

SENATE BILL 2774

By Burchett

AN ACT to amend Tennessee Code Annotated, Title 30, Chapter 2 and Title 71, Chapter 5, relative to claims of the bureau of TennCare.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 30-2-310(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) Notwithstanding subsection (a), all claims and demands not filed by the state with the probate court clerk, as required by §§ 30-2-306 - 30-2-309, or if later, in which suit has not been brought or revived before the end of twelve (12) months from the date of death of the decedent, shall be forever barred. Except for claims for state taxes, this statute of limitations shall apply to all claims of the state. Claims for state taxes shall continue to be governed by § 67-1-1501.

SECTION 2. Tennessee Code Annotated, Section 71-5-116(c)(2), is amended by deleting the subdivision in its entirety and by redesignating the subsection accordingly.

SECTION 3. Tennessee Code Annotated, Section 71-5-116, is further amended by deleting from subdivision (d)(1)(B) the following language: “and shall request a release from the bureau of TennCare pursuant to subdivision (c)(2)”.

SECTION 4. Tennessee Code Annotated, Section 71-5-116, is further amended by deleting subdivision (d)(1)(D) in its entirety and by substituting instead the following:

(D) Personal representatives of decedents shall provide the notice to creditors specified in § 30-2-306 to the bureau of TennCare, if the decedent was a TennCare recipient. Whenever a probate proceeding is commenced, the bureau shall file a claim for recovery no later than twelve (12) months from the date of death of the decedent

pursuant to the requirements of title 30, chapter 2, part 3. If the bureau fails to file a timely claim, the bureau shall be forever barred from assertion against the personal representative and from receiving any distribution or payment out of assets held in the hands of the personal representative, and the personal representative may, without liability for payment, distribute the assets of the estate and close the administration.

SECTION 5. This act shall take effect July 1, 2010, the public welfare requiring it.