

SFY 2017 DHS Regulatory Plan  
as of 1 6 2017

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
17-027	11/17/2016	ACFS	Reg	217.3(6)	See 17-026 below	51.4, 51.7, 52.1(1), 52.1(2), 52.1(3)	N - Noticed	2890C		4/5/2017	Jan Garner
17-026	11/17/2016	ACFS	EAI	217.3(6)	These amendments implement the January 1, 2017, cost of living increases (COLA) to several State Supplementary Assistance (SSA) categories income limits and benefit amounts. These amendments also implement the changed personal needs allowance for the Residential Care Facility assistance and Family Life Home assistance. The net change to the personal needs allowance is a decrease due to a small COLA percentage increase that is offset by a decrease in the average monthly Medicaid copays used to calculate the amount of this deduction.	51.4, 51.7, 52.1(1), 52.1(2), 52.1(3)	E - In Effect		2891C	1/1/2017	Jan Garner
17-025	9/14/2016	IME	Reg	249A.4	Changes the outpatient prescribed drug reimbursement methodology for drugs provided to Medicaid recipients who are American Indians or Alaskan natives by health facilities that are operated by the U.S. Indian Health Service.	77.45, 78.2(4)"b"(12), 79.1(1)"h", 79.1(2), 79.1(8)	N - Noticed	2824C		4/1/2017	Susan Parker
17-024	8/24/2016	IME	Reg	249A.4	See 17-023 below	See 17-023 below	N - Noticed	2849C		3/8/2017	LeAnn Moskowitz
17-023	8/24/2016	IME	EAI	234.6	Increases fee for service upper payment limit and reimbursement rates by 1% over the rates in effect June 30, 2016 for providers of HCBS waiver services for fiscal year beginning in July 1, 2014	78.27(10)"e"(2), 78.34(9)"g"(2), 78.41(2)"i", 78.43(5)"g", 78.43(8)"c", 78.46(2)"g", 78.46(4)"c", 79.1(2), 79.1(15)"f", 83.2(2)"b", 83.22((2)"c"(2), 83.42(2)"b", 83.82(2)"d", 83.102(2)"b", 83.122(6)"b"	E - In Effect		2848C	11/15/2016	LeAnn Moskowitz

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17-022	9/2/2016	IME	Reg	249A.4	Changes the timing and calculation of ICF/ID assessment. The change is to collect quarterly from the facilities based on paid claims, rather than withhold from claims monthly based on prior period annual revenue	36.1, 36.2, 36.3, 36.4, 82.5(13)	A - Adopted	2775C	2886C	2/8/2017	Sally Oudekerk
17-021	10/11/2016	IME	Reg	249A.4	See 17-020 below	79.1(2)	N - Noticed	2847C		2/8/2017	Anna Ruggle
17-020	10/11/2016	IME	EAI	249A.4	LUPA rates updates. Update the rates in effect June 30, 2016, up to \$1.0 million state dollars.	79.1(2)	E - In Effect		2846C	11/15/2016	Anna Ruggle
17-019	9/1/2016	DFM	Reg	234.6	Rescinds Chapter 150 as no longer relevant. Replaces Chapter 152. Amends Chapter 156. Changes references to purchase of service and Foster care payment in Chapters 172 and 202.	441--Chapter 150, 441--Chapter 152, 156.1 definitions, 156.6(3), 156.6(4)"e", 156.8(6)"b", 156.9(1), 159.9(2), 156.9(3), 159.9(4), 156.10(1), 156.11, 156.19, 156.20(1)"a", 156.20(1)"b"(3), 156.20(1)"c", 156.20(2), 172.13(3)"e", 202.9(3)"g", 202.9(4)"d"	A - Adopted	2771C	2885C	3/1/2017	Jana Dunt
17-018	8/23/2016	ACFS	EAN	234.6	These amendments implement a change to Section 3716(c)(6) of title 31, United States Code that shortens the timeframe for referring delinquent claims to the Treasury Offset Program (TOP). Under the revised timeframes, claims must be referred to TOP if delinquent over 120 days.	11.5(1)"a"(3)	E - In Effect	2770C	2884C	12/14/2016	Kari Lind
17-017	8/12/2016	IME	Reg	249A.4	Adds occupational therapy as a covered service under hawk-I. clarifies additional covered services that are required under Iowa Code 514I that were missed in prior rule changes. Clarifies federal poverty limits that were adjusted because of the affordable care act.	86.8(7), 86.14, 86.20(3)	N - Noticed	2784C	2912C	3/1/2017	Anna Ruggle

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17-016	7/27/2016	FIELD	Reg	217.6	Updates 441--Chapter 99 to conform to statutory changes regarding suspension of court orders for child and medical support. Amends the current suspension process to allow for suspension of the child support order if the child goes to live with a caretaker who doesn't want child support, and both parents consent to the suspension. Finally updates the administrative rules to allow genetic testing specimens or results of the mother and child to be re-used in specific situations.	99.101, 99.102, 99.103(2), 99.103(3), 99.103(4), 99.104(2), 99.104(3), 99.105, 99.107, 99.108, 99.109, 99.110, 99.111, 99.112, 99.113, 99.114, 99.115, 99.116, 99.117	E - In Effect	2702C	2813C	1/1/2017	Siri Grandberg
17-015	7/18/2016	ACFS	Reg	239B.4(4)	These amendments add definitions for locations where applicants and participants are prohibited from accessing funds with their electronic access cards. Also requires applicants and recipients to agree in writing that they will not use their electronic access cards at prohibited locations.	40.21, 41.25(11), 41.25(11)"a", 41.25(11)"c", 46.24(3)	E - In Effect	2684C	2812C	1/1/2017	Barb Caruso
17-014	7/14/2016	MHDS	Reg	225C.6	These amendments change eligibility requirements and ensure uniform application of those requirements for the Autism Support Program	22.1, 22.2, 22.3, 22.4, 22.5, 22.6, 22.7	E - In Effect	2680C	2816C	1/1/2017	Connie Fanselow
17-013	7/7/2016	ACFS	Reg	217.6	Implements federal law, the Preventing Sex Trafficking and Strengthening Families Act. Updates the description of reasonable supervision of foster children. Also updates language regarding liability of foster parents and add new requirements regarding annual fire inspections and building codes. Changes the requirement for provision of transition plan documents to any child leaving foster care at the age of 18 or older.	105.8(9), 113.7(7), 113.7(9), 114.5(3), 114.5(4), 114.10(12), 202.11(7)"C"(4)	E - In Effect	2652C	2743C	12/1/2016	Doug Wolfe, Jim Chesnik, Heather Davidson

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17-012	7/1/2016	ACFS	Reg	235A14(1)	Implements federal law, Justice for Victims of Trafficking Act (P.L. 114-22) which requires state child protective agencies to consider a child to be a victim of "child abuse and neglect: and of "sexual abuse" if the child is identified as being a victim of sex trafficking or a victim of a severe form of trafficking in persons. Amendments are also made to require individuals who patronize or solicit persons for a commercial sex act to be equally culpable for sex trafficking offenses.	175.21, 175.22(2)"b", 175.24(1)"b", 175.24(2)"a"	E - In Effect	2651C	2742C	12/1/2016	Roxanne Riesberg
17-010	4/21/2016	ACFS	REG	234.6	Revises 441--Chapter 170 to reflect new federal Child Care Development Block Grant rules regarding child care assistance eligibility. Revises in-home provider language to conform with new federal rules.	170.4(3), 170.4(7)"a"	E - In Effect	2551C	2649C	10/1/2016	Mark Adams
17-009	4/21/2016	ACFS	REG	237A.12	Implements new federal rules outlining health, safety, and fire standards for child care providers that receive child care assistance monies. These amendments establish a new chapter, 441--Chapter 120, "Child Care Homes."	441--Chapter 120	E - In Effect	2552C	2648C	10/1/2016	Ryan Page
17-008	4/21/2016	ACFS	REG	237A.12	Updates and revises Chapter 110. Incorporates changes required by Child Care Development Block Grant. Improves rules regarding the safety of children in care. Updates the chapter to provide technical compliance.	441--Chapter 110	E - In Effect	2553C	2647C	10/1/2016	Ryan Page

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17-007	4/21/2016	ACFS	REG	237A.12	Implements a required orientation training in health and safety content areas for all staff within 3 months of employment and enhances emergency planning requirements. Adopts safe sleep practices. Provides for enhancements to current rules including a requirement for the regulatory fee to be part of a sufficient application. Provides technical clean up of the rules chapter.	109.1, 109.2(1), 109.2(2)"a", 109.2(3)"c", 109.2(4), 109.2(5)"e", 109.2(7), 109.4(2)"l", 109.4(3)"a", 109.4(5), 109.5(2), 109.6(1)"e", 109.6(2)"d", 109.6(4), 109.6(6)"d"(8), 109.7, 109.8(2)"h", 109.9(1)"b"(1), 109.9(1)"b"(2), 109.10(15), 109.12(5)"e", 109.12(5)"f"	E - In Effect	2554C	2646C	10/1/2016	Ryan Page
17-006	4/20/2016	MHDS	Reg	225C.6	Establishes the process by which DHS will approve licensing applications for DIA for subacute mental health care facilities. These amendments will establish the process to determine the disbursement of 75 beds to the most qualified providers	25.117, 25.118	E - In Effect	2550C	2637C	9/7/2016	Theresa Armstrong
17-005	3/29/2016	ACFS	EAN	249A.4	Increases statewide average cost of nursing facility services. Also increases rates associated with medical assistance income trust.	75.23(3), 75.24(3)"b"	E - In Effect	2505C	2605C	7/1/2016	Karen Jones
17-004	3/29/2016	ACFS	Reg	234.6	Adds a definition for deferred judgment and clarifies record check process regarding deferred judgments.	119.1, 119.2(1)	E - In Effect	2504C	2604C	9/1/2016	Catherine Stack
17-003	3/4/2016	ACFS	REG	249A.4	Update the MEPD premiums due to changes in federal POV level	75.1(39)"b"(3)	E - In Effect	2469C	2557C	8/1/2016	Kim Grasty
17-002	2/19/2016	ACFS	EAN	234.6	Revise child care assistance fee chart based on the new federal poverty levels	170.4(2)"a"	E - In Effect	2449C	2556C	7/1/2016	Mark Adams
17-001	2/19/2016	ACFS	EAN	234.6	Revise 441--Chapter 170 to reflect new federal Child Care and Development Block Grant rules regarding child care assistance eligibility	170.1, 170.2(1)"a", 170.2(1)"g", 170.2(2)"a", 170.2(2)"b", 170.2(4)"c", 170.3(1)"d", 170.3(5), 170.4(3)"c", 170.4(7)"a"	E - In Effect	2462C	2555C	7/1/2016	Mark Adams

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	12/15/2016	IME	Reg	249A.4	Clarifies the roles, responsibilities and membership of the Medical Assistance Advisory Council (MAAC) in accordance with 2016 Iowa Acts, HF 2460, section 99.	79.7	P - Projected	2899C		6/1/2017	LeAnn Moskowitz
	12/16/2016	FIELD	Reg	234.6	Restructures the Emergency Assistance programs managed by the Department. Updates definitions to the Iowa Disaster Aid Individual Assistance Grant Program (IIAGP) and adds a new program, the Iowa Disaster Case Management Program (IDCM).	58.1, 58.4, 58.5(1), 58.5(2), 58.5(3), 58.5(4), 58.6(1)m 58.7(1)"b", 58.21, 58.22, 58.23, 58.24, 58.25, 58.26, 58.27, 58.28, 58.29, 58.30, 58.31, 58.32 to 58.40, 58.41 to 58.68	P - Projected	2898C		6/1/2017	Harry Rossander, Christine Templeton
	12/12/2016	IME	Reg	249A.4	Changes the requirement for a review of the treatment plan for home health services to be conducted every 60 days instead of 62 days. Also defines the timeframe that a face to face encounter between a physician or certain non-physician practitioners and members must occur for home health services to be received.	78.9(1), 78.9(8), 78.9(9)"c"(4), 78.9(9)"d"(6), 78.9(9)"e"(2)	P - Projected	2897C		5/3/2017	Anna Ruggle
	12/9/2016	ACFS	Reg	234.6	These rules rescind Chapter 106 and adopt a new Chapter 106 in lieu thereof. These rules place the Department in compliance with the legislative requirement to rescind and adopt new rules regarding standards for children's residential facilities.	441--Chapter 106	P - Projected			5/3/2017	Jim Chesnik

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	6/22/2016	IME	Reg	249A.4	Implements changes related to MCO implementation and provides technical clarification. Removes outdated references to mental retardation. Updates multiple references to case management. Updates multiple references to comprehensive functional assessment tool under waiver programs. Updates references to service worker assessment under waivers. Adds definitions for integrated health home and integrated health home care coordinator to the CMH waiver	77.25(5), 77.29(1), 78.27(2)"D", 83.2(1)"D", 83.2(2)"A", 83.2(2)"B", 83.3(3)"A", 83.3(3)"C", 83.8(2)"D", 83.22(1)"D", 83.22(1)"D"(1), 83.22(2)"A", 83.23(3)"C", 83.42(1)"B", 83.42(2)"A", 83.43(3)"A"(2), 83.43(3)"C", 83.83(2)"C", 83.83(2)"D", 83.87(3), 83.102(1)"H", 83.102(2)"A"(1), 83.103(2), 83.107, 83.107(2), 83.121, 83.122(3), 83.122(5), 83.122(6)"A", 83.123(1)"A", 83.127, 83.127(3), 83.128(2)"D"	P - Projected			5/3/2017	LeAnn Moskowitz
		ACFS, IME, MHDS	Reg		Sr. Living revolving program		P - Projected				
		ACFS	Reg		Revise lead inspection/mitigation rules in child development homes and child care centers		P - Projected				Ryan Page
		ACFS	Reg		Aligns how the income of a stepparent, who is not in the eligible group, is treated for applicant and participant households		P - Projected			4/1/2017	Shari Seivert
		ACFS	Reg		Update the list of programs reviewed, clarify the requirements for interviews (or not) and update the list of forms we may ask the client to sign to get verification.		P - Projected			11/1/2013	Carol Stratemeyer
		ACFS	Reg		Clean up language related to CWES juvenile shelter contracting and reconciling guaranteed payments.		P - Projected			7/1/2014	Jim Chesnik
		ACFS	Reg		Clean up and coordinate relevant sections of Chapters 150 and 156		P - Projected			7/1/2014	Jim Chesnik
		ACFS	Reg	234.6	Rescinds current Chapter 163 and adopts a new revised chapter	441--Chapter 163	P - Projected				Lisa Bender

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		ACFS	Reg	237.3	Establishes requirements for security practices for weapons and firearms that may be present in child development homes and child care centers	109.10(7), 110.5(1)"y"	P - Projected				Ryan Page
		ACFS	Reg	249A.4	Clean-up to Medicaid Chapters 75 and 76 as a result of the Affordable Care Act.		P - Projected			5/1/2017	Shari Seivert
		ACFS	Reg	234.6	Amendments to the probate code regarding Medical Assistance Special Needs Trust.		P - Projected				
		ACFS	Reg		Increases premiums for applicants and recipients under the Medicaid for Employed People with Disabilities (MEPD) program with income of 150% of the federal poverty level.		P - Projected				
		ACFS	Reg		Increases personal needs allowance for two SSA categories: Residential care facility and family life home assistance.		P - Projected			1/1/2017	
		ACFS	Reg		Update chapters as the result of the Affordable Care Act.		P - Projected				
		ACFS	Reg		Aligns how the income of a stepparent, who is not in the eligible group, is treated for applicant and participant households.		P - Projected				
		ACFS	Reg	234.6	Increase the statewide average cost of nursing facility services. Increase rates for PMICs, MHIs, and ICF/IDs.		P - Projected			7/1/2017	
		ACFS	Reg	234.6	Rescind and revise Chapter 106		P - Projected			10/1/2016	
		ACFS	Reg	234.6	Update licensing requirements for juvenile shelter and detention homes.		P - Projected				
		ACFS	Reg	234.6	Update chapters for foster group care		P - Projected				
		ACFS	Reg	234.6	Update licensing, child development home, and CCA paid child care homes and background checks related to CCDBG.		P - Projected			9/30/2017	

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		ACFS	Reg	234.6	Update health and safety requirements on child development, potential serious injury reporting requirement for providers.		P - Projected				
		ACFS	Reg	225C.6	Change CAH fro DHS to IDPH		P - Projected				
		MHDS	Reg		Mental health advocates - reports, data collection, juvenile representation, grievance, conflict of interest, workforce coverage, confidentiality, professional and educational requirements, caseload criteria, caseload audits, quality assurance territory assignments.		A - Adopted	2350C	2438C	3/1/2017	Theresa Armstrong
		MHDS	Reg		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			4/1/2017	Theresa Armstrong
		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: Community-based subacute services, Jail diversion, Crisis intervention training, Civil commitment prescreening, Positive behavior support, Assertive community treatment, and Peer self-help drop-in centers		P - Projected			7/1/2018	Theresa Armstrong
		MHDS	Reg	225C.6	Updates to Division II, Crisis response services, to address qualifications of staff providing crisis response.		P - Projected			1/1/2017	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			3/1/2017	Theresa Armstrong

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		IME	Reg	249A.4	Psychologist prescribing - add psychologists to listing of qualified prescribers.		P - Projected			1/1/2017	
		IME	EAI	249A.4	1% increase to the HCBS Medicaid fee-for-services reimbursement rates. Also requires the managed care rate floors to be updated by 1%.	79.1(2)	P - Projected			9/14/2016	
		IME	Reg	249A.4	Change the reimbursement methodology to use CPI-U in effective July 1, 2016, current rule states CPI-U plus one.	82.5(16)"i"(1)	P - Projected			1/1/2017	
		IME	Reg	249A.4	Change the assessment amounts from either \$5.26 to \$7.13 or \$1.00 to \$1.36.	36.6(2)"a-d"	P - Projected			1/1/2017	
		IME	Reg	249A.4	Update rule to account for supplemental payment effective first quarter following CMS approval of SPA.		P - Projected			1/1/2017	
		IME	Reg	249A.4	For managed care claims, the department shall adjust the payment rate floor for nursing facilities, annually, to maintain a rate floor that is no lower than the Medicaid fee-for-service case-mix adjusted rate calculated in accordance with Chapter 81.		P - Projected			1/1/2017	
		DEP DIR	Reg	234.6	Allows for appeals on the Family Investment Program to be taken verbally. This is the same process currently used for food assistance and Medicaid.		P - Projected				Denise Dutton
		ACFS	Reg	235A14(1)	Child Abuse Prevention Program - procurements		P - Projected				Lisa Bender
		MHDS	Reg	225C.6	Establishes data collection standards for mental health advocates who provide services under Chapter 441--25, Division X. These standards create a consistent reporting framework for these providers.	25.106	P - Projected				Jan Heikes