

CHAPTER 153
FUNDING FOR LOCAL SERVICES

[Prior to 7/1/83, see Social Services[770] Ch 131]
[Previously appeared as Ch 131—renumbered IAB 2/29/84]
[Prior to 2/11/87, Human Services[498]]

DIVISION I
SOCIAL SERVICES BLOCK GRANT

PREAMBLE

This division sets forth the requirements for reporting required for receipt of federal social services block grant (SSBG) funds and service availability and allocation methodology related to those funds.

441—153.1(234) Definitions.

“*County administrative costs*” include the rent, utilities, and other related costs the county must pay to maintain a county human services office. These costs are funded from state, federal and county sources.

“*Direct services*” means services provided by staff of the department of human services to clients. This includes the administrative support necessary to maintain and oversee services. Direct services are funded with state and federal dollars.

“*Protective day care*” means day care provided to children to prevent or alleviate child abuse or neglect. This purchase service is available throughout the state. Protective day care is funded with federal funds.

“*State purchase services*” means those services the department purchases in every county state-wide. State purchase services are funded with state and federal funds.

441—153.2(234) Development of preexpenditure report.

153.2(1) The department of human services shall develop the social services block grant preexpenditure report on an annual basis. The report shall be developed in accordance with the Code of Federal Regulations, Title 45, Part 96, Subpart G, as amended to July 20, 2000. The report shall describe the services to be funded, in what areas services are available and the amount of funding available. The plan shall also indicate the source of funding.

153.2(2) The department shall issue a proposed preexpenditure report prior to publication of the final report. The proposed report shall be available for public review and comment in each local office where the service area manager is based during regular business hours for a two-week period.

153.2(3) The time and scope of public review will be announced each year. The announcement will indicate the time the proposed report can be viewed. The department shall make this information available to the media, post signs in each local human services office and may publish ads in each service area listing the time of review.

153.2(4) The department shall accept comments about the preexpenditure report during the specified public review and comment period. Individuals or groups may submit written comments to the service area manager or to the Bureau of Purchase of Services, Iowa Department of Human Services, Hoover State Office Building, 1305 E. Walnut Street, Des Moines, Iowa 50319-0114. Public hearings may be arranged by the service area manager at which time testimony will be accepted.

153.2(5) The department shall consider the public comment when developing the final preexpenditure report.

153.2(6) A copy of the final preexpenditure report will be available in each local office where the service area manager is based.

441—153.3(234) Amendment to preexpenditure report.

153.3(1) The preexpenditure report may be amended throughout the year. The department may file an amendment changing the kind, scope or duration of a service. Decisions to change a direct service or state purchase service will be made by the department.

Prior to filing an amendment the department and the county boards of supervisors will evaluate available funds and the effect any change will have on clients.

153.3(2) An amendment in the preexpenditure report will be posted in the local offices affected by the amendment at least 30 days prior to the effective date of the change. However, in the event funding for the service has been exhausted, an amendment shall be posted immediately notifying the public that the service will no longer be available. The service area manager will, whenever possible, give advance notice of a service termination made necessary because funds have been exhausted. When a service is added or extended, an amendment may be posted immediately and a 30-day posting period is not required.

153.3(3) Individuals or groups may submit written comments to the service area manager or to the Bureau of Purchase of Services, Iowa Department of Human Services, Hoover State Office Building, 1305 E. Walnut Street, Des Moines, Iowa 50319-0114.

153.3(4) Nothing in this rule will supersede the requirement for notifying clients of adverse action as provided in 441—130.5(234).

This rule is intended to implement Iowa Code section 234.6(6).

441—153.4(234) Service availability.

153.4(1) A client shall apply for services in the appropriate office of the Iowa department of human services.

a. The department shall determine eligibility according to 441—130.3(234).

b. The department shall develop a case plan to monitor the client's progress toward achieving goals as identified in 441—130.7(234).

153.4(2) An eligible client shall receive a service for which the client is eligible, subject to the provisions of 441—Chapter 130, when the service is listed in the geographic area in which the client resides. The geographic area for direct and state purchase is the state.

153.4(3) To the extent federal law prohibits use of federal funds for provision of social service block grant services to persons the department has defined as eligible, state funds shall be used to pay for these services.

441—153.5(234) Allocation of block grant funds.

153.5(1) The department shall follow a cost allocation plan for determining the appropriate costs of the department's central office to be funded with block grant money.

153.5(2) The amount of funding allocated to state purchase services shall be allocated to each service area as follows:

a. The available family planning dollars shall be distributed among the eight service areas at 75 percent of the funds on the basis of poverty population and 25 percent of the funds on the basis of population of females aged 12 to 44 as reported in the most current available census information for the state of Iowa.

b. The available foster care dollars shall be allocated among the eight service areas according to 441—paragraph 156.20(1)“*b.*”

c. Administrative support dollars which are used for volunteer services shall be allocated among the eight service areas based on a four-part formula: 25 percent of the total volunteer budget divided equally among the eight service areas, 25 percent divided among the eight service areas based on their poverty population percentage, 25 percent based on the general population percentage, and 25 percent based on the historical volunteer service performance (number of volunteer hours generated in the previous two-year period).

This rule is intended to implement Iowa Code section 234.6.

441—153.6(234) Local purchase planning process. Rescinded IAB 7/8/92, effective 7/1/92.

441—153.7(234) Advisory committees. Rescinded IAB 3/6/02, effective 7/1/02.

441—153.8(234) Federal flood relief supplemental social services block grant funds for emergency social services. Rescinded IAB 3/6/02, effective 7/1/02.

441—153.9 and 153.10 Reserved.

DIVISION II
DECATEGORIZATION OF CHILD WELFARE AND JUVENILE JUSTICE FUNDING

PREAMBLE

Decategorization of child welfare and juvenile justice funding is an initiative intended to establish systems of delivering human services based upon client needs that replace systems based upon a multitude of categorical funding programs and funding sources, each with different service definitions and eligibility requirements. Decategorization is designed to redirect child welfare and juvenile justice funding to services that are more preventive, family-centered, and community-based in order to reduce use of restrictive approaches that rely on institutional, out-of-home, and out-of-community care.

441—153.11(232) Definitions. For the purposes of this division, the following definitions apply:

“*Budget accountability*” means that expenditures for decategorization services from a decategorization project’s funding pool during the state fiscal year do not exceed the total amount of funding available in the funding pool for the state fiscal year.

“*Carryover funding*” means moneys designated for a project’s decategorization services funding pool that remain unencumbered or unobligated at the close of the state fiscal year.

“*Chief juvenile court officer*” mean the judicial department official responsible for managing and supervising juvenile court services operations within one of the eight judicial districts.

“*Decategorization*” means an initiative established pursuant to Iowa Code section 232.188 that is designed to redirect child welfare and juvenile justice funding to services that are more preventive, family-centered, and community-based in order to reduce use of more restrictive approaches.

“*Decategorization agreement*” means the agreement entered into among representatives of the department of human services, juvenile court services, and the county government in one or more counties to implement a decategorization project in accordance with the requirements of Iowa Code Supplement section 232.188 and this division.

“*Decategorization project*” means the county or counties that have entered into a decategorization agreement to implement the decategorization initiative in the county or multicounty area covered by the agreement.

“*Decategorization services funding pool*” or “*funding pool*” means the funding designated for a decategorization project from all sources.

“*Department*” means the department of human services.

“*Governance board*” means a decategorization governance board, which is the group that enters into and implements a decategorization agreement.

“*Service area manager*” means the department official responsible for managing the department’s programs, operations, and child welfare budget within one of the eight department service areas.

“*Unencumbered or unobligated*” means funding within a decategorization services funding pool that is not spent by the project’s governance board for a specific program or purpose by the close of the state fiscal year.

441—153.12(232) Implementation requirements. The decategorization initiative shall be implemented through the creation and operation of decategorization projects. One or more counties may jointly agree to form a decategorization project to implement the initiative. The decategorization initiative shall be implemented in accordance with the following requirements:

153.12(1) Decategorization agreement. Representatives from the department, juvenile court services, and county government within the county or counties interested in forming a decategorization project shall develop a written agreement to work together to implement decategorization.

153.12(2) Department approval. A decategorization project must request and receive approval from the department director.

153.12(3) Governance board. A decategorization project shall be implemented by a decategorization governance board.

a. The department director shall ensure that each decategorization project has an operating governance board that includes:

(1) Representatives designated by administrators of the department and of juvenile court services; and

(2) Officials with the authority to represent county government in the affected county or counties.

b. Decategorization projects may choose to expand their governance boards to include representatives from other entities.

153.12(4) Department information. The service area manager shall provide the governance board with:

a. Information concerning the department service area’s funding allocation for department-administered child welfare service programs; and

b. A copy of the service area’s child welfare and juvenile justice annual plan.

153.12(5) Juvenile justice information. The chief juvenile court officer shall provide the governance board with information on the judicial district’s allocation of funding for juvenile justice service programs.

153.12(6) Support and coordination. The department service area manager and the chief juvenile court officer shall:

a. Work with the governance board throughout each state fiscal year to coordinate planning and to target resources most effectively.

b. Regularly provide the governance board with available data concerning child welfare and juvenile justice needs, service trends and expenditures, child welfare and juvenile justice outcomes, and other relevant issues.

c. Work with the governance board to:

(1) Support board planning and service development; and

(2) Promote effective alignment of available financial resources to enhance preventive, family-centered, and community-based services.

441—153.13(232) Role and responsibilities of decategorization project governance boards. The governance board of a decategorization project shall have the following authority and responsibilities:

153.13(1) Rules of operation. The governance board shall establish and adopt written rules of operation that are available to the public.

153.13(2) Open meetings and records. The governance board shall adhere to statutory requirements for government bodies concerning open meetings and open records procedures as specified in Iowa Code chapters 21 and 22.

153.13(3) Coordination. The governance board shall coordinate project planning, decategorization service decisions, and budget planning activities with the service area manager and the chief juvenile court officer for the county or counties comprising the project.

153.13(4) Right to services. The governance board shall implement the decategorization initiative in a manner that does not limit the legal rights of children and families to receive services.

153.13(5) Community service planning. The governance board shall undertake community planning activities within the county or counties comprising the project. These activities shall be designed to develop services that are more preventive, family-centered, and community-based.

a. As part of decategorization community planning, the governance board shall partner with other community stakeholders to develop service alternatives that provide less restrictive levels of care for children and families within the project area. The governance board shall involve community representatives, including representatives for families and youth and for county organizations, in the development of specific and quantifiable short-term and long-term plans for:

- (1) Enhancing preventive, family-centered, and community-based services; and
- (2) Reducing reliance on out-of-community care and restrictive interventions.

b. In community planning, the governance board may use information from federal reviews of Iowa's child welfare system and indicators and outcomes from other community planning efforts. The governance board shall coordinate its community planning efforts as much as possible with those of other planning entities in the community, such as but not limited to:

- (1) Communities of promise;
- (2) Community empowerment;
- (3) United Way;
- (4) Community partnerships for protecting children;
- (5) Comprehensive school improvement planning;
- (6) Comprehensive substance abuse agency planning; and
- (7) Substance-abuse-free environment (SAFE) program planning.

153.13(6) Annual service plan. The governance board shall oversee the development and submission of an annual child welfare and juvenile justice services plan that meets the requirements of rule 441—153.18(232). The governance board shall involve community representatives and county organizations in the development of the plan for the use of the decategorization services funding pool.

153.13(7) Fiscal management. The governance board shall manage and have authority over the project's decategorization services funding pool.

a. The governance board shall develop a plan to maintain budget accountability by ensuring during each state fiscal year that there is ongoing accountability for results, fiscal monitoring, and oversight of expenditures from the decategorization services funding pool.

b. Budget planning and decategorization services funding decisions shall be coordinated with the affected service area managers and chief juvenile court officers or their designees throughout each state fiscal year.

c. The governance board shall ensure that expenditures do not exceed the amount of funding available within the funding pool.

d. If necessary, the governance board shall approve actions to reduce expenditures, discontinue programs, or take other action to manage expenditures within the available decategorization services funding pool during each state fiscal year.

153.13(8) Annual report. The governance board shall oversee the development and submission of an annual progress report for the decategorization project that meets the requirements of rule 441—153.19(232).

441—153.14(232) Realignment of decategorization project boundaries. If a governance board votes to change the composition of counties participating in the project, the governance board shall send a letter to the department director that describes the nature of the proposed project realignment and is signed by each board member who supports the proposed realignment.

153.14(1) If the realignment request involves the move of one or more counties from one decategorization project to another, the governance board of the project receiving the county or counties shall send a letter to the department director expressing support for the realignment.

153.14(2) The department director shall review the request and within 30 days shall provide a written decision to the project governance boards involved.

a. In evaluating the request, the department director shall consider the reasons expressed for the proposed realignment and the community and budgetary impacts of the realignment.

b. The director may consult with governance board representatives and others before making a decision.

441—153.15(232) Decategorization services funding pool.

153.15(1) Creation and composition of pool. The department shall create the decategorization services funding pool for a project by combining funding resources that may be made available to the project from one or more of the following funding sources:

a. The project's allocation of any funding designated for decategorization in a state appropriation. When the general assembly designates a portion of the department's child welfare appropriation specifically for decategorization services, the designated funds shall be allocated to decategorization project services funding pools. Unless otherwise specified by legislation, the designated funds shall be allocated among decategorization projects based solely on each project's share of the population of children under the age of 18.

b. Child welfare and juvenile justice services funds that are:

(1) Specifically designated and committed in writing to the project by the service area manager; and

(2) Accepted by the project's governance board.

c. Any juvenile justice program funds that are:

(1) Specifically designated and committed in writing to the decategorization project by a chief juvenile court officer; and

(2) Accepted by the project's governance board.

d. Any carryover funds available to the project from funding transfers and from operation of decategorization services during the previous state fiscal year.

e. Funds made available to the project from any other funding source, such as another state agency or a grant awarded to the project. Funds awarded to the project under this provision may be subject to specific conditions, reporting requirements, and expenditure limits specified by the entity that awards funding.

153.15(2) Use of funding pool. A governance board shall use the funding pool in accordance with the following requirements:

a. The funding pool shall be used to provide services that meet at least one of the following criteria:

(1) Services are flexible;

(2) Services are individualized;

(3) Services are family-centered;

- (4) Services are preventive;
- (5) Services are community-based;
- (6) Services are comprehensive; or
- (7) Services promote coordinated service systems for children and families in order to reduce the use of restrictive approaches that rely on institutional, out-of-home, and out-of-community care.

b. The governance board may use the funding pool for enhancements to the child welfare and juvenile justice service systems within the project.

c. The funding pool shall not be used for any of the following services:

- (1) Institutional services;
- (2) Out-of-home services; or
- (3) Out-of-community services.

d. The funding pool shall be expended in accordance with statutes and rules regarding vendor solicitation and service contracting, including Iowa Code chapter 8 and department of administrative services rules at 11—Chapters 106 and 107, Iowa Administrative Code.

153.15(3) *Designation and transfer of department funds.* A service area manager may choose during each state fiscal year to designate and transfer a portion of the service area's child welfare and juvenile justice service allocation to a decategorization project's funding pool. When designating funds, the service area manager and the governance board shall follow these procedures:

a. The service area manager shall provide written notification of any funding designations to the governance boards within the service area by June 1 of the state fiscal year. The service area manager shall specify any special terms and conditions of the funding designation in the written notification to the governance board.

b. The governance board shall consider the offer of designated funding and provide written notification of acceptance or rejection to the service area manager by June 30 of the state fiscal year.

c. If the governance board accepts the designated funding, the funds shall:

- (1) Be transferred to the project's decategorization services funding pool; and
- (2) Be under the sole management authority of the governance board, subject to any special terms and conditions agreed to by the governance board.

d. Any funding from such transfers that remains unencumbered or unobligated at the close of the state fiscal year shall be carryover funding in accordance with subrule 153.15(5).

153.15(4) *Designation and transfer of juvenile justice funds.* A chief juvenile court officer may choose to designate and transfer a portion of the judicial district's juvenile justice program funding to a decategorization project's services funding pool. When designating funds, the chief juvenile court officer and the governance board shall follow these procedures:

a. The chief juvenile court officer shall provide written notification of any funding designations to the governance boards within the judicial district by June 1 of the state fiscal year. The chief juvenile court officer shall specify any special terms and conditions of the funding designation in the written notification to the governance board.

b. The governance board shall consider the offer of funding and shall provide the chief juvenile court officer with written notification of acceptance or rejection of the funding by June 30 of the state fiscal year.

c. If the governance board accepts the designated funding, the funds shall:

- (1) Be transferred to the project's decategorization services funding pool; and
- (2) Be under the sole management authority of the governance board, subject to any special terms and conditions agreed to by the governance board.

d. Any funding from such transfers that remains unencumbered or unobligated at the close of the state fiscal year shall be carryover funding in accordance with subrule 153.15(5).

153.15(5) Carryover funding. Funds allocated to a decategorization project from a legislative appropriation for decategorization services and funds designated and transferred to a decategorization project's funding pool that remain unencumbered or unobligated at the close of a state fiscal year are referred to as "carryover funding." The following procedures shall apply to the determination and use of decategorization carryover funding:

a. Upon the close of a state fiscal year, the department shall determine the exact amount of funding that is unencumbered or unobligated in each project's decategorization services funding pool. The department shall collaborate with governance boards to reconcile expenditure records and determine the amount of carryover funding for each decategorization project.

b. Before December 15 of each state fiscal year, the department shall provide each governance board with written notification of the official amount of carryover funding available from the previous state fiscal year.

c. Carryover funding shall not revert to the state general fund but shall remain available to the governance board until the close of the succeeding state fiscal year.

d. Carryover funding shall be under the authority of the project's governance board. These funds shall be available for expenditure for child welfare and juvenile justice systems enhancements and other purposes of the project as determined by the governance board.

e. Any carryover funding not expended by a decategorization project by the close of the succeeding state fiscal year shall revert to the fiscal authority of the department. The department shall return these funds to the state general fund.

441—153.16(232) Relationship of decategorization funding pool to other department child welfare funding. With the exception of any portion of the service area's child welfare allocation that is allocated by law for decategorization services, each service area's child welfare allocation shall be managed under the authority of the respective service area manager as follows:

153.16(1) Allocation. Each service area manager receives an allocation from the state appropriation for child welfare and juvenile justice services funding to meet child welfare and juvenile justice needs within all counties comprising the service area. The service area manager is responsible for meeting service needs throughout the service area within that allocation.

153.16(2) Budgeting. The service area manager may establish internal child welfare and juvenile justice services budget targets for the counties comprising the service area. Based on budget monitoring and changes in circumstances, the service area manager may revise the child welfare and juvenile justice budget targets within the service area to provide for the safety, permanency, and well-being of children served in the child welfare and juvenile justice systems.

153.16(3) Transfer to project. A service area manager may choose to designate and to transfer a portion of the service area's child welfare allocation to the funding pool of a decategorization project. The service area manager may ask a governance board to accept specific terms and conditions concerning use of this funding. Once funding is transferred to a governance board, the funding is under the management authority of the governance board, subject to any special terms and conditions agreed to by the governance board.

153.16(4) Communication with the governance board. The service area manager shall regularly communicate with the governance boards within the service area to provide updated data and other information on child welfare and juvenile justice funding amounts, service expenditures and trends, and other issues in order to assist the governance board in service and budget planning.

441—153.17(232) Relationship of decategorization funding pool to juvenile court services funding streams. Funds allocated by the department among the eight judicial districts for the court-ordered services and graduated sanctions programs shall be managed under the authority of the chief juvenile court officer for each judicial district as follows:

153.17(1) Allocation. Each chief juvenile court officer receives an allocation from the state appropriation for the court-ordered services and graduated sanction programs. The chief juvenile court officer is responsible for managing needs for these programs throughout the judicial district within that allocation.

153.17(2) Budgeting. The chief juvenile court officer may establish internal budget targets for expenditures from the court-ordered services and graduated sanction programs for the counties comprising the judicial district. Based on budget monitoring and changes in circumstances, a chief juvenile court officer may revise the budget targets established within the judicial district to provide programs most effectively for children within the district.

153.17(3) Transfer to project. A chief juvenile court officer may choose to designate and to transfer a portion of the judicial district's allocation for court-ordered services and graduated sanction programs to the funding pool of a decategorization project. The chief juvenile court officer may ask a governance board to accept specific terms and conditions concerning use of this funding. Once funding is transferred to a governance board, the funding is under the management authority of the governance board, subject to any special terms and conditions agreed to by the governance board.

153.17(4) Communication with the governance board. The chief juvenile court officer shall regularly communicate with the governance boards within the judicial district to provide data and other information on juvenile justice program allocation amounts, service expenditures and trends, and other issues that may assist the governance boards in service and budget planning.

441—153.18(232) Requirements for annual services plan. Each decategorization project shall annually develop and submit a child welfare and juvenile justice decategorization services plan.

153.18(1) Content of plan. The decategorization services plan shall describe:

a. The project's proposed use of funding from the decategorization services funding pool during the state fiscal year.

b. The community planning and needs assessment process that was used in developing the annual decategorization services plan, including information on:

- (1) The community members and organizations that participated in developing the plan; and
- (2) Efforts to coordinate with other community planning initiatives affecting children and families.

c. The project's specific and quantifiable short-term plans and desired results for the state fiscal year and how these plans align with the project's long-term plans to improve outcomes for vulnerable children and families by enhancing service systems.

d. The methods that the project will use to track results and outcomes during the year.

e. The project's plans for monitoring and maintaining fiscal accountability, which shall include monitoring:

- (1) The performance and results achieved by contractors that receive funding; and
- (2) Expenditures from the decategorization services funding pool throughout the state fiscal year.

f. The project's plans to expend projected carryover funds by the conclusion of the state fiscal year.

153.18(2) Submission of plan. The decategorization services plan shall be submitted to the department's child welfare administrator and to the Iowa empowerment board by October 1 of each state fiscal year.

441—153.19(232) Requirements for annual progress report. Each decategorization project shall develop and submit an annual progress report.

153.19(1) Content of report. At a minimum, the progress report shall:

- a. Summarize the project's key activities and the progress toward reaching the project's desired outcomes during the previous state fiscal year.
- b. Describe key activities, outcomes, and expenditures for programs and services that received funding from the governance board during the previous state fiscal year.
- c. Describe any lessons learned and planning adjustments made by the governance board during the previous state fiscal year.

153.19(2) Submission of report. The progress report shall be submitted to the department's child welfare administrator and to the Iowa empowerment board by December 1 of each state fiscal year.

These rules are intended to implement Iowa Code Supplement section 232.188.

441—153.20 to 153.30 Reserved.

DIVISION III
MENTAL ILLNESS, MENTAL RETARDATION, AND
DEVELOPMENTAL DISABILITIES—LOCAL SERVICES
[Rescinded IAB 3/6/02, effective 5/1/02]

441—153.31 to 153.50 Reserved.

DIVISION IV
STATE PAYMENT PROGRAM FOR SERVICES TO ADULTS
WITH MENTAL ILLNESS, MENTAL RETARDATION, AND
DEVELOPMENTAL DISABILITIES

PREAMBLE

The state payment program for services to adults provides 100 percent state funds to pay for mental illness, mental retardation and developmental disabilities local services for eligible persons who have no legal settlement in Iowa. This ensures that each of the mental illness, mental retardation and developmental disabilities local services provided by an Iowa county to residents who have legal settlement is also available to residents of that county who do not have legal settlement. These services would otherwise be available to them from the county mental health, mental retardation and developmental disabilities services fund through the county central point of coordination.

Three basic principles underlie the state payment program for services to adults. First, duration of residency, including legal settlement, is not an eligibility factor for mental illness, mental retardation and developmental disabilities local service programs. The state payment program has been developed to enable all eligible residents to receive these services, regardless of their legal settlement status. Second, each state is responsible to provide care and services for its own residents. Iowa provides for residents of Iowa. Third, one's own family is of primary importance to one's well-being. Thus, the state payment program emphasizes that care and services for a person be provided near the person's own family, unless this is contraindicated or impossible to provide.

441—153.51(234) Definitions.

“Adult” means a person who is 18 years of age or older and is a United States citizen or a qualified alien as defined in 8 U.S.C. §1641.

“Applicant” means a person for whom payment is requested from the state payment program.

“Application date” means the date on a signed central point of coordination application as received in the division.

“Approved county management plan” means the county plan developed pursuant to Iowa Code section 331.439 that has been approved by the department's director.

“Central point of coordination (CPC)” means the administrative entity designated by a board of supervisors, or the boards of supervisors of a consortium of counties, to act as the single entry point to the service system established under an approved county management plan.

“Completed application” means a CPC application that includes all of the information necessary to verify the applicant's financial and diagnostic eligibility and to determine the applicant's county of legal settlement or lack thereof.

“County of residence” means the county in Iowa where, at the time an adult applies for or receives services, the adult is living and has established an ongoing presence with the declared, good-faith intention of living permanently or for an indefinite period. The county of residence of an adult who is a homeless person is the county where the adult usually sleeps.

“Department” means the Iowa department of human services.

“Division” means the division of mental health and disability services of the department of human services.

“Division administrator” means the administrator of the division of mental health and disability services of the department.

“Homeless person” means a person who lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is one of the following:

1. A supervised publicly or privately operated shelter designed to provide temporary living accommodations.
2. An institution that provides a temporary residence for persons intended to be institutionalized.
3. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

“Legal representative” means a person recognized by law as standing in the place or representing the interests of another, for example, a guardian, conservator, custodian, parent of a minor, or the executor, administrator or next of kin of a deceased person.

“Legal settlement” is a legal status as defined in Iowa Code sections 252.16 and 252.17.

“Member” means a person authorized by the division to receive benefits from the state payment program.

“Personal representative” means a person designated in writing by another as standing in the other's place of representing the other's interest.

“*Provider*” means a provider of mental health, mental retardation, or developmental disability services that has a valid contract for the service with a county to provide services under a county management plan.

“*Resident*,” for purposes of this division, means a person who is present in the state and who has established an ongoing presence with the declared, good-faith intention of living in Iowa permanently or for an indefinite period.

441—153.52(234) Eligibility. To be eligible for the state payment program, a person must be an adult and meet all of the following conditions. The department may, on a case-by-case basis, attempt collection from a legally responsible entity.

153.52(1) Eligibility criteria. Meet the eligibility criteria established in the approved county management plan for the county of residence.

a. and *b.* Rescinded IAB 8/2/06, effective 10/1/06.

153.52(2) Payment source. Have no other political entity, organization or other source responsible for provision of or payment for the needed services nor be eligible to have the service funded or provided at no additional cost to the state by another state or federally funded facility or program.

153.52(3) Residency. Be a resident of Iowa present in the state without legal settlement in an Iowa county.

153.52(4) Not have been in Iowa for purposes of visitation or vacation nor traveling through the state to another destination at the time of application for services.

153.52(5) Rescinded IAB 11/8/95, effective 1/1/96.

441—153.53(234) Application procedure.

153.53(1) Application by CPC. It shall be the responsibility of the county CPC or the CPC’s official designee to apply for the state payment program for any person residing in that county who may be eligible.

a. An application for a person awaiting discharge from a state mental health institute or state resource center shall be initiated by the facility’s social worker and forwarded to the county of residence CPC for completion.

b. Applications shall be made only with the knowledge and consent of the person or the person’s legal or personal representative.

153.53(2) Eligibility for services. An applicant shall be determined eligible based on the eligibility guidelines contained in the approved county management plan for the applicant’s county of residence.

a. If a county becomes responsible for a new resident whose costs were not included in the payment negotiation between the county and the division, the county shall supply the resident’s application and service needs to the division for an eligibility verification and identification of funding availability.

b. The division may institute a waiting list for applicants residing in a county that institutes a waiting list for services funded through the county mental health, mental retardation and developmental disabilities services fund.

c. The division may institute a waiting list for state payment program clients if the appropriation becomes fully encumbered.

153.53(3) Application requirements. Applications shall be submitted to the state payment program manager at DHS Division of Mental Health and Disability Services, 1305 E. Walnut Street, Des Moines, Iowa 50319-0114. The application shall include:

a. A copy of the CPC’s service request for the applicant;

b. A copy of a properly completed standard CPC application form, including the legal settlement worksheet;

c. Information necessary for the state payment program manager to complete Form 470-0555, Services Reporting System, which is required for payment processing; and

d. Additional narrative as necessary as follows:

(1) A history of the custody or guardianship of the applicant, if custody or guardianship has ever been with someone other than the natural parents.

(2) An explanation of the applicant's financial status, including Title XIX, Medicare, veteran and social security status and other entitlements.

(3) A statement verifying that the services requested are in the approved county management plan of the applicant's county of residence and would be funded by the county for the applicant if the applicant had legal settlement in the county.

153.53(4) *Application date.* The date of application is the date all materials described in subrule 153.53(3) are received in the division. The application date from a completed and signed central point of coordination (CPC) application form or the date on court documents may be transferred to Form 470-0555, Services Reporting System, when:

a. The CPC application received by the division contains a legal settlement worksheet completed in accordance with provisions of Iowa Code chapter 252 and other applicable laws and rulings of courts; and

b. The CPC application is received in the division within 15 working days of the CPC application date.

153.53(5) *Application submission.* The application shall be completed by the CPC or the CPC's official designee. The CPC or designee shall submit the application with materials required by subrule 153.53(3) to the division within 15 working days of the date the CPC or designee receives a completed and signed CPC application form containing a legal settlement worksheet completed in accordance with provisions of Iowa Code chapter 252 and other applicable laws and rulings of courts.

441—153.54(234) *Eligible services.* Services eligible for reimbursement pursuant to this division of the rules are the services defined in the approved county management plan of the applicant's county of residence.

441—153.55(234) *Service provision.*

153.55(1) *Purchased services.*

a. Social casework as defined in rule 441—131.1(234) or service management may be provided through a county central point of coordination process during the period for which services are paid.

b. Payment will be provided to the county to pay for services as long as the member is eligible and the following criteria are met:

(1) The member is actively and routinely receiving a service that requires funding from the state payment program. Services received less often than quarterly are not considered routine services; the applicant should be enrolled for the month in which the service occurs and disenrolled (closed) immediately thereafter.

(2) The service is provided under the approved county management plan of the member's county of residence, and payment for the service for other residents would be made from the county mental health, mental retardation and developmental disabilities services fund.

(3) The service is provided or paid for by the member's county of residence to persons who have legal settlement there.

(4) Service providers shall access the other payment systems for which the member is eligible before billing the county of residence.

153.55(2) Excluded costs. The following costs are excluded from payment by the state payment program:

- a. Rescinded IAB 8/2/06, effective 10/1/06.
- b. Services received before the effective date.
- c. The cost of local services that the member is eligible to have funded by private sources or by other state or federal programs or funds such as medical assistance program services or services provided in a state institution.
- d. Rescinded IAB 8/2/06, effective 10/1/06.
- e. Rescinded IAB 8/2/06, effective 10/1/06.

441—153.56(234) Eligibility determination.

153.56(1) Certification by the department. Following receipt of a completed CPC application form and required documentation specified in subrule 153.53(3), division staff shall complete the determination of eligibility as follows:

- a. Rescinded IAB 8/2/06, effective 10/1/06.
- b. The applicant's legal settlement status shall be ascertained in accordance with Iowa Code sections 252.16 and 252.17 and with other applicable laws, rulings of courts and opinions of the Iowa attorney general.
- c. The applicant's eligibility for the state payment program shall be certified to the central point of coordination within 15 working days of receipt in the division of the completed application and all verifications specified in subrule 153.53(3).

153.56(2) Notification of applicant.

- a. Following certification by the division, the CPC or the CPC's official designee shall notify the applicant of the decision in accordance with CPC requirements and procedures.
- b. Notifications of service changes and terminations for members are the responsibility of the CPC or the CPC's official designee using the CPC's notice of decision in accordance with CPC requirements and procedures.
- c. Rescinded IAB 8/2/06, effective 10/1/06.

153.56(3) Effective date. An applicant's eligibility for the state payment program funding shall be effective from the date of application.

153.56(4) Redetermination. Redeterminations of eligibility for the state payment program shall be done when the member's eligibility for services is redetermined and also at the time a change in the member's legal settlement status has been calculated to occur or does occur.

441—153.57(234) Program administration.

153.57(1) CPC responsibilities.

a. Financial participation on the part of the member shall be governed by the financial participation provisions of the approved county management plan of the member's county of residence.

b. The CPC or the CPC's official designee shall submit monthly reports on each member's services expenditures to the division's state payment program manager. The report shall be submitted electronically and shall include the following data for each member:

- (1) The member's name.
- (2) The member's state identification number.
- (3) The member's ZIP code.
- (4) The member's county of residence.
- (5) The CPC identification.
- (6) The provider's tax identification number.
- (7) The provider's name.

- (8) The chart of accounts code of each service paid, listed by provider.
- (9) The number of units paid (if applicable).
- (10) The month and year when the member received the service.
- (11) The dollar amount paid.

c. The CPC or the CPC's official designee shall cooperate in furnishing the division's state payment program manager with any information the CPC has that is necessary to determine an applicant's initial need or a member's continued need for funding through the state payment program.

d. The CPC or the CPC's official designee shall notify the division within 15 working days of any change in a member's circumstances that would affect the member's eligibility or the member's cost of services, such as a discontinued service, a move out of county, acquired legal settlement, increased income, lack of current address, or death.

e. If a county receives the prospective payment for a member for a quarter but within that quarter that member moves to a new county, then the county that received the payment is responsible to:

- (1) Pay the new county for that member's services for the balance of that quarter; and
- (2) Notify the state payment program manager of the member's move. If the state payment program manager is notified by the fifteenth day of the last month in the quarter, then prospective payment for that member will be made to the new county for the next quarter, and the previous county of residence is relieved of payment responsibility for that member.

f. The CPC may not cause the discharge of a member receiving residential services without first giving 30 calendar days' notice to the member and to the residential provider. The county shall continue to fund the residential service until the member actually moves or until the 30 days' notice period expires, whichever occurs first.

153.57(2) *Department responsibilities.* As sponsoring agency, the department shall be responsible for:

- a. Enrolling members as necessary to produce payment to the counties, including:
 - (1) Maintaining member information on the Services Reporting System for payment;
 - (2) Entering demographic data and other changes of which the CPCs notify the division; and
 - (3) Closing Services Reporting System files on members who are not actively receiving services.
- b. Generating and reconciling quarterly payments and episodic reimbursements to the counties.
- c. Receiving and auditing reports of member activity and expenditures from the counties.

153.57(3) *Payment to counties.* The following policies shall govern payment to counties for services furnished to members:

a. *List of active members.* Three weeks before the end of each quarter, the state payment program manager shall send each county CPC a list of the members having residence in that county and considered active.

(1) The CPC shall respond to the state payment program manager within five working days of the receipt of notification whether the CPC agrees with this list or requests changes to the list.

(2) The next quarter's prospective payment will be made based upon this list.

b. *Payments based on list.*

(1) If the department receives no response from the county within five working days, payment shall be made equal to 50 percent of the total payment as shown on the division's list for that county.

(2) When the response is received from the county, the agreed-upon prospective payment less the 50 percent payment shall be made.

c. *Payments for new residents.* For any new resident added pursuant to 153.53(2)"a," the county shall receive a prorated payment for that quarter if funding is determined to be available.

d. Episodic reimbursement. Episodic reimbursement will be made for services that are not of a recurring nature, including inpatient hospitalizations in accordance with the county policy and procedures plan and other costs related to the hospitalizations.

e. Deductions. Moneys that the county received but did not expend, according to the report required by paragraph 153.57(1) "b," shall be deducted from the county's payment for the next quarter.

441—153.58(234) Reduction, denial or termination of benefits. The member's state payment program benefits may be denied, terminated or reduced according to the provisions of the approved county management plan of the member's county of residence.

153.58(1) A member's state payment program benefits shall be terminated on the date the member acquires legal settlement in a county of the state or the date the member ceases to be a resident of Iowa as defined in this chapter.

153.58(2) The county CPC or the CPC's official designee is responsible for:

- a.* Completing notices of decision regarding service changes and terminations; and
- b.* Sending the notices of decision to the member and to the state payment program manager.

441—153.59(234) Appeals.

153.59(1) Decisions regarding eligibility of any applicant and decisions adversely affecting applicants or members who are not eligible may be appealed pursuant to 441—Chapter 7.

153.59(2) Decisions (other than eligibility) adversely affecting applicants or members shall be appealed pursuant to the county CPC's appeal provisions.

These rules are intended to implement Iowa Code section 234.6(6) and 2006 Iowa Acts, House File 2780, division III.

[Filed 4/30/76, Notice 3/22/76—published 5/17/76, effective 6/21/76]

[Filed 9/29/76, Notice 8/23/76—published 10/20/76, effective 11/24/76]

[Filed 10/24/77, Notice 9/7/77—published 11/16/77, effective 12/21/77]

[Filed 6/1/78, Notice 4/19/78—published 6/28/78, effective 8/2/78]

[Filed 1/4/79, Notice 11/29/78—published 1/24/79, effective 2/28/79]

[Filed emergency 6/30/80—published 7/23/80, effective 7/1/80]

[Filed 8/29/80, Notice 5/28/80—published 9/17/80, effective 10/22/80]

[Filed 9/25/80, Notice 7/23/80—published 10/15/80, effective 11/19/80]

[Filed emergency 3/31/82—published 4/28/82, effective 4/1/82]

[Filed emergency 5/21/82—published 6/9/82, effective 7/1/82]

[Filed 7/30/82, Notice 6/9/82—published 8/18/82, effective 10/1/82]

[Filed 11/5/82, Notice 9/15/82—published 11/24/82, effective 1/1/83]

[Filed emergency 3/25/83—published 4/13/83, effective 4/1/83]

[Filed emergency 6/17/83—published 7/6/83, effective 7/1/83]

[Filed emergency 2/10/84—published 2/29/84, effective 2/10/84]

[Filed emergency 6/15/84—published 7/4/84, effective 7/1/84]

[Filed emergency 6/14/85—published 7/3/85, effective 7/1/85]

[Filed 11/15/85, Notice 10/9/85—published 12/4/85, effective 2/1/86]

[Filed emergency 1/15/87—published 2/11/87, effective 1/15/87]

[Filed emergency 6/19/87—published 7/15/87, effective 7/1/87]

[Filed emergency 6/9/88—published 6/29/88, effective 7/1/88]

[Filed 9/1/88, Notice 6/29/88—published 9/21/88, effective 11/1/88]

[Filed 11/16/89, Notice 9/20/89—published 12/13/89, effective 2/1/90]

[Filed emergency 6/14/90—published 7/11/90, effective 7/1/90]

[Filed 8/16/90, Notice 7/11/90—published 9/5/90, effective 11/1/90]

[Filed emergency 10/10/91—published 10/30/91, effective 11/1/91]

- [Filed 12/11/91, Notice 10/30/91—published 1/8/92, effective 3/1/92]
- [Filed emergency 6/12/92—published 7/8/92, effective 7/1/92]
- [Filed emergency 6/15/92—published 7/8/92, effective 7/1/92]
- [Filed 8/14/92, Notice 7/8/92—published 9/2/92, effective 11/1/92]
- [Filed 9/3/92, Notice 7/8/92—published 9/30/92, effective 12/1/92]
- [Filed emergency 6/11/93—published 7/7/93, effective 7/1/93]
- [Filed 8/5/93, Notice 5/26/93—published 9/1/93, effective 11/1/93]
- [Filed 8/5/93, Notice 6/23/93—published 9/1/93, effective 11/1/93]
- [Filed 8/12/93, Notice 7/7/93—published 9/1/93, effective 11/1/93]
- [Filed 9/17/93, Notice 7/21/93—published 10/13/93, effective 12/1/93]
- [Filed emergency 3/10/94—published 3/30/94, effective 3/10/94]
- [Filed 5/11/94, Notice 3/30/94—published 6/8/94, effective 8/1/94]
- [Filed 12/7/94, Notice 9/28/94—published 1/4/95, effective 2/8/95]
- [Filed 10/12/95, Notice 8/30/95—published 11/8/95, effective 1/1/96]
- [Filed emergency 9/19/96—published 10/9/96, effective 9/19/96]
- [Filed 11/13/96, Notice 9/11/96—published 12/4/96, effective 2/1/97]
- [Filed 12/12/96, Notice 10/9/96—published 1/1/97, effective 3/1/97]
- [Filed emergency 6/12/97—published 7/2/97, effective 7/1/97]
- [Filed 9/16/97, Notice 7/2/97—published 10/8/97, effective 12/1/97]
- [Filed 10/14/98, Notice 8/12/98—published 11/4/98, effective 1/1/99]
- [Filed 7/15/99, Notice 6/2/99—published 8/11/99, effective 10/1/99]
- [Filed emergency 11/14/01—published 12/12/01, effective 12/1/01]
- [Filed 2/14/02, Notice 12/12/01—published 3/6/02, effective 5/1/02]
- [Filed 2/6/02, Notice 12/26/01—published 3/6/02, effective 5/1/02]
- [Filed 2/14/02, Notice 1/9/02—published 3/6/02, effective 7/1/02]
- [Filed emergency 12/12/02 after Notice 10/30/02—published 1/8/03, effective 1/1/03]
- [Filed 1/16/04, Notice 11/26/03—published 2/4/04, effective 3/10/04]
- [Filed emergency 6/14/04—published 7/7/04, effective 7/1/04]
- [Filed 9/23/04, Notice 7/7/04—published 10/13/04, effective 11/17/04]
- [Filed 3/10/06, Notice 1/4/06—published 3/29/06, effective 6/1/06]
- [Filed without Notice 7/14/06—published 8/2/06, effective 10/1/06]
- [Filed emergency 9/14/06—published 10/11/06, effective 10/1/06]

CHAPTER 154

Rescinded IAB 9/6/89, effective 11/1/89

[See 441—Chapter 168]