HUMAN SERVICES DEPARTMENT [441]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 217.3(6) and 2015 Iowa Acts, Senate File 505, section 14, the Department of Human Services proposes to amend Chapter 52, "Payment," Iowa Administrative Code.

These amendments implement the January 1, 2016 increased personal needs allowance for two State Supplementary Assistance categories, residential care facility and family life home assistance. These amendments will allow the state to adjust the personal needs allowance for residential care facility and family life home assistance recipients to reflect the increase in the average monthly Medicaid copayment expense for that population.

Any interested person may make written comments on the proposed amendments on or before January 26, 2015. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may also be sent by fax to (515)281-4980 or by e-mail to policyanalysis@dhs.state.ia.us.

These amendments do not provide for waivers in specified situations since the increases are required by federal and state law.

These amendments were also Adopted and Filed Emergency and are published herein as **ARC XXXXC**. The purpose of this Notice is to solicit public comment on that submission, the subject matter of which is incorporated by reference.

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

These amendments are intended to implement Iowa Code section 217.3(6) and 2015 Iowa Acts, Senate File 505, section 14.

Iowa Department of Human Services

Information on Proposed Rules

Name of Program Specialist	Telephone Number	Email Address
Jan Garner	1-6796	jgarner@dhs.state.ia.us

1.Give a brief summary of the rule changes:

The attached rules implement the January 1, 2016, increased personal needs allowance for two State Supplementary Assistance categories, residential care facility and family life home assistance.

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

Iowa Code Chapter 249

3. What is the reason for the Department requesting these changes?

The rules will allow the state to adjust the personal needs allowance for residential care facility and family life home assistance recipients to reflect the increase in the average monthly Medicaid copayment expense for that population.

4. What will be the effect of this rule making (who, what, when, how)?

Effective January 1, 2016, the personal needs allowance of clients in the residential care facility program and the family life home program will be increased to reflect the increase in their average monthly Medicaid copayment expenses.

5. Is the change mandated by State or Federal Law?

No

6.Will anyone be affected by this rule change? If yes, who will be affected and will it be to the person's (organization's) benefit or detriment?

Yes. The increase in the personal needs allowance is a benefit to RCF and Family Life Home assistance recipients.

7. What are the potential benefits of this rule?

The increase in the personal needs allowance is a benefit of $2 per month for RCF and Family Life Home assistance recipients.

8. What are the potential costs, to the regulated community or the state of Iowa as a whole, of this rule?

This change will result in an additional cost to the state of $2 per month for each residential care facility and family life home assistance recipient as a result of each recipient retaining an additional $2 for their average monthly Medicaid copayments.

9. Do any other agencies regulate in this area? If so, what agencies and what Administrative Code sections apply?

No other agencies regulate the RCF and Family Life Home personal needs allowances.

10. What alternatives to direct regulation in this area are available to the agency? Why were other alternatives not used?

No other alternatives have been considered because this is an annual change and confers a benefit.

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

These rules do not contain waiver provisions because they confer a benefit.

12. What are the likely areas of public comment?

There will likely be none. This is an annual change and confers a benefit.

13. 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)

These rule changes do not impact private-sector jobs and employment opportunities.

Administrative Rule Fiscal Impact Statement

Date: 10/16/15

Agency: Human Services

IAC citation: 441 IAC

Agency contact: Jan Garner

Summary of the rule:

The attached rules implement the January 1, 2016, increase to the personal needs allowance for the State Supplementary Assistance categories of residential care facility assistance and family life home assistance.

Fill in this box if the impact meets these criteria:

____ No fiscal impact to the state.

_X_ Fiscal impact of less than $100,000 annually or $500,000 over 5 years.

____ Fiscal impact cannot be determined.

Brief explanation:

The RCF and Family Life Home personal needs allowances (PNA) are increasing by $2.00 per month from $101.00 to $103.00 per month. The base personal needs allowance is not increased due to COLA this year since there is no planned COLA increase. A portion of the PNA is based on the average Medicaid copayment per client per month for RCF recipients. The average copayment per client per month for RCF recipients for August 2014 through July 2015 was $7.00. This is an increase of $1.69 from last year's average of $5.31.

For Family Life Home recipients, the $2 increase in the personal needs deduction is offset by a $2 decrease in the combined monthly payment to the Family Life Home from $794 to $792. The client will pay $2 less and the state will continue to pay the same amount as in 2015 for a $0 increase in state expenditures. There will be no increased cost for the state for Family Life Home for SFY '16 or SFY '17.

For RCF recipients, the state will pay an additional $2 per recipient per month as the total payment to the facility remains the same while the recipient pays $2 less per month. This will result in an increase in state expenditures of $10,128 for SFY '16 [(844 recipients x $2) x 6 mos.], and an increase of $19,728 for SFY '17 [(822 recipients x $2) x 12 mos.].

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:

See above.

Estimated Impact to the State by Fiscal Year

	Year 1 (FY 2016)	Year 2 (FY 2017)
Revenue by each source:		
General fund		
Federal funds		
Other (specify):		
TOTAL REVENUE		
Expenditures:		
General fund	$10,128	$19,728
Federal funds		
Other (specify):		
TOTAL EXPENDITURES	$10,128	$19,728
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:

This rule change will result in residential care facility assistance recipients and family life home assistance recipients retaining $2.00 more per month of their income due to the increase in the personal needs allowance.

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

None.

Agency representative preparing estimate: Jan Garner / Diane Barrett

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