

Ohio Department of Medicaid  
**OHIO MEDICAID ESTATE RECOVERY**

**What is estate recovery?**

Estate recovery seeks to obtain repayment for the cost of Medicaid benefits once a Medicaid eligible individual is deceased. This happens after the death of a Medicaid individual who was either permanently institutionalized or age 55 and older.

**What is an estate?**

An estate is all of the real and personal property owned by a Medicaid individual at the time of death, whether or not it passed through probate court.

**What Medicaid benefits are subject to estate recovery?**

Medicaid payments for services received since January 1995 are subject to estate recovery. Medicare premium assistance payments made after January 1, 2010, are subject to recovery only when the Medicaid individual was permanently institutionalized.

**How does estate recovery work?**

The estate's executor is responsible for notifying the Ohio Attorney General's Office (AGO) of a Medicaid individual's death, if the individual was permanently institutionalized or age 55 or older. Once the AGO has been notified, the AGO will present a claim to the estate.

**When does estate recovery take place?**

Recovery from the estate will only be made:

- ❖ After the death of the Medicaid individual's surviving spouse.
- ❖ When the deceased Medicaid individual has no surviving child younger than age 21.
- ❖ When the deceased Medicaid individual has no surviving child of any age who is considered blind or disabled under Medicaid regulations.

**Does a will protect assets from estate recovery?**

No. Ohio's Medicaid program and other creditors are paid before any assets are distributed to heirs or other beneficiaries.

**Are there exceptions to estate recovery?**

If there is an undue hardship to a survivor, the right to immediate recovery may be delayed or waived. Undue hardship is determined on a case-by-case basis.

**Is a person's house subject to estate recovery?**

Yes. A Medicaid individual's house may be subject to estate recovery. If the Medicaid eligible individual was permanently institutionalized, any claim from the sale of a house may be delayed while the individual's sibling or child resides in the home, if specific conditions are met.

**Will the Attorney General's Office contact the family of the deceased?**

After a Medicaid individual dies, the AGO will send a notice of claim to the estate's executor requesting repayment for the cost of Medicaid benefits. It is the estate executor's responsibility to notify any family members or other heirs who might be affected by the estate recovery. If the estate executor has not been identified to the AGO, the AGO may need to contact the Medicaid individual's family members.

**How can the Attorney General's Office be reached?**

The Medicaid Estate Recovery Unit of the AGO can be contacted at:

Medicaid Estate Recovery Unit  
30 E. Broad Street, 14<sup>th</sup> Floor  
Columbus, Ohio 43215-3130

Information can be obtained online at  
<http://www.ohioattorneygeneral.gov/Business/Collections>  
or by calling the Ohio Medicaid Consumer Hotline at 1-800-324-8680, or by calling your local County Department of Job & Family Services.

*Instructions to CDJFS: In Journal Notes, record the date that this form was given or mailed to the consumer.*