

WHAT ABOUT BURIAL COSTS AND OTHER CLAIMS AGAINST THE ESTATE?

Burial costs are paid first from the estate of the recipient. The state's claim for reimbursement has the same priority as reasonable and necessary medical expenses of the last illness under the Utah Uniform Probate Code and is paid before other creditors and before the heirs.

CAN ORS WAIVE ESTATE RECOVERY IF IT WOULD CAUSE UNDUE HARDSHIP?

ORS offers the opportunity to apply for an undue hardship waiver in every case. ORS may waive recovery:

- While there is a surviving spouse.
- If a child of the recipient is under 21, blind or disabled.
- When the property is the sole income-producing asset and source of support for the survivors (such as a family farm or other family business, which produces a limited amount of income).

For information on Estate Recovery contact:

Office of Recovery Services (ORS)
Medical Section:
(801) 536-8798

Department of Health Department of Workforce Services

Equal Opportunity Employer/Program

Department of Health and Department of Workforce Services comply with applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, or sex. Auxiliary aids and services are available upon request to individuals with disabilities by calling 1-801-526-9240. Individuals with speech and/or hearing impairments may call Relay Utah: 711. Spanish Relay Utah: 1-888-346-3162. ATENCIÓN: si habla español, tiene a su disposición servicios gratuitos de asistencia lingüística. Llame al 1-801-526-0950. 注意：如果您使用繁體中文，您可以免費獲得語言援助服務。請致電 1-801-526-0950。

05-994-1017

Estate Recovery Information



UTAH DEPARTMENT OF
HEALTH
MEDICAID



DEPARTMENT OF
WORKFORCE
SERVICES

WHAT IS ESTATE RECOVERY?

The state recovers funds from a recipient's estate for Medicaid expenses paid after age 55, provided that there is no child who is blind, or disabled, or under age 21. Recovery takes place only after the death of both the recipient and the surviving spouse.

WHY ESTATE RECOVERY?

To comply with federal law, which requires that states pursue Estate Recovery, Section 1917 of the Social Security Act makes estate recovery mandatory. This is to supplement funds available for medical assistance programs and limit the tax burden caused by rising medical costs. Funds recouped through Estate Recovery are returned to medical programs to help provide assistance to others in need. Utah state law provides for Estate Recovery in Section 26-19-13.



HOW DOES THE OFFICE OF RECOVERY SERVICES (ORS) DEFINE "ESTATE"?

"Estate" means, regarding a deceased recipient, all real and personal property or other assets included within a decedent's estate (as defined in Utah Code, Section 75-1-201); and a decedent's augmented estate (as defined in Section 75-2-202).

WHAT MEDICAL COSTS WILL ORS RECOVER?

ORS recovers costs paid by Medicaid when the recipient is age 55 or older such as:

- Pharmacy charges
- Doctor and hospital charges
- Ambulance charges
- Insurance premiums
- Medical equipment
- Long-term care costs (both in-home and nursing home)
- QMB expenses
- Other costs (see Medicaid State Plan)

HOW DOES ORS PROCEED WITH ESTATE RECOVERY?

- ORS does not initiate any recovery until after the death of the recipient and the recipient's spouse.

- ORS contacts a representative of the heirs after the death of the recipient.
- ORS may record a lien against real property of a deceased recipient for purposes of Estate Recovery.
- ORS may file a claim with the probate court for the amount of the medical assistance provided.
- Utah Code states that "...medical assistance correctly paid...is recoverable from the estate of the deceased recipient."

WILL I BE REQUIRED TO SIGN A LIEN AGAINST MY HOME?

You are not required to sign a lien when you apply for Medicaid. A lien is placed on real property only after the death of the recipient and the recipient's spouse.

IF MY HOME IS EXEMPT FROM ELIGIBILITY, WILL IT ALSO BE EXEMPT FROM ESTATE RECOVERY?

No, while your home may be exempt for purposes of determining Medicaid eligibility, it will not be exempt from Estate Recovery. However, recovery takes place only after the death of both the recipient and the recipient's spouse.