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ATTACHMENT B

July 29, 2024

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 116 of House Bill No. 4800 *An Act making appropriations for the fiscal year 2025 for the maintenance of the departments, boards, commissions, institutions, and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements, and for certain permanent improvements.*

Section 116 would amend G.L. 118E, § 9D to add a new requirement that MassHealth provide notice to individuals over the age of 55 of the option to enroll in voluntary programs including Program of All Inclusive Care for the Elderly (“PACE”) plans, Senior Care Options (“SCO”) plans, One Care plans, and the Home and the Community-Based Services Waiver program for frail elders. MassHealth would be required to provide this notice to an individual when they first become eligible for Medicare, when they first become eligible for MassHealth, and whenever they inquire about long-term nursing home placement. For individuals over the age of 65, MassHealth would be required to provide notice of the option to enroll in One Care plans and to provide the notices required by section 9D both annually and any time the individual is subject to redetermination of eligibility.

I fully support the goal of increasing awareness and enrollment in these important voluntary programs. These are critical programs that provide meaningful supports to those enrolled in MassHealth. As drafted, however, Section 116 would require MassHealth to notify members about options to enroll in many programs for which they may not be eligible. As a result, the notice requirements, as currently drafted, may lead to confusion which may undermine the shared goal of increasing enrollment in these programs. I believe that a requirement for MassHealth to provide notices limited to those programs for which a member may be eligible would mitigate the potential for member confusion while still increasing awareness of these programs.

Finally, I note that MassHealth may not know when individuals become eligible for Medicare, and individuals do not generally inquire with MassHealth about long-term nursing

home placements. As a result, some of the timing requirements in Section 116 would be impractical for MassHealth to implement. A requirement that MassHealth provide the informational notices upon enrollment for a new member age 55 and older, or upon the first redetermination after a member reaches the age of 55, would increase awareness of the availability of these programs in a manner that is feasible for MassHealth to implement.

For these reasons, I recommend that the bill be amended by striking out section 116 and inserting in place thereof the following section:-

SECTION 116. Subsection (e) of section 9D of chapter 118E of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out paragraph (6) and inserting in place thereof the following subsection:-

(6)(i) The executive office shall direct MassHealth to provide notice to each individual age 55 or older of the options for enrolling in voluntary programs for which they may be eligible, which may include Program of All Inclusive Care for the Elderly or PACE plans, Senior Care Options or SCO plans, One Care plans and Home and the Community-Based Services Waiver program for frail elders when: (A) an individual age 55 and older is first enrolled in MassHealth; or (B) an individual undergoes their first eligibility redetermination after reaching the age of 55. Notice provided pursuant to this clause shall be consistent with the notice requirement pursuant to subparagraph (ii).

(ii) The executive office shall direct MassHealth to provide each beneficiary age 65 and older with an annual notice of the options for enrolling in voluntary programs, including Program of All Inclusive Care for the Elderly or PACE plans, Senior Care Options or SCO plans, the Home and Community-Based Services Waiver program for frail elders or any other voluntary, elective benefit to which the beneficiary is entitled to supplement or replace their MassHealth benefits. If MassHealth receives approval from the Centers for Medicare and Medicaid Services, MassHealth shall arrange for the annual notice to include the names and contact information for the program providers, general contact information for MassHealth and a general description of the benefits of joining particular programs in clear and simple language and a method to request the same information in a language other than English. The notice shall include a method for the beneficiary to indicate interest in receiving additional information on any programs identified that may be of interest to them. The notice shall be supplied to a beneficiary every time the beneficiary is subject to a redetermination of eligibility. A draft of the proposed language and format for providing information to beneficiaries shall be circulated to the providers contracted to provide each of these programs for review and comment prior to finalization. The division shall work with the program providers and other appropriate stakeholders to assess whether and to what extent barriers to program enrollment shall be alleviated through modifications to the program or the enrollment process.

Respectfully submitted,

  
Maura Healey  
Governor