



State of Tennessee
 Division of TennCare
 P.O. Box 305240
 Nashville, TN 37230-5240

Estate Recovery Fact Sheet

What is TennCare (Medicaid) Estate Recovery?

TennCare is required by federal and state law to seek repayment from the estates of members who got TennCare long-term care benefits after they turned 55 years old.

States must seek repayment for money paid for these types of care:

- Nursing facility (or other long-term institutional services);
- HCBS (Home and Community-Based Services), including home health and private duty nursing;
- Hospital and prescription drug services while the person was getting care in a nursing facility or HCBS; and
- States may try to get money back for any other items covered by the Medicaid State Plan.

Whose estate is subject to TennCare (Medicaid) Estate Recovery?

Any deceased member who got TennCare benefits for care in a nursing facility or HCBS **after** they turned 55 years old.

What amounts must be repaid to TennCare (Medicaid)?

TennCare is a managed care program. This means that TennCare contracts with an insurance company. You might know this as an MCO (Managed Care Organization). TennCare pays the MCO a monthly rate to provide services the member needs. These services don't affect the monthly rate. What does affect the monthly rate? Things like age, if disabled, region of the state lived in, and other factors. This monthly rate may exceed \$5,000 per month for people who receive long-term services and supports.

After the member's death, TennCare seeks repayment from the estate. It only seeks repayment for the portion of the monthly rate that it paid for long-term services and supports. TennCare can't seek repayment until after the member's death. It can seek repayment only from the member's estate. This means that surviving family members are not personally responsible for repaying these amounts.

How do I find out if the estate owes money to TennCare (Medicaid)?

You must complete a REQUEST FOR RELEASE and send it to us with the proof we need.

You will get a release if:

- No money is owed to TennCare, or
- The estate is not subject to estate recovery.



Is there money owed? If so, TennCare will give the estate representative a claim explaining the amount that is owed. This amount only applies to things the deceased member owned. This would include things like their house, car or bank accounts. Surviving family members are not personally responsible for paying this amount.

What are the exceptions from estate recovery?

- Was the member younger than 55 years old at the time of death? TennCare will not recover from the member's estate.
- Does the member have a surviving spouse? TennCare will not recover money from the estate until the time of the surviving spouse's death.
- Does the member have a surviving child under the age of 21? TennCare will not recover money from the estate until the child reaches the age of 21.
- Does the member have a surviving child who is blind or permanently and totally disabled? TennCare will not recover money from the estate until the death of the disabled child.
- Is the property of the estate the only income-producing asset of the survivors? These may be a family farm or other family business. TennCare will not recover from the estate.
- Does the member have a surviving sibling? TennCare will not recover from the estate **until** the sibling no longer resides in the home **if** the sibling:
 - o Lawfully resided in the member's home for 1 year immediately before the member's admission to the medical institution; **and**
 - o Lawfully resided in the home on a continuous basis since the member's admission to the medical institution.
- Does the member have a surviving caretaker son or daughter? TennCare will not recover from the estate **until** they no longer reside in the home **if**:
 - o They lawfully resided in the home for at least 2 years immediately before the member's admission to the medical institution;
 - o They provided care to the member for at least those 2 years. And this care let the member reside at home instead of the institution; **and**
 - o They lawfully resided in the home on a continuous basis since the member's admission to the medical institution.

Where can I get more information?

Mail: Division of TennCare
Estate Recovery Unit
310 Great Circle Road, 4th Floor
Nashville, TN 37243

Phone: 866-389-8444

Fax: (615) 413-1941

How can I get a REQUEST FOR RELEASE?

- You can call, fax or write us using the information above.
- You can get one online at:
<https://www.tn.gov/content/dam/tn/tenncare/documents/releaseform.pdf>
- You can also get a copy from your local Probate Clerk.