

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 77, “Conditions of Participation for Providers of Medical and Remedial Care,” Iowa Administrative Code.

These amendments will delete child care licensure from the list of Medicaid provider qualifications for enrollment.

The Department currently allows various qualifications for enrollment of providers of respite and interim medical monitoring and treatment (IMMT) in Medicaid. One of the qualifications for providers of respite or IMMT services was an optional requirement for licensure as a child care provider. Most providers of respite and IMMT that use this qualification for enrollment in the Medicaid program are not actively providing child care, making the licensure inconsistent with its use as a requirement. These amendments clarify respite and IMMT provider qualifications so that licensure for respite and IMMT is consistent with the type of services provided. These amendments allow for a revision of the type of licensure, certification, and accreditation required for providers of respite and IMMT that more closely aligns with the type of services provided.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 0911C** on August 7, 2013. The Department received no comments during the comment period. These amendments are identical to those published under Notice of Intended Action.

These amendments do not provide for waivers in specified situations because 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.

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

These amendments will become effective January 1, 2014.

The following amendments are adopted.

ITEM 1. Amend paragraph **77.30(5)“a”** as follows:

a. The following agencies may provide respite services:

(1) to (8) No change.

~~(9) Child care facilities, which are defined as child care centers, preschools, or child development homes registered pursuant to 441—Chapter 110.~~

~~(10) (9)~~ Assisted living programs certified by the department of inspections and appeals.

ITEM 2. Amend paragraph **77.30(8)“a”** as follows:

a. The following providers may provide interim medical monitoring and treatment services:

~~(1) Child care facilities, which are defined as child care centers licensed pursuant to 441—Chapter 109, preschools, or child development homes registered pursuant to 441—Chapter 110.~~

~~(2) Rescinded IAB 9/1/04, effective 11/1/04.~~

~~(3) Rescinded IAB 9/1/04, effective 11/1/04.~~

~~(4) (1)~~ Home health agencies certified to participate in the Medicare program.

~~(5) (2)~~ Supported community living providers certified according to subrule 77.37(14) or 77.39(13).

ITEM 3. Amend paragraph **77.34(5)“a”** as follows:

a. The following agencies may provide respite services:

(1) to (7) No change.

~~(8) Child care facilities, which are defined as child care centers, preschools, or child development homes registered pursuant to 441—Chapter 110.~~

~~(9) (8)~~ Assisted living programs certified by the department of inspections and appeals.

ITEM 4. Amend paragraph **77.37(15)“a”** as follows:

a. The following agencies may provide respite services:

(1) to (8) No change.

~~(9) Child care facilities, which are defined as child care centers, preschools, or child development homes registered pursuant to 441—Chapter 110.~~

~~(10) (9)~~ Assisted living programs certified by the department of inspections and appeals.

ITEM 5. Amend paragraph **77.37(22)“a”** as follows:

a. The following providers may provide interim medical monitoring and treatment services:

~~(1) Child care facilities, which are defined as child care centers licensed pursuant to 441—Chapter 109, preschools, or child development homes registered pursuant to 441—Chapter 110.~~

~~(2) Rescinded IAB 9/1/04, effective 11/1/04.~~

~~(3) Rescinded IAB 9/1/04, effective 11/1/04.~~

(4) (1) Home health agencies certified to participate in the Medicare program.

~~(5) (2)~~ Supported community living providers certified according to subrule 77.37(14) or 77.39(13).

ITEM 6. Amend paragraph **77.39(14)“a”** as follows:

a. The following agencies may provide respite services:

(1) to (9) No change.

~~(10) Child care facilities, which are defined as child care centers, preschools, or child development homes registered pursuant to 441—Chapter 110.~~

~~(11) (10)~~ Assisted living programs certified by the department of inspections and appeals.

ITEM 7. Amend paragraph **77.39(25)“a”** as follows:

a. The following providers may provide interim medical monitoring and treatment services:

~~(1) Child care facilities, which are defined as child care centers licensed pursuant to 441—Chapter 109, preschools, or child development homes registered pursuant to 441—Chapter 110.~~

~~(2) Rescinded IAB 9/1/04, effective 11/1/04.~~

~~(3) Rescinded IAB 9/1/04, effective 11/1/04.~~

(4) (1) Home health agencies certified to participate in the Medicare program.

~~(5) (2)~~ Supported community living providers certified according to subrule 77.37(14) or 77.39(13).

ITEM 8. Amend paragraph **77.46(5)“a”** as follows:

a. *Qualified providers.* The following agencies may provide respite services under the children’s mental health waiver:

(1) and (2) No change.

~~(3) Child care centers licensed in good standing by the department according to 441—Chapter 109 and child development homes registered according to 441—Chapter 110.~~

(4) (3) Camps certified in good standing by the American Camping Association.

~~(5) (4)~~ Home health agencies that are certified in good standing to participate in the Medicare program.

~~(6) (5)~~ Agencies authorized to provide similar services through a contract with the department of public health (IDPH) for local public health services. The agency must provide a current IDPH local public health services contract number.

~~(7) (6)~~ Adult day care providers that are certified in good standing by the department of inspections and appeals as being in compliance with the standards for adult day services programs at 481—Chapter 70.

~~(8) (7)~~ Assisted living programs certified in good standing by the department of inspections and appeals.

~~(9) (8)~~ Residential care facilities for persons with mental retardation licensed in good standing by the department of inspections and appeals.

~~(10)~~ (9) Nursing facilities, intermediate care facilities for the mentally retarded, and hospitals enrolled as providers in the Iowa Medicaid program.

[Filed 10/10/13, effective 1/1/14]

[Published 10/30/13]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/30/13.