

**217.37 Recovery of payment — assignment of liens — county attorney to enforce.**

1. For purposes of [this section](#), “assistance” means all of the following:

a. A payment by the state for services rendered through the behavioral health service system established under [section 225A.3](#).

b. A payment by the state for aging and disability services rendered in accordance with [chapter 231](#).

2. The department shall have the authority to investigate if a person is eligible to have assistance paid on the person’s behalf and whether payment of assistance was proper.

3. Notwithstanding any provision of law to the contrary, assistance shall not be recoverable unless the department finds that the assistance was paid for the benefit of a person who was not entitled to have assistance paid on the person’s behalf.

4. Assistance paid for the benefit of a person who was not entitled to have assistance paid on the person’s behalf shall be recoverable from the entity to which the assistance was paid, from the person on whose behalf assistance was paid, or from a third party who is liable for the person’s debts or support.

5. Upon the death of a person who was not entitled to have assistance paid on the person’s behalf, the department shall have a lien equivalent in priority to liens described in [section 633.425, subsection 6](#), against the person’s estate for the portion of the assistance improperly paid which the department had not recovered at the time of the person’s death.

6. The department may waive all or a portion of improperly paid assistance, or a lien created under [subsection 5](#), if the department finds that collection would result in undue hardship.

7. The department shall adopt rules pursuant to [chapter 17A](#) to implement and administer [this section](#).

[2024 Acts, ch 1161, §32, 137](#)

Section effective July 1, 2025; 2024 Acts, ch 1161, §137

NEW section