



# *State of Tennessee*

## **PUBLIC CHAPTER NO. 102**

**SENATE BILL NO. 761**

**By Johnson, Stevens, Bowling**

Substituted for: House Bill No. 93

By Lamberth, Gant, Garrett, Hazlewood, Powell, Jernigan

AN ACT to amend Tennessee Code Annotated, Section 30-2-310, relative to time limitations on filing claims by 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, is amended by adding the following as new subsection (c):

(c) Notwithstanding subsections (a) and (b), § 71-5-116, and §§ 30-2-306 – 30-2-309:

(1) If the bureau of TennCare receives a notice to creditors as defined in § 30-2-306(b) within twelve (12) months of the decedent's date of death, then the bureau's claims and demands against the decedent's estate are forever barred unless the bureau files a claim with the probate court clerk or brings or revives suit within the later of:

(A) Twelve (12) months from the decedent's date of death; or

(B) Four (4) months from the date when the bureau received the notice to creditors.

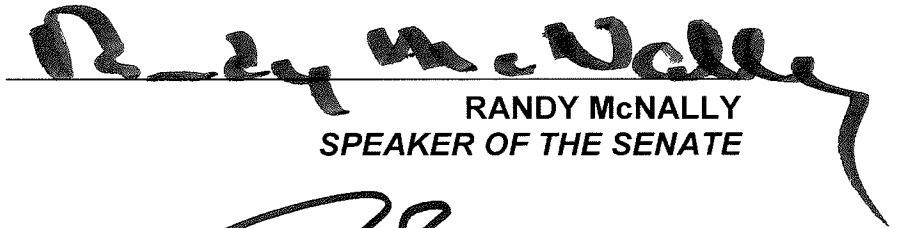
(2) If the bureau of TennCare does not receive a notice to creditors as defined in § 30-2-306(b) within twelve (12) months of the decedent's date of death, then the bureau's claims and demands against the decedent's estate are forever barred unless the bureau files a claim with the probate court clerk or files a petition to open or re-open a decedent's estate within forty-eight (48) months of the decedent's date of death.

(3) If a claim is not filed by the bureau of TennCare pursuant to subdivision (c)(1) or (c)(2), then the requirements of § 71-5-116(c)(2) do not apply.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: March 25, 2021



RANDY McNALLY  
SPEAKER OF THE SENATE



CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 7<sup>th</sup> day of April 2021



BILL LEE, GOVERNOR