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ARTICLE 11 AS AMENDED

RELATING TO MEDICAL ASSISTANCE RECOVERIES

SECTION 1. Title 27 of the General Laws entitled “INSURANCE” is hereby amended by adding thereto the following chapter:

CHAPTER 57.1

MEDICAL ASSISTANCE INTERCEPT ACT

27-57.1-1. Interception of insurance payments.-- (a) Every domestic insurer or insurance company authorized to issue policies of liability insurance pursuant to this title, and also any workers' compensation insurer, within thirty (30) days prior to the making of any payment equal to or in excess of five hundred dollars (\$500) to any claimant, for third party for personal injury or workers' compensation benefits under a contract of insurance, shall review information provided by the executive office of health and human services pursuant to section 27-57.1-4, indicating whether the claimant has received medical assistance in accordance with chapter 40-8.

(b) If the insurer determines from the information provided by the executive office of health and human services pursuant to section 27-57.1-4 that the claimant or payee has not received medical assistance, the insurer may make the payment to the claimant in accordance with the contract of the insurance.

(c) If the insurer determines from the information provided by the executive office of health and human services pursuant to section 27-57.1-4 that the claimant or payee has received medical assistance, the insurer shall, except to the extent payments are subject to liens, written notices, or interests described in section 27-57.1-3, withhold from payment the amount to the extent of the distribution for medical assistance as a result of the accident or loss, dating back to the date of the incident, pay that amount to the executive office of health and human services and pay the balance to the claimant or other persons entitled to it. The executive office of health and human services shall provide written notice to the claimant and his or her attorney, if any. The notice shall reflect the date, name, social security number, case number, amount of the payment being withheld to reimburse the state, reason for payment and opportunity to request a hearing as provided for in subsection 27-57.1-1(e). Any insurer or insurance company, its directors, agents, and employees and central reporting organizations and their respective employees authorized by

1 an insurer to act on its behalf that releases information in accordance with the provisions of this
2 chapter, or who withholds an amount from payment based upon the latest information supplied by
3 the executive office of health and human services pursuant to section 27-57.1-4 and disburses in
4 accordance with section 27-57.1-3, shall be immune from any liability to the claimant, payee lien
5 holder, payee who provided written notice, or security interest holder. Any withholding from
6 payments in accordance with this chapter and payment made to the executive office of health and
7 human services is further subject to the provisions of section 40-6-9, regarding rights of
8 assignment and subrogation by medical assistance recipients. Said payments to the executive
9 office of health and human services shall be for reimbursement of distributed medical assistance
10 incurred as a result of the accident or loss, dating back to the date of the incident.

11 (d) Workers' compensation claimants who receive medical assistance, provided in
12 accordance with chapter 40-8, shall be subject to the provisions of this chapter. However, the
13 workers' compensation reimbursement payments made to the executive office of health and
14 human services in accordance with this chapter shall be limited to that set forth in chapter 28-33
15 and section 40-6-10.

16 (e) Any claimant aggrieved by any action taken under this section may within thirty (30)
17 days of the mailing of the notice to the claimant in subsection (c) of this section, request a hearing
18 from the executive office of health and human services. Any payments made by an insurer
19 pursuant to this chapter shall be made to the executive office of health and human services,
20 should there be no request for a hearing within thirty (30) days of receipt of notice, or within ten
21 (10) business days of a decision after a hearing and in accordance with the decision of any
22 hearing that takes place as provided for in this subsection.

23 **27-57.1-2. Notice of interception of insurance settlements.--** In any case where the
24 executive office of health and human services has intercepted an insurance payment, that office
25 shall notify the recipient.

26 **27-57.1-3. Certain liens not affected. --** Nothing in this chapter affects the validity or
27 priority of liens or written notices of health care providers, attorney fees, holders of security
28 interests, or the assignment of rights under section 40-6-9 or section 40-6-10. Funds subject to
29 liens, written notices, or security interests shall be paid to the lien or interest holder. Funds
30 available to be paid pursuant to chapter 27-57 for the payment of child support shall supersede
31 any payment made pursuant to this chapter.

32 **27-57.1-4. Information to be provided by the executive office of health and human**
33 **services.--** (a) The executive office of health and human services shall periodically within each
34 year furnish the insurance companies and insurers subject to this section with a list or compilation

1 of claimants, who have received medical assistance, as a result of the accident or loss which is the
2 basis of the claim and who have been identified and matched through the centralized database
3 provided for in this chapter. The information provided to the insurance companies and insurers
4 shall be the names of individuals, with last known addresses, who as of the date of the list or
5 compilation have received medical assistance in excess of five hundred dollars (\$500).

6 (b) In order to facilitate the efficient and prompt reporting of those medical assistance
7 recipients in one centralized location, it is the duty and responsibility of the insurance companies
8 doing business in the state to utilize one centralized database, to which the executive office of
9 health and human services shall report and administer. Any insurer receiving information
10 identifying an individual as a medical assistance recipient shall maintain the confidentiality of
11 that information. Minimal data elements shall be shared with an agency contracted by the
12 executive office of health and human services which maintains a centralized database of
13 insurance claims. The contracted centralized database is required to keep confidential any
14 personal and personnel information; records sufficient to identify an applicant for or recipient of
15 medical assistance; preliminary drafts, notes, impressions, memoranda, working papers, and work
16 products; as well as any other records, reports, opinions, information, and statements deemed
17 confidential pursuant to state or federal law or regulation, or rule of court. That data shall not be
18 disclosed to the insurer. Matched results are returned to the executive office of health and human
19 services through its contracted agency. Proper quality assurance shall be performed by the
20 contracted agency to insure the claim is open and collect additional information from the insurer
21 including but not limited to contact information.

22 SECTION 2. Sections 27-57-1, 27-57-2 and 27-57-4 of the General Laws in Chapter 27-
23 57 entitled "Child Support Intercept Act" are hereby amended to read as follows:

24 **27-57-1. Interception of insurance payments.** -- (a) Every domestic insurer or
25 insurance company authorized to issue policies of liability insurance pursuant to this title, and
26 also any workers' compensation insurer, shall, within thirty (30) days prior to the making of any
27 payment equal to or in excess of ~~three thousand dollars (\$3,000)~~ five hundred dollars (\$500) to
28 any claimant who is a resident of the state of Rhode Island or to any claimant who has an accident
29 or loss that occurred in the state of Rhode Island, for third party ~~for~~ personal injury or workers'
30 compensation benefits under a contract of insurance, review information provided by the
31 department of ~~administration, division of taxation,~~ human service, office of child support
32 services, child support enforcement pursuant to section 27-57-4 indicating whether the claimant
33 owes past-due child support.

34 (b) If the insurer determines from the information provided by the department pursuant

1 to section 27-57-4 that the claimant or payee does not owe past-due support, the insurer may
2 make the payment to the claimant in accordance with the contract of the insurance.

3 (c) If the insurer determines from the information provided by the department pursuant
4 to section 27-57-4 that the claimant or payee owes past-due child support, the insurer shall,
5 except to the extent payments are subject to liens, written notices, or interests described in section
6 27-57-3, withhold from payment the amount of past-due support and pay that amount to the
7 family court which shall credit the person's child support obligation account for the amount so
8 paid, and the insurer shall pay the balance to the claimant or other person entitled to it; ~~provided,~~
9 ~~that the~~ . The insurer or insurance company shall provide written notice ~~by regular mail~~ to the
10 claimant and his or her attorney, if any, and notice by e-mail or other electronic means, to the
11 department of the payment to the family court. The payment shall be deposited in the registry of
12 the family court for a period of forty-five (45) days, or if an application for review has been filed
13 pursuant to subsection (d), until further order of the court. The notice shall reflect the date, name,
14 social security number, case number, and amount of the payment. Any insurer or insurance
15 company, its directors, agents, and employees and central reporting organizations and their
16 respective employees, authorized by an insurer to act on its behalf, who release information in
17 accordance with the provisions of this chapter, or who withhold amounts from payment based
18 upon the latest information supplied by the department pursuant to section 27-57-4 and makes
19 disbursements in accordance with section 27-57-3, shall be in compliance and shall be immune
20 from any liability to the claimant, payee lienholder, payee who provided written notice, or
21 security interest holder for taking that action.

22 (d) Any claimant aggrieved by any action taken under this section may within thirty (30)
23 days of the making of the notice to the claimant in subsection (c) of this section, seek judicial
24 review in the family court, which may, in its discretion, issue a temporary order prohibiting the
25 disbursement of funds under this section, pending final adjudication.

26 **27-57-2. Notice provided to obligors of interception of insurance settlements.** -- In
27 any case where the department of ~~administration, division of taxation~~ human services, office of
28 child support services, child support enforcement unit has intercepted an insurance payment, the
29 department shall notify the obligor parent of this action upon crediting the obligor's account.

30 **27-57-4. Information to be provided by the department of administration, division**
31 **of taxation, child support enforcement** **Information to be provided by the department of**
32 **human services, office of child support services, child support enforcement.** -- (a) The
33 department shall periodically within each year furnish the insurance companies and insurers
34 subject to this section with a list or compilation of names of individuals, with last known

1 addresses, who as of the date of the list or compilation owe past due support in excess of five
2 hundred dollars (\$500) as shown on the Rhode Island family court/department of ~~administration,~~
3 ~~division of taxation, child support enforcement~~ human services, office of child support services,
4 child support enforcement computer system ("CSE system"). For the purposes of this section, the
5 terms used in this section have the meaning and definitions specified in section 15-16-2.

6 (b) In order to facilitate the efficient and prompt reporting of those arrearages in one
7 centralized location, it is the duty and responsibility of the insurance companies doing business in
8 the state to utilize one centralized database to which the department shall report and administer.

9 SECTION 3. Section 28-33-27 of the General Laws in Chapter 28-33 entitled "Workers'
10 Compensation - Benefits" is hereby amended to read as follows:

11 **28-33-27. Immunity of claims from assignment or liability for debt.** -- (a) No claims
12 or payments due for compensation under chapters 29 -- 38 of this title or under any alternative
13 scheme permitted by sections 28-29-22 -- 28-29-24 shall be assignable, or subject to attachment,
14 or liable in any way for any debts, except as set forth in subsection (b) of this section.

15 (b) A lien in favor of the department of labor and training and/or the ~~department of~~
16 ~~human services~~ executive office of health and human services shall attach by operation of law to
17 any benefits due and payable under chapters 29 -- 38 of this title, or under any alternative scheme
18 by sections 28-29-22 -- 28-29-24, to the extent that those payments have been made by the
19 department of labor and training and/or the ~~department of human services~~ executive office of
20 health and human services to or on behalf of an injured employee or his or her dependents, but
21 only to the extent that the employee would be entitled to receive benefits under the provision of
22 these chapters. Any such lien is subject to the provisions of section 40-6-10.

23 SECTION 4. Sections 40-6-9 and 40-6-10 of the General Laws in Chapter 40-6 entitled
24 "Public Assistance Act" are hereby amended to read as follows:

25 **40-6-9. ~~Assignment of child, spousal and medical support rights~~ Assignment and**
26 **subrogation for recovery of child, spousal and medical support rights.** -- (a) An applicant for
27 or recipient of public assistance under this chapter or under title XIX of the federal Social
28 Security Act, 42 U.S.C. section 1396 et seq., for and on behalf of himself or herself and for and
29 on behalf of a child or children, shall be deemed, without the necessity of signing any document
30 for purposes of recovery, to have made an assignment and given a right of subrogation to the
31 executive office of health and human services and/or the department of human services, as
32 applicable, of any and all rights and interests in any cause of action, past, present, or future, that
33 the applicant or recipient may have against any person failing to or obligated to provide for the
34 support, maintenance, and medical care of the applicant, recipient, and/or minor child or children,

1 for the period of time that assistance is being paid by [the executive office of health and human](#)
2 [services and/or](#) the department. ~~The executive office of health and human services and/or~~ the
3 department shall be subrogated to any and all rights, title, and interest the applicant or recipient
4 may have against any and all property belonging to the obligated or non-supporting person in the
5 enforcement of any claim for child, spousal, and medical support, whether liquidated through
6 court order or not. The applicant or recipient shall also be deemed, without the necessity of
7 signing any document, to have appointed [the executive office of health and human services](#)
8 [and/or](#) the department of human services as his or her true and lawful attorney in fact to act in his
9 or her name, place, and stead to perform the specific act of instituting suit to establish paternity or
10 secure support and medical care, collecting any and all amounts due and owing for child, spousal,
11 and medical support, endorsing any and all drafts, checks, money orders, or other negotiable
12 instruments representing support payments which are received by [executive office of health and](#)
13 [human services and/or](#) the department, and retaining any portion thereof permitted under federal
14 and state statutes as reimbursement for financial and medical assistance previously paid to or for
15 the recipient, child, or children.

16 (b) An applicant for or a recipient of medical assistance provided by [executive office of](#)
17 [health and human services and/or](#) the department pursuant to this chapter, ~~chapter 5-1,~~ or chapter
18 8 of this title or title XIX of the federal Social Security Act, 42 U.S.C. section 1396 et seq., for
19 and on behalf of himself or herself, and for and on behalf of any other person for whom he or she
20 may legally assign rights to any medical support or any other medical care, shall be deemed,
21 without the necessity of signing any document [for purposes of reimbursement](#), to have made an
22 assignment [and given a right of subrogation](#) to [executive office of health and human services](#)
23 [and/or](#) the department of human services of any and all rights and interests that he, she, or such
24 other person may have: (1) to payment for any medical support; and (2) to payment for any
25 medical care from any third party.

26 (c) In addition to the assignments [and subrogation rights](#) provided in subsections (a) and
27 (b) of this section, an applicant for or a recipient of financial assistance provided by the [executive](#)
28 [office of health and human services and/or](#) department pursuant to this chapter, whenever the
29 assistance is necessary by reason of accident, injury, or illness for which a third party may be
30 liable, for and on behalf of himself or herself, and for and on behalf of any other person for whom
31 he or she may legally act, shall be deemed, without the necessity of signing any document, to
32 have assigned [and subrogated](#) to [the executive office of health and human services and/or](#) the
33 department of human services, from amounts recovered or recoverable from any third party, an
34 amount of money equal to the amount of financial assistance provided as a result of the accident,

1 illness, or injury.

2 (d) With respect to an assignment and subrogation rights established pursuant to this
3 section, an applicant or recipient shall provide to the executive office of health and human
4 services and/or the department of human services ~~and/or the division of taxation within the~~
5 ~~department of administration~~ all relevant information regarding the ~~rights~~ assigned and
6 subrogated rights, and shall execute any documents relating thereto, in accordance with rules and
7 regulations to be adopted by the executive office of health and human services and/or the
8 department.

9 (e) With respect to any assignment ~~of rights~~ and subrogation rights for medical or
10 financial support or recoveries under this section, the executive office of health and human
11 services and/or the department of human services shall be considered to have acquired the rights
12 of such individual to payment by any third party for such medical care and support, and financial
13 support.

14 (f) An applicant for or a recipient of medical assistance provided by the executive office
15 of health and human services in accordance with chapter 40-8 shall also be subject to the
16 provisions of chapter 27-57.1. Funds available to be paid for the payment of child support shall
17 supersede any payment made pursuant to this chapter and chapter 27-57.1.

18 **40-6-10. Effects of assistance on receipt of workers' compensation benefits.** -- (a) No
19 individual shall be entitled to receive assistance provided under this chapter or chapter 5.1 of this
20 title and/or medical assistance under chapter 8 of this title for any period beginning on or after
21 July 1, 1982, with respect to which benefits are paid or payable to individuals under any workers'
22 compensation law of this state, any other state, or the federal government, on account of any
23 disability caused by accident or illness. In the event that workers' compensation benefits are
24 subsequently awarded to an individual with respect to which the individual has received
25 assistance payments under this chapter or chapter 5.1 of this title and/or medical assistance under
26 chapter 8 of this title, then the ~~department~~ executive office of health and human services shall be
27 subrogated to the individual's rights in the award to the extent of the amount of the payments
28 and/or medical assistance paid to or on behalf of the individuals.

29 (b) Whenever an employer or insurance carrier has been notified by the ~~department~~
30 executive office of health and human services that an individual is an applicant for or a recipient
31 of assistance payments under this chapter or chapter 5.1 of this title, and/or medical assistance
32 under chapter 8 of this title, for a period during which the individual is or may be eligible for
33 benefits under the Workers' Compensation Act, chapters 29--38 of title 28, the notice shall
34 constitute a lien in favor of the ~~department~~ executive office of health and human services, upon

1 any pending award, order, or settlement to the individual under the Workers' Compensation Act.
2 The employer or his or her insurance carrier shall be required to reimburse the ~~department of~~
3 ~~human services~~ executive office of health and human services the amount of the assistance
4 payments and/or medical assistance paid to or on behalf of the individual for any period for which
5 an award, order, or settlement is made.

6 (c) Whenever an individual becomes entitled to or is awarded workers' compensation for
7 the same period with respect to which the individual has received assistance payments under this
8 chapter or chapter 5.1 of this title and/or medical assistance under chapter 8 of this title, and
9 whenever notice of the receipt of assistance payments has been given to the division of workers'
10 compensation of the department of labor and training of this state and/or the workers'
11 compensation commission, the division or commission is hereby required to and shall incorporate
12 in any award, order, or approval of settlement, an order requiring the employer or his or her
13 insurance carrier to reimburse the ~~department~~ executive office of health and human services the
14 amount of the assistance payments and/or medical assistance paid to or on behalf of the
15 individual for the period for which an award, order, or settlement is made.

16 (d) Any claims or payments to a recipient of medical assistance provided by the executive
17 office of health and human services in accordance with chapter 40-8 shall also be subject to the
18 provisions of chapter 28-33-27. Funds available to be paid for the payment of child support shall
19 supersede any payment made pursuant to this chapter and chapter 27-57.1.

20 SECTION 5. Section 40-8-15 of the General Laws in Chapter 40-8 entitled "Medical
21 Assistance" is hereby amended to read as follows:

22 **40-8-15. Lien on deceased recipient's estate for assistance.** -- (a) (1) Upon the death of
23 a recipient of medical assistance under Title XIX of the federal Social Security Act, 42 U.S.C. §
24 1396 et seq., the total sum of medical assistance so paid on behalf of a recipient who was fifty-
25 five (55) years of age or older at the time of receipt of the assistance shall be and constitute a lien
26 upon the estate, as defined ~~herein~~ in subdivision (a)(2) below, of the recipient in favor of the
27 ~~department of human services~~ executive office of health and human services. The lien shall not be
28 effective and shall not attach as against the estate of a recipient who is survived by a spouse, or a
29 child who is under the age of twenty-one (21), or a child who is blind or permanently and totally
30 disabled as defined in Title XVI of the federal Social Security Act, 42 U.S.C. § 1381 et seq. ~~The~~
31 ~~lien shall not be effective and shall not attach as against a recipient's estate, which has been~~
32 ~~admitted for probate administration unless the department has filed a claim for reimbursement in~~
33 ~~the probate court in accordance with § 33-11-5 or other applicable law.~~ The lien shall attach
34 against property of a recipient, which is included or includible in the decedent's probate estate,

1 regardless of whether or not a probate proceeding has been commenced in the probate court by
2 the executive office of health and human services or by any other party. Provided, however, that
3 such lien shall only attach and shall only be effective against the recipient's real property
4 included or includible in the recipient's probate estate if such lien is recorded in the land evidence
5 records and is in accordance with subsection 40-8-15(f). Decedents who have received medical
6 assistance are subject to the assignment and subrogation provisions of sections 40-6-9 and 40-6-
7 10.

8 (2) For purposes of this section, the term "estate" with respect to a deceased individual
9 shall include all real and personal property and other assets included or includable within the
10 individual's probate estate

11 (b) The ~~department~~ executive office of health and human services is authorized to
12 promulgate regulations to implement the terms, intent, and purpose of this section and to require
13 the legal representative(s) and/or the heirs-at-law of the decedent to provide reasonable written
14 notice to the ~~department~~ executive office of health and human services of the death of a recipient
15 of medical assistance who was fifty-five (55) years of age or older at the date of death, and to
16 provide a statement identifying the decedent's property and the names and addresses of all
17 persons entitled to take any share or interest of the estate as legatees or distributees thereof.

18 (c) The amount of medical assistance reimbursement imposed under this section shall
19 also become a debt to the state from the person or entity liable for the payment thereof.

20 (d) Upon payment of the amount of reimbursement for medical assistance imposed by
21 this section, the ~~director~~ secretary of the ~~department of human services~~ executive office of health
22 and human services, or his or her designee, shall issue a written discharge of lien.

23 ~~(e) Upon application to the director and a determination by the director that the lien is~~
24 ~~either inapplicable or that no reimbursement for medical assistance is due with respect to the~~
25 ~~estate, the director shall issue a written discharge of lien.~~

26 (f) Provided, however, that no lien created under this section shall attach nor become
27 effective upon any real property unless and until a statement of claim is recorded naming the
28 debtor/owner of record of the property as of the date and time of recording of the statement of
29 claim, and describing the real property by a description containing all of the following: (1) tax
30 assessor's plat and lot; and (2) street address. The statement of claim shall be recorded in the
31 records of land evidence in the town or city where the real property is situated. Notice of said lien
32 shall be sent to the duly appointed executor or administrator, the decedent's legal representative,
33 if known, or to the decedent's next of kin or heirs at law as stated in the decedent's last
34 application for medical assistance.

1 ~~(e)(f)~~ The ~~department of human services~~ executive office of health and human services
2 shall establish procedures, in accordance with the standards specified by the secretary, U.S.
3 Department of Health and Human Services, under which the ~~department of human services~~
4 executive office of health and human services shall waive, in whole or in part, the lien and
5 reimbursement established by this section if such lien and reimbursement would work an undue
6 hardship, as determined by the ~~department~~ executive office of health and human services, on the
7 basis of the criteria established by the secretary in accordance with 42 U.S.C. § 1396p(b)(3).

8 (g) Upon the filing of a petition for admission to probate of a decedent's will or for
9 administration of a decedent's estate, when the decedent was fifty-five (55) years or older at the
10 time of death, a copy of said petition and a copy of the death certificate shall be sent to the
11 executive office of health and human services. Within thirty (30) days of a request by the
12 executive office of health and human services, an executor or administrator shall complete and
13 send to the executive office of health and human services a form prescribed by that office and
14 shall provide such additional information as the office may require. In the event a petitioner fails
15 to send a copy of the petition and a copy of the death certificate to the executive office of health
16 and human services and a decedent has received medical assistance for which the executive office
17 of health and human services is authorized to recover, no distribution and/or payments, including
18 administration fees, shall be disbursed. Any person and /or entity that receives a distribution of
19 assets from the decedent's estate shall be liable to the executive office of health and human
20 services to the extent of such distribution.

21 (h) Compliance with the provisions of this section shall be consistent with the
22 requirements set forth in section 33-11-5 and the requirements of the affidavit of notice set forth
23 in section 33-11-5.2. Nothing in these sections shall limit the executive office of health and
24 human services from recovery, to the extent of the distribution, in accordance with all state and
25 federal laws.

26 SECTION 6. Chapter 40-8 of the General laws entitled "Medical Assistance" is hereby
27 amended by adding thereto the following section:

28 **40-8-9.1. Notice. --** Whenever an individual who is receiving medical assistance under
29 this chapter transfers an interest in real or personal property, such individual shall notify the
30 executive office of health and human services within ten (10) days of the transfer. Such notice
31 shall be sent to the individual's local office and the legal office of the executive office of health
32 and human services and include, at a minimum, the individual's name, social security number or,
33 if different, the executive office of health and human services identification number, the date of
34 transfer and the dollar value, if any, paid or received by the individual who received benefits

under this chapter. In the event an individual fails to provide notice required by this section to the executive office of health and human services and in the event an individual has received medical assistance, any individual and/or entity, who knew or should have known that such individual failed to provide such notice and who receives any distribution of value as a result of the transfer, shall be liable to the executive office of health and human services to the extent of the value of the transfer. Moreover, any such individual shall be subject to the provisions of section 40-6-15 and any remedy provided by applicable state and federal laws and rules and regulations. Failure to comply with the notice requirements set forth in the section shall not affect the marketability of title to real estate transferred, while the transferor is receiving medical assistance

SECTION 7. Chapter 33-11 of the General Laws entitled "Claims Against Decedents' Estates" is hereby amended by adding thereto the following section:

33-11-5.2. Fiduciary's affidavit regarding notice to creditors and OHHS. -- In order to close an estate, whether by accounting or affidavit of completed administration, the fiduciary shall submit to the probate court an affidavit in substantially the following form:

STATE OF RHODE ISLAND _____ PROBATE COURT OF THE

COUNTY _____ TOWN OF _____

ESTATE OF _____ NO. _____

FIDUCIARY'S AFFIDAVIT REGARDING NOTICE TO CREDITORS AND TO THE EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

The undersigned fiduciary of the above-captioned estate upon oath deposes and says that (a) notice of the commencement of the estate was mailed to all known or reasonably ascertainable creditors of the estate, as well as to the executive office of health and human services when the decedent was fifty-five (55) years or older, or that (b) no such notice was required to be mailed because the estate had no known or reasonably ascertainable creditors and the decedent was under the age of fifty-five (55).

Name _____ Date _____

Subscribed and sworn before me this _____ day of _____, 20 .

Notary public

SECTION 8. Section 33-22-3 of the General Laws in Chapter 33-22 entitled "Practice in Probate Courts" is hereby amended to read as follows:

33-22-3. Notice given by petitioner on filing of petition and hearing. -- In addition to the notice prescribed by section 33-7-9, and to notice by publication in the manner as prescribed by section 33-22-11, the petitioner or his or her attorney shall, at least ten (10) days before the

1 date set for hearing on the petition, send or cause to be sent by mail, postage prepaid, addressed to
2 each person whose name and post office address is by section 33-22-2(3) required to be set forth
3 in the petition, as the names and addresses are set forth therein or as then known to the petitioner,
4 [and when the decedent was fifty-five \(55\) years or older to the executive office of health and](#)
5 [human services and in accordance with section 40-8-15,](#) notice of the filing, the nature of the
6 petition, and of the time and place set for hearing on the petition, or in lieu thereof a copy of the
7 newspaper notice published pursuant to the provisions of section 33-22-11; provided, however,
8 that in the case of any person entitled to notice hereunder whose post office address is outside the
9 continental limits of the United States this notice shall be sent at least three (3) weeks before the
10 date set for the hearing; and provided further that the petitioner or his or her attorney shall not be
11 required to send this notice to any person sui juris who shall at, or prior to, the hearing waive
12 notice of its pendency in writing either on the petition or by instrument separately filed. The
13 petitioner or his or her attorney shall at or prior to the hearing file or cause to be filed an affidavit
14 that the notice was given, setting forth the names and post office addresses of the persons to
15 whom the notice was sent and the date of mailing of the notice, together with a copy of the notice.

16 SECTION 9. This article shall take effect July 1, 2012.