

Long-Term Care Recovery From Estates

Applicant _____ Social security number _____

District office _____ Date mailed _____

The Office of Vermont Health Access (OVHA) will file a claim in probate court to recover Medicaid benefits from the estate of an individual who dies on or after January 1, 1994, and who was 55 years or older when he or she received nursing facility services or home-based long-term care services paid for by the Medicaid program. An estate shall include all real and personal property and other assets that are included in the estate when it is filed in the probate court.

Estate recovery will be sought only after the death of the individual's surviving spouse, if any, and only at a time when the individual has no surviving children under age 21, blind, or permanently and totally disabled as defined by the Social Security Administration.

The OVHA will not seek recovery from estates under \$2000 or when it determines it would cause an undue hardship (M159). An undue hardship will be found to exist if, in the case of the individual's home:

- a sibling has been living in the home continuously for at least one year immediately before the date of the individual's admission to long-term care; or
- a son or daughter, who has been living in the home continuously for at least two years immediately before the date of the individual's admission to long-term care, provided care that allowed the individual to reside at home rather than in a long-term care living arrangement; or
- a sibling or lineal heir, who will inherit the home, has gross family income less than 300% of the federal poverty level or provided care that allowed the individual to avoid long-term care or to delay it by at least six months.

The amount the OVHA shall seek to recover is limited to the Medicaid payments correctly paid on or after January 1, 1994 for nursing facility services, home-based long-term care services, and related hospital and prescription drug services.

Please return this form after checking one of the statements below:

- I have read the information above on recovery from estates and wish to pursue Medicaid payment of services.
- I have read the information above on recovery from estates and do not wish to pursue Medicaid payment of services.

We are not encouraging you to withdraw from Medicaid's payment of these services. We believe most people will find it is better to have Medicaid. You may wish to discuss this with your worker, a family member, a lawyer, an advocate from the Area Agency on Aging, or someone else who can help you decide.

Applicant or authorized
representative _____ Date _____