

# FINAL BILL REPORT

## 2SHB 1116

---

---

C 354 L 99

Synopsis as Enacted

**Brief Description:** Requiring the department of social and health services to disclose long-term care financial information and service options to clients.

**Sponsors:** By House Committee on Health Care (Originally sponsored by Representative Clements).

**House Committee on Health Care**  
**House Committee on Appropriations**  
**Senate Committee on Health & Long-Term Care**

**Background:**

The state is required to recover (to be reimbursed for) certain long-term care benefit payments, plus hospital services and prescription drug services, from recipients' estates after their death. Recovery is deferred while there is a surviving child who is 20 years old or younger or who is blind or disabled. Recovery is also deferred until the death of the surviving spouse. Certain hardship provisions to protect dependents' heirs may apply.

Washington will recover payments from the estates of recipients age 55 or older for the following long-term care service: nursing home services, Medicaid personal care services, adult day health, and private duty nursing or COPES. The state will also recover costs of hospital care and prescription drugs for people who receive long care services. Recovery is also made from the estates of people who receive state-funded services, such as chore services, adult family homes, or adult residential care. These are collected regardless of the age of the recipient of service.

Collection only applies to property the Medicaid recipient owned or had an interest in at the time of death. It does not apply to property solely owned by a spouse or child. An estate includes all real property (land or buildings) and all other property (savings, assets) a person owns or has a legal interest in at the time of death.

The Department of Social and Health Services (DSHS) may file a lien or make a claim against any property that is included in the deceased recipient's estate. Before filing a lien against real property, the DSHS gives notice and opportunity for a hearing to the estate's personal representative, the decedent's surviving spouse, or any other established title owner of the property.

At the time of application for assistance the client must complete and sign an application form. The application form contains a paragraph that states the client understands that the DSHS may recover the cost of long-term care services from their estate. A flyer produced by the Columbia Legal Services with information regarding estate recovery is also given to the clients at the time of application. Aging and Adult Services Administration pamphlets that are distributed to clients and providers also contain information regarding this issue.

The DSHS is not required by law to notify the client of the terms and conditions of the estate recovery process or the specific costs of each long-term care service option, or to periodically keep the recipient informed of long-term care services or the debt being charged to their estate.

**Summary:**

The DSHS must fully disclose, verbally and in writing, in advance of any use of state funded long-term care services, the terms and conditions of the amount of money that a person would owe from their estate at the time of their death, if the person chooses to use state funded long-term care services. In disclosing estate recovery costs to potential clients, the DSHS must provide a written description of the community service options. The DSHS is required to develop a plan to provide clients financial information quarterly about the amount owed from their estate for the use of long-term care services. The plan must be submitted to the Legislature by December 12, 1999.

**Votes on Final Passage:**

House 96 0  
Senate 46 0 (Senate amended)  
House 97 0 (House concurred)

**Effective:** July 25, 1999