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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO PROBATE PRACTICE AND PROCEDURE - COLLECTION AND  
MANAGEMENT OF DECEDENTS' ESTATES

Introduced By: Representatives Morgan, Newberry, Ehrhardt, Reilly, and Chippendale

Date Introduced: February 16, 2012

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Chapter 33-9 of the General Laws entitled "Collection and Management of  
2 Decedents' Estates" is hereby amended by adding thereto the following section:

3           **33-9-31. Notification by executor or administrator.** – In each case where the decedent  
4 had been receiving Medicaid benefits from the state, the executor or administrator shall, within  
5 sixty (60) days of his or her appointment, send a notice of commencement of probate to the  
6 department of health and human services, together with the date of his or her appointment and  
7 qualification and a request for a determination of the amount due to the state in reimbursement for  
8 such benefits, if any. In the event the department of health and human services shall fail to notify  
9 the executor or administrator of the amount due, the executor or administrator may close the  
10 estate after the time specified by statute free of any obligation for such reimbursement.

11           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO PROBATE PRACTICE AND PROCEDURE - COLLECTION AND  
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1           This act would require an executor or administrator, in each case where the decedent had  
2    been receiving Medicaid benefits from the state to send a notice of commencement of probate  
3    within sixty (60) days of appointment to the department of health and human services, together  
4    with a request for a determination of the amount due to the state in reimbursement for such  
5    benefits, if any.

6           It would further provide that, in the event the department of health and human services  
7    fails to notify the executor or administrator of the amount due, the executor or administrator may  
8    close the estate after the time specified by statute free of any obligation for such reimbursement.

9           This act would take effect upon passage.

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