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## Medi-Cal Estate Recovery

California's Medi-Cal Estate Recovery rules recently changed under AB 1605. They are now in alignment with federal Medicaid estate recovery regulations. Below is a summary of California's new rules:

- The state can only recover if you are over age 55 and receive Long Term Care nursing facility services, and certain Home and Community Based Service waiver programs and related hospital and prescription drugs.
- Or for a beneficiary of any age who is "permanently institutionalized" in a nursing facility, intermediate care facility, or other medical institution, and cannot reasonably be expected to be discharged from the medical institution and to return home.
- There will be no recovery if there is a surviving spouse or registered domestic partner in the home, a child under age 21, or a disabled child of any age.
- Estate recovery is limited to those estates subject to probate under California state law. Beneficiaries who are subject to recovery can protect their estates by transferring them via living trusts, joint tenancies, Right of Survivorship, Life Estate or a Transfer on Death Deed.
- If the home is of "modest value" the state shall waive the claim. Modest Value means it is worth less than half of the average price of a home in that county.
- "Estate" means all real and personal property and other assets in the individual's probate estate that are required to be subject to a claim for recovery pursuant to Section 1396p(b)(4)(A) of Title 42 of the United States Code

For more information on Estate Recovery contact California Advocates for Nursing Home Reform: <http://www.canhr.org/factsheets/index.html>