

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 172, “Family-Centered Child Welfare Services,” Iowa Administrative Code.

The proposed amendments update the rules on family-centered services to:

- Reflect the standard state contracting terminology, which refers to “the agency” rather than “the department” and “the contractor” rather than “the provider.”
- Clarify who may be included in the provision of services.
- Conform the expectations for contractors to the language of the requests for proposals that are currently in process (bid number ACFS-11-097) for new contracts to be effective on July 1, 2011.

These amendments do not provide for waivers in specified situations. 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 March 1, 2011. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Coordination, 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 section 234.6.

The following amendments are proposed.

ITEM 1. Amend **441—Chapter 172**, preamble, as follows:

PREAMBLE

These rules define and describe procedures for delivery of family-centered child welfare services. The rules describe the service definitions and eligibility criteria, ~~provider~~ contractor selection and contracting processes, performance measures, billing and payment methods, procedures for client appeals, and service review and audit procedures.

ITEM 2. Amend the following definitions in rule **441—172.1(234)**:

“Conditionally safe child” means that a safety concern is one or more signs of present or impending danger to a child are identified on Form 470-4132 or 470-4132(S), Safety Assessment/Plan, for which a which are not offset by the child’s degree of vulnerability or the caretaker’s protective capacity. A safety plan is required.

“Family safety, risk, and permanency service” means a service that uses strategies and interventions designed to achieve safety and permanency for a child with an open department agency child welfare case, regardless of the setting in which the child resides.

“Safe child” means that there are no signs of present or impending dangers danger to the a child; are identified or that existing dangers one or more signs of present or impending danger are controlled by identified but the child’s degree of vulnerability or the caregiver’s protective capacities offset the current threat. The child is not likely to be in imminent danger of maltreatment.

“Safety plan service” means a service that is designed to monitor the safety of a child during the department’s agency’s child protective assessment or child in need of assistance assessment process.

“Service area manager” means the department agency official responsible for managing the department’s agency’s programs, operations, and budget within one of the eight department agency service areas.

ITEM 3. Adopt the following **new** definitions in rule **441—172.1(234)**:

“Agency” means the Iowa department of human services.

“Child vulnerability” means the degree that a child cannot on the child’s own avoid, negate, or minimize the impact of present or impending danger.

“Contractor” means a private organization authorized to do business in Iowa that has entered into a contract with the agency to provide one or more of the services defined in this chapter. “Contractor” refers to the organization that is named as the responsible party in the contract and whose authorized representative has signed the contract.

ITEM 4. Rescind the definitions of “Department,” “Family” and “Provider” in rule **441—172.1(234)**.

ITEM 5. Strike “department” and “department’s” wherever they appear in rules **441—172.2(234)**, **441—172.3(234)**, **441—172.5(234)** and **441—172.11(234)**, subrule **172.13(3)**, rules **441—172.21(234)** and **441—172.23(234)**, subrule **172.24(1)**, rules **441—172.30(234)**, **441—172.31(234)** and **441—172.33(234)** and subrule **172.34(1)** and insert “agency” and “agency’s” in lieu thereof.

ITEM 6. Strike “provider” and “providers” wherever they appear in rules **441—172.3(234)**, **441—172.11(234)**, **441—172.21(234)**, **441—172.23(234)**, **441—172.31(234)** and **441—172.33(234)** and insert “contractor” and “contractors” in lieu thereof.

ITEM 7. Amend rule 441—172.4(234) as follows:

441—172.4(234) Reimbursement. Billed services that meet the requirements of this chapter and the contract between the ~~department~~ agency and the ~~provider~~ contractor shall become a liability of the state. The format and process for submitting billings to the ~~department~~ agency and for receiving ~~department~~ agency payments shall be specified in all ~~provider~~ contracts with the ~~department~~. The ~~department~~ agency shall process claims for payment promptly upon submission by the ~~provider~~ contractor.

172.4(1) The ~~provider~~ contractor shall bear ultimate responsibility for the completeness and accuracy of all billings submitted.

172.4(2) The ~~provider~~ contractor shall maintain all financial and service records that are necessary to substantiate the ~~provider’s~~ contractor’s claims submitted for reimbursement for services provided to ~~department~~ agency clients as specified in the ~~provider’s~~ contract with the ~~department~~.

ITEM 8. Amend rule 441—172.6(234) as follows:

441—172.6(234) Reviews and audits. ~~Providers of~~ Contractors for the services described in this chapter shall be subject to review and audit procedures established by the ~~department~~ agency. Information on these procedures shall be included in the request for proposals and in contracts resulting from the procurement process.

ITEM 9. Amend **441—Chapter 172**, Division II, preamble, as follows:

PREAMBLE

Family-centered safety plan services are designed to maintain children safely in their own families whenever possible. These services use strategies and interventions to monitor and evaluate the safety of children who, during a child protective assessment or during the ~~department’s~~ agency’s child in need of assistance assessment ~~process~~, are assessed to be conditionally safe.

ITEM 10. Amend rule 441—172.10(234) as follows:

441—172.10(234) Service requirements. A ~~provider of~~ contractor providing a safety plan service shall meet the following requirements:

172.10(1) The service shall meet the minimum expectations defined in the ~~provider’s~~ contract with the ~~department~~.

172.10(2) The ~~provider~~ contractor shall provide interventions and supports based on the particular service needs identified for each child and family.

172.10(3) The ~~provider~~ contractor shall design interventions that:

a. to d. No change.

ITEM 11. Amend rule 441—172.12(234) as follows:

441—172.12(234) Service eligibility. ~~Family-centered safety plan services may be provided to a child who, during a child protective assessment or child in need of assistance assessment process, has been assessed by department staff to be conditionally safe.~~

172.12(1) The agency shall refer a family for family-centered safety plan services when:

a. A child in the family is alleged to be a victim of abuse (an “alleged child victim”) on a child protective assessment or is the subject of a child in need of assistance assessment (a “child subject”); and

b. During the child protective assessment or child in need of assistance assessment, the agency determines that the alleged child victim or child subject is conditionally safe.

172.12(2) When the agency approves a case for safety plan services, the following persons may be included in service provision:

a. The alleged child victim or child subject;

b. Any whole, half, or step siblings of the alleged child victim or child subject who reside in the same household; and

c. The parents, stepparents, adoptive parents, or caretakers of the alleged child victim or child subject.

ITEM 12. Amend subrule 172.13(2) as follows:

172.13(2) Service activities. The activities to be provided by safety plan services shall be as described in the scope of services section of the request for proposals. At a minimum, a ~~provider of~~ contractor for safety plan services shall do all of the following:

a. Be available 24 hours a day, seven days per week.

b. Respond to the ~~department~~ agency worker within one hour after the ~~provider~~ contractor receives a referral call.

c. Initiate face-to-face contact with the ~~family~~ alleged child victim or child subject and the child’s parents within 24 hours of the referral call from the ~~department~~ agency worker.

d. Make daily face-to-face contact with the ~~referred family unless the department worker identifies a different frequency in the safety plan~~ alleged child victim or child subject and the child’s parents as identified in Form 470-4661 or 470-4661(S), Safety Plan, and Form 470-5011, Safety Plan Services Referral Face Sheet. The frequency of contact with siblings and others involved in the case shall be as identified on Form 470-5011.

e. Provide an ~~E-mail contact~~ electronic communication to update the ~~department~~ agency worker within 24 hours by the end of the next calendar day after each contact with the ~~child or family~~ a person included in service provision.

f. Attend all family team meetings held on behalf of the family during the service delivery period.

g. Respond within two hours to any family crisis during the service delivery period, ~~and update the department worker with an oral or E-mail contact.~~

(1) The response may be made either face to face or by telephone, depending on the situation.

(2) Immediately following the response, the contractor shall report the crisis and the response to the agency worker or the worker’s supervisor via telephone or electronic communication.

h. Attend court hearings about the child upon request of the court or the ~~department~~ agency worker.

ITEM 13. Amend rule 441—172.14(234) as follows:

441—172.14(234) Monitoring of service delivery.

172.14(1) Case management. During the time a child and the child’s family are approved to receive safety plan services, the ~~department~~ agency worker shall be responsible for providing case management. The ~~department~~ agency worker shall maintain contact with the family and the family’s ~~provider~~ contractor to ensure that factors that present risks to the safety and well-being of children in the family are being adequately addressed.

172.14(2) *Provider Contractor progress reports.* A ~~provider of contractor~~ for safety plan services shall submit client reports in accordance with the requirements concerning format, content, and frequency that are specified in the ~~provider's contract with the department.~~

172.14(3) *Outcome measures.* The ~~department~~ agency shall establish outcome-based performance measures for safety plan services. These performance measures shall:

- a. Be specified in each ~~provider's contract with the department;~~ and
- b. Be aligned with the measures defined by the federal government as part of the child and family services review process.

ITEM 14. Amend rule 441—172.15(234) as follows:

441—172.15(234) Billing and payment.

172.15(1) *Unit of service.* Safety plan services shall be delivered based on a 15-calendar-day unit of service with an established per-unit payment rate that shall be specified in each ~~provider's~~ contract. The ~~department~~ agency worker may purchase up to two units of service for a ~~child and family case.~~

172.15(2) *Performance-based payments.* Contracts for safety plan services may contain provisions under which a portion of the payment to the ~~provider contractor~~ is connected to the ~~provider's contractor's~~ level of achievement on specified outcome-based performance measures. Any provisions for performance-based payments shall be described in the ~~department's~~ agency's request for proposals and in ~~provider contracts with the department~~ the contract.

ITEM 15. Amend rule 441—172.20(234) as follows:

441—172.20(234) Service requirements. Family safety, risk, and permanency services shall meet the following requirements:

172.20(1) The service shall meet the minimum expectations defined in the ~~provider's contract with the department.~~

172.20(2) The ~~provider contractor~~ shall have flexibility to select interventions and supports based on the particular service needs identified for each child and family.

172.20(3) The ~~provider contractor~~ shall:

- a. Identify family strengths and protective capacities;
- b. Build on these strengths in the ~~provider's contractor's~~ interventions with children and families;
- c. to g. No change.

ITEM 16. Amend rule 441—172.22(234) as follows:

441—172.22(234) Service eligibility. Family safety, risk, and permanency services may be provided to ~~a child and to the child's family~~ when the child meets the following criteria: in subrules 172.22(1) and 172.22(2).

172.22(1) The child is eligible for ~~department~~ child welfare services based on:

- a. The child's adjudication as a child in need of assistance; or
- b. The child's placement out of home under the care and supervision of the ~~department~~ agency; or
- c. Evaluation of the child's age, the findings of a child abuse assessment report, and the family's risk assessment score.

172.22(2) No change.

172.22(3) When the agency approves a case for family safety, risk, and permanency services, the following persons may be included in service provision:

- a. A child or children who are determined eligible for service under this rule;
- b. Any whole, half, or step siblings of that child or children who:
 - (1) Reside in the same household at the time of service referral,
 - (2) Move into the household during the service delivery period, or
 - (3) Are in placement under the care and supervision of the agency; and
- c. The parents, stepparents, adoptive parents, or caretakers of that child or children and any adult who has a significant relationship with the child or children.

ITEM 17. Amend subrules 172.24(2) and 172.24(3) as follows:

172.24(2) *Provider Contractor progress reports.* A ~~provider of contractor~~ for family safety, risk, and permanency services shall submit service progress reports on clients receiving services in accordance with the format, content, and frequency requirements as specified in the department's agency's request for proposals and in the ~~provider's contract with the department~~.

172.24(3) *Outcome measures.* The ~~department~~ agency shall establish outcome-based performance measures for family safety, risk, and permanency services. These performance measures shall:

- a. Be specified in ~~department contracts with providers~~ each contract; and
- b. Be aligned with the measures defined by the federal government as part of the child and family services review process.

ITEM 18. Amend rule 441—172.25(234) as follows:

441—172.25(234) Billing and payment.

172.25(1) *Unit of service.* Family safety, risk, and permanency services shall be purchased based on a calendar month as one unit of service.

- a. A monthly payment rate shall be established for each contract.
- b. When services are opened or closed with ~~department~~ agency worker approval during a calendar month, payment shall be prorated based on the number of days the case was approved for services during the month, including both the beginning and ending dates of service. The amount paid for each day of service shall be the ~~provider's contractor's~~ monthly rate divided by 30.

172.25(2) *Performance-based payments.* Contracts for family safety, risk, and permanency services may contain provisions under which a portion of the ~~provider's contractor's~~ payment is connected to the ~~provider's contractor's~~ level of outcome-based performance achievement. Any performance-based payment provisions and procedures shall be described in the department's agency's request for proposals and in ~~provider contracts with the department~~ each contract.

ITEM 19. Amend **441—Chapter 172**, Division IV, preamble, as follows:

PREAMBLE

Family-centered supportive child welfare services are specific services that ~~department~~ agency workers may approve and deliver at various points during the course of a child's and family's involvement with the ~~department's~~ agency's child welfare system to address the children's safety, permanency, and well-being.

ITEM 20. Amend rule 441—172.32(234) as follows:

441—172.32(234) Service eligibility. Supportive child welfare services are designed to provide services for children when:

1. The ~~department~~ agency has initiated a child protective assessment in response to receipt of a ~~report of child maltreatment~~ abuse allegations concerning the child or another child within the same family; or
2. The ~~department~~ agency has assumed care and supervision of a child placed in out-of-home care; or
3. The ~~department~~ agency has opened a child welfare service case on the child or family following a child abuse assessment or juvenile court action; or
4. A child in need of assistance petition has been filed on behalf of the child and the court has set a date for the prehearing conference or adjudication hearing.

ITEM 21. Amend subrules 172.34(2) and 172.34(4) as follows:

172.34(2) *Family team meeting facilitation.*

- a. Family team meeting facilitation shall be purchased based on either:
 - (1) A payment rate for each facilitated family team meeting; or
 - (2) A monthly payment to a ~~provider~~ contractor to facilitate family team meetings.
- b. No change.

172.34(4) *Service-area-specific services.* The unit of services and unit cost for service-area-specific services shall be defined in the request for proposals and ~~provider~~ contracts resulting from the procurement process.