

**IOWA DEPARTMENT OF HUMAN SERVICES
REGULATORY PLAN
FISCAL YEAR 2020**

August 1, 2019

Iowa Department of Human Services

Vision Statement: The Iowa Department of Human Services makes a positive difference in the lives of Iowans we serve.

Mission Statement: To help Iowans achieve healthy, safe, stable, and self-sufficient lives through the programs and services we provide.

The following lists summarizes the administrative rules currently under development or active consideration for fiscal year 2020. This plan was approved by Gerd Clabaugh, MPA, Interim Director of the Iowa Department of Human Services. This plan is posted on the Department's web site at www.dhs.iowa.gov.

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Ref. #	Date Rec'd	DIV	Type Rule	Stat. Rule Auth.	Purpose of these Amendments	Specific Rules Affected	Status	Notice ARC#	Adopt ARC#	Rules Eff. Date	POC
20-018	5/14/2019	ACFS	REG	234.6	The rules document the expectation of a pre-inspection visit prior to permitting a new child care center permission to open. This occurs in practice already. This also clarifies the expectation around Department receipt of the regulatory fee during application and when and where the fee is submitted. These rule changes better align to current practice.	109.2(1), 109.2(4), 109.2(7), 109.3	N - Noticed 8/14/19 Bulletin	4603C		1/1/2020	Ryan Page
20-017	5/6/2019	IME	REG	249A.4	The Department is clarifying the Brain Injury (BI) Waiver provider qualifications to align with the services and supports that are being rendered by Qualified Brain Injury Professionals and accredited brain injury rehabilitation programs	77.39(21)"F", 77.39(23)"B"(6) & (7), 78.56(2), 83.81, 83.82(1)"F", 83.82(4)	in Process			10/1/2019	LeAnn Moskowitz
20-016	3/28/2019	ACFS	Reg	234.6	Clarifies the programs that are reviewed by the Human Services Department's Quality Control Bureau. Also updates forms that are required in that process.	441--Chapter 13	N - Noticed 8/14/19 Bulletin	4601C		8/7/2019	Carol Stratemeyer
20-015	3/21/2019	IME	Reg	249A.4	Provides a definition of a customized wheelchair for all Medicaid members and providers and aligns Iowa's Medicaid definition with the definition of a customized wheelchair for the Medicare program provided by the Centers for Medicare and Medicaid Services.	78.10(2)"d", 78.10(5)"o", 78.28(1)"r"	A-Adopted in 7/31/19 Bulletin	4444C	4575C	9/4/2019	Anna Ruggle
20-014	3/18/2019	IME	EAN	249A.4	Removes specific amounts listed for the statewide average charges for nursing facility services to a private-pay person, average pay charges for nursing facilities, psychiatric medical institutions for children and the maximum Medicaid rate for intermediate care facilities for the intellectually disabled. The annually revised amounts for these charges will now be published on the Human Services' Department website.	75.23(3), 75.24(3)	A-Adopted in 7/31/19 Bulletin	4443C	4572C	7/10/2019	Kim Grasty

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20-013	3/18/2019	IME	Reg	249A.4	Adjusts the federal poverty level (FPL) increments used to assess premiums for the Medicaid for Employed People with Disabilities (MEPD) program. The maximum premium amount is based on the state employee health insurance premium, therefore, the maximum MEPD premium, cannot exceed that amount.	75.1(39)"b"(3)	A-Adopted in 7/31/19 Bulletin	4442C	4574C	9/4/2019	Melissa Boens, Kim Grasty
20-012	3/19/2019	Field	Reg	217.6	Removes references to obsolete form numbers and names.	97.6(5)"c", 98.121(2)"b", 98.121(5)"c", 99.63(1)	A-Adopted in 7/31/19 Bulletin	4441C	4576C	9/4/2019	Kate Bigg
20-011	3/7/2019	MHDS	Reg	225C.6	Obsoletes 441--Chapter 15 because authorizing state law Iowa Code 225C.8 was repealed by 2012 Acts, ch 1120, §129, 130. Obsoletes 441--Chapter 23 because this was one time funding is no longer applicable. Obsoletes requirements that counties were required establish or affiliate with a community mental health center or complete a waiver in order to receive community services funds.	441--Chapter 15, 441--Chapter 23, 441--rule 25.81	A-Adopted in 8/28/19 Bulletin	4440C	4610C	9/18/2019	Jan Heikes
20-010	3/6/2019	ACFS	Reg	234.6	These proposed amendments remove obsolete elements within the administrative rules, bring better alignment to current practice, and implement changes required by federal law.	441—Chapters 105, 112, 114, 115, 116	In Process			1/1/2020	Jim Chesnik
20-009	2/26/2019	ACFS	Reg	234.6	These proposed amendments remove obsolete form references from the Family Investment Program rules. These proposed amendments also remove outdated and unnecessary rules related to Electronic Benefit Transfer (EBT) for Food Assistance.	40.28, 65.4	A-Adopted in 7/31/19 Bulletin	4439C	4573C	9/4/2019	Barb Caruso, Tracy Penick

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20-008	2/20/2019	IME	Reg	514I	These proposed amendments add language to reflect the Department's implementation of a passive managed care enrollment process. HAWK-I-eligible individuals will be passively enrolled with a managed care plan; however, the eligibility effective date will remain consistent with current practices. The proposed amendments also add necessary definitions, revise the timeframe for a decision on eligibility, clarify policy on when a waiting period does not apply, revise premium payment language, eliminate the lock-out period for premium non-payment, make technical edits, and remove outdated program language.	86.1, 86.3(8), 86.5(1), 86.6, 86.7(3), 86.8, 86.20	In process			1/1/2020	Anna Ruggle
20-007	2/14/2019	ACFS	Reg	217.6	These rules define and structure the Aftercare Services Program which assists youth leaving foster care, the Iowa state training school or a court ordered juvenile detention center in their successful transition to adulthood.	Rescinds-Chapter 187 and replaces it with a new chapter 187	A-Adopted in 6/5/19 Bulletin	4369C	4485C	7/10/2019	Doug Wolfe
20-006	1/31/2019	ACFS	Reg	234.6	Revises the Child Care Assistance (CCA) fees that are based on federal poverty levels (FPL), household size, and family gross monthly income. Removes the fee chart from administrative rule and ensures that the fee chart, revised annually, is published on the Department's website. Also provides clarification regarding change reporting requirements.	170.2(4), 170.4(2), 170.4(3)"l"	A-Adopted in 6/5/19 Bulletin	4367C	4470C	7/1/2019	Mark Adams
20-004	1/17/2019	IME	Reg	249A.4	Revises language to reflect the Department's implementation of a passive managed care enrollment process.	73.1, 73.3	A-Adopted in 5/22/19 Bulletin	4289C	4429C	7/1/2019	Amela Alibasic

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20-003	1/16/2019	DEP DIR	Reg	217.6	Revises appeals rules to simplify, add uniformity, clarify scope, clearly define appeal rights, and protect pro se litigants.	7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10, 7.11, 7.12, 7.13, 7.14, 7.15, 7.16, 7.17, 7.18, 7.19, 7.20, 7.21, 7.22, 7.23, 7.24, 7.41, 7.43(6), 7.46, 7.47(2), 7.47(3), 7.48(1), 7.50, 7.51	In process				Denise Dutton
20-002	1/16/2019	DEP DIR	Reg	217.6	These amendments implement a new 441—Chapter 16, “Notices,” to centralize administrative rules regarding timely and adequate notices. These amendments also amend cross-references found in administrative rules regarding timely and adequate notices.	Chapter 16, 40.27(5)“B”, 40.27(5)“C”, 41.24(8), 41.27(9)“C”, 74.6(3), 75.21(12), 75.22(9), 76.16(1), 86.11, 90.4(2), 90.6(2), 91.4(2), 91.4(3), 153.57(2)“B”, 187.12(1)“E”	In process				Denise Dutton

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20-001	1/16/2019	IME	Reg	249A.4	The proposed amendments will make several changes to the Consumer Choices Option (CCO) program available within the AIDS/HIV, Brain Injury, Elderly, Health and Disability, Intellectual Disability, and Physical Disability Waivers. The amendments consolidate the CCO service description rules into one administrative subrule 441--78.34(13). The proposed amendments will change the monthly budget billing methodology for the Financial Management Services (FMS) provider from a prepay method to a post pay method. The amendments clarify who may self-direct services. The amendments also clarify the budget and employer authority responsibilities and define how the monthly CCO budget may be used by a member self-directing services. The amendments make some technical changes to remove the reference to the DHS service workers who are no longer involved in the CCO program. Finally, the amendments add new member and employee responsibilities to assure proper payment for CCO services are made.	78.34(13), 78.37(16), 78.38(9), 78.41(15), 78.43(15), 78.46(6), 79.1(2), 79.1(9)	A-Adopted in 5/22/19 Bulletin	4288C	4430C	As of 6/11/19 ARRC has placed a session delay on these rules	Brian Wines
20-019	5/31/2019	IME	Reg	249A.4	The proposed amendments provide updated form names, numbers and terminolgy and remove references to form names and numbers that are no longer in use.	79.3(2); 79.8(1); 80.2(2); 81.6(16)	N - Noticed 8/14/19 Bulletin			1/8/2020	Le Howland

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20-020	5/29/2019	IME	Reg	249A.4	The proposed amendments rescind the entire chapter 90 and replace with a new chapter 90. Amends the name of the chapter from Targeted Case Management to Case Management Services. Defines the case management service activities received by various populations under the Medicaid program. Includes updated definitions, application process, services, monitoring and follow-up, documentation and billing, provider requirements and billable activities,	78.27(6); 78.37(17); 78.43(1); 83.22(2) and 441-Chapter 90	In process			1/8/2020	Le Howland
20-021	6/18/2019	IME	Reg	249A.4	The purpose of these amendments are to update MAAC Council and Executive Meeting rules regarding Council membership, voting, and duties and removal of the executive committee and responsibilities	79.7(1), 79.7(2), 79.7(3)79.7(4), 79.7(5)	In process			1/8/2020	Jennifer Steenblock
20-022	6/26/2019	ACFS	Reg	237A; HF731	The proposed amendments change child abuse mandatory reporter training from every five years to every three years; updates training requirements for child care providers	109.7(1)e; 109.7(3)e(10); 110.10(1)a, b, e, f and g; 110.9(2)c; 110.9(3)c120.10(10 and 120,10(2)	N - Noticed 8/14/19 Bulletin			1/8/2020	Ryan Page

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20-026	7/16/2019	IME	REG	249A.4	Sec. 63. MEDICAID — — MEDICAL PRIOR AUTHORIZATION UNIFORM PROCESS. The department of human services shall adopt rules pursuant to chapter 17A by October 1, 2019, to require that both managed care and fee-for-service payment and delivery systems utilize a uniform process, including but not limited to uniform forms, information requirements, and time frames, to request medical prior authorization under the Medicaid program. The rules shall require the managed care organizations, by contract, to implement the uniform process by a date as determined by the department.	073.02(4)	In process			10/1/2019	Le Howland
20-023	6/26/2019	IME	Reg	249A.4	The proposed amendments clarify Nursing Facility Cost Reporting regarding the treatment of depreciation when a change of ownership occurs and leasing arrangements. Align current federal regulations related to resident rights. Update IME mailing address and reflect current operations of IME.	81.6(6), 81.611(j), 81.6(11)(m), 81.6(16)(h)(5), 81.10(4)(h), 81.10(5)(a), 81.13(5)€, 81.13(5)(i), 81.13(5)(q)81.13(9)(b)(7)(4),	In process			1/2/2020	Sally Oudekerk
20-024	6/26/2019	IME	Reg	249.12	Due to the amendment of Iowa Code 249.12 which eliminates the requirement for privately operated licensed Residential Care Facilities (RCFs) to complete and submit annual cost reports, the Department is changing how they determine statewide monthly standard deductions for personal care services.	75.1(35)g(2)2	In process			1/8/2020	Anna Casteel
20-025	7/16/2019	ACFS	REG	235.B	Personal Degradation of dependent adult	176.1, 176.3(1), 176.3(4) and 176.13(4)	In process			1/1/2020	Gloriana Fisher

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20-028	7/16/2019	Field	REG	217.6	Child support application fee	95.2(4)95.18(3)	In process			1/1/2020	Kate Bigg
20-029	7/29/2019	IME	REG	249A.4	Coverge and Reimbursment for Prescription Drugs	78.1(25), 78.278.28, 79.1	In process			2/1/2020	Susan Parker
		ACFS, IME, MHDS	Reg		Sr. Living revolving program		P - Projected				
		ACFS	Reg	234.6	Rescinds current Chapter 163 and adopts a new revised chapter	Chapter 163	P - Projected				Lisa Bender
		IME	Reg	249A.4	Clean-up to Medicaid Chapters 75 and 76 as a result of the Affordable Care Act and general clean up for consistency of language through out.	Chapter 75 and 76	P - Projected				Amela Alibasic
		ACFS	Reg	234.6	Amendments to the probate code regarding Medical Assistance Special Needs Trust.		P - Projected				
		ACFS	Reg	237A.5	Update licensing, child development home, and CCA paid child care homes and background checks.		P - Projected				
		ACFS	Reg	225C.6	Change Children at Home from DHS to IDPH		P - Projected				
		MHDS	Reg	234.6	Standards for defining MHDS regional administrative costs and method for calculating regions administrative load. Must be done after a review of administrative costs and in consultation with LSA.		P - Projected				Theresa Armstrong

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		MHDS	Reg	234.6	Additional core services provided by the regions when public funds are made available. Rules to define these services when funding is available and regions are required to provide: Jail diversion, Crisis intervention training, Civil commitment prescreening, Positive behavior support, and Peer self-help drop-in centers		P - Projected				Theresa Armstrong
		MHDS	Reg	225C.6	Updates needed to Division I, services for individuals with disabilities, to update accreditation standards and align service.		P - Projected				Theresa Armstrong
		ACFS	Reg	237A	Revise 441--Chapter 118 Child Care Quality Rating System	Chapter 118	P - Projected				Mykala Robinson
		ACFS	Reg	237A	Updates to 441--Chapter 170 regarding exit eligibility (CCA Plus) maximum monthly gross income levels and clarification of temporary lapse policies to be in compliance with federal CCDBG rules.	Chapter 170	P - Projected				Mark Adams
		MHDS	REG	225C.6	Children's Behavioral Health System - Develop rules to include the children's behavioral health system state board to the Department's responsibilities; Update the rules for mental health and disability services regions to include the responsibilities for the children's system; Define the children's core services, service provider standards, access standards, and implementation dates.		P - Projected			3/1/2020	Connie Fanselow
		IME	REG	514I	Integration of Medicaid and hawk-I program eligibility, payment, and administrative functions under DHS.		P - Projected				Anna Ruggle

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		IME	REG	249A.4	Add Pharmacist prescriber (naloxone, NRT and immunizations); change immun. billing all to medical.	77, 78, and 79	P - Projected			6/1/2020	Susan Parker
		IME	REG	234.6	Add language for dental wellness plan.	74, 78, and 88	P - Projected				Heather Miller