

GBLS Attorneys Celebrate Legislative Victory: Governor Signs MassHealth Equality Bill

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Governor Deval Patrick signed the MassHealth Equality bill into law on July 31, ensuring that same-sex married couples are eligible for spousal benefits under MassHealth, the state/federal Medicaid program.

Betsey Crimmins, Senior Attorney at Greater Boston Legal Services (GBLS) in the Elderly Unit; and Deborah Filler, Senior Attorney at the GBLS Cambridge & Somerville office, worked for nearly four years to bring this bill to the State House. They joined efforts with other elder advocates as part of the LGBT Aging Project's Public Policy Committee. Also instrumental in getting this law passed was Deborah Thomson of the PASS Group, whose lobbying efforts were funded by GBLS.

The MassHealth Equality law is the first piece of legislation that codifies the Supreme Judicial Court's 2003 *Goodridge v. Dept. of Public Health* decision, which extended marriage to same-sex couples in the Commonwealth.

The federal Defense of Marriage Act (DOMA) does not recognize same-sex married couples; therefore, these married couples were previously prohibited from being treated as each other's spouses for purposes of federal benefits programs including Medicaid. The MassHealth Equality law will significantly impact couples that are facing nursing home care, as they will be eligible for benefits and protections that allow the "community spouse" to retain the family home and enough assets to live independently, without jeopardizing the other spouse's eligibility for Medicaid coverage of nursing home care.

Crimmins and Filler are now working with MassHealth agency representatives on implementing this legislation.