

February 25, 1969

HOUSE FILE 367

Placed on Calendar

Social Services 4-14, Pass 4-25

By COMMITTEE ON SOCIAL SERVICES

Passed House, Date 4-4-69 Passed Senate, Date 5-14-69

Vote: Ayes 104 Nays 0 Vote: Ayes 40 Nays 1

Approved

A BILL FOR

- 1 An Act relating to the recovery of moneys from the estate of
- 2 a person who has received medical assistance.
- 3 *Be It Enacted by the General Assembly of the State of Iowa:*
- 4 Section 1. Section seven (7) of chapter two hundred twenty-
- 5 three (223), Acts of the Sixty-second General Assembly is hereby
- 6 repealed and the following enacted in lieu thereof:
- 7 "On the death of a person receiving or who has received
- 8 assistance under this Act and of the survivor of a married
- 9 couple, either or both of whom were so assisted and during
- 10 which time such recipient was sixty-five years of age or older,
- 11 the total amount paid as assistance shall be allowed as a claim
- 12 of the sixth class against the estate of such decedent. Neither
- 13 the homestead nor the proceeds therefrom of such decedent or
- 14 his survivor shall be exempt from the payment of such claim,
- 15 any act or statute notwithstanding. An action may be brought
- 16 in the name of the state to recover the same at any time within
- 17 five years after the death of the person receiving aid and
- 18 after the death of the survivor of the married couple, either
- 19 or both of whom have received assistance under the provisions
- 20 of this Act. No such claim shall be allowed, however, if the
- 21 recipient left a surviving spouse or a child under twenty-one
- 22 years of age, or blind, or permanently or totally disabled."

EXPLANATION OF HOUSE FILE 367

This bill is an expansion and clarification of the former provision, undertaken in order to comply with federal regulations. As revised, this provision will increase the enforceability of a claim against a decedent's estate for medical assistance paid by the state when made within five

years of the death of the recipient and when the recipient has no dependents then living.

Chapter 223, section 7 of the Acts of the Sixty-second General Assembly, in many cases make it impossible to enforce the claim against the estate of a person receiving medical assistance. For example, claims are outlawed in five years unless special provision is made. This section needs to be carefully rewritten so that it will not conflict with federal regulations.

FISCAL NOTE
HOUSE FILE 367

Date prepared April 22, 1969

Requested by Senator Kosek.

Prepared in regard to a bill for an act relating to the recovery of moneys from the estate of a person who has received medical assistance.

Following is the fiscal effect in dollars of the legislative proposal as required by Rule 47: No additional cost to the state. This act should return some of the revenue spent on medical assistance to the state. No estimate as to the amount that would be returned if this act is enacted.

Filed
April 23, 1969

GERRY D. RANKIN
Legislative Fiscal Director

- 1 House File 367 shall be amended by striking lines seven (7)
- 2 through twenty-two (22) and inserting in lieu thereof the follow-
- 3 ing:
- 4 "On the death of a person receiving or who has received
- 5 assistance under this Act, and of the survivor of a married
- 6 couple, either or both of whom were so assisted and during which
- 7 time such recipient was sixty-five (65) years of age or older,
- 8 the total amount paid as assistance to either shall be allowed as
- 9 a claim of the sixth class against the estate of such decedent or
- 10 the surviving spouse. Neither the homestead nor the proceeds
- 11 therefrom of such decedent, or the survivor, shall be exempt from
- 12 the payment of such claim, any act or statute notwithstanding.
- 13 An action may be brought in the name of the state to recover the
- 14 same at any time within five (5) years after the death of the
- 15 person receiving aid and after the death of the survivor of the
- 16 married couple, either or both of whom have received assistance
- 17 under the provisions of this Act. No such claim shall be allowed,
- 18 however, until the death of the surviving spouse nor shall such
- 19 claim be allowed if a child under twenty-one (21) years of age,
- 20 or a child who is blind or is permanently and totally disabled,
- 21 survives a surviving spouse or a recipient who has no surviving
- 22 spouse. The right to a claim existing at the effective date of
- 23 this Act against the estate of any person who had, prior to the
- 24 effective date of this Act, received medical assistance pursuant
- 25 to chapter two hundred forty-nine A (249A), Code 1966, shall be
- 26 preserved and continued under this Act."

Filed - *Adopted 4-4*
April 1, 1969

COMMITTEE ON SOCIAL SERVICES
EDGAR H. HOLDEN, Chairman