

HOUSE BILL NO. 1436

Introduced by

Representatives Koppelman, Kasper, Kerzman

Senators Nething, Warner

1 A BILL for an Act to amend and reenact section 50-24.1-07 of the North Dakota Century Code,
2 relating to the accrual of interest on medical assistance of a deceased recipient.

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 fifty-five years of age
8 or older when the recipient received the assistance, and on the death of the
9 spouse of the deceased recipient, the total amount of medical assistance paid on
10 behalf of the recipient following the recipient's fifty-fifth birthday must be allowed as
11 a preferred claim against the decedent's estate after payment, in the following
12 order, of:
- 13 a. Funeral expenses not in excess of three thousand dollars;
 - 14 b. Expenses of last illness;
 - 15 c. Expenses of administering the estate, including attorney's fees approved by
16 the court;
 - 17 d. Claims made under chapter 50-01;
 - 18 e. Claims made under chapter 50-24.5; and
 - 19 f. Claims made under chapter 50-06.3 and on behalf of the state hospital.
- 20 2. ~~No~~ A claim must may not be required to be paid nor may interest begin to accrue
21 during the lifetime of the decedent's surviving spouse, if any, nor while there is a
22 surviving child who is under the age of twenty-one years or is blind or permanently
23 and totally disabled, but no timely filed claim may be disallowed because of the
24 provisions of this section.

1 3. Every personal representative, upon the granting of letters of administration or
2 testamentary shall forward to the department of human services a copy of the
3 petition or application commencing probate, heirship proceedings, or joint tenancy
4 tax clearance proceedings in the respective district court, together with a list of the
5 names of the legatees, devisees, surviving joint tenants, and heirs at law of the
6 estate. Unless a properly filed claim of the department of human services is paid in
7 full, the personal representative shall provide to the department a statement of
8 assets and disbursements in the estate.