



# ELDER CARE LEGISLATIVE UPDATE

From the Law Office of John L. Roberts  
 (413) 567-5600  
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THE PROBLEM	THE SOLUTION	CURRENT STATUS OF BILL
<p>Medicaid in Massachusetts counts the IRA (Individual Retirement Account) owned by the spouse of a nursing home resident as a disqualifying resource. Other pension plans, like state employee pensions and employee 401k's are not treated this way.</p>	<p><b><i>An Act regarding the countable assets of medical assistance recipients.</i></b> House Bill 02083/ Senate 498. Sponsor: Alice Peisch of Wellesley. <a href="#">Bill Text.</a></p> <p><i>“Funds held by the community spouse of an institutionalized applicant or recipient in an Individual Retirement Account, Keogh plan or other pension fund shall be considered a non-countable asset as long as regular income distributions are made from the fund or the community spouse is employed.”</i></p> <p>Medicaid agencies in many other states have exempted retirement funds. <a href="#">Compare States.</a> Changing the system in Massachusetts should not affect the state Medicaid budget, because spouses here are able to protect retirement savings from nursing home if they take the extra cumbersome steps of reinvesting the IRA account in an annuity</p>	<p>Hearing held by Health Care Financing Committee on July 19, 2011</p>
<p>Current Massachusetts insurance and Medicaid laws penalize any elder who uses long term care insurance to pay for elder care in their home, and then needs to go to a nursing home</p>	<p><b><i>An Act relative to nursing facility and long term care claims.</i></b> House Bill 2097. <a href="#">Bill text.</a> Sponsor: Christopher Fallon of Malden.</p> <p>Allow elders to use their LTC policy benefits for at home care, without risking the loss of protection for their home's equity. No estate recovery if institutionalized person: <i>had on the date of admission to the nursing facility or other medical institution long term care insurance that when purchased met the requirements of 211 C.M.R. 65.00</i></p> <p><a href="#">Comparison of Massachusetts Long Term Care Insurance with Connecticut</a></p>	
<p>Family members who could prevent a nursing home admission are unable to provide care because they can't afford to leave a paying job.</p>	<p><b><i>An Act relative to assist families care for elders.</i></b> House Bill 1097. Senate 278. <a href="#">Bill text.</a> Sponsor: Kay Kahn of Newton</p> <p>Sets guidelines for caregiver contracts in Massachusetts. This bill would allow family members to be compensated for care provided to a parent or relative, without fear that their loved one might later be denied Medicaid benefits if nursing home care became necessary. &gt;&gt;&gt; <a href="#">Read more about caregiver contracts, court cases, and the proposed law.</a></p>	

<p>People who have no way to pay for nursing home care are denied Medicaid because of circumstances they have no control over,.</p>	<p><b><i>An Act to establish criteria for MassHealth hardship waivers</i></b> House Bill 2086. Senate 490. Sponsor: Kate Hogan of Stow; Senator Changler. <a href="#">House Bill text.</a> <a href="#">Senate Bill text.</a></p> <p>This legislation would create a rebuttable presumption that the applicant deserves a hardship waiver if certain criteria are met. To satisfy this hardship criteria, the applicant would have to show a risk of serious harm, that transferred assets cannot be retrieved, and that there is no affordable alternative case available. If the applicant meets those criteria, a waiver would be granted unless Medicaid has convincing evidence to the contrary.</p>	<p>Hearing held by Health Care Financing Committee on July 19, 2011</p>
<p>People are denied Medicaid coverage because they made gift transfers before they knew they would need a nursing home admission</p>	<p><b><i>An Act relative to transfers of assets by MassHealth members</i></b> House Bill 2083. <a href="#">Bill Text.</a> Sponsor: John Fernandes of Milford.</p> <p>Lists factors Medicaid must use when determining whether the individual has met his burden in establishing whether the intent was to avoid paying for nursing home care.</p>	