

STATE OF IOWA DEPARTMENT OF  
**Health** AND **Human**  
SERVICES

Kim Reynolds  
GOVERNOR

Adam Gregg  
LT. GOVERNOR

Kelly Garcia  
DIRECTOR

December 20, 2023

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

Dear Mr. Logan:

I have received your request for Iowa's fiscal year 2024 certification of compliance with Section 1616(e) of the Social Security Act (the Keys Amendment).

The Iowa Department of Health and 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) 2023 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 Health and 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)**

Iowa Governor, Kim Reynolds implemented the Executive Order 10 effective January 1, 2023. The Executive Order directs all State of Iowa agencies to review Iowa Administrative Rule and be promulgated as specified in the Executive Order 10 no later than December 31, 2026. The Iowa Health and Human Services is scheduled for the review beginning January 2024. During this time, no new rules will be implemented. A copy of The Executive Order 10 as issued by Governor Reynolds is attached.

<p>ARC 653IC 441-IAC CH 177 and Iowa Code 249</p>	<p>This chapter was reviewed as part of the Department's five-year rules review. Currently the In-Home Health-Related Care (IHHRC) program requires a registered nurse to provide supervision of a client's care plan in order for the client to receive services. Over the past several years, the Department has experienced more nursing agencies opting out of providing supervision services for this program. Several counties have no nursing agencies willing to provide the supervision necessary for the program services. This results in individuals being enrolled in the program with physicians having to provide supervision, which is an unreasonable expectation, or individuals being enrolled in the program without a supervising practitioner, which requires an exception to the administrative rule. Medicaid programs providing similar services under the home- and community-based programs do not require a supervising practitioner when the service being provided is considered unskilled or is for personal care services. These proposed amendments remove the requirement of nursing supervision for unskilled personal care services and maintain the requirement of nursing supervision for skilled services. Proposed amendments also identify how the program is implemented from the application process through termination, if termination is necessary.</p>
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### **Iowa Department of Inspections and Appeals ADMINISTRATIVE RULE CHANGES**

During Federal Fiscal Year 2022, October 1, 2022—September 30, 2023, (FFY 2023), the Iowa Department of Inspections and Appeals (DIA) implemented one set of changes to its administrative rules governing health care providers regulated by the Department's Health

Facilities Division. Assisted living programs as defined in Iowa Code section 231C.1 are impacted by these rules.

ARC 6711C 481-IAC CH 55 and Iowa Code 10A,104	Iowa Administrative Code chapter 481—55 The adoption of 481 Iowa Administrative Code chapter 55 implemented 2022 Iowa Acts, House File 2521, which defined “health care employment agency” and requires a health care employment agency operating in the state to register with DIAL. The legislation requires a health care employment agency to maintain liability insurance, verify and document that its agency workers meet minimum standards for their profession, and submit quarterly data regarding the average amount the agency charges and the average amount paid to agency workers. The legislation also proscribes the restriction of employment opportunities of agency workers by noncompetition clauses and provides penalties for failure to adhere to this requirement. The rules also require the health care employment agency to report allegations of abuse against a health care agency worker to the department and any applicable health care facility. [See ARC 6711C]
ARC 6801C 481-IAC CH 52 and Iowa Code 10A,104,235E	Iowa Administrative Code chapter 481—52 The Department completed a review of 481 Iowa Administrative Code chapter 52 in accordance with the five-year review requirement in Iowa Code section 17A.7(2). This rule making rescinded an outdated reference that staff member training be completed no later than December 31, 2010, and removed definitions and rules that were redundant of statute. It also updated the definition of “staff member” to clarify that health care employment agency workers are included within the definition of “staff member” and associated staff member reporting requirements and added a reference to a health care employment agency’s reporting requirement in accordance with new 481—Chapter 55. [See ARC 6801C]
ARC 6860C 481-IAC CH 54 and Iowa Code 10A,104,135C	Iowa Administrative Code chapter 481—54 2 The Department completed a review of 481 Iowa Administrative Code chapter 54 in accordance with the five-year review requirement of Iowa Code section 17A.7(2). This rule making amended rule 481—54.8(135C) to provide flexibility in the presentation of the Governor’s Award for Quality Care, which recognizes health care facilities in Iowa that demonstrate provision of the highest quality care to residents. [See ARC 6860C]
ARC 6972C 481-IAC CH 64 and Iowa Code 10A,104,135C	Iowa Administrative Code chapter 481—64 The Department completed a comprehensive review of 481 Iowa Administrative Code chapter 64 in accordance with the five-year review requirement in Iowa Code section 17A.7(2). This rule making updated citations and references to pertinent federal law; aligned requirements for the purchase, transfer, assignment, or lease of a facility with current practices; and rescinded the adoption of federal standards that were duplicative of previously adopted federal law. [See ARC 6972C]
ARC 6973C 481-IAC CH 41 and Iowa Code 10A,104,135H	Iowa Administrative Code chapter 481—41 The Department completed a comprehensive review of 481 Iowa Administrative Code chapter 41 in accordance with the five-year review requirement in Iowa Code section 17A.7(2). This rule making eliminated redundancy within Chapter 41 by referencing Iowa Code chapter 135H and pertinent federal law, and

	updated the process for renewal applications and the purchase, transfer, assignment, or lease of a PMIC to conform to current practices. [See ARC 6973C]
ARC 7005C 48I-IAC CH 56 and Iowa Code 10A,104	Iowa Administrative Code chapter 48I—56 This rulemaking updated subrule 56.3(4) in accordance with changes included in 2022 Iowa Acts, House File 2172. That legislation updated citations to administrative rules subject to exception from provisions related to the self-identification and correction of deficiencies by health care facilities. [See ARC 7005C]
ARC 6974C 48I-IAC CH 57 and Iowa Code 10A,104	Iowa Administrative Code chapters 48I—57, 65, and 71 This rulemaking updated 48I Iowa Administrative Code chapters 57, 65, and 71 in accordance with changes included in 2022 Iowa Acts, House File 803. That legislation required agencies that adopt rules pursuant to Iowa Code chapter 17A providing a power, privilege, right, or duty to a physician licensed under Chapter 148 to also provide the same power, privilege, right, or duty to a physician assistant licensed under Chapter 148C, to be consistent with the scope of practice of the physician assistant as specified therein. [See ARC 6974C]
ARC 6975C 48I-IAC CH 53 and Iowa Code 135J	Iowa Administrative Code chapter 48I—53 The Department completed a comprehensive review of 48I Iowa Administrative Code chapter 53 in accordance with the five-year review requirement in Iowa Code section 17A.7(2). This rulemaking updated the chapter to align with current practices, terminology, and federal requirements. These amendments also added “physician assistant” to the attending physician qualifications in accordance with 2022 Iowa Acts, House File 803. [See ARC 6975C]
ARC 7035C 48I-IAC CH 50 and Iowa Code 10A,104,135C	Iowa Administrative Code chapter 48I—50 The Department completed a comprehensive review of 48I Iowa Administrative Code chapter 50 in accordance with the five-year review requirement in Iowa Code section 17A.7(2). This rule making updated citations and removed outdated, unnecessary, and redundant content. It also updates rules related to background checks in accordance with Iowa Code chapter 135Q. [See ARC 7035C]
ARC 7033C 48I-IAC CH 58 and Iowa Code 10A,104,135C	Iowa Administrative Code chapter 48I—58 The Department completed a comprehensive review of 48I Iowa Administrative Code chapter 58 in accordance with the five-year review requirement in Iowa Code section 17A.7(2). This rule making removed outdated, unnecessary, and redundant content by streamlining language, referencing pertinent state and federal law, and conforming rules with current and longstanding practices. The amendments also updated rules in accordance with changes included in 2022 Iowa Acts, House File 803, providing the same power, privilege, right, or duty to a physician assistant licensed under Iowa Code chapter 148C as to a physician, as is consistent with the scope of practice of the physician assistant as specified therein. [See ARC 7033C]
ARC 7036C 48I-IAC CH 60 and Iowa Code 10A,104,135C	Iowa Administrative Code chapter 48I—60 The Department completed a comprehensive review of 48I Iowa Administrative Code chapter 60 in accordance with the five-year review requirement in Iowa Code section 17A.7(2). This rule making rescinded and adopted a new Chapter 60, which incorporated by reference generally accepted design and construction standards for the construction and renovation of health care facilities. The Department requested the assistance of the Building Code Bureau of the State Fire Marshal’s Office to review the rules

	pertaining to minimum physical standards for residential care facilities. During the review process, the Building Code Bureau compared the provisions of existing Chapter 60 against other applicable building codes and standards and determined that many of the provisions of the current chapter were outdated, unenforceable, or irrelevant. The new Chapter 60 aligns more closely with the requirements for other health care facilities. [See ARC 7036C]
ARC 7034C 48I-IAC CH 66 and Iowa Code 10A,104,135Q	Iowa Administrative Code chapter 48I—66 The Department completed a comprehensive review of 48I Iowa Administrative Code chapter 66 in accordance with the five-year review requirement in Iowa Code section 17A.7(2). This rule making clarified current practices, updated citations, and removed unnecessary text. [See ARC 7034C]

### Residential Care Facilities

Facility	Type	Capacity	City	Date of Closure	Reason
Pride Group	RCF	43	LeMars	November 2022	Opened two new smaller facilities.
Rising Son	RCF	15	Council Bluffs	September 2023	Converted to an Assisted Living program
La'Arch I	RCF	6	Clinton	January 2023	Transitioned to HCBS
Spurgeon Manor	RCF	12	Dallas Center	May 2023	Converted to an Assisted Living program. RCF was a non-Medicaid enrolled provider
Evergreen II	RCF		Cedar Rapids	May 2023	Financial reasons, moved to Evergreen II location, consolidation of buildings

### New RCF Facilities FY 2023

Facility	Type	Capacity	City	Open Date	Notes
McKinley	RCF	9	Des Moines	September 12, 2023	Transferred from a crisis stabilization unit to RCF
Phoenix House	RCF	15	Newton	November 2, 2023	New provider

If you need additional information, please contact Robert Payne, LTSS Policy Specialist, Iowa Medicaid, Bureau of Medical and Long-Term Care Services, at (515) 204-3324 or [rpayne@dhs.state.ia.us](mailto:rpayne@dhs.state.ia.us)

Sincerely,

A handwritten signature in black ink, appearing to read "Liz Matney", with a stylized, flowing script.

Liz Matney  
Medicaid Director

LM/RP

Enclosures: Department of Inspections and Appeals: ARC 6711C, 6801C, 6860C,  
6972C, 6973C, 6974C, 6975C, 7005C, 7033C, 7034C, 7035C, 7036C  
Department of Health and Human Services: ARC 6531C  
Executive IO Order

Department of Human Services:

cc: Iowa Department of Inspections and Appeals, Linda Kellen and Ashleigh Hackel  
Iowa Department of Human Services, Iowa Medicaid, Robert Payne