

249.9A Personal needs allowance.

1. The department shall increase the personal needs allowance for residents of residential care facilities by the same percentage and at the same time as federal supplemental security income and federal social security benefits are increased due to a recognized increase in the cost of living.

2. If during a fiscal year, the department projects that state supplementary assistance expenditures for a calendar year will not meet the federal pass-through requirement specified in Tit. XVI of the federal Social Security Act, section 1618, as codified in 42 U.S.C. §1382g, the department may take actions including but not limited to increasing the personal needs allowance for residential care facility residents and making programmatic adjustments or upward adjustments of the residential care facility or in-home health-related care reimbursement rates to ensure compliance with federal requirements. In addition, the department may make other programmatic and rate adjustments necessary to remain within the funds appropriated for a fiscal year while ensuring compliance with federal requirements.

3. The department may adopt emergency rules under [section 17A.4, subsection 3](#), and [section 17A.5, subsection 2](#), paragraph “b”, to implement the provisions of [this section](#) and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with [this section](#) shall also be published as a notice of intended action as provided in [section 17A.4](#).

[2024 Acts, ch 1157, §46](#)

NEW section