

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 597, Page 36,
2 Section 376.758, Line 10, by inserting after all of said section and line the following:

3
4 "473.397. All claims and statutory allowances against the estate of a decedent shall be
5 divided into the following classes:

6 (1) Costs;

7 (2) Expenses of administration;

8 (3) Exempt property, family and homestead allowances;

9 (4) Funeral expenses;

10 (5) Debts and taxes due the United States of America;

11 (6) Debts for medical assistance due to the state of Missouri under section 473.398;

12 (7) Expenses of the last sickness, wages of servants, claims for medicine and medical
13 attendance during the last sickness, and the reasonable cost of a tombstone;

14 ~~[(7)]~~ (8) Debts and taxes due the state of Missouri, any county, or any political subdivision
15 of the state of Missouri;

16 ~~[(8)]~~ (9) Judgments rendered against the decedent in his lifetime and judgments rendered
17 upon attachments levied upon property of decedent during his lifetime;

18 ~~[(9)]~~ (10) All other claims not barred by section 473.360.

19 473.398. 1. Upon the death of a person, who has been a participant of aid, assistance, care,
20 services, or who has had moneys expended on his behalf by the department of health and senior
21 services, department of social services, or the department of mental health, or by a county
22 commission, the total amount paid to the decedent or expended upon his behalf after January 1,
23 1978, shall be a debt due the state or county, as the case may be, from the estate of the decedent.
24 The debt shall be collected as provided by the probate code of Missouri, chapters 472, 473, 474 and
25 475.

26 2. Procedures for the allowance of such claims shall be in accordance with this chapter, and
27 such claims shall be allowed as a claim of ~~[the seventh]~~ either the sixth or eighth class under
28 ~~[subdivision (7)]~~ subdivisions (6) and (8) of section 473.397.

29 3. Such claim shall not be filed or allowed if it is determined that:

30 (1) The cost of collection will exceed the amount of the claim;

31 (2) The collection of the claim will adversely affect the need of the surviving spouse or
32 dependents of the decedent to reasonable care and support from the estate.

33 4. Claims consisting of moneys paid on the behalf of a participant as defined in 42 U.S.C.
34 1396 shall be allowed, except as provided in subsection 3 of this section, upon the showing by the
35 claimant of proof of moneys expended. Such proof may include but is not limited to ~~[the following~~
36 ~~items which are deemed to be competent and substantial evidence of payment:~~

Action Taken _____ Date _____

1 ~~——(1)] computerized records maintained by any governmental entity as described in subsection~~
2 1 of this section of a request for payment for services rendered to the participant~~]; and~~

3 ~~——(2) The certified statement of the treasurer or his designee that the payment was made],~~
4 which shall be deemed to be competent and substantial evidence of payment.

5 5. The provisions of this section shall not apply to any claims, adjustments or recoveries
6 specifically prohibited by federal statutes or regulations duly promulgated thereunder. Further, the
7 federal government shall receive from the amount recovered any portion to which it is entitled.

8 6. Before any probate estate may be closed under this chapter, with respect to a decedent
9 who, at the time of death, was enrolled in MO HealthNet, the personal representative of the estate
10 shall file with the clerk of the court exercising probate jurisdiction a release from the MO HealthNet
11 division evidencing payment of all MO HealthNet benefits, premiums, or other such costs due from
12 the estate under law, unless waived by the MO HealthNet division."; and

13
14 Further amend said bill by amending the title, enacting clause, and intersectional references
15 accordingly.