimated Impact to the State by Fiscal Year

	<u>Year 1 (FY 2022)</u>	<u>Year 2 (FY 2023)</u>
Revenue by each source:		
General fund	_____	_____
Federal funds	_____	_____
Other (specify):	_____	_____
TOTAL REVENUE	_____	_____
Expenditures:		
General fund	_____	_____
Federal funds	_____	_____
Other (specify):	_____	_____
TOTAL EXPENDITURES	_____	_____
NET IMPACT	_____	_____

- This rule is required by state law or federal mandate.
Please identify the state or federal law:
Identify provided change fiscal persons:

- Funding has been provided for the rule change.
Please identify the amount provided and the funding source:

- Funding has not been provided for the rule.
Please explain how the agency will pay for the rule change:
There is no fiscal impact to the state.

Fiscal impact to persons affected by the rule:

There is no fiscal impact. There is no fiscal impact to the state. No additional costs to the regulated community or State of Iowa as a whole are anticipated.

Fiscal impact to counties or other local governments (required by Iowa Code 25B.6):

No impact.

Agency representative preparing estimate: Rob Beran JH 04/13/2022 Francis Thurman JH 02/18/2022

Telephone number: 515-281-6188 and 515-281-6855

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to foster home insurance fund.

The Human Services Department hereby amends Chapter 158, “Foster Home Insurance Fund,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 237.3.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 237.3.

Purpose and Summary

Chapter 158 was reviewed as part of the Department’s five-year rules review project. This rule making updates the insurance coverage under the Foster Home Insurance Fund to include auto damage by foster children as a covered expense. This rule making does not change the premium or the total costs the Department currently pays.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on May 18, 2022, as ARC 6329C.

No public comments were received.

No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Council on Human Services on July 14, 2022.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441_1.8(17A, 217).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on October 1, 2022.

The following rule-making action is adopted:

Amend paragraph 158.3(1)“b” as follows:

b. Compensation to licensed foster families for personal or real property damage and auto physical damage as a result of the activities of the family foster care child. Coverage also extends to third-party property damages caused by actions of the foster child.



Iowa Department of Human Services
Information on Proposed Rules

Name of Program Specialist Nancy Swanson	Telephone Number 515-281-6379	Email Address nswanso@dhs.state.ia.us
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1. Give a brief purpose and summary of the rulemaking:

The rules in Chapter 158 were reviewed as part of the Department's five-year rules review project. As a result, the following changes were made.

One clarification was added to include auto damage by foster children as a covered expense.

2. What is the legal basis for the change? (Cite the authorizing state and federal statutes and federal regulations):

237.3 gives the administrator of ACFS the authority to write rules.

3. Describe who this rulemaking will positively or adversely impact.

It is expected that clarifying our rules and providing updated information will provide a positive benefit to licensed foster parents for which the Foster Home Insurance Fund provides coverage.

4. Does this rule contain a waiver provision? If not, why?

No

5. What are the likely areas of public comment?

We do not expect any public comment on these rules.

6. Do these rules have an impact on private-sector jobs and employment opportunities in Iowa? (If yes, describe nature of impact, categories and number of jobs affected, state regions affected, costs to employer per employee.)

No impact is expected to private sector jobs or employment opportunities in Iowa.



Administrative Rule Fiscal Impact Statement

Date: April 14, 2022

Agency: Human Services
IAC citation: 441 IAC 158
Agency contact: David O. Philmon, Jr.

Summary of the rule:

The rules in Chapter 158 were reviewed as part of the Department's five-year rules review project. As a result, the following changes were made; One clarification was added to include auto damage by foster children as a covered expense.

Fill in this box if the impact meets these criteria:

- No fiscal impact to the state.
- Fiscal impact of less than \$100,000 annually or \$500,000 over 5 years.
- Fiscal impact cannot be determined.

Brief explanation:

[Budget Analysts must complete this section for ALL fiscal impact statements.](#)

This rule updates our coverage to include auto damage by foster children as a covered expense, it does not change our premium or the total costs that we currently pay and project to pay.

Fill in the form below if the impact does not fit the criteria above:

- Fiscal impact of \$100,000 annually or \$500,000 over 5 years.

Assumptions:

Describe how estimates were derived:

Estimated Impact to the State by Fiscal Year

	<u>Year 1 (FY 2023)</u>	<u>Year 2 (FY 2024)</u>
Revenue by each source:		
General fund	_____	_____
Federal funds	_____	_____
Other (specify):	_____	_____
TOTAL REVENUE	_____	_____
Expenditures:		
General fund	_____	_____
Federal funds	_____	_____
Other (specify):	_____	_____
TOTAL EXPENDITURES	_____	_____
NET IMPACT	0.00	0.00

This rule is required by state law or federal mandate.
Please identify the state or federal law:
 Identify provided change fiscal persons:

Funding has been provided for the rule change.
Please identify the amount provided and the funding source:

Funding has not been provided for the rule.
Please explain how the agency will pay for the rule change:
 There is no fiscal impact.

Fiscal impact to persons affected by the rule:

No impact.

Fiscal impact to counties or other local governments (required by Iowa Code 25B.6):

No Impact

Agency representative preparing estimate: David Philmon

JH 04/15/2022

Telephone number: 515/281-6856

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

**Proposing rule making related to five-year rules review
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 36, “Facility Assessments,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code chapter 249A.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 249A.

Purpose and Summary

The rules in Chapter 36 were reviewed as part of the Department’s five-year rules review. This rule making proposes technical changes to remove the word “enterprise” from Iowa Medicaid, to remove form names, and to update unit names and addresses.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on July 19, 2022. Comments should be directed to:

Nancy Freudenberg
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

N-1

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its **regular monthly meeting** or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **36.2(1)“a”** as follows:

a. Use Form 470-5422, ~~Intermediate Care Facilities for Individuals with an Intellectual Disability Assessment Calculation Worksheet~~, to calculate the quarterly fee due.

ITEM 2. Amend paragraph **36.2(4)“b”** as follows:

b. Requests for a ~~good cause~~ **good cause** waiver must be submitted to the Iowa Medicaid ~~enterprise~~, provider cost audit and rate setting unit, within 30 days of notice to the facility that the penalty is due.

ITEM 3. Amend paragraph **36.6(2)“c”** as follows:

c. Effective July 1, 2019, nursing facilities with annual Iowa Medicaid patient days of 21,000 or more are required to pay a quality assurance assessment of \$2.45 per non-Medicare patient day. Effective with assessment for the state fiscal year beginning July 1, 2021, the annual number of Iowa Medicaid patient days reported in the most current cost report submitted to ~~the~~ Iowa Medicaid ~~enterprise~~ as of June 1 of each year shall be used to determine the assessment level for the following state fiscal year.

ITEM 4. Amend paragraph **36.7(1)“a”** as follows:

a. Use Form 470-4836, ~~Nursing Facility Quality Assurance Assessment Calculation Worksheet~~, to calculate the quarterly assessment amount due.

ITEM 5. Amend paragraph **36.7(4)“b”** as follows:

b. Requests for a good cause waiver must be submitted to ~~the~~ Iowa Medicaid ~~Enterprise~~, Provider Cost Audit and Rate Setting Unit, ~~400 Army Post Road~~ **1305 East Walnut Street**, Des Moines, Iowa ~~50315~~ **50319-0114**, within 30 days of notice to the facility that the penalty is due.

ITEM 6. Amend paragraph **36.11(5)“b”** as follows:

b. Requests for a good cause waiver must be submitted to ~~the~~ Iowa Medicaid ~~Enterprise~~, Provider Cost Audit and Rate Setting Unit, ~~400 Army Post Road~~ **1305 East Walnut Street**, Des Moines, Iowa ~~50315~~ **50319-0114**, within 30 days of notice to the facility that the penalty is due.



Iowa Department of Human Services

Information on Proposed Rules

Name of Program Specialist Jessica McBride	Telephone Number 515-201-4157	Email Address jmcbrid@dhs.state.ia.us
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1. Give a brief purpose and summary of the rulemaking:
Technical changes, removing "Enterprise" from Iowa Medicaid. Capitalization of Provider Cost Audit and Rate Setting unit and address updates
2. What is the legal basis for the change? (Cite the authorizing state and federal statutes and federal regulations):
Technical changes
3. Describe who this rulemaking will positively or adversely impact.
Iowa Medicaid technical changes
4. Does this rule contain a waiver provision? If not, why?
N/A
5. What are the likely areas of public comment?
N/A
6. Do these rules have an impact on private-sector jobs and employment opportunities in Iowa? (If yes, describe nature of impact, categories and number of jobs affected, state regions affected, costs to employer per employee.)
N/A.



Administrative Rule Fiscal Impact Statement

Date: June 1, 2022

Agency: Human Services

IAC citation: 441 IAC 249A.21

Agency contact: Jessica McBride

Summary of the rule:

The rule includes technical changes, removing “Enterprise” from Iowa Medicaid, updating the address and capitalization of Provider Cost Audit and Rate Setting unit.

Fill in this box if the impact meets these criteria:

- No fiscal impact to the state.
- Fiscal impact of less than \$100,000 annually or \$500,000 over 5 years.
- Fiscal impact cannot be determined.

Brief explanation:

[Budget Analysts must complete this section for ALL fiscal impact statements.](#)

The rule includes technical changes, removing “Enterprise” from Iowa Medicaid, updating the address and capitalization of Provider Cost Audit and Rate Setting unit. There is no fiscal impact expected.

Fill in the form below if the impact does not fit the criteria above:

- Fiscal impact of \$100,000 annually or \$500,000 over 5 years.

Assumptions:

Describe how estimates were derived:

Estimated Impact to the State by Fiscal Year

	<u>Year 1 (FY 23)</u>	<u>Year 2 (FY 24)</u>
Revenue by each source:		
General fund	_____	_____
Federal funds	_____	_____
Other (specify):	_____	_____
TOTAL REVENUE	_____	_____
Expenditures:		
General fund	_____	_____
Federal funds	_____	_____
Other (specify):	_____	_____
TOTAL EXPENDITURES	_____	_____
NET IMPACT	_____	_____

This rule is required by state law or federal mandate.
Please identify the state or federal law:
 Identify provided change fiscal persons:

Funding has been provided for the rule change.
Please identify the amount provided and the funding source:

Funding has not been provided for the rule.
Please explain how the agency will pay for the rule change:
 There is no fiscal impact.

Fiscal impact to persons affected by the rule:
 There is no fiscal impact to persons affected by the rule.

Fiscal impact to counties or other local governments (required by Iowa Code 25B.6):
 There is no fiscal impact expected to counties or other local governments.

Agency representative preparing estimate: Soraya Miller JH 06/01/2022
 Telephone number: 515-281-6017

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

**Proposing rule making related to five-year rules review
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 66, “Emergency Food Assistance Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 234.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 234.6.

Purpose and Summary

Chapter 66 is proposed to be amended as part of the Department’s five-year rules review. As part of the review, the name of the Division of Financial, Health, and Work Supports has been updated throughout the rules to the Division of Financial, Food, and Work Supports. Additional information has been provided on The Emergency Food Assistance Program (TEFAP) as authorized by the Emergency Food Assistance Act of 1983 and amended through Public Law 107-249, October 23, 2002. The chapter is being updated to provide additional guidance to consumers on how eligibility is determined for TEFAP and how claims are established against TEFAP entities.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 2, 2022. Comments should be directed to:

Nancy Freudenberg
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

N-2

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend **441—Chapter 66**, preamble, as follows:

PREAMBLE

This chapter sets forth the rules governing ~~the emergency food assistance program~~ The Emergency Food Assistance Program (TEFAP) in Iowa. The Iowa department of human services has been designated by the governor as the agency responsible for administration of the emergency food assistance program. The department is responsible for receiving, storing, distributing, and accounting for foods donated through the U.S. Department of Agriculture (USDA). The department contracts with food banks who provide services in the state for TEFAP.

For information about ~~the emergency food assistance program~~ TEFAP and other food distribution programs, contact the Iowa Department of Human Services, Division of Financial, ~~Health~~ Food, and Work Supports, Food Distribution Program Manager, 1305 East Walnut Street, Des Moines, Iowa 50319-0114; telephone ~~(515)281-5410~~ (515)443-2736. Clarifications of federal policy may be obtained by referencing 7 CFR Part 251 and 7 CFR Part 250, when applicable.

ITEM 2. Amend rule **441—66.1(234)**, definitions of “Eligible recipient agency” and “Food distribution program,” as follows:

“*Eligible recipient agency*” means a charitable institution that has entered into a contract with the department for the receipt of commodities or administrative funds or has entered into an agreement with another eligible recipient agency that has signed such a contract with the department. Eligible recipient agencies may include food banks, food pantries, soup kitchens, hunger relief centers, hospitals, retirement homes, Nutrition Services Incentive Programs that operate congregate meals sites or provide home-delivered meals (to the extent that they serve predominately needy persons), summer camps for children or child nutrition programs providing food service, and disaster relief programs. An eligible recipient agency shall meet federal requirements as described at 7 CFR 251.3(d) and 7 CFR 251.5(a), ~~as published on January 1, 2005~~ amended to May 2, 2022.

“*Food distribution program*” means the office in the department’s division of financial, ~~health~~ food, and work supports that is responsible for administering the FNS food distribution programs.

ITEM 3. Amend rule 441—66.2(234) as follows:

441—66.2(234) Application to be a TEFAP contractor or subcontractor. An organization that seeks to be a TEFAP contractor shall submit a written request to the Iowa Department of Human Services, Division of Financial, ~~Health~~ Food, and Work Supports, Food Distribution Program Manager, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. The written request shall contain sufficient information about the applicant to enable the department to determine whether the applicant qualifies to be an eligible recipient agency as defined at 441—66.1(234). An organization that seeks to be a TEFAP subcontractor shall submit a written request to the food bank contracted with the department to

administer TEFAP in the organization's service area. The written request shall contain sufficient information about the applicant to enable the food bank to determine whether the applicant qualifies to be an eligible recipient agency as defined at 441—66.1(234).

66.2(1) Determination of eligibility. Within ten days of receipt of an applicant's written request to be a TEFAP contractor, the program manager shall notify the applicant in writing ~~of that the department's decision~~ department has received the applicant's request. The department shall approve an applicant's request to be a TEFAP contractor only when ~~both of the following~~ are true:

- a. The applicant qualifies to be an eligible recipient agency as defined at 441—66.1(234).
- b. Priority is given to current food banks that service contiguous counties and food banks that are a Feeding America partner.

~~b-c.~~ A contract with the applicant, in addition to those eligible recipient agencies currently under contract with the department, will allow the department to distribute commodities in Iowa to needy individuals or households in the most cost-effective and comprehensive manner possible.

66.2(2) Administrative review of denial of eligibility.

a. When an applicant's request to be a TEFAP contractor is denied by the program manager, the applicant may request an administrative review by sending a letter requesting review of the denial to the administrator of the division of financial, ~~health-food~~, and work supports. The applicant shall send the letter within five days of receipt of the letter of denial.

~~a.~~ (1) When more information is needed, the administrator shall request the information within five days of receipt of the request for review.

~~b.~~ (2) The administrator shall review the denial and shall issue a decision within ten days of the request for review or of the receipt of additional information, whichever is later.

~~e.~~ (3) When the division administrator reverses the denial, the applicant shall be given the opportunity to negotiate a TEFAP contract.

b. When an applicant's request to be a TEFAP subcontractor is denied by the food bank, the applicant may request an administrative review by sending a letter requesting review of the denial to the food distribution program manager. The applicant shall send the letter within five days of receipt of the letter of denial.

(1) When more information is needed, the program manager shall request the information within five days of receipt of the request for review.

(2) The program manager shall review the denial and shall issue a decision within ten days of the request for review or of the receipt of additional information, whichever is later.

(3) When the program manager reverses the denial, the applicant shall be given the opportunity to negotiate a TEFAP subcontract with the applicable food bank.

ITEM 4. Amend rule 441—66.4(234) as follows:

441—66.4(234) Distribution. The department is the agency responsible for food distribution in Iowa under TEFAP. TEFAP commodities and funds are allocated and delivered to Iowa by the USDA according to the USDA formula as defined at 7 CFR 251.3(h), as ~~published on January 1, 2005~~ amended to May 2, 2022.

66.4(1) No change.

66.4(2) Allocation to contractors. The department shall make commodities available for distribution to contractors in accordance with the provisions of 7 CFR Part 251, as ~~published on January 1, 2005~~ amended to May 2, 2022, and of 7 CFR Part 250, as ~~published on January 1, 2005~~ amended to May 2, 2022, when the provisions of Part 250 are not inconsistent with 7 CFR Part 251.

a. No change.

b. *Basis for allocation.* The allocation of commodities to each contractor is based on the percentage of ~~the Iowa residents with income at or below 185 percent of the federal poverty level~~ who live in the area that each contractor serves based on the formula identified in 7 CFR 251.3(h), as

amended to May 2, 2022, for entitlement. Bonus items will be allocated using this same formula, unless agreed upon by the eligible recipient agencies with direct contracts with the department.

66.4(3) No change.

66.4(4) *Special provisions for situations of disaster and distress.* The department reserves the right to distribute commodities in situations of disaster, emergency, or distress to any affected area in Iowa. ~~In these situations, the department shall use commodities in the central warehouse first and shall then, if necessary, use commodities from the inventory of each contractor.~~ Federal regulations at 7 CFR 250.43 and 7 CFR 250.44, as ~~published on January 1, 2005~~ amended to May 2, 2022, shall apply in these situations.

ITEM 5. Amend paragraph **66.5(3)“c”** as follows:

c. Income exclusions. When calculating total household income for this program, all income shall be excluded that is specifically excluded for food assistance by federal statute, especially those sources listed in federal regulations at 7 CFR 273.9(c)(10) as ~~published on January 1, 2005~~ amended to May 2, 2022.

ITEM 6. Amend rule 441—66.6(234), introductory paragraph, as follows:

441—66.6(234) Reimbursement for allowable costs. To the extent that funds are available for payment, the department shall pay allowable costs to contractors as reimbursement for expenses attributable to the program. TEFAP payments by the department are subject to federal regulations at 7 CFR Part 251, as ~~published on January 1, 2005~~ amended to May 2, 2022, especially 7 CFR 251.8(e).

ITEM 7. Amend subrule 66.6(2) as follows:

66.6(2) *Reimbursement request.* Contractors must complete ~~Form 470-0298, Federal Emergency Assistance Food Distribution Report/Reimbursement Request,~~ the form provided by the department in order to file for reimbursement.

ITEM 8. Amend subrule 66.6(3) as follows:

66.6(3) *Rate of reimbursement.* The department shall reimburse each contractor a ~~taper gross-pound rate to be determined by the department and included in the agreement with the contractor~~ the same rate as commodity allocations are determined pursuant to 7 CFR 251.3(h) as amended to May 2, 2022. In the event the department cannot maintain this level of reimbursement throughout the term of the contract, the reimbursement shall be adjusted based on the available funds remaining from the USDA grant.

ITEM 9. Amend subrule 66.7(3) as follows:

66.7(3) *Determination of fault and claim procedures.* The program manager shall investigate the commodity loss and determine who is at fault as described in FNS Instruction 410-1, Claims for Losses of Donated Foods and Related Administrative Losses — Procedures for the State Distributing Agency, published on December 29, 2010.

a. Losses exceeding \$100-Value of loss does not exceed \$500. The department shall not initiate a claim action against an entity that has been determined to be at fault if the value of the accumulated commodity loss ~~exceeds \$100~~ does not exceed \$500. EXCEPTION: If there is evidence of violation of a federal or state statute, procedures in subrule 66.7(7) shall apply.

b. Losses exceeding \$2,500-\$500. When the department believes that a claim exists against an entity and the value of the lost commodities exceeds ~~\$2,500~~ \$500, the department shall immediately refer the claim determination to the FNS regional office. When the department receives notice from FNS that a claim exists, the department shall immediately initiate the claim procedure.

c. and d. No change.

e. Late charge. Interest shall be assessed against an entity beginning on the thirty-first day following the date of the first demand letter, unless an extension has been granted. Interest shall be assessed at the rate determined by the U.S. Treasury Department at the beginning of each fiscal quarter.

ITEM 10. Amend subrule 66.7(5) as follows:

66.7(5) *Administrative review of claim.* An entity may request an administrative review of a claim by sending a letter requesting review of the claim and a copy of a demand letter to the administrator of the division of financial, ~~health-food~~, and work supports within 20 days of receipt of its first demand letter.

a. and *b.* No change.

ITEM 11. Amend rule 441—66.8(234), introductory paragraph, as follows:

441—66.8(234) State monitoring. The department shall annually review at least 25 percent of the TEFAP contractors and 10 percent of other eligible recipient agencies receiving commodities as subcontractors or 20 agencies, whichever is fewer. The department may not contract with another entity to carry out these activities.

ITEM 12. Adopt the following new paragraph **66.8(1)“h”**:

h. Civil rights.



Iowa Department of Human Services
Information on Proposed Rules

Name of Program Specialist Leslie Van Der Molen	Telephone Number 515-242-5454	Email Address lvander3@dhs.state.ia.us
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1. Give a brief purpose and summary of the rulemaking:
Chapter 66 was reviewed as part of the Department's five-year rules review.
2. What is the legal basis for the change? (Cite the authorizing state and federal statutes and federal regulations):
Code of Iowa chapter 234.6 grants the Department the legal basis for making changes to this chapter of rules.
3. Describe who this rulemaking will positively or adversely impact.
This rulemaking will neither positively nor adversely impact any population.
4. Does this rule contain a waiver provision? If not, why?
No.
5. What are the likely areas of public comment?
None.
6. Do these rules have an impact on private-sector jobs and employment opportunities in Iowa? (If yes, describe nature of impact, categories and number of jobs affected, state regions affected, costs to employer per employee.)
No.



Administrative Rule Fiscal Impact Statement

Date: April 26, 2022

Agency: Human Services
IAC citation: 441 IAC 66
Agency contact: Leslie Van Der Molen

Summary of the rule:

Chapter 66 (TEFAP) has been updated to explain the process of becoming a TEFAP subcontractor, to update program names, and to remove obsolete form numbers. Also, the chapter has been updated to provide more general guidance on how clients are determined eligible for TEFAP and how claims are established against TEFAP entities.

Fill in this box if the impact meets these criteria:

- No fiscal impact to the state.
- Fiscal impact of less than \$100,000 annually or \$500,000 over 5 years.
- Fiscal impact cannot be determined.

Brief explanation:

[Budget Analysts must complete this section for ALL fiscal impact statements.](#)

This rule includes updated to program names, remove obsolete forms and to provide general guidance for determining eligibility for TEFAP as part of the Five Year Rule Review Project.
There is no fiscal impact.

Fill in the form below if the impact does not fit the criteria above:

- Fiscal impact of \$100,000 annually or \$500,000 over 5 years.

Assumptions:

There is no fiscal impact to the state.

Describe how estimates were derived:

Estimated Impact to the State by Fiscal Year

	<u>Year 1 (FY 2023)</u>	<u>Year 2 (FY 2024)</u>
Revenue by each source:		
General fund	_____	_____
Federal funds	_____	_____
Other (specify):	_____	_____
TOTAL REVENUE	_____	_____
Expenditures:		
General fund	_____	_____
Federal funds	_____	_____
Other (specify):	_____	_____
TOTAL EXPENDITURES	_____	_____
NET IMPACT	0.00	0.00

This rule is required by state law or federal mandate.
Please identify the state or federal law:
Identify provided change fiscal persons:

Funding has been provided for the rule change.
Please identify the amount provided and the funding source:

Funding has not been provided for the rule.
Please explain how the agency will pay for the rule change:
There is no fiscal impact to the state.

Fiscal impact to persons affected by the rule:

There is no fiscal impact to persons affected by the rule.

Fiscal impact to counties or other local governments (required by Iowa Code 25B.6):

There is no fiscal impact expected to counties or other local governments.

Agency representative preparing estimate: Minu Maviladath

JH 06/08/2022

Telephone number: 515-281-3720

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to provider documentation requirements and providing an opportunity for public comment.

The Human Services Department hereby proposes to amend Chapter 79, "Other Policies Relating To Providers Of Medical And Remedial Care," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 249A.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 249A.4.

Purpose and Summary

The department is proposing to amend the documentation requirements for narrative service documentation for each service encounter and each shift for 24 hour services. The proposed amendment will remove the administrative burden of delivering services. The proposed rules will clarify that Medicaid providers must include all 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.

This rule will positively impact direct service providers by removing the requirement for narrative service documentation for each service encounter or shift and replacing it with the requirement to provide a narrative only when the incident, illness unusual or atypical event occurs during the service encounter. The proposed rule will provide immediate relief to providers struggling to recruit and retain direct care staff. Providers have requested the proposed rule amendments in response to the direct care workforce crisis.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any pursuant to 441_1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 16, 2022. Comments should be directed to:

Nancy Freudenberg
Iowa Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Please see attached.

Proposed Rule Changes

ITEM 1. Amend subparagraph 79.3(2) “c”(3) as follows:

(3) Service documentation. The record for each service provided shall include information necessary to substantiate that the service was provided. ~~Service documentation shall include narrative documentation and may also include documentation in checkbox format.~~ Unless otherwise indicated below, the provider may document the services in any format so long as the documentation adequately substantiates the medical necessity and that the services were rendered. The service record shall include the following:

1. The specific procedures or treatments performed.
2. The complete date of the service, including the beginning and ending date if the service is rendered over more than one day.
3. The complete time of the service, including the beginning and ending time if the service is billed on a time-related basis. For those non-time-related services billed using Current Procedural Terminology (CPT) codes, the total time of the service shall be recorded, rather than the beginning and ending time.
4. The location where the service was provided if otherwise required on the billing form or in 441—paragraph 77.30(5) “c” or “d,” 441—paragraph 77.33(6) “d,” 441—paragraph 77.34(5) “d,” 441—paragraph 77.37(15) “d,” 441—paragraph 77.39(13) “e,” 441—paragraph 77.39(14) “d,” or 441—paragraph 77.46(5) “i,” or 441—subparagraph 78.9(10) “a”(1).
5. Medication Administration Record (MAR). The name, dosage, and route of administration of any medication dispensed or administered as part of the service.
6. Mileage Log. The name, date, purpose of the trip, total miles for transportation provided as part of the service.
7. Narrative description of any incidents, illnesses, unusual, or atypical occurrences that occur during service provision.
- ~~6-8.~~ 8. Any supplies dispensed as part of the service.
- ~~7-9.~~ 9. The first and last name and professional credentials, if any, of the person providing the service.
- ~~8-10.~~ 10. The signature of the person providing the service, or the initials of the person providing the service if a signature log indicates the person’s identity.
- ~~9-11.~~ 11. For 24-hour care, documentation for every shift of the services provided, ~~the member’s response to the services provided, and the person who provided the services~~ in accordance with this rule.

ITEM 2. Amend paragraph 79.3(2) “d” as follows:

d. Basis for service requirements for specific services. The healthcare provider should include all records and documentation that substantiate the services provided to the member and all information necessary to allow accurate adjudication of the claim. Additionally, documentation requirements must meet the

professional standards pertaining to service(s) provided. The medical record for the following services must include, but is not limited to, the items specified below (unless the listed item is not routinely received or created in connection with the particular service or activity and is not required to document the reason for performing the service or activity, its medical necessity, or the level of care associated with it). ~~These items will be specified on Form 470-4479, Documentation Checklist, when the Iowa Medicaid enterprise program integrity unit requests providers to submit records for review. (See paragraph 79.4(2) "b.")~~



Iowa Department of Human Services
Information on Proposed Rules

Table with 3 columns: Name of Program Specialist (LeAnn Moskowitz), Telephone Number (515-321-8922), Email Address (lmoskow@dhs.state.ia.us)

1. Give a brief purpose and summary of the rulemaking:

The purpose of the rulemaking is to remove administrative burden related to narrative service documentation and to clarify that Medicaid providers must include all records and documentation that substantiate the services provided to the member and all information necessary to allow accurate adjudication of the claim. Additionally, documentation requirements must meet the professional standards pertaining to service(s) provided.

2. What is the legal basis for the change? (Cite the authorizing state and federal statutes and federal regulations):

Iowa Code 249A

3. Describe who this rulemaking will positively or adversely impact.

This rule will positively impact direct service providers by removing the requirement for narrative service documentation for each service encounter or shift and replacing it with the requirement to provide a narrative only when an incident, illness, unusual or atypical events occurs during the service encounter. The proposed rule will provide immediate relief to providers struggling to recruit and retain direct care workers.

4. Does this rule contain a waiver provision? If not, why?

A waiver provision is not necessary. 441 -1.8(17A, 217) provides for waiver of administrative rules in exceptional circumstances.

5. What are the likely areas of public comment?

Medicaid service providers will respond positively to the reduction in administrative burden related to service documentation.

6. Do these rules have an impact on private-sector jobs and employment opportunities in Iowa? (If yes, describe nature of impact, categories and number of jobs affected, state regions affected, costs to employer per employee.)

The removal of the requirement for narrative service documentation will positively impact service providers by enabling those providers to employ individuals for whom English is their second language and those who have poor or limited writing skills. The proposed changes will also decrease the amount of time needed to document service delivery and increase the amount of time focused on direct service delivery.



Administrative Rule Fiscal Impact Statement

Date: June 20, 2022

Agency: Human Services
IAC citation: 441 IAC 79.3
Agency contact: LeAnn Moskowitz

Summary of the rule:

The purpose of the rulemaking is to remove administrative burden related to service documentation.

Fill in this box if the impact meets these criteria:

- No fiscal impact to the state.
- Fiscal impact of less than \$100,000 annually or \$500,000 over 5 years.
- Fiscal impact cannot be determined.

Brief explanation:

[Budget Analysts must complete this section for ALL fiscal impact statements.](#)

The purpose of the rulemaking is to remove administrative burden related to narrative service documentation. This rule also clarifies that Medicaid providers must include all records and documentation that substantiate the services provided to the member and all information necessary to allow accurate adjudication of the claim. These rules clarify documentation standards and do not impact the cost of services, no fiscal impact is expected.

Fill in the form below if the impact does not fit the criteria above:

- Fiscal impact of \$100,000 annually or \$500,000 over 5 years.

Assumptions:

Describe how estimates were derived:

Estimated Impact to the State by Fiscal Year

	<u>Year 1 (FY 23)</u>	<u>Year 2 (FY 24)</u>
Revenue by each source:		
General fund	_____	_____
Federal funds	_____	_____
Other (specify):	_____	_____
TOTAL REVENUE	<u>0.00</u>	<u>0.00</u>
Expenditures:		
General fund	_____	_____
Federal funds	_____	_____
Other (specify):	_____	_____
TOTAL EXPENDITURES	<u>0.00</u>	<u>0.00</u>
NET IMPACT	<u>0.00</u>	<u>0</u>

This rule is required by state law or federal mandate.

Please identify the state or federal law:

Identify provided change fiscal persons:

Funding has been provided for the rule change.

Please identify the amount provided and the funding source:

Funding has not been provided for the rule.

Please explain how the agency will pay for the rule change:

There is no fiscal impact.

Fiscal impact to persons affected by the rule:

There is no expected fiscal impact to persons affected by the rule.

Fiscal impact to counties or other local governments (required by Iowa Code 25B.6):

There is no expected fiscal impact to counties or other local governments

Agency representative preparing estimate: Soraya Miller

JH 06/23/2022

Telephone number: 515-281-6017

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

**Proposing rule making related to five-year rules review
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 89, “Debts Due from Transfers of Assets,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 249A.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 249F.

Purpose and Summary

Chapter 89 was reviewed as part of the Department’s five-year rules review. The proposed update reflects the operative effective date for transfers that took place between July 1, 1993, and December 31, 2018. This portion of the program was suspended effective January 1, 2019, and there have not been any referrals to recover resources from anyone who received the transferred resources since then. The proposed amendment to the chapter’s implementation sentence removes the Iowa Acts reference because it has been codified.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 2, 2022. Comments should be directed to:

Nancy Freudenberg
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **89.2(1)“a”** as follows:

a. The transfer is made while the transferor is receiving medical assistance or within five years prior to application for medical assistance and ~~on or after~~ between July 1, 1993 and December 31, 2018.

ITEM 2. Amend **441—Chapter 89**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapter 249F ~~as amended by 2000 Iowa Acts,~~
~~chapter 1060.~~



Iowa Department of Human Services
Information on Proposed Rules

Name of Program Specialist Karen Jones	Telephone Number N/A	Email Address kjones2@dhs.state.ia.us
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1. Give a brief purpose and summary of the rulemaking:
Chapter 89 was reviewed as part of the Department’s five-year rules review project. The updates reflect operative effective dates.
2. What is the legal basis for the change? (Cite the authorizing state and federal statutes and federal regulations):
Iowa Code 249A.4 and 249F
3. Describe who this rulemaking will positively or adversely impact.
We don’t anticipate any positive or adverse impact.
4. Does this rule contain a waiver provision? If not, why?
No. Waiver can be requested under the Department’s general rule on exceptions at Iowa Admin. Code r. 441-1.8.
5. What are the likely areas of public comment?
There are no areas of public comment anticipated.
6. Do these rules have an impact on private-sector jobs and employment opportunities in Iowa? (If yes, describe nature of impact, categories and number of jobs affected, state regions affected, costs to employer per employee.)
There are no anticipated effects on private-sector jobs and employment opportunities in Iowa as a result of this rule.



Administrative Rule Fiscal Impact Statement

Date: April 26, 2022

Agency: Human Services

IAC citation: 441 IAC 89

Agency contact: Karen Jones

Summary of the rule:

Chapter 89 was reviewed as part of the Department's five-year rules review project. The updates reflect operative effective dates.

Fill in this box if the impact meets these criteria:

- No fiscal impact to the state.
- Fiscal impact of less than \$100,000 annually or \$500,000 over 5 years.
- Fiscal impact cannot be determined.

Brief explanation:

[Budget Analysts must complete this section for ALL fiscal impact statements.](#)

This rule updates the transfer operative effective dates for debts due from transfer of assets. This program was suspended effective January 1, 2019 and any referrals to recover resources from the person who received the transferred resources to DIA since that date have not occurred. There is no anticipated fiscal impact to the state.

Fill in the form below if the impact does not fit the criteria above:

- Fiscal impact of \$100,000 annually or \$500,000 over 5 years.

Assumptions:

Describe how estimates were derived:

Estimated Impact to the State by Fiscal Year

	Year 1 (FY 23)	Year 2 (FY 24)
Revenue by each source:		
General fund	_____	_____
Federal funds	_____	_____
Other (specify):	_____	_____
TOTAL REVENUE	_____	_____
Expenditures:		
General fund	_____	_____
Federal funds	_____	_____
Other (specify):	_____	_____
TOTAL EXPENDITURES	_____	_____
NET IMPACT	_____	_____
<p><input checked="" type="checkbox"/> This rule is required by state law or federal mandate. <i>Please identify the state or federal law:</i> Identify provided change fiscal persons:</p> <p><input type="checkbox"/> Funding has been provided for the rule change. <i>Please identify the amount provided and the funding source:</i></p> <p><input checked="" type="checkbox"/> Funding has not been provided for the rule. <i>Please explain how the agency will pay for the rule change:</i> There is no fiscal impact.</p>		
<p><i>Fiscal impact to persons affected by the rule:</i> There is no fiscal impact to persons affected by the rule</p>		
<p><i>Fiscal impact to counties or other local governments (required by Iowa Code 25B.6):</i> There is no fiscal impact to persons affected by the rule.</p>		
Agency representative preparing estimate:	Soraya Miller	JH 06/08/2022
Telephone number:	515-281-6017	

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

**Proposing rule making related to Medicare subsidy application procedures
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 91, “Medicare Drug Subsidy,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 249A.4 and 17A.7.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 249A and section 17A.7.

Purpose and Summary

Public Law 108-173, the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, created a prescription drug benefit for Medicare beneficiaries (Medicare Part D) and a subsidy to reduce or eliminate costs associated with the Medicare drug benefit for persons with limited income and resources. Both the federal Social Security Administration and the state Medicaid agency are to accept and adjudicate subsidy applications. Chapter 91 implements the procedures for the Department to process subsidy applications that are received by the Department.

This proposed rule making removes forms that have become obsolete, updates the rules, and provides correct rule references as part of the Department’s five-year rule review process. *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 2, 2022. Comments should be directed to:

Nancy Freudenberg
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule ~~441—~~**91.1(249A)**, definitions of “Application,” “Authorized representative” and “Responsible person,” as follows:

“*Application*” or “*Medicare drug subsidy application*” means the federal Social Security Administration’s Form SSA-1020B-OCR-SM, Application for Help with Medicare Prescription Drug Plan Costs, ~~accompanied by the department’s Form 470-4159, Authorization for Department to Process.~~

“*Authorized representative*” means a person representing an applicant or recipient as described in ~~441—paragraph 76.1(7)“b.”~~ 441—subrule 76.9(2).

“*Responsible person*” means a person acting on an applicant’s or recipient’s behalf as described at ~~441—paragraph 76.1(7)“a.”~~ 441—subrule 76.9(1).

ITEM 2. Amend paragraph **91.2(2)“a”** as follows:

a. An identifiable application is an application that contains:

- (1) The legible name and address of the applicant; and
- (2) The signature of the applicant, a responsible person, or an authorized representative on ~~both Form SSA-1020B-OCR-SM, Application for Help with Medicare Prescription Drug Plan Costs; and Form 470-4159, Authorization for Department to Process.~~

ITEM 3. Amend paragraph **91.3(2)“a”** as follows:

a. The applicant or recipient shall have ~~five-ten~~ working days to supply the information or verification requested by the department. The local office may extend the deadline for a reasonable period when the applicant or recipient is making every effort to secure the required information or verification from a third party but has been unable to do so.

ITEM 4. Amend subrule 91.6(2) as follows:

91.6(2) Timely report. A report shall be considered timely when received in the local office within ten days from the date the change is known to a recipient ~~and within five days from the date the change is known to an or~~ applicant.

ITEM 5. Amend subrule 91.7(1) as follows:

91.7(1) Application requested. When requested to do so by the department, the recipient shall complete the Medicare drug subsidy application as part of the reinvestigation process. The application shall be completed within ~~five-ten~~ working days from the date a written request is issued. Failure to complete the application shall be a basis for cancellation or reduction of the subsidy.

ITEM 6. Amend subrule 91.7(2), introductory paragraph, as follows:

91.7(2) Additional information requested. The recipient shall supply additional information needed to establish eligibility or level of subsidy within ~~five-ten~~ working days from the date a written request is issued.2



Iowa Department of Human Services
Information on Proposed Rules

Table with 3 columns: Name of Program Specialist (Karen Jones), Telephone Number (N/A), Email Address (kjones2@dhs.state.ia.us)

- 1. Give a brief purpose and summary of the rulemaking: Public Law 108-173, the Medicare Modernization Act of 2003, created a prescription drug benefit for Medicare beneficiaries...
2. What is the legal basis for the change? (Cite the authorizing state and federal statutes and federal regulations): Iowa Code 17A.7, Iowa Code 249A, and Public Law 108-173.
3. Describe who this rulemaking will positively or adversely impact. We don't anticipate any positive or adverse impact.
4. Does this rule contain a waiver provision? If not, why? No. A prescription drug benefit for Medicare beneficiaries...
5. What are the likely areas of public comment? There are no areas of public comment or controversy anticipated.
6. Do these rules have an impact on private-sector jobs and employment opportunities in Iowa? (If yes, describe nature of impact, categories and number of jobs affected, state regions affected, costs to employer per employee.) There are no anticipated effects on private-sector jobs and employment opportunities in Iowa as a result of this rule.



Administrative Rule Fiscal Impact Statement

Date: April 26, 2022

Agency: Human Services

IAC citation: 441 IAC 91

Agency contact: Karen Jones

Summary of the rule:

Public Law 108-173, the Medicare Modernization Act of 2003, created a prescription drug benefit for Medicare beneficiaries (Medicare Part D) and a subsidy to reduce or eliminate costs associated with the Medicare drug benefit for persons with limited income and resources. Both the federal Social Security Administration and the state Medicaid agency are to accept and adjudicate subsidy applications. 441 IAC 91 implements the procedures for the Department to process subsidy applications that are received by the Department.

These rule updates are being made to remove forms that are obsolete, update the rules, and provide correct rule references as part of the Five Year Rule Review Project.

Fill in this box if the impact meets these criteria:

- No fiscal impact to the state.
- Fiscal impact of less than \$100,000 annually or \$500,000 over 5 years.
- Fiscal impact cannot be determined.

Brief explanation:

[Budget Analysts must complete this section for ALL fiscal impact statements.](#)

This rule includes updates to remove forms that are obsolete, updates the number of days to supply requested information, and provides correct rule references as part of the Five Year Rule Review Project. There is no fiscal impact.

Fill in the form below if the impact does not fit the criteria above:

- Fiscal impact of \$100,000 annually or \$500,000 over 5 years.

Assumptions:

Describe how estimates were derived:

Estimated Impact to the State by Fiscal Year

	<u>Year 1 (FY 23)</u>	<u>Year 2 (FY 24)</u>
Revenue by each source:		
General fund	_____	_____
Federal funds	_____	_____
Other (specify):	_____	_____
TOTAL REVENUE	_____	_____
Expenditures:		
General fund	_____	_____
Federal funds	_____	_____
Other (specify):	_____	_____
TOTAL EXPENDITURES	_____	_____
NET IMPACT	_____	_____

This rule is required by state law or federal mandate.

Please identify the state or federal law:

Identify provided change fiscal persons:

Funding has been provided for the rule change.

Please identify the amount provided and the funding source:

Funding has not been provided for the rule.

Please explain how the agency will pay for the rule change:

There is no fiscal impact.

Fiscal impact to persons affected by the rule:

There is no fiscal impact to persons affected by the rule.

Fiscal impact to counties or other local governments (required by Iowa Code 25B.6):

There is no fiscal impact expected to counties or other local governments.

Agency representative preparing estimate: Soraya Miller

JH 06/06/2022

Telephone number:

515-281-6017

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to child care eligibility and providing an opportunity for public comment.

The Human Services Department hereby proposes to amend Chapter 170, "Child Care Services," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 234.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 237A.13.

Purpose and Summary

These proposed amendments implement language which has been removed from Iowa Code 237A.13 based on HF 2252, which previously required a medical incapacity to be "temporary" in order for a parent to be eligible for child care assistance (CCA). Removal of this requirement will allow a family with one permanently disabled parent to be CCA-eligible based upon the needs of the parent who is not disabled.

Fiscal Impact

A fiscal impact of greater than \$100,000, but less than \$500,000 is expected over the next five years with this rule change. This rule change is expected to increase overall demand for child care services as eligibility requirements are revised based on child care assistance for disabled parents. The additional costs will be absorbed in the CCA budget with the balance of federal Child Care Development funds.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441_1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 16, 2022. Comments should be directed to:

Nancy Freudenberg
Iowa Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Please see attached.

Proposed Rule Changes

Item 1. Revise subparagraph 170.2(2)"b" as follows:

b. Need for service. Except for assistance provided under subparagraph 170.2(2)"b"(3), assistance shall be provided to a two-parent family only during the parents' coinciding hours of participation in training, employment, or job search unless permanently disabled as described in paragraph 170.2(2)"b"(4). Each parent in the household shall meet one or more of the following requirements:

Item 2. Revise subparagraph 170.2(2)"b"(4) as follows:

(4) The parent is absent from the home due to inpatient hospitalization or outpatient treatment because of physical or mental illness, or is present but due to medical incapacity is unable to care for the child or participate in work or training, as verified by a physician.

1. Eligibility under this paragraph is limited to parents who become temporarily medically incapacitated while eligible for child care assistance based on the need criteria in subparagraph 170.2(2)"b"(1) or 170.2(2)"b"(2) or when one parent in a two-parent household is permanently disabled.

2. Child care assistance shall continue to be available for up to 90 consecutive days after the parent becomes medically incapacitated. Assistance beyond 90 days may be approved by the service area manager or designee if extenuating circumstances are verified by a physician.

3. The number of units of service authorized shall be determined as follows:

- For a single-parent family ~~or for a two-parent family where both parents are incapacitated~~, the number of units authorized for the period of incapacity shall not exceed the number of units authorized for the family before the onset of incapacity.

- For a two-parent family where ~~only~~ one parent is temporarily incapacitated, the units of service authorized shall be based on the need of the parent who is not incapacitated.

- For a two-parent family, if one of the parents has a permanent disability and is unable to care for the child or participate in work or training, the disabled parent does not need to meet

another need for service. The units of service authorized shall be based only on the need of the parent who is not disabled.



Iowa Department of Human Services
Information on Proposed Rules

Name of Program Specialist Mark Adams	Telephone Number 281-5688	Email Address Madams4@dhs.state.ia.us
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1. Give a brief purpose and summary of the rulemaking:
Revise 441 IAC 170.2(2)"b" to include provisions for a family with a permanently disabled parent to be eligible for CCA. This has been prohibited by Iowa Code until July 1, 2022.
2. What is the legal basis for the change? (Cite the authorizing state and federal statutes and federal regulations):
Iowa Code 234.6
3. Describe who this rulemaking will positively or adversely impact.
More families will be eligible for child care services.
4. Does this rule contain a waiver provision? If not, why?
This amendment does not provide a specific waiver authority because families may request a waiver of these provisions in a specified situation under the Department's general rule on exceptions at 441 – 1.8(17A, 217).
5. What are the likely areas of public comment?
None expected.
6. Do these rules have an impact on private-sector jobs and employment opportunities in Iowa? (If yes, describe nature of impact, categories and number of jobs affected, state regions affected, costs to employer per employee.)
No.



Administrative Rule Fiscal Impact Statement

Date: June 24, 2022

Agency: Human Services

IAC citation: 441 IAC 170

Agency contact: Mark Adams

Summary of the rule:

Revise 441 IAC 170.2(2)"b" to include provisions for a family with a permanently disabled parent to be eligible for CCA. This has been prohibited by Iowa Code until July 1, 2022.

Fill in this box if the impact meets these criteria:

- No fiscal impact to the state.
- Fiscal impact of less than \$100,000 annually or \$500,000 over 5 years.
- Fiscal impact cannot be determined.

Brief explanation:

[Budget Analysts must complete this section for ALL fiscal impact statements.](#)

A fiscal impact of greater than \$100,000, but less than \$500,000 is expected over the next five years with this rule change. This rule change is expected to increase overall demand for child care services as eligibility requirements are loosed.

Fill in the form below if the impact does not fit the criteria above:

- Fiscal impact of \$100,000 annually or \$500,000 over 5 years.

Assumptions:

Year	# families	Cost per child	Cost per Family	Annual per family	Total Cost
1	3	\$488.50	\$830.45	\$9,965.40	\$29,896.20
2	6	\$488.50	\$830.45	\$9,965.40	\$59,792.40
3	9	\$488.50	\$830.45	\$9,965.40	\$89,688.60
4	12	\$488.50	\$830.45	\$9,965.40	\$119,584.80
5	15	\$488.50	\$830.45	\$9,965.40	\$149,481.00

Describe how estimates were derived:

SFY23: 3 average number served x \$488.50 x 12 = \$29,896

SFY24: 6 average number served x \$488.50 x 12 = \$59,792

Estimated Impact to the State by Fiscal Year

	<u>Year 1 (FY 23)</u>	<u>Year 2 (FY 24)</u>
Revenue by each source:		
General fund		
Federal funds	29,896.20	59,792.40
Other (specify):		
TOTAL REVENUE	29,896.20	59,792.40
Expenditures:		
General fund		
Federal funds	29,896.20	59,792.40
Other (specify):		
TOTAL EXPENDITURES	29,896.20	59,792.40
NET IMPACT	0.00	0.00

This rule is required by state law or federal mandate.

Please identify the state or federal law:

Identify provided change fiscal persons:

2022 legislative session (HF 2252) made changes to Iowa Code 237A.13.

Funding has been provided for the rule change.

Please identify the amount provided and the funding source:

Funding has not been provided for the rule.

Please explain how the agency will pay for the rule change:

Additional costs can be absorbed in the current Child Care Assistance budget with the balance of federal Child Care Development Fund (CCDF) funds. .

Fiscal impact to persons affected by the rule:

This rule change will make it possible for more families to obtain child care assistance.

Fiscal impact to counties or other local governments (required by Iowa Code 25B.6):

None expected.

Agency representative preparing estimate: Francis Thurman

JH 06/24/22

Telephone number:

515-281-6855