

SENATE No. 308

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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 Subsection (c) of Section 21A of Chapter 118E of the General Laws is amended by
2 deleting the current subsection and substituting the following new subsection:—

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