

## Joint Committee on Health Care Financing 2025-2026 (194th) Bill Summary

<b><u>Bill Number:</u></b>	House, No. 1365
<b><u>Title:</u></b>	AN ACT RELATIVE TO CHANGING MASS HEALTH ESTATE RECOUP FOR PEOPLE WITH DISABILITIES BEYOND AGE 55
<b><u>Sponsor:</u></b>	Representative Christopher Richard Flanagan (Dennis Port)
<b><u>Hearing Date:</u></b>	July 1, 2025
<b><u>Reporting Deadline:</u></b>	August 30, 2025
<b><u>Prior History:</u></b>	2023-24 (H3832): Ordered to a House Study.
<b><u>Similar Matters:</u></b>	N/A

### **Current Law:**

**M.G.L. Ch. 118E § 1** designates the Executive Office of Health and Human Services [EOHHS] as the single state agency responsible for the administration of any programs of medical assistance and medical benefits established pursuant to Chapter 118E. The Secretary of EOHHS is authorized to take actions, through the division of medical assistance [DMA] and the secretary of aging and independence, as appropriate, in this capacity, in accordance with section 2 of Chapter 118E.

**M.G.L. Ch. 118E § 9** establishes the Massachusetts Medicaid program and outlines its basic eligibility criteria.

**M.G.L. Ch. 118E § 9A** authorizes DMA to implement a combined Medicaid program and Children's Health Insurance Program (CHIP), known as MassHealth, in accordance with the terms and conditions of a demonstration projects approved by the Secretary or any other federal waiver or demonstration authority and lists beneficiary categories for whom MassHealth may provider medical benefits.

**M.G.L. Ch. 118E § 25** pertains to income and resource exemptions for MassHealth eligibility and requires that certain assets be excluded from consideration for the purpose of determining an applicant's financial eligibility for enrollment in MassHealth, including various forms of personal property.

**M.G.L. Ch. 118E § 31, as amended by sections 20 and 21 of Chapter 197 of the Acts of 2024, "An Act to improve quality and oversight of long term care" (H5033)**, establishes the criteria for adjustments or recovery by the Massachusetts Medicaid program from the estate of individuals who received inpatient assistance in a nursing facility or other medical institution. As amended, this section:

- Allows estate recovery from people who were permanently inpatient or institutionalized and receiving assistance in a nursing facility or other medical institution, but only for those who received services after March 22, 1991.
- Allows estate recovery from individuals 55 or older receiving services on or after October 1, 1993, only related to medical assistance like nursing homes, HCBS, and related hospital and prescription drug services.
- Ends estate recovery from those receiving assistance under CommonHealth or for PCA services, pending submission and approval of any necessary federal waivers.

**Summary:** The proposed legislation strikes clause (3) of subsection (b) of section 31, as previously appearing, to end estate recovery from individuals 55 or older who received inpatient assistance at a nursing facility or other medical institution.