



Legislative Endorsement

Bill No. and Title: Bill 1242 An Act relative to transfers of assets by MassHealth members

Sponsor(s) and Committee: Rep. Barber, Health Care Financing

Legislative History: Hearing: September 28th, 2021

Legislation Text: SECTION 1: Section 28 of chapter 118E of the General Laws is hereby amended by inserting at the end thereof, the following section:

The division shall not impose a period of ineligibility against an individual who demonstrates that a transfer of assets by said individual or his spouse was intended exclusively for a purpose other than qualifying for MassHealth or was intended to be a transfer for fair market value. The division shall consider specific factors in determining whether the individual has met his burden in establishing such intent including but not limited to the following:

- 1) The individual provides documentation demonstrating a regular pattern of small transfers for at least three years consistent with the transfer in question;
- 2) The individual or his spouse made the transfer to a religious institution, charity or other non-profit entity in an amount consistent with prior charitable giving;
- 3) at the time of the transfer the individual and his spouse had resources at or below the allowable limit for MassHealth eligibility for long term care;
- 4) the transfer was intended to alleviate a relative's financial crisis, prevent a relative's mortgage foreclosure or pay for a relative's medical care; or
- 5) at the time of the resource transfer, the individual's medical record did not indicate a significant likelihood that the individual would require nursing home services in the near future.

If the individual establishes any of the above factors, then the burden of proving that the individual intended the transfer of assets to qualify the individual for MassHealth shifts to the division.

The division shall promulgate regulations implementing this section.

<https://malegislature.gov/Bills/192/H1242>

Endorsed by 38 members of Dignity Alliance Massachusetts including:

<ul style="list-style-type: none"> • Boston Center for Independent Living • Center for Living and Work, Inc. • COP Amputee Association – COPAA • Disability Policy Consortium • Disability Resource Center • Easterseals Massachusetts • John Ford, Esq. • Lachan Farrow, MD • Judi Fonsh, LCSW, MSW • Wynn Gerhard 	<ul style="list-style-type: none"> • Pamela Goodwin • Greater Boston Chapter of United Spinal Association • Fred Gross • Jerry Halberstadt, Stop Bullying Coalition • Sandy Hovey • Anne Johansen • James Lomastro, PhD • Paul J, Lanzikos 	<ul style="list-style-type: none"> • Massachusetts Advocates for Nursing Home Reform, Arlene Germain, Policy Director • Massachusetts Aging and Mental Health Coalition • Massachusetts Law Reform Institute • MetroWest Center for Independent Living, Paul Spooner, Executive Director • Richard T. Moore • SeniorCare, Scott Trenti, CEO
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