

OTHER ELIGIBILITY REQUIREMENTS

RECOVERIES

mentally retarded, or other medical institution, who is not reasonably expected to be discharged from the medical institution to return home.

Limitations on recoveries from Personal Injury Settlements/Awards (effective for recoveries made on or after May 1, 2006):

- Only the portion of the personal injury settlement or award specifically allocated to compensate the Medicaid recipient for past medical expenses arising out of the personal injury is available to satisfy a 104-b lien. Any portion allocated to compensate the Medicaid recipient for pain and suffering, lost wages, and other non-medical damages is not available to satisfy a 104-b lien. A minor's personal injury settlement or award is also subject to this policy.
- To the extent that the lien amount exceeds the portion of the personal injury award or settlement specifically allocated to repayment of past medical expenses, the district's recovery of the lien will be reduced.
- 104-b liens are paid prior to funds being transferred to a supplemental needs trust for the benefit of the Medicaid recipient, insofar as the lien is partially or fully satisfied out of the portion of the personal injury settlement or award specifically allocated to compensate the Medicaid recipient for past medical expenses. Any other amounts of the settlement or
- awards are the Medicaid recipient's personal property and should be evaluated in accordance with resource and supplemental needs trust policies.

Medicaid Managed Care and Family Health Plus capitation payments made during a time after a recipient has either reported a change that makes him/her ineligible or requests his/her case closed may be recovered ONLY if the recipient accessed services from the managed care plan during that time.

NOTE: The extent to which liens may be imposed and recoveries pursued with respect to Medicaid recipients who are Qualified Partnership Policyholders (QPPs) depends on the type of plan chosen by the QPP.

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Total Asset Protection Plans (TAP)- No liens may be imposed against the real property of a permanently institutionalized individual who is a TAP QPP nor may recoveries made from the estate of a TAP QPP.

Dollar-for-Dollar Asset Protection (DDAP) Plans- Since homes of DDAP QPPs must be evaluated for their exempt/countable status, a lien shall be placed on the real property of the permanently institutionalized individual DDAP QPP in an amount equivalent to his/her unprotected resources, if any.

The sections that follow discuss these forms of recoveries:

- Liens; and
- Voluntary repayments.