

SFY 2019 DHS Regulatory Plan
as of 7 6 18

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|--------|------------|---------|-----------|------------------|--|---|-------------|-------------|------------|-----------------|-----------------|
| 19-018 | 6/4/2018 | MHDS | Reg | 217.6 | Implements necessary updates to the DD Council administrative rules and simplifies the content. Updates references to the federal authorizing legislation, removes prescriptive language that mirrors federal legislation and replaces the language with more appropriate references. | 441--Chapter 38 | N - Noticed | 3900C | | 12/1/2018 | Connie Fanselow |
| 19-017 | 4/13/2018 | IME | Reg | 249A.4 | These amendments will amend the assessment level for nursing facilities effective July 1, 2015. The assessment level was changed at the rebase of nursing facility costs at July 1, 2015. Providers were notified of the assessment level with Information Letter 1610 dated February 3, 2016. Providers have been remitting the amounts. This rule package ensures that rules reflect current practice. | 36.6(2) | N - Noticed | 3785C | 3872C | 9/1/2018 | Sally Oudekerk |
| 19-016 | 4/5/2018 | IME | Reg | 249A.4 | Implements Centers for Medicare and Medicaid Services regulations that define the residential and non-residential settings in which it is permissible for states to provide and pay for Medicaid Home- and Community-Based Services (HCBS> | 77.25, 77.25(1), 77.25(5), 77.30, 77.33, 77.34, 77.37, 77.39, 77.41, 77.46, 78.27, 78.27(1), 78.27(4), 78.27(8)"b", 78.34, 78.34(8)"d", 78.34(14), 78.37, 78.37(19), 78.38, 78.38(10), 78.41, 78.41(9)"d", 78.41(16), 78.43, 78.34(8)"d", 78.43(16), 78.46, 78.46(7), 78.52, 78.52(1), 83.1, 83.21, 83.41, 83.60, 83.81, 83.101, 83.121 | N - Noticed | 3784C | 3874C | 8/8/2018 | Brian Wines |
| 19-015 | 4/5/2018 | DEP DIR | Reg | 217.6 | Implements the use of form 470-5526, "Authorized Representative for Managed Care Appeals", to obtain the member's consent. Also allows child abuse and dependent adult abuse appeals to be withdrawn on the record before an administrative law judge or in writing and signed by the appellant or the appellant's legal counsel. | 7.2(5)"b", 7.5(2)"a"(18) & (23), 7.6(2), 7.8(1)"e", 7.8(8), 7.9(5)"a"(4), 7.9(6)"d" | N - Noticed | 3783C | 3871C | 9/1/2018 | Denise Dutton |

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| 19-014 | 3/30/2018 | ACFS | EAN | 249A.4 | Increases the statewide average cost of nursing facility services to a private-pay person. Adjusts the average charges for nursing facilities and psychiatric medical institutions for children and updates the maximum Medicaid rate for intermediate care facilities for persons with intellectual disabilities which are used to determine the disposition of the income of a medical assistance income trust (MAIT). | 75.23(3), 75.24(3)"b"(1), (2) and (4) | N - Noticed | 3760C | 3869C | 7/1/2018 | Karen Jones |
| 19-013 | 3/30/2018 | ACFS | EAN | 249A.4 | Adjusts the average charge for care in Mental Health Institutes (MHI), which are used to determine the disposition of the income of a medical assistance income trust (MAIT) | 75.24(3)"b"(3) | N - Noticed | 3761C | 3870C | 7/1/2018 | Karen Jones |
| 19-012 | 3/23/2018 | IME | Reg | 249A.4 | Adds language to allow a managed care organization (MCO) to establish appropriate service limits that are consistent to the service maximums in effect for fee-for-service (FFS) Medicaid. The amendments also update the percentage of reimbursement the MCO will provide to Iowa Medicaid providers who are not enrolled in the MCO provider network. | 73.5(1), 73.23(3) | N - Noticed | | | 12/1/2018 | Sally Oudekerk |
| 19-011 | 3/1/2018 | ACFS | Reg | 249A.4 | This amendment adjusts the federal poverty level increments used to assess premiums for applicants and recipients under the Medicaid for Employed People with Disabilities (MEPD) program with income over 150% of the federal poverty level (FPL). | 75.1(39)"b"(3) | N - Noticed | 3704C | 3873C | 8/1/2018 | Kim Grasty |
| 19-010 | 2/6/2018 | ACFS | Reg | 234.6 | Revises the Child Care Assistance (CCA) fee chart based on the new federal poverty levels (FPL). Updates rules regarding temporary lapse policy and adding a wait list exemption for homeless families. | 170.2(2)"b"(9), 170.2(3)"b", 170.4(2)"a" | N - Noticed | 3651C | 3791C | 7/1/2018 | Mark Adams |

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| 19-009 | 1/31/2018 | IME | Reg | 249A.4 | Requires hospitals providing inpatient psychiatric services, including the state mental health institutes (MHI) to update the inpatient psychiatric bed tracking system at least two times per day with number of available, staffed beds by gender, child, adult, and geriatric. | 77.3(3) | A - Adopted | 3659C | 3789C | 7/1/2018 | LeAnn Moskowitz |
| 19-008 | 1/29/2018 | MHDS | Reg | | Allows providers to change how Mental Health Service providers document service narratives. | 24.4(1)"b"(1), 24.4(2)"b", 24.4(4)"b"(3) | N - Noticed | 3732C | 3855C | 8/1/2018 | Connie Fanselow |
| 19-007 | 1/9/2018 | DEP DIR | Reg | 217.6 | Implements new federal guidelines extending the period to appeal decisions for state fair hearings from 90 to 120 days. Also implements changes effectuation of a reversed appeal resolution for MCO appeals. | 7.5(4), 7.16(6), 7.16(7), 7.16(8), 7.16(9), 7.16(10), 7.16(11), 7.21(3) | A - Adopted | 3652C | 3787C | 7/1/2018 | Denise Dutton |
| 19-006 | 1/18/2018 | ACFS | Reg | 234.6 | Implements the subsidized guardianship program under the guidelines of the federal Fostering Connections to Success Act. The previous program was administered through a federal waiver which has been eliminated. | 204.1, 204.2(1), 204.2(4), 204.3, 204.4, 204.6, 204.7 | W - Withdrawn | | | 7/1/2018 | Tracey Parker |
| 19-005 | 1/4/2018 | MHDS | Reg | 225C.6 | The changes are to bring the rule into alignment with 2017 legislative changes to Iowa Code Chapter 225D. House File 215, requires certain health insurance policies, contracts, or plans to provide coverage of applied behavior analysis (ABA) treatment for certain individuals with autism spectrum disorder. Individuals who gain private insurance company as a result of this legislation will no longer be eligible for participation in the Autism Support Program (ASP). | 22.1, 22.2(4) | A - Adopted | 3619C | 3788C | 7/1/2018 | Connie Fanselow |

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| 19-004 | 1/4/2018 | IME | Reg | 249A.4 | These amendments further amend and clarify standards for crisis response services. Iowa Medicaid currently covers crisis response services; however, these amendments clarify the daily upper limit for hourly crisis response and hourly crisis stabilization services is limited to the daily per diem for crisis stabilization services. These amendments also make a technical correction to the record requirements in a previously adopted rule. | 79.1(2), 79.3(2)"d"(44), 79.3(2)"d"(45) | E - In Effect | 3598C | 3716C | 5/16/2018 | LeAnn Moskowitz |
| 19-003 | 12/19/2017 | Field | Reg | 217.6 | Replaces the current chapter on Child Support Parental Obligation Pilot Projects. Renames the program and clarifies incentives within the program. | 441--Chapter 100 | A - Adopted | 3597C | 3720C | 7/1/2018 | Kate Bigg |
| 19-002 | 12/19/2017 | Field | Reg | 217.6 | Aligns CSRU rules with federal regulations. Removes references to voluntary reduction of income as a factor when CSRU modifies child support obligations. | 95.14, 99.65(1), 99.87, 99.91(5) | A - Adopted | 3595C | 3719C | 7/1/2018 | Kate Bigg |
| 19-001 | 12/15/2017 | IME | Reg | 249A.4 | Aligns rules with federal regulations regarding the use of civil money penalties (CMP) imposed by the Centers for Medicare and Medicaid Services (CMS). Also updates the Department's process in how and when applications for grant proposals are requested. | 81.1, 81.53, CH 166 | A - Adopted | 3573C | 3717C | 7/1/2018 | Sally Oudekerk |

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| | | IME | Reg | 249A.4 | This amendment adjusts home health agency (HHS) Low Utilization Payment Adjustment (LUPA) rates to reflect approximately \$1,000,000 of additional state appropriations for reimbursement in accordance with 2018 Iowa Acts, Senate File 2418, section 39. This amendment will increase home health agency provider rates. | 79.1(2) | P - Projected | | | | Sara Schneider |
| | | IME | Reg | 249A.4 | These amendments rescind rules regarding fee for service with cost settlement for Targeted Case Management (TCM). The amendments also revise the existing fee schedules for TCM and Case Management (CM) under the Home- and Community-Based Services waiver and Habilitation (Hab) programs. TCM and CM provider agencies will no longer be required to submit an annual cost report. These amendments will allow the Department to standardize rates for TCM and CM provider agencies. These rates will only apply to members who are enrolled in Medicaid as Fee-For-Service. | 79.1(1)"d", 79.1(2), 79.1(24) | P - Projected | | | | Leann Howland |
| | | MHDS | Reg | 225C.6 | Implements MHDS regions initiation of new core services, expands the core services regions currently provide, implements new access standards for the new services. Establishes new and revised service standards for providers of comprehensive crisis services, subacute mental health services, and intensive mental health services. | Chapter 25 | P - Projected | | | | Connie Fanselow |

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| | | IME | EAN | 249A.4 | Expands the Special Population Nursing Facility criteria to include person residing in an intermediate care facility for persons with medical complexity up to age 30. The rules will increase the number of qualified providers available to meet the needs of young adults with complex medical conditions. | 81.1, 82.1 | P - Projected | | | | Sally Oudekerk |
| | 6/27/2018 | IME | Reg | 249A.4 | These amendments change the eligibility criteria for Health and Disability waiver participation. These changes will broaden the population that would now be eligible for the waiver. While the change will not increase the number of members served at one time, the change will allow for an expanded population These amendments also revise the language regarding increasing waiver budgets by putting specific guidelines in place for the process and cost limitations. Providers, members, case managers, and managed care organizations will have greater clarity regarding how the waiver service is to be administered and further defines the benefits associated with the waiver | 83.2(1)"b", 83.2(2)"b" | P - Projected | | | | Leann Howland |
| | | DEP DIR | Reg | 217.6 | Federal regulations give states the option of establishing procedures to allow accused individuals to waive their rights to an administrative disqualification hearing. The proposed amendments give household members who are suspected of an intentional program violation an opportunity to waive their right to an administrative disqualification hearing, if they so choose. | 7.8(6)"F", 7.10(3)"B", 7.16(9), 7.16(10)"A", 7.21(3), 7.21(4), 7.21(5), 7.21(6), 7.21(7) | P - Projected | | | | Denise Dutton |

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| | | IME | Reg | 249A.4 | <p>This amendment makes the pharmacy copayment a flat copayment of \$1.00 per prescription or refill and no longer bases the copayment on the preferred or nonpreferred status of the drug on the Preferred Drug List (PDL), consistent with federal regulations and state legislative requirement.</p> <p>This amendment is technical in nature because this copayment policy of \$1 per prescription or refill has been in place to implement the federal final rule (CMS-2334-F) requirement. The copayment requirement indicates a nonpreferred drug copay must be limited to the amount of a preferred drug copay when deemed medically necessary by the prescribing provider. Since implementation of this final rule, all Medicaid drug copayments are the preferred amount of \$1, because a Medicaid member would not get a nonpreferred drug unless the drug was medically necessary.</p> | 79.1(13)"a" | P - Projected | | | | Susan Parker |
| | | ACFS, IME, MHDS | Reg | | Sr. Living revolving program | | 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 | | | 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 |

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| | | ACFS | Reg | 234.6 | Rescinds current Chapter 163 and adopts a new revised chapter | 441--Chapter 163 | P - Projected | | | | Lisa Bender |
| | | 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 | 237A.5 | Update licensing, child development home, and CCA paid child care homes and background checks and mandatory prohibitions related to CCDBG. | | P - Projected | | | 9/30/2017 | |

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| | | 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 |
| | | IME | Reg | 249A.4 | Psychologist prescribing - add psychologists to listing of qualified prescribers. | | P - Projected | | | 1/1/2017 | |

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| | | 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 |
| | | 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 |
| | | ACFS | Reg | 234.6 | Safe Sleep and requiring items used by manufacturing requirements for all child care program types | 441--Chapter 109, 441--Chapter 110, 441--Chapter 120 | P - Projected | | | | Ryan Page |
| | | ACFS | Reg | 234.6 | Change 441--Chapter 109 for child care definition. | 441--Chapter 109 | P - Projected | | | | Ryan Page |

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| | | ACFS | Reg | 237A | Revise 441--Chapter 118 Child Care Quality Rating System | 441--Chapter 118 | P - Projected | | | | Mykala Robinson |
| | | ACFS | Reg | | 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. | 441--Chapter 170 | P - Projected | | | | Mark Adams |
| | | Field | Reg | 217.6 | Child Support Income Withholding Hardship | | P - Projected | | | | Kate Bigg |
| | | Field | Reg | 252E | Brings CSRU medical rules in line with changes to Iowa Code Chapter 252E. Also makes changes to CSRU's IWO hardship process. | | P - Projected | | | 1/1/2019 | Kate Bigg |