

WAC 182-527-2738 Estate recovery—General right to recover. For the purposes of this section, the term "agency" includes the agency's designee.

(1) **When the agency may file.** After a Washington apple health client has died, the medicaid agency may file liens to recover the cost of services subject to recovery that were correctly paid on the client's behalf.

(2) **Notice requirement.**

(a) Before the agency may file a lien under this section, it sends notice via first class mail as follows:

(i) If the estate has a personal representative, the agency sends notification to:

(A) The personal representative; and

(B) Any known title holder.

(ii) If the estate has known heirs but no personal representative, the agency sends notification to:

(A) Any known heir; and

(B) Any known title holder.

(iii) If the estate has no personal representative and no known heirs, the agency sends notification to:

(A) The address listed on the title; and

(B) Any known title holder.

(b) The notice states:

(i) The agency's intent to file a lien against the deceased client's property;

(ii) The amount the agency seeks to recover;

(iii) The deceased client's name, identification number, date of birth, and date of death;

(iv) The county in which the property is located; and

(v) How to request an administrative hearing.

(3) The agency may not recover from the client's estate so long as there remains:

(a) A surviving spouse; or

(b) A surviving child who:

(i) Is age twenty or younger; or

(ii) Is blind or disabled as defined in WAC 182-512-0050.

(4) **Interest assessed on past-due debt.**

(a) Interest on a past-due debt accrues at a rate of one percent per month under RCW 43.17.240.

(b) A lien under this section becomes a past-due debt when the agency has recorded the lien in the county where the property is located and nine months have passed since the lien was recorded or a creditor's claim was filed, whichever is sooner.

(c) The agency may waive interest if reasonable efforts to sell the property have failed.

(5) **Administrative hearing.** An administrative hearing under this section is governed by WAC 182-527-2753.

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 16-05-054, § 182-527-2738, filed 2/12/16, effective 3/14/16.]