

OTHER ELIGIBILITY REQUIREMENTS

RECOVERIES

Description: Recovery is the repayment or taking back of funds expended for Medicaid.

Policy: A recovery may be made:

- from the estate of a permanently institutionalized individual of any age;
- from the estate of an individual who was 55 years of age or older when s/he received Medicaid;
- from a personal injury award or settlement;
- based upon a court judgment, for Medicaid incorrectly paid (including Family Health Plus);
- from a legally responsible relative who fails or refuses to make his/her income and resources available to the Medicaid recipient (See **OTHER ELIGIBILITY REQUIREMENTS OWNERSHIP AND AVAILABILITY**); or
- from the sale of real property of a permanently institutionalized individual (See **RESOURCES PERSONS IN MEDICAL FACILITIES TREATMENT OF REAL PROPERTY**) when a lien had been placed against the real property of such person pursuant to SSL 369(2)(a)(ii).

A recipient may elect to voluntarily reimburse a district for Medicaid correctly or incorrectly paid.

References:

SSL Sect.	366(3)(a) 369
Dept. Reg.	360-7.11
ADMs	09 OHIP/ADM-3 02 ADM-03 92 ADM-53
GISs	08 MA/031 06 MA/018 06 MA/022

Interpretation: Medicaid paid on behalf of a recipient age 55 or older or a permanently institutionalized individual of any age is recoverable from the recipient's estate. Medicaid can only be recovered if