

FOR IMMEDIATE RELEASE

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Contact for Sen. Comerford: Cameron Lease, 413-588-8058, cameron.lease@masenate.gov

Contact for MLRI: Vicky Pulos, 617-357-0700 Ext 318, vpulos@mlri.org

Contact for MassNAELA: Clarence Richardson, 617-566-5640, Clarence@MassNAELA.com

Contact for the Disability Policy Consortium: Charles Carr, 978-361-6682, CharlesCarr@DPCMA.org

Senate Amendment Cuts MassHealth “Estate Tax on the Poor”

Program Potentially Affects 370,000 Low-Income Seniors

BOSTON, MA - As part of its economic development bond bill deliberations, the Massachusetts State Senate approved an amendment offered by Senator Jo Comerford (D - Northampton) to scale back MassHealth’s “estate recovery” program. The provision was approved unanimously as an amendment to the Senate’s economic development bond bill (S.3030).

The Massachusetts estate recovery policy demands repayment from the estates of low-income deceased people who received any Medicaid health care benefits such as nursing home care, doctor visits, or hospitalizations after the age of 55. Although federal law only requires that long-term care (such as nursing homes) costs be recovered, Massachusetts’ estate recovery program currently goes beyond federal requirements in requiring repayment from the estates of deceased recipients for hospital care, doctor visits, and prescription drugs. Over 90 percent of recoveries come from the sale of the family home, often while family members are still living there. In 2020, around 370,000 MassHealth recipients were susceptible to estate recovery after they die, most with incomes below the poverty level, who are over age 55 and do not receive long-term care benefits.

The Comerford amendment adopted to the economic development bond bill would restrict the Commonwealth’s estate recovery to only the federally-required minimum. The amendment also prohibits estate recovery for people in the CommonHealth program, a MassHealth program for people with disabilities, and for personal care attendant services.

“Current MassHealth estate recovery requirements go too far,” said **Comerford**. “The state doesn’t demand this type of repayment for any other benefit program. In effect, our policy is an estate tax on the poor. I’m grateful to Senate colleagues for supporting this necessary policy change that prioritizes the health and well-being of the family members of MassHealth recipients.”

“Estate recovery unfairly penalizes low income older adults eligible for MassHealth for doing just what state law requires them to do, enroll in affordable coverage,” said **Vicky Pulos, Senior Health Law Attorney at the Massachusetts Law Reform Institute (MLRI)**. “Massachusetts should join the 25 other states that limit estate recovery to the federally required minimum amounts.”

“MassHealth estate recovery perpetuates wealth inequality in Massachusetts because much of a family's financial security is captured by equity in their home,” said **Clarence Richardson, Executive Director of the Massachusetts Chapter of the National Academy of Elder Law Attorneys (MassNAELA)**. “For low-income residents who qualify for MassHealth this equity is subject to estate recovery, leaving no way to build generational financial security for low income struggling families.”

“I've worked for over 40 years and have been fortunate enough to have and pay for private insurance from my employers, but I need CommonHealth because the private health plans don't cover services like personal care assistance,” said **Charles Carr, Legislative Liaison for the Disability Policy Consortium**. “Without PCAs, I can't function. CommonHealth saved my life, and I've paid tens of thousands of dollars in premiums over the years but now I realize that MassHealth can recuperate close to \$500,000 from my estate when I die. I live with this fearful fact hanging over my head and the consequences it has for my family every day. Senator Comerford's amendment to the economic development bill provides a provision to stop this draconian practice.”

“The state has a warped sense of humor,” said **Joseph Tringali, Informational Advocate at the Stavros Center for Independent Living**. “As a kid, I broke my neck. The state paid for my rehab and the state paid to educate me. The state paid to modify a vehicle so I can drive, and the state paid for my subsidized housing. I finally found a job and no longer needed a subsidy. I worked for 38 years with the help of CommonHealth, and I finally saved enough money to buy a home to leave my loved ones a safety net but in the end the state threatens to take it all away. That's a cruel punch line but that's the sad truth. We need to save CommonHealth to give disabled people a chance to succeed by supporting Sen. Comerford's amendment to put an end to this joke.”

The amendment to the economic development bond bill is based on legislation (S.749/H.1246) filed by Comerford and Representative Christine Barber (D - Somerville). The House and Senate have both passed the economic development legislation and the branches must agree to a final version before it can be sent to the Governor's desk.

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