

**SENATE . . . . . No. 35**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Sal N. DiDomenico***

*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 ensuring continuous healthcare coverage for youth who have aged-out of the department of children and families.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>1/30/2019</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>1/30/2019</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>1/31/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>1/31/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/31/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/31/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/1/2019</i>
<i>Michael J. Finn</i>	<i>6th Hampden</i>	<i>2/1/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/8/2019</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>2/19/2019</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>4/3/2019</i>

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By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 35) of Sal N. DiDomenico, Adam G. Hinds, Anne M. Gobi, William N. Brownsberger and other members of the General Court for legislation to ensure continuous healthcare coverage for youth who have aged-out of the Department of Children and Families. Children, Families and Persons with Disabilities.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 33 OF 2017-2018.]

**The Commonwealth of Massachusetts**

—————  
**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
—————

An Act ensuring continuous healthcare coverage for youth who have aged-out of the department of children and families.

*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 9A of chapter 118E of the General Laws, as so appearing, shall be  
2 amended by inserting, in paragraph (2) at the end thereof, the following:-

3           (k) persons who meet the requirements of Section 1902(a)(10)(A)(i)(IX) of the federal  
4 Social Security Act (42 U.S.C. Sec. 1396a(a)(10)(A)(i)(IX)). In the administration of this  
5 subsection and in establishing the means to be used to provide access to health care to persons  
6 eligible under this clause, the division shall emphasize and take advantage of both the efficient  
7 organization and ready accessibility and availability of health care facilities and resources  
8 through enrollment in managed health care plans and new and innovative fee-for-service  
9 managed health care plan approaches to the delivery of health care services.

10 SECTION 2. Chapter 118E, as so appearing, shall be amended by inserting at the end  
11 thereof the following section:-

12 Pursuant to clause (k) of paragraph (2) of section 9A of chapter 118E, as so appearing,  
13 the division shall implement Section 1902(a)(10)(A)(i)(IX) of the federal Social Security Act (42  
14 U.S.C. Sec. 1396a(a)(10)(A)(i)(IX)) to provide MassHealth benefits to an individual until his or  
15 her 26th birthday if he or she was in foster care or was in the care and custody of the Department  
16 of Children and Families on his or her 18th birthday, or such higher age the state has elected  
17 under Title IV-E of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.). In addition, the  
18 division shall implement the federal option to provide MassHealth benefits to individuals who  
19 were in foster care and enrolled in Medicaid in any state.

20 (a) A foster care adolescent who was in foster care in the Commonwealth on his or her  
21 18th birthday or who was in the care and custody of the Department of Children and Families on  
22 on his or her 18th birthday, or such higher age the state has elected under Title IV-E of the  
23 federal Social Security Act (42 U.S.C. Sec.670 et seq.), shall be enrolled to receive benefits  
24 under this section without any interruption in coverage and without requiring a new application.

25 (b) The division shall develop procedures to identify and enroll individuals who meet the  
26 criteria for MassHealth eligibility in this section, including, but not limited to, former foster care  
27 adolescents who were in foster care on their 18th birthday or who was in the care and custody of  
28 the Department of Children and Families on his or her 18th birthday and who lost MassHealth  
29 coverage as a result of attaining 21 years of age.

30 (c) The division shall develop and implement a simplified redetermination form for this  
31 program. A beneficiary qualifying for the benefits pursuant to this section shall only be required

32 to complete and return this form if information known to the division is no longer accurate or is  
33 materially incomplete.

34 (d) The division shall seek federal approval to institute a renewal process that allows a  
35 beneficiary receiving benefits under this section to remain enrolled in MassHealth after a  
36 redetermination form is returned as undeliverable and the division is otherwise unable to  
37 establish contact. If federal approval is granted, the recipient shall remain eligible for services  
38 under the MassHealth fee-for-service program until the time contact is reestablished or  
39 ineligibility is established, and to the extent federal financial participation is available.

40 (e) The division shall terminate eligibility only after it determines that the recipient is no  
41 longer eligible and all due process requirements are met in accordance with state and federal law.