

ELDER AFFAIRS DEPARTMENT[321]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 231.14, 231.23A and 249H.10, the Elder Affairs Department hereby adopts new Chapter 14, "Iowa Family Caregiver Support Program," Iowa Administrative Code.

This new chapter provides support services for family caregivers of persons aged 60 and over and for grandparents or persons who are relative caregivers of children. It also establishes standards for those services and includes a severability rule.

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 31, 2008, as **ARC 7456B**. The public comment period for this Notice ended January 21, 2009.

Four comments regarding new Chapter 14 were received. One expressed concern that the term "community care" is not defined. The Department does not believe the absence of this definition will create problems but will revisit the issue in the future, if necessary. No changes were made as a result of this comment.

The second comment expressed concern about a lack of clarity regarding who is eligible for services as outlined in rule 14.3(231,249H). Explanation and definitions are provided in rules 14.1(231,249H) and 14.2(249H). No changes were made as a result of this comment.

The third comment expressed concern about the following sentence in rule 14.4(231,249H): "The area agencies on aging (AAAs) will determine if the grandparent component of the program is offered based on the availability of funds." The commenter was concerned that the sentence could be interpreted to mean that the AAAs as a group will make this decision when, in fact, each AAA will make this decision individually. In response to this comment, clarification was made and the sentence now reads: "Each area agency on aging (AAA) will determine if the grandparent component of the program is offered based on the availability of funds."

The fourth comment expressed concern that the definition for conflict of interest outlined in rule 14.7(231,249H) could be interpreted too broadly. The Department feels the definition is reasonable and will use common sense application when enforcing the rule. No changes were made as a result of this comment.

The Commission adopted these rules during a special meeting on February 6, 2009.

These rules will become effective April 1, 2009.

These rules are intended to implement Iowa Code sections 231.23A and 249H.10.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these rules [Ch 14] is being omitted. With the exception of the change noted above, these rules are identical to those published under Notice as **ARC 7456B**, IAB 12/31/08.

[Filed 2/6/09, effective 4/1/09]

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[For replacement pages for IAC, see IAC Supplement 2/25/09.]