

HOUSE No. 1099

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to increase the personal care allowance for residents of long term care facilities..

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. Section 1 of chapter 117A of the General Laws, as appearing in the 1998
2 Official Edition, is hereby amended by striking out the second paragraph and inserting in place
3 thereof the following paragraph:—Any person eligible for assistance under this chapter who is
4 not maintaining his home and is receiving care in or residing in a licensed nursing facility,
5 licensed chronic hospital, licensed rest home, or an approved public medical institution as
6 defined in section 8 of chapter 118E, shall retain the first \$72.80 of his monthly income for
7 clothing, personal needs, and leisure time activities. If there is no such income or if it is less than
8 the amount of \$72.80, such a person shall be paid monthly in advance the difference between
9 such income and said amount. Said amount shall be increased annually each fiscal year at the
10 same time and at the same percentage rate as increases payable to an individual who maintains
11 his own home and receives state supplementary payments pursuant to sections 1 and 2 of chapter
12 118A.

13 SECTION 2. Chapter 118A of General Laws, as appearing in the 1998 Official Edition,
14 is hereby amended by inserting after section 7A the following new section:—Section 7b. Any

15 person eligible for financial assistance under this chapter who is not maintaining his home and is
16 in a licensed medical facility which is eligible for medical assistance payments pursuant to
17 chapter 118E or is residing in a licensed rest home to which such person pays a fixed rate, shall
18 retain the first \$72.80 of his monthly income for clothing, personal needs, and leisure time
19 activities. If there is no such income or if it is less than the amount of \$72.80, such a person shall
20 be paid monthly in advance the difference between such income and said amount. Said amount
21 shall be, increased annually each fiscal year at the same time and at the same percentage rate as
22 increases payable to an individual who maintains his own home and receives state supplementary
23 payments pursuant to sections 1 and 2.

24 SECTION 3. Section 15 of chapter 118E of the General Laws, as appearing in the 1998
25 Official Edition is hereby amended by striking the fourth paragraph and inserting in place thereof
26 the following paragraph:—A person eligible for medical assistance under this chapter who is not
27 maintaining his own home and is receiving care in a licensed nursing facility, a licensed chronic
28 hospital, a licensed rest home, or in an approved public medical institution, shall retain the first
29 \$72.80 of his monthly income for clothing, personal needs, and leisure time activities. If there is
30 no such income or if it is less than the amount of \$72.80, such a person shall be paid monthly in
31 advance the difference between such income and said amount. Said amount shall be increased
32 annually each fiscal year at the same time and at the same percentage rate as increases payable to
33 an individual who is maintaining his own home and who is receiving supplemental payments
34 pursuant to sections 1 and 2 of chapter 118A.

35 SECTION 4. The Division of Health Care Finance and Policy is required to conduct a
36 study and review of the cost of all personal needs items paid for by residents that are not covered
37 by the Division of Medical Assistance. Said study shall be completed within sixty days of the

38 passage of this Act. The Division of Health Care Finance and Policy shall submit a report on the
39 results of said study and review to the respective Committee on Ways and Means of the House
40 and the Senate not later than December 31, 2010.