

WFG Underwriting Bulletin



To: All Ohio Policy Issuing Agents of WFG National Title Insurance Company
From: WFG Underwriting Department
Date: December 8, 2021
Bulletin No: OH 2021-02
Subject: Medicaid Liens—Certificates and Affidavits of Fact

Ohio statutes allow the Department of Medicaid (“ODM”) to file a lien against real property owned by recipients of Medicaid funds. The lien may be asserted by the filing of a Certificate of Lien or by an Affidavit of Facts reciting the claim of ODM. Regardless of the form of the notice, the lien should be deemed attached to the property when it is filed in the Recorder’s office.

Although the procedures are complex and enforcement of the lien can be deferred under certain circumstances, Agents are advised that Medicaid liens must be addressed during any sale or mortgaging of real property owned by the Medicaid recipient or owned prior to the death of the recipient. If the lien is not released, subordinated, or waived, there must be an exception in the policy. No affirmative coverage may be provided.

NOTE: The information contained in this Bulletin is intended solely for the use of employees of WFG National Title Insurance Company, its title insurance agents and approved attorneys. Disclosure to any other person is expressly prohibited unless approved in writing by the WFG National Title Insurance Company’s Underwriting Department.

The Agent may be held responsible for any loss sustained as a result of the failure to follow the standards set forth above.