



Community Care Services Eligibility Bulletin 20-02

Date: July 17, 2020

To: Eligibility Services Supervisors and Staff
Program Managers
Regional Directors
Regional Attorneys
Hearings Officers

From: Access and Eligibility Services Program Policy
State Office 2115

Subject: Medicaid Estate Recovery Program (MERP) Notification Requirements

The information in this bulletin will be included in a future handbook revision. Until the handbook is updated, staff must use the information in this bulletin. If you have any questions regarding the policy information in this bulletin, follow regional procedures.

Active bulletins are posted on the following website:

- [Case Worker Community Care for Aged and Disabled Handbook \(CCADH\)](https://hhs.texas.gov/laws-regulations/handbooks/case-worker-community-care-aged-disabled-handbook) at <https://hhs.texas.gov/laws-regulations/handbooks/case-worker-community-care-aged-disabled-handbook>.

Medicaid Estate Recovery Program (MERP) Notification Requirements

Background

The Health and Human Services Commission (HHSC) must provide written notice of the Medicaid Estate Recovery Program (MERP) to a person applying for or receiving long term care services and supports.

Current Policy

Community Attendant Services (CAS)

MERP information must be shared with a person applying for Community Attendant Services (CAS), unless the person is determined to have "grandfathered" status. Written notice of the MERP must be provided in person at the initial home visit or face to face contact. (CCADH 2347.2)

Staff must:

- provide the person with information on the MERP following [Appendix XXI, Medicaid Estate Recovery Program \(MERP\) Script and Cover Sheet.](#);
- provide *Form 8001, Medicaid Estate Recovery Program Receipt Acknowledgement*, and request the person sign the form;
- share the MERP brochure, *Your Guide to the Medicaid Estate Recovery Program*;
- complete *Form 1575, Medicaid Estate Recovery Program Worksheet*, to document verification of MERP "grandfathered" status (CCADH 2347.3); and
- provide *Form 2061, Notification of Medicaid Estate Recovery Program Status*, to individuals who meet grandfathered status.

During the initial home visit, staff must also obtain the person's executor information and record it in the Service Authorization System Online (SASO).

New Policy

Community Attendant Services (CAS)

Written notice of the MERP must be provided to a person applying for CAS at the initial home visit or face to face contact.

During the initial face to face contact, staff must:

- present Form 8001;
- enter the applicant's name and the name of the applicant's responsible person, if applicable, on page two of the Form 8001;
- request the applicant's and/or the responsible person's signature;

- provide a copy of Form 8001 to the applicant; and
- retain a copy of the signed Form 8001 in the case file.

If the applicant refuses to sign Form 8001, document the refusal by checking the box on the bottom of page 2 of the Form 8001. Staff must also sign the Form 8001 to acknowledge that the MERP information was shared with the applicant.

Staff must clearly explain the following:

- the Form 8001 is only an informational notice;
- the applicant does not have to sign the form to receive services; and
- refusal to sign the form does not exempt their estate from recovery, if it is determined that MERP is applicable at the time of death.

If the applicant or their authorized representative (AR) have additional questions about the MERP, direct them to the contact information on page 2 of the Form 8001.

Note: Only MERP unit staff can determine if an applicant meets the “grandfathered” or exempt status.

Automation

Automation changes are not required.

Correspondence

The following forms are retired effective August 1, 2020:

- Appendix XXI, Medicaid Estate Recovery Program (MERP) Script and Cover Sheet;
- Form 1575, Medicaid Estate Recovery Program Worksheet and instructions; and
- Form 2061, Notification of Medicaid Estate Recovery Program Status, and instructions.

Handbook

The Case Worker Community Care for Aged and Disabled Handbook is currently scheduled to be updated in the December 2020 revision.

Training

Training will be updated to reflect the new policy and process and to remove references to the retired forms and appendix.

Effective Date

This policy is effective for all initial home visits completed on or after August 1, 2020.