

HOUSE BILL 393

N2, J1

0lr2311
CF SB 150

By: **Delegate Malone**

Introduced and read first time: January 22, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts – Estate Recoveries – Presentation of Claims Against**
3 **Medicaid Recipients**

4 FOR the purpose of altering the period of time within which the Maryland Department of
5 Health must present a claim against the estate of a deceased Maryland Medical
6 Assistance Program recipient before the claim is barred; and generally relating to
7 claims against the estate of a deceased Maryland Medical Assistance Program
8 recipient.

9 BY repealing and reenacting, with amendments,
10 Article – Estates and Trusts
11 Section 8–103(f)
12 Annotated Code of Maryland
13 (2017 Replacement Volume and 2019 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Health – General
16 Section 15–121
17 Annotated Code of Maryland
18 (2019 Replacement Volume)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Estates and Trusts**

22 8–103.

23 (f) A claim filed by the Maryland Department of Health against the estate of a
24 deceased Maryland Medical Assistance Program recipient, as authorized under § 15–121(a)
25 of the Health – General Article, is forever barred against the estate, the personal

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 representative, and the heirs and legatees, unless the claim is presented within the earlier
2 of the following dates:

3 (1) 6 months after **THE FIRST** publication of notice of the first appointment
4 of a personal representative; or

5 (2) 2 months after the personal representative mails or otherwise delivers
6 to the Department's Division of Medical Assistance Recoveries a copy of a notice in the form
7 required under § 7-103 of this article or other written notice, notifying the Department
8 that the claim shall be barred unless the Department presents its claim within 2 months
9 from the receipt of the notice.

10 **Article – Health – General**

11 15–121.

12 (a) In accordance with applicable federal law and rules and regulations, including
13 those under Title XIX of the Social Security Act, the Department may make claim against
14 the estate of a deceased Program recipient for the amount of any medical assistance
15 payments under this title.

16 (b) The claim shall be waived by the Department if, in its judgment, enforcement
17 of the claim will cause substantial hardship to the surviving dependents of the deceased.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2020.