

HOUSE No. 03310

The Commonwealth of Massachusetts

PRESENTED BY:

Alice K. Wolf

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act promoting equal choice and related cost savings.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>William N. Brownsberger</i>	<i>24th Middlesex</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>Ruth B. Balseer</i>	<i>12th Middlesex</i>
<i>Gailanne Cariddi</i>	<i>1st Berkshire</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>

<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Joyce A. Spiliotis</i>	<i>12th Essex</i>
<i>David M. Torrasi</i>	<i>14th Essex</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>
<i>Edward Coppinger</i>	<i>10th Suffolk</i>
<i>Thomas P. Kennedy</i>	<i>Second Plymouth and Bristol</i>
<i>Thomas M. McGee</i>	<i>Third Essex and Middlesex</i>
<i>Dennis A. Rosa</i>	<i>4th Worcester</i>
<i>Stephen Stat Smith</i>	<i>28th Middlesex</i>
<i>Theodore C. Spiliotis</i>	<i>13th Essex</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Alice K. Wolf</i>	<i>25th Middlesex</i>

HOUSE No. 03310

By Ms. Wolf of Cambridge, a petition (accompanied by bill, House, No. 3310) of Alice K. Wolf and others relative to the personal care services administered by the Division of Medical Assistance. Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act promoting equal choice and related cost savings.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Chapter 118 E is hereby amended by adding after section 9E, the following
- 2 section:--
- 3 Section 9F. The division shall provide coverage for residential habilitation services for
- 4 individuals age sixty or older, if such individual has been determined by the division to be
- 5 clinically eligible for long term care services, and requires said residential habilitation services in
- 6 order to remain living in the least restrictive setting appropriate to meet his needs in accordance
- 7 with section 6 of this chapter.
- 8 The term "residential habilitation" shall mean ongoing services and supports provided to
- 9 beneficiaries in a residential setting that are designed to assist beneficiaries in acquiring,
- 10 maintaining, or improving the skills necessary to live in a community setting. Residential
- 11 habilitation provides beneficiaries with daily staff intervention including care, supervision, and
- 12 assistance in activities of daily living, instrumental activities of daily living, and community

13 integration in a residential setting qualified by the division with 24-hour staffing . Residential
14 habilitation may include the provision of medical and health-care services that are integral to
15 meeting the daily needs of beneficiaries.

16 □SECTION 2. Section 9 of Chapter 118E of the General Laws, as amended by Chapter 211 of
17 the Acts of 2006, is hereby amended by inserting, after the words "long-term care needs of the
18 individuals," the following:-

19 □The division shall provide, without requiring prior authorization, for up to sixty (60) days of
20 eligibility for MassHealth Home and Community Based Services, including personal care
21 services, for individuals who, upon discharge from an acute hospital, medical center, nursing
22 facility, or health care facility including rehabilitation facilities and state hospitals, are presumed
23 to be financially eligible for the MassHealth program and clinically eligible for home and
24 community based services, as determined by an Aging Services Access Point or an Independent
25 Living Center; provided further the division shall promulgate such standards and regulations as
26 may be necessary for the administration of said presumptive eligibility program.

27 □SECTION 3. Section 9 of Chapter 118 E is hereby amended by adding in the second sentence
28 of the second paragraph, after the words "requirements for Title XIX" the following language:--

29 □"Any program of home and community based services funded pursuant to the provisions of
30 this chapter or pursuant to the provisions chapter one hundred and eighteen G, in which family
31 members are permitted to serve as paid caregivers, shall include spouses within the definition of
32 family member.?"

33 □SECTION 4. Section 12 of chapter 118 E as so appearing, is hereby amended in the first
34 paragraph by inserting at the end thereof the following sentence:-

35 □"Notwithstanding the provisions of any general or special law to the contrary, the division shall

36 develop or amend any standards and regulations applicable to the personal care attendant
37 program to include as eligible members those individuals who are otherwise eligible for said
38 program, but who require supervision and cueing in order to perform two or more activities of
39 daily living.?

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