

NOTICE OF INTENT TO FILE A LIEN

TO:

Name

Mailing Address

City

State

Zip Code

Pursuant to Hawaii Administrative Rules, sections 17-1705-56 and 17-1705-57, the Department of Human Services (DHS) intends to file a lien with the State Bureau of Conveyances against your home property located at:

Street Address

City

State

Zip Code

DHS is taking this action after previous determinations were made that:

- a) You do not have an exempt relative (a spouse, minor child, blind or disabled child, or a sibling with an equity interest in the home) who lived there at least a year before you started receiving level of care services in a medical institution, and is currently living in your home; and
- b) You cannot reasonably be expected to be discharged from the medical institution and return home.

The lien will serve as a claim against your home property for the amount of all payments made by the Medicaid program on your behalf since February 1, 1996, or thereafter. The lien will be dissolved if you are discharged from the medical institution and return to live in your home.

The lien does not change your ownership of the property, nor does it require you to sell the property. The lien will not be enforced during your lifetime unless the property is sold or transferred. If the property is sold or transferred, and you do not have a spouse or a living child who is under age 21 or disabled or blind living there, the state will recover the amount of the lien from the proceeds of the sale.

If you disagree with the state's decision to file a lien, you have the right to request a fair hearing before a Hearings Officer. This request must be in writing and must state that you disagree with the intended action. The only issue at the hearing will be whether the requirements for the imposition of a lien are satisfied. You must request a fair hearing within 90 days from the date of this notice. You may file a request for a hearing by contacting the Recovery Unit.

At the fair hearing, you may speak for yourself or have a lawyer, friend, relative, or someone else speak for you. The lien against your property will not be filed until the 90-day time period for requesting a hearing is over or, if a hearing is requested, until a hearing decision is made in favor of the State.

If you have any questions about the decision to file the lien or if you wish to request a fair hearing, please contact the Recovery Unit at 1-800-586-1126.

Recovery Unit Representative

Date