**EXPANDED MASSHEALTH ELIGIBILITY FOR ELDERS NEEDING PERSONAL CARE SERVICES**

**WHO WILL BENEFIT FROM THE NEW RULES?**

MassHealth rules have changed to expand eligibility for persons 65 and over who need Personal Care (PCA) Services. The change means that many more low-income elders will be eligible for MassHealth (formerly Medicaid) without having to incur a deductible (“spenddown”) and others with slightly higher incomes will have much smaller deductibles.

The new policy results from a state plan amendment submitted by Massachusetts Division of Medical Assistance (DMA) to the federal government. The amendment was prompted by a class action lawsuit brought by Western Massachusetts Legal Services, the Disability Law Center and several other lawyers on behalf of disabled elders who were being pushed into nursing homes by the former eligibility rules. The implementation of the new policy is part of the settlement of that lawsuit.

**WHAT ARE THE NEW RULES?**

In effect, for elders who need PCA services, the income eligibility level is raised from the poverty level ($738 per month for one person) to 133% of the poverty level ($982 for one person). An individual who needs PCA services and has income under $982 per month will now be eligible for MassHealth without having to incur a deductible. Individuals with incomes above 133% of poverty will still have to meet a deductible before they are eligible for MassHealth, but the deductibles will be much smaller. Instead of being measured by the difference between the monthly income and $522, multiplied by six, the six-month deductible will now be the difference between monthly income and $982, multiplied by six.

**WHAT DO ELDERS HAVE TO DO TO GET THE BENEFIT OF THE NEW RULES?**

The new eligibility rules are available both to those who have already been approved by DMA for PCA services and those who believe they are eligible for such services. DMA has new application and eligibility review forms for seniors and certain people needing long term care services. These forms have a new section which asks questions about whether the elder needs help with activities of daily living.

An elder who is already receiving PCA services covered by MassHealth just needs to indicate that to DMA by checking the applicable box on the application or eligibility review form. They will then automatically be given the benefit of the new rules.

**WHAT HAPPENS IF I NEED PERSONAL CARE SERVICES BUT AM NOT NOW GETTING THEM THROUGH MASSHEALTH?**

An elder who is not receiving MassHealth-covered PCA services, but needs such help, should indicate that need in the PCA section of the application or eligibility review form. They must also complete the PCA Supplement form. DMA will make a presumptive determination of PCA eligibility based on the information provided in the PCA Supplement. While DMA has stated that it will take a generous view of eligibility at this stage of the process, it is important to provide as much information as possible about the elder’s need for PCA services to ensure that they get the benefit of the new rules.

**WHAT ELSE DO I HAVE TO DO?**

Applicants and recipients who are found presumptively eligible for PCA services based on the PCA Supplement will have their eligibility determined under the new rules for 90 days. During that time, they must formally apply for PCA services with an Independent Living Center, an agency which runs a MassHealth-covered PCA program. If the application is made within 90 days, the elder will continue to get the benefit of the new, more liberal, rules until a decision is made on their PCA eligibility. If they do not apply, or the request for MassHealth approval of PCA services is denied, they will lose the benefit of the new rules. Their MassHealth eligibility will then be determined based on the current rules (i.e. 100% of poverty and a deductible calculated against $522).

**WHAT IF I HAVE QUESTIONS OR NEED MORE INFORMATION?**

If you have questions about these new rules, contact your local Legal Services office**.** For information on PCA services and the process for MassHealth approval, contact an Independent Living Center in your area.