

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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**HOUSE BILL 1443
Committee Substitute Favorable 7/25/07**

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

b. If the recipient is 55 years of age or older and is receiving one or more of the following medical care services:

- 1 1. Nursing facility services.
- 2 2. Home and community-based waiver services.
- 3 3. Hospital care and prescription drugs related to nursing
- 4 facility services or home and community-based services.
- 5 4. ~~Personal care services.~~
- 6 5. ~~Medicare premiums.~~
- 7 6. ~~Private duty nursing.~~
- 8 7. ~~Home health aide services.~~
- 9 8. ~~Home health therapy.~~
- 10 9. ~~Speech pathology services.~~
- 11 (2) "Estate" means all the real and personal property considered assets of
- 12 the estate available for the discharge of debt pursuant to
- 13 G.S. 28A-15-1.
- 14 (3) "Home" means property in which a recipient has, or had immediately
- 15 before or at the time of the recipient's death, an ownership interest or
- 16 legal title to, consisting of the recipient's dwelling and the land used
- 17 and operated in connection with the dwelling."

SECTION 3. This act is effective when it becomes law.