

March 6, 2023

Dear Council Member:

The following amendments to the administrative rules are presented for adoption at the March 6, 2023, Council on Human Services meeting.

R-1. Amendments to Chapter 73, “Managed Care,” Iowa Administrative Code. (Align rules with current practice and Iowa Code).

For ease of review we have rescinded and replaced the entire chapter. Changes include updating definitions to include terms to managed care plans, managed care organizations and prepaid ambulatory health plans. In addition revisions add correct terminology, update federal and state citations and regulations and align federal and contract provisions. This review is part of the department’s five-year rules review process.

R-2. Amendments to Chapter 108, “Licensing and Regulation of Child Placing Agencies,” Iowa Administrative Code. (Aligns rules with current practice and Iowa Code)

Chapter 108 establishes licensing procedures for all child-placing agencies. The rules review removed outdated form names, added information on documents that must be submitted when requesting a record check and clarified the process for record check evaluations. Cross-references to rules regarding notices and appeal rights were also updated. Qualifications for caseworkers were updated. Rules are clarified when mandatory child abuse reporter training is required for foster parents. This review is part of the department’s five-year rules review process.

R-3. Amendments to Chapter 113, “Licensing and Regulation of Foster Family Homes,” (Aligns rules with current practice and Iowa Code).

Chapter 113 provides the administrative rules for the licensing and regulation of foster family homes. New definitions for “kin” and “fictive kin” were added due to an increase of kin and fictive kin becoming licensed foster parents and to align with the Code of Iowa chapter 232. Definitions of “child” and “children” were updated. Communicable disease language was added to replace HIV language. Changes to whopping cough vaccine requirements are updated to allow religious exemptions. This review is part of the department’s five-year rules review process.

R-4 Amendments to Chapter 114, “Licensing and Regulation of Group Care,” (Align rules with current practice and the Iowa Code).

Chapter 114 outlines the basic licensing standards for all group living foster care facilities and contains the basic licensing standards applicable to community residential facilities for children. Amendments updated definitions defined in the Iowa Code and provided additional clarity. Qualifications are amended to provide further information on related human service fields and experience in social work or experience in the delivery of human services in a public or private agency as additional ways to qualify as a caseworker. Rules

were updated to provide information on the record check process. This review is part of the department's five-year rules review process.

R-5. Amendments to Chapter 115, “Licensing and Regulation of Comprehensive Residential Facilities,” Iowa Administrative Code. (Align rules with current practice and the Iowa Code).

Chapter 115 outlines the licensing and regulation standards for comprehensive regulations of residential care facilities for children. Changes included updating language to add additional contact time requirements with caseworkers per provider requests. Chemical restraint language was removed. Expanded documentation requirements regarding the use of the control room was updated to align with other chapters. This review is part of the department's five-year rules review process.

R-6. Amendments to Chapter 156, “Payments for Foster Care,” Iowa Administrative Code. (Align rules with current practice the Iowa Code and federal regulations)

Chapter 156 outlines the process for payments for foster care. References to difficulty of care payments for therapeutic foster care were removed. The rate was updated for kinship caregiver payments to match what has previously been approved in the budget. Rates paid for clothing allowances and when they can be issued were also updated. Runaway and family visits were added as allowable reserve bed payment types under shelter care. The rate setting methodology for shelter care was changed to reflect the rates are set in the contracts. This review is part of the department's five-year rules review process.

R-7. . Amendments to Chapter 170, “Child Care Assistance,” Iowa Administrative Code. (Align rules with current practice, the Iowa Code and federal regulations).

Chapter 170 was reviewed as part of the Department's five-year rules review. The rule making removed all reference to the term “relatives” as this term has no standing in the child care assistance program. The rule making included language relating to foster care child eligibility for child care assistance to reflect a current policy. Definitions are updated to be consistent across programs. A reference to Iowa's Food Assistance Program was being updated to the Supplemental Nutrition Assistance Program (SNAP) to be consistent with the name of the federal program.

R-8. Amendments to Chapter 176, “ Dependent Adult Abuse,” Iowa Administrative Code. (Align rules with current practice the Iowa Code and federal regulations)

Chapter 176 was reviewed as part of the Department's five year rules review. Definitions were updated to align with the Code of Iowa and provide consistency. The word “dependent” was added to adult abuse to ensure dependent abuse is correctly identified. The rules clarify the relationships of all parties involved in the assessment process.

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

EA-1. Amendments to chapter 170, ““Child Care Assistance,” Iowa Administrative Code. (Implement child care priorities).

The Department is proposing to file emergency rules that will assist more families in accessing child care assistance and provide higher payment rates for child care providers. Income eligibility levels are being increased from 145% to 155% of federal poverty levels based on family size. The maximum provider rate ceiling is being increased to allow providers to receive higher payment rates. These rules will go to the Administrative Rules Review Committee's (ARRC) March 13, 2023, to be reviewed for an emergency adoption to waive the filing and notice requirements. The rules will also be filed as regular rules to allow the public an opportunity to provide comments. The Governor's office has waived the red-tape review on these rules so they move forward.

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

N-I Amendments to chapter 170, “Child Care Assistance,” Iowa Administrative Code. (Implement child care priorities). These are the noticed version of the rules referred to in rule EA-I. Please refer to EA-I for the complete listing.

Sincerely,

Nancy Freudenberg

Nancy Freudenberg
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