CHAPTER 25
DISABILITY SERVICES MANAGEMENT

PREAMBLE

This chapter provides for reporting of county expenditures, development and submission of management plans, data collection, and applications for funding as they relate to county service systems for people with mental illness, chronic mental illness, mental retardation, developmental disabilities, or brain injury.

DIVISION I
DETERMINATION OF STATE PAYMENT AMOUNT

PREAMBLE

These rules list the eligibility conditions for receipt of the state payment, set the guidelines for content, due dates, and methodology for reporting county expenditures, and provide for the compilation of an annual state payment report by the department.

441—25.1(331) Definitions.

"Base year" means fiscal year 1994.

"Director" means the director of the department of human services.

"Persons with brain injury" means persons who meet the definition stated in rule 441—22.1(225C).

"Persons with chronic mental illness" means persons who meet the definition stated in rule 441—24.1(225C).

"Persons with developmental disability" means persons who meet the definition stated in rule 441—24.1(225C).

"Persons with mental illness" means persons who meet the definition stated in rule 441—22.1(225C).

"Persons with mental retardation" means persons who meet the definition stated in rule 441—24.1(225C).

441—25.2(331) Eligibility conditions. To be eligible to receive the state payment calculated according to rule 441—25.4(331), a county must meet all of the following conditions:

25.2(1) *Completion of expenditure reports.* The county accurately reported by December 1 the county's expenditures for the previous fiscal year according to rule 441—25.3(331).

25.2(2) *Single entry point process.* The county has implemented a single entry point process.

25.2(3) *County management plan.* The county has developed and implemented an approved county management plan for serving persons with mental illness, chronic mental illness, mental retardation, developmental disabilities, and brain injury.

441—25.3(331) County expenditure reports. The initial expenditure report and net county expenditure report shall be submitted to the Division of Mental Health and Developmental Disabilities, Hoover State Office Building, Des Moines, Iowa 50319-0114.

25.3(1) *Expenditure report.* Counties shall submit an initial expenditure report consisting of the detail section of the department of management expenditure report for Service Area 4 (Service Area 4, Supporting Detail, Form 634-C, pages 1-8) for each fiscal year. The initial report for the base year and for each subsequent year is due by October 15 and shall contain the expenditures from the previous fiscal year.

25.3(2) *Net county expenditure report.* Counties shall submit Form 470-3168 (Parts 1, 2, 3, & 4), MH/MR/DD/BI Net County Expenditure Report, for each fiscal year beginning in fiscal year 1994 for all revenues and expenditures related to the provision of services to persons with mental illness, chronic mental illness, mental retardation, developmental disabilities, or brain injury. The net county expenditure report for the base year is due by January 1, 1995. Each subsequent net county expenditure report, beginning with fiscal year 1995, is due on December 1 and shall contain the expenditures and revenues from the previous fiscal year. The report shall contain the following:

a. Part 1 which is the calculation of net county expenditures for the indicated fiscal year.

b. Part 2 which converts a county's expenditures to generally accepted accounting principles and calculates an adjusted amount for the indicated fiscal year. This amount cannot include any expenditures for services which were provided but not reported in the county's base year expenditures or for any expenditures which were not included in the county management plan submitted by the county and approved by the director.

c. Part 3 which converts the information to generally accepted accounting principles and calculates an adjusted amount for the indicated fiscal year.

d. Part 4 which is the detail information on the dollars shown as exclusions or transfers in Parts 2 and 3.

25.3(3) *Amendments to base year.* If a county does not have the capability to capture specific costs that are chargeable to Service Area 4 but develops the capability at some future date, these costs can be included in the calculations in the following manner. The first full year in which the capability to allocate or charge these costs to Service Area 4 will be the year in which the costs will be used to adjust the "base" for this county. In subsequent years these costs may be included in the calculation of net county expenditures.

441—25.4(331) State payment calculation report. The department shall compile the net county expenditure reports submitted under rule 441—25.3(331) into an annual state payment report that will indicate the amount of state payment each county is eligible to receive (50 percent of the growth over the base year). This report shall be completed no later than January 31 of the following fiscal year.

These rules are intended to implement Iowa Code sections 331.438 and 331.439.

441—25.5 to **25.10** Reserved.

DIVISION II
COUNTY MANAGEMENT PLAN

PREAMBLE

These rules define the standards for county management plans for mental health, mental retardation, and developmental disability services, including the single point of entry process for accessing services and supports paid from the county mental health, mental retardation, and developmental disability services fund (Iowa Code section 331.424A). Each county must complete a plan in order to meet the requirements of Iowa Code section 331.439. The single point of entry process is hereinafter called the central point of coordination (CPC). The CPC is an administrative gatekeeper to the service's fund and is not meant to replace case management or service coordination. The county management plan describes how persons with disabilities receive appropriate services and supports within the financial limitations of federal, state, and county resources. In partnership with the state, the county develops a management plan that describes the capacities of the county to manage the county mental health, mental retardation, and developmental disability services fund in a manner that is cost-efficient. These rules are designed to give counties maximum flexibility to manage the public mental health and developmental disabilities (MH/DD) system themselves or, if a county so chooses, to contract with a private managed care company to manage all or part of the county's system. However, even when a county contracts with a private entity to manage its system, the county must approve the county management plan in which it defines the parameters of consumer eligibility and service criteria to be used by the contractor. The county management plan shall be guided by the following principles: choice, empowerment, and community.

441—25.11(331) Definitions.

"Access point" means a part of the service system or the community that shall be trained to complete applications for persons with a disability and forward them to the central point of coordination. Access points may include, but need not be limited to, providers, public or private institutions, advocacy organizations, legal representatives, and educational institutions.

"Applicant" means a person who applies to receive services and supports from the service system.

"Authorized representative" means a person designated by the consumer or by Iowa law to act on the person's behalf in specified affairs to the extent prescribed by law.

"Board" means a county board of supervisors.

"Central point of coordination (CPC)" means the administrative entity designated by a board, or the boards of a consortium of counties, to act as the single entry point to the service system as required in Iowa Code section 331.440.

"Clinical assessment" means those activities conducted by a qualified professional to identify the consumer's current level of functioning and to identify the appropriate type and intensity of services and supports.

"Consortium" means two or more counties that join together to carry out the responsibilities of this division.

"Consumer" means a person who is eligible to receive services and supports from the service system.

"County" means a single county or a consortium of counties legally organized to develop and implement the county management plan.

"County management plan" means the county plan, developed pursuant to Iowa Code section 331.439 as amended by 1999 Iowa Acts, chapter 160, division IV, for organizing, financing, delivering, and evaluating mental health, mental retardation, and developmental disabilities services and supports in a manner that deliberately seeks to control costs while delivering high-quality mental health, mental retardation, and developmental disabilities services and supports. The plan shall consist of three parts: (1) a policies and procedures manual, (2) a three-year strategic plan, and (3) an annual plan review.

"CPC administrator" means a person who possesses a baccalaureate degree from an accredited school and has demonstrated competency in human services program administration and planning and has two years of experience working with people with disabilities. A person continually employed by a county to implement a central point of coordination process or to perform similar duties, prior to April 1, 1996, shall be considered to be a qualified CPC administrator. This exemption shall only be valid for a person initially appointed as CPC administrator for fiscal year 1997. An individual employed under this exemption and continually employed as a CPC administrator may be employed by any county as a CPC administrator.

"Department" means the Iowa department of human services.

"Director" means the director of the Iowa department of human services.

"Emergency service" means a service needed immediately to protect the life or safety of a consumer or others.

"Evaluation" means evaluation services as described in 441—subrule 24.3(8).

"Individualized services" means services and supports that are tailored to meet the individual needs of the consumer.

"Legal settlement" is as defined in Iowa Code sections 252.16 and 252.17.

"Managed care" means a system that provides the coordinated delivery of services and supports that are necessary and appropriate, delivered in the least restrictive settings and in the least intrusive manner. Managed care seeks to balance three factors:

1. Achieving high-quality outcomes for participants.
2. Coordinating access.
3. Containing costs.

"Managed system" means a system that integrates planning, administration, financing, and service delivery. The system consists of the financing or governing organization, the entity responsible for care management, and the network of service providers.

"Management organization" means an organization contracted to manage part or all of the service system for a county.

"Provider" means a person or group of persons or agency providing services for people with disabilities.

"Qualified professional" means a person who has education, training, licensure, certification, or experience to make the particular decision at issue as required by federal or state law.

"Screening" means the process used by the central point of coordination to determine eligibility for the service system.

"Service coordinator" means a person as defined in rule 441—22.1(225C). For purposes of these rules this may include department social workers providing social casework as defined in rule 441—130.6(234), county caseworkers, county social workers, or qualified case managers as defined in rule 441—24.1(225C).

"Services fund" means the county mental health, mental retardation, and developmental disability services fund created in Iowa Code section 331.424A, subsection 2.

"Service system" refers to the services and supports administered and paid from the county mental health, mental retardation, and developmental disability services fund.

"State case status" is the status of a person who does not have a county of legal settlement as defined in Iowa Code sections 252.16 and 252.17.

"System principles" means:

1. *"Choice"* which means the consumer or authorized representative chooses the services, supports, and goods needed to best meet the consumer's individual goals and accepts the responsibility and consequences of those choices.

2. *"Community"* which means that the system ensures the rights and abilities of all consumers to live, learn, work, and recreate in natural communities of their choice.

3. *"Consumer empowerment"* which means that the service system ensures the rights, dignity, and ability of consumers and their families to exercise choices, take risks, provide input, and accept responsibility.

"Unique identifier" means the social security number or the personal identifier for a consumer determined using a methodology adopted by the state-county management committee.

441—25.12(331) County management plan—general criteria. A county shall develop a plan for providing an array of cost-effective, individualized services and supports that assist the consumers to be as independent, productive, and integrated into the community as possible within the constraints of the services fund.

25.12(1) *Geographical area.* The plan shall define the geographical area covered by the plan.

25.12(2) *Three-part plan.* The plan shall consist of three parts:

a. A policies and procedures manual.

b. A management plan annual review.

c. A three-year strategic plan.

441—25.13(331) Policies and procedures manual. The policies and procedures manual shall describe system management and plan administration.

25.13(1) *System management section.* The system management section of the manual shall describe, but shall not be limited to, the following:

a. *Plan development.* The process for the development of the policies and procedures manual, the strategic plan, and amendments to those documents shall involve the various stakeholders in a meaningful way. These stakeholders shall include, but not be limited to, consumers, family members, county officials, advocates, and providers. The process used to involve the stakeholders shall be documented in the strategic plan including how stakeholder input was considered in the development of the final plan. Each process shall include at least one public hearing.

b. *Plan administration.* A statement that the county will directly administer the plan or a description of the management organization responsible for plan administration shall be included in the plan. If the county contracts for plan administration, the plan shall contain a description of how the county will monitor the management organization's performance through designated county staff or through another contractor independent of the management organization. The management organization shall comply with Iowa Code section 331.439(1)*"c."*

c. *The financial accountability process.* The process to ensure the ongoing financial accountability of the plan shall be included. Financial accountability shall include the rate-setting and reimbursement methods used to reimburse service and support providers, which may include vouchers and other nontraditional payment mechanisms.

d. *Risk-bearing managed care contracts.* A county that enters a risk-bearing contract shall include the methodology used to determine the solvency of any plan administered by a management organization in its policies and procedures manual. This shall include, but not be limited to:

(1) A required annual independent audit of the management organization responsible for plan administration.

(2) The rate-setting and reimbursement methods used by the county to reimburse the management organization.

(3) Description of contract requirements prohibiting a management organization from achieving administrative costs or profit from elimination or reduction of services appropriate to consumer needs.

e. *A funding policy.* A policy shall be included indicating that the county is responsible for funding only those services and supports that are authorized in accordance with the process described in the county management plan (including those that are required by law).

f. *Conflict of interest policy.* The manual shall describe a conflict of interest policy that shall, at a minimum, ensure that service authorization decisions are either made by individuals or organizations which have no financial interest in the services or supports to be provided, or that such interest is fully disclosed to consumers, counties, and other stakeholders. The process for this disclosure shall be described in the manual.

g. *Provider network selection.* The manual shall require that providers that are subject to license, accreditation or approval meet established standards. The manual shall detail the approval process, including criteria, developed to select providers that are not currently subject to license, accreditation or approval standards. The manual shall identify the process the county will use to contract with providers.

h. *Delegated functions.* A county may contract with providers to perform functions of the central point of coordination for persons coming to the designated provider for service or may contract with a management organization to carry out the functions of the central point of coordination. When delegation is made, the county shall be responsible for ensuring that the contractor complies with Iowa Code section 331.440 as well as 441—Chapter 25 for any delegated duties and responsibilities.

i. *Access points.* The county shall designate access points and their function in the enrollment process. A process shall be included to ensure that applications received by an access point are forwarded by the end of the working day during which they are received to the consumer's county of residence and, when known, county of legal settlement, or the county departmental office for those with state case status. The county shall provide training to designated access points on the intake process and use of the application form.

j. *Staffing plan.* The county shall employ, directly or through contract, an adequate number of staff persons to administer the plan. At least one person who meets the qualifications of a central point of coordination administrator shall be designated to implement the central point of coordination process. Elected county or state officials shall not be hired or appointed as the central point of coordination administrator.

k. *Application form.* The policies and procedures manual shall designate the use of an application form, which shall be available in formats and languages appropriate to consumers' needs.

l. *Consumer access.* The manual shall describe how the county will provide access to appropriate, flexible, cost-effective community services and supports to meet the consumer needs in the least restrictive environment possible. This may include guidelines for individualized services and supports and may vary by eligibility group and type of service and support. The manual shall describe how the county will ensure access to services and supports while legal settlement is determined or in dispute.

m. *Consumer eligibility.* The manual shall describe the eligibility criteria for services and supports. This description shall include, but not be limited to, a description of who is eligible to receive services and supports by eligibility group and type of service or support and the criteria for any consumer copayments that may be required. Any copayment requirements shall be related to the consumer's ability to pay for services and supports and be in compliance with all state and federal laws.

n. *Confidentiality.* The manual shall describe a confidentiality policy that shall ensure compliance with all applicable state and federal statutes on confidentiality.

o. *Emergency services.* The manual shall specify the policy for accessing emergency services, including the county's protocol for voluntary and involuntary commitments. The policy shall include the criteria and time frames for application for emergency services.

p. *Waiting lists.* The policies and procedures manual shall specify if the county will use waiting lists, when needed. If the policies and procedures manual specifies the use of waiting lists for funding services and supports, it shall specify criteria for the use and review of each waiting list, including the criteria to be used to determine how and when a consumer will be placed on a waiting list. The manual shall specify how waiting list data will be used in future planning. If the county enters into a risk-bearing contract with a management organization, the contract shall specify that the management organization shall not use waiting lists.

q. *Quality assurance.* The policies and procedures manual shall describe a detailed quality improvement process that provides for ongoing and periodic evaluation of the service system and of the providers of services and supports in the system. The stakeholders shall be involved in the development and implementation of the quality assurance process and evaluation of the system with emphasis on consumer input. The quality assurance policies shall include, but not be limited to, the following:

(1) *System evaluation.* The system evaluation shall include, but not be limited to, an evaluation of consumer satisfaction, including empowerment and quality of life; provider satisfaction; patterns of service utilization; responsiveness to consumer needs and desires; the number and disposition of consumer appeals and the implementation of corrective action plans based on these appeals; and cost-effectiveness.

(2) *Quality of provider services.* The services and supports evaluation shall include, but not be limited to, an evaluation of the quality of provider services and supports based on consumer satisfaction and achievement of desired consumer outcomes; the number and disposition of appeals of provider actions and the implementation of corrective action plans based on these appeals; and the cost-effectiveness of the services and supports developed and provided by individual providers. The evaluation shall ensure that services and supports are provided in accordance with provider contracts.

r. *Collaboration.* The policies shall describe the county's collaboration with other funders, service providers, consumers and their families or authorized representatives, and advocates to ensure that authorized services and supports are responsive to consumers' needs and desires and are cost-efficient. The manual shall specifically describe the process for collaboration with the court to ensure that the court is aware of the services and supports available through the county management plan as alternatives to commitment and to coordinate funding for services to persons who are under court-ordered commitment pursuant to Iowa Code chapter 222 or 229.

s. *The ongoing education process.* The plan shall include the process the county will use to provide ongoing education, in various accessible formats, on its planning process and the intake and service authorization process to the community, including consumers, family members, and providers.

25.13(2) *Plan administration section.* The plan administration section of the policies and procedures manual shall specifically outline procedures for administering the plan at the consumer level. These procedures shall include, but shall not be limited to:

a. *Application (intake) procedure.* The plan administration section of the manual shall describe an application process that is readily accessible to applicants and their families or authorized representatives. This procedure shall describe where applicants can apply for services and how and when the applications will reach the CPC office. It shall outline an application review process including, but not limited to, how additional needed information shall be gathered to complete an application, a timeline for the review process, and qualifications of the professional reviewing the application.

b. *Eligibility determination.* Eligibility determination shall include, but not be limited to, the criteria used to authorize or deny funding for services and supports. This may include guidelines for individualized services and supports and may vary by eligibility group and type of service and support. The procedure shall specify the time frames for conducting eligibility determination that provides for timely access to services, including necessary and immediate services.

c. *Notice of decision.* The review process shall ensure a prompt screening for eligibility and initial decision to approve or reject the application or to gather more information. A written notice of decision which explains the action taken on the application and the reasons for that action shall be sent to the applicant or authorized representative or, in the case of minors, the family or the applicant's authorized representative. The time frame for sending a written notice of decision shall be included. If the consumer is placed on a waiting list for funding, the notice of decision shall include an estimate of how long the consumer is expected to be on the waiting list and the process for the consumer or authorized representative to obtain information regarding the consumer's status on the waiting list. The notice of decision shall outline the applicant's right to appeal and include a description of the appeal process.

d. *Referral.* The plan administration section of the manual shall describe to whom and for what purpose referral of the application is made. This may include, but is not limited to, description of referral directly to a provider for services and supports, referral for service coordination, or referral for clinical assessment.

e. *Consumer plan development.* The plan administration section of the manual shall describe the role of the service coordinator in consumer plan development and how the service coordinator will interface with the CPC. If review of the service request is deemed necessary, a qualified professional shall do the review.

f. *Request for funding.* The plan administration section shall indicate the process and format for a funding request.

g. *Service funding authorization.* The plan administration section of the manual shall describe who makes the funding authorization decisions and the qualifications of that individual. The procedures shall describe the criteria for authorization of funding and a timeline for responding to the request for funding. The procedures shall describe a process for coordinating the authorization of payment for services and supports with the county of legal settlement for persons with legal settlement in another county, or with the county departmental office for those with state case status. If the county of legal settlement and the county of residence mutually decide, the county of legal settlement may perform the intake and enrollment procedures.

h. *Service and cost tracking.* The plan administration section of the manual shall include a description of a system to track services and supports and payments made on behalf of all approved consumers. The tracking system shall provide an unduplicated consumer count and expenditure data. The tracking system shall also record denials of services and supports and indicate the reason why the applications were denied.

i. *Service monitoring.* The plan administration section of the manual shall outline the process of service and funding monitoring.

j. *Appeals.* The county shall develop and implement a process for appealing the decisions of the county or its agent. This appeal process shall be based on objective criteria, specify time frames, provide for notification in accessible formats of the decisions to all parties, and provide some assistance to consumers in using the process. Responsibility for the final administrative decision on an appeal shall rest with the county board of supervisors. If the appellant has state case status, responsibility for the final administrative decision on an appeal shall rest with the department, following the procedures established in 441—Chapter 7.

25.13(3) *Management plan annual review.* The policies and procedures manual shall address the process for preparation and distribution of the management plan annual review.

25.13(4) *Three-year strategic plan.* The policies and procedures manual shall address the process for development and approval of the three-year strategic plan.

441—25.14(331) Policies and procedures manual review. The policies and procedures manual shall be submitted by April 1, 2000, as a part of the county's management plan for the fiscal year beginning July 1, 2000. The director, in consultation with the state-county management committee, shall review all county management plans submitted by the dates specified. Based on the recommendations of the state-county management committee, and if the director finds the county policies and procedures manual in compliance with these rules and state and federal laws, the director may approve the manual. A manual approved by the director for the fiscal year beginning July 1, 2000, shall remain in effect subject to amendment.

25.14(1) *Criteria for acceptance.* The director shall determine a manual is acceptable when it contains all the required information, meets the criteria described in this division, and is in compliance with all applicable state and federal laws. The director may request additional information to determine whether or not the manual contains all the required information and meets criteria described in this division.

25.14(2) *Notification.* Except as specified in subrule 25.14(3), the director shall notify the county in writing of the decision on the manual by June 1, 2000. The decision shall specify that either:

a. The manual is approved as it was submitted, either with or without supplemental information already requested and received.

b. The manual will not be approved until revisions are made. The letter will specify the nature of the revisions requested and the time frames for their submission. The director may authorize a county to continue operation, for up to 90 days, using the previously approved county management plan. The extension begins on July 1, 2000.

25.14(3) *Review of late submittals.* The director may review manuals not submitted by April 1, 2000, after all manuals submitted by that date have been reviewed. The director will proceed with the late submittals in a timely manner.

441—25.15(331) Amendments. An amendment to the manual shall be submitted to the department at least 45 days prior to the date of implementation. Prior to implementation of any amendment to the manual, the director must approve the amendment. When an amendment substantially changes a county's policies and procedures manual, the department shall present the amendment to the state-county management committee.

25.15(1) *Criteria for acceptance.* The director shall determine an amendment is acceptable when it contains all the required information and meets the criteria described in this division for the applicable part of the policies and procedures manual and is in compliance with all applicable state and federal laws. The director may request additional information to determine whether or not the amendment contains all the required information and meets criteria described in this division.

25.15(2) *Notification.* The director shall notify the county, in writing, of the decision on the amendment within 45 days of receipt of the amendment. The decision shall specify either that:

a. The amendment is approved as it was submitted, either with or without supplemental information already requested and received.

b. The amendment is not approved. The notification will include why the amendment is not approved.

441—25.16(331) Reconsideration. Counties dissatisfied with the director's decision on a manual or an amendment may file a letter with the director requesting reconsideration. The letter of reconsideration must be received within 30 working days of the date of the notice of decision and shall include a request for the director to review the decision and the reasons for dissatisfaction. Within 30 working days of the receipt of the letter requesting reconsideration, the director, in consultation with the state-county management committee, will review both the reconsideration request and evidence provided. The director shall issue a final decision, in writing.

441—25.17(331) Management plan annual review. The county shall prepare a management plan annual review for the county stakeholders, the department of human services and the state-county management committee. The management plan annual review shall be submitted to the department for informational purposes by December 1. The management plan annual review shall incorporate an analysis of the data associated with the services managed during the preceding fiscal year by the county or by a managed care entity on behalf of the county. The management plan annual review shall include, but not be limited to:

1. Progress toward goals and objectives.
2. Documentation of stakeholder involvement.
3. Actual provider network.
4. Actual expenditures.
5. Actual scope of services.
6. Number, type, and resolution of appeals.
7. Quality assurance implementation, findings and impact on plan.
8. Waiting list information.

441—25.18(331) Strategic plan. The strategic plan shall describe the county's vision for its mental health, mental retardation, and developmental disabilities system for the ensuing three fiscal years. The strategic plan development shall follow the process outlined in the policies and procedures manual. The strategic plan shall be submitted, for informational purposes, to the department by April 1, 2000, and by April 1 of every third year thereafter. The strategic plan shall include, but not be limited to:

25.18(1) *Needs assessment.* The strategic plan shall include an assessment of current needs. This plan shall describe how information from the annual reports from the previous years was incorporated into the current strategic plan and how the information will be used to develop future plans for the funding and provision of services to eligible groups.

25.18(2) *Goals and objectives.* The strategic plan shall list goals and objectives that are guided by the system principles of choice, empowerment, and community. The goals and objectives shall reflect the system which the county plans to have in place in three years, the action steps which will be taken to develop the future system, and how progress toward implementation will be measured. Projected costs for future projects should be included.

25.18(3) *Services and supports.* The strategic plan shall list services and supports that the county will fund, when requested, by eligibility group.

25.18(4) *Provider network.* The strategic plan shall include a list of providers used to provide the scope of services and supports described in the plan.

25.18(5) *Access points.* The strategic plan shall list designated access points and their function in the enrollment process.

441—25.19(331) Technical assistance. The department shall provide technical assistance and other necessary support to counties to assist in the development and implementation of the county management plans and completion of reports.

These rules are intended to implement Iowa Code sections 331.424A, 331.439 as amended by 1999 Iowa Acts, chapter 160, and 331.440.

441—25.20 to **25.40** Reserved.

DIVISION III
MINIMUM DATA SET

441—25.41(331) Minimum data set. Each county shall maintain data on all clients served through the MH/DD services fund. The type of information needed on each client is as follows:

1. Basic client information including a unique identifier, name, address, county of residence and county of legal settlement.
2. The state I.D. number for state payment cases.
3. Demographic information including, but not limited to, date of birth, sex, ethnicity, marital status, education, residential living arrangement, current employment status, monthly income, income sources, type of insurance, insurance carrier, veterans' status, guardianship status, legal status in the system, source of referral, DSM IV diagnosis, ICD-9 diagnosis, disability group (i.e., mental retardation, developmental disability, chronic mental illness, mental illness), central point of coordination (county number preceded by A 1), and central point of coordination (CPC) name.
4. Service information such as the decision on services, date of decision, date client terminated from CPC services, reason for termination, residence, approved service, service beginning dates, service ending dates, reason for terminating, approved units of services, and unit rate for service.

A county may choose to collect this information using the county management information system (CoMIS) program that was designed by the department or may collect the information through some other means. If a county chooses to use another system, the county must be capable of supplying the information in the same format. Below is the structure or description for each data item contained in CoMIS.

NAME	DESCRIPTION	SIZE	TYPE	ACCEPTABLE CODES/ENTRIES	REASON/USE
Client ID#	Client Identifier	F		Social Security Number	Unique identifier for each client/allows unduplicated client information
RESCO	County of Residence	F	N	00 through 99	Where the person lives
LEGCO	County of Legal Settlement	F	N	00 through 99	Who has financial responsibility
SID	State ID	F	A/N		Not required except for state payment cases
LNAME	Last name	F	A	Client's last name	CPC info
FNAME	First name	F	A	Client's first name	CPC info
MI	Middle initial	F	A	Client's middle initial	CPC info
ADD1	First address field	F	A/N		For local CPC use
ADD2	Second address field	F	A/N		For local CPC use
CITY	City/town	F	A		City where post office is located
STATE	State	F	A	State	State
ZIP	Postal Zip Code	F	N	5-Digit Zip	
BDATE	Date of Birth	F	N	Month/day/four-digit year	Demographic for planning
SEX	Sex	F	A	1=Male 2=Female	Demographic for planning

ETHN	Ethnicity	F	N	1=White, not Hispanic 2=African American, not Hispanic 3=American Indian or Alaskan native 4=Asian or Pacific Islander 5=Hispanic 6=Other (e.g., Biracial; Indochinese; etc.)	Demographic for planning
MARITAL	Marital status	F	N	1=Single, never married 2=Married (includes common-law marriage) 3=Divorced 4=Separated 5=Widowed	Demographic for planning
EDUC	Education in years	F	N	Number of years	Demographic for planning
RARG	Residential arrangement (what type of setting)	F	N	01=Private residence/household 02=State MHI 03=State Hospital-School 04=Community-supervised apt. 05=Foster Care/Family Life Home 06=Residential Care Facility 07=RCF/MR 08=RCF/PMI 09=Intermediate Care Facility 10=ICF/MR 11=ICF/PMI 12=Correctional facility 13=Homeless shelter/street 14=Other	Demographic for planning
LARG	Living arrangement (with whom)	F	N	1=Lives alone 2=Lives with relatives 3=Lives with persons unrelated to the person	Demographic for planning
EMPL	Current employment status	F	N	01=Unemployed, available for work 02=Unemployed, <u>not</u> available for work 03=Employed full-time 04=Employed part-time 05=Retired 06=Student 07=Work Activity 08=Sheltered Work 09=Supported Employment 10=Voc-Rehab (Rehab) 11=Seasonal Work 12=Armed Forces 13=Homemaker 14=Other/NA	Demographic for planning
MOINC	Monthly income	F	N	Total dollar income	Eligibility and planning data

INCSOUR	Income sources	F	A/N	1=Employment wages 2=Public assistance payments 3=Social Security 4=Social Security/Disability 5=Supplemental Security Income 6=Veterans Administration Benefits 7=Railroad Pension 8=Child Support 9=Dividends, interest, etc. 10=Other	Planning data
INS	Type of insurance	F	A/N	1=Self-insured 2=Insured by employer 3=Medicare 4=Medicaid 5=No insurance 6=Other	Recovery and planning data
INSCAR	Insurance carrier	F	A/N	Name of company	Recovery and planning data
VET	Veterans' status	F	A	Is the applicant a veteran of the US armed forces? Y=Yes N=No	Planning data
GUARD	Guardianship status	F	N	1=Self 2=Guardian 3=Conservator 4=Legal Payee	Planning data
LEGSTAT	Legal status in the system	F	N	1=Voluntary 2=Involuntary, civil commitment 3=Involuntary, criminal commitment	Planning data
REFSO	Source of referral	F	N	1=Self 2=Family member(s) or friend(s) 3=Targeted case management 4=Other case management 5=Community corrections 6=Social service agency other than case manager 7=Other	Planning data
DSMIV	DSM IV diagnosis	F	A/N	DSM IV Diagnosis	Eligibility and planning data
ICD9	ICD-9 diagnosis	F	A/N	ICD-9 Diagnosis	Eligibility and planning data
DG	Disability Group (i.e., MR, DD, CMI, MI)	F	N	Two-digit code from Chart of Accounts	Planning data
CPC#	Central Point of Coordination	F	N	County number preceded by A 1	
APPLICATION DATE	Date of application	F	N	Month/day/four-digit year	Management and planning data
OUTCOME DECISION	Acceptance for services decisions	F		1=Applicant accepted 2=Applicant denied	Management and planning data
DECISION DATE	Date of decision	F	N	Month/day/four-digit year	Management and planning data

DENIAL REASON	If denied services, what was the reason	F	N	1=Over income guidelines 2=Does not meet County Plan criteria 3=Does not meet Diagnostic Group criteria 3a=Brain injury 3b=Alzheimer's 3c=Substance abuse 3d=Other	Management and planning data
CLIENT EXIT DATE FROM CPC	Date client terminated from CPC services	F	N	Month/day/four-digit year	Management and planning data
EXIT REASON	Reason for termination	F	N	0=Unknown 1=Consumer voluntarily withdrew 2=Consumer deceased 3=Unable to locate consumer 4=Ineligible due to reasons other than income 5=Ineligible, over income guidelines 6=Consumer moved out of state 7=Consumer no longer needs service	Management and planning data
RESIDENCE	Residence	F	N	1=Private residence/ household 2=State MHI 3=State Hospital School 4=Community-supervised living 5=Foster care/Family life home 6=Residential care facility 7=RCF/MR 8=RCF/PMI	Management and planning data
SVC1COA	Approved Service #1	F	N	Chart of Account Number	Management and planning data
BEGIN1	Service begin date	F	N	Month/day/four-digit year	Management and planning data
END1	Service end date	F	N	Month/day/four-digit year	Management and planning data
REASONEND1	Reason for terminating approval of first service	F	N	1=Voluntary withdrawal 2=Consumer no longer needs service 3=Ineligible, over income guidelines 4=Ineligible due to other than income 5=Consumer moved out of state 6=Consumer deceased	Management and planning data
UNITS1	Approved units for first service	F	N	Number of units approved	Management and planning data
RATE1	Unit rate for first service	F	N	Units cost for this service	Management and planning data
SVC2COA	Approved Service #2	F	N	Chart of Account Number	Management and planning data
BEGIN2	Service begin date	F	N	Month/day/four-digit year	Management and planning data

END2	Service end table	F	N	Month/day/four-digit year	Management and planning data
REASONEND2	Reason for terminating approval of second service	F	N	1=Voluntary withdrawal 2=Consumer no longer needs service 3=Ineligible, over income guidelines 4=Ineligible due to other than income 5=Consumer moved out of state 6=Consumer deceased	Management and planning data
UNITS2	Approved units for second service	F	N	Number of units approved	Management and planning data
RATE2	Unit rate for second service	F	N	Units cost for this service	Management and planning data
SVC3COA	Approved Service #3	F	N	Chart of Account Number	Management and planning data
BEGIN3	Service begin date	F	N	Month/day/four-digit year	Management and planning data
END3	Service end table	F	N	Month/day/four-digit year	Management and planning data
REASONEND3	Reason for terminating approval of third service	F	N	1=Voluntary withdrawal 2=Consumer no longer needs service 3=Ineligible, over income guidelines 4=Ineligible due to other than income 5=Consumer moved out of state 6=Consumer deceased	Management and planning data
UNITS3	Approved units for third service	F	N	Number of units approved	Management and planning data
RATE3	Unit rate for third service	F	N	Units cost for this service	Management and planning data
SVC4COA	Approved Service #4	F	N	Chart of Account Number	Management and planning data
BEGIN4	Service begin date	F	N	Month/day/four-digit year	Management and planning data
END4	Service end table	F	N	Month/day/four-digit year	Management and planning data
REASONEND4	Reason for terminating approval of fourth service	F	N	1=Voluntary withdrawal 2=Consumer no longer needs service 3=Ineligible, over income guidelines 4=Ineligible due to other than income 5=Consumer moved out of state 6=Consumer deceased	Management and planning data
UNITS4	Approved units for fourth service	F	N	Number of units approved	Management and planning data
RATE4	Unit rate for fourth service	F	N	Units cost for this service	Management and planning data
SVC5COA	Approved Service #5	F	N	Chart of Account Number	Management and planning data
BEGIN5	Service begin date	F	N	Month/day/four-digit year	Management and planning data

END5	Service end table	F	N	Month/day/four-digit year	Management and planning data
REASONEND5	Reason for terminating approval of fifth service	F	N	1=Voluntary withdrawal 2=Consumer no longer needs service 3=Ineligible, over income guidelines 4=Ineligible due to other than income 5=Consumer moved out of state 6=Consumer deceased	Management and planning data
UNITS5	Approved units for fifth service	F	N	Number of units approved	Management and planning data
RATE5	Unit rate for fifth service	F	N	Units cost for this service	Management and planning data
SVC6COA	Approved Service #6	F	N	Chart of Account Number	Management and planning data
BEGIN6	Service begin date	F	N	Month/day/four-digit year	Management and planning data
END6	Service end table	F	N	Month/day/four-digit year	Management and planning data
REASONEND6	Reason for terminating approval of sixth service	F	N	1=Voluntary withdrawal 2=Consumer no longer needs service 3=Ineligible, over income guidelines 4=Ineligible due to other than income 5=Consumer moved out of state 6=Consumer deceased	Management and planning data
UNITS6	Approved units for sixth service	F	N	Number of units approved	Management and planning data
RATE6	Unit rate for sixth service	F	N	Units cost for this service	Management and planning data
SVC1WAIT	First Service on waiting list	F	N	Chart of Account Number	Management and planning data
DATEWAIT1	Date entered on waiting list	F	N	Month/day/four-digit year	Management and planning data
REASONWAIT1	Reason for placement on waiting list	F	N	1=Service opening not available 2=For planning purposes 3=For funding purposes	Management and planning data
SVC2WAIT	Second Service on waiting list	F	N	Chart of Account Number	Management and planning data
DATEWAIT2	Date entered on waiting list	F	N	Month/day/four-digit year	Management and planning data
REASONWAIT2	Reason for placement on waiting list	F	N	1=Service opening not available 2=For planning purposes 3=For funding purposes	Management and planning data
SVC3WAIT	Third Service on waiting list	F	N	Chart of Account Number	Management and planning data
DATEWAIT3	Date entered on waiting list	F	N	Month/day/four-digit year	Management and planning data

REASONWAIT3	Reason for placement on waiting list	F	N	1=Service opening not available 2=For planning purposes 3=For funding purposes	Management and planning data
SVC4WAIT	Fourth Service on waiting list	F	N	Chart of Account Number	Management and planning data
DATEWAIT4	Date entered on waiting list	F	N	Month/day/four-digit year	Management and planning data
REASONWAIT4	Reason for placement on waiting list	F	N	1=Service opening not available 2=For planning purposes 3=For funding purposes	Management and planning data
SVC5WAIT	Fifth Service on waiting list	F	N	Chart of Account Number	Management and planning data
DATEWAIT5	Date entered on waiting list	F	N	Month/day/four-digit year	Management and planning data
REASONWAIT5	Reason for placement on waiting list	F	N	1=Service opening not available 2=For planning purposes 3=For funding purposes	Management and planning data
SVC6WAIT	Sixth Service on waiting list	F	N	Chart of Account Number	Management and planning data
DATEWAIT6	Date entered on waiting list	F	N	Month/day/four-digit year	Management and planning data
REASONWAIT6	Reason for placement on waiting list	F	N	1=Service opening not available 2=For planning purposes 3=For funding purposes	Management and planning data

This rule is intended to implement Iowa Code sections 331.438 and 331.439.

441—25.42 to **25.50** Reserved.

DIVISION IV
INCENTIVE AND EFFICIENCY POOL FUNDING

PREAMBLE

These rules establish requirements for counties to receive funding from the incentive and efficiency pool. To be eligible for these funds, a county must select five performance indicators, submit a proposal, collect data, report data, and show improvement over time on the selected performance indicators.

441—25.51(77GA,HF2545) Desired results areas. In order to receive funds from the incentive and efficiency pool established in 1998 Iowa Acts, House File 2545, section 8, subsection 2, each county shall collect and report performance measure data in the following areas:

25.51(1) *Equity of access.* Each county shall measure the extent to which services are available and used. Each county shall:

a. Report annually the total number of consumers served, as well as an unduplicated total of the number of consumers served by disability category.

b. Calculate and report annually the percentage of service provision by dividing the number of consumers served in a year by the county's population as defined in 1998 Iowa Acts, House File 2545, section 7.

c. Calculate and report annually the percentage of denial of access by dividing the number of new, completed applications denied by the total number of new applications for service that year. A new, completed application shall be defined as an initial application of a consumer or any former consumer who is reapplying for service eligibility after more than 30 days of not being enrolled in the system, for which the consumer has supplied the information required on the application form.

d. Report annually the county's eligibility guidelines, which may include, but are not limited to, the income level below which an individual or family must be in order to be eligible for county-funded services, the maximum amount of resources which an individual or family may have in order to be eligible for county-funded services, covered populations, and service access criteria.

25.51(2) *Community-based supports.* Each county shall measure the extent to which community-based supports are available and used. Each county shall calculate and report annually:

a. The service setting percentage by dividing the unduplicated number of persons served in each of the following service settings in a fiscal year by the total unduplicated number of consumers served, both in total and by population group: mental health institutes, state hospital schools, intermediate care facilities for the mentally retarded, other living arrangements over five beds as captured by the county chart of accounts, and employment settings which include sheltered workshops, enclaves and supported employment.

b. The home-based percentage by subtracting the number of consumers currently being served in residential placements from the total unduplicated number of consumers served, and dividing the difference by the total number of consumers served. The calculation shall be made both in total and by population group.

c. The inpatient spending percentage by dividing the amount the county spent for inpatient services by the amount the county spent for outpatient services. Each county shall also divide the unduplicated number of consumers who received inpatient services during the fiscal year by the total unduplicated number of consumers who received services during that same fiscal year. Inpatient services shall be defined as any acute care for which the county is wholly or partially financially responsible.

25.51(3) *Consumer participation.* Each county shall measure the extent to which consumers participate in all aspects of the service system.

a. Each county shall report annually on the number of opportunities during the year for consumers to participate in planning activities, which may include, but are not limited to, open forums, focus groups, consumer advisory committee meetings, and planning council meetings by calculating the total number of consumers participating in these activities and dividing by the unduplicated number of consumers served and also by the total population of the county. In addition, the county shall report duplicated and unduplicated total attendance at all of these meetings. These calculations shall be made for consumers and family members separately.

b. Each county which has a planning group shall calculate and report annually the planning group percentage by dividing the number of consumers who actively serve on the planning group by the total number of people on the planning group. This calculation shall be made for consumers and family members separately. For the purposes of this subrule, a planning group is any group of individuals designated by the board of supervisors, or if no designation has been made, any group acknowledged by the central point of coordination administrator as assisting in the development of the county management plan.

c. Each county shall conduct a consumer satisfaction survey following adoption of more detailed rules for the survey.

25.51(4) *Administration.* Each county shall measure the extent to which the county services system is administered efficiently and effectively. Each county shall:

a. Calculate and report annually the administrative cost percentage by dividing the amount spent administering the county services system by the total amount spent from the services fund for the fiscal year.

b. Calculate and report annually the service responsiveness average by measuring the number of days between the date a new, completed application was submitted and the date a notice of decision of eligibility was sent to the consumer, adding all of these numbers of days, and dividing by the total number of new, completed applications for the fiscal year. A new, completed application shall be defined as an initial application of a consumer or an application of any former consumer who is reapplying for service eligibility after more than 30 days of not being enrolled in the system, for which the consumer has supplied the information required on the application form.

c. Report annually the number of appeals filed as a percent of the unduplicated total number of consumers served per year.

441—25.52(77GA,HF2545) Methodology for applying for incentive funding. Beginning with the county management plan for the fiscal year which begins July 1, 1999, each county applying for funding under 1998 Iowa Acts, House File 2545, section 8, subsection 2, shall include with its county management plan a performance improvement proposal for improving the county's performance on at least five performance measures. Three of the measures must be selected from at least two of the desired results areas stated in rule 441—25.51(77GA,HF2545). For the remaining two measures, the county either may propose measures not identified in these rules or may use measures described in these rules. A performance improvement proposal is not a mandatory element of a county management plan.

25.52(1) *Performance improvement proposal.* Each county shall identify the performance measures which the county has targeted for improvement and shall propose a percentage change for each indicator. The proposal shall include the county's rationale for selecting the indicators and may include any supporting information the county deems necessary. The proposal shall describe the process the county will use to involve consumers in the evaluation.

25.52(2) *Committee responsibility.* The state county management committee shall review all county proposals, and may either accept the proposal, request modifications, or reject the proposal. In order to interpret and provide context for each county's performance improvement proposal, the state county management committee shall, by January 1, 1999, establish the background data to be collected and aggregated for all counties.

25.52(3) *County ineligibility.* A county which does not have an accepted proposal prior to July 1 will be ineligible to receive incentive funds for that fiscal year. A county may apply for an extension by petitioning the state county management committee prior to July 1. The petition shall describe the circumstances which will cause the proposal to be delayed and identify the date by which the proposal will be submitted. In addition, the state county management committee may grant an extension for the purposes of negotiation.

441—25.53(77GA,HF2545) Methodology for awarding incentive funding. Each county shall report on all performance measures listed in this division, plus any additional performance measures the county has selected, by December 1 of each year.

25.53(1) *Reporting.* Each county shall report performance measure information on forms, or by electronic means, developed for the purpose by the department in consultation with the state county management committee.

25.53(2) *Scoring.* The department shall analyze each county's report to determine the extent to which the county achieved the levels contained in the proposal accepted by the state county management committee. Prior to distribution of incentive funding to counties, results of the analysis shall be shared with the state county management committee.

25.53(3) *County ineligibility.* A county which does not report performance measure data by December 1 will be ineligible to receive incentive funds for that fiscal year. A county may apply for an extension by petitioning the state county management committee prior to December 1. The petition shall describe the circumstances which will cause the report to be delayed and identify the date by which the report will be submitted.

441—25.54(77GA,HF2545) Subsequent year performance factors. For any fiscal year which begins after July 1, 1999, the state county management committee shall not apply any additional performance measures until the county management information system (CoMIS) developed and maintained by the division of mental health and developmental disabilities has been modified, if necessary, to collect and calculate required data elements and performance measures and each county has been given the opportunity to establish baseline measures for those measures.

441—25.55(77GA,HF2545) Phase-in provisions.

25.55(1) *State fiscal year 1999.* For the fiscal year which begins July 1, 1998, each county shall collect data as required above in order to establish a baseline level on all performance measures. A county which collects and reports all required data by December 1, 1999, shall be deemed to have received a 100 percent score on the county's performance indicators.

25.55(2) *State fiscal year 2000.* A county which submits a proposal with its management plan for the fiscal year which begins July 1, 1999, and reports the levels achieved on the selected performance measures by December 1, 2000, shall be deemed to have received a 100 percent score on the county's performance indicators, regardless of the actual levels achieved.

These rules are intended to implement 1998 Iowa Acts, House File 2545, section 8, subsection 2.

441—25.56 to **25.60** Reserved.

DIVISION V
RISK POOL FUNDING

PREAMBLE

These rules establish a risk pool board to administer the risk pool fund established by the legislature and set forth the requirements for counties for receiving and repaying funding from the fund.

441—25.61(426B) Definitions.

"Aggregate application" means the request for funding when a county has an unanticipated cost for mental health, mental retardation, and developmental disabilities services fund expenditures that would result in the county's current fiscal year budget exceeding the sum of 105 percent of the county's current fiscal year budget amount and the county's prior fiscal year accrual ending fund balance exceeding 25 percent of the prior fiscal year gross services fund expenditures.

"Available pool" means those funds remaining in the risk pool less any actuarial and other direct administrative costs.

"Commission" means the mental health and developmental disabilities commission.

"Division" means the mental health and developmental disabilities division of the department of human services.

"Individual application" means the request for funding when a county has individuals who have unanticipated disability conditions with an exceptional cost and the individuals are either new to the county's service system or the individuals' disability conditions have changed or are new.

"Loan" means the risk pool funds a county received in a fiscal year in which the county did not levy the maximum amount allowed for the county's mental health, mental retardation, and developmental disabilities services fund under Iowa Code section 331.424A.

441—25.62(426B) Risk pool board. This nine-member board consists of two county supervisors, two county auditors, a member of the state-county management committee created in Iowa Code section 331.438 who was not appointed by the Iowa state association of counties, a member of the county finance committee created in Iowa Code chapter 333A who is not an elected official, two single entry point process administrators, all appointed by the governor, subject to confirmation by two-thirds of the members of the senate, and one member appointed by the director of the department of human services.

25.62(1) *Organization.*

a. The members of the board shall annually elect from the board's voting membership a chairperson and vice-chairperson of the board.

b. Members appointed by the governor shall serve three-year terms.

25.62(2) *Duties and powers of the board.* The board's powers and duties are to make policy and to provide direction for the administration of the risk pool established by Iowa Code section 426B.5, subsection 3. In carrying out these duties, the board shall do all of the following:

a. Recommend to the commission for adoption rules governing the risk pool fund.

b. Determine application requirements to ensure prudent use of risk pool assistance.

c. Accept or reject applications for assistance in whole or in part.

d. Review the fiscal year-end financial records for all counties that are granted risk pool assistance and determine if repayment is required.

e. Approve actuarial and other direct administrative costs to be paid from the pool.

f. Perform any other duties as mandated by law.

25.62(3) *Board action.*

a. A quorum shall consist of two-thirds of the membership appointed and qualified to vote.

b. When a quorum is present, an action is carried by a majority of the qualified members of the board.

25.62(4) *Board minutes.*

a. Copies of administrative rules and other materials considered are made part of the minutes by reference.

b. Copies of the minutes are kept on file in the office of the administrator of the division of mental health and developmental disabilities.

25.62(5) *Board meetings.*

a. The board shall meet in April of each year and may hold special meetings at the call of the chairperson or at the request of a majority of the voting members.

b. Any county making application for risk pool funds must be represented at the board meeting when that request is considered. The division shall notify the county of the date, time and location of the meeting. Any other persons with questions about the date, time or location of the meeting may contact the Administrator, Division of Mental Health and Developmental Disabilities, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut, Des Moines, Iowa 50309-0114, telephone (515)281-5874.

c. The board shall comply with applicable provisions of Iowa's open meetings law, Iowa Code chapter 21.

25.62(6) *Records.* Any records maintained by the board or on behalf of the board shall be made available to the public for examination in compliance with Iowa's open records law, Iowa Code chapter 22. To the extent possible, prior to submitting applications, records and documents, applicants shall delete any confidential information. These records shall be maintained in the office of the division of mental health and developmental disabilities.

25.62(7) *Conflict of interest.* A board member cannot be a part of any presentation to the board of that board member's county's application for risk pool funds nor can the board member be a part of any action pertaining to that application.

25.62(8) *Robert's Rules of Order.* In cases not covered by these rules, Robert's Rules of Order shall govern.

441—25.63(426B) Application process.

25.63(1) *Applicants.* A county may make an aggregate or individual application at any time on or before April 1 of any given year for the current fiscal year budget whenever the projected need exceeds the sum of 105 percent of the county's current fiscal year budget amount and the county's prior fiscal year accrual ending fund balance exceeds 25 percent of the prior fiscal year gross services fund expenditures.

The purpose of the mental health risk pool is to assist counties whose expenditures in the mental health, mental retardation, and developmental disabilities services fund exceed budgeted costs due to unanticipated expenses for new individuals or other unexpected factors. The mental health risk pool is not intended for multiyear usage or as a source of planned revenue.

25.63(2) *Application procedures.* The county shall send Form 470-3723, Risk Pool Application, plus 15 copies, to the division. The division must receive the application no later than 4:30 p.m. on April 1 of each year; or, if April 1 is a holiday, a Saturday or Sunday, the division must receive the application no later than 4:30 p.m. on the first working day thereafter. Facsimiles and electronic mail are not acceptable. The application shall be signed and dated by both the chairperson of the county board of supervisors and the central point of coordination administrator. Staff of the division shall notify each county of receipt of the county's application.

The county shall attach the following forms to the application:

a. Form 634A, Revenues Detail.

b. Form 634B, Service Area Detail (pages 1 to 10).

c. Form 634C, Service Area 4 Supporting Detail (pages 1 to 8).

d. Form 638R, Statement of Revenues, Expenditures, and Changes in Fund Balance—Actual and Budget (pages 1 and 2).

e. If the budget has been amended, Form 653A-R, Record of Hearing and Determination on the Amendment to County Budget (sheet 2), for both the current fiscal year budget, as last amended, and the prior fiscal year gross services fund expenditures.

25.63(3) *Request for additional information.* Staff shall review all applications for completeness. If an application is not complete, staff of the division shall contact the county within four working days after April 1 or the first working day thereafter, if April 1 is a holiday, a Saturday or Sunday, to request the information needed to complete the application. The county shall submit the required information within five working days from the date of the division's request for the additional information.

441—25.64(426B) Methodology for awarding risk pool funding.

25.64(1) *Notice of decision.* The risk pool board shall send a notice of decision of the board's action to the chairperson of the applying county's board of supervisors. Copies of the notice of decision shall be sent to the county auditor and the central point of coordination administrator.

25.64(2) *Distribution of funds.* The total amount of the risk pool shall be limited to the available pool for a fiscal year. If the total dollar amount of the approved applications exceeds the available pool, the board shall prorate the amount paid for an approved application. The funds will be prorated to each county based upon the proportion of each approved county's request to the total amount of all approved requests.

441—25.65(426B) Repayment provisions.

25.65(1) *Required repayment.* Counties shall be required to repay risk pool funds in the following situations:

a. A loan was granted to the county because the county did not levy the maximum amount allowed for the county's mental health, mental retardation, and developmental disabilities services fund under Iowa Code section 331.424A. The county shall be required to repay the risk pool loan funds during the two succeeding fiscal years. The repayment amount shall be limited to the amount by which the actual amount levied was less than the maximum amount allowed.

b. The county had levied the maximum amount allowed for the county's mental health, mental retardation, and developmental disabilities services fund, but the county's actual need for risk pool assistance was less than the amount of risk pool assistance granted to the county. The county shall refund the difference between the amount of assistance granted and the actual need.

25.65(2) *Year-end report.* Each county granted risk pool funds shall complete a year-end financial report. The division shall review the accrual information and notify the mental health risk pool board if any county that was granted assistance in the prior year received more than the county's actual need based on the submitted financial report.

25.65(3) *Notification to county.* The chairperson of the mental health risk pool board shall notify each county by January 1 of each fiscal year of the amount to be reimbursed. The county shall reimburse the risk pool within 30 days of receipt of notification by the chairperson of the mental health risk pool board. If a county fails to reimburse the mental health risk pool, the board may request a revenue offset through the department of revenue and finance. Copies of the overpayment and request for reimbursement shall be sent to the county auditor and the central point of coordination administrator of the county.

441—25.66(426B) Appeals. The risk pool board may accept or reject an application for assistance from the risk pool fund in whole or in part. The decision of the board is final and is not appealable.

These rules are intended to implement Iowa Code section 426B.5, subsection 3.

441—25.67 to **25.70** Reserved.

DIVISION VI
TOBACCO SETTLEMENT FUND RISK POOL FUNDING

PREAMBLE

These rules provide for use of an appropriation from the tobacco settlement fund to establish a risk pool fund which may be used by counties with limited county mental health, mental retardation and developmental disabilities services funds to pay for increased compensation of the service staff of eligible purchase of service (POS) providers and establish the requirements for counties for receiving and repaying the funding. Implementation of the rate increases contemplated by the tobacco settlement fund in a timely manner will require cooperation among all eligible counties and providers.

441—25.71(78GA,HF2555) Definitions.

"Adjusted actual cost" means a POS provider's cost as computed using the financial and statistical report for the provider's fiscal year which ended during the state fiscal year beginning July 1, 1998 (state fiscal year 1999), as adjusted by multiplying those actual costs by 103.4 percent or the percentage adopted by the risk pool board in accordance with 2000 Iowa Acts, House File 2555, section 3, subsection 3, paragraph *"c."*

"Department" means the Iowa department of human services.

"Division" means the mental health and developmental disabilities division of the department of human services.

"Financial and statistical report" means a report prepared by a provider and submitted to host counties that is prepared in accordance with department rules for cost determination set forth in 441—Chapter 150.

"Host county" means the county in which the primary offices of a POS provider are located. However, if a POS provider operates separate programs in more than one county, "host county" means each county in which a separate program is operated.

"Purchase of service provider" or *"POS provider"* means a provider of sheltered work, work activity, supported employment, job placement, enclave services, adult day care, transportation, supported community living services, or adult residential services paid by a county from the county's services fund created in Iowa Code section 331.424A under a state purchase of service or county contract.

"Risk pool board" means that board established by Iowa Code section 426B.5, subsection 3.

"Separate program" means a POS service operated in a county other than the county in which the provider's home office is located and for which the provider allocates costs separately from similar programs located in the county where the provider's home office is located.

"Services fund" means the fund defined in Iowa Code section 331.424A.

"Tobacco settlement fund loan" or *"TSF loan"* means the tobacco settlement fund risk pool funds a county received in a fiscal year in which the county did not levy the maximum amount allowed for the county's mental health, mental retardation, and developmental disabilities services fund under Iowa Code section 331.424A. The repayment amount shall be limited to the amount by which the actual amount levied was less than the maximum amount allowed.

441—25.72(78GA,HF2555) Risk pool board. The risk pool board is organized and shall take action and keep minutes and records as set out in rule 441—25.62(426B).

A risk pool board member cannot be a part of any presentation to the board of that board member's county's application for tobacco settlement fund risk pool funds nor can the board member be a part of any action pertaining to that application. If a risk pool board member is employed by or is a board member of a POS provider whose increases in compensation caused the host county to apply to the fund, the board member cannot be a part of any presentation to the board nor can the board member be a part of any action pertaining to that application.

441—25.73(78GA,HF2555) Rate-setting process. For services provided on or after July 1, 2000, each county shall increase its reimbursement rates for each program to the lesser of the adjusted actual cost or 105 percent of the rate paid for services provided on June 30, 2000.

25.73(1) *Financial and statistical report.* Each provider of POS services shall submit a financial and statistical report to each host county for each program that the provider operates within that county. These reports shall include actual costs for each separate program for the provider's fiscal year that ended during state fiscal year 1999 and state fiscal year 2000. These reports shall be submitted to the central point of coordination (CPC) administrator of the host county or counties no later than August 15, 2000.

25.73(2) *Rate determination.* The CPC administrator in each host county shall receive and review provider financial and statistical reports for each separate program for which that county is the host county. If the host county determines that all or part of the provider's increase in costs is attributable to increases in service staff compensation and that the adjusted actual cost is more than the rate paid by the county on June 30, 2000, the CPC administrator shall notify the provider in writing of the new rate for each program no later than September 1, 2000.

If a rate paid for services provided on June 30, 2000, exceeds the adjusted actual cost, the county shall not be required to adjust the rate for services provided on or after July 1, 2000.

The provider shall, no later than September 11, 2000, send to the CPC administrator of any other counties with consumers in those programs a copy of the rate determination signed by the CPC administrator of the host county. A county may delay payment of the reimbursement rate established pursuant to this subrule until the risk pool board has completed action as to adopting or not adopting a different percentage for the definition of adjusted actual cost, provided however that any increased rates required by 2000 Iowa Acts, House File 2555, section 3, subsection 2, paragraph *"c,"* shall be paid retroactively for all services provided on or after July 1, 2000.

25.73(3) *Exemptions.*

a. A POS provider that has negotiated a reimbursement rate increase with a host county as of July 1, 2000, has the option of exemption from the provisions of these rules. However, a county shall not be eligible to receive tobacco settlement funds for any rates established outside of the process established in these rules.

b. Nothing in these rules precludes a county from increasing reimbursement rates of POS providers by an amount that is greater than that specified in these rules. However, a county shall not be eligible for tobacco settlement funds for the amount of any rate increase in excess of the amount established pursuant to these rules.

441—25.74(78GA,HF2555) Application process.

25.74(1) *Who may apply.* If a county determines that payment of POS provider rates in accordance with these rules will cause the county to expend more funds in FY2001 than budgeted for POS services, the county may apply for assistance from the tobacco settlement fund. However, any fiscal year 2000 projected accrual basis fund balances in excess of 25 percent of fiscal year 2000 services fund gross expenditures will reduce the amount for which a county is eligible. In considering the cost of implementing these provisions, a county shall not include the cost of rate increases granted to any providers who fail to complete financial and statistical reports as provided in these rules.

25.74(2) *How to apply.* The county shall send the original and 15 copies of Form 470-3768, Tobacco Settlement Fund Risk Pool Application, to the division. The division must receive the application no later than 4:30 p.m. on September 25, 2000. Facsimiles and electronic mail are not acceptable. The application shall be signed and dated by the chairperson of the county board of supervisors, the county auditor, and the CPC administrator. Staff of the division shall notify each county of receipt of the county's application.

25.74(3) *Request for additional information.* Staff shall review all applications for completeness. If an application is not complete, staff of the division shall contact the county by October 5, 2000, and request the information needed to complete the application. The county shall submit the required information by October 16, 2000.

441—25.75(78GA,HF2555) Methodology for awarding tobacco settlement fund risk pool funding.

25.75(1) *Review of applications.* The risk pool board shall review all of the applications from counties for assistance from the tobacco settlement fund. If the total amount requested from the tobacco settlement fund does not exceed $2 million, eligible counties shall be awarded funding pursuant to this division. The risk pool board shall determine for each county whether any or all of the assistance granted to that county is a TSF loan.

25.75(2) *Notice of decision.* The risk pool board shall notify the chair of the applying county's board of supervisors of the board's action no later than November 3, 2000. Copies shall be sent to the county auditor and the CPC administrator.

25.75(3) *Distribution of funds.* The total amount of the risk pool shall be limited to $2 million. If the total dollar amount of the eligible applications exceeds the available pool, the risk pool board shall revise the percentage adjustment to actual cost to arrive at adjusted actual cost as defined in this division and prorate funding to the eligible counties. If it becomes necessary to revise the percentage adjustment used to determine adjusted actual cost, the risk pool board shall determine if applicant counties remain eligible under this program.

25.75(4) *Notification of adjustment.* If the risk pool board rolls back the percentage adjustment used to determine adjusted actual cost, the risk pool board shall notify the chair of the board of supervisors of all counties, and copies shall be sent to the county auditor and the CPC administrator of each county. Each host county shall recalculate the reimbursement rate under this division using the revised adjusted actual cost percentage and notify each provider in writing of the revised rate within 30 days of receiving notice of the percentage adjustment. The provider shall, within 30 days of receipt of notice, send to the CPC administrator of any other counties with consumers in those programs a copy of the revised rate determination signed by the CPC administrator of the host county.

441—25.76(78GA,HF2555) Repayment provisions.

25.76(1) *Required repayment.* Counties shall be required to repay TSF loans by January 1, 2002. Repayments shall be credited to the tobacco settlement fund.

25.76(2) *Notification to county.* In the notice of decision provided pursuant to these rules, the chairperson of the risk pool board shall notify each county of the portion, if any, of the assistance that is considered a TSF loan. If a county fails to reimburse the tobacco settlement fund by January 1, 2002, the board may request a revenue offset through the department of revenue and finance. Copies of the overpayment and request for reimbursement shall be sent to the county auditor and the CPC administrator of the county.

441—25.77(78GA,HF2555) Appeals. The risk pool board may accept or reject an application for assistance from the tobacco settlement fund risk pool fund in whole or in part. The decision of the board is final and is not appealable.

These rules are intended to implement 2000 Iowa Acts, House File 2555, section 3, as amended by Senate File 2452, section 4.

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CHAPTER 26
COUNTY MAINTENANCE OF EFFORT CALCULATIONS AND REPORTING

Rescinded IAB 5/5/99, effective 7/1/99

CHAPTER 27
Reserved