

DEPARTMENT OF HUMAN SERVICES  
HEALTH CARE QUALITY, FINANCING AND PURCHASING

LIENS & RECOVERY NOTICE

The Department of Human Services (DHS) is authorized by federal and state law to recover Medical Assistance (MA) expenses paid on behalf of an individual who is *aged 55 years or older* at the time the MA benefits are received. The Department of Human Services cannot recover Medical Assistance expenses paid on behalf of an individual before the age of 55 (DHS Manual, Section 0312.05).

If you receive MA benefits and you are 55 years of age or older, the Department of Human Services may seek recovery of your MA expenses by placing a lien upon your probate estate.

- The lien cannot attach during your lifetime;
- The lien does allow DHS to recover up to the total amount of MA paid on your behalf from the time you are 55 years of age whether or not you are a recipient of MA at the time of your death;
- The lien does attach against only those assets (personal and real property) which are part of your probate estate (DHS Manual, Section 0312.10).

DHS will not seek recovery of Medical Assistance expenses paid on your behalf if you are survived by:

- a spouse, or a child under 21 years of age, or a blind or disabled child as defined by the SSI criteria for blindness or total and permanent disability (DHS Manual, Section 0312.15).

In addition, if it would cause a hardship for someone living in the property if the property had to be sold, the legal owner of the inherited property can request that the Department delay its recovery claim (DHS Manual, Sections 0312.40 through 0312.40.15).

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I acknowledge that R.I.G.L. 40-8-15 provides that the total sum of Medical Assistance paid on behalf of a Medical Assistance recipient who was fifty-five (55) years of age or older at the time of receipt of such assistance shall be a debt to the state and shall constitute a lien upon the estate of the recipient in favor of the DHS. However, the lien shall not be effective and shall not apply to the estate of a recipient who is survived by a spouse, or a child who is under the age of twenty-one (21) or a child who is blind or permanently and totally disabled as defined in Title XVI (SSI) of the Social Security Act.

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(Applicant/Recipient's Signature)

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(Date)