

MESSAGE FROM THE STATE ATTORNEY

MERP Claims – Part One . . .



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Question: I have heard about MERP claims. What exactly is a MERP claim and who or what is affected?

Answer: MERP stands for Medicaid Estate Recovery Program (MERP). If you received Medicaid long-term services and supports, the State of Texas has the right to ask for money back from your estate after you die. In some cases, the State of Texas may not ask for anything back, and the state will never ask for more money back than it paid for your services.

The MERP claim program only affects long-term care services and supports you receive after the age of 55, and only if you first applied for these services after March 1, 2005. If you applied for these services before March 1, 2005, MERP does not affect you. MERP applies to various services and programs, most notably, nursing facility care, but also, ICF/IID, HCS, CLASS, TXHmL, CWP, DBMD, CBA, STAR+PLUS, ICM and CAS.

When the person dies, the state sends a notice to the estate representative or heirs to let them know that the state intends to file a MERP claim. The notice

will ask the representative for information so the state can decide whether to file a MERP claim.

The state's primary question to the representative of the decedent's estate is to the extent of property in the decedent's estate. A MERP claim typically does not apply to life insurance policies that name a person to receive the payment or bank accounts that are paid on death another person.

Philip J. Hundl is State Attorney for the K.J.T. and a shareholder in the law firm of Wadler, Perches, Hundl & Kerlick with offices in Wharton (main office), El Campo

and Richmond, Texas. State Attorney's note: The information in this column is not intended as legal advice but to provide a general understanding of the law. Readers with legal problems, including those whose questions are addressed here, should consult attorneys for advice on their particular circumstances.

Submit your questions for this column via email to phundl@wphk-law.com or via U.S. Mail to Wadler, Perches, Hundl & Kerlick, Philip J. Hundl, KJT State Attorney c/o KJT Legal Column, 101 W. Burselson Street, Wharton, Texas 77488 or at www.wphk-law.com.