

HOUSE No. 519

The Commonwealth of Massachusetts

PRESENTED BY:

John V. Fernandes

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 adoption of the accompanying bill:

An Act relative to the calculation of income for spouses of nursing home residents.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|--------------------------|-----------------------|
| <i>John V. Fernandes</i> | <i>10th Worcester</i> |
| <i>Carolyn C. Dykema</i> | <i>8th Middlesex</i> |
| <i>Robert M. Koczera</i> | <i>11th Bristol</i> |
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> |

HOUSE No. 519

By Mr. Fernandes of Milford, a petition (accompanied by bill, House, No. 519) of John V. Fernandes and others relative to the calculation of income for spouses of nursing home residents. Elder Affairs.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 542 OF 2013-2014.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to the calculation of income for spouses of nursing home residents.

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. Subsection (c) of section 21A of chapter 118E is amended by deleting the
2 current subsection and substituting the following new subsection:-

3 (c) In making determinations under this section, the division shall revise the community
4 spouse resource allowance as permitted or required by federal law. Either spouse shall have the
5 right to request a fair hearing at which, if it is shown that the income of the community spouse is
6 less than the minimum monthly maintenance needs allowance of the community spouse, the
7 referee shall revise the community spouse resource allowance, using methods permitted or
8 required by federal law, to a level sufficient to generate the shortfall in income. The division
9 shall calculate interest income on the investment of the community spouse resource allowance
10 using the average money market rates reported by Bank Rate Inc. on the date of the hearing.