



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
MassHealth Estate Recovery Unit

**IMPORTANT NOTICE: THE AMOUNT OWED TO THE COMMONWEALTH FOR
REIMBURSEMENT OF MEDICAID BENEFITS PROVIDED TO YOUR DECEDENT
HAS CHANGED**

November 8, 2021

RE: **MassHealth Notice of Refund**

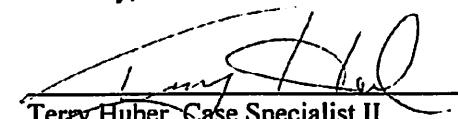
Dear Personal Representative,

You are receiving this notice because according to our records the above-mentioned Estate paid an outstanding Notice of Claim from the MassHealth Estate Recovery Unit that included amounts attributable to monthly premium payments made to a MassHealth managed care organization (also known as capitation payments). In May 2021, MassHealth began issuing separate estate recovery notices to MassHealth members explaining that capitation payments made on their behalf are fully recoverable from their estate. However, on August 5, 2021, the Appeals Court ruled in *Executive Office of Health & Human Services v. Trocki* that MassHealth may not recover capitation payments from the estates of MassHealth members to whom MassHealth did not send a separate notice explaining that the capitation payments made on their behalf are fully recoverable from their estate. Because MassHealth made capitation payments on behalf of the above-mentioned MassHealth member on or before May 2021 when MassHealth began issuing the estate recovery notice to members, MassHealth has removed any such charges for capitation payments from the Notice of Claim amount due.

The MassHealth Estate Recovery Unit filed a Notice of Claim for the reimbursement of Medicaid benefits provided to the decedent in the Estate of _____ on 5/3/2021 in the amount of \$476.67 in (_____). MassHealth has reviewed this case and has determined that this estate will receive a refund in the amount of \$161.91, by removing all charges for any capitation payments made on behalf of the decedent on or before May 2021.

You should expect to receive a refund in the amount of \$161.91 within 90 days. If you do not receive the refund in this timeframe, or if you have any questions, please call me at the number listed below or by email at ERU@Umassmed.edu.

Sincerely,


Terry Huber, Case Specialist II
(508)856-7657

Cc: Attorney Emily Starr, 625 Main St., Fitchburg, MA 01420