

December 22, 2020

Scott Logan  
Social Security Administration  
Office of Income Security Programs  
Keys Section  
2518 Robert M. Ball Building  
6401 Security Boulevard  
Baltimore, MD 21235  
D21-027

Dear Mr. Logan:

I have received your request for Iowa's fiscal year 2021 certification of compliance with Section 1616(e) of the Social Security Act (the Keys Amendment).

The Iowa Department of Human Services has been designated as the state agency responsible for overseeing compliance with Section 1616(e) of the Social Security Act, the Keys Amendment. This letter is for federal fiscal year (FFY) 2020 and certifies that the State of Iowa has established, maintains, and ensures the enforcement of standards for categories of living arrangements in which significant numbers of Supplementary Security Income (SSI) recipients reside or are likely to reside.

The Department of Human Services has the responsibility to oversee standards for the following living arrangements:

- Children's foster family homes
- Community supervised apartment living arrangements
- Adult family life homes
- Supported community living arrangements under the Medicaid Home and Community-Based Services (HCBS) programs, including:
  - Intellectual Disability (ID) Waiver
  - Brain Injury (BI) Waiver
  - Home-based habilitation arrangements under the Medicaid State Plan HCBS

The Department of Inspection and Appeals (DIA) has the responsibility to oversee standards for the following living arrangements:

- Nursing facilities
- Residential care facilities (RCF)
- Elderly family homes
- Elder group home programs

Complete copies of the applicable rules, or standards, for each of the departments were submitted to you in 1995. Changes have been submitted yearly since that time. Changes to the rules, that update this packet, are enclosed with this letter. We believe that we are in full compliance with the Section 1616(e) provision.

### **Summary of Iowa Administrative Code (IAC) Rule Changes for Medicaid Impacting the Department of Human Services (DHS)**

<p>(IAC) 441-177.4(1)(b) 177.4(1) 177.4(2) 177.4(4) 177.4(10) 177.5(2) 177.6(3) 177.9(3) 177.11(249)</p>	<p><b>In Home Health Related program (IHHRC)</b> These amendments are related to our IHHRC program to add provisions for coordination of services to avoid duplication. The amendments also add clarification on when reviews need to be completed and when services may be terminated, and to amended the termination provisions to include termination grounds if qualified health care services are absent, which is a requirement of the program. These amendments remove form names and numbers. These rule makings became effective on May 13, 2020. [See ARC 4888C and 5019C]</p>
<p>(IAC) 441-73.5(2) 78.27(6)“a” 78.37(17)“a” 78.43(1)“a” 83.2(1)“d”(1) 83.7(249A) 83.22(2)“a” 90.1(249A)</p>	<p><b>Case Management</b> This rule making adopts a new Chapter 90 that clarifies the case management service activities received by various populations in the Medicaid program and includes a definition of and references to a core standardized assessment (CSA) as required under the Balancing Incentive Program (BIP). BIP was created as part of the federal Patient Protection and Affordable Care Act. Participation by Iowa is required by 2012 Iowa Acts, Chapter 1133, section 14, and 2013 Iowa Acts, Chapter 138, section 142(20). In addition, new Chapter 90 outlines and requires billable activities for fee-for-service members, includes a requirement for provider reporting of minor incidents, and includes the person-centered service planning definition and service requirements. Also, cross-reference citations in other chapters that are affected by this rule making are updated. This rule making became effective on March 18, 2020. [See ARC 4897C]</p>
<p>(IAC) 441-79.1(2) 83.82(2)“d.”</p>	<p><b>Brain Injury Waiver-HCBS</b> Legislation from the 2019 Legislative Session directed the Department to eliminate the monthly budget maximum or cap for individuals eligible for the Medicaid home- and community-based services (HCBS) Brain Injury Waiver. Legislation also appropriated additional funds to adjust the per diem rates for assertive community treatment (ACT) services. These amendments implement those changes. This rule making became effective on April 15, 2020. [See ARC 4974C]</p>

**Iowa Department of Inspections and Appeals**  
**ADMINISTRATIVE RULE CHANGES**

During Federal Fiscal Year 2020 (FFY 2020), the Iowa Department of Inspections and Appeals (DIA) implemented two sets of changes to its administrative rules governing health care providers and supplies regulated by the Department's Health Facilities Division. Facilities and programs impacted by these rule changes include health care facilities as defined in Iowa Code section 135C.1, hospitals as defined in Iowa Code section 135B.1, elder group homes as defined in Iowa Code 231B, assisted living programs as defined in Iowa Code section 231C, and adult day services as defined in Iowa Code section 231D.

<p>(IAC) 481— 67 68 69 70</p>	<p>Updates for Elder Group Homes, Assisted Living Programs, and Adult Day Services  This rule making amended Chapter 67, “General Provisions for Elder Group Homes, Assisted Living Programs, and Adult Day Services,” and expressly directed programs that handle, store, or administer controlled substances to be registered with the Iowa Board of Pharmacy in accordance with the Board’s standing interpretation of its rules; revised the types of personnel permitted to administer medications from any certified or noncertified staff in accordance with nurse delegation procedures to certified medication aides or medication managers; modified the time frames for investigation of complaints or program-reported incidents depending on the severity of the potential regulatory insufficiency; clarified the contents of the plan of correction with respect to detailing how regulatory insufficiencies will be corrected; and removed citations to previously rescinded rules.</p> <p>This rulemaking also amended Chapter 69, “Assisted Living Programs,” and clarified the policies and procedures that programs shall have in place, including requiring that programs have a policy and procedure for extraordinary lifesaving measures; clarified that annual updates to service plans shall include a process of reviewing, updating if necessary, and signing and dating the service plan; required that perishable or potentially hazardous foods be cooked to and held at recommended and safe temperatures; and updated managed risk policy and consensus agreements so that they may be used when tenant decision making could result in poor tenant outcomes. The rule making also updated internal citations within Chapters 68, “Elder Group Homes,” and 70, “Adult Day Services,” related to the revisions made. [See ARC 4976C]</p>
<p>(IAC) 481— 52</p>	<p><b>Dependent Adult Abuse in Facilities and Programs</b>  This rule making implemented changes made to Iowa Code chapter 235E resulting from 2019 Iowa Acts, House File 304, which added a citation to reference “personal degradation” as defined in Iowa Code section 235E.1(5)“a”(3) to the list of dependent adult abuses required to be reported that shall be collected and maintained by the Department of Human Services as an assessment only for a five-year period and shall not be included in the central registry or considered to be founded dependent adult abuse if determined by the Department of Inspections and Appeals to be minor, isolated, and unlikely to reoccur. [See ARC 5004C]</p>

## RESIDENTIAL CARE FACILITIES

**New Facilities** – There were no new licensed residential care facilities (RCF) for FFY 2020.

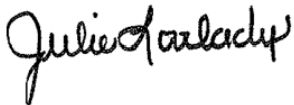
**Closed Facilities** – During FFY 2020, four residential care facilities ceased operation in the State of Iowa – two residential care facilities, one residential care facility for the intellectually disabled, and one specialized care facility licensed for three to five beds. The primary reasons cited for closures were financial and converting to a smaller home. The closure of these facilities represents a loss of 76 licensed beds to serve potential residents throughout Iowa.

### ***Closed RCF Facilities***

<b>Name of Facility</b>	<b>Type</b>	<b>Beds</b>	<b>City</b>	<b>Closure Date</b>
O'Briant House	RCF/ID	8	Centerville	10/1/2019
West 4th St GH	RCF	12	Waterloo	12/1/2019
Longhouse Northshire	RCF	15	Spencer	12/31/2019
Harrison House	RCF/ID	10	Jefferson	3/11/20
Terrace View Residential	RCF	15	Clarinda	4/9/2020
Emerson House	RCF/ID	12	Waterloo	6/3/2020

If you need additional information, please contact Jessica McBride, LTSS Policy Specialist, Iowa Medicaid Enterprise, Bureau of Medical and Long Term Care Services, at (515) 256-4639 or [jmcbri@dhhs.state.ia.us](mailto:jmcbri@dhhs.state.ia.us).

Sincerely,



Julie Lovelady  
Interim Medicaid Director

JL/JM

Enclosures: Department of Inspections and Appeals: ARC 49756C, ARC 5004C

Department of Human Services: ARC 4888C, ARC 4897C, ARC 4974, ARC 5019C

cc: Iowa Department of Inspections and Appeals, Stefanie Bond and Dawn Fisk  
Iowa Department of Human Services, Iowa Medicaid Enterprise, Jessica McBride

