

THOMAS J. MILLER
ATTORNEY GENERAL



1305 E. WALNUT ST.
DES MOINES, IA 50319
Main: 515-281-5164 • Direct: 515-281-5191
Email: Eric.Tabor@ag.iowa.gov
www.iowaattorneygeneral.gov

ERIC TABOR
CHIEF DEPUTY ATTORNEY GENERAL

IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

January 31, 2019

W. Charles Smithson
Secretary of the Senate
State Capitol Building
Des Moines, IA 50319

Carmine Boal
Chief Clerk
State Capitol Building
Des Moines, IA 50319

Dear Secretary Smithson and Chief Clerk Boal:

Pursuant to Iowa Code section 249F.8, the Attorney General reports to the General Assembly that Iowa Code chapter 249F, the divestiture program, was suspended effective January 1, 2019. Chapter 249F was administered by the Department of Human Services ("DHS").

DHS continues to combat Medicaid fraud and abuse through the Medicaid Fraud Control Unit, utilization of ineligibility penalties for impermissible pre- and post-application transfers, and recovery through its estate recovery program.

To further strengthen the integrity of the Medicaid program, the Attorney General's Office would encourage the General Assembly to consider legislation that would allow the filing and enforcement of Medicaid liens. Medicaid liens are a federally-authorized mechanism of preventing certain Medicaid beneficiaries from transferring real estate to subvert later recovery for medical assistance paid to their benefit. Medicaid liens are widely used throughout the country and have emerged as one of several preferred tools to prevent Medicaid fraud and abuse. No other states are known to enforce divestiture programs at this time. Medicaid liens are transparent, flexible, and ensure that the integrity of the medical assistance program is maintained.

More information about Medicaid liens can be found here:
<https://www.medicaid.gov/medicaid/eligibility/estate-recovery/index.html>.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Eric Tabor".

Eric Tabor
Chief Deputy