



## Estate Recovery – Frequently Asked Questions

**Q: What is Medical Assistance Estate Recovery?**

**A:** Estate recovery is a law that requires the County to make claims against the estates of certain deceased Medical Assistance (MA) recipients, or the estates of the deceased members' surviving spouses, to recover the amount of MA paid for certain health care services.

When a recipient of MA or General Assistance Medical Care (GAMC) dies, the county can recover funds from estates for some health care services. Alternative Care (AC) is part of Medical Assistance that is also subject to estate recovery.

The County's Medical Assistance (MA) Estate Recovery claim has priority to be repaid before heirs or other creditors receive assets from the estate. Repayment of MA costs ensures that future MA members have funding to receive health care services.

Estate recovery occurs only after an MA member dies. The County cannot collect from an MA member's assets for repayment of MA while the member is alive.

**Q: What is an estate?**

**A:** In Minnesota, an "estate" is everything a person owns – like a house, vehicles, land, money, bank accounts, and personal assets. All these assets together make up a person's estate.

**Q: Who is a decedent?**

**A:** In terms of estate recovery, a decedent is a person who received medical assistance who passed away.

**Q: Whom does estate recovery apply to?**

**A:** Estate recovery applies to an MA recipient who:

- At 55 years old or older receive MA Long-Term Services and Supports (LTSS) including Alternative Care (AC)
- A recipient of General Assistance Medical Care (GAMC) at any age
- At any age permanently reside in a medical institution and receive MA services

**Q: Why would a claim be delayed?**

**A:** Dakota County will delay MA recovery if the decedent is survived by a spouse or has a child who is under 21 years old, blind or permanently disabled. Once a deceased MA member's surviving spouse dies, local agencies are required to recover MA costs from the spouse's estate. But recovery can be further delayed if a child who is under 21 years old, blind or permanently disabled is still living in the home when the surviving spouse dies.

**Q: If there is an MA claim on a decedent, what does a surviving spouse need to do?**

**A:** A surviving spouse will receive a letter from the Estate Recovery Team for informational purposes only regarding the claim. The recovery of the claim is postponed until the surviving spouse passes away.

**Q: What if my family member didn't have an estate?**

**A:** Refer to ['What is an estate?'](#) above.

**Q: What assets are included in an estate?**

**A:** Please refer to Dakota County's [Notice to Family Medical Assistance Estate Recovery](#) for a list of applicable assets.

**Q: If a beneficiary is listed on a bank account, brokerage account, or trust accounts prior to death, is it considered an asset?**

**A:** Even if there is a beneficiary designated, the accounts are considered assets and collectable by the County to offset the Medical Assistance Estate Recovery claim.

**Q: If a beneficiary is listed on a life insurance policy prior to death, is it considered an asset?**

**A:** If there is a living designated beneficiary, the insurance policy is not considered an asset. You will need to provide proof of the beneficiary designation.

**Q: Which bank statement should I provide?**

**A:** Provide the bank statement covering date of death through current date to verify amounts listed.

**Q: What are the "final bills" of an estate? (Can I pay the decedent's credit card bills, etc.?)**

**A:** Final bills are unpaid bills prior to the decedent's death and may include pharmacy bills, phone bills, etc. Please consult with the Estate Recovery Team for more details.

**Q: Can we include travel and time costs for family members for attending the service or cleaning up the home?**

**A:** No, those are general claims and not allowed as deductions.

**Q: Are funeral programs, flowers and burial jewelry allowable expenses?**

**A:** Please refer to Dakota County's [Notice to Family Medical Assistance Estate Recovery](#) for specific allowable expenses.

**Q: Do I have to file the decedent's taxes for the year they passed away?**

**A:** Please consult a tax attorney for tax advice.

**Q: If decedent owned property, what do I need to do to sell the property?**

**A:** Please refer to [Medical Assistance Certificates of Clearance](#) webpage.

**For additional frequently asked questions, please view the Minnesota Department of Human Services (DHS) webpage: [Estate recovery / Minnesota Department of Human Services](#)**