



MEMORANDUM

DATE: June 19, 2019

TO: Parties submitting a "Request for CERTIFICATION of No Recoverable Amount"

FROM: DHHS – Medicaid Estate Recovery
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Enclosed find a copy of the "CERTIFICATION of No Recoverable Amount". This version should be used when asking DHHS to respond regarding the Nebraska Medicaid eligibility of a decedent pursuant to Neb. Rev. Stat. §68-919(4)(e).

Please know that there is no such thing as a "Medicaid Lien" for purposes of Estate Recovery in Nebraska. The Department's Estate Recovery claims are unsecured and subject to the "Payment of claims; order" as outlined in Neb. Rev. Stat. §30-2487. This applies in matters of both probated and non-probated estates.

A FILLABLE form is available on our web site at: <http://dhhs.ne.gov/Pages/Medicaid-Estate-Recovery.aspx>
However, in order to assure that the document uses all of the available features, please **ENABLE Java Script** before completing the form. The signature of the requester is to be NOTARIZED only if DHHS is to disclose Protected Health Information (PHI) to someone other than the requester signing the form (See box labeled "**Disclose to...**").

HIPAA requires an event or date of the foreseeable future in the "**MUST HAVE DATE OR EVENT FILLED IN**" field.

Note that additional documentation may be required to confirm the authority of the requester to authorize DHHS to release PHI (See Yellow highlighted box). **Only send the essential pages** necessary to confirm the requester's authority.

When the requester requesting certification of no recoverable amount is the trustee or their legal counsel: at most, send the following: (1) Trust cover page; (2) Page(s) that identify or appoint the (Successor) Trustee; and (3) Signature page. Please **do not send the entire trust**. Usually there is no need to send the decedent's entire "Last Will and Testament" either.
AGAIN – PERTINENT PAGES ONLY.

When the requester requesting certification of no recoverable amount the personal representative or their legal counsel: Attach the (1) "Letter(s) of Personal Representative"; or (2) other documentation confirming the personal representative; or (3) documentation confirming the legal counsel for the personal representative.

A surviving spouse may also complete the request for certification if applicable.

All other requesters requesting certification of no recoverable amount should note their Type of Authority (role/interest) in the matter by completing the space marked "Other (*explain*)".

"This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Nebraska Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document." (Neb. Rev. Stat. §84-901.03)