

SENATE No. 71

The Commonwealth of Massachusetts

PRESENTED BY:

Steven A. Tolman

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to eligibility criteria for nursing homes serving pediatric residents..

PETITION OF:

NAME:

Steven A. Tolman

DISTRICT/ADDRESS:

SENATE No. 71

By Mr. Tolman, a petition (accompanied by bill, Senate, No. 71) of Steven A. Tolman for legislation relative to eligibility criteria for nursing homes serving pediatric residents. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 78 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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 Section 4J of Chapter 111 of the General Laws is hereby repealed.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.