

CHRIS WEST
Legislative District 42
Baltimore County

Judicial Proceedings Committee

Vice Chair, Baltimore County
Senate Delegation



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Annapolis Office
James Senate Office Building
11 Bladen Street, Room 303
Annapolis, Maryland 21401
410-841-3648 · 301-858-3648
800-492-7122 Ext. 3648
Chris.West@senate.state.md.us

District Office
1134 York Road, Suite 200
Lutherville -Timonium, MD 21093
410-823-7087

January 23, 2020

The Honorable William C. Smith, Jr.
Senate Judicial Proceedings Committee
2 East Miller Senate Building
11 Bladen Street
Annapolis, Maryland 21401

**Re: Senate Bill 150 – Estates and Trusts – Estate Recoveries – Presentation of Claims
Against Medicaid Recipients**

Dear Chairman Smith and Members of the Committee

Section 8-103 of the Estates and Trusts Article of the Maryland Code provides a deadline for the filing of claims against an estate of a deceased person. For claims filed by the Maryland Department of Health against the estate of a deceased Maryland Medical Assistance Program recipient, a longer filing period is provided beyond the ordinary filing period prescribed for general creditors of the estate.

Section 8-103(f) provides that a claim filed by the Department of Health must be filed within the earlier of (i) six months after the publication of the notice of the first appointment of a personal representative of the decedent, or (ii) two months after the personal representative mails or otherwise delivers notice to the Department of Health.

Because the notice of the first appointment of a personal representative is required to be published once per week for three successive weeks, the courts have entered inconsistent rulings as to whether the six month filing period runs from the first publication or the third publication. The State's Orphans Courts have consistently held that the six month filing period starts to run on the date of the first publication, but recently, a Circuit Court held that the filing period starts to run from the date of the third publication.

Senate Bill 150, which was brought to me by the Estates and Trusts Section of the Maryland State Bar Association, clarifies this uncertainty. It adds TWO WORDS to Section 8-103(f) stating that the six month filing period runs from the date of the *first* publication. Thus Senate Bill 150 ratifies the resolution of this issue that has been reached by all of the State's Orphans Courts.

I hope that the Committee will issue a favorable report on Senate Bill 150.