

**MEMORIALIZATION OF CORRECTIVE ACTIONS THROUGH  
EXPEDITED COMPLAINT RESOLUTION PROCESS FOR AN INDIVIDUAL  
COMPLAINT BETWEEN THE UNITED STATES DEPARTMENT OF HEALTH AND  
HUMAN SERVICES OFFICE FOR CIVIL RIGHTS AND THE IOWA DEPARTMENT OF  
HEALTH AND HUMAN SERVICES**

**COMPLAINT # 25-622785**

**I. INTRODUCTION AND BACKGROUND**

- A. The purpose of this Memorialization of Corrective Actions is to set forth the corrective actions that the Iowa Department of Health and Human Services (Iowa HHS) has put in place to resolve a complaint filed with the United States Department of Health and Human Services (HHS), Office for Civil Rights (OCR) through OCR's Expedited Complaint Resolution (ECR) process. The Memorialization also sets forth the additional steps that Iowa HHS will take and establishes a monitoring period to ensure that the corrective actions continue and address any issues that may arise.
- B. OCR received complaint # 25-622785 (the complaint) from **REDACTED** (Complainant) alleging Iowa HHS discriminated against him on the basis of disability. Specifically, Complainant alleged that the denial of his longstanding Exception to Policy (ETP) approval to exceed the Consumer Choices Option (CCO) Individual Consumer Directed Attendant Care (CDAC) unit rate puts him at risk of institutionalization.
- C. Pursuant to Section 504 of the Rehabilitation Act of 1973, 29 United States Code (U.S.C.) § 794, and its implementing regulations at 45 Code of Federal Regulations (C.F.R.) Section 84.76 (b) (Section 504); Section 1557 of the Affordable Care Act, 42 U.S.C. § 18116 and its implementing regulations at 45 C.F.R. Section 92.207(b)(6) (Section 1557); and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. 12131 et seq., as implemented by 28 C.F.R. Section 35.130(d) (Title II of the ADA), covered entities are obligated to provide services in the most integrated setting appropriate to the needs of an individual with disabilities.
- D. As a recipient of Federal financial assistance from HHS, Iowa HHS is a covered entity and is obliged to comply with Section 504 and Section 1557 and, as a state agency, Iowa HHS is required to comply with Title II of the ADA.
- E. On July 8, 2025, OCR notified Iowa HHS of the above-mentioned complaint and OCR's authority under Section 504, Section 1557, and Title II of the ADA to investigate the complaint. OCR offered Iowa HHS the opportunity to participate in the ECR process, which Iowa HHS accepted.
- F. ECR meetings were held with Complainant, Iowa HHS, Molina Healthcare, and OCR on July 29, 2025, and August 13, 2025.

- G. As a result of the ECR process, on October 9, 2025, Iowa HHS approved Complainant's request for an ETP which included a total of **REDACTED** units of CDAC services at **REDACTED** per unit.
- H. The totality of Iowa HHS's actions will ensure that Complainant can obtain the services necessary for him to remain in the most integrated setting in his community.
- I. Iowa HHS has worked cooperatively with OCR and Complainant throughout this matter and will continue to work with him to ensure he receives the necessary services to remain living in his community.
- J. OCR and Iowa HHS agree to resolve the complaint voluntarily by memorializing the corrective actions Iowa HHS has taken and the actions it agrees to take together with a monitoring period of six months, during which OCR will monitor the provision of services Complainant receives to ensure that he continues to receive adequate services necessary for him to remain in the most integrated setting in his community.
- K. This Memorialization of Corrective Actions is not an admission of liability by Iowa HHS regarding the allegations in the complaint.

## **II. IOWA HHS ADDITIONAL COMMITMENTS**

- A. Iowa HHS will regularly review Complainant's medically necessary services to ensure he receives the services he needs to live in the community.
- B. Iowa HHS will not make any changes to Complainant's care plan without first assessing his needs, ensuring the change is needed to effectuate his right to remain in the most integrated setting in his community, and consulting with him.

## **III. MECHANISM FOR REPORTING CONCERNS TO IOWA HHS**

- A. Iowa HHS will designate Becky Blum, as the point of contact to receive and resolve any issues Complainant encounters with the provision of services he receives through Iowa's Medicaid programs. In the event Complainant is not satisfied with the resolution, he can elevate his concerns to Carol Mau.
- B. Iowa HHS will report to Complainant and OCR actions taken to address any issues Complainant raises.

## **IV. MONITORING AND REPORTING**

- A. On the last day of each month of the monitoring period, Iowa HHS will provide a monthly written confirmation to OCR that Complainant is receiving adequate support services he needs to reside in the community.

- B. During the monitoring period, Complainant may report to OCR any concerns related to the provision of adequate services. A finding of non-compliance may extend the monitoring period.

**V. GENERAL TERMS**

- A. This Memorialization of Corrective Actions resolves OCR Complaint # 25-622785 and is limited to the facts and issues presented in the complaint. It does not replace Iowa HHS’s continuing obligation to comply with Section 504, Section 1557, and Title II of the ADA and all other federal laws and applicable regulations or preclude OCR from taking appropriate action to evaluate Iowa HHS’s compliance with laws OCR enforces.
- B. If at any time OCR believes that Iowa HHS or any of its components has failed to comply in a timely manner with any obligation under this Memorialization of Corrective Actions, OCR may issue Iowa HHS a notice of alleged non-compliance and will provide a reasonable opportunity of no less than seven calendar days to respond, unless the urgency of the matter requires speedier action.
- C. This Memorialization of Corrective Actions is a public document that will be available on OCR’s public website and upon request by any individual with appropriate redactions to protect personally identifiable information.

**VI. EFFECTIVE DATE AND MONITORING PERIOD**

The effective date of this Memorialization of Corrective Actions is November 13, 2025. This Memorialization of Corrective Actions will continue for a monitoring period of six months from the effective date.

For the Iowa Department of Health and Human Services

For the United States Department of Health and Human Services, Office for Civil Rights

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/s/

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Iowa Medicaid Director

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Robinsue Frohboese, J.D., Ph.D.  
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