

NURSING FACILITY SERVICES**17.13 BENEFIT REPAYMENT****A. RECIPIENT REPAYMENT**

When payment for nursing care services is made for a recipient who is ineligible for such payment, or for a lower amount, or for Medicaid, repayment is pursued as specified in Chapter 20.

B. PROVIDER FRAUD

When fraud on the part of a nursing facility or other Medicaid provider is suspected, the procedures in Chapter 20 are followed.

C. ESTATE RECOVERY

Effective June 9, 1995, West Virginia has the authority to place liens on the estate or property of a Medicaid recipient who is either in a nursing facility or who receives benefits under the Home and Community Based Waiver program, and who is aged 55 or older, or who is determined permanently institutionalized. The amount of the lien only considers benefits received after June 9, 1995. These liens cannot force the sale of real property during a person's lifetime.

The Bureau for Medical Services is responsible for implementing this law and has hired a contract agency to accomplish the recovery and to answer questions from interested persons. When the Worker receives inquiries about Estate Recovery, the individual must be referred to the current contract agency. Information about this agency is found in Chapter 17, Appendix I. The Worker must not contact the contract agency on behalf of the client, but must refer the client or his representative to the contract agency.

See Section 17.2 for procedures in the application process to explain the applicability of Estate Recovery.

See Section 17.10 regarding the LTCIP Asset Disregard and its relation to Estate Recovery.