

Medicaid Estate Recovery Program (MERP) Cover Sheet

This script is provided in English and Spanish to assist staff in presenting MERP information accurately and thoroughly.

MERP information must be shared with all Community Based Alternatives (CBA) and Community Attendant Services (CAS) applicants and, in some cases, ongoing consumers, regardless of age, unless the applicant or consumer is determined to have “grandfathered” status. MERP must be shared with applicants for CBA and CAS transferring (directly or after a break in services) to CBA or CAS, if the applicant is **not** determined to have “grandfathered status.” If the individual is not applying for CBA or CAS, MERP must not be shared with the individual. For example, MERP does not apply to Primary Home Care (PHC) applicants.

This information must be presented in person; **not** over the phone.

Staff follow the MERP script to present MERP information and to request the individual to sign [Form 8001](#), Medicaid Estate Recovery Program Receipt Acknowledgement. The script also guides staff in how to handle questions or the individual’s refusal to sign Form 8001.

Staff are not required to follow the script if the individual chooses to sign Form 8001 after a brief overview of MERP.

Staff must obtain and document executor information. Executor information must be recorded in the Service Authorization System (SAS) by creating an “Executor” address type. If the individual has already identified an executor and this information has been recorded in SAS, confirm with the individual that this information is correct. If the individual does not have a will and executor, staff must ask for the name of the person whom the state should contact after the individual’s death to determine whether recovery is appropriate. The order of preference for contacts after the executor is: (1) legal guardian, (2) power of attorney (POA) or (3) other family members who have acted on behalf of the individual. A space is provided on the MERP script to record two names and addresses of the persons the individual identifies. If the individual does not have an executor, enter the information about the first preferred contact in SAS “Executor” address record. Staff file the page from the MERP script that lists the contact information in the case record.

Staff explain program requirements related to sharing MERP information, but do not make recommendations about MERP or speculate whether MERP will be applicable upon the individual’s death, if the individual has this type of question. Staff must refrain from making statements such as, “The state will put a lien on your home.” If the individual asks for advice or asks legal questions, staff may suggest the individual seek the assistance of an attorney.