

**FIRST ENGROSSMENT
with Senate Amendments**

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1351

Introduced by

Representatives Kreidt, Pietsch, Pollert

Senator Dever

1 A BILL for an Act to amend and reenact section 50-24.1-07 of the North Dakota Century Code,
2 relating to claims against medical assistance recipients' estates.

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

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

6 **50-24.1-07. Recovery from estate of medical assistance recipient.**

- 7 1. On the death of any recipient of medical assistance who was a resident of a
8 nursing facility, intermediate care facility for the mentally retarded, or other medical
9 institution and with respect to whom the department of human services determined
10 that resident reasonably was not expected to be discharged from the medical
11 institution and to return home, or who was fifty-five years of age or older when the
12 recipient received the assistance, and on the death of the spouse of the deceased
13 recipient, the total amount of medical assistance paid on behalf of the recipient
14 following the determination that the recipient cannot reasonably be expected to be
15 discharged from the medical institution, or the recipient's fifty-fifth birthday, as the
16 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
21 the court;
 - 22 d. Claims made under chapter 50-01;
 - 23 e. Claims made under chapter 50-24.5; and
 - 24 f. Claims made under chapter 50-06.3 and on behalf of the state hospital.

- 1 2. A claim may not be required to be paid nor may interest begin to accrue during the
2 lifetime of the decedent's surviving spouse, if any, nor while there is a surviving
3 child who is under the age of twenty-one years or is blind or permanently and
4 totally disabled, but no timely filed claim may be disallowed because of the
5 provisions of this section.
- 6 3. Every personal representative, upon the granting of letters of administration or
7 testamentary shall forward to the department of human services a copy of the
8 petition or application commencing probate, heirship proceedings, or joint tenancy
9 tax clearance proceedings in the respective district court, together with a list of the
10 names of the legatees, devisees, surviving joint tenants, and heirs at law of the
11 estate. Unless a properly filed claim of the department of human services is paid
12 in full, the personal representative shall provide to the department a statement of
13 assets and disbursements in the estate.