



Important Information about MassHealth Estate Recovery Requirements

Dear MassHealth Member,

You are receiving this notice because you may meet the requirements for MassHealth estate recovery. MassHealth is required by law to seek repayment for the total cost of care for services paid by MassHealth for members who are age 55 years or older, or for members of any age who are receiving long-term care in a nursing home or other medical institution, if they leave a probate estate after their death.

What does this mean for you?

If a MassHealth member leaves a probate estate after they pass away, MassHealth will seek repayment from the estate for the total amount of money MassHealth paid for their care after they turned 55 years of age and at any age while they received long-term care in a nursing home or other medical facility, unless certain exceptions apply. Any property or assets that are part of the probate estate are subject to estate recovery.

Estate recovery may apply to you whether or not you are enrolled in a health plan, such as a Managed Care Organization, Accountable Care Organization, Senior Care Options, PACE, or One Care. Payments made directly by MassHealth to health care providers for your care are subject to estate recovery. If you are enrolled in a health plan, estate recovery will also include reimbursement for the total amount of monthly payments MassHealth made to the health plan, known as premium payments, for each month you met the requirements for estate recovery. The total amount of premium payments that may be subject to repayment may be more or less than the actual cost of health services the member received from their health plan. MassHealth will never collect more than either 1) the value of the MassHealth member's estate subject to probate, or 2) the total amount of premiums paid by MassHealth for the member's care, whichever is less.

Some exceptions may apply:

- If MassHealth's estate recovery claim would cause an undue hardship for your heir(s) who inherit an interest in your estate, MassHealth may waive all or part of the recovery amount in certain circumstances. MassHealth has certain waivers for estate recovery in order to prevent undue hardships for low-and middle-income families of MassHealth members and for certain heirs who provided care to the MassHealth member while living in the home.
- MassHealth will not seek recovery from your probate estate if the assets are worth \$25,000 or less.
- Certain income and resources of American Indians and Alaska Natives are exempt from estate recovery.
- If you have certain long-term-care insurance that meets the requirements of 130 CMR 515.014 and the Division of Insurance regulations at 211 CMR 65.09(1)(e)(2), the estate may not have to repay MassHealth for nursing facility and other long-term-care services.
- Estate recovery will be temporarily delayed, or deferred, if you leave behind a surviving spouse, a child who is blind, a child who is permanently and totally disabled, or a child younger than 21 years of age.

Want to know more?

For more information about MassHealth estate recovery, including frequently asked questions, and information about hardship waivers and deferrals, please visit www.mass.gov/estatercovery. MassHealth applicants, members, and their families should consult with a licensed attorney if you wish to obtain legal advice or more information about how estate recovery may affect you or your loved ones.