

Regulatory Plan - Fiscal Year 2017

Introduction

The following document is the Administrative Rules Regulatory Plan for the Iowa Department on Aging. This plan has been written in accordance with Executive Order Number 9, as signed by Governor Thomas J. Vilsack on September 14, 1999.

This plan has been approved by the Director of the Iowa Department on Aging, Donna K. Harvey.

This plan is intended to provide information regarding anticipated rulemaking. The Regulatory Plan, as provided below, does not restrict the ability of the Department to promulgate additional rules not anticipated by the Plan. Additional rules that may become necessary and are not included in the scope of this Regulatory Plan will become part of the Regulatory Plan by providing an updated version of the Regulatory Plan.

The Regulatory Plan and any updates will be provided to the Administrative Rules Coordinator in the Governor's Office 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 Iowa Department on Aging 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 Department will strive to adhere to the following objectives with regard to administrative rule-making responsibilities:

1. The Department shall only issue rules authorized by state or federal law.

2. The Department shall 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. The Department shall assess all the costs and benefits of regulating against the costs and benefits of not regulating.
4. The Department shall maximize net benefits and ensure equitable results.
5. The Department shall conduct all rule-making in a cost-effective manner.
6. The Department shall seek out and review alternate forms of regulation.
7. The Department shall seek the views of stakeholders and input from members of the public.
8. The Department shall avoid rules that are inconsistent, incompatible, or duplicative.
9. The Department shall ensure that rules are tailored narrowly with an appropriate scope.
10. The Departments shall 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.

Statement of Need: As indicated by the Regulatory Plan, several chapters of the Iowa Department on Aging's administrative code will be updated during fiscal year 2017. As these chapters are updated, it is the intent of the Department 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.

Schedule of Action: Notice of Intended Action during fiscal year 2017.

Contact Person: Brian Majeski, Iowa Department on Aging, (515) 725-2065

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

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

Statement of Need: This chapter will be updated to comply with the Changes to the Older Americans Act and the relationship between the Iowa Department on Aging and the Office of the State Long Term Care Ombudsman's office.

Schedule of Action: Notice of Intended Action during fiscal year 2017.

Contact Person: Brian Majeski, Iowa Department on Aging, (515) 725-2065

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

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

Statement of Need: This chapter will be updated to merge requirements related to the Area Agencies on Aging's obligation to be Lifelong Links Aging and Disability Resource Centers.

Schedule of Action: Notice of Intended Action during fiscal year 2017.

Contact Person: Brian Majeski, Iowa Department on Aging, (515) 725-2065

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

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

Statement of Need: This chapter will be updated to reflect the funding distribution related to Lifelong Links Aging and Disability Resource Centers.

Schedule of Action: Notice of Intended Action during fiscal year 2017.

Contact Person: Brian Majeski, Iowa Department on Aging, (515) 725-2065

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

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

Statement of Need: This chapter will be updated to provide guidance to Area Agencies on Aging related to person-centered services, also known as provider purchase of service pools. This chapter will also update guidance to the Area Agencies on Aging related to Entrepreneurial Activities.

Schedule of Action: Notice of Intended Action during fiscal year 2017.

Contact Person: Brian Majeski, Iowa Department on Aging, (515) 725-2065

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

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

Statement of Need: This chapter will be updated by deleting non-applicable provisions, correcting nutrition services rules, and relocation provisions to the applicable administrative rules chapters.

Schedule of Action: Notice of Intended Action during fiscal year 2017.

Contact Person: Brian Majeski, Iowa Department on Aging, (515) 725-2065

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

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

Statement of Need: This chapter will be revised to align with federal and state law.

Schedule of Action: Notice of Intended Action during fiscal year 2017.

Contact Person: Brian Majeski, Iowa Department on Aging, (515) 725-2065

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

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

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

Schedule of Action: Notice of Intended Action during fiscal year 2017.

Contact Person: Brian Majeski, Iowa Department on Aging, (515) 725-2065

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

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

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

Schedule of Action: Notice of Intended Action during fiscal year 2017.

Contact Person: Brian Majeski, Iowa Department on Aging, (515) 725-2065

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

Legal Basis: Iowa Code Chapter 22.

Statement of Need: This chapter will be revised to reflect current best practices and to align with state law.

Schedule of Action: Notice of Intended Action during fiscal year 2017.

Contact Person: Brian Majeski, Iowa Department on Aging, (515) 725-2065

11. Iowa Administrative Code 17-21 – Case Management Program for Frail Elders:

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

Statement of Need: This chapter will be revised to reflect current best practices and to align with federal and state law.

Schedule of Action: Notice of Intended Action during fiscal year 2017.

Contact Person: Brian Majeski, Iowa Department on Aging, (515) 725-2065

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

Legal Basis: Iowa Code Chapter 231E

Statement of Need: The office was reinstated in 2014 and since has begun to evolve as a program. The administrative rules will be update to reflect the changes in the office.

Schedule of Action: Notice of Intended Action during fiscal year 2017.

Contact Person: Brian Majeski, Iowa Department on Aging, (515) 725-2065

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

Legal Basis: Iowa Code Chapter 231.64 grants jurisdiction to the Iowa Department on Aging to administer the Aging and Disability Resource Center program in a manner consistent with the Older Americans Act.

Statement of Need: The Department promulgated an initial set of rules to govern the Aging and Disability Resource Center program during fiscal year 2013. The Department will continue to work toward complete promulgation of these rules.

Schedule of Action: Notice of Intended Action during fiscal year 2017.

Contact Person: Brian Majeski, Iowa Department on Aging, (515) 725-2065

14. Iowa Administrative Code 17-24 – Monitoring and Compliance (New Chapter):

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

Statement of Need: Pursuant to the Older Americans Act and Iowa Code, the Department is responsible for monitoring and oversight of Iowa's Area Agencies on Aging. The Older Americans Act and Iowa Code provide basic requirements for monitoring and compliance, but additional procedures and processes have not been defined in administrative rule. The Department will promulgate administrative rules to provide procedures to be used in the monitoring and compliance of area agencies on aging.

Schedule of Action: Notice of Intended Action during fiscal year 2017.

Contact Person: Brian Majeski, Iowa Department on Aging, (515) 725-2065

15. Iowa Administrative Code 17-29 – Reduction of Area Agencies on Aging (Rescind Chapter):

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

Statement of Need: The Iowa Department on Aging was mandated, pursuant to 2012 Iowa Acts, House File 2320, to reduce the number of area agencies on aging effective July 1, 2013. The Department developed administrative rules to implement the reduction of area agencies on aging. The rules were created to exist during reduction

and to terminate effective July 1, 2014. These rules have effectively terminated and the chapter should now be rescinded.

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