

246B.09 CLAIM AGAINST ESTATE OF DECEASED CLIENT.

Subdivision 1. **Client's estate.** Upon the death of a client, or a former client, the total cost of care provided to the client, less the amount actually paid toward the cost of care by the client, must be filed by the commissioner as a claim against the estate of the client with the court having jurisdiction to probate the estate, and all proceeds collected by the state in the case must be divided between the state and county in proportion to the cost of care each has borne.

Subd. 2. **Preferred status.** An estate claim in subdivision 1 must be considered an expense of the last illness for purposes of section 524.3-805.

If the commissioner determines that the property or estate of a client is not more than needed to care for and maintain the spouse and minor or dependent children of a deceased client, the commissioner has the power to compromise the claim of the state in a manner deemed just and proper.

Subd. 3. **Exception from statute of limitations.** Any statute of limitations that limits the commissioner in recovering the cost of care obligation incurred by a client or former client must not apply to any claim against an estate made under this section to recover cost of care.

History: 2009 c 79 art 3 s 15