

*Redfern
Hansen
King*

SSB.1037

Judiciary

Succeeded By

SF HF 354

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON MADDOX)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to limitations on filing medical assistance
2 claims against a decedent's estate.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 633.410, Code 2001, is amended to read
2 as follows:

3 633.410 LIMITATION ON FILING CLAIMS AGAINST DECEDENT'S
4 ESTATE.

5 1. All claims against a decedent's estate, other than
6 charges, whether due or to become due, absolute or contingent,
7 liquidated or unliquidated, founded on contract or otherwise,
8 are forever barred against the estate, the personal
9 representative, and the distributees of the estate, unless
10 filed with the clerk within the later to occur of four months
11 after the date of the second publication of the notice to
12 creditors or, as to each claimant whose identity is reasonably
13 ascertainable, one month after service of notice by ordinary
14 mail to the claimant's last known address.

15 2. Notwithstanding subsection 1, claims for debts created
16 under section 249A.5 relating to the recovery of medical
17 assistance payments shall be barred under this section unless
18 filed with the clerk within the later to occur of fifteen
19 months after the date of the second publication of the notice
20 to creditors, or two months after service of notice by
21 ordinary mail to the entity designated by the department of
22 human services to receive notice.

23 3. However, notice Notice is not required to be given by
24 mail to any creditor whose claim will be paid or otherwise
25 satisfied during administration and the personal
26 representative may waive the limitation on filing provided
27 under this section. This section does not bar claims for
28 which there is insurance coverage, to the extent of the
29 coverage, ~~claims-for-debts-created-under-section-249A.5~~
30 ~~relating-to-the-recovery-of-medical-assistance-payments,~~ or
31 claimants entitled to equitable relief due to peculiar
32 circumstances.

33

EXPLANATION

34 This bill amends Code section 633.410 relating to
35 limitations on filing medical assistance claims pursuant to

1 Iowa Code section 249A.5 against a decedent's estate.
 2 The bill places limits on the filing time for medical
 3 assistance claims against a decedent's estate to 15 months
 4 after the date of second publication of notice to creditors,
 5 or two months after service of notice by ordinary mail to the
 6 entity designated by the department of human services,
 7 whichever is later. Current law provides no limitation on
 8 claims for medical assistance services provided through the
 9 medical assistance program.

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H. 3/22/01 Judiciary
H. 4/5/01 Do Pass

H. 4/12/01 UNFINISHED BUSINESS CALENDAR

FILED MAR 6 '01

SENATE FILE 354
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1037)

Passed Senate, (P. 748) Date 3/21/01 Passed House, (P. 1394) Date 4/23/01
Vote: Ayes 44 Nays 0 Vote: Ayes 98 Nays 0
Approved May 3, 2001

A BILL FOR

1 An Act relating to limitations on filing medical assistance
2 claims against a decedent's estate.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SF 354

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1 Section 1. NEW SECTION. 633.230A NOTICE IN INTESTATE
2 ESTATES -- MEDICAL ASSISTANCE CLAIMS.

3 Upon opening administration of an intestate estate, the
4 administrator may, in accordance with section 633.410, provide
5 by ordinary mail to the entity designated by the department of
6 human services, a notice of opening administration of the
7 estate and of the appointment of the administrator, which
8 shall include a notice to file claims with the clerk within
9 the later to occur of fifteen months from the second
10 publication of the notice or two months from the date of
11 mailing of this notice, or thereafter be forever barred.

12 The notice shall be in substantially the following form:

13 NOTICE OF OPENING ADMINISTRATION OF ESTATE,
14 OF APPOINTMENT OF ADMINISTRATOR,
15 AND NOTICE TO CREDITOR

16 In the District Court of Iowa
17 In and for County.
18 In the Estate of, Deceased
19 Probate No.

20 To the Department of Human Services who may be interested
21 in the Estate of, Deceased, who died on or about
22 (date):

23 You are hereby notified that on the day of
24 (month), (year), an intestate estate was opened in the
25 above named court and that was appointed administrator
26 of the estate.

27 You are further notified that the birthdate of the deceased
28 is and the deceased's social security number is ...-
29 ..-..... The birthdate of the spouse is and the
30 spouse's social security number is-..-....., and that the
31 spouse of the deceased is alive as of the date of this notice,
32 or deceased as of (date).

33 You are further notified that the deceased was/was not a
34 disabled or a blind child of the medical assistance recipient
35 by the name of, who had a birthdate of..... and

1 a social security number of ...-...-...., and the medical
2 assistance debt of that medical assistance recipient was
3 waived pursuant to section 249A.5, subsection 2, paragraph
4 "a", subparagraph (1), and is now collectible from this estate
5 pursuant to section 249A.5, subsection 2, paragraph "b".

6 Notice is hereby given that if the department of human
7 services has a claim against the estate for the deceased
8 person or persons named in this notice, the claim shall be
9 filed with the clerk of the above named district court, as
10 provided by law, duly authenticated, for allowance, and unless
11 so filed by the later to occur of fifteen months from the
12 second publication of this notice or two months from the date
13 of the mailing of this notice, unless otherwise allowed or
14 paid, the claim is thereafter forever barred.

15 Dated this day of (month), (year)
16
17 Administrator of estate
18
19 Address

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21 Attorney for administrator
22
23 Address

24 Date of second publication
25 day of (month), (year)
26 (Date to be inserted by publisher)

27 Sec. 2. NEW SECTION. 633.304A NOTICE OF PROBATE OF WILL
28 -- MEDICAL ASSISTANCE CLAIMS.

29 On admission of a will to probate, the executor may, in
30 accordance with section 633.410, provide by ordinary mail to
31 the entity designated by the department of human services, a
32 notice of admission of the will to probate and of the
33 appointment of the executor, which shall include a notice to
34 file claims with the clerk within the later to occur of
35 fifteen months from the second publication of the notice or

1 two months from the date of mailing of this notice, or
2 thereafter be forever barred.

3 The notice shall be in substantially the following form:

4 NOTICE OF PROBATE OF WILL, OF APPOINTMENT
5 OF EXECUTOR, AND NOTICE TO CREDITORS

6 In the District Court of Iowa

7 In and for County.

8 In the Estate of, Deceased

9 Probate No.

10 To the Department of Human Services, Who May Be Interested
11 in the Estate of, Deceased, who died on or about
12 (date):

13 You are hereby notified that on the day of
14 (month), (year), the last will and testament of,
15 deceased, bearing date of the day of (month),....
16 (year), was admitted to probate in the above named court and
17 that was appointed executor of the estate.

18 You are further notified that the birthdate of the deceased
19 is and the deceased's social security number is
20 ...-...-..... The birthdate of the spouse is and the
21 spouse's social security number is ...-...-....., and that the
22 spouse of the deceased is alive as of the date of this notice,
23 or deceased as of (date).

24 You are further notified that the deceased was/was not a
25 disabled or a blind child of the medical assistance recipient
26 by the name of, who had a birthdate of
27 and a social security number of ...-...-....., and the medical
28 assistance debt of that medical assistance recipient was
29 waived pursuant to section 249A.5, subsection 2, paragraph
30 "a", subparagraph (1), and is now collectible from this estate
31 pursuant to section 249A.5, subsection 2, paragraph "b".

32 Notice is hereby given that if the department of human
33 services has a claim against the estate for the deceased
34 person or persons named in this notice, the claim shall be
35 filed with the clerk of the above named district court, as

1 provided by law, duly authenticated, for allowance, and unless
2 so filed by the later to occur of fifteen months from the
3 second publication of this notice or two months from the date
4 of mailing of this notice, unless otherwise allowed or paid,
5 the claim is thereafter forever barred.

6 Dated this day of (month), (year)

7

8 Executor of estate

9

10 Address

11

12 Attorney for executor

13

14 Address

15 Date of second publication

16 day of (month), (year)

17 (Date to be inserted by publisher)

18 Sec. 3. Section 633.410, Code 2001, is amended to read as
19 follows:

20 633.410 LIMITATION ON FILING CLAIMS AGAINST DECEDENT'S
21 ESTATE.

22 1. All claims against a decedent's estate, other than
23 charges, whether due or to become due, absolute or contingent,
24 liquidated or unliquidated, founded on contract or otherwise,
25 are forever barred against the estate, the personal
26 representative, and the distributees of the estate, unless
27 filed with the clerk within the later to occur of four months
28 after the date of the second publication of the notice to
29 creditors or, as to each claimant whose identity is reasonably
30 ascertainable, one month after service of notice by ordinary
31 mail to the claimant's last known address.

32 2. Notwithstanding subsection 1, claims for debts created
33 under section 249A.5, subsection 2, relating to the recovery
34 of medical assistance payments shall be barred under this
35 section unless filed with the clerk within the later to occur

1 of fifteen months after the date of the second publication of
2 the notice to creditors, or two months after service of notice
3 by ordinary mail, on the form prescribed in section 633.230A
4 for intestate estates or on the form prescribed in section
5 633.304A for testate estates, to the entity designated by the
6 department of human services to receive notice.

7 3. However, notice Notice is not required to be given by
8 mail to any creditor whose claim will be paid or otherwise
9 satisfied during administration and the personal
10 representative may waive the limitation on filing provided
11 under this section. This section does not bar claims for
12 which there is insurance coverage, to the extent of the
13 coverage, ~~claims-for-debts-created-under-section-249A.5~~
14 ~~relating-to-the-recovery-of-medical-assistance-payments,~~ or
15 claimants entitled to equitable relief due to peculiar
16 circumstances.

17 EXPLANATION

18 This bill amends Code section 633.410 relating to
19 limitations on filing medical assistance claims pursuant to
20 Code section 249A.5 against a decedent's estate.

21 The bill places limits on the filing time for medical
22 assistance claims against a decedent's estate to 15 months
23 after the date of second publication of notice to creditors,
24 or two months after service of notice by ordinary mail to the
25 entity designated by the department of human services,
26 whichever is later. Current law provides no limitation on
27 claims for medical assistance services provided through the
28 medical assistance program. The bill further prescribes
29 notice forms to be used for the filing of medical assistance
30 claims against intestate and testate estates.

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NOTICE OF OPENING ADMINISTRATION OF ESTATE,
OF APPOINTMENT OF ADMINISTRATOR,
AND NOTICE TO CREDITOR

In the District Court of Iowa
In and for County.
In the Estate of, Deceased
Probate No.

To the Department of Human Services who may be interested
in the Estate of, Deceased, who died on or about
(date):

You are hereby notified that on the day of
(month), (year), an intestate estate was opened in the
above named court and that was appointed administrator
of the estate.

You are further notified that the birthdate of the deceased
is and the deceased's social security number is ...-
..-..... The birthdate of the spouse is and the
spouse's social security number is ...-..-....., and that the
spouse of the deceased is alive as of the date of this notice,
or deceased as of (date).

You are further notified that the deceased was/was not a
disabled or a blind child of the medical assistance recipient
by the name of, who had a birthdate of
and a social security number of ...-..-....., and the medical
assistance debt of that medical assistance recipient was
waived pursuant to section 249A.5, subsection 2, paragraph
"a", subparagraph (1), and is now collectible from this estate
pursuant to section 249A.5, subsection 2, paragraph "b".

Notice is hereby given that if the department of human
services has a claim against the estate for the deceased
person or persons named in this notice, the claim shall be
filed with the clerk of the above named district court, as
provided by law, duly authenticated, for allowance, and unless
so filed by the later to occur of fifteen months from the
second publication of this notice or two months from the date

SENATE FILE 354

AN ACT

RELATING TO LIMITATIONS ON FILING MEDICAL ASSISTANCE CLAIMS
AGAINST A DECEDENT'S ESTATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 633.230A NOTICE IN INTESTATE
ESTATES -- MEDICAL ASSISTANCE CLAIMS.

Upon opening administration of an intestate estate, the
administrator may, in accordance with section 633.410, provide
by ordinary mail to the entity designated by the department of
human services, a notice of opening administration of the
estate and of the appointment of the administrator, which
shall include a notice to file claims with the clerk within
the later to occur of fifteen months from the second
publication of the notice or two months from the date of
mailing of this notice, or thereafter be forever barred.

The notice shall be in substantially the following form:

of the mailing of this notice, unless otherwise allowed or paid, the claim is thereafter forever barred.

Dated this day of (month), (year)

.....
Administrator of estate
.....
Address

.....
Attorney for administrator
.....
Address

Date of second publication
..... day of (month), (year)
(Date to be inserted by publisher)

Sec. 2. NEW SECTION. 633.304A NOTICE OF PROBATE OF WILL
-- MEDICAL ASSISTANCE CLAIMS.

On admission of a will to probate, the executor may, in accordance with section 633.410, provide by ordinary mail to the entity designated by the department of human services, a notice of admission of the will to probate and of the appointment of the executor, which shall include a notice to file claims with the clerk within the later to occur of fifteen months from the second publication of the notice or two months from the date of mailing of this notice, or thereafter be forever barred.

The notice shall be in substantially the following form:

NOTICE OF PROBATE OF WILL, OF APPOINTMENT
OF EXECUTOR, AND NOTICE TO CREDITORS

In the District Court of Iowa
In and for County.
In the Estate of, Deceased
Probate No.

To the Department of Human Services, Who May Be Interested
in the Estate of, Deceased, who died on or about
(date):

You are hereby notified that on the day of
(month), (year), the last will and testament of,
deceased, bearing date of the day of (month),
(year), was admitted to probate in the above named court and
that was appointed executor of the estate.

You are further notified that the birthdate of the deceased
is and the deceased's social security number is
...-...-..... The birthdate of the spouse is and the
spouse's social security number is ...-...-....., and that the
spouse of the deceased is alive as of the date of this notice,
or deceased as of (date).

You are further notified that the deceased was/was not a
disabled or a blind child of the medical assistance recipient
by the name of, who had a birthdate of
and a social security number of ...-...-....., and the medical
assistance debt of that medical assistance recipient was
waived pursuant to section 249A.5, subsection 2, paragraph
"a", subparagraph (1), and is now collectible from this estate
pursuant to section 249A.5, subsection 2, paragraph "b".

Notice is hereby given that if the department of human
services has a claim against the estate for the deceased
person or persons named in this notice, the claim shall be
filed with the clerk of the above named district court, as
provided by law, duly authenticated, for allowance, and unless
so filed by the later to occur of fifteen months from the
second publication of this notice or two months from the date
of mailing of this notice, unless otherwise allowed or paid,
the claim is thereafter forever barred.

Dated this day of (month), (year)

.....
Executor of estate
.....
Address

.....
Attorney for executor

.....

Address

Date of second publication

..... day of (month), (year)

(Date to be inserted by publisher)

Sec. 3. Section 633.410, Code 2001, is amended to read as follows:

633.410 LIMITATION ON FILING CLAIMS AGAINST DECEDENT'S ESTATE.

1. All claims against a decedent's estate, other than charges, whether due or to become due, absolute or contingent, liquidated or unliquidated, founded on contract or otherwise, are forever barred against the estate, the personal representative, and the distributees of the estate, unless filed with the clerk within the later to occur of four months after the date of the second publication of the notice to creditors or, as to each claimant whose identity is reasonably ascertainable, one month after service of notice by ordinary mail to the claimant's last known address.

2. Notwithstanding subsection 1, claims for debts created under section 249A.5, subsection 2, relating to the recovery of medical assistance payments shall be barred under this section unless filed with the clerk within the later to occur of fifteen months after the date of the second publication of the notice to creditors, or two months after service of notice by ordinary mail, on the form prescribed in section 633.230A for intestate estates or on the form prescribed in section 633.304A for testate estates, to the entity designated by the department of human services to receive notice.

3. However, notice Notice is not required to be given by mail to any creditor whose claim will be paid or otherwise satisfied during administration and the personal representative may waive the limitation on filing provided under this section. This section does not bar claims for which there is insurance coverage, to the extent of the

coverage, claims-for-debts-created-under-section-249A-5 relating-to-the-recovery-of-medical-assistance-payments or claimants entitled to equitable relief due to peculiar circumstances.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 354, Seventy-ninth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 5/3, 2001

THOMAS J. VILSACK
Governor