

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 75, “Conditions of Eligibility,” Iowa Administrative Code.

This amendment expands Medicaid coverage to children with disabilities who have family income or resources that are too high for eligibility for SSI-related Medicaid. This expansion takes advantage of the opportunity offered by the Family Opportunity Act, Section 6062 of the Deficit Reduction Act of 2005, Public Law 106-170. The Iowa General Assembly authorized this expansion in 2007 Iowa Acts, chapter 218, section 124, and 2008 Iowa Acts, House File 2539, section 55. The Department estimates that about 200 Iowa children may qualify for this coverage.

This amendment does not provide for waivers in specified situations because the amendment confers a benefit and because federal requirements do not allow for waiver of the eligibility requirements. The Department has a general rule at 441—1.8(17A,217) on procedures for requesting an exception to policy when members feel they have special situations that need to be evaluated on an individual basis.

Notice of Intended Action on this amendment was published in the Iowa Administrative Bulletin on September 24, 2008, as **ARC 7208B**. The Department received no comments on the Notice of Intended Action.

The Department has made one change to the amendment as published under Notice of Intended Action. The following sentence has been added to subparagraph 75.1(43)“d”(2): “A person who receives medically needy coverage with a spenddown or limited benefits such as Medicare savings programs or family planning services only is not considered to be “receiving Medicaid” for the purposes of subparagraph (1).”

The Council on Human Services adopted this amendment on November 12, 2008.

The Department finds that this amendment confers a benefit on the children affected by allowing them to qualify for Medicaid coverage. Therefore, this amendment is filed pursuant to Iowa Code section 17A.5(2)“b”(2), and the normal effective date of this amendment is waived.

This amendment is intended to implement Iowa Code section 249A.3 as amended by 2007 Iowa Acts, chapter 218, section 124.

This amendment shall become effective on January 1, 2009.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of this amendment [75.1(43)] is being omitted. With the exception of the change noted above, this amendment is identical to that published under Notice as **ARC 7208B**, IAB 9/24/08.

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[For replacement pages for IAC, see IAC Supplement 12/3/08.]