

Senator Vinny deMacedo  
Massachusetts State House  
Room 313 C  
Boston, MA 02133

Dear Senator deMacedo,

I am writing to urge you not to include Outside Section 11 of Governor Baker's FY 2017 budget in the House budget. I am writing as one of your constituents and live in Falmouth. This Section seeks to expand the authority of the Office of Medicaid to recover the cost of a member's medical care from all property in which the deceased member had an ownership interest immediately prior to death. Presently estate recovery is limited to property in the probate estate.

This proposal was enacted by the Massachusetts legislature in July 2003 under Governor Romney's recommendation, only to be repealed by the legislature on July 23, 2004, after a year of delays, confusion and ultimately the refund of all monies collected. Rather than cost-savings, this fiasco cost the Commonwealth untold dollars.

More recently, the State of New York also passed expanded estate recovery provisions on April 1, 2011, only to repeal them on March 27, 2012, after a year of turmoil. I urge you not to support the inclusion of Outside Section 11 in the FY 2017 budget. Family homes held in a joint ownership or life estate arrangement passing by survivorship will be at risk.

Most married couples own their home in joint names and under the proposal, the State will be able to file a claim against the home of a surviving spouse, making it impossible for the spouse to sell or mortgage the property without addressing the claim. Such claims will have a devastating effect on spouses of nursing home residents who are usually women of modest means whose ability to pay for their own care and support will be threatened.

In addition, these provisions will impact property owners who signed deeds long ago who based their ownership arrangements on one set of laws, only to have new laws potentially reduce their property interest on the death of a co-owner.

Expanded estate recovery attacks the sanctity of the family homestead, which Massachusetts has traditionally protected. Additionally, the expanded estate recovery provisions are ambiguous and confusing and appear to threaten special needs planning for disabled individuals.

Please advocate against inclusion of these provisions in the FY2017 Budget.

Sincerely,