

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 225C.6 and 331.438(4), the Department of Human Services amends Chapter 25, "Disability Services Management," Iowa Administrative Code.

The amendments define the role of the "county of residence" as it relates to the central point of coordination process for services to persons with mental illness, chronic mental illness, mental retardation, developmental disabilities, or brain injury. Under these amendments, all new applications for services would be directed to a person's county of residence rather than the county of legal settlement. The person may be eligible for the services that are outlined in the management plan for the county of residence. These services would be purchased according to the contracted rates of the county of residence.

Under current rules, a person must apply to the central point of coordination for the consumer's county of legal settlement, regardless of where the person is living, and may be eligible only for services listed in the management plan of the county of legal settlement. This sometimes leads to confusion for applicants and may be a barrier to applying for services.

These amendments may result in a county's paying for services that are not in its county management plan or paying a different rate than the county pays for persons living in the county. These changes are in line with what was intended by the Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission's original January 2004 restructuring report.

These amendments do not provide for waivers in specified situations because waivers would lead to uncertainty among applicants and providers.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on March 11, 2009, as **ARC 7626B**. The Department also held a public hearing to receive comments on the Notice of Intended Action. One person submitted written comments and one attended the hearing. Comments concerned the necessity for the changes and their impact on procedures for initial approval and for reauthorization of services.

The Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission adopted these amendments on April 16, 2009. These amendments are identical to those in the Notice of Intended Action.

These amendments are intended to implement Iowa Code sections 331.424A, 331.439, and 331.440. These amendments shall become effective on July 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 these amendments [25.11, 25.13 to 25.17] is being omitted. These amendments are identical to those published under Notice as **ARC 7626B**, IAB 3/11/09.

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[For replacement pages for IAC, see IAC Supplement 5/20/09.]