

JAN 17 2014

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# A BILL FOR AN ACT

RELATING TO MEDICAL ASSISTANCE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 346-37, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) If a recipient under this chapter dies leaving an  
4 estate and does not have a surviving spouse, child, father,  
5 mother, grandfather, grandmother, grandchild, stepfather,  
6 stepmother, or any designated heir, the department shall have a  
7 valid claim against the estate for the amount of social services  
8 overpayments, financial assistance overpayments, or burial  
9 payments granted.

10           The department shall file a claim against the estate of a  
11 deceased recipient of medical assistance for the amount of  
12 medical assistance granted[7] only if [~~the recipient was age~~  
13 ~~fifty five or over when such medical assistance was received and~~  
14 ~~there is no surviving spouse, or surviving child who is under~~  
15 ~~twenty one years of age, or blind, or disabled.~~ The department  
16 shall file a claim against the estate of a recipient of medical  
17 assistance who was] :



1        (1) The amount of the claim is entirely for long-term care  
2        services, including those services received as an  
3        inpatient in a nursing facility, intermediate care  
4        facility for individuals with intellectual  
5        disabilities, or other medical institution [~~only if~~  
6        there]; and

7        (2) There is no surviving spouse or surviving child who is  
8        under twenty-one years of age, or blind, or disabled."

9        SECTION 2. Statutory material to be repealed is bracketed  
10      and stricken. New statutory material is underscored.

11      SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: Arvid Y. Lee



# S.B. NO. 2453

**Report Title:**

Medical Assistance; Medicaid; Estate Recovery of Assets; Long-Term Care Costs

**Description:**

Limits DHS claims for the recovery of medical assistance payments from the estates of deceased recipients to payments made for long-term care services.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

