

3 in the Atlantic News-Telegraph, Atlantic, Iowa, and The Anthon Her-
4 ald, Anthon, Iowa.

Approved May 2, 1961.

I hereby certify that the foregoing Act, Senate File 489, was published in the Atlantic News-Telegraph, Atlantic, Iowa, May 5, 1961, and in The Anthon Herald, Anthon, Iowa, May 10, 1961.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 142

OLD-AGE ASSISTANCE

S. F. 399

AN ACT pertaining to residents in an institution under old-age assistance.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section two hundred forty-nine point thirty-one
2 (249.31), Code 1958, is hereby repealed and the following enacted in
3 lieu thereof:

4 "A patient in a private medical institution for tuberculosis or
5 mental diseases or as a result of a diagnosis of tuberculosis or psy-
6 chosis is not eligible to receive assistance."

1 SEC. 2. Section two hundred forty-nine point six (249.6), Code
2 1958, is hereby amended by striking subsection nine (9) and insert-
3 ing in lieu thereof the following:

4 "Is not an inmate of a public institution, except as a patient in a
5 medical institution for treatment for other than tuberculosis or men-
6 tal diseases or who has been diagnosed as having tuberculosis or
7 psychosis* and is a patient in a public medical institution as a result
8 thereof. However, an inmate of such institution may make applica-
9 tion for assistance, but the assistance, if granted, shall not begin until
10 he has ceased to be an inmate."

Approved April 18, 1961.

*According to enrolled Act.

CHAPTER 143

MEDICAL ASSISTANCE FOR THE AGED

H. F. 470

AN ACT relating to medical assistance for the aged.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. This chapter may be cited as the Medical Assistance
2 for the Aged Act of 1961.

1 SEC. 2. The terms "state board" and "county board" are used
2 in this chapter as they are defined in section two hundred thirty-
3 four point one (234.1) of the Code, and as used in this chapter.

4 "Recipient" means a person who receives assistance under this
5 chapter.

6 "Assistance" means money payments to, or for medical care and
7 services on behalf of, a recipient.

8 "Residence" shall mean the place where a person lives for other
9 than a temporary purpose.

1 SEC. 3. Assistance may be granted under the provisions of this
2 chapter to any person who:

3 1. Is sixty-five (65) years of age or over.

4 2. Is a resident of the state of Iowa including those residents who
5 are temporarily absent from the state.

6 3. Is not an inmate of a public institution (except as a patient
7 in a medical institution) or who is not a patient in an institution for
8 tuberculosis or mental diseases.

9 4. Is not a recipient of old age assistance.

10 5. Is in need of medical care and services available under this
11 chapter, such need having been determined by an attending licensed
12 practitioner of the healing arts acting within the scope of his license.

13 6. Has not sufficient income or other resources, of his own or
14 available to him, to provide himself with such needed medical care
15 and services. However, the provisions of this Act shall not apply
16 to any one applicant until after he has paid, or obligated himself
17 to pay, the sum of fifty dollars (\$50.00) for medical assistance
18 during the twelve month period prior to the date of his application.

19 7. Has no spouse, child, other person, agency or political subdivision
20 of state or federal government, association, society or corporation
21 legally or contractually responsible under the law of this state and
22 found by the county board able to provide him with such needed
23 medical care and services.

24 For the purpose of determining whether a child is responsible to
25 provide such medical care and services, such child shall not in any
26 event be deemed responsible therefor if such child is not receiving
27 a net income sufficient to require him to make an income tax
28 payment to the state.

1 SEC. 4. The amount of assistance shall be fixed with due regard
2 to income and resources of the recipient or available to him in con-
3 formance to the rules, regulations and standards of the state board.

4 No assistance shall be granted to:

5 1. Any unmarried applicant whose income, after deduction of medi-
6 cal expenses incurred by the applicant, exceeds one thousand five
7 hundred dollars (\$1,500.00) annually, or to any married applicant
8 and spouse living together whose combined income, after deduction
9 of medical expenses incurred by the applicant and his spouse, exceeds
10 two thousand two hundred dollars (\$2,200.00). Income shall not
11 include the shelter value of a residence occupied by the applicant
12 nor the value of gifts or services contributed in kind to the applicant.

13 2. Any unmarried applicant whose resources exceed two thousand
14 dollars (\$2,000.00), or any married applicant and spouse living to-
15 gether whose combined resources exceed three thousand dollars
16 (\$3,000.00). The value of resources shall be the current market value
17 minus any encumbrances against such resource or resources. In deter-

18 mining the foregoing, the following resources shall be excluded: real
19 property occupied as a residence, household goods and furnishings, an
20 automobile, personal effects and tools necessary for the pursuit of
21 a trade, occupation or profession, and the cash surrender value of
22 life insurance.

1 SEC. 5. The state board shall:

2 1. Be the responsible authority for the effective and impartial
3 administration of this chapter. To this end the state board shall
4 formulate and establish such rules and regulations, outline such
5 policies and prescribe such procedures as may be necessary or desir-
6 able to carry out the provisions of this chapter. The state board may
7 contract with other state agencies or private organizations whereby
8 such agency or organization may handle the processing of and the pay-
9 ment of claims for services rendered under the provisions of this Act
10 and under such rules and regulations as shall be promulgated by said
11 board.

12 2. Adopt by appropriate rules and regulations the definition of
13 medical assistance for the aged by specifying the items for which
14 assistance may be granted, provided, however, that such definition
15 may not include any item or service which is not listed and provided
16 for in Title I, Section 6 (b) of the Social Security Act as amended.

17 3. Adopt appropriate rules and regulations governing the payment
18 of medical assistance for the aged rendered to any applicant prior
19 to the date his application is filed.

20 4. Co-operate with any agency of the federal government in any
21 manner as may be necessary to qualify for federal aid and assistance
22 for medical assistance for the aged in conformity with the provisions
23 of this chapter, including the making of such reports in such form
24 and containing such information as any agency of the federal govern-
25 ment may formulate and find necessary to insure qualification and
26 verification of such reports.

27 5. Provide for the professional freedom of those licensed prac-
28 titioners who determine the need for or provide medical care and
29 services, the optimum freedom of choice to recipients to select the
30 provider of such care and services and for medical direction and
31 supervision as needed.

32 6. Advise and consult at least semiannually with a council com-
33 posed of the president, or his or her representative,* who is a
34 member of the professional organization represented by the presi-
35 dent, of the Iowa State Medical Society, the Iowa Society of Osteo-
36 pathic Physicians and Surgeons, the Iowa State Dental Society,
37 the Iowa State Nurses Association, the Iowa Pharmaceutical Associ-
38 ation, the Iowa Chiropody Association, the Iowa Optometric Associ-
39 ation, the Iowa Hospital Association, the Iowa Osteopathic Hospital
40 Association, and the Iowa Nursing Home Association, together with
41 one person designated by the Iowa State Board of Chiropractic Ex-
42 aminers, one state representative (or his alternate) appointed by
43 the speaker of the house, one state senator (or his alternate) ap-
44 pointed by the lieutenant governor, and one public representative
45 (or his alternate) appointed by the governor.

*According to enrolled Act.

1 SEC. 6. The county board shall:

2 1. Perform all services and duties as are prescribed by this
3 chapter and the rules and regulations of the state board.

4 2. Report to the state board at such time and in such manner
5 and form as the state board may from time to time direct.

1 SEC. 7. Applications for assistance under this chapter shall be
2 filed with the county board of the county in which the applicant
3 resides, in the manner prescribed by the state board. A certification
4 of medical need shall be required in all but exceptional cases, as
5 determined by rules and regulations of the state board, and shall
6 be made by an attending licensed practitioner of the healing arts,
7 acting within the scope of his license, as to the item or items of
8 medical assistance for which the applicant has need. The county
9 board shall make investigation as may be required by the rules of
10 the state board and shall determine whether the applicant is eligible
11 for assistance under this chapter. The applicant shall be notified
12 promptly of this decision.

1 SEC. 8. Any assistance granted under the provisions of this
2 chapter may include any service within the definition of medical
3 assistance for the aged rendered prior to the date of application;
4 provided, however, that the applicant was eligible at the time said
5 service was rendered.

1 SEC. 9. Assistance granted under this chapter shall not be trans-
2 ferable or assignable at law or in equity, and none of the money
3 payable under this chapter shall be subject to execution, levy,
4 attachment, garnishment or other legal process, or to the operation
5 of any bankruptcy or insolvency law.

1 SEC. 10. If any application is not acted upon by the county
2 board within a reasonable time after the filing of the application,
3 or if the application or assistance is denied in the whole or in
4 part, modified or cancelled under any provision of this chapter,
5 the applicant or recipient, or his personal representative, may appeal
6 to the state board in the manner or form prescribed by the state
7 board. The state board shall, upon receipt of such appeal, give the
8 applicant or recipient, or his personal representative, reasonable notice
9 and opportunity for a fair hearing before the state board or its
10 duly prescribed representative or representatives. An applicant
11 whose application for assistance has been rejected or a recipient
12 whose assistance has been modified or cancelled in whole or in part,
13 or his personal representative, after a review hearing hereinabove
14 provided, within thirty (30) days after notice of such action is
15 given, may appeal from the decision of the state board to the district
16 court of the county in which the applicant or recipient resides, by
17 serving ten (10) days notice of such appeal upon the state depart-
18 ment of social welfare or upon any member of the state board in
19 the manner required by the service of an original notice in any
20 civil action. Upon the service of such notice, the state board shall
21 furnish the appellant with a copy of the application and all supporting
22 papers, a transcript of the testimony taken at the hearing, if any,
23 and a copy of its decision. The district court shall act as an appellate

24 court to review the decision of the state board to determine whether
25 or not it has therein committed fraud or abused its discretion. The
26 costs may be taxed to the appellant or may be remitted where the
27 appeal is affirmed.

1 SEC. 11. For the purpose of any such hearing, the state board
2 or county board shall have the power to compel, by subpoena, the
3 attendance and testimony of any witness and the production of all
4 books and papers. All witnesses shall be examined on oath, and any
5 member of the state board or its duly prescribed representative may
6 administer said oath. The cost incurred in connection with any such
7 hearing or examination shall be paid by the state board or county,
8 whichever issues the subpoenas; and the witnesses shall be entitled
9 to claim a two-dollar (\$2.00) fee and mileage expense of seven
10 cents (7c) per mile.

1 SEC. 12. All eligibility determinations under this chapter shall
2 be reviewed by the county board as frequently as may be required
3 by the rules of the state board.

1 SEC. 13. If, while receiving assistance, the recipient becomes
2 possessed of any resource or income in excess of the amount stated
3 in the application provided for in this chapter, it shall be the duty
4 of the recipient immediately to notify the county board of the
5 receipt or possession of such resource or income. When it is
6 found that any person has failed so to notify the board that he is
7 or was possessed of any resource or income in excess of the amount
8 allowed, or when it is found that, within five (5) years prior to
9 the date of his application, a recipient made an assignment or trans-
10 fer of property for the purpose of rendering himself eligible for
11 assistance under this chapter, any amount of assistance paid in
12 excess of the amount to which the recipient was entitled may be
13 recovered from him while living as a debt due the state and upon
14 his death as a claim of the second class against his estate. The
15 amount so received shall be transferred to the fund for medical
16 assistance for the aged.

1 SEC. 14. On the death of a person receiving or who has received
2 assistance under this chapter and of the survivor of a married
3 couple, either or both of whom were so assisted, the total amount
4 paid as assistance shall be allowed as a claim of the second class
5 against the estate of such decedent in the event the estate is
6 admitted to probate. An action may be brought in the name of
7 the state to recover the same at any time within five (5) years
8 after the death of the person receiving aid and after the death
9 of the survivor of a married couple, either or both of whom have
10 received assistance under the provisions of this chapter.

1 SEC. 15. Any person who shall obtain assistance or payments
2 for medical assistance to the aged under this chapter by misrepresen-
3 tation or failure with fraudulent intent to bring forth all the
4 facts required of an applicant for aid under the provisions of this
5 chapter and any person who shall knowingly make false statements
6 concerning the applicant's eligibility for aid under this chapter shall
7 be guilty of a misdemeanor, punishable as such.

1 SEC. 16. There is hereby established in the state treasury a
 2 fund to be known as the "Fund for Medical Assistance for the Aged"
 3 to which shall be credited all funds appropriated by the state for
 4 the payment of administrative expenses, assistance and benefits
 5 under this chapter and all moneys received from the federal govern-
 6 ment for such purposes. All assistance and benefits under this
 7 chapter and the administrative expenses incidental thereto, so far
 8 as the same are payable by the state board, shall be paid from
 9 such funds. Any unexpended balance which remains in the fund
 10 for medical assistance for the aged at the end of each biennium shall
 11 revert to the general fund of the state.

1 SEC. 17. This chapter is not to be so construed as to exclude
 2 a recipient under the provisions of this chapter, his spouse, minor
 3 children, or other dependents from receiving other forms of relief,
 4 aid or assistance paid through any agency of the state or any of
 5 its political subdivisions, provided, however, that the recipient may
 6 not receive old age assistance.

1 SEC. 18. All applications, information, and records concerning
 2 any applicant or recipient of medical assistance for the aged under
 3 the provisions of this chapter shall be confidential and shall not be
 4 disclosed nor used for any purpose not directly connected with the
 5 administration of medical assistance for the aged. The violation
 6 of this provision is hereby made a misdemeanor and is punishable
 7 as such.

1 SEC. 19. In the event that any provision or provisions of this
 2 Act shall be in conflict with Title VI - Medical Services for the Aged,
 3 being amendments of Title 1 of the Social Security Act, being Public
 4 Law 86-778, 86th Congress, H.R. 12580, dated September 13, 1960,
 5 providing a state plan for medical assistance for the aged; under
 6 which, if this Act were not in conflict, the state would be entitled
 7 to receive contributions from the United States for medical aid to
 8 the aged, such provision or provisions of this Act so in conflict with
 9 such law of the United States shall be considered as suspended and
 10 noneffective until fifty days after convening of the legislative as-
 11 sembly in the year 1963 so as to enable the state to qualify and
 12 participate in such contributions for medical assistance to the aged
 13 from the United States.

Approved May 6, 1961.

CHAPTER 144

GRAVE MARKERS FOR VETERANS

H. F. 43

AN ACT relating to the maximum cost of markers on graves of war veterans.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section two hundred fifty point sixteen (250.16),
 2 Code 1958, is amended by striking from line seven (7) the words,