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**Will the department consider my surviving family members before recovering from my estate?**

The department will carefully consider the effect estate recovery will have on the medical and financial condition of your survivors.

**I want to make sure my house stays in the family. Can I sell my house or give it away now to avoid Estate Recovery?**

You have the legal right to sell or give away your property. However, if you give away your property or sell it at less than fair market value, you could be penalized with a period of ineligibility for Medicaid. Before selling or giving away property it is best to contact your Division of Public Assistance caseworker who can explain the policy regarding transfer of asset penalties. It may also be beneficial to contact an attorney specializing in Medicaid or Elder Law who can advise you on managing your affairs in accordance with Medicaid rules.

**Where can I get more information?**

Contact the  
**Public Consulting Group, Inc. (PCG)**  
**(907) 561-4455**

OR

The State of Alaska  
Department of Health and Social Services  
Division of Health Care Services  
**Third Party Liability (TPL) Unit**  
**(907) 334-2400**

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**ALASKA MEDICAID**

**Estate  
Recovery  
Program**

*explained*



State of Alaska  
Department of Health and Social Services  
Division of Health Care Services  
4501 Business Park Blvd., #24  
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2003

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## **What is the Estate Recovery Program?**

Federal and state law says that under certain conditions, when a Medicaid recipient dies, Medicaid has a right to recover some of the health care costs it paid on behalf of that person. Under this “estate recovery” program, the Department of Health and Social Services will attempt to recover the cost of long term care or related medical services provided, including nursing home care and home and community-based services. As a Medicaid recipient, it is important that you know about the Estate Recovery Program. The following questions and answers will tell you what it is all about.

## **What is an “estate”?**

In simple terms, an estate is all of the real estate, money, household items, automobiles, and personal property that a person owns at the time of their death.

## **How do I know whether my estate will be subject to the Estate Recovery Program?**

The department will only seek recovery from the estate of someone who used the following services when that person was 55 years of age or older:

- (1) Services received in a medical institution, including a nursing home or other long term care facility;
- (2) Home and community-based services.

## **How does the department recover from my estate?**

A claim against your estate is simply a legal demand for payment. After you die, the department will file a claim with the court when your estate is in probate. Sometimes the department will establish its claim before you die by placing a lien on your home. However, the department will only enforce that lien after you die.

The department will use the services of Public Consulting Group, Inc. (PCG) to help administer the Estate Recovery Program.

## **Are there other limits to the department’s ability to put a lien on my home?**

Yes. The department may not place a lien on your home if the home is lawfully occupied by your

1. spouse;
2. child under age 21;
3. child of any age who is blind or totally, permanently disabled;
4. brother or sister, if that sibling has an equity interest in the home and has resided in the home for at least one year before you entered a nursing home or began receiving home and community based services.

## **Which estates are exempt from recovery?**

The department will NOT attempt to recover from your estate if you have a

1. surviving spouse;
2. child under age 21;
3. child of any age who is blind or totally, permanently disabled.

Under certain circumstances, the department is also prohibited from pursuing recovery under a lien if your sibling or child still lives in the home. The state will not seek recovery from the estate of an Alaska Native or American Indian for Medicaid services provided by a tribal health program or authorized under IHS Contract Health Services due to the acknowledged federal responsibility for the health care of these populations.

## **Will the department recover from my estate even if it is not worth much?**

The department may decide that the administrative and legal costs of recovering from your estate are too high to justify such an action.