

## CHAPTER 222

## OLD AGE ASSISTANCE

H. F. 172

AN ACT relating to the granting of old age assistance.

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

1 SECTION 1. Section two hundred forty-nine point seven (249.7),  
 2 Code 1966, is hereby repealed and the following inserted in lieu there-  
 3 of:

4 "The amount of assistance which any person shall receive under  
 5 this chapter shall be determined with due regard to the resources and  
 6 necessary expenditures of the individual and the conditions in such  
 7 cases; and in accordance with the rules and regulations made by the  
 8 state board; and shall be sufficient, when added to all other income  
 9 and support of the recipient, to provide such person with a reasonable  
 10 subsistence."

1 SECTION 2. Section two hundred forty-nine point eight (249.8),  
 2 Code 1966, is hereby repealed.

Approved April 17, 1967.

## CHAPTER 223

## MEDICAL ASSISTANCE ACT

H. F. 93

AN ACT to furnish medical care and services to individuals and families whose income and resources are insufficient to meet the cost of necessary medical care and services, and further to provide rehabilitation and other services to help such families and individuals to attain and retain capability for independence and self-care.

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

1 SECTION 1. **Title.** This chapter may be cited as the "Medical  
 2 Assistance Act".

1 SEC. 2. **Repeal.** Chapter two hundred forty-nine A (249A), Code  
 2 1966, is hereby repealed.

1 SEC. 3. **Definitions.** When used herein:

2 1. The term "state board" shall mean the state board of social wel-  
 3 fare created by chapter two hundred thirty-four (234) of the Code.\*

4 2. The term "county board" shall mean the county board of social  
 5 welfare created by chapter two hundred thirty-four (234) of the Code.

6 3. "Recipient" shall mean a person who receives medical assistance  
 7 under this chapter.

1 SEC. 4. **Eligibility.** Medical assistance may be provided under  
 2 the provisions of this chapter to, or on behalf of, any individual or  
 3 family residing in the state of Iowa, including those residents who are

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\*See amendments by ch. 209, §418, and ch. 12, §5 hereof.

4 temporarily absent from the state, whose income and resources are  
5 insufficient to meet the cost of necessary medical care and services,  
6 and who has no spouse or parent responsible under the law of this  
7 state and found by the county board to be able to provide him or them  
8 with such needed medical care and services.

9 No assistance shall be granted to:

10 1. Any individual whose income, after deduction of health care ex-  
11 penses incurred by the applicant, exceeds one thousand six hundred  
12 dollars (\$1,600) annually, or any family living together whose com-  
13 bined income, after deduction of health care expenses incurred by the  
14 family, exceeds one thousand six hundred dollars (\$1,600) for the first  
15 adult member plus eight hundred dollars (\$800) for the second mem-  
16 ber and six hundred dollars (\$600) for each additional member of the  
17 family. Income shall not include the value of gifts or services con-  
18 tributed in kind to the individual or family.

19 2. Any individual whose resources, after deduction of health care  
20 expenses incurred by the applicant, exceeds two thousand dollars  
21 (\$2,000), or any family living together whose combined resources  
22 exceed two thousand dollars (\$2,000) for the first member, one thou-  
23 sand dollars (\$1,000) for the second member, plus two hundred dol-  
24 lars (\$200) for each additional member. The value of resources shall  
25 be the current market value minus any encumbrances against such  
26 resource or resources. In determining the foregoing, the following  
27 resources shall be excluded: Real property occupied as a residence;  
28 household goods and furnishings, an automobile, personal effects and  
29 tools necessary for the pursuit of a trade, occupation or profession of  
30 a market value not to exceed six thousand dollars (\$6,000.00) and the  
31 cash surrender value of life insurance not to exceed one thousand  
32 dollars (\$1,000).

1 SEC. 5. Duties of state board. The state board:\*

2 1. Shall be the responsible authority for the effective and impartial  
3 administration of this chapter. To this end the state board shall for-  
4 mulate and establish such rules and regulations, outline such policies  
5 and prescribe such procedures as may be necessary or desirable to  
6 carry out the provisions of this chapter. Without limiting the gener-  
7 ality of the foregoing, the state board may:

8 a. Define "medical assistance" by specifying the items for which  
9 assistance may be granted.

10 b. Determine the amount, duration and scope of such medical as-  
11 sistance, provided, however, that the duration of inpatient hospital  
12 services shall not be less than that provided under Title XVIII of the  
13 federal Social Security Act, as amended, so long as funds are available.

14 c. Define the terms "health care", "family", "institution", "pro-  
15 vider" and "resident".

16 d. Establish standards of, or qualifications for, eligibility which are  
17 more restrictive than those authorized by section four (4). In no  
18 event, however, shall eligibility standards or qualifications established  
19 pursuant to section four (4) or by the state board preclude persons  
20 receiving or eligible to receive old age assistance, aid to dependent

\*See amendments by ch. 209, §419, and ch. 12, §5 hereof.

21 children, aid to the disabled and aid to the blind from receiving medi-  
22 cal assistance under this Act.

23 e. Provide for payment of medical assistance rendered to any ap-  
24 plicant prior to the date his application is filed.

25 2. Shall, to the extent possible, contract with a private organiza-  
26 tion or organizations whereby such organization will handle the proc-  
27 essing of and the payment of claims for services rendered under the  
28 provisions of this chapter and under such rules and regulations as  
29 shall be promulgated by said board. The state board shall give due  
30 consideration to the advantages of contracting with any organization  
31 which may be serving in Iowa as "intermediary" or "carrier" under  
32 Title XVIII of the federal Social Security Act, as amended.

33 3. Shall cooperate with any agency of the state or federal govern-  
34 ment in any manner as may be necessary to qualify for federal aid  
35 and assistance for medical assistance in conformity with the provi-  
36 sions of this chapter and Title XIX of the federal Social Security Act,  
37 as amended.

38 4. Shall provide for the professional freedom of those licensed prac-  
39 titioners who determine the need for or provide medical care and  
40 services, freedom of choice to recipients to select the provider of such  
41 care and services, and for medical direction and supervision as needed.

42 5. Shall advise and consult at least semiannually with a council  
43 composed of the president, or his or her representative who is a mem-  
44 ber of the professional organization represented by the president, of  
45 the Iowa Medical Society, the Iowa Society of Osteopathic Physicians  
46 and Surgeons, the Iowa State Dental Society, the Iowa State Nurses  
47 Association, the Iowa Pharmaceutical Association, the Iowa Podiatry  
48 Society, the Iowa Optometric Association, the Iowa Hospital Associa-  
49 tion, the Iowa Osteopathic Hospital Association, and the Iowa Nurs-  
50 ing Home Association, together with one person designated by the Iowa  
51 state board of chiropractic examiners; one state representative from  
52 each of the two major political parties appointed by the speaker of the  
53 house, one state senator from each of the two major political parties  
54 appointed by the lieutenant governor, one public representative ap-  
55 pointed by the governor, each for a period of two years; the commis-  
56 sioner of public health, or representative designated by him, and the  
57 dean of the College of Medicine, University of Iowa, or a representa-  
58 tive designated by him.

59 For each council meeting, other than those held during the time the  
60 general assembly is in session, each legislative member of the council  
61 shall be reimbursed for actual traveling and other necessary expenses  
62 and shall receive a per diem of forty (40) dollars for each day in  
63 attendance, as shall the public representative, regardless of whether  
64 the general assembly is in session.

65 6. Shall take such action as may be necessary to assure that licensed  
66 practitioners of the healing arts who provide professional services  
67 under this chapter shall be paid their reasonable, usual and customary  
68 charges. Payment for other medical assistance under this chapter  
69 shall be the usual and customary fees, charges and rates, provided,  
70 however, that if such payments are otherwise limited by federal law,  
71 such payment shall be as near the usual and customary fees, charges  
72 or rates as may be permitted by federal law.

73 7. Shall provide for granting an opportunity for a fair hearing  
74 before the state board to any individual whose claim for medical  
75 assistance under this chapter is denied or is not acted upon with  
76 reasonable promptness.

77 An applicant whose application for assistance has been rejected or  
78 a recipient whose assistance has been modified or cancelled in whole  
79 or in part, or his personal representative, after a review hearing here-  
80 inabove provided, within thirty days after notice of such action is  
81 given, may appeal from the decision of the state board to the district  
82 court of the county in which the applicant or recipient resides, by  
83 serving ten (10) days notice of such appeal upon the state department  
84 of social welfare or upon any member of the state board in the manner  
85 required by the service of original notice in any civil action. Upon the  
86 service of such notice, the state board shall furnish the appellant with  
87 a copy of the application and all supporting papers, a transcript of the  
88 testimony taken at the hearing, if any, and a copy of its decision. The  
89 district court shall act as an appellate court to review the decision of  
90 the state board to determine whether or not it has therein committed  
91 fraud or abused its discretion. The costs may be taxed to the appellant  
92 or may be remitted where the appeal is affirmed.

1 SEC. 6. **Recovery of payment.** Medical assistance paid to, or on  
2 behalf of, any recipient cannot be recovered from such beneficiary  
3 unless such benefit had been incorrectly paid. If, while receiving as-  
4 sistance, the recipient becomes possessed of any resource or income  
5 in excess of the amount stated in the application provided for in this  
6 chapter, it shall be the duty of the recipient immediately to notify the  
7 county board of the receipt or possession of such resource or income.  
8 When it is found that any person has failed to so notify the board that  
9 he is or was possessed of any resource or income in excess of the  
10 amount allowed, or when it is found that, within five years prior to  
11 the date of his application, a recipient made an assignment or trans-  
12 fer of property for the purpose of rendering himself eligible for as-  
13 sistance under this chapter, any amount of assistance paid in excess  
14 of the amount to which the recipient was entitled shall constitute bene-  
15 fits incorrectly paid. Any benefits incorrectly paid shall be recoverable  
16 from the recipient, while living, as a debt due the state and, upon his  
17 death, as a claim classified with taxes having preference under the  
18 laws of this state.

1 SEC. 7. **Claim against estate.** On the death of a recipient, the  
2 state shall be entitled to file a claim against the estate of the recipi-  
3 ent for the total amount paid for medical assistance under this chap-  
4 ter for the period during which such recipient was sixty-five years of  
5 age or older. Such claim shall be classified with taxes having prefer-  
6 ence under the laws of this state. No such claim shall be allowed,  
7 however, if the recipient left surviving a spouse or a child who is  
8 under twenty-one, or blind or permanently and totally disabled. The  
9 right to a claim, existing at the effective date of this Act, against the  
10 estate of any person who had, prior to the effective date of this Act,  
11 received medical assistance pursuant to Chapter two hundred forty-  
12 nine A\* (249A) shall be preserved and continued under this Act.

\*Words supplied by editor, see §3.1(3) of the Code.

1     **SEC. 8. Penalty.** Any person who shall obtain assistance or pay-  
2     ments for medical assistance under this chapter by misrepresentation  
3     or failure with fraudulent intent to bring forth all the facts required  
4     of an applicant for aid under the provisions of this chapter and any  
5     person who shall knowingly make false statements concerning the  
6     applicant's eligibility for aid under this chapter shall be guilty of a  
7     misdemeanor, punishable as such.

1     **SEC. 9. Records; report of recipients.** The general assembly finds  
2     and determines that the use and disclosure of information as provided  
3     in this section are for purposes directly connected with the adminis-  
4     tration of the plan established by this Act and are essential for the  
5     proper administration of said plan.

6     All applications, investigation reports, information, and records  
7     concerning any applicant or recipient of medical assistance under this  
8     Act shall be held confidential except as otherwise provided in this  
9     section.

10    The use thereof by, and the disclosure thereof to, persons author-  
11    ized by law in connection with their official duties relating to financial  
12    audits, legislative investigations, and other purposes directly con-  
13    nected with the administration of said plan, shall be permitted.

14    Release and the use of information of a general nature which does  
15    not identify a particular individual or individuals shall be provided as  
16    needed for adequate interpretation or development of the program.  
17    Such information includes but is not limited to: total medical as-  
18    sistance expenditures; number of recipients; statistical and social  
19    data used in connection with studies; and reports or surveys on health  
20    and welfare problems.

21    The county board of social welfare shall prepare and file in its office  
22    on or before the thirtieth (30th) day of each January, April, July and  
23    October a report showing the names and last known addresses of all  
24    recipients receiving assistance under this chapter, together with the  
25    amount paid to or on behalf of each recipient during the preceding  
26    quarter. Each report so filed shall be securely fixed in a record book  
27    to be used only for such reports made under this chapter and chapters  
28    two hundred thirty-nine (239) and two hundred forty-one (241). The  
29    record book shall be and the same is hereby declared to be a public  
30    record, open to public inspection at all times during the regular office  
31    hours of the respective county boards of social welfare. Each person  
32    who desires to examine said records, other than in pursuance of offi-  
33    cial duties as hereinbefore provided, shall sign a written request to  
34    examine the same, which shall contain an agreement on the part of  
35    the signer that he will not utilize any information gained therefrom  
36    for religious, commercial or political purposes.

37    It shall be unlawful for any person, body, association, firm, corpora-  
38    tion or any other agency to solicit, disclose, receive, make use of or to  
39    authorize, knowingly permit, participate in or acquiesce in the use of  
40    any lists, names or other information obtained from the reports above  
41    provided for, for religious, commercial or political purposes.

42    Violations of this section shall be punishable as a misdemeanor.

43    If it is definitely established that any provision of this section would  
44    cause said plan to be ineligible for federal financial participation, such  
45    provision shall be limited or restricted to the extent which is essential

46 to make said plan eligible for federal financial participation. The state  
47 board\* shall establish any rules and regulations which are necessary to  
48 carry out the intent of this paragraph.

Approved March 15, 1967.

\*See amendments by ch. 209, §420, and ch. 12, §5 hereof.

## CHAPTER 224

### RELIEF OF VETERANS OF VIET NAM CONFLICT

S. F. 11

AN ACT relating to relief to Viet Nam soldiers, sailors and marines.

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

1 SECTION 1. Section two hundred fifty point one (250.1), Code  
2 1966, is amended by inserting in line twelve (12) after the word  
3 "inclusive," the words "and including the Viet Nam Conflict at any  
4 time between August 5, 1964 and ending on the date the armed forces  
5 of the United States are directed by formal order of the government  
6 of the United States to cease hostilities, both dates inclusive,".

1 SEC. 2. Section two hundred fifty point three (250.3), Code 1966,  
2 is amended by inserting in line eight (8) after the word "inclusive"  
3 the words ", and including the Viet Nam Conflict at any time be-  
4 tween August 5, 1964 and ending on the date the armed forces of the  
5 United States are directed by formal order of the government of the  
6 United States to cease hostilities, both dates inclusive".

1 SEC. 3. Section two hundred fifty point thirteen (250.13), Code  
2 1966, is amended by inserting in line eleven (11) after the word  
3 "inclusive," the words "and including the Viet Nam Conflict at any  
4 time between August 5, 1964 and ending on the date the armed forces  
5 of the United States are directed by formal order of the government  
6 of the United States to cease hostilities, both dates inclusive,".

1 SEC. 4. Section two hundred fifty point sixteen (250.16), Code  
2 1966, is amended by inserting in line thirteen (13) after the word  
3 "inclusive," the words "and including the Viet Nam Conflict at any  
4 time between August 5, 1964 and ending on the date the armed forces  
5 of the United States are directed by formal order of the government  
6 of the United States to cease hostilities, both dates inclusive,".

Approved February 8, 1967.