

# FACT SHEET

## Ohio Medicaid Estate Recovery

### **What is Medicaid estate recovery?**

Estate recovery seeks to obtain repayment for the cost of Medicaid benefits once a Medicaid recipient is deceased. This happens after the death of a Medicaid recipient who was either permanently institutionalized or age 55 and older.

### **What is an estate?**

An estate is all of the real and personal property owned by a Medicaid recipient at the time of death, whether or not it passed through probate court.

### **What Medicaid benefits are subject to estate recovery?**

All Medicaid payments for services received since January 1995 are subject to estate recovery. This includes Medicare premium assistance payments.

### **How does estate recovery work?**

The estate's executor is responsible for notifying the Ohio Attorney General's Office (AGO) of a Medicaid recipient's death, if the consumer was permanently institutionalized or age 55 or older. Once the AGO has been notified, the AGO will present a claim to the estate.

### **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.

### **When does estate recovery take place?**

Recovery from the estate will only be made:

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

### **Is a person's house subject to estate recovery?**

Yes. A Medicaid recipient's house may be subject to estate recovery. If the recipient was permanently institutionalized, any claim from the sale of a house may be delayed while the recipient's sibling or child resides in the home, if specific conditions are met.

### **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.

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

After a Medicaid recipient 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 recipient'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  
150 E. Gay Street, 21st Floor  
Columbus, Ohio 43215-3130

Information is also available online at [http://www.ag.state.oh.us/business/estate\\_recovery.asp](http://www.ag.state.oh.us/business/estate_recovery.asp) or by calling the Ohio Medicaid Consumer Hotline at 1-800-324-8680. burdens on Medicaid applicants and recipients.

Medicaid eligibility rules are updated to reflect these changes. For more information, please refer to the Medicaid Eligibility Manual (MEM) or contact your local county department of job and family services. Consumers can call the Medicaid Consumer Hotline at 1-800-324-8680 or TDD/TTY 1-800-292-3572.