

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 217.3(6) and 2015 Iowa Acts, Senate File 505, section 14, the Department of Human Services amends Chapter 52, "Payment," Iowa Administrative Code.

These amendments implement the January 1, 2016, increased personal needs allowance for two State Supplementary Assistance categories: residential care facility and family-life home assistance. These amendments allow the state to adjust the personal needs allowance for residential care facility and family-life home assistance recipients to reflect the increase in the average monthly Medicaid copayment expense for that population.

The Council on Human Services adopted these amendments on December 16, 2015.

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary because these amendments increase the personal needs allowance under the State Supplementary Assistance program by \$2 based on a \$2 increase in the average Medicaid copayment for this population, pursuant to the current methodology for setting the personal needs allowance. In addition, 2015 Iowa Acts, Senate File 505, section 14, permits the Department to adopt emergency rules for this purpose.

Pursuant to Iowa Code section 17A.5(2)"b"(1) and (2) as amended by 2015 Iowa Acts, House File 536, section 27, the Department further finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective January 1, 2016. These amendments confer a benefit on the public and are in compliance with 2015 Iowa Acts, Senate File 505, section 14.

These amendments are also published herein under Notice of Intended Action as **ARC 2362C** to allow for public comment.

These amendments do not provide for waivers in specified situations since the increases are required by federal and state law.

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

These amendments are intended to implement Iowa Code section 217.3(6) and 2015 Iowa Acts, Senate File 505, section 14.

These amendments became effective January 1, 2016.

The following amendments are adopted.

ITEM 1. Amend subrule 52.1(1) as follows:

**52.1(1) Protective living arrangement.** The following assistance standards have been established for state supplementary assistance for persons living in a family-life home certified under rules in 441—Chapter 111.

\$794	Care allowance
<u>\$792</u>	
\$401	Personal allowance
<u>\$103</u>	
\$895	Total

ITEM 2. Amend subparagraph **52.1(3)"a"(2)** as follows:

(2) An allowance of ~~\$101~~ \$103 to meet personal expenses and Medicaid copayment expenses.

[Filed Emergency 12/16/15, effective 1/1/16]

[Published 1/6/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/6/16.