

Will they look at my new spouse's assets when I apply for Nursing Home MassHealth?

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Sometimes I meet with clients who explain that they recently got married but have chosen to keep their finances separate, maintaining separate bank accounts, splitting bills, and filing taxes separately. Now, one spouse's health has significantly changed and it looks like the ill spouse will need to apply for MassHealth benefits. An emerging concern is whether the healthy spouse's assets will be exposed.

Under the Medicaid (MassHealth in Massachusetts) law, when one member of a married couple applies for benefits, their combined assets and income must be reported to determine the eligibility of the spouse requiring skilled nursing care. However, there is an exception that is often used in cases of late, short-term marriages such as here. Often referred to as "spousal refusal," the spouse can refuse to cooperate with the process and your sickly spouse's eligibility should be based on their income and assets alone.

If you would like to learn more about spousal refusal exception, seek out assistance from an elder law attorney today.

Do you have a suggestion for a future article topic for Attorney Walecka? Reach out to him directly with a question or topic you think would be helpful to readers.

The information contained in this article is not intended to make you an expert on estate planning nor is this article intended to replace the need for the advice of a professional. Rather, this article is simply intended to provide a basic understanding of why estate planning is important for everybody and a basic understanding of some of the more common estate planning tools. This article does not constitute legal advice.