

SENATE No. 02057

Senate, Thursday, November 10, 2011 – New draft of Senate, No. 1857 and House, No. 3310 reported from the committee on Elder Affairs.

The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven
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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
2 following 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
17 211 of the Acts of 2006, is hereby amended by inserting, after the words "long-term care needs
18 of the individuals," the following:-

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

27 SECTION 3. Section 12 of chapter one hundred and eighteen E as so appearing, is
28 hereby amended in the first paragraph by inserting at the end thereof the following sentence:-

29 “Notwithstanding the provisions of any general or special law to the contrary, the
30 division shall develop or amend any standards and regulations applicable to the personal care
31 attendant program to include as eligible members those individuals who are otherwise eligible
32 for said program, but who require supervision and cueing in order to perform two or more
33 activities of daily living.”