

Ohio's Medicaid Estate Recovery Program



What is the Medicaid Estate Recovery Program?

The Medicaid Estate Recovery Program, also called MER, is a program through the Ohio Department of Medicaid. The program allows the Ohio Attorney General to recover from the estates of former Medicaid recipients all correctly paid Medicaid benefits.



What services are subject to Medicaid Estate Recovery?

All medical services correctly paid on behalf of a Medicaid recipient are subject to recovery. Medical expenses include those paid for doctor visits, outpatient visits, nursing facility services, home and community-based waiver services like PASSPORT or Assisted Living Waivers and all medical and prescription-related Medicaid services.



What services are not subject to Medicaid Estate Recovery?

Medicaid services provided before January 1, 1995, are exempt from recovery.

Medicaid benefits correctly paid after January 1, 2010, under the Medicare Premium Assistance Programs, also known as Qualified Medicare Beneficiary (QMB), Specified Low-Income Beneficiary (SLMB), and Qualified Individuals-1 (QI-1).



Who is subject to Medicaid Estate Recovery?

A Medicaid recipient of any age who owned real or personal property immediately before death who:

- Was permanently institutionalized and residing in a nursing home, Immediate Care Facility/IID, or a medical institution; or
- Age 55 or older who was NOT permanently institutionalized and includes those who received services through home and community-based Medicaid waiver services such as PASSPORT or Assisted Living Waivers.



What is included in an estate for Medicaid Estate Recovery?

Any real or personal property and other assets that a person had any legal title to or interest in at the time of death. **Real property** means land, including buildings or immovable objects attached permanently to the land. **Personal property** means any property that is not real property, including cash, jewelry, household goods, tools, life insurance policies, automobiles, and promissory notes.



Will your home be subject to Medicaid Estate Recovery?

Yes, after the sale of your property. Certain **exemptions apply** if you are survived by your spouse, a child under the age of 21, or a child of any age who is blind or permanently and totally disabled.



When will Medicaid Estate Recovery happen?

Medicaid Estate Recovery may start only after the Medicaid recipient's death **and**:

- The death of the individual's surviving spouse, if any;
- There are no surviving children under age 21; and
- There are no surviving children of any age who are considered blind or disabled.

Estate recovery can be delayed or postponed in some situations when a family member acts as a caretaker. If you think that may apply to your situation, you should talk with an attorney for details.



Does the Ohio Department of Medicaid ever waive its right to Medicaid Estate Recovery?

Yes. The Ohio Department of Medicaid may grant an **undue hardship waiver** on a case-by-case basis when recovery would cause an undue hardship on the individual's survivors. The waiver may be temporary or permanent. Your estate must prove the undue hardship.



Can I transfer my property to someone else?

Yes. Medicaid allows you to transfer assets during your lifetime to a spouse, a surviving child under the age of twenty-one, a surviving child of any age who is blind or permanently disabled, a sibling with an equity interest, or an adult caretaker child.

The Ohio Department of Medicaid will look back five years from the date of your Medicaid application to see if you gifted or transferred any real or personal property. If you transferred anything during the five-year period, the value of the gift or transfer may be used to determine a period of time that you would **not** be eligible for Medicaid.



What if I disagree with the Ohio Department of Medicaid's decision?

Your local Job and Family Services office will send you a written notice about the Ohio Department of Medicaid's decisions. The notice should include the decision, the rule the decision is based on, and your appeal rights. Be sure to pay close attention to your appeal deadlines.

**The information on this flyer is not legal advice.
If you are seeking representation or legal advice, please contact SEOLS.
An attorney-client relationship does not exist between you and SEOLS.**

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