

## HOUSE BILL No. 2762

By Committee on Health and Human Services

2-4

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AN ACT concerning recipients of medicaid; after death requiring certain moneys to be recouped and repaid to the secretary of social and rehabilitation services; amending K.S.A. 16-301 and repealing the existing section.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 16-301 is hereby amended to read as follows: 16-301. Any agreement, contract or plan requiring the payment of money in a lump sum or installments which is made or entered into with *a medicaid recipient, or any other* person, association, partnership, firm or corporation for the final disposition of a dead human body, or for funeral or burial services, or for the furnishing of personal property or funeral or burial merchandise, wherein the delivery of the personal property or the funeral or burial merchandise or the furnishing of services is not immediately required, is hereby declared to be against public policy and void, unless all money paid thereunder shall be deposited in a bank or savings and loan association which is authorized to do business in this state and insured by a federal agency, or invested in a credit union which is insured with an insurer or guarantee corporation as required under K.S.A. 17-2246, and amendments thereto, all as herein provided, and subject to the terms of an agreement for the benefit of the purchaser of the agreement, contract or plan. For the purposes of this act, personal property or funeral or burial merchandise shall include caskets, vaults and all other articles of merchandise incidental to a funeral service, but shall not include grave lots, grave spaces, grave memorials, tombstones, crypts, niches and mausoleums.

New Sec. 2. (a) Whenever a person, who is a medicaid recipient or a person who receives medical assistance from the department of social and rehabilitation services and such person enters into an agreement, contract or plan requiring the payment of money in a lump sum or installments for the final disposition of a dead human body or funeral or burial services, or for the furnishing of personal property or funeral or burial merchandise, including any assigned or purchased insurance being used as part of and in conjunction with the agreement, contract, or plan, such persons shall inform the secretary of social and rehabilitation services

1 or the secretary's designee the existence of such agreement, contract, plan  
2 or insurance.

3 (b) After the payment to a person, association, partnership, firm or  
4 corporation for the final disposition of a dead human body, or for funeral  
5 or burial services, or funeral or burial merchandise, including any assigned  
6 or purchased insurance being used as part of and in conjunction with the  
7 agreement, contract or plan, and the purchaser of the agreement, con-  
8 tract, plan or insurance is or has been a recipient of medical assistance  
9 or a deceased surviving spouse of a recipient of medical assistance, any  
10 remaining balance shall be paid to the secretary of social and rehabilita-  
11 tion services or the secretary's designee for recoupment of medical assis-  
12 tance expended on the deceased recipient.

13 (c) Payments under subsection (b) shall be governed by subsection  
14 (g)(2) of K.S.A. 39-709, and amendments thereto.

15 Sec. 3. K.S.A. 16-301 is hereby repealed.

16 Sec. 4. This act shall take effect and be in force from and after its  
17 publication in the statute book.

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