

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to deaf and hard-of-hearing persons and providing an opportunity for public comment

The Human Services Department hereby proposes to amend Chapter 73, “Managed Care,” Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services,” Chapter 81, “Nursing Facilities,” Chapter 82, “Intermediate Care Facilities for Persons with an Intellectual Disability,” and Chapter 113, “Licensing and Regulation of Foster Family Homes,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code chapter 249A.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 249A.

Purpose and Summary

The proposed rule making replaces the term “deaf” with “deaf or hard of hearing” or “deaf and hard of hearing” and replaces the term “hearing-impaired” with “deaf or hard of hearing” throughout the Department’s rules as a result of 2020 Iowa Acts, House File 2585. This rule making covers the Department chapters affected by the legislation.

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).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on June 8, 2021. Comments should be directed to:

Nancy Freudenberg
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

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).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 73.21(2) as follows:

73.21(2) Outreach to members with special needs. The managed care organization shall provide enhanced outreach to members with special needs including, but not limited to, persons with psychiatric disabilities, an intellectual disability or other cognitive impairments, illiterate persons, non-English-speaking persons, and persons with visual impairments or who are deaf or hard of hearing impairments.

ITEM 2. Amend paragraph **78.1(16)“g”** as follows:

g. The information in paragraphs “b” through “f” shall be effectively presented to a blind, deaf, hard-of-hearing, or otherwise handicapped disabled individual and an interpreter shall be provided when the individual to be sterilized does not understand the language used on the consent form or used by the person obtaining consent. The individual to be sterilized may have a witness of the individual’s choice present when consent is obtained.

ITEM 3. Amend subparagraph **78.9(9)“c”(4)** as follows:

(4) Preexisting mental or physical disabilities such as deaf, hard of hearing, blind, hemiplegic, activity-limiting disease, sickle cell anemia, uncontrolled hypertension, uncontrolled diabetes, mental illness, or intellectual disability.

ITEM 4. Amend subparagraph **78.19(1)“d”(3)** as follows:

(3) Aural rehabilitation, the instruction given by a qualified speech pathologist in speech reading or lip reading to patients who have suffered a hearing loss or become hard of hearing (input impairment), constitutes a covered service if reasonable and necessary to the patient’s illness or injury. Group treatment is not covered. Audiological services related to the use of a hearing aid are not reimbursable.

ITEM 5. Amend subparagraph **78.34(9)“b”(17)** as follows:

(17) Telecommunications device for the deaf or hard of hearing.

ITEM 6. Amend subparagraph **78.37(9)“b”(17)** as follows:

(17) Telecommunications device for the deaf or hard of hearing.

ITEM 7. Amend subparagraph **78.41(4)“b”(17)** as follows:

(17) Telecommunications device for the deaf or hard of hearing.

ITEM 8. Amend subparagraph **78.43(5)“b”(17)** as follows:

(17) Telecommunications device for the deaf or hard of hearing.

ITEM 9. Amend subparagraph **78.46(2)“b”(17)** as follows:

(17) Telecommunications device for the deaf or hard of hearing.

ITEM 10. Amend subparagraph **81.13(10)“b”(2)** as follows:

(2) By arranging for transportation to and from the office of a medical practitioner specializing in the treatment of vision or ~~hearing~~ impairment or the deaf or hard of hearing or the office of a professional specializing in the provision of vision or hearing assistive devices.

ITEM 11. Amend subparagraph **82.2(7)“a”(2)** as follows:

(2) The facility shall not segregate clients solely on the basis of their physical disabilities. It shall integrate clients who have ambulation deficits or who are deaf, hard of hearing, blind, or have seizure disorders with others of comparable social and intellectual development.

ITEM 12. Amend paragraph **113.7(1)“a”** as follows:

a. At least one UL (Underwriter’s Laboratory)-approved smoke detector. On floors that are used for sleeping, the smoke detector shall be in a location where sleeping areas can be alerted. For ~~hearing-impaired~~ deaf or hard-of-hearing children, the foster parent shall install a smoke detector in the child’s bedroom that will use an alternative means of waking the child.