STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: Iowa

LIENS AND ADJUSTMENTS OR RECOVERIES

1. The State uses the following process for determining that an institutionalized Medicaid eligible member cannot reasonably be expected to be discharged from the medical institution and return home:

   The Iowa Department of Human Services (IDHS) presumes that a Medicaid member who is under 55 years of age and a resident of a nursing facility, intermediate care facility for the intellectually disabled, or a mental health institute cannot reasonably be expected to be discharged and return home.

   If the member is discharged from the facility and returns home before six consecutive months, no debt will be assessed for Medicaid payments made on the member's behalf for the time of the institutionalization.

   If the member requests that the IDHS determine whether the member can reasonably be expected to return home, the Iowa Medicaid Enterprise Medical Services Unit (IME-MSU) makes the determination. A request for a determination of whether the member can reasonably be expected to be discharged and return home is forwarded to the IME-MSU only after the member has resided in the care facility for a period of six consecutive months.

   If the IME-MSU determines that the member could not be reasonably expected to be discharged and return home, the IME-MSU provides information to the IDHS regarding whether the member was ever reasonably expected to be able to return home and the date the expectation and ability to return home ceased including within the first six months of institutionalization.

   The IME-MSU notifies the member of the decision. Any appeals of adverse decisions made by the IME-MSU go first to the IME-MSU for reconsideration. An appeal of an adverse reconsideration decision by the IME-MSU is directed to the IDHS for the regular appeal process.

   If the member fails to make the request within the 30 calendar days, the member may make a request at a later date. However, if the member returns home before turning age 55 then there is no estate recovery.

   If the IME-MSU determination is overturned, no debt is due. If the determination by the IME-MSU is upheld, a debt is due from the member's estate as of the date the member could not reasonably be expected to be discharged and return home.

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If a member dies before six consecutive months of institutionalization, there is a presumption that the member could not reasonably be expected to return home. The family or other interested party may submit a written request to rebut the presumption that the member could reasonably have expected to be discharged and return home.

If the IME-MSU determines that the member could not reasonably have expected to be discharged and return home, the family may appeal the adverse decision first to the IME-MSU for reconsideration. An adverse reconsideration decision by the IME-MSU may then be appealed as described above.

2. The following criteria are used for establishing that a permanently institutionalized individual's son or daughter provided care as specified under regulations at 42 CFR 433.36(f):

   Not Applicable. The State of Iowa does not impose liens.

3. The State defines the terms below as follows:

   - Estate:

     The "estate" of a Medicaid member includes all real property, personal property, or any other asset in which the member had any legal title or interest at the time of the member's death, to the extent of the interest, including, but not limited to, assets conveyed to a survivor, heir, or assign of the deceased through joint tenancy, tenancy in common, survivorship, life estates, living trust, or other arrangement.

   - member's home

     Included in the definition of estate.

   - Equity interest in the home:

     Not Applicable. The State of Iowa does not impose liens.

   - Residing in the home for at least one or two years on a continuous basis:

     Defined as stated in 42 USC 1396p.

   - Lawfully residing:

     Defined as stated in 42 CFR 435.403.

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4. The State defines undue hardship as follows:

   Undue hardship exists when total household income is less than 200 percent of the poverty level for a household of the same size, total household resources do not exceed $10,000, and application of estate recovery would result in deprivation of food, clothing, shelter, or medical care such that life or health would be endangered as determined by the IME Estate Recovery unit on a case-by-case basis. For this purpose, income and resources are defined as under Temporary Assistance to Needy Families (TANF).

5. The following standards and procedures are used by the Estate Recovery unit for waiving estate recoveries when recovery would cause an undue hardship, and when recovery is not cost-effective:

   See item 4. To apply for a waiver of estate recovery due to undue hardship, the applicant shall provide a written statement and supporting verification to the Estate Recovery unit.

   If collection of all or part of a debt is waived due to an undue hardship, collection is delayed until the hardship no longer exists or until the death of the person for whom the hardship was approved

6. The State defines cost-effective as follows (include methodology/thresholds used to determine cost-effectiveness):

   The Estate Recovery unit attempts estate recovery on all estates for possible recovery. No thresholds for cost-effectiveness have been set.

7. The State uses the following collection procedures (include specific elements contained in the advance notice requirement, the method for applying for a waiver, hearing and appeals procedures, and time frames involved):

   IDHS eligibility staff explains the policy of estate recovery and provides written information that further describes the policies, appeal rights, and the member's rights and responsibilities to each Medicaid applicant who is under 55 and in an institution, or is 55 or older.

   The IME Revenue Collections Unit administers the estate recovery program. The Revenue Collection Unit receives information and data about the death of a Medicaid member from various sources including but not limited to, attorneys, relatives of deceased members, and other government agencies and makes contact with a representative of the estate. If a waiver is requested, proof of a hardship, or a child who is a minor or disabled must be provided.

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Spouse waivers are approved upon notification that there is a surviving spouse. Hearing and appeals procedures are pursuant to Iowa Code Chapter 17A.

A gross adjustment procedure is used against the total amount owed on the claim. The money recovered is shown as an adjustment on all state and federal reports. Documentation is shown for the total dollar amount owed for each category of service. The IME Revenue Collections Unit provides documentation for all estate recoveries made.