



STATE OF MARYLAND

DHMH

Maryland Department of Health and Mental Hygiene

Office of Health Care Quality

Spring Grove Center • Bland Bryant Building

55 Wade Avenue • Catonsville, Maryland 21228-4663

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – Joshua M. Sharfstein M.D., Secretary

TO: Nursing Home Administrators

FROM: Nancy Grimm, Director Office of Health Care Quality (OHCQ) *NBG*

DATE: May 16, 2012

RE: Remittances to Medicaid Recoveries

This transmittal is to clarify when it is appropriate for a facility to withdraw a resident's personal funds for remittance to the Division of Medical Assistance Recoveries.

State regulations require a facility/recipient to notify the Department of Social Services (DSS) when there is a "change" in a recipient's income or resource. DSS is then required to issue a notification per the Department of Health and Mental Hygiene (DHMH) form 4235 along with DES form 100 to the recipient. The recipient may then appeal the re-determination made by DSS, provide evidence of an appropriate spend-down, or provide evidence per DHMH form 4342 that the excess resources have been remitted to Recoveries.

State regulations would allow a facility to withdraw a resident's personal funds for the purpose of maintaining their Medicaid eligibility, under "direct and immediate benefit". The authorizing document which would allow a facility to withdraw a resident's personal funds and remit them to Recoveries would be the DHMH 4235/DES 100, which identifies the specific amount of "excess resources" the recipient must appropriately eliminate.

Facilities must exhaust appropriate spend-downs (e.g. clothing, personal needs, burial plans), prior to making a remittance to the Division of Medical Assistance Recoveries.

State requirements are located in the Code of Maryland Regulations 10.09.24.10 and 12, and 10.07.09.19.

Please contact Bill Borisevic, Administrative Officer II/OHCQ at bborisevic@dhmh.state.md.us, if you have questions.

