STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

GEORGE DEUKMEJIAN, Governor

DEPARTMENT OF HEALTH SERVICES
714/744 P STREET
CRAMENTO, CA 95814

September 12, 1983

ERRATA NOTICE

To: All County Welfare Directors

Reference: CWD Letter 83-52

We apologize for inadvertently omitting two attachments to CWD Letter No. 83-52. Copies of the inquiry letter and the amendments to Section 700.1 of the Probate Code and Section 14009.5 of the W&I Code, which should have been attached to that letter, are being transmitted to you with this letter.

Sincerely,

ORIGINAL SIGNED BY

Caroline Cabias, Chief
Eligibility Branch

Attachments

STATE OF CALIFORNIA-HEALTH AND WELFARE AGENCY GEORGE DEUKMEJIAN, Governor

DEPARTMENT OF HEALTH SERVICES

714/744 P STREET
SACRAMENTO, CA 95814

DECEASED :
SOCIAL SECURITY NO.:
MEDI-CAL NO. :

ATTENTION: Person Responsible for the Estate of Decedent Named Above

Section 700.1 of the Probate Code requires that our Department be notified when a deceased person has received or may have received health care under the Medi-Cal Program. This Section requires heirs, the executor, the administrator, or the persons in possession of any property of the decedent to provide the Director of Health Services, notice of death no later than than 90 days from the date of death.* All notices should be sent to the Department of Health Services, General Collection Section, 1250 Sutterville Road, Room 226, Sacramento, CA 95822, and include the following additional information:

1. After burial expenses, estimated value of :
   A. Real Estate _____
   b. Cash & Bank Accounts _____
   A. Other _____
2. Death certificate.
3. Name, address, and telephone number of person or attorney settling estate _____
   _____
   _____
4. Probate number & County of filing _____
5. Comments _____
   _____
   _____

The return of this letter will serve as your notice as required by law. Depending on the information provided, our Department may file a claim to recover Medi-Cal benefits paid on behalf of the decedent as provided for in Section 14009.5 of the Welfare and Institutions Code.

If there is an attorney handling probate proceedings, please refer this letter to the attorney as soon as possible. If you have any questions, please call (916) 322-2280. Your cooperation is appreciated.

* notification to social security does not satisfy this requirement.

ASSEMBLY BILL 1260

Section 700.1 of the Probate code is amended to read:

700.1. (a) Where a deceased person has received or may have received health care under the provisions of Chapter 7 (commencing with Section 14000) or Chapter 8 (commencing with Section 14200), Part 3, Division 9, Welfare and Institutions Code, the heirs, the executor, the administrator, or the persons in possession of any property of the decedent shall give the Director of Health Services or his or her successor notice of the death no later than 90 days from the date of death. Such notice shall be mailed postage prepaid, and addressed to the director at his or her Sacramento office.

(b) All notices given pursuant to this section shall include a copy of the decedent's death certificate.

(c) The director shall have four months after notice is given pursuant to this section in which to perfect a claim. In the event that assets of the estate have been distributed, the director shall be entitled to a claim against the distributee or distributees to the full extent of the director's claim, or each distributee's share of the distributed assets, whichever is less. The director's entitlement against distributees shall include interest rate of interest equal to that earned in the Pooled Money Investment Fund from the date of distribution or the date of presenting the claim by the director, whichever is later, plus other accruing costs as in the case of other executions.

(d) Failure to comply with the provisions of this section shall not affect the validity of any proceeding under this division.

Section 14009.5 of the Welfare and Institutions Code is amended to read:

14009.5 Notwithstanding any other provisions of this chapter, when a decedent has received health care services under this chapter or Chapter 8 (commencing with Section 14200) the department may claim against the estate of the decedent, or against any recipient of the property of that decedent by distribution or survival an amount equal to the payments for the health care services received. The department may not claim where the eligible person was under 65 when services were received, or where there is a surviving spouse, or where there is a surviving child who is under age 21 or who is blind or permanently and totally disabled, within the meaning of the Social Security Act.

The department may waive its claim, in whole or in part, if it determines that enforcement of the claim would result in substanial hardship to other dependents of the individual against whose estate the claim exists.