

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 249A.4 and 2013 Iowa Acts, Senate File 446, section 29, the Department of Human Services amends Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services,” Chapter 79, “Other Policies Relating to Providers of Medical and Remedial Care,” and Chapter 83, “Medicaid Waiver Services,” Iowa Administrative Code.

These amendments implement Medicaid provider reimbursement rate increases in accordance with 2013 Iowa Acts, Senate File 446, section 29.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 0841C** on July 24, 2013. The amendments were also Adopted and Filed Emergency and published as **ARC 0842C** on the same date and became effective July 1, 2013.

The Department received no comments from the public on these amendments. However, as the result of an internal Department review of this rule making combined with a comparison to other ongoing simultaneous rule-making efforts, changes to the language in subrule 79.1(2) were necessary to accurately reflect legislative intent. Specifically, changes were made to the language in the HCBS transportation, physical therapists, occupational therapists, and rehabilitation agencies provider categories to reflect language in other rule makings.

Pursuant to changes adopted in **ARC 0994C** and published in the September 4, 2013, Iowa Administrative Bulletin, the following sentence was added in the “Basis of reimbursement” column in the occupational therapists, physical therapists, and rehabilitation agencies provider categories: “For members residing in a nursing facility, see 441—paragraph 81.6(11) ‘r.’” The entries for the provider categories now read as follows:

<u>Provider category</u>	<u>Basis of reimbursement</u>	<u>Upper limit</u>
Occupational therapists	Fee schedule. For members residing in a nursing facility, see 441—paragraph 81.6(11) “r.”	Fee schedule in effect 6/30/13 plus 1%.
Physical therapists	Fee schedule. For members residing in a nursing facility, see 441—paragraph 81.6(11) “r.”	Fee schedule in effect 6/30/13 plus 1%.
Rehabilitation agencies	Fee schedule. For members residing in a nursing facility, see 441—paragraph 81.6(11) “r.”	Medicare fee schedule 6/30/13 plus 1%; refer to 79.1(21).

In the HCBS transportation provider category, the entry reflects the amendment Adopted and Filed Emergency After Notice in **ARC 1071C** published herein and now reads as follows:

<u>Provider category</u>	<u>Basis of reimbursement</u>	<u>Upper limit</u>
11. Transportation	Fee schedule	Effective 10/1/13: The provider's nonemergency medical transportation contract rate or, in the absence of a nonemergency medical transportation contract rate, the median nonemergency medical transportation contract rate paid per mile or per trip within the member's DHS region.

In the provider category for intermediate care facilities for the mentally retarded, the category name was changed to reflect current terminology. The provider category now reads "intermediate care facilities for persons with an intellectual disability."

In addition, new rule 441—79.17(249A) that was Adopted and Filed Emergency in **ARC 0842C** (Item 12) is rescinded as the result of a Gubernatorial veto of legislation, thereby making the language unnecessary.

The Council on Human Services adopted these amendments on September 11, 2013.

These amendments do not provide for waiver in specified situations because requests for waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

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

These amendments are intended to implement Iowa Code section 249A.4.

These amendments will become effective November 6, 2013, at which time the Adopted and Filed Emergency amendments are hereby rescinded.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 78, 79, 83] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 0841C** and Adopted and Filed Emergency as **ARC 0842C**, IAB 7/24/13.

[Filed 9/11/13, effective 11/6/13]

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