ARC 0776D

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to state unit on aging and area agency on aging

The Department of Health and Human Services hereby amends Chapter 226, "State Unit on Aging Responsibilities," and Chapter 227, "Area Agency on Aging Responsibilities," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 231.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 231.

Purpose and Summary

This rulemaking makes clarifying updates to two chapters under the purview of the Department's Division of Aging and Disability Services.

Amendments to Chapter 226 create two distinct pathways for approval of amendments to the State Plan on Aging. Current rules for amendments to the State Plan require a public hearing, review by the Council on Health and Human Services, the Governor's signature, and submission to the federal Administration on Aging 45 days before the desired effective date. 45 CFR 1321.31 sets forth that there are two types of State Plan Amendments—those requiring prior approval and those requiring notification to the Assistant Secretary for Aging only. The amendments to Chapter 226 align with federal law by specifically enumerating the two distinct processes.

Similarly, amendments to Chapter 227 remove the requirement that area agencies on aging (AAAs) seek and receive approval from the Department on contracts that are operational in nature, for example, a contract for snow removal services. 45 CFR Part 1321 and guidance from the federal Administration for Community Living both indicate that such contracts do not require prior approval from the Department.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026, as **ARC 0619D**. A public hearing was held on the following date(s):

- October 20, 2026

No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on November 4, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on January 1, 2027.

The following rulemaking action is adopted:

ITEM 1. Amend rule 441—226.4(231) as follows:

441—226.4(231) State plan on aging.

226.4(1) *Authority.* As the state unit on aging, the department will develop and administer a state plan on aging ~~or state plan amendment pursuant to the federal Act.~~ and any state plan amendments made pursuant to the federal Act; 45 CFR Parts 1321 and 1324 as amended to October 1, 2025; and Iowa Code chapter 231.

226.4(2) *Multiyear state plan on aging.* The department will develop and submit for approval a two-, three-, or four-year state plan on aging in compliance with the federal Act; 45 CFR 1321 and 1324 as amended to October 1, 2025; Iowa Code chapter 231; and the procedures, ~~and associated~~ instructions, and guidance~~, and direction specified~~ issued by the federal Administration on Aging.

226.4(3) *State plan amendment.* The department may, in its discretion, develop and submit to the federal Administration on Aging ~~for consideration~~ an amendment to the state plan on aging at any time. Each amendment will be processed pursuant to 45 CFR 1321.31 as follows:

a. Amendments requiring approval by the Assistant Secretary for Aging must follow the process outlined in subrule 226.4(4).

b. Amendments requiring notice only are not subject to subrule 226.4(4) unless otherwise required by law.

226.4(4) *State plan on aging and state plan amendment requiring approval review process.* Once the department develops the state plan on aging or state plan amendment requiring prior approval, the department will comply with the following chronological review and comment process:

a. to *d.* No change.

226.4(5) and **226.4(6)** No change.

ITEM 2. Amend subrule 227.10(2) as follows:

227.10(2) *Contracts and commercial relationships.* A contract or agreement between an area agency on aging and an outside entity will not restrict the area agency on aging from contracting with other entities that provide similar services. All contracts and commercial relationships must avoid conflicts of interest as detailed in rule 441—225.3(231).

Notwithstanding the foregoing, 45 CFR Part 1321 as amended to October 1, 2025, and guidance from the federal Administration for Community Living govern operational and maintenance contracts. Such contracts do not require per-event state unit on aging approval beyond area plan budgeting. Each area agency on aging will maintain a file of all current contracts and contracts up to three years. These files will be made available for monitoring and assessment by the department. For the purposes of this subrule, "operational and maintenance contracts" are contracts with for-profit vendors for items

including but not limited to building maintenance; heating, ventilation, and air conditioning (HVAC); information technology (IT) support; fleet repair; janitorial services; and utilities.

~~*a.* Each area agency on aging will maintain a file of all current contracts and contracts up to three years. These files will be made available for monitoring and assessment by the department.~~

~~*b.* Each area agency on aging must request prior approval from the department 30 days prior to signing the contract for any proposed service contracts with for-profit organizations.~~

[Filed 11/4/26, effective 1/1/27]
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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/25/26.