

## DISTRICT OF COLUMBIA MEDICAID ESTATE RECOVERY POLICY

D.C. Medicaid must recover Medicaid payments from the estate of an individual who, at age 55 or older, received medical assistance for nursing facility, home and community based waiver (1915(c)) services, and related hospital care and prescription drugs. Estate recovery applies to all Medicaid beneficiaries, including full benefit dual eligible beneficiaries who meet this definition (i.e., Qualified Medicare Beneficiaries (QMB) with Full Medicaid benefits or “QMBs Plus”). Payments made on and after January 1, 2010 for Medicare cost sharing obligations, including premiums, deductibles, and copayments, are not subject to estate recovery.

The District of Columbia notifies each applicant for Medical Assistance about the estate recovery requirement through the initial application.

The District defines estate to include real and personal property, and any interest in such property. The property must have been owned by the decedent at the time of death and not pass to another person.

To recover Medicaid payments, the District places liens on the estates of deceased Medicaid beneficiaries who meet the criteria for estate recovery. After the lien is placed, the District may only pursue its claim after any surviving spouse (if any) or children under the age of 21, blind or disabled, no longer live in the home.

In accordance with Chapter 67 of Title 29 of the D.C. Municipal Regulations, the Department of Health Care Finance (DHCF) will issue a Notice of Proposed Recovery that states the District’s intentions, as well as the rights and responsibilities of the decedent’s family or representatives. The written Notice of Proposed Recovery will include the following information:

- (a) Itemization of the claim of medical services paid by the Medicaid program;
- (b) Legal basis for the claim;
- (c) All exemptions from recovery; and
- (d) Procedures for applying for undue hardship including appeal rights and time frames.

DHCF includes copies of the current Exemptions and Undue Hardship Waiver applications when a Notice of Proposed Recovery is sent to a family or a representative. DHCF will issue a final decision within thirty (30) days of receiving a complete application.

If the decedent’s family or representative submits information and documentation that supports an *exemption*, DHCF will not place a lien on the property.

If the decedent’s family or representative submits information and documentation that establishes an *undue hardship*, DHCF may waive any enforcement of its claim. Sections 6703-6704 of Title 29 of the D.C. Municipal Regulations state the standards for establishing an undue hardship and the application process.

An applicant may request an administrative hearing after receiving the final decision from DHCF. All hearing requests must be filed with the Office of Administrative Hearings within thirty (30) calendar days from the date of DHCF's final decision.

### **Definitions**

**Decedent:** A deceased person

**Dual Eligibles (Medicare-Medicaid Enrollees):** Beneficiaries who are entitled to Medicare Part A and/or Part B and are eligible for some form of Medical Assistance

**Estate:** Real and personal property and any interest in such property that is owned by an individual and that does not pass at the time of the individual's death to another by terms of the instrument under which it is held, or by operation of law

**Home:** The dwelling unit which an individual has ownership interest and is used as the individual's principal place of residence; such dwelling may consist of a house, boat, trailer, mobile home or other habitation

**Lien:** A legal claim on the property of a person to allow recovery of some debt or financial obligation

**Qualified Medicare Beneficiaries (QMB):** Under the Medicare Savings Program, these individuals are Medicare Part A beneficiaries, but are not otherwise eligible for full Medicaid. Medicaid pays Medicare Part A and Part B premiums, and Medicare deductibles and coinsurance consistent with the D.C. State Plan for Medical Assistance

**Qualified Medicare Beneficiaries Plus (QMB Plus):** Under the Medicare Savings Program, these individuals are entitled to Medicare and are eligible for full Medicaid benefits. Medicaid pays Medicare Part A and Part B premiums, and Medicare deductibles and coinsurance, as consistent with the D.C. State Plan for Medical Assistance