

HOUSE No. 1197

The Commonwealth of Massachusetts

PRESENTED BY:

José F. Tosado

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the recovery of costs for certain medical assistance.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|------------------------|---------------------|
| <i>José F. Tosado</i> | <i>9th Hampden</i> |
| <i>Carlos González</i> | <i>10th Hampden</i> |
| <i>Bud L. Williams</i> | <i>11th Hampden</i> |

HOUSE No. 1197

By Mr. Tosado of Springfield, a petition (accompanied by bill, House, No. 1197) of José F. Tosado, Carlos González and Bud L. Williams relative to recovery of costs for certain medical assistance. Health Care Financing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3956 OF 2017-2018.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act relative to the recovery of costs for certain medical assistance.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith medical assistance recovery policies, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Subsection (b) of section 31 of chapter 118E of the General Laws, as
2 appearing in the 2016 Official Edition, is hereby amended by inserting after the word “ninety-
3 one”, in line 28, the following words:- , required to be recovered pursuant to 42 U.S.C. section
4 1396p.

5 SECTION 2. Said subsection (b) of said section 31 of said chapter 118E, as so appearing,
6 is hereby amended by striking out clause (2) and inserting in place thereof the following clause:-

7 (2) Recovery from Persons Age 65 and Over: From the estate of an individual who was
8 65 years of age or older when he or she received such assistance; provided, that recovery shall be
9 limited to only such assistance required to be recovered under 42 U.S.C. section
10 1396p(b)(1)(B)(i).

11 SECTION 3. Said subsection (b) of said section 31 of said chapter 118E, as so appearing,
12 is hereby amended by striking out the first paragraph of clause (3) and inserting in place thereof
13 the following paragraph:- Recovery from Persons Age 55 and Over for Post-October 1, 1993
14 Medicaid: From the estate of an individual who was 55 years of age or older when he or she
15 received such assistance, where such assistance was provided on or after October 1, 1993;
16 provided, that recovery shall be limited to only such assistance required to be recovered under 42
17 U.S.C. section 1396p(b)(1)(B)(i).

18 SECTION 4. Said section 31 of said chapter 118E, as so appearing, is hereby further
19 amended by adding the following 2 subsections:-

20 (e) The division shall, every 3 months, send to an individual or the legal representative of
21 an individual who is a beneficiary of a MassHealth health insurance plan who may be subject to
22 recovery of medical assistance costs a written statement of account, with an up to date total of
23 the recovery claim.

24 (f) The division shall notify the individual or the individual's legal representative of the
25 option to pay off debts incurred as a recovery claim prior to their death, and shall include such
26 notice on each written statement of account sent pursuant to subsection (f). The division shall set
27 up a process through which individuals can repay recovery costs prior to their death.

28 SECTION 5. Sections 1, 2 and 3 of this act shall take effect as of April 1, 1995.