

IOWA DEPARTMENT OF



**AGENCY  
PERFORMANCE  
REPORT**

***Fiscal Year 2010***

# TABLE OF CONTENTS

<i>SECTION</i>	<i>PAGE</i>
INTRODUCTION .....	4
AGENCY OVERVIEW .....	5
STRATEGIC PLAN RESULTS.....	8
Goal 1.....	8
Goal 2.....	9
Goal 3.....	9
Goal 4.....	10
Goal 5.....	11
Goal 6.....	11
KEY RESULTS	13
PERFORMANCE PLAN RESULTS .....	27
Core Function – Adjudication/Dispute Resolution.....	27
SPA – Administrative Hearings.....	27
SPA – Employment-Related Appeals .....	28
SPA – Regulatory Appeals .....	28
Core Function – Advocacy .....	28
SPA – Local Citizen Foster Care Review Board.....	28
SPA – Court-Appointed Special Advocate.....	29
Core Function – Legal Representation .....	29
SPA – Public Defender Services .....	30
SPA – Assigned Counsel Legal Services .....	30
Core Function – Regulation & Compliance.....	30
SPA – Pari-Mutuel & Excursion Gambling Boat Regulation .....	31
SPA – Social & Charitable Gambling Regulation.....	31
SPA – Targeted Small Business Certification.....	32
SPA – Food and Consumer Safety.....	32
SPA – Regulatory oversight of state licensed and federally certified long-term care and special services entities.....	32

SPA – Monitoring and regulation of state certified community based environments .....	33
SPA – Investigation Services.....	33
SPA – Collection Services .....	34
SPA – Audit Services .....	34
Core Function – Resource Management .....	35
SPA – Resource Management .....	35
RESOURCE REALLOCATIONS .....	36
AGENCY CONTACTS .....	37

## INTRODUCTION

I am pleased to present the FY10 (July 1, 2009 – June 30, 2010) performance report for the Iowa Department of Inspections and Appeals (Department). This report is published to provide the Governor, the legislature, department employees, and citizens with information about the challenges and accomplishments of the Department during FY10.

The biggest **key strategic challenge** facing the agency is continuing to deliver timely and accurate services that are critical to our mission with reduced human and financial resources.

Another **key strategic challenge** is to identify ways to improve collaboration and communication with internal and external customers and stakeholders to accomplish our mission and vision.

Major accomplishments during FY10 include:

- The average age of pending Unemployment Insurance appeal cases is 12 days, compared to the federal Department of Labor guidelines of 40 days.
- 91.4% of the children served by the Child Advocacy Board were safe from re-abuse.

- 99% of the cases handled by the State Public Defender system had no final findings of ineffective counsel.

- 90% of challenged indigent defense claims were upheld upon final judicial review.

- 91% of racing and gaming occupational licensees received no serious violations after licensure.

- 100% of all health care facility complaint investigations triaged as immediate jeopardy (harm) were initiated within the federally mandated timeframes.

- The Investigation Division's Divestiture Program collected \$3.4 million of new public assistance money compared to the target of \$2.5 million.

We invite all citizens and our customers and stakeholders to join with us to protect public interests and integrity of executive branch programs.

Respectfully submitted,

Dean A. Lerner  
Director

## AGENCY OVERVIEW

The Department of Inspections and Appeals is a diverse regulatory agency established to protect the public through the enforcement of state and federal laws.

The services, products and activities of the Department relate to five core functions: Adjudication/Dispute Resolution; Advocacy; Legal Representation; Regulation and Compliance; and Resource Management.

Our Vision is to be “an efficient, innovative, responsive organization that values diversity, respects and protects customers, promotes quality, and supports its employees.”

Our Mission is to “assure state and federal program integrity by adjudicating, examining, and enforcing compliance to protect the health, safety and welfare of Iowans.”

Seven principles guide us in upholding the law through:

- Leadership
- Strategic Planning/Deployment
- Customer Focus
- Performance Measurement & Analysis
- Employee Engagement
- Continuous Improvement/Lean
- Results

The Department consists of four operating divisions and five attached units.

- The **Administration Division** provides essential, centralized fiscal and administrative services, such as budget preparation, accounts payable and receivable, personnel, public information, purchasing, lease and vehicle management, legislative affairs, strategic and performance planning, and legal counsel.

The Division regulates social and charitable gambling activities to protect the public from incidence of fraudulent or illegal activities and certifies targeted small businesses for eligibility for state loans and procurement opportunities.

The Division conducts (either through state inspectors or contracts with local boards of health) food safety inspections of restaurants, grocery stores, food processing plants, egg handlers, and vending machines to ensure consumers receive safe and wholesome food. It also conducts sanitation inspections of barber and cosmetology shops and hotels and motels to ensure Iowans receive clean service.

The Director enters into, implements and enforces compacts between the State of Iowa and Indian tribes to operate Indian gaming establishments in accordance with federal law.

- The **Administrative Hearings Division** affords citizens due process for adverse actions taken by state agencies. The Division conducts quasi-judicial contested case hearings involving lowans who disagree with an administrative ruling issued by a state government agency. The division issues a proposed decision subject to final review by the Director of the agency involved in the contested case proceeding. During FY10, nearly 13,000 hearings were held. A little over half of all administrative hearings conducted by the Division involve lowans who have had their driver's license revoked or suspended by the Iowa Department of Transportation.

- The **Health Facilities Division** enhances the safety, security and general welfare of the persons served in over 4,000 regulated entities. The Division inspects/monitors, licenses and/or certifies under the Medicare and Medicaid Programs health care providers and suppliers, which includes long-term care facilities, hospitals, hospices, end-stage renal disease units, rural health clinics, elder group homes, assisted living programs, adult day services programs and child-placing agencies.

The Division also provides staff for the **Hospital Licensing Board**, which consults with and advises the Division in matters of policy affecting administration of Iowa Code chapter 135B, including reviewing and approving rules and standards prior to adoption.

- The **Investigations Division** works to ensure misspent public assistance moneys obtained through fraud, inadvertent error or agency error are identified and collected so that only eligible applicants receive them in the appropriate amounts. The Division also provides necessary and timely information so the Iowa Department of Public Health can appropriately address professional licensing complaints. In addition, the Division ensures compliance with applicable federal and state financial requirements by DHS offices and health care facilities. The Division conducts front-end fraud, dependent adult abuse and divestiture investigations related to welfare programs. It conducts financial audits of local DHS offices and health care facilities, professional licensing complaint investigations, and initiates recovery actions to recoup public assistance and financial audit overpayments.

- The **Child Advocacy Board** works to ensure effective permanency planning for all children in out of home placement through advocacy. The Board accomplishes this purpose through local citizen foster care review boards, foster care registry and the Court Appointed Special Advocate volunteer program. In addition, the Board makes recommendations to the Governor, Legislature, Supreme Court, Chief Judge of each Judicial District, Iowa Department of Human Services, and child-placing agencies on ways to improve the delivery of foster care services and remove

barriers that prevent the delivery of top-quality foster care.

- The **Employment Appeal Board** timely adjudicates the rights and duties of workers and employers under unemployment insurance laws, decides final resolution of contested OSHA and contractor registration violations, and handles personnel-related cases. The Board serves as the final administrative law forum for unemployment benefit appeals. The Board also hears appeals of rulings of the Occupational Safety and Health Administration (OSHA), rulings of the Iowa Department of Administrative Services on state employee job classifications, rulings of the Iowa Public Employees Retirement System (IPERS), appeals involving peace officer issues, elevator rule violations, and contractor registration requirements.

- The **Racing and Gaming Commission** works to protect the public from incidence of fraudulent or illegal activities at pari-mutuel racetracks and excursion boat gambling. It also works to protect the health and welfare of the racing animals. The Commission licenses eligible applicants for employment and sets and enforces standards for the licensing of industry occupations and for the operation of all racetracks and excursion gambling boats.

- The **State Public Defender** provides high-quality, cost-efficient legal representation to indigent clients in state criminal court, juvenile court, and other proceedings

as required by law in those areas of the state where local public defenders exist. The provision of legal services to indigent clients is constitutionally mandated. In Iowa, these services are provided through a combined system of local public defenders and private attorneys. The State Public Defender also has jurisdiction over the Indigent Defense Fund, which provides funds to pay for indigent defense and ancillary services provided by private and contract attorneys and miscellaneous vendors, such as expert witnesses and court reporters. Indigent defense services are constitutionally mandated, which requires these services to be paid by the state. The Indigent Defense Fund pays for those indigent services not covered by local public defenders.

The Department's customers and stakeholders include state agencies; municipal corporations; citizens (adults and children); federal government agencies; consumers of elder group homes, tenants of assisted living programs, consumers of adult day service programs, residents of health care facilities; health care providers; licensees; industry and advocacy associations; targeted small businesses; other businesses; unemployed persons; indigent persons; attorneys; law enforcement; the legislature; and the court system.

# STRATEGIC PLAN RESULTS

## STRATEGIC PLAN

### **Key Strategic Challenges and Opportunities:**

The protection of public interests and executive branch program integrity is the key result of the mission of the Iowa Department of Inspections and Appeals (Department). Accomplishing that result is challenged by the ability to continue to deliver timely and accurate services with reduced human and financial resources and to overcome any negative perception of our regulatory and oversight role.

To address these strategic challenges, the Department established six long-term goals and associated key strategies:

### **Goal #1: Achieve the highest possible voluntary compliance of statutes, rules and regulations.**

#### **Strategies:**

- 1.1 Partner with communities, other state agencies, and the court system to ensure children in foster care have comprehensive permanency plans.
- 1.2 Conduct all required financial audits of nursing facilities, residential care facilities and local Iowa Department of Human Services offices within applicable timeframes.
- 1.3 Establish a comprehensive training and education program to enhance the ability of licensed health care facilities to comply with all applicable statutes, rules and regulations.
- 1.4 Ensure all health care facilities and providers are adequately, accurately, and timely inspected and investigated for compliance with federal and state laws and regulations.
- 1.5 Strengthen the Food and Consumer Safety Bureau's compliance and enforcement program.
- 1.6 Partner with the Iowa Department of Public Safety, Division of Criminal Investigation, and the Department of Commerce, Alcoholic Beverages Division, to inspect social gambling locations and non-licensed beer or liquor establishments for illegal gambling.
- 1.7 Increase public awareness of Targeted Small Business Certification program eligibility standards.



- 1.8 Collaborate with other entities in the conduct of investigations and audits to expedite the resolution of cases, initiate the recovery of program dollars, and encourage compliance.
- 1.9 Develop processes to improve exchange of information between the Iowa Racing and Gaming Commission and licensees.

**Goal # 2: Enhance the provision of education, information and assistance to our customers, the public, law enforcement and other state agencies.**

**Strategies:**

- 2.1 Expand the utilization of the best practices program to areas of licensing beyond long-term care.
- 2.2 Educate current licensee and potential applicants regarding permissible and impermissible gambling activities.
- 2.3 Promote increased participation in the Iowa Food Safety Task Force by industry, state agencies, academia and consumers.
- 2.4 Educate and update customers and potential applicants quarterly regarding Targeted Small Business programs and eligibility standards in collaboration with the Iowa Departments of Economic Development and Administrative Services, General Services Enterprise.
- 2.5 Provide training to nursing facilities and residential care facilities in creating, updating or changing bookkeeping systems that will meet standards for generally accepted accounting principles.
- 2.6 Provide training and information to the general public, service organizations, educational institutions, state agencies and law enforcement agencies on ways to detect fraud and abuse and the intent of the investigative programs.
- 2.7 Expedite and improve the processing time required for the claim establishment and collection process.
- 2.8 Enhance the training curriculum for the claims establishment and collections process in collaboration with the Iowa Department of Human Services.

**Goal # 3: Increase customer satisfaction and enhance the public image of the Department.**

**Strategies:**

- 3.1 Establish caseload performance and quality representation expectations for the SPD System and public defender field offices.

- 3.2 Maintain a process for the review and adjudication of indigent defense claims that produces correct results within a reasonable time.
- 3.3 Measure the satisfaction level of citizens and state agencies involved in contested case hearings.
- 3.4 Allow social and charitable gambling license applicants to pay for license application fees using credit cards.
- 3.5 Process and manage indigent defense claims more efficiently in accordance with statute and State Public Defender rules.
- 3.6 Enhance public awareness relative to the accomplishments of the Department.
- 3.7 Conduct special investigative operations with planned media coverage.
- 3.8 Assess customer needs to further develop information distributed through the Iowa Racing and Gaming Commission website.

**Goal # 4: Create a work environment that enhances job satisfaction, customer service, process improvement, and public accountability.**

**Strategies:**

- 4.1 Establish detailed performance measures that go beyond the reporting expectations of the Centers for Medicare and Medicaid Services (CMS).
- 4.2 Maintain economic efficiency of indigent defense programs by maximizing use of public defender resources while maintaining quality representation.
- 4.3 Ensure accuracy of collections entered on the overpayment recovery system to generate collections statistics.
- 4.4 Operate within FDA's established limits for the workload ratios for inspector/inspections.
- 4.5 Establish recruitment, training, and mentoring programs to enhance visibly the quality and effectiveness of State Public Defender personnel.
- 4.6 Develop processes to improve exchange of information and resources throughout the State Public Defender system, thereby enhancing performance and customer satisfaction.
- 4.7 Increase cooperation with other state, local and federal law enforcement agencies to maximize program results.

- 4.8 Expand quality of the investigative process beyond state and federal minimum requirements for division operations.
- 4.9 Decrease the time to identify claims that need to be purged as not collectable.
- 4.10 Ensure Iowa Racing and Gaming Commission employees have the knowledge to carry out job duties.

**Goal # 5: Maximize the use of information technology resources to increase the efficiency and effectiveness of the Department.**

**Strategies:**

- 5.1 Establish an electronic license request and renewal capability for all licenses issued and monitored by the Health Facilities Division.
- 5.2 Provide case file information by ALJs and support staff.
- 5.3 Establish video conferencing as the method to conduct in-person hearings.
- 5.4 Improve electronic access to records, such as licensee applications, reports, and correspondence in order to provide an immediate response to inquiries from licensees, the general public, and stakeholders.
- 5.5 Implement an electronic food safety inspection process for state inspectors.
- 5.6 Enhance technology support within the overpayment recovery system so that internal processes are streamlined and the necessary data is available for reports for internal use, the legislature, news media and others as requested.
- 5.7 Implement an electronic web-based certification system for Targeted Small Business.
- 5.8 Refine the intranet Information Resource Guide for Iowa Racing and Gaming Commission staff.
- 5.9 Develop on-line licensing for Iowa Racing and Gaming Commission licensees.
- 5.10 Provide on-line license renewal for food establishment license holders.

**Goal #6: Enhance the provision of adjudication/dispute resolution services through timely issuance of decisions.**

**Strategies:**

- 6.1 Develop procedures to ensure contested case hearings are scheduled

within seven days of receipt and ALJ decisions are issued within 30 days of closing the record.

6.2 Enforce mandatory compliance by ALJs with Code of Administrative Judicial Conduct.

6.3 Install digital transcription kits on all EAB computers.

6.4 Keep the lines of communication open among staff at all times to keep the timeliness standards targeted.

**Results:** The results for key performance measures identified for the goals are reported in the key results section of this report.

# KEY RESULT

## SERVICE/PRODUCT/ACTIVITY

**Name:** Administrative Hearings

**Description:** The conduct of quasi-judicial contested case hearings involving lowans who disagree with an administrative ruling issued by a state government agency.

**Why we are doing this:** To afford citizens due process for adverse actions taken by state agencies.

**What we're doing to achieve results:** Conducting hearings in a timely and equitable manner. Issuing a proposed decision subject to final review by the director of the agency involved in the contested case proceeding.

### Results

**Performance Measure:**

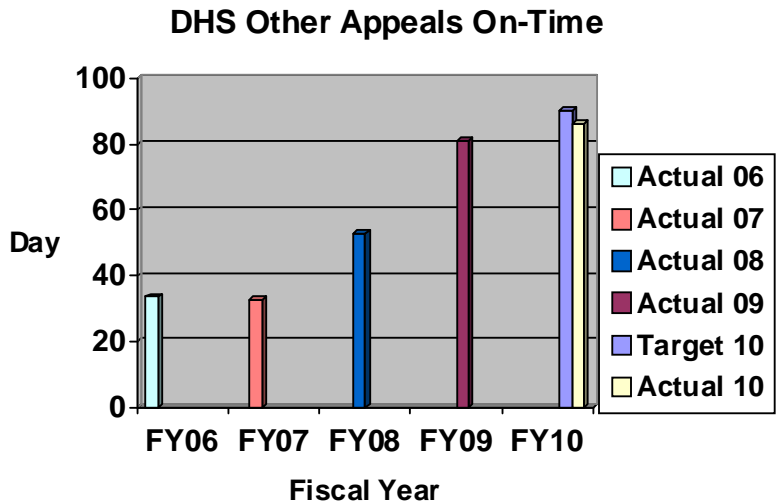
Percentage of DHS all other appeals proposed decisions issued within 65 days of receipt from DHS.

**Performance Target:**

90%

**Data Sources:**

Administrative Hearings Division



**What was achieved:** 86% of DHS all other appeals were decided within 65 days of receipt.

**Resources:** Expenditures for the Administrative Hearings Division, as a whole, for FY10 were 24.00 FTE and \$2,744,688.

# KEY RESULT

## CORE FUNCTION

**Name:** Adjudication/Dispute Resolution – 01

**Description:** This core function relates to administrative hearings of adverse actions by state agencies and adjudication of the rights and duties of workers and employers under unemployment insurance (UI) laws.

**Why we are doing this:** To afford citizens due process.

**What we're doing to achieve results:** A three-member Employment Appeal Board 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), rulings of the Iowa Department of Administrative Services (DAS/HRE) on state employee job classifications, and rulings of the Iowa Public Employees Retirement System (IPERS). The Board hears appeals involving peace officer issues and contractor registration requirements.

### Results

**Performance Measure:**

Average age of pending UI appeal cases compared to the federal Department of Labor guidelines of 40 days.

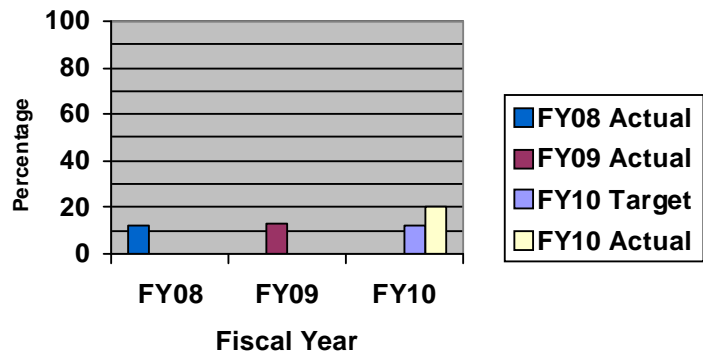
**Performance Target:**

12 days

**Data Sources:**

Employment Appeal Board

UI Decisions Issued On-Time



**What was achieved:** 20 days was the average age of pending UI appeal cases compared to the federal Department of Labor guideline of 40 days.

**Resources:** Expenditures for the Employment Appeal Board, as a whole, for FY10 were 15.00 FTE and \$1,169,127.

## Results

**Performance Measure:**

Percentage of OSHA decisions not appealed to district court.

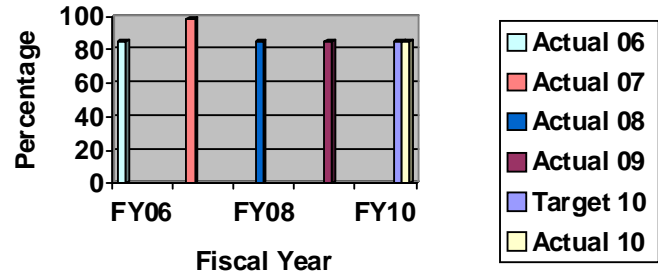
**Performance Target:**

85%

**Data Sources:**

Employment Appeal Board

**OSHA Decisions Not Appealed To District Court**



**What was achieved:** 85% of the decisions were not appealed to District Court.

**Resources:** Expenditures for the Employment Appeal Board, as a whole, for FY10 were 15.00 FTE and \$1,169,127.

# KEY RESULT

## CORE FUNCTION

**Name:** Advocacy - 04

**Description:** This core function describes the two volunteer child advocacy programs of the Child Advocacy Board (CAB). CAB operates the Court Appointed Special Advocate (CASA) and the Iowa Citizen Foster Care Review Board (ICFCRB) programs.

**Why we are doing this:** To ensure effective permanency planning exists for all children in out-of-home placement.

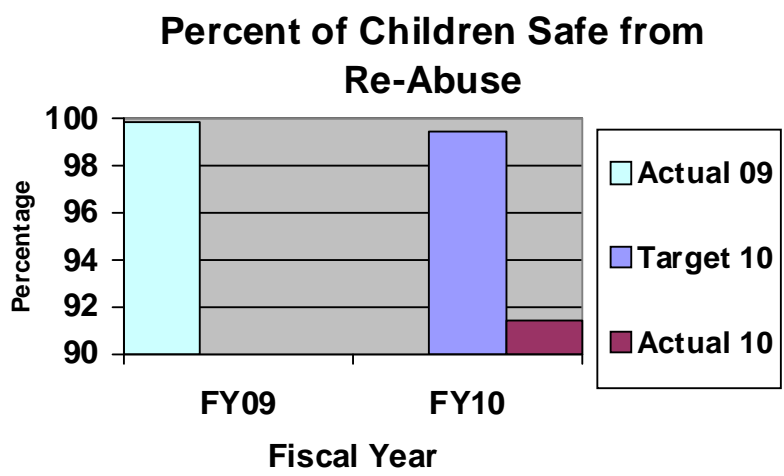
**What we're doing to achieve results:** Under the CASA program, volunteers are appointed by the Court to advocate for a specific abused or neglected child. The CASA volunteer serves many roles in a child's court case, including investigation, assessment, facilitation, advocacy, and monitoring. Under the ICFCRB program, volunteers are appointed by the Court to serve on a local, community board that conducts a review of the case of each child in out-of-home placement in their community once every six months. The ICFCRB volunteers make specific findings and recommendations as to the individual case as well as systemic findings and recommendations for Iowa's child welfare system.

### Results

**Performance Measure:**  
Percent of children safe from re-abuse.

**Performance Target:**  
99.4%

**Data Sources:**  
Child Advocacy Board



**What was achieved:** 91.4% of the children who had been abused in the past who are in one of the CAB program have been safe from re-abuse.

**Resources:** Expenditures for the Child Advocacy Board, as a whole, for FY10 were 41.03 FTE and \$3,496,610.



## KEY RESULT

### CORE FUNCTION

**Name:** Legal Representation - 37

**Description:** This core function relates to the provision of legal services to indigent clients through either public defenders or court-appointed private attorneys.

**Why we are doing this:** To provide high-quality and cost-efficient representation by public defenders to indigent clients in State criminal court, juvenile court, and other proceedings as required by law. To ensure the prompt and fair review and adjudication of claims for payment of indigent defense fees and costs from indigent defense providers.

**What we're doing to achieve results:** The results for public defenders are being achieved through the recruitment and hiring the best attorneys, investigators, and administrators available, providing or coordinating the tools (resources/ training/ professional development) for the staff to do their best, establishing and monitoring individual performance expectations, and reviewing caseloads on a regular basis. Claims results are being accomplished by publishing and properly applying administrative rules and internal procedures that govern the indigent defense claims process, acquiring and administering appropriate data automation systems to manage the process, and reviewing data on an ongoing basis to ensure propriety and timeliness of claims actions.

**Results**

**Performance Measure:**

Percentage of public defender cases where there have been final findings of no ineffective assistance of counsel, either on direct appeal of convictions, after post-conviction relief actions, or (for civil commitments) habeas corpus actions.

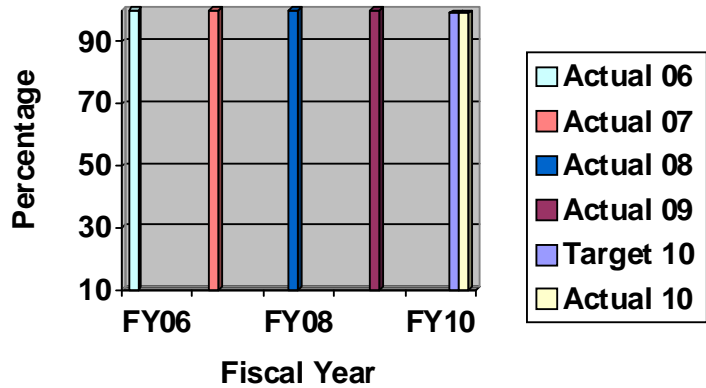
**Performance Target:**

99%

**Data Sources:**

State Public Defender

**No Ineffective Counsel by Public Defenders**



**What was achieved:** 99% of the cases handled had final findings of no ineffective assistance of counsel.

**Resources:** Expenditures for the State Public Defender and Indigent Defense, as a whole, for FY10 were 208 FTE and \$56,364,312.

**Results**

**Performance Measure:**

Percentage of challenged Notices of Action on indigent defense claims that are upheld upon final judicial review.

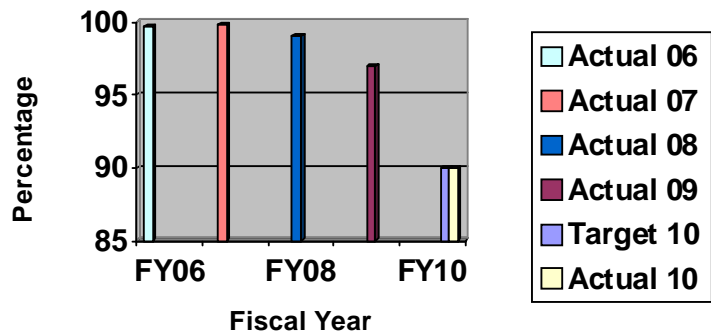
**Performance Target:**

90%

**Data Sources:**

State Public Defender

**Challenged Claims Upheld**



**What was achieved:** 90% of the challenged claims are being upheld upon final judicial review.

**Resources:** Expenditures for the State Public Defender and Indigent Defense, as a whole, for FY10 were 208 FTE and \$56,364,312.

# KEY RESULT

## CORE FUNCTION

**Name:** Regulation and Compliance - 61

**Description:** This core function covers a multitude of regulatory and compliance activities within the Iowa Department of Inspections and Appeals.

**Why we are doing this:** To protect the public from incidence of fraudulent or illegal activities and to protect the public health, safety and welfare. The individual services/products/activities will provide more detail on the results expected.

**What we're doing to achieve results:** The Department, through licensing, certification, investigation, and auditing activities, ensures applicants, participants, organizations, providers, and service recipients meet the requirements set out in state and federal laws, rules, and regulations. The individual services/ products/activities will provide more detail on how results are being achieved.

## Results

**Performance Measure:**

Percentage of pari-mutuel and excursion boat gambling occupational licensees receiving no serious violations after licensure.

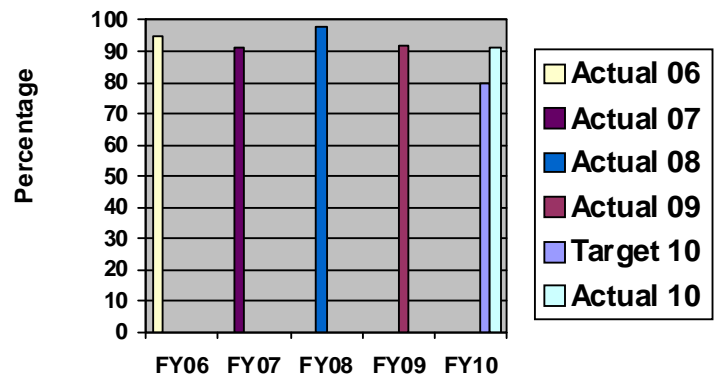
**Performance Target:**

80%

**Data Sources:**

Iowa Racing and Gaming Commission

**Percentage of Occupational Licensees Without Violations**



**What was achieved:** 91% of the occupational licensees received no serious violations after licensure.

**Resources:** Expenditures for the Racing and Gaming Commission, as a whole, for FY10 was 72.75 FTE and \$5,508,563.

## Results

**Performance Measure:**

Rate of individuals affected by a substantiated foodborne illness per 100,000 population.

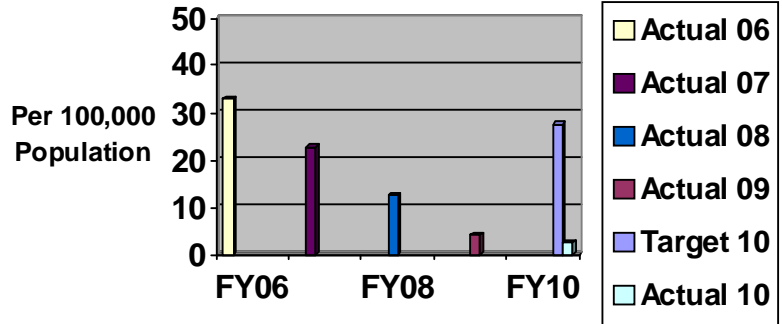
**Performance Target:**

27.5 individuals

**Data Sources:**

Department of Inspections and Appeals – Food and Consumer Safety Bureau

### Individuals Affected by a Substantiated Foodborne Illness



**What was achieved:** 2.6 persons per 100,000 population were affected by a substantiated foodborne illness.

**Resources used:** Expenditures for the Food and Consumer Safety Bureau, as a whole, for FY10 was 16 FTE and \$1,407,130.

# KEY RESULT

## SERVICE/PRODUCT/ACTIVITY

**Name:** Food and Consumer Safety

**Description:** Statewide regulatory oversight of food establishments, hotels/motels, food processing plants, and egg handlers.

**Why we are doing this:** To protect the public from incidence of serious disease and injury in the regulated environments.

**What we're doing to achieve results:** The Department, or through contract, conducts inspections, complaint investigations, and foodborne illness investigations, issues licenses to eligible applicants, and takes appropriate disciplinary action to ensure compliance with state and federal requirements. Contracts are monitored to ensure contract compliance.

### Results

**Performance Measure:**

Percentage of inspections conducted in compliance with the FDA Food Code.

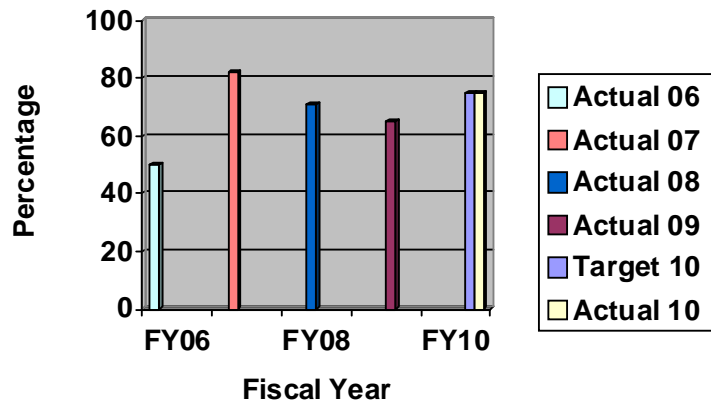
**Performance Target:**

75%

**Data Sources:**

Department of Inspections and Appeals – Food and Consumer Safety Bureau

**Risk-Based Inspections Done by State Inspectors**



**What was achieved:** 75% of all licensed establishments were inspected in compliance with the FDA Food Code.

**Resources used:** Expenditures for the Food and Consumer Safety Bureau, as a whole, for FY10 was 16 FTE and \$1,407,130.

## SERVICE/PRODUCT/ACTIVITY

**Name:** Long-term care and Habilitation facilities and programs licensing/certification

**Description:** Statewide regulatory oversight over health care facilities, hospitals, Medicare-certified health care providers and programs, and children's facilities/programs.

**Why we are doing this:** To enhance the safety, security and general welfare of persons served in licensed/certified health-related facilities and programs.

**What we're doing to achieve results:** The Department conducts license application processing, regular surveys/inspections and complaint investigations to ensure facilities and programs are in compliance with state and federal regulatory requirements prior to making licensing/certification decisions.

### Results

**Performance Measure:**

Number of months between nursing facility surveys in comparison with the federal timeframe guidelines.

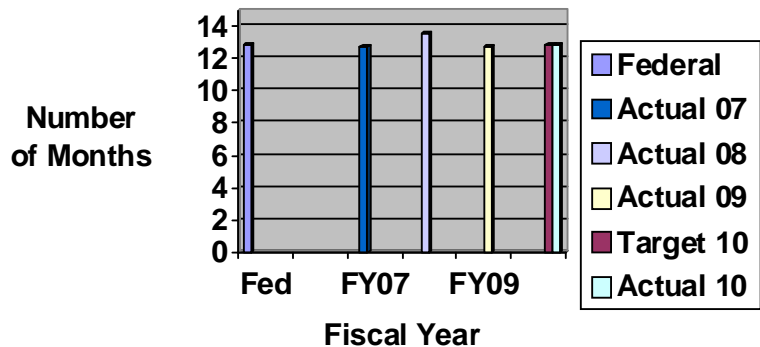
**Performance Target:**

12.9

**Data Sources:**

Department of Inspections and Appeals – Health Facilities Division

### Average Nursing Facility Survey Frequency



**What was achieved:** 12.9 was the average number of months between nursing facility surveys.

**Resources:** Expenditures for the Health Facilities Division, as a whole, for FY10 was 139.75 FTE and \$13,967,377.

## Results

**Performance Measure:**

Percentage of complaint investigations initiated within state required timeframes

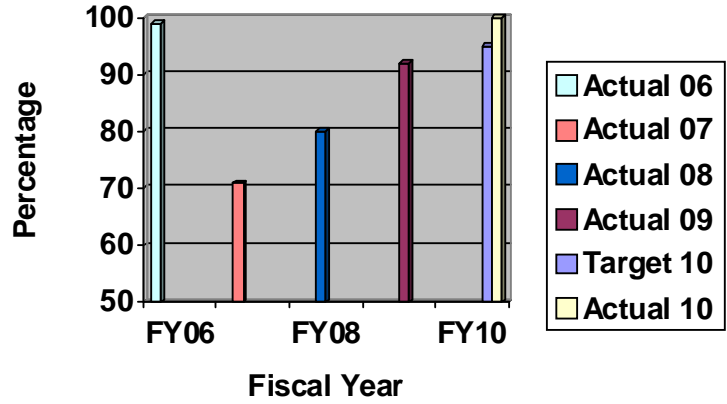
**Performance Target:**

95%

**Data Sources:**

Department of Inspections and Appeals – Health Facilities Division

### Complaint Investigations Initiated On-Time



**What was achieved:** 100% of all complaint investigations were initiated within the state guidelines.

**Resources:** Expenditures for the Health Facilities Division, as a whole, for FY10 was 139.75 FTE and \$13,967,377.

## SERVICE/PRODUCT/ACTIVITY

**Name:** Collections Services

**Description:** Collection of overpayments in various public assistance programs.

**Why we are doing this:** To assure repayment of overpayments made in the public assistance programs administered by DHS.

**What we're doing to achieve results:** The Investigations Division uses various collections methods including, but not limited to: voluntary repayment agreements, state tax offset, small claims, and court-ordered repayment.

### Results

**Performance Measure:**

New dollars collected for public assistance programs compared to the previous year.

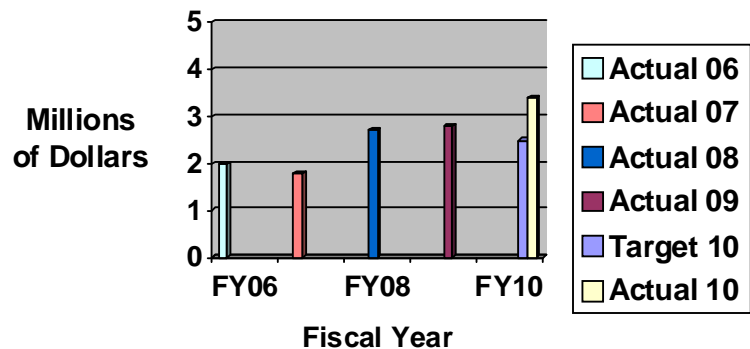
**Performance Target:**

\$2.5 million

**Data Sources:**

Department of Inspections and Appeals – Investigations Division

### Public Assistance Dollars Collected



**What was achieved:** \$3.4 million was collected during the fiscal year.

**Resources:** Expenditures for the Investigations Division, as a whole, for FY10 was 50.00 FTE and \$4,901,463.



## SERVICE/PRODUCT/ACTIVITY

**Name:** Audit Services

**Description:** Local DHS offices and health care facility financial audits.

**Why we are doing this:** To assure that local DHS offices and health care facilities comply with state and federal law related to financial resources.

**What we're doing to achieve results:** The Investigations Division conducts financial audits to identify any audit exceptions and follows up to ensure that reimbursement for audit exceptions are timely made to the state or federal government or to residents/families.

### Results

**Performance Measure:**

Average time between audits for care facilities.

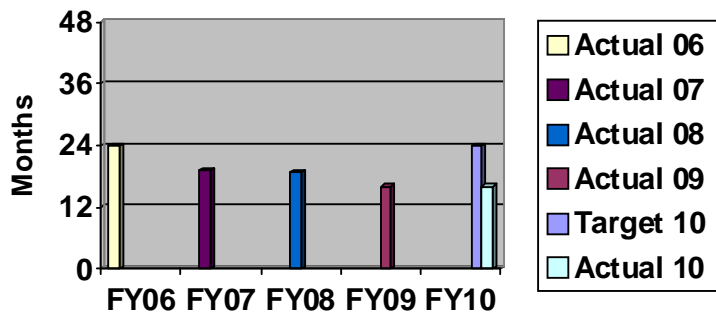
**Performance Target:**

24 months

**Data Sources:**

Department of Inspections and Appeals – Investigations Division

**Average Time Between Audits for Health Care Facilities**



**What was achieved:** Health care facilities were audited an average of every 16 months, which was an average of 8 months better than the target.

**Resources used:** Expenditures for the Investigations Division, as a whole, for FY10 was 50.00 FTE and \$4,901,463.

# KEY RESULT

## CORE FUNCTION

**Name:** Resource Management - 67

**Description:** Fiscal and administrative services provided to all agency personnel.

**Why we are doing this:** To provide consistently accurate and timely administrative and fiscal services to agency personnel so they can better provide their services to Department constituencies.

**What we're doing to achieve results:** The Department has a central staff to provide coordinated, efficient and cost-effective fiscal and administrative services, such as budgeting, financial management, inventory, claims processing, human resources, public information, information technology, vehicle coordination, purchasing, enterprise management, etc., to all Divisions and Attached Units.

### Results

**Performance Measure:**

Average rating of the resource management questionnaire regarding the accuracy and timeliness of services on a 5-point *Likert* Scale with 1 being poor and 5 being excellent.

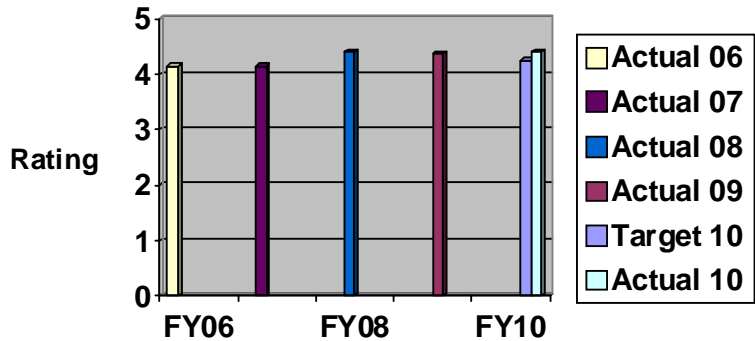
**Performance Target:**

4.25

**Data Sources:**

Department of Inspections and Appeals – Administration Division

### Average Customer Satisfaction Rating



**What was achieved:** Customers rated the accuracy and timeliness of resource management services at an average of 4.4 – between very good and excellent.

**Resources used:** Expenditures for the Administration Division, as a whole, for FY10 was 23.25 FTE and \$2,785,416.

## AGENCY PERFORMANCE PLAN RESULTS FY 2010

<b>Name of Agency:</b> Department of Inspections and Appeals			
<b>Agency Mission:</b> "The Department of Inspections and Appeals will assure state and federal program integrity by adjudicating, examining, and enforcing compliance to protect the health, safety and welfare of Iowans."			
<b>Core Function:</b> Adjudication/Dispute Resolution			
Performance Measure (Outcome)	Performance Target	Performance Actual	Performance Comments & Analysis
1. Percentage of DHS all other appeals proposed decisions issued within 65 days of receipt from DHS	90%	86%	<p><b>What Occurred:</b> The target was not met for issuing all other DHS proposed decisions due to staff turnover/early retirements.</p> <p><b>Data Source:</b> Administrative Hearings Division</p>
2. Percentage of DOT OWI appeals proposed decision issued within 45 days of receipt of request for hearing	95%	100%	<p><b>What Occurred:</b> All OWI appeals were conducted with the specified timeframe.</p> <p><b>Data Source:</b> Administrative Hearings Division</p>
3. Average age of pending UI appeal cases compared to federal Department of Labor guidelines of 40 days	12 days	20 days	<p><b>What Occurred:</b> The percentage of Unemployment Insurance appeal decisions issued within 40 days of appeal was well under the federal requirement.</p> <p><b>Data Source:</b> Employment Appeal Board</p>
4. Percentage of OSHA decisions not appealed to district court	85%	85%	<p><b>What Occurred:</b> The target for OSHA decisions issued by the Employment Appeal Board that were accepted as final decisions, without further judicial review was met.</p> <p><b>Data Source:</b> Employment Appeal Board</p>
5. Percentage of OSHA decisions issued within 14 days of Board review	90%	90%	<p><b>What Occurred:</b> The target for OSHA decisions issued within the specified timeframe, was met.</p> <p><b>Data Source:</b> Employment Appeal Board</p>
6. Percentage of construction contractor registration decisions issued within 14 days of Board hearing	90%	90%	<p><b>What Occurred:</b> The target for construction contractor registration decisions issued within the specified timeframe was met.</p> <p><b>Data Source:</b> Employment Appeal Board</p>
<b>Service, Product or Activity:</b> Administrative Hearings			
Performance Measure	Performance Target	Performance Actual	Performance Comments & Analysis
1. Average turnaround time for issuing DHS all other appeals proposed decisions compared to the required timeframe of within 65 days of receipt from DHS	65 days	36 days	<p><b>What Occurred:</b> The average number of days for issuing all other types of DHS decisions was far less than the target.</p> <p><b>Data Source:</b> Administrative Hearings Division</p>

2. Average turnaround time for hearing DOT OWI appeals compared to the required timeframe of within 45 days of receipt of request for hearing	45 days	36 days	What Occurred: The average number of days for hearing DOT OWI appeals was far less than the target.  Data Source: Administrative Hearings Division
<b>Service, Product or Activity: Employment-Related Appeals</b>			
Performance Measure	Performance Target	Performance Actual	Performance Comments & Analysis
1. Percentage of UI decisions issued according to Department of Labor's timeliness standard of within 40 days of appeal	50%	100%	What Occurred: The percentage of Unemployment Insurance appeal decisions issued within 40 days of appeal far exceeded both the target and the federal requirement.  Data Source: Employment Appeal Board
2. Percentage of OSHA decisions issued within 14 days of Board review	90%	90%	What Occurred: The target for OSHA decisions issued within the specified timeframe was met.  Data Source: Employment Appeal Board
<b>Service, Product or Activity: Regulatory Appeals</b>			
Performance Measure	Performance Target	Performance Actual	Performance Comments & Analysis
1. Percentage of construction contractor registration decisions issued within 14 days of Board hearing	90%	90%	What Occurred: The target for construction contractor registration decisions issued within the specified timeframe was met.  Data Source: Employment Appeal Board
<b>Core Function: Advocacy</b>			
Performance Measure (Outcome)	Performance Target	Performance Actual	Performance Comments & Analysis
1. Percent of children safe from re-abuse.	99.4%	91.4	What Occurred: The target for children safe from re-abuse was not met.  Data Source: Child Advocacy Board
2. Percent of children re-unified timely.	83%	62.9%	What Occurred: The target for children re-unified timely was not met.  Data Source: Child Advocacy Board
3. Percent of children adopted timely.	57.5%	59%	What Occurred: The target for children being adopted timely was met.  Data Source: Child Advocacy Board
<b>Service, Product or Activity: Local Foster Care Review Board Program</b>			
Performance Measure	Performance Target	Performance Actual	Performance Comments & Analysis
1. Percentage of required reviews conducted within specified timeframes by judicial district	98%	99%	What Occurred: The target for required reviews conducted was exceeded.  Data Source: Child Advocacy Board

<b>Service, Product or Activity: Court Appointed Special Advocate Program</b>			
<b>Performance Measure</b>	<b>Performance Target</b>	<b>Performance Actual</b>	<b>Performance Comments &amp; Analysis</b>
1. Percentage of written reports submitted to the court within specified timeframes	98%	98%	What Occurred: The target was met in the percentage of written CASA reports submitted to the court within required timeframes.  Data Source: Child Advocacy Board
<b>Core Function: Legal Representation</b>			
<b>Performance Measure (Outcome)</b>	<b>Performance Target</b>	<b>Performance Actual</b>	<b>Performance Comments &amp; Analysis</b>
1. Percentage of public defender cases where there have been final findings of ineffective assistance of counsel, either on direct appeal of convictions, after post-conviction relief actions, or (for civil commitments) habeas corpus actions	1%	0%	What Occurred: The percentage of public defender cases with final findings of ineffective assistance of counsel was far under the 1% target.  Data Source: State Public Defender
2. Percentage of caseload performance expectations achieved by the State Public Defender System	95% of 72,000 cases	97%	What Occurred: The number of cases handled by the State Public Defender system exceeded the target for the fourth year in a row.  Data Source: State Public Defender
3. Percentage of challenged Notices of Action on indigent defense claims that are upheld upon final judicial review	90%	97%	What Occurred: 97% of challenged Notices of Action on indigent defense claims were upheld on judicial review, far exceeding the target.  Data Source: State Public Defender
4. Percentage of indigent defense claims reviewed and acted upon (approved or disapproved) within 35 days of receipt	90%	100%	What Occurred: The majority of indigent defense claims were handled within the specified timeframe, exceeding the target.  Data Source: State Public Defender
5. Average processing time for an indigent defense claim within an established standard	35 days	39 days	What Occurred: The average time for processing all types of indigent claims was slightly over the target.  Data Source: State Public Defender

<b>Service, Product or Activity: Public Defender Legal Services</b>			
<b>Performance Measure</b>	<b>Performance Target</b>	<b>Performance Actual</b>	<b>Performance Comments &amp; Analysis</b>
1. Percentage of public defender cases where there have been final findings of ineffective assistance of counsel, either on direct appeal of convictions, after post-conviction relief actions, or (for civil commitments) habeas corpus actions	1%	0%	What Occurred: The percentage of public defender cases with final findings of ineffective assistance of counsel was far under the 1% target.  Data Source: State Public Defender
2. Percentage of caseload performance expectations achieved by the State Public Defender System	95% of 72,000 cases	97%	What Occurred: The number of cases handled by the State Public Defender system far exceeded the target for the fifth year in a row.  Data Source: State Public Defender
<b>Service, Product or Activity: Assigned Counsel Legal Services</b>			
<b>Performance Measure</b>	<b>Performance Target</b>	<b>Performance Actual</b>	<b>Performance Comments &amp; Analysis</b>
1. Percentage of challenged Notices of Action on indigent defense claims that are upheld upon final judicial review	90%	97%	What Occurred: 97% of challenged Notices of Action on indigent defense claims were upheld on judicial review, far exceeding the target.  Data Source: State Public Defender
2. Percentage of indigent defense claims reviewed and acted upon within an established time period	90%	100%	What Occurred: All indigent defense claims were handled within the specified timeframe, exceeding the target.  Data Source: State Public Defender
3. Average processing time for an indigent defense claim within an established standard	35 days	3.9 days	What Occurred: The average time for processing all types of indigent claims was well under the target.  Data Source: State Public Defender
<b>Core Function: Regulation and Compliance</b>			
<b>Performance Measure (Outcome)</b>	<b>Performance Target</b>	<b>Performance Actual</b>	<b>Performance Comments &amp; Analysis</b>
1. Percentage of horses inspected for health and fitness prior to a race	80%	100%	What Occurred: A greater number of racing animals were able to be inspected for health and fitness prior to a race than required.  Data Source: Racing and Gaming Commission
2. Percentage of occupational licensees receiving <u>no</u> serious violations after licensure	80%	91%	What Occurred: Only 9% of occupational licensees received serious violations after licensure, far exceeding the target.  Data Source: Racing and Gaming Commission

3. Number of social and charitable gambling referrals to DCI	10	10	What Occurred: The target for referrals was met.  Data Source: Social and Charitable Gambling Unit
4. Percentage of new targeted small business certification applications submitted meeting the eligibility requirements	20%	90%	What Occurred: The target for TSB certification applications meeting the eligibility requirements far exceeded the target.  Data Source: Targeted Small Business Certification Unit
5. Rate of individuals affected by a substantiated foodborne illness per 100,000 population	27.5	2.6	What Occurred: Fewer individuals were affected by a substantiated foodborne illness than the target.  Data Source: Food and Consumer Safety Bureau
6. Percentage of actions for noncompliance related to health care facilities upheld on Informal Dispute Resolution (IDR)	70%	83%	What Occurred: The target for noncompliance actions upheld on IDR was over the target.  Data Source: Health Facilities Division
7. Percentage of closed economic fraud investigations resulting in civil action	85% FIP 80% FAP 80% MP	72% FIP 75% FAP 52% Med	What Occurred: The targets for economic fraud cases resulting in civil action was not met.  Data Source: Investigations Division
8. Rate of completion of professional standards investigations (pending and new referrals)	33.75%	70.3%	What Occurred: The target for completion of professional standards investigations was far exceeded (by almost 40%).  Data Source: Investigations Division
9. Percentage of local DHS offices in audit compliance within 45 days	100%	100%	What Occurred: All of the local DHS offices were in audit compliance within the required timeframe, meeting the target.  Data Source: Investigations Division
10. Percentage of long-term care facilities in audit compliance within 60 days	95%	92%	What Occurred: Care facilities did not meet the target of being in audit compliance within the required timeframe.  Data Source: Investigations Division
<b>Service, Product or Activity: Pari-Mutuel and Excursion Gambling Boat Regulation</b>			
<b>Performance Measure</b>	<b>Performance Target</b>	<b>Performance Actual</b>	<b>Performance Comments &amp; Analysis</b>
1. Percentage of pari-mutuel and excursion boat gambling occupational licensees with initial issues receiving <u>no</u> serious violations after licensure	75%	99%	What Occurred: Only 1% of occupational licensees with initial issues had serious violations after licensure, far exceeding the target.  Data Source: Racing and Gaming Commission
<b>Service, Product or Activity: Social and Charitable Gambling Regulation</b>			
<b>Performance Measure</b>	<b>Performance Target</b>	<b>Performance Actual</b>	<b>Performance Comments &amp; Analysis</b>
1. Percentage of completed social and charitable gambling applications acted upon within five	99%	99%	What Occurred: The timeliness of action on social and charitable gambling applications meet the target.

working days			Data Source: Social and Charitable Gambling Unit
2. Number of amusement device registrations revoked or suspended	15	330	What Occurred: Far more registrations were revoked or suspended than expected.  Data Source: Social and Charitable Gambling Unit
<b>Service, Product or Activity: Targeted Small Business Certification</b>			
<b>Performance Measure</b>	<b>Performance Target</b>	<b>Performance Actual</b>	<b>Performance Comments &amp; Analysis</b>
1. Percentage of TSB certification application determinations made within 21 days of receipt of all required documentation	95%	100%	What Occurred: The timeliness of action on targeted small business certification applications exceeded the target.  Data Source: Targeted Small Business Certification Unit
2. Percent increase in certified TSBs compared to previous state fiscal year	5%	-14%	What Occurred: After a surge in new TSBs certified in FY09, the state has seen a decrease in FY10 due to a decrease in applications.  Data Source: Targeted Small Business Certification Unit
<b>Service, Product or Activity: Food and Consumer Safety</b>			
<b>Performance Measure</b>	<b>Performance Target</b>	<b>Performance Actual</b>	<b>Performance Comments &amp; Analysis</b>
1. Percentage of food inspections conducted in compliance with the risk-based schedule by state inspectors	75%	75%	What Occurred: Compliance with the risk-based schedule of inspections meet the target.  Data Source: Food and Consumer Safety Bureau
2. Percentage of food service establishments that have certified food managers	25%	14.5%	What Occurred: The target was not met.  Data Source: Food and Consumer Safety Bureau
<b>Service, Product or Activity: Regulatory oversight of state licensed and federally certified long-term care and special services entities</b>			
<b>Performance Measure</b>	<b>Performance Target</b>	<b>Performance Actual</b>	<b>Performance Comments &amp; Analysis</b>
1. Ratio of the average number of months between nursing facility surveys in comparison with the federal timeframe guideline of 12.9 months average for all facilities	11.9:12.9 months	11.2/12.9 months	What Occurred: The average number of months between surveys of nursing facilities met the target.  Data Source: Health Facilities Division
2. Percentage of ICF/MR surveys successfully completed within the federally prescribed timeframe of 12.9 months since the last survey	90%	100%	What Occurred: All surveys were completed within prescribed timeframes.  Data Source: Health Facilities Division
3. Percentage of licensed-only surveys completed within the prescribed timeframe of 18 months since the last survey	95%	99%	What Occurred: The target was met.  Data Source: Health Facilities Division



4. Percentage of complaint investigations initiated within required timeframes of no less than 20 working days from receipt of complaint	95%	100%	What Occurred: Complaint investigations are being done in 100% of the cases.  Data Source: Health Facilities Division
5. Average rating of the nursing home satisfaction questionnaire regarding the skill and professionalism of surveyors on a 5-point Likert scale with 1 being poor and 5 being outstanding	4.15	4.71	What Occurred: Again this year the average rating exceeded the target. This information indicates that nursing homes are highly satisfied with the skill and professionalism of Department surveyors.  Data Source: Health Facilities Division
<b>Service, Product or Activity: Monitor and regulation of state certified community based environments</b>			
Performance Measure	Performance Target	Performance Actual	Performance Comments & Analysis
1. Percentage of assisted living program re-certifications completed at least 10 days prior to certification expiration date	50%	8%	What Occurred: The target was not met, due to an increase in the number of programs and staff limitations.  Data Source: Health Facilities Division, Adult Services Bureau
2. Percentage of complaint investigations initiated within required timeframes for complaints of within 20 working days from receipt.	70%	44%	What Occurred: The complaint investigations to be initiated within 20 working days did not meet the target. Further information shows that critical complaints requiring investigation within two days are being done in 100% of the cases.  Data Source: Health Facilities Division, Adult Services Bureau
3. Average rating of the certificate holders satisfaction questionnaire regarding the skill and professionalism of monitors on a 5-point Likert scale 5 with 1 being poor and 5 being outstanding	4.15	4.75	What Occurred: Again this year, the average rating exceeded the target, showing that assisted living programs, adult day services programs, and elder group homes are highly satisfied with the skill and professionalism of monitors.  Data Source: Health Facilities Division, Adult Services Bureau
<b>Service, Product or Activity: Investigations Services</b>			
Performance Measure	Performance Target	Performance Actual	Performance Comments & Analysis
1. Percentage of economic fraud investigation cases closed within statutory timeframes	95%	99%	What Occurred: The number of economic fraud investigations closed within five years exceeded the target.  Data Source: Investigations Division
2. Amount of cost savings resulting from front-end investigations	\$3 million	\$3.1 million	What Occurred: Savings resulted from front-end investigations exceeded the target.  Data Source: Investigations Division
3. Number of food assistance electronic benefit transfer recipient cases referred by law enforcement	150	200	What Occurred: The number of cases referred met the target due to educational and collaboration efforts.  Data Source: Investigations Division

4. Percentage of Medicaid fraud investigation cases reviewed, which received proper disposition with statutory timeframes	95%	100%	What Occurred: All of the Medicaid fraud cases were disposed of within required timeframes.  Data Source: Investigations Division
5. Number of founded dependent adult abuse criminal investigations referred for criminal prosecution	80	108	What Occurred: More dependent adult abuse investigations were referred than expected.  Data Source: Investigations Division
<b>Service, Product or Activity: Collection Services</b>			
Performance Measure	Performance Target	Performance Actual	Performance Comments & Analysis
1. Dollars collected for public assistance programs per year compared to the dollars collected the previous year	\$2.5 million FY09 vs \$2.0 million FY08	\$3.4 million FY10 vs. \$2.8 million FY09	What Occurred: More collections were accomplished than expected.  Data Source: Investigations Division
2. Dollars collected under the Divestiture Program	\$450,000	\$724,109	What Occurred: Collections far exceeded the target.  Data Source: Investigations Division
<b>Service, Product or Activity: Audit Services</b>			
Performance Measure	Performance Target	Performance Actual	Performance Comments & Analysis
1. Average time between audits for care facilities	24 months	16 months	What Occurred: The time between care facility audits was reduced by an average of eight months, which greatly exceeded the target.  Data Source: Investigations Division
2. Rate of collection for moneys owed to care facility residents	99.5%	96.8%	What Occurred: Nearly all moneys owed to residents were collected.  Data Source: Investigations Division
3. Rate of collection of audit exception moneys owed to the state	100%	99.6%	What Occurred: Nearly all audit exception moneys owed to the state were collected.  Data Source: Investigations Division
4. Average number of hours spent on-site auditing per facility	11 hours	10.8 hours	What Occurred: Less than one and one-half work days were spent on-site conducting the financial audit of a care facility. This demonstrates efficiency.  Data Source: Investigations Division
<b>Core Function: Resource Management</b>			
Performance Measure (Outcome)	Performance Target	Performance Actual	Performance Comments & Analysis
1. Average rating of the resource management questionnaire regarding the accuracy and timeliness of services on a 5-point Likert Scale with 1 being poor and	4.25	4.4	What Occurred: Department personnel rated the accuracy and timeliness of resource management services at between very good and excellent, exceeding the target.

5 being excellent.			Data Source: Customer Satisfaction Survey by Director's Office
<b>Service, Product or Activity: Resource Management</b>			
<b>Performance Measure</b>	<b>Performance Target</b>	<b>Performance Actual</b>	<b>Performance Comments &amp; Analysis</b>
1. Percent of federal and state financial reports completed and submitted by due date	95%	95%	What Occurred: Nearly all financial reports were completed and submitted by the due date.  Data Source: Fiscal Services Bureau
2. Percent of media and public information inquiries responded to within prescribed timeframes	99% within 72 hours	99% within 72 hours	What Occurred: Responses to all media and public information inquiries met the target.  Data Source: Director's Office, Public Information
3. Percent of budget funded by sources other general fund	67.3%	67%	What Occurred: A slightly less percentage of the budget was funded from sources other than the general fund. The target was not met.  Data Source: Fiscal Services Bureau
4. Employee retention rate (non-retiree permanent employees)	97%	97%	What Occurred: Retention of employees met expectations.  Data Source: Director's Office, Human Resources
5. Percent of employee evaluations completed by due date	95%	55%	What Occurred: The target for completing evaluations was not met.  Data Source: Director's Office, Human Resources

## RESOURCES REALLOCATIONS

During FY10, the Department continued to address the challenge of limited human and financial resources, resulting from budget reductions. The Department faced the added challenge of short staff due to early retirements.

A re-evaluation of the responsibilities of the department was conducted in the last half of the fiscal year, and continues. In some cases, staff were reassigned or programs restructured to best utilize the skills necessary to accomplish the mission of the Department. The Department continues to maximize state and federal resources to accomplish our mission.

## AGENCY CONTACTS

Copies of the Iowa Department of Inspections and Appeals' Agency Performance Report are available on the Results Iowa web site ([www.resultsiowa.org](http://www.resultsiowa.org)) and the DIA web site ([www.state.ia.us/government/dia/index.html](http://www.state.ia.us/government/dia/index.html)). Copies of the report can also be obtained by contacting Sara Throener at 515-281-5457 or via e-mail at [sara.throener@dia.iowa.gov](mailto:sara.throener@dia.iowa.gov).

### General Contact Information:

Iowa Department of Inspections and Appeals

Lucas State Office Building

321 East 12th Street

Des Moines, IA 50319

(515) 281-7102

Telephone Number of the Hearing Impaired: 515-242-6515