

**IOWA DEPARTMENT OF INSPECTIONS AND APPEALS**

**ANNUAL**

**REPORT**

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**STATE FISCAL YEAR 2019**

**OCTOBER 31, 2019**



## LETTER FROM THE DIRECTOR

It is a pleasure to serve as the director of the Iowa Department of Inspections and Appeals (DIA). Governor Reynolds appointed me to this position effective March 1, 2019. DIA is comprised of hardworking, dedicated employees that work each day to better the lives lowans. It is an honor to serve the people of Iowa in this capacity and work with such talented colleagues.

In addition to a new director, many of our divisions experienced transition this year with two new division administrators, a new public information officer, two new assistant administrators, new surveyors, inspectors, investigators and support staff. Although transition and change can be difficult, it is also an opportunity for collaboration among staff with years of experience at the department and new staff with different experience and perspectives to work together with the united goal of making DIA a more effective and efficient agency.

At the core of the department and its work is a commitment to protecting the health and safety of lowans. The work of DIA can be summarized as health care, food, and gaming regulations, Medicaid and welfare fraud investigations and administrative law.

This report reflects on the accomplishments and work the department achieved in fiscal year 2019, as well as the goals set for fiscal year 2020. The department has and will continue to embrace technological advances to maximize efficiency through case management systems, DIA's website, and databases. DIA is also focusing on our survey and inspection numbers in order to ensure health and safety for lowans.

2019 was a successful year and I look forward to the continued opportunities DIA has in the upcoming year to be an effective, efficient, and approachable regulatory agency.

A handwritten signature in black ink, appearing to read "Larry Johnson, Jr." with a stylized flourish at the end.

Larry Johnson, Jr., Director



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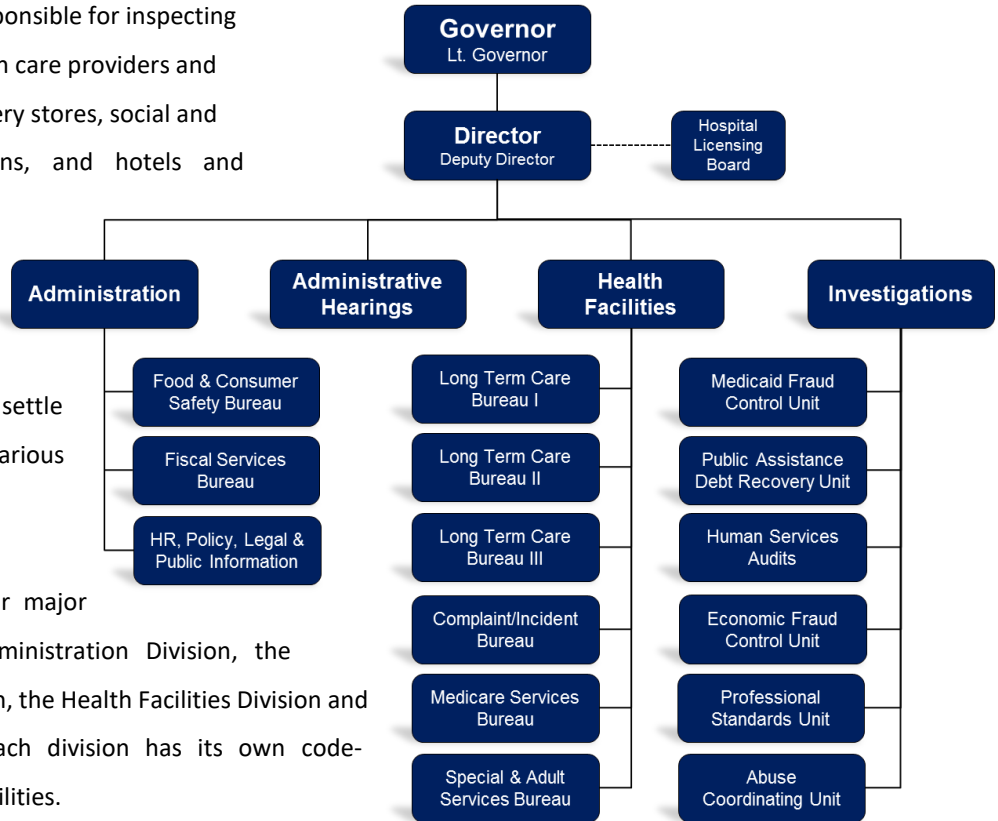
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# OVERVIEW

The Iowa Department of Inspections and Appeals (DIA) is a multifaceted regulatory agency charged with protecting the health, safety, and well-being of Iowans. Its mission is to coordinate and conduct various audits, appeals, hearings, inspections and investigations related to the operations of the executive branch of Iowa State government.

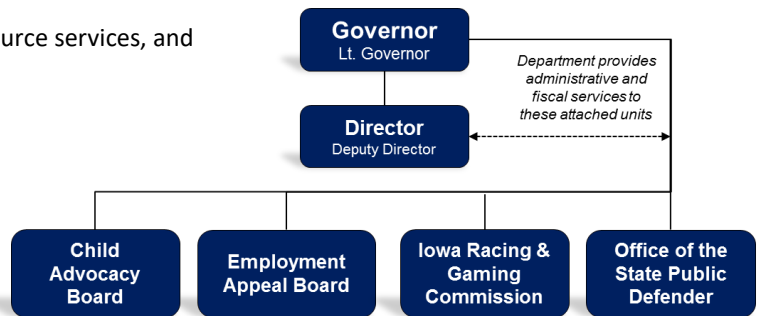
Staff in the department are responsible for inspecting and licensing or certifying health care providers and suppliers, restaurants and grocery stores, social and charitable gambling operations, and hotels and motels. In addition, DIA staff investigates alleged fraud in the State's public assistance programs and conducts contested case hearings to settle disputes between Iowans and various state government agencies.



The DIA is organized into four major operational divisions: the Administration Division, the Administrative Hearings Division, the Health Facilities Division and the Investigations Division. Each division has its own code-mandated duties and responsibilities.

Also attached to the department are four semi-autonomous units – the Child Advocacy Board (CAB), the Employment Appeal Board (EAB), the Iowa Racing and Gaming Commission (IRGC) and the Office of the State Public Defender (SPD).

The DIA provides fiscal management, human resource services, and other related administrative functions for these attached units.





## ADMINISTRATION DIVISION

Essential, centralized support services for the department are administered by and coordinated through the Administration Division. Staff in the division oversees all strategic planning, finance and budgeting, legislative affairs, administrative rulemaking, personnel, purchasing and public information activities for the department. The division also supervises the activities of the Food and Consumer Safety Bureau, which include food safety inspections at restaurants, grocery stores, and food processing plants, as well as sanitation inspections performed at hotels and motels. The State's Social and Charitable Gambling Unit is also located in the Food and Consumer Safety Bureau.

In addition to duties as the department's chief administrative officer, the director is authorized to enter into and implement agreements or compacts between the State of Iowa and Native American tribes to operate Indian gaming establishments. Currently, three casinos in Iowa are operated by Native American tribes: Blackbird Bend Casino in Onawa, operated by the Omaha Tribe of Nebraska; Meskwaki Bingo and Casino in Tama, operated by the Sac and Fox Tribe of the Mississippi in Iowa; and WinnaVegas in Sloan, operated by the Winnebago Tribe of Nebraska.

### Lean Government

The State of Iowa has been utilizing Lean methodology since 2003, resulting in increased efficiencies, improved communication, and a culture change to one of continuous improvement. The Department of Management (DOM) is responsible for leading the expansion of Lean efforts in Iowa state government. The [Office of Lean Enterprise](#) was created within the DOM to promote and facilitate continuous improvement through the use of a specific set of proven tools and methodologies collectively known as Lean.

The DIA started using Lean methodologies in 2011. Within the department, Sara Throener, executive assistant to the director, serves as the Lean facilitator and facilitates formal Lean events within the DIA and for other agencies within state government. She also helps teach classes offered by the DOM to train future Lean facilitators.

During State fiscal year 2019 (SFY 19), a DIA Lean program was started to create a broader lean culture within the department. Each division identified a Lean coordinator who will take module classes offered through the DOM to learn about Lean tools. The Lean coordinators will share the tools they learn with their division. They have taken two of the module classes so far: *Personal Efficiencies in the Workplace* and *Problem Solving & Decision Making Tools*. The DOM has five more module classes to take before the end of the year. The divisional lean coordinators are:

- Annie Adamovicz, Administrative Hearings
- Catie Campbell, Health Facilities
- Jason Cooper, Megan Clark, Melissa Conner, and Emily Drenkow-Carr, Investigations



## Fiscal Services Bureau

Fiscal services provides centralized accounting, claims processing, budgeting and financial reporting for the department, the State Public Defender’s Office, Iowa Racing and Gaming Commission, the Child Advocacy Board, and the Employment Appeal Board. Fiscal services processed over **44,000** state warrants and electronic fund transfers during SFY 19, including over **4,600** travel payments.

In SFY 19, State government budgets stabilized following two years of declining revenues and related reductions. As a result, DIA was able to maintain personnel in core positions as well as fill select positions which had been vacant. Non-personnel costs continued to increase, including information technology, rent, and benefit costs. For SFY 20, DIA’s total appropriation increased by **\$46,581** from SFY 19 to offset increasing IT costs across the department.

	SFY 18 Final Approp	SFY 19 Final Approp	SFY 20 Adopted Approp
Administration	\$ 511,580	\$ 511,580	\$ 546,312
Administrative Hearings	\$ 625,827	\$ 625,827	\$ 625,827
Investigations	\$ 2,371,791	\$ 2,471,791	\$ 2,471,791
Health Facilities	\$ 4,684,682	\$ 4,734,682	\$ 4,734,682
Food & Consumer Safety	\$ 549,819	\$ 574,819	\$ 574,819
Child Advocacy Board	\$ 2,470,605	\$ 2,570,605	\$ 2,582,454
Employment Appeal Board	\$ 38,912	\$ 38,912	\$ 38,912
<b>Total Appropriations</b>	<b>\$ 11,253,216</b>	<b>\$ 11,528,216</b>	<b>\$ 11,574,797</b>

## Human Resources

The department’s human resources manager (HR) provides comprehensive personnel services to approximately **600** authorized positions across the operational divisions and semi-autonomous attached units pursuant to Iowa Code section 7E.2(5). In addition, DIA also provides administrative HR support to approximately **55** employees with the Iowa Department of Human Rights (DHR) via a memorandum of understanding.

As illustrated to the right, the department started SFY 19 with approximately **496** filled full-time equivalent<sup>1</sup> (FTE) positions, and concluded the fiscal year with approximately **524** FTEs.

	Filled FTEs, SFY 19		
	07/01/18	06/30/19	Change
DIA, CAB, & EAB	243.36	258.26	<b>14.90</b>
State Public Defender	202.50	211.00	<b>8.50</b>
Racing & Gaming	50.43	54.43	<b>4.00</b>
<b>Total</b>	<b>496.29</b>	<b>523.69</b>	<b>27.40</b>

Throughout SFY 19, HR managed **164** individual personnel transactions. These types of transactions included new hires, temporary hires, transfers, resignations, and retirements. These employee transactions result in managing succession planning and the vacancy life cycle. Not included in this transaction figure are day-to-day payroll transactions such as auto deposit updates, address changes, tax status changes, step increases, and pay adjustments.

<sup>1</sup> Full-time equivalent positions include permanent full-time and part-time, temporary employees, board members, and statutory employees.



Employee compensation is more than just direct pay; a significant amount of time and resources are spent on benefit plans made available. Human resources is responsible for administering responsible employee benefit programs for members and their beneficiaries. During SFY 19, a total of **\$8,500,000** of health and dental insurance billings were processed, resulting in an average of **\$709,000** of billings per month. These figures include the employee share of the monthly premium and the State share.

DIA human resources also administers bi-weekly payroll for all employees via the department's time keeping and the State's Human Resource Information System. Employees are eligible for a variety of types of leave with or without pay such as vacation, sick leave, family care leave, family medical leave act (FMLA), workers' compensation, leave without pay, donated leave, military leave, and jury duty.

The department is committed to the principles of Equal Employment Opportunity and Affirmative Action (EEO/AA) in the application of all HR rules, policies, and practices. The department's EEO/AA policy statement is as follows:

*The Department of Inspections and Appeals and attached units prohibits discrimination in its employment policies and practices on the basis of race, creed, color, religion, national origin, sex, age, mental or physical disability, sexual orientation, or gender identity, consistent with applicable state and federal policies and regulations.*

*It is also the policy of the executive branch of state government in the State of Iowa to apply affirmative action measures to correct the underutilization of females, minorities, and persons with disabilities in the state employment system whenever remedial measures are appropriate. The agency is an equal employment opportunity and affirmative action employer.*

## Policy & Administrative Rules

The administrative rule process is the method by which laws and policies are translated into enforceable regulations governing entities, programs, and businesses overseen by the department. The process often begins as the result of new legislation passed by the Iowa General Assembly and signed into law by the governor. When new laws are enacted, staff in the department conduct a thorough review of the legislation to determine what administrative rules will be needed to implement the law. Additionally, rules are reviewed on a routine basis to eliminate outdated references, and remove obsolete or duplicative requirements.

During SFY 19, the department promulgated 10 sets of new administrative rules and finalized two sets of rules that began during the previous fiscal year. Nearly half of the new rules were filed on behalf of the Health Facilities



Division. The remaining new rules were filed on behalf of the Food and Consumer Safety Bureau, including four sets of rules related to social and charitable gambling and two sets related to food safety.

The chart below illustrates the administrative rules promulgated by the department during SFY 19; additional detail may be found in Appendix A.

<b>Administrative Rules Promulgated, SFY 19</b>					
<b>Chapter</b>	<b>Subject Matter</b>	<b>Notice Published</b>	<b>Rules Adopted</b>	<b>Rules Published</b>	<b>Effective Date</b>
51	Hospital Construction Standards	08/01/18	09/12/18	10/10/18	11/14/18
100	Social and Charitable Gambling Rewrite	08/01/18	09/05/18	09/26/18	10/31/18
103	Bingo Rewrite	08/01/18	09/05/18	09/26/18	10/31/18
104, 105	Amusement Devices Rewrite	08/01/18	09/05/18	09/26/18	10/31/18
106	Card Game Tournaments Rewrite	08/01/18	09/05/18	09/26/18	10/31/18
30	Food and Consumer Safety Bureau	09/26/18	10/31/18	11/21/18	01/01/19
31	Food Establishments and Processors	09/26/18	10/31/18	11/21/18	01/01/19
61	Minimum Physical Standards for Nursing Facilities	12/05/18	01/09/19	01/30/19	03/06/19
71	Subacute Mental Health Care Facilities	03/13/19	04/17/19	05/08/19	06/12/19
63	Residential Care Facility—3-5 Bed Specialized License	06/05/19	07/10/19	07/31/19	Anticipated 09/04/19

## General Counsel

The general counsel for the department provides legal advice and counsel to the director, all divisions, and attached units. Additionally, the general counsel advises the director on Indian gaming law and issues, and assists in the negotiation of compacts with the Native American tribes. Counsel further represents the Health Facilities Division and Food and Consumer Safety Bureau in all aspects of contested case litigation, and responds to petitions for declaratory order presented to the department. The general counsel also monitors, analyzes, drafts and makes recommendations concerning the department’s proposed legislation and administrative rules.

The following is statistical information relating to general counsel’s SFY 19 legal actions:

- Four new contested cases were filed involving the Health Facilities Division. Three of the cases were resolved prior to hearing; the fourth case is scheduled for hearing during SFY 20.
- Two contested cases involving the Health Facilities Division filed during SFY 18 were resolved during SFY 19. One case went to formal hearing and the department prevailed; the other case was dismissed after the appellant health facility withdrew its appeal.
- Two contested cases involving the Health Facilities Division filed prior to SFY 19 remain pending and are awaiting resolution of federal proceedings.





- One new contested case involving the Food and Consumer Safety Bureau was filed. The matter went to formal hearing and the department prevailed.
- One contested case involving the Social and Charitable Gambling Unit was filed. The matter went to formal hearing and the department prevailed. The department also prevailed on director review. The matter is currently pending on judicial review.
- Two petitions for declaratory order were filed involving the Social and Charitable Gambling Unit. The department issued one declaratory order interpreting Iowa Code chapter 99B. The other petition for declaratory order was voluntarily withdrawn.
- A declaratory order issued by the department in SFY 16 was upheld by the Iowa Supreme Court.

## Legislation

**DIA department bill, Dependent Adult Abuse ([HF 304](#))** – The bill deems that reports of dependent adult abuse that involve personal degradation by a caretaker will be collected and held by the Iowa Department of Human Services for only five years if the report is determined to be minor, isolated, and unlikely to reoccur. It also excludes such reports from the dependent adult abuse registry. The bill allows a second such report in a five-year period to be considered minor and unlikely to reoccur. HF 304 passed the House (96 – 0) and Senate (49 – 0), and was signed by Governor Reynolds on May 2, 2019.

**Administration and Regulation Budget ([HF 759](#))** – The bill provides a status quo budget with exception of increased spending authority and full time equivalents (FTEs) for the Iowa Racing and Gaming Commission if SF 617 (Sports Betting) is also signed. It also includes clean-up language regarding hotels for the Food and Consumer Safety Bureau. HF 759 passed the House (54 – 44) and Senate (34 – 15), and was signed by Governor Reynolds on May 13, 2019.

**Lay Caregivers ([SF 210](#))** – The bill requires hospitals to develop evidence-based discharge policies that take into consideration the ability of a patient for self-care. It also allows the designation of a lay caregiver for the patient for the release of the patient. The bill requires the hospital to attempt to consult with the lay caregiver about the discharge treatment of the patient. SF 210 passed the House (94 – 3) and Senate (49 – 0), and was signed by Governor Reynolds on April 9, 2019.

**Oyster Mushroom Sales ([SF 265](#))** – The bill allows for the sale of wild golden oyster mushrooms at farmer’s markets under DIA rules. SF 265 passed the House (99 – 0) and Senate (48 – 0), and was signed by Governor Reynolds on May 6, 2019.

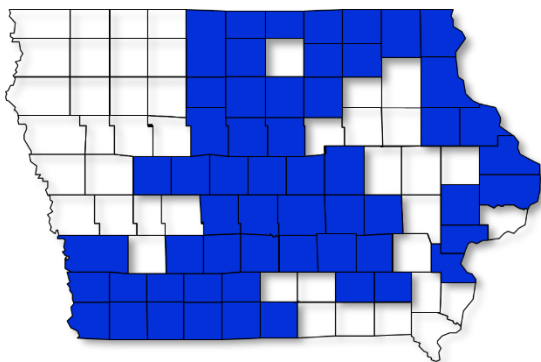
**Iowa Hemp Act ([SF 599](#))** – The bill establishes the Iowa Hemp Act, and defines hemp as having less than 0.03 percent THC. It also includes licensing and other provisions, including adopting regulatory measures to be approved by the

United States Department of Agriculture. The bill passed the House (95 – 3) and Senate (49 – 1), and was signed by Governor Reynolds on May 13, 2019.

**Sports Betting (SF 617)** – The bill authorizes sports betting and makes definitions, and directs the Iowa Racing and Gaming Commission (IRGC) to adopt standards and to allow sports betting at casinos and racetracks. It sets fees, and allows the IRGC to authorize betting on minor league sports and amateur competitions, on application. The bill requires license holders with sports betting to take steps to keep coaches, athletes, and other involved persons from betting, and allows for advanced deposit sports betting so that bets may be made by phone or electronic means. It authorizes internet fantasy sports leagues, and requires players to be at least 21 years of age, and requires a license to conduct the games. The bill states the intent to establish license fees and taxes for internet fantasy sports and establishes penalties. It requires the board of a qualified sponsoring organization to add as ex officio members, county supervisors, and city council members. The bill authorizes emergency rules from the IRGC and allows sports betting as of the effective date of the rules or July 4, 2019, whichever is later. SF 617 passed the House (67 – 31) and Senate (31 – 18), and was signed by Governor Reynolds on May 13, 2019.

## Food & Consumer Safety Bureau

The Food and Consumer Safety (FCS) Bureau is responsible for administering and enforcing the Iowa Food Code ([Iowa Code Chapter 137F](#)) by conducting food safety inspections at food establishments (grocery stores, restaurants, and convenience stores) and food processing plants. The purpose of the Iowa food code is to "safeguard the public health and provide to consumers, food that is safe, unadulterated and honestly prepared".



The food code is based upon food safety recommendations developed by the Food and Drug Administration (FDA), in consultation with representatives from the food industry and regulators, and focuses on public health and the prevention of foodborne illness. The bureau is directly responsible for inspections in **56** counties, identified in blue on the map. The remaining 43 counties have inspections and licensing completed by local contracting health departments.

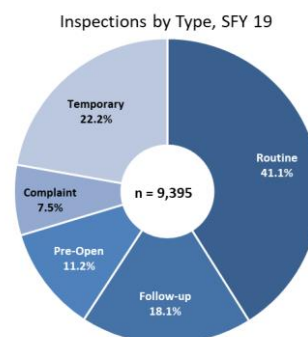
On Jan. 1, 2019, [SF 2390](#) went in to full effect. Initially drafted in 2014 and signed into law in 2018, this legislation increased food and lodging license fees while simplifying the license fee structure. In response to the legislation, the bureau drafted a reorganization proposal designed to increase application processing and inspection capacity, promote inspection uniformity and increase assistance to small Iowa-based manufactured food businesses. This

reorganization proposal received support from industry partners during face-to-face meetings at the end of 2018. The bureau is looking to complete this reorganization in the first few months of SFY 20.

During SFY 19, the bureau completed **9,395** food inspections. The bureau’s workload varies from month to month, with the highest concentration of inspections typically occurring during the summer months with the increase in fairs, festivals, mobile vendors, etc.

Over the last three years, non-routine inspections such as complaint, emergency response, outbreak, pre-opening, temporary food stand, and follow-up inspections have surpassed the number of routine inspections conducted by the bureau.

During SFY 19, the bureau also began accepting online license food and lodging license applications. This statewide licensing system applies to facilities licensed and inspected by the State and local contracting health agencies, making it “one-stop” shopping for licensees.



The bureau continues to maintain a [restaurant inspection website](#) through which visitors can view or download inspection reports for Iowa-licensed establishments, including restaurants, grocery stores, and convenience stores.

The bureau also has a mobile application that includes the most recent inspections from all food and lodging establishments, and permits searching by either establishment name or the user’s location. The mobile food application is:

- Available for Android on the Google Store, iOS (Apple) for iPhone or iPad;
- Similar to the public inspection website; and
- Sortable based on distance from user or number of risk factor violations.

### Statewide Foodborne (Food Poisoning) Reporting Line

In October 2016, the Iowa Department of Public Health (IDPH) announced a new joint initiative with DIA and local health departments that should reduce the impact of reported foodborne illness (food poisoning) in Iowa. Iowans who suspect food poisoning after consuming an item from a restaurant, grocery store, convenience store, market, or public gathering are urged to call the IowaSic hotline at **1-844-469-2742**.





The hotline is answered by IDPH specialists who ask callers about the illness, symptoms, onset and duration, and also complete a history of all foods consumed for the past several days. Illnesses associated with foods purchased from or consumed at food establishments will be investigated by staff. In SFY 19, the number of illness complaints reported statewide fell **19.3%** from an all-time high in SFY 18.

## Foodborne Illness Outbreak Investigations

The department and its contracting local health agencies investigated **23.5%** fewer potential foodborne illness outbreaks during SFY 19 compared with SFY 18.

One outbreak of interest occurred in February of 2019; the Swisher Men's Club sponsored a wild game feed. Of the 225 attendees, 116 cases of Salmonella Reading were reported. Though many wild game items were served, the implicated food was turkey breasts purchased from a licensed facility and then prepared at the residence of a club member. Although there were no records for food storage, preparation, cooling, or reheating, the information that was reported by the group members indicated that the turkey was temperature abused at several points in the preparation process. The outbreak was reported to the USDA as they were investigating a multi-state outbreak of Salmonella Reading.

## Emergency Response

The Food and Consumer Safety Bureau responded to two major natural disasters in SFY 19. On July 19, 2018, an EF-3 tornado devastated portions of the city of Marshalltown. The bureau's response in the aftermath of the storm began on July 20, initially by providing food establishments and food processing plants emergency guidance using an ALERT tool developed by the bureau with FDA grant funds. Inspections of impacted food business began on July 23 and continued through the end of September. In total, the bureau completed **35** emergency response inspections.

A 2019 flood was the second natural disaster that the Food and Consumer Safety Bureau responded to in SFY 19. Flooding began in mid-March 2019 and to date, recovery is still underway in SW Iowa. The bureau was notified on March 14 that the State Emergency Operations Center was activating due to statewide flooding. The bureau once again issued ALERT messages to regulated food establishments and food processing plants located in areas where potential flood impact was high. The ALERT messages provided guidance to regulated facilities. Bureau staff immediately began assessing damage once access to communities was deemed safe.

The Iowa Food Emergency Response Rapid Response Team (RRT) officially activated on March 23. In addition to the Iowa Department of Inspections and Appeals, the RRT's core member agencies include the FDA, the Iowa



Department of Public Health (IDPH), the State Hygienic Lab (SHL), and the Iowa Department of Agriculture and Land Stewardship (IDALS). Upon activation, the RRT stood up a joint DIA/IDALS command, with member agencies participating and providing agency-specific information to the joint command. The Iowa RRT also provided updates to the State Emergency Operations Center.

The RRT coordinated activities with the Iowa Department of Natural Resources, primarily due to interruptions in drinking water services to regulated food establishments and food processing plants. Food safety specialists conducted more than **75** official emergency response inspections. In addition to the official visits, bureau staff logged many hours surveying damage, making phone calls, coordinating activities, providing guidance to food establishment and food processing plants, developing new guidance, and providing updates to other agencies.

## Accomplishments

Several bureau personnel were recognized and received awards at the 2019 Mid-Continental Association of Food and Drug Officials (MCAFDO) Annual Conference.

- Kurt Rueber received the Outstanding MCAFDO Award for his work on two separate complex investigations.
- Brian Church, Tenesha Stubblefield, Barry Phillips, and Scott Platt all received the MCAFDO Achievement Award for their team effort during an investigation that spanned several weeks and included inspections, contaminated food, contaminated equipment, contaminated environment, suspension, recalled food, education, guidance and recovery.
- Bureau Chief Mark Speltz, was named MCAFDO vice president during the conference.

During the Association of Food and Drug Officials Annual Educational Conference, Speltz received an outstanding leadership award for his work as the USA Food Safety User Group chair. USA Food Safety is a licensing and inspection software application used by 13 state food regulatory programs. Former Bureau Chief Steve Mandernach and former Iowa RRT Coordinator Melanie Harris received a group recognition award from FDA Commissioner Scott Gottlieb for their work related to *Listeria monocytogenes* in ready-to-eat cookie dough produced in an Iowa facility.

## Publications & Presentations

Bureau personnel delivered presentations on a variety of topics during SFY 19, ranging from emergency response to program standards. Presentations were delivered at state, regional, and national conferences, including the Iowa Environmental Health Association Annual Conference, Iowa Aquaculture Conference, the Southwest Regional FDA Retail Seminar, Manufactured Foods Regulatory Alliance Educational Conference, the Mid-Continental Association of Food and Drug Officials Educational Conference, and the Association of Food and Drug Officials Annual Educational Conference.



## Social & Charitable Gambling Unit

The Social and Charitable Gambling Unit administers [Iowa Code Chapter 99B](#), which regulates games of skill or chance, raffles, bingo, social gambling, and amusement devices. Charitable organizations may obtain a qualified organization gambling license to conduct fund-raising activities benefiting educational, civic, public, charitable, patriotic or religious purposes. Bars may obtain a social gambling license to conduct sports betting pools and to allow patrons to socially gamble on their premise.

During SFY 19, the unit:

- Processed **2,277** gambling licenses and collected **\$179,140** in licensing fees. A chart showing the breakdown by license type is illustrated to the right;
- Continued work on the USA Food Safety website

License Type	Cost per License	# Issued	Total Fees
Amusement Concession (1 year)	\$ 50	474	\$ 23,700
Bingo at a Fair or Community Festival	\$ 50	17	\$ 850
Bingo/Electronic Raffle Manufacturer or Distributor	\$ 1,000	7	\$ 7,000
Qualified Organization (14-day)	\$ 15	620	\$ 9,300
Qualified Organization (90-day)	\$ 40	286	\$ 11,440
Qualified Organization (180-day)	\$ 75	54	\$ 4,050
Qualified Organization (1 year)	\$ 150	34	\$ 5,100
Qualified Organization (2 year)	\$ 150	591	\$ 88,650
Very Large Raffle	\$ 100	1	\$ 100
Social Gambling - Beer & Liquor Establishments (2 year)	\$ 150	193	\$ 28,950
<b>Totals</b>		<b>2,277</b>	<b>\$ 179,140</b>

to allow for online payment during SFY 20;

- Finalized amendments to Iowa Administrative Code Chapter 481—101; and
- Issued **5,635** amusement device registrations, and collected **\$409,350** in registration fees. A breakdown of the types of registrations issued is illustrated to the right.

Type	Cost per Registration	#	Total Fees
Manufacturers	\$ 2,500	6	\$ 15,000
Distributors	\$ 5,000	47	\$ 235,000
Owners	\$ 2,500	8	\$ 20,000
Registration Tags	\$ 25	5,574	\$ 139,350
<b>Total</b>		<b>5,635</b>	<b>\$ 409,350</b>

## ADMINISTRATIVE HEARINGS DIVISION

The Administrative Hearings Division (AHD) conducts contested case administrative proceedings for nearly all State agencies and some local government agencies. Administrative law judges (ALJs) preside over telephone or in-person hearings, rule on motions or objections, decide cases fairly and impartially, and write proposed agency decisions in cases ranging from driver’s license revocation proceedings before the Iowa Department of Transportation (DOT) and child abuse assessment proceedings before the Iowa Department of Human Services (DHS) to professional discipline proceedings before the Iowa Board of Medicine and other professional licensing boards.

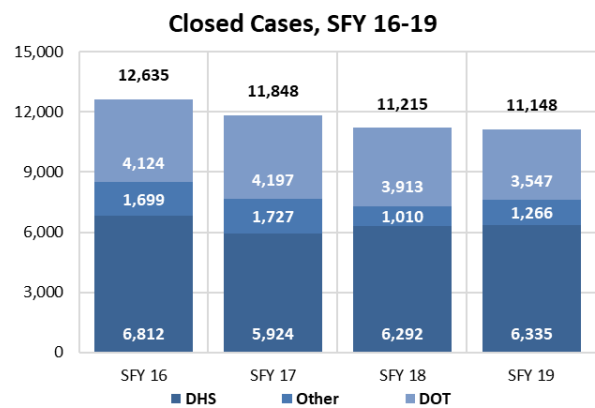


The division is authorized in [Iowa Code § 10A.801](#), and is governed by the Iowa Administrative Procedures Act ([Iowa Code Chapter 17A](#)), the division's [administrative rules](#), and the [relevant statutes and rules](#) of the agency for which the division is conducting a particular contested case proceeding. While the division is required to conduct certain contested case proceedings by statute or administrative rule, it is also authorized under [Iowa Code § 10A.801\(5\)](#) to conduct any proceeding for any governmental entity on a contract basis.

All proceedings are conducted by qualified administrative law judges who are Iowa-licensed attorneys. Division ALJs have experience conducting hearings as the sole presiding officer, as a part of a panel of decision makers, or as an advisor and decision drafter for a board or commission.

During SFY 19, the division:

- Closed **11,148** cases for 52 State and local agencies, representing a 0.6% decrease from SFY 18. An overall breakdown of the cases is illustrated to the right;
- Efficiently and promptly scheduled **96%** of its hearings within seven days of the case referral, and then issued **98%** of its proposed decisions within 30 days of the hearing date;
- Filled the chief administrative law judge/division administrator position. This position had remained vacant for approximately one year; and
- Through its ALJs, presented for several different entities, including the Iowa Association of Administrative Law Judges, the Iowa Bar Association, the Iowa Law Enforcement Academy, the Iowa Attorney General’s Office and the Central Panel Director’s Conference in San Diego, California.



## HEALTH FACILITIES DIVISION

The Health Facilities Division (HFD) is the designated state survey and certification agency, and is responsible for licensing or certifying Medicare and Medicaid programs and other health care providers and suppliers operating in the State of Iowa. Entities subject to the department's oversight and regulation include nursing facilities, skilled nursing facilities, residential care facilities, intermediate care facilities for the intellectually disabled, hospitals, hospices, home health agencies, programs and facilities caring for children, assisted living programs, and elder group homes.

Survey teams from the division conduct unannounced on-site inspections at health care facilities to assess the quality of care and services provided to clients, patients, residents, and tenants. If problems are discovered during an inspection,



the division can require corrective action and implement enforcement remedies to assure a facility's compliance with State, and federal rules. Health Facilities Division personnel also investigate complaints alleging improper care or treatment of patients, residents, and tenants in licensed and certified entities.

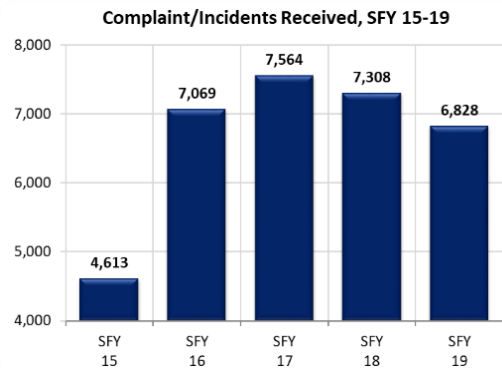
Additionally, personnel in the Health Facilities Division staff the Iowa Hospital Licensing Board, which advises the department on issues impacting the administration of hospitals in the state of Iowa. Appointed by the governor, the six-member board consults with and advises HFD in matters of policy affecting hospital administration. The board also reviews and approves rules and standards prior to their approval by the Iowa State Board of Health and adoption by the department. The board meets periodically throughout the year, pursuant to Iowa Code sections [135B.10](#) and [135B.11](#).

Hospital Licensing Board	
JoAn Headington	
Pat McDermott	
Monte Neitzel	
Toni Ebeling	
<i>vacant</i>	
<i>vacant</i>	

## Complaint/Incident Bureau

The Complaint/Incident Bureau staff are responsible for the review and triage of intakes for all health care facilities and programs. This includes facility self-reported incidents as outlined by federal regulations and State rules, as well as complaints from residents/patients, family and friends, staff, and other health care providers.

During SFY 19, the bureau processed a total of **6,828** intakes, which represents a 6.6% decrease from the previous fiscal year level. The five-year trend of intakes received by the bureau is illustrated to the right.



The bureau also has surveyors in the field who investigate complaints and incidents in long-term care (LTC) facilities. During SFY 19, bureau surveyors investigated **1,526** LTC complaint/incident intakes, which represents an 8.0% decrease from SFY 18.

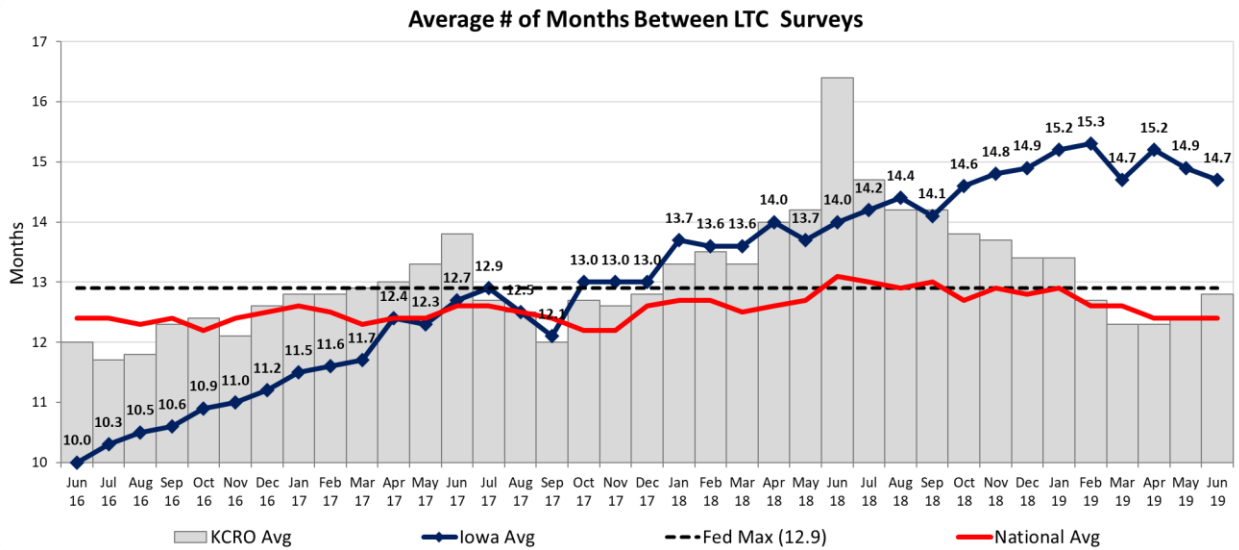
## Long-Term Care Bureaus

Three bureaus within the division are responsible for surveying 438 nursing facilities in the state. During SFY 19, the bureaus conducted **346** long-term care surveys; averaging nearly seven surveys each week during the fiscal year. Federal standards require that the survey agency maintains a survey cycle average of 12.9 months for all nursing facilities. Additionally, the survey cycle cannot exceed 15.9 months between surveys for any individual facility. The department's performance in meeting the monthly survey cycle average is illustrated below by the dark blue line.





For comparison purposes, the average number of months between surveys for the Kansas City Regional Office<sup>2</sup> (KCRO) is represented by the light gray bars, and the national average is the red line.



The division identified the priority goal of achieving the required survey cycle interval of 12.9 months on average between annual recertification surveys for each facility, with no facility exceeding 15.9 months between annual recertification surveys. In order to work towards achieving this goal, beginning in May 2019, the division set a goal of surveying a minimum of 30 facilities each month. As the department continues to prioritize this goal and fill vacancies, the division will increase the number of surveys each month to a minimum of 34 surveys per month to achieve the 12.9 month survey average. The division is utilizing temporary surveyors as well as at least one Complaint Unit surveyor team each month to complete additional surveys.

Additionally, the division worked with the federal Centers for Medicare and Medicaid Services in July and August 2019 to utilize federal contract surveyors to complete seven long term care (LTC) annual surveys, in addition to the surveys conducted by DIA staff. The division continues to see a steady decline in the average number of months between LTC surveys. Utilizing each of these efforts, the Division is working to achieve a 12.9 month average.

During annual recertification surveys, LTC surveyors evaluate the care and services provided in Iowa’s nursing homes. The survey process emphasizes an evaluation of residents’ quality of life as well as the medical care and services provided. Over the past SFY, the five most frequently cited deficiencies are:

Frequently Cited Deficiencies	
F-Tag	Description
F0689	Free of Accident Hazards/Supervision/Devices
F0880	Infection Prevention & Control
F0658	Services Provided Meet Professional Standards
F0656	Develop/Implement Comprehensive Care Plan
F0812	Food Procurement, Store/Prepare/Serve Sanitary

<sup>2</sup> The KCRO within CMS is comprised of four states: Iowa, Missouri, Kansas and Nebraska.



## Medicare Services Bureau

The Medicare Services Bureau is responsible for the survey and certification of 17 provider and supplier types of Medicare-certified facilities, including hospitals, critical access hospitals, home health agencies, hospice programs, end-stage renal disease units, rural health clinics, and ambulatory surgery centers.

The Health Facilities Division (HFD) is required by Iowa Code Section 135B.5 (1) to utilize the annual hospital licensure fees to provide education programs and supports related to licensure and regulatory issue for hospitals. In SFY 19, the department hosted the 10<sup>th</sup> Annual DIA Hospital Education Program held in Des Moines on April 2, 2019, Sioux City on April 4, 2019, and Coralville on April 15, 2019.

The Iowa Hospital Association (IHA) was awarded the contract to provide education program requirements which focused on mental health, increasing safety, and decreasing risk of harm to hospital patients. The educational content centered on understanding conditions of participation associated with patient safety. The educational program also addressed examples of immediate jeopardy citations in relation to ligature risks in behavior health units. The dialogue of panel speakers shared ways to improved patient safety including changes to the physical environment in hospitals.

The in-person program held in Des Moines had 45 participants and 203 webcast participants. The Sioux City program had 31 participants who attended the conference; and 65 participants attended the Iowa City program. The Hospital Education Program averages **326** attendees for the last five SFY 2015-2019, with an average of **101** total organizations statewide.

	SFY 15	SFY 16	SFY 17	SFY 18	SFY 19
Organizations	71	100	114	111	107
Attendance	270	270	439	307	344

## Adult & Special Services Bureau

The Adult and Special Services Bureau consists of assisted living programs (ALP), assisted living programs for people with dementia (ALP/D), adult day services (ADS), and elder group homes (EGH). State rules require ADS programs be surveyed at least every 36 months and ALPs, ALP/Ds, and EGHs at least every 24 months. During SFY 19, surveyors completed **374** surveys and investigations, representing a 10.5% decrease from SFY 18. The decrease can be related to a decrease in the number of self-reported incidents triaged for investigation and the number of programs in the SFY 19 survey cycle. In addition, the bureau conducted **26** new certifications for ALPs and ALP/Ds, and two ALPs closed during SFY 19.

ALP & ALP/D	SFY 18	SFY 19	Change
Initial Visits	7	32	25
Surveys	182	146	(36)
Investigations	203	182	(21)
Revisits	26	14	(12)
<b>Total</b>	<b>418</b>	<b>374</b>	<b>(44)</b>



Two ADS programs opened and one ADS closed in SFY 19. Bureau surveyors completed **15** surveys and investigations at ADS programs, resulting in a 150% increase over SFY 18. The sharp increase was due to the number of ADS that were due for surveys in SFY 19. There were no certified elder group homes during SFY 19.

ADS	SFY 18	SFY 19	Change
Initial Visits	0	2	2
Surveys	3	6	3
Investigations	2	5	3
Revisits	1	2	1
<b>Total</b>	<b>6</b>	<b>15</b>	<b>9</b>

Additionally, the Adult and Special Services Bureau has regulatory oversight of residential care facilities (RCF), intermediate care facilities for individuals with intellectual disabilities (ICF/IID), and a range of children’s services such as juvenile detention and shelter care, residential care for children, child placing agencies, psychiatric medical institutions for children (PMIC), and comprehensive residential care for children. The Adult and Special Services Bureau also oversees regulatory compliance of subacute mental health facilities.

Surveys in RCFs are completed at least every 30 months per State rule. During SFY 19, surveyors completed **199** surveys and investigations, resulting in an 11.6% decrease from the previous fiscal year. The average survey cycle remained at 24 months. SFY 19 saw four RCFs close and five RCFs open. Sub-acute mental health facilities are surveyed at least annually. Two sub-acute facilities have opened since SFY 18.

Type	SFY 18	SFY 19	Change
Surveys	63	68	5
Investigations	147	123	(24)
Revisits	15	8	(7)
<b>Total</b>	<b>225</b>	<b>199</b>	<b>(26)</b>

Children’s services surveyors conduct a variety of types of visits, most requiring visits every three years. The exceptions are PMICs, shelters, and detention centers. During SFY 19, surveyors completed **274** reviews, investigations, assessments, and/or revisits, reflecting a 1.8% decrease from SFY 18. The Centers for Medicare and Medicaid Services require psychiatric residential treatment facility surveys to be completed at least every five years at PMIC facilities starting in FFY 18.

Type	SFY 18	SFY 19	Change
License Reviews	91	95	4
Unannounced Visits	53	64	11
Desk Reviews	40	17	(23)
Office Visits for Placing Agencies	29	36	7
Revisits	1	8	7
Initial License Reports	1	4	3
Child Abuse Assessments	57	22	(35)
Investigations	7	28	21
<b>Total</b>	<b>279</b>	<b>274</b>	<b>(5)</b>

ICF/IID facilities are required to be surveyed on average every 12.9 months and no more than every 15 months, according to CMS.



During SFY 19, surveyors completed **442** surveys and investigations, resulting in a 2.0% decrease from SFY 18. All ICF/IID surveys occurred within a 12-month timeframe. Three ICF/IIDs closed and three opened during SFY 19.

ICF/IID Survey Work, SFY 18-19			
Type	SFY 18	SFY 19	Change
Surveys	140	154	14
Investigations	232	233	1
Revisits	79	55	(24)
<b>Total</b>	<b>451</b>	<b>442</b>	<b>(9)</b>

## INVESTIGATIONS DIVISION

The mission of the Investigations Division is to protect the health, safety, and welfare of Iowans by:

- Maintaining public assistance program integrity and accountability through the prevention, detection, and investigation of public assistance fraud, waste, and abuse by Medicaid providers and public assistance recipients;
- Auditing health care facilities and local DHS offices to ensure compliance with funding requirements;
- Initiating the recovery of any misallocated taxpayer funds;
- Detecting, investigating, and prosecuting dependent adult abuse that occurs in healthcare facilities; and
- Investigating regulated professionals on behalf of Iowa’s various professional licensing boards.

The division audits healthcare facilities and conducts criminal, civil, and administrative investigations of fraud and misconduct. Staff within the division work closely with other state and local partners in identifying fraud, waste, and abuse and, when appropriate, forward cases to federal, State, and local officials for prosecution.

The Investigations Division is comprised of the following areas:

- Abuse Coordinating Unit
- Economic Fraud Control Bureau, including Program Integrity and Electronic Benefit Transfer (EBT) units
- Human Service Audits Unit
- Medicaid Fraud Control Unit
- Professional Standards Unit
- Public Assistance Debt Recovery Unit



### Abuse Coordinating Unit

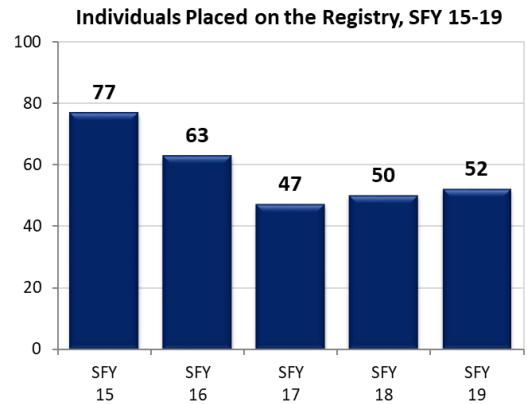
This unit is responsible for the detection, investigation, and Central Abuse Registry of dependent adult abuse in facilities and programs in Iowa. The unit’s goal is to protect the health, safety, and welfare of the state’s most vulnerable citizens. The unit operates with two compliance officer II’s and a compliance officer I.



During SFY 19, a total of **534** complaints received by the department contained the potential of dependent adult abuse. Outcomes of these complaints were:

- **342** were classified as “incidents evaluated for dependent adult abuse.”<sup>3</sup>
- **192** required the completion of a comprehensive abuse memo.
- **253** went to formal briefing and an outcome determined.
- **101** resulted in a “founded” determination.
- **52** individuals were placed on the Central Abuse Registry.

The **52** individuals placed on the Central Abuse Registry in SFY 19 represent a 4.0% increase from SFY 18; the five-year trend of registry placements is illustrated to the right.



## Economic Fraud Control Bureau (EFCB)

During SFY 19, the EFCB was comprised of three units: Program Integrity, Electronic Benefit Transfer (EBT), and Divestiture. The bureau operated with 19 investigator III’s strategically located throughout the state, two executive officer I’s, an administrative assistant, a compliance officer II, and a bureau chief.

### Program Integrity/EBT Unit

These units are responsible for investigating Iowa Department of Human Services (DHS) public assistance programs: the Supplemental Nutrition Assistance Program (SNAP), more commonly referred as “food assistance,” Electronic Benefits Transfer (EBT) trafficking and/or misuse, Medicaid (recipients), Family Investment Program (FIP), and Child Care Assistance (CCA). In addition, staff investigate allegations related to federally-funded U.S. Department of Housing and Urban Development (HUD) programs referred from the Regional Housing Agencies around the state.

The EFCB recently entered into two new memorandums of understanding (MOU): one with the Iowa Department of Human Rights (DHR) to investigate referrals related to low-income home energy assistance and winterization programs, and the second with the Iowa Department of Revenue (IDR) to investigate false, frivolous, and fraudulent tax matters.

<sup>3</sup> When an abuse report is triaged as a complaint or incident with an “evaluate for abuse” designation on the intake, the surveyor is required to investigate the complaint/incident and report their fact finding to the ACU, which will determine if an abuse investigation/memo is warranted.



When required, investigators work closely with State and federal prosecutors and local law enforcement to gather evidence that may be used to prosecute individuals accused of defrauding the State’s public assistance programs. Investigators verify the information submitted to DHS, HUD, DHR, and IDR by the applicants/recipients or tax filers.

During SFY 19, the EFCB responded to **5,651** referrals<sup>4</sup>. The investigations resulted in savings to the state of \$3,096,291 in cost avoidance and \$2,221,786 in debt establishment for a total of **\$5,318,077**. Of the 5,651 referrals, 5,198 (92%) were related to SNAP investigations.

**Impacts of SNAP Investigations:**

A SNAP overpayment claim may be established when a recipient commits an intentional program violation (IPV) or when an inadvertent household error (IHE) occurs. An IPV occurs when a household member intentionally: (1) makes a false or misleading statement, or misrepresents, conceals, or withholds facts in order to obtain SNAP benefits that the household is not entitled to receive; or (2) commits any act that violates federal or State law relating to SNAP benefits. An IHE occurs when an overpayment results from a misunderstanding or unintentional error by the household member. The amount of the claim is equal to the amount of benefits overpaid due to the IPV or IHE.

In addition to establishing a claim for an IPV, household members determined to have committed an IPV are ineligible to participate in the SNAP for a period of time determined by the violation. A household member cannot be disqualified until an administrative law judge determines the individual committed an IPV, through an administrative disqualification hearing (ADH).

Federal regulations require the Iowa DHS and the EFCB to report quarterly state-specific data for SNAP to the Federal Nutrition Service.

- In SFY 19, DHS disqualified **250** SNAP recipients through an ADH, which resulted in **\$1,087,244** subject to claim establishment.
- Cases in which EBT trafficking/misuse is found are referred by the EBT Unit for an IPV on behalf of DHS. The EBT Unit successfully pursued IPV disqualifications against **43** individuals through the ADH process, resulting in **\$80,779** in cost avoidance and **\$4,594** in debt establishment for a total savings of **\$85,373**.

**Divestiture Unit**

In September 2018, DIA was informed by the Iowa Office of the Attorney General that the director of the Iowa Department of Human Services had elected not to pursue a waiver with federal partners that would allow DIA to

<sup>4</sup> Referrals are allegations of fraud or abuse related to a specific investigative unit within the Investigations Division, and includes Founded, Unfounded, Canceled, Duplicate Canceled, and Admin Canceled.



continue enforcing Iowa Code 249F related to divestiture activities and collections. Consequently, DIA terminated 249F enforcement on Jan. 1, 2019.

During SFY 19, this unit, comprised of one investigator III, one executive officer I, and one assistant attorney general, was assigned **22** new cases, closed **312** existing and new cases, and was responsible for a total savings to the State (cost avoidance) of **\$3,066**. Furthermore, the unit was responsible for **\$802,205** in recoupment through consent orders and an additional **\$20,652** in actual collections.

## Human Services Audits

This unit performs expenditure audits at local DHS offices to determine eligibility for federal reimbursements and to ensure compliance with State and federal funding requirements. Audits are also performed at residential care facilities, nursing facilities, and intermediate care facilities for the intellectually disabled, to ensure that residents' funds are being properly maintained. The audits are used to verify that Medicaid reimbursement procedures meet all applicable government requirements. At the end of SFY 19, the unit operated with four field auditors (one in each quadrant of the state) and an executive officer I.

During SFY 19, the unit completed **98** facility audits involving 13 residential care facilities (RCF), 34 intermediate care facilities for individuals with intellectual disabilities (ICF/ID), and 51 nursing facilities (NF).

These audits resulted in identifying \$87,625 owed to residents of the facilities and \$131,856 owed to DHS for a total of **\$219,481**. The unit also completed 99 local DHS office audits, and identified **\$18,534** in exceptions (ineligible for federal reimbursement). Targeted collection of 100% was completed within 45 days.

## Medicaid Fraud Control Unit

At the end of SFY 19, the Iowa Medicaid Fraud Control Unit (MFCU) consisted of eight FTE positions, which included five investigators III's, one assistant attorney general, one administrative assistant, and a bureau chief. The primary mission of the MFCU is to maintain the integrity of the Iowa Medicaid program by conducting criminal and civil investigations involving allegations of fraud committed by Medicaid providers and fraud within the administration of the Iowa Medicaid program. The MFCU also conducts criminal investigations involving allegations of abuse and neglect against patients and residents receiving services within healthcare facilities that receive Medicaid funds.

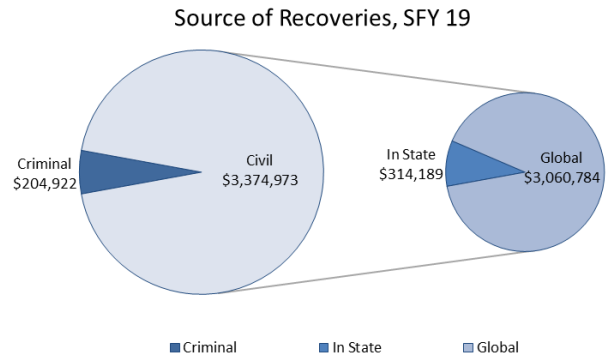
As of the end of SFY 19, the MFCU maintained **317** open cases. These cases consisted of 280 fraud cases and 37 abuse/neglect cases, which results in a case mix of 88.3% fraud cases and 11.7% abuse/neglect. The 280 fraud cases



consisted of 200 multi-state civil cases assigned to the Iowa MFCU AAG and 80 criminal and in-state civil fraud cases assigned to MFCU investigative personnel.

Iowa reported recoveries<sup>5</sup> totaling **\$3,579,895** as a result of criminal and civil cases resolved during SFY 19. Civil recoveries include both in-state recoveries and global cases.

In-state cases consist primarily of civil cases originating in Iowa and being resolved as a result of cooperation between the MFCU and the U.S. Attorney Offices of the northern and southern districts of Iowa. The breakdown of recovery sources during SFY 19 was predominantly global civil cases, as illustrated to the right.



Global cases consist primarily of multi-state civil cases that include Iowa and are resolved by settlement and litigation teams assigned by the [National Association of Medicaid Fraud Control Units](#) that result in recoveries of all the participating states' shares of Medicaid dollars.

## Professional Standards Unit

The Professional Standards Unit (PSU) conducts professional practice investigations on behalf of the professional licensing boards under the jurisdiction of the Iowa Department of Public Health (IDPH). The unit operated with two investigator IIIs. The boards for which investigations are conducted include:

State Licensing Boards under IDPH Jurisdiction, SFY 19		
Athletic Training	Massage Therapy	Podiatry
Barbering	Mortuary Science	Psychology
Behavioral Science	Nursing Home Administrators	Respiratory Care & Polysomnography
Chiropractic	Optometry	Sign Language Interpreters & Translitterators
Cosmetology Arts & Sciences	Physical & Occupational Therapy	Social Work
Dietetics	Physicians Assistants	Speech Pathology & Audiology
Hearing Aid Specialists		

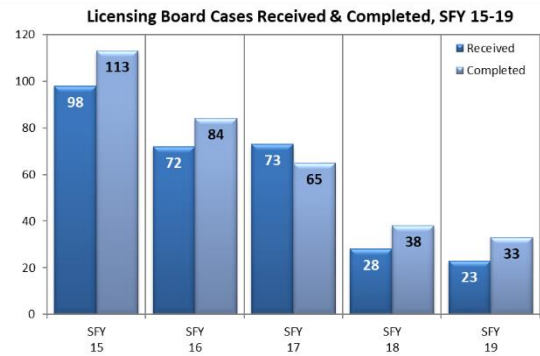
<sup>5</sup> Criminal Recoveries are defined as the total amount of money defendants were ordered to pay in criminal cases during the reporting period. Civil Recoveries are defined as the total amount of money ordered to be paid from civil settlements or judgments during the reporting period.





During SFY 19, the PSU received a total of **23** new cases from IDPH, which represents a decrease of 17.9% from SFY 18.

The unit completed **33** investigations for IDPH’s professional licensing boards during SFY19 (including opened cases previous reporting period), which represents a decrease of 13.2% from SFY 18. The five-year trend of both cases received and completed for the boards is illustrated to the right.



## Public Assistance Debt Recovery Unit

The Public Assistance Debt Recovery Unit (PADRU) initiates collections of overpayment debts owed to DHS as a result of payments made to recipients from the State’s public assistance programs, including the Medicaid program, Family Investment Program (FIP), Supplemental Nutrition Assistance Program (SNAP), Promise Jobs, HAWK-I, IowaCare, Child Care Assistance, and Divestiture. The unit operates with two investigator III’s, one executive officer I, and an administrative assistant.

During SFY 19, PADRU collected **\$3,304,997** in overpayments for benefits that were issued to DHS recipients in error. The SFY 19 level represents a 1.5% decrease from SFY 18’s level of collections. The total debt owed to the State at the conclusion of SFY 19 was **\$44,185,042**, which is an increase of **\$516,958** from SFY 18.

In total, **5,349** new overpayment claims were entered into DHS’ web-based overpayment recovery (WOPR) system, representing a 9.5% decrease from SFY 18’s entries. The total value of the claims entered into WOPR during SFY 19 was **\$4,816,334**, or approximately **\$900** per claim. PADRU staff collect on these newly established debts through a variety of methods, including repayment agreements, judgments, wage garnishment, and income tax offsets.

## **CHILD ADVOCACY BOARD**

This nine-member Child Advocacy Board (CAB) is appointed by the governor to oversee the Court Appointed Special Advocate (CASA) program, the Iowa Citizen Foster Care Review Board (ICFCRB) program, and the Foster Care Registry.

The CASA program recruits, trains, supervises, and supports qualified adults to provide best interest advocacy for children who have been abused and neglected and are under juvenile court supervision. These highly trained lay advocates lift the voice of each child they serve with the purpose of changing the child’s life story.



The ICFCRB program is established to ensure that the foster care system is working to place each Iowa foster child in a safe, permanent home. The program operates through 27 local boards throughout the state, which review the cases of children in out of home care in 50 counties.

The Foster Care Registry collects and maintains data about all children placed in out of home care in Iowa. CAB uses this data to identify children who are in need of individual reviews by local foster care review boards. The data also provide the basis for annual reports to public officials regarding the number of children in care, length of time in care, and characteristics of the children involved.

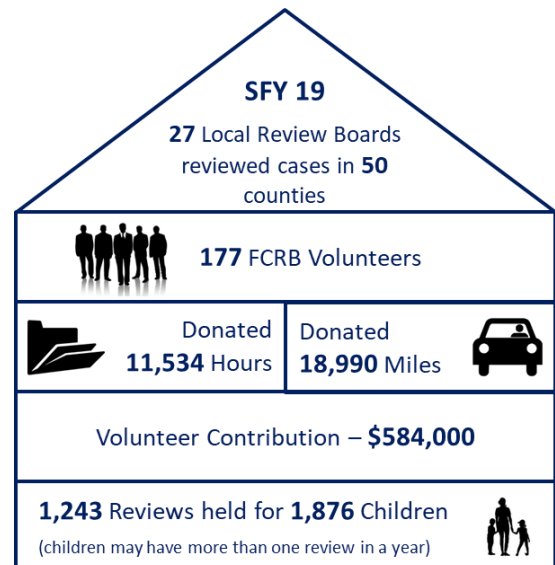
Each year, CAB is responsible for making recommendations to the governor, the Iowa General Assembly, the Iowa Supreme Court, and the chief judge of each judicial district, DHS, and child-placing agencies regarding systemic problems in the foster care and juvenile just systems and proposals to improve the effectiveness of the systems and the protection they afford for Iowa’s children.

Child Advocacy Board Members
Courtney Clarke, Waukee
Marc Elcock, Osceola
Sarah Madojemu
Beth Myers, Chair, Garner
William Owens, Ottumwa
Elaine Sanders, Johnston
Wayne Schellhammer, Vice Chair, Urbandale
Michael R. Steele, Mt. Pleasant
Angela Stokes, Sioux City

## Local Foster Care Review Board Program

CAB continues to maintain a network of local foster care review boards (LFCRB) to review children receiving foster care. Under an agreement between DIA and DHS, CAB receives federal funds to reimburse a portion of the cost of the reviews. Each LFCRB meets regularly to review case plans, hear from interested parties about the progress and concerns related to achieving permanency, and provide the court and DHS with findings and recommendations about safety, well-being, and permanency of children living in a foster care setting. Local foster care review boards provide an important resource to communities:

- Local board members provide objective views on the safety, care, appropriateness, timeliness of services and permanency for Iowa’s most vulnerable children and families. They help all Iowa citizens hold the system accountable.
- They move us toward community-based protection of children versus the child protection system having sole responsibility.
- They meet an important federally-mandated need for timely periodic reviews of foster care cases.

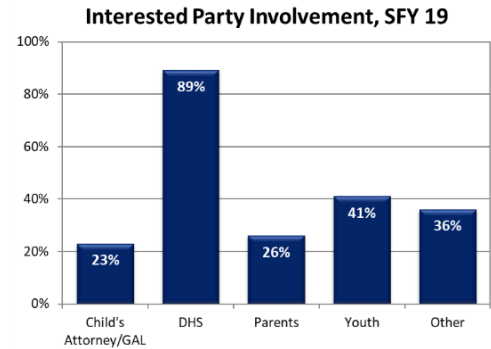




## Participation of Interested Parties (IP) at Local Reviews

The participation of interested parties is critical for a quality foster care review. Attendance of IPs is preferred but not always possible; therefore, IPs have the option of submitting recorded or written testimony for the local board’s consideration during the review process.

Testimony is essential in order for board members to be well-informed about the child and life of the case prior to making findings and recommendations to the court and interested parties. DHS case managers participate in reviews regularly. All involved parties can contribute to a more thorough review and informative report to the court. The chart illustrates the percentage of invited specified IP types who participated in local reviews during SFY 19.



## Timeliness of Foster Care Review Board reports

“Timeliness of review reports” is a required quarterly report of the contractual agreement between DIA and DHS. The contract states, “In 90% of the foster care cases reviewed by a LFCRB, LFCRB review reports will be provided to the juvenile court, DHS caseworker, and all interested parties within 15 days of the foster care administrative review pursuant to Iowa Code §237.20(2)(a).” CAB staff met this reporting requirement **99.8%** of the time during SFY 19.

## Evaluation by Interested Parties (IP) of the Review Process

Feedback and evaluation of the review process by interested parties is essential for quality assessment and program improvement. Each interested party who attends a local review is invited to complete a comment card. In SFY 19, **2,070** comment cards were received. In addition to the opportunity to provide open comments, parties are asked to evaluate four areas as shown in the table to the right.

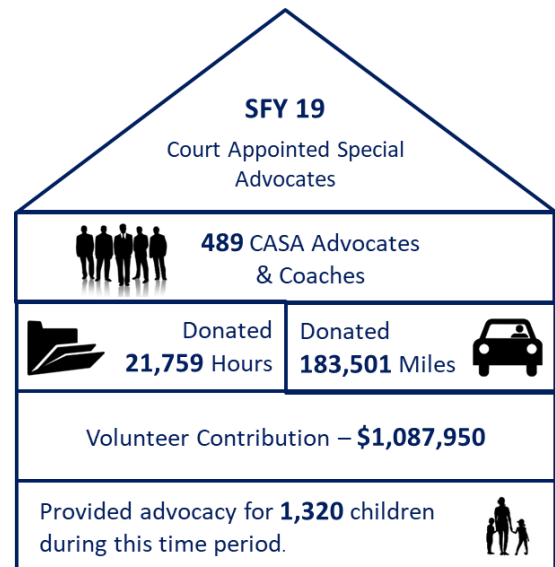
Comment Card Question	% Agreed
Review adequately addressed issues regarding the child’s safety and permanency plan	<b>98.2%</b>
The Board’s recommendations will effectively impact case planning	<b>97.5%</b>
The Board listened and treated me respectfully	<b>98.9%</b>
Timely notification of reviews was received (at least 10 days prior)	<b>97.9%</b>

## Court Appointed Special Advocate Program

The Iowa Court Appointed Special Advocate (CASA) program recruits, trains, and supports concerned community volunteers who advocate for and promote the best interest of the children who are victims of abuse and/or neglect. A vast majority of the children have been removed from their parental home due to safety issues. CASA volunteers contribute selflessly, through:



- Serving as an effective voice in court for abused and neglected children;
- Safeguarding children who are already victims of abuse or neglect from further harm by the system;
- Meeting with their assigned child or sibling group monthly, at a minimum;
- Researching case records and speak to each person involved in a child’s life, including family members, teachers, doctors, therapists, lawyers and social workers;
- Preparing a report to the court for each hearing involving the child, which allows the court to make better-informed decisions;
- Monitoring the progress of the child and family throughout the case and advocate for the child’s current and future needs in court, in school, and in agency meetings;
- Serving as a consistent presence in the life of their assigned child and remaining assigned to the case until successful case closure; and
- Offering fairness and objectivity in all activities concerning their assigned case, including openness to other viewpoints.



Iowa CASA advocates receive 30 hours of pre-service training to learn about child welfare-related issues and the duties of advocacy, and 12 hours of in-service training each year to enhance their advocacy skills and further their knowledge on case issues.

As an agency, CAB focused on providing professional staff development in areas such as volunteer management, difficult conversations and racism and implicit bias. These training areas continue to impact our work with volunteers. The CASA program has also collaborated with DHS to learn how CASA can assist the DHS with their Child and Family Service Review Program Improvement Plan and how Family First Prevention Services Act federal legislation will be implemented in Iowa. In April 2019, the CASA program surveyed juvenile court judges across the state to gauge program impact. Highlights of the survey include:

Survey Indicator	Percent
Adopted 75-100% of the recommendations made by CASA Advocates in their report to the court.	66%
CASA report provides them with a detailed understanding of the child’s situation and assists in making decisions of the case.	83%
Children received services they need more often as a result of the CASA Advocate’s recommendations.	83%
Agreement or strong agreement that they are satisfied overall with their local CASA Program.	100%



## EMPLOYMENT APPEAL BOARD

The three-member Employment Appeal Board (EAB) is appointed by the governor and serves as the final administrative law forum for State and federal unemployment benefit appeals. The board also hears appeals of rulings of the Occupational Safety and Health Administration (OSHA) and the Iowa Public Employees Retirement System (IPERS).

Board members are appointed to represent employers, employees, and the general public, respectively. In addition to unemployment cases, the board hears appeals involving peace officer issues and contractor registration requirements. The EAB receives 96% of its funding from the federal government, which is based on the number of appeals heard and the time taken to render a decision.

### Employment Appeal Board Members

Kim D. Schmett, Board Chair, Employer Representative

Ashley Koopmans, Board Member, Public Member

James Strohmman, Board Member, Employee Representative

## IOWA RACING & GAMING COMMISSION

The Iowa Racing and Gaming Commission administers the laws and rules on pari-mutuel wagering at racetracks and gambling at excursion gambling boats, racetrack enclosures, and gambling structures to protect the public and to assure the integrity of licensed facilities and participants. The commission is responsible for determining the eligibility of applicants and issuing licenses when deemed appropriate to conduct and operate racing or gaming in Iowa.

The commission and its staff oversee the regulation of all racetrack enclosures, excursion gambling boats, and gambling structures. Regulatory duties include assuring proper tax reporting and payments to the State Treasurer of Iowa, testing of slot and table games, overseeing drug testing of racing animals, investigating alleged rule violations, and taking any needed administrative actions on rule violations.

The commission consists of five members who are appointed by the governor and subject to senate confirmation. Commission staff are located in Des Moines and at each State-regulated gambling facility.

Items of interest in SFY 19 included:

- During the 2019 legislative session, sports wagering was legalized when conducted by a licensee authorized to operate an excursion gambling boat or gambling structure. Fantasy sports contests were also legalized.
- The commission drafted rules for regulation of sports wagering and fantasy sports contests.
- The commission started accepting applications for the operation of sports wagering and fantasy sports contests.
- Background procedures for sports wagering and fantasy sports contest applicants were developed.

### Iowa Racing & Gaming Commission Members

Julie Andres

Pennie Gonseth-Cheers

Carl Heinrich

Kristine Kramer

Jeff Lamberti



## OFFICE OF THE STATE PUBLIC DEFENDER

The Office of the State Public Defender (SPD) is responsible for coordinating Iowa's indigent defense system. The office's mission is to ensure that all low-income persons in Iowa are provided high-quality legal representation in criminal, juvenile, and other eligible proceedings in the most efficient and fiscally responsible manner.



The office is led by the State Public Defender, who is appointed by the governor. More than 200 employees in 17 local public defender offices and the Appellate Defender's Office provide representation for low-income persons, primarily in criminal and juvenile cases at the trial and appellate levels in all of Iowa's 99 counties.

The SPD also contracts with approximately 800 private attorneys and several nonprofit organizations throughout Iowa to provide court-appointed representation in cases that public defender offices are unable to handle. These contract attorneys, as well as other indigent defense providers, such as investigators, court reporters, interpreters and expert witnesses, are paid from the Indigent Defense Fund, which is administered by the SPD.



## APPENDIX A – SFY 19 ADMINISTRATIVE RULES

### **481 Iowa Administrative Code chapter 30, “Food and Consumer Safety”**

This adopted rule implemented changes made to Iowa Code Chapter 137F, resulting from the enactment of 2018 Iowa Acts, Senate File 2390. The legislation amended definitions to be consistent with the current Food Code issued by the U.S. Food and Drug Administration (FDA) and modified fees and penalties.

### **481 Iowa Administrative Code chapter 31, “Food Establishment and Food Processing Plant Inspections”**

This adopted rule reflected 2018 Code of Federal Regulations updates and removed the expired transition compliance dates for Section 2–102.12 of the 2013 FDA Model Food Code with supplement, which requires the employment of a certified food protection manager.

### **481 Iowa Administrative Code chapter 51, “Hospitals”**

This rule adopted by reference the 2018 Guidelines for Design and Construction of Hospitals provided by the Facility Guidelines Institute as the minimum construction standards for hospitals and off-site premises licensed under Iowa Code chapter 135B.

### **481 Iowa Administrative Code chapter 61, “Minimum Physical Standards for Nursing Facilities”**

This rule adopted the 2018 Guidelines for Design and Construction of Residential Health, Care, and Support Facilities, published by the Facility Guidelines Institute as the minimum design and construction standards for nursing facilities licensed under Iowa Code chapter 135C. The design requirements and recommendations presented in the guidelines have moved away from institutional models to foster development of facilities offering person-centered living environments that support a variety of care models and add to the quality of life for residents. The guidelines help organizations and designers create homelike physical environments that support positive resident outcomes. Prior to this rule making, Chapter 61 referred to the 2010 edition of the guidelines for nursing facilities. Adoption of this rule provided consistency in the design and construction standards of nursing facilities licensed pursuant to Iowa Code chapter 135C.

### **481 Iowa Administrative Code chapter 63, “Residential Care Facility—Three- to Five-Bed Specialized License”**

Iowa Code Section 135C.2(5) requires the department to include a provision requiring a residential care facility caring for five or fewer residents to be located in an area zoned for single- or multiple-family housing, or in an unincorporated area and to be constructed in compliance with applicable local requirements and the rules adopted for the special classification by the State fire marshal in accordance with the concept of the least restrictive environment for the facility residents. This rule would adopt these provisions. It would also make the following amendments: require facility personnel to be available and responsive to residents’ needs while on duty; remove



the requirement that a person successfully complete an approved residential aide course, nurse aide course, nurse aide training and testing program, or nurse aide competency examination prior to taking a department-approved medication aide course, in alignment with current department practice; remove the requirement that facilities within the special classification abide by Chapter 60, “Minimum Physical Standards for Residential Care Facilities” in alignment with current department practice; and update the language used in expressing bedroom requirements to maintain consistency with the department’s rules related to other types of facilities that are substantively identical.

**481 Iowa Administrative Code chapter 71, “Subacute Mental Health Care Facilities”**

Iowa Code Chapter 135G regarding subacute mental health care facilities provides for the establishment of basic standards for the operation of these facilities to ensure the safe and adequate diagnosis, evaluation, and treatment of persons with serious and persistent mental illness so that these persons are able to experience recovery and live successfully in the community. Since the initial adoption of the rules implementing Iowa Code Chapter 135G, the department received questions from subacute mental health care facility licensees seeking clarification of certain rules. These amendments provided clarification by adding definitions, requiring documentation of background checks for personnel, clarifying the time within which a treatment plan must be developed, providing further direction regarding the use of a seclusion room or restraints, clarifying provisions related to medication management, adding requirements related to nutrition and food preparation, and adding requirements related to buildings, furnishings and equipment. In addition, the amendments implemented the changes made to Iowa Code Chapter 135G resulting from 2018 Iowa Acts, House File 2456, which eliminated certain requirements for licensure by the department, including the limit on the number of publicly-funded subacute care facility beds licensed under Iowa Code Chapter 135G.

**481 Iowa Administrative Code chapter 100, “General Provisions for Social and Charitable Gambling”**

This adopted rule implemented changes made to Iowa Code Chapter 99B resulting from 2015 Iowa Acts, Senate File 482. The legislation modernized Iowa Code Chapter 99B by streamlining processes and eliminating unnecessary licenses.

**481 Iowa Administrative Code chapter 103, “Bingo”**

This adopted rule implemented changes made to Iowa Code Chapter 99B resulting from 2015 Iowa Acts, Senate File 482. The legislation modernized Iowa Code Chapter 99B by streamlining processes and eliminating unnecessary licenses.





**481 Iowa Administrative Code chapters 104, “General Provisions for All Amusement Devices,” and 105, “Registered Amusement Devices”**

This adopted rule implemented changes made to Iowa Code Chapter 99B resulting from 2015 Iowa Acts, Senate File 482. The legislation modernized Iowa Code Chapter 99B by streamlining processes and eliminating unnecessary licenses.

**481 Iowa Administrative Code chapter 106, “Card Games Tournaments by Veterans Organizations”**

This adopted rule implemented changes made to Iowa Code Chapter 99B resulting from 2015 Iowa Acts, Senate File 482. The legislation modernized Iowa Code Chapter 99B by streamlining processes and eliminating unnecessary licenses. Iowa Code Section 99B.27 addresses much of what was formerly found in Chapter 106. Accordingly, the rule eliminated duplicative material.