

SECOND REGULAR SESSION

HOUSE BILL NO. 3234

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE VEIT.

6558H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 473.398, RSMo, and to enact in lieu thereof one new section relating to the recovery of public assistance funds from recipients' estates.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 473.398, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 473.398, to read as follows:

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

2. Procedures for the allowance of such claims shall be in accordance with this chapter, and such claims shall be allowed as a claim of either the sixth or eighth class under subdivisions (6) and (8) of section 473.397.

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

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

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

4. Claims consisting of moneys paid on the behalf of a participant as defined in 42 U.S.C. Section 1396 shall be allowed, except as provided in subsection 3 of this section, upon the showing by the claimant of proof of moneys expended. Such proof may include but is not

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 limited to computerized records maintained by any governmental entity as described in
19 subsection 1 of this section of a request for payment for services rendered to the participant,
20 which shall be deemed to be competent and substantial evidence of payment.

21 **5. The department of social services shall file a claim allowed under this section**
22 **against the estate of a decedent to recover a debt due to the department within six**
23 **months of receiving written or email notice of the issuance of letters testamentary or of**
24 **administration of the estate.**

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

29 ~~[6.]~~ **7.** Before any probate estate may be closed under this chapter, with respect to a
30 decedent who, at the time of death, was enrolled in MO HealthNet, the personal
31 representative of the estate shall file with the clerk of the court exercising probate
32 jurisdiction a release from the MO HealthNet division evidencing payment of all MO
33 HealthNet benefits, premiums, or other such costs due from the estate under law, unless
34 waived by the MO HealthNet division.

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