



1 office of health and human services and/or the department of human services as his or her true  
2 and lawful attorney in fact to act in his or her name, place, and stead to perform the specific act of  
3 instituting suit to establish paternity or secure support and medical care, collecting any and all  
4 amounts due and owing for child, spousal, and medical support, endorsing any and all drafts,  
5 checks, money orders, or other negotiable instruments representing support payments which are  
6 received by executive office of health and human services and/or the department, and retaining  
7 any portion thereof permitted under federal and state statutes as reimbursement for financial, ~~and~~  
8 medical and any other assistance previously paid to or for the recipient, child, or children.

9 (b) An applicant for or a recipient of medical assistance provided by executive office of  
10 health and human services and/or the department pursuant to this chapter or chapter 8 of this title  
11 or title XIX of the federal Social Security Act, 42 U.S.C. § 1396 et seq., for and on behalf of  
12 himself or herself, and for and on behalf of any other person for whom he or she may legally  
13 assign rights to any medical support or any other medical care, shall be deemed, without the  
14 necessity of signing any document for purposes of reimbursement, to have made an assignment  
15 and given a right of subrogation to executive office of health and human services and/or the  
16 department of human services of any and all rights and interests that he, she, or such other person  
17 may have: (1) to payment for any medical support; and (2) to any payment ~~for any medical care~~  
18 from any third party that has a legal liability to pay for care and services available and provided to  
19 the applicant or recipient. The executive office of health and human services and/or the  
20 department of human services shall, in accordance with this section and all applicable state and  
21 federal laws, be entitled to any payments by a third party to recover costs from the full amount of  
22 an applicant's or recipient's liability settlement(s). For this purpose, the executive office of health  
23 and human services may place a lien against an applicant's or recipient's liability settlement(s).

24 (c) In addition to the assignments and subrogation rights provided in subsections (a) and  
25 (b) of this section, an applicant for or a recipient of financial assistance provided by the executive  
26 office of health and human services and/or department pursuant to this chapter, whenever the  
27 assistance is necessary by reason of accident, injury, or illness for which a third party may be  
28 liable, for and on behalf of himself or herself, and for and on behalf of any other person for whom  
29 he or she may legally act, shall be deemed, without the necessity of signing any document, to  
30 have assigned and subrogated to the executive office of health and human services and/or the  
31 department of human services, from amounts recovered or recoverable from any third party, an  
32 amount of money equal to the amount of financial assistance provided as a result of the accident,  
33 illness, or injury.

34 (d) With respect to an assignment and subrogation rights established pursuant to this

1 section, an applicant or recipient shall provide to the executive office of health and human  
2 services and/or the department of human services all relevant information regarding the assigned  
3 and subrogated rights, and shall execute any documents relating thereto, in accordance with rules  
4 and regulations to be adopted by the executive office of health and human services and/or the  
5 department.

6 (e) With respect to any assignment and subrogation rights for medical or financial  
7 support or other recoveries under this section, the executive office of health and human services  
8 and/or the department of human services shall be considered to have acquired the rights of such  
9 individual to payment by any third party for such medical care and support, ~~and~~ financial support  
10 and other recoveries.

11 (f) An applicant for or a recipient of medical assistance provided by the executive office  
12 of health and human services in accordance with chapter 40-8 shall also be subject to the  
13 provisions of chapter 27-57.1. Funds available to be paid for the payment of child support shall  
14 supersede any payment made pursuant to this chapter and chapter 27-57.1.

15 (g) The executive office of health and human services and/or the department of human  
16 services shall, in accordance with this section and all applicable state and federal laws, be entitled  
17 to any payments by a third party to recover costs from the full amount of an applicant's or  
18 recipient's liability settlement(s). For this purpose, the executive office of health and human  
19 services may place a lien against an applicant's or recipient's liability settlement(s). Nothing in  
20 these sections shall limit the executive office of health and human services and/or the department  
21 of human services from recovery, to the extent of the distribution, in accordance with all state and  
22 federal laws.

23 SECTION 3. Chapter 40-8 of the General Laws entitled "Medical Assistance" is hereby  
24 amended by adding thereto the following section:

25 **40-8-3.1. Life estate in property-retained powers.** – When an applicant or recipient of  
26 Medicaid owns a life estate in property that is his or her principal place of residence with the  
27 reserved power and authority, during his or her lifetime, to sell, convey, mortgage, or otherwise  
28 dispose of the real property without the consent or joinder by the holder(s) of the remainder  
29 interest, said principal place of residence shall not be regarded as an excluded resource for the  
30 purpose of Medicaid eligibility, unless the applicant or recipient individually or through his or her  
31 guardian, conservator or attorney in fact, conveys all outstanding remainder interest to him or  
32 herself.

33 An applicant or recipient who, by a deed created, executed and recorded on or before  
34 June 30, 2014, has reserved a life estate in property that is his or her principal place of residence

1 with the reserved power and authority, during his or her lifetime, to sell, convey, mortgage, or  
2 otherwise dispose of the real property without the consent or joinder by the holder(s) of the  
3 remainder interest, shall not be ineligible for Medicaid on the basis of such deed, regardless of  
4 whether the transferee of such remainder interest is a person or persons, trust or entity.

5           SECTION 4. Section 2 of this article shall take effect as of October 1, 2016. The  
6 remainder of this article shall take effect upon passage.

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