

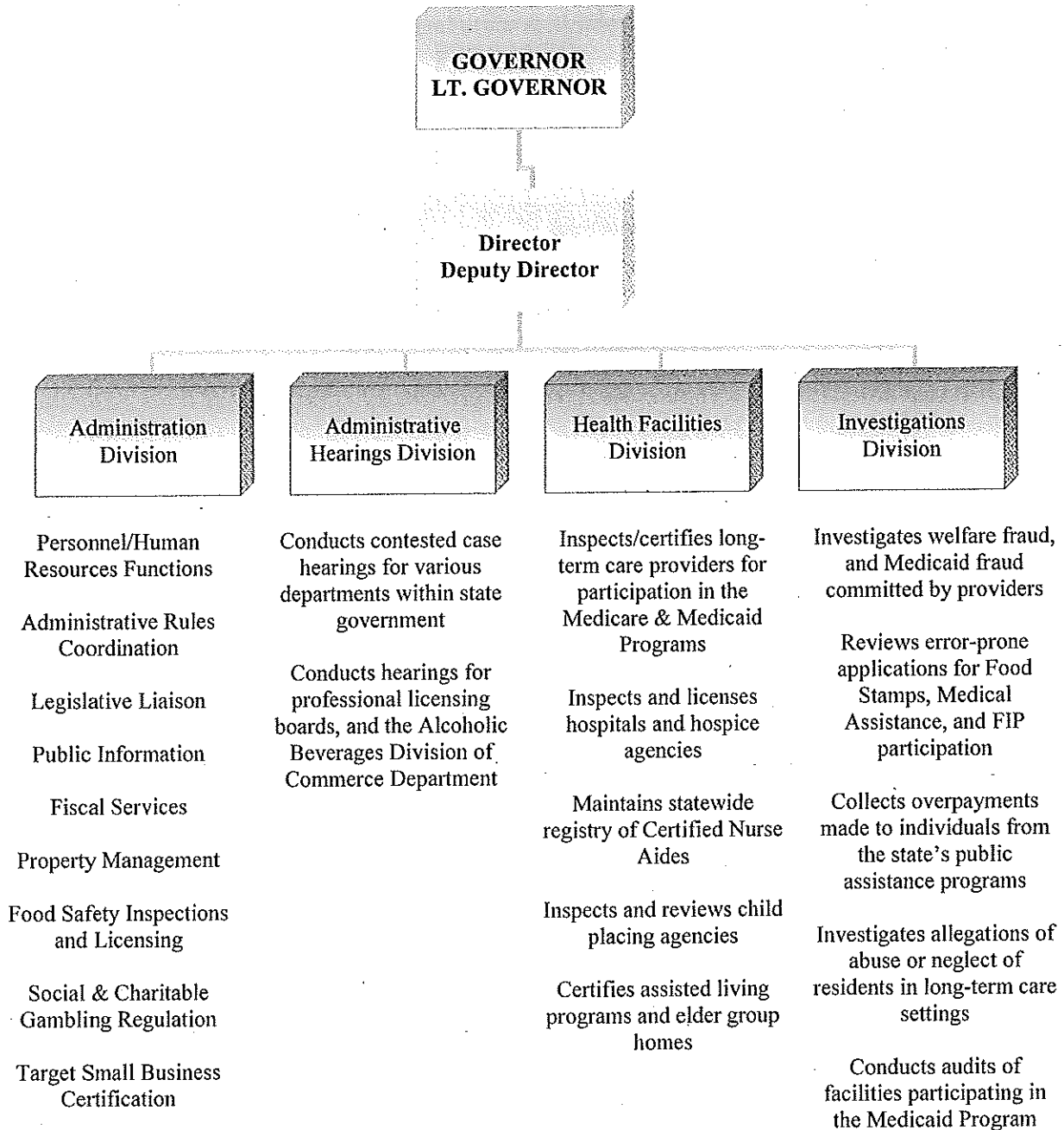
**ADMINISTRATION AND REGULATION
APPROPRIATIONS SUBCOMMITTEE**

PRESENTATION BY

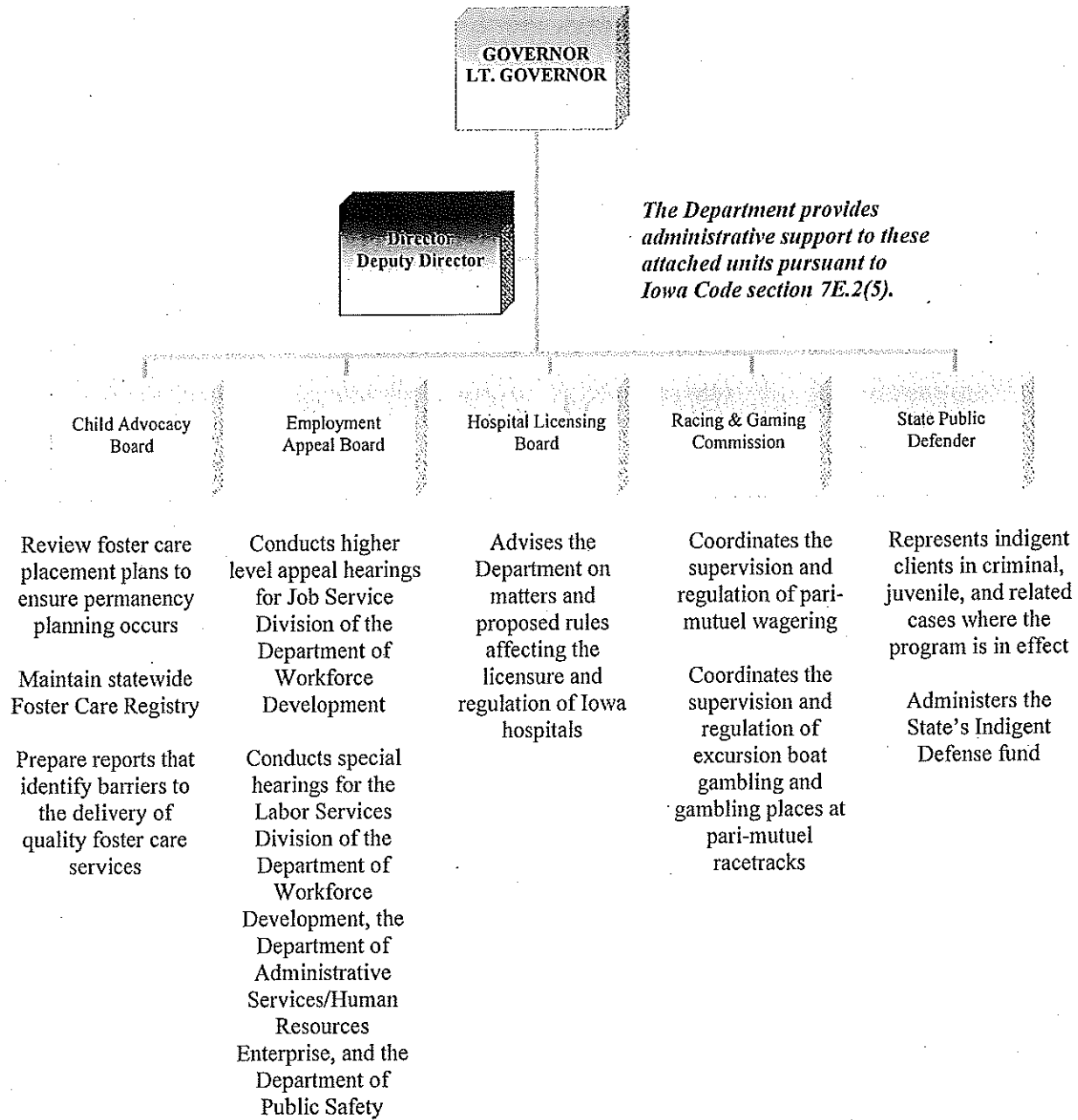
THE DEPARTMENT OF INSPECTIONS & APPEALS

FEBRUARY 3, 2011

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Attached Units



DEPARTMENT OF INSPECTIONS AND APPEALS

Lucas State Office Building
321 East 12th Street
Des Moines, IA 50319-0083
(515) 281-7102

The Department of Inspections and Appeals (DIA) is a multifaceted regulatory agency charged with protecting the health, safety, and well-being of Iowans. The Department is responsible for inspecting and licensing or certifying health care providers and suppliers, restaurants and grocery stores, social and charitable gambling operations, hotels and motels, and barber and beauty shops. 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.

The Department was created in 1986 to coordinate and conduct various audits, appeals, hearings, inspections, and investigations related to the operations of the Executive Branch of Iowa State Government. DIA is organized into four major divisions (Administration, Administrative Hearings, Health Facilities, and Investigations), each with its own specific duties and responsibilities. The Administration Division, which includes the Director's Office and staff, oversees the daily operation of the agency. The Director's Office sets policy for the department and is responsible for coordinating DIA's various programs and functions.

Attached to the Department for administrative support purposes are five additional units — Child Advocacy Board, Employment Appeal Board, Hospital Licensing Board, State Public Defender, and Racing and Gaming Commission. Each unit, like DIA's major divisions, has Code-mandated duties and responsibilities.

ADMINISTRATION DIVISION

Essential, centralized support services for the Department are coordinated by and through the Administration Division. Staff in the Director's Office oversee all strategic planning, legislative affairs, administrative rulemaking, personnel, and public information activities for the Department. The Director's Office also supervises all inspections performed by the Department, including food safety inspections at restaurants, grocery stores, and food processing plants, as well as sanitation inspections performed at barber and cosmetology shops, and hotels and motels. The State's Social and Charitable Gambling Program is located within the Administration Division, as is the Targeted Small Business Certification Program.

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 Indian tribes to operate Indian gaming establishments. Currently, three casinos in Iowa are operated by Indian tribes: CasinOmaha 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.

ADMINISTRATIVE HEARINGS DIVISION

The Administrative Hearings Division conducts contested case hearings involving Iowans who disagree with an administrative ruling issued by a state government agency. Nearly two-thirds of all administrative hearings conducted by the Division involve Iowans who have had their driver's licenses revoked or suspended by the Iowa Department of Transportation.

Administrative law judges listen to evidence provided by an agency and the affected individuals regarding actions taken by the agency. After a thorough review of the information, the administrative law judge issues a proposed decision to both parties. The decision is then subject to final review by the director of the agency involved in the contested case proceeding.

Contested case hearings are conducted for nearly all state government agencies, as well as for the State Board of Regents, Iowa Civil Rights Commission, Iowa College Student Aid Commission, Iowa Law Enforcement Academy, and the Iowa medical, dental, nursing, and pharmacy licensing boards.

HEALTH FACILITIES DIVISION

Health and habilitation professionals in the Department's Health Facilities Division inspect and license or certify under the Medicare and Medicaid Programs more than 4,000 health care providers and suppliers in Iowa. Among those providers regulated by the Division are long-term care facilities, hospitals, hospices, end-stage renal disease units, rural health clinics, and child-placing agencies. Multimember 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 initiate corrective or disciplinary action to assure a facility's compliance with state and federal rules.

Staff in the Division's Adult Services Bureau oversee the certification of assisted living programs, elder group homes, and adult day services programs. Currently, 299 certified assisted living programs are operated in Iowa, as well as 7 elder group homes and 31 adult day services programs.

INVESTIGATIONS DIVISION

The Investigations Division investigates alleged fraud in the State's public assistance programs, including the theft of warrants; investigates Medicaid fraud by health care providers; and conducts professional practice investigations on behalf of Iowa's professional licensing boards. Through a review of applications for public assistance, the Division can prevent the issuance of funds to ineligible individuals. In addition, when individuals fraudulently receive public assistance, the Division initiates recovery actions to recoup the overpayments.

Division employees perform expenditure audits of local Department of Human Services (DHS) offices to determine eligibility for federal fund reimbursement for operating expenses. These DHS audits also ensure compliance with applicable state and federal funding requirements. When conducting health care audits at residential care facilities, nursing facilities, and residential and intermediate care facilities for the mentally retarded, DIA auditors protect residents by assuring them that their personal funds are being properly maintained. Audit findings are also used to determine whether Medicaid reimbursement procedures meet all participation requirements.

Staff in the Medicaid Fraud Control Unit conduct investigations of alleged abuse and neglect of residents in long-term care facilities that receive Medicaid reimbursements from the federal government. Investigators also look into allegations that residents have been defrauded of personal funds or possessions.

When abuse or fraud is substantiated, the Division works with local law enforcement officials. When Medicaid fraud is suspected, the DIA often works side by side with investigators from the Federal Bureau of Investigation, the U.S. Postal Service, as well as other state and federal law enforcement agencies.

ATTACHED UNITS

CHILD ADVOCACY BOARD

The Child Advocacy 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 all agency programs, including local foster care review boards and the Foster Care Registry. In addition, the Board administers the State's Court Appointed Special Advocate Program (CASA).

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

EMPLOYMENT APPEAL BOARD

The three-member Employment Appeal Board 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, rulings of the Iowa Department of Administrative Services on state employee job classifications, and rulings of the Iowa Public Employees' Retirement System. The three members of the Board are appointed to represent employers, employees, and the general public.

In addition to unemployment cases, the Board hears appeals involving peace officer issues and contractor registration requirements. The Board receives 96 percent of its funding from the federal government based on the number of appeals heard and the time taken to render a decision.

HOSPITAL LICENSING BOARD

Appointed by the Governor, the six-member Hospital Licensing Board consults with and advises the Health Facilities Division in matters of policy affecting hospital administration. In addition, the Board reviews and approves rules and standards prior to their approval by the State Board of Health and adoption by the Department.

STATE PUBLIC DEFENDER

The mission of the State Public Defender is to provide high-quality legal representation to indigent clients who are accused of committing crimes or involved in juvenile court matters. By specializing in criminal defense work and juvenile matters, the lawyers and support staff of the State Public Defender's Office represent clients at economical costs to the taxpayers.

The State Public Defender's Office includes the Appellant Defender Office located in Des Moines that handles indigent defense cases on appeal for the entire state. In addition, the State Public Defender has a contractual agreement with the Iowa Department of Corrections to provide legal advice to inmates at the Iowa State Penitentiary in civil cases.

RACING AND GAMING COMMISSION

The Racing and Gaming Commission regulates pari-mutuel dog and horse racing and riverboat gambling in Iowa. The Commission, whose five members are appointed by the Governor, seeks to preserve the integrity of these industries and to maintain confidence in the industries by protecting the public. In

performing its duties, the Commission investigates the eligibility of applicants for a license and selects those who can best serve the citizens of Iowa.

The Commission adopts standards for the licensing of racing industry occupations, as well as standards for the operation of all race meetings and facilities. The Commission also adopts standards for the operation and licensing of excursion gambling boats. Funding for the Commission's operations is appropriated by the General Assembly and is reimbursed to the State General Fund through license and admission fees charged to licensees.

(Revised 020111)


IOWA DEPARTMENT OF INSPECTIONS AND APPEALS MISSION STATEMENT

The Mission for the Department of Inspections and Appeals is *“To assure state and federal program integrity by adjudicating, examining, and enforcing compliance to protect the health, safety and welfare of Iowans.”*


The individual Divisions and Attached Units have also developed missions more specifically related to their operations and are as follows:

- ***Administrative Hearings Division*** – Provide fair and timely adjudication of adverse agency action, providing due process with due consideration of all parties’ rights in accordance with governing laws and the Judicial Code of Conduct.
- ***Health Facilities Division*** – Through education, regulation and enforcement, protect and enhance the health, safety, welfare, and quality of life of people receiving care and services from licensed and/or certified entities.
- ***Investigations Division*** – Monitor federal and state regulatory compliance through oversight, investigation and recovery of misspent public assistance funds in order to maximize program integrity.
- ***Child Advocacy Board*** - To advocate for the best interests of abused and neglected children by supporting community volunteers that serve as effective voices for individual children in Iowa’s child welfare system and by promoting system-wide policies and practices that are in all childrens’ best interests.
- ***Employment Appeal Board*** - The Employment Appeal Board is a quasi-judicial state agency pursuant to Iowa Code Section 10A-601 that is legislatively mandated to hear and decide contested cases under Chapter 8A, Subchapter IV, and Chapter 80, 88, 91C, 96 and 97B. As a quasi-judicial state agency, the Employment Appeal Board will provide timely adjudication on matters under their review.
- ***Iowa Racing and Gaming Commission*** - The Iowa Racing and Gaming Commission will administer the laws and rules on pari-mutuel wagering at racetracks and gambling at excursion gambling boats, gambling structures and racetrack enclosures to protect the public and to assure the integrity of licensed facilities and participants.


CONTRACTING COUNTY HEALTH DEPARTMENTS

 ADLM Environmental Health Office, 12307 Highway 5, P.O. Box 399; Moravia, 52571-0399 - (641) 724-3511


Appanoose, Davis, Lucas and Monroe counties

 Black Hawk County Health Department, Northeast Iowa Inspections, 1407 Independence Avenue, Fifth Floor, Waterloo 50703 - (319) 291-2413


Benton, Black Hawk, Bremer, Buchanan, Butler, Delaware, Fayette, Grundy and Tama counties

 Buena Vista County Health Department, Court House, 215 East 5th Street, P.O. Box 301, Storm Lake 50588-0301 - (712) 749-2555


Buena Vista County

 Calhoun County Public Health, 501 Court, Rockwell City 50579 - (712) 297-8323


Calhoun County

 Carroll County Health Department, 114 East 6th Street, County Courthouse, Carroll 51401 - (712) 792-9532


Carroll, Crawford, and Greene counties

 Cedar County Health Department, 400 Cedar Street, Court House, Tipton 52772 - (563) 886-2248


Cedar County

 Cerro Gordo County Health Department, 22 North Georgia Avenue, Suite 300; Mason City 50401 - (641) 421-9300


Cerro Gordo, Chickasaw, Floyd, Franklin, Hamilton, Hancock, Hardin, Howard, Kossuth, Mitchell, Webster, Winnebago, Winneshiek, Worth and Wright counties

 Cherokee County Environmental Health, 520 West Main, Box D, Cherokee 51012 - (712) 225-6721


Cherokee County

 Clinton County Health Department, 329 East 11th Street, De Witt 52742 - (563) 659-8148


Clinton County

 Des Moines County Health Department, 522 North 3rd Street, Burlington 52601 - (319) 753-8217


Des Moines County

 Henry County Board of Health, 407 South White, Mount Pleasant 52641 - (319) 385-6748


Henry and Van Buren counties

 Ida County Environmental Health, Court House, 401 Moorehead Street, Ida Grove 51445 - (712) 364-2533


Ida County

 Johnson County Public Health, 855 S Dubuque Street, Iowa City 52240 - (319) 356-6040


Johnson County

 Jones County Environmental Services, 500 W Main Street, Anamosa 52205 - (319) 462-4715


Jones County

 Lee County Health Department, 2218 Avenue H, Fort Madison 52627 - (319) 372-5225


Lee County

 Linn County Health Department, 501 13th Street NW, Cedar Rapids 52405 - (319) 892-6000

Linn County

 Pocahontas County Environmental Health, County Court House, 99 Court Square, Pocahontas 50574 - (712) 335-4142


Humboldt and Pocahontas counties

 Sac County Health Department, Court House Annex, Suite A, 116 S State Street, Sac City 50583 - (712) 662-7929


Sac County

 Scott County Health Department, 600 W 4th Street, Davenport 52801 - (563) 326-8618


Scott County

 Shelby County Health Department, 1313 Industrial Parkway, Harlan 51537 - (712) 755-2609

Aclair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Monona, Montgomery, Page, Pottawattamie, Shelby, Taylor and Union counties

 Siouxsland District Health Department, 1014 Nebraska Street, Sioux City 51105 - (712) 279-6119

Clay, Dickinson, Emmet, Lyon, O'Brien, Osceola, Palo Alto, Plymouth, Sioux and Woodbury counties

 Washington County Environmental Health, P.O. Box 889, Court House, Washington 52353 - (319) 653-7782

Washington County

CONTRACTING MUNICIPAL HEALTH DEPARTMENTS

1. Ames Health Department, 515 Clark, Ames 50010 - (515) 239-5158

2. Council Bluffs Health Department, City Hall, 209 Pearl Street, Council Bluffs 51503 - (712) 328-4666

3. Dubuque Health Department, City Hall Annex, 1300 Main Street, Dubuque 52001 - (563) 589-4181

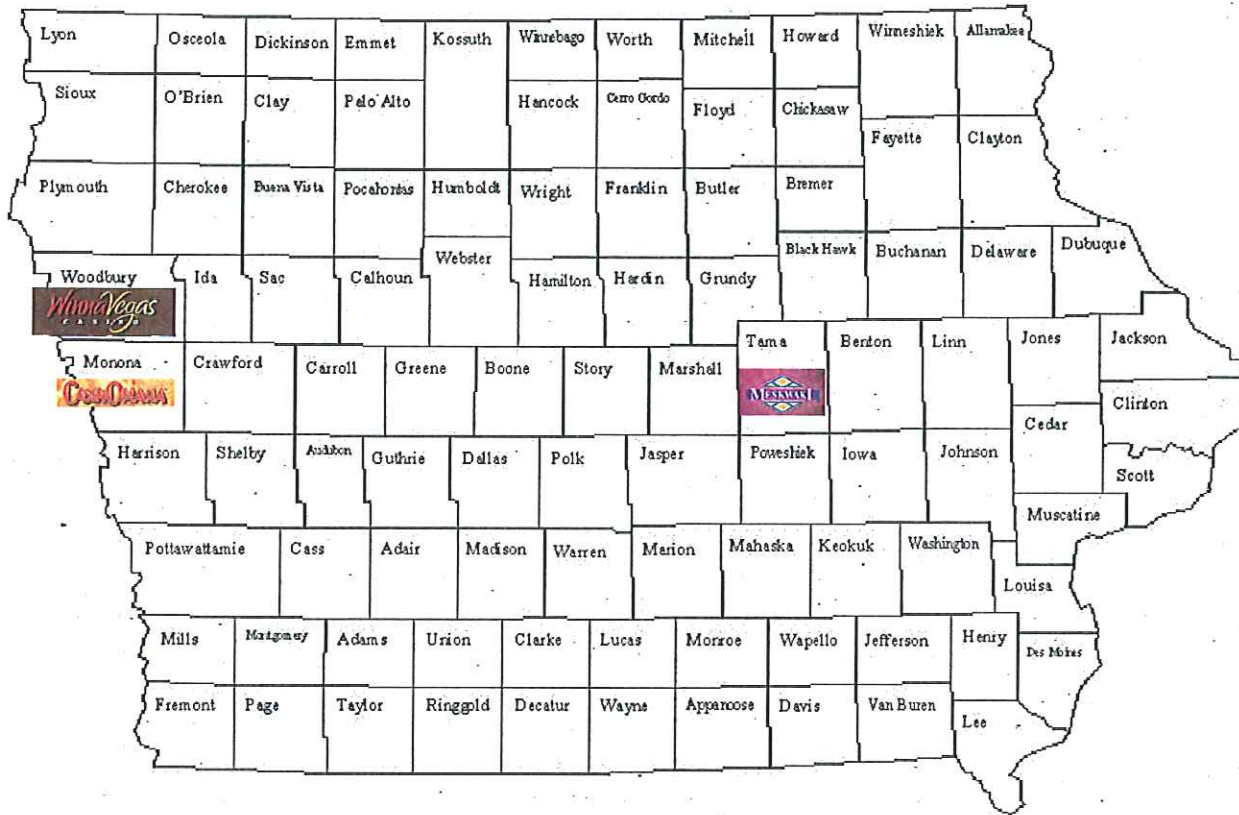
4. Muscatine Health Department, City Hall, 215 Sycamore, Muscatine 52761 - (563) 262-4141

5. Ottumwa Health and Inspections (including Wapello County), City Hall, Room 204, 105 East Third Street, Ottumwa 52501 - (641) 683-0651

STATE-INSPECTED

Counties in white are inspected by the Iowa Department of Inspections and Appeals, Food and Consumer Safety Bureau, Lucas State Office Building, Des Moines 50319-0083 - 515/281-6538
Counties covered: Allamakee, Boone, Chickasaw, Clarke, Clayton, Dallas, Decatur, Dubuque, Floyd, Franklin, Hamilton, Hancock, Hardin, Howard, Iowa, Jackson, Jefferson, Keokuk, Kossuth, Louisa, Madison, Mahaska, Marion, Marshall, Mitchell, Muscatine, Polk, Poweshiek, Ringgold, Story, Warren, Wayne, Webster, Winnebago, Winneshiek and Worth

Indian Gaming in Iowa



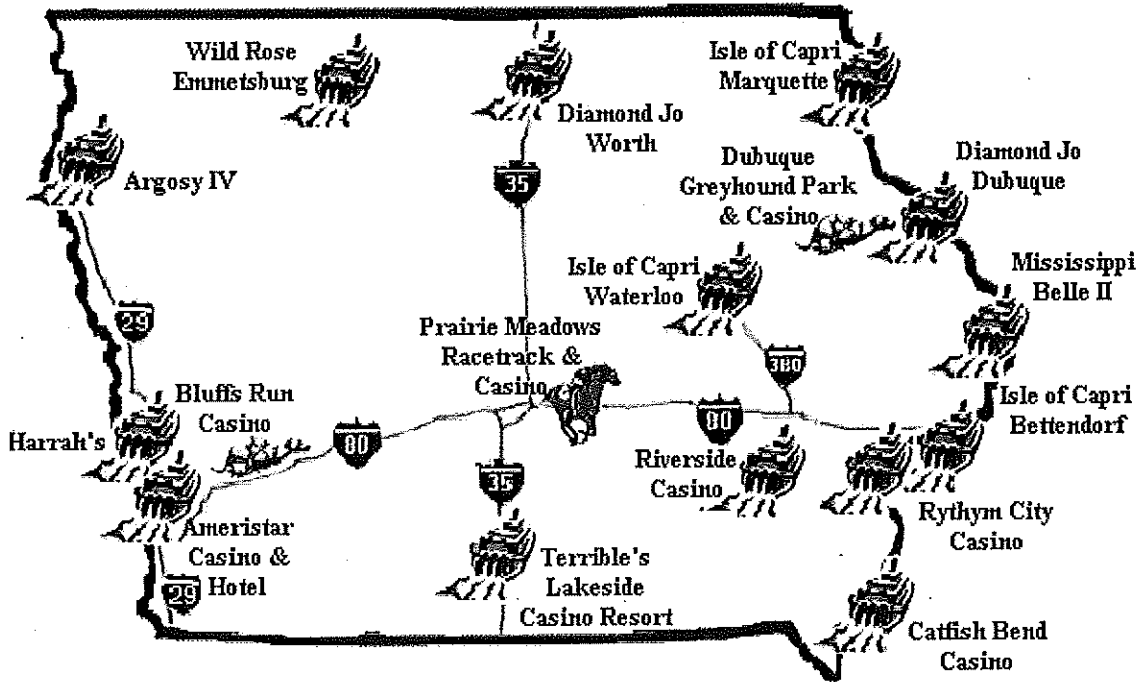
Indian Gaming Compacts

The Director of the Iowa Department of Inspections and Appeals is authorized to enter into and implement agreements or compacts between the State of Iowa and Native American tribes located in the state. Gaming compacts are entered into under the authority of the Indian Gaming Regulatory Act (25 U.S.C section 2701 et seq.). The agreements or compacts contain provisions intended to implement the policies and objectives of the Indian Gaming Regulatory Act.

Three tribal gaming compacts were first negotiated in 1992, authorizing casino-type gaming in the State of Iowa.

- The Winnebago Tribe of Nebraska began operation of WinnaVegas Casino near Sloan on April 30, 1992.
- The Omaha Tribe of Nebraska began operation of CasinOmaha near Onawa on June 22, 1992.
- The Sac and Fox Tribe of the Mississippi in Iowa began operation of Meskwaki Bingo and Casino near Tama on December 31, 1992.

State of Iowa Licensed Facilities



Facility Name	City
Isle of Capri Marquette	Marquette
Dubuque Greyhound Park & Casino	Dubuque
Diamond Jo Casino	Dubuque
Wild Rose Clinton	Clinton
Isle of Capri Bettendorf	Bettendorf
Rhythm City Casino	Davenport
Catfish Bend Casino	Burlington
Prairie Meadows Racetrack & Casino (Horse Racing)	Altoona
Argosy IV	Sioux City
Harrah's	Council Bluffs
Ameristar Casino & Hotel	Council Bluffs
Horseshoe Casino and Bluffs Run Greyhound Park	Council Bluffs
Terrible's Lakeside Casino Resort	Osceola
Wild Rose - Emmetsburg	Emmetsburg
Diamond Jo Worth	Northwood
Riverside Casino	Riverside
Isle of Capri Waterloo	Waterloo