

SENATE AMENDMENTS TO SENATE BILL 1029

By COMMITTEE ON HUMAN SERVICES

April 15

On page 1 of the printed bill, line 2, delete “411.620,”.

In line 3, delete “411.708 and”.

Delete lines 5 through 27 and delete pages 2 and 3 and insert:

“SECTION 1. ORS 416.350 is amended to read:

“416.350. (1) The Department of Human Services or the Oregon Health Authority may recover from any person the amounts of medical assistance the department or the authority incorrectly paid to or on behalf of the person.

“(2) Except as prohibited by ORS 178.380, medical assistance pursuant to ORS chapter 414 paid to or on behalf of an individual who was 55 years of age or older when the individual received the assistance, or paid to or on behalf of a person of any age who was a permanently institutionalized inpatient in a nursing facility, intermediate care facility for persons with intellectual disabilities or other medical institution, may be recovered from the estate of the individual or from any recipient of property or other assets held by the individual at the time of death including the estate of the surviving spouse. Claim for such medical assistance correctly paid to or on behalf of the individual may be established against the estate, but the claim may not be adjusted or recovered until after the death of the surviving spouse, if any, and only at a time when the individual has no surviving child who is under 21 years of age or who is blind or permanently and totally disabled. **Except as provided in subsection (4) of this section,** transfers of real or personal property by recipients of such aid without adequate consideration are voidable and may be set aside under ORS 411.620 (2).

“(3) Nothing in this section authorizes the recovery of the amount of any aid from the estate or surviving spouse of a recipient to the extent that the need for aid resulted from a crime committed against the recipient.

“(4)(a) Nothing in this section authorizes the recovery of the amount of any aid from the estate or surviving spouse of a recipient if a surviving child of the recipient:

“(A) Lived in the recipient’s home for at least two consecutive years before:

“(i) The recipient was determined eligible for medical assistance; or

“(ii) The recipient’s death;

“(B) Provided to the recipient a level of care that permitted the recipient to reside at home rather than in an institution for at least two years; and

“(C) Received either:

“(i) A legal interest in the recipient’s home during the recipient’s life; or

“(ii) Upon the recipient’s death, any legal title or interest in the recipient’s home pursuant to ORS 114.215 or by operation of law through joint tenancy, tenancy in common, survivorship, transfer on death, life estate, living trust or other similar arrangement.

“(b) A transfer by a recipient of the recipient’s home to a child who meets the require-

1 **ments of paragraph (a) of this subsection is not voidable and may not be set aside under ORS**
2 **411.620 (2).**

3 **“(c) The department and the authority may adopt rules as necessary to implement this**
4 **subsection.**

5 **“[(4)] (5) In any action or proceeding under this section to recover medical assistance paid, it**
6 **is the legal burden of the person who receives the property or other assets from a medical assist-**
7 **ance recipient to establish the extent and value of the recipient’s legal title or interest in the**
8 **property or assets in accordance with rules established by the authority.**

9 **“[(5)] (6) Amounts recovered under this section do not include the value of benefits paid to or**
10 **on behalf of a beneficiary under a policy or certificate of qualified long term care insurance as de-**
11 **defined in ORS 743.652, that were disregarded in determining eligibility for or the amount of medical**
12 **assistance provided to the beneficiary.**

13 **“[(6)] (7) As used in this section:**

14 **“(a) ‘Estate’ includes all real and personal property and other assets in which the deceased in-**
15 **dividual had any legal title or interest at the time of death including assets conveyed to a survivor,**
16 **heir or assign of the deceased individual through joint tenancy, tenancy in common, survivorship,**
17 **life estate, living trust or other similar arrangement.**

18 **“(b) ‘Medical assistance’ includes the state’s monthly contribution to the federal government to**
19 **defray the costs of outpatient prescription drug coverage provided to a person who is eligible for**
20 **Medicare Part D prescription drug coverage and who receives medical assistance.**

21 **“SECTION 2. (1) No later than six months after the effective date of this 2025 Act, the**
22 **Oregon Health Authority and the Department of Human Services shall seek any waiver or**
23 **other necessary approval from the Centers for Medicare and Medicaid Services to carry out**
24 **the amendments to ORS 416.350 by section 1 of this 2025 Act.**

25 **“(2) The authority and the department shall notify the Legislative Counsel immediately**
26 **upon receipt of the approval or denial of the request under subsection (1) of this section.**

27 **“SECTION 3. (1) The amendments to ORS 416.350 by section 1 of this 2025 Act become**
28 **operative on the date on which the Legislative Counsel receives notice of the federal approval**
29 **as provided under section 2 of this 2025 Act.**

30 **“(2) The Oregon Health Authority and the Department of Human Services may take any**
31 **action before the operative date specified in subsection (1) of this section that is necessary**
32 **for the authority and the department to exercise, on and after the operative date specified**
33 **in subsection (1) of this section, all of the powers, duties and functions conferred on the**
34 **authority and the department by the amendments to ORS 416.350 by section 1 of this 2025**
35 **Act.**

36 **“SECTION 4. This 2025 Act takes effect on the 91st day after the date on which the 2025**
37 **regular session of the Eighty-third Legislative Assembly adjourns sine die.”.**