

SESSION OF 2007

## SUPPLEMENTAL NOTE ON SENATE BILL NO. 74

As Amended by Senate Committee on  
Judiciary

### **Brief\***

SB 74, as amended, would change the notice requirements for estates that go through a probate process. The bill would require notice be given to the agency responsible for recovering medical assistance payments in Kansas or, if a state other than Kansas, to the attorney general of that state, if the decedent or the decedent's spouse received Medicaid assistance. The bill would authorize Kansas, or a state other than Kansas that provided medical assistance, to be a party to the probate action.

The bill also would require the administrators or executors of estates include in the final settlement of estates, a statement that the person did not receive medical assistance or that the state providing the medical assistance was notified of the probate action. Finally, the bill would require conservators in the final accounting of the conservatorship to reimburse the state Medicaid agency for payments made, if any, to the conservatee or the conservatee's spouse, as allowed by law.

### **Background**

The proponent of the bill included Randy Hearrell, Kansas Judicial Council. He testified that 2006 SB 536 would have required an executor or administrator of an estate before making the distribution of the estate and a conservator in the final accounting of a conservatorship to confirm that Medicaid reimbursements have been determined and paid. There were several objections to the bill and it was assigned to the Judicial Council for study. SB 74 is the product of the Judicial Council's study on Medicaid reimbursement.

The opponent of the bill included Jim Clark, Kansas Bar Association.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The amendments made by the Committee were technical in nature.

The fiscal note from the Division of Budget states that, according to the Kansas Health Policy Authority, a negligible number of additional estates would be identified for collection under the bill. Therefore, no fiscal effect is expected. The Office of Judicial Administration states that there would be no fiscal effect on the Judiciary from the passage of the bill.