SENATE DOCKET, NO. 1041 FILED ON: 1/17/2013

# SENATE . . . . . No. 57

## The Commonwealth of Massachusetts

PRESENTED BY:

***Mark C. Montigny***

*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 increasing the personal care allowance for long term care residents.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---|---|
| *Mark C. Montigny* | *Second Bristol and Plymouth* |
| *Tom Sannicandro* | *7th Middlesex* |

SENATE DOCKET, NO. 1041 FILED ON: 1/17/2013

# SENATE . . . . . No. 57

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 57) of Mark C. Montigny and Tom Sannicandro for legislation to increase the personal care allowance for long term care residents. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *57* OF 2011-2012.]

## The Commonwealth of Massachusetts

**In the Year Two Thousand Thirteen**

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:*

Section 1. Section 1 of chapter 117A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:- Any person eligible for assistance under this chapter who is not maintaining his home and is receiving care in or residing in a licensed nursing facility, licensed chronic hospital, licensed rest home, or an approved public medical institution as defined in section 8 of chapter 118E, shall retain the first $72.80 of his monthly income for clothing, personal needs, and leisure time activities. If there is no such income or if it is less than the amount of $72.80, such a person shall be paid monthly in advance the difference between such income and said amount. Said amount shall be increased annually each fiscal year at the same time and at the same percentage rate as increases payable to an individual who maintains his own home and receives state supplementary payments pursuant to sections 1 and 2 of chapter 118A.

Section 2. Chapter 118A of General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after section 7A the following new section:- Section 7B. Any person eligible for financial assistance under this chapter who is not maintaining his home and is in a licensed medical facility which is eligible for medical assistance payments pursuant to chapter 118E or is residing in a licensed rest home to which such person pays a fixed rate, shall

retain the first $72.80 of his monthly income for clothing, personal needs, and leisure time activities. If there is no such income or if it is less than the amount of $72.80, such a person shall be paid monthly in advance the difference between such income and said amount. Said amount shall be increased annually each fiscal year at the same time and at the same percentage rate as increases payable to an individual who maintains his own home and receives state supplementary payments pursuant to sections 1 and 2 of this chapter.

Section 3. Section 15 of chapter 118E of the General Laws, as appearing in the 2010 Official Edition is hereby amended by striking the fourth paragraph and inserting in place thereof the following paragraph:- A person eligible for medical assistance under this chapter who is not maintaining his own home and is receiving care in a licensed nursing facility, a licensed chronic hospital, a licensed rest home, an approved public medical institution, or a public psychiatric institution shall retain the first $72.80 of his monthly income for clothing, personal needs, and leisure time activities. If there is no such income or if it is less than the amount of $72.80, such a person shall be paid monthly in advance the difference between such income and said amount. Said amount shall be increased annually each fiscal year at the same time and at the same percentage rate as increases payable to an individual who is maintaining his own home and who is receiving supplemental payments pursuant to sections 1 and 2 of chapter 118A.