

**HOUSE . . . . . No. 966**

The Commonwealth of Massachusetts

PRESENTED BY:

*Jennifer E. Benson*

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 to preserve eligibility for the PACE program and certain waived services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Barbara L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Jose F. Tosado</i>	<i>9th Hampden</i>
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>Christopher M. Markey</i>	<i>9th Bristol</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>

*Jonathan Hecht*

*29th Middlesex*

*Alice Hanlon Peisch*

*14th Norfolk*

*Denise Provost*

*27th Middlesex*

**HOUSE . . . . . No. 966**

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By Ms. Benson of Lunenburg, a petition (accompanied by bill, House, No. 966) of Jennifer E. Benson and others relative to preserving eligibility for the PACE program and certain waived services. Health Care Financing.

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The Commonwealth of Massachusetts

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

An Act to preserve eligibility for the PACE program and certain waived services.

*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 25 of Chapter 118E of the General Laws, as appearing in the 2010 Official  
2 Edition, is hereby amended in subsection (5) by striking the second paragraph and inserting in  
3 place thereof the following paragraph:-

4 In any case where the monthly income of an applicant or recipient is in excess of the  
5 exemptions allowed, the applicant or recipient, if otherwise eligible for Medicaid under this  
6 chapter, shall be liable to pay to the provider of medical care or service an amount which shall be  
7 equal to the excess income for a period of six consecutive months, which includes the period  
8 when such service was provided; provided, however that in such cases where the individual's  
9 gross income is greater than 300% of the federal Supplemental Security Income level but less  
10 than the average monthly cost of nursing home care as calculated by the division and the  
11 individual is participating in a Home and Community Based Waiver, under 42 USC  
12 1396a(10)(a)(ii)(VI) or a PACE Program, under 42 USC 1396u-4 or 42 USC 1395eee, the

13 division shall charge a premium, equal to the difference between the individual's gross income  
14 and 300% of the federal Supplemental Security Income level, on a monthly basis. The division  
15 shall apply for any federal waivers necessary to implement this provision.