

Chairman Aaron Michlewitz
House Committee on Ways and Means
24 Beacon Street
Room 243
Boston, MA 02133

March , 2022

RE: *H1246/S749 An Act Protecting The Homes Of Seniors And Disabled People On MassHealth*

Dear Chairman Michlewitz,

We write to you as advocates for low-income families, seniors, and people with disabilities on a bill that we believe will have a profound impact on alleviating poverty in Massachusetts. ***H1246/S749 An Act Protecting The Homes Of Seniors And Disabled People On MassHealth***, filed by Representative Barber and Senator Comerford, addresses the long-standing inequity of Medicaid estate recovery. We are hopeful that the House Ways and Means Committee will support low-income seniors and families and give this bill a favorable report.

Medicaid is the only public benefit program that requires correctly paid benefits to be recouped from a deceased MassHealth enrollee's family member, called estate recovery. MassHealth estate recovery is a program that is in part mandated by the federal government and in part required by state law. Estate recovery for nursing home costs is federally mandated, but Massachusetts law requires estate recovery for the costs of all medical services after a MassHealth enrollee turns age 55, which is not mandated by federal law.

When a MassHealth recipient passes away, the agency aggressively seeks repayment of all the medical expenses paid for that individual. At application, many individuals and families are unaware of the burden they will bear upon the death of their family member to pay back the cost of medical care, possibly well over \$100k.

Because applicants must only have \$2000 in assets to qualify for MassHealth, in many cases repayment must come from the sale of the family home. As a result, estate recovery has contributed to perpetuating poverty, especially in communities of color, by forcing families to relinquish a home that can be instrumental in addressing intergenerational poverty and wealth inequality.

This legislation will ensure that only federally mandated estate recovery is permitted in Massachusetts. It will eliminate the optional estate recovery that MassHealth uses to expand recovery to all medical expenses. It will also institute greater notice requirements, so families are aware of estate recovery at application, and creates undue hardship waivers for families and individuals unable to meet the financial demands of estate recovery.

As we work to reverse the impact of intergenerational poverty and to address access to health care, estate recovery continues to contribute to this problem requiring families to pay back a public benefit. Although this bill does not eliminate all estate recovery, it does go a long way in alleviating aspects of this harmful policy.

We hope the Committee will provide this legislation with a favorable report. If you have any questions, please contact Nomita Ganguly at nganguly@verizon.net, 781-354-2444.

Sincerely,

Clarence Richardson MassNAELA	Vicky Pulos Mass Law Reform Institute	Charles Carr Disability Policy Consortium
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