

**Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.**

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

# A Bill

HOUSE BILL 1731

5 By: Representative Altes  
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7

## For An Act To Be Entitled

9 AN ACT TO AMEND 28-13-103 TO SIMPLIFY THE PROCESS BY  
10 WHICH THE DEPARTMENT OF HUMAN SERVICES RECOUPS COSTS  
11 FOR DECEASED PERSONS WHO RECEIVED NURSING CARE PAID  
12 FOR BY THE STATE OF ARKANSAS; AND FOR OTHER PURPOSES.  
13

## Subtitle

14 AN ACT TO AMEND 28-13-103 TO SIMPLIFY THE  
15 PROCESS BY WHICH THE DEPARTMENT OF HUMAN  
16 SERVICES RECOUPS COSTS FOR DECEASED  
17 PERSONS WHO RECEIVED NURSING CARE PAID  
18 FOR BY THE STATE OF ARKANSAS.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code 28-13-103 is amended to read as follows:  
25 28-13-103. Claims for nursing care of intestate.

26 (a) If any person dies seized of any real or personal estate, with no  
27 surviving spouse or minor children, and the person has received nursing care  
28 paid in whole or in part by The Arkansas Department of Human Services, then  
29 the Arkansas Department of Human Services shall be entitled to reimbursement  
30 for the total amount of nursing care paid for by The Arkansas Department of  
31 Human Services for the intestate.

32 (b) When the Arkansas Department of Human Services is informed or has  
33 reason to believe that there are no known heirs or legal representatives of  
34 the intestate, or that no person will appear within one (1) year after  
35 granting letters of administration, or there has been no pleading filed to  
36 dispense with administration under § 28-41-101 to claim the personal estate

1 of the intestate, as next of kin, the Arkansas Department of Human Services  
2 may file as a distributee under the provisions of § 28-41-101 for the sum  
3 total of all nursing home payments made by the state on behalf of the  
4 intestate decedent.

5 ~~(c) The court shall examine the claim and the allegations and proofs,~~  
6 ~~and if it finds that the person died without any devise and that the Arkansas~~  
7 ~~Department of Human Services paid for nursing care equal to or in excess of~~  
8 ~~the remaining real or personal property, the court shall make an order~~  
9 ~~directing the administrator or person holding any assets of the intestate to~~  
10 ~~release any and all real or personal property to the Arkansas Department of~~  
11 ~~Human Services.~~

12 ~~(d)~~(c) In the event that the property remaining exceeds the amount of  
13 payment made by the Arkansas Department of Human Services on behalf of the  
14 decedent, the excess funds shall escheat to the state under the procedures of  
15 § 28-13-102 et seq.

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