

HUMAN SERVICES DEPARTMENT[441]**Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 75, “Conditions of Eligibility,” Iowa Administrative Code.

The purpose of this amendment is to update administrative rules for the average charges for psychiatric medical institutions for children (PMIC) and mental health institutions (MHIs) and the maximum Medicaid rate for intermediate care facilities for individuals with intellectual disabilities (ICF/IDs), which are used to determine the disposition of the income of a medical assistance income trust (MAIT).

The average charges for PMICs and MHIs are based on Medicaid rates because Medicaid is the primary payer of these services. The Iowa Department of Human Services provided the maximum charge for care in an ICF/ID.

- The average charge for care in a PMIC increased from \$5,472 per month to \$6,111 per month.
- The average charge for care in an MHI increased from \$18,546 per month to \$19,590 per month.
- The maximum Medicaid rate for ICF/ID increased from \$23,801 per month to \$25,922 per month.

The increases in these amounts will allow a few additional individuals to qualify for medical assistance with MAITs because it increases the income limit at which all income assigned to a MAIT is considered to be available for Medicaid eligibility purposes.

Any interested person may make written comments on the proposed amendment on or before May 7, 2013. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to policyanalysis@dhs.state.ia.us.

These rules do not contain waiver provisions because they confer a benefit. Everyone should be subject to the same amounts set by this rule. Individuals may request an exception pursuant to the Department’s general rule on exceptions to policy at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 249A.4.

The following amendment is proposed.

Amend paragraph **75.24(3)“b”** as follows:

b. A trust established for the benefit of an individual if the trust is composed only of pension, social security, and other income to the individual (and accumulated income of the trust), and the state will receive all amounts remaining in the trust upon the death of the individual up to the amount equal to the total medical assistance paid on behalf of the individual. For disposition of trust amounts pursuant to Iowa Code sections 633C.1 to 633C.5, the average statewide charges and Medicaid rates for the period from July 1, ~~2012~~ 2013, to June 30, ~~2013~~ 2014, shall be as follows:

- (1) No change.
- (2) The maximum statewide Medicaid rate for a resident of an intermediate care facility for persons with an intellectual disability is ~~\$23,801~~ \$25,922 per month.
- (3) The average statewide charge to a resident of a mental health institute is ~~\$18,546~~ \$19,590 per month.
- (4) The average statewide charge to a private-pay resident of a psychiatric medical institution for children is ~~\$5,472~~ \$6,111 per month.
- (5) No change.