



**Who can help me if I have more questions?**

If you are 60 or older, call the Legal Services for the Elderly Helpline at

**1-800-750-5353**

to speak with a free lawyer about your legal concerns

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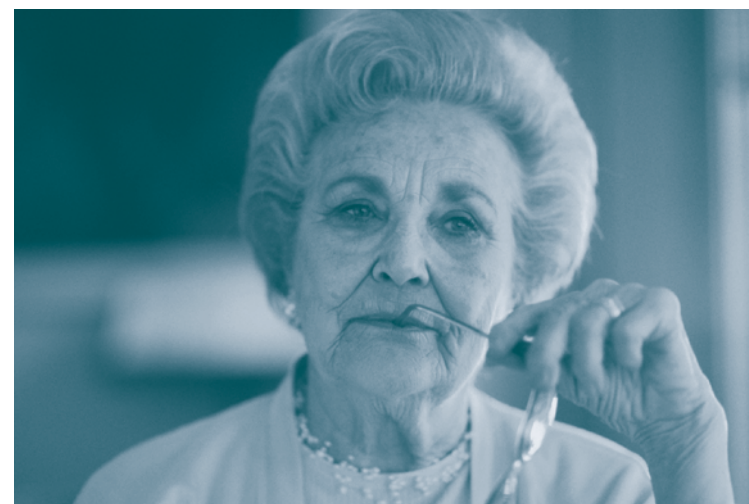
Free Legal Help for Maine's Seniors

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**Will I lose my home if I get Medicaid (MaineCare)?  
The Estate Recovery Law**



**Edna White lived alone after her husband died.** They had worked hard and paid off the house they bought when they got married, so she owned it free and clear. But, when Edna got sick and had to go into a nursing home, she didn't have cash to pay the costs. So, she started

getting MaineCare—that's the new name for Medicaid. She heard that the State will take her house now that she's on MaineCare. So Edna is worried she won't be able to sell the house or pass it on to her children.

Call our free Helpline to talk to a lawyer: **1-800-750-5353**

## **I've heard people say the State will take my home if I get Medicaid (MaineCare). Is this true?**

NO! The law does not allow the State to just take your home. What people are really talking about are rights the State has after you die. The law says the state can try to collect money it paid for your health care. But, it only applies to care you received after age 55.

### **Here's how it works:**

MaineCare has paid all Edna's nursing home bills. All Edna will own when she dies will be her house and a few pieces of family jewelry. Lawyers call this her "estate." The State has the right to collect the money it spent on her nursing home care from Edna's estate. This is called "Estate Recovery." The house may need to be sold to pay the State. The amount left after Estate Recovery will go to her son and daughter, her "heirs."

## **Does this mean that if I use any MaineCare programs, the state must be repaid?**

NO! Your estate will not be touched if you use either of these MaineCare programs:

1. Medicare Buy-In Benefits or Medicare Savings Programs that help pay for Medicare premiums and other Medicare costs
2. The Low Cost Drug Program for the Elderly and Disabled.

## **Does the State always have the right to collect?**

NO! First, after you die, the State must go to court and prove they are owed money. And then, they can collect against any estate items in which you have ownership interest.

### **The State will postpone collecting from your estate until:**

1. Your husband or wife (or registered domestic partner) has died;
2. Your minor child has died;
3. Your adult child who is blind or disabled has died.

## **What if I have a will?**

A will does not protect you against 'Estate Recovery'. The State must be paid before your heirs receive anything. If you are on MaineCare for very long, there may be nothing left for heirs after the State gets paid.

## **Is there anything I can do to protect my house from Estate Recovery? It's all I own.**

There may be some steps you can take now to protect your house from Estate Recovery. Call the Legal Services for the Elderly Helpline to talk with a lawyer for free. Here's the number: 1-800-750-5353.

### **Remember:**

- The state CANNOT try to collect any money it pays for your health care while you are living.
- The state CANNOT take (or put a lien) on your house while you are living.
- You have the right to do what you want with your property. You can sell your house. The State has NO rights to your property when you are alive.
- Estate Recovery applies only to MaineCare benefits you get after age 55. The State CANNOT collect money it paid for your health care before age 55.

Estate Recovery is complex. These are just the basics. There may be other ways the Estate Recovery rules affect you that are not discussed here. Call us to learn more.