

SENATE No. 328

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act increasing the personal care allowance for long term care 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. Section 1 of chapter 117A of the General Laws, as appearing in the 2006
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 not
4 maintaining his home and is receiving care in or residing in a licensed nursing facility, licensed
5 chronic hospital, licensed rest home, or an approved public medical institution as defined in
6 section 8 of chapter 118E, shall retain the first \$72.80 of his monthly income for clothing,
7 personal needs, and leisure time activities. If there is no such income or if it is less than the
8 amount of \$72.80, such a person shall be paid monthly in advance the difference between such
9 income and said amount. Said amount shall be increased annually each fiscal year at the same
10 time and at the same percentage rate as increases payable to an individual who maintains his own
11 home and receives state supplementary payments pursuant to sections 1 and 2 of chapter 118A.

12 SECTION 2. Chapter 118A of General Laws, as appearing in the 2006 Official Edition,
13 is hereby amended by inserting after section 7A the following new section:- Section 7B. Any
14 person eligible for financial assistance under this chapter who is not maintaining his home and is

15 in a licensed medical facility which is eligible for medical assistance payments pursuant to
16 chapter 118E or is residing in a licensed rest home to which such person pays a fixed rate, shall
17 retain the first \$72.80 of his monthly income for clothing, personal needs, and leisure time
18 activities. If there is no such income or if it is less than the amount of \$72.80, such a person shall
19 be paid monthly in advance the difference between such income and said amount. Said amount
20 shall be increased annually each fiscal year at the same time and at the same percentage rate as
21 increases payable to an individual who maintains his own home and receives state supplementary
22 payments pursuant to sections 1 and 2 of this chapter.

23 SECTION 3. Section 15 of chapter 118E of the General Laws, as appearing in the 2006
24 Official Edition is hereby amended by striking the fourth paragraph and inserting in place thereof
25 the following paragraph:- A person eligible for medical assistance under this chapter who is not
26 maintaining his own home and is receiving care in a licensed nursing facility, a licensed chronic
27 hospital, a licensed rest home, an approved public medical institution, or a public psychiatric
28 institution shall retain the first \$72.80 of his monthly income for clothing, personal needs, and
29 leisure time activities. If there is no such income or if it is less than the amount of \$72.80, such a
30 person shall be paid monthly in advance the difference between such income and said amount.
31 Said amount shall be increased annually each fiscal year at the same time and at the same
32 percentage rate as increases payable to an individual who is maintaining his own home and who
33 is receiving supplemental payments pursuant to sections 1 and 2 of chapter 118A.