

PI – Preparing To Release or End Liens Against Provider Real Property

Purpose:

1. Describe the process necessary to release liens or encumbrances against any real property owned by a provider who has completely satisfied an outstanding Program Integrity overpayment debt.

Identification of Roles:

RACI Definitions	
RACI - RACI charts are a type of responsibility assignment matrices in project management. These simple spreadsheets or tables highlight the different states of responsibility a stakeholder has over a particular task or deliverable and denotes it with the letters R, A, C, or I.	
(R)	Responsible
(A)	Accountable
(C)	Consulted
(I)	Informed

Iowa Medicaid PI Financial Analyst – records and tracks overpayments and utilizes all available methods to recover overpayments that satisfy Program Integrity documentation reviews. **(R)**

Performance Standards:

Complete lien-release affidavits and forward to affected providers within fifteen (15) calendar days of receipt of payment that satisfies a lien in full.

Path of Business Procedure:

1. Iowa Code § 10A.108 grants state agencies, such as the Iowa HHS, the authority to assert or apply a lien against property owned by a provider where the provider has an outstanding debt against the State of Iowa – HHS that has not been satisfied in full. This same code directs that such liens be released or ended once a debtor fully satisfies the lien.
2. The PI Financial Analyst works with Iowa Medicaid PI State staff to complete and file all claims of lien against provider's real property. The Iowa Medicaid PI State staff will arrange for the filing to be made and sent to county recorder of the county where the property in question is located. The release of these liens may be prepared and submitted solely by the Iowa Medicaid Program Integrity Unit.
3. The process of release begins with the receipt of the required provider repayment that satisfies the entire remaining balance of a provider overpayment. By this time the Program

Integrity unit should have received a “filed” copy of the lien, with the county’s “Filed” sticker affixed to it. This sticker will reflect the location of the filed lien within the county recorder’s property records (Book#, Page#, etc.).

4. With repayment received, the PI Financial Analyst prepares a claim of lien release affidavit to be filed with the Recorder of the county in question. An example of a claim of lien release affidavit is provided at the end of this procedure.
5. A claim of lien release affidavit contains the following required items:
 - a. The name of the provider and, if they are “d/b/a”, the name of the entity they operate as.
 - b. The amount of the outstanding overpayment debt that has been fully satisfied.
 - c. A full legal description of the property to which the lien had been applied.
 - d. An indication of the County Recorder’s File# or record# and the date the lien had been originally filed (from the County Recorder’s filing sticker).
 - e. The notarized signature of the Financial Analyst, or designee, affirming the debt in question has now been fully satisfied. There are staff with notary authority within Iowa Medicaid (i.e.: Jean Rossow-Kinseth).
6. Once the lien release affidavit is completed and notarized the PI Financial Analyst prepares a cover letter addressed to the Recorder’s office of the county in question. This letter accompanies the affidavit, references the debtor by name, references any required filing fee, and indicates the provider has been instructed to bring the affidavit along with the required filing fee to the recorder’s office for the release of the lien. The letter further indicates it is the responsibility of the provider to bear all costs of having their lien released. An example of a lien release affidavit cover letter is provided at the end of this procedure.
7. The PI Financial Analyst also completes a separate, brief cover letter to the provider that accompanies the affidavit (5) and the cover letter to the county recorder (6). This brief letter is to simply instruct the provider to forward the affidavit and filing fee to the county recorder. An example of this letter is provided at the end of this procedure.

Forms/Reports:

Property Search File – County Recorder website
Claim of Lien Affidavit

Interfaces:

Program Integrity Unit
Iowa Medicaid PI State Staff
State Assistant Attorney General

Attachments:



Claim of Lien
Release Example.pdf

File Path:

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