MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Newman To: Medicaid

HOUSE BILL NO. 764

AN ACT TO AMEND SECTION 43-13-317, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF THE DIVISION OF MEDICAID HAS ASSUMED OWNERSHIP OF THE RESIDENCE OF A DECEASED MEDICAID RECIPIENT AS A CONSEQUENCE OF SEEKING RECOVERY OF MEDICAID PAYMENTS FROM THE RECIPIENT'S ESTATE, THE DIVISION SHALL TAKE THE NECESSARY ACTIONS TO ENSURE THAT THE RESIDENCE IS PROMPTLY SOLD OR LEASED TO AN INDIVIDUAL WHO WILL OCCUPY THE RESIDENCE, SO THAT THE PROPERTY WILL NOT BE LEFT UNOCCUPIED WHILE IT IS OWNED BY THE DIVISION; 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) The division shall be noticed as an identified creditor against the estate of any deceased Medicaid recipient under Section 91-7-145.

(2) In accordance with applicable federal law and rules and regulations, including those under Title XIX of the federal 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 or she received the assistance. 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.

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

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.