

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

400A0244

HOUSE HEALTH AND HUMAN SERVICES  
COMMITTEE ENGROSSED NO. **SB63** -  
2/24/97

Introduced by: The Committee on Health and Human Services at the request of the Department  
of Social Services

1 FOR AN ACT ENTITLED, An Act to extend medical assistance recovery to estates of surviving  
2 spouses of certain deceased medical assistance recipients.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 28-6-23 be amended to read as follows:

5 28-6-23. Any payment of medical assistance by or through the Department of Social Services  
6 to an individual who is an inpatient in a nursing facility, an intermediate care facility for the  
7 mentally retarded, or other medical institution, is a debt due to the department. Any payment on  
8 behalf of any person fifty-five years of age or older for nursing facility services, home and  
9 community based services, intermediate care facility services for the mentally retarded, hospital  
10 and prescription drug services, is a debt due the department. The Department of Social Services  
11 shall establish a system of recovery of medical assistance correctly paid by or through the  
12 department. The Department of Social Services may file a claim against the estate of the  
13 surviving spouse of a medical assistance recipient to satisfy the debt established under this  
14 section. The secretary of social services shall adopt rules, pursuant to chapter 1-26, to define the

1 scope of recoveries, establish hardship limitations on recoveries, establish limits on recoveries,  
2 and provide rules required to obtain federal financial participation in the medical assistance  
3 program.

4 For the purposes of this section, a surviving spouse is a person who was married to the  
5 deceased medical assistance recipient when the recipient became eligible for medical assistance,  
6 who has not divorced the medical assistance recipient, and who has not remarried after the  
7 recipient's death.

1 **BILL HISTORY**

2 1/14/97 First read in Senate and referred to Health and Human Services. S.J. 23

3 1/22/97 Scheduled for Committee hearing on this date.

4 1/29/97 Scheduled for Committee hearing on this date.

5 1/29/97 Health and Human Services Do Pass, Passed, AYES 6, NAYS 1. S.J. 204

6 1/30/97 Deferred to another day. S.J. 250

7 2/3/97 Senate Do Pass, Passed, AYES 23, NAYS 11. S.J. 291

8 2/4/97 First read in House and referred to Health and Human Services. H.J. 305

9 2/21/97 Scheduled for Committee hearing on this date.

10 2/21/97 Health and Human Services Do Pass Amended, Passed, AYES 9, NAYS 3. H.J. 640