

**SENATE . . . . . No. 78**

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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 eligibility criteria for nursing homes serving pediatric 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 Section 4J of Chapter 111 of the General Laws is hereby repealed.

2 SECTION 2. Section 71 of Chapter 111 of the General Laws is hereby amended by  
3 inserting after the last paragraph the following paragraphs:- Notwithstanding any general or  
4 special law or regulation to the contrary, no nursing home licensed by the department in whole or  
5 in part as a skilled nursing care facility for children shall admit an individual under twenty-two  
6 years of age for a period of one hundred days or less unless said individual meets the medical  
7 eligibility criteria for nursing facility services established by the division of medical assistance,  
8 or receives prior authorization by said individual's private third party health insurer.

9 Notwithstanding any general or special law or regulation to the contrary, no nursing  
10 home licensed by the department in whole or in part as a skilled nursing care facility for children  
11 shall admit an individual under twenty-two years of age for a period to exceed one hundred days  
12 unless said individual meets the medical eligibility criteria for nursing facility services  
13 established by the division of medical assistance and is determined by said division to be a  
14 multiply-handicapped child, defined as a person under twenty-two years of age with physical

15 manifestations of neurologic, musculoskeletal, or organic dysfunction, irrespective of etiology,  
16 with the prognoses of significant impairment of growth and development and severe limitation of  
17 independent functioning, or unless said individual receives prior authorization by said  
18 individual's private third party health insurer. Any individual initially admitted to a skilled  
19 nursing care facility for children upon meeting the medical eligibility criteria of the division of  
20 medical assistance for a period of one hundred days or less must obtain approval for continued  
21 eligibility by said division in order to continue residency in said facility beyond one hundred  
22 days. Any individual initially admitted into a skilled nursing facility for children under  
23 authorization by a private third party health insurer must obtain approval from the division of  
24 medical assistance under the division's medical eligibility criteria for continued residency at said  
25 facility prior to the expiration of the third party health insurance coverage.

26 SECTION 3. Chapter 118E of the General Laws is hereby amended by inserting after  
27 section 14A the following section:- Section 14B. Notwithstanding any general or special law or  
28 regulation to the contrary, the division shall determine medical eligibility for admittance of  
29 children under the age of twenty-two to a skilled nursing care facility for children pursuant to  
30 regulations codified at 130 Code Mass. Regs. 456.252 as in effect on December 4, 1996.