

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, the Department of Human Services proposes to amend Chapter 156, “Payments for Foster Care,” Chapter 187, “Aftercare Services and Supports,” and Chapter 201, “Subsidized Adoptions,” Iowa Administrative Code.

These amendments reduce the reimbursement rate for foster family care and adoption and guardianship subsidies to achieve the savings required by Executive Order Number 19, which mandated a 10 percent across-the-board cut in state expenditures. Specifically, these amendments:

- Implement a 5 percent reduction in the basic reimbursement rate and the additional payments for special behavioral needs for foster family care provided through the end of state fiscal year 2010. Since the maximum maintenance payments for adoption and guardianship subsidies are based on the foster family care payment rates, those payments will also be reduced.
- Implement a 5 percent reduction in the clothing allowance payments for children in foster care.
- Substitute a specific reimbursement amount for the maximum maintenance payment in the supervised apartment living program and for the maximum stipend payment in the preparation for adult living (PAL) program. These rates have been based on the foster family care payment rates, but changes in these rates are not part of the Department’s approved spending reduction plan.
- Limit payment for nonrecurring adoption expenses and, by reference, guardianship expenses. A maximum of \$500 will be reimbursed for attorney fees, court costs, and other related legal expenses.
- Suspend payment of special services payments negotiated as part of an adoption subsidy agreement between January 1, 2010, and June 30, 2010. Special services may be included in the agreement with the understanding that no payments will be made during this fiscal year. The suspension precludes the need to renegotiate the subsidy agreement if funds become available for special services in the future. Special services provisions in agreements that are already in effect on January 1, 2010, will not be affected.

These amendments do not provide for waivers in specified situations. Needed savings will not be realized if waivers are granted. 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 8451B**. 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 February 2, 2010. 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 Iowa Code sections 234.35, 234.38, 234.46, and 600.17 to 600.23 and Executive Order Number 19.