



GEORGIA DEPARTMENT OF  
COMMUNITY HEALTH

Rhonda M. Medows, MD, Commissioner

Sonny Perdue, Governor

Medicaid Estate Recovery Unit  
6300 Powers Ferry Rd.  
Suite 600-288  
Atlanta, GA 30339  
Tel: 770-916-0328 Fax: 678-569-0066

August 21, 2009

[REDACTED]

RE:

[REDACTED]

Medicaid ID:  
Date of Death:

### Notice of Intent to File a Claim against the Estate

The purpose of this letter is to formally provide you with notice that the Georgia Medicaid Estate Recovery Unit intends to fully recover the value of Medicaid benefits/assistance correctly paid on behalf of the decedent. The Medicaid Estate Recovery Unit is required pursuant to O.C.G.A. § 49-4-147.1 to recover from the estate of certain Medicaid members.

As the recipient of this letter, you have been identified as the personal representative for the above-referenced decedent. If this information is incorrect please contact us immediately with the correct name and contact information of the person who will be representing this estate.

In compliance with O.C.G.A. § 49-4-147.1, the Georgia Department of Community Health (Department) has identified that \$[REDACTED] in Medicaid benefits were paid on behalf of the decedent. Please be advised that the initial claim amount may increase if there are additional medical claims that have not yet been processed. If necessary, the Department's recovery action may also include filing a lien on real or personal property. All heirs of the decedent have the right to file for an undue hardship waiver in opposition to Estate Recovery. The denial of a hardship waiver may be appealed by requesting a hearing. A hearing shall be conducted by the probate judge if the estate is in probate court. An administrative law judge shall conduct the administrative hearing if the case is not in probate court.

Enclosed is an Estate Recovery informational sheet for your review, as well as an application for an exemption or deferred recovery. Please read the provided information carefully and determine if the decedent's estate is eligible for deferred recovery or an undue hardship waiver. A waiver form may be requested by contacting our office. All requested information must accompany your response and be submitted to the Georgia Estate Recovery Unit 6300 Powers Ferry Rd. , Suite 600-288 , Atlanta, GA 30339 **within 30 days**. Your failure to respond will result in a determination that no exemptions or delays apply, and a claim will be officially filed against the estate.

If you need further information, please contact the Estate Recovery Unit at 770-916-0328 or at the address above. Thank you in advance for your prompt attention to this matter.

Sincerely,

Georgia Medicaid Estate Recovery Unit

Enclosures



## AN OVERVIEW OF THE GEORGIA MEDICAID ESTATE RECOVERY PROGRAM

### 1. What is Estate Recovery?

Estate Recovery is a program required by the federal government in every state in which the assets of deceased Medicaid members are used to reimburse the taxpayers for long term care provided through Medicaid. The total value of the estate must be valued at greater than \$25,000 for estate recovery to apply. Funds are recovered from the member's estate after his/her death for the cost of these services. An estate includes all real and personal property (homes, land, vehicles, cash, bank accounts, etc.) held individually or jointly. All assets of a deceased Medicaid member are subject to recovery including property held with a life-estate interest.

### 2. Who is affected by Estate Recovery?

The Estate Recovery Program applies to a person who receives any of the following services paid for by Medicaid:

- A person of any age living in a nursing home;
- A person of any age living in a long-term care program outside their own family's home;
- A person 55 years of age or older who has a worker coming to their home to help them with health care needs or goes to a daycare center on a regular basis. An example would be a nurse that comes to the member's home to help with medications or to change bandages. Another example would be a worker who comes to the member's home to help with bathing, cleaning, or getting dressed.

### 3. Are there any exceptions to Estate Recovery?

The Estate Recovery Program has been put in place to help the federal government recover some of the money that Medicaid has used to pay for the member's health care. In order to protect the family of the Medicaid member, the following rules must be observed before any money can be collected:

- Both the Medicaid member and the member's spouse must be deceased. Until both have passed, recovery will be delayed;
- The Medicaid member must not have dependent children younger than 21 years of age. Until the child reaches age 21, recovery will be delayed;
- The Medicaid member must not have any dependent children of any age with a disability or blindness that has been confirmed by a government agency. Recovery will be delayed until the disabled/blind child has also passed away.

### 4. Can Medicaid place a lien on my property?

If the estate is approved for a deferred recovery, then the state can place a lien on all real and personal property included in the estate. This is done to ensure that Medicaid will still be reimbursed once no exception conditions are applicable.

### 5. What is determined to be an undue hardship?

The Medicaid program will waive or delay recovery if an undue hardship exists. The two conditions for an undue hardship are:

- The asset to be recovered is an income producing farm of one or more of the heirs, and the annual gross income of the farm is limited to \$25,000 or less;
- Recovery of assets would result in the applicant becoming eligible for governmental assistance based on need



and/or medical assistance programs.

If the applicant feels he/she could be considered for a hardship waiver, a request must be made within 30 days of receiving Medicaid's claim against the estate. Specific details on how to request the hardship waiver will be included upon receipt of Medicaid's claim against the estate.

**6. If I am denied for an undue hardship or delayed recovery am I allowed a hearing to appeal that decision?**

Yes. Once the denial letter is received detailed instructions will be included on how to apply for a hearing.

**7. How does Medicaid pursue recovery?**

Estate Recovery will occur when the State files a statement of claim against the estate of a deceased Medicaid member. Notification will be mailed to the representative of the estate to advise them of Medicaid's claim. Once the personal representative contacts the Estate Recovery Unit, detailed information will be provided to the representative to advise them how to assist with the evaluation process.

**8. What Medicaid expenses must be reimbursed?**

For affected members, any service provided while in a long-term care facility or in the home when provided as an alternative to institutionalization. These services include nursing facility services, personal care services, home and community-based services, hospital services, and prescription drug services.



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Medicaid ID:

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### EXEMPTION OR DEFERRED RECOVERY REQUEST FORM

Please answer the following questions. The requested documentation and this questionnaire should be returned to the address above. This form must be returned to the Medicaid Estate Recovery Unit within 30 days or the assumption will be made that none of the following conditions apply to this estate.

**1. Is the total combined value of all of the decedent's assets \$25,000.00 or less?**

YES \_\_\_ NO \_\_\_

If yes, you **must** attach a signed and notarized affidavit listing all assets of the estate, the value of each asset, a listing of any debts owed by the estate, and the letter must include the address(es) of any real property. If no property is owned, the letter must specifically state that the decedent owned no property.

**2. Is the decedent survived by a spouse?**

YES \_\_\_ NO \_\_\_

If yes, you **must** attach a signed letter that includes the spouse's social security number and states that you are requesting a deferral of recovery.

**3. Is the decedent survived by any children under the age of 21?**

YES \_\_\_ NO \_\_\_

If yes, you **must** attach copies of birth certificates of all the children under the age of 21 with a signed letter that includes the child(ren)'s social security number and state that you are requesting a deferral of recovery.

**4. Is the decedent survived by a blind or totally and permanently disabled child of any age?**

YES \_\_\_ NO \_\_\_

If yes, you **must** attach a copy of the birth certificate of the child requesting the delay, a copy of the death certificate of the decedent, and a Social Security Disability award letter as proof of blindness or disability with a signed letter that includes the child(ren)'s social security number(s) and state that you are requesting a deferral of recovery.

I, \_\_\_\_\_, hereby attest that I am the administrator of this estate and that all of the information I have provided in this document is true to the best of my knowledge.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Relationship to the Decedent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Phone Number



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If all questions of the *Exemption or Deferred Recovery Request Form* were answered as "NO", then the following documentation must be provided to the Medicaid Estate Recovery Unit accompanying the *Exemption or Deferred Recovery Request Form*.

- A copy of the property tax statement attesting to the fair market value of all real estate owned by the decedent at the time of death;
- A copy of bank statements reflecting the balance of all accounts held by the decedent as of the month of death;
- A copy of all deeds to real estate that were in the decedent's name as of the month of death.
- A listing of all other assets held by the decedent at the time of death (household furnishings, stocks, bonds, etc.) with an appraised value indicated, or a copy of the inventory filed with the Probate Court;
- A statement or invoice of all debts of the decedent;
- A copy of the death certificate;
- A copy of a court order or will appointing the administrator or executrix of the estate;
- A copy of all deeds to real estate where the decedent had a life estate interest.

A final assessment cannot be made until the requested information is provided. Upon receipt of the documents, you will be notified in writing of the status of the claim. If any of the above documentation does not exist please compile a letter stating so.

Forward the requested documentation to the Medicaid Estate Recovery Unit, 6300 Powers Ferry Rd., Suite 600-288, Atlanta, GA 30339

Sincerely,  
Georgia Medicaid Recovery Unit