

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed Emergency After Notice**

Pursuant to the authority of Iowa Code section 249A.4 and 2013 Iowa Acts, Senate File 446, section 7(6), the Department of Human Services rescinds Chapter 76, “Application and Investigation,” Iowa Administrative Code, and adopts a new Chapter 76, “Enrollment and Reenrollment,” in lieu thereof.

This amendment rescinds existing Chapter 76 and adopts a new Chapter 76 because Chapter 76 as written required a complete revision due to medical assistance changes required by the Affordable Care Act.

The Affordable Care Act implemented significantly changed policy about medical assistance application, enrollment and reenrollment requirements. These changes are effective October 1, 2013, for determining eligibility effective January 1, 2014.

The new Eligibility Integrated Application Solution (ELIAS), which will be implemented at the same time that the Affordable Care Act changes are implemented, also required modification of Chapter 76.

This amendment is required by the Patient Protection and Affordable Care Act of 2010 (Public Law 111-148) and 42 CFR Part 435, as amended.

This amendment is adopted simultaneously with an Adopted and Filed Emergency After Notice amendment published herein as **ARC 1070C**. The amendment in **ARC 1070C** adopts new rule 441—80.7(249A) whose content is identical to that in existing rule 441—76.13(249A), which is rescinded herein as part of the rescission of Chapter 76.

Notice of Intended Action for this amendment was published in the Iowa Administrative Bulletin as **ARC 0908C** on August 7, 2013. The Department received no comments from the public concerning the Notice.

In the course of an internal review, it was determined that subrule 76.7(2) provided the incorrect form name and numbers. The subrule has been revised to reflect the correct form name and numbers and now reads as follows:

*“76.7(2) For eligibility effective on or after January 1, 2014. Applicants for presumptive eligibility will complete Application for Health Coverage and Help Paying Costs, Form 470-5170 or 470-5170(S).”*

The Council on Human Services adopted this amendment on September 11, 2013.

Pursuant to Iowa Code section 17A.5(2)“b”(1), the Department finds that the normal effective date of this amendment, 35 days after publication, should be waived and the amendment made effective October 1, 2013. The normal effective date can be waived since legislation permits emergency rule making. The Legislature provided in 2013 Iowa Acts, Senate File 446, section 7(6), that the Department may adopt emergency rules for the medical assistance program as necessary to comply with federal requirements.

These rules do not provide for waivers in specified situations because there are no waivers applicable to these provisions of the Affordable Care Act. However, requests for the 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.

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

This amendment became effective October 1, 2013.

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 rules [Ch 76] is being omitted. With the exception of the change noted above, these rules are identical to those published under Notice as **ARC 0908C**, IAB 8/7/13.

[Filed Emergency After Notice 9/11/13, effective 10/1/13]

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[For replacement pages for IAC, see IAC Supplement 10/2/13.]