

Senate Study Bill 167

Bill Text

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1 1 Section 1. Section [135C.6](#), Code 1997, is amended by adding
1 2 the following new subsection:

1 3 **NEW SUBSECTION.** 8A. A residential program which serves
1 4 not more than fifteen individuals and is licensed as an
1 5 intermediate care facility for persons with mental retardation
1 6 under this chapter may surrender the license and continue to
1 7 operate under a federally approved home and community-based
1 8 waiver for persons with mental retardation for not more than
1 9 five years from the date of surrender of the license, if the
1 10 department has approved a plan submitted by the residential
1 11 program which provides for compliance within the five-year
1 12 period with subsection 8, paragraph "a" or "b".

1 13 Sec. 2. Section [249A.3](#), subsection 11, Code 1997, is
1 14 amended by adding the following new paragraph:

1 15 **NEW PARAGRAPH.** c. The department shall impose an
1 16 additional year of ineligibility for medical assistance for
1 17 all services on an individual who has been convicted of
1 18 knowingly and willfully disposing of assets in order to be
1 19 eligible or to become eligible for medical assistance pursuant
1 20 to 42 U.S.C. } 1320a-7b(a)(6).

1 21 Sec. 3. Section [249F.1](#), subsection 2, paragraph b,
1 22 subparagraph (9), Code 1997, is amended by striking the
1 23 subparagraph.

1 24 Sec. 4. Section [249F.3](#), subsection 1, unnumbered paragraph
1 25 1, Code 1997, is amended to read as follows:

1 26 The department of human services may issue a notice
1 27 establishing and demanding payment of an accrued or accruing
1 28 debt due and owing to the department of human services as
1 29 provided in section 249F.2. The notice shall be sent by
1 30 restricted certified mail, as defined in section 618.15, to
1 31 the transferee at the transferee's last known address. If
1 32 service of the notice is unable to be completed by restricted
1 33 certified mail, the notice shall be served upon the transferee
1 34 in accordance with the rules of civil procedure. The notice
1 35 shall include all of the following:

2 1 Sec. 5. Section [249F.4](#), subsection 2, Code 1997, is
2 2 amended to read as follows:

2 3 2. The certification shall include true copies of the
2 4 original notice, the return of service, if applicable, any
2 5 request for an informal conference, any subsequent notices,
2 6 the written request for hearing, and true copies of any
2 7 administrative orders previously entered.

2 8 Sec. 6. **NEW SECTION.** 249F.6A EXEMPTION FROM CHAPTER 17A.

2 9 Actions initiated under this chapter are not subject to
2 10 contested case proceedings or further review pursuant to
2 11 chapter 17A. Review by the district court shall be an
2 12 original hearing before the court.

2 13 **EXPLANATION**

2 14 This bill makes changes in the provisions relating to
2 15 medical assistance. The bill provides that a licensed
2 16 intermediate care facility for persons with mental retardation
2 17 may surrender its license and continue to operate under a
2 18 federally approved home and community-based waiver for a
2 19 period of five years from the date of surrender of the license
2 20 if the facility submits a plan to the department of human
2 21 services to bring the facility into compliance with the

2 22 requirements for residential care facilities which are
2 23 currently exempt from licensure.
2 24 The bill also includes medical assistance provisions which
2 25 relate to the transfer of assets in determining eligibility
2 26 for medical assistance by providing for an additional year of
2 27 ineligibility for medical assistance for an individual who is
2 28 convicted of knowingly and willfully disposing of assets to be
2 29 eligible or to become eligible for medical assistance for all
2 30 services. The bill eliminates a provision of the Code
2 31 relating to transfer of a homestead relating to eligibility
2 32 for medical assistance to reflect federal requirements and to
2 33 conform with other existing Code provisions. The bill
2 34 provides a procedure for service of the notice to establish
2 35 and demand payment of a debt owing the department based upon a
3 1 transfer of assets, provides that actions initiated under the
3 2 transfer of assets chapter are not subject to the contested
3 3 case or further review provisions of chapter 17A but that
3 4 review of the actions by the district court is an original
3 5 hearing before the court.
3 6 LSB 1110DP 77
3 7 pf/sc/14.1