5   Strike everything after the enacting clause and insert the
6 following:

7   "**Sec. 1.**   RCW 74.39A.170 and 1995 1st sp.s. c 18 s 56 are each
8 amended to read as follows:
9   (1) All payments made in state-funded long-term care shall be
10 recoverable as if they were medical assistance payments subject to
11 recovery under 42 U.S.C. Sec. 1396p and chapter 43.20B RCW, but without
12 regard to the recipient's age.
13   (2) In determining eligibility for state-funded long-term care
14 services programs, the department shall impose the same rules with
15 respect to the transfer of assets for less than fair market value as
16 are imposed under 42 U.S.C. 1396p with respect to nursing home and home
17 and community services.
18   (3) It is the responsibility of the department to fully disclose in
19 advance verbally and in writing, in easy to understand language, the
20 terms and conditions of estate recovery to all persons offered
21 long-term care services subject to recovery of payments.
22   (4) In disclosing estate recovery costs to potential clients, and
23 to family members at the consent of the client, the department shall
24 provide a written description of the community service options.
25   (5) The department of social and health services shall develop an
26 implementation plan for notifying the client or his or her legal
27 representative at least quarterly of the types of services used and the
28 cost of those services (debt) that will be charged against the estate.
29 The estate planning implementation plan shall be submitted by December
30 12, 1999, to the appropriate standing committees of the house of
31 representatives and the senate, and to the joint legislative and
32 executive task force on long-term care.

33   **Sec. 2.**   RCW 43.20B.080 and 1997 c 392 s 302 are each amended to
34 read as follows:

(1) The department shall file liens, seek adjustment, or otherwise
effect recovery for medical assistance correctly paid on behalf of an
individual consistent with 42 U.S.C. Sec. 1396p.

(2) Liens may be adjusted by foreclosure in accordance with chapter
61.12 RCW.

(3) In the case of an individual who was fifty-five years of age or
older when the individual received medical assistance, the department
shall seek adjustment or recovery from the individual's estate, and
from nonprobate assets of the individual as defined by RCW 11.02.005,
but only for medical assistance consisting of nursing facility
services, home and community-based services, other services that the
department determines to be appropriate, and related hospital and
prescription drug services. Recovery from the individual's estate,
including foreclosure of liens imposed under this section, shall be
undertaken as soon as practicable, consistent with 42 U.S.C. Sec.
1396p.

(4) The department shall apply the medical assistance estate
recovery law as it existed on the date that benefits were received when
calculating an estate's liability to reimburse the department for those
benefits.

(5)(a) The department shall establish procedures consistent with
standards established by the federal department of health and human
services and pursuant to 42 U.S.C. Sec. 1396p to waive recovery when
such recovery would work an undue hardship.

(b) Recovery of medical assistance from a recipient's estate shall
not include property made exempt from claims by federal law or treaty,
including exemption for tribal artifacts that may be held by individual
Native Americans.

(6) A lien authorized under subsections (1) through (5) of this
section relates back to attach to any real property that the decedent
had an ownership interest in immediately before death and is effective
as of that date.

(7) The department is authorized to adopt rules to effect recovery
under this section. The department may adopt by rule later enactments
of the federal laws referenced in this section.

(8) ((The office of financial management shall review the cost and
feasibility of the department of social and health services collecting
the client copayment for long-term care consistent with the terms and
conditions of RCW 74.39A.120, and the cost impact to community

1 ~~providers under the current system for collecting the client's~~
2 ~~copayment in addition to the amount charged to the client for estate~~
3 ~~recovery, and report to the legislature by December 12, 1997.~~))
4 It is the responsibility of the department to fully disclose in
5 advance verbally and in writing, in easy to understand language, the
6 terms and conditions of estate recovery to all persons offered
7 long-term care services subject to recovery of payments.
8 (9) In disclosing estate recovery costs to potential clients, and
9 to family members at the consent of the client, the department shall
10 provide a written description of the community service options.
11 (10) The department of social and health services shall develop an
12 implementation plan for notifying the client or his or her legal
13 representative at least quarterly of the types of services used and the
14 cost of those services (debt) that will be charged against the estate.
15 The estate planning implementation plan shall be submitted by December
16 12, 1999, to the appropriate standing committees of the house of
17 representatives and the senate, and to the joint legislative and
18 executive task force on long-term care."

19 **2SHB 1116** - S COMM AMD
20   By Committee on Health & Long-Term Care

21   ADOPTED 4/15/99

22   On page 1, beginning on line 1 of the title, after "care;" strike
23 the remainder of the title and insert "and amending RCW 74.39A.170 and
24 43.20B.080."

     EFFECT: Limits the information that must be produced by the
Department of Social and Health Services, requires client consent for
disclosure of information to family members, and deletes expired
language.

--- END ---