

MASSHEALTH LONG TERM CARE

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Medical Eligibility

An ASAP (Aging Service Access Point) nurse does a medical screening to ensure that the person meets the clinical criteria for a skilled nursing facility

Family Assistance Coverage of Long Term Care

A recent change expanded
MassHealth Family Assistance to
cover up to six months of nursing
home care for some legal
immigrants

Financial Eligibility - Income

Unlike Community MassHealth, there is no income limit

Patient Paid Amount (PPA) – this is the resident's monthly income, minus allowable deductions, that gets paid to the nursing home

MassHealth then pays the balance of the monthly nursing home cost

Deductions From PPA

- * Personal Needs Allowance (PNA) - \$72.80
- * Spousal Maintenance of Needs Deduction
- * Family Maintenance of Needs Deduction
- * Maintenance of Former Home Deduction
- * Premiums and Incurred Medical Expenses
- * Guardianship Fees and Expenses

Rights of Community Spouses

The “MMMNA”

Minimum Monthly Maintenance of Needs Allowance

If the CS income is below the income minimum of \$2,288.75, CS can keep their own income plus a share of IS income

The share is based on a formula of CS' housing costs to determine how much income CS can keep up to \$3,715.50

This amount can be increased by appeal



Family Maintenance of Needs Deduction

- Family maintenance needs deduction for minor child under age 21 or
- Dependent child 21+; dependent parent; or dependent sibling (must be claimed as a dependent on tax return)

Deduction For Former Home

Single individual with no dependents in the home

Doctor verifies resident is likely to return home within six months

Can deduct up to 100% of FPL (\$1,215 in 2023) per month to pay housing costs for six months




Premiums and Incurred Medical Expenses

- Medigap payments
- Medicare Part B premium
- Dental work
- Eye glasses
- Hearing aids

Guardianship Expenses

Costs related to appointment of guardian – up to \$500



Costs for MassHealth application \$500 - \$750



Monthly Guardianship Fee - \$50 per hour twice monthly

FINANCIAL ELIGIBILITY - ASSETS

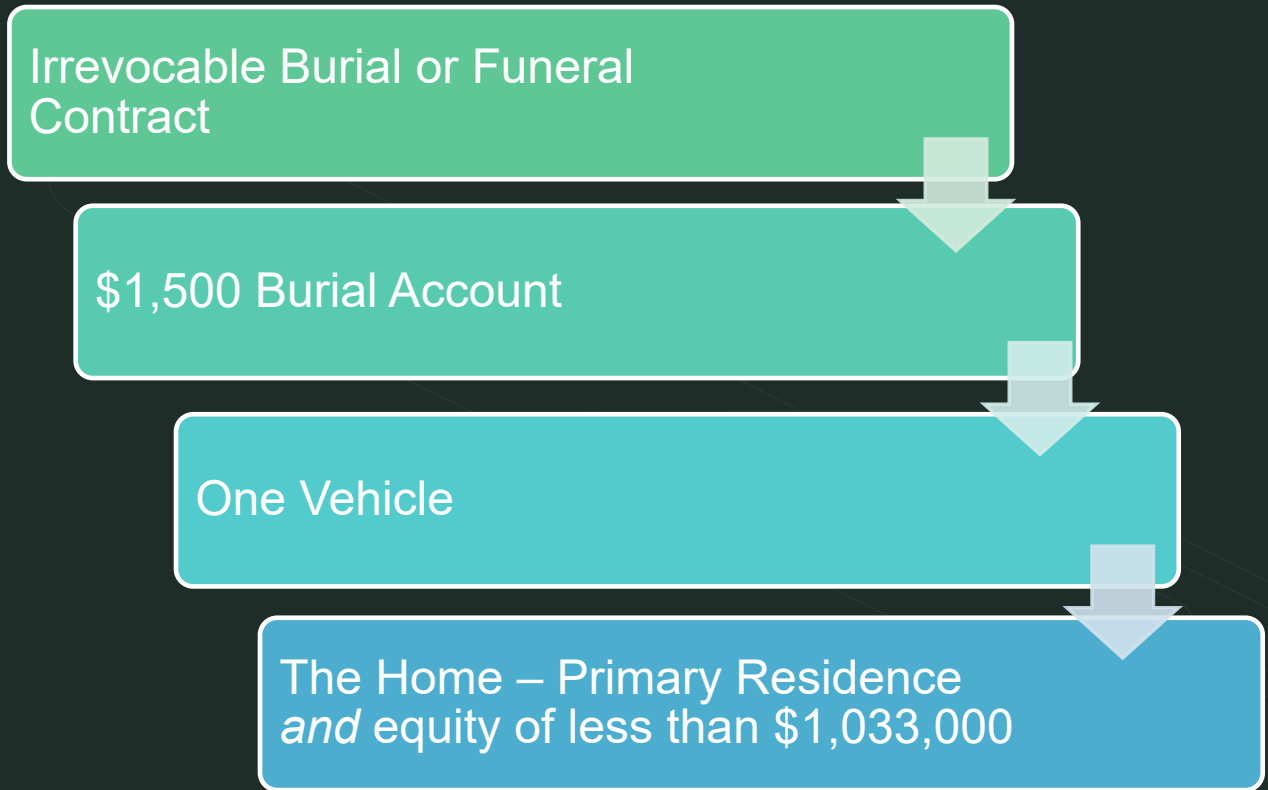
The resident's *countable* assets must be below \$2,000

Countable assets include:

Money in bank; stocks, bonds; property other than principal place of residence; cash surrender value of life insurance policy

➤ Non-Countable Assets

Irrevocable Burial or Funeral Contract



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graph TD; A[Irrevocable Burial or Funeral Contract] --> B["$1,500 Burial Account"]; B --> C[One Vehicle]; C --> D["The Home – Primary Residence  
and equity of less than $1,033,000"]
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\$1,500 Burial Account

One Vehicle

The Home – Primary Residence
and equity of less than \$1,033,000

Community Spouse Resource Allowance

CS can keep up to \$148,620 of countable marital assets including the primary residence

CS may be able to keep more than the \$148,620 if she can show the couple's combined income and the interest generated by their assets are less than the MMMNA. This request can only be made via a fair hearing

The Home Is A Non-Countable Asset IF:

Must be primary residence

Must have equity value of \$1,033,000 or less

Resident must express an intent to return home

Spouse or dependents or caretaker children or siblings with ownership interest still resides there

Transfer of Assets

- To discourage the giving away of assets to qualify for MassHealth LTC, federal law imposes harsh transfer of assets penalties



Penalty For Transfer of Assets



5 year “look back period” in which financial transactions are scrutinized

Penalty start date for transfers

Penalty divisor is \$427/day - \$12,810/month

Permissible Transfer of Assets

*No penalty is imposed when assets
(including the home) are transferred
to:*

Spouse

Children under 21

Adult disabled child

Caretaker child

Estate Recovery

MassHealth Estate Recovery Unit (ERU) can file a claim against a *probate* estate for reimbursement of all payments made on behalf of a recipient since age 55 or a nursing home resident of any age



Probate Estate Recovery Process

- After resident's death – ERU sends Notice of Claim to personal representative of estate. The Personal Representative can:
 - Pay the claim, or
 - Contest the claim, or
 - Apply for an exception

Exceptions to Estate Recovery

Deferral

Hardship

Long Term
Care Insurance
Exception

Nursing Home Discharge –

Notice Requirements

30 day written discharge notice is required which identifies the discharge location

Discharge location must be “safe and appropriate”

Permissible Reasons for Discharge

1. The transfer or discharge is necessary for the residents' welfare and the resident's needs cannot be met in the nursing facility

2. the resident's health has improved sufficiently and the resident no longer needs the services provided by the facility

3. the safety of individuals in the facility is endangered

4. the health of individuals in the facility would otherwise be endangered

5. non-payment – the resident has failed, after proper notice, to pay for their stay or have MassHealth pay for their stay

6. the nursing facility ceases to operate

Stay of Discharge Pending Appeal

A resident can file a request for fair hearing within the 30 day notice period

The resident has the right to a MassHealth fair hearing

The nursing facility must stay the planned discharge until 30 days after the hearing decision is rendered. While this stay is in effect, the resident must not be discharged from the nursing facility