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DATE

April 7, 2017

OF INTEREST TO

County Directors

Social Services Supervisors and
StaffFinancial Assistance Supervisors
and WorkersHealth Care Eligibility
Operations Managers,
Supervisors, and StaffCounty and Tribal Collection
Workers**ACTION/DUE DATE**Please read the information and
prepare for implementation.**EXPIRATION DATE**

April 7, 2019

DHS Announces Publication of an MA Estate Recovery Manual and a Forthcoming Survey about Systems Access of MA Estate Recovery Staff

TOPIC

Publication of a Medical Assistance (MA) estate recovery manual for collection workers at local agencies and a forthcoming survey for security liaisons at local agencies requesting information about systems access of estate recovery staff

PURPOSE

To ensure consistent and accurate MA estate recovery practices across the state

CONTACT

For MA estate recovery questions, contact the DHS Special Recovery Unit at 651-431-3204 or DHS.SRUfax@state.mn.us.

SIGNED

NATHAN MORACCO
Assistant Commissioner
Health Care Administration

TERMINOLOGY NOTICE

The terminology used to describe people we serve has changed over time. The Minnesota Department of Human Services (DHS) supports the use of "People First" language.

I. Notes about This Bulletin

This bulletin uses the following abbreviations:

- “DHS” for Minnesota Department of Human Services
- “GAMC” for General Assistance Medical Care
- “HCBS” for home and community-based services
- “LTC services” for long-term-care services
- “LTSS” for long-term services and supports
- “MA” for Medical Assistance
- “METS” for Minnesota Eligibility Technology System
- “MMIS” for Medicaid Management Information System
- “SRU” for DHS Special Recovery Unit

“We” refers to SRU.

II. Background

Federal and state law require DHS and local agencies to recover the dollar amounts that Minnesota’s MA program paid for its members in some situations. One of these required recoveries is called MA estate recovery. County agencies and tribal agencies (“local agencies”) perform MA estate recovery in Minnesota. DHS provides local agencies with policies and procedural standards for estate recovery, but DHS does not perform estate recovery.

A. Local agencies must claim against estates of the deceased to recover the amount that MA or GAMC paid for certain services

Collection workers and attorneys at local agencies assert MA claims against a deceased person’s estate, or against the estate of the deceased person’s spouse, to recover certain amounts that MA or GAMC paid for the deceased’s health care.

1. Local agencies recover the amount MA paid for LTSS that an MA member received at 55 years old or older

When performing estate recovery, local agencies must assert MA claims against the estate of a deceased MA member, or the estate of a deceased member’s surviving spouse, to recover the costs MA paid for LTSS that the member received at 55 years old or older.

LTSS consist of a variety of MA services, and include MA LTC services, but the term “LTSS” is not identical to “LTC services.” LTC services are MA services for people residing in medical institutions, or people with that level of care, for whom there are special MA eligibility requirements.

Unlike LTC services, LTSS include additional HCBS provided to MA members, some of whom may not need an institutional level care. “LTSS” is a more expansive term than “LTC services.”

For purposes of MA estate recovery, the term “LTSS” includes the following:

- nursing facility services
- HCBS:
 - [Alternative Care \(AC\) services](#)
 - [Brain Injury \(BI\) waiver services](#)
 - [Community Alternative Care \(CAC\) waiver services](#)
 - [Community Access for Disability Inclusion \(CADI\) waiver services](#)
 - [Developmental Disabilities \(DD\) waiver services](#)
 - [Elderly Waiver \(EW\) services](#)
 - [home health services](#):
 - home care nursing
 - home health aide services
 - medical supplies and equipment
 - physical therapy, occupational therapy, and speech therapy, when the service is provided by a home health agency
 - [personal care assistance \(PCA\) services](#)
- hospital and prescription drug services provided to an MA member during the same period he or she received nursing facility services or HCBS

2. Local agencies recover the amount MA paid for all services an MA member received when permanently residing in a medical institution

Local agencies must also assert estate claims to recover the costs of all services that MA paid during an MA member’s permanent residence in a medical institution. “Permanent residence” means that an MA member entered a medical institution, the member’s treating physician certified in writing the member could not reasonably be expected to return home, and the member died without being discharged from the institution.

3. Local agencies recover the amount GAMC paid for all services GAMC members received at any age

In addition to recovering the costs of MA services, estate claims are used to recover the costs of GAMC services that a GAMC member received at any age. GAMC was a state-funded health care program that ended in 2011. Though GAMC was a program separate from MA, we include estate claims for GAMC claim amounts in the term “MA estate recovery” for the sake of simplicity.

B. SRU developed an MA estate recovery manual for local agencies in consultation with local agency staff

MA estate recovery is a state-supervised, county-administered program. To ensure consistent and accurate MA estate recovery practices across the state, we developed an MA estate recovery manual that provides procedural standards for collection workers at local agencies.

To confirm that our standards met the needs of local agencies, we asked collection workers and county attorneys to volunteer for a county advisory board to review the MA estate recovery manual. We held the first county stakeholder meeting in September 2016 and then met periodically until all content had been reviewed. We thank Anoka, Dakota, Douglas, Hennepin, Isanti, Kanabec, Kandiyohi, Otter Tail, Ramsey, Sherburne, Washington, and Wright Counties for their valuable insight and willingness to contribute to this project. We look forward to working with all Minnesota county and tribal agencies to implement the manual's procedural standards.

C. Local agencies recommended that SRU survey them about systems access of estate recovery staff

During development of the MA estate recovery manual, we learned that local agency supervisors, collection workers, support staff, and attorneys who support MA estate recovery may have differing access to DHS communications, METS, MMIS, and MAXIS. Consequently, the stakeholder workgroup concluded that DHS should send a survey to security liaisons at local agencies to better understand systems access of estate recovery staff. Upon the publishing of this bulletin, we will send such a survey to the primary security liaison at each local agency.

III. The MA Estate Recovery Manual

The MA estate recovery manual provides procedural standards for local agencies that assert MA claims against estates of the deceased. It is published online on [CountyLink](#) and is located on the [Manuals](#) page under [MA Estate Recovery Manual](#). The manual is a resource for collection workers at local agencies and is addressed to them. The procedures outlined in the manual apply only to MA estate recovery actions. Eligibility policies are found in the Minnesota Health Care Programs [Eligibility Policy Manual](#) (EPM).

The procedural standards in the MA estate recovery manual supersede previous MA estate recovery guidance communicated by DHS bulletin. For instance, in January 2017 we published guidance on funeral expenses for MA estate recovery in [Bulletin #17-21-02](#). Since publication of that bulletin, we have published revised guidance on that topic in the new MA estate recovery manual, and this revised guidance supersedes the guidance in Bulletin #17-21-02.

The procedural standards set forth in the MA estate recovery manual set the benchmark by which DHS will conduct a future audit of local agencies' internal estate recovery procedures. We will communicate more details about this audit later.

IV. Required Survey about Systems Access of MA Estate Recovery Staff at Local Agencies

We will send a survey by email to the primary security liaison at each local agency. The survey will ask the security liaison to identify local agency staff who support the agency's MA estate recovery program and to indicate which DHS systems each employee has access to. Local agency employees who support MA estate recovery include, but are not limited to, supervisors, collection workers, support staff, and tribal and county attorneys.

V. Action Required

A. Develop or adopt MA estate recovery procedures at your local agency in accordance with the MA estate recovery manual

Ensure that your agency's MA estate recovery procedures are in accordance with the manual. Bookmark the [MA estate recovery manual](#) in your web browser and refer to it often. Do not print each page and compile a paper-based manual, because DHS anticipates updating procedures online whenever appropriate, and a printed version of this manual may become outdated at any given time.

B. Complete the forthcoming survey about systems access of MA estate recovery staff at your local agency

Primary security liaisons at local agencies: Complete the forthcoming survey requesting information about the systems access of local agency staff who support the agency's MA estate recovery program.

VI. Legal References

United States Code, title 42, section 1396p

Minnesota Statutes, section 256B.15

Laws of Minnesota 2016, Chapter 189, Article 19, Sections 14–16

Minnesota Rules, part 9505.0135, subpart 4

Americans with Disabilities Act (ADA) Advisory



For accessible formats of this publication or assistance with additional equal access to human services, write to DHS.info@state.mn.us, call 800-657-3739, or use your preferred relay service. (ADA1 [9-15])