

Sixty-second
Legislative Assembly
of North Dakota

SENATE BILL NO. 2074

Introduced by

Human Services Committee

(At the request of the Department of Human Services)

1 A BILL for an Act to amend and reenact subsection 1 of section 50-24.1-07 of the North Dakota
2 Century Code, relating to the recovery by the state from the estate of a permanently
3 institutionalized medical assistance recipient.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 1 of section 50-24.1-07 of the North Dakota
6 Century Code is amended and reenacted as follows:

- 7 1. On the death of any recipient of medical assistance who was a resident of a nursing
8 facility, intermediate care facility for the mentally retarded, or other medical institution
9 and with respect to whom the department of human services determined that resident
10 reasonably was not expected to be discharged from the medical institution and to
11 return home, or who was fifty-five years of age or older when the recipient received the
12 assistance, and on the death of the spouse of the deceased recipient, the total amount
13 of medical assistance paid on behalf of the recipient following the ~~determination~~
14 ~~that~~institutionalization of the recipient who cannot reasonably be expected to be
15 discharged from the medical institution, or following the recipient's fifty-fifth birthday, as
16 the case may be, must be allowed as a preferred claim against the decedent's estate
17 after payment, in the following order, of:
- 18 a. Funeral expenses not in excess of three thousand dollars;
 - 19 b. Expenses of the last illness, other than those incurred by medical assistance;
 - 20 c. Expenses of administering the estate, including attorney's fees approved by the
21 court;
 - 22 d. Claims made under chapter 50-01;
 - 23 e. Claims made under chapter 50-24.5;
 - 24 f. Claims made under chapter 50-06.3 and on behalf of the state hospital; and

- 1 g. Claims made under subsection 4.