

# SUPPORT LEGISLATION TO ASSIST ELDERS APPLYING FOR MASSHEALTH NURSING HOME CARE

H1128/S709 Representative Christine Barber; Senator Mark Montigny

## WHAT THE BILL DOES:

This legislation would protect innocent elders from ineligibility for MassHealth nursing home care for certain transfers of assets

## WHO IT HELPS

Low-income seniors who are eligible for nursing home care.

## 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 within those 5 years 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 for determining an MassHealth applicant's intent in making a transfer.

## HOW THE BILL HELPS:

This bill 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.

The criteria includes:

- 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.



Contact: **Nomita Ganguly**  
[nganguly@verizon.net](mailto:nganguly@verizon.net); 781-354-2444  
**Chris Gregory** [cgregory@neec.org](mailto:cgregory@neec.org)  
617.510.0866;