

**AGING, DEPARTMENT ON[17]**

**Adopted and Filed**

**Rule making related to complaint and appeal procedures**

The Department on Aging hereby amends Chapter 2, “Department on Aging,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 17A.3 and 231.14.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 231.53.

*Purpose and Summary*

This amendment includes Senior Community Service Employment Program (SCSEP) subgrantees as an aggrieved party in the Department’s complaint and appeal procedures as required by federal guidelines. The lack of complaint and appeals procedures for SCSEP subgrantees was identified as an issue in a recent federal review of the SCSEP.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on July 17, 2019, as **ARC 4542C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Commission on Aging on September 12, 2019.

*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 17—Chapter 11.

*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 February 19, 2020.

The following rule-making action is adopted:

Amend rule 17—2.9(231) as follows:

**17—2.9(231) Department complaint and appeal procedures.**

**2.9(1) *Aggrieved party identified.*** An aggrieved party is any agency, organization, or individual that alleges that the party's rights have been denied or that services provided were not in compliance with regulations or were substandard because of an action of the department, the commission on aging, an AAA, or an AAA subcontractor, or a Senior Community Service Employment Program (SCSEP) subgrantee.

**2.9(2) *Complaints or appeals to the department from the AAA or SCSEP subgrantee level.***

*a.* Except in cases where an AAA is acting in its capacity as a Medicaid provider, complaints at the AAA or SCSEP subgrantee level by any aggrieved party shall be heard first by the AAA or SCSEP subgrantee using the AAA's or SCSEP subgrantee's procedures.

*b.* Local complaint procedures of an AAA or an AAA subcontractor or SCSEP subgrantee shall be exhausted before the department on aging is contacted.

**2.9(3) *Requests for an informal review or a contested case hearing.***

*a. Informal review.* An aggrieved party or a party appealing an AAA-level or SCSEP subgrantee-level decision has 30 calendar days from receipt of written notice of action from the AAA, the SCSEP subgrantee, or the department to request an informal review by the department or a contested case hearing.

(1) Any person who desires to pursue an informal settlement of any complaint may request a meeting with appropriate department staff. The request shall be in writing and shall be delivered to the Director, Department on Aging, Jessie M. Parker Building, 510 East 12th Street, Suite 2, Des Moines, Iowa 50319.

(2) The request must contain the subject matter(s) of the complaint and an explanation of all steps taken to resolve the matter prior to requesting an informal review.

(3) Upon receipt of the request for informal review, all formal contested case proceedings, if begun, are stayed.

(4) The department may, as a result of the informal review, negotiate a settlement of the complaint or, if appropriate, may send the matter back to the AAA or SCSEP subgrantee for reconsideration.

(5) to (8) No change.

*b.* No change.

**2.9(4) and 2.9(5)** No change.

[Filed 12/23/19, effective 2/19/20]

[Published 1/15/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/15/20.