

SENATE BILL REPORT

SB 5318

As of January 25, 2023

Title: An act relating to limiting estate recovery.

Brief Description: Limiting estate recovery.

Sponsors: Senators Nobles, Kuderer, Nguyen and Wilson, C..

Brief History:

Committee Activity: Human Services: 1/26/23.

Brief Summary of Bill

- Exempts the Health Care Authority and the Department of Social and Health Services from filing liens against property or seeking adjustment and recovery prior to the death of certain individuals.
- Removes requirement for funds and accounting to be sent to the Department of Social and Health Services when a resident who received long-term care services paid for by the state dies.

SENATE COMMITTEE ON HUMAN SERVICES

Staff: Delika Steele (786-7486)

Background: The Department of Social and Health Services (DSHS) and the Health Care Authority (HCA) are required to be repaid for costs of some medical services and long term services and supports an individual receives. DSHS and HCA are authorized to file liens for recovery of assistance costs against an individual's life estate or joint tenancy interest in real property immediately prior to the individual's death. Liens may be filed when:

- the individual is an inpatient at a nursing or immediate care facility for persons with intellectual disabilities or another medical institution; and
- the individual cannot be reasonably expected to be discharged from a medical

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institution after there was notice and opportunity for a hearing.

DSHS dissolves liens for individuals who are discharged from medical facilities and return home.

The DSHS Office of Financial Recovery receives funds held by long-term care facilities on behalf of residents who received long-term care paid for by the state. The funds are sent within 30 days of the resident's death and DSHS is required to release funds for burial expenses.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Substitute): DSHS and HCA are not authorized to file liens against property or seek adjustment and recovery prior to a decedent's death. The Office of Financial Recovery will not be sent funds held by long-term care facilities on behalf of residents who had their long-term care paid for by the state, and will not release funds for burial expenses.

Appropriation: None.

Fiscal Note: Requested on January 18, 2023.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.