

# Senate Study Bill 1037

## Bill Text

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1 1 Section 1. Section [633.410](#), Code 2001, is amended to read  
1 2 as follows:

1 3 633.410 LIMITATION ON FILING CLAIMS AGAINST DECEDENT'S  
1 4 ESTATE.

1 5 1. All claims against a decedent's estate, other than  
1 6 charges, whether due or to become due, absolute or contingent,  
1 7 liquidated or unliquidated, founded on contract or otherwise,  
1 8 are forever barred against the estate, the personal  
1 9 representative, and the distributees of the estate, unless  
1 10 filed with the clerk within the later to occur of four months  
1 11 after the date of the second publication of the notice to  
1 12 creditors or, as to each claimant whose identity is reasonably  
1 13 ascertainable, one month after service of notice by ordinary  
1 14 mail to the claimant's last known address.

1 15 2. Notwithstanding subsection 1, claims for debts created  
1 16 under section 249A.5 relating to the recovery of medical  
1 17 assistance payments shall be barred under this section unless  
1 18 filed with the clerk within the later to occur of fifteen  
1 19 months after the date of the second publication of the notice  
1 20 to creditors, or two months after service of notice by  
1 21 ordinary mail to the entity designated by the department of  
1 22 human services to receive notice.

1 23 3.

~~However, notice~~

~~Notice is not required to be given by~~

1 24 mail to any creditor whose claim will be paid or otherwise  
1 25 satisfied during administration and the personal  
1 26 representative may waive the limitation on filing provided  
1 27 under this section. This section does not bar claims for  
1 28 which there is insurance coverage, to the extent of the  
1 29 coverage,

~~claims for debts created under section 249A.5~~

1 30

~~relating to the recovery of medical assistance payments,~~

~~or~~

1 31 claimants entitled to equitable relief due to peculiar  
1 32 circumstances.

1 33

### EXPLANATION

1 34 This bill amends Code section 633.410 relating to  
1 35 limitations on filing medical assistance claims pursuant to  
2 1 Iowa Code section 249A.5 against a decedent's estate.

2 2 The bill places limits on the filing time for medical  
2 3 assistance claims against a decedent's estate to 15 months  
2 4 after the date of second publication of notice to creditors,  
2 5 or two months after service of notice by ordinary mail to the  
2 6 entity designated by the department of human services,  
2 7 whichever is later. Current law provides no limitation on  
2 8 claims for medical assistance services provided through the  
2 9 medical assistance program.

2 10 LSB 1126XC 79

