

Medicaid Estate Recovery Impact Story

Bret Swanson

NORTH BRANCH, MINNESOTA

Bret Swanson's home has been in his family for 46 years. It's where he grew up, celebrating Christmas and Easter. It's also where his mom, Janet, was living in 2005 when she had an accident chasing her dog, Noodle, that resulted in her breaking her leg in 13 places. Her career in the laundry and linen department at a local hospital ended that day.

Janet wasn't able to take care of the 980-square-foot home by herself anymore, so Bret moved in. A small business owner, he also ran his taxidermy business from the house.

Taking Care of Mom

When Janet developed dementia in 2016, Bret's caregiving role increased. He made her meals, did her laundry, mowed the lawn in the summer, and plowed the driveway in the winter.

After she wandered away from the house one day in 2019, Bret and his brother decided she needed round-the-clock care. They moved her into one nursing home, then another. She died in 2021.

"Mom was one of the most selfless individuals I've ever met," Bret remembered. "She did everything for everybody else and didn't expect anything in return."

A \$92,000 Claim

About 10 days after Janet's death, Bret received a letter in the mail from the state of Minnesota, making a \$92,000 claim against the estate for Janet's care. Although he met the Medicaid Estate Recovery exemption for caring for a parent for two years to keep her out of a nursing home—and his mom had transferred the house to him—there was a life estate claim on it. That meant the state could go after the property.

In fact, if Bret hadn't contacted attorney Craig Empey, the state would have foreclosed on his home, and he would have had to move out. He probably would have had to close his business as well.

While an administrative law judge dismissed the state's claim on a technicality, there is still a medical lien against the home. So, while Bret can stay in the house as long as he's living, the state can still seek to recover the \$92,000 if he moves out or dies.

"Why do I have to be penalized for my mother's illness?" Bret asked. "I didn't make her sick."



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To hear **Bret's story in his own words**, scan the QR code. →



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