

IOWA DEPARTMENT OF

INSPECTIONS & APPEALS

**SUMMARY REPORT
STATE FISCAL YEAR
2017**



SEPTEMBER 01, 2017

Message from Director Rod Roberts

For the past seven years I have had the honor of serving as the Director of the Iowa Department of Inspections and Appeals. The work of the Department can be summarized as primarily regulatory, but the various functions of the divisions and units of DIA go well beyond just regulation.

At the core of the Department and its work is a commitment to protecting the health and safety of Iowans. The collective work of the Department touches the lives of Iowans in many different ways. As you read through this summary report I think that you will be impressed with the scope of work done by the dedicated employees within DIA.

I want to thank our employees for their good work on behalf of the people of Iowa. This report highlights not only their work, but the benefit that comes from their efforts. I am honored that I can be an advocate on their behalf with policymakers as well as the citizens of Iowa.



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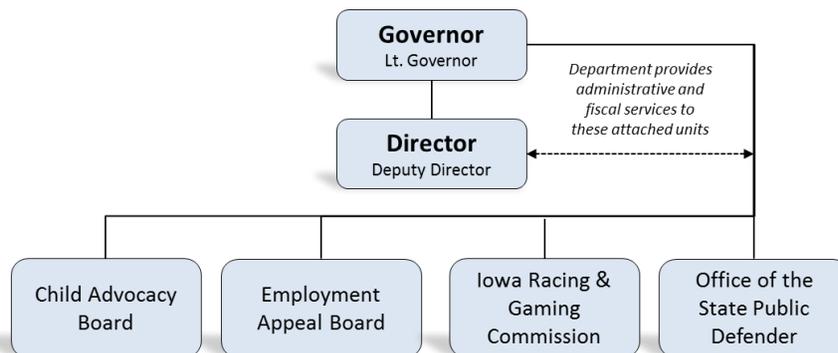
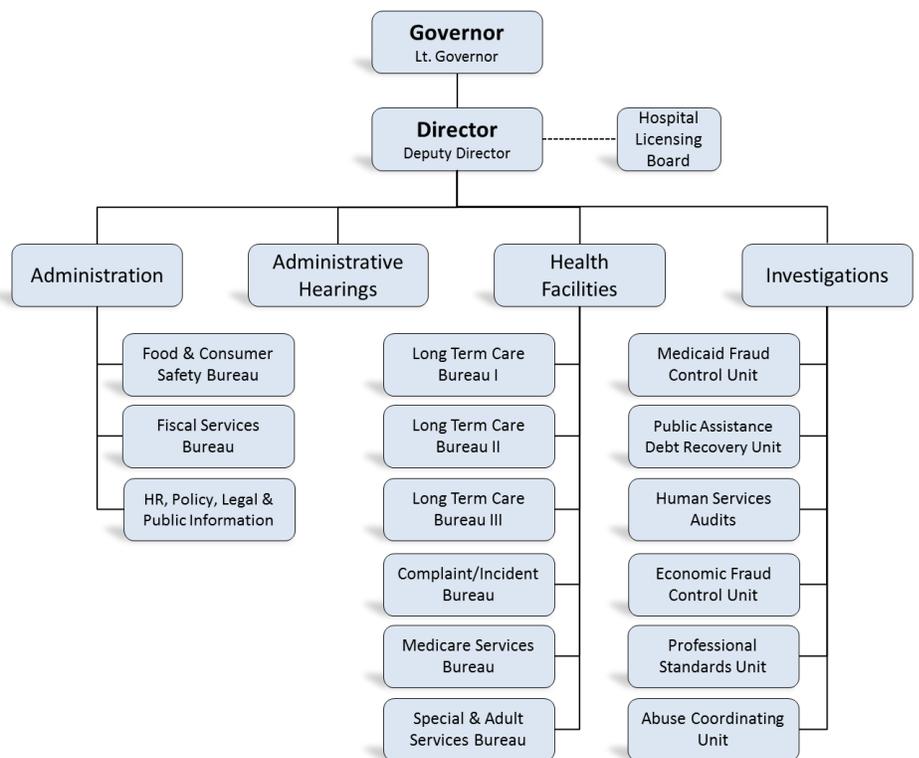
Overview

The Iowa Department of Inspections and Appeals (DIA) is a multifaceted regulatory agency charged with protecting the health, safety, and well-being of Iowans. The Department was created in 1986 ([Iowa Code chapter 10A](#)) as part of state government reorganization. Its mission is to coordinate and conduct various audits, appeals, hearings, inspections and investigations related to the operations of the Executive Branch of Iowa State Government.

Staff in the Department are responsible for inspecting and licensing or certifying health care providers and suppliers, restaurants and grocery stores, social and charitable gambling operations, and hotels and motels. In addition, DIA staff investigates alleged fraud in the State's public assistance programs and conducts contested case hearings to settle disputes between Iowans and various state government agencies.

DIA is organized into four major operational divisions: the Administration Division, the Administrative Hearings Division, the Health Facilities Division and the Investigations Division. Each division has its own Code-mandated duties and responsibilities.

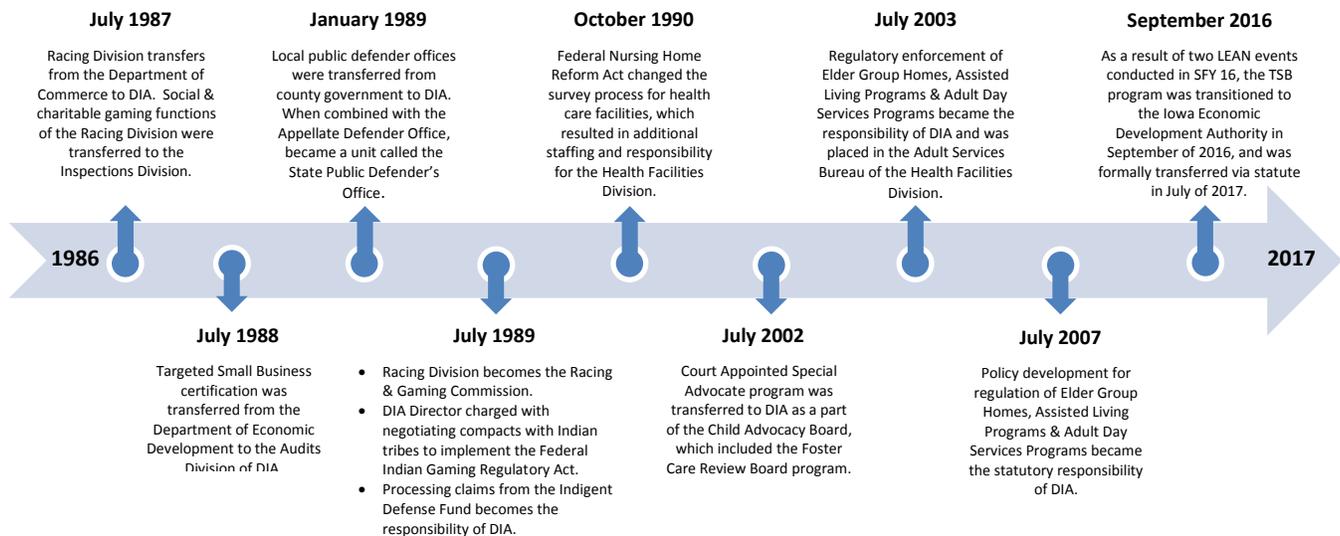
Also attached to the Department are four semi-autonomous units – the Child Advocacy Board (CAB), the Employment Appeal Board (EAB), the Iowa Racing and Gaming Commission (IRCG) and the Office of the State Public Defender (SPD). DIA provides fiscal management, human resource services, and other related administrative functions for these attached units.



History

DIA began operations in July of 1986 as a result of state government reorganization. The Department was created to conduct inspections, audits, investigations and contested case hearings for most of state government. In addition, the Department provided administrative and fiscal services for three attached units: Appellate Defender, Foster Care Review Board, and Employment Appeal Board.

Since 1986, numerous organizational changes within the Department have resulted in significant impacts on the day-to-day operations. A timeline of some of these major events follows:



Administration Division

Essential, centralized support services for the Department are administered by and coordinated through the Administration Division. Staff in the Division oversees all strategic planning, finance and budgeting, legislative affairs, administrative rulemaking, personnel, purchasing and public information activities for the Department. The Division also supervises the activities of the Food and Consumer Safety Bureau, which include food safety inspections at restaurants, grocery stores, and food processing plants, as well as sanitation inspections performed at hotels and motels. The State's Social and Charitable Gambling program is also located in the Food and Consumer Safety Bureau.

In addition to duties as the Department's Chief Administrative Officer, the Director is authorized to enter into and implement agreements or compacts between the State of Iowa and Native American tribes to operate Indian gaming establishments. Currently, three casinos in Iowa are operated by Native American tribes: Blackbird Bend Casino in Onawa – operated by the Omaha Tribe of Nebraska; Meskwaki Bingo and Casino in Tama – operated by the Sac and Fox Tribe of the Mississippi in Iowa; and WinnaVegas in Sloan – operated by the Winnebago Tribe of Nebraska.

During SFY 17, Sara Throener, Executive Officer to DIA Director Roberts, was selected to serve on the Board of Directors for the North American Gaming Regulators Association (NAGRA). Sara will represent the Midwest Region for the 2017-2018 year. NAGRA is a nonprofit professional association of gaming regulators throughout North America. The organization brings together agencies that regulate gaming activities and provides them with a forum for the mutual exchange of regulatory information and techniques.



Fiscal Services Bureau

The Department closely monitors revenue trends related to the State's General Fund. Following the Revenue Estimating Conference (REC) meeting in October of 2016, the Department worked diligently to place itself in as favorable a financial situation as possible to respond to the changing revenue picture. Given the further slowdowns to revenue growth outlined in the December 2016 REC figures, the Department had placed itself in a position to address the de-appropriation amounts that were made in February of 2017 without layoffs of employees.

In February of 2017, [Senate File 130](#) de-appropriated \$398,632 from the Department. The Department elected to implement the de-appropriation equitably across operations, effectively reducing the State Fiscal Year (SFY) 17 operating budgets of the core divisions, CAB, and EAB by 3.28%.

In developing the SFY 18 budget, [House File 640](#) resulted-in an additional \$391,200 reduction in operating dollars for the fiscal year beginning July 1, 2017. In total, the Department's operating budgets were reduced by \$789,832 (approximately 6.50%) from the beginning of SFY 17 to the beginning of SFY 18. Through effective fiscal management, the vast majority of the de-appropriation was addressed through further reductions in non-personnel spending (office supplies, etc.) and holding open vacant positions. A number of vacant positions were permanently removed as there was no longer sufficient funding available.

	SFY 17 Initial Approp	SFY 17 Reduction	SFY 17 Final Approp	SFY 18 Reduction	SFY 18 Final Approp	Total Reductions
Administration	\$542,434	(\$17,803)	\$524,631	(\$8,397)	\$516,234	(\$26,200)
Administrative Hearings	\$675,445	(\$22,169)	\$653,276	(\$21,756)	\$631,520	(\$43,925)
Investigations	\$2,559,838	(\$84,018)	\$2,475,820	(\$82,452)	\$2,393,368	(\$166,470)
Health Facilities	\$5,065,809	(\$166,268)	\$4,899,541	(\$172,242)	\$4,727,299	(\$338,510)
Food & Consumer Safety	\$593,411	(\$19,477)	\$573,934	(\$19,113)	\$554,821	(\$38,590)
Child Advocacy Board	\$2,666,487	(\$87,519)	\$2,578,968	(\$85,887)	\$2,493,081	(\$173,406)
Employment Appeal Board	\$41,998	(\$1,379)	\$40,619	(\$1,353)	\$39,266	(\$2,732)
Department Eligible Totals	\$12,145,422	(\$398,632)	\$11,746,790	(\$391,200)	\$11,355,590	(\$789,832)

Human Resources

Human Resources (HR) provides comprehensive personnel services to approximately 550 State of Iowa employees across the operational Divisions and semi-autonomous units within the Department, as well as to employees of the Department of Human Rights via a Memorandum of Understanding.

As illustrated to the right, the Department (including all semi-autonomous units) started SFY 17 with approximately 526 filled Full-Time Equivalents (FTEs) positions, and concluded the fiscal year with approximately 510 FTEs. Full-Time Equivalents include permanent full-time and part-time, statutory, and temporary employees.

Filled FTE's, SFY 17			
Area	Begin	End	Change
DIA, CAB, EAB	261.97	249.61	(12.36)
State Public Defender	214.00	211.50	(2.50)
Racing & Gaming	50.43	48.43	(2.00)
Total	526.40	509.54	(16.86)

Individual Personnel Transactions, SFY 17				
Area	New Hire	Term	Promotion	Total
DIA, CAB, EAB	20	27	4	51
State Public Defender	13	16	6	35
Racing & Gaming	1	3	0	4
Dept. of Human Rights	1	7	1	9
Total	35	53	11	99

Throughout SFY 17, Human Resources managed 99 individual personnel transactions as illustrated to the left. The “New Hire” category includes new hires, transfers-in, Board appointments, reinstatements, recalls and re-employments. “Term” includes terminations, transfers-out, retirements, layoffs and death. “Promotion” includes promotions only.

The Department is committed to the principles of Equal Employment Opportunity and Affirmative Action (EEO/AA) in the application of all HR rules, policies, and practices. The Department’s EEO/AA policy statement is as follows:

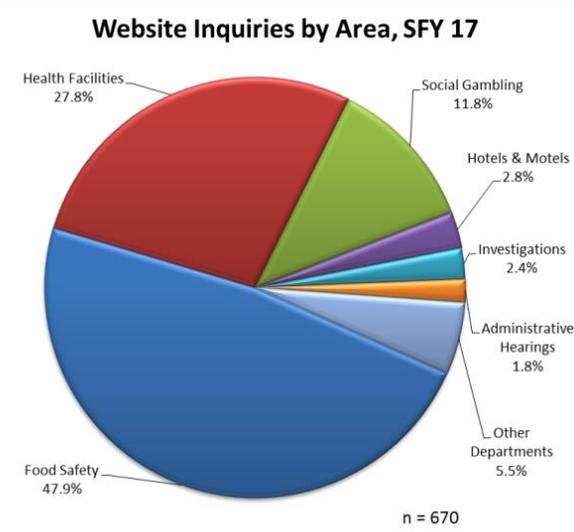
The Department of Inspections and Appeals and attached units prohibits discrimination in its employment policies and practices on the basis of race, creed, color, religion, national origin, sex, age, mental or physical disability, sexual orientation, or gender identity, consistent with applicable state and federal policies and regulations.

It is also the policy of the executive branch of state government in the State of Iowa to apply affirmative action measures to correct the underutilization of females, minorities, and persons with disabilities in the state employment system whenever remedial measures are appropriate. The agency is an equal employment opportunity and affirmative action employer.

Public Information Office

The Public Information Office (PIO) is responsible for developing and implementing an overall, comprehensive public affairs program for the benefit of the Department, including a communications strategy that promotes a positive public image for DIA. The Office researches, writes, designs, develops and produces newsletter, brochures, education materials and special project and exhibits, as well as maintains the Department’s website (<https://dia.iowa.gov>). Additionally, the Office responds to inquiries from media outlets and the general public, as well as inquires made through the DIA website.

During SFY 17, the Office responded to 63 inquiries from state and national news outlets, of which 33 percent were from The Des Moines Register. Among the other major news organizations that repeatedly contacted the Department were The Cedar Rapids Gazette, the Associated Press, KCCI-TV, ProPublica and The Waterloo-Cedar Falls Courier. The majority of the media contacts dealt with the Department’s enforcement actions at nursing facilities throughout the state.



In addition to media contacts, the Public Information Office responded to 670 inquiries made through the Department’s website. Those inquiries that cannot be answered immediately by the PIO are forwarded to staff in the appropriate division or bureau. Nearly one-half of the inquiries dealt with food safety issues, either complaints about restaurants or questions about licensing requirements.

When appropriate, the PIO will issue media releases to address areas of interest, such as the adoption of new administrative rules, consumer advisories, or notable activities.

During SFY 17, a total of ten releases were electronically transmitted to media outlets across the state. The releases dealt with fake food inspectors, the sale of morel mushrooms, the Governor’s Quality Award-winning facilities and the inspection of the State Fair midway games. A complete list of the media releases issued during the fiscal year can be found on the Department’s website at <https://dia.iowa.gov/press-releases>.

The PIO also posts advisories and news briefs to the Health Facilities Division’s (HFD) home page (https://dia-hfd.iowa.gov/DIA_HFD/Home.do). The posting to the HFD website often deal with changes in federal regulations, such as a change in the number of days for which a civil monetary penalty may be imposed. Other topics of interest posted during SFY 17 included a notice about the hazards of overnight kitchen fires in long-term care facilities, education opportunities for hospital staff and employees, and new rules easing the restrictions on training for some certified medication aides.

Policy & Administrative Rules

The administrative rule process is the method by which laws and policies are translated into enforceable regulations governing entities, programs, and businesses overseen by the Department. The process often begins as the result of new legislation passed by the Iowa General Assembly and signed into law by the Governor. When new laws are enacted, staff in the Department conduct a thorough review of the legislation to determine what administrative rules will be needed to implement the law. Additionally, rules are reviewed on a routine basis to eliminate outdated references, and remove obsolete or duplicative requirements.

During SFY 17, the Department filed 11 sets of administrative rules, which included two sets filed on behalf of the Child Advocacy Board. Of the remaining nine sets of filed rules, three sets dealt with Social & Charitable Gambling changes, three sets dealt with changes to the Department’s Food Bureau rules, two sets resulted from changes in the Health Facilities Division’s administrative rules, and one set added attorney fees and court costs to rules governing the Administrative Hearings Division. The chart below illustrates the administrative rules promulgated by the Department during SFY 17.

Administrative Rules Promulgated, SFY 17										
Chapter	Subject Matter	Notice Published	ARC #	Rules Review Committee	Comment Period	Rules Adopted	Rules Published	ARC #	Rules Review Committee	Effective Date
489 - 1	Purpose & Function	03/15/17	2974C	04/07/17	04/04/17	04/20/17	05/10/17	3054C	06/13/17	06/14/17
489 - 2	Rules & Operation of the Board	03/15/17	2975C	04/07/17	04/04/17	04/20/17	05/10/17	3055C	06/13/17	06/14/17
481 - 102	Social Gambling	05/10/17	3048C	06/13/17	05/30/17	06/14/17	07/05/17	3190C	08/04/17	08/09/17
481 - 107	Game Nights	05/10/17	3049C	06/13/17	05/30/17	06/14/17	07/05/17	3192C	08/04/17	08/09/17
481 - 104	Amusement Devices	05/10/17	3050C	06/13/17	05/30/17	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>
481 - 30	Food & Consumer Safety	05/10/17	3052C	06/13/17	05/30/17	06/14/17	07/05/17	3187C	08/04/17	08/09/17
481 - 31	Food Establishments	05/10/17	3053C	06/13/17	05/30/17	06/14/17	07/05/17	3188C	08/04/17	08/09/17
481 - 34	Home Food Establishments	05/10/17	3051C	06/13/17	05/30/17	06/14/17	07/05/17	3189C	08/04/17	08/09/17
481 - 11	Weapon Permit & Attorney Fees	05/24/17	3073C	06/13/17	06/13/17	06/28/17	07/19/17	3217C	08/04/17	08/23/17
481 - 64	Interpretive Guidelines	06/07/17	3109C	07/06/17	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	07/12/17
481 - 52	Personal Degradation	06/07/17	3110C	07/06/17	06/27/17	07/12/17	08/02/17	3235C	08/04/17	09/06/17

General Counsel

The General Counsel for the Department provides legal advice and counsel to the Director, all divisions, and attached units. Additionally, the General Counsel advises the Director on Indian gaming law and issues, and assists in the negotiation of compacts with the Native American tribes. Counsel further represents the Health Facilities Division and Food and Consumer Safety Bureau in all aspects of contested case litigation, and responds to petitions for declaratory order presented to the Department. The General Counsel also monitors, analyzes, drafts and makes recommendations concerning the Department’s proposed legislation and administrative rules.

During SFY 17, legal counsel was involved with:

- Eight new contested cases were filed involving the Health Facilities Division.
- Four contested cases remain pending.
- One Director's Review appeal was filed in a Health Facilities Division contested case. The Director's Review appeal has been submitted and is awaiting decision.
- Three contested cases went to formal hearing; the Department prevailed in all three:
 - Two of the contested cases involved Health Facilities Division and were filed in SFY 17, and
 - One involved the Targeted Small Business Certification Program and was filed in SFY 16.
- Four contested cases were settled or resolved prior to formal hearing.
- Two petitions for declaratory order were filed seeking the Department's interpretation of [Iowa Code chapter 99B](#) (these petitions remain pending).
- The Department issued three declaratory orders interpreting Iowa Code chapter 99B.

Legislation

During SFY 17, the Department introduced [House File 544](#), which modified [Iowa Code chapter 235E](#) by including “personal degradation” as a form of dependent adult abuse. The legislation was developed in conjunction with input from multiple stakeholders, including representatives of the healthcare industry. The Senate passed the bill 49-0, and the bill was passed by the House 93-0. Governor Terry Branstad signed the bill on March 30, 2017.



Bill Signing – On March 30, 2017, Iowa Governor Terry Branstad signed into law House File 544, which adds personal degradation as a form of dependent adult abuse by caretakers in facilities and programs regulated by the Department. Attending the bill signing ceremony were (from left) Tony Vola, Older Iowans Legislature; Sara Throener, DIA; Angela Kuda-Bruns, Hubbard Care Center; Mary Knutson, Hubbard Care Center; Monica McCarthy, Older Iowans Legislature; Lt. Governor Kim Reynolds; Governor Terry Branstad; Representative Michael Bergan; DIA Director Rod Roberts; DIA Deputy Director Aaron Baack; Shannon Strickler, LeadingAge Iowa; Jamie West, DIA; Bill Nutty, Iowa Health Care Association; Matt Blake, LeadingAge Iowa; Tricia Dieleman, DIA; and Steve Squires, DIA.

Impacting operations of the Iowa Racing and Gaming Commission, [House File 568](#) removed from the Iowa Code the dosages for phenylbutazone (a horse medication) and put them in administrative rule, dealt with ice not being a freezing agent, allowed a third-party veterinarian to administer furosemide and allowed advance deposit wager operators access to the offset database. HF 568 passed the House 91-0 and passed the Senate 50-0. Governor Terry Branstad signed the bill on April 13, 2017.

[House File 640](#) included language that the Administrator of the Administrative Hearings Division shall serve as Chief Administrative Law Judge of the Division, and may conduct any proceeding for which the Division provides an administrative law judge. This was part of the Department’s overall budget bill, which passed the House 58-41 and the Senate 39-21. Governor Terry Branstad signed the bill on May 12, 2017.

Food & Consumer Safety Bureau

The Food and Consumer Safety Bureau (FCSB) is responsible for administering and enforcing the Iowa Food Code ([Iowa Code chapter 137F](#)) by conducting food safety inspections at food establishments (grocery stores, restaurants, and convenience stores) and food processing plants.

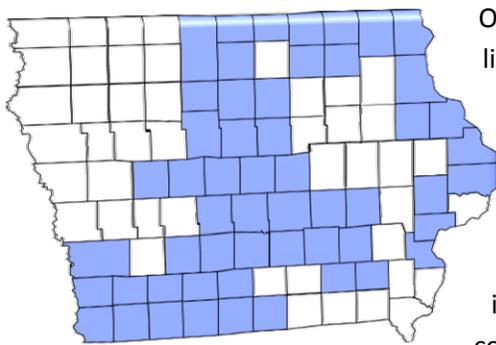
The purpose of the Iowa Food Code is to "safeguard the public health and provide to consumers, food that is safe, unadulterated and honestly prepared." The Food Code is based upon food safety recommendations developed by the Food and Drug Administration (FDA), in consultation with representatives from the food industry and regulators, and focuses on public health and the prevention of foodborne illness.

In May 2017, the Department filed several Notices of Intended Action for rulemaking related to adopting the 2013 FDA Model Food Code and the current Code of Federal Regulations (CFR) for food processors, including food safety preventative controls. The updated Food Code will go into effect on January 1, 2017. For food processors, the modernized good manufacturing practices will go into effect on October 1, 2017, and preventive control requirements will be implemented following the phase-in schedule.

The Food and Consumer Safety Bureau maintains a [Restaurant Inspection Web Site](#) through which visitors can view or download inspection reports for Iowa-licensed establishments, including restaurants, grocery stores, and convenience stores.

The Bureau also has a mobile application that includes the most recent inspections from all food and lodging establishments, and permits searching by either establishment name or the user’s location. The mobile food application is:

- Available for Android on the Google Store, iOS (Apple) for iPhone or iPad.
- Similar to public inspection website.
- Sortable based on distance from user or number of risk factor violations.



On July 1, 2016, Black Hawk County ended its food inspection and licensing contracts for Delaware County and these responsibilities were returned to the Department. Additionally, Ida County discontinued inspection and licensing services during July 2016 and its area was contracted to Buena Vista County. The Bureau is now directly responsible for inspections in 54 counties, identified in blue on the above map.

The remaining 45 counties have inspections and licensing completed by local contracting health departments.

During SFY 17, the Bureau completed 10,447 food inspections, which represents an increase of 11.1% from SFY 16’s level. The Bureau’s workload varies from month-to-month, with the highest concentration of inspections typically occurring during the summer months with the increase in fairs, mobile vendors, etc. The monthly variation from SFY 16 to SFY 17 is illustrated to the right.

Month	SFY 16	SFY 17	Change
July	1,123	1,244	121
August	874	1,075	201
September	732	901	169
October	571	853	282
November	519	681	162
December	610	657	47
January	583	621	38
February	736	687	(49)
March	831	823	(8)
April	820	846	26
May	969	965	(4)
June	1,038	1,094	56
Total	9,406	10,447	1,041

Statewide Foodborne (Food Poisoning) Reporting Line

In October 2016, the Iowa Department of Public Health (IDPH) announced a new joint initiative with DIA and local health departments that should reduce the impact of reported foodborne illness (food poisoning) in Iowa. The new number is 1-844-IOWA-SIC.

Additionally information about foodborne illness, the new hotline, and videos on food poisoning can be accessed on the [Iowa Food Safety and Protection Task Force](#) website. This project was the culmination of five years of work and was identified as a potential way to improve foodborne illness detection in an article published in 2013. The goal of the campaign is to make Iowans aware of the importance of reporting suspected foodborne illness so that outbreaks can be detected quickly and appropriate action taken to reduce the impact of the illness.

In addition to the printed materials, a local video company developed an animated public service announcement, featuring “Ralph,” the campaign’s emoticon, to help publicize the importance of early detection of foodborne illness. Television and radio broadcasters, cable television providers, and newspapers participated in the roll-out and ongoing communications efforts by using the public service announcement without cost.



Iowans who suspect food poisoning after consuming an item from a restaurant, grocery store, convenience store, market or public gathering are urged to call the IowaSic hotline at 1-844-469-2742. The hotline will be answered by IDPH specialists who will ask callers about the illness, symptoms, onset and duration, and also complete a history of all foods consumed for the past several days. Illnesses associated with foods purchased from or consumed at food establishments will be investigated by DIA staff.

Initial results show a dramatic increase in both foodborne illness complaint reports and outbreak identification. Comparing the September 2015 to June 2016 (when the line and campaign were not in effect) to September 2016 to June 2017, there was a 185% increase in complaints and a 93% increase in outbreaks identified.

A [video](#) was produced as part of the project and provides a short four-minute discussion on causes, symptoms, prevention and reporting foodborne illness in Iowa.

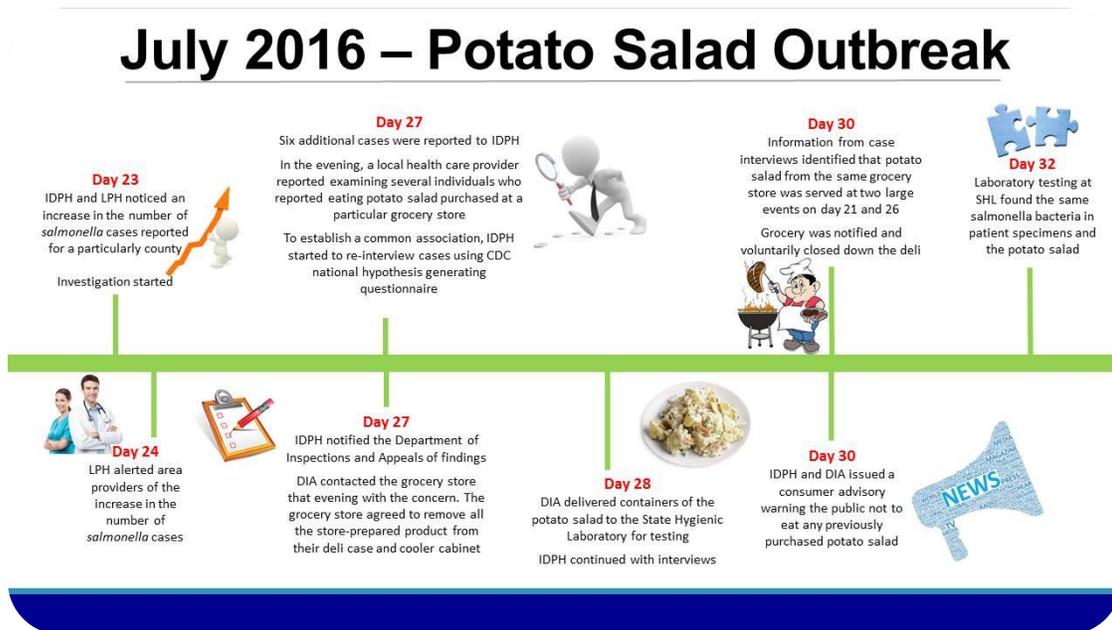
Foodborne Illness Outbreak Investigations

The Department and its contracting local health agencies investigated 44 potential foodborne illness outbreaks during SFY 17. One outbreak of particular interest is featured in this report. This outbreak involved a small town grocery store in eastern Iowa. Fifty-one individuals are believed to have become ill from this outbreak with multiple being hospitalized. Twenty-three of these individuals were confirmed as part of the outbreak through stool specimens.

Several agencies, including DIA, IDPH, the State Hygienic Laboratory at University of Iowa and multiple local health departments participated in the outbreak investigation.

Once a potential source was identified on Friday evening the product was immediately removed from market; on Saturday the grocery store inspection and food samples were obtained; and by Monday afternoon positive food sample results indicating salmonella was indeed present in the potato salad. During this outbreak, Department staff used environmental sampling to assist in identifying the route of

contamination and whole genome sequencing to confirm the relationship between the human, food, and environmental samples. See graphic below for an outbreak timeline.



The training, procedures, and relationships developed through the Iowa Food/Feed Rapid Response Team which is a cooperative agreement funded by the United States Food and Drug Administration helped to make a fast and effective response to this foodborne outbreak.

Cooperative Agreements

The Department continued with a three-year Rapid Response Team (RRT) cooperative agreement with the FDA worth a total of \$1,125,000. This grant is a cooperative effort between DIA, IDPH, the Iowa Department of Agriculture and Land Stewardship (IDALS), the State Hygienic Laboratory (SHL) at the University of Iowa, and the FDA. The grants include a special research component in conjunction with the SHL related to the parasites of cryptosporidium and cyclospora. Major projects completed as part of this grants during SFY 17 include:

- Implemented a public information campaign and outreach plan related to the roll-out of a statewide foodborne illness reporting telephone line (see Statewide Foodborne Illness Reporting Line).
- Piloted protocols related to a sampling and research project related to *listeria monocytogenes* at retail delicatessens which will begin in SFY 18.
- Participated in the Centers for Disease Control & Prevention's (CDC) National Environmental Assessment Reporting System (NEARS), and developed specifications for incorporating NEARS into the Bureau's system. Additionally, all inspection personnel at the state and local levels were trained by the CDC on environmental assessments.

The Department was provided continued funding for an additional \$300,000 for year five of a five-year cooperative agreement related to manufactured food regulatory program standards. Iowa was the second state in the nation to be found in conformance with all ten of the 2016 Manufactured Food Regulatory Program Standards. Under the terms of the agreement, the Bureau accomplished the following during SFY 17:

- Continued development of policies, procedures and quality assurance methods to fully implement program standards.
- Funded an additional manufactured foods inspector.
- Funded training of an additional manufactured foods inspector.
- Achieved conformance with 2016 Manufactured Food Regulatory Program Standards.

The Department currently has two \$70,000 per year, five-year agreements (one in its 2nd year, and one in its 5th year) related to retail program standards. As part of the agreement, the Bureau accomplished the following during SFY 17:

- Conducted training on using guidance documents and modeled desired usage during inspections.
- Conducted a peer mentoring project with inspectors.
- Improved follow-up practices of inspection staff and increased monitoring.
- Added inspection tools to data system.

The Iowa Food Safety and Defense Task Force includes DIA, industry, and regulators. This initiative is funded with a \$10,000 per year cooperative agreement with FDA, which expired on August 31, 2016. During SFY17, the Task Force held multiple meetings with each meeting providing educational content. One meeting focused on listeria monocytogenes at the retail deli level and brought in national experts to discuss their work. Another session focused on using social media to assist in the detection of foodborne illnesses. This session brought together presenters from St. Louis, Chicago, Washington University and Harvard.

Accomplishments

The International Food Protection Training Institute’s (IFPTI) Applied Science, Law, and Policy Fellowship in Food Protection program provides food protection professionals from federal, state, local, tribal and territorial regulatory agencies with knowledge, skills, and abilities to work effectively within the framework of food regulatory science, law, and policy.

Environmental Specialist Sherri Sigwarth was selected as a Fellow in Food Protection for 2016-17. Sherri is based out of Balltown, and conducts inspections in the northeast corner of the state. Sherri is one of ten individuals nationally that were selected and completed the fellowship in 2016-17, and represents the 3rd Iowan (2nd DIA employee) selected for the fellowship. Sherri’s fellowship project was “Community Size and Retail Risk Factors in Iowa Retail Food Establishments.” The CDC has since asked Sherri to continue work in this area and share her data.



Environmental Specialist Tenesha Stubblefield was recognized at the Association of Food and Drug Officials (AFDO) 121st Annual Educational Conference in Houston with the Achievement Award. The Achievement Award is given for one or more specific achievements, or for a documented sustained high level of performance.

Publications

Iowa's work on a multi-state food inspection and licensing system was featured in an article "[Building an Integrated Food Safety System One Brick at a Time](#)," in the April/May 2017 issue of Food Safety Magazine. The article was co-authored by FCSB Chief Steven Mandernach.

Social & Charitable Gambling Program

The Social and Charitable Gambling program administers [Iowa Code chapter 99B](#), which regulates games of skill or chance, raffles, bingo, social gambling and amusement devices. Qualified organizations may obtain a social or charitable gambling license to conduct fund-raising activities benefiting educational, civic, public, charitable, patriotic or religious purposes.

During SFY 17 the program:

- Continued work on implementing the Iowa Code Chapter 99B rewrite which occurred during SFY 16. During the year, staff focused on developing administrative rules related to the rewrite. Several rules were filed and others are in the informal comment phase.
- Issued 5,768 amusement device registrations (down 2.2% from SFY 16), and collected \$442,475 in registration fees (down 6.4% from SFY 16). A breakdown of the types of registrations issued is provided to the right.
- Incorporated social and charitable gambling programs into the food licensing and inspection system effective January 1, 2017. This transition allowed for the elimination of a stand-alone application that had exceeded its useful life cycle.
- Collected \$195,935 in licensing fees (down 11.7% from SFY 16). This decrease likely is partially related to the consolidation of licensing activity under the revised Iowa Code Chapter 99B.

Type	#	Cost per Registration	Total Fees
Manufacturers	9	\$ 2,500	\$ 22,500
Distributors	51	\$ 5,000	\$ 255,000
Owners	9	\$ 2,500	\$ 22,500
Qualified Organizations	0	\$ -	\$ -
Registration Tags	5,699	\$ 25	\$ 142,475
Total	5,768		\$ 442,475

Targeted Small Business Certification Program

The Targeted Small Business (TSB) Certification Program certifies businesses that are owned, operated and actively managed by women, minority group members, persons with disabilities or service-disabled veterans. Certified TSBs are eligible to apply for low-interest loans through the Iowa Center for Economic Success. State purchasing officers also consider TSBs when seeking bids for state-purchased goods and services.

As a result of two LEAN events conducted in SFY 16, the TSB program was transitioned to the Iowa Economic Development Authority as of September 1, 2016. In 2017, the General Assembly formally transferred the program in statute effective July 1, 2017.

Administrative Hearings Division

The Administrative Hearings Division (AHD) conducts contested case administrative proceedings for nearly all state agencies and some local government agencies. Administrative Law Judges (ALJs) preside over telephone or in-person hearings, rule on motions or objections, decide cases fairly and impartially and write proposed agency decisions in cases ranging from driver's license revocation proceedings before the Department of Transportation (DOT) and child abuse assessment proceedings before the Department of Human Services (DHS) to professional discipline proceedings before the Board of Medicine and other professional licensing boards.



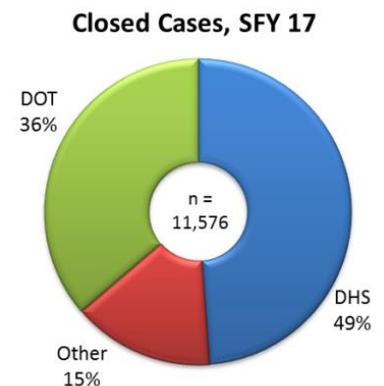
The Division is authorized in [Iowa Code § 10A.801](#), and is governed by the Iowa Administrative Procedures Act ([Iowa Code chapter 17A](#)), the Division's [administrative rules](#), and the [relevant statutes and rules](#) of the agency for which the Division is conducting a particular contested case proceeding.

While the Division is required to conduct certain contested case proceedings by statute or administrative rule, it is also authorized under [Iowa Code § 10A.801\(5\)](#) to conduct any proceeding for any governmental entity on a contract basis.

All proceedings are conducted by qualified administrative law judges who are Iowa-licensed attorneys. Division ALJs have experience conducting hearings as the sole presiding officer, as a part of a panel of decision makers, or as an advisor and decision drafter for a board or commission.

During SFY 17, the Division:

- Closed 11,576 cases for 48 state and local agencies, representing a decrease of 8.38% (1,059 cases) from SFY 16. Although the Division closed slightly more DOT and Other cases in SFY 17, a 17.03% decrease (1,160 cases) in DHS cases accounts for the overall decrease in cases closed. A breakdown of cases is illustrated to the right.
- Began providing administrative law judges to preside over cases for the Iowa Utilities Board.
- Proposed legislation, which was ultimately signed into law, authorizing the Division Administrator to serve as Chief Administrative Law Judge and conduct administrative hearings, which is enabling the Division to operate more effectively and efficiently with ever more limited state resources.
- Implemented new standardized and streamlined processes and forms for (1) preparing and issuing Notices of Hearings; (2) processing and issuing administrative law judge decisions and orders; and (3) automatically handling routine dispositions of cases from the Departments of Transportation and Human Services.



Health Facilities Division

The Health Facilities Division (HFD) is the designated state survey and certification agency, and is responsible for licensing or certifying Medicare and Medicaid Programs and other health care providers and suppliers operating in the State of Iowa. Entities subject to the Department's oversight and regulation include nursing facilities, skilled nursing facilities, residential care facilities, intermediate care facilities for the intellectually disabled, hospitals, hospices, home health agencies, programs and facilities caring for children, assisted living programs and elder group homes.

Survey teams from the Division conduct unannounced on-site inspections at health care facilities to assess the quality of care and services provided to clients, patients, residents and tenants. If problems are discovered during an inspection, the Division can require corrective action and implement enforcement remedies to assure a facility's compliance with state and federal rules. Health Facilities Division personnel also investigate complaints alleging improper care or treatment of patients, residents, and tenants in licensed and certified entities.

Additionally, personnel in the Health Facilities Division staff the Iowa Hospital Licensing Board, which advises the Department on issues impacting the administration of hospitals in the State of Iowa. Appointed by the Governor, the six-member Board consults with and advises HFD in matters of policy affecting hospital administration. The Board also reviews and approves rules and standards prior to their approval by the State Board of Health and adoption by the Department. The Board meets periodically throughout the year, pursuant to Iowa Code sections [135B.10](#) and [135B.11](#).

Hospital Licensing Board

JoAn Headington
Frank Hermsen
Pat McDermott
Monte Neitzel
Kay Runge
Jim Tinker

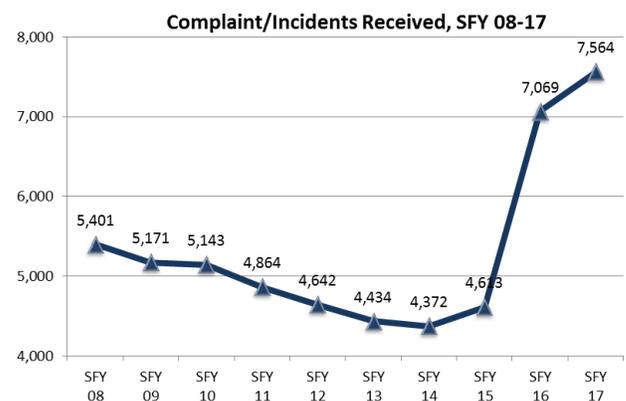
Complaint/Incident Bureau

The Complaint/Incident Bureau staff are responsible for the review and triage of intakes for all health care facilities and programs. This includes facility self-reported incidents as outlined by federal regulations and state rules, as well as complaints from residents/patients, family and friends, staff and other health care providers.

During SFY 17, the Bureau processed a total of 7,564 intakes, which represents a 7.0% increase above the previous fiscal year level. The 10-year trend of intakes received by the Bureau is illustrated to the right.

The Bureau also has surveyors in the field who investigate complaints and incidents in LTC facilities.

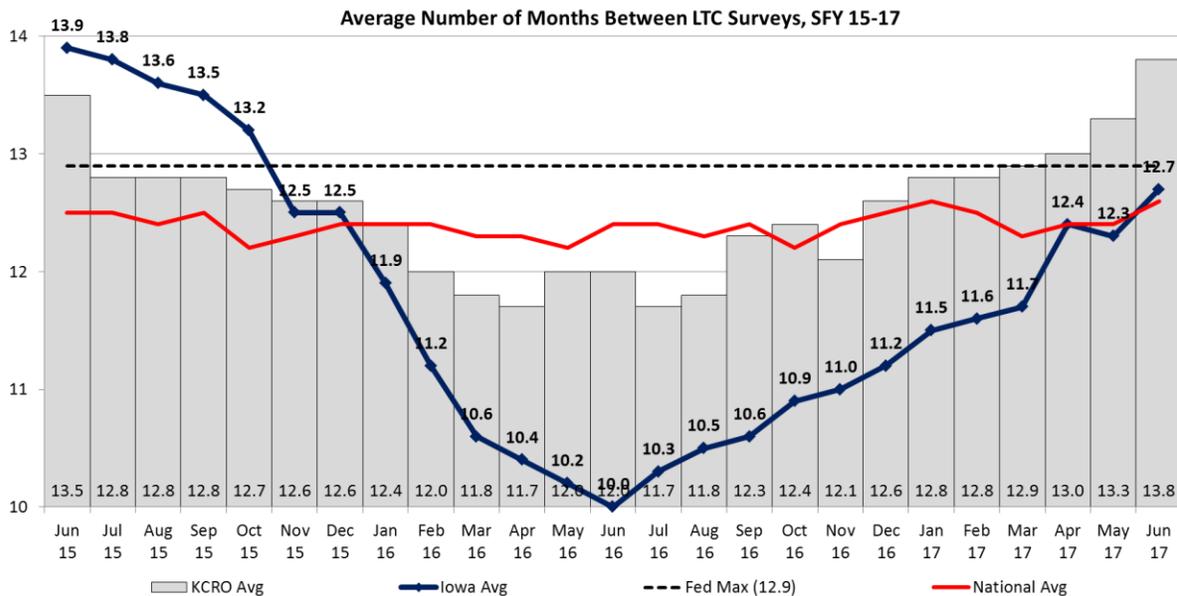
During SFY 17, Bureau surveyors investigated 1,916 LTC complaint/incident intakes, which represents a 5.8% increase from SFY 16.



Long-Term Care Bureaus

Three bureaus within the Division are responsible for surveying 440 nursing facilities in the State. During SFY 17, the bureaus conducted 409 long-term care (LTC) surveys; averaging nearly eight surveys each week during the fiscal year.

Federal standards require that the survey agency maintains a survey cycle average of 12.9 months for all nursing facilities. Additionally, the survey cycle cannot exceed 15.9 months between surveys for any individual facility. The Department's performance in meeting the monthly survey cycle average is illustrated below by the dark blue line. For comparison purposes, the Kansas City Regional Office¹ (KCRO) average number of months between surveys is represented by the light gray bars, and the national average is the red line.



Medicare Services Bureau

The Medicare Services Bureau is responsible for the survey and certification of Medicare-certified facilities such as hospitals, home health agencies, hospice programs, end-stage renal disease units and ambulatory surgical centers.

The Centers for Medicare & Medicaid Services (CMS) requires that each home health agency be surveyed at a maximum of every 36.9 months. In SFY 17, 100% of the 134 home health agencies due for survey had been surveyed within the 36.9-month maximum interval.

Beginning in April 2015, CMS required that all hospice programs be surveyed within a 36.9-month maximum interval and that the state achieve this maximum interval for all hospice providers by 2018. In order to accomplish this requirement, approximately 25 hospice programs will be surveyed each federal fiscal year. During SFY 17, 26.3% of the 79 hospice programs had been surveyed within the maximum interval. A total of 80.7% of the 79 hospice programs were current by the end of SFY 17. By 2018, 100% of the Iowa hospice programs will have been surveyed within the 36.9-month maximum interval.

¹ The KCRO within CMS is comprised of four states: Iowa, Missouri, Kansas, and Nebraska.

Special Services & Adult Services Bureau

The Special Services Bureau is responsible for Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/ID), Residential Care Facilities (RCF), and Children’s Services, which includes juvenile detention and shelter care, residential care facilities for children with intellectual disabilities, comprehensive residential care for children, group foster care, Psychiatric Medical Institutions for Children (PMIC) and child-placing agencies.

CMS requires ICF/ID facilities to be surveyed for re-certification on average of every 12 months and at least once every 15 months. During SFY 17, surveyors completed work associated with 509 total ICF/ID surveys, representing a 23.2% increase from SFY 16. The 131 surveys that were completed all occurred within a 13-month timeframe, with an average 11.6-month survey cycle. A breakdown of ICF/ID survey work for SFY 16 and 17 is illustrated to the right.

Type	SFY 16	SFY17	Change
Surveys	127	131	4
Investigations	188	245	57
Revisits	98	133	35
Total	413	509	96

Type	SFY 16	SFY17	Change
Surveys	84	64	(20)
Investigations	119	88	(31)
Revisits	17	11	(6)
Total	220	163	(57)

State rules require RCF surveys to be conducted once every 30 months. During SFY 17, surveyors completed work associated with 163 total RCF surveys, which represents a 25.9% decrease from the SFY 16 workload. The average survey cycle for RCF surveys during FFY 16 was 24 months. A breakdown of RCF survey work for SFY 16 and 17 is illustrated to the left.

During SFY 17, surveyors in Children’s Services completed work associated with 338 total children’s surveys, which represents an 11.6% increase from SFY 16.

Type	SFY 16	SFY 17	Change
License Reviews	115	128	13
Unannounced Visits	73	100	27
Desk Reviews	27	49	22
Office Visits for Child Placing Agencies	52	32	(20)
Revisits	2	1	(1)
Initial License Reports	0	11	11
Investigations	34	17	(17)
Total	303	338	35

A breakdown of children’s survey work for SFY 16 and 17 is illustrated to the right.

The Adult Services Bureau includes assisted living programs (ALP), dementia-specific assisted living programs (ALP/D), elder group homes (EGH), and Adult Day Services (ADS). State rules require all programs certified by the Adult Services Bureau to undergo monitoring visits (surveys) for recertification at least once every 24 months.

During SFY 17, surveyors completed work associated with 408 total ALP and ALP/D surveys, representing a 19.3% increase from the previous fiscal year. A breakdown of ALP and ALP/D survey work for SFY 16 and 17 is illustrated to the left.

Type	SFY 16	SFY 17	Change
Surveys	151	204	53
Investigations	179	182	3
Revisits	4	16	12
Initial Visits	8	6	(2)
Total	342	408	66

During the same timeframe, one initial visit, 15 surveys, and three investigations were completed at ADS programs. There is currently one certified EGH and a survey was not completed during SFY 17.

Investigations Division

The Investigations Division’s mission is protect the health, safety, and welfare of Iowans by:

- Maintaining public assistance program integrity and accountability through the prevention, detection, and investigation of public assistance fraud, waste and abuse by Medicaid providers and public assistance recipients.
- Auditing health care facilities and local Department of Human Services (DHS) offices to ensure compliance with state and federal funding requirements.
- Initiating the recovery of any misallocated taxpayer funds.
- Detecting, investigating, and prosecuting dependent adult abuse that occurs in health care facilities.
- Investigating regulated professionals on behalf of Iowa’s various professional licensing boards.

The Division audits health care facilities and conducts criminal, civil, and administrative investigations of fraud and misconduct. Staff within the Division work closely with other state and local partners in identifying fraud, waste, and abuse and, when appropriate, forward cases to federal, state, and local officials for prosecution.

The Investigations Division is comprised of the following areas:

- Abuse Coordinating Unit
- Audits
- Economic Fraud Control Unit; including:
 - Program Integrity/Electronic Benefit Transfer Unit
 - Divestiture Unit
- Medicaid Fraud Control Unit
- Professional Standards Unit
- Public Assistance Debt Recovery Unit

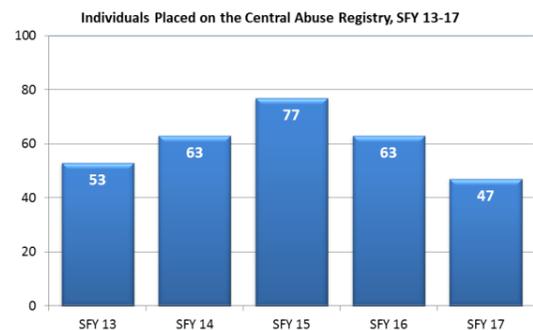


Abuse Coordinating Unit

The Abuse Coordinating Unit (ACU) is responsible for the detection, investigation, and prosecution of dependent adult abuse in facilities and programs in Iowa. The Unit’s goal is to protect the health, safety, and welfare of the state’s most vulnerable citizens. During SFY 17, a total of 712 complaints received by the Department contained the potential of dependent adult abuse. Outcomes of these complaints were:

- 457 were classified as “incidents evaluated for dependent adult abuse²”.
- 255 required the completion of a comprehensive abuse memo.
- 248 were formally briefed.
- 108 resulted in a “founded” determination.
- 47 individuals placed on the Central Abuse Registry.

The 47 individuals placed on the central abuse registry in SFY 17 represent a 25.4% decrease from SFY 16; the five-year trend of registry placements is illustrated to the right.



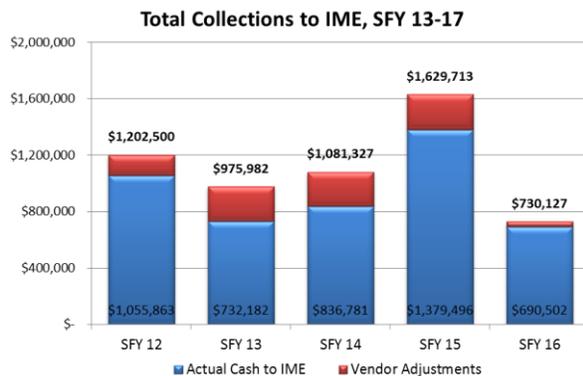
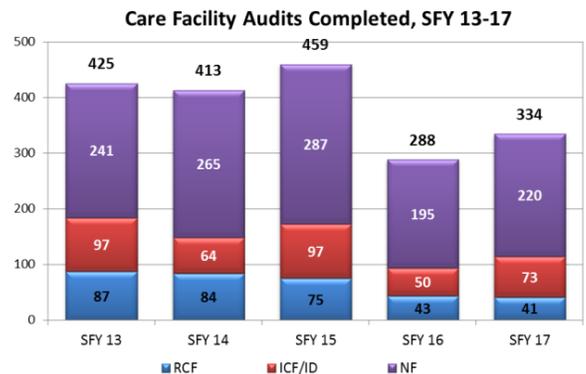
² When an abuse report is triaged as a complaint or incident with an “evaluate for abuse” designation on the intake, the surveyor is required to investigate the complaint/incident and report their fact finding to the ACU, which will determine if an abuse investigation/memo is warranted.

Audits

The Audits Unit performs expenditure audits at local DHS offices to determine eligibility for federal reimbursements and to ensure compliance with state and federal funding requirements. Audits also are performed at residential care facilities, nursing facilities, and residential and intermediate care facilities for the intellectually disabled to ensure that residents' funds are being properly maintained. The audits are used to verify that Medicaid reimbursement procedures meet all applicable government requirements.

During SFY 17, the Unit completed 334 care facility audits involving 41 residential care facilities (RCF), 73 intermediate care facilities for individuals with intellectual disabilities (ICF/ID), and 220 nursing facilities (NF). The total number of care facility audits conducted in SFY 17 represents a 16.0% increase from the SFY 16 level, as illustrated to the right.

The Unit also completed 99 local DHS audits, and identified \$25,572 in exceptions (ineligible for Federal reimbursement). Targeted collection of 100% was completed within 45 days.

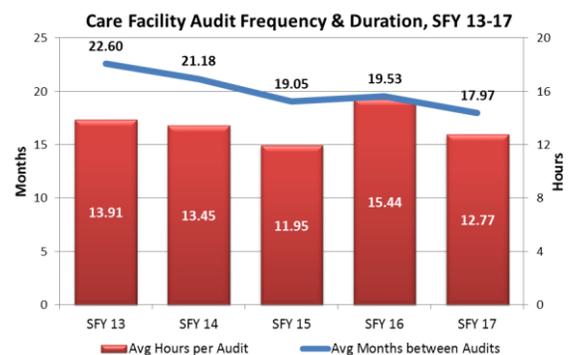


During SFY 17, the Unit returned \$690,502 in actual cash collections to the Iowa Medicaid Enterprise (IME). An additional \$39,626 in vendor adjustments was processed to withhold audit balances due from future facility payments, which results in a total collection amount of \$730,127.

SFY 17's total collection level represents a 55.2% decrease from SFY 16's level of \$1,629,713, as illustrated to the left.

During SFY 17, the Unit averaged 17.97 months between audits, well below the 30-month target figure and 8.0% lower than the SFY 16 average.

The unit also averaged 12.77 hours per audit (including on-site and travel time), which was a 17.3% reduction from the SFY 16 average. Both frequency and duration of care facility audits for the last five years is illustrated to the right.



Economic Fraud Control Unit

The Economic Fraud Control Unit is comprised of two sub-units: the Program Integrity/Electronic Benefit Transfer (EBT) Unit and the Divestiture Unit.

Program Integrity/EBT Unit

Investigators in the Unit review multiple-program applications for Food Assistance (SNAP), Medical Assistance, and the Family Investment Program (FIP), as well as many other programs for suspected fraud. Personnel verify the accuracy of information submitted to DHS by the applicants. When required, investigators work closely with county attorneys and local law enforcement to gather evidence that may be used to prosecute individuals accused of defrauding the state's public assistance programs. Investigations assist DHS to ensure benefits are distributed to eligible individuals.

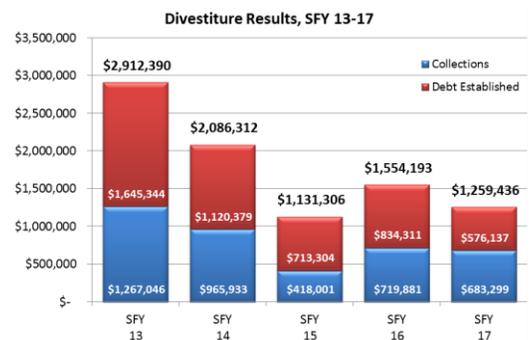
During SFY 17, this investigative unit, comprised of 22 field investigators strategically positioned across the state and one executive officer, conducted investigations for all 99 Iowa counties. The Unit responded to 5,136 referrals³ (a decrease of 536 referrals from SFY 16), and its investigations resulted in a calculated total savings to the state (cost avoidance and debt establishment) of \$4,023,129.

Divestiture Unit

The Divestiture Unit identifies and recovers assets, which an individual has transferred in an attempt to improperly or illegally qualify for state public assistance, especially Medicaid benefits. This unique program, one of a few in the nation, recovers transferred assets from the individuals who received them rather than from the person who transferred them.

During SFY 17, this specialized group, comprised of one investigator and one executive officer, were assigned 158 new cases, closed 114 existing and new cases, and was responsible for a calculated total savings to the state (cost avoidance) of \$74,504. Furthermore, the unit was responsible for \$346,009 in recoupment through consent orders, \$52,191 through restitution orders, and collected an additional \$255,533 paid-in-full.

In SFY 17, the Unit's work resulted in a total of \$1,259,436 in active collections and establishment of debt. The five-year trend of Divestiture results is illustrated to the right.



Medicaid Fraud Control Unit

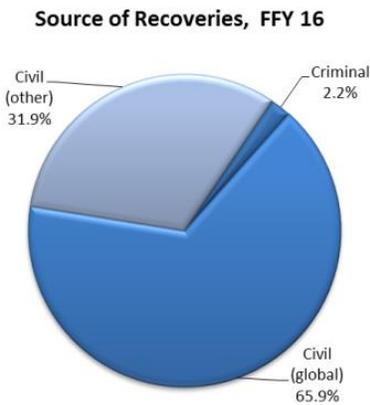
The Medicaid Fraud Control Unit's (MFCU) primary goal is to prevent abuse of taxpayer resources through the investigation of criminal activity. To achieve this goal, the Unit's staff includes experienced criminal investigators, auditors, and attorneys. The MFCU investigates allegations of fraud committed by providers against the Medicaid program, as well as fraud in the administration of the Medicaid program. The MFCU also investigates abuse or neglect and other crimes committed against residents in care facilities that receive reimbursement from the Medicaid program.

³ Referrals are allegations of fraud or abuse related to a specific investigative unit within the Investigations Division.

Based on the most recent available federal data (FFY 16), Iowa’s MFCU had ten FTE positions. When compared to the national average of 39.3 FTEs per MFCU, Iowa has one of the smallest units in the nation. Additionally, only eight MFCU’s receive fewer grant dollars than Iowa, and are identified in blue on the map to the right. Note that each of the eight states have significantly fewer Medicaid dollars for which they are responsible for policing.

State Medicaid Fraud Control Units Receiving Fewer Grant Dollars than Iowa, FFY 16	State	Medicaid \$	FTE
	Wyoming	\$ 637,273,743	4
	South Dakota	\$ 875,472,076	5
	Montana	\$ 1,446,698,958	6
	Vermont	\$ 1,768,236,337	7
	Idaho	\$ 1,794,759,439	7
	Maine	\$ 2,636,443,851	8
	New Hampshire	\$ 2,076,589,333	8
	Nebraska	\$ 2,092,993,865	9
	Iowa	\$ 4,914,249,752	10

During the reporting period, Iowa’s MFCU conducted 309 investigations⁴, 86.4% of which were fraud-related, with the remaining 13.6% representing resident abuse or neglect investigations. Iowa’s MFCU averaged 30.9 investigations per FTE, representing a level 150% above the national average. Iowa’s average number of investigations per FTE (caseload) is the 3rd highest in the nation.



In total, Iowa recovered \$10,656,073 from both criminal and civil convictions during FFY 16. Civil recoveries include both civil and global recoveries. Global recoveries are civil settlements or judgments involving the U.S. Department of Justice and a group of State MFCU’s, and are facilitated by the [National Association of Medicaid Fraud Control Units](#). The breakdown of recovery sources during the reporting period was predominately due to civil actions, as illustrated to the left.

The responsibility placed on individual MFCU’s is perhaps best illustrated by identifying the sheer volume of the overall Medicaid footprint.

Nationally, total Medicaid expenditures during FFY 16 amounted to more than \$571 billion, whereas total expenditures to operate all 50 MFCU’s amounted to less than \$259 million, or 0.045% of what was spent on Medicaid. In Iowa, Medicaid expenditures represented \$4.914 billion during FFY 16, whereas expenditures to operate the Iowa MFCU during that same time period totaled just over \$1.1 million, or 0.023% of the total Medicaid expenditures. Comparatively, Iowa spends approximately 51.2% less to operate its MFCU than the national average.

Public Assistance Debt Recovery Unit

The Public Assistance Debt Recover Unit (PADRU) initiates collections of overpayment debts owed to DHS as a result of payments made to recipients from the State’s public assistance programs, including the Medicaid program, Family Investment Program (FIP), Supplemental Nutrition Assistance Program (SNAP), Promise Jobs, HAWK-I, IowaCare and Child Care Assistance.

During SFY 17:

- PADRU collected \$3,256,504 in overpayments for benefits that were issued to DHS recipients in error. The SFY 17 level represents an 11.7% decrease from SFY 16’s level of collections.

⁴ Investigations are defined as the total number of open investigations at the end of the fiscal year.

- The total debt owed to the state at the conclusion of SFY 17 was \$42,921,418, which is an increase of \$163,909 from the previous fiscal year.
- 6,984 new claims were entered into DHS’ Web-Based Overpayment Recovery system. DIA investigators collect on these newly established debts through a variety of methods, including repayment agreements, judgments, wage garnishment and income tax offsets.

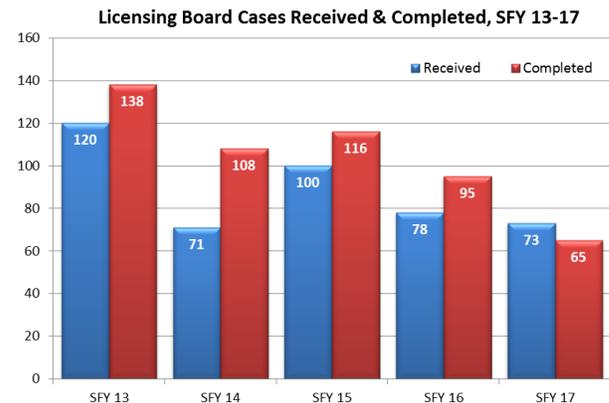
Professional Standards Unit

Investigators in the Division’s Professional Standards Unit conduct professional practice investigations on behalf of the professional licensing boards under the jurisdiction of the Iowa Department of Public Health (IDPH). The boards for which investigations are conducted, include:

State Licensing Boards under IDPH Jurisdiction, SFY 17		
Athletic Training	Hearing Aid Specialists	Physicians Assistants
Barbering	Impaired Practitioner Review Committee	Podiatry
Behavioral Science	Massage Therapy	Psychology
Chiropractic	Mortuary Science	Respiratory Care & Polysomnography
Cosmetology	Nursing Home Administrators	Sign Language Interpreters & Translitterators
Dietetics	Optometry	Social Work
Emergency Medical Services	Physical & Occupational Therapy	Speech Pathology & Audiology

During SFY 17, the Professional Standards Unit received a total of 73 new cases from IDPH, which represents a decrease of 6.41% from SFY 16.

The Unit completed 65 investigations for IDPH’s professional licensing boards during SFY 17 (including previous cases), which represents a decrease of 31.6% from SFY 16’s level. The five-year trend of both cases received and completed for the boards is illustrated to the right.



Child Advocacy Board

The Child Advocacy Board (CAB) ensures that the foster care system is working to place each Iowa foster child in a safe, permanent home. The nine-member Board – appointed by the Governor - works to ensure that Iowa’s foster children are well cared for and that the system designed to meet their needs is doing so in the most effective manner possible.

The Board oversees a variety of programs, including local foster care review boards and the Foster Care Registry. In addition, CAB administers the State’s Court Appointed Special Advocate (CASA) Program, which is designed to protect the rights of Iowa’s foster children in all court-related activities.

Child Advocacy Board Members

Courtney Clarke, Waukee
 Marc Elcock, Osceola
 Mark Hargrafen, Grimes
 Judge Gerald Magee, Charles City
 Sara Parris, Johnston
 Beth Myers, Garner
 Elaine Sanders, Sioux City
 Wayne Schellhammer, Urbandale
 Michael Steele, Mount Pleasant

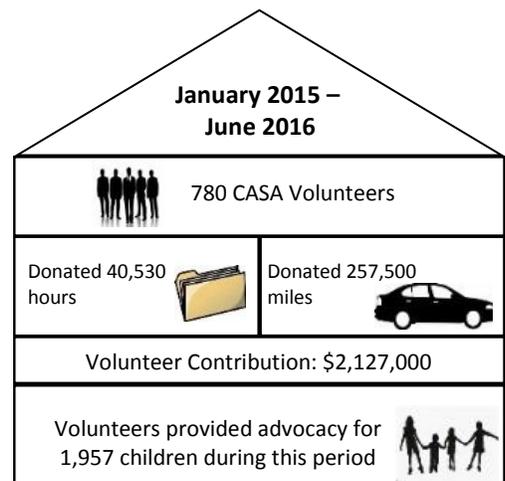
The Board is responsible for making recommendations annually to the Governor, the General Assembly, the Supreme Court, the Chief Judge of each judicial district, DHS and child-placing agencies on ways to improve the delivery of foster care services. Members submit recommendations on how to remove barriers that prevent the delivery of top quality foster care.

Court Appointed Special Advocate Program

The Iowa Court Appointed Special Advocate (CASA) Program recruits, trains, and supports concerned community volunteers who advocate for and promote the best interest of the children who are victims of abuse and/or neglect. Many of the children have been removed from their parental home due to safety issues.

CASA volunteers contribute selflessly, through:

- Serving as an effective voice in court for abused and neglected children.
- Safeguarding children who are already victims of abuse or neglect from further harm by the system.
- Being appointed by judges to guide one child or one set of siblings through the system to safe and permanent homes as quickly as possible.
- Meeting with their assigned child or sibling group monthly, at a minimum.
- Researching case records and speak to each person involved in a child’s life, including family members, teachers, doctors, therapists, lawyers and social workers.
- Preparing a Report to the Court for each hearing involving the child, which allows the Court to make better informed decisions.
- Monitoring the progress of the child and family throughout the case and advocate for the child’s current and future needs in court, in school, and in agency meetings.
- Serving as a consistent presence in the life of their assigned child and remaining assigned to the case until successful case closure.
- Offering fairness and objectivity in all activities concerning their assigned case, including openness to other viewpoints



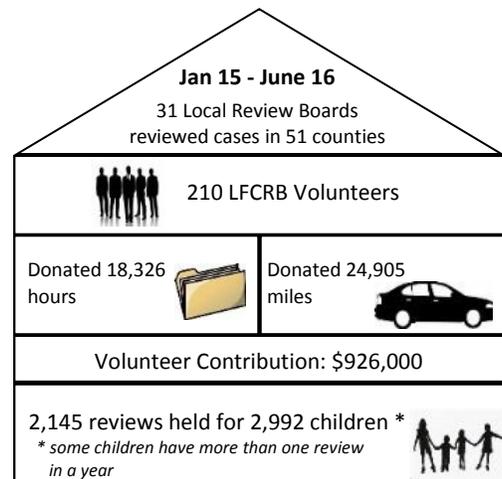
Iowa CASA advocates receive 30 hours of pre-service training to learn about child welfare-related issues and the duties of advocacy and 12 hours of in-service training each year to enhance their advocacy skills and further their knowledge on case issues.

Local Foster Care Review Board Program

CAB has established a network of Local Foster Care Review Boards (LFCRB) to review children receiving foster care. Under an agreement between DIA and DHS, the Child Advocacy Board receives federal funds to reimburse a portion of the cost of the reviews. Each LFCRB meet regularly to review case plans, hear from interested parties, and provide the Court and DHS with findings and recommendations about the safety, well-being and permanency of children from their communities in foster care.

Citizen Foster Care Review Boards provide an important resource to the community:

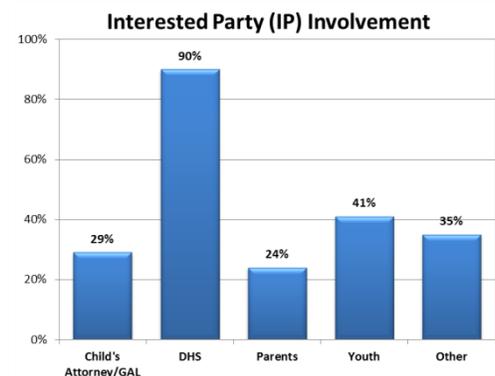
- They prevent the child welfare agency from becoming a “system unto itself”. Local Board Members provide objective views on the safety, care, appropriateness, timeliness of services and permanency for Iowa’s most vulnerable children and families. They help all Iowa citizens hold the system accountable.
- They move us toward community based protection of children versus the child protection system having sole responsibility
- They meet an important and federally mandated need for timely periodic review of foster care cases.



Participation of Interested Parties (IP) at Local Reviews

Participation of Interested Parties is essential for an effective foster care review in order for board members to be well-informed about the case and what is happening in the life of the child before making recommendations to the court and interested parties⁵.

Youth who are 14 years of age or older are invited to attend their foster care review but unfortunately they are often not able to attend in person. The chart to the left illustrates the percentage of invited IP’s who participated during this period.



Employment Appeal Board

The three-member Employment Appeal Board (EAB) is appointed by the Governor and serves as the final administrative law forum for state and federal unemployment benefit appeals. The Board also hears appeals of rulings of the Occupational Safety and Health Administration (OSHA) and the Iowa Public Employees Retirement System (IPERS). The Board members are appointed to represent employers, employees, and the general public, respectively. In addition to unemployment cases, the Board hears appeals involving peace officer issues and contractor registration requirements.

The Board receives 96% of its funding from the federal government, which is based on the number of appeals heard and the time taken to render a decision.

Employment Appeal Board Members

Kim D. Schmett, Board Chair, Employer Representative
 Ashley Koopmans, Board Member, Public Member
 James Strohman, Board Member, Employee Representative

⁵ DHS workers participate in LFCRB reviews regularly. All parties involved can contribute to a more thorough review and effective report to the court. Data shows a need to improve participation.

Iowa Racing & Gaming Commission



The Iowa Racing and Gaming Commission (“Commission”) administers the laws and rules on pari-mutuel wagering and racetracks and gambling at excursion gambling boats, racetrack enclosures, and gambling structures to protect the public and to assure the integrity of licensed facilities and participants. The Commission is responsible for weighing the criteria, determining the eligibility of applicants, and issuing licenses when deemed appropriate to conduct and operate racing or gaming in Iowa. The Commission and its staff oversee the regulation of all racetrack enclosures, excursion gambling boats, and gambling structures. Regulatory duties include assuring proper tax reporting and payments to the State Treasurer, testing of slot and table games, overseeing drug testing of racing animals, investigating alleged rule violations and taking any needed administrative actions on rule violations.

The Commission consists of five members who are appointed by the Governor and subject to Senate confirmation. Commission staff are located in Des Moines and at each state regulated gambling facility.

During SFY 17 in addition to the regular administrative duties, the Commission’s activities included:

- Approved a simulcast wagering agreement between the Iowa Greyhound Association and Wild Rose Clinton, LLC and approved a management contract between Iowa West Racing Association d/b/a Horseshoe Casino/Bluffs Run Greyhound Park and William Hill Race and Sports Book for simulcasting. Simulcast facilities began operations at both sites in SFY 17.
- Approved the stock purchases of:
 - HGI - Lakeside, LLC by Z Capital;
 - IOC Black Hawk County, Inc. and Isle of Capri Bettendorf, L.C. by Eldorado Resorts, Inc.; and
 - Isle of Capri Marquette, Inc. by CQ Holding Company, Inc.
- Received an application from Wild Rose and two applications from Cedar Crossing for proposed casinos in Linn County.
- Retained the services of Marquette Advisors, Inc. and White Sand Gaming to conduct a market analysis on gaming in the State of Iowa. The analysis will focus on identifying underserved and currently serviced but underperforming markets statewide, and will also include an assessment of applications for Linn County.
- Started the process for reviewing the Linn County applications, with an anticipated decision in November 2017.

Iowa Racing & Gaming Commission Members

Richard Arnold
Carl Heinrich
Kristine Kramer
Jeff Lamberti
Dolores Mertz

Office of the State Public Defender

The State Public Defender’s Office (SPD) is responsible for coordinating Iowa's Indigent Defense System. The Office’s mission is to ensure that all indigent persons in Iowa are provided high-quality legal representation in criminal, juvenile, and other eligible proceedings in the most efficient and fiscally responsible manner.



The Office is led by the State Public Defender, who is appointed by the Governor. More than two hundred employees in eighteen Local Public Defender Offices and the Appellate Defender's Office provide representation for indigent persons primarily in criminal and juvenile cases at the trial and appellate levels in all of Iowa's 99 counties.

The State Public Defender also contracts with approximately 800 private attorneys and several nonprofit organizations throughout Iowa to provide court-appointed representation in cases that public defender offices are unable to handle. These contract attorneys, as well as other indigent defense providers, such as investigators, court reporters, interpreters and expert witnesses are paid from the Indigent Defense Fund, which is administered by the State Public Defender.