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H.397

Introduced by Representatives Berbeco of Winooski, Black of Essex, Boyden of Cambridge, Burrows of West Windsor, Christie of Hartford, Cina of Burlington, Cole of Hartford, Dodge of Essex, Donahue of Northfield, Farlice-Rubio of Barnet, Goldman of Rockingham, Holcombe of Norwich, Krasnow of South Burlington, McFaun of Barre Town, McGill of Bridport, Mrowicki of Putney, Noyes of Wolcott, Roberts of Halifax, Templeman of Brownington, and Waters Evans of Charlotte

Referred to Committee on

Date:

Subject: Health care; Medicaid; estate recovery

Statement of purpose of bill as introduced: This bill proposes to further limit the circumstances under which Medicaid may recover medical expenses from the estate of a Medicaid beneficiary.

An act relating to Medicaid estate recovery

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 33 V.S.A. § 1906a is amended to read:

§ 1906a. RECOVERY AGAINST ESTATE; HOMESTEAD EXEMPTIONS

1           (a) ~~No~~ Subject to federal law, no recovery of medical expenses shall be  
2 made under this subchapter;

3           (1) against a homestead, provided that the homestead would pass to one  
4 or more lineal heirs or siblings of the decedent who either;

5           (A) have income below 300 percent of the federal poverty level; or

6           (B) ~~who~~ have contributed significantly, monetarily or otherwise, to  
7 the decedent so as to allow the decedent to delay or avoid nursing home  
8 placement;

9           (2) against any asset that is the sole income-producing asset of one or  
10 more of the decedent's lineal heirs or siblings; or

11           (3) against the homestead of an individual who qualifies as a refugee  
12 pursuant to 8 U.S.C. § 1101(a)(42).

13           (b) If a maximum homestead value exemption is allowed by federal law,  
14 then any recoveries due to the U.S. Department of Health and Human Services  
15 on homesteads valued between such maximum and \$125,000.00 shall be paid  
16 through State general funds provided the caregiving or poverty standards set  
17 forth in this section are also met and the probate estate was opened after June  
18 30, 2000.

19           Sec. 2. EFFECTIVE DATE

20           This act shall take effect on passage.