



## **Elder Law Attorneys Drive New State Legislation to Maintain Financial Security and Meet the Healthcare Needs of Seniors**

*The Massachusetts Chapter of the National Academy of Elder Law Attorneys (MassNAELA) Continues Its Mission to Protect the Legal Rights and Financial Security of Senior Citizens*

**BOSTON – March 7, 2017** – As part of its advocacy for quality of life for seniors, the Massachusetts Chapter of the National Academy of Elder Law Attorneys (MassNAELA) is filing five bills for the 2017-2018 legislative session that affect the state’s elder population. The bills focus on improving the ability of elders to obtain necessary assistance to remain financially independent in their home while dealing with the cost of long-term care.

MassNAELA has been a significant force behind legislation concerning seniors. The organization also advocates for seniors with respect to the state budget.

“Our efforts at the State House over the years have made a tremendous difference for elders in the Commonwealth,” said Laura Silver Traiger, president of MassNAELA. “It is critical we do all we can to allow elders to remain in their homes and live with sufficient income and resources to provide for their needs. We are very pleased that so many Senators and Representatives have signed onto our legislation supporting the financial security of elders, particularly those who are low income, disabled or military veterans.”

The five bills recently filed by MassNAELA are as follows:

**“An Act to Preserve Special Needs Trusts for Disabled Seniors,”** sponsored by Senator Patricia Jehlen and Representative Kate Hogan, would enable disabled seniors to continue to use special needs pooled trusts without penalty to pay for important services and care not covered by MassHealth. For more than 20 years, disabled individuals of any age have been permitted to fund pooled trusts without impacting their MassHealth eligibility. MassHealth recently proposed regulations that will penalize disabled individuals 65 and over who set up a pooled trust.

**“An Act to Protect Medically Needy Veterans,”** filed by Senator Michael Rush, would ensure that the rules governing veterans’ benefits intended to help medically needy veterans pay for care will be applied with consistency. Many veterans must also apply for MassHealth to obtain the additional care they need. The bill clarifies how federal guidelines pertaining to veterans’ aid and attendance and housebound benefits should be interpreted by Mass Health.

**“An Act to Support Equal Access to Community Care for Elders and the Disabled,”** sponsored by Senator Jamie Eldridge and Representative Jennifer Benson, helps seniors who are

clinically eligible for nursing home care but want to remain at home. This bill would ease the financial impact of having increased income by allowing participants of Home and Community Based Service Waiver programs and the PACE program with income over program limits to remain on the program but charged a reasonable premium. The bill would provide that the premium charged is equal to the individual's income above the program income limits.

**“An Act to Protect MassHealth Applicants Facing Undue Hardship,”** filed by Senator Harriette Chandler and Representative Kate Hogan, would help low income seniors who are eligible for nursing home care. The bill would establish criteria to be used by MassHealth to determine whether a penalty for a transfer of assets would create an undue hardship for an applicant. This legislation creates a rebuttable presumption establishing that the applicant would be granted a waiver of the ineligibility period if certain criteria are met.

**“An Act Relative to Transfers of Assets by MassHealth Members,”** filed by Senator Mark Montigny and Representative Christine Barber, would also help low income seniors who are eligible for nursing home care by clarifying 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 Mass Health. This legislation would protect innocent elders from ineligibility for MassHealth nursing home care for certain transfers of assets.

Anyone with questions regarding these bills or interested in expressing their support should contact their local state representative or state senator.

#### **About MassNAELA**

The National Academy of Elder Law Attorneys (NAELA), the premier organization of elder and special needs law attorneys in the country, is dedicated to developing awareness of issues concerning the elderly and those with special needs. Nearly 500 attorneys are members of the Massachusetts Chapter. Members work directly with the elderly and those with special needs in areas as diverse as planning for catastrophic care costs, disability planning, age discrimination in employment and housing, benefits planning, estate planning, veterans' benefits and more.

MassNAELA will be the host and sponsor of NAELA's 2017 Annual Conference, to be held April 27 – 29, 2017 at the Boston Marriott Copley Place, Boston, MA.

For more information about MassNAELA, visit [www.massnaela.com](http://www.massnaela.com).

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