

Michigan Estate Recovery Frequently Asked Questions

Medicaid Estate Recovery Program

Medicaid is a government program that uses taxpayer money to pay for health care services. Some of these services are for people as they grow older. Medicaid pays for services that help people stay in their own home. It also pays for people to move to a facility, such as a nursing home, if that is what they need.

To help return taxpayer money that was used to pay for these services, every state must have a Medicaid estate recovery program. If a person receives services paid for by Medicaid, the State of Michigan has the right to ask for some money back from the estate **after** he or she dies. In some cases, the state may not ask for anything back. The state will never ask for more money back than it paid for the services.

What is an estate?

An estate is property, such as money, a house or other things of value that a person leaves to family members or others when he or she dies. Estate recovery does not apply to all property that a person may own. Estate recovery only applies to those assets that are subject to probate court administration.

Who does estate recovery affect?

Estate recovery applies to individuals receiving Medicaid benefits who are 55 years of age or older and have received Medicaid long-term care services on or after September 30, 2007. If you would like to check whether a deceased family member is subject to estate recovery you may call the toll-free number listed below.

How does estate recovery work?

When the recipient dies, the Michigan Department of Community Health will send a notice to the estate representative or a family member to tell them that MDCH intends to file a Medicaid estate recovery claim against the recipient's estate. That notice will include an estate questionnaire form that is to be completed so that MDCH can determine whether it should file a claim. This notice will also provide information on how to request an undue hardship waiver application. If no exemptions or hardships apply, MDCH will file a claim against the estate. If the estate has debts, such as funeral costs, those costs are paid first before Medicaid is paid.

Are there any times when the Michigan Department of Community Health will not try to recover from my estate?

Yes, MDCH will not ask for money back after a recipient dies while one of the following persons is residing in the home:

- A spouse.
- A child under 21 years of age.
- A child of any age who is blind or permanently and totally disabled.
- A survivor who was residing in the home and providing care for a period of at least 2 years immediately before

the date of the recipient's admission to a medical institution, and that care allowed the recipient to live at home rather than in an institution.

- A sibling who has an equity interest in the home who was residing in the home for a period of at least 1 year immediately before the recipient's admission to a medical institution.

If none of the above situations apply, does that mean the Michigan Department of Community Health will file a claim against my estate?

If none of the five situations above apply, then MDCH may file a claim against the probate estate of the Medicaid recipient unless:

- The cost of recovery efforts would exceed the amount expected to be recovered; or
- It is determined that estate recovery would result in an undue hardship.

For estate recovery purposes, what situations would result in an undue hardship?

After an undue hardship application is filed, MDCH may grant a hardship waiver when:

- The estate property is the sole-income producing asset of the beneficiaries, such as a family business or farm and the income produced by the asset is limited;
- The estate property is a home of modest value; or
- Recovery from a recipient's estate would cause a survivor to become or remain eligible for Medicaid.

How do I apply for an undue hardship waiver?

To receive a waiver based on an undue hardship, the applicant must request, complete, and submit an application and provide proof of the hardship. An application may be obtained by calling the toll-free number listed below.

What if there is not enough money in the estate to pay MDCH's claim?

The state is limited to what is in the decedent's estate. If there is not enough money or assets in the estate to pay all claims filed against the estate, the estate is deemed "insolvent." If the estate is insolvent, then payment will occur by order of priority until there is nothing left.

How can I get more information about the Medicaid estate recovery process?

The State of Michigan has contracted with Health Management Systems, Inc. (HMS) to pursue its estate recovery claims. If you need more detailed information on how this will work, or if you have a specific question, you may send an e-mail to miestaterecovery@hms.com or call their toll-free number at (877) 791-0435.

This line is answered from 9:00 a.m. through 5:00 p.m. (EST), Monday through Friday, except on official State of Michigan holidays.