13.0343.02000

Sixty-third
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1172

Introduced by

Representatives Kreidt, Heller, Rohr, Wieland

Senator Unruh

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 from the estate of a medical assistance recipient.

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

4   **SECTION 1. AMENDMENT.** Subsection 1 of section 50-24.1-07 of the North Dakota

5 Century Code is amended and reenacted as follows:

6   1.   On the death of any recipient of medical assistance who was a resident of a nursing

7   facility, intermediate care facility for individuals with intellectual disabilities, or other

8   medical institution and with respect to whom the department of human services

9   determined that resident reasonably was not expected to be discharged from the

10   medical institution and to return home, or who was fifty-five years of age or older when

11   the recipient received the assistance, and on the death of the spouse of the deceased

12   recipient, the total amount of medical assistance paid on behalf of the recipient

13   following the institutionalization of the recipient who cannot reasonably be expected to

14   be discharged from the medical institution, or following the recipient's fifty-fifth birthday,

15   as the case may be, must be allowed as a preferred claim against the decedent's

16   estate after payment, in the following order, of:

17   a.   <u>Recipient liability expense applicable to the month of death for nursing home or</u>

18   <u>basic care services;</u>

19   <u>b.</u>   Funeral expenses not in excess of three thousand dollars;

20   <s>b.</s><u>c.</u>   Expenses of the last illness, other than those incurred by medical assistance;

21   <s>c.</s><u>d.</u>   Expenses of administering the estate, including attorney's fees approved by the

22   court;

23   <s>d.</s><u>e.</u>   Claims made under chapter 50-01;

24   <s>e.</s><u>f.</u>   Claims made under chapter 50-24.5;

1   f. g.   Claims made under chapter 50-06.3 and on behalf of the state hospital; and

2   g. h.   Claims made under subsection 4.