

## Estate Recovery

### Repaying The State For Medical and Long Term Care (LTC)

What is estate recovery?

- It is a law (RCW 43.20b) that requires your estate to repay DSHS for 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?

- Medicaid expenses DSHS pays after you are age 55.
- 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 DSHS pays under a federal Medicare Savings Program.

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.
- 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](http://www.washingtonlawhelp.org) (click on "Aging/Elder Law" and then "Long term care assistance").
- Read Revised Code of Washington (RCW) 43.20b and Washington Administrative Code (WAC) 388-527.