



Massachusetts Division of Insurance Continuing Education Services

Notice to Continuing Education Providers Regarding Long Term Care Training and the Required MassHealth Continuing Education and Producer Requirements and Required Course Content

March 10, 2014

The Massachusetts Division of Insurance has provided the mandatory course content for Providers to use in their Long Term Care courses. The required material is attached to this memo and must be incorporated into any Long Term Care courses already existing in order to fulfill the continuing education requirements.

This notice is being sent to address producer training and includes the following provisions:

- An individual shall not sell, solicit or negotiate Long Term Care insurance in the Commonwealth unless the individual is licensed as an insurance producer for health, accident or sickness and has completed a 1-time training course. The training shall meet the requirements set forth as follows:
- The 1-time training requirement by this section shall be not less than eight (8) hours and the ongoing training required shall be not less than four (4) hours every 24 months. For those producers who have already taken a six (6) to eight (8) hour Long Term Care training course; they will now need to take an additional two (2) hours course in Long Term Care with the MassHealth requirements.
- All training MUST incorporate the attached document in order to meet the Massachusetts Division of Insurance Long Term Care requirement.

In order to assist producers and continuing education providers in preparing for the new regulatory requirements, Prometric is attaching the required document to all interested providers. In order to qualify as a long-term care insurance course, **the course must contain the information in the attached document and be eight (8) hours in length**

Please note that courses will not be approved under two separate course categories.

A provider must submit a new course submission in order to obtain course approval under the Long Term Care category. Providers may submit a new course application for courses that contain only the MassHealth document information. However the course must be 120 minutes in length of approvable content (including the MassHealth Document) in order to be approved. **Producers, both resident and non-resident who have previously taken at least six hours of Long Term Care continuing education only need to fulfill the required two (2) hour course in order to satisfy the 1-time eight (8) hour Massachusetts Long Term Care continuing education requirement.**

Courses may be submitted for eight, four, or two hours in length. However, please keep in mind courses will not be awarded credit under two categories. Providers must submit new course applications in order for a course to be reviewed under the new MassHealth requirements. New course submissions should be sent to:

Prometric Operations Center
Attn: Continuing Education Processing
7941 Corporate Drive
Nottingham, MD 21236

****Required MassHealth Document**

What is a MassHealth (Medicaid) Qualified Policy?

If you receive **MassHealth (Medicaid)** and have a long-term care insurance policy that meets certain coverage requirements, you might be exempt from some MassHealth eligibility and recovery rules. These rules determine (1) whether your home will need to be sold in order for you to become eligible for MassHealth benefits and (2) whether you or your estate may need to repay MassHealth for any of the long-term care expenses it paid on your behalf.

Important Note: You should also be aware that laws may change and the exemptions and the minimum coverage requirements that exist today may not necessarily be the same in the future (or might not exist at all).

Qualifying long-term care insurance policies

Your policy, when purchased, must have a certain level of benefits available to pay for nursing home care and must be in effect and not fully exhausted as of the day you enter a nursing home in order for you to qualify for the MassHealth eligibility and recovery exemptions. Your policy, when purchased, must:

1. Have benefits available sufficient to cover nursing home care for at least 730 days, and
2. Have benefits available of at least \$125 per day for nursing home care, except where the actual cost is less, regardless of whether the policy counts days or dollars toward the benefit level, and
3. Not require an elimination period (days that services must be provided before your policy will begin to pay) of more than 365 days, or in lieu of a waiting period, a deductible of more than \$54,750.

Since individuals must, among other things, be covered under a long-term care insurance policy on the date of admission to the nursing facility or other institution to qualify for the exemptions, they will not qualify if the policy lapsed or all benefits were exhausted prior to being admitted.

MassHealth exemptions for which you might qualify

Eligibility Exemption

If a person receives care in a nursing home and MassHealth pays for long-term care expenses, MassHealth may, in some cases, require an applicant's home to be sold in order to be eligible for MassHealth benefits. But if you have a qualifying long-term-care insurance policy, MassHealth will not require you to sell your home.

MassHealth does not require all persons without a qualifying long-term-care insurance policy to sell their homes. **Regardless of whether you have a qualifying policy**, MassHealth will not require you to sell your home in any of the following situations:

1. You notify MassHealth that you intend to return home.
2. Certain relatives are living there.
3. You own the home jointly with someone else and the other owner is living there.

Recovery Exemption

In some cases, MassHealth will take steps to recover some or all of the costs of MassHealth benefits that you use. But, if you have a qualifying long-term care insurance policy, are institutionalized, and you notify MassHealth that you do not intend on returning home, you may be exempt from the general recovery rules.

MassHealth generally recovers its costs in two situations. First, if MassHealth places a lien against your home, and you sell it during your lifetime, MassHealth will generally recover from your share of the proceeds the cost of all MassHealth benefits provided. Second, if you die and own property, MassHealth will generally file a claim against your estate for the following costs paid by MassHealth:

All MassHealth benefits provided on and after age 55; and

Any services in a nursing facility or other institution regardless of your age, if you were permanently institutionalized.

If you qualify for the recovery exemption, you will not have to repay the costs of your nursing home stay or other long-term care. You will still be required to repay the costs of other MassHealth services such as hospital care, physician visits and prescriptions.

You should be aware that there are several situations in which MassHealth does not place liens or collect from estates **regardless of whether you have long-term care insurance**:

MassHealth does not place liens on the homes of all persons whose nursing home care is paid by MassHealth. MassHealth does not place a lien if certain relatives are living in the house, and it does not place a lien until it determines that you are unlikely to return home.

MassHealth does not collect from the estates of all MassHealth members who die. MassHealth will waive recovery if (1) real property must be sold to pay its claim and (2) the property was left to a person who meets certain financial standards and has continually lived there for a year before you started receiving benefits. However, if during the first two years after MassHealth or a court determines that the conditions for waiver have been met, that person either (a) sells the property, (b) no longer uses the property as his or her primary residence, or (c) no longer meets the financial standards, MassHealth may require payment.

If certain relatives survive you, your estate may delay paying MassHealth. No payment will be required while your spouse or any blind or permanently and totally disabled child is still living, or while any of your children is under age 21.

Purchasing insurance to qualify for MassHealth exemptions

Whether you should purchase long-term care insurance to qualify for the MassHealth exemptions is a personal decision. Depending on your financial circumstances, you could decide to purchase sufficient long-term care insurance to cover the full cost of any care you might require, thus eliminating the need for public assistance. You might also have other resources you plan on using to supplement whatever coverage you purchase.

For advice on whether to purchase long-term care insurance for the purpose of qualifying for MassHealth exemptions or for other advice in protecting your assets, you should speak with an attorney or financial planner experienced in estate planning and MassHealth eligibility.

For more information regarding the MassHealth program, call MassHealth's Customer Service Center at 1-800-841-2900 or visit MassHealth's website at www.mass.gov/masshealth.