SENATE BILL NO. 2134

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

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

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

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

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

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