SENATE DOCKET, NO. 699 FILED ON: 1/15/2015

SENATE . . . . . No. 356

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia D. Jehlen

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 promoting equal choice and related cost savings.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Patricia D. Jehlen	*Second Middlesex*
Dennis A. Rosa	*4th Worcester*
Colleen M. Garry	*36th Middlesex*
Angelo J. Puppolo, Jr.	*12th Hampden*
Jennifer E. Benson	*37th Middlesex*
William C. Galvin	*6th Norfolk*
Denise Provost	*27th Middlesex*
Barbara A. L'Italien	*Second Essex and Middlesex*
Marjorie C. Decker	*25th Middlesex*
James B. Eldridge	*Middlesex and Worcester*
Ruth B. Balser	*12th Middlesex*
RoseLee Vincent	*16th Suffolk*
Peter V. Kocot	*1st Hampshire*
Jason M. Lewis	*Fifth Middlesex*
Thomas M. Stanley	*9th Middlesex*
Jonathan Hecht	*29th Middlesex*
Paul W. Mark	*2nd Berkshire*
Bruce E. Tarr	*First Essex and Middlesex*

Jay R. Kaufman	*15th Middlesex*
Stephen L. DiNatale	*3rd Worcester*
Sal N. DiDomenico	*Middlesex and Suffolk*

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By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 356) of Patricia D. Jehlen, Dennis A. Rosa, Colleen M. Garry, Angelo J. Puppolo, Jr. and other members of the General Court for legislation to promote equal choice a cost savings in health care. Elder Affairs.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *292* OF 2013-2014.]

The Commonwealth of Massachusetts

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

An Act promoting equal choice and related cost savings.

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. Chapter 118 E is hereby amended by adding after section 10F, the following new section:--

Section 10G. The division shall provide coverage for residential habilitation services for individuals age sixty or older, if such individual has been determined by the division to be clinically eligible for long term care services, and requires said residential habilitation services in order to remain living in the least restrictive setting appropriate to meet his needs in accordance with section 6 of this chapter.

The term ‘residential habilitation’ shall mean ongoing services and supports provided to beneficiaries in a residential setting that are designed to assist beneficiaries in acquiring,

10 maintaining, or improving the skills necessary to live in a community setting. Residential
11 habilitation provides beneficiaries with daily staff intervention including care, supervision, and
12 assistance in activities of daily living, instrumental activities of daily living, and community
13 integration in a residential setting qualified by the division with 24-hour staffing . Residential
14 habilitation may include the provision of medical and health-care services that are integral to
15 meeting the daily needs of beneficiaries.

16 SECTION 2. Section 9 of Chapter 118E of the General Laws, as amended by Chapter
17 211 of the Acts of 2006, is hereby amended by inserting, after the words "long-term care needs
18 of the individuals," the following:-

19 The division shall provide, without requiring prior authorization, for up to sixty (60) days
20 of eligibility for MassHealth Home and Community Based Services, including personal care
21 services, for individuals who, upon discharge from an acute hospital, medical center, nursing
22 facility, or health care facility including rehabilitation facilities and state hospitals, are presumed
23 to be financially eligible for the MassHealth program and clinically eligible for home and
24 community based services, as determined by an Aging Services Access Point or an Independent
25 Living Center; provided further the division shall promulgate such standards and regulations as
26 may be necessary for the administration of said presumptive eligibility program.

27 SECTION 3. Section 9 of Chapter 118 E is hereby amended by adding in the second
28 sentence of the second paragraph, after the words “requirements for Title XIX” the following
29 new language:--

30 “Any program of home and community based services funded pursuant to the provisions
31 of this chapter or pursuant to the provisions chapter one hundred and eighteen G, in which family

32 members are permitted to serve as paid caregivers, shall include spouses within the definition of
33 family member."

34 SECTION 4. Section 12 of chapter one hundred and eighteen E as so appearing, is hereby
35 amended in the first paragraph by inserting at the end thereof the following new sentence:-

36 "Notwithstanding the provisions of any general or special law to the contrary, the
37 division shall develop or amend any standards and regulations applicable to the personal care
38 attendant program to include as eligible members those individuals who are otherwise eligible
39 for said program, but who require supervision and cueing in order to perform two or more
40 activities of daily living."