

CHAPTER 1164
ESCAPED CONVICTS

H. F. 170

AN ACT relating to escaped convicts.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section two hundred forty-six point thirty-four
2 (246.34), Code 1973, is amended to read as follows:

3 246.34 **Escape of prisoner.** If a convict escapes from the peniten-
4 tiary, *Iowa security medical facility*, or the men's reformatory, the
5 warden, or *superintendent*, shall take all proper measures for his
6 apprehension and for that purpose he may offer a reward, not exceed-
7 ing fifty dollars, to be paid by the state, for the apprehension and
8 delivery of such convict.

1 SEC. 2. Section two hundred forty-five point fifteen (245.15), Code
2 1973, is amended to read as follows:

3 245.15 **Escape—reward.** Any inmate of said reformatory who
4 shall escape therefrom may be arrested and returned to said reforma-
5 tory, by an officer or employee thereof without any other authority than
6 this chapter, and by any peace officer or other person on the request
7 in writing of the superintendent or the state director. ~~For the appre-~~
8 ~~hension and delivery of any such inmate, the superintendent may offer~~
9 ~~a reward, not to exceed fifty dollars, to be paid by the state in the same~~
10 ~~manner as provided for the payment of rewards for escaped convicts.~~

1 SEC. 3. Section two hundred forty-six point thirty-five (246.35),
2 Code 1973, is hereby repealed.

Approved March 4, 1974

CHAPTER 1165
SOCIAL SERVICES PAYMENTS

H. F. 1411

AN ACT relating to authority of the department of social services to provide state supplementary cash payments to certain persons, revising the state medical assistance Act, relating to claims for medical assistance, and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter two hundred forty-nine (249), Code 1973, as
2 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
3 chapter one hundred eighty-six (186), is amended by adding the
4 following new section:

5 **NEW SECTION. Fraud.** Any person who obtains assistance under
6 this chapter by misrepresentation or by failure with fraudulent intent
7 to bring forth all of the facts required of an applicant for assistance
8 under this chapter, or any person who shall knowingly make false
9 statements concerning an applicant's eligibility for assistance under
10 this chapter, is guilty of a misdemeanor.

1 SEC. 2. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred eighty-six (186), section four (4), is amended
3 by striking subsection two (2) and inserting in lieu thereof the fol-
4 lowing:

5 2. Any person who meets the criteria established by paragraphs
6 a, b and c of this subsection:

7 a. Is receiving either:

8 (1) Care in a licensed adult foster home, boarding home or custo-
9 dial home, as defined by section one hundred thirty-five C point one
10 (135C.1) of the Code, or in another type of protective living arrange-
11 ment as defined by the department; or

12 (2) Nursing care in his own home, certified by a physician as
13 being required, so long as the cost of the nursing care does not ex-
14 ceed standards established by the department.

15 b. Is in fact receiving or would, except for income in excess of
16 applicable maximums, be receiving federal supplemental security
17 income.

18 c. Does not have sufficient income to meet the cost of care in one of
19 the living arrangements defined in paragraph a of this subsection,
20 which cost of care shall not exceed the amount established by the
21 rules of the department for each of those living arrangements.

22 3. Any person living in any living arrangement other than as a
23 patient or resident of a facility licensed under chapter one hundred
24 thirty-five C (135C) of the Code, who meets the criteria established
25 by paragraphs a, b and c of this subsection:

26 a. Has living with him a dependent spouse, parent, child or adult
27 child who is sharing the recipient's living arrangement, so long as
28 the person continues in the relationship of dependent spouse, parent,
29 child or adult child to the recipient and to be in financial need accord-
30 ing to standards established by the department.

31 b. Is in fact receiving or would, except for income in excess of
32 applicable maximums, be receiving federal supplemental security
33 income.

34 c. Does not have sufficient income to meet the cost of providing for
35 the dependent spouse, parent, child or adult child, according to stand-
36 ards established by the department.

1 SEC. 3. Section two hundred forty-nine A point two (249A.2),
2 subsections five (5) and six (6), Code 1973, as amended by Acts of
3 the Sixty-fifth General Assembly, 1973 Session, chapter one hundred
4 eighty-six (186), section eighteen (18), is amended to read as fol-
5 lows:

6 5. "Medical assistance" shall mean payment of all or part of the
7 costs of the care and services enumerated in Title XIX, United
8 States Social Security Act, section 1905(a), paragraphs (1) through
9 (5), inclusive [Title XLII, United States Code, section 1396d(a),
10 paragraphs (1) through (5), inclusive], as amended to January 1,
11 1973 15, 1974.

12 6. "Additional medical assistance" shall mean payment of all or
13 part of the costs of any or all of the care and services enumerated
14 in Title XIX, United States Social Security Act, section 1905(a),
15 paragraphs (6), (7), and (9) through (17), inclusive [Title XLII,
16 United States Code, section 1396d(a), paragraphs (6), (7), and (9)
17 through (17), inclusive], as amended to January 1, 1973 15, 1974.

1 SEC. 4. Section two hundred forty-nine A point three (249A.3),
2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
3 1973 Session, chapter one hundred eighty-six (186), section nineteen
4 (19), is amended to read as follows:

5 249A.3 Eligibility. The extent of and the limitations upon eligi-
6 bility for assistance under this chapter shall be as prescribed by this
7 section, and by laws appropriating funds therefor.

8 1. Medical assistance shall be provided to, or on behalf of, any
9 individual or family residing in the state of Iowa, including those
10 residents who are temporarily absent from the state, who is:

11 a. Is a recipient of federal supplementary security income or who
12 would be eligible for federal supplemental security income if living
13 in their own home, as defined in section two (2) of this Act, or is.

14 b. Is a recipient of aid to dependent children payments under chap-
15 ter two hundred thirty-nine (239) of the Code, and having no spouse
16 or parent responsible under the law of this state and found by the
17 county board to be able to provide him or them with needed medical
18 care and services.

19 c. Was a recipient of one of the previous categorical assistance
20 programs as of December 31, 1973, and would continue to meet the
21 eligibility requirements for one of the previous categorical assistance
22 programs as the requirements existed on that date.

23 2. Medical assistance may also, within the limits of available funds
24 and in accordance with section 249A.4, subsections 1 and 2 be pro-
25 vided to, or on behalf of, other individuals and families who are not
26 excluded under subsection 4 of this section and whose incomes and
27 resources are insufficient to meet the cost of necessary medical care
28 and services, and who have no spouse or parent responsible under the
29 law of this state and found by the county board to be able to provide
30 him or them with such necessary medical care and services, in ac-
31 cordance with the following order of priorities:

32 a. Individuals who are receiving care in a hospital or in a basic
33 nursing home, intermediate nursing home, skilled nursing home or
34 extended care facility, as defined by section one hundred thirty-five C
35 point one (135C.1) of the Code, and who meet all eligibility require-
36 ments for federal supplementary security income except that their
37 income exceeds the allowable maximum therefor, but whose income
38 is not in excess of the maximum established by subsection four (4)
39 of this section for eligibility for medical assistance and is insufficient
40 to meet the full cost of their care in the hospital or health care facility
41 on the basis of standards established by the department, and who
42 were receiving assistance under a previous categorical assistance pro-
43 gram during the month of December, 1973.

44 b. Individuals under twenty-one years of age living in a licensed
45 foster home, or in a private home pursuant to a subsidized adoption
46 arrangement, for whom the department accepts financial responsi-
47 bility in whole or in part and who are not eligible under subsection
48 one (1) of this section.

49 c. Individuals and families whose incomes and resources are such
50 that they are eligible for federal supplementary security income or
51 aid to dependent children, but who are not actually receiving such
52 public assistance.

53 d. Individuals who are receiving state supplementary assistance as
54 defined by section two (2) of this Act, *or other persons whose needs*
55 *are considered in computing the recipient's assistance grant.*

56 e. Individuals and families who are ineligible under paragraph c of
57 this subsection solely because of their incomes and resources, but who
58 would otherwise be eligible under paragraph c of this subsection.

59 f. Persons under twenty-one years of age who qualify on a finan-
60 cial basis for, but who are otherwise ineligible to receive aid to
61 dependent children.

62 g. Individuals who have attained the age of twenty-one but have
63 not yet attained the age of sixty-five who qualify on a financial basis
64 for, but who are otherwise ineligible to receive, federal supplement-
65 ary security income or aid to dependent children.

66 3. Additional medical assistance may, within the limits of avail-
67 able funds and in accordance with section 249A.4, subsections 1 and
68 2, be provided to, or on behalf of, either:

69 a. Only those individuals and families described in subsection 1 of
70 this section; or

71 b. Those individuals and families described in both subsection 1
72 and subsection 2 of this section.

73 4. No assistance shall be granted under this chapter to:

74 a. Any individual *or family* whose income, *exclusive of the value*
75 *of gifts or services contributed in kind to the individual or family,*
76 *exceeds the following maximums:*

77 (1) *For an individual, after deduction of health care expenses in-*
78 *curring by the applicant, exceeds one two thousand eight four hundred*
79 *dollars annually, or.*

80 (2) *For any family living together whose combined income, after*
81 *deduction of health care expenses incurred by the family, exceeds one*
82 *two thousand eight four hundred dollars annually for the first adult*
83 *member plus nine one thousand two hundred dollars for the second*
84 *member and six nine hundred seventy-five dollars annually for each*
85 *additional member of the family. Income shall not include the value*
86 *of gifts or services contributed in kind to the individual or family.*

87 (3) *For any individual receiving care in a hospital, any health care*
88 *facility as defined in section one hundred thirty-five C point one*
89 *(135C.1) of the Code, or in another type of protective living arrange-*
90 *ment, an amount equal to the cost of care in the hospital, facility or*
91 *other arrangement, based on the department's standards.*

92 b. Any individual whose resources, after deduction of health care
93 expenses incurred by the applicant, exceeds two thousand dollars, or
94 any family living together whose combined resources exceed two
95 thousand dollars for the first member, one thousand dollars for the
96 second member, plus two hundred dollars for each additional mem-
97 ber. The value of resources shall be the current market value minus
98 any encumbrances against such resource or resources. In deter-
99 mining the foregoing, the following resources shall be excluded:
100 Real property occupied as a residence, household goods and furnish-
101 ings, an automobile, personal effects and tools necessary for the pur-
102 suit of a trade, occupation or profession of a market value not to
103 exceed six thousand dollars and the cash surrender value of life insur-
104 ance not to exceed one thousand dollars, however, if the face value of
105 such individual's life insurance does not exceed one thousand dollars,

106 it shall be excluded without necessity for determining its cash sur-
107 render value.

1 SEC. 5. Section two hundred forty-nine A point four (249A.4),
2 subsection six (6), Code 1973, as amended by Acts of the Sixty-fifth
3 General Assembly, 1973 Session, chapter one hundred eighty-six
4 (186), section twenty-one (21), is amended to read as follows:

5 6. Shall co-operate with any agency of the state or federal gov-
6 ernment in any manner as may be necessary to qualify for federal
7 aid and assistance for medical assistance in conformity with the pro-
8 visions of *chapter two hundred forty-nine (249) of the Code*, this
9 chapter and Titles sixteen (XVI) and XIX of the federal Social
10 Security Act, as amended.

1 SEC. 6. Section two hundred forty-nine A point six (249A.6),
2 Code 1973, is repealed.

1 SEC. 7. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in *The*
3 *Hawk Eye*, a newspaper published in Burlington, Iowa, and in *The*
4 *New Iowa Bystander*, a newspaper published in Des Moines, Iowa.

Approved May 11, 1974

Pursuant to the authority vested in the undersigned, Secretary of State of Iowa, under the provisions of Section 3.9, Code of Iowa, 1973, there being no newspaper by the name of *The New Iowa Bystander*, published in Des Moines, Iowa, I hereby designate *The New Iowa Bystander*, published in West Des Moines, Iowa, to publish the foregoing Act, House File 1411.

MELVIN D. SYNHORST, *Secretary of State.*

I hereby certify that the foregoing Act, House File 1411, was published in *The Hawk Eye*, Burlington, Iowa, May 20, 1974, and in *The New Iowa Bystander*, West Des Moines, Iowa, May 16, 1974.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1166

COUNTY CARE FACILITIES

H. F. 659

AN ACT redesignating county homes as county care facilities, and revising the laws governing operation of those facilities.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section two hundred fifty-three point one (253.1),
2 Code 1973, is amended to read as follows:

3 253.1 ~~Establishment—submission to vote.~~ The board of super-
4 visors of each county may order the establishment of a county ~~home~~
5 *care facility* in such county whenever it is deemed advisable, and may
6 make the requisite contracts and carry such order into effect, provided
7 the cost of said county ~~home care facility~~, if in excess of fifteen thou-
8 sand dollars, shall be first estimated by said board and approved by
9 vote of the people.