

Estate Claims and Creditor Administration

Attorneys

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Overview

When a resident dies with an unpaid balance, that revenue does not disappear. It becomes a recoverable claim against the decedent's estate. But the window to file is narrow, the procedural requirements are unforgiving, and facilities without a system for monitoring deaths and estate filings routinely forfeit revenue they already earned. In Massachusetts, creditors have one year from the date of death to file claims against the estate, and that deadline is enforced strictly. Facilities that learn about an estate filing after the deadline has passed have limited, often unavailable, recourse. Skilled nursing facilities and assisted living residences that treat decedent estate collection as an afterthought consistently leave recoverable revenue on the table, often across dozens of accounts each year. Cohen Cleary helps healthcare facilities across New England implement systematic estate claim processes, built around proactive monitoring and timely filings, that capture outstanding balances before statutory deadlines close.

How We Help Facilities File and Pursue Creditor Claims

Our estate claims practice addresses every phase of the creditor recovery process, from initial death notification through final distribution. We work with facility billing departments to establish monitoring protocols that identify when a deceased resident's estate has been opened for probate, then prepare and file formal creditor claims with the appropriate Probate and Family Court.

Massachusetts estate administration follows a defined priority structure for paying creditor claims: administrative expenses, funeral and burial costs, debts and taxes owed the Commonwealth, and then medical expenses incurred during the final illness. Healthcare facility claims frequently fall within the medical expense category, and proper classification and filing determine the claim's position in the distribution hierarchy. We advise facilities on structuring claims to reflect the full scope of services rendered, including room and board, ancillary charges, and unresolved Medicaid pending balances. For facilities managing nursing home creditor claims at volume, we coordinate filings across multiple estates to maintain efficiency.

For smaller estates, Massachusetts allows a simplified voluntary administration process through small estate affidavits when the total value falls below statutory thresholds. We help facilities evaluate whether the small estate procedure offers a faster path to SNF estate recovery or whether formal probate produces a better outcome based on the balance owed and the estate's composition.

Why Healthcare Facilities Work With Cohen Cleary

At Cohen Cleary, our practice teams combine deep subject-matter experience with disciplined execution and responsive client service. We do not take a one-size-fits-all approach. Every matter is handled with careful preparation, clear communication, and a strategy tailored to the

client's goals and the realities of the forum.

Clients choose Cohen Cleary because we deliver:

Practice-Focused Legal Experience

Our attorneys work in defined practice areas, allowing us to develop practical insight into the legal, procedural, and regulatory nuances that matter most in each case. This focus allows us to anticipate issues, avoid unnecessary delays, and position matters for efficient resolution.

Clear Guidance and Proactive Communication

We prioritize clarity at every stage. Clients receive straightforward explanations of their options, timely updates on developments, and practical advice grounded in real-world outcomes.

Strategic Advocacy with Trial Readiness

Whether a matter calls for negotiation, mediation, or litigation, our attorneys prepare every case with discipline and foresight. We pursue efficient resolution when possible and are fully prepared to advocate aggressively when necessary to protect our clients' interests.

Regional Knowledge and Local Presence

With offices throughout Massachusetts and experience across New England courts and agencies, we bring local insight and regional reach to every matter.

Client-Centered Service

We treat every matter with urgency and respect. Our clients rely on us for responsive service, sound judgment, and steady counsel through complex legal challenges.

In our Healthcare and Nursing Home Law work, this approach helps facilities recover earned revenue through creditor claims with clarity, efficiency, and confidence.

Our Approach to Healthcare Creditor Administration

We tell our facility clients that estate claims are not a collection strategy; they are an accounts receivable recovery process that happens to run through the probate system. That distinction shapes how we prepare claims, how we interact with personal representatives and estate counsel, and how we advise on cost-effectiveness when balances vary in size. Our approach prioritizes volume efficiency for recurring creditor claim probate filings while applying closer scrutiny to high-balance or contested estates where the personal representative disputes the amount owed or the priority classification. When disputes arise, we pursue resolution within the estate administration process first.

Serving Healthcare Facilities Across New England

Cohen Cleary represents healthcare facilities in estate claim matters across New England, with particular concentration in Massachusetts, Rhode Island, Connecticut, and Maine. Our regional presence gives facilities access to a healthcare creditor attorney team familiar with procedural requirements across multiple jurisdictions:

- Massachusetts Probate and Family Court filing requirements, creditor claim deadlines, and Bristol County, Plymouth County, and Norfolk County procedures

- Rhode Island probate procedures for creditor notifications and distributions
- State-specific variations in claim priority structures and small estate thresholds
- MassHealth Estate Recovery Program interactions and third-party liability considerations

With offices in [Taunton](#) and [Plymouth](#), we serve as ongoing nursing home creditor claim counsel for facilities managing deceased resident balances throughout the region.

Contact Our Healthcare Estate Claims Team

Cohen Cleary helps healthcare facilities recover balances owed by deceased residents through systematic creditor claim processes. Contact our healthcare law team to discuss your facility's estate claim needs, assess your current recovery protocols, and establish a workflow tailored to your volume and operational requirements.

Frequently Asked Questions About Healthcare Estate Claims

How long does a healthcare facility have to file a claim against a decedent's estate in Massachusetts?

Massachusetts law gives creditors one year from the date of death to file claims against the estate with the appropriate court. Because that deadline runs from the date of death rather than from any notice or estate filing, facilities that lack a system for monitoring patient deaths and identifying open estates risk missing the window entirely.

What happens if a resident's estate is too small for formal probate?

Massachusetts allows a simplified process through a voluntary administration affidavit for estates below certain asset thresholds. Nursing home balance recovery through the estate process is still possible using this procedure, though the amount recovered depends on available assets after higher-priority obligations. We evaluate each situation to determine whether the small estate procedure or formal probate offers the better path.

Does Medicaid coverage eliminate the facility's ability to file a creditor claim?

Not necessarily. Medicaid may not have covered the entire period of residency, and Medicaid pending balances, private pay portions, and ancillary charges not covered by the program may remain outstanding. The MassHealth Estate Recovery Program pursues its own claims against estates, so understanding how facility claims interact with MassHealth's recovery interest is critical to maximizing recovery.

Can a facility file a creditor claim if no estate has been opened?

A facility can petition the Probate and Family Court to compel the opening of an estate if no one has initiated administration. This is particularly relevant when the deceased resident had assets sufficient to satisfy all or part of the outstanding balance. We advise on whether initiating this process is cost-effective given the expected recovery.