



What about bank accounts or accounts at the facility where the recipient was living?

The money may be subject to a claim. The family or heirs should contact EAU before spending any money that belonged to the recipient. Banks and facilities are asked to send the recipient's remaining funds to EAU except when a spouse survives the recipient.

What about personal property or belongings?

Generally, EAU will not make a claim on inexpensive personal things. Contact EAU about expensive items, such as jewelry or collectibles.

Who gets life insurance money?

If the recipient told the insurance company who is to receive the money, EAU will not assert a claim against the life insurance. If the insurance is paid to the estate of the recipient and not to a person, that asset is subject to a claim.

To avoid a DHS claim, can the recipient give assets away or sell them for less than they are worth?

No. For a five-year period prior to receiving public assistance and while receiving public assistance, an individual may not give away assets for less than their full value. This could cause loss of benefit eligibility. Even with no eligibility loss, EAU may ask a court to require the individual that received the assets to return them or pay their full value up to the amount of EAU's claim.

What about funeral costs?

Recipients are encouraged to prepay their funeral expenses. Please discuss this with your case manager. Generally, the amount allowed for funeral costs after death will be significantly less than funds allowed for prepaid funeral expenses.

EAU may refund some money for funeral expenses, depending on the amount of prepaid expenses. EAU cannot refund more than it collected.



The Estate Recovery Program is a program of the Department of Human Services (DHS) Estate Administration Unit (EAU).

Please share this brochure with your family or whoever will be handling your estate.

If you would like more information, talk with your case manager or call the Estate Administration Unit:

1-800-826-5675 in Oregon
or **503-378-2884** in Salem.

Note: Information contained in this brochure is based on state and federal law as of the publication date and is subject to change without notice. It is intended to inform and not to advise. Specific legal questions should be referred to a lawyer.

This document can be provided upon request in alternative formats for individuals with disabilities. Other formats may include (but are not limited to) large print, Braille, audio recordings, Web-based communications and other electronic formats. E-mail estate.admin@state.or.us, call 1-800-826-5675 (voice) or call 503-378-7800 (TTY) to arrange for the alternative format that will work best for you.



ESTATE ADMINISTRATION PROGRAM

**Your estate and public
assistance cost recovery**

This brochure will provide information to you on the Department of Human Services' (DHS) Estate Recovery Program and how it works. This is to help you make an informed decision on whether this program would fit into your or your loved one's personal care plan. We encourage you to call us at the number on this brochure if you have questions.



What is an Estate Recovery Program?

The Estate Recovery Program is connected to the benefits you or a loved one may have received from one of Oregon's public assistance programs that pays for health care and other care services. For some of these programs, DHS will ask to be repaid after the recipient of these services passes away.

Why does DHS have an Estate Recovery Program?

State and federal law require that we recover these costs whenever possible after the person or surviving spouse dies. Approximately 60 percent of what we recover pays for essential services to seniors and people with disabilities; the remainder partly reimburses the federal government for its share of Medicaid.

Who at DHS should be told when a recipient dies?

The recipient's case manager should be notified as soon as possible.

What Oregon Supplemental Income Program and General Assistance Program benefits have to be paid back?

When the recipient passes away, that person's estate must repay all benefits received from these programs. However, recovery is postponed if there is a surviving spouse.

What Medicaid benefits have to be paid back?

Medicaid benefits paid for anyone 55 years of age or older have to be repaid. If a recipient of any age received nursing home-type care for at least six months, that person's estate must repay all Medicaid benefits.

Will Medicare expenses paid by Medicaid have to be repaid?

Any Medicare premiums, deductibles or copays paid by Medicaid after Jan. 1, 2010, will not have to be repaid. Some "special needs trusts" will have to repay these expenses even if paid after Jan. 1, 2010. Medicare-related expenses paid by non-Medicaid programs must be repaid.

When does collection start?

Estate recovery starts after the recipient's death. If there is a surviving spouse or other factors are present, DHS may postpone collection.

What if there is a surviving spouse?

Generally, nothing is repaid until the surviving spouse passes away. However, some trusts will have to repay the benefits even if a spouse survives. After the spouse passes away, the Estate Administration Unit (EAU) may submit a claim against the recipient's share of assets.

What if estate recovery will cause a hardship?

Anybody who receives an interest in an asset when the recipient passes away may apply for a hardship waiver. However, the waiver is not guaranteed. Please contact EAU as soon as possible for essential deadlines. We will work with you to be as accommodating as possible.

Who pays if the claim is more than what the recipient had?

No one will have to pay more than the value of the recipient's estate. The estate may include assets owned during the recipient's life but transferred to other individuals.

What will happen to the recipient's real property?

In some cases real property may have to be sold to pay the claim. Anyone receiving anything from an estate (an heir or devisee) may choose to pay the claim instead of selling the real property.

What if the recipient owned property with another person or the title says the property goes to a survivor?

Ordinarily assets owned with rights of survivorship or life estates* are not part of an estate. In recovering Medicaid, the recipient's estate includes such assets. The benefit recipient's share of the property may be subject to a Medicaid repayment claim.

* A person with a life estate has the legal right to the use and all the profits of the property during that person's lifetime. Full title to the property passes to the persons who appear on the title as recipients when the life estate owner passes away.