

Member Name _____ SS No. _____

Official Notice of the Georgia Medicaid Estate Recovery Program

The Georgia Department of Community Health (DCH) has a new program called Medicaid Estate Recovery. Federal law requires all states to recover Medicaid monies paid for your medical care from your estate. Your estate will include your home and any other assets. This notice will inform you of how you may be affected by Medicaid Estate Recovery.

Medicaid members who, at any age, are an inpatient in a nursing facility, intermediate care facility for the mentally retarded, or other medical institution that have their medical care paid by Medicaid will be subject to the Medicaid Estate Recovery Program. Additionally, Medicaid members who are 55 years of age or older and who receive home and community based services or are enrolled in and receive services through a waiver program are also subject to Estate Recovery.

After your death, your executor, personal representative or heirs will be notified before any recovery is attempted from your estate. Upon notification, the heirs of your estate will be given an opportunity to show that they meet one of the exceptions in the law that will delay recovery and they will be told how to request an undue hardship waiver. Recovery will be delayed until the death of the member's surviving spouse, until the member's surviving child or children reaches twenty-one (21) years of age or until the death of an adult child or children who are blind or permanently disabled. Recovery will also be delayed until the following persons are not legally and continuously residing in the Member's home: a sibling of the member who was residing in the member's home for at least one year immediately before the date that the member was institutionalized and a child of the member who was residing in the member's home for at least two years before the date that the member was institutionalized and who has established to the satisfaction of the Department that he or she provided care that permitted the individual to reside at the home rather than to become institutionalized.

If Medicaid has paid for your at home or institutionalized services, the state can place a lien on your home. No lien will be placed on a member's home if the following persons are living in the home: the member's spouse, the member's child or children under twenty-one years of age, a member's disabled child of any age; or a member's sibling with an equity interest in the home who has lived in the home for at least one year before the member received at home or institutionalized services.

Upon notification of the State's intent to file a lien on your home, you will be given an opportunity to show that you meet one of the exceptions in the law that will delay the placement of a lien. The member shall have the right to an administrative hearing to prove that the member is not permanently institutionalized. Also, it is important to note that if you transfer real or personal property without adequate consideration, meaning for less than fair market value, a penalty may be applied and your eligibility could be affected.

An informational brochure is being developed and will be available soon at your local county Department of Family and Children Services (DFCS) office or directly from the Estate Recovery Office in Atlanta. If you have any questions, please call the Estate Recovery office at 770-916-0328.

I have received a copy of the Official Notice of the Georgia Estate Recovery Program.

Member's Signature

Date

Authorized Representative/Witness/Responsible Person

Date

Case Manager

Date