

**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 249A.4, the Department of Human Services proposes to amend Chapter 75, "Conditions of Eligibility," and Chapter 76, "Application and Investigation," Iowa Administrative Code.

The proposed amendments:

- Provide that the resource limits for Medicaid's Medicare savings programs will increase each year beginning January 1, 2010, to match the resource limit for the full low-income subsidy (LIS) for the Medicare Part D drug program. "Medicare savings program" coverage groups include "qualified" Medicare beneficiaries, "specified low-income" Medicare beneficiaries and "expanded specified low-income" Medicare beneficiaries (depending on a person's income level). Eligibility under one of these groups entitles the member to Medicaid payment for some or all of the person's out-of-pocket costs under Medicare, such as premiums, deductibles, copayments, and coinsurance. Since the LIS resource limits are more than double the limits currently in effect for the Medicare savings programs, this change will allow more people to qualify.

- Provide that an application for LIS benefits will be considered an application for Medicare savings plan coverage (or any other coverage group for which the Department finds the applicant eligible). The Social Security Administration will forward data to the Department on all LIS applications except those on which the applicant has specifically declined to have information shared with the state. Currently, applications for Medicare savings coverage must be individually initiated by the applicant. This change is expected to increase the number of LIS recipients who become eligible for Medicare savings program coverage.

- Make technical changes to update the title of the review form used for children in foster care, subsidized adoption, or subsidized guardianship.

These changes are required by the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA), Public Law 110-275, Sections 112 and 113. These amendments do not provide for waivers in specified situations because they expand eligibility. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendments on or before September 15, 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](mailto:policyanalysis@dhs.state.ia.us).

These amendments are intended to implement Iowa Code section 249A.3.

The following amendments are proposed.

ITEM 1. Amend paragraphs **75.1(29)"a"** and **"b"** as follows:

a. The person's monthly income does not exceed ~~the following percentage~~ 100 percent of the federal poverty level (as defined by the United States Office of Management and Budget and revised annually in accordance with Section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

(1) ~~85 percent effective January 1, 1989~~ The amount of income shall be determined as under the federal Supplemental Security Income (SSI) program.

(2) ~~90 percent effective January 1, 1990~~ Income shall not include any amount of social security income attributable to the cost-of-living increase through the month following the month in which the annual revision of the official poverty line is published.

~~(3) – 100 percent effective January 1, 1991, and thereafter.~~

~~(4) – Rescinded IAB 1/9/91, effective 1/1/91.~~

b. The person's resources do not exceed ~~twice~~ the maximum amount of resources that a person may have ~~and to obtain benefits under the Supplemental Security Income (SSI) program~~ full low-income subsidy for Medicare Part D drug benefits. The amount of ~~income and~~ resources shall be determined as under the SSI program unless the person lives and is expected to live at least 30 consecutive days in a medical institution and has a spouse at home. Then the resource determination shall be made according to subrules 75.5(3) and 75.5(4). ~~Income shall not include any amount of social security income attributable to the cost-of-living increase through the month following the month in which the annual revision of the official poverty line is published.~~

ITEM 2. Amend paragraphs **75.1(34)“a”** and **“b”** as follows:

a. The person's monthly income exceeds 100 percent of the federal poverty level but is less than ~~the following percentage~~ 120 percent of the federal poverty level (as defined by the United States Office of Management and Budget and revised annually in accordance with Section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.:

~~(1) – 110 percent effective January 1, 1993.~~

~~(2) – 120 percent effective January 1, 1995, and thereafter.~~

b. The person's resources do not exceed ~~twice~~ the maximum amount of resources that a person may have ~~and to obtain benefits under the Supplemental Security Income (SSI) program~~ full low-income subsidy for Medicare Part D drug benefits.

ITEM 3. Amend paragraph **75.1(36)“c”** as follows:

c. The person's resources do not exceed ~~twice~~ the maximum amount of resources that a person may have ~~and to obtain benefits under the Supplemental Security Income (SSI) program~~ full low-income subsidy for Medicare Part D drug benefits.

ITEM 4. Adopt the following new paragraph **75.52(3)“c”**:

c. The review information for foster children or children in subsidized adoption or subsidized guardianship shall be submitted on Form 470-2914, Foster Care, Adoption, and Guardianship Medicaid Review.

ITEM 5. Adopt the following new paragraph **76.1(1)“e”**:

e. The department shall initiate an application for a person who submits Form SSA-1020B-OCR-SM, Application for Extra Help with Medicare Prescription Drug Plan Costs, to the federal Social Security Administration, if the Social Security Administration transmits data from that application to the department pursuant to 42 U.S.C. 1320b-14(c)(3). The date that the data is transmitted to the department shall be treated as the date of application for medical assistance.

ITEM 6. Amend subrule 76.7(4) as follows:

**76.7(4)** The review for foster children or children in subsidized adoption or subsidized guardianship shall be completed on Form 470-2914, Foster Care, ~~and Subsidized Adoption, and Guardianship~~ Medicaid Review, according to the ~~time~~ schedule of the family medical assistance program or supplemental security income program for disabled children, as applicable.