

OTHER ELIGIBILITY REQUIREMENTS RECOVERIES

LIENS

Description: A lien is a legally filed claim against property as security for the payment of a debt.

An institutionalized individual is an A/R who is an inpatient in a medical facility, intermediate care facility for the mentally retarded or other medical facility and is not reasonably expected to be discharged to the community. The A/R has the right to rebut the expectation that s/he will not be discharged and return home, with adequate medical evidence. When an A/R is in chronic care status, s/he is considered an institutionalized individual.

NOTE: An institutionalized individual may express intent to return home (regardless of any medical evidence to the contrary). The homestead remains exempt.

Policy: A lien may be placed against a recipient's:

- exempt real property if the individual is permanently institutionalized. **NOTE:** No lien may be placed against an A/R's homestead if any of the following individuals reside in the home: the spouse of the recipient, a child under 21 years of age, a child of any age who is certified blind or disabled, or a sibling of the A/R who has equity interest in the home and who was residing in the home for a period of at least one year immediately before the date of the A/R's admission to a medical institution; and
- personal injury claim or suit for Medicaid expenditures related to the injury.

A claim may be placed against a recipient's:

- estate, if the deceased recipient was 55 years of age or older when he or she received Medicaid; and
- estate, if the deceased recipient was any age and was permanently institutionalized.

NOTE: A lien may be imposed on a mobile home only if the mobile home is on land owned by the institutionalized individual, and the mobile home has been permanently affixed to the land (e.g., a basement, foundation, or other immovable structure ties the mobile home to the land).