

Special Recovery Unit (SRU)

DHS LIENS

SRU staff

- ▶ Manager: Geneva Finn
- ▶ Staff attorney: Mark Eekhoff
- ▶ County Liaison: TBD
- ▶ MA Lien Team Supervisor: Kristen Lorsung
- ▶ Trust Specialist: Katrina Pierce
- ▶ MA Lien Specialist: Gabriel Guerrero
- ▶ MA Lien Specialist: Royann Johnson
- ▶ MA Lien Specialist: Daniel Mata
- ▶ Claim Analyst: Hamiyath Shafiuddin
- ▶ Systems Coordinator: Naomi Wenzel
- ▶ SRU general email inbox: DHS.SRUlien@state.mn.us

Mission:

- ▶ Promoting responsible use of Medicaid funds for long term care by supervising local estate recovery programs and administering the state-wide asset recovery program.

Vision:

- ▶ Strengthening Minnesota's state-county partnership to clearly explain legal rules and responsibilities and ensure accurate recoveries for the integrity of Minnesota's Medicaid recovery program.

SRU is responsible for

- ▶ The Medical Assistance Real Property Lien Program
- ▶ This means we file liens against real property interests to recover the amount Medical Assistance (MA) paid for certain services described in state and federal law.

The Medical Assistance Real Property Lien Program

- ▶ SRU analyzes lien referrals sent by local agencies and files liens and lien releases.
- ▶ Negotiate lien payoffs and represents DHS at appeal hearings
- ▶ Sign liens, releases and subordinations for Medical Assistance Property Liens, Alternative Care Property Liens, and Notices of Potential Claims under Minnesota Statutes, sections 256B.15 and 514.980 through 514.985
- ▶ Negotiate and execute agreements to settle, discharge, or pay off Medical Assistance Property Liens, Alternative Care Property Liens, and liens arising under Notices of Potential Claims under Minnesota Statutes, sections 256B.1S, and 514,980 through 514,985;

We file 2 types of liens?

▶ MA Liens and NPCs

MA Liens

- ▶ A Medical Assistance (MA) lien is a lien filed against an MA member's real property interest before the member dies to secure repayment of MA costs of the member's permanent stay in a medical institution. An MA lien is filed in the real estate records of the county in which the real property the lien describes is located. DHS collects on MA liens when real property is sold, which may happen before or after the MA member dies. See Minnesota Statutes, sections 514.980–514.985.

An MA lien is enforceable for 10 years from the date of its filing. DHS may renew the lien for an additional 10 years.

When can DHS file an MA lien?

- ▶ DHS has made MA payments on behalf of the member.
- ▶ Recipient has an ownership interest in real property located in the State of Minnesota: Includes joint-ownership, life estates, and beneficial interests.
- ▶ DHS has obtained verification from the member's attending physician, advanced practice registered nurse (APRN) or physician assistant (PA) that the member cannot reasonably be expected to be discharged and return home.
- ▶ The member has been provided notice of the lien and an opportunity for an administrative hearing.
- ▶ All exceptions against the enforcement of the lien no longer apply.

What is a medical institution?

- ▶ DHS files MA liens only after an MA member enters a “medical institution.” Medical institutions include the following.
 - Nursing facilities
 - Skilled nursing facilities
 - Intermediate care facilities
 - Intermediate care facilities for people with developmental disabilities
 - Inpatient hospitals

Are there exceptions that prevent DHS from filing an MA lien?

- ▶ DHS cannot file an MA lien if the real property at issue is the homestead of one or more of the following people:
 - ▶ An MA member's spouse
 - ▶ An MA member's child who is younger than age 21
 - ▶ An MA member's child of any age who is blind or totally and permanently disabled according to Supplemental Security Income program criteria
 - ▶ An MA member's child of any age who:
 - ▶ lived on the property for at least two years before the member began receiving institutional care,
 - ▶ has continuously lived on the property since the member's date of institutionalization, and
 - ▶ provided care that allowed the member to remain in the community
 - ▶ An MA member's sibling who:
 - ▶ has an equity interest in the homestead,
 - ▶ resided in the home for at least one year before the member began receiving institutional care, and
 - ▶ has continuously lived on the property since the member's date of institutionalization

Notice of Potential Claim (NPC)

- ▶ A notice of potential claim (NPC) is a lien filed against an MA member's real property interest to secure repayment of MA costs subject to estate recovery. DHS files an NPC in the real estate records for the county in which the property it describes is located. See Minnesota Statutes, section 256B.15, subdivision 1c.
- NPCs are enforceable for 20 years from the date of filing, or from the date of the MA member's death, whichever is later.

When can DHS file an NPC?

- ▶ DHS can file an NPC before or within one year after an MA member's death. However, an NPC is not a lien until the MA member dies. Until the MA member dies, an NPC serves only as notice that an MA estate claim can be made against a specific interest in real property.
- ▶ NPCs under 256B.15 allows liens against the MA recipient's interest in the real property.

THANK YOU!

Presented by Daniel Mata and Gabriel Guerrero