

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 17A.22, the Department of Human Services amends Chapter 7, “Appeals and Hearings,” Iowa Administrative Code.

These amendments change the definition of “aggrieved person” by adding a drug manufacturer that has received a notice of decision regarding disputed drug rebates, pursuant to the dispute resolution procedures of a national drug rebate agreement or Iowa Medicaid supplemental drug rebate agreement.

Pursuant to the national drug rebate agreements and Iowa supplemental rebate agreements, the state is required to make available to the manufacturer the state hearing mechanism available under the Medicaid program. The Office of Inspector General and the Centers for Medicare & Medicaid Services of the federal Department of Health and Human Services have recommended that the state develop policies and procedures to allow manufacturers to file administrative appeals. Currently, most drug rebate disputes are settled by the state informally through working with the manufacturer. The Department expects that pattern to continue after this change.

The rules regarding time limits for appeals have been reworked to make them easier to understand. Language about the timeliness of child abuse appeals has been incorporated. Other technical changes are made to:

- Remove references to the “Food Stamp” program and replace with “Food Assistance.”
- Update form names and numbers and rule references.
- Conform to current practices.

Chapter 7 does provide for waivers in various situations. Waiver of any Department rule may be requested under the Department’s general rule on exceptions at 441—1.8(17A,217).

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on April 22, 2009, as **ARC 7730B**. The Department received no comments on the Notice of Intended Action.

The Department has made the following changes to the definition of “aggrieved person” in rule 441—7.1(17A) as published in the Notice of Intended Action:

- In numbered paragraph “1,” deleted the word “diversion” and changed the phrase “emergency assistance” to “emergency or disaster assistance.” The Department has eliminated the diversion program. Numbered paragraph “1,” introductory paragraph, now reads as follows:

“1. For financial assistance (including the family investment program, refugee cash assistance, child care assistance, emergency or disaster assistance, family or community self-sufficiency grants, family investment program hardship exemptions, and state supplementary assistance dependent person, in-home health related care, and residential care facility benefits), a person:”

- Deleted proposed paragraph “11” on the Iowa Disaster Aid Individual Assistance Grant Program and renumbered proposed new paragraphs “12” and “13” accordingly. Since these rules were written, the Department has begun several new disaster assistance programs, so the proposed change was deemed too narrow.

The Council on Human Services adopted these amendments on July 8, 2009.

These amendments are intended to implement Iowa Code sections 17A.10 through 17A.20.

These amendments shall become effective on September 2, 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 [amendments to Ch 7] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 7730B**, IAB 4/22/09.

[Filed 7/9/09, effective 9/2/09]

[Published 7/29/09]

[For replacement pages for IAC, see IAC Supplement 7/29/09.]