



Ohio Revised Code

Section 2113.041 Request to financial institution to release account proceed to recover costs of services.

Effective: September 29, 2013

Legislation: House Bill 59 - 130th General Assembly

(A) The administrator of the medicaid estate recovery program established pursuant to section 5162.21 of the Revised Code may present an affidavit to a financial institution requesting that the financial institution release account proceeds to recover the cost of services correctly provided to a medicaid recipient who is subject to the medicaid estate recovery program. The affidavit shall include all of the following information:

- (1) The name of the decedent;
- (2) The name of any person who gave notice that the decedent was a medicaid recipient and that person's relationship to the decedent;
- (3) The name of the financial institution;
- (4) The account number;
- (5) A description of the claim for estate recovery;
- (6) The amount of funds to be recovered.

(B) A financial institution may release account proceeds to the administrator of the medicaid estate recovery program if all of the following apply:

- (1) The decedent held an account at the financial institution that was in the decedent's name only.
- (2) No estate has been, and it is reasonable to assume that no estate will be, opened for the decedent.
- (3) The decedent has no outstanding debts known to the administrator of the medicaid estate



recovery program.

(4) The financial institution has received no objections or has determined that no valid objections to release of proceeds have been received.

(C) If proceeds have been released pursuant to division (B) of this section and the department of medicaid receives notice of a valid claim to the proceeds that has a higher priority under section 2117.25 of the Revised Code than the claim of the medicaid estate recovery program, the department may refund the proceeds to the financial institution or pay them to the person or government entity with the claim.
