

Medicaid Estate Recovery Impact Story

Iris Senices

LYNN, MASSACHUSETTS

Iris Senices' father, Jose Mendez, was a pillar of the community in Lynn, Massachusetts. He helped start the Boston Puerto Rican Parade, served as a director for the Community Minority Cultural Center, and was a board member of Neighborhood Legal Services, which offers free legal services to low-income populations.

He was also a dedicated family man. Jose bought the house where Iris now lives for her mother, Nurinalda, on Mother's Day when Iris was just 10 years old.

"This house means the world to me," Iris said.

First-Generation Homeowners

No one in their family had owned a home before, but Jose and Nurinalda each worked two jobs to pay for it. Jose also bought a second home for rental income, where Iris and her husband lived for many years thanks to a Section 8 rental housing subsidy through the Lynn Housing Authority & Neighborhood Development.

Jose's hard work allowed him to pay off the mortgage on his home. It also eventually left him with arthritis. He could barely walk, so Iris took care of him, bathing him and cooking for him. Jose also received services from the Program of All-Inclusive Care for the Elderly (PACE), a Medicaid/Medicare-funded managed care program that offers medical and social services to older Americans still living in their homes.

In 2013, Jose went into the hospital with pneumonia; he never came home. Iris then moved in with Nurinalda, who had developed Alzheimer's disease and breast cancer.

That meant more caregiving duties for Iris, who herself has COPD and fibromyalgia. As part of her care, Nurinalda also received services from PACE. But feeling ill one day in 2017, Nurinalda went to the hospital and was diagnosed with liver cancer; the next day, she was moved into hospice. "Her body was still warm when she died," Iris recalled.

A Growing Recovery Claim

After Nurinalda passed away, MassHealth wanted her estate to pay \$303,000 for the premiums paid to PACE as well as her medical expenses.

Some good news came when the Appeals Court of Massachusetts ruled in *Executive Office of Health and Human Services v. Trocki* in 2021 that the state could not recover the insurance premiums paid to PACE, so the state reduced the claim to \$59,000 for medical expenses. While Iris can stay in the house because of her disability, she, too, is receiving services from MassHealth. That means in addition to the deferred \$59,000 she still owes, the state's recovery claim against her home is growing.

Iris wants to leave her home to her 18-year-old granddaughter. Right now, though, if Iris vacates her home, the state will take action to force a sale through Medicaid Estate Recovery. And Iris still worries the state will somehow take the house from her while she's alive.

"Owning your own home is the American dream, and being homeless is the American nightmare," said John Ford of the Northeast Justice Center, a NAELA member who is Iris's attorney.

With Medicaid Estate Recovery, "if you've worked hard to own your home," Ford added, "it can be taken away from your family after you die."



"If they ever took this house, where would I go?"

To hear **Iris' story in her own words**, scan the QR code. →



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