



## Ohio Revised Code

### Section 5163.22 Life insurance policies.

Effective: September 29, 2013

Legislation: House Bill 59 - 130th General Assembly

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(A) The general assembly hereby finds that the state has an insurable interest in medicaid recipients because of the state's statutory right to recover from the estate of a recipient state funds used to provide the recipient with medicaid services.

(B) As used in this section:

(1) "Beneficiary" means the person or entity designated in a life insurance policy to receive the proceeds of the policy on the death of the insured or maturity of the policy.

(2) "Owner" means the person who has the right to designate the beneficiary of a life insurance policy and to change the designation.

(C) The value of a life insurance policy that would otherwise be considered a resource in determining eligibility for the medicaid program shall be excluded from any determination of a person's eligibility for the medicaid program if the owner designates the department of medicaid as beneficiary of the policy. The department may pay premiums to keep the policy in force. Premiums paid by the department are medicaid payments correctly paid on behalf of a medicaid recipient and subject to recovery under section 5162.21 of the Revised Code.

(D) The medicaid director shall deposit the proceeds of a life insurance policy that do not exceed the amount the department may recover against the property and estate of the owner under section 5162.21 of the Revised Code into the general revenue fund. The director shall pay any remaining proceeds to the person designated by the owner. If the owner failed to designate a person, the director shall pay the remaining proceeds to the surviving spouse, or, if there is no surviving spouse, to the estate of the owner.

(E) If the owner designates the department of medicaid as the policy's beneficiary, the department shall notify the owner that the owner may designate a person to receive proceeds of the policy that



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exceed the amount the department may recover against the owner's property and estate under section 5162.21 of the Revised Code. The designation shall be made on a form provided by the department.