

The Estate Recovery Notification

Implementation Plan

Washington State Department of Social and Health Services
Management Services Administration
Research and Data Analysis
Report from the 2SHB 1116 Project Steering Committee

IMPLEMENTATION PLAN TO NOTIFYING LONG-TERM CARE CLIENTS
ABOUT THE WASHINGTON STATE RECOVERY PROGRAM

The Estate Recovery Notification

Implementation Plan

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Inside DSHS:

- **Aging and Adult Services Administration (AASA)**
- Health & Rehabilitative Service Administration, **Developmental Disabilities Division (DDD)**
- Health & Rehabilitative Service Administration, **Mental Health Division (MHD)**
- Management Service Administration, Administrative Services Division (ASD), **Social Service Payment System (SSPS)**
- **Medical Assistance Administration (MAA)**
- Executive Administration, **Budget Division**
- Executive Administration, Finance Division, **Office of Financial Recovery (OFR)**
- Management Services Administration, **Research and Data Analysis (RDA)**

Outside DSHS

- Department of Printing
- Paladin Data Systems Corporation
- Consultec Corporation

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EXECUTIVE SUMMARY

Background	<p>Washington State has had an estate recovery program in place since 1987. The program is federally required to recapture public expenditures made on behalf of clients receiving certain Medicaid long-term care services. In 1998, DSHS researched 22,432 deaths to determine if the decedents had received any DSHS services. 11,096 of those people were in fact known to DSHS and met age criteria. Only about 5.2% (579) of those deceased DSHS clients had an estate which allowed for financial recovery. From those 579 estates, \$7.3 million was recovered.</p> <p>The percentage of clients with estates is low because people do not qualify for Medicaid services unless they are low-income. The only asset they can keep is their home, and that is not recoverable until their spouse and dependent children also die. If Medicaid clients die with an estate, it is either their house or some funds acquired after services began (perhaps an inheritance) which have not yet been “spent down.”</p>
2SHB 1116 Requires	<p>In a few cases, heirs have been unaware of the estate recovery requirement and have seen their expected inheritance disappear. Therefore, Chapter 354, Laws of 1999, (2SHB 1116) requires DSHS to:</p> <ul style="list-style-type: none">• Disclose in advance the terms and conditions of estate recovery.• Provide a written description of community services options.• Develop a plan to notify clients or their representative quarterly of services used and associated costs which could be charged against the estate.• Submit the implementation plan by December 12, 1999 to the appropriate standing committees of the House of Representatives and the Senate, and to the joint legislative and executive task force on long-term care.
Implementation Plan	<p>This report is the required implementation plan. It describes DSHS actions to assure that all long-term care clients understand the estate recovery requirement and to provide written material to clients describing community service options. Also, it presents three options and associated costs for quarterly notification to clients showing services used and the associated costs which will be charged against the client's estate.</p> <ul style="list-style-type: none">• Option 1: Notify only “new” long-term care clients (those who begin to receive long-term care services after the implementation date). These clients would have no historical services. (Cost: \$ 2 million to develop and \$ 1.2 million to maintain).• Option 2: Notify all clients currently receiving long-term care services, but do not include information on services that were received before the implementation date. (Cost: \$ 2.6 million to develop and \$ 1.5 million to maintain).• Option 3: Notify all clients currently receiving long-term care services and include information on services that were received before the implementation date. (Cost: \$ 3.7 million to develop and \$ 2.2 million to maintain).
Methods	<p>The plan to notify clients of services and costs, which may be subject to estate recovery, depends to a great extent upon information systems development, which is in progress in DSHS. Significant system improvements are already underway at the Social Services Payment System, Aging and Adult Services</p>

Administration, and the Client Services Database at Research and Data Analysis. The implementation plan options described here make full use of this ongoing work and therefore reduce the development costs that would otherwise be necessary. However, sending notices to all clients vastly increases the number of clients for which estate recovery information must be developed so it is not feasible to continue assembling it by manually inspecting microfiche records, (which is how it is done at present). Therefore, all options require the establishment of a new database containing the notification information, and the establishment of an information center in DSHS where clients can discuss the information on their notification statements.

Costs and Timelines

These options and associated costs and timelines are described in detail in this report. All options involve considerable cost. This will not result in additional recoveries, since recoveries are limited by the small number of clients with estates. The costs and features of the options are highlighted in the table below, and contrasted with the current program, which only assembles recovery information for the 600 clients a year who die with an estate

	Current	Option 1	Option 2	Option 3
New FTEs required for development	0	14.2	25	47.50
New Costs for development.	0	\$2,046,500	\$2,605,900	\$3,728,400
Ongoing additional FTEs required for operation for the next five years.	0	9.4	13.4	24.65
Ongoing additional annual costs for operation.	0	\$1,201,000	\$1,543,800	\$2,221,800
Development timeline.	-NA-	July 1, 2000– Dec 31, 2001	July 1, 2000– Aug 31, 2002	July 1, 2000 – April 30, 2003
Clients notified in first operational year.	-NA-	15,000	47,000	47,000
Show historical charges from 1987 forward?	-NA-	No	No	Yes
Number of inquiries and complaints annually.	About 30	Estimate 7,500	Estimate 12,000	Estimate 23,500
Number of affected estates (no change).	About 600	About 600	About 600	About 600
Recoveries in millions (no change).	About \$7.3	About \$7.3	About \$7.3	About \$7.3
Recovered Medicaid amount in millions, that will remain for Washington State, after the federal portion been paid back (no change).	About \$3.5	About \$3.5	About \$3.5	About \$3.5

Risks

In developing and costing these options, we wish to register some concern about the expense and complication of sending quarterly mailings to each person receiving long-term care services. That is a lot of mail, to many people who may well know that they will have no estate when they die. The expense involved includes not only the mailing costs, but also the complaints and the staff time dealing with correcting unduplication errors for persons who have no estate to begin with. We respectfully suggest that rather than mailing quarterly statements to all clients, that if any of these options are implemented, the clients be notified in writing that the information exists, and asked whether they wish to receive a quarterly report of their recoverable long-term care expenses. The information systems changes would still be made, but the ongoing FTE load to handle inquiries and complaints would decrease because people who did not want statements would not receive them.

PURPOSE AND SCOPE OF THE PROJECT

RCW 43.20B.080, RCW 74.08.090 and WAC 388-527 (see Appendix A) requires the Department of Social Health Services (DSHS) to recover the cost of medical care that DSHS paid on the client's behalf from the estate of a deceased client.

Chapter 354, Laws of 1999 (2SHB 1116) requires DSHS to:

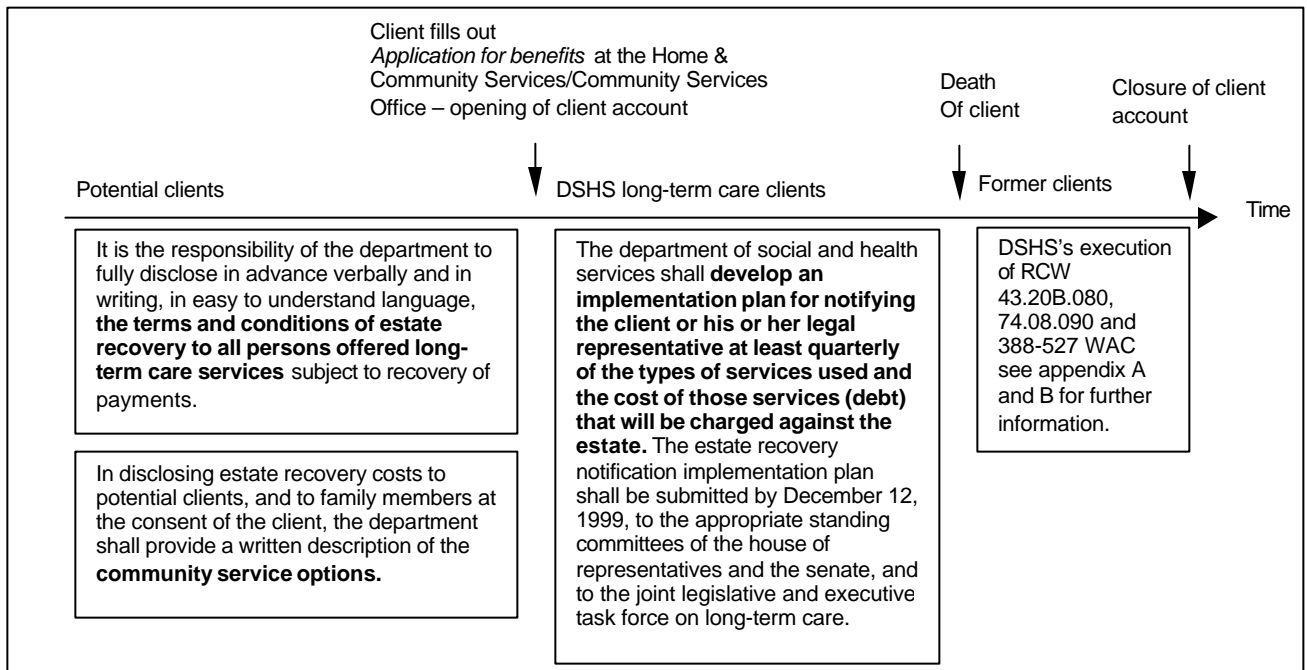
- Disclose in advance the terms and conditions of estate recovery.
- Provide a written description of community services options.
- Develop an implementation plan for notifying clients or their representative quarterly of services used and associated costs, which could be charged against the estate.
- Submit the implementation plan by December 12, 1999 to the appropriate standing committees of the House of Representatives and the Senate, and to the joint legislative and executive task force on long-term care.

This document addresses three major options in the implementation of this plan.

BACKGROUND

The State of North Carolina conducted a study in 1998 that compared the total amount recovered to the total amount of Medicaid payments for long-term care during 1997 for 33 states. Washington State ranked 13th among the 33 states in the proportion of Medicaid long-term care expenditures which were recovered. Estate recovery **notification** is not a federal requirement. DSHS was unable to identify any other state that provides ongoing notification to clients about amounts subject to estate recovery. A large percentage of the funds collected by the estate recovery program are Medicaid funds. The Medicaid recoveries are shared between the Federal and State governments according to the prevailing Federal Medical Assistance Percentage (FMAP). In Federal Fiscal Year 1999, the Federal portion of the recoveries was 52.5% and the State share was 47.5%.

Which Clients are Affected by 2SHB 1116?



Estate Recovery Regulations

The state must attempt to recover the costs of certain long-term care services and associated hospital services and prescription drugs from recipients' estates after their death. To do this, DSHS may file a lien or make a claim against property included in a deceased recipient's estate.

Recovery is deferred while there is a surviving child who is 20 years old or younger or who is blind or disabled. Recovery is also deferred until the death of a surviving spouse. Hardship provisions to protect dependent heirs may apply. Collection only applies to property the Medicaid recipient owned or had an interest in at the time of death. It does not apply to property solely owned by a spouse or child.

The estate recovery regulations have changed several times since they were first implemented in Washington State in 1987. From July 1987 through June 1994, all medical assistance services to persons 65 years of age and older were included. From July 1994 through June 1995, coverage was extended to include persons 55 years of age and older but restricted to federally funded long-term care services only. Since July 1995, coverage has been extended to include state funded long-term services to persons of any age.

The full text of WAC 388-527 is attached as Appendix A to provide additional detail on the current and historical recovery requirements.

Persons Who Receive Long-term Care Services

The Aging and Adult Services Administration (AASA) serves the majority of persons currently receiving long-term care services subject to estate recovery (currently about 43,000). Other persons who receive services subject to estate recovery are clients of the Division of Developmental Disabilities (DDD) (currently about 4,350) and a few clients of Medical Assistance Administration (MAA) (currently about 6). Some clients of the Mental Health Division (MHD) also received services subject to estate recovery between July 26, 1987 and July 1, 1994. DSHS is not able to identify these MHD clients at the present time, except through manual searches of archived data. These clients and the services they received would be identified during the estate recovery process described in Appendix B.

Information Systems

The services that are subject to estate recovery are recorded in three DSHS information systems:

- Medicaid Management Information System (MMIS). This system is used to pay providers for many of the long-term care services subject to estate recovery. Consultec Corporation operates the system for Washington State under contract. As operated under the contract, MMIS has a limited historical database with details of services and billings stored electronically for only 3 years. Information older than 3 years is available as microfiche. Client information on microfiche is found using the clients "PIC Code"; an identifier derived from the client's name and birth date, which is unrelated to other ID codes used by the department. The ACES Client ID is carried through to MMIS through system interfaces. The ACES Client ID provides a convenient method to access all information for a specific client in both ACES and MMIS.
- Social Services Payment System (SSPS). This system is used to pay providers for non-medical long-term care services provided by AASA and DDD. This system has a limited historical database of 6 months on the active online system. Electronic files containing analytic historical information, which may be adequate to identify services used in the past, which were subject to estate recovery are available, with the exception of a few months, back

to 1988. Current estate recovery processes access SSPS historical information via microfiche, using the client's name as a key. The SSPS system contains a field for "case number" which is used at the caseworker's option for further own use.

- County Human Resources Information System (CHRIS). This is a DDD Management Information System. CHRIS allows field personnel to track the contracted day program and supported employment services that were received by a client, when the service was received, who provided the service, and how much the service cost. The CHRIS system contains its own system generated 6-digit ID number. It also contains a "case number" field that can accept the ACES Client ID, but it is not required to be filled in by the staff.

The following systems provide client and/or summary eligibility information for nearly every person who receives services subject to estate recovery. This client information supplements the service detail information in the above systems. These systems include virtually all the clients who receive services subject to estate recovery. This excludes only 6 clients of the Medical Assistance Administration (MAA) who are recipients of Coordinated Community AIDS Service Alternatives (CASA).

- Automated Client Eligibility System & Barcode systems (ACES/Barcode). This is the system used by Economic Services Administration (ESA) and AASA caseworkers to determine if persons meet the eligibility requirements for receipt of Medicaid and state funded long-term care assistance. This system is comprehensive in that it contains eligibility information on virtually all clients receiving long-term care services subject to estate recovery. It is during the eligibility interview that caseworkers discuss the estate recovery requirement with potential clients.

ACES/Barcode provides a capability to assign a unique identification number to each person in the system. It is intended that the "ACES Client ID" remains constant. As mentioned in the discussion of MMIS above, this ACES Client ID is carried through to MMIS through system interfaces. The ACES Client ID provides a convenient method to access all information for a specific client in both ACES and MMIS.

- Interactive Terminal Input System (ITIS). This system was replaced by ACES beginning in 1995. ITIS too had a capability to assemble client summary information over time across discontinuous eligibility spans. ITIS provided a "PIC Code" which passed through to MMIS via system interfaces. Components of ITIS are still used by estate recovery staff to decide whether further research into MMIS, for services in 1996 and earlier, is warranted.

Some of the relationships between the estate recovery regulations, services received, DSHS administrative divisions and information systems are illustrated in Figure 1.

Figure 1. Services, Divisions and Payment Systems Relevant to Estate Recovery.

Legal dates	Age when recovery applies:	Type of service	Divisions				Payment Information Systems		
			DDD	MHD	AASA	MAA	SSPS	MMIS	CHRIS
A. Services provided from July 26, 1987 through June 30, 1994, Including <u>all</u> medical assistance.	Age 65 for federally funded medical assistance	All medical assistance paid through the client's Medical Identification card							
		Wavered services							
		Nursing facility care							
B. Services provided from July 1, 1994 through June 30, 1995. During this period the estate recovery requirement includes only the services shown at the right and <u>not</u> all-medical assistance like the legal period above.	Age 55 for federally-funded long-term care services	Nursing facility services							
		Community Options Program Entry System – COPEs							
		Traumatic Brain Injury – TBI							
		Community alternatives Program – CAP							
		Outward Bound Residential Alternatives – OBRA							
		Coordinated Community AIDS Services Alternatives – CASA (2350)							
		Hospital and prescription drug services related to services listed above							
C. For services provided after June 1995 During this period the estate recovery requirement includes only the cost of the services shown at the right and the same services provided from July 1, 1994 through June 30, 1995 above. But it does <u>not</u> include all-medical assistance.	Age 55 for federally-funded long-term care	Medicaid Personal care							
		Adult day health							
		Private duty nursing							
		Hospital and prescription drug services related to services listed above							
	Any age for state funded long-term care	Adult family homes							
		Adult residential care (congregate care)							
		CHORE service							
		Hospital and prescription drug services related to services listed above							
Number of current clients		Total: 47,356	4,350	43,000	6				

The Recovery Process

The Office of Financial Recovery's (OFR) Estate Recovery Unit determines liability and enforces the recovery of revenue. The Estate Recovery Unit currently has 9 full time employees. For the calendar year 1999, OFR estimates that they will research 23,500 deaths and probate filings. This research is estimated to result in 624 liens and claims against estates. OFR estimates that these liens and claims will result in a total collection of \$7.6 million for FY1999.

The estate recovery process is highly labor intensive. Probate filings need to be manually researched to determine if the deceased was a DSHS client. Even when the deceased was known as a DSHS client at the time of death, research needs to be done against archived (microfiche) material to find information on services and dollar amounts that might exist for past periods. Since the information systems do not share and use consistent person identifiers, searches need to be done in different ways for the each of the systems. The system is highly reliant on human intelligence and judgment to assemble the correct information for any specific case.

Appendix B contains further information about the numbers of cases researched and the collection amounts since 1993. It also contains a more complete description of OFR's work process.

CURRENT NOTIFICATION TO CLIENTS

Estate Recovery Requirement Explained at Medicaid Eligibility Determination

Persons who receive services that are subject to estate recovery are determined eligible for Medicaid or state funded long-term care services by caseworkers in ESA or AASA using the ACES system. Each of these clients, or their representative, is told of the estate recovery process and acknowledges this by signing the **Application for Benefits** form.

→ **Estate Recovery related text on the back of *Application for Benefits* (Page 6):**
“The department may recover from my estate the cost of long-term care services when I am 55 or older. Long-term care includes COPES, Medicaid Personal Care, and Nursing Home Services plus related hospital and prescription drug costs”. See appendix 3.1.

While this may meet both the legal and technical requirement regarding client notification about the estate recovery program, this information is received during a complex application process. Much information is exchanged while processing the application and some clients are unable to absorb this information while in the midst of the application process and while trying to deal with the complex problems which have brought them to apply for assistance.

Printed & Verbal Information to Inform about Estate Recovery and DSHS Community Service Options

DSHS caseworkers routinely discuss community service options and care alternatives with clients and potential clients during care planning, eligibility and service authorization processes. Currently AASA explores community options that may be available for the client, but the clients themselves decide what service to use. Then the client has the choice to finally decide. In a survey made by AASA in December 1997, where they asked if a client who had chosen an individual provider (IP) did so because they wanted to minimize the claim against their estate, only 3% indicated that estate recovery was the reason for choosing an individual provider.

AASA currently uses two different brochures named “Options, You have a choice” and “Medicaid for people who need long-term care.” Both of these brochures describe service options as well as estate recovery. DDD has one brochure named “Who, What, Where, How.” This brochure describes in brief the different types of services that DDD offers but does not discuss estate recovery. The brochures are distributed to all types of clients and staff as shown on the following page.



Medicaid for people who need long-term care.
 Aimed for *potential clients*, published by AASA, describing both service options and estate recovery. Total number of pages 16



Options, You have a choice! Aimed to both inform *potential clients* as well as used by social worker to inform about AASA service to applicants. Published by AASA, describing both service options and estate recovery. Total number of pages 24.



Who, what, where, how? Aimed to *all type of clients*. Published by DDD, general description of DDD service but not specifically for long-term care and no information about estate recovery. Total number of pages in the folder is 8.

Information Used to Inform About Estate Recovery Law Change In 1995

During the estate recovery program modification in 1995, AASA mailed a special notice to approximately 50,000 AASA and DDD clients who were current recipients of service subject to recovery. This notice was aimed at explaining the estate recovery program and the program changes that were occurring. This information was available in English, Cambodian, Chinese, Laotian, Spanish and Vietnamese.



DSHS 22-989
 SUMMARY (9/95).
 See appendix 3:2

Estate Recovery Training to DSHS Personnel

AASA regularly trains new staff about how to inform and guide clients who need further information about Washington State's Estate Recovery Program. During the training, new staff are informed about: service costs subject to estate recovery, age when recovery applies, services exempt from recovery, the recovery process, resident personal funds held by a facility, prepaid burial plans or contracts, discovery of decedent's estate and examples on how the law is applied.

DSHS divisions other than AASA have not offered training specifically focused on estate recovery.

Recoverable Amounts Inquiries

DSHS receives about 20-30 requests each year to provide information about the amounts that may be recoverable for specific clients. The Medical Assistance Administration Division (MAA) of Client Support, Coordination of Benefits and Casualty Unit, answers these requests. The unit answers these requests by examining a “Partial Recipient Profile “ report from MMIS. This is not intended to be an official accounting, but gives the client the majority of the services that could be subject to recovery.

The information is provided to the client as an estimate, with the caveat that it does not include any services paid through the SSPS system. Currently, SSPS does not have a capability similar to the Partial Recipient Profile report.



Example of response letter to clients from Client Support, Coordination of Benefits and Casualty Unit. See appendix 3:3.

Estate Recovery Notification

After the death of a client, the Office of Financial Recovery (OFR) may file a lien or claim against the client’s estate. This action may or may not have been anticipated by the heirs. The deceased client may or may not have informed potential heirs of the requirement, or informed some and not others, as is their right. Many circumstances may result in information about the program not being available to a representative who arrives on the scene late or to family members who may expect to inherit resources from the estate.

IMPLEMENTATION PLAN IN RESPONSE TO CHAPTER 354, LAWS OF 1999 (2SHB 1116)

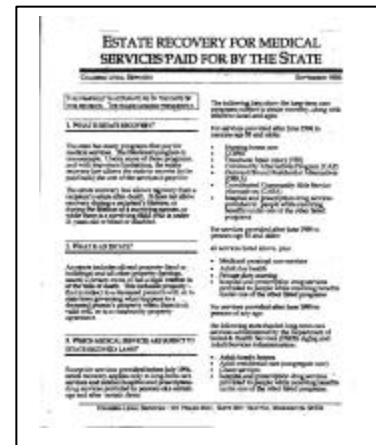
Notification Regarding Estate Recovery Requirement

As indicated above, the estate recovery requirement is discussed with each client as part of the process of determining eligibility for Medicaid and long-term care services.

For some clients, especially clients of the **Division of Developmental Disabilities**, it may be some time before they reach their 55th birthday and are subject to this requirement. Therefore, DDD is developing material which will be provided to clients in the months immediately before they reach age 55. This material will also be mailed to all clients (and their representatives) who have already reached their 55th birthday. DDD will also develop additional informational material that is customized for the DDD clientele for distribution at the time of Medicaid eligibility determination and at the time the client signs up to participate in the Community Alternatives waiver Program (CAP Waiver).

This material will reach about 4,350 DDD clients who are age 55 or older and about 12 who have their 55th birthday in an average month hereafter.

The **Aging and Adult Services Administration** will update their brochures and also continue to use the Columbia Legal Service (CLS bulletin) and include this with each application packet. Social Workers/Case Managers will carry the brochure with them when they do a client assessment outside of their offices and will provide the client with a copy and explain estate recovery. Financial workers will give a copy of the brochure/pamphlet (CLS bulletin) to clients or representatives that come into the office for an application interview. Financial workers will mail the brochure/pamphlet (CLS bulletin) to clients or representatives that do not come into the office and complete the application by mail. This material will be distributed to approximately 2,500¹ AASA clients a month.



CLS bulletin. See appendix 3:4.

Presentation of DSHS Community Service Options

The material described above will contain information about service options available in the community as well as institutional options available to the clients offered by DSHS.

The costs and timeline for development and distribution of the material described above will be included in the presentation of implementation options below.

Quarterly Notification to Clients Or Their Representatives

A system to provide quarterly notification to clients poses design, accuracy and workload challenges to DSHS. This section will discuss requirements for such a system, propose a high level system design and describe the challenges the system raises in general terms. This will lead to an identification of three implementation options. Subsequent sections will present implementation plans for each of the options.

¹ Barcode: Unduplicated Applicants Report, July 99-Sept 99.

System Requirements

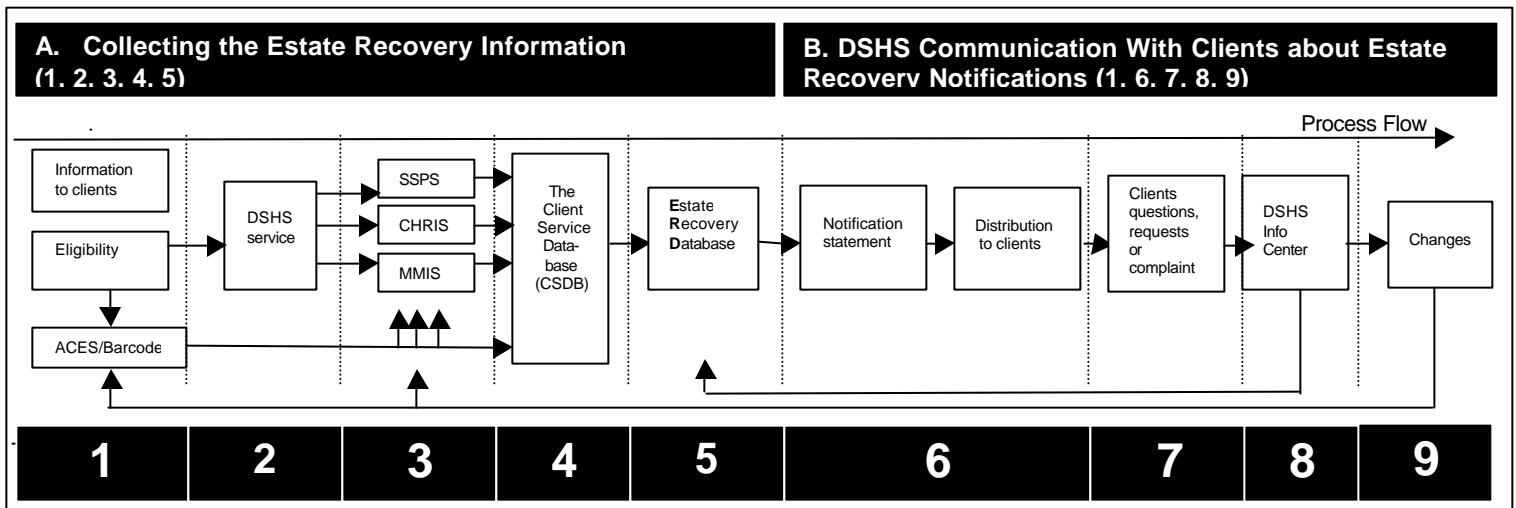
The system will need to

- Accurately assemble client service and cost information.
- Present this to clients in a way they can understand and verify.
- Provide a way for clients to request clarification and/or challenge information on the notification.
- Provide a way for DSHS staff to look up detail when responding to client inquiries.
- Provide a way to update or change information found to be questionable or incorrect.
- Be an accurate statement of the amount DSHS will ultimately attempt to recover from a client's estate.

Figure 2 shows the major components of such a system. The graphic in Figure 2 will facilitate discussion of each of the system components. The items in the discussion are keyed to the graphic by reference to the box numbers at the bottom of the graphic.

The description of the items below is in terms of **what must be done** in the development of each of the system components. Decisions as to **how these things will be done** will be made later during the implementation timeline.

Figure 2. Components of a Quarterly Estate Recovery Notification System.



Description of System Components

1. Information, Eligibility and Changes to the ACES/Barcode Process

All applicants for long-term care service as well as approved new clients and current clients will be informed about Washington State Estate Recovery Program. This information will be distributed in person by caseworkers as well as mailed to potential, new and current clients as described under the section "Notification Regarding Estate Recovery Requirement".

The approach taken in this implementation plan is to introduce the ACES Client ID into SSPS and CHRIS to permit assembling of service information electronically. This will be accomplished by enhancing a capability previously developed by Economic Services Administration (ESA) that permits electronic retrieval of the ACES Client ID from ACES/Barcode and transmission of this

data element to SSPS. A model of this capability is currently used to authorize childcare in support of the WorkFirst program.

This capability is currently under development at AASA as part of their Aging Enterprise Global Information System (AEGIS) project. The AEGIS project is already funded to develop the AASA side of a linkage between AASA services, SSPS and MMIS. The timeline for the development of this capability is consistent with the requirement for the Estate Recovery Notification Implementation described here.

2. DSHS Service Delivery

The system envisioned here does not change the actual long-term care services delivered to DSHS clients. There is a possibility, however, that an ongoing disclosure of recoverable amounts associated with the services may lead to changes in the services clients will choose to receive. An increased emphasis on the requirement for estate recovery and on the presentation of community options may reinforce changes in the services clients choose or accept.

While the services themselves will not change as a result of the notification system, DSHS interactions with clients will change. As described above, DSHS will provide more information about the estate recovery requirement and about community service options during the eligibility and service authorization processes.

3. Service Delivery Information Systems

As discussed above and shown in Figure 1, the long-term services subject to estate recovery are recorded in the SSPS, MMIS and CHRIS systems. Important information (for example, the client's address for services paid through SSPS) must be obtained from ACES (and ITIS for services prior to 1996). The information systems challenge presented by the estate recovery notification requirement can be characterized as one of gathering information from these four (or five) systems and assembling it into a reliable notification statement. This challenge is difficult to overcome when one considers that **the systems were not designed to track clients, but instead to make provider payments. In addition, the systems do not communicate with each other well.** Formal interfaces do not exist between SSPS and ACES/ITIS, between CHRIS and ACES/ITIS and even between ACES and its predecessor, ITIS, for detailed historical data. While each of these systems contain some person identifying information, matching information across these systems currently requires human intervention.

4. The Client Service Database (CSDB)

The system that would be used to assemble the information from MMIS, SSPS, CHRIS and ACES is the Client Services Database (CSDB) under development at the DSHS Division of Research and Data Analysis (RDA). That system is currently capable of assembling client information sufficiently accurately for statistical reporting purposes, but not accurately enough for an itemized notification. With the addition of the ACES Client ID to SSPS and CHRIS, the CSDB will be able to assemble information from these sources based on the very firm link provided by the ACES Client ID and a reliable and accurate notification will be supported. The CSDB will also need to be enhanced to collect the provider information required for estate recovery notification reporting. CSDB would be programmed to provide this assembled information to the Estate Recovery Notification Database on a routine schedule.

The CSDB is used as the tool to assemble this client information for cost effectiveness and efficiency reasons. The CSDB currently has the matching engine capable of assembling the client and service information and it has already established interfaces that supply the required information from the source systems.

5. The Estate Recovery Database (ERD)


This database will be used to produce quarterly client notifications. It will initially be populated by extracts from the CSDB (and in implementation option 3 described below, by special extracts from MMIS, SSPS and CHRIS). In addition to the CSDB information, ERD will need to accept and store information on client representatives for long-term care recipients. This database will also store information about any services and service costs that are contested by clients. ERD will support queries by DSHS staff for their use while discussing an account with a client.

6. Notification Statement

The quarterly notification statements required by this implementation plan will be printed from the ERD and mailed quarterly.

**Figure 3:
Concept Draft of
the Notification
Statement.**

The draft shows some of the critical elements resulting from the requirement to present service and cost information to clients in a way they can understand and verify. This includes an itemized listing of services received and identifies the service provider and service dates.

		<h1 style="margin: 0;">DRAFT</h1>		
Contact person: Nancy Smith Telephone: (360) 902-0000		Legal representative : James Brown 1234 Main Street #39 Olympia, WA, 98502		
Notification date: August 15, 2001 Notification period: April 1, 2001- June 30, 2001		Account Number: 0123456789-99 Service recipient: Mr. Alex Miller 4567 Main Street #39 Olympia, WA, 98502		
<p>NOTIFICATION STATEMENT ONLY NOT A BILL</p> <p>This statement summarizes what Washington State is required to recover of taxpayers' funds, spent on certain long term care services and state funded services, from the estates of those persons who received the services. See WAC 388-527 and RCW 43.20B.080. If this statement disagrees with your records, please call (360) 902-0000 for assistance.</p>				
Date	Service description	Division	Provider	Amount
Service reported from this service period				
06/02/01	Personal Care Services in own home, time: 2 hours	AASA	Olympia Home Service	\$20.00
06/03/01	Personal Care Services in own home, time: 3 hours	AASA	Olympia Home Service	\$30.00
06/05/01	Personal Care Services in own home, time: 3 hours	AASA	Olympia Home Service	\$30.00
06/05/01	Transportation home-hospital-home, time: 1 hour	MAA	Davidson's Taxi Service	\$20.00
06/10/01	Medical assistance	MAA	No 1 Nurse	\$40.00
06/20/01	Disability aid, time: 1 hour	DDD	Lambert	\$80.00
Service reported from previous service period				
02/01/01	Personal Care Services in own home, time 3 hours	AASA	Olympia Home	\$30.00
Total service reported for this notification period:				\$250.00
Total service reported before this notification period:				\$5,027.00
Services in dispute (see next page):				\$405.00
Grand total:				\$ 4,872.00
For more information about Department of Social & Health Services Estate Recovery, see: http://www.place-for-web-site/ or call 1-800-000-0000 to order the information package: Estate Recovery and alternative care or contact your caseworker				

The total accumulated amount from this and prior notifications are shown in the notification statement as "Grand Total". This amount is intended to reflect the total service that could be a subject for estate recovery collections. **It is this feature of the client notification that leads to the three alternatives described below** (see the "Implementation Option Summary" later in this section).

7. Client Questions, Requests or Complaints

Clients will need a way to contact DSHS to request clarification of the estate recovery requirement or of items on the notification statement. They may wish to submit a change of address, designate a new representative or dispute one or more items on the notification because they do not recognize the item or because it was attributed to them in error. The number of these inquiries may be somewhat minimized, but not eliminated, by improving the quality of the linkage between the various source information systems (thereby minimizing mistakes on the notification report). Some of these communications will result in changes to the client's service information as described in item 9.

8. DSHS Information Center

This element on the schematic reflects the need for DSHS to staff a function which will receive and respond to client requests for information, explanation or changes. The ERD described in item 4 above will need to support these staff when they need to look up the details of a client's account in order to respond to requests for information.

Two models of staffing this function may be to either to do this centrally (where clients call a central number for information) or to have them call their caseworker(s) directly. This implementation plan assumes a mixed model in which initial calls go to DSHS information center. This clearinghouse would answer routine and general information calls directly. Calls requiring detailed information from the caseworker or the client's service file would be forwarded to the office that authorized the service. This mixed model may maximize efficiency and still protect the caseworker's time as much as possible. Nevertheless, performing this function will be a significant increase in the caseworkers' workload.

Staff at both the central and local office levels would need access to the information in ERD.

9. Change Or Update Client, Service or Cost Information

This element reflects the requirement for a way for DSHS staff to feedback to the ERD itself to make changes or to update a client's account information. Where possible, changes to service or cost information should go to the source payment systems themselves, however, SSPS and CHRIS (and to a lesser extent MMIS) have limited capacity to make changes to historical information at the client level. These systems were primarily designed to make vendor payments and corrections for overpayments that are generally made by withholding portions of future payments rather than actually receiving a refund and posting it to a client's service or payment record.

It may be desirable to limit the ability to change information in ERD to customer service staff at the central level. This detail would need to be resolved by the program area that manages the ERD.

ERD will hold all the recorded services that are an issue for estate recovery, and when a client or the representatives of the client disputes receipt of a service this will be flagged in ERD. Disputed services will appear on the quarterly notification statement labeled as service that is in dispute and will later be investigated by DSHS.

Implementation Options Summary

The general system design described above can be implemented in several ways. The options differ mainly in the timing of bringing clients into the notification system and in how they handle data from the period before the implementation date of the notification capability.

- **Option 1** -- Notify only clients who begin to receive long-term care services after the implementation date. These clients would have no past service to include in the notification.
- **Option 2** -- Notify all clients currently receiving long-term care services, but do not include information on services that were received before the implementation date.
- **Option 3** -- Notify all clients currently receiving long-term care services and include information on services that were received before the implementation date.

These options and associated costs and timelines are described in detail in the following sections. Much of the material in the following sections is summarized in Figure 5 below.

Figure 5: Comparison of the Implementation Options

	Type of clients →		Option 1		Option 2		Option 3	
			New	Current	New	Current	New	Current
Design Requirement For Notification Statement (NS)	Receive NS		Yes	No	Yes	Yes	Yes	Yes
	NS includes historical information		-	-	-	No	-	Yes
Number of Clients	Applicants	1 st year	30,000		30,000		30,000	
		2 nd year	30,000		30,000		30,000	
	Approved Service Recipients	1 st year	15,000	-	47,000		47,000	
		2 nd year	30,000	-	47,000		47,000	
	Estimated Number of Requests and Questions	1 st year	7,500	-	11,750		23,500	
		2 nd year	7,500	-	11,750		11,750	
	Estimated Number of DSHS investigations	1 st year	563	-	1,762		7,834	
		2 nd year	563	-	1,762		1,762	
FTE Requirement	Development period		14.20		25.00		47.50	
	Maintenance		9.40		13.40		24.65	
Costs	Development period		\$2,046,500		\$2,605,900		\$3,728,400	
	Maintenance		\$1,201,000		\$1,543,800		\$2,221,800	
Development Timeframe			July 1, 2000 – Dec 31, 2001		July 1, 2000 – Dec 31, 2001		July 1, 2000 – April 30, 2003	

Variables Used to Calculate Options 1-3

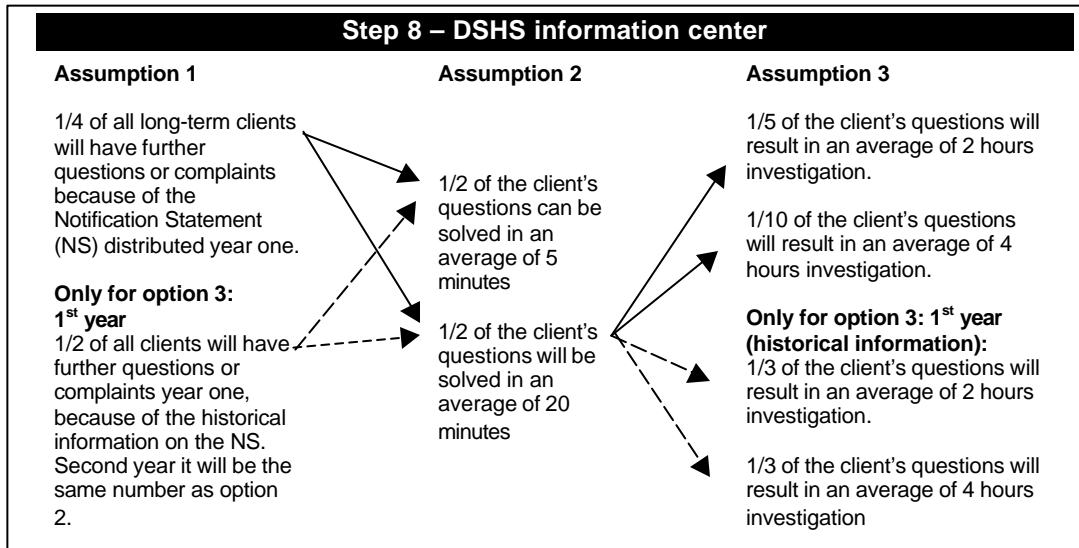
Figure 5: Estimated Number of Clients and Staff

The table below shows the number of long-term care clients and staff (case managers, social and financial workers) that were used to calculate options 1-3 in this implementation plan.

		Quantities
Number of clients	Applicants for long-term service per year	30,000
	Approved clients per year	15,000
	Current and ongoing	47,000
Number of staff		1,000

Figure 6: Estimated Number of Information Calls from Clients that DSHS Staff Needs to Answer

The figure and table below show the assumption this report uses about the number of calls to DSHS information center (see figure 2, step 8) and the amount of time it will take for staff to answer the questions that the callers have.



		Option 1		Option 2		Option 3	
Year		1 st year	2 nd year	1 st year	2 nd year	1 st year	2 nd year
Number of clients		15,000	30,000	47,000	47,000	47,000	47,000
Assumption 1	1/4 - contact	3,750	7,500	11,750	11,750		11,750
	Option 3, 1 st year 1/2 - contact					23,500	
Assumption 2	1/2 - 5 min	1,875	1,875	5,875	5,875	11,750	5,875
	1/2 - 20 min	1,875	1,875	5,875	5,875	11,750	5,875
Assumption 3	1/5 – 2 hours	375	375	1,175	1,175		1,175
	1/10 – 4 hours	188	188	587	587		587
	Option 3, 1 st year 1/3 – 2 hours					3,917	
	Option 3, 1 st year 1/3 – 4 hours					3,917	

PLAN FOR OPTION 1.

Notify only clients who begin to receive long-term care services after the implementation date.

Option 1 System Description

	Number	Notification statement	Historical information
New clients	15,000	Yes	-
Current clients	47,000	No	-

In this option, changes would be made in the interaction of field staff with clients. Staff will spend more time discussing the estate recovery requirement and will distribute additional information on this requirement to potential clients. Brochures describing the different programs that DSHS provides in the community will be provided and discussed with potential clients. These changes are described more fully in the discussion of changes that DSHS will make in providing notification regarding the estate recovery requirement and in the presentation of community service options.

Systems changes will be made to support the transfer of the ACES Client ID to the SSPS and CHRIS systems. This will provide the basis for the CSDB to reliably assemble information on the services received by the clients during the previous quarter and their costs. The CSDB will be modified to include required provider information and programmed to provide scheduled outputs to the Estate Recovery Database.

An Estate Recovery Database (ERD) will be developed to contain the service and cost information, along with information needed to provide the client notification (such as address and information on the client's representative, if any). **In Option 1, the system would contain information only on persons who begin to receive long-term care services after the implementation date for the system. The ERD will contain the total recoverable amounts for the persons that it contains. As a result, the client notification will be a complete accounting of the exposure of the client's estate to possible estate recovery actions; but not all DSHS clients receiving services would receive notices.**

Client requests for information under this option will tend to be limited to explanations of the items included on the notification statement. These will be for relatively recent services and will be easier to resolve.

Clients would be added gradually to the notification system as turnover occurs in the long-term care caseload. This would permit the information center function to start with a small number of staff. More staff would be added over time as necessary to respond to calls from the additional persons added to the estate recovery notification system as time passes. This would also permit DSHS to develop experience with this activity more gradually, thereby substantially reducing the risk associated with the information systems enhancement and development activities.

Clients who received services before the implementation date will still have the currently existing potential to request historical information from The Division of Client Support, Coordination of Benefit, Casualty Unit at MAA.

Option 1 – System costs

Step	One Line Description	Development		Maintenance		Calculation
		FTE	Dollars	FTE	Dollars	
1	Explain to Clients About Estate Recovery	1.0	\$225,000	1.0	\$473,700	Development: Estimate \$15 per client x 15,000 clients = \$225,000. Maintenance: \$15 staff and administration cost per client x 2,500 clients per month that apply for DSHS services x 12 months = 30,000 x \$15 = \$450,000 annual cost to explain to clients about estate recovery. Estimated annual printing cost for brochures like "Options" and "Medicaid for people who need long-term care": \$23,705. Total cost: \$450,000 + \$23,705 = \$473,705.
1	ACES/Barcode System Modifications	0.1	\$4,700	0.0	\$0	Development: Modifications necessary. No significant impact on system performance.
1	AASA Case Management System Modifications	0.0	\$0	0.0	\$0	No additional costs or FTEs. This work is currently funded as part of AASA's AEGIS project.
3	Enter ACES Client ID in SSPS	0.1	\$36,600	0.1	\$36,600	Development and Maintenance: Clients 15,000. Estimated average time to add this information would be 5 minutes. 15,000 x 5 = 75,000/60 = 1,250 hours, average effective hours per employee: 2,088 hours per year and total cost per social worker \$61,156. The total cost would be 1,250/2,088= 0.6 FTE x \$61,156 = \$36,611.
3	SSPS System Modifications	3	\$545,400	1	\$79,400	Development: Analysis of system logic, design, testing, and implementation to change system to accept negative numbers, and redesign authorization process = 4,660 hrs. times the \$100 standard = \$466,000 + 1 project manager = \$79,368. Maintenance: 1 COBAL programmer ongoing = \$79,368/yr.
3	SSPS Database Infrastructure		\$36,000		\$1,200	Development: Server = \$35,954. Extended Maintenance Agreement = \$1,200.
3	SSPS Front End AASA Interface Development	1.2	\$92,000	0.5	\$34,000	Development: Developer workstation = \$2,500, developer software & training = \$6,800, 0.5 FTE programmer for 12 mos. = 39,686, 0.2 FTE program manager for 12 mos. = \$12,978, 0.5 FTE Support staff = \$30,000. Total cost: \$2,500 + \$6,800 + 39,686 + 12,978 + 30,000 = 91,964. Maintenance staff of 0.5 FTE = \$34,044.

3	SSPS Front End DDD Interface Development	1.2	\$92,000	0.5	\$34,000	Development: Developer workstation = \$2,500, developer software & training = \$6,800, 0.5 FTE programmer for 12 mos. = 39,686, 0.2 FTE program manager for 12 mos. = \$12,978, 0.5 FTE Support staff = \$30,000. Total cost: \$2,500 + \$6,800 + 39,686 + 12,978 + 30,000 = 91,964. Maintenance staff of 0.5 FTE = \$34,044.
3	SSPS CAMIS Interface Redesign	1.2	\$92,000	0.5	\$34,000	Development: Developer workstation = \$2,500, developer software & training = \$6,800, 0.5 FTE programmer for 12 mos. = 39,686, 0.2 FTE program manager for 12 mos. = \$12,978, 0.5 FTE Support staff = \$30,000. Total cost: \$2,500 + \$6,800 + 39,686 + 12,978 + 30,000 = 91,964. Maintenance staff of 0.5 FTE = \$34,044.
3	SSPS ESA Interface Redesign	0.4	\$30,300	0.1	\$14,400	Development: 0.3 FTE programmer for 12 mos. = \$23,810, 0.1 FTE program manager = \$6,488. Support maintenance = \$14,425.
3	SSPS System Modification Field Training		\$20,000	0.5	\$35,400	Development: 2000 hrs training for 5 Division/Administrations statewide at \$100 standard = \$20,000. Maintenance: 0.5 FTE for ongoing training = \$35,445/yr.
3	SSPS Business Process Modifications	2	\$129,800	0.8	\$57,700	Development: 2.0 FTE program managers for 12 months = \$129,780. Maintenance: 0.8 FTE = \$57,703/yr.
3	SSPS Customer Support			0.2	\$13,000	Maintenance: 0.2 program manager FTE = \$12,978/yr.
3	Expand MMIS Information Sent to CSDB	0.0	\$10,000	0.0	\$10,000	Development and Maintenance: MMIS detailed information retrieval related to client services received. Cost of additional processing under the MMIS contract with Consoltec Corporation.
4	CSDB System Modifications	2.5	\$186,200	1.0	\$74,500	Development: 2.0 FTE programmers, 0.5 FTE program manager. Maintenance: 1.0 FTE Programmers.
5	ERD Database Infrastructure		\$114,200		\$49,300	Servers and operating system = \$64,000 plus 5% interest leased for 4 years = \$16,800 per year (assume 3 year warranty, so no maintenance), Development: Database and software: \$97,400 + \$16,800 = \$114,200. Annual maintenance fee = \$32,500 + \$16,800 = \$49,300
5	ERD Database Development	0.5	\$265,300			Development: Paladin estimate = \$220,000 plus DSHS project management at 50% time = \$45,300.
5	ERD Database Operations and Maintenance			2.1	\$152,300	Maintenance: Like Client Registry = 2 FTE + management at 0.1 FTE: \$74,488 + \$68,744+(0.1 x \$90,601) = \$152,292

6	Print and Mail Notices				\$33,000	Maintenance: Estimated that each client will receive an average of 3 pages every quarter. 3 pages x 4 quarters x 15,000 clients = 180,000 pages per year. Each quarters the print shop charge \$70 for set up cost and \$0.05 for every page. Bulk postage is estimated to be \$0.21. The total print and distribution cost would be: 1. Run: $180,000/1000 = 180 \times \$62 = 11,160$. 2. Paper use $180,000 \times \$0.05 = 9,000$. 3. Set up cost: $70 \times 4 = \$280$. 4. 15,000 clients x 4 quarters x \$0.21 = \$12,600. Final print cost: $\$11,160 + \$9,000 + \$280 + 12,600 = \$33,040$.
8	Respond to Routine Customer Questions			0.4	\$24,500	Maintenance: Estimation: $1/4 \times 15,000 \text{ client} = 3750 \text{ clients}$ that will call DSHS customer info. Half of the calls are under 5 minutes and half are round 20 minutes. $(3,750/2) \times 5 = 9,375 \text{ minutes}$ and $(3,750/2) \times 20 = 37,500 \text{ minutes}$. Total number of hours: $(9,375 + 37,500)/60 = 781 \text{ hours}$. $781/2,088 = 0.4 \text{ FTE} \times \$61,156 = \$24,462$ as final cost.
8	Research and Respond to Complex Customer Questions, Investigate Possible Errors			0.7	\$44,000	Maintenance: 2 hours investigation: $1,875 \text{ clients} \times 1/5 = 375 \times 2 \text{ hours} = 750 \text{ hours}$. 4 hours investigation: $1,875 \text{ clients} \times 1/10 = 188 \times 4 \text{ hours} = 752 \text{ hours}$. Total number of hours $(750 + 752 \text{ hours})/ 2,088 = 0.7 \text{ FTE} \times \$61,156 = \$43,992$
8	Inform & Train Field Staff	1.0	\$167,000			Development: Total staff to train = 1,000. Costs are: (training manager to prepare curriculum and presentations [1 FTE at \$90,601]) + (per class rate of \$1,256 x 29 classes of 35 students = \$36,424) + (travel to classes at \$40 per student = \$40,000): Total: $\$90,601 + \$36,424 + \$40,000 = \$167,025$.
		14.20	\$ 2,046,500	9.40	\$ 1,201,000	

PLAN FOR OPTION 2.

Notify all clients currently receiving long-term care services, but do not include information on services received before the implementation date.

Option 2 System Description

	Number	Notification statement	Historical information
New clients	15,000	Yes	-
Current clients	47,000	Yes	No

This option is like Option 1 in that changes would be made in the interaction of field staff with clients. Staff will spend more time discussing the estate recovery requirement and distribute additional information on this requirement to potential clients. Brochures describing the different programs that DSHS provides in the community will be provided and discussed with potential clients. These changes are described more fully in the discussion of changes that DSHS will make in providing notification regarding the estate recovery requirement and in the presentation of community service options.

As in Option 1, systems changes will be made to support the transfer of the ACES Client ID to the SSPS and CHRIS systems. This will provide the basis for the Client Service Database (CSDB) to reliably assemble information on the services received by the clients during the previous quarter and their costs. The CSDB will be modified to include required provider information and programmed to provide scheduled outputs to the Estate Recovery Database. The actual entry of the ACES Client ID into SSPS will be done over a period of 6 to 12 months, with most occurring in a 6-month window. This will be done as persons are re-authorized for long-term care services, not as a separate effort requiring additional contacts with the clients.

An Estate Recovery Database (ERD) will be developed to contain the service and cost information, along with information needed to provide the client notification (such as address and information on the client's representative, if any). **In Option 2, the system will contain ongoing information for all persons currently receiving long-term care services as of the implementation date for the system. In this option, historical information will be unavailable for quarterly notification to the clients. This is because it cannot be reliably assembled from the existing information systems by an automated process. Since many of the clients will have received long-term care services previously, the ERD will not contain the total recoverable amounts for the persons that it contains. As a result, the client notification will be only a partial accounting of the exposure of the client's estate to possible estate recovery actions.**

Client requests for information under this option will tend to be limited to explanations of the items included on the notification statement. These will be for relatively recent services and therefore will tend to be easily resolvable. In addition, it is likely that some persons will contact DSHS in an attempt to obtain information about services that they have received in the past. Although it would be possible to tell the client that these amounts are unknown at this time, this implementation plan assumes that the legislature would want DSHS to answer these inquiries on a case by case basis. Funding is requested to support this function since a significant increase in the number of these requests will likely result when the notification statements are received.

In Option 2, a large number of clients would be included in the notification system as of the implementation date. Additional clients would be added as turnover occurs in the long-term care caseload. This will require the information center to be fully staffed at the start. At first some of the staff will probably be focused on retrieving historical information for clients on a case by case basis. As time goes on these staff could be reassigned to responding to more current questions

as additional persons are added to the estate recovery notification system. In Option 2, DSHS will have little time to develop experience with this activity. This will substantially increase the risk related to the information systems enhancement and development activities.

Option 2 – System costs

Step	One Line Description	Development		Maintenance		Calculation
		FTE	Dollars	FTE	Dollars	
1	Explain to Clients About Estate Recovery	10.0	\$705,000	1.0	\$473,700	Development: Estimate \$15 per client x 47,000 clients \$705,000. Maintenance: \$15 staff and administration cost per client x 2,500 clients per month that apply for DSHS services x 12 months = \$450,000 annual cost to explain to clients about estate recovery. Estimated annual printing cost for brochures like "Options" and "Medicaid for people who need long-term care": \$23,705. Total cost: \$450,000 + \$23,705 = \$473,705.
1	Barcode System Modifications	0.1	\$4,700	0.0	\$0	Development: No server modifications necessary. No significant impact on system performance.
1	AASA Case Management System Modifications	0.0	\$0	0.0	\$0	No additional costs or FTEs. This work is currently funded as part of AASA's AEGIS project.
3	Enter ACES Client ID in SSPS	1.9	\$116,000	1.2	\$73,200	Development: Total number of clients: 47,000. Average time to add this information would be 5 minutes. $47,000 \times 5 = 235,000/60 = 3,916$ hours/2,088 hours = 1.9 FTE x \$61,156 = \$116,196, Maintenance: Applicants: 30,000 per year. Estimated average time to add this information would be 5 minutes. $30,000 \times 5 = 150,000/60 = 2500$ hours/2,088 = 1.2 FTE x \$61,156. The total cost would be \$73,223
3	SSPS System Modifications	3	\$545,400	1	\$79,400	Development: Analysis of system logic, design, testing, and implementation to change system to accept negative numbers, and redesign authorization process = 4,660 hrs. times the \$100 standard = \$466,000 + 1 project manager = \$79,368. Maintenance: 1 COBAL programmer ongoing = \$79,368/yr.
3	SSPS Database Infrastructure		\$36,000		\$1,200	Development: Server = \$35,954. Extended Maintenance Agreement = \$1,200.
3	SSPS Front End AASA Interface Development	1.2	\$92,000	0.5	\$34,000	Development: Developer workstation = \$2,500, developer software & training = \$6,800, 0.5 FTE programmer for 12 mos. = 39,686, 0.2 FTE program manager for 12 mos. = \$12,978, 0.5 FTE Support staff = \$30,000. Total cost: \$2,500 + \$6,800 + 39,686 + 12,978 + 30,000 = 91,964. Maintenance staff of 0.5 FTE = \$34,044.

3	SSPS Front End AASA Interface Development	1.2	\$92,000	0.5	\$34,000	Development: Developer workstation = \$2,500, developer software & training = \$6,800, 0.5 FTE programmer for 12 mos. = 39,686, 0.2 FTE program manager for 12 mos. = \$12,978, 0.5 FTE Support staff = \$30,000. Total cost: \$2,500 + \$6,800 + 39,686 + 12,978 + 30,000 = 91,964. Maintenance staff of 0.5 FTE = \$34,044.
3	SSPS Front End AASA Interface Development	1.2	\$92,000	0.5	\$34,000	Development: Developer workstation = \$2,500, developer software & training = \$6,800, 0.5 FTE programmer for 12 mos. = 39,686, 0.2 FTE program manager for 12 mos. = \$12,978, 0.5 FTE Support staff = \$30,000. Total cost: \$2,500 + \$6,800 + 39,686 + 12,978 + 30,000 = 91,964. Maintenance staff of 0.5 FTE = \$34,044.
3	SSPS ESA Interface Redesign	0.4	\$30,300	0.1	\$14,400	Development: 0.3 FTE programmer for 12 mos. = \$23,810, 0.1 FTE program manager = \$6,488. Support maintenance = \$14,425.
3	SSPS System Modification Field Training		\$20,000	0.5	\$35,400	Development: 2000 hrs training for 5 Division/Administrations statewide at \$100 standard = \$20,000. Maintenance: 0.5 FTE for ongoing training = \$35,445/yr.
3	SSPS Business Process Modifications	2	\$129,800	0.8	\$57,700	Development: 2.0 FTE program managers for 12 months = \$129,780. Maintenance: 0.8 FTE = \$57,703/yr.
3	SSPS Customer Support			0.2	\$13,000	Maintenance: 0.2 program manager FTE = \$12,978/yr.
3	Expand MMIS Information Sent to CSDB	0.0	\$10,000	0.0	\$10,000	Development and Maintenance: MMIS detailed information retrieval related to client services received. Cost of additional processing under the MMIS contract with Consoltec Corporation.
4	CSDB System Modifications	2.5	\$186,200	1.0	\$74,500	Development: 2.0 FTE programmers, 0.5 FTE program manager. Maintenance: 1.0 FTE Programmers.
5	ERD Database Infrastructure		\$114,200		\$49,300	Servers and operating system = \$64,000 plus 5% interest leased for 4 years = \$16,800 per year (assume 3 year warranty, so no maintenance), Development: Database and software: \$97,400 + \$16,800 = \$114,200. Annual maintenance fee = \$32,500 + \$16,800 = \$49,300.
5	ERD Database Development	0.5	\$265,300			Development: Paladin estimate = \$220,000 plus DSHS project management at 50% time = 45,300
5	ERD Database Operations and Maintenance			2.1	\$152,300	Maintenance: Like Client Registry = 2 FTE + management at 10%: \$74,488 + \$68,744+(0.1 x \$90,601) = \$152,292.

6	Print and Mail Notices				\$103,000	Maintenance: Estimated that each client will receive an average of 3 pages every quarter. 3 pages x 4 quarters x 47,000 clients = 564,000 pages per year. Each quarters the print shop charge \$70 for set up cost and \$0.05 for every page. Bulk postage is estimated to be \$0.21. The total print and distribution cost would be: 1. Run: 564,000/1000 = 564 x \$62 = 34,968. 2. Paper use 564,000 x \$0.05 = 28,200. 3. Set up cost: 70x4=\$280. 4. 47,000 clients x 4 quarters x \$0.21 = \$39,480. Final print cost: \$34,968 + \$28,200 + \$280 + 39,480 = \$102,928.
8	Respond to Routine Customer Questions			1.7	\$118,700	Maintenance: Estimation: ¼ x 47,000 client = 11,750 clients that will call DSHS customer info. Half of the calls are under 5 minutes and half are round 20 minutes. (11,750/2) x 5 = 29,375 minutes and (11,750/2) x 20 = 117,500 minutes. Total number of hours: (29,375 + 117,500)/60 = 2,448 hours. 2,448/2,088 = 1.2 FTE x \$61,156 = \$73,387 as final cost. Supervision is estimated \$90,601 x 0.5 = \$45,300. Total: \$73,387+\$45,300=\$118,687
8	Research and Respond to Complex Customer Questions, Investigate Possible Errors			2.3	\$186,000	Maintenance: 2 hours investigation: 5,875 clients x 1/5 = 1,175 x 2 hours = 2,350 hours. 4 hours investigation: 5,875 clients x 1/10 = 588 x 4 hours =2,352 hours. Total number of hours (2,350 + 2,353) hours / 2,088 = 2.3 FTE x \$61,156 = \$140,659. Annual increment by 0.1 FTE and \$5,000 in future years as number of clients receiving notification increases. Supervision: 0.5 x \$90,601 = \$45,300. Total \$140,659 + \$45,300 = \$185,959
8	Inform & Train Field Staff	1.0	\$167,000			Development: Total staff to train = 1,000. Costs are: (training manager to prepare curriculum and presentations [1 FTE at \$90,601]) + (per class rate of \$1,256 x 29 classes of 35 students = \$36,424) + (travel to classes at \$40 per student = \$40,000): Total: \$90,601 + \$36,424 + \$40,000 = \$167,025.
		25.0	\$ 2,605,900	13.40	\$ 1,543,800	

Timeline for Option 2.

			Timeline																																															
Step	Responsible	Task description	2000												2001												2002												2003											
			J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J												
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3	AASA, DDD	Enter ACES Person ID in SSPS																																																
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6	AASA, DDD	Quarterly Notification																																																
8	AASA, DDD	Operate Customer Relations Function																																																

PLAN FOR OPTION 3.

Notify all clients currently receiving long-term care services and include information on services received before the implementation date.

Option 3 System Description

	Number	Notification statement	Historical information
New clients	15,000	Yes	-
Current clients	47,000	Yes	Yes

This option is like Options 1 and 2 in that changes would be made in the interaction of field staff with clients. Staff will spend more time discussing the estate recovery requirement and distribute additional information on this requirement to potential clients. Brochures describing the different programs that DSHS provides in the community will be provided and discussed with potential clients. These changes are described more fully in the discussion of changes that DSHS will make in providing notification regarding the estate recovery requirement and in the presentation of community service options.

As in Options 1 and 2, systems changes will be made to support the transfer of the ACES Client ID to the SSPS and CHRIS systems. This will provide the basis for the CSDB to reliably assemble information on the services received by the clients during the previous quarter and their costs. The CSDB will be modified to include required provider information and programmed to provide scheduled outputs to the Estate Recovery Database.

An Estate Recovery Database (ERD) will be developed to contain the service and cost information, along with information needed to provide the client notification (such as address and information on the client's representative, if any). **In Option 3, the system will contain ongoing information for all persons currently receiving long-term care services as of the implementation date for the system. In this option, historical information will be included in the quarterly notification to clients. This information will need to be assembled with significant amounts of human inspection and decision making because the information cannot be reliably assembled from the existing information systems by an automated process. However, after this manual stage is finished, the ERD will contain the total recoverable amounts for the persons that it contains. As a result, the client notification will be a complete accounting of the exposure of the client's estate to possible estate recovery actions.**

Client requests for information under this option will include requests for explanation, further information and corrections to both current and historical items. The items regarding relatively recent services will tend to be easily resolvable and relatively more effort will likely be spent on historical items.

In Option 3, a large number of clients would be included in the notification system as of the implementation date. Additional clients would be added as turnover occurs in the long-term care caseload. This will require the information center to be fully staffed at the start. At first, some of the staff will probably be focused on resolving issues with historical information for clients on a case by case basis. As time goes on, some of these staff could be reassigned to respond to more current questions as additional persons are added to the estate recovery notification system. In Option 3, DSHS will have little time to develop experience with this activity. This will substantially increase the risk related to the information systems enhancement and development activities when compared to Option 1.

Option 3 – System costs

Step	One Line Description	Development		Maintenance		Calculation
		FTE	Dollars	FTE	Dollars	
1	Explain to Clients About Estate Recovery	10.0	\$705,000	1.0	\$473,700	Development: Estimate \$15 per client x 47,000 clients \$705,000. Maintenance: \$15 staff and administration cost per client x 2,500 clients per month that apply for DSHS services x 12 months = \$450,000 annual cost to explain to clients about estate recovery. Estimated annual printing cost for brochures like "Options" and "Medicaid for people who need long-term care": \$23,705. Total cost: \$450,000 + \$23,705 = \$473,705.
1	ACES/Barcode System Modifications	0.1	\$4,700	0.0	\$0	Development: No server modifications necessary. No significant impact on system performance.
1	AASA Case Management System Modifications	0.0	\$0	0.0	\$0	No additional costs or FTEs. This work is currently funded as part of AASA's AEGIS project.
3	Enter ACES Client ID in SSPS	1.9	\$116,000	1.2	\$73,200	Development: Total number of clients: 47,000. Average time to add this information would be 5 minutes. $47,000 \times 5 = 235,000/60 = 3,916$ hours/2,088 hours = 1.9 FTE x \$61,156 = \$116,196, Maintenance: Applicants: 30,000 per year. Estimated average time to add this information would be 5 minutes. $30,000 \times 5 = 150,000/60 = 2500$ hours/2,088 = 1.2 FTE x \$61,156. The total cost would be \$73,223
3	SSPS System Modifications	3	\$545,400	1	\$79,400	Development: Analysis of system logic, design, testing, and implementation to change system to accept negative numbers, and redesign authorization process = 4,660 hrs. times the \$100 standard = \$466,000 + 1 project manager = \$79,368. Maintenance: 1 COBAL programmer ongoing = \$79,368/yr.
3	SSPS Database Infrastructure		\$36,000		\$1,200	Development: Server = \$35,954. Extended Maintenance Agreement = \$1,200.
3	SSPS Front End AASA Interface Development	1.2	\$92,000	0.5	\$34,000	Development: Developer workstation = \$2,500, developer software & training = \$6,800, 0.5 FTE programmer for 12 mos. = 39,686, 0.2 FTE program manager for 12 mos. = \$12,978, 0.5 FTE Support staff = \$30,000. Total cost: \$2,500 + \$6,800 + 39,686 + 12,978 + 30,000 = 91,964. Maintenance staff of 0.5 FTE = \$34,044.
3	SSPS Front End DDD Interface Development	1.2	\$92,000	0.5	\$34,000	Development: Developer workstation = \$2,500, developer software & training = \$6,800, 0.5 FTE programmer for 12 mos. = 39,686, 0.2 FTE program manager for 12 mos. = \$12,978, 0.5 FTE Support staff = \$30,000. Total cost: \$2,500 + \$6,800 +

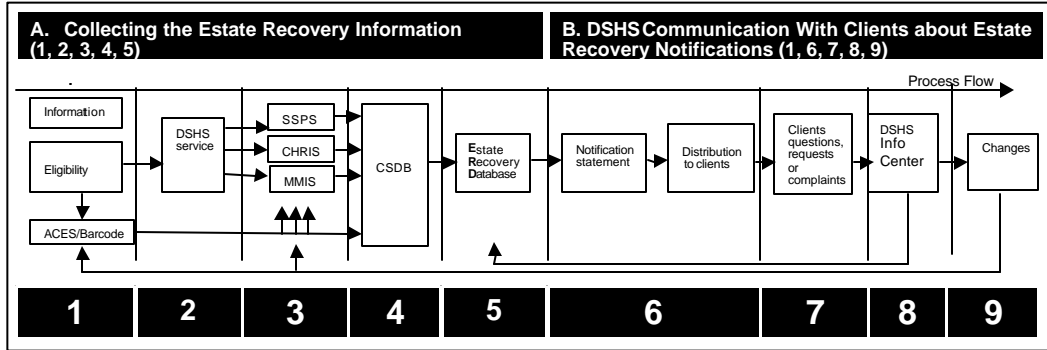
						39,686 + 12,978 + 30,000 = 91.964. Maintenance staff of 0.5 FTE = \$34,044.
3	SSPS CAMIS Interface Redesign	1.2	\$92,000	0.5	\$34,000	Development: Developer workstation = \$2,500, developer software & training = \$6,800, 0.5 FTE programmer for 12 mos. = 39,686, 0.2 FTE program manager for 12 mos. = \$12,978, 0.5 FTE Support staff = \$30,000. Total cost: \$2,500 + \$6,800 + 39,686 + 12,978 + 30,000 = 91.964. Maintenance staff of 0.5 FTE = \$34,044.
3	SSPS ESA Interface Redesign	0.4	\$30,300	0.1	\$14,400	Development: 0.3 FTE programmer for 12 mos. = \$23,810, 0.1 FTE program manager = \$6,488. Support maintenance = \$14,425.
3	SSPS System Modification Field Training		\$20,000	0.5	\$35,400	Development: 2000 hrs training for 5 Division/Administrations statewide at \$100 standard = \$20,000. Maintenance: 0.5 FTE for ongoing training = \$35,445/yr.
3	SSPS Business Process Modifications	2	\$129,800	0.8	\$57,700	Development: 2.0 FTE program managers for 12 months = \$129,780. Maintenance: 0.8 FTE = \$57,703/yr.
3	SSPS Customer Support			0.2	\$13,000	Maintenance: 0.2 program manager FTE = \$12,978/yr.
3	Expand MMIS Information Sent to CSDB	0.0	\$10,000	0.0	\$10,000	Development and Maintenance: MMIS detailed information retrieval related to client services received. Cost of additional processing under the MMIS contract with Consoltec Corporation.
4	CSDB System Modifications	2.5	\$186,200	1.0	\$74,500	Development: 2.0 FTE programmers, 0.5 FTE program manager. Maintenance: 1.0 FTE Programmers.
5	ERD Database Infrastructure		\$114,200		\$49,300	Servers and operating system = \$64,000 plus 5% interest leased for 4 years = \$16,800 per year (assume 3 year warranty, so no maintenance), Development: Database and software: \$97,400 + \$16,800 = \$114,200. Annual maintenance fee = \$32,500 + \$16,800 = \$49,300
5	ERD Database Development	0.5	\$265,300			Development: Paladin estimate = \$220,000 plus DSHS project management at 50% time = 45,300
5	ERD Database Operations and Maintenance			2.1	\$152,300	Maintenance: Like Client Registry = 2 FTE + management at 10%: \$74,488 + \$68,744+(0.1 x \$90,601) = \$152,292.
5	Obtain and assemble historical utilization data	22.5	\$1,122,500			Development: OFR's Estate Recovery unit estimate an average of one hour per client it would take 47,000 hours to research and calculate the historical background for all the current clients. If the effective yearly workload is about 2,088 hours per employee it would mean (47,000/2,088 =) 22.5 FTE x \$50,000, = \$1,057,500. Retrieve historical information from MMIS per Conseltec estimate=\$65,000. Total cost: (\$1,057,500+\$65,000=) \$1,122,500

6	Print and Mail Notices				\$103,000	Maintenance: Estimated that each client will receive an average of 3 pages every quarter. 3 pages x 4 quarters x 47,000 clients = 564,000 pages per year. Each quarters the print shop charge \$70 for set up cost and \$0.05 for every page. Bulk postage is estimated to be \$0.21. The total print and distribution cost would be: 1. Run: 564,000/1,000 = 564 x \$62 = 34,968. 2. Paper use 564,000 x \$0.05 = 28,200. 3. Set up cost: 70x4=\$280. 4. 47,000 clients x 4 quarters x \$0.21 = \$39,480. Final print cost: \$34,968 + \$28,200 + \$280 + 39,480 = \$102,928.
8	Respond to Routine Customer Questions			3.0	\$204,100	Maintenance: Estimation: 1/2 x 47,000 client = 23,500 clients that will call DSHS customer info. Half of the calls are under 5 minutes and half are round 20 minutes. (23,500/2) x 5 = 58,750 minutes and (23,500/2) x 20 = 235,000 minutes. Total number of hours: (58,750 + 235,000)/60 = 4896 hours. 4896/2088 = 2.3 FTE x \$61,156 = \$140,658 as final cost. Supervision is estimated \$90,601 x 0.7 FTE = \$63,420. Total: \$140,658+\$63,420=\$204,078
8	Research and Respond to Complex Questions, Investigate Possible Errors			12.3	\$778,600	Maintenance: 2 hours investigation: 11,750 clients x 1/3 = 3916 x 2 hours = 7833 hours. 4 hours investigation: 11,750 clients x 1/3 = 3916 x 4 hours = 15,664 hours. Total number of hours (7,833+ 15,664 hours) / 2088 = 11.25 FTE x \$61,156 = \$688,005. Supervision: 1 x \$90,601 = \$90,601. Total \$688,005 + \$90,601 = \$778,606
8	Inform & Train Field Staff	1.0	\$167,000			Development: Total staff to train = 1000. Costs are: (training manager to prepare curriculum and presentations [1 FTE at \$90,601]) + (per class rate of \$1,256 x 29 classes of 35 students = \$36,424) + (travel to classes at \$40 per student = \$40,000): Total: \$90,601 + \$36,424 + \$40,000 = \$167,025.
		47.5	\$ 3,728,400	24.65	\$ 2,221,800	

Timeline for Option 3.

Step	Responsible	Task description	Timeline																																															
			2000												2001												2002												2003											
			J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D						
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SUMMARY OF FTES AND THE IMPLEMENTATIONS COSTS FOR OPTION 1-3.



		1	2	3	4	5	6	7	8	9	Total	
Option 1: Development	FTE	1.1		9.1	2.5	0.5		0		1	0	14.20
	\$ Costs	229,700		1,084,100	186,200	379,500		-		167,000	-	\$ 2,046,500
	% FTE	7.7		64.1	17.6	3.5		0.0	0.0	7.0	0.0	100.0
	% Costs	11.2		53.0	9.1	18.5		0.0	0.0	8.2	0.0	100.0
Option 2: Development	FTE	10.1		10.9	2.5	0.5		0		1		25.0
	\$ Costs	709,700		1,163,500	186,200	379,500		-		167,000		\$ 2,605,900
	% FTE	40.4		43.6	10.0	2.0		0.0	0.0	4.0	0.0	100.0
	% Costs	27.2		44.6	7.1	14.6		0.0	0.0	6.4	0.0	100.0
Option 3: Development	FTE	10.1		10.9	2.5	23				1		47.50
	\$ Costs	709,700		1,163,500	186,200	1,502,000				167,000		\$ 3,728,400
	% FTE	21.3		22.9	5.3	48.4		0.0	0.0	2.1	0.0	100.0
	% Costs	19.0		31.2	5.0	40.3		0.0	0.0	4.5	0.0	100.0
Option 1: Maintenance	FTE	1		4.2	1	2.1		0		1	0	9.4
	\$ Costs	473,700		349,700	74,500	201,600		33,000		68,500	-	\$ 1,201,000
	% FTE	10.6		44.7	10.6	22.3		0.0	0.0	11.7	0.0	100.0
	% Costs	39.4		29.1	6.2	16.8		2.7	0.0	5.7	0.0	100.0
Option 2: Maintenance	FTE	1		5.3	1	2.1		0		4		13.4
	\$ Costs	473,700		386,300	74,500	201,600		103,000		304,700		1,543,800
	% FTE	7.5		39.6	7.5	15.7		0.0	0.0	29.9	0.0	100.0
	% Costs	30.7		25.0	4.8	13.1		6.7	0.0	19.7	0.0	100.0
Option 3: Maintenance	FTE	1.0		5.30	1	2.1		0		15.25		24.65
	\$ Costs	473,700		386,300	74,500	201,600		103,000		982,700		\$2,221,800
	% FTE	4.1		21.5	4.1	8.5		0.0	0.0	61.9	0.0	100.0
	% Costs	21.3		17.4	3.4	9.1		4.6	0.0	44.2	0.0	100.0

Collecting Estate Recovery Information

DSHS Communications with Clients
about Estate Recovery Notifications

Development

Maintenance

APPENDIX A

WAC 388-527-2700

Purpose.

The department will recover from the estate of a deceased client, the cost of medical care correctly paid on the client's behalf by the department as described by this chapter.

[Statutory Authority: [RCW 43.20B.080](#), [74.08.090](#) and [74.34.010](#). [99-11-076](#), § 388-527-2700, filed 5/18/99, effective 6/18/99.]

WAC 388-527-2730

Estate recovery definitions.

For estate recovery purposes:

"Estate" means all real and personal property and any other assets that pass upon the client's death under the client's will or by intestate succession pursuant to [chapter 11.04 RCW](#) or under [chapter 11.62 RCW](#). An estate also includes:

(1) For a client who died after June 30, 1995 and before July 27, 1997, nonprobate assets as defined by [RCW 11.02.005](#), except property passing through a community property agreement; or

(2) For a client who died after July 26, 1997, nonprobate assets as defined by [RCW 11.02.005](#).

The value of the estate shall be reduced by any valid liability against the deceased client's property at the time of death.

"Long-term care services" means the services administered directly or through contract by the aging and adult services administration of the department, including but not limited to nursing facility care and home and community services.

"State-funded long-term care" means the long-term care services that are paid only with state funds.

"Medical assistance" means the federal aid medical care program provided under Title XIX of the Federal Social Security Act.

[Statutory Authority: [RCW 43.20B.080](#), [74.08.090](#) and [74.34.010](#). [99-11-076](#), § 388-527-2730, filed 5/18/99, effective 6/18/99. Statutory Authority: 1995 1st sp.s. c 18 and [RCW 74.08.090](#). 95-19-001 and 95-24-037 (Orders 3893 and 3893A), § 388-527-2730, filed 9/6/95 and 11/29/95, effective 10/7/95 and 12/30/95.]

WAC 388-527-2733

No liability for medical care.

(1) The client's estate is not liable for services provided before July 26, 1987.

(2) The client's estate is not liable when the client died before July 1, 1994 and on the date of death there was:

(a) A surviving spouse; or

(b) A surviving child who was either:

(i) Under twenty-one years of age; or

(ii) Blind or disabled as defined under [chapter 388-511 WAC](#).

(3) The estate of a frail elder or vulnerable adult under [RCW 74.34.010](#) is not liable for the cost of adult protective services (APS) paid for only by state funds.

[Statutory Authority: [RCW 43.20B.080](#), [74.08.090](#) and [74.34.010](#). [99-11-076](#), § 388-527-2733, filed 5/18/99, effective 6/18/99.]

WAC 388-527-2737

Deferring recovery.

When a client died after June 30, 1994 and received services after June 30, 1994, recovery from the estate is deferred until:

- (1) The death of the surviving spouse, if any; and
- (2) There is no surviving child who is:
 - (a) Under twenty-one years of age, or
 - (b) Blind or disabled as defined under [chapter 388-511 WAC](#).

[Statutory Authority: [RCW 43.20B.080](#), [74.08.090](#) and [74.34.010](#). [99-11-076](#), § 388-527-2737, filed 5/18/99, effective 6/18/99.]

WAC 388-527-2740

Age when recovery applies.

The client's age and the date when services were received determines whether the client's estate is liable for the cost of medical care provided. Subsection (1) of this section covers liability for medical assistance and subsection (2) covers liability for state-funded long-term care services. An estate may be liable under both subsections.

- (1) For a client who on July 1, 1994 was:
 - (a) Age sixty-five or older, the client's estate is liable for medical assistance that was subject to recovery and which was provided on and after the date the client became age sixty-five or after July 26, 1987, whichever is later;
 - (b) Age fifty-five through sixty-four years of age, the client's estate is liable for medical assistance that was subject to recovery and which was provided on and after July 1, 1994; or
 - (c) Under age fifty-five, the client's estate is liable for medical assistance subject to recovery provided on and after the date the client became age fifty-five.

(2) The client's estate is liable for state-funded long-term care services provided on and after July 1, 1995 regardless of the client's age when the services were provided.

[Statutory Authority: [RCW 43.20B.080](#), [74.08.090](#) and [74.34.010](#). [99-11-076](#), § 388-527-2740, filed 5/18/99, effective 6/18/99. Statutory Authority: 1995 1st sp.s. c 18 and [RCW 74.08.090](#). 95-19-001 and 95-24-037 (Orders 3893 and 3893A), § 388-527-2740, filed 9/6/95 and 11/29/95, effective 10/7/95 and 12/30/95.]

WAC 388-527-2742

Services subject to recovery.

The medical services the client received and the dates when services were provided determines whether the client's estate is liable for the medical care provided. Subsection (1) of this section covers liability for medical assistance and subsection (2) covers liability for state-funded long-term care services. An estate can be liable under both subsections.

- (1) The client's estate is liable for:
 - (a) All medical assistance services provided from July 26, 1987 through June 30, 1994;
 - (b) The following medical assistance services provided after June 30, 1994 and before July 1, 1995:
 - (i) Nursing facility services;
 - (ii) Home and community-based services; and
 - (iii) Hospital and prescription drug services provided to a client while receiving nursing facility services or home and community-based services.
 - (c) The following medical assistance services provided after June 30, 1995:
 - (i) Nursing facility services;
 - (ii) Home and community-based services;
 - (iii) Adult day health;
 - (iv) Medicaid personal care;
 - (v) Private duty nursing administered by the aging and adult services administration of the department; and
 - (vi) Hospital and prescription drug services provided to a client while receiving services described

under (c)(i), (ii), (iii), (iv), or (v) of this subsection.

(2) The client's estate is liable for all state-funded long-term care services and related hospital and prescription drug services provided after June 30, 1995.

[Statutory Authority: [RCW 43.20B.080](#), [74.08.090](#) and [74.34.010](#). [99-11-076](#), § 388-527-2742, filed 5/18/99, effective 6/18/99. Statutory Authority: [RCW 74.08.090](#) and 1995 1st sp.s. c 18. 95-19-001 (Order 3893), § 388-527-2742, filed 9/6/95, effective 10/7/95.]

WAC 388-527-2750

Waiver of recovery if undue hardship.

Recovery is waived under this section when recovery would cause an undue hardship, except as provided in subsection (3) of this section. This waiver is limited to the period during which undue hardship exists.

(1) Undue hardship exists when:

(a) The estate subject to adjustment or recovery is the sole income-producing asset of one or more of the heirs and income is limited; or

(b) Recovery would result in the impoverishment of one or more of the heirs; or

(c) Recovery would deprive an heir of shelter and the heir lacks the financial means to obtain and maintain alternative shelter.

(2) Undue hardship does not exist when:

(a) The adjustment or recovery of the client's cost of assistance would merely cause the client's family members inconvenience or restrict the family's lifestyle.

(b) The heir divests assets to qualify under the undue hardship provision.

(3) When a deceased client's assets were disregarded in connection with a long-term care insurance policy or contract under [chapter 48.85 RCW](#), recovery is not waived.

(4) When a waiver is not granted, the department will provide notice to the person who requested the waiver. The denial of a waiver must state:

(a) The requirements of an application for an adjudicative proceeding to contest the department's decision to deny the waiver; and

(b) Where assistance may be obtained to make such application.

(5) A person may contest the department's decision in an adjudicative proceeding when that person requested the department waive recovery, and suffered a loss because that request was not granted.

(6) An application for an adjudicative proceeding under this section must:

(a) Be in writing;

(b) State the basis for contesting the department's denial of the request to waive recovery;

(c) Include a copy of the department's denial of the request to waive recovery;

(d) Be signed by the applicant and include the applicant's address and telephone number;

(e) Be served within twenty-eight days of the date the applicant received the department's decision denying the request for a waiver. If the applicant shows good cause, the application may be filed up to thirty days late; and

(f) Be served on the office of financial recovery (OFR) as described in [WAC 388-527-2795](#).

(7) An adjudicative proceeding held under this section shall be governed by chapters 34.05 RCW and 388-08 WAC and this section. If a provision in this section conflicts with a provision in [chapter 388-08 WAC](#), the provision in this section governs.

[Statutory Authority: [RCW 43.20B.080](#), [74.08.090](#) and [74.34.010](#). [99-11-076](#), § 388-527-2750, filed 5/18/99, effective 6/18/99. Statutory Authority: 1995 1st sp.s. c 18 and [RCW 74.08.090](#). 95-19-001 and 95-24-037 (Orders 3893 and 3893A), § 388-527-2750, filed 9/6/95 and 11/29/95, effective 10/7/95 and 12/30/95.]

WAC 388-527-2754

Assets not subject to recovery and other limits on recovery.

(1) Recovery does not apply to the first fifty thousand dollars of the estate value at the time of death and is limited to thirty-five percent of the remaining value of the estate for services the client:

(a) Received before July 25, 1993; and

- (b) When the client died with:
 - (i) No surviving spouse;
 - (ii) No surviving child who is:
 - (A) Under twenty-one years of age;
 - (B) Blind; or
 - (C) Disabled.
 - (iii) A surviving child who is twenty-one years of age or older.
 - (2) For services received after July 24, 1993, all services recoverable under [WAC 388-527-2742](#) will be recovered, even from the first fifty thousand dollars of estate value that is exempt above, except as set forth in subsection (3) of this section.
 - (3) For a client who received services after July 24, 1993 and before July 1, 1994, the following property, up to a fair market value of two thousand dollars, is not recovered from the estate of the client:
 - (a) Family heirlooms,
 - (b) Collectibles,
 - (c) Antiques,
 - (d) Papers,
 - (e) Jewelry,
 - (f) Photos, and
 - (g) Other personal effects of the deceased client and to which a surviving child is entitled.
- [Statutory Authority: [RCW 43.20B.080](#), [74.08.090](#) and [74.34.010](#). [99-11-076](#), § 388-527-2754, filed 5/18/99, effective 6/18/99. Statutory Authority: 1995 1st sp.s. c 18 and [RCW 74.08.090](#). 95-19-001 and 95-24-037 (Orders 3893 and 3893A), § 388-527-2754, filed 9/6/95 and 11/29/95, effective 10/7/95 and 12/30/95.]

WAC 388-527-2790

Filing a lien against real property.

- (1) Liens are filed, adjustment sought, and other recoveries effected by the department for medical assistance or state-funded long-term care, or both, correctly paid on behalf of a client consistent with 42 U.S.C. 1396p and chapters 43.20B RCW and 388-527 WAC.
- (2) When the department seeks to recover from a client's estate the cost of medical assistance or state-funded long-term care, or both, provided to the client, prior to filing a lien against the deceased client's real property, notice shall be given to:
 - (a) The probate estate's personal representative, if any; or
 - (b) Any other person known to have title to the affected property.
- (3) Prior to filing a lien against any of the deceased client's real property, a person known to have title to the property shall be notified and have an opportunity for an adjudicative proceeding as follows:
 - (a) Any person known to have title to the property shall be served with a notice of intent to file lien, which shall state:
 - (i) The deceased client's name, social security number, if known, date of birth, and date of death;
 - (ii) The amount of medical assistance, or state-funded long-term care, or both, correctly paid on behalf of the deceased client the department seeks to recover;
 - (iii) The department's intent to file a lien against the deceased client's real property to recover the medical assistance or state-funded long-term care, or both, correctly paid on behalf of the deceased client;
 - (iv) The county in which the real property is located; and
 - (v) The right of the person known to have title to the property to contest the department's decision to file a lien by applying for an adjudicative proceeding with the office of financial recovery (OFR).
 - (b) An adjudicative proceeding can determine whether:
 - (i) The amount of medical assistance or state-funded long-term care, or both, correctly paid on behalf of the deceased client alleged by the department's notice of intent to file a lien is correct; and
 - (ii) The deceased client had legal title to the real property at the time of the client's death.
- (4) An application for an adjudicative proceeding must:
 - (a) Be in writing;

- (b) State the basis for contesting the department's notice of intent to file the lien;
 - (c) Be signed by the applicant and state the applicant's address and telephone number;
 - (d) Be served on (OFR) within twenty-eight days of the date the applicant received the department's notice of intent to file the lien. An application filed up to thirty days late may be treated as timely filed if the applicant shows good cause for filing late; and
 - (e) Be served on OFR as described in [WAC 388-527-2795](#).
- (5) Persons known to have title to the property shall be notified of the time and place of the adjudicative proceeding by the department when it receives an application for the same.
- (6) An adjudicative proceeding under this section shall be governed by chapters 34.05 RCW and 388-08 WAC and this section. If a provision in this section conflicts with a provision in [chapter 388-08 WAC](#), the provision in this section governs.
- (7) If no known title holder requests an adjudicative proceeding, a lien shall be filed by the department twenty-eight days after the date that the notice of intent to file the lien letter was mailed. The lien will be filed against the deceased client's real property in the amount of the correctly paid medical assistance or state-funded long-term care, or both.
- (8) If an adjudicative proceeding is conducted in accordance with this regulation, when the final agency decision is issued, the department will file a lien against the deceased client's real property for the amount of the correctly paid medical assistance or state-funded long-term care, or both, as established by that final agency decision.
- [Statutory Authority: [RCW 43.20B.080](#), [74.08.090](#) and [74.34.010](#). [99-11-076](#), § 388-527-2790, filed 5/18/99, effective 6/18/99. Statutory Authority: 1995 1st sp.s. c 18 and [RCW 74.08.090](#). 95-19-001 and 95-24-037 (Orders 3893 and 3893A), § 388-527-2790, filed 9/6/95 and 11/29/95, effective 10/7/95 and 12/30/95.]

WAC 388-527-2795

Serving notices on office of financial recovery (OFR).

- (1) Legal service must be by personal service or certified mail, return receipt requested, to OFR at the address described in this section.
 - (2) The mailing address of the office of financial recovery is:
Office of Financial Recovery
P.O. Box 9501
Olympia, WA 98507-9501.
 - (3) The physical location of the office of financial recovery is:
Blake Office Park
4450 10th Avenue Southeast
Lacey, Washington.
- [Statutory Authority: [RCW 43.20B.080](#), [74.08.090](#) and [74.34.010](#). [99-11-076](#), § 388-527-2795, filed 5/18/99, effective 6/18/99.]

APPENDIX B

Total Number of Names Researched, Total Number of Liens and Claims and Total Amount, That the Office of Financial Recovery Processed Between 1993-1999.

		1993	1994	1995	1996	1997	1998	1999 (estimated)
Total number of names researched by calendar year	1.0 AKA report (Single Household Medical Recipient Death aged 55) ACES	5,162	5,346	6,006	5,505	7,491	9,496	10,552
	1.1 Average Probate clippings ² (1993-1996) or SCOMIS report totals per year (1997-1999) (estimates)	7,276	7,276	7,276	7,276	10,578	12,936	12,936
	1.2 Total number of name researched every year	12,438	12,622	13,282	12,781	18,069	22,432	23,488
Total number of liens and claims filed per calendar year	2.0 Liens filed	57	174	220	233	173	124	150
	2.1 Claims filed	343	413	445	555	403	455	474
	2.2 Total number of liens and claims³	400	587	665	788	576	579	624
Collected during fiscal year.	Total dollar amount collected during FY94-FY99		2.3 M	4.7 M	5.3 M	7.0 M	7.3 M	7.6 M
Employees (estimate) per calendar year	Number of Full Time Employees at OFR's unit for Estate Recovery	3	4.5	6	7	8	8	9

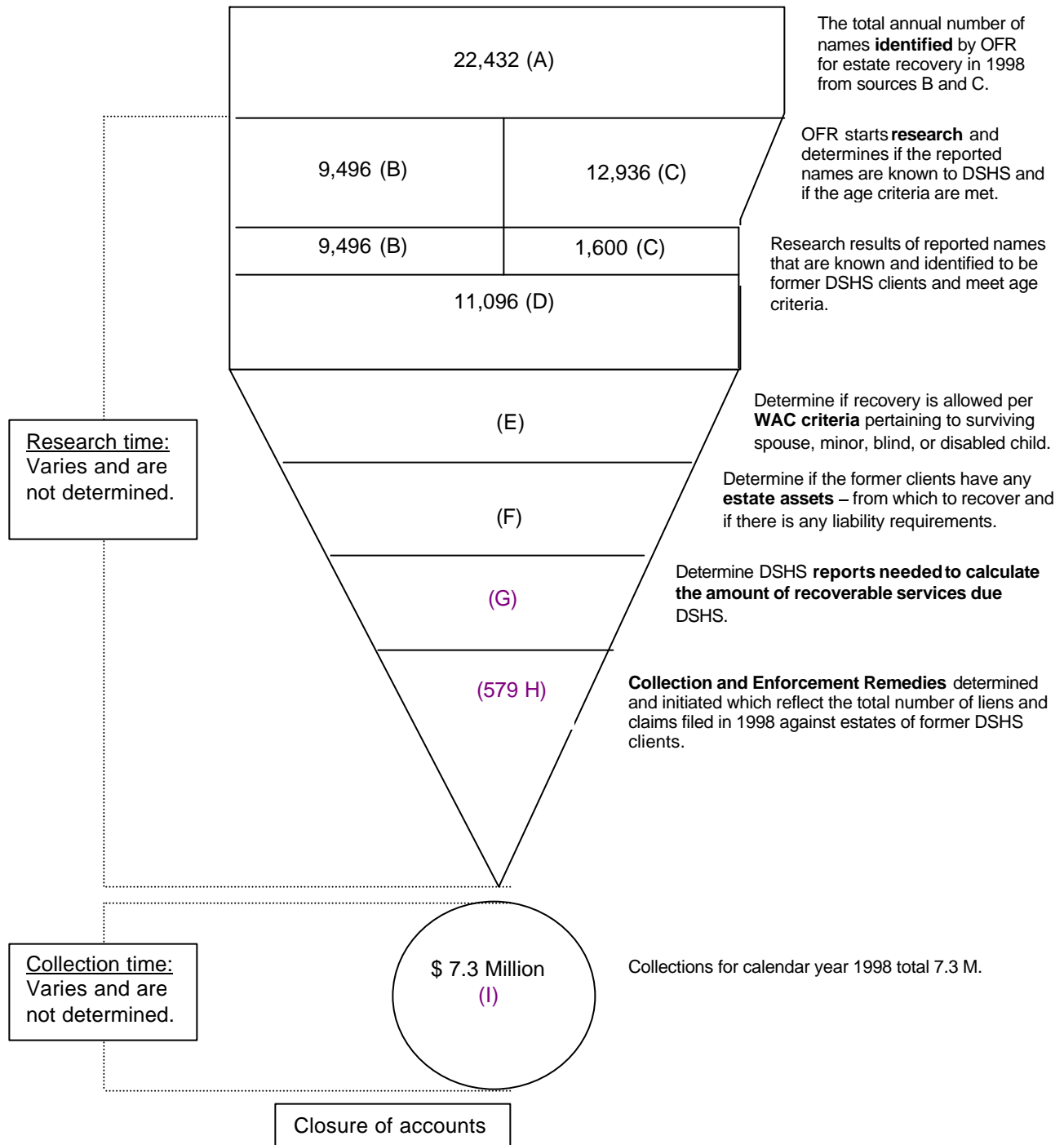
Source: OFR 1999

² Newspaper clipping service

³ There are more claims than liens filed by OFR because of the number of probates initiated. If probate is initiated, we file a creditor's claim in the probate. If the probated estate files for nonintervention powers, we will also file a lien. Most estates do not file nonintervention powers. If no probate is initiated, we only file a lien on the property.

Overview of 1998's work process for the Estate Recovery Unit

The following funnel shows the steps that OFR's Estate Recovery Unit goes through to determine which decedents and estates are subject to estate recovery and result in liens or claims being filed in their estates.



Description of work processes for the Estate Recovery Unit

- A. The total number of names identified by; OFR for estate recovery in 1998 was 22,432. The Single Household Medical Recipient Aged Fifty-five and Older Monthly Report and the Superior Court Office Management Information System (SCOMIS) Report are the two primary sources from which OFR finds out about decedent's estates.
- B. The Single Household Medical Recipient Death Aged Fifty-five and Older Monthly Report (AKA Over 55 Report)⁴ source had a total of 9,496 names in 1998 that were known to DSHS.

The Over 55 reports are generated monthly from an ACES to OFR extract file and reflect names of individuals who were receiving medical assistance at the time of their death and were closed with a reason code 244 (death) by the HCS/CSO. Form letters generated from these reports are mailed to the recipient's last known address as shown on the report. The letters ask survivors or estate handlers to answer questions related to the estate and assets and whether probate has been or will be filed.

- C. The second source is the SCOMIS (Superior Court Office Management Information System) Report. This report is received from the Office of the Administrator for the Courts and lists all probate and non-probate filings filed monthly in each county. Prior to implementation of this report in June 1997, OFR subscribed to a newspaper clipping service to obtain copies of probate notices published in every Washington newspaper.

During 1998, this source had 12,936 names that OFR researched to determine if names were known to DSHS and if they met the age criteria.

The names on the reports are checked against ITIS and ACES via Barcode and the HCSIS (Home and Community Services Information System) to determine if the named individual has received medical assistance or state-funded long-term care, or both and to determine if the age criteria is met. Probate attorneys are also contacted to confirm identity.

During 1998, OFR estimated that of the total 12,936 names researched only 1,600 were known to DSHS.

- D. From these two sources, OFR identified 11,096 individuals that have received medical assistance or state-funded long-term care, or both, that meet the age criteria.
- E. The next step for OFR, is to determine if recovery is allowed from the estate based on WAC 388-527-2733, 2737, 2740, and 2754) criteria pertaining to age, liability requirements, and limits on recovery as follows:

WAC 388-527-2733

No liability for medical care.

- (1) *The client's estate is not liable for services provided before July 26, 1987.*
- (2) *The client's estate is not liable when the client died before July 1, 1994 and on the date of death there was:*
 - (a) *A surviving spouse; or*
 - (b) *A surviving child who was either:*
 - (i) *Under twenty-one years of age; or*
 - (ii) *Blind or disabled as defined under [chapter 388-511 WAC](#).*
- (3) *The estate of a frail elder or vulnerable adult under [RCW 74.34.010](#) is not liable for the cost of adult protective services (APS) paid for only by state funds.*

⁴ ACES Software Specification, Recoupment/Recovery – DMJ4364A and example from August 1, 1999

WAC 388-527-2737

Deferring recovery.

When a client died after June 30, 1994 and received services after June 30, 1994, recovery from the estate is deferred until:

- (1) The death of the surviving spouse, if any; and
- (2) There is no surviving child who is:
 - (a) Under twenty-one years of age, or
 - (b) Blind or disabled as defined under [chapter 388-511 WAC](#).

WAC 388-527-2740

Age when recovery applies.

The client's age and the date when services were received determines whether the client's estate is liable for the cost of medical care provided. Subsection (1) of this section covers liability for medical assistance and subsection (2) covers liability for state-funded long-term care services. An estate may be liable under both subsections.

- (1) For a client who on July 1, 1994 was:
 - (a) Age sixty-five or older, the client's estate is liable for medical assistance that was subject to recovery and which was provided on and after the date the client became age sixty-five or after July 26, 1987, whichever is later;
 - (b) Age fifty-five through sixty-four years of age, the client's estate is liable for medical assistance that was subject to recovery and which was provided on and after July 1, 1994; or
 - (c) Under age fifty-five, the client's estate is liable for medical assistance subject to recovery provided on and after the date the client became age fifty-five.
- (2) The client's estate is liable for state-funded long-term care services provided on and after July 1, 1995 regardless of the client's age when the services were provided.

WAC 388-527-2754

Assets not subject to recovery and other limits on recovery.

- (1) Recovery does not apply to the first fifty thousand dollars of the estate value at the time of death and is limited to thirty-five percent of the remaining value of the estate for services the client:
 - (a) Received before July 25, 1993; and
 - (b) When the client died with:
 - (i) No surviving spouse;
 - (ii) No surviving child who is:
 - (A) Under twenty-one years of age;
 - (B) Blind; or
 - (C) Disabled.
 - (iii) A surviving child who is twenty-one years of age or older.
 - (2) For services received after July 24, 1993, all services recoverable under [WAC 388-527-2742](#) will be recovered, even from the first fifty thousand dollars of estate value that is exempt above, except as set forth in subsection (3) of this section.
 - (3) For a client who received services after July 24, 1993 and before July 1, 1994, the following property, up to a fair market value of two thousand dollars, is not recovered from the estate of the client:
 - (a) Family heirlooms,
 - (b) Collectibles,
 - (c) Antiques,
 - (d) Papers,
 - (e) Jewelry,
 - (f) Photos, and
 - (g) Other personal effects of the deceased client and to which a surviving child is entitled.

- F. If OFR is entitled to recover from the estate, information is obtained regarding estate assets. Assets and property are identified from the system-generated questionnaire⁵ mailed to the recipient's last known address as indicated in A. above. If the questionnaire is not returned, the CSO/HCS files are requested and researched for assets/resources. Also, telephone calls to/from family members, nursing homes, funeral homes, and attorneys provide information on estate assets. Property is checked and verified through Community Services Offices files and county assessor's real property records. Probate filings and assets are verified through the Superior Court centralized information system (SCOMIS), affidavits, escheat lists, etc.

Example of Estate Recovery Questionnaire used by OFR and mailed to the service recipient's last known address. The purpose with the questionnaire is to identify assets and property.

- G. After OFR determines that there are assets from which to recover, various payment records are ordered. OFR reviews these records to determine which services the former client received that would be subject to estate recovery (see WAC 388-527-2742).

Services provided from July 26, 1987 through June 30, 1994

All medical assistance provided between July 26, 1987 and June 30, 1994 to persons who were age 65 or older at the time of the service is subject to estate recovery, even if long-term care services were not provided.

Services provided after June 30, 1994:

Except for services provided before July 1994, estate recovery applies only to long-term care services and related hospital and prescription drug services provided to persons of a certain age and after certain dates. The following lists show the long-term care programs subject to estate recovery, along with effective dates and ages which are considered when ordering the payment records:

For services provided after June 1994 to persons age 55 and older:

- Nursing home care
- Community Options Program Entry System (COPES)
- Traumatic brain injury (TBI)
- Community Alternatives Program (CAP)

⁵ State of Washington, Department of Social and Health Services Estate Recovery Questionnaire

- *Outward Bound Residential Alternatives (OBRA)*
- *Coordinated Aids Service Alternatives (CASA)*
- *Hospital and prescription drug services provided to the client while receiving benefits under the other listed services*

1. For services provided after June 1995 to clients age 55 and older:

All services listed above, plus

- *Medicaid Personal care services*
- *Adult day health*
- *Private duty nursing*
- *Hospital and prescription drug services provided to the client while receiving benefits under the other listed services*

2. For services provided after June 1995 to clients of any age:

The following state-funded long-term care services administered by the DSHS Aging and Adult Services Administration:

- *Adult family homes*
- *Adult residential care (congregate care)*
- *CHORE services*
- *Hospital and prescription drug services provided to clients while receiving benefits under the other listed programs*

Requests Appropriate Report(s)

Partial Recipient Profile – Requests for profiles are faxed to Medical Assistance Administration, Casualty Unit – provide the client’s name, SSN, and Client ID#. Request the information as far back as the computer allows (3 years). Request 3 copies. (Requests are faxed on Thursdays. Profiles are only run on the weekends. Profiles are received by Wednesday of the following week, if no problems are encountered.)

SSPS⁶ on Home and Community Services Information System (HCSIS): The Financial Recovery Enforcement Officer (FREO) accesses the HCSIS system and prints the appropriate screens. (Immediate return of information.) Information prior to 7/1/95 is on SSPS microfiche, which involves a manual retrieval process.

Record of Assistance Paid (RAP): RAPs are requested via the ITISINPT System. (The RAP medical history requests are run twice weekly by ISSD. The runs are on Tuesday nights and Friday nights. The RAP reports generated are sent to high-speed printers in OFR’s Information Technology Office.)

Purged Claims History: OFR staff go to MAA to obtain the information. They locate and pull appropriate microfiche according to the RAP paid dates and MAA’s eligibility period screen report. Staff copy fiche with the appropriate charges. Support staff “cut and paste” the charges together to reflect only those payments provided to the client name researched and forwards the information to the FREO to determine recoverable services.

Upon receipt of the reports, the Financial Recovery Enforcement Officer (FREO):

- rechecks the Date of Birth (DOB) to ensure the client is age 55 or older
- checks the service dates on HCSIS report

⁶ Copy of AASA SSPS Web Search: <http://198.238.3.28/sspswebsearch.SSPSWebSearch.asp>

- checks the service dates on the Partial Recipient Profile for nursing home and adult day health.
- checks the service dates on MAA's eligibility screen-print for additional charges and orders the RAP, if needed
- determines the recoverable services per WAC 388-527-2742 and annotates the recoverable services for the identified time frames on the report as needed
- Runs calculator tapes on each appropriate report source for the following periods:

7/26/87 to 7/25/93 – all services

7/25/93 to 7/01/94 – all services

7/01/94 to present – only services per WAC

Verify tape totals.


Add total of all tapes from each report source. Verify tape totals. This is the total lien and claim amount.

- H. In 1998, the number of claims filed was 455 and the number of liens filed was 124.
- I. OFR recovered 7.3 million dollars for calendar year 1998.

APPENDIX C

Appendix 3:1

DSHS 14-001(X) (06/97), APPLICATION FOR BENEFITS (Page 1)


APPLICATION FOR BENEFITS
 Part 1

IDENTIFICATION OR CASE NUMBER

1. NAME: FIRST, MIDDLE INITIAL, LAST	2. SIGNATURE
3. ADDRESS WHERE YOU LIVE	4. MAILING ADDRESS (IF DIFFERENT)
CITY STATE ZIP CODE	CITY STATE ZIP CODE

5. Phone Number: Home _____ Work or message _____

6. I am (we are) applying for:

<input type="checkbox"/> Cash	<input type="checkbox"/> Nursing Care
<input type="checkbox"/> Food Stamps	<input type="checkbox"/> Drug and Alcohol Treatment
<input type="checkbox"/> Medical	<input type="checkbox"/> Other _____

7. If you want another person to get and use your food stamp benefits for you, complete the following:
 Their name _____ Telephone number _____

After completing above information, please read the following before completing the application.

The application is a statement of facts about the people who need help. If you are applying for someone else, complete the questions as they relate to those people. You will need to answer all questions before we will know if we can help you.

DISCRIMINATION

Discrimination is prohibited in all programs and activities administered by the Department of Social and Health Services (DSHS). No one shall be excluded from these programs on the basis of race, color, creed, political beliefs, national origin, religion, age, sex, or disability.

If you need help completing any part of the form, let us know.

Part 1

Part 1 of the application begins your request for help. THE SOONER YOU COMPLETE AND RETURN PART 1, THE QUICKER WE CAN HELP YOU IF YOU ARE ELIGIBLE.

A. You may complete Part 1 and take it to the recipient NOW if:

- You have an emergency (see questions 13 and 14), or
- You intend or do not want to answer all of the questions in Part 2 while you are here.

B. If you want Food Stamp benefits:

- We will base the amount of your Food Stamp benefits on the date we get Part 1.
- You need to complete at least questions 1, 2, and 3 above before we will accept Part 1.
- You may get Food Stamp benefits within 5 days if you complete question 13 and:
 - You have very little income or resources, or
 - Your income and resources are not enough to cover your monthly rent/mortgage and utilities, or
 - You have no place of your own to live, or
 - Your household includes a migrant or seasonal farm worker.
- You must give us a Social Security number or apply for one for each household member as required by law.

Part 2

Part 2 contains the rest of the information we need to determine if you are eligible for help. If you have the time and can answer all the questions now, please complete the entire form and give it to the recipient.

If you only complete Part 1 now, you must complete the rest of the application before your appointment. If you need help, let us know. You may give us Part 2 at the application before or at your appointment.

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APPLICATION FOR BENEFITS
 Part 1
 GENERAL INFORMATION

18. Do not ask that you voluntarily show your race or ethnic background. This information will not be used in considering your eligibility for benefits.

Caucasian Hispanic Black Vietnamese/Lao/Cambodian Other Asian or Pacific Islander
 American Indian/Alaskan/Native, like name Other _____

19. List yourself and everyone living at your address. Use legal names - DO NOT USE NICKNAMES. If you do not know a Social Security number, leave it blank. Check a box in the "APPLYING FOR BENEFITS" section for each person listed.

NAME (FIRST, MIDDLE, LAST)	RELATIONSHIP TO YOU	APPLYING FOR BENEFITS	SSN	DOB	DOB	DOB	DOB	DOB	DOB
		YES	NO	YES	NO	YES	NO	YES	NO
A.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
K.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
L.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

20. If anyone in your household has used another name (maiden or married name) or Social Security number, please list other names and/or Social Security numbers:

21. If you are applying for Food Stamp benefits and need them within five days, complete this section for everyone in the household.

I (we) have money in cash, checking, or savings _____ \$
 I (we) received money, cash, checks (income) this month _____ \$
 I (we) expect to get money, cash, checks (income) this month _____ \$
 I (we) have a rent or mortgage cost each month _____ \$
 I (we) have utility costs (e.g., gas, oil, electric) this month _____ \$
 My rent money, cash, checks (income) recently stopped _____ \$
 I am (we are) a migrant or seasonal farm worker _____ \$
 I am (we are) homeless _____ \$

22. How many persons in your household do you buy and prepare food for?

23. Check any of the following situations which apply to anyone in your household:

Pregnancy (due date) _____
 No food or food money _____
 Domestic violence victim _____
 Medical emergency _____
 Utility shut-off notice _____
 No place to live _____
 No heat _____
 Eviction notice _____


24. How many persons in your household do you buy and prepare food for?

FOR OFFICIAL USE ONLY - EXEMPTED SERVICE MEMBERS - Exempted eligible for expedited service

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APPLICATION FOR BENEFITS
 Part 2

GENERAL INFORMATION

17. Marital status - I am now: Single Married Divorced Separated Widowed

18. I am (we are) living in: Own home Adult family home Congregate care facility Group home Adult residential treatment facility Other _____

19. I (we) have applied for or received assistance below in Washington or another state: _____
 If yes, when _____ Date _____

20. A member of my household is disabled (including children): _____

21. A. I am (we are) a veteran of the armed services: _____
 B. I am (we are) the dependent or spouse of a veteran or a deceased veteran: _____

22. A family member is temporarily out of the home: _____

23. I am (we are) a foster care provider to provide my (our) needs: _____

24. I am (we are) a sponsored alien: _____
 If yes, name and address of sponsor _____

25. I (we) get food from an Indian food distribution program: _____

26. I (we) have been disqualified for food stamps now or in the past for providing inaccurate information: _____

27. I or a member of my household is fleeing from the law to avoid going to court or jail for a crime considered a felony, or breaking a condition of parole or probation: _____

28. I (we) am temporarily staying at someone's home: _____

29. I or a member of my household was convicted of a felony involving possession, use, or distribution of a controlled substance after August 21, 1994: _____

30. I or a member of my household was convicted of fraud in obtaining cash assistance: _____

31. I or a member of my household was convicted of misappropriating my/our assistance to receive public assistance benefits in two or more states at the same time: _____

32. My household is or has been living on an Indian reservation: _____

33. I (we) expect changes in my (our) situation in the next six weeks: _____
 If yes, describe: _____

GENERAL INFORMATION

34. A. I (we) have unpaid medical bills (include): _____ (include) \$ _____ YES NO
 B. I (we) need help with medical bills (include) in the last 3 months: _____ YES NO
 C. I am (we are) to, or about to, or plan to enter a medical facility (such as a hospital, nursing home, etc.): _____ YES NO
 If yes, what facility? _____
 (1) DATE ENTERED (2) DATE DISCHARGED (3) DATE WILL ENTER

35. I (we) have Medicare: _____

Page 3

REV. 55 06/97

DSHS 14-001(X) (06/97), APPLICATION FOR BENEFITS (Page 4)

GENERAL INFORMATION

36. I (we) need help paying Medicare premiums: _____ YES NO
 I (we) have CHAMPUS or military coverage available: _____ YES NO
 I (we) have health insurance: _____ YES NO
 (This includes any insurance you or someone else pays for, such as private insurance, long term care insurance, group insurance through your employer or union, etc.)
 I (we) had/have medical insurance through employment anytime in the last 3 years: _____ YES NO
 I (we) have turned down medical coverage through employment because of its cost: _____ YES NO
 I (we) have had an accident requiring medical care: _____ YES NO

37. A. I (we), including children, own or have a share in one or more of the following (check yes or no for each item):

	YES	NO	TOTAL AGGREGATE	PERSON WITH RESOURCES	REMARKS
Money on hand (cash)	<input type="checkbox"/>	<input type="checkbox"/>	\$		
Checking account	<input type="checkbox"/>	<input type="checkbox"/>	\$		
Savings accounts/certificates of deposit	<input type="checkbox"/>	<input type="checkbox"/>	\$		
Credit union	<input type="checkbox"/>	<input type="checkbox"/>	\$		
Retirement fund, IRA, IRACOLA, etc.	<input type="checkbox"/>	<input type="checkbox"/>	\$		
Money held by others	<input type="checkbox"/>	<input type="checkbox"/>	\$		
Stocks/bonds/mutual funds	<input type="checkbox"/>	<input type="checkbox"/>	\$		
Trust or annuity account	<input type="checkbox"/>	<input type="checkbox"/>	\$		
Life insurance	<input type="checkbox"/>	<input type="checkbox"/>	\$		
Private trust plan (not life insurance)	<input type="checkbox"/>	<input type="checkbox"/>	\$		
Money for funeral/burial	<input type="checkbox"/>	<input type="checkbox"/>	\$		
Burial plan	<input type="checkbox"/>	<input type="checkbox"/>	\$		
Joint contract	<input type="checkbox"/>	<input type="checkbox"/>	\$		
Property on which you live	<input type="checkbox"/>	<input type="checkbox"/>	\$		
Property on which you are not living	<input type="checkbox"/>	<input type="checkbox"/>	\$		
Business equipment (tools, machinery)	<input type="checkbox"/>	<input type="checkbox"/>	\$		
Livestock (horses, cattle, sheep)	<input type="checkbox"/>	<input type="checkbox"/>	\$		
Timber/acreage	<input type="checkbox"/>	<input type="checkbox"/>	\$		
Other	<input type="checkbox"/>	<input type="checkbox"/>	\$		

B. I (we) own or am (are) buying a car or other vehicle (truck, boat, motor home, snowmobile, motorcycle, etc.) or camper and/or trailer (do not list if not owned or in your possession): _____ YES NO

TYPE	YEAR	MODEL	VALUE	OTHER
			\$	\$
			\$	\$
			\$	\$

C. I (we) use a vehicle for medical purposes: _____ YES NO
 I (we) use a vehicle for employment: _____ YES NO

E. I (we) have used, traded, given away, or transferred a resource (see A and B above), including a resource this is true in the last 3 years: _____ YES NO
 If yes, describe: _____
 What? _____ To whom? _____ Date: _____

EMPLOYMENT

38. A. I am (we are) working (include self-employment): _____ YES NO

IF YES:	PERSON	EMPLOYER	START	END	IF SELF-EMPLOYED:	PERSON	EMPLOYER/WORK

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EMPLOYMENT INFORMATION

B. I am (we are) able to work YES NO

If NO, Reason: _____

C. Within the last sixty (60) days I (we) left a job YES NO

If yes, person's name: _____ Employer: _____

Reason: Laid off Fired Refused work On leave of absence Injury
 Quit work On strike Refused training Illness

D. For a family applying with both parents (married or unmarried) in the home, list the parent who earned the most money in the last 24 months: _____

FF. I (we) receive or have applied for money from the following sources (check yes or no for each item):

	YES	NO	REASON WITH SOURCE	AMOUNT	PERIOD WITH SOURCE	REASON
Public assistance	<input type="checkbox"/>	<input type="checkbox"/>		\$		
Unemployment compensation	<input type="checkbox"/>	<input type="checkbox"/>		\$		
Social Security benefits	<input type="checkbox"/>	<input type="checkbox"/>		\$		
Supplemental Security Income (SSI)	<input type="checkbox"/>	<input type="checkbox"/>		\$		
Retirot benefits	<input type="checkbox"/>	<input type="checkbox"/>		\$		
Retirement/Pension	<input type="checkbox"/>	<input type="checkbox"/>		\$		
Child support/Alimony	<input type="checkbox"/>	<input type="checkbox"/>		\$		
Insurance benefits	<input type="checkbox"/>	<input type="checkbox"/>		\$		
Tax or annuity	<input type="checkbox"/>	<input type="checkbox"/>		\$		
Money from roommates/boarders/tenants	<input type="checkbox"/>	<input type="checkbox"/>		\$		
Veteran's benefits	<input type="checkbox"/>	<input type="checkbox"/>		\$		
Labor and Industries	<input type="checkbox"/>	<input type="checkbox"/>		\$		
Military retirement	<input type="checkbox"/>	<input type="checkbox"/>		\$		
Income tax refund	<input type="checkbox"/>	<input type="checkbox"/>		\$		
School grants or loans	<input type="checkbox"/>	<input type="checkbox"/>		\$		
Cash Prizes (Sings, Lottery, etc.)	<input type="checkbox"/>	<input type="checkbox"/>		\$		
Other loans	<input type="checkbox"/>	<input type="checkbox"/>		\$		
Other Income	<input type="checkbox"/>	<input type="checkbox"/>		\$		

36. A. Shelter:

1. I (we) have a housing cost (if yes, give amount below) YES NO

RENT	MOCK COST	PROPERTY TAXES/INSURANCE	UTILITIES	PROPERTY TAXES	HOUSING ASSISTANCE
\$	\$	\$	\$	\$	\$

2. Someone pays all or part of my (our) housing costs or utilities YES NO

If yes, what do they pay for and how much do they pay: _____

3. I am (we are) responsible for: Heating/cooling costs YES NO

Other utilities: _____

HEATING	COOLING	WATER	SEWER
\$	\$	\$	\$
REPAIRS/MAINTENANCE	LANDSCAPE	OTHER	OTHER
\$	\$	\$	\$

B. I (we) pay for dependent care or babysitting expenses YES NO

C. I (we) make court ordered child support payments YES NO

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READ CAREFULLY BEFORE SIGNING

(PRINT) NAME: _____

- I (we) immediately report changes to the DGHS Community Services Office. Changes must be reported in writing for financial or medical assistance. Late reporting may cause reinstated benefits.
- I (we) provide proof I am eligible. DGHS may help me get the proof or contact other persons or agencies for it.
- The information I (we) give here is subject to verification by federal and state officials to decide if I am eligible for benefits and the amount I will receive. This may include unannounced contacts by the Division of Fraud Investigation.
- My (our) Social Security number(s) will be used by state and federal agencies to check identity of household members, to prevent duplicate participation, and to exchange information by computer with other agencies (e.g., Social Security Administration, Internal Revenue Service, employers, and banks) to verify eligibility.
- By receiving Temporary Assistance for Needy Families (TANF) or Food Stamp benefits, persons age 16 to 60 may be required to participate in an employment or training activity.
- By receiving cash benefits, I assign to the State of Washington all rights to any support, including child support.
- By receiving medical care benefits, I (we) assign to the State of Washington my (our) rights to medical care support and any third party payments to pay for covered medical services while receiving medical care benefits.
- The department may recover from my estate the cost of long-term medical care services when I am 55 or older. Long term care includes COPES, Medicaid Personal Care, and Nursing Home Services (plus related hospital and prescriber drug costs).
- I (we) may be restricted to one physician and pharmacy if I receive my medical benefits.

FOOD STAMP PENALTY WARNINGS

I understand I (we) may be removed from the Food Stamp Program for:

- **CHANGING** for intentionally breaking a Food Stamp rule;
- **TWO VIOLATIONS** for a second such violation, or a first conviction for buying, selling, or trading food stamps for a controlled substance;
- **TWO VIOLATIONS** for giving false identity or residence information to get duplicate benefits;
- **VIOLATING** for intentionally breaking a Food Stamp rule a third time, or a second conviction for buying, selling, or trading food stamps for a controlled substance; or conviction for buying, selling, or trading food stamps for firearms, ammunition, or explosives; or conviction for buying, selling, or trading food stamps worth \$200 or more.

In addition, I (we) may be removed by a court for an additional 18 months, or prohibited and fined up to \$250,000 or imprisoned up to 30 years or both.

FOOD STAMP WORK REQUIREMENTS/PENALTY WARNINGS

I (we) may be removed from the Food Stamp Program if I (we) are 16 - 50 years of age, physically and mentally fit, and refuse without good cause to:

- provide information to determine work status or job availability;
- accept any offer to work;
- register for employment;
- participate in an employment and training program; or
- voluntarily quit a job or reduce work hours.

I understand that I (we) can be disqualified for:

- one (1) month **and** until I comply with program requirements for the first time;
- three (3) months **and** until I comply with program requirements for the second time; and
- six (6) months **and** until I comply with program requirements for the third time and each time thereafter.

CASH ASSISTANCE PENALTY WARNINGS

If I am (we are) convicted by a court of illegally receiving cash assistance, I understand I (we) will be removed from cash and medical programs for the period determined by the court. I (we) may be removed from TANF for ten (10) years for giving false residence information to get benefits in two or more states at the same time.

DECLARATION AND SIGNATURE

I have read (or had read) to me) and understand the information in this application. I declare under penalty of perjury, information I gave in this application is true, correct and complete to the best of my knowledge. I understand that I (we) can be criminally prosecuted if I (we) intentionally receive cash, food stamps, or medical, because I have made a willful false statement or because I have willfully failed to report something I should report. Only the applicant must sign if applying for Food Stamps. If applying for cash or medical help, all adult household members must sign.

APPLICANT OR APPLICANT: _____ DATE: _____ SIGNATURE OF OTHER ADULT HOUSEHOLD MEMBER: _____ DATE: _____

SIGNATURE OF WITNESS IF APPLICANT SIGNED WITH OTHER: _____ DATE: _____ SIGNATURE OF WITNESS IF SPOUSE SIGNED WITH OTHER: _____ DATE: _____

SIGNATURE OF AGENT: _____ DATE: _____ SIGNATURE OF HELPER: _____ DATE: _____

REV. 55

UD 171

Appendix: 3:2



DSHS 22-989 SUMMARY (9/95)

NOTICE OF ESTATE RECOVERY LAW CHANGES IN 1995

The state's right to recover Medicaid and other long-term care benefit payments from recipients' estates after death has been expanded. This process is often called the "Medicaid lien," or "estate recovery."

Which programs are subject to estate recovery?

Medicaid rules currently require the nursing home program and Medicaid "waiver" programs—**COPEs, CAP, OBRA OR CASA**—to recover payments made from the estates of recipients age 55 and older. (Costs of hospital care and prescription drugs for recipients of nursing home care or care in a waiver program are also recovered.)

The new law will add the following additional services: chore services, Medicaid personal care services, adult family homes, adult residential care (congregate care facilities), adult day health, and private duty nursing. Costs for these additional services provided after July 1, 1995 would be recoverable, and for state funded services, such as chore, recovery is without regard to age.

Presently, there are no plans to recover the costs of respite care.

What property is subject to estate recovery?

The law applies to all assets owned by recipients when they die. New legislation allows recovery from any assets owned by a recipient even if as an example—

- title is held in joint tenancy with right of survivorship, or
- title is in an account payable on death to the survivor, or
- the asset is placed in a living trust.

What are the limits on estate recovery?

There will be no recovery when—

- property is owned only by a surviving spouse or any other person who is not a recipient, or
- property transfers to a surviving spouse through a community property agreement.

Recovery is deferred while—

- there is a surviving spouse or the recipient's children are under 21 or disabled, or
- the recipient's heirs would experience undue hardship.

Under the new legislation, the state will be able to promptly collect or file and foreclose on a lien.

Where can I get more information?

Contact an attorney who practices Elder Law, or you may obtain legal advice by calling your local Legal Services Program.

Cambodian

កំណត់សំគាល់ ការកែប្រែច្បាប់ នៃការទាមទារយកវិញនូវ បេតិកភ័ណ្ឌ ឆ្នាំ ១៩៩៥

សិទ្ធិរបស់រដ្ឋ ក្នុងការទាមទារមកវិញនូវជំនួយ ដែលបានទទួលបានពីមុន មេឌីមែដ និង ជំនួយមើលរក្សារបៀង។ ក្នុងកម្មវិធីមើលរក្សារបៀងរបស់រដ្ឋ យើងបានប្រែប្រួលច្បាប់ បេតិកភ័ណ្ឌ របស់អ្នកទទួលបានជំនួយ ក្រោយមរណភាព ត្រូវបាន ពង្រីកបន្ថែមជាថ្មីទៀត។ វិធីនេះ ដែលគេ គេស្គាល់ ហៅថា "សិទ្ធិយកវិញនូវ មេឌីមែដ" ឬ "ការទាមទារវិញនូវ បេតិកភ័ណ្ឌ" ។

តើកម្មវិធីជំនួយអ្វីខ្លះដែលត្រូវ គេធ្វើការ ទាមទារវិញនូវបេតិកភ័ណ្ឌ?

ថ្មីនេះ កម្មវិធី មេឌីមែដ ចេញវិធាន ដល់កម្មវិធីសំរាប់មន្ទីរព្យាបាលជំងឺ-ពិការ (nursing home) និងកម្មវិធី មេឌីមែដ "waiver" ដូចជា — **COPEs, CAP, OBRA OR CASA**— ជាដើម ឲ្យទាមទារវិញនូវជំនួយ ដោយយកវិញ បេតិកភ័ណ្ឌ របស់អ្នកទទួលបានជំនួយដែលមានអាយុ 55ឆ្នាំ និងចាស់ជាង។ (ថ្លៃប្រចាំថ្ងៃដែលបានចេញសំរាប់មើលរក្សាបាននោះតាមមន្ទីរពេទ្យ ថ្ងៃណាមួយក្នុងឆ្នាំ ចេញដោយរដ្ឋបេតិកភ័ណ្ឌ សំរាប់អ្នក ទទួលបានជំនួយដែលសំណាក់នៅតាមមន្ទីរព្យាបាលជំងឺ-ពិការ ឬការរក្សាប្រាបាលចំពោះជននៅក្នុងកម្មវិធីមេឌីមែដ "waiver" ត្រូវទាមទារវិញ។)

ច្បាប់ថ្មីនេះ មានបន្ថែមនូវការបំរើការប្រើប្រាស់ផ្ទះផ្ទាល់ផ្ទះនេះ : ការជួយមើលរក្សាមន្ត្រីរដ្ឋបាល, ការជួយរក្សាចំពោះអ្នកជំងឺដែលមិនស្រួល និង ស្លាប់, ការបំរើផ្ទាល់ខ្លួនផ្នែកកម្មវិធី មេឌីមែដ, មន្ទីរមើលរក្សាវិទីជន, មន្ទីរស្នាក់នៅប្រាបាលជំងឺជន (មណ្ឌលមើលរក្សាជំងឺ), មណ្ឌលសុខភាព វិទ្យុសកម្ម, គំនរសរស្រុះជនជន។ ថ្លៃប្រចាំថ្ងៃដែលបានចេញសំរាប់មើលរក្សាបាននោះតាមមន្ទីរពេទ្យ ថ្ងៃណាមួយក្នុងឆ្នាំ 1995នេះនឹងទាមទារយកវិញ ហើយ ម្ចាស់ផ្ទះ ត្រូវបំរើដែលផ្តល់ដោយបរិកររដ្ឋ ដូចជា ការជួយមើលរក្សាមន្ត្រីរដ្ឋបាល ត្រូវទាមទារវិញ ដោយមិនគិតពីការប្រើប្រាស់។

បច្ចុប្បន្ននេះ គេមិនទាន់មានផែនការត្រូវឲ្យទាមទារវិញនូវថ្លៃប្រចាំថ្ងៃកម្មវិធី មើលរក្សាបណ្តោះអាសន្ន (respite care) ទេ។

Appendix 3:3



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
October 7, 1999

«Address1»
«Address2»
«Address3»
«Address4»

RE: «RE»
PIC: «PIC»
PC#: «PCNum»

Dear «Salutation»:

You have requested information regarding payment of medical claims that may be included for recovery through our Estate Recovery Program. Enclosed you will find an accounting of payments made through the MMIS (Medicaid Management Information System). The MMIS accounting is for medical bills paid on your behalf and the SSPS accounting is for other miscellaneous services you may have received including COPES, Assisted Living, or Adult Residential Care.

This is not intended to be an official accounting, but should give you the majority of the services that could be included. All of the services provided to you may not be eligible for recovery. Also, there may be other services that are not included in our accounting because they are not paid through the two systems that we have access to. As of now, we are showing a total of «AmtPaid» paid for your medical expenses.

Please feel free to contact me if you have any questions regarding this information or if I can be of further assistance.

Sincerely,

«Signature»
Division of Client Support
COB Casualty Unit
P.O. Box 45561
Olympia, WA 98504-5561
Toll Free: 1-800-562-6136
Ext: «Ext»
Fax: (360) 753-3077
E-Mail: «Email»@dshs.wa.gov



Appendix 3:4

ESTATE RECOVERY FOR MEDICAL SERVICES PAID FOR BY THE STATE

COLUMBIA LEGAL SERVICES

SEPTEMBER 1999

THIS PAMPHLET IS ACCURATE AS OF THE DATE OF THIS REVISION. THE RULES CHANGE FREQUENTLY.

1. WHAT IS ESTATE RECOVERY?

The state has many programs that pay for medical services. The Medicaid program is one example. Under some of these programs, and with important limitations, the estate recovery law allows the state to recover (to be paid back) the cost of the services it pays for.

The estate recovery law allows recovery from a recipient's estate after death. It does not allow recovery during a recipient's lifetime, or during the lifetime of a surviving spouse, or while there is a surviving child who is under 21 years old or blind or disabled.

2. WHAT IS AN ESTATE?

An estate includes all real property (land or buildings) and all other property (savings, assets) a person owns or has a legal interest in at the time of death. This includes property that is subject to a deceased person's will, or to state laws governing what happens to a deceased person's property when there is no valid will, or to a community property agreement.

3. WHICH MEDICAL SERVICES ARE SUBJECT TO ESTATE RECOVERY LAWS?

Except for services provided before July 1994, estate recovery applies only to long-term care services and related hospital and prescription drug services provided to persons of a certain age and after certain dates.

The following lists show the long-term care programs subject to estate recovery, along with effective dates and ages:

For services provided after June 1994 to persons age 55 and older:

- Nursing home care
- COPES
- Traumatic brain injury (TBI)
- Community Alternatives Program (CAP)
- Outward Bound Residential Alternatives (OBRA)
- Coordinated Community Aids Service Alternatives (CASA)
- hospital and prescription drug services provided to people while receiving benefits under one of the other listed programs

For services provided after June 1995 to persons age 55 and older:

all services listed above, plus

- Medicaid personal care services
- Adult day health
- Private duty nursing
- hospital and prescription drug services provided to people while receiving benefits under one of the other listed programs

For services provided after June 1995 to persons of any age:

the following state-funded long-term care services administered by the Department of Social & Health Services (DSHS) Aging and Adult Services Administration:

- Adult family homes
- Adult residential care (congregate care)
- Chore services
- hospital and prescription drug services provided to people while receiving benefits under one of the other listed programs

COLUMBIA LEGAL SERVICES • 101 YESLER WAY, SUITE 300 • SEATTLE, WASHINGTON 98104

ESTATE RECOVERY FOR MEDICAL SERVICES PAID FOR BY THE STATE

All medical assistance provided between July 26, 1987 and June 30, 1994 to persons who were age 65 or older at the time of the service is subject to estate recovery, even if long-term care services were not provided. Recovery for assistance provided from July 26, 1987 through July 24, 1993 is subject to certain special limits: the first \$50,000 of the estate, and 5% of any

against a home or other real property in a deceased recipient's estate while the recipient's spouse is living or while there is a child of the recipient who is under 21 or blind or disabled.

6. CAN ESTATE RECOVERY EVER BE WAIVED?

an undue hardship to an heir. The waiver is limited to the period for which the hardship exists. Undue hardship is considered to exist when

- the property subject to recovery is the sole income-producing asset of one of the heirs whose income is low; or
- recovery would result in impoverishment of one or more of the heirs; or
- recovery would deprive an heir of shelter when the heir lacks the financial means necessary to obtain and maintain alternative shelter.

If an heir requests that the state waive recovery due to hardship, and the state denies the request, that decision may be appealed. The state's decision should explain how to appeal.

Example: A woman started receiving medical assistance from the state in 1989 for doctor visits and prescriptions. She turned 65 on 7/1/92. On 1/1/95 she began to receive chore services, and on 3/1/96 she entered a nursing home, where she stayed until her death on 9/1/98. She had no spouse or children. Recovery will be for:

- any medical services received between 7/1/92 and 6/30/94;
- chore services received from 7/1/95 through 2/28/96, plus related hospital and prescription-drug services;
- nursing home services from 3/1/96 to the date of death, plus related hospital and prescription-drug services.

4. ARE ADULT PROTECTIVE SERVICES SUBJECT TO ESTATE RECOVERY?

Services provided to a frail elder or vulnerable adult under the state's Adult Protective Services program are not subject to estate recovery.

5. ARE THERE TIMES WHEN ESTATE RECOVERY DOES NOT TAKE EFFECT EVEN AFTER THE RECIPIENT'S DEATH?

Yes. The state cannot begin recovery efforts during the life of a surviving spouse, or while a surviving child is under age 21, or blind or disabled. This means, for example, that the state will not place an estate recovery lien

7. CAN ANYTHING BE DONE TO AVOID ESTATE RECOVERY?

Estate planning may reduce the effect of estate recovery laws. Since recovery is from the recipient's estate, a plan that reduces what the recipient owns while alive will limit what is available for recovery after death. However, certain transfers of property will result in penalties (specifically, in periods of ineligibility for certain kinds of medical assistance). So, actions to avoid estate recovery should be taken only after consultation with an attorney knowledgeable about both estate planning and medical assistance rules.

Here are some examples of situations where estate recovery may be avoided:

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ESTATE RECOVERY FOR MEDICAL SERVICES PAID FOR BY THE STATE

Property owned solely by the surviving spouse. Since transfers of assets between spouses are permitted without penalty, a person may avoid estate recovery from a particular asset by transferring any ownership share in that asset to a spouse.

Exempt resources. A recipient may transfer certain exempt resources to anyone without penalty. (An exempt resource is one that is not counted when determining eligibility for medical assistance.) More information about the effects of transfers of assets is available in Columbia Legal Services pamphlets entitled "Questions & Answers on Medicaid for Nursing Home Residents" and "Questions & Answers on the COPES Program."

8. WHAT HAPPENS TO FUNDS HELD BY A NURSING HOME?

When a recipient dies, any funds held by a nursing home or an adult family home must ordinarily be sent, within 45 days of death, to the state. The state may authorize release of funds to pay for burial costs, either before or after it receives the funds.

9. HOW SHOULD THE STATE BE ADVISED THAT A RECIPIENT HAS DIED AND THAT THERE IS AN ESTATE?

The person responsible for the estate of a deceased recipient generally is required to send a notice to the state. So, in the case of estates in which a probate proceeding is filed in court, the personal representative must send the state a notice; and in the case of non-probated estates the notice agent must send the notice. For estates valued at under \$60,000 in which an affidavit procedure is used as an alternative to probate, an affidavit of successor must be sent to the state.

Notices to the state are directed to the Office of Financial Recovery, P.O. Box 9501, Olympia, WA 98507-9501. The telephone for the Office of Financial Recovery is 1 (800) 562-6114.

References: RCW 11.28.237, RCW 43.20B.080 & 090, RCW 70.129.040(4), RCW 74.34.025, RCW 74.39A.170, Ch. 388-527 WAC, WAC 388-513-1365

The estate recovery rules can be complicated. Before taking steps you don't fully understand, you should get individualized legal advice.

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