

CHAPTER 87  
HEALTHY FAMILIES IOWA (HFI)

**641—87.1(135) Purpose.** These rules are intended to establish standards for the healthy families Iowa (HFI) program, a family support program that provides services to families and children during the prenatal period through three years of age through home visitation. This program shall be identified as healthy opportunities for parents to experience success—healthy families Iowa (HOPES-HFI). The HOPES-HFI program is intended to promote optimal child health and development; improve family coping skills and functioning; promote positive parenting skills and parent-child interaction; and prevent child abuse and neglect and infant mortality and morbidity. These rules outline the process by which the department manages HOPES-HFI funds.

[ARC 5014C, IAB 4/8/20, effective 5/13/20]

**641—87.2(135) Definitions.** For the purpose of these rules, the following terms shall have the meaning indicated in this rule:

*“Accreditation”* means national recognition of compliance with Healthy Families America standards through a peer review process.

*“Applicant”* means a governmental or nonprofit agency that is fully accredited by Healthy Families America (HFA) or in the process of HFA accreditation, and applies to the department during a competitive year. In any year in which expansion funds are available for the HOPES-HFI program, the department shall award new grants, subject to annual renewal, to selected applicants in a competitive process.

*“At-risk community”* means a county or group of counties that are identified as at risk in the most recently available needs assessment conducted by the department.

*“Competitive grant”* means the competitive grant application process to determine the grant awards for a project period.

*“Contractor”* means a governmental or nonprofit agency that holds a contract with the department to provide HOPES-HFI services.

*“Department”* means the Iowa department of public health.

*“Family support program”* means group-based parent education or home visiting programs that are designed to strengthen protective factors, including parenting skills, increasing parental knowledge of child development, and increasing family functioning and problem-solving skills. A family support program may be used as an early intervention strategy to improve birth outcomes, parental knowledge, family economic success, the home learning environment, family and child involvement with others, and coordination with other community resources. A family support program may have a specific focus on preventing child maltreatment or ensuring children are safe, healthy, and ready to succeed in school.

*“Healthy Families America”* or *“HFA”* means an evidence-based national program model designed to help at-risk families. HFA is a family support program that provides services to families and children during the prenatal period through three years of age through home visitation.

*“Healthy families Iowa”* or *“HFI”* means the state family support program that provides services to families and children during the prenatal period through three years of age through home visitation utilizing the Healthy Families America model.

*“Home visitation”* means a face-to-face visit with a family in their home, or other alternate location, to facilitate meeting the family’s goals. Home visitation is a strategy to deliver family support or parent education services. Temporary use of an alternate location may happen when meeting in the family home presents safety concerns for the worker or the family or on rare occasions to facilitate meeting the program’s outcomes such as medical appointments or school staffing. Home visitation typically lasts one hour and is provided in person. The use of telephonic or other media to communicate with the family does not substitute for home visitation.

*“HOPES-HFI”* means the healthy opportunities for parents to experience success—healthy families Iowa program. The HOPES-HFI program is intended to promote optimal child health and development; improve family coping skills and functioning; promote positive parenting skills and parent-child interaction; and prevent child abuse and neglect and infant mortality and morbidity.

“*Nonprofit*” means an entity that meets the requirement for tax-exempt status under Internal Revenue Code Section 501(c)(3) or 501(c)(4).

“*Participant*” means a family voluntarily enrolled in and receiving services from the program.

“*Project period*” means the period of time the department intends to support the project without requiring competition for funds.

[ARC 5014C, IAB 4/8/20, effective 5/13/20]

**641—87.3(135) Applicant eligibility.** Governmental or nonprofit agencies that are fully accredited by HFA or in the process of accreditation by HFA are eligible to apply to the department during a competitive year and are eligible applicants for funding. The purpose of the applications is to administer HOPES-HFI services for a specified project period in an at-risk community, as defined in the request for proposals, with an annual continuation application.

[ARC 5014C, IAB 4/8/20, effective 5/13/20]

**641—87.4(135) Participant eligibility.** Families must meet the following requirements to be eligible to participate in the HOPES-HFI program: (1) A family member is pregnant or the family has a child aged birth through three years; (2) The family is determined to be eligible for enrollment according to a universal risk assessment as defined by HFA standards; and (3) The family resides within the at-risk community.

[ARC 5014C, IAB 4/8/20, effective 5/13/20]

**641—87.5(135) Program requirements.** Contractors shall meet the following minimum program requirements:

**87.5(1) Accreditation.** Contractors shall comply with Healthy Families America (HFA) standards and maintain HFA accreditation status. HOPES-HFI contractors will be required to submit evidence of reaccreditation reports to the department within 30 days of receipt. Applicants that are not fully accredited with HFA at the time of application must become accredited within three years of the initial contract execution.

**87.5(2) Participant identification.** Contractors shall collaborate with health care, human services, education, and other partners serving pregnant women and women of childbearing age to identify families who are at risk in order to promote positive birth and parenting outcomes.

**87.5(3) Standardized tools.** Contractors shall utilize standardized tools approved by the department to assess and reassess a participant’s risk status and achievements and the appropriate level of service.

**87.5(4) Quality assessment and improvement.** Contractors shall develop a process for annual program evaluation. The process shall include the following:

*a.* The outcome of the program evaluation shall be reviewed by the program’s governing or advisory board with recommendations made for program improvement.

*b.* The evaluation shall demonstrate the effectiveness of the program through program outcomes, including acceptance and retention rates.

[ARC 5014C, IAB 4/8/20, effective 5/13/20]

**641—87.6(135) Contractor assurance.** In order to receive funding, the contractor shall provide to the department assurance that all applicable federal, state, and local requirements are met. The contractor shall ensure compliance with Title IV of the Civil Rights Act, the Americans with Disabilities Act of 1990 (ADA), Section 504 of the 1973 Rehabilitation Act, and all affirmative action requirements. In addition, the contractor shall ensure the following:

**87.6(1) Program policies and procedures.** Policies and procedures shall be in accordance with HFA standards.

**87.6(2) Personnel policies and procedures.** The personnel policies and procedures shall, at a minimum, include:

*a.* Conditions of employment, including recruitment, selection, termination, promotion, and compensation.

*b.* A leave of absence policy.

- c. A grievance procedure.
- d. Annual employee performance evaluations.
- e. A nondiscrimination policy.
- f. Fringe benefits.
- g. Employment application forms that comply with civil rights regulations.
- h. Current job descriptions that delineate qualifications, responsibilities, and essential functions, that reflect current responsibilities, and that are dated.
- i. A current salary schedule.

**87.6(3) Fiscal management.** Fiscal management shall, at a minimum, include the following:

- a. An annual budget.
- b. Fiscal policies and procedures that follow generally accepted accounting practices.
- c. Utilization of other funds such as private and third-party funds when available.

#### **641—87.7(135) Applicant appeal process.**

**87.7(1) Right of appeal.** The right to appeal shall be granted when an applicant's application to participate is denied. The right to appeal shall also be granted when, during the course of the contract or agreement period, a contractor is disqualified or any other action that affects participation is taken. For participating contractors, a minimum of 60 days' advance notice shall be given before the effective date of the action.

**87.7(2) Request for hearing.** An appeal is brought by filing a written request for a hearing with the Division Director, Division of Health Promotion and Chronic Disease Prevention, Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075, within ten days of receipt of notification of the adverse action. The written request for hearing shall state the adverse action being appealed.

**87.7(3) Contested cases.** Upon receipt of an appeal that meets contested case status, the appeal shall be forwarded within five working days to the department of inspections and appeals pursuant to the rules adopted by that agency regarding the transmission of contested cases. The information upon which the adverse action is based and any additional information that may be provided by the aggrieved party shall also be provided to the department of inspections and appeals.

**87.7(4) Notice of hearing.** The administrative law judge (ALJ) shall schedule the time, place and date of the hearing as expeditiously as possible. Hearings shall be conducted by telephone or in person in Des Moines at the Lucas State Office Building or another suitable location. If necessary, parties will be provided at least two opportunities to have the hearing rescheduled.

**87.7(5) Conduct of hearing.** The hearing shall be conducted according to the procedural rules of the department of inspections and appeals found in 481—Chapter 10, Iowa Administrative Code.

**87.7(6) Decision.** A written decision of the ALJ shall be issued, when possible, within 60 days from the date of the request for a hearing unless the parties agree to a longer period of time. The decision of the ALJ shall be served by certified mail, return receipt requested, or delivered by personal service. That proposed decision and order then becomes the department's final agency action, without further proceedings, ten days after it is received by the aggrieved party unless an appeal to the director is filed as provided in subrule 87.7(7).

**87.7(7) Appeal to director.** Any appeal to the director for review of the proposed decision of the ALJ shall be filed in writing and mailed to the Director, Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075, by certified mail, return receipt requested, or delivered by personal service within ten days after the receipt of the ALJ's proposed decision by the aggrieved party. A copy of the appeal shall also be mailed to the ALJ. Any request for an appeal shall state the reason for appeal.

**87.7(8) Record of hearing.** Upon receipt of an appeal request, the ALJ shall prepare the record of the hearing for submission to the director of the department. The record shall include the following:

- a. All pleadings, motions, and rules.
- b. All evidence received or considered and all other submissions by recording or transcript.
- c. A statement of all matters officially noticed.

- d. All questions and offers of proof, objections and rulings thereon.
- e. All proposed findings and exceptions.
- f. The proposed decision and order of the hearing officer.

**87.7(9) *Decision of director.*** The decision and order of the director becomes the department's final agency action upon receipt by the aggrieved party and shall be delivered by certified mail, return receipt requested, or by personal service.

**87.7(10) *Exhausting administrative remedies.*** It is not necessary to file an application for a rehearing to exhaust administrative remedies when appealing to the director or the district court as provided in Iowa Code section 17A.19. The aggrieved party to the final decision of the department who has exhausted all administrative remedies may petition for judicial review pursuant to Iowa Code chapter 17A.

**87.7(11) *Petition for judicial review.*** Any petition for judicial review of a decision and order shall be filed in the district court within 30 days after the decision and order becomes final. A copy of the notice of appeal shall be sent to the department by certified mail, return receipt requested, or by personal service. The address is: Division Director, Division of Health Promotion and Chronic Disease Prevention, Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075.

#### **641—87.8(135) Participant right to appeal.**

**87.8(1) *Denial, reduction or termination of services.***

a. When a contractor denies, reduces or terminates services funded by the HOPES-HFI grant against the wishes of a participant, the contractor shall notify the participant of the following:

- (1) The action taken;
- (2) The reason for the action; and
- (3) The participant's right to appeal.

b. If a participant files an appeal, the contractor shall provide services to the participant throughout the appeals process, unless the contractor receives a waiver from the department pending the outcome of the appeal.

**87.8(2) *Local appeals process.***

a. All contractors shall have a written local procedure to hear appeals. The local procedure shall, at a minimum, include:

- (1) The method of notification of the right to appeal;
- (2) The procedure for conducting the appeal;
- (3) Time limits for each step; and
- (4) The method of notification of the outcome of the local appeal and notification of the participant's

right to appeal to the state. Notifications of the outcome of the local appeal shall include the facts used to reach the decision and the conclusions drawn from the facts to support the contractor's decision.

b. The written appeals procedure and the record of appeals filed (including the record and disposition of each) shall be available for inspection by authorized representatives of the Iowa department of public health.

**87.8(3) *Appeal to department.***

a. *Procedure for appeal.* If a participant is dissatisfied with the decision of the local appeal, the participant may appeal to the state. The appeal shall be made in writing by certified mail, return receipt requested, to the Division Director, Division of Health Promotion and Chronic Disease Prevention, Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075, within 15 days of receipt of the local contractor's appeal decision.

b. *Department review.* The department shall evaluate the appeal based upon the merits of the local appeal documentation. A department decision affirming, reserving, or modifying the local appeal decision shall be issued within 30 days of the receipt of all local appeal documentation. The department decision shall be in writing and shall be sent by certified mail, return receipt requested, to the participant and the contractor.

**87.8(4) *Further appeal.*** The participant may appeal the department's decision by submitting an appeal, within 10 days of receipt of the department's decision, to the Division Director, Division of Health Promotion and Chronic Disease Prevention, Iowa Department of Public Health, Lucas State

Office Building, Des Moines, Iowa 50319-0075. Upon receipt of an appeal that meets contested case status, the department shall forward the appeal within 5 working days to the department of inspections and appeals pursuant to the rules adopted by the department of inspections and appeals regarding the transmission of contested cases. The continued process for appeals shall be governed by 641—Chapter 173, Iowa Administrative Code.

These rules are intended to implement Iowa Code section 135.106.

[Filed emergency 9/14/92—published 9/30/92, effective 9/14/92]

[Filed 11/5/92, Notice 9/30/92—published 11/25/92, effective 12/30/92]

[Filed 7/10/98, Notice 6/3/98—published 7/29/98, effective 9/2/98]

[Filed 1/10/08, Notice 11/21/07—published 1/30/08, effective 7/1/08]

[Filed ARC 5014C (Notice ARC 4859C, IAB 1/15/20), IAB 4/8/20, effective 5/13/20]