

N.C. Division of Aging and Adult Services

Administrative Letter No: DAAS-07-07 - Estate Recovery for Personal Care Services for Special Assistance Recipients (Obsolete 10/17/08, Change Notice 03-08)

Adult Services Section

Date: April 27, 2007

Subject: Estate Recovery for Personal Care Services for Special Assistance Recipients

Distribution: County Directors
Special Assistance Supervisors
Adult Services Supervisors

Effective Date: May 1, 2007

Effective May 1, 2007, Special Assistance Adult Care Home (SA/ACH) and Special Assistance In-Home (SA/IH) applicant/recipients 55 years of age and older will be subject to Estate Recovery for the cost of Personal Care Services (PCS) paid by Medicaid. The Division of Medical Assistance included a notice of this change regarding PCS to all current Medicaid recipients in their April 2007 Medicaid cards.

Currently there is nothing in the SA/ACH and SA/IH application or eligibility redetermination process that addresses Estate Recovery for the cost of PCS paid by Medicaid. All current and future applicants and/or their representatives, and all recipients and/or their representatives undergoing SA eligibility redetermination are to be advised of this new policy.

We have developed SA-3110, Application Process, Figure 3, to be used to document that applicant/recipients and/or their representatives have been notified of the potential for Estate Recovery for the cost of PCS paid by Medicaid. Please begin using this form immediately to inform SA/ACH A/R's and SA/IH A/R's regarding Estate Recovery for the cost of PCS paid for by Medicaid.

I. SA/ACH and SA/IH Active Cases on or after May 1, 2007

- A. Beginning May 1, 2007, provide Figure 3 to all recipients and/or their representatives as part of the Special Assistance eligibility redetermination process. Explain Estate Recovery for the cost of PCS paid for by Medicaid to the recipient and/or his representative.

Refer to Medicaid Dear County Director Letter dated March 29, 2007.

- A. Have the recipient or his representative sign and date Figure 3. Provide a copy to the recipient and/or his representative. Retain one copy in the case file.

II. SA/ACH and SA/IH Applications Pending on or after May 1, 2007

- A. Beginning May 1, 2007, provide Figure 3, to all applicants and/or their representatives who have a pending SA/ACH or SA/IH application. Explain Estate Recovery for the cost of PCS paid by Medicaid to the applicant and/or his representative. Refer to Medicaid Dear County Director Letter dated March 29, 2007.
- B. Have the applicant or his representative sign and date Figure 3. Provide a copy to the applicant and/or his representative. Retain one copy in the case file.

If you have any questions regarding this information, please contact your Adult Programs Representative, or Brenda Porter, SA Program Coordinator at (919) 733-3818.

Sincerely,

Dennis W. Streets
Director

[Attachment](#)

IMPORTANT NOTICE

YOUR ESTATE MAY BE SUBJECT TO MEDICAID ESTATE RECOVERY

You (your representative) applied for State/County Special Assistance (SA). Medicaid pays for Personal Care Services for Special Assistance recipients.

This notice is to inform you that if you are an SA recipient 55 years of age or older, your estate may be subject to Estate Recovery after you die for the cost of Personal Care Services paid for by Medicaid. This applies only to Personal Care Services you receive on, or after May 1, 2007.

Medicaid cannot collect any assets that are not part of your estate at the time of your death. No lien will be placed on property as part of the Estate Recovery process.

Estate Recovery does not apply to everyone. A claim will be filed against the estate of a deceased individual who:

- Applied or reapplied for, or was receiving State County Special Assistance on, or after May 1, 2007
- AND
- Was 55 years of age or older and;
 - Received Personal Care Services paid for by Medicaid.

There are some circumstances when Medicaid will not collect from your estate. Estate Recovery is waived when:

- You are survived by a spouse, child under 21, or a child of any age who became disabled or blind before age 21 and continues to live on your property, or
- The total assets in your estate are less than \$5,000, or the total amount Medicaid paid for Personal Care Services is less than \$3,000, or
- Recovery will cause undue or substantial hardship to a surviving heir.

This notice is for informational purposes only. If you have any questions about this notice, contact your county department of social services or call the Division of Medical Assistance, Eligibility Unit, toll free at 800-662-7030.

Name of Applicant/Recipient _____

Applicant/Recipient/Representative Signature _____

Caseworker Signature _____

Date Signed _____

Representative Relationship to A/R _____

Representative Mailing Address _____

Daytime Phone No. _____