KNOW YOUR RIGHTS: Medicaid Estate Recovery

If you get a notice from the State saying you have to pay back money for a loved one's Medicaid benefits, or a letter from the Attorney General's Office or a lawyer for the State (called "special counsel") saying money is owed, or if there's a Medicaid lien filed on a house, it means the State is making a claim. **This is not a claim against you personally.** It is a claim against your loved one's estate (what they owned when they passed away) or property they had an interest in at the time of their death. **You should talk to an attorney before answering any letter you receive.**

If you can show the State or their lawyer that any of the following are true about the family of the person who died, they should not try to collect the money right now:

- **Surviving Spouse Exemption:** The person's husband or wife is still alive.
- **Younger Child Exemption:** The person has a child who is under 21 and still alive.
- **Blind or Disabled Child Exemption:** The person has a child of any age who is blind or permanently disabled (as decided by Social Security, like getting SSDI or SSI) and still alive.

If the only property that the person owned when they died was their home, there are 2 other options:

① **Caregiving Child Exception:** A child of the person can show that they:

- Lived in the home for two years before their parent permanently moved to the institution such as a nursing home or other facility, *AND*
- They kept living in the same home after their parent entered the facility, *AND*
- They provided care to their parent that delayed them needing to move to the facility, *AND*
- They have or can produce documents to prove all of these things.

⚠ You must complete **Form ODM 10271** and ask your deceased loved one's doctor to fill out **Form ODM 10272.** The state may ask for more documents.

The forms are available here:

FORM ODM-10271

ablelaw.org/ODM-10271

FORM ODM-10272

ablelaw.org/ODM-10272

② **Resident Sibling Exception:** A brother or sister of the person shows that they:

- Lived in the home for at least one year immediately before their sibling moved to the institution *AND*
- They continued living in the home after their sibling moved to the institution.

Either option ① or ② will pause the claim until the child or sibling moves out of the home.

Qualified State Long-Term Care Insurance Program Reduction: If your loved one had qualified long-term care insurance that paid for some of their long-term care, the state may collect less money.

Undue Hardship Exception: If none of the above exceptions apply, but paying this money would cause serious financial hardship for you and your family, you may qualify for a hardship waiver.
Examples of hardship include:

- The estate (like a family farm) is your only source of income.
- Without money from the estate, you would be able to get public assistance.
- Paying the claim would leave you without basic needs like food, shelter, or clothing.
- You spent a significant amount of your own money to help care for your loved one who died.
- You are 65 years old or older, or totally and permanently disabled, and you depend on the estate money to live.

⚠ IMPORTANT DEADLINES:

- You only have **30 days from the date this notice was mailed** to ask for an undue hardship waiver.
- The Ohio Department of Medicaid has **60 days after receiving your request** to tell you whether it has been approved (in full, in part, or for a limited time) or denied.
- If you disagree with the decision, you have **30 days from when you receive it** to appeal and ask the Medicaid director to review it.

Need help with your case?

Pro Seniors' Senior Legal Hotline for Older Ohioans offers free legal advice over the telephone to Ohio residents age 60 and older.

Call **(800) 488-6070** to schedule an appointment.

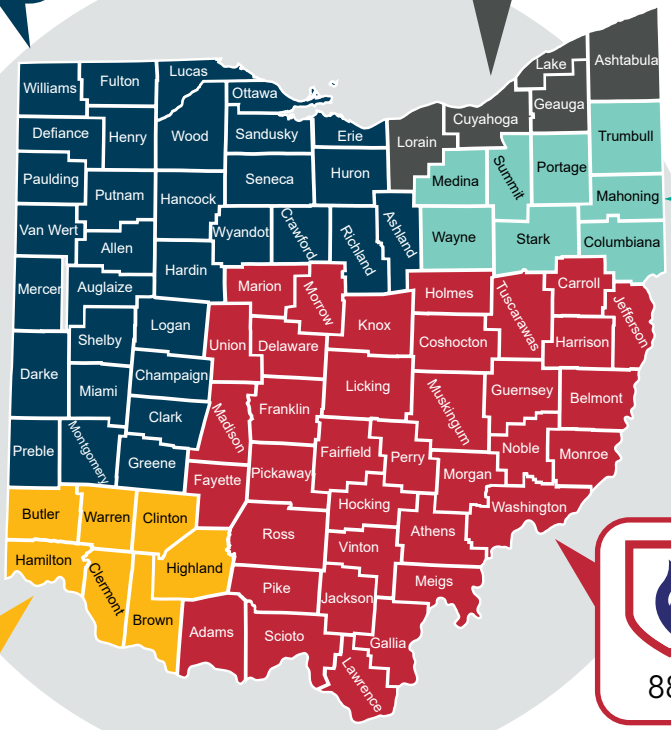
Know Your Ohio Legal Aids:

LAWO LEGAL AID OF WESTERN OHIO, INC.
888-534-1432 | lawolaw.org

The Legal Aid Society of Cleveland
888-817-3777 | lasclev.org

ALLIANCE OF OHIO LEGAL AIDS
ohiolegalaids.org

ABLE ADVOCATES FOR BASIC LEGAL EQUALITY, INC.
888-534-1432 | ablelaw.org



COMMUNITY LEGAL AID
800-998-9454
communitylegalaid.org

LEGAL AID SOCIETY OF GREATER CINCINNATI
LEGAL AID SOCIETY OF SOUTHWEST OHIO, LLC
An Affiliate of the Legal Aid Society of Greater Cincinnati
800-582-2682
lascinti.org | lasswo.org

LEGAL AID of Southeast and Central Ohio
888-246-4420 | lasco.org

This flyer was created by Advocates for Basic Legal Equality, Inc. in collaboration with the Alliance of Ohio Legal Aids; Community Legal Aid; The Legal Aid Society of Cleveland; Legal Aid Society of Greater Cincinnati; Legal Aid Society of Southwest Ohio, LLC; Legal Aid of Southeast and Central Ohio; Legal Aid of Western Ohio, Inc.; and Pro Seniors, Inc. This information was last updated in April 2026.