

**TITLE 4: ECONOMIC RESOURCES**  
**DIVISION 5: BUSINESS REGULATION**

**§ 51560. Imposition and Release of Lien on Property of Recipient of Medicaid.**

(a) The Department of Public Health may, to the extent not prohibited by federal law, petition for the imposition of a lien pursuant to the provisions of 4 CMC § 51561 against real or personal property of a recipient of Medicaid as follows:

(1) The Department may obtain a lien against a recipient's property, both real or personal, before or after his death in the amount of assistance paid or to be paid on his behalf if the court determines that assistance was incorrectly paid for the recipient.

(2) The Department may seek a lien against the real property of a recipient at any age before his death in the amount of assistance paid or to be paid for him if he is an inpatient in a nursing facility, intermediate care facility for the mentally retarded or other medical institution and the Department determines, after notice and opportunity for a hearing in accordance with applicable regulations, that the recipient cannot reasonably be expected to be discharged and return home.

(b) No lien may be placed on a recipient's home pursuant to subsection (a)(2) for assistance correctly paid if:

(1) His spouse;

(2) His child who is under 21 years of age, blind or disabled as determined in accordance with 42 U.S.C. § 1382c; or

(3) His brother or sister who is an owner or part owner of the home and who was residing in the home for at least 1 year immediately before the date the recipient was admitted to the medical institution, is lawfully residing in the home.

(c) Upon the death of a recipient, the Department may seek a lien upon the recipient's undivided estate.

(d) The Secretary shall release a lien pursuant to this section:

(1) Upon notice by the recipient or his representative to the Director that the recipient has been discharged from the medical institution and has returned home;

(2) If the lien was incorrectly determined; or

(3) Upon satisfaction of the claim of the Department.

**Source:** PL 15-117, § 2(51460), modified.

**Commission Comment:** The Commission modified this section pursuant to 1 CMC § 3806(c) by changing references to agree with the renumbered sections.