HOUSE . . . . . No. 3579

Section 203 contained in the engrossed Bill making appropriations for the fiscal year 2012 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 3535), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment E of House, No. 3581).

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the adult day health program.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to assess the needs of the state adult day health program, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

The executive office of health and human services shall conduct a feasibility study of implementing a moratorium on (1) clinical eligibility or level of reimbursement paid to providers of adult day health services for basic and complex levels of care, and (2) the acceptance and approval of applications for (i) enrollment of new adult day health providers and (ii) expansion of the certified capacity of already approved adult day health providers as provided in 130 C.M.R. 404.400 et seq. This moratorium shall not apply to a PACE program as defined in 42 U.S.C. section 1396u–4(a)(2).

The executive office shall also assess the current manner of categorizing clients as basic or complex, and it shall assess the commonwealth's current and future adult day health services needs and changes to address these needs.

The executive office shall report the results of its study and its recommendations to the house and senate committees on ways and means, the joint committee on elder affairs, and the joint committee on health care financing, not later than December 31, 2011.