

CHAPTER 217

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Referred to in §252B.9

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SUBCHAPTER I

GENERAL PROVISIONS

217.1 Definitions.

As used in [this chapter](#), unless the context otherwise requires:

1. "Council" means the council on health and human services.
2. "Department" means the department of health and human services.

3. “Director” means the director of health and human services.

2023 Acts, ch 19, §323

Former §217.1 transferred to §217.1A

NEW section

217.1A Programs of department.

There is established a department of health and human services to administer programs designed to protect and improve the health, well-being, and productivity of the people of the state of Iowa. The department shall concern itself with the problems of human behavior, adjustment, and daily living through the administration of programs of family, child, and adult welfare, economic assistance including costs of medical care, rehabilitation toward self-care and support, delinquency prevention and control, treatment and rehabilitation of juvenile offenders, care and treatment of persons with mental illness or an intellectual disability, public health, and other related programs as provided by law.

[C71, 73, 75, 77, 79, 81, §217.1]

83 Acts, ch 96, §63, 159; 96 Acts, ch 1129, §38; 2012 Acts, ch 1019, §20; 2023 Acts, ch 19, §324

C2024, §217.1A

Department to develop and implement strategies to increase efficiencies by reducing paperwork, decreasing staff time, and providing more streamlined services; annual progress report to joint appropriations subcommittee on health and human services; 2010 Acts, ch 1031, §335

Section transferred from §217.1 in Code 2024

Section amended

217.2 Council on health and human services.

1. a. There is created within the department a council on health and human services which shall act in a policymaking and advisory capacity on matters within the jurisdiction of the department. The council shall consist of nine voting members appointed by the governor subject to confirmation by the senate. Appointments shall be made on the basis of interest in public affairs, good judgment, and knowledge and ability in the field of health and human services. Appointments shall be made to provide a diversity of interest and point of view in the membership and without regard to religious opinions or affiliations. The voting members of the council shall serve for six-year staggered terms.

b. Each term of a voting member shall commence and end as provided by [section 69.19](#).

c. All voting members of the council shall be electors of the state of Iowa. No more than five members shall belong to the same political party and no more than three members shall, at the time of appointment, reside in the same congressional district. At least one member of the council shall be a member of a county board of supervisors at the time of appointment to the council. At least one member of the council shall be a physician licensed to practice medicine in Iowa. Vacancies occurring during a term of office shall be filled in the same manner as the original appointment for the balance of the unexpired term subject to confirmation by the senate.

2. In addition to the voting members described in [subsection 1](#), the membership of the council shall include four legislators as ex officio, nonvoting members. The four legislators shall be appointed one each by the majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives for terms as provided in [section 69.16B](#).

[C71, 73, 75, 77, 79, 81, §217.2; 81 Acts, ch 78, §20, 21]

83 Acts, ch 96, §157, 159; 2009 Acts, ch 115, §1; 2023 Acts, ch 19, §325

Confirmation, see §2.32

Section amended

217.3 Duties of council.

The council shall:

1. Organize annually and select a chairperson and vice chairperson.
2. Adopt and establish policy for the operation and conduct of the department, subject to any guidelines which may be adopted by the general assembly, and the implementation of all services and programs administered by the department.

3. Report immediately to the governor any failure by the department to carry out any of the policy decisions or directives of the council.

4. Approve the budget of the department prior to submission to the governor. Prior to approval of the budget, the council shall publicize and hold a public hearing to provide explanations and hear questions, opinions, and suggestions regarding the budget. Invitations to the hearing shall be extended to the governor, the governor-elect, the director of the department of management, and other persons deemed by the council as integral to the budget process. The budget materials submitted to the governor shall include a review of options for revising the medical assistance program made available by federal action or by actions implemented by other states as identified by the department, the medical assistance advisory council created in [section 249A.4B](#), and by county representatives. The review shall address what potential revisions could be made in this state and how the changes would be beneficial to Iowans.

5. Insure that all programs administered or services rendered by the department directly to any citizen or through a local agency to any citizen are coordinated and integrated so that any citizen does not receive a duplication of services from various departments or local agencies that could be rendered by one department or local agency. If the council finds that such is not the case, it shall hear and determine which department or local agency shall provide the needed service or services and enter an order of their determination by resolution of the council which must be concurred in by at least a majority of the members. Thereafter such order or resolution of the council shall be obeyed by all state departments and local agencies to which it is directed.

6. Adopt all necessary rules recommended by the department prior to their promulgation pursuant to [chapter 17A](#).

7. Recommend to the governor the names of individuals qualified for the position of director when a vacancy exists in the office.

[C71, 73, 75, 77, 79, 81, §217.3]

[83 Acts, ch 96, §157, 159; 89 Acts, ch 283, §18; 95 Acts, ch 205, §36; 98 Acts, ch 1155, §7; 2005 Acts, ch 120, §1; 2019 Acts, ch 85, §90; 2021 Acts, ch 80, §107; 2023 Acts, ch 19, §326](#)

Referred to in [§225C.6, 249A.4B](#)

Section amended

217.3A Advisory committees.

The council may establish and utilize other ad hoc advisory committees as determined necessary to advise the council. The council shall establish appointment provisions, membership terms, operating guidelines, and other operational requirements for committees established pursuant to [this section](#).

[2010 Acts, ch 1031, §391; 2013 Acts, ch 10, §29; 2019 Acts, ch 85, §86, 87; 2023 Acts, ch 19, §327](#)

Section amended

217.4 Meetings of council.

The council shall meet at least monthly. Additional meetings shall be called by the chairperson or upon written request of any three council members as necessary to carry out the duties of the council. The chairperson shall preside at all meetings or in the absence of the chairperson the vice chairperson shall preside. The members of the council shall be paid a per diem as specified in [section 7E.6](#) and their reasonable and necessary expenses.

[C71, 73, 75, 77, 79, 81, §217.4]

[90 Acts, ch 1256, §36; 2023 Acts, ch 19, §328](#)

Mileage expense rate, see [§70A.9](#)

Section amended

217.5 Director of health and human services.

The chief administrative officer for the department is the director. The director shall be appointed by the governor subject to confirmation by the senate and shall serve at the pleasure of the governor. The governor shall fill a vacancy in this office in the same manner as the original appointment was made. The director shall be selected primarily for administrative

ability. The director shall not be selected on the basis of political affiliation and shall not engage in political activity while holding this position.

[C71, 73, 75, 77, 79, 81, §217.5]

83 Acts, ch 96, §157, 159; 88 Acts, ch 1134, §43; 2018 Acts, ch 1041, §56; 2023 Acts, ch 19, §329

Confirmation, see §2.32

Section amended

217.5A Attorneys — legal counsel and advice.

Notwithstanding [section 13.7](#), the department may employ or retain attorneys to provide legal counsel and advice. However, [section 13.7](#) shall govern the employment or retention of attorneys by the department to represent the department in any action or proceeding brought in any court or tribunal.

2023 Acts, ch 19, §330

NEW section

217.6 Rules and regulations — organization of department.

1. The director may recommend to the council for adoption rules and regulations necessary to administer the duties, functions, and programs of the department. Any action taken, decision made, or administrative rule adopted may be reviewed by the director. The director, upon such review, may affirm, modify, or reverse any such action, decision, or rule.

2. The rules and regulations adopted for the public benefits and programs administered by the department shall apply the residency eligibility restrictions required by federal and state law.

3. The director shall organize the department into subunits as necessary to most efficiently carry out the intent of [this chapter](#) and any other chapter the department is responsible for administering.

4. If the department requires or requests a service consumer, service provider, or other person to maintain required documentation in electronic form, the department shall accept such documentation submitted by electronic means and shall not require a physical copy of the documentation unless required by state or federal law.

[C71, 73, 75, 77, 79, 81, §217.6; 81 Acts, ch 78, §20, 22]

83 Acts, ch 96, §64, 159; 94 Acts, ch 1170, §27; 2006 Acts, ch 1115, §21; 2010 Acts, ch 1031, §406; 2011 Acts, ch 34, §52; 2011 Acts, ch 122, §19, 23; 2020 Acts, ch 1062, §26; 2023 Acts, ch 19, §331

Section amended

217.7 Administrators of divisions. Repealed by 2023 Acts, ch 19, §1357.

217.8 Division of child and family services. Repealed by 2023 Acts, ch 112, §54.

217.9 Additional duties. Repealed by 2023 Acts, ch 19, §1357.

217.9A Commission on children, youth, and families. Repealed by 98 Acts, ch 1206, §19.

217.10 Administrator of division of mental health and disability services. Repealed by 2023 Acts, ch 19, §1357.

217.11 and 217.12 Repealed by 2008 Acts, ch 1072, §6. See §216A.107.

217.13 Department to provide certain volunteer services — volunteer liability.

1. The department shall establish volunteer programs designed to enhance the services provided by the department. Roles for volunteers may include but shall not be limited to parent aides, friendly visitors, commodity distributors, clerical assistants, medical transporters, and other functions to complement and supplement the department's work with clients. Roles for volunteers shall include conservators and guardians. The department shall adopt rules for programs which are established.

2. *a.* The director shall appoint a coordinator of volunteer services to oversee the provision of services of volunteer conservators and guardians on a volunteer basis to individuals in this state requiring such services. The coordinator, after consulting with personnel assigned to the district of the department, shall recommend to the director how best to serve the needs of individuals in need of the services of a guardian or conservator. Where possible, the coordinator shall recommend that the services be provided on a multicounty basis.

b. The coordinator shall cooperate with the department in providing these services and shall seek out alternative sources for providing the services required under [this section](#).

3. All volunteers registered with the department and in compliance with departmental rules are considered state employees for purposes of [chapter 669](#). However, [this section](#) does not except a conservator or guardian from an action brought under [section 658.1A](#) or [658.3](#). [This section](#) does not relieve a guardian or conservator from duties under [chapter 633](#).

[88 Acts, ch 1170, §1; 2005 Acts, ch 175, §91; 2023 Acts, ch 19, §332](#)

Section amended

217.14 Reserved.

217.15 Administrator of division of administration. Repealed by 2023 Acts, ch 19, §1357.

217.16 Cooperation with other divisions. Repealed by 2023 Acts, ch 19, §1357.

217.17 Administrator of division of planning. Repealed by 2023 Acts, ch 19, §1357.

217.18 Official seal.

The department shall have an official seal with the words “Iowa Department of Health and Human Services” and such other design as the department prescribes engraved on the seal. Every commission, order, or other paper of an official nature executed by the department may be attested with the seal.

[S13, §2727-a1; SS15, §2727-a3; C24, 27, 31, 35, 39, §3281; C46, 50, 54, 58, 62, 66, §217.8; C71, 73, 75, 77, 79, 81, §217.18]

[83 Acts, ch 96, §157, 159; 2023 Acts, ch 19, §333](#)

Section amended

217.19 Expenses.

1. The director and the director’s staff, assistants, and employees shall, in addition to salary, receive their necessary traveling expenses by the nearest traveled and practicable route, when engaged in the performance of official business.

2. The department of administrative services shall work with the department to develop and implement an expense policy applicable to the members of a board, commission, committee, or other body under the auspices of the department who meet the income requirements for payment of per diem in accordance with [section 7E.6, subsection 2](#). The policy shall allow for the payment of the member’s expenses to be addressed through use of direct billings, travel purchase card, prepaid expenses, or other alternative means of addressing the expenses in lieu of reimbursement of the member.

[S13, §2727-a5; C24, 27, 31, 35, 39, §3282; C46, 50, 54, 58, 62, 66, §217.9; C71, 73, 75, 77, 79, 81, §217.19]

[2008 Acts, ch 1187, §113; 2023 Acts, ch 19, §334](#)

Section amended

217.20 Trips to other states. Repealed by 2011 Acts, ch 127, §56, 89. See [§8A.512A](#).

217.21 Annual report.

The department shall, annually, at the time provided by law make a report to the governor and general assembly, and cover in the report the annual period ending with June 30 preceding, which report shall include:

1. An itemized statement of the department's expenditures concerning each program under the department's administration.

2. Adequate and complete statistical reports for the state as a whole concerning all payments made under the department's administration.

3. Such recommendations as to changes in laws under the department's administration as the director may deem necessary.

4. The observations and recommendations of the director and the council relative to the programs of the department.

5. Such other information as the director or council deems advisable, or which may be requested by the governor or by the general assembly.

[S13, §2727-a9, -a12, -a16, -a34; SS15, §2727-a3; C24, 27, 31, 35, 39, §3285; C46, 50, 54, 58, 62, 66, §217.11; C71, 73, 75, 77, 79, 81, §217.21]

[83 Acts, ch 96, §157, 159; 2023 Acts, ch 19, §335](#)

Section amended

217.22 Reserved.

217.23 Personnel — merit system — reimbursement for damaged property.

1. The director or the director's designee, shall employ personnel as necessary for the performance of the duties and responsibilities assigned to the department. All employees shall be selected on a basis of fitness for the work to be performed with due regard to training and experience and shall be subject to the provisions of [chapter 8A, subchapter IV](#).

2. The department may expend moneys from the support allocation of the department as reimbursement for replacement or repair of personal items of the department's employees damaged or destroyed by clients of the department during the employee's tour of duty. However, the reimbursement shall not exceed three hundred dollars for each item. The department shall establish rules in accordance with [chapter 17A](#) to carry out the purpose of [this section](#).

[C75, 77, 79, 81, §217.23]

[85 Acts, ch 253, §7; 2003 Acts, ch 145, §208; 2007 Acts, ch 218, §37; 2023 Acts, ch 19, §336](#)

Section amended

217.24 Payment by electronic funds transfer.

The department shall continue expanding the practice of making payments to program participants and vendors by means of electronic funds transfer. The department shall seek the capacity for making payment by such means for all programs administered by the department.

[2010 Acts, ch 1031, §407; 2023 Acts, ch 19, §337](#)

Section amended

217.25 through 217.29 Reserved.

217.30 Confidentiality of records — report of recipients.

1. For purposes of [this section](#) unless the context otherwise requires, "person" means the same as defined in [section 4.1](#).

2. The following information relative to an individual receiving services or assistance from the department shall be held confidential except as otherwise provided in [subsection 5](#):

a. The name and address of an individual receiving services or assistance from the department, and the type of services or amount of assistance provided.

b. Information concerning the social or economic conditions or circumstances of an individual who is receiving or has received services or assistance from the department.

c. An agency evaluation of information about an individual.

d. Medical or psychiatric data, including diagnosis and past history of disease or disability, concerning an individual.

3. Information described in [subsection 2](#) shall not be disclosed to or used by any person except for purposes of administration of a program of services or assistance, and shall not, except as provided in [subsection 5](#), be disclosed to or used by a person outside the department

unless the person is subject to standards of confidentiality comparable to those imposed on the department by [this section](#).

4. Nothing in [this section](#) shall restrict the disclosure or use of information regarding the cost, purpose, number of individuals served or assisted by, and results of any program administered by the department, and other general and statistical information, provided the information does not identify any particular individual served or assisted.

5. *a.* The general assembly finds and determines that the use and disclosure of information as provided in [this subsection](#) are for purposes directly connected with the administration of the programs of services and assistance referred to in [this section](#) and are essential for their proper administration.

b. Confidential information described in [subsection 2](#) shall only be disclosed under the following circumstances:

(1) Upon written application to and with the approval of the director or the director's designee, confidential information described in [subsection 2](#), paragraphs "a", "b", and "c", shall be disclosed to a public official for use in connection with the public official's duties relating to law enforcement, audits, the support and protection of children and families, and other purposes directly connected with the administration of the programs of services and assistance referred to in [this section](#).

(2) If necessary for an individual to receive services, upon written application to and with the approval of the director or the director's designee, confidential information described in [subsection 2](#) shall be disclosed to a state agency, or a person that is not subject to [chapter 17A](#), and that is providing services to the individual pursuant to [chapter 239B](#) promoting independence and self-sufficiency through employment through the job opportunities and basic skills program.

(3) Information described in [subsection 2](#), paragraphs "a", "b", and "c", in accordance with [section 235A.15](#), [subsection 10](#).

(4) To a multidisciplinary team as defined in [section 235A.13](#), [subsection 9](#), if the department approves the composition of the multidisciplinary team and the team's sole focus is identifying services for children who are victims of, and children at risk of becoming victims of, human trafficking as defined in [section 710A.1](#). Confidential information shall only be shared if a fully executed multidisciplinary agreement is in place between the department and the multidisciplinary team certifying that all confidential information shared between the parties to the multidisciplinary agreement shall be used solely for identifying services for children who are victims of, and children at risk of becoming victims of, human trafficking.

c. It shall be unlawful for any person to solicit, disclose, receive, use, or to authorize or knowingly permit, participate in, or acquiesce in the use of any information obtained from any such report or record for commercial or political purposes.

6. If the director or the director's designee finds that any provision of [this section](#) will cause a program of services or assistance referred to in [this section](#) to be ineligible for federal funds, such provision shall be limited or restricted to the extent which is essential to make such program eligible for federal funds. The department shall adopt, pursuant to [chapter 17A](#), any rules necessary to implement [this subsection](#).

7. [This section](#) shall apply to an individual receiving assistance pursuant to [chapter 252](#). Any report required to be prepared by the department under [this section](#) regarding assistance or services provided pursuant to [chapter 252](#) shall be prepared by the individual appointed pursuant to [section 252.26](#).

8. An individual that violates [this section](#) commits a serious misdemeanor.

9. [This section](#) shall take precedence over [section 17A.12](#), [subsection 7](#).

[C39, §3828.047; C46, 50, 54, 58, §239.10, 241.25, 249.44; C62, 66, §239.10, 241.25, 241A.16, 249.44, 249A.18; C71, 73, §239.10, 241.25, 241A.16, 249.44, 249A.8; C75, 77, 79, 81, §217.30]

93 Acts, ch 54, §1; 93 Acts, ch 97, §8; 97 Acts, ch 41, §32; 2000 Acts, ch 1088, §1; 2000 Acts, ch 1123, §1; 2004 Acts, ch 1153, §1; 2008 Acts, ch 1072, §2; 2013 Acts, ch 90, §43; 2019 Acts, ch 125, §1

Referred to in §135G.12, 135H.13, 217.31, 232.71D, 235A.15, 235A.17, 235A.24, 237.9, 237.21, 239B.8, 299.13

For requirement to make available requested record of reasons for excluding child from attending a hearing or meeting, see §232.91

Section not amended; internal reference change applied

217.31 Action for damages.

1. Any person may institute a civil action for damages under [chapter 669](#) or to restrain the dissemination of confidential records set out in [section 217.30, subsection 2](#), paragraph “b”, “c”, or “d”, in violation of that section, and any person, agency or governmental body proven to have disseminated or to have requested and received confidential records in violation of [section 217.30, subsection 2](#), paragraph “b”, “c”, or “d”, shall be liable for actual damages and exemplary damages for each violation and shall be liable for court costs, expenses, and reasonable attorney fees incurred by the party bringing the action. In no case shall the award for damages be less than one hundred dollars.

2. Any reasonable grounds that a public employee has violated any provision of [section 217.30](#) shall be grounds for immediate removal from access of any kind to confidential records or suspension from duty without pay.

[C75, 77, 79, 81, §217.31]

[2013 Acts, ch 90, §44](#); [2019 Acts, ch 125, §2](#)

217.32 Office space in county.

When the department assigns personnel to an office located in a county for the purpose of performing in that county designated eligibility for economic and medical assistance programs and protective services duties and responsibilities assigned by law to the department, it shall be the responsibility of the county to provide and maintain the necessary office space and office supplies and equipment for the personnel so assigned in the same manner as if they were employees of the county. The department shall at least annually, or more frequently if the department elects, reimburse the county for a portion, designated by law, of the cost of maintaining office space and providing supplies and equipment as required by [this section](#), and also for a similar portion of the cost of providing the necessary office space if in order to do so it is necessary for the county to lease office space outside the courthouse or any other building owned by the county. The portion of the costs reimbursed to the county under [this section](#) shall be equivalent to the proportion of those costs which the federal government authorizes to be paid from available federal funds, unless the general assembly directs otherwise when appropriating funds for support of the department.

[C75, 77, 79, 81, §217.32]

[83 Acts, ch 96, §157, 159](#); [2023 Acts, ch 19, §338](#)

Section amended

217.33 Legal services.

The director pursuant to a state plan funded in part by the federal government may provide services for eligible persons by contract with nonprofit legal aid organizations.

[C77, 79, 81, §217.33]

[83 Acts, ch 96, §157, 159](#); [2023 Acts, ch 19, §339](#)

Section amended

217.34 Debt setoff.

The investigations division of the department of inspections, appeals, and licensing and the department shall provide assistance to set off against a person's or provider's income tax refund or rebate any debt which has accrued through written contract, nonpayment of premiums pursuant to [section 249A.3, subsection 2](#), paragraph “a”, subparagraph (1), subrogation, departmental recoupment procedures, or court judgment and which is in the form of a liquidated sum due and owing the department. The department of inspections, appeals, and licensing, with approval of the department, shall adopt rules under [chapter 17A](#) necessary to assist the department of revenue in the implementation of the setoff under [section 421.65](#) in regard to money owed to the state for public assistance overpayments or nonpayment of premiums as specified in [this section](#). The department shall adopt rules under [chapter 17A](#) necessary to assist the department of revenue in the implementation of

the setoff under [section 421.65](#), in regard to collections by child support services and foster care services.

[83 Acts, ch 96, §160](#); [83 Acts, ch 153, §2](#); [89 Acts, ch 250, §1](#); [2003 Acts, ch 145, §209](#); [2011 Acts, ch 120, §2](#); [2013 Acts, ch 138, §122, 127](#); [2020 Acts, ch 1064, §9, 28](#); [2020 Acts, ch 1118, §73, 74](#); [2023 Acts, ch 19, §340, 1920](#)

2020 amendment to this section by 2020 Acts, ch 1064, §9, is effective on the date of rules adopted by the department of revenue to implement 2020 Acts, ch 1064, see 2020 Acts, ch 1064, §28; 2020 Acts, ch 1118, §73, 74; the Code editor received notice that the system designed to implement the setoff procedures established in 2020 Acts, ch 1064, and the accompanying rules, will be operational on November 13, 2023; rules governing transition, see 2020 Acts, ch 1118, §72

See Code editor's note on simple harmonization at the beginning of this Code volume

Section amended

217.35 Fraud and recoupment activities.

Notwithstanding the requirement for deposit of recovered moneys under [section 239B.14](#), recovered moneys generated through fraud and recoupment activities are appropriated to the department to be used for additional fraud and recoupment activities performed by the department or the department of inspections, appeals, and licensing. The department may use the recovered moneys appropriated to add not more than five full-time equivalent positions, in addition to those funded by annual appropriations. The appropriation of the recovered moneys is subject to both of the following conditions:

1. The director determines that the investment can reasonably be expected to increase recovery of assistance paid in error, due to fraudulent or nonfraudulent actions, in excess of the amount recovered in the previous fiscal year.
2. The amount expended for the additional fraud and recoupment activities shall not exceed the amount of the projected increase in assistance recovered.

[2005 Acts, ch 175, §92](#); [2023 Acts, ch 19, §341, 1921](#)

See Code editor's note on simple harmonization at the beginning of this Code volume

Section amended

217.36 Distribution of earned income tax credit information.

1. The department shall ensure that educational materials relating to the federal and state earned income tax credits are provided in accordance with [this section](#) to each household receiving assistance or benefits under:

- a. The Hawki program under [chapter 514I](#).
- b. The family investment program under [chapter 239B](#).
- c. The medical assistance program under [chapter 249A](#).
- d. The food programs defined in [section 234.1](#) which are administered by the department.
- e. Any other appropriate programs administered by, or under the oversight of, the department.

2. The department shall, by mail or through the internet, provide a household described in [subsection 1](#) with access to:

- a. Internal revenue service publications relating to the federal earned income tax credit.
- b. Department of revenue publications relating to the state earned income tax credit.
- c. Information prepared by tax preparers who provide volunteer or free federal or state income tax preparation services to low-income and other eligible persons and who are located in close geographic proximity to the person.

3. In January of each year, the department or a representative of the department shall mail to each household described in [subsection 1](#) information about the federal and state earned income tax credit that provides the household with referrals to the resources described in [subsection 2](#).

4. The mailings required by the department under [this section](#) do not have to be made as a separate mailing but may be included in existing mailings being made to the appropriate households.

[2008 Acts, ch 1157, §1](#); [2023 Acts, ch 19, §342](#)

Section amended

217.37 Reserved.

217.38 Restitution to individuals of Japanese ancestry.

Notwithstanding any other law of this state, payments paid to an eligible individual of Japanese ancestry under section 105 of the Civil Liberties Act of 1988, Pub. L. No. 100-383, Tit. I, shall not be considered as income or an asset for determining the eligibility for state or local government benefit or entitlement programs. The proceeds are not subject to recoupment for the receipt of governmental benefits or entitlements and liens, except liens for child support, are not enforceable against these sums for any reason.

89 Acts, ch 285, §1; 2010 Acts, ch 1061, §180

217.39 Persecuted victims of World War II — reparations — heirs.

Notwithstanding any other law of this state, payments paid to and income from lost property of a victim of persecution for racial, ethnic, or religious reasons by Nazi Germany or any other Axis regime or as an heir of such victim which is described in [section 422.7, subsection 35](#), Code 2018, shall not be considered as income or an asset for determining the eligibility for state or local government benefit or entitlement programs. The proceeds are not subject to recoupment for the receipt of governmental benefits or entitlements, and liens, except liens for child support, are not enforceable against these sums for any reason.

2000 Acts, ch 1103, §1, 3; 2018 Acts, ch 1161, §100, 133, 134; 2021 Acts, ch 177, §1

217.40 Training for guardians and conservators.

The department, or a person designated by the director, shall establish training programs designed to assist all duly appointed guardians and conservators in understanding their fiduciary duties and liabilities, the special needs of the ward, and how to best serve the ward and the ward's interests.

89 Acts, ch 178, §2; 2023 Acts, ch 19, §343

Section amended

217.41 Refugee services foundation.

1. The department shall cause a refugee services foundation to be created for the sole purpose of engaging in refugee resettlement activities to promote the welfare and self-sufficiency of refugees who live in Iowa and who are not citizens of the United States. The foundation may establish an endowment fund to assist in the financing of its activities. The foundation shall be incorporated under [chapter 504](#).

2. The foundation shall be created in a manner so that donations and bequests to the foundation qualify as tax deductible under federal and state income tax laws. The foundation is not a state agency and shall not exercise sovereign power of the state. The state is not liable for any debts of the foundation.

3. The refugee services foundation shall have a board of directors of five members. One member shall be appointed by the governor and four members shall be appointed by the director. Members of the board shall serve three-year terms beginning on July 1, and ending on June 30. A vacancy on the board shall be filled in the same manner as the original appointment for the remainder of the term. Not more than two members appointed by the director shall be of the same gender or of the same political party.

4. The refugee services foundation may accept and administer trusts deemed by the board to be beneficial. Notwithstanding [section 633.63](#), the foundation may act as trustee of such a trust.

2004 Acts, ch 1049, §191; 2004 Acts, ch 1175, §146; 2005 Acts, ch 3, §50; 2023 Acts, ch 19, §344

Section amended

217.41A Electronic health records system task force. Repealed by [2008 Acts, ch 1188, §28](#).

217.41B State family planning services program — establishment — discontinuation of Medicaid family planning network waiver.

1. The department shall discontinue the Medicaid family planning network waiver effective July 1, 2017, and shall instead establish a state family planning services program.

The state program shall replicate the eligibility requirements and other provisions included in the Medicaid family planning network waiver as approved by the centers for Medicare and Medicaid services of the United States department of health and human services in effect on June 30, 2017.

2. Distribution of family planning services program funds under [this section](#) shall be made in a manner that continues access to family planning services.

3. *a.* (1) Distribution of family planning services program funds shall not be made to any entity that performs abortions or that maintains or operates a facility where abortions are performed, which shall not be interpreted to include a nonpublic entity that is a distinct location of a nonprofit health care delivery system, if the distinct location provides family planning services but does not perform abortions or maintain or operate as a facility where abortions are performed.

(2) The department shall adopt rules pursuant to [chapter 17A](#) to require that as a condition of eligibility as a provider under the family planning services program, each distinct location of a nonprofit health care delivery system shall enroll in the program as a separate provider, be assigned a distinct provider identification number, and complete an attestation that abortions are not performed at the distinct location.

(3) For the purposes of [this section](#), “*nonprofit health care delivery system*” means an Iowa nonprofit corporation that controls, directly or indirectly, a regional health care network consisting of hospital facilities and various ambulatory and clinic locations that provide a range of primary, secondary, and tertiary inpatient, outpatient, and physician services.

b. For the purposes of [this section](#), “*abortion*” does not include any of the following:

(1) The treatment of a woman for a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death.

(2) The treatment of a woman for a spontaneous abortion, commonly known as a miscarriage, when not all of the products of human conception are expelled.

4. Family planning services program funds distributed in accordance with [this section](#) shall not be used for direct or indirect costs, including but not limited to administrative costs or expenses, overhead, employee salaries, rent, and telephone and other utility costs, related to providing abortions as specified in [subsection 3](#).

[2017 Acts, ch 174, §90, 92; 2018 Acts, ch 1165, §83; 2023 Acts, ch 19, §345, 346](#)

Subsection 1 amended

Subsection 3, paragraph a, subparagraph (2) amended

217.41C More options for maternal support program.

1. *a.* The department shall create the more options for maternal support program, a statewide program to promote healthy pregnancies and childbirth through nonprofit organizations that provide pregnancy support services.

b. The more options for maternal support program is designed to do all of the following:

(1) Provide an approach and personalized support to pregnant women to provide stabilization to families.

(2) Promote improved pregnancy outcomes, including reducing abortions, by helping women practice sound health-related behaviors and improve prenatal nutrition.

(3) Improve child health and development by helping parents provide responsible and competent care for their children.

(4) Improve family economic self-sufficiency by linking parents to services that address individual economic and social needs.

c. For the purposes of [this section](#), “*pregnancy support services*” means those nonmedical services that promote childbirth by providing information, counseling, and support services that assist pregnant women or women who believe they may be pregnant to choose childbirth and to make informed decisions regarding the choice of adoption or parenting with respect to their children.

2. The program may provide and support all of the following pregnancy support services:

a. Nutritional services and education.

b. Housing, education, and employment assistance during pregnancy and up to one year following a birth.

c. Adoption education, planning, and services.

d. Child care assistance if necessary for a pregnant woman to receive pregnancy support services.

e. Parenting education and support services for up to one year following a child's birth.

f. Material items which are supportive of pregnancy and childbirth including but not limited to cribs, car seats, clothing, diapers, formula, or other safety devices.

g. Information regarding health care benefits, including but not limited to available Medicaid coverage for pregnancy care and health care coverage for a child following birth.

h. A call center for information or to schedule appointments.

i. Medical information and referrals for medical care, including but not limited to pregnancy tests, sexually transmitted infection tests, other health screenings, ultrasound services, prenatal care, and birth classes and planning.

j. Counseling, mentoring, educational information, and classes relating to pregnancy, parenting, adoption, life skills, and employment readiness.

3. The department shall issue a request for proposals to select a program administrator for the program. A program administrator shall meet all of the following requirements:

a. Be a nonprofit entity incorporated in this state with a tax-exempt status pursuant to section 501(c)(3) of the Internal Revenue Code.

b. Have systems and processes in place that have been used for at least three years to successfully manage a statewide network of subcontractors providing pregnancy support services.

c. Have a commitment to promoting healthy pregnancies and childbirth instead of abortion as a fundamental part of the program administrator's mission.

d. Create and maintain a network of subcontractors to provide pregnancy support services.

e. Maintain records for each subcontractor.

f. Monitor compliance with the terms and conditions of a subcontractor.

4. A subcontractor providing pregnancy support services under the program shall meet all of the following requirements:

a. Be a nonprofit organization incorporated in this state with a tax-exempt status pursuant to section 501(c)(3) of the Internal Revenue Code.

b. Have a minimum of one year of operational experience in either providing core pregnancy support services or managing a network of providers of pregnancy support services as a subcontractor.

c. Have a primary mission of promoting healthy pregnancies and childbirth instead of abortion.

d. Have a system of financial accountability consistent with generally accepted accounting principles, including an annual budget.

e. Have a board that hires and supervises a director who manages the organization's operations.

f. Offer, at a minimum, counseling for women who are or may be experiencing unplanned pregnancies.

g. Provide confidential and free pregnancy support and other program services.

h. Provide each pregnant woman with accurate information on the developmental characteristics of unborn children and babies.

i. Ensure that program funds are not used to provide or refer pregnant women for terminations of pregnancy, or to encourage or affirmatively counsel a pregnant woman to terminate a pregnancy unless the pregnant woman's attending physician confirms the termination of pregnancy is medically necessary to prevent the pregnant woman's death.

j. Maintain confidentiality of all data, files, and records related to the program services provided to persons accessing program services in compliance with state and federal laws.

5. The department shall publish the program administrator and subcontractor criteria on the department's internet site.

6. The department shall adopt rules pursuant to [chapter 17A](#) to administer the program,

and shall provide technical assistance to the program administrator, monitor the program administrator for adherence to state and federal requirements, and collect and maintain program data.

7. Beginning October 1, 2023, and on or before October 1 annually thereafter, the department shall submit to the general assembly the following program information relative to the prior fiscal year:

a. The total number of subcontractors by geographical region and the total number of unduplicated clients served by each subcontractor by gender and age.

b. A description of outreach efforts by the administrator, subcontractors, and the department.

c. Total program expenditures.

d. The amounts attributable to the administrator contract and to each contract with the subcontractors.

e. The outcomes based on outcome measures included in the contracts with the administrator and each subcontractor.

[2022 Acts, ch 1131, §67](#); [2023 Acts, ch 19, §347 – 350](#)

Subsection 1, paragraph a amended
Subsection 3, unnumbered paragraph 1 amended
Subsections 5 and 6 amended
Subsection 7, unnumbered paragraph 1 amended

SUBCHAPTER II

DEPARTMENT SERVICES ORGANIZATION

217.42 County offices.

1. The department shall maintain an office in each county. Based on the annual appropriations for field operations, the department shall strive to maintain a full-time presence in each county. If it is not possible to maintain a full-time presence in each county, the department shall provide staff based on its caseweight system to assure the provision of services. The department shall consult with the county boards of supervisors of those counties regarding staffing prior to any modification of office hours.

2. A county or group of counties may voluntarily enter into a [chapter 28E](#) agreement with the department to provide funding or staff persons to deliver field services in county offices. The agreement shall cover the full fiscal year but may be revised by mutual consent.

[92 Acts, ch 1079, §1](#); [2001 Acts, 2nd Ex, ch 4, §1, 9](#); [2010 Acts, ch 1031, §296, 401, 402](#); [2023 Acts, ch 19, §351](#)

Section amended

217.43 County advisory boards — location of county offices.

1. a. The department shall establish one or more advisory boards. Each of the county boards of supervisors shall appoint two advisory board members. All of the following requirements apply to the appointments made by a county board of supervisors:

(1) The membership shall be appointed in accordance with [section 69.16](#), relating to political affiliation, and [section 69.16A](#), relating to gender balance.

(2) Not more than one of the members shall be a member of the board of supervisors.

(3) Appointments shall be made on the basis of interest in maintaining and improving service delivery.

b. Appointments shall be made a part of the regular proceedings of the board of supervisors and shall be filed with the county auditor and the department. A vacancy on the board shall be filled in the same manner as the original appointment.

c. The boards of supervisors shall develop and agree to other organizational provisions involving the advisory board, including reporting requirements.

2. The purpose of the advisory boards is to improve communication and coordination between the department and the counties and to advise the department regarding maintenance and improvement of service delivery.

3. The department shall determine the community in which each county office will be

located. The county board of supervisors shall determine the location of the office space for the county office. The county board of supervisors shall make reasonable efforts to collocate the office with other state and local government or private entity offices in order to maintain the offices in a cost-effective location that is convenient to the public.

92 Acts, ch 1079, §2; 93 Acts, ch 54, §2; 2001 Acts, 2nd Ex, ch 4, §2, 9; 2020 Acts, ch 1062, §27; 2023 Acts, ch 19, §352

Referred to in §251.3, 251.5, 331.321, 331.323

Emergency relief duties of advisory board, see §251.5

Section amended

217.44 Department offices — employee and volunteer record checks.

1. The record check evaluation system of the department shall conduct criminal and child and dependent adult abuse record checks of persons who are potential employees, employees, potential volunteers, and volunteers in department offices in a position having direct contact with the department's clients. The record checks shall be performed in this state and the record check evaluation system may conduct these checks in other states. If the record check evaluation system determines that a person has been convicted of a crime or has a record of founded child or dependent adult abuse, the record check evaluation system shall perform an evaluation to determine whether the crime or founded abuse warrants prohibition of the person's employment or participation as a volunteer. The record checks and evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

2. In an evaluation, the record check evaluation system shall consider the nature and seriousness of the crime or founded child or dependent adult abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded abuse, the circumstances under which the crime or founded abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded abuse again, and the number of crimes or founded abuses committed by the person involved.

3. The record check evaluation system may permit a person who is evaluated to be employed or to participate as a volunteer if the person complies with the record check evaluation system's conditions relating to employment or participation as a volunteer which may include completion of additional training.

4. If the record check evaluation system determines that the person has committed a crime or has a record of founded child or dependent adult abuse which warrants prohibition of employment or participation as a volunteer, the person shall not be employed by or participate as a volunteer in a department office in a position having direct contact with the department's clients.

2000 Acts, ch 1112, §52; 2001 Acts, 2nd Ex, ch 4, §3, 9; 2023 Acts, ch 19, §353

Section amended

217.45 Background investigations.

1. A background investigation may be conducted by the department on all of the following individuals:

- a. An applicant for employment with the department.
- b. A contractor, vendor, or employee performing work for the department with access to federal tax information used for purposes of the department.

2. An individual subject to [this section](#) shall authorize the release of the results of all of the following:

- a. A work history.
- b. A state criminal history background check.
- c. A national criminal history check through the federal bureau of investigation.

3. An individual subject to [this section](#) shall provide the individual's fingerprints to the department. The department shall request the national criminal history check and shall provide the individual's fingerprints to the department of public safety for submission through the state criminal history repository to the federal bureau of investigation.

4. The department shall pay the actual cost of the fingerprinting and the national criminal

history check, if any, unless otherwise agreed to as part of a vendor contract or other contract with the department.

5. A contractor, vendor, or employee performing work for the department with access to federal tax information used for purposes of the department may be subject to a background investigation by the department at least once every ten years after the date of the initial contract with the contractor or vendor or initial date of hire of the employee.

6. The results of background investigations conducted pursuant to [this section](#) shall not be considered public records under [chapter 22](#).

[2017 Acts, ch 57, §1](#); [2023 Acts, ch 19, §354](#)

Subsection 1, unnumbered paragraph 1 amended