

End Mandatory Medicaid Estate Recovery



STOP UNFAIR MEDICAID RECOVERIES

Currently Federal law requires state Medicaid programs to attempt to recover costs from the estates of now-deceased recipients, even if the state would prefer not to seek such recovery.

Medicaid programs must seek recovery for the costs of nursing home services, home and community-based services, and certain related services if the recipient was 55 years or older when the services were provided. States have the option to seek recovery for other services. The recovery is limited to the size of the deceased recipient's estate.

No other public benefit program requires that correctly paid benefits be recouped from deceased recipients' family members. The minimal revenue generated by estate recovery is outweighed by the burdens it places on low-income families. The burden falls inequitably on families whose loved ones experience heterogeneous illnesses, injuries, or chronic conditions that are unpredictable – such as brain injury.

SUPPORT LEGISLATIVE ACTION

The Stop Unfair Medicaid Recoveries Act (H.R. 6698), introduced by Representative Jan Schakowsky (D-IL), would amend Title XIX of the Social Security Act to repeal the requirement that states establish a Medicaid Estate Recovery Program and limit the circumstances in which a state may place a lien on a Medicaid beneficiary's property.

Original cosponsors are Reps. Doris Matsui (D-CA), Yvette Clarke (D-NY), Rosa DeLauro (D-CT), Debbie Dingell (D-MI), Mike Quigley (D-IL), Lucille Roybal-Allard (D-CA), Mark Pocan (D-WI), Mary Gay Scanlon (D-PA), Danny Davis (NP-IL), Jesús "Chuy" García (D-IL), and Ayanna Pressley (D-MA).



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ABOUT BRAIN INJURY

An acquired brain injury (ABI) is any injury to the brain that is not hereditary, congenital, degenerative, or induced by birth trauma. There are two types of ABI: non-traumatic and traumatic. Non-traumatic injuries arise from internal causes; traumatic injuries are caused by external forces. The Centers for Disease Control and Prevention (CDC) report that 2.9 million children and adults sustain TBIs annually and at least 5.3 million people live with a TBI-related disability. The cost to society for medical care and lost wages associated with TBI is \$76.5 billion annually.

Individuals with brain injury may experience memory loss, concentration or attention problems, slowed learning, and difficulty with planning, reasoning, or judgment. Emotional and behavioral consequences can include depression, anxiety, impulsivity, aggression, and thoughts of suicide. Physical challenges may include fatigue, headaches, difficulty with balance or motor skills, sensory loss, and seizures. Brain injury can lead to respiratory, circulatory, digestive, and neurological diseases, including epilepsy, Alzheimer's, and Parkinson's disease. Poor outcomes after brain injury result from shortened lengths of stay in both inpatient and outpatient treatment settings. Payers point to a lack of sufficient evidence-based research as a primary reason for coverage denial of medically necessary treatment. This occurs particularly when behavioral health services and cognitive rehabilitation are needed.

ABOUT BIAA

Founded in 1980, the mission of the Brain Injury Association of America (BIAA) is to advance brain injury awareness, research, treatment, and education to improve the quality of life for all people affected by brain injury. BIAA is dedicated to increasing access to high quality care and accelerating research. With a network of state affiliates, local chapters, and support groups, BIAA provides help, hope, and healing and serves as the voice of brain injury for individuals who are injured, their families, and the professionals who provide research, treatment, and services.

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