

Changes to Estate Recovery effective January 1, 2017 due to Legislation SB 833:

Deaths Occurring Prior to 1/1/2017	Deaths Occurring on or After 1/1/2017
<p>Age 55 or older – The Department’s claim includes most services received or monthly managed care premiums paid on behalf of the Medi-Cal member.</p>	<p>Age 55 or older – The Department’s claim includes payments made by the Medi-Cal program for nursing facility services, home and community based services and related hospital and prescription drug services.</p>
<p>“Estate” is defined as all real and personal property and other assets in which the decedent had any legal title or interest at the time of death.</p>	<p>“Estate” is defined as all real and personal property and other assets in the individual’s probate estate.</p>
<p>Upon the death of a Surviving Spouse, the Department shall make a claim against the estate of the Surviving Spouse for services provided on behalf of the pre-deceased spouse.</p>	<p>Recovery is prohibited from the estate of a deceased Medi-Cal member who is survived by a spouse or registered domestic partner.</p>
<p>Voluntary post death lien shall accrue simple interest at the rate of seven percent per annum.</p>	<p>Voluntary post death lien shall accrue interest at the rate equal to the annual average rate earned on investments in the Surplus Money investment fund in the calendar year preceding the year in which the decedent died or simple interest at 7 percent per annum, whichever is lower.</p>
	<p>Estate Recovery shall waive its claim when the estate subject to recovery is a homestead of modest value. This means a home whose fair market value is 50 percent or less of the average price of homes in the county where the homestead is located, as of date of the decedent’s death.</p>