

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapters 221 through 224 and 229
“Disability Services Rules”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 231 and 2024 Iowa Acts, House File 2673

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 231 and 2024 Iowa Acts, House File 2673

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

February 25, 2025
11 a.m. to 12 noon

Microsoft Teams
Meeting ID: 221 098 147 560
Passcode: LZ7452C4

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Purpose and Summary

This proposed rulemaking implements, in part, 2024 Iowa Acts, House File 2673, which realigns disability service provisions with aging services delivery. These new chapters provide for disability services definitions, advisory councils, eligibility, Aging and Disability Resource Centers, and data collection requirements.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

• **Classes of persons that will bear the costs of the proposed rulemaking:**

The Department expects to realize lower administrative costs and increased efficiencies with the new service delivery system. In addition, the Department anticipates it will discover offsets due to payment for services that should have been covered by Medicaid. During the first two fiscal years of the new service delivery system, any overages in spending will be covered by the existing balance in the Region Incentive Fund.

• **Classes of persons that will benefit from the proposed rulemaking:**

Iowans with disabilities will benefit from this proposed rulemaking since it provides the framework for service delivery within the realigned system.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

• **Quantitative description of impact:**

In state fiscal year 2024, approximately 46,000 Iowans with mental health conditions, substance use disorders, or disabilities were served. Going forward, the number of Iowans served under these proposed chapters will be a subset of that number due to the realignment of Iowa's existing mental health and disability services system prompted by 2024 Iowa Acts, House File 2673.

- **Qualitative description of impact:**

This proposed rulemaking facilitates the transfer of the State's disability services system to the Department's Division of Aging and Disability Services.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

The Department will continue to incur personnel and other administrative costs. Additionally, the contracted Disability Access Points (DAPs) may incur administrative costs that will be absorbed by existing funding during the first two fiscal years of the new service delivery system.

- **Anticipated effect on state revenues:**

During the first two fiscal years of the new service delivery system, any overages in spending will be covered by the existing balance in the Region Incentive Fund. The Department does not expect to require any additional state revenues during that time period.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Rulemaking is required by 2024 Iowa Acts, House File 2673.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Rulemaking is prescribed by 2024 Iowa Acts, House File 2673. However, all effort has been made to avoid including language that is covered in contracts, policies and procedures, and state plans.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

Not applicable.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.

- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following new Title XVII to precede **441—Chapter 221**:

TITLE XVII
AGING AND DISABILITY SERVICES

ITEM 2. Adopt the following **new** 441—Chapter 221:

CHAPTER 221
DISABILITY SERVICES DEFINITIONS

441—221.1(225A) Definitions. For the purpose of this chapter and 441—Chapters 222 through 224 and 229, the following definitions apply:

“*Adult*” means a person or persons 18 years of age and over.

“*Caregiver*” means an adult family member or other individual who has a significant relationship with, and who provides a broad range of assistance to, an individual with a chronic or other health condition, disability, or functional limitation. “*Caregiver*” also means a family member, friend, or neighbor who provides unpaid assistance to a person with a chronic illness or disabling condition.

“*Chairperson*” means the chairperson of the disability services advisory council who has been appointed by the DAP.

“*Child*” or “*children*” means a person or persons under 18 years of age.

“*Disability*” means the same as defined in Section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. §12012 as amended to July 1, 2025).

“*Disability access point*” or “*DAP*” means a local organization designated by the department to serve as the primary access points for people with disabilities and their caregivers. DAPs serve as aging and disability resource center (ADRC) member organizations as defined in rule 441—224.1(231).

“*Disability services advisory council*” or “*DSA council*” means a council established by each DAP to identify opportunities, address challenges, and advise the DAP.

“*Long-term services and supports*” or “*LTSS*” means activities that support maintaining people with disabilities at the lowest level of care possible, including facility diversion or transition to community as determined through the DAP processes for eligibility and service determination. LTSS will be outlined in the individual’s service plan between the individual, care team, and DAP.

“*Service coordination*” means an active, transitional, and ongoing process that involves assisting an eligible individual in gaining access to and coordinating the provision of services, using person-centered practices in all contacts with individuals and their caregivers, and coordinating the services identified in the service plan.

“*Short-term services and supports*” or “*STSS*” means time-limited activities focused on supporting people with disabilities to live in the home and community of their choice in an integrated manner and offering support to their families and caregivers as needed toward this purpose. STSS will be outlined in the individual’s service plan between the individual, care team, and DAP.

This rule is intended to implement Iowa Code section 231.23.

ITEM 3. Adopt the following **new** 441—Chapter 222:

CHAPTER 222
DISABILITY SERVICES ADVISORY COUNCILS

441—222.1(231) Appointment.

222.1(1) The members of a council will be recruited by the DAP.

222.1(2) The appointments will be for three-year staggered terms, which will expire on June 30.

222.1(3) Vacancies will be filled in the same manner in which the original appointments were made for the balance of the unexpired term.

222.1(4) Absences.

- a. Three unexcused absences in a 12-month period constitutes grounds for the DAP to request nomination of an alternate representative to fill the position.
- b. Absences may be excused by notification provided to the chairperson prior to the meeting.
- c. The chairperson of a council is charged with providing notification of absences to the DAP.

441—222.2(231) Officers.

222.2(1) Officers of a council will consist of a chairperson and a vice chairperson. The chairperson will be appointed by the DAP. The vice chairperson will be elected at the first meeting of each fiscal year.

- a. The vice chairperson may serve no more than three consecutive terms.
- b. Vacancies in the office of chairperson will be filled by elevation of the vice chairperson for 60 days until a new appointment can be made by the DAP.
- c. Vacancies in the office of vice chairperson will be filled by election at the next meeting after the vacancy occurs.
- d. A vacancy must be filled by an individual meeting the same qualifications as the departing council member in accordance with Iowa Code chapter 231.

222.2(2) Duties of officers.

- a. The chairperson will:
 - (1) Preside at all meetings of the council;
 - (2) Appoint subcommittees as deemed necessary; and
 - (3) Designate the chairperson of each subcommittee.
- b. The vice chairperson will:
 - (1) Perform the duties of the chairperson if the chairperson is absent or unable to act. When so acting, the vice chairperson will have all the powers of and be subject to all restrictions upon the chairperson.
 - (2) Perform other duties as may be assigned by the chairperson.

441—222.3(231) Meetings.

222.3(1) A council will establish a meeting schedule on an annual basis to conduct its business. There will be a minimum of four meetings per year.

222.3(2) A majority of appointed members constitutes a quorum.

222.3(3) When a quorum is present, a position is carried by an affirmative vote of the majority of those present. No official business that requires a vote of the membership will be conducted without a quorum present.

441—222.4(231) Subcommittees. A council may designate one or more subcommittees to perform such duties as may be deemed necessary.

441—222.5(231) Expenses of preparedness advisory committee voting members. The following may be considered necessary expenses for reimbursement of council members who are individuals with disabilities or caregivers when incurred on behalf of council business and are subject to established state reimbursement rates:

- 1. Reimbursement for travel in a private car.
- 2. Actual lodging and meal expenses, including sales tax on lodging and meals.
- 3. Actual expense of public transportation.

441—222.6(231) Council composition. A council's composition must include nine members with at least 50 percent of members being individuals with disabilities or caregivers.

These rules are intended to implement Iowa Code chapter 231.

ITEM 4. Adopt the following **new** 441—Chapter 224:

CHAPTER 224
AGING AND DISABILITY RESOURCE CENTERS

441—224.1(231) Definitions.

“Aging and disability resource center” or *“ADRC”* means a person-centered navigation and coordination system that blends and braids service delivery methods and funding to ensure supports and services contribute to a consumer’s ability to remain at home and in the consumer’s community. Supports and services are provided according to the individual’s wants and needs.

“Aging and disability resource center member organization” or *“ADRC member organization”* means a local ADRC organization that provides ADRC information and assistance and person-centered functions at the local level.

“Information and assistance” means a service that provides an individual with current information on opportunities and services available within the individual’s communities; identifies the problems and capacities of the individual; links the individual to the opportunities and services that are available; and, to the maximum extent practicable, ensures that the individual receives the services needed and is aware of the opportunities available by establishing adequate follow-up procedures.

“Medicaid administrative claiming” or *“MAC”* means federal matching funds under Medicaid are available for costs incurred by the state for administrative activities that directly support efforts to identify and enroll potential eligibles into Medicaid; support the provision of medical services covered under the state Medicaid plan when those activities are performed either directly by Iowa Medicaid or through contract or interagency agreement with another entity, such as a designated ADRC; or both.

“Navigator” means a person who provides ADRC information and assistance services, options counseling services, or both.

“Options counseling” means an interactive process whereby individuals receive guidance to make an informed choice about long-term supports. The process is directed by the individual and may include others whom the individual chooses or those who are legally authorized to represent the individual.

“System navigation” means in-person, online, and telephonic support for problem solving and navigation of the services and supports available. System navigators ensure individuals and families who encounter barriers in accessing services and support are able to navigate health care, social services, and legal systems.

441—224.2(231) Department responsibilities.

224.2(1) Pursuant to Iowa Code section 231.64, the department will administer ADRCs.

224.2(2) The department’s responsibilities are as follows:

- a. Perform all duties mandated by federal and state law.
- b. Designate ADRC member organizations and withdraw designation. If the department terminates its contract with an ADRC member organization for any reason, the entity is no longer designated by the department as an ADRC member organization.
- c. Provide oversight of the ADRC to ensure compliance with federal and state law and applicable rules and regulations.
- d. Monitor the operations and performance of the ADRC.
- e. Develop and use data and indicators to measure and assess the performance of the ADRC to ensure quality services, fair treatment, cost-effectiveness, and consumer satisfaction.

441—224.3(231) ADRC member organizations. The department designates entities as ADRC member organizations.

441—224.4(231) ADRC member organization responsibilities.

224.4(1) An ADRC member organization will provide services to eligible populations in its service area via telephone, in-person, or electronic communications.

224.4(2) An ADRC member organization will be physically accessible and provide services in a private and confidential manner.

224.4(3) An ADRC member organization will ensure a system is available for answering and responding to messages received outside of the regular business hours.

224.4(4) An ADRC member organization will provide services to a person by using clear language and providing for reasonable accommodations.

224.4(5) An ADRC member organization will provide person-centered supports and navigation services according to the individual's personal preferences, identified needs, and unique capabilities to remain living at home and in the individual's community.

224.4(6) An ADRC member organization will identify itself as an ADRC. The ADRC's name may be the primary name or a subtitle to another name, but the designation of ADRC will be included in all advertising and outreach materials.

224.4(7) An ADRC member organization will adhere to the department's Medicaid ADRC federal financial participation (FFP) process for MAC. Participation in MAC for activities that facilitate access to, or are in support of, Iowa's Medicaid state plan are allowable. The ADRC will comply with the department-approved ADRC MAC methodologies.

441—224.5(231) ADRC member organization staff requirements and background checks.

224.5(1) *Staffing.* The ADRC member organization will ensure adequate staffing levels to meet the needs of the service delivery area. Staff performing ADRC services will demonstrate competency and knowledge pertinent to the staff's areas of responsibility. Additionally, the ADRC will establish and maintain background check policies and procedures.

224.5(2) *Training and mandatory reporter status.* ADRC navigators are mandatory reporters pursuant to Iowa Code chapter 235B and will adhere to federal and state law and applicable rules for mandatory reporters.

441—224.6(231) Services. The ADRC will provide information and assistance and options counseling as defined within the contract issued by the department.

441—224.7(231) Appeals and grievances.

224.7(1) The ADRC will implement a process for reviewing and resolving individual grievances.

224.7(2) The department will issue a notice of adverse action in accordance with 441—Chapter 16. The right to appeal will be given by the department in accordance with 441—Chapter 7.

441—224.8(231) Reporting and records authority. The director is the principal officer of the state to administer ADRC data reporting. On behalf of the department, the ADRC shall report individual-level client data, information, and performance as required by the department. The ADRC shall also cooperate with any external review of its activities by the department or the federal government. The ADRC shall submit data according to the frequency, file layouts, format, and naming conventions prescribed by the department.

441—224.9(231) Confidentiality. The ADRC shall not disclose records that contain personally identifiable information concerning an individual receiving services to entities outside the department without the individual's informed consent or as authorized or required by law.

These rules are intended to implement Iowa Code section 231.64.

ITEM 5. Adopt the following **new** 441—Chapter 229:

CHAPTER 229
DATA COLLECTION

441—229.1(231) Authority. The director is the principal officer of the state to administer DAP aging and disability services data reporting. The department will collect and maintain data on all clients served in accordance with Iowa Code section 231.56.

229.1(1) *Submission of data.* Each DAP shall submit to the department the data regarding each individual that the DAP serves.

a. DAPs shall submit data according to the frequency, file layouts, format, and naming conventions prescribed by the department.

b. When a DAP is notified by the department that the data are incomplete or are not compliant with the prescribed file layouts, format, or naming conventions, the DAP must correct the issue within 30 days of the notification.

229.1(2) *Data required.* The data to be submitted are as follows:

a. Individual client-level information, including a unique identifier, name, address, demographic information, service delivery information, referral information, and any other information as prescribed by the department.

b. The state identification number, when applicable.

c. Demographic information, including but not limited to date of birth, sex, ethnicity, marital status, education, residential living arrangement, current employment status, monthly income, income sources, type of insurance, insurance carrier, veteran status, guardianship status, legal status in the system, source of referral, and diagnosis code in the International Classification of Diseases (ICD) as amended to July 1, 2025.

d. Service information, including but not limited to the decision on services, date of decision, termination date and reason for termination, residence, approved service, service beginning dates, service ending dates, reason for terminating each service, approved units of services, unit rate for service, expenditure data, and provider data.

This rule is intended to implement Iowa Code section 231.56.