

Support the Amendment to Assist Elders Applying for MassHealth Nursing Home Care

Amendment #34
Senator Montigny

What the amendment does: protects frail elders from ineligibility for MassHealth nursing home care for certain innocent transfers of assets.

Background:

- Currently when MassHealth determines income eligibility for nursing home care the agency looks back 5 years to ensure that the applicant did not transfer their assets for less than fair market value in order to qualify for MassHealth.
- Many individuals innocently make gifts or donations to charitable organizations, grandchildren or family members for education or weddings without contemplating future nursing home care and without knowledge of the rules about transfers.
- If they suffer a catastrophic illness or accident, they may find they cannot qualify for nursing home care regardless of their need.
- There are currently no statutory or regulatory criteria to determine intent for the transfer of assets.

How the amendment helps:

- This amendment clarifies that a period of ineligibility for nursing home care does not apply to an applicant who transferred assets for an intent other than to qualify for MassHealth.
- Establishes specific criteria to be used by MassHealth to determine intent which include:
 - a regular pattern of small gifts
 - donations to a religious institution
 - unexpected illness
 - transfer to help a relative in financial crisis
- If an individual demonstrates one of the criteria, MassHealth would then bear the burden of proving that the transfer was made to qualify for MassHealth benefits.

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