

AGENDA

Thursday, May 12, 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 April 14, 2022, meeting minutes
- 10:10 a.m.** Rules - **Nancy Freudenberg**

The following amendments to the administrative rules are presented for adoption at the May 12, 2022, Council on Human Services meeting.

R-1 Amendments to Chapter 3, “Procedures for Rulemaking” Iowa Administrative Code. (Aligns rules with current practice)

This rulemaking updates information on the current rulemaking process, including contact information and electronic availability of documents. This review is part of the department’s five-year rules review process.

R-2 Amendments to Chapter 4, “Petitions for Rulemaking,” Iowa Administrative Code. (Aligns rules with current practice)

This rulemaking makes changes to contact information and minor changes to wording for consistency regarding the process for filing a petition for rulemaking. This review is part of the department’s five-year rules review process.

R-3 Amendments to Chapter 8, “Payment of Small Claims,” Iowa Administrative Code. (Align rules with current practice and the Iowa Code)

When an employee’s personal items are damaged or destroyed during an employee’s tour of duty, the Department may reimburse the employee for repair or replacement of the items. Claims that are approved are to be paid from the Department’s support allocation and cannot exceed \$300 per item. This is an increase in the maximum allocation of \$150 per item and is being done to bring the rules into compliance with the Iowa Code. This review is part of the department’s five-year rules review process.

R-4 Amendments to Chapter 14, “Offset of County Debts,” Iowa Administrative Code. (Rescind chapter)

The department is eliminating Chapter 14 in its entirety. The process for offsets of debts owed to state agencies in this chapter is duplicative of the requirement in 11 IAC chapter 40 and the set off procedures in Iowa Code 8A.604. As the Department of Administrative Services has established a process by which state agencies can participate in the offset program by identifying debts who owe liabilities to that agency and offset those liabilities against claims owed to debts by agencies, this rule chapter is no longer necessary. This review is part of the department’s five-year rules review process.

R-5 Amendments to Chapter 28, “Policies for Mental Health Institutes and Resource Centers,” Iowa Administrative Code. (Aligns rules with current practice and the Iowa Code)

The department is updating rules for Mental Health Institutes and Resources Centers. Definitions are being updated to eliminate outdated terminology. The application process was aligned with current practices. This review is part of the department’s five-year rules review process for MHDS rules.

R-6 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 is updating rules to reflect federal regulations regarding the increased number of hours of training required for nurse aid programs. There is also a proposed increase of 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.

R-7 Amendments to Chapter 153, “Funding for Local Services” Iowa Administrative Code. (Updates the child care quality ratios for licensed child care centers).

This review is part of the department’s five-year rules review process. Division I set the requirements for developing a social services block grant pre-expenditure report. This rulemaking adds references to the intended use plan, which is done in tandem with the social services block grant pre-expenditure report. The proposed report and intended use plan need to be available for public review and comment for a minimum of ten days, instead of two weeks. Division II updates the number of the Department’s service areas from eight to six and updates the name of community empowerment board to Early Childhood Iowa. Division IV is rescinded as the program no longer exists and the Iowa Code Section that authorized the program has been repealed.

R-8 Amendments to Chapter 184, “Individual and Family Direct Support,” Iowa Administrative Code. (Aligns rules with current practice and the Iowa Code)

This review is part of the department’s five-year rules review process. Division I regarding the Family Support Subsidy Program updates the definition of a family member based on the federal Development Disabilities Assistance and Bill of Rights as codified in 42 U.S.C. The department is no longer accepting new applications for the program after January 1, 2010. Members who are currently enrolled in the program remain eligible until one of the reasons for termination is met. This rulemaking brings the rules into compliance with the Iowa Code. Division II regarding the Comprehensive Family Support Program updates an outdated reference to the U.S.C. and removes the form name and number of the application used to apply for the program from the rules as the application form became obsolete effective July 1, 2016.

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

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

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

N-2 Amendments to Chapter 47, “Diversion Initiatives,” Iowa Administrative Code. (Align rules with current practice and the Iowa Code)

This rule making updates the name of Iowa’s food assistance program in Division I to the Supplemental Nutrition Assistance Program (SNAP) to be consistent with the federal program and alleviate confusion around food benefits. Division II clarifies rules in the PROMISE JOBS program and the duties of the division administrator.

N-3 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 proposed 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.

**N-4 Amendments to Chapter 158, “Foster Home Insurance Fund,” Iowa Administrative Code.
(Updates insurance fund to cover auto damage)**

This proposed rulemaking updates the insurance coverage under the foster Home Insurance fund to include auto damage by foster care children as a covered expense. This rulemaking does not change the premium or the total costs the Department currently pays. This review is part of the department’s five-year rules review process.

- 10:40 a.m.** MCO Quarterly Report, State Fiscal Year 2022, Quarter 2 – **Kurt Behrens, Medicaid Management Analyst**
- 11:00 a.m.** Director’s Report – **Director Kelly Garcia**
- 11:20 a.m.** Council Update
- 11:30 a.m.** Adjourn

This meeting is accessible to persons with disabilities. (If you have special needs, please contact the Department of Human Services (515) 281-5452 two days prior to the meeting.)

Note: Times listed on agenda for specific items are approximate and may vary depending on the length of discussion for preceding items. Please plan accordingly.

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to rulemaking

The Human Services Department hereby amends Chapter 3, "Department Procedure For Rule Making," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 17A.3 to 17A.7.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 17A.3.

Purpose and Summary

This rule making is part of the Department's five-year rules review process. This rule making updates information on the current rule-making process, including contact information and electronic availability of rule-making documents. Means of distribution of rule-making documents are changed to reflect the current process of electronic availability instead of distributing documents by mail. Information in the rules that duplicates information already dictated in the Iowa Code and other administrative rules is removed. No changes to the Department's rule-making process are made in this rule making.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 23, 2022, as ARC 6247C.

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 May 12, 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 August 1, 2022.

The following rule-making action is adopted:

Please see attached.

ITEM 1. Amend rules 441—3.3(17A) to 441—3.6(17A) as follows:

441—3.3 (17A) Public rule-making docket.

~~3.3(1) *Docket maintained.*~~ The department shall ~~maintain a current public rule making docket~~ utilize the electronic public rule-making docket provided by the Office of the Chief Information Officer.

~~3.3(2) *Anticipated rule making.*~~ Rescinded IAB 3/6/02, effective 5/1/02.

~~3.3(3) *Pending rule making proceedings.*~~ The rule-making docket shall list each pending rule-making proceeding. A rule-making proceeding is pending from the time it is commenced, by publication in the Iowa Administrative Bulletin of a Notice of Intended Action pursuant to Iowa Code section 17A.4(1)“a,” to the time it is terminated, by publication of a Notice of Termination in the Iowa Administrative Bulletin or the rule’s becoming effective. For each rule-making proceeding, the docket shall indicate:

~~a. — The subject matter of the proposed rule.~~

~~b. — A citation to all published notices relating to the proceeding.~~

~~c. — Where written submissions on the proposed rule may be inspected.~~

~~d. — The time during which written submissions may be made.~~

~~e. — The names of persons who have made written requests for an opportunity to make oral presentations on the proposed rule, where those requests may be inspected, and where and when oral presentations may be made.~~

~~f. — Whether a written request for the issuance of a regulatory analysis or a concise statement of reasons has been filed, whether such an analysis or statement or a fiscal impact~~

~~statement has been issued, and where any such written request, analysis, or statement may be inspected.~~

~~g. The current status of the proposed rule and any department determinations with respect thereto.~~

~~h. Any known timetable for department decisions or other action in the proceeding.~~

~~i. The date of the rule's adoption.~~

~~j. The date of the rule's filing, indexing, and publication.~~

~~k. The date on which the rule will become effective.~~

~~l. Where the rule making record may be inspected.~~

441—3.4 (17A) Notice of proposed rule making.

3.4(1) Contents. At least 35 days before the adoption of a rule the department shall cause Notice of Intended Action to be published in the Iowa Administrative Bulletin. The Notice of Intended Action shall include:

- a.* A brief explanation of the purpose of the proposed rule.
- b.* The specific legal authority for the proposed rule.
- c.* Except to the extent impracticable, the text of the proposed rule.
- d.* Where, when, and how persons may present their views on the proposed rule.
- e.* Where, when, and how persons may demand an oral proceeding on the proposed rule if the notice does not already provide for one.

Where inclusion of the complete text of a proposed rule in the Notice of Intended Action is impracticable, the department shall include in the notice a statement fully describing the specific subject matter of the omitted portion of the text of the proposed rule, the specific issues

to be addressed by that omitted text of the proposed rule, and the range of possible choices being considered by the department for the resolution of each of those issues.

~~3.4(2) Copies of notices by mail. Persons desiring to receive copies of future Notices of Intended Action by subscription shall complete Form 470-2250, Notice Subscription, which is available from the Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut, Des Moines, Iowa 50319-0114, indicating the name and address to which the notices shall be sent. Persons may subscribe to all notices of the department, or only to notices pertaining to the service, income maintenance, or medical programs. Within seven days after submission of a Notice of Intended Action to the administrative rules coordinator for publication in the Iowa Administrative Bulletin, the department shall mail a copy of the notice to subscribers who have completed Form 470-2250 and paid the subscription price. The subscription price includes the cost of labor and supplies for copying and mailing of the notices. At the end of each calendar year, subscribers will be sent Form 470-2250 to complete if they wish to continue on the mailing list. All Notices of Intended Action are published on the Legislative Services Agency website and are available for download at <https://www.legis.iowa.gov/law/administrativeRules/bulletinSupplementListings>.~~

~~3.4(3) Subscription to Web site. Persons desiring to receive a weekly memo via E-mail listing new rules under proposal by the department shall go to the department's Web site at <http://www.dhs.state.ia.us/policyanalysis/> to subscribe or E-mail the department's rules administrator at policyanalysis@dhs.state.ia.us indicating the E-mail address to which the memo shall be sent. This service shall be available without charge.~~

441—3.5 (17A) Public participation.

3.5(1) Written comments. For at least 20 days after publication of the Notice of Intended Action, persons may submit argument, data, and views, in writing or via electronic transmission, on the proposed rule. These submissions should identify the proposed rule to which they relate

and should be submitted to the ~~Office~~ Bureau of Policy Analysis, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut, Des Moines, Iowa 50319-0114, or to the department's rules administrator at policyanalysis@dhs.state.ia.us appeals@dhs.state.ia.us. Persons may also submit written comments on a Notice of Intended Action at the website <https://rules.iowa.gov>, which lists all Notices that are open for public comment.

3.5(2) *Oral proceedings.* The department may, at any time, schedule an oral proceeding on a proposed rule. The department shall schedule an oral proceeding on a proposed rule if, within 20 days after the published Notice of Intended Action, a written request for an opportunity to make oral presentations is submitted to the department by the administrative rules review committee, a governmental subdivision, a state agency, an association having not less than 25 members, or at least 25 persons. That request must also contain the following additional information:

1. A request by one or more individual persons must be signed by each of them and include the address and telephone number of each of them.
2. A request by an association must be signed by an officer or designee of the association and must contain a statement that the association has at least 25 members and the address and telephone number of the person signing that request.
3. A request by a state agency or governmental subdivision must be signed by an official having authority to act on behalf of the entity and must contain the address and telephone number of the person signing that request.

The department may waive technical compliance with these procedures.

~~Oral proceedings scheduled by the department regarding rules directly affecting indigent clients shall be held in each of the service areas defined in rule 441—1.4(17A).~~

~~In the case of rules not directly affecting indigent clients, the~~ The department shall determine for each rule for which oral proceedings are scheduled ~~whether it will be necessary to hold presentations in all eight locations~~ the number of locations at which hearings will be held throughout the state, if needed. Anyone may object to the department's decision prior to the date of the proceedings by writing the same addressee specified in the Notice of Intended Action for receiving written data, views, or arguments. The department shall review the adequacy of the number of locations in light of the comments received.

3.5(3) and **3.5(4)** No change.

3.5(5) Accessibility. The department shall schedule oral proceedings in rooms accessible to and functional for persons with physical disabilities. Persons who have special requirements should contact the ~~office of policy analysis at (515)281-8440~~ Bureau of Policy Analysis, Department of Human Services, at appeals@dhs.state.ia.us in advance to arrange access or other needed services.

441—3.6 (17A) Regulatory analysis.

3.6(1) Definition of small business. A “small business” is defined in Iowa Code section 17A.4A(7).

~~**3.6(2) Distribution list.** Small businesses or organizations of small businesses may be registered on the department's small business impact list by making a written application addressed to the Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut, Des Moines, Iowa 50319-0114. The application for registration shall state:~~

- ~~a. The name of the small business or organization of small businesses;~~
- ~~b. Its address;~~
- ~~c. The name of a person authorized to transact business for the applicant;~~
- ~~d. A description of the applicant's business or organization. An organization representing 25 or more persons who qualify as a small business shall indicate that fact.~~
- ~~e. Whether the registrant desires copies of Notices of Intended Action at cost or desires advance notice of the subject of all or some specific category of proposed rule making affecting small business.~~

~~The department may at any time request additional information from the applicant to determine whether the applicant is qualified as a small business or as an organization of 25 or more small businesses. The department may periodically send a letter to each registered small business or organization of small businesses asking whether that business or organization wishes to remain on the registration list. The name of a small business or organization of small businesses shall be removed from the list if a negative response is received, or if no response is received within 30 days after the letter is sent.~~

~~**3.6(3) Time of distribution.** Within seven days after submission of a Notice of Intended Action to the administrative rules coordinator for publication in the Iowa Administrative Bulletin, the department shall mail to all registered small businesses or organizations of small businesses, in accordance with their request, either a copy of the Notice of Intended Action or notice of the subject of that proposed rule making. In the case of a rule that may have an impact on small business adopted in reliance upon Iowa Code section 17A.4(2), the department shall mail notice of the adopted rule to registered businesses or organizations prior to the time the adopted rule is published in the Iowa Administrative Bulletin.~~

3.6(4 2) *Qualified requestors for regulatory analysis—economic impact.* The department shall issue a regulatory analysis of a proposed rule that conforms to the requirements of Iowa Code section 17A.4A(2) “a” after a proper request from:

- a. The administrative rules coordinator.
- b. The administrative rules review committee.

3.6(5 3) *Qualified requestors for regulatory analysis—business impact.* The department shall issue a regulatory analysis of a proposed rule that conforms to the requirements of Iowa Code section 17A.4A(2) “b” after a proper request from:

- a. The administrative rules review committee.
- b. The administrative rules coordinator.
- c. At least 25 or more persons who sign the request provided that each represents a different small business.
- d. An organization representing at least 25 small businesses. That organization shall list the name, address and telephone number of not less than 25 small businesses it represents.

3.6(6 4) *Time period for analysis.* Upon receipt of a timely request for a regulatory analysis, the agency shall adhere to the time lines described in Iowa Code section 17A.4A(4).

3.6(7 5) *Contents of request.* A request for a regulatory analysis is made when it is mailed, e-mailed, or delivered to the department. The request shall be in writing and satisfy the requirements of Iowa Code section 17A.4A(1).

3.6(8 6) *Contents of concise summary.* The contents of the concise summary shall conform to the requirements of Iowa Code sections 17A.4A(4) and (5).

3.6(9 7) *Publication of a concise summary.* The department shall make available to the maximum extent feasible, copies of the published summary ~~in conformance with Iowa Code section 17A.4A(5)~~ on the department's website.

3.6(10 8) *Regulatory analysis contents—rules review committee or rules coordinator.* When a regulatory analysis is issued in response to a written request from the administrative rules review committee or the administrative rules coordinator, the regulatory analysis shall conform to the requirements of Iowa Code section 17A.4A(2) “a,” unless a written request expressly waives one or more of the items listed therein.

3.6(11 9) *Regulatory analysis contents—substantial impact on small business.* When a regulatory analysis is issued in response to a written request from the administrative rules review committee, the administrative rules coordinator, at least 25 persons signing that request who each qualify as a small business or by an organization representing at least 25 small businesses, the regulatory analysis shall conform to the requirements of Iowa Code section 17A.4A(2) “b.”

ITEM 2. Rescind rule **441—3.10(17A)**.

ITEM 3. Renumber rules **441—3.11(17A)** to **441—3.16(17A)** as **441—3.10(17A)** to **441—3.15(17A)**.

ITEM 4. Amend rules **441—3.10(17A)** to **441—3.12(17A)** as follows:

441—3.10(17A) Concise statement of reasons.

3.10(1) General. When requested by a person, either prior to the adoption of a rule or within 30 days after its publication in the Iowa Administrative Bulletin as an adopted rule, the department shall issue a concise statement of reasons for the rule. Requests for such a statement must be in writing and be delivered to the ~~Office~~ Bureau of Policy Analysis, Department of Human Services, Fifth Floor, Hoover State Office Building, 1305 East Walnut, Des Moines,

Iowa 50319-0114. Requests may also be sent via e-mail to appeals@dhs.state.ia.us. The request should indicate whether the statement is sought for all or only a specified part of the rule.

Requests shall be considered made on the date received.

3.10(2) to 3.10(3) No change.

441—3.11(17A) Contents, style, and form of rule.

~~**3.12(1) Contents.** Each rule adopted by the department shall contain the text of the rule and, in addition:~~

~~*a.*—The date the department adopted the rule;~~

~~*b.*—A brief explanation of the principal reasons for the rule-making action if the reasons are required by Iowa Code section 17A.4(1)“b,” or the department in its discretion decides to include the reasons;~~

~~*c.*—A reference to all rules repealed, amended, or suspended by the rule;~~

~~*d.*—A reference to the specific statutory or other authority authorizing adoption of the rule;~~

~~*e.*—Any findings required by any provision of law as a prerequisite to adoption or effectiveness of the rule;~~

~~*f.*—A brief explanation of the principal reasons for the failure to provide for waivers to the rule if no waiver provision is included and a brief explanation of any waiver or special exceptions provided in the rule if the reasons are required by Iowa Code section 17A.4(1)“b,” or the department in its discretion decides to include the reasons; and~~

~~*g.*—The effective date of the rule.~~

~~**3.12(2) References to materials not published in full.** When the administrative code editor decides to omit the full text of a proposed or adopted rule because publication of the full text~~

~~would be unduly cumbersome, expensive, or otherwise inexpedient, the department shall prepare and submit to the administrative code editor for inclusion in the Iowa Administrative Bulletin and Iowa Administrative Code a summary statement describing the specific subject matter of the omitted material. This summary statement shall include the title and a brief description sufficient to inform the public of the specific nature and subject matter of the proposed or adopted rules and of significant issues involved in these rules. The summary statement shall also describe how a copy of the full text of the proposed or adopted rule, including any unpublished matter and any matter incorporated by reference, may be obtained from the department. The department shall provide a copy of that full text at actual cost upon request and shall make copies of the full text available for review either electronically or at the State Law Library.~~

~~At the request of the administrative code editor, the department shall provide a proposed statement explaining why publication of the full text would be unduly cumbersome, expensive, or otherwise inexpedient.~~

~~**3.12(3) Style and form.** In preparing its rules, the department shall follow the uniform numbering system, form, and style prescribed by the administrative rules coordinator.~~

441—3.12(17A) Department rule-making record.

~~**3.13(1) Requirement.** The department shall maintain an official rule-making record for each rule it proposes by publication in the Iowa Administrative Bulletin of a Notice of Intended~~

~~Action, or adopts. The rule-making record and materials incorporated by reference shall be available for public inspection. The Legislative Services Agency maintains an official rule-making record of each rule the department proposes or adopts on the Legislative Services Agency website at~~

~~<https://www.legis.iowa.gov/law/administrativeRules/bulletinSupplementListings>.~~

~~3.13(2) Contents. The department rule-making record shall contain:~~

~~a. — Copies of or citations to all publications in the Iowa Administrative Bulletin with respect to the rule or the proceeding upon which the rule is based and any file-stamped copies of department submissions to the administrative rules coordinator concerning that rule or the proceeding upon which it is based;~~

~~b. — Copies of Form 470-0096, Rule Log, containing dates of actions and Iowa Administrative Bulletin references relating to the rule or the proceeding upon which the rule is based;~~

~~c. — All written petitions, requests, and submissions received by the department, and all other written materials of a factual nature as distinguished from opinion that are relevant to the merits of the rule and that were created or compiled by the department and considered by the council of human services, mental health and developmental disabilities commission, or HAWK-I board in connection with the formulation, proposal, or adoption of the rule or the proceeding upon which the rule is based, except to the extent the department is authorized by law to keep them confidential; provided, however, that when any materials are deleted because they are authorized by law to be kept confidential, the department shall identify in the record the particular materials deleted and state the reasons for that deletion;~~

~~d. — Any official transcript of oral presentations made in the proceeding upon which the rule is based or, if not transcribed, the stenographic record or electronic recording of those presentations, and any memorandum prepared by a presiding officer summarizing the contents of those presentations;~~

~~e. — A copy of any regulatory analysis or fiscal impact statement prepared for the proceeding upon which the rule is based;~~

~~f. — A copy of the rule and any concise statement of reasons prepared for that rule;~~

~~g. — All petitions for amendment or repeal or suspension of the rule;~~

~~h. — A copy of any objection to the issuance of that rule without public notice and participation that was filed pursuant to Iowa Code section 17A.4(2) by the administrative rules review committee, the governor, or the attorney general;~~

~~i. — A copy of any objection to the rule filed by the administrative rules review committee, the governor, or the attorney general pursuant to Iowa Code subsection 17A.4(4), and any department response to that objection;~~

~~j. — A copy of any significant written criticism of the rule, including a summary of any requests for an exception to policy for the rule; and~~

~~k. — A copy of any executive order concerning the rule.~~

~~**3.13(3) Effect of record.** Except as otherwise required by a provision of law, the department rule making record required by this rule need not constitute the exclusive basis for department action on that rule.~~

~~**3.13(4) Maintenance of record.** The department shall maintain the rule making record for a period of not less than five years from the later of the date the rule to which it pertains became effective or the date of the Notice of Intended Action.~~



Iowa Department of Human Services
Information on Proposed Rules

Name of Program Specialist Adrienne Erazo	Telephone Number 515-281-5425	Email Address aerazo@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. This rulemaking updates information on the current rulemaking process, including contact information and electronic availability of rulemaking documents. Means of distribution of rule making documents were changed to reflect the current process of electronic availability instead of distributing documents by mail. Information in the rules that duplicates information already dictated in the Iowa Code and other administrative rules was removed. No changes to the Department's rulemaking process were made in this rulemaking.

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

Iowa Code sections 17A.3 through 17A.7.

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

This rulemaking will have a positive impact on the public as the updated information on electronic availability of rules documents and means of communication with the department will provide easier access to the departmental rulemaking process.

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 10, 2022

Agency: Human Services

IAC citation: 441 IAC 3

Agency contact: Adrienne Erazo

Summary of the rule:

This rulemaking was reviewed as part of the Department's five-year rules review process. This rulemaking updates information on the current rulemaking process, including contact information and electronic availability of rulemaking documents. Means of distribution of rule making documents were changed to reflect the current process of electronic availability instead of distributing documents by mail. Information in the rules that duplicates information already dictated in the Iowa Code and other administrative rules was removed. No changes to the Department's rulemaking process were made in this rulemaking.

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. No changes to the Department's rulemaking process were made in this rulemaking, only updates on the rulemaking process.

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. No changes to the Department's rulemaking process were made in this rulemaking, only updates on the rulemaking process.

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

No impact.

Agency representative preparing estimate: Rob Beran

JH 02/21/2022

Telephone number: 281-6188

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to petitions for rules.

The Human Services Department hereby amends Chapter 4, "Petitions For Rule Making," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 17A.3, 17A.4, 17A.5, 17A.6 and 17A.7.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 17A.3.

Purpose and Summary

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

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 23, 2022, as ARC 6252C.

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 May 12, 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 August 1, 2022.

The following rule-making action is adopted:

ITEM 1. Amend rule 441—4.1(17A) as follows:

441—4.1(17A) Petition for rule making. Any person or state agency may file a petition for rule making with the department at the ~~Office~~ Bureau of Policy Analysis, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut, Des Moines, Iowa 50319-0114, or at appeals@dhs.state.ia.us. ~~A petition is deemed filed when it is received by that office.~~ The date of receipt of a petition is the day it reaches the department's rules administrator. The department ~~must~~ shall provide the petitioner with a file-stamped copy of the petition if the petitioner provides the department an extra copy for this purpose. The petition ~~must~~ shall be typewritten or legibly handwritten in ink and ~~must~~ shall substantially conform to the following form:

BEFORE THE DEPARTMENT OF HUMAN SERVICES

Petition by (Name of Petitioner) for
the
(adoption, amendment, or repeal) of
rules
relating to (state subject matter).

}

PETITION FOR
RULE MAKING

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

1. A statement of the specific rule-making action sought by the petitioner including the text or a summary of the contents of the proposed rule or amendment to a rule and, if it is a petition to amend or repeal a rule, a citation and the relevant language to the particular portion or portions of the rule proposed to be amended or repealed.
2. A citation to any law deemed relevant to the department's authority to take the action urged or to the desirability of that action.
3. A brief summary of petitioner's arguments in support of the action urged in the petition.
4. A brief summary of any data supporting the action urged in the petition.
5. The names and addresses of other persons, or a description of any class of persons, known by petitioner to be affected by, or interested in, the proposed action which is the subject of the petition.
6. Any request by petitioner for a meeting provided for by subrule 4.4(1).

4.1(1) The petition ~~must~~ shall be dated and signed by the petitioner or the petitioner's representative. It ~~must~~ shall also include the name, mailing address, and telephone number of the petitioner and petitioner's representative, and a statement indicating the person to whom communications concerning the petition should be directed.

4.1(2) The department may deny a petition because it does not substantially conform to the required form.

ITEM 2. Amend rule 441—4.3(17A) as follows:441—4.3(17A) Inquiries. Inquiries concerning the status of a petition for rule making may be made to Rules Administrator, ~~Office~~ Bureau of Policy Analysis, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut, Des Moines, Iowa 50319-0114 or at appeals@dhs.state.ia.us.



Iowa Department of Human Services
Information on Proposed Rules

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

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



Administrative Rule Fiscal Impact Statement

Date: 2/23/22

Agency: Human Services

IAC citation: 441 IAC 4

Agency contact: Adrienne Erazo

Summary of the rule:

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

Fill in this box if the impact meets these criteria:

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

Brief explanation:

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

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

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

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

Assumptions:

There is no fiscal impact to the state.

Describe how estimates were derived:

There are no potential costs estimated for this rule.

Estimated Impact to the State by Fiscal Year

	<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 02/23/2022

Telephone number: 281-6188

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to payment of small claims.

The Human Services Department hereby amends Chapter 8, "Payment Of Small Claims," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 217.6 and 217.23.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 217.6 and 217.23.

Purpose and Summary

When a Department employee's personal items are damaged or destroyed during the employee's tour of duty, the Department may reimburse the employee for repair or replacement of the items. Claims that are approved are to be paid from the Department's support allocation and cannot exceed \$300 per item.

The Department has been authorizing \$300 payments in compliance with Iowa Code section 217.23 since the Iowa Code change went into effect. This amendment brings the rules into compliance with Iowa Code section 217.23 by changing "\$150" to "\$300" and is part of the five-year rules review process.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 23, 2022, as ARC 6251C.

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 May 12, 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 IC 8_1. (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:

8.1(4) Claims which are approved for payment shall be paid from the support allocation of the department and shall not exceed ~~\$150~~ \$300 per item.



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:
When a department employee's personal items are damaged or destroyed during an employee's tour of duty, the department may reimburse the employee for replacement or repair of the item. Claims that are approved are to be paid from the department's support allocation and cannot exceed \$300 per item. This is an increase in the maximum allocation of \$150 per item and is being done to bring the rules 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 217.6 and 217.23
3. Describe who this rulemaking will positively or adversely impact.
This rulemaking positively impacts employees whose personal property is damaged during a tour of duty.
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 employees whose personal property is damaged during a tour of duty, 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 4, 2022

Agency: Human Services

IAC citation: 441 IAC 8

Agency contact: Denise Dutton

Summary of the rule:

When a department employee's personal items are damaged or destroyed during an employee's tour of duty, the department may reimburse the employee for replacement or repair of the item. Claims that are approved are to be paid from the department's support allocation and cannot exceed \$300 per item. This is an increase in the maximum allocation of \$150 per item and is being done to bring the rules 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. The Department has been authorizing \$300 payments since the Iowa Code change went into effect in 2007, thus the department is already following this and the rule change clarifies this.

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. The Department has been authorizing \$300 payments since the Iowa Code change went into effect in 2007, thus the department is already following this and the rule change clarifies this.

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

No impact.

Agency representative preparing estimate: Rob Beran

JH 02/18/2022

Telephone number: 281-6188

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to offset of debts.

The Human Services Department hereby amends Chapter 14, "Offset Of County Debts Owed Department," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted 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

The Department is eliminating Chapter 14 in its entirety. The process for offsets of debts owed to state agencies in this chapter is duplicative of the requirements in 11—Chapter 40 and the setoff procedures in Iowa Code section 8A.504. Because the Department of Administrative Services has established a process by which state agencies can participate in the offset program by identifying debtors who owe liabilities to that agency and offset those liabilities against claims owed to debtors by agencies, this chapter is no longer necessary.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 23, 2022, as ARC 6253C.

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 May 12, 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 IAC_1.8(17A, 217).

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:

ITEM 1. Rescind and reserve 441--Chapter 14.



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:
The Department is eliminating Chapter 14 in its entirety. The process for offsets of debts owed to state agencies in this chapter is duplicative of the requirements in 11 Iowa Administrative Code Chapter 40 and the setoff procedures in Iowa Code 8A.504. As the Department of Administrative Services has established a process by which state agencies can participate in the offset program by identifying debtors who owe liabilities to that agency and offset those liabilities against claims owed to debtors by agencies, this rule chapter is no longer necessary.
2. What is the legal basis for the change? (Cite the authorizing state and federal statutes and federal regulations):
Iowa Code Section 217.6 and 234.6
3. Describe who this rulemaking will positively or adversely impact.
As this rulemaking reduces duplication of regulations regarding debtor offsets owed to state agencies, this rulemaking positively impacts any debtor who owes liabilities to a state agency.
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?
While Chapter 14 is being eliminated, the process for state agencies to participate in an offset program by identifying debtors who owe liabilities to the agency can be found at 11 Iowa Administrative Code Chapter 40 and Iowa Code 8A.504, 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 7, 2022

Agency: Human Services
IAC citation: 441 IAC Chapter 14
Agency contact: Denise Dutton

Summary of the rule:

The Department is eliminating Chapter 14 in its entirety. The process for offsets of debts owed to state agencies in this chapter is duplicative of the requirements in 11 Iowa Administrative Code Chapter 40 and the setoff procedures in Iowa Code 8A.504. As the Department of Administrative Services has established a process by which state agencies can participate in the offset program by identifying debtors who owe liabilities to that agency and offset those liabilities against claims owed to debtors by agencies, this rule chapter is no longer necessary.

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 02/21/2022

Telephone number: 281-6188

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to mental health institutes and resource centers.

The Human Services Department hereby amends Chapter 28, "Policies For Mental Health Institutes And Resource Centers," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 218.4 and 222.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 218.4 and 222.6.

Purpose and Summary

The Department is updating rules in Chapter 28 to align with current practices and eliminating outdated terminology. This is part of the Department's five-year rules review process required under Iowa Code section 17A.7(2).

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 6232C.

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 May 12, 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 August 1, 2022.

The following rule-making action is adopted:

ITEM 1. Amend rule 441—28.1(218), definitions of “Catchment area,” “Informed consent” and “Superintendent,” as follows:

“*Catchment area*” means the group of counties, designated by the division administrator, that each ~~mental health institute or~~ state resource center is assigned to serve.

“*Informed consent*” means an agreement by an individual or by the individual’s parent, guardian, or legal representative to participate in an activity based upon an understanding of all of the following:

1. A full explanation of the procedures to be followed, including an identification of those that are experimental.
2. A description of the ~~attendan~~ discomforts and risks.
3. A description of the benefits to be expected.
4. A disclosure of appropriate alternative procedures that would be advantageous for the individual.
5. Assurance that consent is given freely and voluntarily without fear of retribution or withdrawal of services.

“*Superintendent*” means the superintendent of any of the ~~four~~ two mental health institutes and the two state resource centers.

ITEM 2. Rescind the definitions of “Central point of coordination process,” “Family contact” and “Official designated agent” in rule 441—28.1(218).

ITEM 3. Amend rule 441—28.2(218,222) as follows:

~~441—28.2(218,222)~~ Selection of facility. Application for voluntary admission to a resource center shall be made to the facility in the catchment area within which the individual for whom admission is sought has a county of residence. The individual may be admitted to a state resource center in another catchment area if that facility has a more suitable opening.

~~28.2(1) Application for voluntary admission to a state mental health institute or resource center shall be made to the facility in the catchment area, as defined in rule 441—29.1(218) or 441—30.1(218,222), within which the individual for whom admission is sought has a county of residence.~~

~~28.2(2) Court commitment of an individual shall be made:~~

~~a. To the facility in the catchment area, as defined in rule 441—29.1(218) or 441—30.1(218,222), within which the individual who is being committed has a county of residence; or~~

~~b. As designated by the division administrator.~~

~~28.2(3) The division administrator shall consider granting exceptions to the established catchment areas when requested by the individual seeking a voluntary admission or by the committing court. The division administrator’s decision shall be made within 48 hours of receipt of the request. The decision shall be based on:~~

~~a. The clinical needs of the individual;~~

~~b. The availability of appropriate program services;~~

~~c. Available bed space within the program at the requested facility; and~~

~~d. The consent of the superintendents of both facilities involved.~~

This rule is intended to implement Iowa Code sections 218.19, and 218.20, ~~and 222.6~~.

ITEM 4. Adopt the following new implementation sentence in rule 441—28.7(218):

This rule is intended to implement Iowa Code chapter 218.



Iowa Department of Human Services
Information on Proposed Rules

Name of Program Specialist Mark Swore	Telephone Number 515-242-3256	Email Address mswore@dhs.state.ia.us
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1. Give a brief purpose and summary of the rulemaking:
To bring Chapter 28 into alignment with current practices and eliminate outdated terms.
2. What is the legal basis for the change? (Cite the authorizing state and federal statutes and federal regulations):
Per Iowa Code 17A.7(2), all state agencies are required to do a periodic and comprehensive review of all of the agency's rules every five years.
3. Describe who this rulemaking will positively or adversely impact.
This will have no impact on operations or those served.
4. Does this rule contain a waiver provision? If not, why?
No.
5. What are the likely areas of public comment?
There is no anticipated 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 impact.



Administrative Rule Fiscal Impact Statement

Date: 01/05/2022

Agency: Human Services
IAC citation: 441 IAC Chapter 28
Agency contact: Mark Swore

Summary of the rule:

441- Chapter 28 Policies for Mental Health Institutes and Resource Center, to bring into alignment with current practices and eliminate outdated terms

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 bring Chapter 28 into alignment with current practices and eliminates outdated terms. This will have no impact on operations or those served.

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 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:

Fiscal impact to persons affected by the rule:

None

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

None

Agency representative preparing estimate: Lanny Nihart JH 01/05/22
Telephone number: 515-281-7822

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 funding for local services.

The Human Services Department hereby amends Chapter 153, "Funding For Local Services," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code chapter 232 and Iowa Code sections 217.6 and 234.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 232 and Iowa Code sections 217.6 and 234.6.

Purpose and Summary

This rule making is part of the Department's five-year rules review process. Changes in Division I set the requirements for developing a social services block grant preexpenditure report. This rule making adds references to the intended use plan, which is done in tandem with the social services block grant preexpenditure report. The proposed report and intended use plan need to be available for public review and comment for a minimum of ten days instead of two weeks. Changes in Division II update the number of the Department's service areas from eight to six and update the name of Community Empowerment Board to Early Childhood Iowa. Division IV is rescinded because the program no longer exists and Iowa Code section 331.440, which authorized the program, has been repealed.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 23, 2022, as ARC 6250C.

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 May 12, 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 August 1, 2022.

The following rule-making action is adopted:

Please See attached.

ITEM 1. Amend rule 441—153.2(234) as follows:

441—153.2(234) Development of preexpenditure report and intended use plan.

153.2(1) The department of human services shall develop the social services block grant preexpenditure report and intended use plan on an annual basis. The report and plan shall be developed in accordance with the Code of Federal Regulations, Title 45, Part 96, Subpart G, as amended to ~~July 20, 2000~~ December 8, 2021. The report and plan shall describe the services to be funded, in what areas services are available and the amount of funding available. The plan shall also indicate the source of funding.

153.2(2) The department shall issue a proposed preexpenditure report and intended use plan before publication of the final report and plan. The proposed report and plan shall be available for public review and comment:

a. In each local office where a service area manager is based during regular business hours for a ~~two-week~~ ten-day period; and

b. On the department's Internet ~~Web site~~ website, www.dhs.iowa.gov.

153.2(3) The time and scope of public review will be announced each year. The announcement will indicate the time the proposed report and plan can be viewed. The department:

a. Shall make this information available on the department's Internet ~~Web site~~ website, www.dhs.iowa.gov, and post signs in each local human services office; and

b. May publish advertisements in each service area listing the time of review.

153.2(4) The department shall accept comments about the preexpenditure report and intended use plan during the specified public review and comment period. Individuals or groups may submit written comments to the service area manager or to the Division of Fiscal Management, Iowa Department of Human Services, Hoover State Office Building, 1305 E. Walnut Street, Des Moines, Iowa 50319-0114. The service area manager may arrange public hearings where testimony will be accepted.

153.2(5) The department shall consider the public comment when developing the final preexpenditure report and intended use plan.

153.2(6) A copy of the final preexpenditure report and intended use plan will be available:

a. In each local office where a service area manager is based; and

b. On the department's Internet ~~Web site~~ website, www.dhs.iowa.gov.

ITEM 2. Amend rule 441—153.3(234) as follows:

441—153.3(234) Amendment to preexpenditure report and intended use plan.

153.3(1) The preexpenditure report and intended use plan may be amended throughout the year. The department may file an amendment changing the kind, scope or duration of a service. Decisions to change a direct service or state purchase service will be made by the department.

Prior to filing an amendment, the department ~~and the county boards of supervisors~~ will evaluate available funds and the effect any change will have on clients.

153.3(2) An amendment in the preexpenditure report and intended use plan will be posted in the local offices affected by the amendment at least 30 days prior to the effective date of the change. However, in the event funding for the service has been exhausted, an amendment shall be posted immediately notifying the public that the service will no longer be available. The service area manager will, whenever possible, give advance notice of a service termination made necessary because funds have been exhausted. When a service is added or extended, an amendment may be posted immediately and a 30-day posting period is not required.

153.3(3) and **153.3(4)** No change.

ITEM 3. Amend subrule 153.5(2) as follows:

153.5(2) Funding for services shall be allocated in accordance with the annual budgeting process. The department's annual budget is available for review on the department's Internet ~~Web site~~ website at www.dhs.iowa.gov. Costs may be shifted in and between service areas to ensure continued

statewide availability of services.

ITEM 4. Amend rule **441—153.11(232)**, definitions of “Decategorization agreement” and “Service area manager,” as follows:

“*Decategorization agreement*” means the agreement entered into among representatives of the department of human services, juvenile court services, and the county government in one or more counties to implement a decategorization project in accordance with the requirements of Iowa Code Supplement section 232.188 and this division.

“*Service area manager*” means the department official responsible for managing the department’s programs, operations, and child welfare budget within one of the ~~eight~~ six department service areas. The centralized service area does not utilize decategorization services.

ITEM 5. Amend rule 441—153.12(232), introductory paragraph, as follows:

441—153.12(232) Implementation requirements. The decategorization initiative shall be implemented through the creation and operation of decategorization projects in department service areas that utilize decategorization services. One or more counties may jointly agree to form a decategorization project to implement the initiative. The decategorization initiative shall be implemented in accordance with the following requirements:

ITEM 6. Amend subparagraph **153.13(5)“b”(2)** as follows:

(2) ~~Community empowerment~~ Early childhood Iowa;

ITEM 7. Amend subrule 153.18(2) as follows:

153.18(2) Submission of plan. The decategorization services plan shall be submitted to the department’s child welfare administrator and to the early childhood Iowa empowerment state board by October 1 of each state fiscal year.

ITEM 8. Amend subrule 153.19(2) as follows:

153.19(2) Submission of report. The progress report shall be submitted to the department’s child welfare administrator and to the early childhood Iowa empowerment state board by December 1 of each state fiscal year.

ITEM 9. Amend **441—Chapter 153**, Division II implementation sentence, as follows:

These rules are intended to implement Iowa Code Supplement section 232.188.

ITEM 10. Rescind **441—Chapter 153** Division IV preamble.

ITEM 11. Rescind rules **441—153.51(331)** to **441—153.58(331)**.

ITEM 12. Rescind **441—Chapter 153** Division IV implementation sentence.



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. Division I set the requirements for developing a social services block grant preexpenditure report. This rulemaking adds references to the intended use plan, which is always done in tandem with the social services block grant preexpenditure report. The proposed report and intended use plan need to be available for public review and comment for a minimum of ten days, instead of two weeks. Division II updates the number of the Department's service areas from eight to six and updates the name of community empowerment to Early Childhood Iowa. Division IV is rescinded as the program no longer exists and Iowa Code Section 331.440 that authorized the program has been repealed.

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

Iowa Code Chapter 217.6, 232 and 234.6

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

This rulemaking will have a positive impact on Department staff who are responsible for handling the social services block grant preexpenditure report and intended use plan. The rulemaking will have a positive impact on decategorization of child welfare and juvenile justice funding as the rules will reflect the current name for Early Childhood Iowa.

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.

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 02/25/2022

Telephone number: 281-6188

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to Individual and Family Direct Support.

The Human Services Department hereby amends Chapter 184, "Individual and Family Direct Support," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 217.6 and 225.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 217.6 and 225.6.

Purpose and Summary

Chapter 184 was reviewed and is amended as part of the Department's five-year review of rules. Division I regarding the Family Support Subsidy Program is amended to update the definition of "family member" based on the federal Development Disabilities Assistance and Bill of Rights Act definition as codified in 42 U.S.C. 15002(8). Iowa Code section 225C.37 specifies that the Department cannot accept new applications for the program after July 1, 2010. Members who are currently enrolled in the program remain eligible until one of the reasons for termination is met. Members' ongoing eligibility is determined annually based on a verification packet sent by the Department. If a member is determined eligible, the member's monthly payment is determined annually based on the federal cost-of-living adjustment (COLA). This rule making brings the rules into compliance with the Iowa Code. Division II regarding the Comprehensive Family Support Program is amended to update an outdated reference to the United States Code and remove from the rules the form name and number of the application used to apply for the program, since the application form became obsolete effective July 1, 2016.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 23, 2022, as ARC 6249C.

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 May 12, 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 August 1, 2022.

The following rule-making action is adopted:

Please see attached.

ITEM 1. Amend rule **441—184.1(225C)**, definition of “Family member,” as follows:

“*Family member*” means a person less than 18 years of age who by educational determination has a moderate, severe, or profound educational handicap or special health care needs or who otherwise meets the definition of developmental disability in the federal Developmental Disabilities Assistance and Bill of Rights Act, Section 102(5); as codified in 42 U.S.C. ~~6001(5)~~ 15002(8).

ITEM 2. Rescind rule 441—184.3(225C) and adopt the following **new** rule in lieu thereof:

441—184.3(225C) Program termination. As of July 1, 2010, the department shall no longer accept new applications or approve pending applications for the family support subsidy program pursuant to Iowa Code section 225C.37(3). Family members enrolled in the program as of July 1, 2010, will continue to receive subsidy payments until members meet one of the reasons for termination outlined in subrule 184.8(1).

ITEM 3. Amend rule 441—184.4(225C) as follows:

441—184.4(225C) Family support services plan.

~~184.4(1) The special needs of the child and the family for the subsidy, and the resources available to meet those needs shall be identified on the application form.~~

~~184.4(2)~~ **184.4(1)** The applicant shall agree that the subsidy will be used to meet the special needs identified in the plan or other special needs of the child and family.

~~184.4(3)~~ **184.4(2)** Families shall retain the greatest possible flexibility in determining use of the subsidy, except a parent or legal guardian who receives family investment program benefits shall not use the subsidy to meet the basic needs of the family as defined in 441—subrule 41.28(2) or the special needs as defined in 441—subrule 41.28(3). In addition, if the child receives Medicaid, the subsidy shall only be used for the cost of services which are not covered by Medicaid.

ITEM 4. Amend rule 441—184.6(225C) as follows:

441—184.6(225C) Amount of subsidy payment. Families approved for payment shall receive an ongoing monthly payment that is determined annually by the department based on the federal cost-of-living adjustment (COLA).

~~184.6(1) *Monthly payment.* Families approved for payment shall receive an ongoing monthly payment that is determined by dividing the amount appropriated by the legislature by the number of available subsidy slots designated by the legislature for each state fiscal year. The number of slots and amount requested by the department shall be determined after consultation with the comprehensive family support council.~~

~~184.6(2) *Advance payment.* In addition, a one-time lump-sum advance payment of twice the monthly amount may be paid to the parent or legal guardian whose family member will be returning home for the purpose of preparing for in-home care.~~

~~184.6(3) *Effective date.* An approved subsidy shall be payable as of the first of the month following approval. A notice of decision stating that the application is approved shall be sent within two working days of the approval. The notice shall state the date payments will begin, the amount of monthly payments, and, if different, the amount of the first payment.~~

ITEM 5. Amend rule 441—184.7(225C) as follows:

441—184.7(225C) Redetermination of eligibility. The department shall send a verification packet, which shall include instructions and necessary forms for verification of continuing eligibility, to all recipients of subsidy payments at least 30 calendar days prior to the deadline date for annual redetermination of eligibility. The completed verification materials shall be submitted annually to the department. If the signed verification of continuing eligibility is not received by the department by the last working day of the renewal month, the family’s subsidy shall be terminated.

~~184.7(1) The department shall send an application packet, which shall include instructions and~~

necessary forms for verification of continuing eligibility, to all recipients of subsidy payments at least 30 calendar days prior to the deadline date for annual redetermination of eligibility. The completed Form 470-2526, Application for Family Support Subsidy, and required verification materials shall be submitted annually to the Department of Human Services, Division of MH/MR/DD, Hoover State Office Building, Des Moines, Iowa 50319-0114. If the signed application and verification of continuing eligibility are not received by the division by the last working day of the renewal month, the family's subsidy shall be terminated.

~~184.7(2)~~ When funding allows additional individuals to be added to the subsidy program, they shall be taken from the statewide waiting list, and their eligibility shall be redetermined at that time. An application packet, which includes instructions and necessary forms for verification of continuing eligibility, shall be sent to these families for completion and returned to the Department of Human Services, Division of MH/MR/DD, Hoover State Office Building, Des Moines, Iowa 50319-0114, within timelines specified by the department. If the signed application and verification of continuing eligibility are not received by the timeline specified by the department, the family's name shall be dropped from consideration for receipt of the subsidy payments.

ITEM 6. Amend subrule 184.8(3) as follows:

~~184.8(3)~~ If funds are not sufficient to cover payments for all persons on the subsidy, persons will be terminated from the subsidy in inverse order to the dates they began receiving payments, i.e., the last person to be added on to the subsidy being the first person to be removed. ~~The person terminated will move back to the waiting list with the person's original application date dictating the person's position as stated in subrule 184.3(4).~~ The division of MH/MR/DD adult, children, and family services is responsible for notifying the persons who will be removed from the subsidy for this reason.

ITEM 7. Amend rule ~~441—184.21(225C)~~, definition of "Individual with a disability," as follows:

"Individual with a disability" means a person who is less than 22 years of age and meets the definition of developmental disability in 42 U.S.C. § ~~6001~~§15002.

ITEM 8. Amend rule ~~441—184.23(225C)~~ as follows:

~~441—184.23(225C)~~ **Application.** A family may apply on an application developed by an entity contracted by the department. The application shall be submitted to the department or to a local children at home contractor for assistance using Form 470-4399, Application for Children at Home Services. The local children at home contractor shall determine eligibility for services in accordance with the provisions of this division.

ITEM 9. Amend rule ~~441—184.25(225C)~~ as follows:

~~441—184.25(225C)~~ **Direct assistance.** Each local children at home contractor shall, ~~with the advice and assistance of the parent advisory council described in rule 441—184.27(225C),~~ develop procedures for providing direct financial assistance for supports and services that cannot be funded through other programs or means. Local policies shall be submitted to and approved by the department.

ITEM 10. Rescind and reserve rule ~~441—184.27(225C)~~.

ITEM 11. Amend ~~441—Chapter 184~~, Division II implementation sentence, as follows:

These rules are intended to implement Iowa Code section 225C.47 ~~as amended by 2006 Iowa Acts, Senate File 2217, division VI.~~



Iowa Department of Human Services
Information on Proposed Rules

Table with 3 columns: Name of Program Specialist (Wendy Hoogeveen), Telephone Number (515-281-8919), Email Address (whoogev@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. Division I regarding the Family Support Subsidy Program updates the definition of a family member based on the federal Development Disabilities Assistance and Bill of Rights as codified in 42 U.S.C. 15002(8). Iowa Code 225C.37 specifies the Department can no longer accept new applications for the program after January 1, 2010. Members who are currently enrolled in the program remain eligible until one of the reasons for termination is met. Members ongoing eligibility is determined annually based on a verification packet sent by the Department. If determined eligible, the member's monthly payment is determined annually based on the federal cost of living adjustment (COLA). This rulemaking package brings the rules into compliance with the Iowa Code. Division II regarding the Comprehensive Family Support Program updates an outdated reference to the United States Code and removes the form name and number of the application used to apply for the program from the rules as the application form became obsolete effective July 1, 2016.

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

Iowa Code §217.6 and 225C.6

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

This rule will positively impact participating families or stakeholders. It will increase clarity of the rule by updating references and removing sections that are no longer applicable.

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: November 2, 2021

Agency: Human Services
IAC citation: 441 IAC 184
Agency contact: Wendy Hoogeveen

Summary of the rule:

This rulemaking was reviewed as part of the Department's five-year rules review process. Division I regarding the Family Support Subsidy Program updates the definition of a family member based on the federal Development Disabilities Assistance and Bill of Rights as codified in 42 U.S.C. 15002(8). Iowa Code 225C.37 specifies the Department can no longer accept new applications for the program after January 1, 2010. Members who are currently enrolled in the program remain eligible until one of the reasons for termination is met. Members ongoing eligibility is determined annually based on a verification packet sent by the Department. If determined eligible, the member's monthly payment is determined annually based on the federal cost of living adjustment (COLA). This rulemaking package brings the rules into compliance with the Iowa Code. Division II regarding the Comprehensive Family Support Program updates an outdated reference to the United States Code and removes the form name and number of the application used to apply for the program from the rules as the application form became obsolete effective July 1, 2016.

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.

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:

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:

No fiscal impact.

Fiscal impact to persons affected by the rule:

No fiscal impact.

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

No fiscal impact.

Agency representative preparing estimate: Minu Maviladath

JH 11/23/2021

Telephone number: 515-281-3720

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

**Proposing rule making related to declaratory orders
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 5, “Declaratory Orders,” Iowa Administrative Code.

Legal Authority for Rule Making

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

State or Federal Law Implemented

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

Purpose and Summary

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

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 June 7, 2022. Comments should be directed to:

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

Public Hearing

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

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and

interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

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

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

BEFORE THE DEPARTMENT OF HUMAN SERVICES

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

1. A clear and concise statement of all relevant facts on which the order is requested. For public assistance policy rulings, the request should state facts such as the amount of income and resources of a person who may be affected by the policy.
2. A citation and the relevant language of the specific statutes, rules, or orders, whose applicability is questioned, and any other relevant law.

3. The questions petitioner wants answered, stated clearly and concisely.
4. The answers to the questions desired by the petitioner and a summary of the reasons urged by the petitioner in support of those answers. A request which seeks to change rather than to declare or determine policy will be denied.
5. The reasons for requesting the declaratory order and disclosure of the petitioner's interest in the outcome.
6. A statement indicating whether the petitioner is currently a party to another proceeding involving the questions at issue and whether, to the petitioner's knowledge, those questions have been decided by, are pending determination by, or are under investigation by, any governmental entity.
7. The names and addresses of other persons, or a description of any class of persons, known by the petitioner to be affected by, or interested in, the questions presented in the petition.
8. Any request by the petitioner for a meeting provided for by rule 441—5.7(17A).
9. The petitioner's state identification number, if applicable.

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

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

5.3(3) *Filing and form of petition for intervention.* A petition for intervention shall be filed at the ~~office~~ bureau of policy analysis. ~~A petition is deemed filed when it is received by that office.~~ The date of receipt of a petition is the day it reaches the department's rules administrator. The department shall provide the petitioner with a file-stamped copy of the petition for intervention if the petitioner provides an extra copy for this purpose. A

petition for intervention ~~must~~ shall be typewritten or legibly handwritten in ink and ~~should~~ shall substantially conform to the following form:

BEFORE THE DEPARTMENT OF HUMAN SERVICES

Petition by (Name of Original Petitioner) for a Declaratory Order on (Cite provisions of law cited in original petition).	}	PETITION FOR INTERVENTION
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The petition for intervention ~~must~~ shall provide the following information:

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

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

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

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

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

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

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

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

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

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

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

441—5.10(17A) Contents of declaratory order—effective date. In addition to the ruling itself, a declaratory order ~~must~~ shall contain the date of its issuance, the name of petitioner and all intervenors, the specific statutes, rules, or orders involved, the particular facts upon which it is based, and the reasons for its conclusion.

A declaratory order is effective on the date of issuance.

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

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



Iowa Department of Human Services
Information on Proposed Rules

Name of Program Specialist Adrienne Erazo	Telephone Number 515-281-5425	Email Address aerazo@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. This rulemaking makes changes to contact information and nonsubstantive changes to verbiage for consistency throughout the agency's rules.
2. What is the legal basis for the change? (Cite the authorizing state and federal statutes and federal regulations):
Iowa Code sections 17A.3 through 17A.7.
3. Describe who this rulemaking will positively or adversely impact.
This rulemaking will have a positive impact on the public by providing updated contact information for the Department rules administrator including an email address, which facilitates easier communication.
4. Does this rule contain a waiver provision? If not, why?
The proposed amendments do not include waiver provisions because they confer benefits on those affected and are pursuant to federal law that does not provide for waivers, given that the process is optional. Individuals may request a waiver under the Department's general rule on exceptions at Iowa Admin. Code 441—1.8.
5. What are the likely areas of public comment?
There is no likely area of public comment.
6. Do these rules have an impact on private-sector jobs and employment opportunities in Iowa? (If yes, describe nature of impact, categories and number of jobs affected, state regions affected, costs to employer per employee.)
The proposed amendments have no impact on private-sector jobs and employment opportunities in Iowa.



Administrative Rule Fiscal Impact Statement

Date: March 4, 2022

Agency: Human Services

IAC citation: 441 IAC 5

Agency contact: Adrienne Erazo

Summary of the rule:

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

Fill in this box if the impact meets these criteria:

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

Brief explanation:

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

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

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

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

Assumptions:

There is no fiscal impact to the state.

Describe how estimates were derived:

There are no potential costs estimated for this rule.

Estimated Impact to the State by Fiscal Year

	<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):

There is no fiscal impact.

Agency representative preparing estimate: Rob Beran

JH 04/05/2022

Telephone number: 281-6188

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to food program terminology and family self-sufficiency grant program and providing an opportunity for public comment

The Human Services Department hereby proposes to amend Chapter 47, “Diversion Initiatives,” Iowa Administrative Code.

Legal Authority for Rule Making

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

State or Federal Law Implemented

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

Purpose and Summary

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

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

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 June 7, 2022. Comments should be directed to:

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

Public Hearing

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

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

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

PREAMBLE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Iowa Department of Human Services
Information on Proposed Rules

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

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

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

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

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

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

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

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

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

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

5. What are the likely areas of public comment?

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

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

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

Describe how estimates were derived:

There are no potential costs estimated for this rule.

Estimated Impact to the State by Fiscal Year

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

This rule is required by state law or federal mandate.

Please identify the state or federal law:

Identify provided change fiscal persons:

Funding has been provided for the rule change.

Please identify the amount provided and the funding source:

Funding has not been provided for the rule.

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

There is no fiscal impact to the state.

Fiscal impact to persons affected by the rule:

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

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

No impact.

Agency representative preparing estimate: Rob Beran JH 04/13/2022 Francis Thurman JH 02/18/2022
Telephone number: 515-281-6188 and 515-281-6855

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

**Proposing rule making related to emergency dental services
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services,” Iowa Administrative Code.

Legal Authority for Rule Making

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

State or Federal Law Implemented

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

Purpose and Summary

The Department is proposing 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 proposed 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.

Fiscal Impact

This rule making aligns rules with waiver and State Plan Amendment policies. Based on analysis by the Iowa Medicaid actuary and incorporated within current capitation rates, it is anticipated this rule making 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 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 May 24, 2022. Comments should be directed to:

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

Public Hearing

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

Review by Administrative Rules Review Committee

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

The following rule-making actions are proposed:

ITEM 1. 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.



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
<input type="checkbox"/> This rule is required by state law or federal mandate. <i>Please identify the state or federal law:</i> Identify provided change fiscal persons:		
<input type="checkbox"/> Funding has been provided for the rule change. <i>Please identify the amount provided and the funding source:</i>		
<input checked="" type="checkbox"/> Funding has not been provided for the rule. <i>Please explain how the agency will pay for the rule change:</i> This change results in a savings which has already been incorporated into the Medical Assistance budget.		
<i>Fiscal impact to persons affected by the rule:</i> 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.		
<i>Fiscal impact to counties or other local governments (required by Iowa Code 25B.6):</i> None anticipated.		
Agency representative preparing estimate:	Soraya Miller	JH 12/6/2021
Telephone number:	515-281-6017	

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

**Proposing rule making related to the foster home insurance fund
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 158, “Foster Home Insurance Fund,” 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

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

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 June 7, 2022. Comments should be directed to:

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

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental

subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

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

The following rule-making action is proposed:

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

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



Iowa Department of Human Services
Information on Proposed Rules

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

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

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

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

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

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

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

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

No

5. What are the likely areas of public comment?

We do not expect any public comment on these rules.

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

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



Administrative Rule Fiscal Impact Statement

Date: April 14, 2022

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

Summary of the rule:

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

Fill in this box if the impact meets these criteria:

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

Brief explanation:

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

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

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

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

Assumptions:

Describe how estimates were derived:

Estimated Impact to the State by Fiscal Year

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

This rule is required by state law or federal mandate.

Please identify the state or federal law:

Identify provided change fiscal persons:

Funding has been provided for the rule change.

Please identify the amount provided and the funding source:

Funding has not been provided for the rule.

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

There is no fiscal impact.

Fiscal impact to persons affected by the rule:

No impact.

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

No Impact

Agency representative preparing estimate: David Philmon

JH 04/15/2022

Telephone number: 515/281-6856