

Estate Recovery Repaying the State for Medical and Long Term Care (LTC)

What is estate recovery?

- It is a law (RCW 41.05a and 43.20b) that requires your estate to repay DSHS and the Health Care Authority (HCA) for some medical costs and Long Term Care (LTC) Services you received.

What is an estate?

- Assets you own or have legal interest in at the time of your death such as:
 - bank accounts
 - houses
 - land
 - stocks
 - bonds
- Annuities owned by you or your spouse.

What isn't part of your estate?

- Assets solely owned by your parents, spouse, state registered domestic partner, or child.
- Tribal assets.

What if you don't have any assets at the time of your death?

- There is no estate recovery.

What expenses are included in estate recovery?

- Federally funded LTC expenses DSHS pays after you are age 55.
- State funded LTC expenses DSHS pays at any age.
- State funded Medicare expenses DSHS pays.

What expenses aren't included in estate recovery?

- Expenses HCA pays under a federal Medicare Savings Program.
- Medical costs HCA pays if you do not also receive LTC services.

What if you live in a medical facility and DSHS can't reasonably expect you to return home?

- The law allows us to file a lien on your home prior to death, unless you don't pay toward the cost of care for LTC services under the SSI or MAGI programs.
- If we have a lien on your home and you sell it, we will recover the costs of medical and LTC services from the proceeds.
- We won't file a lien on your home if your spouse, state registered domestic partner, or other dependent lives there.
- We will release the lien if you return home.

When does DSHS delay estate recovery?

- If your spouse survives you.
- If there is a surviving child under 21.
- If there is a surviving child who was blind or disabled at the time of your death.
- If your heirs ask for undue hardship and DSHS approves the request.

When may DSHS approve an undue hardship?

- Recovery deprives an heir of a place to live and they lack financial means to live somewhere else.
- The estate is the sole income producing asset for your heir and their income is limited.
- You are survived by a registered domestic partner.

What if you want more information?

- Call the Coordinated Legal Education, Advice and Referral Line (CLEAR) toll free at 1-888-201-1014.
- Consult with an attorney who understands both estate planning and medical assistance rules.
- Read the "*Estate Recovery for Medical Services Paid for by the State*" at www.washingtonlawhelp.org (click on "Seniors" and then "Long term care assistance").
- Read Revised Code of Washington (RCW) 41.05a and 43.20b and Washington Administrative Code (WAC) 182-527.