

CHAPTER 20  
RECOGNITION OF AGENTS

[Prior to 11/24/04, see 581—Ch 21]

**495—20.1(97B) Recognition of agents.**

**20.1(1)** *Recognition of agents in general.* When a member or beneficiary desires to be represented by an agent before the system, the member or beneficiary shall designate in writing, using a power of attorney form or other acceptable legal form, the name of a representative and the nature of the business the representative is authorized to transact. Such designation on the part of the member or beneficiary shall constitute for IPERS sufficient proof of the acceptability of the individual to serve as the member's or beneficiary's agent.

**20.1(2)** *Payment to members or beneficiaries with a recognized agent.* When it appears that the interest of a member or beneficiary would be served, IPERS may recognize an agent to represent the member or beneficiary in the transaction of the affairs with IPERS. Recognition may be obtained through the filing with IPERS of a copy of the guardianship, trusteeship, power of attorney, conservatorship, other similar court order which appoints an agent to act upon behalf of a member or beneficiary, or social security representative payee documents by the individual so designated. Such persons have all the rights and obligations of the member or beneficiary. Notwithstanding the foregoing, none of the foregoing representatives shall have the right to name the representative as the member's or beneficiary's beneficiary unless approved to do so by a court having jurisdiction of the matter, or unless expressly authorized to do so in a power of attorney executed by the member or beneficiary.

**20.1(3)** *Revocation of power of attorney.* Any person serving as an agent by power of attorney under this rule can have the agency relationship rescinded by the member or beneficiary by notifying IPERS verbally or in writing.

**20.1(4)** *Revocation of other representative agents.* Any person serving as a representative agent under a guardianship, conservatorship, or social security representative payee may not be revoked unless by court order or notice from the social security administration in writing.

[ARC 2981C, IAB 3/15/17, effective 4/19/17]

**495—20.2(97B) Agreements by agents.** An individual serving in the capacity of an agent establishes an agreement with IPERS to transact all business with IPERS in such a manner that the interests of the member or beneficiary are best served. Payments made to the agent on behalf of the member or beneficiary will be used for the direct benefit of the member or beneficiary. Failure to adhere to the agreement will cause discontinuance of the agency relationship and may serve as the basis for legal action by IPERS, the member, or the beneficiary.

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These rules are intended to implement Iowa Code sections 97B.34 and 97B.37.

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