

331.190 County of residence — dispute resolution.

1. “*County of residence*” means the county in this state in which, at the time a person applies for or receives services, the person is living and has established an ongoing presence with the declared, good faith intention of living for a permanent or indefinite period of time. The county of residence of a homeless person is the county in which the homeless person usually sleeps. A person maintains residency in the county or state in which the person last resided during the time period that the person is present in a different county or state receiving services in a hospital, a correctional facility, a halfway house for community-based corrections or substance use disorder treatment, a nursing facility, an intermediate care facility for persons with an intellectual disability, a residential care facility, or for the purpose of attending a college or university.

2. a. The dispute resolution process in [this subsection](#) shall apply to county of residence disputes. The dispute resolution process shall not be applicable to any of the following:

(1) Disputes involving persons committed to a state facility pursuant to [chapter 812](#).

(2) Disputes involving Iowa [rule of criminal procedure 2.22\(8\)\(b\)](#), commitment for evaluation.

(3) Disputes involving [chapter 12 of Iowa court rules](#), rules for involuntary hospitalization of mentally ill persons.

b. If a county objects to a billing for services or a residency determination and asserts that either the person has residency in a different county or the person is not a resident of this state, the person’s county of residence shall be determined as provided in [this subsection](#). If the county asserts that the person has residency in a different county in this state, the county shall notify that county in writing within one hundred twenty calendar days of receiving the billing for services or of the county of residence determination.

c. The county that receives the notification under paragraph “b” shall respond in writing to the county that provided the notification within forty-five calendar days of receiving the notification. If the parties cannot agree as to the person’s county of residence within ninety calendar days of the date of notification, on motion of either of the parties, the matter shall be referred to the administrative hearings division of the department of inspections, appeals, and licensing for a contested case proceeding under [chapter 17A](#), before an administrative law judge assigned in accordance with [section 10A.801](#), to determine the person’s county of residence.

d. (1) Notwithstanding [section 17A.15](#), the administrative law judge’s determination of a person’s county of residence shall be considered final agency action. Judicial review of the determination may be sought in accordance with [section 17A.19](#).

(2) If following the determination of a person’s county of residence under [this subsection](#) additional evidence becomes available that merits a change in the determination of the person’s county of residence, the affected parties may change the determination of county of residence by mutual agreement. Otherwise, a party may move that the matter be reconsidered by the county, or by an administrative law judge assigned in accordance with [section 10A.801](#).

e. Unless a petition is filed for judicial review, the administrative law judge’s determination of the person’s county of residence shall result in one of the following:

(1) If a county is determined to be the person’s county of residence, that county shall pay any amounts due and shall reimburse the other county for any amounts paid for services provided to the person by the other county prior to the county of residence determination.

(2) If it is determined that the person is not a resident of this state, neither the state nor either county shall be liable for payment of amounts due for services provided to the person prior to the determination of the person’s county of residence.

f. (1) The party that does not prevail in a contested case proceeding or a subsequent judicial review pursuant to [this subsection](#) shall be liable for costs associated with the proceeding or judicial review, including reimbursement of the administrative hearings division of the department of inspections, appeals, and licensing’s actual costs associated with the administrative proceeding, court costs, and reasonable attorney fees.

(2) A payment or reimbursement pursuant to [this subsection](#) shall be remitted within

forty-five calendar days of the date the county of residence determination is issued by the administrative law judge or the date the court files an order determining the person's county of residence, whichever is later. After forty-five calendar days, the prevailing party may add a penalty of up to one percent per month to any amounts due.

[2024 Acts, ch 1161, §181, 184](#)

Referred to in [§35D.9](#), [232.141](#), [252.24](#), [347.16](#)

Section effective July 1, 2025; 2024 Acts, ch 1161, §184

NEW section