

Overview - Petition of Nursing Home Administrator

General Information:

When a nursing home resident dies with a patient account balance of \$10,000 or less, the Nursing Home Administrator may seek permission from the court to pay the deceased person's debts and obligations. (See RSA 151-A:15)

This is done by filing a Petition of Nursing Home Administrator to Pay Debts and Dispose of Funds. The petition should not be filed until 30 days after the date of death.

If the court grants the petition, the Nursing Home Administrator is authorized to pay the decedent's debts and obligations from the funds in the patient account.

NOTE: If an estate is being opened for the decedent, there is no need for the Nursing Home Administrator to pay the decedent's debts and obligations. The Executor/Administrator of the estate would take care of this.

In order to determine if an estate is being opened for the decedent, the Nursing Home Administrator should contact persons on file for the deceased patient to determine if an estate will be opened. If there is no one to contact, you may call the Information Center at 1-855-212-1234 to inquire if an estate has been opened.

If an Estate is NOT Opened by Someone on Behalf of Decedent:

If, after 30 days from the decedent's date of death, no Petition for Estate Administration has been filed, the nursing home may file a Petition of Nursing Home Administrator to Pay Debts and Dispose of Funds.

There is no filing fee for the Petition.

The nursing home is not required to file a death certificate with the Petition.

A copy of the Petition must be sent to the Estate Recovery Unit at DHHS: Office of Estate Recoveries, Department of Health and Human Services, 129 Pleasant Street, Concord, NH 03301.

If the nursing home has possession of the original Will, and any codicils, it should be mailed to the Estates Electronic Filing Center.

If an Estate is Opened:

If an estate is opened, the Nursing Home Administrator should send the funds in the account to the named Executor or Administrator of the estate by issuing a check to the Estate of _____ (fill in the name of the deceased patient; e.g., Estate of John Smith).

Other Details:

Nursing Homes that are familiar with this process may have a form that was used for paper filing. However, with e-filing, the new court form, Petition of Nursing Home Administrator to Pay Debts and Dispose of Funds, is required. At the end of the electronic filing program, there is a link to the court form for your convenience. As filers become more familiar with the process it may be easiest to save the completed form to be modified and re-used for future filings. The form can be modified and uploaded for future filings in other cases.

Other Helpful Resources:

RSA:

RSA 151-A:15

Form(s):

Petition of Nursing Home Administrator to Pay Debts and Dispose of Funds (NHJB 2147-Pe)

Glossary of Terms

What to Expect Next:

After Petition of Nursing Home Administrator

For Further Information:

If you have questions, please contact the Information Center at 1-855-212-1234.