

AGENDA

Thursday, June 9, 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 May 12, 2022, meeting minutes
- 10:10 a.m.** Rules - **Nancy Freudenberg**

The following amendments to the administrative rules are presented for adoption at the June 9, 2022, Council on Human Services meeting.

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

This rulemaking updates information on the current appeal process, including adding additional days for mailing and receiving documents to allow for new service standards implemented for first class mail by the United States Postal Service effective October 1, 2021. Amendments ensure consistency with other state agencies regarding the Rules of Civil Procedure for abandoned appeals. Further clarification has been added when an appeal hearing cannot be granted in specific situations. This review is part of the department’s five-year rules review process.

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

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

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

This chapter was updated to reflect the change that requirements for notices of adverse action were moved from Chapter 7 to Chapter 16. Code cites were updated. This review is part of the department’s five-year rules review process.

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

Form names were removed from this chapter as the names are outdated. This will reduce confusion for individuals who obtain assistance through this program. This review is part of the department’s five-year rules review process.

R-5 Amendments to Chapter 77, “Conditions of Participation for Providers of Medical and Remedial Care,” Iowa Administrative Code. (Applied behavior analysis services).

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

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

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

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

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

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

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

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

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

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

N-1 Amendments to Chapter 11, “Collection of Public Assistance Debts,” Iowa Administrative Code. (Align rules with current practice and the Iowa Code).

This rule making updates the name of the Food Assistance program to the Supplemental Nutrition Assistance Program (SNAP). Definitions are updated and references to forms are removed that are no longer used. This review is part of the department’s five-year rules review process.

N-2 Amendments to Chapter 40, “Application for Aid,” Chapter 41, “Granting Assistance,” Chapter 46 “Overpayment Recovery,” and Chapter 60, “Refugee Cash Assistance,” Iowa Administrative Code. (Align rules with current practice, Iowa Code, and federal regulations).

This rule making updates the name of Iowa’s food assistance program to the Supplemental Nutrition Assistance Program (SNAP) to be consistent with the federal program, removes incorrect or obsolete cross references, rescinds obsolete rules, adds information on the kinship caregiver program, updates the division name and adds clarifying language to rules. Time frames for refugee cash assistance have been updated for refugees who entered the country on or after October 1, 2021, to allow for 12 months of assistance based on federal regulations. Rules have also been added to provide information on different categories of Afghan immigrants. This review is part of the department’s five- year rules review process.

N-3 Add new Chapter 62, “Rent Reimbursement,” Iowa Administrative Code. (Sets criteria for rent reimbursement program).

Iowa Code Chapter 425 provides for a property tax credit for low-income elderly and disabled Iowans. To provide parity for low-income elderly and disabled individuals who do not own property the law also establishes reimbursement for rent. Currently both the property tax credit and the rent reimbursement programs are administered by the Iowa Department of Revenue. Effective January 1, 2023, DHS will take over administration of the rent reimbursement portion of the program. This proposed rulemaking provides the criteria for filing and processing those claims.

N-4 Amendments to Chapter 107, “Certification of Adoption Investigators,” Iowa Administrative Code. (Align rules with current practice and the Iowa Code).

Clarification on dependent adult abuse being part of the evaluation process for record checks was added to the administrative rules. Forms were updated to add dependent adult abuse as a category. Updated language to cover records checks and reports was also added. This review is part of the department’s five-year rules review process.

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

These proposed rules allow an increased number of children to be served per staff person in the 2-year-old and 3-year-old age categories in licensed child care centers. The rules modify requirements for combining age groups and also allows a staff person under the age of 18 to provide care to school age children, without being under the direct supervision of an adult. The rules also clarify that persons under the age of 18 shall not be the sole provider on the premises of a child care facility or transport children. We are currently waiting for the Governor to sign this legislation before work with the Code Editor’s office can begin.

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

This proposed rulemaking is part of the five-year rules review process. These rules define the Family Life Home program administered through State Supplementary Assistance services. The names of the forms were removed to eliminate unnecessary future changes as form names change.

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

This proposed rulemaking revises outdated language and replaces it with current person-centered language. A link to poverty income guidelines is being used instead of using income charts that need to be updated annually. The term child abuse investigation is being updated to child abuse assessment. This rulemaking is part of the five-year rules review process.

N-8 Amendments to Chapter 131, “Social Casework,” Iowa Administrative Code. (Align rules with current practice and the Iowa Code).

The rule on adverse actions is being updated to specify the current rule reference. This rule making is part of the five-year rules review process.

N-9 Amendments to Chapter 160, “Adoption Opportunity Grant Program,” Iowa Administrative Code. (Rescinds chapter).

The Adoption Opportunity Grant Program is not funded in Iowa. As a result, the chapter is no longer needed and is being rescinded. This rule making is part of the five-year rules review process.

N-10 Amendments to Chapter 187, “Aftercare Services Program,” Iowa Administrative Code. (Align rules with current practice and the Iowa Code).

This rule making extends eligibility to youth ages 21 and 22 years, regardless of whether the youth participated in the aftercare program between the ages of 18 and 21 years old. It also extends eligibility to youth who participate in the Preparation for Adult Living (PAL) program, even if the youth did not spend six of 12 months in foster care prior to aging out of care. This change aligns the rules with Iowa Code. The

meaning and intent of pre-services has been clarified. Clarification on the payment of monthly stipends and treatment of income has also been added. This rule making is part of the five-year rules review process.

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

These proposed rules update definitions used in the program and clarifies the process for registering children in the Iowa Adoption Exchange. Children with special needs under state guardianship shall be registered on the Iowa Adoption Exchange within 60 days of termination of parental rights unless a deferral is granted. All children under state guardianship for whom an adoptive home is not available within 90 days of termination of parental rights shall be registered on the exchange. This rule making is part of the five-year rules review process.

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

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

10:40 a.m. 2022 Legislative Session Wrap Up – **Carrie Malone, DHS Legislative Liaison**

10:45 a.m. DHS Budget Summary – **Jess Benson, CFO, DHS**

11:00 a.m. Director’s Report – **Matt Highland, Director of Strategic Operations, DHS**

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 _____

The Human Services Department hereby amends Chapter 7, "Appeals And Hearings," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 217.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 217.6.

Purpose and Summary

As part of the five-year rules review process, the Department's appeal rules were reviewed.

This rule making reflects changes in the new service standards implemented for first-class mail by the United States Postal Service (USPS). Proposed amendments ensure consistency with other state agencies regarding the use of the Rules of Civil Procedure for abandoned appeals. Further clarification has been added when an appeal hearing cannot be granted in specific situations.

In October 2021, the USPS implemented new service standards for first-class mail. Mail traveling within a local area will continue to be two-day delivery. A local area is defined as a three-hour drive (or less than 140 miles) between an originating facility and destination-processing facility. However, mail that must travel greater distances will take longer to deliver. Mail pieces can take up to five days for delivery.

Due to the new service standards, the USPS recommends mail or correspondence that requires a deadline be sent early. Federal and state regulations dictate time frames for appeals from start to finish, as well as for specific steps throughout the process. These same regulations restrict the early issuance of appeal correspondence. Based on this change, the Department proposes to amend the time frame for requesting a review or submitting a motion to vacate from 10 days to 14 days.

When a party fails to appear for an appeal hearing, an Abandonment Order may be issued and the party is given an opportunity to file a motion to vacate stating the good cause reasons the party missed the appeal hearing. These proposed amendments revise the definition of "good cause" for setting aside a default judgment to match the definition used in the Iowa Rule of Civil Procedure 1.971 and make the definition consistent with definitions used by other departments within state government.

A hearing may not be granted when the appeal involves patient treatment interventions outlined in the patient handbook of the Civil Commitment Unit for Sexual Offenders. The proposed amendments reflect that a hearing cannot be granted in this circumstance.

For persons other than attorneys seeking to act as authorized representative of a party-in-interest in a Medicaid managed care appeal, the authorized representative's written designation of authority pursuant to subrule 7.16(2) shall be Form 470-5526, Authorized Representative for Managed Care Appeals. The proposed amendments reflect that the form is required for appeals that are handled through the expedited and standard appeals processes and allows for an appeal to be denied if a completed form is not provided.

Language regarding dates for adoption of federal law or regulation is added in this rule making.

As part of this review, the Department reached out to Iowa Legal Aid and Disability Rights Iowa as stakeholders in the appeals process. Iowa Legal Aid suggested a clarification be made in subrule 7.16(3) indicating attorneys are not required to submit a completed Form 470-5526 to represent an appellant during a managed care organization state fair hearing. The Department concurs with this suggestion. This is a positive change for parties-in-interest.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on

April 20, 2022, as ARC 6298C.

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 June 9, 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 September 1, 2022.

The following rule-making action is adopted:

Adopted and Filed Rules Chapter 7

The following rules are adopted:

ITEM 1. Adopt the following **new** definition of “In-person hearing” in rule **441—7.1(17A)**:

“*In-person hearing*” means an appeal hearing where the administrative law judge and appellant are physically present in the same location but witnesses are not required to be physically present.

ITEM 2. Amend rule **441—7.1(17A)**, definition of “Good cause,” as follows:

~~“Good cause₂” means an intervening cause, not attributable to the negligence of a party, reasonably resulting in a delay or failure to attend, for purposes of subrules 7.4(3) and 7.9(2) for purposes of this rule, shall have the same meaning as “good cause” for setting aside a default judgment under Iowa Rule of Civil Procedure 1.971.~~

ITEM 3. Amend rule 441—7.2(17A) as follows:

441—7.2(17A) Governing law and regulations. In the absence of an applicable rule in this chapter, the DIA rules found at 481—Chapter 10 govern department appeals. Notwithstanding the foregoing and the rules contained in this chapter, to the extent that federal or state law (including regulations and rules) related to a specific program is more specific than or contradicts these rules or the applicable DIA rules, the program-specific federal or state law shall control. For example, Supplemental Nutrition Assistance Program (SNAP) appeals shall be conducted in accordance with 7 CFR 273.15 and 7 CFR 273.16 as amended to December 8, 2021, and medical assistance appeals shall be conducted in accordance with 42 CFR Part 431, subpart E, and Part 438, subpart F, as both are amended to December 8, 2021.

ITEM 4. Renumber subrules **7.3(2)** to **7.3(4)** as **7.3(4)** to **7.3(6)**.

ITEM 5. Adopt the following **new** subrules 7.3(2) and 7.3(3):

7.3(2) Refusal to process an application. Unless otherwise provided by law, when an appellant seeks a contested case hearing after the department refuses to process an application for benefits or services, a hearing shall be granted.

7.3(3) When a hearing is not granted. A hearing shall not be granted when one of the following issues is appealed:

a. Patient treatment interventions outlined in the patient handbook of the civil commitment unit for sexual offenders.

b. Children have been removed from or placed in a specific foster care setting or preadoptive placement.

ITEM 6. Amend paragraph **7.6(3)“b”** as follows:

b. *Additional designation of issues.* If any party believes additional issues should be designated, ~~on or before the tenth day following the date of the notice of hearing,~~ the party shall identify ~~those~~ the additional issues within the following timelines. The presiding officer shall determine whether all issues have properly been preserved.

(1) Child abuse and dependent adult abuse registry appeals. For child abuse and dependent adult abuse registry appeals, the party shall identify additional issues at least 30 days before the date of hearing.

(2) Appeals set on or before the tenth day following the notice of hearing. If the hearing is ~~within ten days of~~ on or before the tenth day following the date of the notice of hearing, the party shall identify any additional issues at the hearing.

(3) All other appeals. For all other appeals ~~not identified in this paragraph,~~ the party shall identify the additional issues on or before the tenth day following the date of the notice of hearing.

ITEM 7. Amend subrule 7.7(1) as follows:

7.7(1) Medical assistance. In cases involving the determination of medical assistance, the contested case hearing shall be held within a time frame such that the final administrative action is

timely pursuant to 42 CFR 431.244(f) as amended to December 8, 2021.

ITEM 8. Renumber subrules **7.9(5)** and **7.9(6)** as **7.9(6)** and **7.9(7)**.

ITEM 9. Adopt the following **new** subrule 7.9(5):

7.9(5) Standard of review. In child abuse appeals, the criteria and level of deference by which the presiding officer shall render a decision is based on a preponderance of evidence.

ITEM 10. Amend paragraph **7.11(1)“a”** as follows:

a. A request for director’s review shall be in writing and postmarked or received within ~~ten~~ **14** calendar days of the date on which the proposed decision was issued, except as provided for under paragraph 7.11(1)“*b.*” A request for director’s review may be accompanied by a brief written summary of the arguments in favor of director’s review.

ITEM 11. Amend subrule 7.11(2) as follows:

7.11(2) Grant or denial of review. The department has full discretion to grant or deny a request for review. In addition, the director may initiate review of a proposed decision on the director’s own motion at any time on or before the ~~tenth~~ **fourteenth** day following the issuance of the proposed decision.

When the department grants a request for director’s review, the appeals section shall notify the parties to the appeal of the review request and enclose a copy of the request. All other parties shall have ~~ten~~ **14** calendar days from the date of notification to submit further written arguments or objections for consideration upon review.

ITEM 12. Amend subrule 7.11(3) as follows:

7.11(3) Cross-appeal. When a party requests director’s review in accordance with subrule 7.11(1), the remaining parties shall have ~~ten~~ **14** calendar days from that date to submit cross-requests for director’s review. The party originally seeking director’s review shall have ~~ten~~ **14** calendar days from the date of the cross-request for director’s review to submit further written arguments or objections for consideration upon review.

ITEM 13. Amend subrule 7.16(3) as follows:

7.16(3) Written designation. For persons other than attorneys seeking to act as authorized representative of a party-in-interest in a Medicaid managed care appeal, the authorized representative’s written designation of authority pursuant to subrule 7.16(2) shall be Form 470-5526, Authorized Representative for Managed Care Appeals. This form is required for all managed care appeals, including those handled through the expedited appeals process. Failure to provide the form or legal documentation may result in denial of the appeal request.

ITEM 14. Amend rule 441—7.19(17A), introductory paragraph, as follows:

441—7.19(17A) Supplemental Nutrition Assistance Program (SNAP) administrative disqualification hearings. The department acts on alleged intentional program violations either through an administrative disqualification hearing or referral to a court of appropriate jurisdiction. An individual accused of an intentional program violation may waive the individual’s right to an administrative disqualification hearing in accordance with the procedures outlined in this rule and in 7 CFR 273.16(e) and (f) as amended to December 8, 2021.



Iowa Department of Human Services
Information on Proposed Rules

Table with 3 columns: Name of Program Specialist (Denise Dutton), Telephone Number ((515) 242-6302), Email Address (ddutton@dhs.state.ia.us)

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

In October 2021, the United States Postal Service implemented new service standards for First-Class Mail. Mail traveling within a local area will continue to be two-day delivery. A local area is defined as a three-hour drive (or less than 140 miles) between originating and destination processing facilities. However, mail that must travel greater distances will take longer to deliver. Mail pieces can take up to 5 days for delivery.

Due to the new service standards, the Postal Service recommends mail or correspondence that requires a deadline be sent early. Federal and state regulations dictate timeframes for appeals from start to finish, as well, as for specific steps throughout the process. These same regulations restrict the issuance of appeal correspondence early. Based on this change, the Department proposes amending the timeframe to request a review or submit a motion to vacate from ten days to fourteen days.

When a party fails to appear for an appeal hearing, an Abandonment Order may be issued and the party is given an opportunity to file a motion to vacate stating the good cause reasons the party missed the appeal hearing. The proposed amendments revise the definition of "good cause" for setting aside a default judgment to match the definition used in the Iowa Rule of Civil Procedure 1.971 and makes the definition consistent with other departments within State Government.

A hearing may not be granted when the appeal involves patient treatment interventions outlined in the patient handbook of the civil commitment unit for sexual offenders. The proposed amendments reflect that a hearing cannot be granted in this circumstance.

For persons seeking to act as authorized representative of a party-in-interest in a Medicaid managed care appeal, the authorized representative's written designation of authority pursuant to subrule 7.16(2) shall be Form 470-5526, Authorized Representative for Managed Care Appeals. The proposed amendments reflect that the form is required for appeals that are handled through the expedited and standard appeals processes and allows for an appeal to be denied if a completed form is not provided.

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

Iowa Code Chapter 17A and Iowa Code Section 217.6

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

Any individual who submits a review request or motion to vacate will be positively impacted by the proposed amendments extending the timeframe to submit such a request. Parties will have fourteen days to submit a request, instead of the current ten-day timeframe.

Parties who must file a motion to vacate will be positively impacted by the revision to the definition of good cause as the proposed amendments align the definition with the Iowa Rule of Civil Procedure and with other departments across state government.

Individuals who have filed appeals involving patient treatment interventions at the civil commitment unit for sexual offenders have never had the right to an appeal hearing. While this was clear in a previous

rulemaking package, it was removed in error. The proposed amendment reflect that a hearing cannot be granted in this circumstance.

The proposed amendments requiring persons seeking to act as authorized representative of a party-in-interest in a Medicaid managed care appeal to complete Form 470-5526, Authorized Representative for Managed Care Appeals for appeals handled through an expedited or standard appeals process makes the process more consistent. This is a positive change for parties-in-interest.

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 be positive changes for appellants, 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: December 13, 2021

Agency: Human Services
IAC citation: 441 IAC 7
Agency contact: Denise Dutton

Summary of the rule:

In October 2021, the United States Postal Service implemented new service standards for First-Class Mail. Mail traveling within a local area will continue to be two-day delivery. A local area is defined as a three-hour drive (or less than 140 miles) between originating and destination processing facilities. However, mail that must travel greater distances will take longer to deliver. Mail pieces can take up to 5 days for delivery.

Due to the new service standards, the Postal Service recommends mail or correspondence that requires a deadline be sent early. Federal and state regulations dictate timeframes for appeals from start to finish, as well, as for specific steps throughout the process. These same regulations restrict the issuance of appeal correspondence early. Based on this change, the Department proposes amending the timeframe to request a review or submit a motion to vacate from ten days to fourteen days.

When a party fails to appear for an appeal hearing, an Abandonment Order may be issued and the party is given an opportunity to file a motion to vacate stating the good cause reasons the party missed the appeal hearing. The proposed amendments revise the definition of “good cause” for setting aside a default judgment to match the definition used in the Iowa Rule of Civil Procedure 1.971 and makes the definition consistent with other departments within State Government.

A hearing may not be granted when the appeal involves patient treatment interventions outlined in the patient handbook of the civil commitment unit for sexual offenders. The proposed amendments reflect that a hearing cannot be granted in this circumstance.

For persons seeking to act as authorized representative of a party-in-interest in a Medicaid managed care appeal, the authorized representative’s written designation of authority pursuant to subrule 7.16(2) shall be Form 470-5526, Authorized Representative for Managed Care Appeals. The proposed amendments reflect that the form is required for appeals that are handled through the expedited and standard appeals processes and allows for an appeal to be denied if a completed form is not provided.

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

	<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):

These rule changes have no impact on private-sector jobs and employment opportunities in Iowa.

Agency representative preparing estimate: Rob Beran JH 2-17-22
Telephone number: 281-6188

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to program evaluation.

The Human Services Department hereby amends Chapter 13, "Program Evaluation," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 234.6, 249A.4 and 514I.1.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 234.6, 249A.4 and 514I.1.

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. 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.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 6, 2022, as ARC 6283C.

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 June 9, 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 rule 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 September 1, 2022.

The following rule-making action is adopted:

Please see attached.

Adopted and Final Rule for Chapter 13

The following rule-making actions are adopted:

ITEM 1. Amend **441—Chapter 13**, preamble, as follows:

PREAMBLE

The purpose of this chapter is to define the methods and procedures used by the department to provide a systematic process for measuring the validity of the eligibility determinations in the family investment program (FIP), ~~food assistance program~~ supplemental nutrition assistance program (SNAP), child care assistance program, and medical assistance program; to provide a basis for establishing state agency liability for errors; and to provide program information that can be used by the department in determining a corrective action plan to ensure the rules and regulations are implemented in accordance with the program rules.

ITEM 2. Amend rule **441—13.1(234,239B,249A,514I)**, definitions of “Client,” “Public assistance programs” and “State policies,” as follows:

“*Client*” means a current or former applicant or recipient of the family investment program (FIP), ~~food assistance program~~ supplemental nutrition assistance program (SNAP), child care assistance program, or medical assistance program.

“*Public assistance programs*” means those programs involving federal funds, i.e., family investment program (FIP), ~~food assistance program~~ supplemental nutrition assistance program (SNAP), child care assistance program, and medical assistance program.

“*State policies*” means the rules and regulations used by the department to administer the family investment program (FIP), ~~food assistance program~~ supplemental nutrition assistance program (SNAP), child care assistance program, and medical assistance program.

ITEM 3. Amend paragraph **13.5(3)“a”** as follows:

a. Personal interviews are required on all active ~~food assistance~~ SNAP reviews.



Iowa Department of Human Services
Information on Proposed Rules

Name of Program Specialist Denise Dutton	Telephone Number 515-242-6302	Email Address ddutton@dhs.state.ia.us
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1. Give a brief purpose and summary of the rulemaking:
As part of the Department's five-year rules review process, this rulemaking package updates the name of Iowa's food program. The formal name of Iowa's food program has changed from Food Assistance 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.
2. What is the legal basis for the change? (Cite the authorizing state and federal statutes and federal regulations):
Iowa Code Sections 234.6, 249A.4 and 514I.4
3. Describe who this rulemaking will positively or adversely impact.
Changing the formal name of Iowa's food program from Food Assistance to the Supplemental Nutrition Assistance Program (SNAP) will make the program name consistent with the name of the federal program and to alleviate confusion around food benefits that are available.
4. Does this rule contain a waiver provision? If not, why?
These 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 amendment is believed to be a positive change for the public, 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 3, 2022

Agency: Human Services
IAC citation: 441 IAC Chapter 13
Agency contact: Denise Dutton

Summary of the rule:

As part of the Department's five-year rules review process, this rulemaking package updates the name of Iowa's food program. The formal name of Iowa's food program has changed from Food Assistance 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.

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

	<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 03/17/2022

Telephone number: 281-6188

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to the Autism Support Program.

The Human Services Department hereby amends Chapter 22, "Autism Support Program," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 225C.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 225C.6.

Purpose and Summary

This rule making is part of the Department's five-year rules review process. Requirements for notices of adverse action were moved from Chapter 7 to Chapter 16, effective April 15, 2020. This chapter is updated to reflect that change. The Chapter 22 preamble is also updated to replace the reference to 2013 Iowa Acts with a reference to the Iowa Code.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 20, 2022, as ARC 6299C.

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 June 9, 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 06/05/2022 4:26 PM

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 September 1, 2022.

The following rule-making action is adopted:

ITEM 1. Amend **441—Chapter 22**, preamble, as follows:

PREAMBLE

These rules provide for definitions of diagnostic and financial eligibility, provider qualifications, and appeal procedures related to the autism support program created in ~~2013 Iowa Acts, Senate File 446, division XVII Iowa Code chapter 225D~~. The purpose of the autism support program is to provide funding for applied behavioral analysis services and care coordination for children with a diagnosis of autism who meet certain financial and clinical eligibility criteria.

ITEM 2. Amend rule 441—22.8(225D) as follows:

441—22.8(225D) Appeal. Notice of adverse action ~~and~~ shall be given in accordance with 441—Chapter 16. The right to appeal shall be given in accordance with 441—Chapter 7.



Iowa Department of Human Services
Information on Proposed Rules

Table with 3 columns: Name of Program Specialist (Connie Fanselow), Telephone Number (515-725-0131), Email Address (cfansel@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. Requirements for notices of adverse action were moved from Chapter 7, Appeals and Hearings, to Chapter 16, Notices, effective April 15, 2020. This chapter is updated to reflect that change.
2. What is the legal basis for the change? (Cite the authorizing state and federal statutes and federal regulations): Iowa Code Section 225C.6
3. Describe who this rulemaking will positively or adversely impact. This is a positive impact as this chapter will be in compliance with other chapters within the Iowa Administrative Code. This will assist anyone who is looking for guidance regarding the department's notice requirements.
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? This rulemaking brings the Iowa Administrative Code into compliance with the Iowa Code. 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: February 16, 2022

Agency: Human Services

IAC citation: 441 IAC 22

Agency contact: Connie Fanselow

Summary of the rule:

This rulemaking was reviewed as part of the Department's five-year rules review process. Requirements for notices of adverse action were moved from Chapter 7, Appeals and Hearings, to Chapter 16, Notices, effective April 15, 2020. This chapter is updated to reflect that change.

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

	<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 03/28/2022

Telephone number: 281-6188

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to Interim Assistance Reimbursement.

The Human Services Department hereby amends Chapter 57, "Interim Assistance Reimbursement," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted 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

This rule making is part of the Department's five-year rules review process. Form names are removed from this chapter as the names are outdated. This change will reduce confusion for individuals who obtain assistance through this program.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 20, 2022, as ARC 6297C.

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 June 9, 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 September 1, 2022.

The following rule-making action is adopted:

The following rule-making actions are adopted:

ITEM 1. Amend subrule 57.2(1) as follows:

57.2(1) Agreement. The county agency shall enter into a written agreement with the department of human services on Form 470-1948, ~~Interim Assistance Reimbursement Agreement~~.

ITEM 2. Amend subrule 57.2(2) as follows:

57.2(2) Authorization. The county agency shall secure written authorization from the person seeking interim assistance. By signing Form 470-1950, ~~Authorization for Reimbursement of Interim Assistance~~, the person:

- a. Indicates the intent to apply for SSI benefits.
- b. Authorizes the Social Security Administration to:
 - (1) Withhold the amount of interim assistance from the person's initial payment or initial posteligibility payment, and
 - (2) Make this amount payable to the county agency.

ITEM 3. Amend subrule 57.3(1) as follows:

57.3(1) The county agency shall submit the information requested on ~~the Certificate of Authority~~, Form 470-1947, to the Social Security Administration at the address given on the form:

- a. Before the date the agency first participates in the program, and
- b. Subsequently when changes in the list of authorized officials occur.



Iowa Department of Human Services
Information on Proposed Rules

Name of Program Specialist Denise Dutton	Telephone Number 515-242-6302	Email Address ddutton@dhs.state.ia.us
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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. Form names are being removed from this chapter as the names are outdated. This will reduce confusion for individuals who obtain assistance through this program.
2. What is the legal basis for the change? (Cite the authorizing state and federal statutes and federal regulations):
Iowa Code Section 249A.4
3. Describe who this rulemaking will positively or adversely impact.
Removing outdated form names positively impacts anyone who utilizes the Interim Assistance Reimbursement program to reduce confusion and ensure the correct forms are being used to obtain assistance.
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 10, 2022

Agency: Human Services

IAC citation: 441 IAC 57

Agency contact: Denise Dutton

Summary of the rule:

This rulemaking was reviewed as part of the Department's five-year rules review process. Form names are being removed from this chapter as the names are outdated. This will reduce confusion for individuals who obtain assistance through this program.

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

	<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 03/17/2022

Telephone number: 281-6188

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to applied behavior analysis.

The Human Services Department hereby amends Chapter 77, “Conditions of Participation for Providers of Medical and Remedial Care,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted 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

This rule making allows registered behavior technicians to deliver applied behavior analysis (ABA) services under the direct supervision of behavior analysts or assistant behavior analysts licensed pursuant to Iowa Code chapter 154D. Claims for payment for such services must be submitted by the licensed supervisor.

ABA services are covered as a benefit under Medicaid. This rule making recognizes a new level of certification to provide a pathway for staff under the supervision of a board-certified behavior analyst (BCBA) to provide services to enrolled members. BCBAs must directly supervise individuals working in this new provider class.

This rule making outlines the qualifications for a registered behavior technician, the treatment limitations, and how claims must be submitted. It will also position providers to expand their organizations by creating positions for registered behavior technicians.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 20, 2022, as ARC 6300C.

The Department received 11 comments from four respondents on the proposed rule. The comments and corresponding responses from the Department are divided into three topic areas as follows:

A. General – There were three comments in this topic area.

A respondent asked for clarification around the intent of the rule change. Specifically, they questioned if the intent was to add Registered Behavior Technicians (RBTs) to the pool of providers eligible deliver ABA (Applied Behavioral Analysis) services billed to Iowa Medicaid.

Department Response: The rule is intended to allow providers to bill for services delivered by a credentialed RBT. The educational requirement for obtaining an RBT credential is a high school diploma or its equivalent. There was not previously a pathway for an individual without a bachelor’s degree to deliver ABA services billed to Iowa Medicaid. This rule creates one and as such, expands the eligible provider pool.

A respondent requested that a work group be created to facilitate ongoing discussion of this rule, address concerns not addressed in the existing rule package, and explore alternate ways Iowa Medicaid can support providers in increasing their capacity to provide ABA services to Medicaid members.

Department Response: The Department agrees that assembling a work group is an appropriate forum to determine how we can best support providers and increase the accessibility of quality ABA services statewide. A work group will be convened prior to July 1, 2023.

A respondent noted they do not support state licensure of RBTs.

Department Response: The Department agrees and is not pursuing that action as part of this rule package.

B. Bachelor's Degree Requirement – There were four comments in this topic area.

A respondent recommended the rule be expanded to include individuals with any bachelor's degree and 40 hours of ABA training.

Department Response: The proposed rule has been updated to indicate that individuals with any bachelor's degree are eligible to provide ABA services billed to Iowa Medicaid.

A respondent stated that an individual currently holding a bachelor's degree and working as a Behavior Technician should not have to submit an exception to policy to become eligible to provide billable services.

Department Response: The updated rule allows for an individual with any Bachelor's degree to provide ABA services billed to Iowa Medicaid.

A respondent noted that it seems inconsistent to require specialized bachelor's degree when RBT credentialing requires only a high school diploma or its equivalent.

Department Response: The Department agrees and has removed the language indicating that an individual must hold a specific bachelor's degree to be eligible to provide billable services.

A respondent requested, given workforce shortages, that Iowa Medicaid allow individuals with any bachelor's degree to deliver billable services.

Department Response: The Department has updated the proposed rules to allow individuals with any bachelor's degree to deliver billable services.

C. Delivering Services Prior to Obtaining an RBT Credential – There were four comments in this topic area.

A respondent commented that staff hired without a bachelor's degree should be eligible to provide billable services for a 45–60 day window of time while they work to obtain a RBT credential.

Department Response: The Department has not made the requested change to the rule package. We have a responsibility to ensure that individuals providing services to Medicaid members have demonstrated competency in delivering those services. Individuals with bachelor's degrees are eligible under this rule to provide billable services without obtaining an RBT credential. For an individual without a bachelor's degree to be eligible to provide billable services they must be credentialed as an RBT which provides assurance that relevant competencies have been demonstrated.

A respondent indicated a window of time (for example 90 days) that allows an employee to deliver billable services while working to obtain a RBT credentials would prevent long stretches of time where someone cannot bill for services, but should be getting paid by their employer.

Department Response: The Department has not made the requested change to the rule package for the reasons stated in response to the previous comment. Staff training is not a covered benefit under the Medicaid program.

A respondent suggested mirroring language found in 154.D.4(3)(g) which would allow individuals “pursuing supervised experience in applied behavioral analysis consistent with the experience requirements of a certifying entity” to deliver ABA services billed to Medicaid.

Department Response: The Department has not made the requested change to the rule package for the reasons stated in the response to the first comment in this topic area.

A respondent commented that the requirements do not align with 154D.4(3)(c), (f), and (g).

Department Response: Chapter 154D.4(3) reads, “This chapter and chapter 147 do not prevent or restrict the practice of applied behavior analysis by any of the following” and then outlines specific exemptions. There is a difference between being allowed to practice under Iowa law and being eligible to participate in the Medicaid program. The Medicaid program operates under the authority of the Centers for Medicare and Medicaid Services (CMS).

After receipt of comments the department removed the requirement that a bachelor's degree needed to be in a specific area.

Adopt the following new subrule 77.26(10):

77.26(10) Registered behavior technicians.

- a. A person is eligible to participate as a registered behavior technician when the person holds:
 - (1) A current certification from the Behavior Analyst Certification Board as a registered behavior technician; or
 - (2) A bachelor’s degree ~~in education, psychology, social work, physical therapy, occupational therapy, or speech language pathology.~~
- b. A registered behavior technician must provide treatment under the supervision of a behavior analyst or assistant behavior analyst licensed pursuant to Iowa Code chapter 154D. Claims for payment for such services must be submitted by the supervising licensed behavior analyst.

Adoption of Rule Making

This rule making was adopted by the Council on Human Services on June 9, 2022.

Fiscal Impact

ABA services are provided today by BCBAs and assistant BCBAs. There are a limited number of ABA providers practicing in the state currently and expanding that workforce could increase the utilization of services, but it is unknown what the increase in utilization would be. ABA services are currently covered under Medicaid as a benefit. The subrule recognizing a new level of certification to provide a pathway for staff under the supervision of a BCBA. BCBAs must directly supervise individuals working in this new provider class. The number of BCBAs practicing across the state would limit overall utilization. The fiscal impact is expected to be minimal. Any expenditures will be absorbed within the medical assistance appropriation. impact is expected to be minimal. Any expenditures will be absorbed within the Medical Assistance appropriation.

Jobs Impact

The rules will position providers to expand their organizations by creating positions for registered behavior technicians. Specific projections are not available.

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 September 1, 2022.

The following rule-making action is adopted:

Adopt the following **new** subrule 77.26(10):

77.26(10) *Registered behavior technicians.*

a. A person is eligible to participate as a registered behavior technician when the person holds:

- (1) A current certification from the Behavior Analyst Certification Board as a registered behavior technician; or
- (2) A bachelor's degree in education, psychology, social work, physical therapy, occupational therapy, or speech language pathology.

b. A registered behavior technician must provide treatment under the supervision of a behavior analyst or assistant behavior analyst licensed pursuant to Iowa Code chapter 154D. Claims for payment for such services must be submitted by the supervising licensed behavior analyst.



Iowa Department of Human Services
Information on Proposed Rules

Table with 3 columns: Name of Program Specialist (Hannah Olson), Telephone Number (515.201.5543), Email Address (Holson1@dhs.state.ia.us)

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

The proposed rule amends Iowa Admin Code r. 441-77 to include a new subsection entitling registered behavior technicians to deliver Applied Behavior Analysis (ABA) services under the direct supervision of behavior analysts or assistant behavior analysts licensed pursuant to chapter 154D. Claims for payment for such services must be submitted by the licensed behavior analyst.

During the 2021 legislative session a bill (HF691) was introduced to add registered behavior technicians to the list of providers eligible to deliver ABA services. It was determined that legislation was not needed, we just needed to add the below language to existing rules.

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

249A.4

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

This will positively impact ABA providers by expanding their hiring pool and allowing them to receive reimbursement for ABA services provided to Medicaid members by registered behavior technicians. It will positively impact members as growing provider capacity will increase access to ABA services across the state.

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

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

5. What are the likely areas of public comment?

ABA providers will likely support this change.

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 rules will position providers to grow their organizations by creating positions specific to registered behavior technicians. The educational requirement for registered behavior technician certification is a high school diploma or equivalency, meaning this could create jobs not previously available to Iowans in that demographic. Specific projections are not available.



Administrative Rule Fiscal Impact Statement

Date: March 24, 2022

Agency: Human Services
IAC citation: New Subrule 441 IAC 77.26(10)
Agency contact: Hannah Olson

Summary of the rule:

The proposed rule amends Iowa Admin Code r. 441-77 to include a new subsection entitling registered behavior technicians to deliver Applied Behavior Analysis (ABA) services under the direct supervision of behavior analysts or assistant behavior analysts licensed pursuant to chapter 154D. Claims for payment for such services must be submitted by the licensed supervisor.

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:

Applied Behavioral Analysis (ABA) services are provided today by Board-Certified Behavior Analysts and Assistant Board-Certified Behavioral Analysts. There are a limited number of ABA providers practicing in the state currently and expanding the workforce could increase the utilization of services, but it is unknown what the increase in utilization would be.

This change is not adding services; ABA is currently a covered benefit. This rule is recognizing a new level of certification to provide a pathway for staff under the supervision of a Board Certified Behavior Analyst (BCBA). BCBA's must directly supervise individuals working in this new provider class. The number of BCBA's practicing across the state would limit overall utilization. Fiscal impact is expected to be minimal. Any expenditures will be absorbed within the Medical Assistance appropriation.

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.

Funding has not been provided for the rule.
Please explain how the agency will pay for the rule change:

Fiscal impact to persons affected by the rule:

This will positively impact ABA providers by expanding their hiring pool and allowing them to receive reimbursement for ABA services provided to Medicaid members by registered behavior technicians. It will positively impact members as growing provider capacity will increase access to ABA services across the state.

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

No fiscal impact to counties or other local governments

Agency representative preparing estimate: Soraya Miller JH -- 03/25/2022

Telephone number: 515-281-6017

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to medical child care.

The Human Services Department hereby amends Chapter 78, "Amount, Duration And Scope Of Medical And Remedial Services," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted 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 Department changed the forms used in the prior authorization approval process for medical child care. The revised form provides greater detail on the child's medical and behavioral needs.

Medical child care is specialized child care for children with significant medical needs and developmental delays. Medical child care combines traditional child care and nursing care and provides additional services, including on-site therapy such as physical, occupational and speech therapies. Medically necessary services are provided under a plan of care that is developed by licensed professionals within their scope of practice and authorized by the member's physician. Children who are eligible for Medicaid and who have medically necessary services are eligible for medical care. Hours are determined through a prior authorization process and use of the updated form.

Changes made to the form better align with and capture the needs of the children, including those on the autism spectrum.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 6, 2022, as ARC 6286C.

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 June 9, 2022.

Fiscal Impact

The rule changes the required forms used in the prior authorization approval process for medical childcare. The new form could allow for additional hours of service to be authorized for the current population (131 children) at a rate of \$23.95 with a center open for approximately 250 days. The expected increase in utilization is not known with certainty so the department has calculated a range estimate. The fiscal impact based on additional two authorized hours of service for the current population (131 children) at a rate of \$23.95 with a center open for approximately 250 days with utilization ranging from 65.7 percent to 100 percent ranges from \$485,000 to \$739,000 in total dollars, of which the state will pay \$179,000 to \$273,000. The fiscal impact based on the maximum hours allowed per facility for the current

population (131 children) at a rate of \$23.95 with a center open for approximately 250 days with utilization ranging from 65.7 percent to 100 percent ranges from \$600,000 to \$919,000, of which the state will pay \$223,000 to \$339,000. Based on the above assumptions, the anticipated State dollar impact will be between \$179,000 and \$339,000.

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).

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 September 1, 2022.

The following rule-making action is adopted:

Amend subparagraph 78.57(6)“c”(12) as follows:

(12) ~~Forms 470-4815 and 470-4816~~ are Form 470-5686 is utilized during the prior authorization review.



Iowa Department of Human Services
Information on Proposed Rules

Name of Program Specialist Tashina Hornaday	Telephone Number 515-201-3553	Email Address thornad@dhs.state.ia.us
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1. Give a brief purpose and summary of the rulemaking:
The rule will change the required forms used in the prior authorization approval process for medical childcare. The updated form provides greater detail of information for medical/behavior needs for the child.
2. What is the legal basis for the change? (Cite the authorizing state and federal statutes and federal regulations):
249A.4
3. Describe who this rulemaking will positively or adversely impact.
This will positively impact the children who require medical child care services to receive hours to care for them based on medical and behavioral needs. The revised form includes additional information relate to the child's medical and behavioral needs.
4. Does this rule contain a waiver provision? If not, why?
No, a 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?
The likely areas of public comment will be related to the potential increase in service hours for medical childcare and will be supportive.
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.)
This rule does not have an impact on private-sector jobs and employment opportunities in Iowa.



Administrative Rule Fiscal Impact Statement

Date: February 1, 2022

Agency: Human Services
IAC citation: 441 IAC 78.57
Agency contact: Tashina Hornaday

Summary of the rule:

The rule will change the required forms used in the prior authorization approval process for medical childcare. The updated form provides greater detail of information for medical/behavior needs for the child.

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 will change the required forms used in the prior authorization approval process for medical childcare. The new form could allow for additional hours of service to be authorized for the current population (131 children) at a rate of \$23.95 with a center open for approximately 250 days.

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:

The fiscal impact based on additional 2 authorized hours of service for the current population (131 children) at a rate of \$23.95 with a center open for approximately 250 days with utilization ranging from 65.7% to 100% ranges from \$485K - \$739K (total dollars)/ \$179K - \$273K (state dollars).

The fiscal impact based on the maximum hours allowed per facility for the current population (131 children) at a rate of \$23.95 with a center open for approximately 250 days with utilization ranging from 65.7% to 100% ranges from \$600K - \$919K (total dollars)/ \$223K - \$339K (state dollars)

Describe how estimates were derived:

Estimates are based on maximum hours allowed per facility for the current population (131 children) at 100% utilization due to the uncertainty of knowing how many additional authorized hours of service would be utilized. Impact would be \$919K (total dollars)/ \$339K (state dollars).

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	580,216.00	580,216.00
Other (specify):		
TOTAL REVENUE	580,216.00	580,216.00
Expenditures:		
General fund	919,081.00	919,081.00
Federal funds		
Other (specify):		
TOTAL EXPENDITURES	919,081.00	919,081.00
NET IMPACT	-338,865.00	-338,865.00

This rule is required by state law or federal mandate.

Please identify the state or federal law:

Identify provided change fiscal persons:

441—78.57(249A) Child care medical services

Funding has been provided for the rule change.

Please identify the amount provided and the funding source:

Expenditures will be absorbed within the Medical Assistance appropriation

Funding has not been provided for the rule.

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

Fiscal impact to persons affected by the rule:

There is no fiscal impact to persons affected by this rule

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

There is no fiscal impact to counties or local governments

Agency representative preparing estimate: Soraya Miller

Telephone number: 515-281-6017

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to dental services for adults

The Human Services Department hereby amends Chapter 78, "Amount, Duration And Scope Of Medical And Remedial Services," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted 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 adopting this rule making for the dental program to clarify that payment will be made for emergency services as defined in the federal regulations set forth in 42 CFR 438.114 as amended to April 7, 2022. This rule making also sets an annual benefit maximum for members 21 years of age or older of \$1,000 per state fiscal year for coverage of dental services as set forth in rule 441—78.4(249A). Preventive, diagnostic, emergency, anesthesia, removable dentures, and related services do not count toward the annual benefit amount.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on May 4, 2022, as ARC 6313C.

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 June 9, 2022.

Fiscal Impact

This change aligns rules with waiver and State Plan Amendment (SPA) policies. Based on analysis by the Iowa Medicaid actuary and incorporated within current capitation rates, it is anticipated this rule change will result in a cost savings to the state. This change is already in effect and savings have been incorporated into the Medicaid budget.

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 September 1, 2022.

The following rule-making action is adopted:

Please see attached.

The following rule-making actions are adopted:

ITEM 1. Adopt the following **new** subrules 78.4(11) and 78.4(12):

78.4(11) *Emergency services.* Payment shall be made for emergency services, as defined in and pursuant to the requirements set forth in 42 CFR 438.114, as amended to April 7, 2022.

78.4(12) *Annual benefit maximum.*

a. Members 21 years of age or older have an annual benefit maximum of \$1,000 per state fiscal year for coverage of dental services set forth in this rule. Payment for services exceeding the \$1,000 annual benefit maximum is the responsibility of the member.

b. The following services do not count toward the annual benefit maximum:

- (1) Preventive services as set forth in subrule 78.4(1);
- (2) Diagnostic services as set forth in subrule 78.4(2);
- (3) Fabrication of removable dentures and related services as set forth in paragraphs 78.4(7) “*a*” to “*c*” and 78.4(7) “*f*” to “*l*”;
- (4) Anesthesia as set forth in paragraph 78.4(9) “*f*,” when provided in conjunction with oral surgery codes approved for payment; or
- (5) Emergency services as set forth in subrule 78.4(11).

ITEM 2. Adopt the following **new** implementation sentence in **441—Chapter 78:**

These rules are intended to implement Iowa Code chapter 249A.



Iowa Department of Human Services
Information on Proposed Rules

Name of Program Specialist Heather K Miller	Telephone Number 515-321-5459	Email Address hmiller2@dhs.state.ia.us
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1. Give a brief purpose and summary of the rulemaking:
Chapter 78 is being revised to reflect the \$1,000 Annual Benefit Maximum (ABM) on adult dental benefits as well as set forth the benefits for which the ABM does not apply.
2. What is the legal basis for the change? (Cite the authorizing state and federal statutes and federal regulations):
Iowa Code Chapter 249A.4.
3. Describe who this rulemaking will positively or adversely impact.
While this rulemaking will help the state contain costs and manage the budget more effectively, it may adversely affect members with multiple dental needs that need more care than the \$1,000 ABM would allow. However, IME has an established Exception to Policy (ETP) process which may allow members to exceed the ABM.
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?
While ABM does not apply to children, IME anticipates some stakeholder feedback that the ABM may restrict an adult member’s ability to access needed services if their dental needs are great. As noted above, the ETP process could be used in situations like these.
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: December 6, 2021

Agency: Human Services
IAC citation: 441 IAC Chapter 78.4
Agency contact: Heather K Miller
Summary of the rule: Chapter 78 is being revised to reflect the \$1,000 Annual Benefit Maximum (ABM) on adult dental benefits as well as set forth the benefits for which the ABM does not apply.
<i>Fill in this box if the impact meets these criteria:</i> <input type="checkbox"/> No fiscal impact to the state. <input type="checkbox"/> Fiscal impact of less than \$100,000 annually or \$500,000 over 5 years. <input type="checkbox"/> Fiscal impact cannot be determined.
Brief explanation: This change aligns rules with waiver and SPA policies. Based on analysis by the Iowa Medicaid actuary and incorporated within current capitation rates, it is anticipated this rule change will result in a cost savings to the state. This change is already in effect and savings have been incorporated into the Medicaid budget.
<i>Fill in the form below if the impact does not fit the criteria above:</i> <input checked="" type="checkbox"/> Fiscal impact of \$100,000 annually or \$500,000 over 5 years.
Assumptions: Models the \$1,000 benefit limit adjustment with preventive, diagnostic, emergent, dentures, and sedation procedure codes excluded for adult Medicaid members.
Describe how estimates were derived: Estimates provided by the Iowa Medicaid Actuary are based on a \$1,000 benefit limit adjustment with preventive, diagnostic, emergent, dentures, and sedation procedure codes excluded for adult Medicaid members within the Medicaid and IHWP population.

Estimated Impact to the State by Fiscal Year

	<u>Year 1 (SFY22)</u>	<u>Year 2 (SFY23)</u>
Revenue by each source:		
General fund		
Federal funds	(\$2,143,312)	(\$2,076,146)
Other (specify):		
TOTAL REVENUE	(\$2,143,312)	(\$2,076,146)
Expenditures:		
General fund	(\$694,754)	(\$761,920)
Federal funds	(\$2,143,312)	(\$2,076,146)
Other (specify):		
TOTAL EXPENDITURES	(\$2,838,066)	(\$2,838,066)
NET IMPACT	\$694,754	\$761,920

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:

This change results in a savings which has already been incorporated into the Medical Assistance budget.

Fiscal impact to persons affected by the rule:

This change may adversely affect members with multiple dental needs that need more care than the \$1,000 ABM would allow. However, IME has an established Exception to Policy (ETP) process which may allow members to exceed the ABM.

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

None anticipated.

Agency representative preparing estimate: Soraya Miller

JH 12/6/2021

Telephone number: 515-281-6017

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to nurse aide training.

The Human Services Department hereby amends Chapter 81, "Nursing Facilities," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted 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 rule making updates subrule 81.16(3) to reflect federal regulations regarding the increased number of hours of training required for nurse aide programs. The increase of the instructor-to-student ratio will allow more students to attend nurse aide programs. Additional language is added for laboratory training and clinical training options.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 9, 2022, as ARC 6234C.

The Department received five comments from five respondents on the proposed rules. The comments and corresponding responses from the Department are divided into three topic areas as follows:

1. Hours of Laboratory Experience
2. Laboratory Settings
3. Instructor to Student Ratio

Comments and Responses

A. Hours of Laboratory Experience. There were five comments in this topic area.

1. All five comments supported the change regarding the amended change to 15 hours to 16 hours to align with federal regulations.

Departments Response: This is a technical change to align with the federal regulations.

B. Laboratory Settings. There were five comments in this topic area.

1. One respondent commented that while they understand the intent of the proposed changes and this may have been appropriate during the pandemic, this provision is no longer necessary and will have unintended consequences. Concerns are related to the following:

- a. Quality of training received by nurse aide trainees;
- b. An interruption in an important recruiting tool for Iowa's health care facilities;
- c. Practical application of skills students are being taught in the clinical setting verse laboratory setting;
- d. Concern for the of lack of opportunity to see and respond to real-time challenges faced on the job

- e. Learning the necessary skill sets, applying those skill sets and preparedness to ensure success;
- f. Loss of facilities ability to use clinicals as a form of recruitment, workforce talent, and lack of student's ability to observe how a facility operates.

The respondent does not support the proposed changes.

Department Response: The Department understands the concerns brought forth and the intent of the rule change is to meet the needs of both, the facility industry, and the educational programs. The Department has amended the proposed rules to incorporate respondents' concerns.

2. One respondent opposed the proposed rule change to allow laboratory settings as an alternative to face to face clinical settings. While they understand the COVID-19 pandemic made it challenging to train nurse aides in a face-to-face setting and the need for laboratory settings to continue in order to add to the workforce in a critical time, the face-to-face setting is critical to prepare the future nurse aides to safely care for the nursing facility population. Specific concerns with the lack of face-to-face clinical training are:

- a. Mannequins or fellow trainees do not fully prepare students for the full scope of duties;
- b. Professionalism;
- c. Interpersonal skills required to excel when working with older adults;
- d. Lack of actual work environment with noise and busy settings;
- e. Lack of experience transferring residents who are immobile;
- f. Increase risk of injuries and identify gaps in training and understanding.

Department Response: The Department understands the concerns brought forth and the intent of the rule change is to meet the needs of both, the facility industry, and the educational programs. The Department has amended the proposed rules to incorporate respondent concerns.

3. One respondent commented that if COVID-19 taught us anything, it is the need to be flexible and prepared for extenuating circumstances. Many understand the need for hands-on clinical training experience, but also understand there may be times students cannot complete the training in a facility setting and by adding "laboratory settings" it allows options and flexibilities when needed. By including lab settings options, it may assist in the learning needs of the student. This responder supports the changes.

Department Response: The intent of the rule change is to meet the needs of both the facility industry and the educational programs. The Department understands the needs for some flexibility but must ensure the quality and safety of the residents receiving care in the facility setting. The Department has amended the proposed rules to incorporate respondent concerns.

4. One respondent commented they support the change as it provides the opportunity to train in both clinical and laboratory training settings. The continued prioritization of training students in a live setting, there are times live settings are not available, for example, pandemic shutdowns, immunizations requirements or facilities not eligible as training sites due to negative survey results.

Department Response: The intent of the rule change is to meet the needs of both the facility industry and the educational programs. The Department understands the needs for some flexibility but must ensure the quality and safety of the residents receiving care in the facility setting. The Department has amended the proposed rules to incorporate respondent concerns.

5. One respondent commented that they support the proposed changes.

Department Response: The intent of the rule change is to meet the needs of both the facility industry and the educational programs. The Department understands the needs for some flexibility but must ensure the quality and safety of the residents receiving care in the facility setting.

C. Instructor to Student Ratio- there were five comments in this topic area.

1. One respondent commented that by increasing instructor to student ratios there will be a reduction in the quality of training provided to each student. Appropriate training requires direct interaction between the instructor and students to maximize learning opportunities and reduce errors. Increasing the ratio makes that goal significantly challenging in a workforce shortage. This respondent does not support the proposed changes.

Department Response: The intent of the rule change is to meet the needs of both the facility industry and the educational programs. The Department understands the needs for some flexibility but must ensure the quality and safety of the residents receiving care in the facility setting and adequate staffing needs for nursing facilities. The Department will retain the proposed amendment to increased ratios of 15 to 1. The Department also added an amendment to further align with federal regulation regarding other personnel from health professionals that may supplement the instructor.

2. One respondent commented that the instructor to student ratio needs to remain at ten. The stance is that the current ratio already stretches the capacity of the instructor in clinical settings and additional students could lead to a quality issue and hinder students from passing the course. A balance must be determined to maintain adequate training standards and preparation of nurse aides to meet demands in the field. This respondent does not support the proposed changes.

Department Response: The intent of the rule change is to meet the needs of both the facility industry and the educational programs. The Department understands the needs for some flexibility but must ensure the quality and safety of the residents receiving care in the facility setting and adequate staffing needs for nursing facilities. The Department will retain the proposed amendment to increased ratios of 15 to 1. The Department also added an amendment to further align with federal regulation regarding other personnel from health professionals that may supplement the instructor.

3. One respondent commented that in talking with stakeholders within the industry, the ratios should remain 1 to 10. This respondent has conducted many surveys that show direct care workers leave the field due to the feeling of being unprepared to perform duties expected on the job. This respondent does not support the proposed changes.

Department Response: The intent of the rule change is to meet the needs of both the facility industry and the educational programs. The Department understands the needs for some flexibility but must ensure the quality and safety of the residents receiving care in the facility setting and adequate staffing needs for nursing facilities. The Department will retain the proposed amendment to increased ratios of 15 to 1. The Department also added an amendment to further align with federal regulation regarding other personnel from health professionals that may supplement the instructor.

4. One respondent commented that they encourage the Department to keep the current ratio of ten students to one instructor. The concern is that students may miss out on critical instructions due to the number of students in the class. The increased number will cause hardship to the instructor to supervise the students in transfers and other clinical trainings.

Department Response: The intent of the rule change is to meet the needs of both the facility industry and the educational programs. The Department understands the needs for some flexibility but must ensure the quality and safety of the residents receiving care in the facility setting and has amended the proposed changes to keep ratios at ten students to one instructor to maintaining quality of education. The Department added an amendment to further align with

federal regulation regarding other personnel from health professionals that may supplement the instructor.

5. One respondent commented that increased ratios cause difficulties for the instructors to oversee successful clinical performance due to being unavailable to the students when needed. The larger the group, the more frustration and stress it creates for instructors and student and students must wait for the instructor to be available to demonstrate their training. This respondent does not support the proposed changes.

Department Response: The intent of the rule change is to meet the needs of both the facility industry and the educational programs. The Department understands the needs for some flexibility but must ensure the quality and safety of the residents receiving care in the facility setting and adequate staffing needs for nursing facilities. The Department will retain the proposed amendment to increased ratios of 15 to 1. The Department also added an amendment to further align with federal regulation regarding other personnel from health professionals that may supplement the instructor.

Changes were made in 81.16(3)(5) as follows to clarify when a laboratory setting may be used:

Amend subparagraph 81.16(3)“a”(5) as follows:

(5) Include 30 hours of supervised clinical training in a face-to-face ~~or laboratory setting environment~~ and supervised by a department of inspections and appeals-approved instructor in a manner not inconsistent with the licensing requirements of the Iowa board of nursing. In extenuating circumstances, a laboratory setting may be utilized in place of face-to-face clinical training subject to the department of human services approval, and

Amendment to subparagraph 81.6(3)9A)(7)4 as follows:

Other personnel from the health professions as set forth in 42 CFR 483.152(5) may supplement the instructor. Supplemental personnel shall have at least one year of experience in their fields.

This change was made to further define other personnel from health care professions who are allowed to supplement the instructor.

Adoption of Rule Making

This rule making was adopted by the Council on Human Services on May 12, 2022.

Fiscal Impact

The proposed ratio increase of instructors to student will allow for more students to attend the program. This also adds language to allow for laboratory training options in addition to clinical training options. The department currently does not pay for Certified Nurse’s Assistant (CNA) training but allows for a deduction on the cost reports. The amount of future additional students cannot be determined; however, fiscal impact is expected to be minimal. Any expenditures will be absorbed within the Medical Assistance appropriation.

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 August 1, 2022.

The following rule-making action is adopted:

The following rule-making actions are proposed:

ITEM 1. Amend subparagraph 81.16(3)“a”(4) as follows:

(4) Include at least ~~15~~ 16 hours of laboratory experience provided in a face-to-face environment that complements the didactic theory curricula, and

ITEM 2. Amend subparagraph 81.16(3)“a”(5) as follows:

(5) Include 30 hours of supervised clinical training in a face-to-face environment and supervised by a department of inspections and appeals-approved instructor in a manner not inconsistent with the licensing requirements of the Iowa board of nursing, ~~and~~. In extenuating circumstances, a laboratory setting may be utilized in place of face-to-face clinical training subject to the department of human services approval, and

ITEM 3. Amend subparagraph 81.16(3)“a”(7)(4) as follows:

Other personnel from the health professions as set forth in 42 CFR 483.152(5) may supplement the instructor. Supplemental personnel shall have at least one year of experience in their fields.

ITEM 4. Amend subparagraph 81.16(3)“a”(7)(5) as follows:

5. The ratio of department of inspections and appeals-approved instructors to students shall not exceed one registered nurse, or licensed practical nurse functioning as an assistant to a registered nurse, who is in the proximate area in the clinical setting, for every ~~ten~~ 15 students in the clinical setting, and



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:

The rule changes will update sections of 81.16 to reflect federal regulations regarding the number of hours required for training. The proposed ratio increase of instructors to students will allow for more students to attend the program. Also adding language to allow for laboratory training options in addition to clinical training options.

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

42 CFR 483.152

441 IAC 81.16(3)(5)

441 IAC 81.16(3)(a)5

441 IAC 81.1(249A)

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

The rule amendments will positively impact the nurse aide training programs.

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

No

5. What are the likely areas of public comment?

Public comment would support the proposed changes.

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: February 4, 2022

Agency: Human Services

IAC citation: 441 IAC 81.16

Agency contact: Jessica McBride

Summary of the rule:

The rule changes will update sections of 81.16 to reflect federal regulations regarding the number of hours required for training. This rule allows a proposed ratio increase of instructors to student. This also adds language to allow for laboratory training options in addition to clinical training options.

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 changes will update sections of 81.16 to reflect federal regulations regarding the number of hours required for training. The proposed ratio increase of instructors to student will allow for more students to attend the program. This also adds language to allow for laboratory training options in addition to clinical training options. The department currently does not pay for CNA training but allows for a deduction on the cost reports. The amount of future additional students cannot be determined; fiscal impact is expected to be minimal. Any expenditures will be absorbed within the Medical Assistance appropriation.

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 22)</u>	<u>Year 2 (FY 23)</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:

42 CFR 483.152

Funding has been provided for the rule change.

Please identify the amount provided and the funding source:

Expenditures will be absorbed within the Medical Assistance appropriation

Funding has not been provided for the rule.

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

Fiscal impact to persons affected by the rule:

Unknown.

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

None anticipated.

Agency representative preparing estimate: Soraya Miller

JH 02/07/2022

Telephone number: 515-281-6017

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to five-year review of rules.

The Human Services Department hereby amends Chapter 161, "Iowa Senior Living Trust Fund," Chapter 162, "Nursing Facility Conversion and Long-Term Care Services Development Grants," and Chapter 164, "Iowa Hospital Trust Fund," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted 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

This rule making is part of the Department's five-year rules review process. Chapters 161 and 162 are rescinded and reserved because the programs no longer exist and Iowa Code chapter 249H, which authorized the programs, was repealed in 2013. Chapter 164 is rescinded and reserved because the program no longer exists and Iowa Code chapter 249I, which authorized the trust fund, was repealed in 2005. This rule making brings the Iowa Administrative Code into compliance with the Iowa Code.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 6, 2022, as ARC 6282C.

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 June 9, 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 rule 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 September 1, 2022.

The following rule-making action is adopted:

ITEM 1. Rescind and reserve **441—Chapter 161**.

ITEM 2. Rescind and reserve **441—Chapter 162**.

ITEM 3. Rescind and reserve **441—Chapter 164**.



Iowa Department of Human Services
Information on Proposed Rules

Table with 3 columns: Name of Program Specialist (Denise Dutton), Telephone Number (515-242-6302), Email Address (ddutton@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. Chapter 161, Iowa Senior Living Trust Fund, and Chapter 162, Nursing Facility Conversion and Long-Term Care Services Development Grants, are rescinded as the programs no longer exist and Iowa Code Chapter 249H that authorized the programs was repealed in 2013. Chapter 164, Iowa Hospital Trust Fund, is rescinded as the program no longer exists and Iowa Code Chapter 249I that authorized the trust fund was repealed in 2005. This rulemaking brings the Iowa Administrative Code into compliance with the Iowa Code.
2. What is the legal basis for the change? (Cite the authorizing state and federal statutes and federal regulations): Iowa Code Section 249A.4
3. Describe who this rulemaking will positively or adversely impact. There are no negative impacts as these programs were repealed in 2005 and 2013. This rulemaking brings the Iowa Administrative Code into compliance with the Iowa Code.
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? This rulemaking brings the Iowa Administrative Code into compliance with the Iowa Code. 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: February 16, 2022

Agency: Human Services
IAC citation: 441 IAC 161, 162 and 164
Agency contact: Denise Dutton

Summary of the rule:

This rulemaking was reviewed as part of the Department's five-year rules review process. Chapter 161, Iowa Senior Living Trust Fund, and Chapter 162, Nursing Facility Conversion and Long-Term Care Services Development Grants, are rescinded as the programs no longer exist and Iowa Code Chapter 249H that authorized the programs was repealed in 2013. Chapter 164, Iowa Hospital Trust Fund, is rescinded as the program no longer exists and Iowa Code Chapter 249I that authorized the trust fund was repealed in 2005. This rulemaking brings the Iowa Administrative Code into compliance with the Iowa Code.

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

	<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 03/03/2022

Telephone number: 281-6188

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to collection of public assistance debts and providing an opportunity for public comment.

The Human Services Department hereby proposes to amend Chapter 11, "Collection Of Public Assistance Debts," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 217.6 and 234.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 217.6 and 234.6.

Purpose and Summary

Chapter 11 was reviewed as part of the Department's five-year rules review project. Iowa formally changed the program name from Food Assistance to SNAP and this chapter was updated to reflect that change. In addition, this chapter was updated because the definition of debtor for Medicaid was inconsistent with the definition used elsewhere in administrative rules. This change is aligning the definition of a debtor in this chapter with that in Chapter 75. Additional changes included removing forms that are no longer used as well as updating language to include correct groups under the definition of Public Assistance.

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 July 5, 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 rule ~~441—11.1(217)~~, definitions of “Debtor,” “Public assistance” and “Repayment agreement,” as follows:

“*Debtor*” shall mean a current or former recipient of public assistance that has been determined by the department to be responsible for the repayment of a particular debt. For ~~food assistance~~ Supplemental Nutrition Assistance Program (SNAP), “debtor” shall include all adult members of the ~~food assistance~~ SNAP household participating at the time the ~~food assistance~~ SNAP overpayment or program violation occurred and shall include nonrecipients found guilty of violating ~~food assistance~~ SNAP program rules by committing an act such as, but not limited to, trafficking. For child care assistance, “debtor” may include the current or former provider or current or former recipient of child care assistance. For Medicaid, “debtor” shall include any current or former Medicaid member, or the parents of a current or former Medicaid member who was under the age of 21 when the parents completed the application and had responsibility for reporting changes, or nonmember who fraudulently receives received services or benefits as a result of client or agency error or administrative overpayment or who owes a debt of unpaid premium payments for medical assistance.

“*Public assistance*” shall mean family investment program, ~~food assistance~~ SNAP, Medicaid, state supplementary assistance, PROMISE JOBS, child care assistance, refugee cash assistance, ~~IowaCare~~, and ~~HAWK-I~~ hawki program.

“*Repayment agreement*” shall mean an agreement entered into voluntarily between the department and the debtor for the repayment of debts. Agreements shall be made on Form 470-0495 or 470-0495(S), Agreement to Pay a Debt, or on a notice of debt listed in subrule 11.2(2).

ITEM 2. Amend subrule 11.2(2) as follows:

11.2(2) Notice of debt. A claim is established when the first notice of the debt is issued to the household on one of the following forms:

a. Form ~~470-0338~~ 470-2891, ~~Demand Letter for Food Assistance Agency Error Overissuance (no longer issued)~~ Notice of Medical Assistance Overpayment.

b. Form ~~470-2616~~ 470-4179, ~~Demand Letter for FIP/RCA Agency Error Overissuance (no longer issued)~~ Notice of SNAP Debt.

c. Form ~~470-2891~~ 470-4530, ~~Notice of Medical Assistance-Child Care Overpayment.~~

d. Form ~~470-3486~~ 470-4668, ~~Demand Letter for Food Assistance Intentional Program Violation Overissuance (no longer issued)~~ Notice of SNAP Overpayment.

e. Form ~~470-3487~~ 470-4683, ~~Demand Letter for Food Assistance Inadvertent Household Error Overissuance (no longer issued)~~ Notice of FIP or RCA Overpayment.

f. Form ~~470-3490~~ 470-4668, ~~Demand Letter for FIP/RCA Client Error Overissuance (no longer issued)~~ Notice of PROMISE JOBS Overpayment.

g. ~~Form 470-3984, Notice of Healthy and Well Kids in Iowa (HAWK-I) Premium Overpayment.~~

h. ~~Form 470-3990, Demand Letter for PROMISE JOBS Agency Error Overissuance (no longer issued).~~

i. ~~Form 470-3991, Demand Letter for PROMISE JOBS Client Error Overissuance (no longer issued).~~

j. ~~Form 470-3992, Demand Letter for PROMISE JOBS Provider Error Overissuance (no longer issued).~~

k. ~~Form 470-4179, Notice of Food Assistance Debt.~~

~~l. Form 470-4530, Notice of Child Care Assistance Overpayment.~~

~~m. Form 470-4668, Notice of Food Assistance Overpayment.~~

~~n. Form 470-4683, Notice of FIP or RCA Overpayment.~~

~~o. Form 470-4688, Notice of PROMISE JOBS Overpayment.~~

ITEM 3. Amend paragraph **11.3(2)“b”** as follows:

b. For ~~Food Assistance~~ SNAP, payment shall be applied first to all debts with an agreement and then to debts without an agreement. Within those two groupings, payment shall be applied in the following order:

- (1) First to state-only debts in chronological order of discovery,
- (2) Then to intentional program violation (IPV) debts in chronological order of discovery,
- (3) Then to inadvertent household error (IHE) debts in chronological order of discovery, and
- (4) Then to agency error debts in chronological order of discovery.

ITEM 4. Amend subrule 11.3(2) as follows:

11.3(2) *Application of payment to multiple program areas.* If there are debts in more than one program area of public assistance, payments received shall be applied to those program areas as indicated by the mode of repayment (~~Food Assistance~~ SNAP benefits, FIP benefits) or as indicated by the client at the time of payment.

ITEM 5. Amend paragraph **11.5(1)“a”** as follows:

a. Debtors not participating in the ~~Food Assistance~~ SNAP program shall be subject to collection action through the treasury offset program (TOP) which includes, but is not limited to, federal salary offset and federal tax refund offset.

(1) Debtors shall be referred to TOP if they are delinquent in repaying their ~~Food Assistance~~ SNAP debt and there is a claim or combination of claims with an unpaid balance which exceeds \$25.

(2) No claim which is less than three months old or more than ten years old as of January 31 of the offset year shall be referred. EXCEPTION: Claims which have had a final judgment entered are not subject to the ten-year time limit.

(3) Debtors are delinquent in repaying their ~~Food Assistance~~ SNAP debt if:

1. A repayment agreement has not been signed and 120 days have elapsed since the due date of the demand letter as defined in 441—subrule 65.21(4) minus any days the claim was not subject to collection action because of an appeal.

2. A repayment agreement has been signed but the debtor has failed to make the agreed-upon payments and has failed to make up the missed payments. The debtor shall be referred to TOP when 120 days have elapsed since the first of the month following the month that the debtor failed to make the agreed-upon payment and has not subsequently made up the missed payment.

ITEM 6. Amend subrule 11.5(6) as follows:

11.5(6) *Application of setoff.* DIA shall apply any setoff received as a result of this rule to the individual's ~~Food Assistance~~ SNAP debts.

Any amount remaining after the setoff shall be released back to the individual.



Iowa Department of Human Services
Information on Proposed Rules

Name of Program Specialist	Telephone Number	Email Address
Kari Lind Mark Adams Paula Burns Anna Casteel	515-281-7000	klind@dhs.state.ia.us

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

Chapter 11 was reviewed as part of the Department’s five-year rules review project. Iowa formally changed the program name from Food Assistance to SNAP and this chapter was updated to reflect that change. In addition, this chapter was updated because the definition of debtor for Medicaid was inconsistent with the definition used elsewhere in administrative rules. This change is aligning the definition of a debtor in this subchapter with that in 441-Chapter 75. Additional changes included removal of forms that are no longer used as well as updating language to include correct groups under the definition of *Public Assistance*.

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

Code of Iowa Chapters 217.6 and 234.6 grant the Department the legal basis for making changes to this rules chapter. Federal regulations at 7 CFR Part 273 govern SNAP administration.

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

This will have no impact on the program itself, however, it will be a positive change to have the program name be consistent. This rulemaking will neither positively or adversely impact any population.

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: February 28, 2022

Agency: Human Services
IAC citation: 441 IAC
Agency contact: Kari Lind, Mark Adams, Paula Burns, Anna Casteel

Summary of the rule:

The chapter was updated to update and align the definitions and program names with other chapters. There is no fiscal impact from the changes.

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

	<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 04/21/2022

Telephone number: 281-6188

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to cash assistance programs and providing an opportunity for public comment.

The Human Services Department hereby proposes to amend Chapter 40, "Application for Aid," Chapter 41, "Granting Assistance," Chapter 46, "Overpayment Recovery," and Chapter 60, "Refugee Cash Assistance," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 217.6 and 239B.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 217.6 and 239B.4.

Purpose and Summary

These proposed rules reflect changes found during the five-year rules review. The changes include updating the name of the food assistance program to Supplemental Nutrition Assistance Program (SNAP), removing incorrect or obsolete cross references, rescinding obsolete rules, adding information about the kinship caregiver program, updating the division name, and adding clarifying language to rules.

Timeframes for refugee cash assistance have been updated for refugees that entered the country on or after October 1, 2021, to allow for twelve months of assistance based on federal regulations in 87 Fed. Reg.17312 (March 28, 2022). Rules have also been added to provide information on Afghan Special Immigrant (SI) Parolees, Afghan Special Immigrant (SI) Conditional Permanent Resident (CPR) and Afghan Humanitarian Parolees. A new definition of Safe Haven has been added.

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 5, 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 rule 441-40.22(239B) as follows:

441—40.22(239B) Application. The application for the family investment program shall be submitted on the Food and Financial Support Application, Form 470-0462 or Form 470-0462(S). The application shall be signed by the applicant, the applicant's authorized representative or, when the applicant is incompetent or incapacitated, someone acting responsibly on the applicant's behalf. When both parents, or a parent and a stepparent, are in the home and eligibility is determined on a family or household basis, one parent or stepparent may sign the application and attest to the information for the assistance unit.

Item 2. Amend subrule 441-40.22(5) "c" as follows:

441-40.22(5) "c". When assistance has been canceled for failure to return a completed review form pursuant to subrule 40.27(3), assistance shall be reinstated without a new application if the completed form is received by the department within 14 days of the effective date of cancellation and eligibility can be reestablished. If the fourteenth calendar day falls on a weekend or state holiday, the client shall have until the next business day to provide the information. The effective date of assistance shall be the date the Review/Recertification Eligibility Document, Form 470-2881, is received.

Item 3. Amend rule 441-40.23(239B) as follows:

441—40.23(239B) Date of application. The date of application is the date an identifiable Food and Financial Support Application, Form 470-0462 or Form 470-0462(S), is received by the department. When an application is delivered to a closed office, it will be considered received on the first day that is not a weekend or state holiday following the day that the office was last open.

Item 4. Amend subrule 441-40.24(4) as follows:

441-40.24(4) The decision with respect to eligibility shall be based on the applicant's eligibility or ineligibility on the date the department enters all eligibility information into the department's computer system, ~~except as described in subrule 40.24(3)~~. The applicant shall become a recipient on the date all eligibility information is entered into the department's computer system and the computer system determines the applicant is eligible for aid.

Item 5. Amend rule 441-40.26(239B) as follows:

441—40.26(239B) Effective date of grant. New approvals shall be effective as of the date the applicant becomes eligible for assistance, but in no case shall the effective date be earlier than seven days following the date of application. When an individual is added to an existing eligible group, the individual shall be added effective as of the date the individual becomes eligible for assistance, but in no case shall the effective date be earlier than seven days following the date the change is reported. When it is reported that a person is anticipated to enter the home, the effective date of assistance shall be no earlier than the date of entry or seven days following the date of report, whichever is later. When the change is timely reported as described at subrule 40.27(4), a payment adjustment shall be made when indicated. When the individual's presence is not timely reported as described at subrule 40.27(4), excess assistance issued is subject to recovery. In those instances where a person previously excluded from the eligible group as described at 441—subrule 41.27(11) is to be added to the eligible group, the effective date of eligibility shall be seven days following the date the person indicated willingness to cooperate.

Proposed Rule Changes

However, in no instance shall the person be added until cooperation has actually occurred. EXCEPTIONS: When adding a person who was previously excluded from the eligible group for failing to comply with 441—subrule 41.22(13), the effective date of eligibility shall be seven days following the date that the social security number or proof of application for a social security number is provided.

When adding a person who was previously excluded from the eligible group as described at 441—subrules 41.23(5), 41.25(5) and ~~46.28(2)~~ and rule 441—46.29(239B), the effective date of eligibility shall be seven days following the date that the period of ineligibility ended.

When adding a person who was previously excluded from the eligible group as described at 441—subrule 41.24(8), the effective date of eligibility shall be seven days following the date the person signs a family investment agreement or the date the person is otherwise eligible, whichever is later. In no case shall the effective date be within the six-month ineligibility period of a subsequent limited benefit plan as described at 441—paragraph 41.24(8)“a.” This rule is intended to implement Iowa Code section 239B.3.

Item 6. Amend subrule 441-40.27(3)b as follows:

441-40.27(3)b. When the client has completed Form 470-0462 or Form 470-0462(S), Food and Financial Support Application, for another purpose, this form may be used as the review document.

Item 7. Amend subrule 441-41.22(6)“b”(4) as follows:

441-41.22(6) “b” (4) Paying to the department any cash support payments for a member of the eligible group, except as described at 41.27(7)“p” and “q,” received by a recipient after the date of decision as defined in 441—subrule 40.24(4).

Item 8. Amend subrule 441-41.22(16) “g”:

441-41.22(16) “g”. Other circumstances exist which indicate that living with the parents or legal guardian will defeat the goals of self-sufficiency and responsible parenting. Situations which appear to meet this good cause reason must be referred to the administrator of the division of economic assistance adult, children and family services, or the administrator’s designee, for determination of good cause.

Item 9. Amend subrule 441-41.23(5)“b” as follows:

441-41.23(5)“b”. **Attestation of status.** As a condition of eligibility, an attestation of citizenship or alien status shall be made for all applicants and recipients on Form 470-0462 or 470-0462(S), Food and Financial Support Application, or Form 470-2549 ; Statement of Citizenship Status. Form 4702881, 470-2881(S), 470-2881(M), or 470-2881(MS), Review/Recertification Eligibility Document, may be used to attest to the citizenship of dependent children who enter a recipient household. Failure to sign a form attesting to citizenship when required to do so creates ineligibility for the entire eligible group. The attestation may be signed by:

- (1) The applicant;
- (2) Someone acting responsibly on the applicant’s or recipient’s behalf if the applicant or recipient is incompetent or incapacitated; or
- (3) Any adult member of the assistance unit, when eligibility is determined on a family or household basis.

Proposed Rule Changes

Item 10. Amend subrule 441-41.24(8)"e"(3)"3" as follows(add a space between subrule and word):

441-41.24(8) "e"(3) 3. Satisfactorily complete 20 hours of employment or the equivalent in an activity other than work experience or unpaid community service, unless problems as described at rule 441—93.14(239B) or barriers as described at 441—subrule 93.4(5)_apply. The 20 hours of employment or other activity must be completed within 30 days of the date that the family investment agreement is signed, unless problems as described at rule 441—93.14(239B) or barriers as described at 441—subrule 93.4(5)_apply

Item 11. Rescind and reserve subrule 441-41.25(1) as follows:

441-41.25(1) ~~Divesting of income.~~ ~~Assistance shall not be approved when an investigation proves that income was divested and the action was deliberate and for the primary purpose of qualifying for assistance or increasing the amount of assistance paid.~~

Item 12. Amend subrule 441-41.25(2) as follows:

441-41.25(2) Duplication of assistance. A recipient whose needs are included in a family investment program grant shall not concurrently receive a grant under any other public assistance program administered by the department, including IV-E foster care, or state-funded foster care or kinship caregiver program payments.

Item 13. Amend subrule 441-41.25(5) "c"(2) as follows:

441-41.25(5) "c" (2) An individual is not participating in a strike at the individual's place of employment when the individual is not picketing and does not intend to picket during the course of the dispute, does not draw strike pay, and provides a signed statement that the individual is willing and ready to return to work but does not want to cross the picket line solely because of the risk of personal injury or death or trauma from harassment. The district administrator service area manager shall determine whether such a risk to the individual's physical or emotional wellbeing exists

Item 14. Rescind and reserve subrule 441-41.25(9) as follows:

441-41.25(9) ~~Pilot diversion programs.~~ ~~Assistance shall not be approved when an assistance unit is subject to a period of ineligibility as described at 441—Chapter 47.~~

Item 15. Amend subrule 441-41.25(11) as follows:

441-41.25(11) Access to benefits. As a condition of eligibility, applicants and recipients must agree in writing to not use an electronic access card at prohibited locations. By signing Form 470-0462 or 470-0462(S), Food and Financial Support Application, or Form 470-2881, 470-2881(S), 470-2881(M), or 470-2881(MS), Review/Recertification Eligibility Document, the applicant, the applicant's authorized representative or, when the applicant is incompetent or incapacitated, someone acting responsibly on the applicant's behalf agrees to this condition of eligibility. When both parents, or a parent and a stepparent, are in the home and eligibility is determined on a family or household basis, one parent or stepparent may sign the application and agree to this condition for the assistance unit. Failure to sign a form agreeing to not use the electronic access card at prohibited locations creates ineligibility for the entire eligible group.

Item 16. Amend subrule 441-41.25(11) "e" as follows:

441-41.25(11) "e". A new period of ineligibility shall be established when:

(1) A recipient files an appeal either:

Proposed Rule Changes

1. Before the effective date of the intended action on the notice of decision or notice of action establishing the beginning date of the ineligibility period, or
 2. Within ten days from the date on which a notice establishing the beginning date of the ineligibility period is received. The date on which notice is received is considered to be five days after the date on the notice, unless the beneficiary shows that the beneficiary did not receive the notice within the five-day period;
- (2) Assistance is continued pending the final decision of the appeal; and
- (3) The department's action is affirmed. Assistance issued pending the final decision of an appeal is not subject to recovery pursuant to ~~441—subrule 7.9(6)~~.

Item 17. Amend subrule 441-41.26(1) “e” as follows:

441-41.26(1) “e”. A reserve of other property, real or personal, not to exceed \$2000 for applicant assistance units and \$5000 for recipient assistance units. EXCEPTION: Applicant assistance units with at least one member who was a recipient in Iowa in the month prior to the month of application are subject to the \$5000 limit. The exception includes those persons who did not receive an assistance grant due to the limitations described at rules 441—45.26(239B) and 45.27(239B) and ~~persons whose grants were suspended as in 41.27(9)“f” in the month prior to the month of application.~~

Resources of the applicant or the recipient shall be determined in accordance with subrule 41.26(2).

Item 18. Amend subrule 441-41.26(1) “f” as follows (add a space between subrule and word):

441-41.26(1) “f.” Money which is counted as income in a month, during that same month; and that part of lump sum income defined in 41.27(9)“c”(2)_reserved for the current or future month's income

Item 19. Amend subrule 441-41.26(4) “b” as follows:

441-41.26(4) “b” Property sold under installment contract. Property sold under an installment contract or held as security in exchange for a price consistent with its fair market value is exempt as a resource. If the price is not consistent with the contract's fair market value, the resource value of the installment contract is the gross price for which it can be sold or discounted on the open market, less any legal debts, claims, or liens against the installment contract. Payments from property sold under an installment contract are exempt as income as specified in paragraphs 41.27(1)“f” and 41.27(7)“ah aj.” The portion of any payment received representing principal is considered a resource upon receipt. The interest portion of the payment is considered a resource the month following the month of receipt.

Item 20. Amend subrule 441-41.27 “3” as follows:

441-41.27 “3”. The amount of the family investment program grant shall be determined by subtracting countable net income from the payment standard for the eligible group. Child support assigned to the department in accordance with subrule 41.22(7) and retained by the department as described in subparagraph 41.27(1)“h”(2) shall be considered as exempt income for the purpose of determining continuing eligibility, ~~including child support as specified in paragraph 41.27(7)“q.”~~ Deductions and diversions shall be allowed when verification is provided.

Proposed Rule Changes

Item 21. Amend subrule 441-41.27(1) “h”(1) as follows:

441- 41.27(1) “h”(1) Support payments in cash shall be considered as unearned income in determining initial and continuing eligibility.

(1) Any nonexempt cash support payment for a member of the eligible group, made while the application is pending, shall be treated as unearned income and deducted from the initial assistance grant(s). Any cash support payment for a member of the eligible group, except as described at 41.27(7)“p” and “q,” received by the recipient after the date of decision as defined in 441—subrule 40.24(4) shall be refunded to the child support recovery unit.

Item 22. Amend subrule 441-41.27(1) “l” as follows:

441-41.27(1) “l” The applicant or recipient shall cooperate in supplying verification of all unearned income, as defined at rule 441—~~40.21(239B)~~ 40.24(1)”b” and 40.27(4). When the information is available, the department shall verify ~~job~~ unemployment insurance benefits by using information supplied to the department by the department of workforce development. ~~When the department uses this information as verification, job insurance benefits shall be considered received the second day after the date that the check was mailed by workforce development. When the second day falls on a Sunday or federal legal holiday, the time shall be extended to the next mail delivery day.~~ When the client notifies the department that the amount of ~~job~~ unemployment insurance benefits used is incorrect, the client shall be allowed to verify the discrepancy. A payment adjustment shall be made when indicated. Recoupment shall be made for any overpayment. The client must report the discrepancy prior to the payment month or within ten days of the date on the Notice of Decision, Form 470-0485(C) or 470-0486(M), applicable to the payment month, whichever is later, in order to receive a payment adjustment.

Item 23. Amend subrule 441-41.27(2) “h” as follows:

441-41.27(2) “h” Income verification. The applicant or recipient shall cooperate in supplying verification of all earned income and of any change in income, as defined at rule 441—~~40.21(239B)~~ 40.24(1)”b” and 40.27(4). A self-employed individual shall keep any records necessary to establish eligibility

Item 24. Amend subrule 441-41.27(6) “b” as follows:

441-41.27(6) “b”. The value of the ~~food assistance~~ supplemental nutrition assistance program benefit.

Item 25. Amend subrule 441-41.27(6) “x” as follows:

441-41.27(6) “x”. The income of a person ineligible due to receipt of state-funded foster care, IV-E foster care, Kinship Caregiver Program, or subsidized adoption assistance

Item 26. Amend subrule 441-41.27(7) “d” as follows:

441-41.27(7) “d”

d. Foster Care or Kinship Caregiver Program Ppayments received by the family:

(1). providing foster care to a child or children when the family is operating a licensed foster home, or

(2). caring for a relative or fictive kin child or children placed in the home by a court order.

Proposed Rule Changes

Item 27. Amend subrule 441-41.30(3) “e” as follows:

441-41.30(3) “e” Exception to the 60-month limit

e. Requesting a hardship exemption. (1) Families that have or are close to having received 60 months of assistance as defined in subrule 41.30(1) may request a hardship exemption. Requests for the hardship exemption shall be made on Form 470-3826 or Form 470-3826(S), Request for FIP Beyond 60 Months. In addition, families that have received assistance for 60 months and are no longer receiving FIP shall complete Form 470-0462 or Form 470-0462(S), Food and Financial Support Application, as described at rule 441—40.22(239B) as a condition for regaining FIP eligibility. Failure to provide the required application within ten days from the date of the department’s request shall result in denial of the hardship request.

Item 28. Amend subrule 441-41.30(3) “g”(4) as follows:

441-41.30(3) “g”(4) (4) PROMISE JOBS staff shall provide necessary supportive services as described in 441—Chapter 93 and shall monitor the six-month FIA. Periodic contacts shall be made with the family to monitor progress at least once a month. These contacts need not be in person. Time and attendance reports shall be required as specified at 441—subrule 93.10(2).

Item 29. Amend subrule 441-46.21(239B) as follows:

441—46.21(239B) Definitions.

“Overpayment” means any assistance payment received in an amount greater than the amount the eligible group is entitled to receive or the amount of any payment accessed and any associated fees for accessing the benefits at a prohibited location pursuant to 441—subrule 41.25(11).

Item 30. Amend subrule 441-46.25(239B) as follows:

441—46.25(239B) Source of recoupment. Recoupment shall be made from basic needs. The minimum recoupment amount shall be the amount prescribed in subrule 46.25(3). Regardless of the source, the client may choose to make a lump sum payment, make periodic installment payments when an agreement to do this is made with the department of inspections and appeals, or have repayment withheld from the grant. The client shall sign Form 470-0495, Repayment Contract Agreement to Pay a Debt, when requested to do so by the department of inspections and appeals. When the client fails to make the agreed upon payment, the agency shall reduce the grant.

Item 31. Amend subrule 441-46.27(4) as follows:

441-46.27(4) Change of circumstances. When financial circumstances change, the ~~recoupment plan~~ Agreement to Pay a Debt is subject to revision.

Item 32. Amend subrule 441-60.1(3) as follows:

441-60.1(3) Immigration and Naturalization Service documents. Each refugee shall provide Immigration and Naturalization Service documents in the form of either an I-94 card, an I-151 or I-551 card, ~~or an I-181 card,~~ or other appropriate documentation to support the immigration status defined in subrule 60.1(1). If the name of the resettlement agency which resettled the refugee is not on the document, the refugee shall provide the name of the resettlement agency. 60.9(5) d. If the sanctioned individual is the only member of the filing unit, the assistance shall be terminated. If the filing unit includes other members, the department shall not take into account the sanctioned individual’s needs in determining the filing unit’s need for assistance. ~~If~~

Proposed Rule Changes

~~the sanctioned individual is a caretaker relative, assistance provided to the other persons in the grant shall be made in the form of protective payments as defined in rule 441—43.22(239B).~~

Item 33. Amend subrule 441-60.7(217) as follows:

441—60.7(217) Time limit for eligibility. A refugee may receive assistance, if otherwise eligible;

:

For refugees that entered the country prior to October 1, 2021, during the first eight months the refugee is in the United States, beginning the month the refugee enters the country.

For refugees that entered the country on or after October 1, 2021, during the first twelve months the refugee is in the United States, beginning the month the refugee enters the country

EXCEPTION: For asylees, the date of entry is the date asylum is granted. The eight-month or twelve-month period of eligibility begins the month asylum is granted. A nonrefugee child in the home with a refugee parent (or refugee parents, if both are in the home) is eligible for assistance until the parent(s) has been in the United States for eight or twelve months, or until the child reaches eight or twelve months of age, whichever occurs first. For Afghan Special Immigrant Parolees, Afghan Special Immigrant (SI) Conditional Permanent Resident (CPR), the date is the date of “entry into the community,” which is the date the individual departed a Safe Haven. For Afghan Humanitarian Parolees, the date is the later of October 1, 2021, or the date of entry into community which is the date the individual departed a Safe Haven. Safe Haven is the term the U.S. government and other relevant stakeholders have used for U.S. military bases in the continental United States that housed Afghans evacuated under Operation Allies Refuge/Operation Allies Welcome (OAR/OAW) as they awaited resettlement to their ultimate state of residence.

Item 34. Amend rule 441-60.7(217) as follows:

441-60.7(1) Resources. The resources of refugees excluded because of the eight-month or twelve-month limit shall be considered in the same manner as though these refugees were included in the eligible group.

Item 35. Amend rule 441-60.14(217) as follows:

441—60.14(217) Alternate payees. Alternate payees are defined in 441—Chapter 43 except that refugee cash assistance shall be substituted for the family investment program whenever it appears. EXCEPTION: 441—subrule 43.22(1), paragraph “c,” shall not apply to ~~refugee cash assistance applicants or recipients.~~



Iowa Department of Human Services
Information on Proposed Rules

Name of Program Specialist Barb Caruso	Telephone Number 281-4176	Email Address bcaruso@dhs.state.ia.us
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1. Give a brief purpose and summary of the rulemaking:

These rule changes:

- Removes Spanish and manually generated form numbers.
- Update the name of the food assistance program to supplemental nutrition assistance program.
- Removes incorrect or obsolete cross references.
- Rescind obsolete rules.
- Add information about the kinship caregiver program.
- Updates division name.
- Adds clarifying language to rules.
- Updates the time limit a refuges can get RCA

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

Code of Iowa chapter 239B.4(6) and 217.6

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

There will be no impact for any of the changes. These changes are clean up found during the five-year rule review.

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

The amendments do not contain waiver provisions. 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?

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 25, 2022

Agency: Human Services
IAC citation: 441 IAC 40, 41, 46 and 60
Agency contact: Barb Caruso

Summary of the rule:

These rule changes:

- Removes Spanish and manually generated form numbers.
- Update the name of the food assistance program to supplemental nutrition assistance program.
- Removes incorrect or obsolete cross references.
- Rescind obsolete rules.
- Add information about the kinship caregiver program.
- Updates division name.
- Adds clarifying language to rules.
- Updates the time limit a refugees can get RCA

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.](#)

These changes are clean up found during the five-year rule review. 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

	<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 04/26/2022

Telephone number:

281-6188

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to the rent reimbursement program and providing an opportunity for public comment.

The Human Services Department hereby proposes to adopt new Chapter 62, "Rent Reimbursement Program," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code chapter 425.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 425.

Purpose and Summary

Iowa Code Chapter 425 provides for a property tax credit for low-income elderly and disabled Iowans. To provide parity for low-income elderly and disabled individuals who do not own property, the law also establishes reimbursement for rent constituting property taxes paid by the property owner. Currently, both the property tax credit and the rent reimbursement program are administered by the Iowa Department of Revenue (IDR). Effective January 1, 2023, the Department of Human Services (DHS) will take over administration of the rent reimbursement portion of Chapter 425, sections 15-40. This proposed rulemaking provides the criteria for filing and processing those claims.

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 IAC_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 XXXX, 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. Adopt the following **new** 441- Chapter 62 - Rent Reimbursement

NEW CHAPTER 62 RENT REIMBURSEMENT

441—62.1(425) Eligible claimants. The rent reimbursement program is available to claimants who: (1) were at least 23 years of age or a head of household on December 31 of the base year, (2) were not or will not be claimed as a dependent on another person's federal or state income tax return for the base year in the case of a claimant who is not disabled or at least 65 years of age, (3) did not have household income in excess of the indexed amount determined pursuant to Iowa Code section 425.23(4) during the base year, (4) are domiciled in Iowa at the time the claim is filed or were at the time of the claimant's death, and occupied and rented the property during any part of the base year.

If a homestead is occupied by two or more eligible claimants, each person may file a claim based upon each person's income and each person's share of the rent paid.

The computed reimbursement shall be determined in accordance with the applicable schedule provided in Iowa Code section 425.23(1) as adjusted by the indexed amount determined in section 425.23(4).

This rule is intended to implement Iowa Code sections 425.17(2) and 425.23 and is effective for rent reimbursement claims filed on or after January 1, 2023.

441—62.2(425) Dual claims. A claimant changing homesteads during the base year who will make property tax payments during the fiscal year following the base year and who also made rent payments during the base year is entitled to receive both a property tax credit and rent reimbursement.

Separate claim forms for the property tax credit and the rental reimbursement shall be filed with the county treasurer and the Iowa department of human services, respectively.

The claims are to be based on the actual property tax due and rent constituting property tax paid with a combined maximum of \$1000 upon which the credit and reimbursement can be calculated.

EXAMPLE: \$800 property tax due

\$400 rent constituting property taxes paid

The claim form for calculating the property tax credit shall reflect the entire \$800 amount.

Proposed Rule Changes

The claim form for calculating the rent reimbursement shall reflect only the remaining \$200 of the \$1000 maximum allowance.

The Iowa department of human services (DHS) will issue refund warrants for rent reimbursement claims. The county treasurer shall apply the credit.

This rule is intended to implement Iowa Code section 425.24.

441—62.3(425) Multipurpose building. A multipurpose building is a building which is used for other purposes in addition to being used for living accommodations. If a portion of a homestead property is utilized for business purposes, the property is considered to be a multipurpose building.

The portion of the property tax due or rent constituting property tax paid attributable to the homestead only is to be used in determining the allowable credit or reimbursement. This portion is to be calculated by determining the percentage of the homestead square footage to the square footage of the entire multipurpose structure. This percentage is then to be applied to the property tax due in the current fiscal year or rent constituting property tax paid for the base year.

This rule is intended to implement Iowa Code section 425.17(8).

441—62.4(425) Income. Income includes the amount of in-kind assistance received by the claimant for housing expenses such as federal rent subsidy payments made directly to the landlord on behalf of the claimant and energy assistance benefits received by the claimant from or through a public utility.

In determining income, net operating losses and net capital losses are not to be considered. If the comparison of gains and losses results in a net gain, such amount shall be considered income. If the comparison results in a net loss, the net loss shall be disregarded.

This rule is intended to implement Iowa Code section 425.17(7).

441—62.6(425) Simultaneous homesteads. A person rents one property and also rents another property for a simultaneous period of time is limited to claiming rent reimbursement on the property which is considered the person's domicile.

This rule is intended to implement Iowa Code section 425.17(4).

Proposed Rule Changes

441—62.7(425) Confidential information. Information contained on a rent reimbursement claim form is confidential except that the information may be released to an employee of the department of inspections and appeals to assist in the performance of an audit or investigation. See rule 701—6.3(17A).

This rule is intended to implement Iowa Code section 425.28.

441—62.8(425) Mobile, modular, and manufactured homes. Rent paid by an eligible claimant for occupancy of a mobile, modular, or manufactured home subject to the annual tax as provided in Iowa Code chapter 435 is subject to reimbursement regardless of how the home is taxed.

This rule is intended to implement Iowa Code subsection 425.17(4).

441—62.9(425) Totally disabled. A person who is totally disabled must be unable to engage in any substantial gainful employment by reason of any medically determinable physical or mental impairment. In addition, the impairment must have lasted or is reasonably expected to last for a continuous period of 12 months or is expected to result in death. This disabled condition must be the determining factor in the person's inability to engage in gainful employment. A claimant is considered totally disabled only if the physical or mental impairment or impairments are of such severity that the claimant is not only unable to do work previously performed but cannot, considering the claimant's age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which the claimant lives, or whether a specific job vacancy exists or whether the claimant would be hired if the claimant applied for work. See 42 U.S.C. §423. Examples of physical conditions which could possibly constitute total disability would include, but are not limited to: loss of major function of one or both legs or arms; progressive diseases which have resulted in the loss of one or both legs or arms or which have caused them to become useless; severe arthritis; diseases of the heart, lungs or blood vessels which have resulted in serious loss of heart or lung reserve; diseases of the digestive system which have resulted in severe malnutrition, weakness and anemia prohibiting gainful employment; damage to the brain or brain abnormality which has resulted in severe loss of judgment, intellect, orientation or memory; or, paralysis or diseases of the nervous system which prohibit coordination or major functioning of the body so as to prevent gainful employment.

For purposes of this rule, a person shall not be considered unable to engage in substantial gainful employment unless the person has attained the age of 18 on or before December 31 of the base year.

Proposed Rule Changes

This rule is intended to implement Iowa Code subsection 425.17(11).

441—62.10(425) Nursing homes. A claimant whose homestead is a nursing home is eligible to file a reimbursement claim for rent constituting property tax paid unless the person is eligible for a property tax credit on an owned homestead.

This rule is intended to implement Iowa Code section 425.17(4).

441—62.11(425) Household. Household includes the claimant and the claimant's spouse if living with the claimant at any time during the base year. "Living with" does not include a temporary visit. Only one claimant per household is entitled to a reimbursement.

This rule is intended to implement Iowa Code sections 425.17(5) and 425.22.

441—62.12(425) Homestead. A person who owns a homestead but is confined to a care facility shall be considered as occupying the owned homestead provided the person does not lease or otherwise receive profits from others for the use of the homestead. The person shall be eligible for a property tax credit but shall not be eligible for a rent reimbursement.

This rule is intended to implement Iowa Code subsection 425.17(4).

441—62.13(425) Household income. Household income includes income of the claimant and the claimant's spouse and actual monetary payments made to the claimant by any other person living with the claimant. Household income does not include Social Security benefits received by the claimant's child and given to the claimant.

Monetary payments do not include goods and services provided to the claimant by a person living with the claimant.

This rule is intended to implement Iowa Code sections 425.17(6) and 425.17(7).

441—62.14(425) Timely filing of claims. If a timely mailed rent reimbursement claim is not received by the department of human services or is received after the June 1 filing deadline, the claim will be considered to have been timely filed if the claimant complies with the provisions of Iowa Code section 622.105. The director or director's designee may also extend the filing deadline rent reimbursement claims through December 31 of the following year.

Proposed Rule Changes

This rule is intended to implement Iowa Code section 425.20.

441—62.15(425) Separate homestead—husband and wife rent reimbursements. If a husband and wife are both qualified claimants renting separate and distinct homesteads, and rent is paid by each, each is eligible to file an individual reimbursement claim for rent constituting property tax paid.

This rule is intended to implement Iowa Code subsection 425.17(4).

441—62.16(425) Gross rent/rent constituting property taxes paid. Gross rent means the total amount of rent paid for use of the homestead by the claimant and rent constituting property taxes paid means 23 percent of the gross rent.

This rule is intended to implement Iowa Code sections 425.17(3) and 425.17(9).

441—62.17(425) Leased land. An individual who owns a dwelling located on land owned by another may claim a credit of property taxes due on the dwelling and a reimbursement of rental payments made for the use of the land if the land has been assessed for taxation.

This rule is intended to implement Iowa Code subsection 425.17(4).

441—62.18(425) Property: taxable status. In order to be eligible to file a rent reimbursement claim, the property upon which the claimant resided during the base year must have been in a taxable status during the base year. If the property was taxable for only part of the base year, the rent reimbursement must be prorated accordingly. (OP.ST. BD. Tax Rev. 187). However, this restriction does not apply to property that became tax exempt on or after July 1, 1986, provided the claimant received a reimbursement of rent constituting property taxes paid on the property when it was in a taxable status and continues to reside in the same property.

This rule is intended to implement Iowa Code subsection 425.17(4).

441—62.19(425) Income: spouse. The income of a spouse does not have to be reported on the claimant's return unless the spouse lived with the claimant at the property upon which rent reimbursement is claimed. If the spouse lived with the claimant for only a portion of the base year, only that portion of the spouse's income which was received while living with the claimant must be reported as income on the claimant's return. If the spouse is eligible to claim reimbursement, the spouse does not have to include any income that was reported on the other claimant's (spouse's) return.

Proposed Rule Changes

This rule is intended to implement Iowa Code subsection 425.17(6).

441—62.20(425) Common law marriage. A common law marriage is a social relationship between a man and a woman that meets all the necessary requisites of a marriage except that it was not solemnized, performed or witnessed by an official authorized by law to perform marriages. The necessary elements of a common law marriage are: (a) a present intent of both parties freely given to become married, (b) a public declaration by the parties or a holding out to the public that they are husband and wife, (c) continuous cohabitation together as husband and wife (this means consummation of the marriage), and (d) both parties must be capable of entering into the marriage relationship. No special time limit is necessary to establish a common law marriage.

This rule is intended to implement Iowa Code section 425.17.

441—62.21(425) Deceased claimant. A claim for rent reimbursement may be filed on behalf of a deceased person by the person's spouse, attorney, guardian or the executor or administrator of the person's estate.

This rule is intended to implement Iowa Code section 425.17(2), and section 425.18.

441—62.22(425) Audit of claim.

62.22(1) Authority. The department may investigate the eligibility of a claimant for rent reimbursement.

62.22(2) Recomputed rent reimbursement claim. If the department determines a computed rent reimbursement is in error, the department shall collect any overpayment from the claimant or reimburse the claimant for any underpayment. If a claimant fails to reimburse the department for an overpayment, the amount of overpayment shall be deducted from any future rent reimbursement to which the claimant is entitled.

This rule is intended to implement Iowa Code section 425.27.

441—62.23(425) Extension of time for filing a claim. The granting of an extension of time for filing a claim for reimbursement does not extend the time within which or the dates on or by which eligibility requirements must be satisfied.

This rule is intended to implement Iowa Code section 425.20.

441—62.24(425) Annual adjustment factor. The income levels used for determining the allowable percent rent reimbursement shall be adjusted each year to reflect the inflation factor as computed pursuant to Iowa Code section 422.4.

Proposed Rule Changes

This rule is intended to implement Iowa Code sections 425.23 and 435.22(2).

441—62.25(425) Proration of claims. If the director or the director's designee determines that the amount of funding provided pursuant to Iowa Code section 425.39 will be insufficient to pay all rent reimbursement claims filed, the director or the director's designee shall estimate the percentage at which the claims will be paid and shall prorate the payment of each rent reimbursement claim by the same estimated percentage.

This rule is intended to implement Iowa Code sections 25B.7 and 425.39.

441—62.26(425) Unreasonable hardship. In order to avoid any unreasonable hardship to a claimant, the director or the director's designee may review the facts and circumstances of the claim as set forth by the claimant. The director or the director's designee may investigate all factors related to the specific case as deemed appropriate by the director or the director's designee. If the director or the director's designee is satisfied that the claim qualifies as an undue hardship for the claimant, the claim will be approved by the director or the director's designee .

This rule is intended to implement Iowa Code section 425.37.

441.62.27(425) Appeal. Notice of adverse action taken by DHS shall be issued in accordance with 441-Chapter 16 and the right to appeal shall be given in accordance with 441-Chapter 7.

This rule is intended to implement Iowa Code section 17A.



Iowa Department of Human Services
Information on Proposed Rules

Name of Program Specialist Victoria L. Daniels	Telephone Number 515-829-6021	Email Address vdaniel@dhs.state.iowa.us
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1. Give a brief purpose and summary of the rulemaking:

Iowa Code Chapter 425 provides for a property tax credit for low-income elderly and disabled Iowans. To provide parity for low-income elderly and disabled who do not own property, the law also establishes reimbursement for rent constituting property taxes paid by the property owner. Currently, both the property tax credit and the rent reimbursement program are administered by the Iowa Department of Revenue (IDR). Effective 1/1/2023, the Department of Human Services (DHS) will take over administration of the rent reimbursement portion of Chapter 425 (§§ 15-40).

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

2021 Iowa Acts HF 368; Iowa Code Chapter 425, §§ 15-40.

<https://www.legis.iowa.gov/docs/publications/iactc/89.1/CH0041.pdf>

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

This rulemaking is neutral; the only change is that DHS will be administering the program effective 1/1/2023 rather than IDR. The rules mirror the existing program rules except that all inapplicable references to the property tax credit and IDR have been removed.

The program itself benefits low-income elderly and disabled Iowans who live in rental properties.

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

No. There has never been one in the existing IDR rules.

5. What are the likely areas of public comment?

I do not expect any 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.)

No.



Administrative Rule Fiscal Impact Statement

Date: May 10, 2022

Agency: Human Services
IAC citation: 441 IAC 62
Agency contact: Victoria L. Daniels

Summary of the rule:

Iowa Code Chapter 425 provides for a property tax credit for low-income elderly and disabled Iowans. To provide parity for low-income elderly and disabled who do not own property, the law also establishes reimbursement for rent constituting property taxes paid by the property owner. Currently, both the property tax credit and the rent reimbursement program are administered by the Iowa Department of Revenue (IDR). Effective 1/1/2023, the Department of Human Services (DHS) will take over administration of the rent reimbursement portion of Chapter 425 (§§ 15-40).

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 rulemaking is neutral; the only change is that DHS will be administering the program effective 1/1/2023 rather than IDR. The rules mirror the existing program rules except that all inapplicable references to the property tax credit and IDR have been removed.

There will be both implementation and ongoing costs for DHS to administer the program. Implementation costs are estimated to be approximately \$4.4M and will be funded through federal COVID funds and one-time state carry-forward. Ongoing administrative costs are not known with certainty, but the goal is for the up-front IT investment to largely automate the program, thereby limiting ongoing administration. It is expected that any ongoing costs will be funded from existing appropriations.

Because the program will be funded from already available funding sources, no additional fiscal impact is presented here.

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.

Funding has not been provided for the rule.

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

Implementation and ongoing administrative costs will be funded from existing sources.

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 05/16/2022

Telephone number:

404-345-1088



Iowa Department of Human Services

Information on Proposed Rules

Name of Program Specialist Laura Leise	Telephone Number 515-281-8799	Email Address lleise@dhs.state.ia.us
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1. Give a brief purpose and summary of the rulemaking:

The rules in Chapter 107 were reviewed as part of the Department's five-year rules review project. As a result, the following changes were made.

- Clarification on adult dependent abuse being part of the evaluation process
- Updated services and language use

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 members of the public, DHS staff, foster care and adoption youth and DHS contractors.

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.

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to adoption investigators and providing an opportunity for public comment.

The Human Services Department hereby proposes to amend Chapter 107, "Certification Of Adoption Investigators," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed 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

The rules in Chapter 107 were reviewed as part of the Department's five-year rules review project. As a result clarification on dependent adult abuse being part of the evaluation process for record checks was added to the administrative rules. Forms were updated to add dependent adult abuse as a category. Language was updated to include updated categories of record checks and reports.

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 July 5, 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 subrule 441—107.4(5) as follows:

441—107.4(5). The department of inspections and appeals shall submit record checks for each new applicant and those applying for recertification to determine whether they have any founded child abuse reports, dependent adult reports or convictions or have been placed on the sex offender registry. The department of inspections and appeals shall use Form 470-0643, Request for Child Abuse and Dependent Adult Information, and Form 595-1396, DHS Criminal History Record Check, Form B for this purpose. The department shall not certify the applicant with a record of founded child abuse, dependent adult abuse, a criminal conviction, or placement on the sex offender registry as an adoption investigator unless evaluation of the founded abuse or crime indicates approval for certification.

ITEM 2. Amend subparagraph 441—107.5(2) “a”(6) as follows:

441—107.5(2) “a”(6). The applicant has a founded child abuse, dependent adult abuse or criminal record conviction unless an evaluation of the founded abuse or criminal conviction is conducted by the department of inspections and appeals which concludes that the abuse or crime does not merit prohibition of certification.

ITEM 3. Amend subparagraph 441—107.8(1) “c” (3) as follows:

441—107.8(1) “c” (3). Out-of-state child abuse, dependent adult abuse checks and national criminal history checks may be completed on any adult in the home of the applicant if the certified adoption investigator has reason to do so.

ITEM 4. Amend paragraph 441—107.8(1) “d” as follows:

441—107.8(1) “d”. Evaluation of record. If there is a record of founded child abuse, dependent adult abuse or a criminal conviction for the applicant or any other adult living in the home of the applicant, the applicant shall not be approved to adopt unless an evaluation determines that the abuse or criminal conviction does not warrant prohibition of approval.

ITEM 5. Amend subparagraph 441—107.8(1) “d”(1) as follows:

441— 07.8(1) “d”(1). The evaluation shall consider the nature and seriousness of the founded child abuse, dependent adult abuse or crime in relation to adoption, the time elapsed since the commission of the founded abuse or crime, the circumstances under which the abuse or crime was committed, the degree of rehabilitation, the likelihood that the person will commit the abuse or crime again, and the number of abuses or crimes committed by the person.

ITEM 6. Amend subparagraph 441—107.8(1) “d”(2) as follows:

441—107.8(1) “d”(2). The person with the founded child abuse, dependent adult abuse or criminal

conviction report shall complete and return the Record Check Evaluation form within ten calendar days of the date on the form to be used to assist in the evaluation. Failure of the person to complete and return the form within the specified time frame may result in a written denial of approval for adoption.

ITEM 7. Amend subparagraph 441. — 107—8(1) “d”(4) as follows:

441. 107 — 8(1) “d”(4). If the applicant, or any other person living in the home of the applicant, has a founded child abuse report, dependent adult abuse report, has been convicted of an aggravated misdemeanor or felony at any time, or has been convicted of a simple or serious misdemeanor that occurred within five years prior to application, a certified adoption investigator shall initially conduct the evaluation.

ITEM 8 . Amend subparagraph 441. — 107.8(1) “d”(4) “2” as follows:

441—107.8(1) “d”(4) “2”. If the certified adoption investigator determines that the applicant should be approved despite the abuse or criminal conviction, the certified adoption investigator shall provide copies of the child abuse report, dependent adult report or criminal history record and the Record Check Evaluation form to the Administrator, Division of Adult, Children and Family Services, Department of Human Services, Hoover State Office Building, Des Moines, Iowa 50319-0114. Within 30 days, the administrator shall determine whether the abuse or crime merits prohibition of approval and shall notify the certified adoption investigator in writing of that decision. The certified adoption investigator shall mail the applicant the department’s written decision regarding the evaluation of an abuse or crime.

ITEM 9: Amend subparagraph 441—107.8(1) “e”(4) as follows:

441—107.8(1) “e”(4). The applicant or any person residing in the home has a record of founded child abuse or dependent adult abuse, unless an evaluation of the founded child abuse has been made by the department, which concluded that the founded child abuse or dependent adult abuse does not merit prohibition of approval of an adoption application.

ITEM 10: Amend subparagraph 441— 107.8(1) “f”(1) as follows:

441. —107.8(1) “f”(1). The child abuse, dependent adult abuse and criminal history record checks, except for national criminal history checks, shall be repeated. If there are new founded abuses or convictions of crimes that were not evaluated in the previous home study, they shall be evaluated using the process set forth in paragraph 107.8(1)“d.”

ITEM 11: Amend subparagraph 441. —107.8(1) “h”(2) as follows:

441— 107.8(1) “h”(2). When a person aged 14 or older moves into the home, the investigator shall perform checks on the Iowa central child and dependent adult abuse registry, by the division of criminal investigation, and on the sex offender registry. The record check evaluation process shall be completed if the person has a criminal conviction or founded child abuse report, dependent adult report or is on the sex offender registry.



Administrative Rule Fiscal Impact Statement

Date: 05/06/22

Agency: Human Services
IAC citation: 441 IAC CHAPTER 107
CERTIFICATION OF ADOPTION INVESTIGATORS
Agency contact: Laura Leise

Summary of the rule:

The rules in Chapter 107 were reviewed as part of the Department's five-year rules review project. As a result, the following changes were made.

- Clarification on adult dependent abuse being part of the evaluation process
- Updated services and language use

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.](#)

No fiscal impact is expected from these clarifying changes.

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 05/06/2022

Telephone number: 404-345-1088

HUMAN SERVICES DEPARTMENT[441]

DRAFT ONLY: Dates herein may not comply with Schedule for Rule Making.

Notice of Intended Action

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

The Human Services Department hereby proposes to amend Chapter 109, "Child Care Centers," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 237A.5.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 237A.5.

Purpose and Summary

This proposed rule making allows an increased number of children to be served per staff person in the 2-year-old and 3-year-old age categories in licensed child care centers. The proposed amendments modify requirements when combining age groups and also allows a staff person under the age of 18 to provide care to school-aged children without being under the direct care of an adult. Clarification is added that a person under the age of 18 shall not be the sole provider on the premises of a child care facility or transport children.

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 XXXX, 2022. Comments should be directed to:

N-5-draft waiting for the Governor's signature

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.

UPDATED RULE CHANGES

ITEM 1. Amend subrule **441—109.8(1)** as follows:

441—109.8(237A) Staff ratio requirements.

109.8(1) *Staff requirements.* Persons counted as part of the staff ratio shall meet the following requirements:

- a. Be at least 16 years of age. ~~If less than 18 years of age, the staff shall be under the direct supervision of an adult.~~ however, may not be the sole provider on the premises of a child care facility
- b. Be involved with children in programming activities.
- c. At least one staff person on duty in the center ~~and outdoor play area~~ when children are present and present on field trips shall be over the age of 18 ~~and hold current certification in first aid and cardiopulmonary resuscitation (CPR) as required in rule 441—109.7(237A)~~
- d. Staff persons under the age of 18 shall not provide transportation to children in care.
- e. If staff persons under the age of 18 are providing child care services without an adult, they shall only provide care to school aged children.

ITEM 2. Amend subrule **441—109.8(2)** as follows:

109.8(2) Staff ratio. The staff-to-child ratio shall be as follows:

<u>Age of children</u>	<u>Minimum ratio of staff to children</u>
Two weeks to two years	One to every four children
Two years	One to every six <u>seven</u> children
Three years	One to every eight <u>ten</u> children
Four years	One to every twelve children
Five years to ten years	One to every fifteen children
Ten years and over	One to every twenty children

- a. Combinations of age groupings for children four years of age and older may be allowed and may have staff ratio determined on the age of the majority of the children in the group. ~~If children three years of age and under are included in the combined age group, the staff ratio for children aged three and under shall be maintained for these children. Preschools shall have staff ratios determined on the age of the majority of the children, including children who are three years of age.~~
- b. Combinations of age groupings for children between three years of age and five years of age may be allowed with a staff of 1 to every 12 children.
- ~~b. c. If a child between the ages of 18 and 24 months is placed outside the infant area, as defined at subrule 109.(12), Children between 18 months and 3 years of age may be combined, if appropriate to the developmental needs of the child. If a child under 2 years is combined, the staff ratio of 1 to 4 7 shall be maintained. as would otherwise be required until the child reaches the age of two. Otherwise, staff ratio may be determined by the age of the majority of the children in the group.~~
- e. d. Every child-occupied program room shall have adult supervision present in the room. Brief absences of a staff member may be allowed for no more than five minutes when another staff person is present.

- ~~d. e.~~ During nap time, at least one staff shall be present in every room where children are resting. Staff ratio requirements may be reduced to one staff per room where children are resting for a period of time not to exceed one hour provided and staff ratio coverage can be maintained in the center. The staff ratio shall always be maintained in the infant area ~~for children under 2 years of age.~~
- ~~e.~~ The minimum staff ratio shall be maintained at mealtimes and for any outdoor activities at the center.
- f. When ~~seven or more~~ than eight children ~~over the age of three~~ are present on the licensed premises or are being transported in one vehicle, at least two adult staff shall be present. Only one adult is required when a center is transporting children in a center-owned vehicle with parent authorization for the sole purpose of transporting children to and from school. When a center contracts with another entity to provide transportation other than for the purpose of transporting school-age children to or from school, at least one adult staff in addition to the driver shall be present if at least ~~seven~~ eight children provided care by the center are transported.
- g. Any child care center-sponsored program activity involving five or more children conducted away from the licensed facility shall provide a minimum of one additional staff over the required staff ratio for the protection of the children.
- h. For a period of two hours or less at the beginning ~~or~~ and end of the center's hours of operation, one staff may care for ~~six~~ seven or fewer children, provided no more than ~~two~~ four of the children are under the age of two years and there are no more than ~~six~~ seven children in the center.
- i. For centers or preschools serving school-age children, the ratio for school-age children may be exceeded for a period of no more than four hours during a day when school classes start late or are dismissed early or cancelled due to inclement weather or structural damage provided the children are already enrolled at the center and the center does not exceed the licensed capacity.

ITEM 3. Amend rule **441—109.11(2)** as follows:

109.11(2) *Infants' area.* An area shall be provided properly and safely equipped for the use of infants and free from the intrusion of children two years of age and older. ~~Children over 18 months of age may be grouped outside this area if appropriate to the developmental needs of the child.~~ Upon the recommendation of a child's physician or the area education agency serving the child, a child who is two years of age or older with a disability that results in significant developmental delays in physical and cognitive functioning who does not pose a threat to the safety of the infants may, if appropriate and for a limited time approved by the department, remain in the infant area.



Iowa Department of Human Services
Information on Proposed Rules

Name of Program Specialist Ryan Page	Telephone Number 515-281-7714	Email Address rpage@dhs.state.ia.us
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1. Give a brief purpose and summary of the rulemaking:

These rule changes allow an increased number of children to be served per staff person in the 2 year old and 3 year old age categories in licensed child care centers. It modifies requirements of combining age groups and also allows a staff person under the age of 18 to provide care to school aged children, without being under the direct supervision of an adult
DHS does clarify that persons under the age of 18 shall not be the sole provider on the premises of a child care facility or transport children.

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

237A. HF2198 directs DHS to make changes to ratio for 2 and 3 year old children as well as modify staffing requirements

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

These rules will allow an increased number of children to be served per staff person in licensed child care centers, positively impacting the number of people that can return to work if child care access is a barrier to their employment.

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?

Advocates for modifying ratios to be more aligned with national recommendations may be opposed to rule changes as there are concerns about safety and supervision. Child care centers struggling with staffing and maintaining ratios may agree with the recommended changes.
Parents may not be comfortable with their children being supervised by a minor without an adult present. This bill has had a large number of media inquiries and reports.

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.)

Yes. Child Care is a known issue to workforce shortages as many parents cite a lack of access to child care as a workforce barrier. With access to child care due to increasing ratio allowances and modifying staffing, this may improve access to child care for families.



Administrative Rule Fiscal Impact Statement

Date: May 17, 2022

Agency: Human Services

IAC citation: 441 IAC 109

Agency contact: Ryan Page

Summary of the rule:

These rule changes allow an increased number of children to be served per staff person in the 2 year old and 3 year old age categories in licensed child care centers. It modifies requirements of combining age groups and also allows a staff person under the age of 18 to provide care to school aged children, without being under the direct supervision of an adult

DHS does clarify that persons under the age of 18 shall not be the sole provider on the premises of a child care facility or transport children.

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.](#)

Little to no programmatic fiscal impact is expected with this action as it does not change overall capacity limits at CCA centers. Changes in staff ratios to allow more children to be cared for per staff member could potentially increase caseloads, but any potential increases are expected to be minor and incorporated within the caseload estimates already assumed in the budget. Furthermore, any potential impacts are difficult to quantify in the absence of specific provider data.

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	<u>0.00</u>	<u>0.00</u>

This rule is required by state law or federal mandate.

Please identify the state or federal law:

Identify provided change fiscal persons:

HF2198 directs DHS to make changes to ratio for 2 and 3 year old children as well as modify staffing requirements

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:

No fiscal impact is anticipated.

Fiscal impact to persons affected by the rule:

These rules will allow an increased number of children to be served per staff person in licensed child care centers, positively impacting the number of people that can return to work if child care access is a barrier to their employment.

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

No impact is anticipated.

Agency representative preparing estimate: Francis Thurman

JH 05/20/2022

Telephone number: 515-281-6855

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to family life homes and providing an opportunity for public comment.

The Human Services Department hereby proposes to amend Chapter 111, "Family-Life Homes," 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 249A.4.

Purpose and Summary

This proposed rule making is part of the Department's five-year rules review process. These rules define the Family Life Home program administered through the Department through State Supplementary Assistance services. The names of forms were removed to eliminate unnecessary future changes as form names change.

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 July 5, 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 rule **441—111.2(4)** as follows:

111.2(4) When an applicant has reached a decision to operate a family-life home, the applicant shall complete Form 470-0606, ~~Application for Certification~~.

ITEM 2. Amend subrule **441—111.6(1)** as follows:

111.6(1) Prior to certification the family shall furnish the local department with a medical report on each member of the household. The report shall be on Form 470-0672, ~~Provider Health Assessment Form~~.

ITEM 3. Amend subrule **441—111.9(1)** as follows:

111.9(1) A physician shall certify that the client is free from any communicable disease and does not require a higher level of care than that provided by a family-life home. The certification shall be given prior to placement and following an annual medical review thereafter. The certification shall be given on Form 470-0673, ~~Physician's Report~~.

ITEM 4. Amend rule **441—111.10** as follows:

441—111.10(249) Placement agreement. The head of the family-life home and the resident shall enter into a placement agreement by signing Form 470-0634, ~~Placement Agreement Family-Life Home~~, provided by the department.

ITEM 5. **Amend - Chapter 111**, implementation sentence as follows:

These rules are intended to implement Iowa Code sections 234.6(~~6~~)(1) "e" and 249.3(2) "a" (1).



Iowa Department of Human Services

Information on Proposed Rules

Name of Program Specialist Gloriana Fisher	Telephone Number 515-281-5392	Email Address gfisher@dhs.state.ia.us
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1. Give a brief purpose and summary of the rulemaking:

As a part of the 5-year rule review, this change to administrative rules is designed to align consistent language and direction.

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

Iowa Code chapter 234.6 Child and Family Services and Iowa Code chapter 249 State Supplemental Assistance

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

The changes will incorporate common language decreasing unnecessary future changes and will positively impact all.

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

No. Not applicable.

5. What are the likely areas of public comment?

No public comments are 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.)

No such impact is anticipated.

Proposed Rule Changes

ITEM 1. Adopt **changes** to rule **441—111.2(4)** as follows:

111.2(4) When an applicant has reached a decision to operate a family-life home, the applicant shall complete ~~Form 470-0606, Application for Certification.~~ application on a form prescribed by the department.

ITEM 2. Adopt **changes** to rule **441—111.6(1)** as follows:

111.6(1) Prior to certification the family shall furnish the local department with a medical report on each member of the household. The report shall be on ~~Form 470-0672, Provider Health Assessment Form.~~ a form prescribed by the department.

ITEM 3. Adopt **changes** to rule **441—111.9(1)** as follows:

111.9(1) A physician shall certify that the client is free from any communicable disease and does not require a higher level of care than that provided by a family-life home. The certification shall be given prior to placement and following an annual medical review thereafter. The certification shall be given on ~~Form 470-0673, Physician's Report.~~ a form prescribed by the department.

ITEM 4. Adopt **changes** to rule **441—111.10** as follows:

441—111.10(249) Placement agreement. The head of the family-life home and the resident shall enter into a placement agreement ~~by signing Form 470-0634, Placement Agreement Family Life Home,~~ provided by the department.



Administrative Rule Fiscal Impact Statement

Date: November 29, 2021

Agency: Human Services
IAC citation: 441 IAC 111
Agency contact: Gloriana Fisher, Social Worker 6

Summary of the rule:

The rule defines the Family Life Home Program administered by DHS through state supplementary services

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 is no fiscal impact to the state.

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 05/16/2022

Telephone number: 281-6188

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to general provisions and providing an opportunity for public comment.

The Human Services Department hereby proposes to amend Chapter 130, "General Provisions," 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

This proposed rule making is part of the Department's five-year rules review process. The Department is revising outdated language and replacing it with current person-centered language to be consistent with best practices. Instead of using income charts that need to be updated annually the Department is using a link to poverty income guidelines provided by health and human services. The term child abuse investigation is being updated to child protective assessment and the term mental retardation is being updated to intellectual disability.

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 July 5, 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 rule 441-130.2 (4) as follows:

441-130.2(4) The application shall be approved or denied within 30 days from the date of application and the applicant notified of the decision. The decision shall be mailed or given to the applicant on the date the determination is made except that for services ordered by the court, the court order provided by the court and the case permanency plan provided by the department shall serve as notification. When individual case management services are being provided under 441—Chapter 24 for persons with ~~mental retardation~~ an intellectual disability, a developmental disability, or chronic mental illness, the application shall be approved or denied no later than the date that the department service manager, who is part of the interdisciplinary team, signs the individual program plan.

ITEM 2. Amend rule 441-130.3(1) as follows:

441-130.3(1)d.(1) Income maintenance status. They are recipients of the family investment program, or those whose income was taken into account in determining the needs of family investment program recipients, or recipients of supplemental security income or state supplementary assistance, or those in the 300 percent group as defined in 441—subrule ~~75.1(7)-75.6(4)"b."~~

441-130.3(1)d(2) Income eligible status. The monthly gross income is based according to on family size. ~~is no more than the following amounts:~~ Family size income levels are found at: <https://aspe.hhs.gov/poverty-guidelines>.

Monthly Gross income Limits

Family Size	
1 Member	\$583
2 Members	762
3 Members	942
4 Members	1,121
5 Members	1,299
6 Members	1,478
7 Members	1,510
8 Members	1,546
9 Members	1,581
10 Members	1,612
11 Members	1,645

12 Members	1,678
13 Members	1,711
14 Members	1,744
15 Members	1,777
16 Members	1,810
17 Members	1,843
18 Members	1,876
19 Members	1,909
20 Members	1,942

441-130.3(1)d(3) to (5) Rescinded IAB 6/9/04, effective 7/1/04. No change.

441-130.3(1)e. Certain services are provided without regard to income which means family income is not considered in determining eligibility. The services provided without regard to income are information and referral, child protective investigation assessment, child abuse treatment, child abuse prevention services, including protective child care services, family-centered services, dependent adult abuse evaluation, dependent adult abuse treatment, dependent adult abuse prevention services, and purchased adoption services to individuals and families referred by the department.

441-130.3(1)f. No change.

ITEM 3. Amend rule 441-130.4 to add cross reference to 441.

441-130.4(234) Fees. The department may set fees to be charged to clients for services received. The fees will be charged to those clients eligible under rule 441-130.3(234), but not those receiving services without regard to income due to a protective service situation. Nothing in these rules shall preclude a client from voluntarily contributing toward the costs of services.

ITEM 4. Amend rule 441-130.6 as follows:

441-130.6(2) Ensure that there is a department case plan for each individual or family based on assessment of strengths and needs. Furnish appropriate sections of the initial plan and of all updated department case plans to the provider agency when services are purchased for an individual. When individual case management services are being provided under 441—Chapter 24 for persons with ~~mental retardation~~ an intellectual disability, a developmental disability, or chronic mental illness, the individual case management services provider shall distribute the case plans.

441-130.6(3) Refer the client to other workers or agencies through proper channels, and coordinate all workers involved in the case.

When individual case management services are being provided under 441—Chapter 24 for persons with ~~mental retardation~~ an intellectual disability, a developmental disability, or chronic mental illness, the

individual case management services provider shall be responsible for making referrals and coordinating workers as specified in the individual program plan.

ITEM 5. Amend rule 441-130.7(234) as follows:

441-130.7 (234) Case plan. The department worker shall develop a case plan with or on behalf of persons approved to receive services. However, a case plan is not required (1) for child or adult protective assessment (2) for foster care cases in which the department does not have custody, guardianship or a voluntary placement agreement, or (3) when child care is the only service. A case plan shall be developed with or on behalf of every other person approved to receive services unless the person has a case manager as specified in 441—Chapter 24. When department services are provided before an individual program plan in compliance with 441—Chapter 24 is approved, a department case plan must be developed according to the requirements of this rule.

When individual case management services are being provided under 441—Chapter 24 for persons with ~~mental retardation~~ an intellectual disability, a developmental disability, or chronic mental illness, the rules in 441—Chapter 24 on time limits, plan format and on who develops the plan shall apply for adults and for children whose services are not under court jurisdiction. The department worker shall determine eligibility for those services provided by the department; however, a separate department case plan need not be developed. If the individual program plan does not include sufficient information to meet department service requirements or the requirements in this chapter, the person providing department social casework shall complete either a case plan or addendum and coordinate distribution to the persons who receive the individual program plan with the case manager.

441-130.7 (3) The case plan shall be developed and filed in the case records as follows:

- a. In child welfare cases, the case plan shall be developed in partnership with the child, the family, and the caregiver.
- (1) The recommendations from the child protective assessment ~~summary~~ and the safety plan developed with the family shall be considered an initial case plan.



Iowa Department of Human Services
Information on Proposed Rules

Name of Program Specialist Linda Dettmann	Telephone Number 515-281-3012	Email Address ldettma@dhs.state.ia.us
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1. Give a brief purpose and summary of the rulemaking:

This proposed rule making is part of the Department's five-year rules review process. The Department is revising outdated language and replacing it with current person-centered language to be consistent with best practices. Instead of using income charts that need to be updated annually the Department is using a link to poverty income guidelines provided by health and human services. The term child abuse investigation is being updated to child protective assessment and the term mental retardation is being updated to intellectual disability.

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

This proposed rule making is part of the Department's five- year rules review process.

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

The proposed rule making will be a positive impact as they will provide current information on application processes and eligibility factors.

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

The proposed amendments do not include a waiver provision as the Department has a waiver process under 441-1.8.

5. What are the likely areas of public comment?

Public comment, if received, is expected to be positive, as information is being updated to provide current processes and information.

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 is no impact on private sector jobs expected.



Administrative Rule Fiscal Impact Statement

Date: May 9, 2022

Agency: Human Services
IAC citation: 441 IAC 130
Agency contact: Linda Dettmann

Summary of the rule:

This proposed rule making is part of the Department’s five-year rules review process. The Department is revising outdated language and replacing it with current person-centered language to be consistent with best practices. Instead of using income charts that need to be updated annually the Department is using a link to poverty income guidelines provided by health and human services. The term child abuse investigation is being updated to child abuse assessment and the term mental retardation is being updated to intellectual disability.

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

	<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	_____	_____

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 05/09/2022

Telephone number: 281-6188

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

**Proposing rule making related to adverse actions
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 131, “Social Casework,” 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

This proposed rule making is part of the Department’s five-year rules review process. The rule regarding adverse actions is being updated to specify the correct rule references. *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 5, 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.

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:

Amend rule 441—131.5(234) as follows:

441—131.5(234) Adverse actions. Services shall be denied or terminated and appropriate notice given to clients as specified in ~~rule~~ rules 441—16.3(17A) and 441—130.5(234).



Iowa Department of Human Services
Information on Proposed Rules

Name of Program Specialist Linda Dettmann	Telephone Number 515-281-3012	Email Address ldettma@dhs.state.ia.us
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1. Give a brief purpose and summary of the rulemaking:
Updating Chapter 131- Social Casework for the Department's Five-Year Rule process. Updated rule in Adverse Actions to specify correct rule references.
2. What is the legal basis for the change? (Cite the authorizing state and federal statutes and federal regulations):
234.6
3. Describe who this rulemaking will positively or adversely impact.
It will positively impact clients as it will provide accurate information on notice and appeal rights.
4. Does this rule contain a waiver provision? If not, why?
No. The Department has a separate waiver provision under 441-1.8.
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 impact on jobs expected.



Administrative Rule Fiscal Impact Statement

Date: May 5, 2022

Agency: Human Services

IAC citation: 441 IAC 130

Agency contact: Linda Dettmann

Summary of the rule:

Updating rule to reflect correct references for notices of decision for adverse actions.

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

	<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	_____	_____

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 05/05/2022

Telephone number: 281-6188

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

**Proposing rule making related to the adoption opportunity grant program
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 160, “Adoption Opportunity Grant 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

The rules in Chapter 160 were reviewed as part of the Department’s five-year rules review process. As a result, it was determined the chapter is no longer needed and should be rescinded because the Adoption Opportunity Grant Program is not funded in Iowa. This proposed rule making rescinds Chapter 160. *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 5, 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.

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:

Rescind and reserve **441—Chapter 160**.



Iowa Department of Human Services
Information on Proposed Rules

Name of Program Specialist Laura Leise	Telephone Number 515-281-8799	Email Address lleise@dhs.state.ia.us
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1. Give a brief purpose and summary of the rulemaking:
The rules in Chapter 160 were reviewed as part of the Department's five-year rules review project. As a result, the following changes were made.
 - Chapter determined to be no longer needed and can be obsoleted.
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 members of the public, DHS staff, foster care and adoption youth and DHS contractors.
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: May 6, 2022

Agency: Human Services

IAC citation: 441 IAC 160

Agency contact: David Philmon

Summary of the rule:

The rule has determined that chapter 160 is no longer needed and can be obsolete.

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 Adoption Opportunity Grant program is not funded or used in the State. As a result, this chapter is no longer needed. 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 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 05/06/2022

Telephone number: 404-345-1088

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to aftercare services and providing an opportunity for public comment.

The Human Services Department hereby proposes to amend Chapter 187, "Aftercare Services Program," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 217.6 and 234.46.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 234.46.

Purpose and Summary

The rules in Chapter 187 were reviewed as part of the Department's five-year rules review project. This rule making extends eligibility to youth ages 21 and 22, regardless of whether the youth participated in aftercare services between the ages of 18 and 21 years old, and to youth who participate in the Preparation for Adult Living (PAL) program, even if the youth did not spend six of 12 months in foster care prior to aging out of care.

This change aligns the rules with Iowa Code Section 234.46. Foster care may include placements in a variety of settings, including a supervised apartment living, which was added within this rulemaking package. The meaning and intent of "preservices" has been clarified. Termination rules for youth who are participating in two similar services to avoid duplication has been refined. Advocates and youth have reported a desire to have more flexibility to use extended services funds. This rulemaking will allow youth to use a full \$600 in a half year, instead of the \$300 per quarter that is currently allowed in this chapter.

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 41_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 5, 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

PROPOSED RULE CHANGES

ITEM 1. Amend paragraph **187.2(3)“a”** as follows:

a. Preservices. The youth must meet eligibility requirements ~~for preservices~~ as described below:

- (1) The youth is at least 17 years of age; and
- (2) The youth ~~was~~ is placed in foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center; was adopted from foster care after reaching 16 years of age; or entered a subsidized guardianship arrangement from foster care after reaching 16 years of age; and
- (3) The youth has access to funding for preservices provided in contract that has not been fully expended for the contract year.

ITEM 2. Rescind and reserve subparagraph **187.2(3)“c”(3)**.

ITEM 3. Amend subparagraph **187.2(3)“d”(2)** as follows:

- (2) Foster care may include, but is not limited to, placement in:
 1. A foster family home; or
 2. A foster care group home; or
 3. An emergency shelter; or
 4. ~~A preadoptive home~~ Supervised apartment living; or
 5. ~~The A preadoptive home of a relative or suitable person;~~ or
 6. ~~A psychiatric medical institution for children (PMIC)~~ The home of a relative or suitable person; or
 7. A psychiatric medical institution for children (PMIC).

Proposed Rule Changes

ITEM 4. Amend subrule 187.3(1) as follows:

187.3(1) Preservices. ~~Planning, coordination of services, Informational~~ and trust-building activities may be provided to a youth placed out of home, as described in paragraph 187.2(3) “a,” who is expected to participate in aftercare services at 18 years of age or older. The administrator may provide funds as described in paragraph 187.3(4) “a.” However, funds provided to the youth in preservices will be deducted from available start-up funds in the youth’s first year of participation in core services.

ITEM 5. Amend paragraph **187.3(6)“a”** as follows:

a. To be eligible for the PAL stipend, the youth must:

(1) ~~Meet~~ Have met eligibility requirements in Iowa Code section ~~234.46~~ 234.46(1) upon reaching the age of 18 and meets rule 441—187.2(234); and

(2) ~~Have been placed out of home in~~ Has exited foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center as identified by Iowa Code chapter 232 on or after the youth’s eighteenth birthday, ~~and have exited after having been in any combination of the same services in at least 6 of the 12 months before leaving placement; and~~

(3) ~~Be ineligible for voluntary foster care placement, due to~~ Meets one or more of the following criteria:

1. ~~The youth has a high school diploma~~ Be enrolled in or equivalent, actively pursuing enrollment in postsecondary education, a training program or work training; or

2. ~~The youth has reached 20 years of age,~~ Be employed for 80 hours per month or be actively seeking that level of employment; or

Proposed Rule Changes

3. ~~The youth became eligible for aftercare services due to exiting the Iowa state training school or an Iowa detention center,~~ Be attending an accredited school full-time pursuing a course of study leading to a high school diploma; or

4. ~~The youth became eligible for aftercare services due to exiting court-ordered care in accordance with Iowa Code chapter 232 by a relative or another person with a significant relationship with the youth~~ Be attending an instructional program leading to a high school equivalency diploma.

5. The maximum monthly stipend shall be provided after completion of the youth's budget. The maximum amounts provided to a youth shall be stated in the contract and shall be based on program eligibility and guidelines, as follows:

(a) The monthly stipend shall be prorated based on the number of days of youth participation, for those entering and exiting the program during the month.

(b) When the monthly unearned income of the youth exceeds the overall maximum monthly stipend offered in the preparation for adult living program, the youth is not eligible for payments under subrule 187.3(4) unless unused startup funds remain.

(c) When the net earnings of the youth exceed the overall maximum monthly stipend offered in the preparation for adult living program, the monthly stipend shall be reduced by 50 cents for every dollar earned by the youth over the overall monthly maximum stipend.

(d) All earned and unearned income received by the youth during the 30 days before the determination shall be used to project future income. If the 30-day period is not indicative of future income, income from a longer period or verification of anticipated income from the income source may be used to project future income.

Proposed Rule Changes

(e) Nonrecurring lump-sum payments are excluded as income. Nonrecurring lump-sum payments include, but are not limited to, one-time payments received for such things as income tax refunds, rebates, credits, refunds of security deposits on rental property or utilities, and retroactive payments for past months' benefits such as social security, unemployment insurance, or public assistance.

(f) The youth shall timely report the beginning and ending of earned and unearned income. A report shall be considered timely when made within ten days from the receipt of income or the date income ended.

(g) When the youth timely reports a change in income, the youth's prospective eligibility and stipend amount for the following month shall be determined based on the change.

(h) Recoupment shall be made for any overpayment due to failure to timely report a change in income or for benefits paid during an administrative appeal if the department's action is ultimately upheld. Recoupment may be made through a reasonable reduction of any future stipends.

(i) Recoupment shall not be made when a youth timely reports a change in income and the change is timely acted upon, but the timely notice policy in rule 441—16.3(17A) requires that the action be delayed until the second calendar month following the month of change.

(j) The stipend may be paid to the youth, the foster family, or another payee other than a department employee. The payee shall be agreed upon by the parties involved and specified in the individual self-sufficiency plan, described in subrule 187.3(2).

(k) The maximum stipend may be based on the age of the youth.

ITEM 6. Rescind and reserve paragraph **187.3(6)“b” and 187.3(6)“c.”**

Proposed Rule Changes

ITEM 7. Amend paragraph **187.3(6)“d”** as follows:

d. The extended services funds approved for the youth have not exceeded ~~\$300~~ \$600 for a ~~three-month~~ six-month period calculated from the date of initiation of extended services.

ITEM 8. Reletter paragraph **187.4(1)“e”** as **187.4(1)“f.”**

ITEM 9. Adopt the following **new** paragraph(s) **187.4(1)“e”**:

e. The youth has entered a residential services program and has resided there for 60 days. Residential services program means a program where housing and support services are provided, including but not limited to homeless shelters or transitional living programs.



Iowa Department of Human Services
Information on Proposed Rules

Name of Program Specialist Doug Wolfe	Telephone Number 515-360-0388	Email Address dwolfe@dhs.state.ia.us
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1. Give a brief purpose and summary of the rulemaking:

The rules in Chapter 187 were reviewed as part of the Department’s five-year rules review project. As a result, the following changes were made.

- Extended eligibility to youth age 21 and 22, regardless whether they participated at age 18-21, and to youth to participate in PAL, even if they did not spend 6 of 12 months in foster care prior to aging out of care (this aligns with Iowa Code 234.46).
- Included Supervised Apartment Living in the definition of foster care.
- Clarified meaning and intent of “preservices”.
- Clarified termination rules for youth who are participating in two similar services, to avoid duplication.
- Advocates and youth reported they want more flexibility to use funds—so this would allow them to use a full \$600 to pay rent or help purchase a car, for example, instead of just having 300 at a time. In other words, the \$300 per quarter is spread out, so the youth can use \$600 in a half year.

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

Iowa Code Section 217.6 provides rule making authority to the director of the Iowa Department of Human Services.

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

It is expected that amendments herein will provide a positive benefit to members of the public, including former foster care youth.

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 20, 2022

Agency: Human Services
IAC citation: 441 IAC 187
Agency contact: Doug Wolfe, Transition Program Manager

Summary of the rule:

The rule extended eligibility to youth age 21 and 22, regardless whether they participated at age 18-21, and to youth to participate in PAL, clarified some terms and definitions, as well as allows more flexibility for advocates and youth to use funds allotted to them.

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 changes are neutral or will be addressed in the current budget.

The eligibility changes are expected to be negligible—services to a few youth can be easily absorbed in the budget and will likely be offset by reductions to exceptions to policy.

The changes to the funding distribution will have no fiscal impact. The rule allows more flexibility for youth, but does not add more funds for them to utilize. Youth will get to claim up to \$600 per six month period, instead of \$300 every quarter.

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:

Agency representative preparing estimate: David O. Philmon, Jr. MBA. MSBA JH 04/21/2022

Telephone number: 404-345-1088

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to the Iowa Adoption Exchange and providing an opportunity for public comment.

The Human Services Department hereby proposes to amend Chapter 203, "Iowa Adoption Exchange," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed 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 sections 232.119 and 237.3.

Purpose and Summary

The rules in chapter 203 were reviewed as part of the Department's five year rules review process. The purpose of the Iowa adoption exchange is to facilitate the placement of Iowa children who are legally available for adoption. Administrative rules in this chapter require that children with special needs under state guardianship be registered on the Iowa adoption exchange within 60 days after termination of parental rights unless a deferral is granted. All children under state guardianship for whom an adoptive home is not available within 90 days after termination of parental rights shall be registered on the adoption exchange. Department workers, child-placing agencies and certified adoption investigators shall register adoptive families, if the families wish to adopt a child with special needs or a sibling group.

This rulemaking updates definitions used in the program and clarifies the 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 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 5, 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 RULEMAKING

ITEM 1. Amend rule 441—203.1(232) Definitions as follows:

203.1(232) “Recruitment, Retention, Support and Training (RRTS) Contract” means the State’s contractor(s) responsible for activities related to licensing foster families and approving adoptive families; providing support services to foster and pre-adoptive families; conducting pre-service and in-service training; and assistance in matching children in need of foster home care.

ITEM 2. Amend paragraph 441—203.2 “a” as follows:

203.2 “a”. The agency shall submit Form 470-07513351, ~~Exchange Referral of Child/Sibling Group~~ to the department for entry of the child’s name and data if the agency is registering less than four children a calendar year. The RRTS contractor(s) manage the state’s photo listing. This form authorizes the RRTS contractor to post the child on the state and national exchanges.



Iowa Department of Human Services

Information on Proposed Rules

Name of Program Specialist Laura Leise	Telephone Number 515-281-8799	Email Address lleise@dhs.state.ia.us
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1. Give a brief purpose and summary of the rulemaking:

The rules in Chapter 203 were reviewed as part of the Department's five-year rules review project. As a result, the following changes were made.

- Clarification on definitions
- Clarification on process

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 members of the public, DHS staff, foster care and adoption youth and DHS contractors.

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: May 6, 2022

Agency: Human Services
IAC citation: 441 IAC CHAPTER 203
IOWA ADOPTION EXCHANGE
Agency contact: Laura Leise

Summary of the rule:

The purpose of the Iowa adoption exchange as mandated by Iowa Code section 232.119, is to facilitate the placement of Iowa children who are legally available for adoption.

This chapter requires that children with special needs under state guardianship be registered on the Iowa adoption exchange within 60 days after termination of parental rights unless a deferral is granted according to Iowa Code section 232.119 and that all children under state guardianship for whom an adoptive home is not available within 90 days after termination be registered, not just children with special needs. Child-placing agencies may also register children under their guardianship whose parental rights have been terminated.

Department workers, child-placing agencies and certified adoption investigators shall register approved adoptive families, if the families wish to adopt a child with special needs or a sibling group.

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 clarifies definitions and process. 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 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 05/06/2022

Telephone number:

404-345-1088

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to the subsidized guardianship program and providing an opportunity for public comment.

The Human Services Department hereby proposes to amend Chapter 204, "Subsidized Guardianship 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

The rules in Chapter 204 are being reviewed as part of the Department's five-year rules review process. Additional clarification is being added to when a subsidized guardianship can continue to age 21. Language is also being added to provide information on when a subsidy would be terminated.

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 July 5, 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 rule **441—204.7(234)** as follows:

441—204.7(234) Termination of subsidy. A Guardianship Subsidy Agreement shall remain in effect until the subsidy is terminated based on one of the grounds listed in this rule. The subsidy shall terminate when any of the following occur, and a notice shall be sent which states the reason for the termination:

1. The child reaches the age of 18, unless the department determines that the subsidy may continue until the child reaches the age of 21 to facilitate the child's completion of high school or a high school equivalency diploma, or the Department determines the child is eligible to receive subsidy to the age of 21 due to the child's physical, intellectual, or mental health disability.
2. The child marries or enlists in the military.
3. The child no longer lives with the guardian, except for placement outside the home as limited by subrule 204.4(3).
4. The relationship ends due to the death of the child.
5. The terms of the Guardianship Subsidy Agreement are concluded.
6. The guardian requests that the guardianship payment cease.
7. The department has determined the guardian is not providing financial support to the child.
8. The guardian fails to abide by the terms of the Guardianship Subsidy Agreement.
9. The guardianship case is terminated by court order.
10. The department funds for subsidized guardianship are no longer available
11. Due to incapacity, the guardian can no longer discharge the responsibilities necessary to protect and care for the child, the guardianship has been or will be vacated, and a successor guardian was not named in the *Guardianship Subsidy Agreement*.
12. The death of the guardian when a successor guardian is not named in the *Guardian Subsidy Agreement*. (one in a single-parent family or both in a two-parent family).

ITEM 2. Amend implementation sentence as follows:

These rules are intended to implement Iowa Code section 234.6 and ~~2006 Iowa Acts, House File 2734, section 17, subsection 10.~~



Iowa Department of Human Services
Information on Proposed Rules

Name of Program Specialist Laura Leise	Telephone Number 515-281-8799	Email Address lleise@dhs.state.ia.us
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1. Give a brief purpose and summary of the rulemaking:

The rules in Chapter 204 were reviewed as part of the Department's five-year rules review project. As a result, the following changes were made.

- Clarification on termination of subsidy to align with manual and agreements

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 members of the public, DHS staff, foster care and adoption youth and DHS contractors.

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.

Proposed Rule Changes

ITEM 1. Amend and Adopt rule 441—441—204.7

441—204.7(234) Termination of subsidy. A Guardianship Subsidy Agreement shall remain in effect until the subsidy is terminated based on one of the grounds listed in this rule. The subsidy shall terminate when any of the following occur, and a notice shall be sent which states the reason for the termination:

1. The child reaches the age of 18, unless the department determines that the subsidy may continue until the child reaches the age of 21 to facilitate the child's completion of high school or a high school equivalency diploma, or the Department determines the child is eligible to receive subsidy to the age of 21 due to the child's physical, intellectual, or mental health disability.
2. The child marries or enlists in the military.
3. The child no longer lives with the guardian, except for placement outside the home as limited by subrule 204.4(3).
4. The relationship ends due to the death of the child.
5. The terms of the Guardianship Subsidy Agreement are concluded.
6. The guardian requests that the guardianship payment cease.
7. The department has determined the guardian is not providing financial support to the child.
8. The guardian fails to abide by the terms of the Guardianship Subsidy Agreement.
9. The guardianship case is terminated by court order.
10. The department funds for subsidized guardianship are no longer available
11. Due to incapacity, the guardian can no longer discharge the responsibilities necessary to protect and care for the child, the guardianship has been or will be vacated, and a successor guardian was not named in the *Guardianship Subsidy Agreement*.
12. The death of the guardian when a successor guardian is not named in the *Guardian Subsidy Agreement*. (one in a single-parent family or both in a two-parent family).



Administrative Rule Fiscal Impact Statement

Date: May 6, 2022

Agency: Human Services

IAC citation: 441 IAC 204

Agency contact: David Philmon

Summary of the rule:

The rule clarifies the termination of subsidy to align with manual and agreements

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 are only clarifying changes; ie. Clarification on termination of subsidy to align with manual and agreements. 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 2023)</u>	<u>Year 2 (FY 2027)</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 05/06/2022
Telephone number: 404-345-1088