

**HOUSE . . . . . No. 966**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Jennifer E. Benson***

*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 to preserve eligibility for the PACE program and certain waived services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Jose F. Tosado</i>	<i>9th Hampden</i>
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>Christopher M. Markey</i>	<i>9th Bristol</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>

*Jonathan Hecht*

*29th Middlesex*

*Alice Hanlon Peisch*

*14th Norfolk*

*Denise Provost*

*27th Middlesex*

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By Ms. Benson of Lunenburg, a petition (accompanied by bill, House, No. 966) of Jennifer E. Benson and others for legislation to include certain income levels in calculating nursing home benefits payable under the Program of All-inclusive Care for the Elderly (PACE). Health Care Financing.

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**The Commonwealth of Massachusetts**

**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**

An Act to preserve eligibility for the PACE program and certain waived services.

*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 25 of Chapter 118E of the General Laws, as appearing in the 2010 Official  
2 Edition, is hereby amended in subsection (5) by striking the second paragraph and inserting in  
3 place thereof the following paragraph:-

4 In any case where the monthly income of an applicant or recipient is in excess of the  
5 exemptions allowed, the applicant or recipient, if otherwise eligible for Medicaid under this  
6 chapter, shall be liable to pay to the provider of medical care or service an amount which shall be  
7 equal to the excess income for a period of six consecutive months, which includes the period  
8 when such service was provided; provided, however that in such cases where the individual's  
9 gross income is greater than 300% of the federal Supplemental Security Income level but less  
10 than the average monthly cost of nursing home care as calculated by the division and the  
11 individual is participating in a Home and Community Based Waiver, under 42 USC  
12 1396a(10)(a)(ii)(VI) or a PACE Program, under 42 USC 1396u-4 or 42 USC 1395eee, the

13 division shall charge a premium, equal to the difference between the individual's gross income  
14 and 300% of the federal Supplemental Security Income level, on a monthly basis. The division  
15 shall apply for any federal waivers necessary to implement this provision.