

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rule making related to foster care facility inspections

The Inspections and Appeals Department (Department) hereby amends Chapter 5, “Public Records and Fair Information Practices,” and rescinds Chapter 40, “Foster Care Facility Inspections,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 10A.104.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 10A.104 and 17A.7(2).

Purpose and Summary

Previous Chapter 40 addressed duties related to the performance of foster care facility inspections by the Department on behalf of the Department of Health and Human Services. After a review of this chapter in association with Iowa Code section 17A.7(2), the Department determined that references within this chapter were outdated and the duties set forth therein were redundant because the Department completes a comprehensive memorandum of understanding each year that governs the totality of work performed by the Department on behalf of the Department of Health and Human Services and the duties associated therewith. This rule making thus rescinds Chapter 40.

Subrule 5.12(2) regarding confidential records is also updated to eliminate redundancy and remove outdated citations, including one reference to Chapter 40.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on November 2, 2022, as **ARC 6609C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on December 21, 2022.

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 481—Chapter 6.

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 15, 2023.

The following rule-making actions are adopted:

ITEM 1. Amend **481—Chapter 5**, introductory paragraph, as follows:

The department of inspections and appeals adopts, with the following exceptions and amendments, rules of the Governor's Task Force on Uniform Rules of Agency Procedure relating to public records and fair information practices ~~printed in the first volume of the Iowa Administrative Code, which are published on the Iowa general assembly's website at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf.~~

ITEM 2. Amend subrule 5.12(2) as follows:

5.12(2) Where a record has multiple subjects with interest in the confidentiality of the record, the department may take reasonable steps to protect confidential information relating to another subject.

~~The list below indicates rules prohibiting release.~~

1. ~~481—21.5(10A). Real estate broker trust account information is governed by Iowa Code section 272C.6(4).~~

2. ~~481—22.2(10A). Health care facility audits are confidential under Iowa Code section 217.30.~~

3. ~~481—40.4(10A). DHS determines accessibility of foster care inspection records.~~

4. ~~481—50.8(22,135B,135C). Survey information is confidential pursuant to Iowa Code sections 135B.12 and 135C.19.~~

5. ~~481—71.9(10A). Recoupment records and appeals and hearing records are governed by Human Services rules and Iowa Code section 217.30.~~

6. ~~481—72.4(10A). Food stamp investigation records are released only to DHS when an investigation is complete.~~

7. ~~481—73.8(10A). Iowa Code sections 10A.105, 17A.2(7)“f,” and 22.7(18) describe some of the investigation records as confidential.~~

8. ~~481—74.3(1)“e.” Economic assistance fraud bureau investigative material is not released pursuant to Iowa Code sections 10A.105, 17A.2(7)“f,” and 22.7(18).~~

~~In all cases, the originating agency shall determine whether records may be released.~~

ITEM 3. Rescind and reserve **481—Chapter 40**.

[Filed 12/21/22, effective 2/15/23]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/11/23.