

SUPPORT ACCESS TO COMMUNITY CARE FOR OLDER ADULTS AND DISABLED INDIVIDUALS

H1371/S841

Representative Higgins, Senator Comerford

WHAT THE BILL DOES:

This legislation will allow senior and disabled nursing home eligible applicants and recipients of MassHealth community-based care, who are slightly above the income limit and currently subject to a high deductible, to pay instead the amount of income they are over the limit, making care at home financially possible



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WHO IT HELPS

Seniors and individuals with disabilities who are clinically eligible for nursing home care but want to remain at home.

BACKGROUND

Home and Community Based Services Waiver (HCBS) Programs:

These are the programs that provide the continuum of care that can include adult day health services, skilled nursing care, nutrition programs, home care, home health aide, assisted living and personal care that make it possible for seniors and individuals with disabilities to continue to live at home in their communities.

PACE: (Program for All Inclusive Care for the Elderly) This program provides a broad scope of health and social support services to frail elders who are clinically eligible for nursing home care but want to remain at home.

THE ISSUE THE LEGISLATION ADDRESSES

Currently: A participant or applicant for HCBS or PACE who has income in excess of the program limit, \$2901/month (2025), is charged an exorbitant monthly deductible, requiring them to spend all their income down to \$542 for the month to remain in the program. This rule forces individuals to live below the federal poverty level with no resources to pay for homeowners insurance, rent, utilities, taxes and other home related costs.

Even \$1 of income above the eligibility level will result in a deductible of over \$23,000 a year in order to receive care at home. For many, the cost of the deductible – living on only \$542 per month – makes staying at home impossible. As a result, many elders who could otherwise stay at home with supports are forced to move to a nursing home.

HOW THE LEGISLATION WILL HELP

This legislation would allow PACE and HCBS Waiver applicants and recipients to pay the amount over the income limit as a deductible rather than requiring them to spend down to \$542 every month in order to qualify for community-based services.

This legislation is in line with the federal agency CMS (Center for Medicaid and Medicare) which recently invited states to be more flexible in determining eligibility, to make community-based care more accessible.

[CMS letter](#)

EXAMPLE:

Current Deductible Costs to Individuals:

Imagine that your mom and my mom are next door neighbors. Their real estate taxes, insurance, and water/sewer bills are identical. They have the same need for in-home care to assist with dressing and bathing (or other care needs). My mom's gross monthly income is \$2901, and your mom's gross monthly income is \$2902 per month. We heard that the Frail Elder Waiver program and the PACE program are fantastic options to provide home health aides and other supports to keep our parents safe at home, provide a day program to provide socialization and stimulation, and even transportation to the day program. These are, after all, the keys to preventing institutionalization and neither of us wants to place our mom in a nursing home. Our moms both apply for the Frail Elder program, and the same regulations apply to both of them.

	<u>MY MOM</u>	<u>YOUR MOM</u>
Gross monthly income	\$2901	\$2902
Real estate taxes (\$8,976/12)	\$ 748	\$ 748
Homeowners ins (\$3,000/12)	\$ 250	\$ 250
Water/Sewer (\$960/12)	\$ 80	\$ 80

My mom's gross monthly income: falls within the program limits, so she is able to keep all of her income to pay her real estate taxes, insurance, and other necessities and enjoy the benefits of the programs to remain safely in her home.

Your mom's income: is above \$2901, however, so the following formula is applied:

Gross monthly income = \$2902
Less medical premiums: \$375.00 (Medicare = \$135 + supplement = \$200 + Rx = \$40 = \$375)
Less: \$ 542.00
= \$1985
The adjusted gross income amount of \$1985 is multiplied by 6 (months) = \$11,910

Current Cost to the applicant/recipient: \$23,820/year

- Your mom is ineligible for the same benefits that my mom is eligible for until she spends \$11,910 on medical expenses. After 6 months she becomes ineligible for MassHealth until she spends another \$11,910 on medical expenses for another 6 months.

Legislation Cost to the Individual: \$12/year

- Cost to the individual with income over 300% FBR is just the amount they are over income multiplied by 6, for 6 months.
- Older adults and disabled individuals who are nursing home eligible would have over \$20,000 to use towards maintaining their homes and paying their bills which would make staying in the community receiving services possible.