

**ELDER AFFAIRS DEPARTMENT[321]**

**Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 231.14, the Department on Aging hereby rescinds Chapter 24, “Adult Day Services Programs,” Chapter 25, “Assisted Living Programs,” Chapter 26, “Monitoring, Civil Penalties, Complaints and Investigation for Elder Group Homes, Adult Day Services and Assisted Living Programs,” Chapter 27, “Fees for Adult Day Services and Assisted Living Programs,” and Chapter 29, “Elder Group Homes,” Iowa Administrative Code.

2007 Iowa Acts, Senate File 601, transferred the regulatory authority for adult day services, assisted living programs, and elder group homes from the Department on Aging to the Department of Inspections and Appeals (DIA) by amending Iowa Code chapters 231B, 231C, and 231D.

This rule making amends the Department’s rules to comply with 2007 Iowa Acts, Senate File 601, by rescinding the Department on Aging’s administrative rules for adult day services, assisted living programs, and elder group homes. The DIA has adopted rules for regulation of the same that will become effective on January 1, 2010 (see **ARC 8174B, ARC 8175B, ARC 8176B, ARC 8177B, IAB 9/23/09**; see also 481 IAC Chapters 67, 68, 69, and 70).

For good cause and pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation prior to adoption of these amendments pursuant to Iowa Code section 17A.4(1) are impracticable and contrary to the public interest because the Department is complying with statute related to the transfer of authority and due to the recently adopted new rules by the DIA.

Pursuant to Iowa Code section 17A.5(2)“b”(2), the Department finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective January 1, 2010. These amendments confer a benefit upon the public by providing for the implementation of 2007 Iowa Acts, Senate File 601.

These amendments are intended to implement Iowa Code chapters 231B, 231C, and 231D as amended by 2007 Iowa Acts, Senate File 601.

These amendments will become effective January 1, 2010.

The following amendments are adopted.

- ITEM 1. Rescind and reserve **321—Chapter 24.**
- ITEM 2. Rescind and reserve **321—Chapter 25.**
- ITEM 3. Rescind and reserve **321—Chapter 26.**
- ITEM 4. Rescind and reserve **321—Chapter 27.**
- ITEM 5. Rescind and reserve **321—Chapter 29.**

[Filed Emergency 12/4/09, effective 1/1/10]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 12/30/09.