

TO: Local District Commissioners, Medicaid Directors

FROM: Judith Arnold, Director
Division of Coverage and Enrollment

SUBJECT: Expanded Definition of Estate Regulations

EFFECTIVE DATE: Immediately

CONTACT PERSON: Local District Liaison
Upstate (518)474-8887 NYC (212)417-4500

This GIS is to inform local districts that effective 12/6/2011, the revised regulation at 18 NYCRR 360-7.11 that implemented the expanded definition of estate for Medicaid recovery purposes expired. Effective immediately, districts must not include assets that pass outside of the probate estate as part of the decedent's estate for recovery purposes. A revised regulation will be promulgated.

The policy guidance provided in 11 OHIP/ADM-8, "Expanded Definition of Estate for Medicaid Recoveries", regarding the method to use in evaluating life estate interests under the transfer of assets provisions continues to apply.