

Jim Doyle
Governor

Karen E. Timberlake
Secretary



State of Wisconsin
Department of Health Services

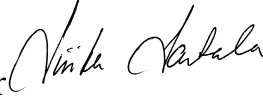
DIVISION OF LONG TERM CARE

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Date: January 9, 2009

To: Family Care Partnership Program Members

From: Sinikka Santala, Administrator 
Division of Long Term Care

**Subject: Important Changes to Family Care Partnership Program-
Medicaid Estate Recovery - Effective March 1, 2009**

English – For help to translate or understand this, please call 1-800-362-3002 (TTY).

Spanish – Si necesita ayuda para traducir o entender este texto, por favor llame al teléfono 1-800-362-3002 (TTY).

Russian – Если вам не всё понятно в этом документе, позвоните по телефону 1-800-362-3002 (TTY).

Hmong – Yog xav tau kev pab txhais cov ntaub ntauv no kom koj totaub, hu rau 1-800-362-3002 (TTY).

You are currently receiving services from the Family Care Partnership Program, formerly known as Wisconsin Partnership Program. This memo is to inform you of the Medicaid Estate Recovery changes. Effective March 1, 2009, the Department of Health Services will recover funds from the estates of participants in the Family Care Partnership Program who are:

- age 55 or older and have received certain services; or
- any age and reside in nursing homes or reside in inpatient hospitals.

Federal law requires this change because the Partnership Program is now funded under a home and community-based waiver. Federal and state laws require that waiver services be subject to estate recovery (under s. 49.496(3) (a) WI Stats. and 42 USC 1396p.) Partnership was previously funded under a demonstration grant that did not require estate recovery. Since the change is a requirement of Federal and State estate recovery laws, Partnership participants do not have the right to appeal this change. (Medicaid rules at 42 CFR §431.220(b) state that the State Medicaid Agency, “need not grant a hearing if the sole issue is a Federal or State law requiring an automatic change adversely affecting some or all recipients.”)

Estate Recovery Program Policies

Under the estate recovery program, when the Partnership recipient passes away, the state will seek repayment of the cost of *certain* Medicaid benefits provided to Partnership members age 55 or older on and after March 1, 2009. These services include:

Skilled nursing services

Home health aide services

Home health therapy and speech pathology services

Private duty nursing services

Personal care services

Family Care Partnership home and community-based waiver services

Inpatient hospital services

Prescription drugs

For people of all ages, all Medicaid services received on and after March 1, 2009, while living in a nursing home or institutionalized in an inpatient hospital, may be recovered.

Recovery is made from the estates of members and from liens placed on their homes when a member and the member's dependents no longer need those assets. The money recovered is returned to the Medicaid program and used to provide care for others in need.

It is important to remember that the state may not seek repayment of any Medicaid benefits from a member's estate while the member is survived by a:

- Spouse,
- Minor child,
- Disabled child, or
- Blind child.

When recovery is made, it will only be from a member's estate or, in limited situations, from a lien on the member's home. **Liens are not filed against homes of members who are living in the community.**

The Medicaid estate recovery claim is paid after certain other expenses, according to standard probate procedures. Costs paid prior to the estate recovery claim are:

- The costs of administering the estate, including attorney fees;
- The funeral costs; and
- The costs of the last illness, if any, that were not paid by Medicaid.

Partnership services received before March 1, 2009 are **not** subject to recovery. The Medicaid Estate Recovery change does not affect the services you receive in the Family Care Partnership Program.

Other Medicaid Programs and Services with Estate Recovery

Most other Medicaid long-term care programs and services already have estate recovery. The Department of Health Services can recover funds from many Medicaid programs and services provided to Medicaid members including the following:

- All Medicaid services received while living in a nursing home or institutionalized in an inpatient hospital.
- Home health care services received by members age 55 or older consisting of:
 - Skilled nursing services.
 - Home health aide services.
 - Home health therapy and speech pathology services.
 - Private duty nursing services.
- All home and community-based waiver services (COP Waiver, CIP 1A, CIP 1B, CIP II, Brain Injury Waiver, and Community Supported Living Arrangements) and home and community-based waiver services received by Family Care members age 55 or older.
- Prescription/legend drugs received by waiver and Family Care members.
- Benefits paid associated with a waiver and Family Care member's inpatient hospital stay.
- All personal care services.

For more information

This letter only provides information about the most recent change for estate recovery related to people who receive the Family Care Partnership Medicaid benefit. The Medicaid Estate Recovery change does not affect your services under the Family Care Partnership Program.

The brochure, “Wisconsin’s Medicaid Estate Recovery Program, Most Commonly Asked Questions & Answers,” provides more information about how the Estate Recovery Program works. If you have any questions or would like a copy of the brochure, you may contact your Partnership Program care manager, your local Aging and Disability Resource Center, or Medicaid Member Services at 1-800-362-3002 or go to:

<http://dhs.wisconsin.gov/medicaid/recpubs/erp/phc13032.htm>

Ombudsman programs are other resources for your questions or concerns.

- **Disability Rights Wisconsin (DRW)** Ombudsmen from this agency provide advocacy to Family Care and Partnership members **under age 60**.

131 W. Wilson St., Suite 700
Madison, WI 53703
608-267-0214
TTY: 888-758-6049
Fax: 608-267-0368
Madison Toll-free: 800-928-8778
Milwaukee Toll-free: 800-708-3034
Rice Lake Toll-free: 877-338-3724
<http://www.disabilityrightswi.org>
(includes contact information for other locations)

- **Wisconsin Board on Aging and Long Term Care** Ombudsmen from this agency provide advocacy to Family Care and Partnership members **age 60 and over**.

Board on Aging and Long Term Care
1402 Pankratz Street, Suite 111
Madison, WI 53704-4001
Toll-free: 800-815-0015
Fax: 608-246-7001
<http://longtermcare.state.wi.us/home>