SENATE DOCKET, NO. 183 FILED ON: 1/14/2013

SENATE . . . . . No. 564

The Commonwealth of Massachusetts

PRESENTED BY:

Karen E. Spilka

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 spousal waiver for home and community-based services for physically disabled adults age 60 and under..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Karen E. Spilka	*Second Middlesex and Norfolk*
Chris Walsh	*6th Middlesex*

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SENATE . . . . . No. 564

By Ms. Spilka, a petition (accompanied by bill, Senate, No. 564) of Karen E. Spilka and Chris Walsh for legislation relative to spousal waiver for home and community based services for physically disabled adults age 60 and under. Health Care Financing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *550* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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:

SECTION 1. Notwithstanding any general or special law to the contrary, the Massachusetts Division of Medical Assistance shall, within 3 months of the effective date of this act, apply to the federal Center for Medicare and Medicaid Services for a spousal waiver by requesting an amendment to an existing 1915(c) home and community-based waiver or 1115 state waiver in the category of physically disabled adults under the age of 65 to receive waiver to services to support said individuals in their homes and communities. This waiver request shall pertain to those in the age restriction 19-60 and have progressive physical disabilities who meet state criteria for nursing home level of care. The amendment will be for an exclusion of spousal income and assets when determining eligibility, comparable to the 1915(c) waiver regulations for seniors age 60 and older as referenced in the Massachusetts Division of Medical Assistance regulations, Chapter 519.007(B).