

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

**Rule making related to reimbursement procedures for juvenile detention facilities**

The Department of Human Services hereby amends Chapter 167, “Juvenile Detention Reimbursement,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 234.6.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 234.6.

*Purpose and Summary*

These amendments clarify procedures for juvenile detention homes to follow when seeking annual cost reimbursement. Juvenile detention homes eligible for cost reimbursement will have more clearly defined standards and the changes to dates related to process claim reimbursement.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 3, 2018, as **ARC 3546C**. No public comments were received. Since publication of the Notice, two technical changes have been made to rule 441—167.5(232) to replace the word “facilities” with the words “detention homes.”

*Adoption of Rule Making*

This rule making was adopted by the Council on Human Services on February 14, 2018.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on May 1, 2018.

The following rule-making actions are adopted:

ITEM 1. Adopt the following new definition of “Detained” in rule **441—167.1(232)**:

“*Detained*” means the period of time a youth is physically occupying a bed in a juvenile detention home (that is, from the time of intake at the juvenile detention home (nothing prior to this) to the time a youth is discharged from the bed at the home (nothing after this)).

ITEM 2. Amend rule 441—167.3(232) as follows:

**441—167.3(232) Eligible facilities detention homes.** County and multicounty juvenile detention homes shall be eligible for reimbursement under this program when:

**167.3(1)** No change.

**167.3(2)** The home submits the following reports in paragraphs 167.3(2)“a” and 167.3(2)“b” by May 15 March 15 and the certified audit in paragraph 167.3(2)“c” by March 15 or within ten days of completion if after March 15 of the year following the conclusion of the state fiscal year for which reimbursement will be made:

*a.* A written statement delivered in printed form or via electronic mail identifying the eligible total net cost that will be claimed under rule 441—167.5(232).

*b.* A printed or electronic copy of the following sections of Form 470-0664, Financial and Statistical Report for Purchase of Service Contracts: department-authorized financial and statistical report for juvenile detention homes.

(1) to (4) No change.

*c.* No change.

**167.3(3)** The department has reviewed the information submitted and determined that the costs to be claimed meet eligibility requirements. Eligible costs shall be determined by using a cost allocation methodology that follows generally accepted accounting principles (GAAP). Eligible costs shall be based on the portions of the allowable costs that are directly attributable to the function of detaining youth in the home.

*a. and b.* No change.

*c.* Costs of alternatives to detaining youth in the approved detention home are not eligible for reimbursement. Services ineligible for reimbursement include, but are not limited to:

(1) Community tracking and monitoring activities.

(2) Transportation during the time a youth is detained that is not related to detention service or care and keep or that is the responsibility of or funded by another source.

(3) Outreach services.

(4) In-home detention.

*d.* No change.

ITEM 3. Amend rule 441—167.4(232) as follows:

**441—167.4(232) Available reimbursement.** The reimbursement for the participating facilities detention homes shall be the percentage of the allowable costs based on the distribution formula authorized in the appropriation language for the current fiscal year by Iowa law.

ITEM 4. Amend rule 441—167.5(232) as follows:

**441—167.5(232) Submission of voucher.** Eligible facilities detention homes shall submit a complete signed and dated Form GAX, General Accounting Expenditure, to the department to claim reimbursement.

**167.5(1)** Form GAX shall be submitted to the Department of Human Services, Division of Fiscal Management, First Floor, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114, by August 40 1.

**167.5(2)** The ~~form~~ Form GAX shall include the total net eligible costs incurred between July 1 and June 30 of the year covered by the reimbursement. ~~The total net eligible~~ These costs will be used to calculate the ~~legislatively authorized percentage of the home's allowable costs for the year covered by the reimbursement~~ reimbursement amount based on the distribution formula authorized by Iowa law.

**167.5(3)** Only ~~facilities~~ detention homes that submit Form GAX by August 40 1 shall receive reimbursement.

ITEM 5. Amend rule 441—167.6(232) as follows:

**441—167.6(232) Reimbursement by the department.** Reimbursement shall be made by August 31 to those participating ~~facilities which~~ juvenile detention homes that have complied with these rules.

[Filed 2/14/18, effective 5/1/18]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/14/18.