

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

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**HOUSE DRH30376-LN-265 (4/5)**

Short Title: Amend Medicaid Estate Recovery Plan. (Public)

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Sponsors: Representative Clary.

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Referred to:

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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, 2007, 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.** This act is effective when it becomes law.