



**California Department of  
Health Care Services**

# Medi-Cal Estate Recovery



## What is Estate Recovery?

The Medi-Cal Estate Recovery program must seek repayment from the estates of certain Medi-Cal members after they die. Repayment only applies to benefits received by these members on or after their 55th birthday and who own assets at the time of death. If a deceased member owns nothing when they pass, nothing will be owed.

For Medi-Cal members who die **on or after January 1, 2017:**

- Repayment will be limited to the value of the assets in the deceased member's estate subject to probate. The Department will not recover the value of a deceased Medi-Cal member's property if it transfers to a different owner by survivorship, by trust, or by payment or transfer on death of the deceased Medi-Cal member.
- Repayment will be limited to payments made, including managed care premiums paid, for nursing facility services, home- and community-based services (HCBS), and related hospital and prescription drug services received when the member was an inpatient in a nursing facility or was receiving HCBS.

For Medi-Cal members who die **before January 1, 2017:**

- Repayment will be sought from all assets owned by the deceased member at the time of death.
- Repayment will be for most services received or monthly managed care premiums paid on behalf of the Medi-Cal member.

In some cases, exemptions or waiver to repayment may apply.

Have a question? Please visit our website at <http://dhcs.ca.gov/ER> or call (916) 650-0590.

## Frequently Asked Questions

### What is an Estate?

All real and personal property and other assets in which the deceased Medi-Cal member had any legal title or interest (to the extent of such interest) at the time of his or her death that is subject to probate.

### Does Estate Recovery Affect Everyone?

Estate recovery only affects Medi-Cal members who are 55 and older or Medi-Cal members of any age who have been determined "permanently institutionalized." An individual is determined to be "permanently institutionalized" when they are an inpatient in a nursing facility, are not expected to return home, and have had the opportunity for a hearing regarding their "permanently institutionalized" status. \*

The majority of Medi-Cal members' estates and their heirs will owe nothing.

### Is Help Available if the Costs are a Hardship?

DHCS may waive all or a portion of the claim if a substantial hardship exists. You can learn more about a hardship waiver at <http://dhcs.ca.gov/ER>.

\*Different laws apply to Medi-Cal members who died prior to January 1, 2017. Please see the DHCS website or contact us for more information. <http://dhcs.ca.gov/ER>.

## Frequently Asked Questions

### What Else do I Need to Know?

DHCS will not file a claim if:

- The decedent is survived by a spouse or registered domestic partner. \*
- The member is survived by a child who was younger than 21 when the member died.
- The member is survived by a child of any age who is blind or disabled (as defined by the federal Social Security Act) as of the date of the estate recovery claim.

If you think you may qualify for any of the above exemptions, please contact your DHCS representative for more information.

**\*Different laws apply to Medi-Cal members who died prior to January 1, 2017. Please see the DHCS website or contact us for more information. <http://dhcs.ca.gov/ER>.**

## Myth vs Fact

**MYTH:** After I pass, my children will be forced to move out of my house and/or pay my bills even if they can't afford to.

**FACT:** The State would never force your children to move. If there are other family members or heirs living in the house, the state offers other payment arrangements that do not require selling the house. Medi-Cal Estate Recovery's claim is only against the estate assets of the deceased member. Your family will be allowed to deduct certain debts and expenses from the value of the estate, such as funeral expenses.

**MYTH:** Estate Recovery funds don't make a difference for Medi-Cal.

**FACT:** Estate Recovery helps Californians who can't afford medical care. The money recovered is deposited into the state's Health Care Deposit Fund, which helps pay for medical care services for other people in need.

**MYTH:** There is no way to know how much my estate owes until I pass away.

**FACT:** This information can be requested once per calendar year for a fee of \$5, as long as you are 55 years of age or older or a permanent inpatient of a nursing or long-term care facility. For more information, please visit <http://dhcs.ca.gov/ER>.

## Contact Information

For more information about the Estate Recovery Program please visit: <http://dhcs.ca.gov/ER>.

### Phone

(916) 650-0590

### Email

[er@dhcs.ca.gov](mailto:er@dhcs.ca.gov)

### Mailing Address

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**For individuals with disabilities, the Department can provide this document in an alternative format, such as Braille, large print, audiocassette, or an electronic copy. To request this document in an alternate format, please email DHCS at [contactus@dhcs.ca.gov](mailto:contactus@dhcs.ca.gov).**

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