

SENATE No. 580

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

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 PACE program and certain waived participants.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|-------------------------------|--|------------------|
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | |
| <i>James J. O'Day</i> | <i>14th Worcester</i> | |
| <i>Anne M. Gobi</i> | <i>Worcester, Hampden, Hampshire and Middlesex</i> | |
| <i>Patricia D. Jehlen</i> | <i>Second Middlesex</i> | |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> | |
| <i>Anthony W. Petrucci</i> | <i>First Suffolk and Middlesex</i> | <i>6/1/2015</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> | <i>6/17/2015</i> |
| <i>Donald F. Humason, Jr.</i> | <i>Second Hampden and Hampshire</i> | <i>6/23/2015</i> |
| <i>Brian A. Joyce</i> | <i>Norfolk, Bristol and Plymouth</i> | <i>2/4/2016</i> |

SENATE No. 580

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 580) of James B. Eldridge, James J. O'Day, Anne M. Gobi, Patricia D. Jehlen and others for legislation to preserve eligibility for PACE program and certain waived participants. Health Care Financing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 517 OF 2013-2014.]

The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**
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An Act to preserve eligibility for PACE program and certain waived participants.

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 25 of chapter 118E of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended in subsection (5) by striking out the second paragraph and
3 inserting in 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.