

Behr  
Bartz  
Harper

SSB 1034  
Human Resource

SENATE/HOUSE FILE SF/HF 42  
BY (PROPOSED DEPARTMENT OF  
INSPECTIONS AND APPEALS BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the notice provisions for transfer of assets  
2 which create a medical assistance debt.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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2/1/78  
S.F. 1178  
Enacted by

1 Section 1. Section 249F.3, subsection 1, unnumbered  
 2 paragraph 1, Code 1999, is amended to read as follows:  
 3 The department of human services may issue a notice  
 4 establishing and demanding payment of an accrued or accruing  
 5 debt due and owing to the department of human services as  
 6 provided in section 249F.2. The notice shall be sent by  
 7 restricted certified mail as defined in section 618.15, to the  
 8 transferee at the transferee's last known address. If service  
 9 of the notice is unable to be completed by restricted  
 10 certified mail, the notice shall be served upon the transferee  
 11 in accordance with the rules of civil procedure. The notice  
 12 shall include all of the following:

13 Sec. 2. Section 249F.4, subsection 2, Code 1999, is  
 14 amended to read as follows:

15 2. The certification shall include true copies of the  
 16 original notice, the return of service, if applicable, any  
 17 request for an informal conference, any subsequent notices,  
 18 the written request for hearing, and true copies of any  
 19 administrative orders previously entered.

20 EXPLANATION

21 This bill makes changes in the law relating to the notice  
 22 of debt provided to a transferee of assets when the transfer  
 23 of assets results in the creation of a debt to the state in  
 24 the amount of medical assistance provided to the transferor of  
 25 assets. The bill provides that notice to the transferee is to  
 26 be sent to the transferee by restricted certified mail. If  
 27 such service is not successful, notice may then be served in  
 28 accordance with the rules of civil procedure. (Currently, law  
 29 provides for notice in accordance with the rules of civil  
 30 procedure, only.) The bill also makes a conforming change to  
 31 reflect the change in service of notice.

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TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF INSPECTIONS AND APPEALS  
KIM D. SCHMETT, DIRECTOR  
JOHN T. SCHAFFNER, DEPUTY DIRECTOR

January 11, 1999

TO: Members of the General Assembly

FR: Kim D. Schmett

KDS

The Iowa Department of Inspections and Appeals (DIA) is proposing legislation related to the functions performed by its Investigations Division. The bill changes the method used to serve notice to individuals involved in investigations conducted by the Divestiture Investigations Unit.

Section 1 of the bill amends Code Section 249F.3 to provide for the service of notices to a transferee by restricted certified mail. If the notice is unable to be completed by restrict certified mail, the notice shall be served in accordance with the current rules of civil procedure.

Section 2 of the bill amends Code Section 249F.4 to provide a conforming change to reflect the change made in Section 249F.3.

For additional information regarding this proposal, or other questions, please contact David Werning, Legislative Liaison, at 281-7376 or e-mail at [dwernin@max.state.ia.us](mailto:dwernin@max.state.ia.us).

2/15/99 Human Res.  
3/3/99 Do Pass

FILED FEB 3 1999

SENATE FILE 92  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 1034)

Passed Senate, Date <sup>(p. 262)</sup> 2/10/99 Passed House, Date <sup>(p. 1280)</sup> 4/14/99  
Vote: Ayes 46 Nays 0 Vote: Ayes 96 Nays 0  
Approved April 23, 1999

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SF 92

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17 request for an informal conference, any subsequent notices,  
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19 administrative orders previously entered.

20 EXPLANATION

21 This bill makes changes in the law relating to the notice  
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24 the amount of medical assistance provided to the transferor of  
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MARY E. KRAMER  
President of the Senate

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RON J. CORBETT  
Speaker of the House

I hereby certify that this bill originated in the Senate and  
is known as Senate File 92, Seventy-eighth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved April 23, 1999

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THOMAS J. VILSACK  
Governor