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ELDER LAW MINUTE

As you know, Medicaid Estate Recovery is finally in effect in Georgia. Whatever Medicaid paid, it tries to recoup upon the death of the recipient.

If the recipient is survived by a spouse, there is a deferral of recovery until the spouse dies. If the recipient's estate is worth less than \$25,000, there is a permanent exemption from Estate Recovery.

As a result of these two provisions, I have had only a few estates actually pay back the benefits received. In those cases, it is very important to request a transcript of all charges paid by Medicaid from the Estate Recovery unit.

In two cases (involving the same nursing home parent company), I have discovered by reviewing the transcript, that when my client started receiving hospice services in the nursing home, the hospice agency (which is also owned by the same parent company) billed Medicaid for the full amount due to the nursing home for room and board, even though my client had paid a portion of this amount to the hospice agency as his Patient Liability Cost Share. My client's Estate Recovery Liability was therefore overstated by thousands of dollars.

When I approached the nursing home, the administrator blamed the mistake on the hospice agency. The hospice agency blamed it on Medicaid. The first time this happened, I was not able to resolve the problem until I reported it to the Medicaid Fraud Unit. I am still waiting for resolution of the second incident, but am hopeful that I won't have to go to such extremes this time.

If you have had any interesting experiences with the Estate Recovery unit which you would like to share, please let me know.

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