

By Mr. Lambert of Fall River, petition of Edward M. Lambert, Jr., for legislation to further regulate eligibility for Medicaid. Insurance.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT FURTHER REGULATING MEDICAID ELIGIBILITY.

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. Section 10 of chapter 118E of the General Laws,
2 as amended by section 181 of chapter 138 of the acts of 1991, is
3 hereby further amended by adding the following paragraph: —

4 The minimum community spouse resource allowance as defined
5 in Title XIX shall be twenty-five thousand dollars. The minimum
6 community spouse monthly maintenance needs allowance as
7 defined in Title XIX shall be one thousand, two hundred dollars.

1 SECTION 2. Said chapter 118E is hereby further amended by
2 inserting after section 13A, the following section: —

3 Section 13B. The department shall include in a determination
4 of an individual's resources for purposes of eligibility under this
5 chapter any interest in real or personal property that an individual
6 has transferred to a revocable trust and any real or personal
7 property held in joint tenancy, except the principal residence of
8 such individual.

9 The commissioner shall file a notice of claim in the appropriate
10 court to obtain reimbursement from a recipient of any benefits
11 received pursuant to this chapter from a revocable trust to which
12 the recipient has transferred any interest in real or personal
13 property.

14 The commissioner shall file a notice of claim in the appropriate
15 court against any real or personal property held in joint tenancy,
16 except the principal residence of the recipient or the recipient's

17 spouse. Upon such a filing the court shall partition joint property
18 in equal shares as tenants in common. The commissioner shall
19 obtain reimbursement from joint property upon the death of the
20 recipient.

1 SECTION 3. The commissioner of the department of public
2 health shall conduct a study to examine tax and other incentives
3 to encourage the purchase of long-term care insurance. The
4 commissioner shall on or before December thirty-first, nineteen
5 hundred and ninety-two file the results of said study with the clerk
6 of the house of representatives who shall forward the same to the
7 committee on human services and elderly affairs.