

Red Tape Review Rule Report (Due: September 1, 2024)

Department Name:	Department of Health and Human Services	Date:	4/9/2024	Total Rule Count:	10
IAC #:	441	Chapter/ SubChapter/ Rule(s):	89	Iowa Code Section Authorizing Rule:	249F
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

Establishment of a debt for medical assistance due to a transfer of assets for less than fair market value. These rules allow the department to establish a debt against a person who receives the transferred assets from a Medicaid applicant or recipient within five years prior to an application for medical assistance if the applicant is approved for Medicaid. The debt is established against the transferee in an amount equal to the medical assistance provided, but not in excess of the fair market value of the assets transferred.

Is the benefit being achieved? Please provide evidence.

Yes. These rules facilitated the imposition of 129 transfer of assets penalties from 1/1/2023 through 1/1/2024.

What are the costs incurred by the public to comply with the rule?

None identified.

What are the costs to the agency or any other agency to implement/enforce the rule?

HHS incurs personnel costs for team members to implement the program.

Do the costs justify the benefits achieved? Please explain.

Yes. Eliminating these rules entirely could lead to confusion, and lack of clear procedures and direction surrounding the establishment of debt for medical assistance due to a transfer of assets for less than fair market value.

Are there less restrictive alternatives to accomplish the benefit? YES NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

HHS supports the establishment of debts due from transfers of assets in accordance with Iowa Code. This rule chapter provides additional context, and clarifies specific procedures, but only within the scope and as defined in Iowa Code.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

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441-89.1
441-89.3
441-89.5
441-89.6
441-89.7
441-89.8
441-89.9

RULES PROPOSED FOR REPEAL (list rule number[s]):

None

RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):

441-89.1
441-89.2
441-89.3
441-89.4
441-89.5
441-89.6
441-89.7
441-89.8
441-89.9
441-89.10

***For rules being re-promulgated with changes, you may attach a document with suggested changes.**

METRICS

Total number of rules repealed:	0
Proposed word count reduction after repeal and/or re-promulgation	1355
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	22

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

