

10-144 Chapter 101
MAINECARE BENEFITS MANUAL
CHAPTER VII

SECTION 5

ESTATE RECOVERY

Established: 9/18/95
Last Updated: 11/30/20

5.10 CLAIM REDUCTION

- A. When the collection of the Department's claim would otherwise deplete the estate fully, the Department, at its discretion may reduce its claim in order to permit whole or partial reimbursement of an heir or devisee for use of personal resources to protect against damage or loss of value to the Member's vacant* real property occurring during the Member's last two years that the Member was institutionalized if the Member executed a Department approved Intent to Return Home form and delivered that signed form to the eligibility office.

For claims of real property upkeep and preservation following the Member's death, any expenses beyond two years following the death will not be allowed unless the estate provides a plan for payment of the claim that is approved by the Department.*

**The Department shall submit to CMS and anticipates approval for a State Plan Amendment related to these provisions.*

The heir or devisee must request such reduction in writing, and the request must be supported by proof of payments made and the reasonableness of such payments.

- B. All reasonable requests for a claim reduction will be considered on an individual basis. The procedure for making a request is as follows:
1. A request for claim reduction must be made within six (6) months from the Member's death or within thirty (30) days from the notice of the Department's claim, whichever is later.
 2. The request must contain a written statement of the circumstances constituting the claim reduction and all supporting documentation.
- C. The Department may request additional information, which must be provided within sixty (60) days of the request. If the information is not provided within sixty (60) days, the request for claim reduction may be denied. The information requested may include but not be limited to the following:
1. Will or bequest instructions; and/or
 2. Receipts/documentation of personal resources used to maintain property or pay Member debts.
- D. All decisions regarding the claim reduction will be provided in writing.