

By: Senator(s) Robertson, Gordon, Lee,
Moffatt, Nunnelee, Stogner, Thames, Dickerson

To: Public Health and
Welfare

SENATE BILL NO. 2134

1 AN ACT TO AMEND SECTION 43-13-317, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE DIVISION OF MEDICAID SHALL NOT BE ENTITLED TO
3 RECOVERY OF MEDICAID PAYMENTS FROM THE HOMESTEAD OF A DECEASED
4 RECIPIENT IF THERE ARE HEIRS AT LAW; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 43-13-317, Mississippi Code of 1972, is
7 amended as follows:

8 43-13-317. (1) In accordance with applicable federal law
9 and rules and regulations, including those under Title XIX of the
10 Social Security Act, the division may seek recovery of payments
11 for nursing facility services, home- and community-based services,
12 and related hospital and prescription drug services from the
13 estate of a deceased Medicaid recipient who was fifty-five (55)
14 years of age or older when he received the assistance. The
15 division shall be noticed as an identified creditor against the
16 estate of the deceased Medicaid recipient pursuant to Section
17 91-7-145, Mississippi Code of 1972.

18 (2) The claim shall be waived by the division (a) if there
19 is a surviving spouse; or (b) if there is a surviving dependent
20 who is under the age of twenty-one (21) years or who is blind or
21 disabled; or (c) as provided by federal law and regulation, if it
22 is determined by the division or by court order that there is
23 undue hardship; or (d) as to the homestead of the deceased
24 Medicaid recipient if there are heirs at law who have designated
25 homestead under the provisions of Section 85-3-33.

26 **SECTION 2.** This act shall take effect and be in force from
27 and after July 1, 2002.

