

HUMAN SERVICES DEPARTMENT [441]

**Notice of Intended Action**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 79, “Other Policies Relating to Providers of Medical and Remedial Care,” Iowa Administrative Code.

The proposed amendments update the rules on the Medical Assistance Advisory Council to conform to statutory changes enacted in 2005 Iowa Acts, Chapter 120. That legislation expanded the membership of the Council and created an executive committee which is required to meet monthly and make recommendations to the Department regarding the budget, policy, and administration of the medical assistance program.

These amendments do not provide for a waiver because they are technical amendments describing the membership and duties of the Medical Assistance Advisory Council.

Any interested person may make written comments on the proposed amendments on or before September 15, 2009. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

These amendments are intended to implement Iowa Code section 249A4B.

The following amendments are proposed.

Amend rule 441—79.7(249A) as follows:

**441—79.7(249A)** Medical assistance advisory council.

**79.7(1)** Officers. Officers shall be a chairperson, and a vice-chairperson.

a. The director of public health shall serve as chairperson of the council. Elections for vice-chairperson will be held the first meeting after the beginning of the calendar year.

b. The vice-chairperson's term of office shall be two years. ~~Officers~~ A vice-chairperson shall serve no more than two terms ~~for each office.~~

c. and d. No change.

e. The chairperson shall appoint a ~~nominating~~ committee of not less than three members to nominate vice-chairpersons and shall appoint other committees approved by the council.

**79.7(2)** ~~Alternates. Each organization represented may select one alternate as representative when the primary appointee is unable to be present. Alternates may attend any and all meetings of the council, but only one representative of each organization shall be allowed to vote.~~ Membership. The membership of the council and its executive committee shall be as prescribed at Iowa Code section 249A.4B, subsections 2 and 3.

**79.7(3)** Expenses, staff support, and technical assistance. ~~The travel expenses~~ Expenses of the ~~public representatives~~ council and ~~other expenses~~ executive committee, such as those for clerical services, mailing, telephone, and meeting place, shall be the responsibility of the department of human services. The department shall arrange for a meeting place, related services, and accommodations. The department shall provide staff support and independent technical assistance to the council and the executive committee.

**79.7(4)** Meetings. The council shall meet ~~at least four times each year~~ no more than quarterly. ~~At least two of these meetings shall be with the department of human services.~~ The executive committee shall meet on a monthly basis. ~~Additional meetings~~ Meetings may be

called by the chairperson, upon written request of at least 50 percent of the members, or by the director of the department of human services.

a. No change.

b. Written notice of council meetings shall be mailed at least two weeks in advance of ~~such meetings~~ the meeting. Each notice shall include an agenda for the meeting.

**79.7(5) Procedures.**

a. and b. No change.

c. Minutes of council meetings and other written materials developed by the council shall be distributed by the department to each member ~~and alternate~~ and to the executive office of each ~~organization~~ professional group or ~~body~~ business entity represented.

d. Notice shall be ~~made given to the representing organization~~ a professional group or business entity represented on the council when the ~~member, or alternate,~~ representative of that group or entity has been absent from three consecutive meetings.

e. No change.

**79.7(6) Duties.** ~~The medical assistance advisory council shall:~~

a. Executive committee. Based upon the deliberations of the medical assistance advisory council and the executive committee, the executive committee shall make recommendations to the director regarding the budget, policy, and administration of the medical assistance program. Such recommendations may include:

a. (1) ~~Make recommendations~~ Recommendations on the reimbursement for medical services rendered by providers of services.

b. (2) ~~Assist in identifying~~ Identification of unmet medical needs and maintenance needs which affect health.

~~e. (3) Make recommendations~~ Recommendations for objectives of the program and for methods of program analysis and evaluation, including utilization review.

~~d. Reserved.~~

~~e. Reserved.~~

~~f. (4) Recommend~~ Recommendations for ways in which needed medical supplies and services can be made available most effectively and economically to the program recipients.

~~g. (5) Advise~~ Advice on such administrative and fiscal matters as the ~~commissioner~~ director of the department of human services may request.

b. Council. The medical assistance advisory council shall: \_\_\_\_\_

~~h. (1) Advise~~ the professional groups and business entities represented and act as liaison between them and the department.

~~i. (2) Report at least annually to the appointing authority~~ professional groups and business entities represented.

~~j. (3) Perform other functions as may be provided by state or federal law or regulation.~~

~~k. (4) Communicate information considered by the council to the member organizations~~ professional groups and bodies business entities represented.

**79.7(7) Responsibilities.**

a. Recommendations of the council shall be advisory and not binding upon the department of human services or the ~~member organizations~~ professional groups and bodies business entities represented. The director of the department of human services ~~will~~ shall consider ~~all advice and counsel~~ of the recommendations offered by the council and the executive committee in:

(1) The director's preparation of medical assistance budget recommendations to the council on human services, pursuant to Iowa Code section 217.3, and

(2) Implementation of medical assistance program policies.

b. and c. No change.

d. The department shall provide the council with reports, data, and proposed and final amendments to rules, ~~regulations~~, laws, and guidelines, for its information, review, and comment.

e. and f. No change.

g. The department shall maintain a current list of members ~~and alternates~~ on the council and executive committee.