

LD3439813

HOUSE BILL NO. 2346

Offered January 23, 1995

A BILL to amend and reenact § 63.1-133.1 of the Code of Virginia, relating to liens on property of medical assistance recipients.

Patrons—Cantor, Ingram, Katzen, McDonnell, Rollison and Wagner

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 63.1-133.1 of the Code of Virginia is amended and reenacted as follows:

§ 63.1-133.1. No lien to attach to property of applicant or recipient; exceptions; release of existing unforclosed liens.

No lien in favor of the Commonwealth or any of its political subdivisions shall be claimed against, levied or attached to the real or personal property of any applicant for or recipient of public welfare assistance and services as a condition of eligibility therefor or to recover such aid following the death of such applicant or recipient except applicants for or recipients of long-term care nursing facility benefits paid for by the Department of Medical Assistance Services. *Such applicants or recipients of long-term care nursing facility benefits paid for by the Department of Medical Assistance Services shall have a lien placed in favor of the Commonwealth by the Department on property of the applicant or recipient, both real and personal, to the extent the Department has paid for services provided to the applicant. Placement of liens by the Department shall be in accordance with the Social Security Act and applicable federal law.* However, this section shall not be construed to bar any action by the Commonwealth or a local department of welfare or social services which seeks reimbursement for part or all of the costs incurred by the Commonwealth or local department of welfare or social services for care and maintenance provided to an applicant of the Federal Supplemental Security Income program during the application period when such applicant becomes eligible for the program retroactive to the date of application. In addition, this section shall not be construed to bar any action by the Commonwealth or a local department of welfare or social services which seeks reimbursement for public assistance paid through the Aid to Families with Dependent Children or refugee programs while the family attempts to dispose of real property which together with other resources causes its total resources to be in excess of the state's allowable reserve.

INTRODUCED

HB2346