

**SENATE . . . . . No. 582**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act relative to spousal waiver for home and community-based services for physically disabled adults age 60 and under..

*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. Notwithstanding any general or special law to the contrary, the  
2   Massachusetts Division of Medical Assistance shall, within 3 months of the effective date of this  
3   act, apply to the federal Center for Medicare and Medicaid Services for a spousal waiver by  
4   requesting an amendment to an existing 1915(c) home and community-based waiver or 1115  
5   state waiver in the category of physically disabled adults under the age of 65 to receive waiver to  
6   services to support said individuals in their homes and communities. This waiver request shall  
7   pertain to those in the age restriction 19-60 and have progressive physical disabilities who meet  
8   state criteria for nursing home level of care. The amendment will be for an exclusion of spousal  
9   income and assets when determining eligibility, comparable to the 1915(c) waiver regulations for  
10   seniors age 60 and older as referenced in the Massachusetts Division of Medical Assistance  
11   regulations, Chapter 519.007(B).