Regulatory Analysis

Notice of Intended Action to be published: 441—Chapters 225 through 228
"Compliance with the Supporting Older Americans Act"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 231

State or federal law(s) implemented by the rulemaking: Supporting Older Americans Act as amended to October 1, 2025, and Iowa Code chapter 231

Public Hearing

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

June 3, 2025 11 to 11:30 a.m.	Microsoft Teams Meeting ID: 244 623 271 706 Passcode: Fe7Jj6DN

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department 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 amendments to the federal Supporting Older Americans Act, which serves as a backbone for the organization and delivery of social and nutrition services to older individuals and their caregivers. The Act authorizes a wide array of service programs through a national network of state agencies on aging, area agencies on aging, service providers, and tribal organizations. These proposed new chapters aim to remove barriers to accessing the aging network, increase business acumen and capacity-building, and identify the roles and responsibilities of the State Unit on Aging and the area agencies on aging. In addition, the proposed chapters provide requirements for service delivery and prioritization, increased flexibilities in the nutrition program, and coordination with tribal organizations and members in the state.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

There are no costs associated with this proposed rulemaking.

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

Iowans aged 60 and older who receive services from the Department in its role as the State Unit on Aging will benefit from this proposed rulemaking since it provides the framework for service delivery.

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 SFY 2024, 50,146 older Iowans and family caregivers received a comprehensive array of services, including:

- Congregate and home-delivered meals and nutrition services;
- Information and service referral;
- Homemaker services;
- Options counseling;
- Evidence-based programming;
- Personal care services;
- Chore services;
- Elder abuse prevention and assessment;
- Adult day care;
- Caregiver respite, counseling, and training;
- Case management;
- Transportation services; and
- Legal assistance.

In addition, six area agencies on aging facilitate the delivery of supplemental services.

- **Qualitative description of impact:**

This proposed rulemaking brings the Department in its role as the State Unit on Aging into compliance with amendments to the Supporting Older Americans Act.

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.

- **Anticipated effect on state revenues:**

This rulemaking has no impact on state revenues.

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

Rulemaking is required by the federal Act.

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

Rulemaking is prescribed by the amendments to the federal Act. 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?

The rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 441—Chapter 225:

CHAPTER 225
AGING SERVICES

441—225.1(231) Applicability. The rules set forth in the chapters under the jurisdiction of the department apply to all grants awarded to any recipient through the department and to any entities regulated by the department. Compliance with these rules is mandatory unless a waiver is granted in accordance with the procedures in 441—Chapter 6.

441—225.2(231) Definitions. The following definitions apply to 441—Chapters 225 through 229 unless otherwise specified.

225.2(1) *Definitions.*

"Administration on Aging" means the federal agency established to administer the provisions of the federal Act.

"Dietitian" or *"licensed dietitian"* means a person who maintains a license granted by the Iowa board of dietetics.

"Federal Act" means the Supporting Older Americans Act, 42 U.S.C. §3001 et seq., as amended to October 1, 2025, and all references herein are as amended to October 1, 2025.

"Plan of correction" means a plan developed by an area agency on aging and approved by the department that describes the actions the area agency on aging shall take to correct deficiencies arising from the agency's failure to perform and specifies the date by which those deficiencies shall be corrected.

"Title" means a specific title of the federal Act.

225.2(2) *Definitions adopted by reference.* The following terms have the same meaning as defined in the federal Act and 45 CFR 1321 as amended to October 1, 2025:

"Abuse"
"Access" or *"access services"*
"Area agency on aging"
"Area plan on aging"
"Elder abuse"
"Family caregiver"
"Greatest economic need"
"Greatest social need"
"In-home services"
"Legal assistance"
"Multipurpose senior center"
"Neglect"
"Planning and service area (PSA)"
"Service provider"
"State plan on aging"
"Tribal organization"

441—225.3(231) Aging network. Aging services are delivered through the aging network, which consists of:

1. The state unit on aging, 441—Chapter 226;
2. Area agencies on aging, 441—Chapter 227;
3. Service providers;
4. Office of the state long-term care ombudsman, 441—Chapter 230; and
5. Aging and disability resource centers, 441—Chapter 224.

441—225.4(231) Conflict of interest.

225.4(1) Conflict of interest includes any action or failure to act made by the state unit on aging, an area agency on aging, a service provider, a contractor, or a legal representative that may be an actual or perceived conflict between official duties and personal interest. Conflict of interest exists when any action made for program purposes by any entity or individual holding an official position or performing duties:

a. Results in a situation that interferes with a program's or program employee's or representative's ability to provide objective information or act in the best interests of the individual.

b. Uses an official position for private gain (other than salary).

c. Gives preferential treatment to any entity, contractor, or individual or fails to act impartially in the conduct of official duties.

d. Impedes or adversely affects governmental efficiency or economy.

e. Engages in conduct that could adversely affect the confidence of the public in the integrity of the program initiatives.

f. Creates circumstances where it might reasonably be perceived that an entity's or individual's judgment could be influenced by the nature of the circumstances.

g. Uses any property of the individual giving care or the individual receiving care for personal use.

h. Leads to decisions that are or have the appearance of being contrary to duties of the aging network, the state plan, or 45 CFR 1321 as amended to October 1, 2025.

225.4(2) The state unit on aging will have policies and procedures in effect to avoid conflicts of interest in accordance with 45 CFR 1321 as amended to October 1, 2025.

These rules are intended to implement Iowa Code chapter 231.

ITEM 2. Adopt the following **new** 441—Chapter 226:

CHAPTER 226
STATE UNIT ON AGING RESPONSIBILITIES

441—226.1(231) Designated state unit on aging. The department is designated as the sole state unit on aging in Iowa. The department will perform all state unit on aging duties in accordance with the federal Act; 45 CFR 1321 through 1324 as amended to October 1, 2025; and Iowa Code chapter 231.

441—226.2(231) Policies and procedures. The department will develop and maintain policies and procedures in accordance with the federal Act; 45 CFR 1321 and 1324 as amended to October 1, 2025; and Iowa Code chapter 231.

441—226.3(231) Public input. The state unit on aging will establish mechanisms and varied methods to obtain the views of older individuals, family caregivers, service providers, and the public on a periodic basis, with a focus on those in greatest economic need and greatest social need according to 45 CFR 1321 as amended to October 1, 2025.

441—226.4(231) State plan on aging.

226.4(1) *Authority.* As the state unit on aging, the department will develop and administer a state plan on aging or state plan amendment pursuant to the federal Act.

226.4(2) *Multi-year state plan on aging.* The department will develop and submit for approval a two-, three-, or four-year state plan on aging in compliance with the federal Act; 45 CFR 1321 and 1324 as amended to October 1, 2025; Iowa Code chapter 231; and the procedures and associated instructions, guidance, and direction specified by the federal Administration on Aging.

226.4(3) *State plan amendment.* The department may, in its discretion, develop and submit to the federal Administration on Aging for consideration an amendment to the state plan on aging at any time.

226.4(4) *State plan on aging and state plan amendment review process.* Once the department develops the state plan on aging or state plan amendment, the department will comply with the following chronological review and comment process:

a. The department will hold at least one public hearing on the proposed state plan or state plan amendment; and

b. The department will submit the state plan or state plan amendment to the council on health and human services for consideration. The council will make recommendations on the state plan or state plan amendment after reviewing the plan and public comments; and

c. The department will submit a state plan or state plan amendment to the governor or governor's designee for approval and signature; and

d. The department will submit a state plan or state plan amendment approved by the governor to the federal Administration on Aging for approval at least 45 days before the effective date of the state plan or state plan amendment.

226.4(5) *State plan on aging or state plan amendment not approved.* If a state plan or state plan amendment is not approved by the governor or governor's designee or the federal Administration on Aging, the department may, in its discretion, table or revise the proposed state plan or state plan amendment. If the department revises the proposed state plan or state plan amendment, the department will follow the comment and approval process outlined in subrule 226.4(4).

226.4(6) *Technical changes to state plan on aging.* The department or the governor may, at either party's discretion, make technical corrections to a submitted state plan or state plan amendment prior to approving it.

441—226.5(231) Designation of and changes to PSAs. The department will divide the state into distinct PSAs in accordance with the federal Act; 45 CFR 1321 as amended to October 1, 2025; and Iowa Code chapter 231.

226.5(1) Notice of changes to PSAs will be provided in accordance with 441—Chapter 16.

226.5(2) Appeals to designation of and changes to PSAs.

a. Appeals to the department's designation of PSAs may be brought forth by applicants seeking to change existing PSA designation.

b. Appeals will be provided in accordance with 441—Chapter 7, except for rule 441—7.51(17A). Applicants whose appeal rights have been exhausted may appeal that decision to the federal Departmental Appeals Board (DAB) in accordance with the federal Act and with the procedures set forth in 45 CFR Part 16 as amended to October 1, 2025.

441—226.6(231) Designating area agencies on aging. The department will designate an area agency on aging for each PSA in accordance with the federal Act; 45 CFR 1321 as amended to October 1, 2025; and Iowa Code chapter 231. Upon designation, an area agency on aging is considered an instrumentality of the state and will adhere to all state and federal mandates applicable to an instrumentality of the state.

441—226.7(231) Withdrawal of designation of area agency on aging. The department will withdraw an area agency on aging's designation as an area agency when the department determines that the area agency on aging does not meet the requirements of the federal Act, regulations, Iowa

Code, Iowa Administrative Code, terms and conditions of grant awards, or department policies and procedures. Notice of withdrawal will be provided in accordance with 441—Chapter 16.

441—226.8(231) Appeals to withdrawal of area agency on aging designation.

226.8(1) An area agency on aging may appeal the department's action or proceeding to withdraw the designation of an area agency on aging. Appeals will be provided in accordance with 441—Chapter 7, except for rule 441—7.51(17A).

226.8(2) An area agency on aging may appeal the department's decision to the federal DAB in accordance with the federal Act and with the procedures set forth in 45 CFR Part 16 as amended to October 1, 2025. The DAB may refer an appeal to its Alternative Dispute Resolution Division for mediation prior to making a decision on the appeal.

441—226.9(231) Area plan on aging reviews and approvals. The department will review new, revised, or amended area plans on aging and may approve once any plan has been reviewed in accordance with the process in 441—Chapter 227.

441—226.10(231) Intrastate funding formula. The department will develop an intrastate funding formula for distribution of funds received under the federal Act and state funds to organizations serving as designated area agencies on aging that complies with 45 CFR 1321.49 as amended to October 1, 2025.

441—226.11(231) Evaluation and compliance. The department will monitor area agencies on aging to ensure quality performance and compliance as set forth in 45 CFR 1321 as amended to October 1, 2025.

226.11(1) *Correction of deficiencies.*

a. Remedies. The purpose of remedies is to ensure prompt action is taken by an area agency on aging to correct deficiencies arising from failure to perform as identified by this rule. The department will determine the remedies to be applied to the area agency on aging for failure to perform.

b. Number of remedies. The department may apply one or more remedies for each deficiency constituting failure to perform or for all deficiencies constituting failure to perform.

c. Notification requirements. The department will give the area agency on aging written notice of the remedy in accordance with 441—Chapter 16. The written notice of remedy will include the following:

(1) The nature of the failure to perform.

(2) The remedy imposed.

(3) The effective date of the remedy.

(4) The right to appeal the determination leading to the remedy.

d. Factors to be considered in selecting remedies. In order to select the appropriate remedy, the department will determine the seriousness of the failure to perform by considering whether the area agency on aging's failure to perform:

(1) Is isolated.

(2) Constitutes a pattern.

(3) Is broad in scope.

(4) Creates a financial burden for the department, other area agencies on aging, or the aging network.

(5) Creates an administrative burden for the department, other area agencies on aging, or the aging network.

226.11(2) *Available remedies.* The department may select one or more of the following remedies with reference to a cited failure to perform. In selecting an appropriate remedy, the department may also consider the area agency on aging's prior history of failure to perform in general and specifically with reference to the cited failure to perform.

a. Directed in-service training. The department may require the staff of an area agency on aging to attend an in-service training program. The area agency on aging is responsible for the payment for the directed in-service training.

b. Department monitoring. The department may require an area agency on aging to receive increased monitoring by the department. The frequency and duration of the monitoring is within the discretion of the department.

c. Directed plan of correction. The department may develop a plan of correction and require an area agency on aging to take action within specified time frames.

d. Mandatory plan of correction. The department may require an area agency on aging to develop a mandatory plan of correction for approval by the department within specified time frames pursuant to subrule 226.11(2).

e. Reduction of funding. The department may reduce the amount of funding distributed.

f. Investigative audit. The department may require an area agency on aging to receive an investigative audit. The area agency on aging is responsible for the payment for this investigative audit.

g. Conditional approval. The department may conditionally approve area plans and amendments with required corrections to be made by the area agency on aging within no more than 90 days. If the plan is not approved, the department may withdraw designation as specified in rule 441—226.7(231).

h. Other remedies. The department may also impose other remedies, as appropriate.

i. Withdrawal of designation. The department may withdraw a designation of an area agency on aging pursuant to rule 441—226.7(231).

226.11(3) *Duration of remedies.* Remedies will continue until the area agency on aging has achieved substantial compliance as determined by the department or the designation as an area agency on aging is withdrawn.

226.11(4) *Appeal of a determination of failure to perform.*

a. An area agency on aging may appeal the department's determination of a failure to perform that leads to a remedy citation. Appeals will be provided in accordance with 441—Chapter 7, except for rule 441—7.51(17A).

b. An area agency on aging may not appeal the choice of remedy, including the factors considered by the department in choosing the remedy.

441—226.12(231) Data management. The director is the principal officer of the state to administer data reporting. The department will maintain data on all individuals served. The department will develop policy and procedures for data management and confidentiality in accordance with 45 CFR 1321 as amended to October 1, 2025.

441—226.13(231) State agency Title III and Title VI coordination responsibilities. The department will coordinate efforts with Title III and Title VI programs, including area agencies on aging and service providers, to ensure outreach is provided to Tribal elders and family caregivers regarding services for which they may be eligible under Title III and/or Title VI in accordance with 45 CFR 1321.53 as amended to October 1, 2025.

441—226.14(231) Emergency and disaster requirements.

226.14(1) *Emergency planning.* The department will:

a. Establish emergency plans as set forth in section 307(a)(28) of the federal Act.

b. Coordinate with area agencies on aging, service providers, and local emergency management.

c. Coordinate efforts among area agencies on aging and Title VI programs in emergency and disaster preparedness planning, response, and recovery. The department will communicate with the relevant Title VI program director(s) as set forth in 45 CFR 1322 as amended to October 1, 2025, to

specify how the department and the area agencies on aging will communicate and coordinate with Title VI programs regarding emergency and disaster preparedness planning, response, and recovery.

226.14(2) *Use of Title III funds to address disasters.*

a. The department in its discretion may use Title III funds without regard to its approved intrastate funding formation or funds distribution plan during presidential declared major disaster declarations under the Stafford Act (42 U.S.C. 5121 through 5207 as amended to October 1, 2025) when Title III services as defined in 441—Chapter 228 are impacted by the declaration.

b. When implementing this authority, the department may set aside funds, up to five percent of the department's total Title III allocations, if specified as being allowed to be withheld for the purpose in the department's approved intrastate funding formula or funds distribution plan, or with prior approval from the Assistant Secretary for Aging.

c. Set-aside funds that are awarded under this provision must comply with the requirements in 45 CFR 1321.101 as amended to October 1, 2025.

d. If the state or Indian Tribe requests and receives a major disaster declaration under the Stafford Act (42 U.S.C. 5121 through 5207 as amended to October 1, 2025), the department may use disaster relief flexibilities under Title III as set forth in 45 CFR 1321.101 as amended to October 1, 2025, to provide disaster relief services for areas of the state where the specific major disaster declaration is authorized and where older adults and family caregivers are affected.

441—226.15(231) Prevention of elder abuse, neglect, and exploitation. In accordance with Title VII, chapter 3, of the federal Act, the department will develop, strengthen, and carry out programs for the prevention of, detection of, assessment of, treatment of, intervention in, investigation of, and response to elder abuse, neglect, and exploitation. All programs using Title VII, chapter 3, funds will meet requirements as set forth in the federal Act and guidance as set forth by the Assistant Secretary for Aging.

441—226.16(231) State legal assistance development program. The department will designate a state legal assistance developer to ensure the provision and monitoring of legal assistance, advice, and technical assistance delivery to older individuals and other service providers. The legal assistance developer activities will be contained in the state plan in accordance with the federal Act; 45 CFR 1324 as amended to October 1, 2025; and department policies and procedures. The state legal assistance developer may provide technical assistance to individuals when other legal assistance is not available.

These rules are intended to implement Iowa Code chapter 231.

ITEM 3. Adopt the following **new** 441—Chapter 227:

CHAPTER 227
AREA AGENCY ON AGING RESPONSIBILITIES

441—227.1(231) Area agency on aging responsibilities. Each area agency on aging will be the lead on all aging issues on behalf of all older individuals and caregivers in each PSA in accordance with the federal Act; 45 CFR 1321 through 1324 as amended to October 1, 2025; Iowa Code chapter 231; and policies and procedures defined by the department. Each area agency on aging is designated by the department as an aging and disability resource center as defined in rule 441—224.1(225A) and subject to the requirements therein.

441—227.2(231) Board of directors. Each area agency on aging will have a board of directors in accordance with 45 CFR 1321 as amended to October 1, 2025; articles of incorporation; and bylaws. Pursuant to Iowa Code section 231.23, the area agency on aging will use the procedures defined by the department for selecting members of the area agency on aging's board of directors. The selection procedure will be incorporated into the bylaws of the board of directors.

441—227.3(231) Staffing. Each area agency on aging will ensure adequate staffing levels to meet the needs of the PSA and the approved area plan. Each area agency on aging must notify the department of changes in management-level staff within seven calendar days. Staff performing area agency on aging functions and services will demonstrate competency and knowledge pertinent to the staff's areas of responsibility and include the following.

227.3(1) *Director.* Each area agency on aging's board of directors will name a qualified director and may employ other staff as necessary to manage and monitor the area plan.

227.3(2) *Fiscal.* Each area agency on aging will have adequate staff or contractors to perform duties to manage and monitor the fiscal responsibilities of an area agency on aging.

227.3(3) *Elder abuse prevention and awareness.* Staff and contractors completing elder abuse prevention and awareness activities must complete dependent adult mandatory reporter training requirements and any mandatory trainings from the department.

227.3(4) *Case management.* Staff and contractors completing case management activities must complete dependent adult mandatory reporter training requirements and any mandatory trainings from the department.

441—227.4(231) Conflicts of interest. Each area agency on aging will have policies and procedures regarding conflicts of interest at organizational and individual levels in accordance with the federal Act; 45 CFR 1321 as amended to October 1, 2025; and department policies and procedures.

441—227.5(231) Policies and procedures. Each area agency on aging will develop and maintain policies and procedures in accordance with the federal Act; 45 CFR 1321 as amended to October 1, 2025; and requirements set forth by the department. All manuals, guidelines, and standards referred to by these rules will be maintained by the area agency on aging and available for public inspection and departmental monitoring.

441—227.6(231) Public participation.

227.6(1) *Advisory council.* Each area agency on aging will establish an advisory council. The council shall carry out advisory functions that further the area agency on aging's mission of developing and coordinating community-based systems of services for all older individuals and family and older relative caregivers specific to each PSA.

a. Composition of council. The council shall include individuals and representatives of community organizations from or serving the PSA who will help to enhance the leadership role of the area agency on aging in developing community-based systems of services prioritizing those in greatest economic need and greatest social need. The advisory council shall be made up of:

(1) More than 50 percent older individuals, including minority individuals who are participants or who are eligible to participate in programs under this rule, with efforts to include individuals identified as in greatest economic need and individuals identified as in greatest social need in 45 CFR 1321.65(b)(2) as amended to October 1, 2025;

(2) Representatives of older individuals;

(3) Family caregivers, which may include older relative caregivers;

(4) Representatives of health care provider organizations, including providers of veterans' health care (if appropriate);

(5) Representatives of service providers, which may include legal assistance, nutrition, evidence-based disease prevention and health promotion, caregiver, long-term care ombudsman, and other service providers;

(6) Persons with leadership experience in the private and voluntary sectors;

(7) Local elected officials;

(8) The general public; and

(9) As available:

1. Representatives from Indian tribes, pueblos, or tribal aging programs; and

2. Older relative caregivers, including kin and grandparent caregivers of children or adults aged 18 to 59 with a disability.

b. Conflicts of interest. Pursuant to 45 CFR 1321 as amended to October 1, 2025, the advisory council shall not operate as a board of directors for the area agency on aging. Individuals may not serve on both the advisory council and the board of directors for the same entity.

227.6(2) *Public input.* Each area agency will have mechanisms and varied methods to obtain periodic views of older individuals, caregivers, service providers, and the public with a focus on those in greatest economic need and greatest social need. Additionally, the views of participants will be obtained about the services participants receive, which will be used to improve services.

441—227.7(231) Advocacy. Each area agency on aging will serve as the public advocate for the development and enhancement of comprehensive and coordinated community-based systems of services in each community throughout and specific to each PSA. Each area agency on aging will carry out this responsibility in accordance with 45 CFR 1321 as amended to October 1, 2025. Advocacy requirements shall not supersede a prohibition contained in the federal appropriation on the use of federal funds to lobby the Congress or the lobbying provision applicable to private nonprofit agencies and organizations contained in OMB Circular A-122 as amended to October 1, 2025.

441—227.8(231) Area plan on aging. Each area agency on aging will operate under an area plan on aging approved by the department.

227.8(1) *Multi-year area plan on aging.* Each area agency on aging will develop and administer a two-, three-, or four-year area plan on aging specific to each PSA. Each area agency on aging will develop and submit the area plan on aging to the department for approval following the form, format, policies, and procedures specified by the department and in accordance with 45 CFR 1321.9 and 1321.65 as amended to October 1, 2025.

a. Area plan on aging annual update. Each area agency on aging will provide an annual update to its multi-year area plan on aging according to department policies, procedures, and instructions.

b. Area plan on aging amendments. Each area agency on aging will amend the approved area plan on aging and submit it to the department for approval when requested by the department or when necessary, according to 45 CFR 1321 as amended to October 1, 2025.

227.8(2) *Advisory council review and comment.* Each area agency on aging will submit any new area plan on aging, annual updates, or amendments for review and comment to the advisory council before the new plan, annual update, or amendment is sent to the department for approval.

227.8(3) *Public input.* Each area agency on aging will obtain public input in accordance with 45 CFR 1321.65 as amended to October 1, 2025. Each area agency on aging will:

a. Provide a minimum time period of at least 30 calendar days, unless a waiver is provided by the department during an emergency or when a time-sensitive action is otherwise necessary, for public review and comment on a new multi-year area plan on aging and area plan aging amendments;

b. Hold at least one public hearing on the area plan on aging and area plan amendments.

(1) The public hearing(s) will be held prior to submission of the area plan on aging or amendment(s) at a time that permits older individuals, public officials, and other interested parties reasonable opportunity to participate.

(2) The hearing(s) will be conducted in a barrier-free, fully accessible manner virtually or in person or both.

(3) The public hearing agenda and associated documents will be accessible and available to the public prior to the hearing.

1. Direct service waiver requests will be listed as a separate agenda item.

2. Priority services will be listed as a separate agenda item.

(4) Each area agency on aging will provide notice of the hearing in accordance with Iowa Code section 21.4(1) and by sending notice to all known groups of older individuals, PSA public officials, and other interested parties. The notice will be issued 30 days prior to the public hearing and include

the time, date, and location of the public hearing. Each area agency on aging will comply with any applicable state or federal laws and regulations governing public hearing processes and procedures.

441—227.9(231) Title III and Title VI coordination. For an area agency on aging where Title VI programs exist within the area agency on aging's PSA, the area agency on aging's policies and procedures, developed in coordination with the relevant Title VI program director(s), as set forth in 45 CFR 1322.13(a) as amended to October 1, 2025, must explain how the area agency on aging's network, including service providers, will coordinate with Title VI programs to ensure compliance with section 306(a)(11)(B) of the federal Act (42 U.S.C. 3026(a)(11)(B) as amended to October 1, 2025).

441—227.10(231) Fiscal responsibilities.

227.10(1) *Expenditure of state and federal funds.* Each area agency on aging will adhere to the policies and procedures related to expenditure of state and federal funds developed in accordance with the federal Act; 45 CFR 1321 through 1324, 45 CFR 75, and 2 CFR 200, all as amended to October 1, 2025; Iowa Code chapter 231; and department policies and procedures.

227.10(2) *Contracts and commercial relationships.* A contract or agreement between an area agency on aging and an outside entity will not restrict the area agency on aging from contracting with other entities that provide similar services. All contracts and commercial relationships must avoid conflicts of interest as detailed in rule 441—225.3(231).

a. Each area agency on aging will maintain a file of all current contracts and contracts up to three years. These files will be made available for monitoring and assessment by the department.

b. Each area agency on aging must request prior approval from the department 30 days prior to signing the contract for any proposed service contracts with for-profit organizations.

227.10(3) *Program income.* Funds collected and qualifying as program income must be handled in accordance with 45 CFR 1321.9(c)(2) as amended to October 1, 2025.

227.10(4) *Cost sharing.* Area agencies on aging may apply for a waiver using the department's processes to implement cost sharing for allowable services as part of the area plan on aging approval process consistent with 45 CFR 1321 as amended to October 1, 2025. Final approval of a cost sharing plan for each area agency on aging will be at the discretion of the department. If an area agency on aging has been approved by the department to implement cost sharing with consumers, each area agency on aging will follow the regulations of 45 CFR 1321 as amended to October 1, 2025. No eligible individual or family caregiver shall be denied service because they will not or cannot contribute to the cost of the service.

227.10(5) *Private pay.* Each area agency on aging or service provider may implement private pay programs in accordance with 45 CFR 1321 as amended to October 1, 2025, and department processes.

227.10(6) *Sectarian use.* Sectarian instruction or religious worship shall not be provided using funds received under the federal Act.

441—227.11(231) Compliance monitoring. Each area agency on aging will develop and implement procedures to monitor the programmatic and fiscal requirements of all programs, service providers and activities. Each area agency on aging will implement procedures to correct deficiencies in programmatic and fiscal performance of all programs, service providers and activities. Each area agency on aging will implement appropriate processes to monitor contracted entities determined to be subrecipients of the area agency on aging's federal funds.

441—227.12(231) Quality performance. Each area agency on aging will develop and implement procedures in accordance with 45 CFR 1321 as amended to October 1, 2025, to evaluate and, when necessary, improve the quality and effectiveness of services provided directly by agency staff or contracted service providers.

441—227.13(231) Data collection, sharing, and confidentiality.

227.13(1) *Data collection.* All data collected as a result of an organization's designation as an area agency on aging is owned and governed by the department's policies and procedures.

227.13(2) *Data protection.* Each area agency on aging will use appropriate administrative, technical and physical safeguards to protect the confidentiality, integrity and availability of data collected. Each area agency on aging will ensure that staff take appropriate confidentiality trainings and will provide documentation of completed trainings when requested by the department.

227.13(3) *Confidentiality.* Each area agency on aging will implement procedures to ensure confidentiality in compliance with 45 CFR 1321 as amended to October 1, 2025, and 441—Chapter 9.

441—227.14(231) Reporting. Each area agency on aging will submit consumer, service, program, and financial reports in accordance with department policies and procedures and with federal and state reporting requirements. Each area agency on aging will:

227.14(1) Complete client assessment and data collection, at a minimum, once each fiscal year per 45 CFR 1321 as amended to October 1, 2025.

227.14(2) Be solely responsible for obtaining and reporting necessary information from subgrantees, contractors and subcontractors.

227.14(3) Complete accurate program or financial reports by the established due dates, even if waiver is granted. Failure to do so may subject an area agency on aging to remedies provided in rule 441—226.5(231).

441—227.15(231) Emergency and disaster requirements.

227.15(1) *Emergency and disaster plans.* Each area agency on aging will establish emergency plans in accordance with 45 CFR 1321.97 as amended to October 1, 2025.

227.15(2) *Service coordination.* For continuity of services to individuals, each area agency on aging will coordinate with federal, local, and state emergency response agencies; service providers; relief organizations; local and state governments; and any other entities that have responsibility for disaster relief service delivery, as well as with Tribal emergency management, as appropriate, to plan, respond, and recover from an emergency.

227.15(3) *Coordination with Title VI programs.* Area agencies on aging that have Title VI programs in operation within their PSA will have policies and procedures, developed in communication with the relevant Title VI program director(s) as set forth in 45 CFR 1322 as amended to October 1, 2025, in place for communication and coordination methods with Title VI programs regarding emergency and disaster preparedness planning, response, and recovery.

441—227.16(231) Direct service provisions.

227.16(1) An area agency on aging will not provide a direct service as defined in 45 CFR 1321 as amended to October 1, 2025, except as allowed by the department pursuant to the requirements identified in the federal Act and 45 CFR 1321 as amended to October 1, 2025. The department in its judgment may allow an area agency on aging to provide any service directly when the area agency on aging demonstrates in its direct service request that:

a. Direct provision of service is necessary to ensure an adequate supply of the service and no potential provider was identified during the public hearing process; or

b. The proposed service will be of comparable quality in the view of the area agency on aging advisory council and will meet or exceed service standards developed by the area agency on aging; or

c. Each area agency on aging can provide a service of equal quality at lower cost than another provider.

227.16(2) The department may waive the conditions for direct service provision for case management, information and assistance services, and outreach services per 45 CFR 1321 as amended to October 1, 2025.

441—227.17(231) Grievance. Each area agency on aging will implement grievance procedures in compliance with 45 CFR 1321 as amended to October 1, 2025. Those grievance procedures shall contain at least the following procedures for resolution:

1. Acknowledgment of grievance.
2. Process for attempting to informally resolve dispute.
3. Notification of the outcome of the grievance.
4. Opportunity to submit the grievance to the department.

These rules are intended to implement Iowa Code chapter 231.

ITEM 4. Adopt the following **new** 441—Chapter 228:

CHAPTER 228
DELIVERY OF AGING SERVICES

441—228.1(231) Aging service delivery.

228.1(1) The federal Act authorizes grants to states to deliver a range of services through the area agencies on aging that include:

a. Supportive services and senior centers (Title III, Part B).
b. Nutrition services (Title III, Part C).
c. Evidence-based disease prevention and health promotion services (Title III, Part D).
d. Family caregiver support services (Title III, Part E).
e. Vulnerable elder rights protection activities (Title VII).
f. Programs for prevention of elder abuse, neglect, and exploitation (Title VII, Chapter 3).
g. State legal assistance development program as described in 441—Chapter 226 (Title VII, Chapter 4).

228.1(2) The department in its discretion may include additional services to meet the needs of individuals eligible for services under the federal Act. All services will be planned, approved, offered, monitored and evaluated in accordance with the federal Act; 45 CFR 1321 as amended to October 1, 2025; department policies and procedures; and area agency on aging policies and procedures.

228.1(3) Each area agency on aging will identify in its area plan on aging the services to be provided in the PSA as defined in 441—Chapters 226 and 227. The department in its discretion may identify the mandatory services that an area agency on aging will include in its area plan on aging.

441—228.2(231) Eligibility. Older individuals and informal caregivers are eligible for Supporting Older Americans Act services.

228.2(1) *General eligibility.* Eligibility requirements for services as set forth in Title III of the federal Act and 45 CFR 1321 as amended to October 1, 2025, are as follows.

a. Older individual. An older individual is a person aged 60 or older.

b. Caregivers of older individuals. A family member, or another individual, who is aged 18 or older and is an informal provider of in-home and community care to:

(1) An older individual or

(2) A person of any age with Alzheimer's disease or a disease or related disorder with neurological and organic brain dysfunction as defined in the federal Act.

c. Older relative caregivers. An individual who is aged 55 or older and lives with, is the informal provider of in-home and community care to, and is the primary caregiver for a child or an individual with a disability.

(1) In the case of an older relative caregiver for a child, the older relative caregiver:

1. Is the grandparent, step-grandparent, or other older relative (other than the parent) by blood, marriage, or adoption of the child;

2. Is the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregivers of the child; and

3. Has a legal relationship to the child, such as legal custody, adoption, or guardianship, or is raising the child informally.

(2) In the case of an older relative caregiver for an individual with a disability, the older relative caregiver is the parent, grandparent, step-grandparent, or other older relative by blood, marriage, or adoption of the individual with a disability.

228.2(2) *Nutrition services.* Eligibility for nutrition services as set forth in Title III, Part C, of the federal Act includes older individuals and their spouses regardless of age, volunteers during meal hours, individuals with disabilities who are not older individuals but who live with an older individual or reside in housing facilities occupied primarily by older individuals and at which congregate nutrition services are provided.

228.2(3) *Elder abuse prevention and awareness.* An older individual is eligible for elder abuse prevention and awareness activities if the older individual has experienced elder abuse or neglect or is at risk for elder abuse or neglect. The older individual cannot be a current resident in a "nursing facility" as defined in Iowa Code section 135C.1(15).

441—228.3(231) Supportive services and senior centers.

228.3(1) *Authorized services.* Supportive services are access services, in-home supportive services, multipurpose senior centers, and legal services as set forth in the federal Act and 45 CFR 1321.85 as amended to October 1, 2025. Specific supportive services that may be offered in Iowa are adult day, assisted transportation, case management, chore, homemaker, information and assistance, legal assistance, outreach, personal care, transportation, and other supportive services identified by the department.

228.3(2) *Priority services.* In accordance with the federal Act and 45 CFR 1321 as amended to October 1, 2025, the department will identify and categorize specific Title III-B supportive services to be considered priority access services, in-home services, or a legal assistance service with a specified minimum percentage of Title III-B supportive services funds, less administrative costs, to be expended on priority services. An area agency on aging may request a waiver to the specified minimum percentage of Title III-B supportive services funds to be expended on the Title III-B priority services.

228.3(3) *Legal assistance.* Legal assistance providers shall provide effective administrative and judicial representation to older individuals and demonstrate expertise in areas of law that are given priority in the federal Act for non-fee-generating issues affecting older individuals with greatest economic or social needs, including income and public entitlement benefits, health care, long-term care, nutrition, consumer law, housing, utilities, protective services, abuse, neglect, age discrimination, and defense of guardianship.

441—228.4(231) Nutrition services.

228.4(1) *Authorized services.* Nutrition services are home-delivered nutrition, congregate nutrition, nutrition education, nutrition counseling and other nutrition services.

228.4(2) *Nutrition project.* Nutrition project means congregate and home-delivered meals provided five or more days per week in a PSA by a qualified nutrition service provider under the state plan or area plan. Nutrition education, nutrition counseling, and other nutrition services are provided based on individual and community need and in coordination with other nutrition services available in the community.

228.4(3) *Licensed dietitian.* Each area agency on aging will utilize the services of a licensed dietitian to provide technical assistance in nutrition program management and to ensure that the nutrition project provides meals that comply with the nutrition guidelines outlined in the federal Act and further defined by the department.

228.4(4) *Food safety.* Nutrition service providers shall comply with all applicable state and local food and consumer safety and food establishment licensing, operating and inspection requirements. The occurrence or suspected occurrence of a foodborne illness by congregate nutrition or home-delivered nutrition services should be reported to the department within 24 hours.

228.4(5) *Ineligible individuals.* An individual who is not eligible for nutrition services may receive a meal by paying the full cost of the meal, including all programmatic and administrative costs, if the ineligible individual's receipt of the meal does not deprive an eligible participant of a meal.

228.4(6) *Nutrition education.* Nutrition education shall be offered in accordance with the federal Act and under the supervision of a licensed dietitian. Nutrition education shall be offered to all nutrition services consumers on a monthly basis, and recipients of home-delivered meals shall be offered nutrition education pertaining to safe food handling of the delivered meals twice annually.

441—228.5(231) Evidence-based disease prevention and health promotion services. Evidence-based disease prevention and health promotion are provided in accordance with the federal Act and 45 CFR 1321 as amended to October 1, 2025.

441—228.6(231) Family caregiver support services.

228.6(1) *Authorized services.* Family caregiver support services include information and service assistance, case management, counseling and training, support groups, respite, supplemental services, and other caregiver services as identified by the department.

228.6(2) *Supplemental services.* Supplemental services may be provided to family caregivers on a limited basis to complement the care provided by family caregivers. The department will define a maximum percentage to be expended on supplemental services.

441—228.7(231) Prevention of elder abuse, neglect, and exploitation. Area agencies on aging will directly provide older adult abuse prevention and awareness activities and coordinate assessment services for older individuals experiencing or at risk for experiencing abuse, neglect, or exploitation.

441—228.8(231) Service prioritization. In the event that an area agency on aging or service provider is unable to provide service to eligible individuals in need of assistance and needs to implement a wait list, the area agency on aging will prioritize service delivery to eligible individuals with greatest social need, greatest economic need, and those at risk for institutional placement in accordance with the federal Act, state plan, area plans, and department policies and procedures.

441—228.9(231) Service wait lists, unmet needs, and other changes to service. The area agency on aging will assess, request, and obtain department approval for service wait lists, meal site closures, reduction in the number of meal site and home-delivered nutrition serving days, or opening or relocating nutrition projects prior to implementation in accordance with department policies and procedures. The request must include:

1. Reasons for the action, including an evaluation in a format prescribed by the department of the use of resources in meeting the needs of those in greatest social need and greatest economic need; and
2. Impact on eligible individuals, including identifying new service gaps or filling service gaps by county or PSA.

441—228.10(231) Voluntary contributions. All eligible individuals will be provided an opportunity to make a voluntary, confidential contribution to the cost of the service. No eligible individual or family caregiver will be denied service because they will not or cannot contribute to the cost of the service. Area agencies on aging will follow the regulations on voluntary contributions found in 45 CFR 1321.9(c)(2)(x) as amended to October 1, 2025.

441—228.11(231) Membership fees. Payment of a membership fee cannot be required of eligible participants to access programs and services that receive or have received funds under the federal Act.

441—228.12(231) Prohibition against means testing. No area agency on aging or its service provider may means test for service eligibility. Income from means-tested programs may not be used as a match for federal funds.

These rules are intended to implement Iowa Code chapter 231, subchapter VI.