

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1443
Committee Substitute Favorable 7/25/07
Third Edition Engrossed 7/26/07

Short Title: Amend Medicaid Estate Recovery Plan.

(Public)

Sponsors:

Referred to:

April 16, 2007

A BILL TO BE ENTITLED

AN ACT TO AMEND THE MEDICAID ESTATE RECOVERY PLAN.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 108A-70.5(b) reads as rewritten:

"(b) As used in this section:

- (1) "Medical assistance" means medical care services paid for by the North Carolina Medicaid Program on behalf of the recipient:
 - a. If the recipient is receiving these medical care services as an inpatient in a nursing facility, intermediate care facility for the mentally retarded, or other medical institution, and cannot reasonably be expected to be discharged to return home; or
 - b. If the recipient is 55 years of age or older and is receiving these medical care services, including related hospital care and prescription drugs, for nursing facility services, ~~personal-care services~~, or home- and community-based waiver services.
- (2) "Estate" means all the real and personal property considered assets of the estate available for the discharge of debt pursuant to G.S. 28A-15-1."

SECTION 2. Effective July 1, 2008, G.S. 108A-70.5(b), as amended by Section 10.21C(a) of S.L. 2005-276, reads as rewritten:

"(b) As used in this section:

- (1) "Medical assistance" means medical care services paid for by the North Carolina Medicaid Program on behalf of the recipient:
 - a. If the recipient of any age is receiving medical care services as an inpatient in a nursing facility, intermediate care facility for the mentally retarded, or other medical institution, and cannot reasonably be expected to be discharged to return home; or

- 1 b. If the recipient is 55 years of age or older and is receiving one
2 or more of the following medical care services:
3 1. Nursing facility services.
4 2. Home and community-based waiver services.
5 3. Hospital care and prescription drugs related to nursing
6 facility services or home and community-based services.
7 4. ~~Personal care services.~~
8 5. ~~Medicare premiums.~~
9 6. ~~Private duty nursing.~~
10 7. ~~Home health aide services.~~
11 8. ~~Home health therapy.~~
12 9. ~~Speech pathology services.~~
13 (2) "Estate" means all the real and personal property considered assets of
14 the estate available for the discharge of debt pursuant to
15 G.S. 28A-15-1.
16 (3) "Home" means property in which a recipient has, or had immediately
17 before or at the time of the recipient's death, an ownership interest or
18 legal title to, consisting of the recipient's dwelling and the land used
19 and operated in connection with the dwelling."
20 **SECTION 3.** Section 1 of this act expires July 1, 2008. This act is effective
21 when it becomes law.