

By: Representative Newman

To: Medicaid

HOUSE BILL NO. 40

1 AN ACT TO AMEND SECTION 43-13-317, MISSISSIPPI CODE OF 1972,  
 2 TO PROVIDE THAT IF THE DIVISION OF MEDICAID ASSUMES OWNERSHIP OF  
 3 THE RESIDENCE OF A DECEASED MEDICAID RECIPIENT AS A CONSEQUENCE OF  
 4 SEEKING RECOVERY OF MEDICAID PAYMENTS FROM THE RECIPIENT'S ESTATE,  
 5 THE DIVISION SHALL TAKE THE NECESSARY ACTIONS TO ENSURE THAT THE  
 6 RESIDENCE IS SOLD OR LEASED PROMPTLY TO AN INDIVIDUAL WHO WILL  
 7 OCCUPY THE RESIDENCE SO THAT THE PROPERTY WILL NOT BE LEFT  
 8 UNOCCUPIED WHILE IT IS OWNED BY THE DIVISION; AND FOR RELATED  
 9 PURPOSES.

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

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

13 43-13-317. (1) The division shall be noticed as an  
 14 identified creditor against the estate of any deceased Medicaid  
 15 recipient under Section 91-7-145.

16 (2) In accordance with applicable federal law and rules and  
 17 regulations, including those under Title XIX of the federal Social  
 18 Security Act, the division may seek recovery of payments for  
 19 nursing facility services, home- and community-based services and  
 20 related hospital and prescription drug services from the estate of  
 21 a deceased Medicaid recipient who was fifty-five (55) years of age



22 or older when he or she received the assistance. The claim shall  
23 be waived by the division: (a) if there is a surviving spouse; or  
24 (b) if there is a surviving dependent who is under the age of  
25 twenty-one (21) years or who is blind or disabled; or (c) as  
26 provided by federal law and regulation, if it is determined by the  
27 division or by court order that there is undue hardship.

28 (3) If the division assumes ownership of the residence of a  
29 deceased Medicaid recipient as a consequence of seeking recovery  
30 of Medicaid payments under the provisions of this section, the  
31 division shall take the necessary actions to ensure that the  
32 residence is sold or leased promptly to an individual who will  
33 occupy the residence so that the property will not be left  
34 unoccupied while it is owned by the division.

35 **SECTION 2.** This act shall take effect and be in force from  
36 and after July 1, 2022.

