

**SENATE . . . . . No. 00266**

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The Commonwealth of Massachusetts

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PRESENTED BY:

***Gale D. Candaras***

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*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 to correct income calculation for spouses of nursing home residents..

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Gale D. Candaras</i>	<i>First Hampden and Hampshire</i>
<i>Theodore C. Speliotis</i>	<i>13th Essex</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>

# SENATE . . . . . No. 00266

By Ms. Candaras, petition (accompanied by bill, Senate, No. 266) of Swan, Speliotis and Candaras for legislation to correct income calculation for spouses of nursing home residents [Joint Committee on Elder Affairs].

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
□ SENATE  
□ , NO. 308 OF 2009-2010.]

## The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
\_\_\_\_\_

An Act to correct income calculation 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 of the General Laws is  
2 amended by deleting the current subsection and substituting the following new subsection:—

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

- 10 resource allowance using the average money market rates reported by Bank rate Monitor
- 11 National Index on the date of the hearing.