



FREQUENTLY ASKED QUESTIONS FOR THE GEORGIA MEDICAID ESTATE RECOVERY PROGRAM

1. What is Estate Recovery?

Estate Recovery is a program required by the federal government in every state in which the assets of deceased Medicaid members are used to reimburse the taxpayers for long term care provided through Medicaid. The total value of the estate must be valued at greater than \$25,000 for estate recovery to apply. Funds are recovered from the member's estate after his/her death for the cost of these services.

2. Who is affected by Estate Recovery?

The Estate Recovery Program applies to a person who receives 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 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 health care needs or goes to a daycare center on a regular basis. An example would be a nurse that comes to the member's home to help with medications 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.

3. What types of property are subject to Estate Recovery?

An estate includes all real and personal property in a Medicaid member's estate and all real and personal property passing by reason of tenants in common, joint tenancy with right of survivorship, life estate, trust, annuity, Individual Retirement Accounts, homestead or any other arrangements (such as transfer on death deeds). Estate also includes excess funds from a burial trust or contract, promissory notes, cash, and personal property. All homes, land, vehicles, cash, funds in bank accounts etc. owned individually or jointly to the extent of the deceased Member's ownership interest are considered assets of the deceased Member's estate. Estates with a gross value of \$25,000 or less are exempt from estate recovery. All assets of a deceased Medicaid member are subject to recovery including property held with a life estate interest.

4. Are there any exceptions to Estate Recovery?

The Estate Recovery Program has been put in place to help the federal government recover some of the money that Medicaid has used to pay for the member's health care. In order to protect the family of the Medicaid member, the following rules must be observed before any money can be collected:

- Both the Medicaid member and the member's spouse must be deceased. Until both have passed, recovery will be delayed;
- Medicaid members must not have dependent children younger than 21 years of age. Until the child reaches age 21, recovery will be delayed;
- The Medicaid member must not have any dependent children of any age with a disability or blindness that has been confirmed by a government agency. Recovery will be delayed until the disabled/blind child has also passed away.

5. Can Medicaid place a lien on my property?

Yes, a lien may be placed on the real property of a Member who is an inpatient of a nursing facility, intermediate care facility for the mentally retarded, or other institution or a lien may be placed on both real and personal property of a Member after the Member's death. If an estate is approved for a deferred recovery, then the state can place a lien on all real and personal property included in the estate. This is done to ensure that Medicaid will still be reimbursed once no exception conditions are applicable.



6. What is determined to be an undue hardship?

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

- The asset to be recovered is an income producing farm and sole income source of one or more of the heirs, and the annual gross income of the farm is limited to \$25,000 or less;
- Recovery of assets would result in the applicant becoming eligible for governmental assistance based on need and/or medical assistance programs.

If the applicant feels he/she could be considered for a hardship waiver, a request must be made within 30 days of receiving Medicaid's claim against the estate. Specific details on how to request the hardship waiver will be included upon receipt of Medicaid's claim against the estate.

7. If I am denied for undue hardship or delayed recovery, am I allowed a hearing to appeal that decision?

Yes. Once the denial letter is received detailed instructions will be included on how to apply for a hearing.

8. 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 will be mailed to the representative of the estate to advise them of Medicaid's claim. Once the personal representative contacts the Estate Recovery Unit, detailed information will be provided to the representative to advise them how to assist with the evaluation process.

9. What Medicaid expenses must be reimbursed?

For affected members, any service provided while in a long-term care facility or in the home when provided as an alternative to institutionalization. These services include nursing facility services, personal care services, home and community-based services, hospital services, and prescription drug services.

10. How is the value of the estate calculated for Estate Recovery purposes?

The value of the estate for Estate Recovery purposes is calculated using the value of all real and personal property on which the decedent's name appears, including life estates. For life estates, the value is calculated using the Life Estate/Remainder Interest Table published monthly by the IRS, for the month of the decedent's death.

11. I have additional questions; how do I reach the Estate Recovery Unit.

If you have any additional questions, please call the Estate Recovery Unit at (770) 916-0328 or email your questions to gaestates@gainwelltechnologies.com or fax them to 855-334-0066. You may also send them via mail at Georgia Department of Community Health, Estate Recovery Unit at 100 Crescent Centre Parkway, Suite 1000, Tucker, Georgia 30084.