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NOTICE OF INTENDED ACTION ITEMS

IOWA COMMISSION ON AGING – February 6, 2015

Notice of Intended Action

Chapter. 2	Summary. These amendments update the Web address, update the organizational structure of the Department, and remove duplicative provisions.			
Notice of Intended Action:				
Date of Commission Approval	Notice Submission Deadline	Date of Publication	Public Comment Due Date	Summary of Public Comment
2/6/15	2/14/15	3/5/15	3/25/15	
Filed and Adopted				
Estimated Date of Commission Approval	First Possible Adoption Date	Estimated Date of Publication	Estimated Effective Date	Changes from Notice Rule
	4/9/15	4/30/15	6/4/15	
Anticipated Dates for ARRC Review: 4/10/2015; 5/15/15 (Dates altered due to Legislative Session)				

NOTICE OF INTENDED ACTION

Pursuant to the authority of Iowa Code section 231.23, the Department on Aging proposes to amend Chapter 2, "Department on Aging," Iowa Administrative Code.

The proposed amendments will do the following: 1. Provide a current address for the Department's official Web site. The Department's Web site has been modernized and has received a new Web address. 2. Align the chapter with the Department's current organizational units and structure. The Department has recently created a new division. These amendments reflect the new structure of the Department. 3. Remove provisions duplicative of already existing Iowa Code, Iowa Administrative Code, and federal law. These amendments remove reference to staffing and discrimination requirements. These requirements exist in current Iowa Code, Iowa Administrative Code, and federal law. These amendments also remove reference to duplicative complaint and appeal procedure. The complaint and appeal procedure currently outlined in Chapter 2 is confusing for consumers because it merges several types of appeal procedures for the Department and Area Agencies on Aging that exist in other Iowa Administrative Code chapters. These appeal procedures should be separate and distinct. Department contested case procedures are governed by Chapter 13, "Rules and Practices in Contested Cases." Appeals concerning designation of planning and service areas are governed by Chapter 4, "Department Planning Responsibilities." Appeals of Area Agency on Aging actions are governed by Chapter 6, "Area Agency on Aging Planning and Administration."

Any interested person may make written comments on the proposed amendments on or before March 24, 2015. Comments should be directed to Kimberly Murphy, Iowa Department on Aging, Jessie Parker Building, 510 East 12th Street, Suite 2, Des Moines, Iowa 50319. Comments may also be sent by e-mail to kimberly.murphy@iowa.gov.

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department's general rule on exceptions found in Chapter 11, "Waivers or Variances from Administrative Rules."

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 231.23.

The following amendments are proposed:

Pursuant to the authority of Iowa Code section 231.23, the Department on Aging amends Chapter 2, "Department on Aging," Iowa Administrative Code.

ITEM 1. Amend subrule **2.3(2)** as follows:

2.3(2) Contact information. General correspondence, inquiries, requests for information or assistance, complaints, or petitions may be sent to or obtained from the following sources:

- a. By mail addressed to: Director, Iowa Department on Aging, Jessie Parker Building, 510 East 12th Street, Suite 2, Des Moines, Iowa 50319;
- b. By telephone at (515)725-3333; or
- c. From the Web site at www.aging-iowa.iowaaging.gov.

ITEM 2. Rescind rule **2.4**.

ITEM 3. Renumber rule **2.5** as **2.4**.

ITEM 4. Amend subrule **2.5(1)** as follows:

2.5(1) Office of the director. The office of the director ~~is~~ may be comprised of the director, the assistant director, the state long-term care ombudsman, the policy coordinator, the public information officer, and other personnel. This office is responsible for the overall planning, policy, management and operations of the department.

ITEM 5. Rescind subrule **2.5(2)** and adopt the following **new** subrule in lieu thereof:

2.5(2) Division of programs and administration. The responsibilities of the division of programs and administration include the development and operation of home and community-based programs, development of program and operational budgets, and accounting and administrative control of appropriation expenditures.

ITEM 6. Rescind subrule **2.5(3)** and adopt the following **new** subrule in lieu thereof:

2.5(3) Division of policy and planning. The responsibilities of the division of policy and planning include providing leadership and direction for the integration of policy development and ensuring that policies are consistent with department goals and results.

ITEM 7. Rescind subrule **2.5(4)** and adopt the following **new** subrule in lieu thereof:

2.5(4) Division of elder rights. The responsibilities of the division of elder rights include program and budget development, administration, and operation of the Office of the State Long-Term Care Ombudsman and other programs impacting elder rights.

ITEM 8. Rescind rules **2.6.** through **2.9.**

ITEM 9. Renumber rule **2.10** as **2.5.**

