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Title 22@ Social Security

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Division 3@ Health Care Services

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Subdivision 1@ California Medical Assistance Program

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Chapter 2@ Determination of Medi-Cal Eligibility and Share of Cost

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Article 9@ PROPERTY

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Section 50428@ Liens

## 50428 Liens

### (a)

The Department shall record a lien against the ownership interest in the principal residence of an institutionalized beneficiary if the property meets the provisions of Section 50425(a)(7) unless:(1) The individual did not receive a Notice of Action according to the provisions of Section 50179 or has not had the opportunity for a state hearing according to the provisions of Article 18 (commencing with Section 50951) of this Chapter. Such Notice shall include the following:(A) The beneficiary has stated he/she does not intend to return to the principal residence from long term care; (B) A lien will be recorded against the property for the cost of all Medi-Cal claims paid or to be paid on the beneficiary's behalf. (C) The recording of the lien does not mean ownership of the property is lost or transferred. (D) The requirements to list the property for sale that the applicant or beneficiary must meet to remain eligible for Medi-Cal in accordance with Section 50425. (E) The beneficiary has the right to a county level review and a state hearing prior to recording of the lien or imposing any requirements to list the property for sale. (F) The procedures for requesting a county level review and the time limits within which such requests must be made.

### (1)

The individual did not receive a Notice of Action according to the provisions of Section 50179 or has not had the opportunity for a state hearing according to the provisions of

Article 18 (commencing with Section 50951) of this Chapter. Such Notice shall include the following: (A) The beneficiary has stated he/she does not intend to return to the principal residence from long term care; (B) A lien will be recorded against the property for the cost of all Medi-Cal claims paid or to be paid on the beneficiary's behalf. (C) The recording of the lien does not mean ownership of the property is lost or transferred. (D) The requirements to list the property for sale that the applicant or beneficiary must meet to remain eligible for Medi-Cal in accordance with Section 50425. (E) The beneficiary has the right to a county level review and a state hearing prior to recording of the lien or imposing any requirements to list the property for sale. (F) The procedures for requesting a county level review and the time limits within which such requests must be made.

**(A)**

The beneficiary has stated he/she does not intend to return to the principal residence from long term care;

**(B)**

A lien will be recorded against the property for the cost of all Medi-Cal claims paid or to be paid on the beneficiary's behalf.

**(C)**

The recording of the lien does not mean ownership of the property is lost or transferred.

**(D)**

The requirements to list the property for sale that the applicant or beneficiary must meet to remain eligible for Medi-Cal in accordance with Section 50425.

**(E)**

The beneficiary has the right to a county level review and a state hearing prior to recording of the lien or imposing any requirements to list the property for sale.

**(F)**

The procedures for requesting a county level review and the time limits within which such requests must be made.

**(b)**

Any recorded lien for an amount equal to the cost of medical care provided may be foreclosed only after one of the following: (1) The beneficiary sells the property. (2) The beneficiary dies and the following conditions are met:(A) There is no surviving spouse. (B) The beneficiary has no surviving child who is under the age of 21 or who is blind or disabled.

**(1)**

The beneficiary sells the property.

**(2)**

The beneficiary dies and the following conditions are met:(A) There is no surviving spouse. (B) The beneficiary has no surviving child who is under the age of 21 or who is blind or disabled.

**(A)**

There is no surviving spouse.

**(B)**

The beneficiary has no surviving child who is under the age of 21 or who is blind or disabled.

**(c)**

Any lien shall dissolve when the beneficiary is discharged from LTC and returns to the principal residence to live.

**(d)**

The county department shall notify the Department upon a determination that:

(1) All the criteria set forth in Section 50428(a) are met; or (2) A person in long term care has been discharged and has returned to the principal residence to live.

**(1)**

All the criteria set forth in Section 50428(a) are met; or

**(2)**

A person in long term care has been discharged and has returned to the principal residence to live.