

FEB 10 2003
HUMAN RESOURCES

HOUSE FILE 161
BY HEATON

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for senate confirmation of the appointment of
2 the administrator of the medical assistance and healthy and
3 well kids in Iowa programs.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 161

1 Section 1. Section 217.7, Code 2003, is amended to read as
2 follows:

3 217.7 ADMINISTRATORS OF DIVISIONS.

4 The director may appoint an administrator of each of the
5 divisions. The administrators shall be selected on the basis
6 of their particular professional qualifications, education,
7 and background relative to the assigned responsibilities of
8 their divisions. The administrator of the medical assistance
9 program under chapter 249A and the healthy and well kids in
10 Iowa program under chapter 514I shall be appointed by the
11 director subject to confirmation by the senate and shall serve
12 at the pleasure of the director. The director shall fill a
13 vacancy in the position of the administrator of the medical
14 assistance program and the healthy and well kids in Iowa
15 program in the same manner as the original appointment was
16 made.

17 Sec. 2. Section 249A.2, Code 2003, is amended by adding
18 the following new subsection:

19 NEW SUBSECTION. 1A. "Administrator" means the individual
20 appointed by the director under section 217.7 to administer
21 this chapter.

22 Sec. 3. Section 249A.2, subsection 3, Code 2003, is
23 amended by striking the subsection.

24 Sec. 4. Section 249A.4, unnumbered paragraph 1, Code 2003,
25 is amended to read as follows:

26 ~~The director shall be~~ administrator is responsible for the
27 effective and impartial administration of this chapter and
28 shall, in accordance with the standards and priorities
29 established by this chapter, by applicable federal law, by the
30 regulations and directives issued pursuant to federal law, by
31 applicable court orders, and by the state plan approved in
32 accordance with federal law, make rules, establish policies,
33 and prescribe procedures to ~~implement~~ administer this chapter.
34 Without limiting the generality of the foregoing delegation of
35 authority, the director administrator is hereby specifically

1 empowered and directed to do all of the following:

2 Sec. 5. Section 249A.4, subsection 1, Code 2003, is
3 amended to read as follows:

4 1. Determine the greatest amount, duration, and scope of
5 assistance which may be provided, and the broadest range of
6 eligible individuals to whom assistance may effectively be
7 provided, under this chapter within the limitations of
8 available funds. In so doing, the ~~director~~ administrator
9 shall at least every six months evaluate the scope of the
10 program currently being provided under this chapter, project
11 the probable cost of continuing a like program, and compare
12 the probable cost with the remaining balance of the state
13 appropriation made for payment of assistance under this
14 chapter during the current appropriation period. After each
15 evaluation of the scope of the program, the ~~director~~
16 administrator shall report to the general assembly through the
17 legislative council or in another manner as the general
18 assembly may by resolution direct.

19 Sec. 6. Section 249A.4, subsection 8, unnumbered paragraph
20 3, Code 2003, is amended to read as follows:

21 The administrator and the director of human services shall
22 consider the advice and consultation offered by the council in
23 the administrator's and the director's preparation of medical
24 assistance budget recommendations.

25 Sec. 7. Section 249A.6, subsection 1, Code 2003, is
26 amended to read as follows:

27 1. When payment is made by the department for medical care
28 or expenses through the medical assistance program on behalf
29 of a recipient, the department shall have a lien, to the
30 extent of those payments, upon all monetary claims which the
31 recipient may have against third parties. A lien under this
32 section is not effective unless the department files a notice
33 of lien with the clerk of the district court in the county
34 where the recipient resides and with the recipient's attorney
35 when the recipient's eligibility for medical assistance is

1 established. The notice of lien shall be filed before the
2 third party has concluded a final settlement with the
3 recipient, the recipient's attorney, or other representative.
4 The third party shall obtain a written determination from the
5 department concerning the amount of the lien before a
6 settlement is deemed final for purposes of this section. A
7 compromise, including but not limited to a settlement, waiver
8 or release, of a claim under this section does not defeat the
9 department's lien except pursuant to the written agreement of
10 the ~~director~~ administrator or the ~~director's~~ administrator's
11 designee. A settlement, award, or judgment structured in any
12 manner not to include medical expenses or an action brought by
13 a recipient or on behalf of a recipient which fails to state a
14 claim for recovery of medical expenses does not defeat the
15 department's lien if there is any recovery on the recipient's
16 claim.

17 Sec. 8. Section 514I.2, Code 2003, is amended by adding
18 the following new subsection:

19 NEW SUBSECTION. 1A. "Administrator" means the individual
20 appointed by the director under section 217.7 to administer
21 this chapter.

22 Sec. 9. Section 514I.2, subsection 5, Code 2003, is
23 amended by striking the subsection.

24 Sec. 10. Section 514I.4, subsection 1, unnumbered
25 paragraph 1, and paragraph a, Code 2003, are amended to read
26 as follows:

27 The ~~director~~ administrator, with the approval of the HAWK-I
28 board, shall implement this chapter. The ~~director~~
29 administrator shall do all of the following:

30 a. At least every six months, evaluate the scope of the
31 program currently being provided under this chapter, project
32 the probable cost of continuing the program, and compare the
33 probable cost with the remaining balance of the state
34 appropriation made for payment of assistance under this
35 chapter during the current appropriation period. The ~~director~~

1 administrator shall report the findings of the evaluation to
2 the board and shall annually report findings to the governor
3 and the general assembly by January 1.

4 Sec. 11. Section 514I.4, subsections 2 and 3, Code 2003,
5 are amended to read as follows:

6 2. The ~~director~~ administrator, with the concurrence of the
7 board, shall enter into a contract with an administrative
8 contractor. Such contract shall be entered into in accordance
9 with the criteria established by the board.

10 3. The department may enter into contracts with other
11 persons whereby the other person provides some or all of the
12 functions, pursuant to rules adopted by the board, which are
13 required of the ~~director~~ administrator or the department under
14 this section. All contracts entered into pursuant to this
15 section shall be made available to the public.

16 Sec. 12. CODE EDITOR. In codifying the provisions of this
17 Act, the Code editor shall revise the section 249A.4 and
18 514I.4 headnotes to change the references to the word
19 "director" to "administrator".

20 EXPLANATION

21 This bill provides that the appointment of the
22 administrator of the medical assistance (Medicaid) and healthy
23 and well kids in Iowa (HAWK-I) programs is subject to
24 confirmation by the senate. Code section 217.7, relating to
25 the administrators of divisions of the department of human
26 services, is amended to apply this requirement. Under the
27 bill, that administrator is appointed by the director of human
28 services and serves at the pleasure of the director.

29 Code chapter 249A, relating to the Medicaid program, is
30 amended to add a definition of the term "administrator",
31 repeal the definition of the director of human services, and
32 to provide for the administrator to perform those duties
33 assigned under current law to the director of human services.

34 Code chapter 514I, relating to the HAWK-I program, is
35 amended to add a definition of the term "administrator",

1 repeal the definition of the director of human services, and
2 provide for the administrator to perform those duties assigned
3 under current law to the director.

4 The Code editor is directed to change headnote references
5 in Code sections 249A.4 and 515I.4 from the word "director" to
6 "administrator".

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