

The Estate Administration Unit of the Oregon Department of Human Services is responsible for the recovery of money from a Medicaid or General Assistance client's estate.

This brochure contains important information about the recovery process.

If you have questions or need this document in a different format, please contact your local DHS office.

This brochure is available in alternate formats by calling 1-800-282-8096.

The information contained in this brochure is current as of publication date and subject to change without notice.

Please share the information in this brochure with family members or whoever will be handling the client's estate.

Oregon Department of Human Services
Estate Administration Unit
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Oregon's Medicaid and General Assistance programs pay for health care and other service needs of its clients. To get this help, individuals must meet certain income and asset requirements.

When a Medicaid or General Assistance client dies, the Oregon Department of Human Services (DHS) is required by law to recover money spent for their care from the "estate" of the client. Money recovered is generally for assistance provided after the client reached age 55.

However, if the client received General Assistance or was permanently institutionalized at the time of his or her death, assistance that was paid prior to age 55 may be recovered. The money recovered is used in programs to help others.

When does the state collect?

The Estate Administration Unit (EAU) begins the estate recovery process when notified of the client's death or when a probate proceeding is filed.

Who at DHS should be notified when the client dies?

The family should contact the client's case manager as soon as possible. The case manager will notify EAU.

What if there is a surviving spouse?

No claim will be made against the estate until the surviving spouse dies. EAU will only recover the amount Medicaid and/or General Assistance paid to the extent of the client's interest in the estate.

What if there is a minor, a blind, or disabled child in the family?

The unit does not recover from an estate when the client is survived by a minor child (under age 21), a blind child, or a permanently and totally disabled child. The child must be a natural or legally adopted child of the client.

How much can EAU recover from an estate?

The amount that can be recovered depends on the laws in effect at the time of the client's death.

What if there is a house, other real property, or a land sale contract?

The family of a deceased client who owned or had an interest in a house, other real property, or a land sale contract, should contact the EAU directly.

The client's house, other real property, or land sale contract, or interest therein, is an estate asset subject to recovery. EAU will work with families and heirs to explore alternatives to selling those assets.

What about bank accounts?

The family or heirs should contact EAU before spending any money from an account in which the client had an interest. If personal incidental funds or bank funds have been recovered by EAU, they may, in some instances, be used by the heirs toward the cost of funeral expenses. Please contact EAU for additional information.

What if the client did not have anything but personal effects?

Generally, EAU does not recover from the personal effects of clients. Personal effects include items such as dishes, clothing, and household furnishings.

If the claim is less than the assets, does the estate receive the excess?

Yes, if there are no other creditors. EAU will send documentation when the claim has been satisfied. If EAU has collected more than the Medicaid, and/or General Assistance, paid to the client, the excess will be returned.

If the claim exceeds the assets in the estate, who is responsible for the difference?

No one. EAU can only recover from assets in the estate.

What about funeral costs?

Clients are encouraged to prepay funeral and burial arrangements. This should be discussed with the client's case manager.

The funeral allowance after death is different. Please contact EAU for spending limitations.

Where can the family obtain information about the probate process?

The family should contact the County Court's Probate Clerk or a private attorney of its choice.

The Oregon State Bar's TEL-LAW program also provides some basic information about estates.

To reach TEL-LAW call:
1-800-452-4776.

For more information

Talk with the client's case manager or call the Estate Administration Unit:

1-800-826-5675 (toll free) within Oregon,
or **1-503-378-2884** in Salem.