

INFORMATIONAL NOTICE TO INSTITUTIONALIZED INDIVIDUALS WITH REAL PROPERTY

This notice explains what happens when you apply for Medical Assistance and you own real property, such as your home. A lien may be placed on your real property because of Medical Assistance paid or to be paid for you if you are receiving or expected to receive care in a medical institution and are not reasonably expected to return home.

A lien is a legally filed claim on your property. You still own your property if a lien is placed on it but, when the property is sold, the lien must be satisfied.

However, if you provide adequate medical evidence (such as from your doctor or discharge planner) that you are reasonably expected to return home, we will not put a lien on your real property. Please provide this information within 20 days from the date of your interview, or advise us if, due to conditions beyond your control, you will need additional time. If you need to discuss this issue with this agency, please request a conference as soon as possible.

You will receive a written notice if we intend to impose a lien on your real property.

If the real property is your home, we will not place a lien as long as you can prove that one of the following persons still lives in your home:

- your spouse;
- your child under age 21, or your child of any age who is certified as blind or disabled; or
- your brother or sister who already has a right to part of your home and lived in your home for at least one year immediately before you went into a medical institution.

If a lien is placed on your real property, the department of social services will remove the lien if you return home from the medical institution.

If you have a long term care insurance policy certified under the New York State Partnership for Long Term Care, Medical Assistance may pay for your care after your policy pays for 36 months of nursing home care or its equivalent. In such instance, we will not place a lien on your real property.