Ohio Department of Medicaid

OHIO MEDICAID ESTATE RECOVERY

If you are applying for or have been approved for Medicaid, and you are either permanently institutionalized or 55 years of age or older, it is important to understand that by receiving Medicaid, you agree to the estate recovery program outlined in this document.

What is estate recovery?
Estate recovery seeks to obtain repayment for the cost of Medicaid benefits once a Medicaid eligible individual is deceased. This happens after the death of a Medicaid individual who was either permanently institutionalized OR not permanently institutionalized who was age 55 or older.

What is an estate?
An estate is all of the real and personal property and other assets owned by a Medicaid individual or that the Medicaid individual had a legal title to or interest in at the time of death, whether or not it passed through probate court. An estate can include survivorship, transfer on death, and life estates.

What Medicaid benefits are subject to estate recovery?
Medicaid payments for services received since January 1995 are subject to estate recovery. This may include the capitation payments (like a managed care premium) that Medicaid pays to an individual's managed care plan, even if the capitation payments are greater than the cost of services actually received. Only services after the individual's 55th birthday will be subject to estate recovery, unless the individual was permanently institutionalized, in which case all payments made while institutionalized will be subject to recovery.

Medicare premium assistance payments are only recoverable if made prior to January 1, 2010.

How does estate recovery work?
The estate's executor is responsible for notifying the Ohio Attorney General's Office (AGO) of a Medicaid individual's death, if the individual was permanently institutionalized OR age 55 and older who are not permanently institutionalized. Once the AGO has been notified, the AGO will present a claim to the estate.

When does estate recovery take place?
Recovery from the estate will only be made:

- After the death of the Medicaid individual's surviving spouse.
- When the deceased Medicaid individual has no surviving child younger than age 21.
- When the deceased Medicaid individual has no surviving child of any age who is considered blind or disabled under Medicaid regulations.

Does a will protect assets from estate recovery?
No. Ohio's Medicaid program and other creditors are paid before any assets are distributed to heirs or other beneficiaries.

Are there exceptions to estate recovery?
If there is an undue hardship to a survivor, the right to immediate recovery may be delayed or waived. Undue hardship is determined on a case-by-case basis.

Is a person's house subject to estate recovery?

Yes. A Medicaid individual's house may be subject to estate recovery. Any claim from the sale of a house may be delayed while the individual's sibling or child resides in the home if specific conditions are met. For more information on when estate recovery is delayed, please refer to the section on 'When does estate recovery take place?'.

Will the Attorney General's Office contact the family of the deceased?

After a Medicaid individual dies, the AGO will send a notice of claim to the estate's executor requesting repayment for the cost of Medicaid benefits. It is the estate executor's responsibility to notify any family members or other heirs who might be affected by the estate recovery. If the estate executor has not been identified to the AGO, the AGO may need to contact the Medicaid individual's family members. The AGO may use local attorneys to contact the individual's family members.

How can the Attorney General's Office be reached?

The Medicaid Estate Recovery Unit of the AGO can be contacted at:

Medicaid Estate Recovery Unit
30 E. Broad Street, 14th Floor
Columbus, Ohio 43215-3130
1-614-779-0105

For More Information

Call the Ohio Medicaid Consumer Hotline at 1-800-324-8680. You can also call this number to obtain information on your current, estimated total for estate recovery.
Call your local county Job and Family Services office *https://jfs.ohio.gov/about/local-agencies-directory*
ORC 5162.21 *https://codes.ohio.gov/ohio-revised-code/section-5162.21*
OAC 5160:1-2-07 *https://codes.ohio.gov/ohio-administrative-code/rule-5160:1-2-07*

I received a copy of the Ohio Medicaid Estate Recovery Form (ODM 07400). I have read it, or it has been read to me, and I understand it.

Signatures Required	
Applicant Signature	Applicant Signature *Date*
Authorized Representative Signature	Authorized Representative Signature Date
If an "X" is used, Witness Signature	If an "X" is used, Witness Signature Date

To help you understand this notice, language assistance, interpretation services, and auxiliary aids and services are available upon request at no cost to you. Services available include, but are not limited to: oral translation, written translation, and auxiliary aids. You can request these services and/or auxiliary aids by calling the Ohio Department of Medicaid consumer hotline at 1-800-324-8680; individuals with a hearing impairment may call TDD 7-1-1.