

## Optometry Coding & Billing Alert

### READER QUESTIONS: Check Probate Status for Clues on Collecting From Dead Patient's Estate

**Question:** About a week ago, a patient who owes our practice \$2,000 died. Do you have any advice for getting this outstanding balance paid? Should we just call the next of kin?

Missouri Subscriber

**Answer:** You should start by finding out whether a probate proceeding (i.e., the resolving of the will) has been held, say **Arthur** and **Jay Winston** in their book -The Complete Guide to Credit and Collection Law.-

**What's that?** -A probate is a proceeding where the administrator or executor of the estate collects all the assets of the deceased, pays all the debts, deducts the expenses of administration and distributes the balance to the beneficiaries,- according to the Winstons- book.

If there was a probate proceeding, you'll need several specifics from the event in order to start your collection attempt. Calling the deceased's residence may not be a bowl of cherries for the biller, but it is the best way to see if a probate proceeding has occurred.

**Try this:** If a patient dies while owing the practice money, hold off on calling the deceased's home for at least four weeks; it might be impolite to call any sooner, and most estates take at least a month to shape up after a person dies.

After the proper time has passed, call the deceased's home and find out if a probate proceeding has happened. If not, ask when it will occur. If a proceeding has occurred, try to find out:

- the name, address and phone number of the law firm handling the estate
- the name of the court where the estate is filed
- the filing's index number
- the names and addresses of the executor or administrator of the estate.

**Remember:** Not every dead patient needs a probate proceeding. Probate proceedings are only necessary when there is property or other assets in the deceased's name that need to be transferred to a beneficiary, the Winstons say. -In many cases the assets were transferred prior to death, and thus the deceased has no assets at the time of death,- according to the book.

Further, a probate proceeding will not occur for property or assets jointly owned by the deceased and a spouse. So if a husband dies and there is a house in his name and his wife's, the house automatically goes to the wife, and your medical office may not levy on the account.