

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 234.6 and 2008 Iowa Acts, Senate File 2425, section 12, the Department of Human Services proposes to amend Chapter 51, "Eligibility," and Chapter 52, "Payment," Iowa Administrative Code.

These amendments implement the annual adjustments to eligibility and payment levels in the State Supplementary Assistance Program that are necessary to meet the federal "pass-along" requirements specified in Title XVI of the Social Security Act and federal regulations at 20 CFR 416.2095 and 416.2096. The state of Iowa uses the payment levels method of compliance, which requires the state to increase the payment amounts and income limits for State Supplementary Assistance categories effective January 1 of each year as necessary to meet the minimum levels required by the federal government. The minimum levels are indexed by the cost-of-living increase in federal Social Security and Supplemental Security Income (SSI) benefits, which is 5.8 percent for calendar year 2009.

Changes necessary to meet federal pass-along requirements for 2009 are as follows:

- Increasing the income limit and payment standard for a dependent relative from \$325 per month to \$344 per month.
- Increasing the income limits for eligibility for a dependent relative supplement by \$56 per month for an eligible individual (from \$962 to \$1018) and by \$74 per month for an eligible couple (from \$1281 to \$1355).
- Increasing the family life home income limit by \$37 per month (from \$799 to \$836).
- Increasing the maximum family life home payment by \$34 per month (from \$708 to \$742).
- Increasing the maximum residential care per diem rate by \$1.19 (from \$26.95 to \$28.14).

State legislation also requires the Department to increase the personal needs allowance for residents of residential care facilities at the same percentage and at the same time as federal Social Security and SSI benefits are increased. Therefore, these amendments increase the residential care facility and family-life home personal needs allowances by \$3 per month (from \$91 to \$94).

These amendments do not provide for waivers in specified situations because the amendments benefit the people affected by increasing payment levels. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 7470B**. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated by reference.

Any interested person may make written comments on the proposed amendments on or before January 21, 2009. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement 2008 Iowa Acts, Senate File 2425, sections 12 and 32.