

441—89.2(249F) Creation of debt.

89.2(1) *Transfer of property.* Except as provided in rule 441—89.3(249F), any transfer of property for less than fair market value creates a debt due and owing to the department from the transferee if:

- a.* The transfer is made while the transferor is receiving medical assistance or within five years prior to application for medical assistance and between July 1, 1993, and December 31, 2018.
- b.* The transfer is made with the intent on the part of the transferee of enabling the transferor to obtain or maintain eligibility for medical assistance.

89.2(2) *Amount of debt.* The amount of the debt is the lesser of:

- a.* An amount equal to the medical assistance provided to or on behalf of the transferor on or after the date of the transfer.
- b.* The difference between the fair market value of the property at the time of transfer and the value of any consideration received.

[ARC 9313C, IAB 5/28/25, effective 8/1/25]