



# Medical Assistance ESTATE RECOVERY PROGRAM

Questions and Answers

#### **4. How does Medical Assistance Estate Recovery work when a recipient dies?**

When a recipient dies, the personal representative of the deceased recipient's estate shall give notice to the department requesting a statement of claim, which is an accounting of all Medical Assistance payments made for the decedent for nursing home services, home and community based services and related hospital and prescription drug services.

The notice shall be sent by certified mail return receipt or fax, with the deceased's name, deceased's last known address, deceased's Social Security number, deceased's date of birth, deceased's date of death, and written documentation of the gross value of the deceased's estate to:

**Division of Third Party Liability  
Department of Public Welfare  
Estate Recovery Program  
P.O. Box 8486  
Harrisburg, PA 17105-8486  
Fax # (717) 772-6553**

**Please be sure to include the personal representative's name, address, and telephone number in the letter so the Medical Assistance Estate Recovery staff can respond.**

Within 45 days of receipt of an accurate and complete notice, the Department of Public Welfare must send to the personal representative of the estate, a statement of claim listing the amount of Medical Assistance paid. If the personal representative of the estate has questions about the amount owed or disagrees with it, he or she should contact the Medical Assistance Estate Recovery Program by telephone or letter. The Medical Assistance Estate Recovery Program will address any issues regarding the claim with the personal representative of the estate.

#### **5. A. What property is subject to estate recovery?**

Any property or assets that are part of the deceased's estate are subject to Medical Assistance Estate Recovery.

#### **B. What is an estate?**

An estate includes property or assets owned entirely or in part by the deceased. Medical Assistance Estate Recovery only recovers estate property or assets.



5.1. Claims by the commonwealth and the political subdivisions of the commonwealth;

6. All other claims, including claims of the commonwealth.

Medical Assistance Estate Recovery claims fall within numbers 3, 5.1 and 6.

If you have questions concerning distribution of the estate proceeds, talk with a lawyer, the local bar association, or your local legal services office.

## **QUESTIONS CONCERNING PROPERTY**

### **9. What happens if someone has been paying taxes and upkeep expenses for maintaining the deceased's vacant home?**

An amount equal to the necessary and reasonable expenses for maintaining the vacant home will be deducted from the department's estate recovery amount. Necessary and reasonable expenses include, real estate taxes, utility bills, home repairs and home maintenance.

### **10. Is it true that I have to turn my home over to the state when I move to the nursing facility or begin receiving home and community based services?**

No. You do not have to sign over the deed to your home to receive nursing facility care or home and community based services through the Medical Assistance program. If the state is going to help pay for your nursing care through the Medical Assistance program, you may have to give some or most of your income toward the cost of your nursing facility care each month.

### **11. Will the state try to take my home while I am in the nursing facility or receiving home and community based services?**

No. You may own a home while you are living in the nursing facility or receiving home and community based services.

If you have questions about how transferring property may affect your eligibility for Medical Assistance payment for nursing facility care or home and community based services, contact your local county assistance office or the Welfare Helpline at 1-800-692-7462. You may also want to talk with a lawyer.

#### **16. How do I transfer the deed to the property?**

It is very important that you talk with a lawyer before you try to transfer the deed.

#### **17. I am not sure who owns the home because it was passed down by family members. Can I still give the home to my children who have been taking care of me?**

Your children will not legally own the home unless the deed to the home has been legally transferred to them. Talk with a lawyer about how to do this. If they do not legally own the home when you die, the state will recover its claim against the fair market value of the home or any other property through the Medical Assistance Estate Recovery Program.

#### **18. Can I give my home to anyone else so the state will not take it?**

No. The law does not allow you to avoid Medical Assistance Estate Recovery by transferring the deed to a relative (except as explained in #15) or anyone else, unless they pay fair market value for it. Talk with a lawyer if you have questions about this.

## **20. How do I ask for a hardship waiver?**

After the decedent dies, write a letter explaining the situation and the compelling reasons why the Department of Public Welfare should not recover against the fair market value of the home or property. Give as many details as possible about how Medical Assistance Estate Recovery would cause a hardship. Make a copy of the letter for yourself and mail the original letter certified mail return receipt, to:

**ESTATE RECOVERY PROGRAM  
P. O. Box 8486  
Harrisburg, PA 17105-8486**

A hardship waiver form is available to assist you in requesting a waiver. The form can be obtained by contacting the Estate Recovery Program at the above address or by calling them at 1-800-528-3708. Information is also available at the Estate Recovery Program Web site at [http://www.dpw.state.pa.us/foradults/estaterecoveryprogram/S\\_001025](http://www.dpw.state.pa.us/foradults/estaterecoveryprogram/S_001025).

## **21. What if I want to appeal any departmental decision?**

Appeals should be mailed to:

**Division of Third Party Liability  
Department of Public Welfare  
Estate Recovery Program  
P.O. Box 8486  
Harrisburg, PA 17105-8486**



## **Glossary of Terms**

**Deed:** a document that shows ownership of property

**Estate:** the property left by a person at death i.e. home, land, insurance policies, stocks, bonds and bank accounts

**Estate Recovery Waiver:** the department's consent to abandon or relinquish its claim and recovery rights to an estate

**Fair Market Value:** the price which property would sell for on the open market in the geographic area in which it is located

**Heir:** one who inherits or is entitled to inherit property

**Home:** for the purposes of this brochure the word home includes the physical structure and any land described by the deed

**Home and Community Based Services:** services under a Medical Assistance Waiver established by the state, with the approval of the Federal government, to provide services in the home to individuals who would otherwise require nursing facility services

**Medical Assistance (Medicaid):** a jointly funded, Federal-State health insurance program for eligible low-income people

**Personal Representative:** a court-approved executor or administrator of an estate, includes executors or administrators of any type or description

**Property:** for the purpose of this brochure, property includes, but is not limited to, a home, land, insurance policies, stocks, bonds, bank accounts, personal care account monies, and any monies remaining in a burial account

**Statement of Claim:** a computation of the amount of Medical Assistance paid for all nursing facility services, home and community based services and related hospital and prescription drug services provided from the time the decedent was 55 years of age and thereafter