

Rules Review

Introduction

This document demonstrates the required review of Iowa Administrative Code (IAC) for the Iowa Department on Aging (IDA). This review has been completed in accordance with Iowa Code § 17A.7(2) and has been approved by Director Linda Miller. IDA has given careful consideration and review to all sections of the IAC under its purview. The comprehensive review resulted in sections of the IAC that were eliminated, updated, and clarified. The IDA will continue to routinely review Administrative Rules and involve stakeholders when necessary. The IDA's goal is to eliminate rules that are outdated, redundant, inconsistent or incompatible with statutes or the agency's own rules.

The Administrative Rules Review will be provided to the Administrative Rules Coordinator in the Governor's Office, the Administrative Rules Review Committee, and be made available for viewing on the Department's website: www.iowaaging.gov.

Mission Statement of the Iowa Department on Aging

The Mission of the IDA is to develop a comprehensive, coordinated and cost-effective system of long term living and community support services that help individuals maintain health and independence in their homes and communities.

Regulatory Objectives

The IDA adhered to the following objectives with regard to administrative rule-making responsibilities. The IDA Shall:

1. Only issue rules authorized by state or federal law.
2. Only issue rules that aid in the interpretation of state or federal law, that have been mandated by state or federal law, or that serve an important public need.
3. Assess all the costs and benefits of regulating against the costs and benefits and risks of not regulating.
4. Maximize net benefits and ensure equitable results.
5. Conduct all rule-making in a cost-effective manner.
6. Seek out and review alternate forms of regulation.
7. Seek the views of stakeholders and input from members of the public.
8. Avoid rules that are inconsistent, incompatible, or duplicative.

9. Ensure that rules are tailored narrowly with an appropriate scope.
10. Promulgate rules that are easy to understand with the goal of ensuring that all members of the public can comprehend and apply the rule.

Agency Rules Administrator – Contact Information

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Regulatory Plan

1. Iowa Administrative Code 17-1 – Introduction, Abbreviations and Definitions:

Legal Basis: Older Americans Act and Iowa Code Chapter 231.

Last Review: 2017

Last Action: Changes made to this chapter in 2014.

Stakeholder: Internal

Status: The IDA continues to address this chapter. As other chapters are updated, it is the intent of the IDA to merge all definitions into a singular location. This chapter will become the depository for all definitions and will be revised to include definitions from chapters outlined below.

2. Iowa Administrative Code 17-2 - Department on Aging:

Legal Basis: Older Americans Act (OAA) and Iowa Code Chapter 231.

Last Review: 2016

Last Action: Changes made to this chapter in 2015.

Stakeholder: Internal

Status: This chapter will need to be updated to comply with recent changes to federal regulations under the (OAA). The changes will reflect the relationship between the IDA and the Office of the State Long Term Care Ombudsman (OSLTCO). While the OSLTCO is housed under the IDA it maintains defined autonomy under the OAA.

3. Iowa Administrative Code 17-3 – Commission on Aging:

Legal Basis: OAA and Iowa Code Chapter 231.

Last Review: 2015

Last Action: Changes were not made to this chapter during the review period.

Stakeholder: Area Agencies on Aging (AAA's)

Status: This chapter lays out the organization of the Commission on Aging. There are no changes necessary at this time.

4. Iowa Administrative Code 17-4 - Department Planning Responsibilities:

Legal Basis: OAA and Iowa Code Chapter 231.

Last Review: 2014

Last Action: Changes were not made to this chapter during the review period.

Stakeholder: Internal

Status: This chapter lays out the organization of services provided with OAA and State General Aging Fund appropriations and the designation and de-designation of AAA's providing those services. This chapter was tested during the mandated reduction of AAA's as of July 1, 2013 and was effective. There are no changes planned at this time.

5. Iowa Administrative Code 17-5 - Department Fiscal Operations:

Legal Basis: OAA and Iowa Code Chapter 231.

Last Review: 2016

Last Action: Changes made to this chapter in 2013.

Stakeholder: AAA's

Status: In recent years, there have been multiple changes in the method of funding for Home and Community Based services. The IDA will continue to monitor these trends and update this chapter as necessary.

6. Iowa Administrative Code 17-6 - Area Agency on Aging Planning and Administration:

Legal Basis: OAA and Iowa Code Chapter 231.

Last Review: 2016

Last Action: Changes made to this chapter in 2016.

Stakeholder: AAA's

Status: This chapter was updated to provide guidance to AAA's related to the area plan process based upon stakeholder input. There are no additional changes planned at this time.

7. Iowa Administrative Code 17-7: Area Agency on Aging Service Delivery:

Legal Basis: OAA and Iowa Code Chapter 231.

Last Review: 2017

Last Action: Changes made to this chapter in 2017.

Stakeholder: AAA's

Status: Minor changes were made to this chapter based upon stakeholder input. Further changes to this chapter may be necessary.

8. Iowa Administrative Code 17-8 – Long-Term Care Ombudsman:

Legal Basis: OAA and Iowa Code Chapter 231.

Last Review: 2016

Last Action: Changes made to this chapter in 2014.

Stakeholder: Internal

Status: This chapter has been reviewed and will be revised to align with new federal regulations

9. Iowa Administrative Code 17-10 – Older American Community Service Employment Program:

Legal Basis: OAA and Iowa Code Chapter 231.

Last Review: 2013

Last Action: Changes made to this chapter in 2013.

Stakeholder: OACSEP contractor(s)

Status: This chapter will be revised to reflect current best practices and to align with federal law.

10. Iowa Administrative Code 17-11 – Waivers or Variances from Administrative Rules:

Legal Basis: OAA and Iowa Code Chapter 231.

Last Review: 2016

Last Action: Changes were not made to this chapter during the review period.

Stakeholder: Internal

Status: No changes are necessary at this time.

11. Iowa Administrative Code 17-13 – Rules and Practices in Contested Cases:

Legal Basis: OAA and Iowa Code Chapter 231.

Last Review: 2016

Last Action: Changes were not made to this chapter during the review period.

Stakeholder: Internal

Status: No changes are necessary at this time.

12. Iowa Administrative Code 17-14 – Iowa Family Caregiver Support Program:

Legal Basis: OAA and Iowa Code Chapter 231.

Last Review: 2017

Last Action: Changes were not made to this chapter during the review period.

Stakeholder: AAA's

Status: Further changes to this chapter are under review.

**13. Iowa Administrative Code 17-15 – Elder Abuse Prevention Initiative and Dependent Adult Abuse
Mandatory Reporter Training**

Legal Basis: OAA and Iowa Code Chapter 231.

Last Review: 2017

Last Action: Changes made to this chapter in 2017

Stakeholder: AAA's

Status: Changes were made to modernize this chapter during 2017. Further changes to this chapter are under review.

14. Iowa Administrative Code 17-17 – Petition for Rule Making

Legal Basis: Iowa Code Chapter 17A.7 and 231.

Last Review: 2016

Last Action: Changes were not made to this chapter during the review period.

Stakeholder: Any individual impacted by the services provided by the IDA.

Status: This rule will need to be updated for the purposes of clarification.

15. Iowa Administrative Code 17-18 – Declaratory Orders

Legal Basis: Iowa Code Chapter 17A.9.

Last Review: 2016

Last Action: Changes were not made to this chapter during the review period.

Stakeholder: Any individual impacted by the services provided by the IDA.

Status: The Department will continue to review this rule to ensure that it is not outdated, redundant, inconsistent or incompatible with statutes or the Department's own rules.

16. Iowa Administrative Code 17-19 – Public Records and Fair Information Practices

Legal Basis: Iowa Code Chapter 22.

Last Review: 2016

Last Action: Changes were not made to this chapter during the review period.

Stakeholder: Internal

Status: No changes are necessary at this time.

17. Iowa Administrative Code 17-21 – The Service of Case Management:

Legal Basis: OAA and Iowa Code Chapter 231.

Last Review: 2017

Last Action: Changes made to this chapter in 2017

Stakeholder: AAA's

Status: This chapter was just completely re-written. No additional changes are planned at this time.

18. Iowa Administrative Code 17-22 - Office of Substitute Decision Maker:

Legal Basis: Iowa Code Chapter 231E

Last Review: 2015

Last Action: Changes were not made to this chapter during the review period.

Stakeholder: Guardians, Conservators, Powers of Attorneys, wards, and other individuals potentially impacted by Iowa Code 231E.

Status: The office was reinstated in 2014. No changes are planned at this time.

19. Iowa Administrative Code 17-23 - Aging and Disability Resource Center:

Legal Basis: Iowa Code Chapter 231.64 grants jurisdiction to the IDA to administer the Aging and Disability Resource Center program in a manner consistent with OAA

Last Review: 2017

Last Action: Changes were proposed to this chapter in 2017

Stakeholder: AAA's

Status: The Department promulgated an initial set of rules to govern the Aging and Disability Resource Center program during fiscal year 2013. Further changes to this chapter are likely necessary, and under review.