

**SENATE . . . . . No. 734**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*James T. Welch*

*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:

*James T. Welch*

DISTRICT/ADDRESS:

*Hampden*

**SENATE . . . . . No. 734**

By Mr. Welch, a petition (accompanied by bill, Senate, No. 734) of James T. Welch for legislation relative to the recovery of costs for certain medical assistance. Health Care Financing.

**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.

*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.