

Council on Human Services Meeting Minutes

FEBRUARY 9, 2023

COUNCIL MEMBERS	HHS STAFF
Rebecca Peterson	Director Kelly Garcia
Skylar Mayberry-Mayes	Janee Harvey
Kimberly Kudej	Sarah Ekstrand
Sam Wallace	Matt Highland
Jack Willey	Carrie Malone
Monika Jindal	Nancy Freudenberg
Kay Fisk	Elizabeth Matney

EX-OFFICIO LEGISLATIVE MEMBERS
Representative Joel Fry
Senator Mark Costello
Representative Timi Brown-Powers

CALL TO ORDER

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

ROLL CALL

All Council members were present except Skylar Mayberry-Mayes, all Ex-Officio members were absent.

APPROVAL OF MINUTES

A motion was made by Wallace and seconded by Willey to approve January 12, 2023, meeting minutes.

MOTION UNANIMOUSLY CARRIED

RULES

R-1. Amendments to Chapter 74, "Iowa Health and Wellness Plan," Iowa Administrative Code. (Align rules with current practice and Iowa Code). Chapter 74 defines and structures the Iowa Health and Wellness Plan. This chapter has been rescinded and replaced to eliminate rules that are outdated, redundant and inconsistent. Terminology has been updated. The references to marketplace are removed

as they no longer exist. Retroactive enrollment is updated to include nursing facilities. The website has been added as a payment method for contributions. Members are no longer required to pay premiums when no services were provided. This review is part of the department's five-year rules review process.

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

R-2. Amendments to Chapter 78, "Amount, Duration and Scope of Medical and Remedial Services," Chapter 79, "Other Policies Relating to Providers of Medical and Remedial Care," and Chapter 83, "Medicaid Waiver Service," Iowa Administrative Code. (Implements HF 2578). Previously filed emergency; this is the noticed version now being adopted and filed. 2022 HF 2578 appropriated funds to increase specific Home and Community Based Services (HCBS) for waiver providers and HCBS habilitation providers reimbursement rates over the rates in effect June 30, 2022.

Those changes are:

- Increase rates for Behavioral Health Intervention (BHIS) services by 20.6 percent.
- Increase rates for Applied Behavior Analysis (ABA) by 8.9 percent.
- Increase rates for Home Health Agency providers located in rural areas.

These are the providers covered under the Low Utilization Payment Adjustment (LUPA) methodology whose rates may vary depending on the type of provider. LUPA is a standard per-visit payment for episodes of care with a low number of visits. Currently LUPA occurs when there are four or fewer visits during a 60-day episode of care.

As part of the American Rescue Plan Act (ARPA), Section 9817 of HCBS implementation plan, the Department has designated \$14.6 million in state funds to increase HCBS waiver and habilitation reimbursement rates by 4.25 percent. The following rates are updated:

- Increase the reimbursement rates and upper rate limits for providers of HCBS waiver and habilitation services beginning July 1, 2022, by 4.25 percent over the rates that are in effect on June 30, 2022.
- Increase the monthly caps on the total monthly cost of HCBS waiver and Habilitation services.
- Increase the monthly cap on HCBS Support Employment and Intellectual Disabilities (ID) Waiver respite services.
- Increase the annual or lifetime limitations for Home and Vehicle Modifications and Specialized Medical Equipment.
- Technical errors were also corrected as part of the rule filing.

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

R-3. Amendments to Chapter 81, "Nursing Facilities," Iowa Administrative Code. (Implements a department initiative) This rulemaking provides for a quality incentive payment program (QIPP) for non-state government owned nursing facilities (NSGO) to promote, maintain and improve quality of care and health outcomes. The rules identify the criteria the NSGO facility shall meet to qualify for participation in the program. The goal is to issue additional payments for quality of care above what is required by the Centers for Medicaid and Medicare. There is no fiscal impact anticipated as the provider/nursing facility will be paying the state share of the add-on rate, like other intergovernmental transfer programs.

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

R-4. Amendments to Chapter 81, "Nursing Facilities," Iowa Administrative Code. (Implements 2022, HF 2578). Legislation passed in 2022, Iowa Acts, House File 2578 updated the law to reduce the cost of an improvement project for an existing licensed and certified nursing facility in which the total depreciable asset value of the new construction or facility improvements exceeds \$750,000. The previous amount was \$1.5 million dollars. This rulemaking identifies the lower threshold of the \$750,000 amount. This amendment also includes HVAC projects as a qualifying project. How to calculate Medicaid utilization rates are also defined as part of this rulemaking.

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

R-5. Amendments to Chapter 172, "Family-Centered Services," (Align rules with current practice and the Iowa Code) Chapter 172 provides the rules for family-centered services and describes procedures for delivery of services for the child, parent, or kinship caregiver when the needs of any one of these individuals are directly related to the safety, permanency, or well-being of the child, or to prevent the child from entering foster care. The outcome of the services may be to maintain the child with a parent or in the home of the kinship caregiver, to reunify the child safely with a parent or kinship caregiver, or to achieve permanent family connections for the child. These rules add and update definitions of services. These rules remove Solution Based Casework® as a requirement for non-agency cases. In addition, the purpose and scope are clarified. This review is part of the department's five-year rules review process.

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

There were no noticed rules to review.

MCO QUARTERLY REPORT

Medicaid Analyst Kurt Behrens shared the MCO Quarterly report for Quarter 1, of State Fiscal Year 2023. Kurt reported 807,000 total Medicaid members, which is a 1.5% increase over last quarter. Of those members 60% have Amerigroup coverage and 40% have Iowa Total Care. Molina Healthcare will be an option for members starting July 1, 2023.

GOVERNOR'S RED TAPE REVIEW

Sarah Reisetter shared information about the Governor's Executive Order on rules review. Sarah explained that each rule chapter of the Iowa Administrative Code effective on January 1, 2023, shall be reviewed by the agency, board, or commission that promulgated the rule according to a schedule established by the Administrative Rules Coordinator. She added the overall goal is to simplify rules and eliminate those that are burdensome without compromising the health and safety of Iowans.

COMMUNITY BASED SERVICES EVALUATION

Medicaid Director Liz Matney shared the latest report from Mathematica, who was contracted to perform a through evaluation of our Medicaid system back in January of 2022. The evaluation team worked closely with invested Iowans, including HHS staff and the advisory committee. Three key findings were:

- HHS's process for managing Medicaid waiver waiting lists does not support timely, efficient, or needs based access to appropriate services. The recommendation is to implement streamlined screening and improved processes to better align services with people's needs.
- Medicaid HCBS waiver services often do not align with member needs, resulting in inequity and inefficiency in accessing needed services. The recommendation is to align CBS, including Medicaid HCBS waivers, to the needs of Iowans.
- Services and supports in Medicaid and the broader CBS system are difficult to navigate and access. The recommendation is to maximize access to Medicaid HCBS and other CBS supports for people with LTSS needs.

Director Matney shared the timeline to implement recommendations and much of the exploration and installation work will take place this year.

CHILD CARE UPDATE

Family Well Being and Protective Services Director Janee Harvey stated we have 187,257 children in child care centers and homes across Iowa. Our agency provides child care assistance, oversight of child care centers, and child care regulation for home child care providers. Our primary focus is quality, affordability, and access to child care in the state. Janee gave an update on funding and with the funds we still have available, we have new policies we are working on. This includes increasing the child care assistance eligibility rate, increasing the reimbursement rate for our child care providers, and making all child care employees eligible for child care assistance.

DIRECTOR'S REPORT

HHS Director Kelly Garcia shared some key leadership updates in the agency. These included the following:

- Statewide Child Protective Services Director – Lori Frick
- Public Health Operations Deputy – Ken Sharp
- Eligibility Director – Amela Alibasic
- Child Support Services Director – Kylie Claycomb
- Wellness and Preventative Health Director – Juliann Van Liew
- Shelley Horak will be stepping into the role of Early Intervention and Support Director
- Ryan Page will be the Child Care Director

Director Garcia stated that during Governor Reynolds Condition of the State address she announced that the Department of Human Rights, Volunteer Iowa, and the Child Advocacy Boards will join our agency as part of a plan to reduce the number of departments in the state. The previously announced agencies that will become part of HHS are Department on Aging and Early Childhood Iowa. She added that we share many exciting connection points with these agencies and team members and stakeholders are excited to get started. The bill is currently moving through the legislature, and we are eager to see the outcome.

ADJOURNMENT

A motion was made by Kudej to adjourn the meeting and was seconded by Jindal. Meeting adjourned at 12:03 a.m.

Respectfully Submitted by: Julie McCauley, Council Secretary