



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
www.mass.gov/masshealth

Eligibility Operations Memo 25-09

DATE: May 2025

TO: MassHealth Eligibility Operations Staff

FROM: Heather Rossi, Deputy Chief Operating Officer, Eligibility Policy and Implementation

RE: Updates to the MassHealth Estate Recovery Policy Under the LTC Act

Introduction

Federal and state Medicaid law require MassHealth to have an estate recovery program. The estate recovery program requires MassHealth to seek recovery from the estates of certain MassHealth members after their death, unless exceptions apply.

In September 2024, Governor Maura Healey signed into law an Act to Improve Quality and Oversight of Long-Term Care (the “LTC Act”). The LTC Act reduced MassHealth’s estate recovery activities to only what is required under federal law. MassHealth is issuing this EOM to outline changes to estate recovery policies in compliance with state law. The changes are effective as of May 27, 2025. Regulations at 130 CMR 501.000 and 130 CMR 515.000 will be updated at a future date.

Summary of Estate Recovery Policy Changes

The LTC Act changed the scope of estate recovery for MassHealth members who died on or after August 1, 2024, as noted in the following table.

MassHealth must seek to recover from the probate estates of MassHealth members who died <i>on or after August 1, 2024</i>; and	MassHealth Estate Recovery will seek reimbursement from the estate of MassHealth members for
<ul style="list-style-type: none"> • were 55 or older when they received medical assistance paid by MassHealth for nursing facility services, home- and community-based services, and related hospital and prescription drug services (also known as long-term services and supports (LTSS), as defined below); or • were of any age when they received medical assistance paid by MassHealth for long-term care in a nursing home, intermediate care facility for persons with intellectual disability (ICF/ID), or an institution for mental disease (IMD) for a period long enough that they are subjected to an assessment of the cost of their care. The contribution to the cost of care is also known as the patient-paid amount (PPA). 	<ul style="list-style-type: none"> • medical assistance paid by MassHealth for LTSS; and • the total cost of care MassHealth paid while the individual was receiving long-term care for a period long enough that they are subjected to an assessment for the cost of their care.

The LTC Act did not change the scope of estate recovery for MassHealth members who died before August 1, 2024. For MassHealth members who died before August 1, 2024, MassHealth estate recovery applies to any members 55 or older for any care paid for by MassHealth, not just for certain LTSS.

Long-term Services and Supports

For the purposes of estate recovery, as defined by federal and state law, LTSS includes the following.

- Nursing home services
- Services provided in an intermediate care facility for persons with an intellectual disability (ICF/ID)
- 1915(c) home- and community-based services (HCBS). These are services covered under one of the following MassHealth 1915(c) HCBS waivers that serve adult MassHealth members.
 - The Frail Elder Waiver (FEW)
 - The Acquired Brain Injury—Residential Habilitation (ABI-RH) Waiver

- The Acquired Brain Injury—Non-residential Habilitation (ABI-N) Waiver
- The Traumatic Brain Injury (TBI) Waiver
- The Moving Forward Plan—Residential Supports (MFP-RS) Waiver
- The Moving Forward Plan—Community Living (MFP-CL) Waiver
- The Adult Supports (DDS-AS) Waiver for persons with an intellectual disability
- The Community Living waiver (DDS-CL) Waiver for persons with an intellectual disability
- The Intensive Supports (DDS-IS) Waiver for persons with an intellectual disability
- Hospital and prescription drug services received while the member was admitted to a nursing facility or enrolled in a 1915(c) HCBS Waiver

More Information

For more information about estate recovery, visit www.mass.gov/estaterecovery.

Questions?

Have your MEC designee contact the Policy Hotline.