



MassNAELA, National Academy of Elder Law Attorneys, Massachusetts Chapter 2021-2022 Legislative Session Agenda

Community Care Bill

An Act to Support Equal Access to Community Care for Elders and the Disabled
Representative Higgins, Senator Comerford
HD938; SD527

This bill would ease the financial barriers to community based MassHealth services through PACE (Programs of All-inclusive Care for the Elderly) and HCBS (Home and Community Based Services Waiver) for seniors and people with disabilities, by providing that applicants and enrollees in both programs with income over program limits be charged a premium equal to income above program income limits rather than a financially prohibitive deductible.

Estate Recovery Relief Bill

An Act Protecting the Homes of Seniors and Disabled People On MassHealth
Representative Barber; Senator Comerford
HD1408; SD1031

Medicaid is the only public benefit program that requires the cost of the benefits to be repaid from a deceased MassHealth enrollee's family member, called estate recovery. This bill makes changes to the parts of the statute that establish estate recovery rules for MassHealth, to make the statute less burdensome and more equitable for low-income enrollees and families.

Equitable Treatment of Life Estates for MassHealth Applications Bill

An Act Relative To Consistent Treatment Of Life Estates
Representative Murray and Higgins; Senator Rausch
HD1340; SD1422

This legislation will ensure that MassHealth calculates the value of life estates for eligibility purposes in the same way as the IRS does for tax purposes in order to avoid undue harm to elders selling their homes.

Pooled Trust

An Act to Preserve Special Needs Trusts for Disabled Seniors
Representative Hogan/Senator Jehlen
HD2573; SD749

This legislation will allow disabled individuals over 65 to continue to use pooled trusts for the purposes of MassHealth eligibility rather than being penalized for using these trusts.

Consumer Protections for Assisted Living Residents
An Act Protecting The Rights Of Assisted Living Residents
Representative Barber/ Senator Montigny
HD840/SD1083

This bill requires the Attorney General to promulgate regulations to protect the consumer rights of assisted living residents and grant those residents at least the same tenant rights as individuals living in a rented apartment.

CCRC Fee Disclosure Agreements
An Act Relative To Disclosing Continuing Care Retirement Community Entrance Fees
Representative Khan/Senator Lovely
HD2019/SD1753

This bill requires Continuing Care Retirement Communities (CCRC) to clearly disclose policies regarding the payment and return of entrance fees for enrollees. CCRC's provide housing, meals and personal care services in a variety of settings including independent living facilities, assisted living residences and nursing home care.

CCRC Commission
Resolve Relative To A Special Continuing Care Retirement Communities Commission
Senator Rush
SD328

This Resolve establishes a Commission to study Continuing Care Retirement Communities (CCRC).

Transfer of Assets Bill:
An Act Relative to Transfers of Assets by MassHealth Members
Representative Barber, Senator Montigny
HD789; SD1507

This legislation would protect innocent elders from ineligibility for MassHealth nursing home care. The bill clarifies that a period of ineligibility for nursing home care does not apply to an applicant who transferred assets for a purpose other than to qualify for MassHealth.

Undue Hardship Waiver Bill
An Act To Protect Masshealth Applicants Facing Undue Hardship
Representative Hogan, Senator Chandler
HD1705; SD1061

This bill would establish criteria to be used by MassHealth to determine whether a penalty for a transfer of assets would constitute an undue hardship to an applicant.

For more information, please contact Nomita Ganguly – nganguly@verizon.net.