

469-000-322 ESTATE RECOVERY INFORMATION AND REFERRAL TIPS: Federal law requires all states to establish an Estate Recovery program. Nebraska began its program on July 16, 1994. Only Medicaid payments for services beginning July 16, 1994, are subject to recovery.

The Law

The Department will seek recovery from the estate of a deceased client only if the following conditions are met:

1. The deceased client was 55 years or older when medical assistance was provided;
AND
2. The deceased client was not survived by a spouse.

However, if the deceased client was survived by a child under 21 years of age or by a child of any age who is on SSI, the Department will **NOT** seek recovery.

The Department will also seek recovery if a deceased client of any age was in a nursing home, a hospital, or mental institution and at the time of entry into the facility or the time of Medicaid application, the client was not expected to return home.

Rule of thumbCall or refer any situation that you are unsure about.

Send referrals to Estate Recovery, Central Office by:

1. Interoffice mail;
2. Regular mail;
3. Calling 1-800-358-8802 and asking for Estate Recovery. This number can be given to the client, client's family, or anyone who asks; or
4. Email Medicaid.estate.recovery@dhhs.ne.gov.

For Estate Recovery referral, please provide the following information:

Date of first application for Medicaid:

Surviving spouse, child under 21, or a dependent who has a disability:
Yes or No, Name of Spouse

Contact Information: Please include all information in the contact section.

Name:

Address:

Phone Number:

County of legal residence:

Any basis for belief that there were assets not already mentioned in N-FOCUS: Yes or No

If yes please explain.

Informing the Client and Client's Family About Estate Recovery

1. Provide the Estate Recovery Pamphlet during intake process.
2. Provide the Estate Recovery Pamphlet if a single client who has been living in his/her home now needs to enter into a nursing home.
3. Provide the Estate Recovery Pamphlet when the IM-1 process is initiated.

Please advise individuals that the Estate Recovery program does **NOT** affect eligibility and does NOT affect the benefits that can be received.

The Estate Recovery program does **NOT** affect eligibility determinations by the caseworker. These determinations should be done exactly as they are done currently.