



Georgia Medicaid Estate Recovery Program

What is Estate Recovery?

Estate Recovery is a requirement of the federal government for every Medicaid program and adds to the funding to support the care of current members. The assets of the estate of deceased Medicaid members are recovered by the state Medicaid program and paid in to the program in an amount equal to costs paid for care of the Medicaid member.

An estate includes all real and personal property (homes, land, vehicles, cash, bank accounts) held individually or jointly. All assets of a deceased Medicaid member are subject to recovery including property held with a life estate interest. The value of the life estate is calculated by using the Life/Remainder Interest table published by the IRS for the month of the decedent's death. The gross value of the estate must be valued at more than \$25,000 for estate recovery to apply.

Why Does Georgia Have an Estate Recovery Program?

The Medicaid program is a joint federal/state program. Federal law, enacted in 1993, requires states to develop and enforce an Estate Recovery Program. The Department of Community Health has the responsibility to recover money paid on behalf of the Medicaid member up to the full amount that Medicaid paid.

This requirement was established by Title XIX of the Social Security Act to ensure that Georgia complied with the federal requirement for estate recovery. Chapter 111-3-8 of the Rules of the Department of Community Health for Medical Assistance was passed, which establishes and governs the Estate Recovery Program.

To prevent substantial and unreasonable hardship, the Commissioner shall waive any claim against the first \$25,000 of any estate subject to an Estate Recovery claim for the deceased Medicaid member with a date of death on or after July 1, 2018.

Who is Affected by Estate Recovery?

The Estate Recovery Program applies to a person who received any of the following services paid for by Medicaid:

- A person of any age living in a nursing home

- A person of any age living in a long-term care program outside of their own family's home
- A person 55 years of age or older who has a worker coming to their home to help them with healthcare needs

An example would be a nurse who comes to the member's home to help with medication or to change bandages. Another example would be a worker who comes to the member's home to help with bathing, hygiene, or getting dressed.

What Medicaid Expenses Must be Reimbursed?

Qualified expenses incurred by Medicaid on behalf of affected members for any services provided in a long-term care facility, or in the home when provided as an alternative to institutionalization, must be reimbursed.

Recoverable in-home services include:

- Nursing facility services
- Personal care services
- Home- and community-based services
- Hospital services
- Prescription drug services

Are There any Exceptions to Estate Recovery?

To protect the stability of the family of the deceased Medicaid member, the following rules must be observed before any money can be collected:

- Both the Medicaid member and the surviving spouse must be deceased. Until the member's spouse has passed, estate recovery will be delayed.
- The Medicaid member must not have dependent children under the age of 21. If there is a living child of the deceased, estate recovery will be delayed until the child reaches the age of 21.
- If the Medicaid member has dependent children of any age with a disability or blindness that has been confirmed by a government agency, estate recovery will be delayed until the death of the disabled/blind child.

What is an Undue Hardship?

The Medicaid program will waive or delay recovery if an undue hardship exists. **The two conditions for an undue hardship are:**

- The asset to be recovered is an income-producing farm and the sole income source of one or more of the heirs, and the annual gross income is limited to \$25,000 or less, and is not merely rental income.
- Recovery or assets would result in the applicant becoming eligible for governmental assistance based on need and/or medical assistance programs.

If the heir feels that he/she should be considered for an undue hardship waiver, a request must be made within 30 days of receiving Medicaid's notice against the estate, or upon the sale, transfer, or conveyance of the real property subject to a Tax Equity and Fiscal Responsibility Act lien. The Estate Recovery Unit will provide detailed instructions in the Medicaid notice on how to file for an undue hardship waiver.

How Does Medicaid Pursue Recovery?

Estate recovery will occur when the State files a statement of claim against the estate of a deceased Medicaid member. Notification of the claim will be mailed to the representative of the estate to advise them of the claim. The personal representative should contact the Estate Recovery Unit to receive detailed information about the recovery process.

What is a Lien?

"Lien" means a claim, encumbrance, or charge against the Medicaid member's real or personal property on account of medical assistance paid to the member correctly under the State Plan. A lien may be placed on the real property of a member who is a resident of a nursing facility, intermediate care facility for individuals with intellectual disabilities, or other institution. A lien may also be placed on both real and personal property of a member after the member's death.

How Should Notification be Given of a Medicaid Member's Death?

The provider, attorney, personal representative, or case manager (if applicable) should contact the Estate Recovery Unit by fax, phone, email, or mail (see contact information below) to provide notification of a member's death within 30 days of death.

The initial notification should include:

- Full name of the deceased member
- Medicaid ID number and/or Social Security number
- Date of death
- Name, address, and telephone number of the personal representative and/or attorney handling the estate

Once notification has been received, the representative and/or attorney will be contacted promptly by Department of Community Health and advised in detail how to proceed with the recovery process.

Do You Have Questions?

Please contact our office for any further assistance.

Phone: (770) 916-0328

Fax: 855.334.0066

Email: GAEstates@gainwelltechnologies.com
GaEstateRecovery@dch.ga.gov

Website: medicaid.georgia.gov.

Mailing address

Georgia Department of Community Health
Estate Recovery Unit
100 Crescent Centre Pkwy, Suite 1000
Tucker, GA 30084

HMS is an equal opportunity employer <https://info.gainwelltechnologies.com/state/georgia/medicaid>

The Medicaid Estate Recovery Unit is administered by HMS under contract with the Department of Community Health.



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