

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE DRS75233-ME-70 (03/12)

Short Title: Amend Laws Pertaining to Medicaid.-AB (Public)

Sponsors: Senator Hise (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CHANGES REQUESTED BY THE DEPARTMENT OF HEALTH
3 AND HUMAN SERVICES TO LAWS PERTAINING TO MEDICAID.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 108A-70.5(b)(2) reads as rewritten:

6 "(2) Estate. – All the real and personal property considered assets of the estate
7 available for the discharge of debt pursuant to G.S. 28A-15-1. For the
8 purpose of recovery under this statute and for individuals who have received
9 benefits under a qualified long-term care partnership policy as described in
10 G.S. 108A-70.4, "estate" also includes any other real and personal property
11 and other assets in which the individual had any legal title or interest at the
12 time of death (to the extent of such interest), including assets conveyed to a
13 survivor, heir, or assign of the deceased individual through joint tenancy,
14 tenancy in common, survivorship, life estate, living trust, or other
15 arrangement."

16 **SECTION 2.** Article 2 of Chapter 28A of the General Statutes is amended by
17 adding a new section to read as follows:

18 "**§ 28A-2A-24. Medicaid beneficiaries.**

19 Before any probate estate may be closed pursuant to G.S. 108A-70.5, with respect to a
20 decedent who at the time of death was enrolled in the State's Medicaid program, the personal
21 representative of the estate shall file with the clerk of the court exercising probate jurisdiction a
22 release from the Division of Medical Assistance. The release from the Division shall include
23 one of the following:

24 (1) Evidence of the payment of all medical assistance benefits, premiums, or
25 other such costs due from the estate under law.

26 (2) A waiver of the State's Medicaid-related claims.

27 (3) A statement from the Division that no amount is due."

28 **SECTION 3.** Article 8A of Chapter 36C of the General Statutes is amended by
29 adding a new section to read as follows:

30 "**§ 36C-8-118. Notice of deceased Medicaid beneficiaries.**

31 Any trustee who has a duty or power to pay debts of a deceased trust beneficiary shall give
32 notice to the Department of Health and Human Services, Division of Medical Assistance, if the
33 deceased trust beneficiary received any medical assistance from the State's Medicaid program.
34 Such notice shall be provided within 90 days of the death of the trust beneficiary. The Division
35 of Medical Assistance may make a claim against any trust deemed an available resource under
36 applicable law."



SECTION 4. G.S. 108C-3 reads as rewritten:

"§ 108C-3. Medicaid and Health Choice provider screening.

(c) Limited Categorical Risk Provider Types. – The following provider types are hereby designated as "limited" categorical risk:

- (15) Hearing aid dealers.
- (16) Portable X-ray suppliers.
- (17) Religious nonmedical health care institutions.
- (18) Registered dieticians.
- (19) Clearinghouses, billing agents, and alternate payees.

(e) Moderate Categorical Risk Provider Types. – The following provider types are hereby designated as "moderate" categorical risk:

- (13) Revalidating agencies providing private duty nursing, home health, personal care services or in-home care services, or home infusion.
- (14) Local health departments.
- (15) Nonemergency medical transportation.

...."

SECTION 5. This act becomes effective October 1, 2013.