

# **MassHealth for Older Adults in the Community**

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Massachusetts Law Reform Institute

April 17, 2025

50 YEARS OF FIGHTING POVERTY AND ADVANCING JUSTICE

**MLRI** MASSACHUSETTS  
LAW REFORM  
INSTITUTE

“The opposite of poverty is not wealth but justice.”

*Bryan Stevenson*

- ❑ Poverty law & policy center & state-wide support for local Legal Services and community partners
- ❑ MLRI does administrative and legislative advocacy, trainings, coalition building and litigation.
- ❑ MLRI areas of practice:
  - Health Care
  - Food Security and Economic Security
  - Immigration
  - Employment and Unemployment Compensation
  - Housing law
  - Family Law and Domestic Violence
  - Child Welfare
  - Race Equity and Language Access



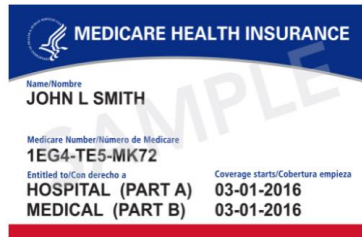
# Agenda

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- ❑ What is MassHealth?
- ❑ Updates
- ❑ MassHealth eligibility pathways
- ❑ Age-based eligibility (65+)
- ❑ Eligibility based on other factors
- ❑ How to renew and apply
- ❑ Other MassHealth programs

# MassHealth: An Introduction

- MassHealth = Medicaid in Massachusetts
- Difference between Medicaid and Medicare:



- **Medicaid** = state and federally funded health coverage for people with low incomes; administered by state Medicaid agency
- **Medicare** = federally funded health coverage regardless of income for people with disabilities or 65+; administered by federal agency
- Elderly & disabled may have both Medicaid and Medicare



# Agenda

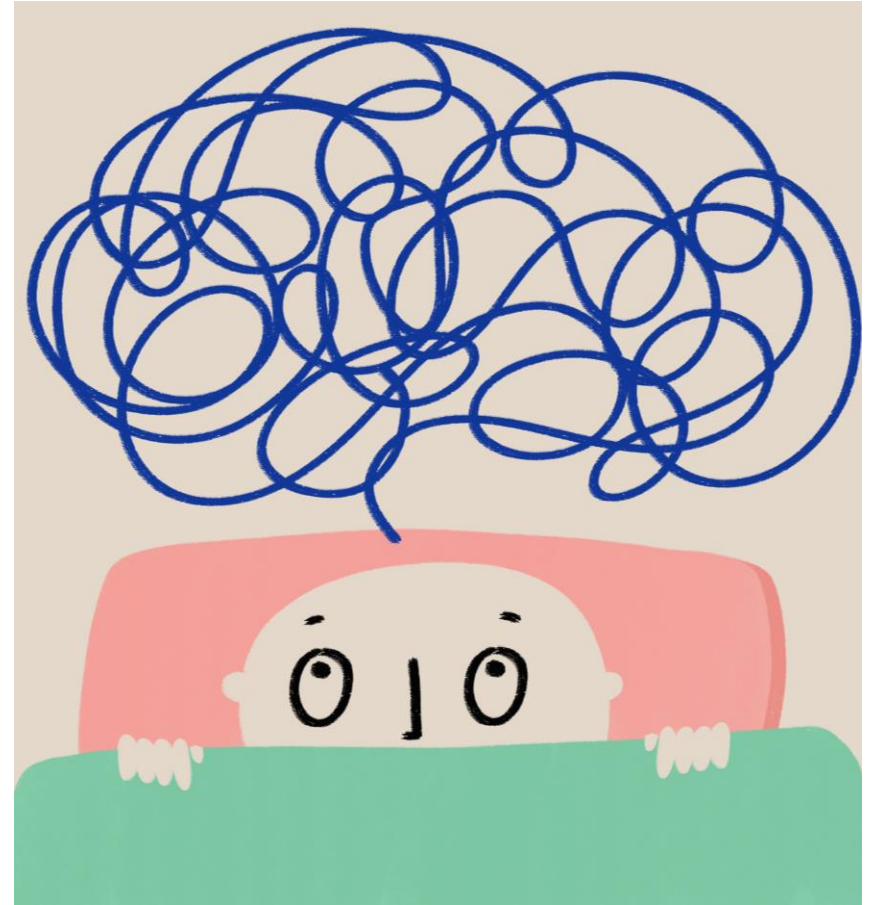
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# MassHealth Updates

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- ❑ Some MassHealth changes planned... but subject to change
- ❑ Federal Medicaid cuts almost certain to cause significant disruption
- ❑ Don't panic



# MassHealth Updates: Medicare Enrollment Required

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MassHealth members who are eligible for Medicare must enroll if there is no additional cost to them.

- ❑ April 2025: Members may receive letters about this initiative and how to sign up for Medicare
- ❑ SFY 2026: MassHealth plans to start sending notices to Medicare-eligible members requiring them to enroll
  - If member does not comply with this notice, **they will be disenrolled from MassHealth**

# MassHealth Updates: Restricting Access

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Some MassHealth updates would make it harder to become eligible for some programs:

- ❑ Fall 2025: Implement 5 year look-back for applicants of Home and Community Based Services (HCBS) and Program of All Inclusive Care for the Elderly (PACE)
- ❑ Spring 2026: Begin counting spousal assets in PACE
- ❑ Winter 2026: Require enrollment in Medicare to be eligible for Senior Care Options (SCO)



# MassHealth Updates: Improving Access

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Some MassHealth updates would make it easier to access certain benefits

- ❑ July 2025: MassHealth plans to increase asset test to \$5k (single)/ \$7.5k (couple), and index to inflation
- ❑ July 2025: Disregard \$10k cash surrender value of whole life insurance policies (i.e. first 10K not counted as asset)
- ❑ Spring 2026: Make it easier to spend down to become eligible for HCBS and PACE



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# MassHealth Benefits

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- ❑ Different MassHealth Programs determine the types of coverage a person can get
- ❑ MassHealth Standard is the most comprehensive; Limited is the least (emergency only)
- ❑ For details of different coverage types:
  - [List of MassHealth benefits by coverage type](#)
  - [MassHealth Senior Guide for Healthcare Coverage](#)

# MassHealth Eligibility Pathways

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- Age-based eligibility
- Eligibility based on factors other than age



# Types of MassHealth Available to People 65+

## Age-based Eligibility

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- ❑ **MassHealth Standard:** people 65 and over who meet income and asset test
- ❑ **Family Assistance:** Certain immigrants 65 and over who are Lawfully Present or PRUCOL but not eligible for MassHealth Standard and/or ConnectorCare due to immigration status
- ❑ **MassHealth Limited:** Immigrants 65 and over who would be eligible for MassHealth Standard or Care Plus but for immigration status

# Types of MassHealth Available to People 65+

## Eligibility Based on Factors Other than Age

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- ❑ **MassHealth Standard:** Automatic eligibility for recipients of SSI or cash assistance (TAFDC or EAEDC)
  - Some immigrants on EAEDC will be eligible for Family Assistance instead of Standard
- ❑ **MassHealth Standard:** Clinically eligible for nursing home care
- ❑ **MassHealth Standard:** Parents or caretaker relatives living with a child under 19
- ❑ **CommonHealth:** Working\* disabled adults who are ineligible for MassHealth Standard



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# Age-based Eligibility

## Who Qualifies?

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- ❑ Age: 65 and older
- ❑ Resident of MA: Live in MA with intent to remain; do not need fixed address
- ❑ Financial eligibility:
  - Monthly Income  $\leq$  100% FPL
  - Assets  $\leq$  \$2,000 (individuals) or \$3,000 (couples)\*
- ❑ U.S. citizen or eligible immigration status



# Age-based Eligibility

## Income Counting

- Income (earned & unearned) - deductions = must be  $\leq$  100% FPL
- Count both applicant's income and income of spouse (if living together).
- MassHealth's 2025 Income Standards and FPL Guidelines:



Family Size	100% Federal Poverty Level	
	Monthly	Yearly
1	\$1,305	\$15,660
2	\$1,763	\$21,156
3	\$2,221	\$26,652
4	\$2,680	\$32,160
5	\$3,138	\$37,656
6	\$3,596	\$43,152
7	\$4,055	\$48,660
8	\$4,513	\$54,156
For each additional person, add	\$459	\$5,508

# Age-based Eligibility

## Income Counting (*130 CMR 520.009*)

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- Earned income:
  - compensation received for work or services performed. Includes:
    - Wages
    - Self-employment income
- Unearned income includes:
  - Social Security benefits
    - Gross (prior to payment of Medicare premiums)
  - Pensions
  - Annuities
  - Rental income
  - Interest
  - Dividend income

# Age-based Eligibility

## Income Counting (*130 CMR 520.015*)

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- Examples of excluded, non-countable income (but not limited to):
  - Retroactive Social Security Benefits (not a countable asset for 9 months; must be in separate account)
  - Income in kind
  - Reverse mortgage payments

# Age-based Eligibility

## Income Counting *(130 CMR 520.010-520.013)*

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- Deductions:
  - Unearned income deduction: \$20 per month
    - If less than \$20 unearned income, remainder deducted from earned income
  - Earned income deduction: \$65 and half of remaining earned income
  - Allowable business expenses from self-employment and rental income (ex. maintenance and repair costs)

# Age-based Eligibility

## Income Counting Example: Irene

- 100% FPL for 1 person = \$1,305/month
- Irene (68 years old), is not married. She earns \$1,400/month in wages, and receives \$5/month in dividend income and \$400/month in Social Security Retirement benefits.
- Does Irene's income qualify her for MassHealth Standard?
  - Earned income minus deductions:  $\$1400 - \$65 = \$1,335 \div 2 = \mathbf{\$667.50}$ . Unearned income minus deduction:  $\$405 - \$20 = \mathbf{\$385}$
  - Yes! Total = **\$1,052.50** which is < 100% FPL



# Age-based Eligibility

## Income Counting Example: Mary

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- 100% FPL for 1 person = \$1,305/month
- Mary (67 years old), is not married. She earns \$1,000/month in wages, and gets \$300/month rental income and \$15/month SSI.
  - Does Mary's income qualify her for MassHealth Standard?
  - Trick question! You don't have to do the math, she is a recipient of SSI so she is automatically eligible.

# Age-based Eligibility

## Deductible/ Income Spenddown (*130 CMR 520.030*)

- If countable income > 100% FPL: After meeting a deductible in a 6 month period, you get benefits balance of 6 month period.
- Deductible amount = monthly countable income – monthly income standard (\$522(single) or \$650(married)) x 6
- To count towards deductible bill must not be covered by other insurance/coverage, including Medicare but 6 mo of Medicare premiums can be taken off the top

Family Size	MassHealth Income Standards	
	Monthly	Yearly
1	\$522	\$6,264
2	\$650	\$7,800
3	\$775	\$9,300
4	\$891	\$10,692
5	\$1,016	\$12,192
6	\$1,141	\$13,692
7	\$1,266	\$15,192
8	\$1,383	\$16,596
For each additional person, add	\$133	\$1,596



# Age-based Eligibility

## Deductible/ Income Spenddown Example: Michael

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- Michael (65 years old), is not married. His countable monthly income is \$1,350/month.
- What is Michael's deductible?
  - $\$1,350$  (countable income)  
-  $\$522$  (income standard) =  
 $\$828 \times 6 = \$4,968$



# Age-based Eligibility

## Asset Limits (*130 CMR 520.003*)

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- ❑ Countable assets cannot exceed \$2,000 for an individual or \$3,000 for a couple \*
- ❑ Some differences for long term care applicants



# Age-based Eligibility

## Countable Assets *(130 CMR 520.007)*

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- ❑ Countable assets include:
  - Cash (currency, checks, bank drafts)
  - Bank accounts
  - IRAs, Keogh plans, and accessible pension funds from former employer
  - Securities
  - Cash surrender value of life insurance with face value > \$1,500 \*
  - Vehicles (first one not counted)
  - Real estate (primary residence not counted)

# Age-based Eligibility

## Noncountable Assets (*130 CMR 520.007- 520.008*)

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- ❑ Noncountable assets include:
  - Principal residence
  - First vehicle for personal use
  - Personal possessions: furniture, clothing, jewelry
  - Some funeral or burial arrangements
  - Special-needs and pooled trusts
  - Pension funds set aside by current employer
  - Face value of life insurance policies with no cash surrender value (term life policies)

# Age-based Eligibility

## Assets Counting Example: Rob

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- Rob, 68 and single, has \$750,000 equity in the house he lives in, one car worth \$3,000, a \$5,000 piano and \$2,500 in the bank.
- Does he exceed the asset limit?
  - Yes! By \$500
    - The equity in his principal residence, his only car, his piano are not countable assets
    - The \$2,500 in his bank account are countable assets.
- What can he do to meet the asset<sub>28</sub> test?

# Age-based Eligibility

## Asset Spend-down (*130 CMR 520.004*)

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- If an applicant's assets exceed the limit, MassHealth rules give them a notice with the excess amount and an opportunity to reduce their assets without having to reapply.
  - Ex: Rob has \$2,500 in countable assets. He spends \$500 on clothes and furniture. He is eligible for MassHealth on the first date that his assets did not exceed \$2,000.

# Age-based Eligibility

## Reducing Assets (*130 CMR 520.008(f)*)



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- ❑ Spend down
- ❑ Burial accounts
  - You can reduce countable assets by putting up to \$1,500 in a burial account
  - See [MassHealth flyer](#)
- ❑ Other complex asset-reducing strategies:  
consult an experienced elder law attorney
  - Beware: transfer of asset rules & nursing home care

# Age-based Eligibility

## How to Apply

- ❑ Apply with the SACA-2 Application
  - See slides below on how
- ❑ Income and asset verification
- ❑ 3 month retroactive start date available

**Application for Health Coverage for Seniors and People Needing Long-Term-Care Services**  

**Please Print Clearly.** Be sure to answer all questions. Fill out all parts of the application, along with all supplements that apply. If you need more space, attach a separate piece of paper to the application. Put Person 1's name and social security number at the top of any attached paper. For each member in your household, please put the name(s) of the individual(s) under the program or programs he or she wants to apply for. Please see the Senior Guide to learn more about coverage under these programs.

**Please list the names of everyone who is applying for health coverage on this application.**

☐ **MassHealth or the Health Safety Net (HSN)**  
(If living at home, or in a rest home, an assisted living facility, a continuing care retirement community, or life care community, fill out this application and any supplements that apply to you or any household member.) MassHealth will check if anyone applying for health coverage on this application is eligible for MassHealth or the HSN.

You: \_\_\_\_\_  
Spouse: \_\_\_\_\_

☐ **Long-Term Care and/or Home- and Community-Based Services Waiver**  
(If applying for or getting long-term-care services at home under an HCBS Waiver, or in a nursing home or chronic hospital, fill out this application and any supplements that apply to you or any household member, including all or part of the Long-Term-Care Supplement.)

You: \_\_\_\_\_  
Spouse: \_\_\_\_\_

☐ **Health Connector Programs**  
Health coverage through the Massachusetts Health Connector is not MassHealth. If you have Medicare, you will not be eligible for any cost sharing or Advance Premium Tax Credits, and you cannot purchase a plan through the Health Connector, unless you were enrolled in a Health Connector plan when you became eligible for Medicare. The only time you should apply for Health Connector programs if you have Medicare is if you are not enrolled in Medicare yet but would have to pay for your Medicare Part A premium. In this case, you may be eligible for a Health Connector plan.

You: \_\_\_\_\_  
Spouse: \_\_\_\_\_

**NOTE: PACE – Program of All-Inclusive Care for the Elderly**  
Some MassHealth members may be eligible to enroll in the Program of All-Inclusive Care for the Elderly (PACE), which provides members access to a wide range of medical, social, recreational, and wellness services through a center-based model. See page 10 of the Senior Guide for more information.

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**STEP 1 Person 1 (YOU)—Tell us about YOURSELF.**

We need one adult in the household to be the contact person for your application. Please note that this should be someone who appears on the application, not a third party who wishes to serve as a contact for the applicant(s). Please see the Authorized Representative Designation (ARD) at the end of this application, to establish a third-party contact.

1. First name, middle name, last name, and suffix		2. Date of birth	
3. Street address <input type="checkbox"/> Check this box if homeless. You must provide a mailing address.		4. Apartment or unit number	
5. City	6. State	7. ZIP code	8. County
9. Is this a hospital, nursing facility, or other institution? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, facility name			
10. Mailing address <input type="checkbox"/> Check if same as street address.		11. Apartment or unit number	
12. City	13. State	14. ZIP code	15. County
16. Phone number	17. Other phone number		
18. Email			19. # of people listed on the application

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# Eligibility Based on Factors Other than Age

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- Automatic eligibility for recipients of SSI or cash assistance (TAFDC or EAEDC)
  - MassHealth Standard or, for some immigrants on EAEDC, Family Assistance
- Parents or caretaker relatives living with a child under 19
  - MassHealth Standard
- People 65 and over who are working, or who no longer work but have been on CommonHealth for 10 or more years
  - CommonHealth

# Eligibility for Parents/Working\* Disabled 65+

## MAGI Financial Rules

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- MassHealth uses MAGI financial rules for some kinds of non-age-based eligibility

Age-based Eligibility (65+)	Eligibility based on MAGI
Lower income limit	Higher income limit
Income counting = traditional method based on SSI rules	Income counting = Modified Adjusted Gross Income (MAGI)
Asset test	No asset test

# MassHealth Standard: Parent/Caretaker Relative

*(130 CMR 505.002 & 519.005)*

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## Qualifications:

- ❑ Parents/caretaker relative living with a child under 19
  - Caretaker relative must have primary responsibility for the child, and neither parent lives in the home
- ❑ MA resident; and U.S. Citizen or qualified immigrant
- ❑ MAGI  $\leq$  133% FPL
- ❑ No asset test

## Compare with age-based eligibility:

- ❑ Apply with [ACA-3](#) (can create online account)
- ❑ Only 10 day retro (MassHealth plans to start offering 3 month retro for all MassHealth members starting January, 2026)

# CommonHealth: Working Disabled

*(130 CMR 519.012)*

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## Qualifications:

- ❑ MA resident; and U.S. Citizen or qualified immigrant
- ❑ Permanently and totally disabled
- ❑ Employment requirement:
  - Working at least 40 hours/month (or if less, have been employed at least 240 hours in prior 6 months); OR
  - As of July 2023: If enrolled in CommonHealth for 10+ years, do not need to meet employment requirement
- ❑ Ineligible for MassHealth Standard
  - no upper income limit; premiums for MAGI > 150% FPL<sub>36</sub>



# CommonHealth: Working Disabled

*(130 CMR 519.012)*

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## Compare with age-based eligibility:

- ❑ Apply with SACA-2 (same as age-based)
- ❑ Only 10 day retro
  - BUT MassHealth plans to start offering 3 month retro for all MassHealth members starting January, 2026



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# How to Renew and Apply

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Members 65 and over can both apply and renew by fax, mail, or in person, and now also:



- ❑ **By phone:** Call MassHealth Customer Service at (800) 841-2900, TDD/TTY: 711

- ❑ **Online:**



- **Applications:** [Fillable PDF on MassHealth website](#) (must be completed in one sitting; need valid email address; cannot submit verifications online)
- **Renewals:** If renewal has a [e-submission number](#) (can also submit verifications online)

# How to Renew and Apply

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## ❑ **Schedule an appointment:**

telephonic or virtual appointment  
with a MassHealth Enrollment  
Center (MEC) worker

- Schedule online

- Call customer service at (800) 841-2900

## ❑ **Abbreviated SACA-2 Renewal:**

- Member may be sent an abbreviated SACA-2 renewal form: only 4 pages to fill out

## ❑ **Get help from many organizations**







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# MassHealth's Medicare Savings Program

*(130 CMR 519.010- 519.011)*

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- ❑ MassHealth's Medicare Savings Program helps MA residents pay for Medicare costs.
- ❑ Expanded income limits effective Jan 1, 2023
- ❑ Asset test eliminated effective March 1, 2024
- ❑ CommonHealth and MSP: Was limited to members up to 135% FPL, but now members with up to 225% FPL can now also get MSP
  - Starting in May, thousands of CommonHealth members will get put into appropriate MSP category

# Higher Financial Limits Based on Medical Need *(130 CMR 519.007)*

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- MassHealth programs designed to help people live at home instead of a long-term-care facility:



- Program of All-Inclusive Care for the Elderly (PACE)
- Home and Community Based Services Waivers (HCBS)
- Higher income limits; asset limit of \$2000 and application of spousal impoverishment rules

# Program of All-Inclusive Care for the Elderly (PACE) *(130 C.M.R. 519.007)*

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- Type of managed care program with access to all services covered by Medicare and MassHealth *plus* services to help member live in community
  - Additional services may include: meal delivery, social services, in-home services, etc.
- Center-based services provided at a PACE Center
  - Must live in service area
  - Services provided at PACE Center include doctor's offices, rehabilitation gym, social work officers, activities center, etc.

# Program of All-Inclusive Care for the Elderly (PACE) *(130 C.M.R. 519.007)*

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## □ Eligibility:

- Must be eligible for nursing home level of care
- Must be able to safely live in community
- Age 55 or older (must be disabled if 55-64)
- Income  $\leq$  \$2,901/month (2025);  $\leq$  assets \$2000; spousal finances not counted
  - \* 5 year lookback- expected Fall 2025; spousal assets counted- expected Spring 2026

## □ How to apply:

- Contact PACE organization for your service area

# Home and Community Based Services

## Waivers (HCBS) *(130 C.M.R. 519.007)*

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- Provides MassHealth Standard services *plus* expanded range of community-based services
- Different eligibility criteria:
  - Must be clinically eligible (ASAP will do clinical assessment)
    - Some waivers require specific diagnosis, or 90-day nursing facility stay
  - Lower age limits for some HCBS waivers
    - Frail Elder Waiver age limit is 65+
  - Expanded financial eligibility: \$2901 in 2025
  - Asset limit: \$2000 - application of spousal impoverishment rules
    - \* But 5 year look-back expected Fall 2025
- To apply: check HCBS box on SACA-2 and complete long term care supplement

# Senior Care Options (SCO)

*(130 CMR 508.008)*

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- ❑ Voluntary managed care plan for seniors
- ❑ Combines health services with social support services
- ❑ For duals, integrates Medicare/Medicaid
- ❑ No copays
- ❑ Eligibility:
  - Age 65 or older
  - MassHealth Standard member
    - ❑ \* Starting Winter 2026: must *also* be enrolled in Medicare
  - Not diagnosed with end-stage renal disease
  - Live in an area serviced by a SCO plan



# Medicaid/MassHealth- Federal Law

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- ❑ 42 USC §1396 et seq.
- ❑ 42 CFR Part 430 et seq.
- ❑ Federal agency: Centers for Medicare and Medicaid Services (CMS)
- ❑ Federal website: [Medicaid.gov](https://www.Medicaid.gov)
- ❑ Secondary sources: National Health Law Program, [healthlaw.org](https://www.healthlaw.org)





# MassHealth – State Law

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- ❑ MGL c. 118E
- ❑ 130 Code of Mass. Regs. 515-522 and 610
- ❑ State agency: Executive Office of Health and Human Services
  - Office of Medicaid
  - Executive Office of Aging and Independence, Office of Long Term Services & Supports (OLTSS)
- ❑ State website: [Mass.gov/masshealth](https://www.mass.gov/masshealth)