RA 26-243

HUMAN SERVICES DEPARTMENT[441]

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapters 226 and 227
"State Unit on Aging; Area Agency on Aging"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 231
State or federal law(s) implemented by the rulemaking: 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:

September 8, 2026 10 a.m.	Microsoft Teams Meeting ID: 245 818 881 867 66 Passcode: ya9va9uv

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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Des Moines, Iowa 50319
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Purpose and Summary

This proposed rulemaking makes clarifying updates to two chapters under the purview of the Department's Division of Aging and Disability Services.

Proposed amendments to Chapter 226 create two distinct pathways for approval of amendments to the State Plan on Aging. Current rules for amendments to the State Plan require a public hearing, review by the Council on Health and Human Services, the Governor's signature, and submission to the federal Administration on Aging 45 days before the desired effective date. 45 CFR 1321.31 sets forth that there are two types of State Plan Amendments—those requiring prior approval and those requiring notification to the Assistant Secretary for Aging only. The proposed amendments to Chapter 226 align with federal law by specifically enumerating the two distinct processes.

Similarly, proposed amendments to Chapter 227 remove the requirement that Area Agencies on Aging (AAAs) seek and receive approval from the Department on contracts that are operational in nature, for example, a contract for snow removal services. 45 CFR Part 1321 and guidance from the federal Administration for Community Living both indicate that such contracts do not require prior approval from the Department.

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:**

AAAs and the people they serve will benefit from the clarifications in this proposed rulemaking.

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:**

There are currently six AAAs serving Iowans.

- **Qualitative description of impact:**

AAAs and the people they serve will benefit from the clarifications in this proposed rulemaking.

3. **Costs to the State:**

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

The Department incurs personnel and other administrative costs in association with the proposed rulemaking.

- **Anticipated effect on State revenues:**

This proposed 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 appropriate to align with federal standards and requirements.

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

Not applicable.

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:**

Rulemaking is appropriate to align with federal standards and requirements.

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 proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Amend rule 441—226.4(231) as follows:

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.~~ and any state plan amendments made pursuant to the federal Act; 45 CFR Parts 1321 and 1324 as amended to October 1, 2025; and Iowa Code chapter 231.

226.4(2) *Multiyear 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, and guidance~~, and direction specified~~ issued 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. Each amendment will be processed pursuant to 45 CFR 1321.31 as follows:

a. Amendments requiring approval by the Assistant Secretary for Aging must follow the process outlined in subrule 226.4(4).

b. Amendments requiring notice only are not subject to subrule 226.4(4) unless otherwise required by law.

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

a. to *d.* No change.

226.4(5) and **226.4(6)** No change.

ITEM 2. Amend subrule 227.10(2) as follows:

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).

Notwithstanding the foregoing, 45 CFR Part 1321 as amended to October 1, 2025, and guidance from the federal Administration for Community Living govern operational and maintenance contracts. Such contracts do not require per-event state unit on aging approval beyond area plan budgeting. 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. For the purposes of this subrule, "operational and maintenance contracts" are contracts with for-profit vendors for items including but not limited to building maintenance; heating, ventilation, and air conditioning (HVAC); information technology (IT) support; fleet repair; janitorial services; and utilities.

~~*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.~~