

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 142C.15 and 17A.3, the Department of Public Health hereby gives Notice of Intended Action to adopt Chapter 122, “Anatomical Gift Public Awareness and Transplantation Fund,” Iowa Administrative Code.

The Department does not currently have rules established for the anatomical gift public awareness and transplantation fund. The proposed rules outline the funding requirements for state agencies or nonprofit legal entities conducting anatomical gift public awareness projects. The rules outline the funding requirements for hospitals conducting anatomical gift public awareness projects and improving referral protocols. The rules outline funding requirements for transplant recipients, donors, and caretakers for the reimbursement of out-of-pocket expenses not covered by insurance.

Any interested person may make written suggestions or comments on the proposed rules on or before August 9, 2016. Such written comments should be directed to Sherry Frizell, Division of Behavioral Health, Department of Public Health, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319. E-mail may be sent to sherry.frizell@idph.iowa.gov.

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

These rules are intended to implement Iowa Code section 142C.15.

The following rules are proposed.

Adopt the following **new** 641—Chapter 122:

CHAPTER 122

ANATOMICAL GIFT PUBLIC AWARENESS AND TRANSPLANTATION FUND

641—122.1(142C) Scope and purpose. The anatomical gift public awareness and transplantation fund was established by the legislature as a separate fund consisting of monetary contributions collected by county treasurers during the vehicle registration process and other contributions to the fund. Not more than 20 percent of the moneys in the fund annually may be expended in the form of grants to state agencies or to nonprofit legal entities. Not more than 30 percent of the moneys in the fund annually may be expended in the form of grants to hospitals for reimbursement for costs directly related to the development of in-hospital anatomical gift public awareness projects, anatomical gift referral protocols, and associated administrative expenses. Any unobligated moneys in the fund annually may be expended in the form of grants to transplant recipients, transplant candidates, living organ donors, or to legal representatives on behalf of transplant recipients, transplant candidates, or living organ donors for the reimbursement of out-of-pocket expenses not covered by insurance. These rules shall be implemented only to the extent that funding is available.

641—122.2(142C) Definitions. For purposes of this chapter, the following definitions apply:

“*Anatomical gift*” means a human organ donated by a living or deceased person for the purpose of transplantation.

“*Caretaker*” means a person who provides care, protection, or services to a transplant recipient or living organ donor.

“*Department*” means the Iowa department of public health.

“*Donor*” means an individual whose body or body part is the subject of an anatomical gift.

“*Human organ*” means an eye, heart, lung, liver, pancreas, or kidney.

“*Recipient*” means the person receiving a human organ via transplant surgery.

“*Resident*” means a natural person who physically resides in Iowa as the person’s principal and primary residence and who establishes evidence of such residency by providing the department with one of the following:

1. A valid Iowa driver’s license,
2. A valid Iowa nonoperator’s identification card,
3. A valid Iowa voter registration card,
4. A current Iowa vehicle registration certificate,
5. A utility bill,
6. A statement from a financial institution,
7. A residential lease agreement,
8. A check or pay stub from an employer,
9. A child’s school or child care enrollment documents,
10. Valid documentation establishing a filing for homestead or military tax exemption on property located in Iowa, or
11. Other valid documentation as deemed acceptable by the department to establish residency.

“*Transplantation*” means surgically moving a human organ from an organ donor to a recipient.

“*Transplant social worker*” means the hospital social worker assisting the organ donor or recipient.

641—122.3(142C) State agencies or nonprofit legal entities. Funding is available for state of Iowa agencies or nonprofit legal entities to conduct anatomical gift public awareness projects.

122.3(1) Eligibility criteria. To be eligible for a grant, the applicant shall be a state agency or nonprofit legal entity which, through a competitive bid process, submits a plan for an anatomical gift public awareness project.

122.3(2) Amount of grant. The department may offer a grant opportunity to state agencies and nonprofit entities through a competitive bid process. The total amount of grant funds awarded to an applicant shall be based on the number of applicants and the availability of funds. Awarded grant funds will be made payable to the applicant.

122.3(3) Review process.

a. An applicant shall make an application to the program in the manner specified by the department. The department shall follow the requirements for competitive selection contained in 641—Chapter 176 in awarding these funds.

b. The department shall establish a request for bids and application process for applicants eligible to receive funding. The application review process and review criteria for preference in awarding the grants shall be described in the request for bids.

c. An applicant may appeal the denial of a properly submitted grant application. Appeals shall be governed by rule 641—176.8(135,17A).

641—122.4(142C) Hospitals. Funding is available to hospitals for reimbursement for costs directly related to the development of in-hospital anatomical gift public awareness projects, anatomical gift referral protocols, and associated administrative expenses.

122.4(1) Eligibility criteria. To be eligible for a grant, the applicant shall be a hospital physically located in Iowa which, through a competitive bid process, submits a plan for an anatomical gift public awareness project or an implementation or improvement of referral protocol.

122.4(2) Amount of grant. The department may offer a grant opportunity to Iowa hospitals through a competitive bid process. The total amount of grant funds awarded to an applicant shall be based on the number of applicants and the availability of funds. Awarded grant funds will be made payable to the applicant.

122.4(3) Review process.

a. An applicant shall make an application to the program in the manner specified by the department. The department shall follow the requirements for competitive selection contained in 641—Chapter 176 in awarding these funds.

b. The department shall establish a request for bids and application process for applicants eligible to receive funding. The application review process and review criteria for preference in awarding the grants shall be described in the request for bids.

c. An applicant may appeal the denial of a properly submitted grant application. Appeals shall be governed by rule 641—176.8(135,17A).

641—122.5(142C) Transplant recipients and donors. Funding is available to transplant recipients, donors, and a single caretaker for the reimbursement of out-of-pocket expenses not covered by insurance.

122.5(1) Eligibility criteria. To be eligible for a grant, an applicant (or the applicant's legal representative) must be a U.S. citizen and a resident of the state of Iowa or be a living organ donor to a resident of Iowa who:

- a. Has undergone a transplant surgery, or
- b. Is in need of dental clearance in order to be placed on a transplant list as maintained by the United Network for Organ Sharing (UNOS), or
- c. Has been tested as a potential donor and been rejected.

122.5(2) Grant application. The department shall make the grant application form available on the department's Web site. Awards shall be made on a reimbursement basis to Iowa resident donors and donor recipients. The total amount of grant funds awarded to an applicant shall be based on the number of applicants and the availability of funds. Awarded grant funds will be made payable to the applicant.

122.5(3) Application process.

a. The applicant shall complete the application, as provided by the department, in its entirety and forward the application to the applicant's transplant social worker for review, comment and approval.

b. The transplant social worker shall review the information and documentation provided by the applicant and attest to their accuracy.

c. The completed application shall be mailed to the address provided on the application. Applications that are incomplete or illegible shall be returned via U.S. mail to the applicant or to the attention of transplant social workers for completion. Original receipts shall be submitted with the application.

d. Grant application documentation shall be retained by the applicant and the transplant social workers for a minimum of five years.

122.5(4) Eligible expenses. The department may reimburse applicants for the following expenses. A more comprehensive list of items eligible for reimbursement is located in the Guidelines - Category 3 document at <http://idph.iowa.gov/anatomical-gift>.

a. Dental expenses required for placement of the recipient on a transplant list and expenses directly related to the transplant, to include:

- (1) Initial routine exam.
 - (2) Complete cleaning.
 - (3) Full mouth X-rays.
 - (4) Up to \$1,500 of remaining expenses.
- b. Prescription medication (maximum of \$2,000).
- c. Lodging (rate determined by the department).

d. Airfare (coach) for donor and caretaker for a maximum of two people at a rate determined by the department.

e. Expenses immediately preceding and immediately following transplant surgery until the recipient and living organ donor are medically released by the hospital.

f. Disposable, short-term cleaning and daily life items, such as paper towels, paper plates, tin foil, toilet paper, etc.

g. Rehospitalization.

h. Mileage at current rate of state reimbursement.

i. Child care when both parents undergo surgery related to a single organ transplant.

122.5(5) Ineligible expenses. The department may not reimburse for the following.

a. Lost wages.

- b.* Alcohol or nonfood items, such as gum, breath mints, candy, etc.
- c.* Delivery fees and charges, Internet access, or garage rental.
- d.* In-domicile meals, food, or lodging.
- e.* Medication not directly associated with the transplant or medication taken prior to the transplant.
- f.* Medication and supplies available over the counter, such as blood pressure cuffs, gauze, bandages, scales, support hose, etc.
- g.* Credit card fees, check processing fees, and nonrefundable security deposits.
- h.* Lodging and meals for visitors.
- i.* Dentures.
- j.* Nondisposable or long-term cleaning and daily life expenses, such as vacuum, broom, towels, bedding, etc.
- k.* Personal items, such as shampoo, lotion, toothbrush, toothpaste, personal hygiene items, or clothing, etc.
- l.* Labels, stamps, envelopes, notebooks, etc.
- m.* Follow-up visit meals, lodging, etc.
- n.* Expenses covered by primary, secondary, or tertiary insurance.

122.5(6) *Review process.*

- a.* The department shall review grant applications and supporting documentation on a first-come, first-served basis.
- b.* Grant reimbursement limits and eligibility shall be determined by the department.
- c.* Grant applications and payments are not considered public records pursuant to Iowa Code section 22.7(2).

These rules are intended to implement Iowa Code section 142C.15.