



COMMONWEALTH OF KENTUCKY  
Cabinet for Health and Family Services  
Department for Medicaid Services  
MEDICAID ESTATE RECOVERY  
FACT SHEET

**WHAT IS MEDICAID ESTATE RECOVERY?**

When a person who received Nursing Home or Waiver Services dies, Medicaid will ask the estate to pay back some or all of the amounts paid, on behalf of the deceased, for services.

**WHO WILL BE ASKED TO REPAY?**

A person who is age 55 or older and has received Nursing Facility Services, Intermediate Care Facility for Individuals with Intellectual Disabilities, Home and Community Based Services, Supports for Community Living, Michelle P. Waiver, Acquired Brain Injury, Acquired Brain Injury Long Term Care Waiver;

or

A person who has received Nursing Facility Services or Intermediate Care Facility for Individuals with Intellectual Disabilities for 6 months.

**WHEN DOES ESTATE RECOVERY START?**

Upon the person's death the Department for Medicaid Services will send a notice to the estate representative of the intent to recover.

**WHO MAY NOT HAVE TO REPAY?**

1. Estate recovery is not done:
  - If the deceased person has a surviving spouse; or
  - If the deceased person has a surviving child under age 21; or
  - There is a blind or disabled child as defined in §1614 of the Social Security Act.
2. Estate recovery is not done when there is a hardship reason. A hardship reason is:
  - The estate is the only source of income for the remaining family members. Hardship reasons may be appealed.
3. Other reasons for not pursuing estate recovery are:
  - The total assessed value is \$10,000 dollars or less
  - A surviving family member has continuing education needs;
  - A surviving family has medical needs;
  - If recovery is not cost effective.

**HOW DO YOU ASK NOT TO REPAY?**

- The estate representative has to write a letter to the Department and send documentation as to why they should not have to repay.
- The Department will respond in writing to the request.

**HOW YOU CAN FIND OUT MORE?**

You can get more information on Medicaid Estate Recovery by contacting any county office of the Department for Community Based Services or by writing to:

Department for Medicaid Services  
Division of Program Integrity  
Third Party Liability Branch  
275 East Main Street, 6E-A  
Frankfort, Kentucky 40621