

**SENATE . . . . . No. 748**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Joanne M. Comerford***

*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 supporting equal access to community care for elders and the disabled.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>2/24/2021</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>3/26/2021</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>3/31/2021</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>4/4/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>4/9/2021</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>10/4/2021</i>

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By Ms. Comerford, a petition (accompanied by bill, Senate, No. 748) of Joanne M. Comerford, Harriette L. Chandler, Bruce E. Tarr, Jason M. Lewis and other members of the Senate for legislation to support equal access to community care for elders and the disabled. Health Care Financing.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 668 OF 2019-2020.]

**The Commonwealth of Massachusetts**

—————  
**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
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An Act supporting equal access to community care for elders and the disabled.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           Subsection (5) of section 25 of chapter 118E of the General Laws is hereby amended by  
2 striking out the second paragraph and inserting in place thereof the following paragraph:-

3           In any case where the monthly income of an applicant or recipient is in excess of the  
4 exemptions allowed, the applicant or recipient, if otherwise eligible for Medicaid under this  
5 chapter, shall be liable to pay to the provider of medical care or service an amount which shall be  
6 equal to the excess income for a period of 6 consecutive months, which includes the period when  
7 such service was provided; provided, however that in such cases where the individual’s gross  
8 income is greater than 300 per cent of the federal Supplemental Security Income level but less  
9 than the average monthly cost of nursing home care as calculated by the division and the

10 individual is participating in a Home and Community Based Waiver, under 42 USC  
11 1396a(10)(a)(ii)(VI) or a PACE Program, under 42 USC 1396u-4 or 42 USC 1395eee, the  
12 division shall charge a premium, equal to the difference between the individual's gross income  
13 and 300 per cent of the federal Supplemental Security Income level, on a monthly basis. The  
14 division shall apply for any federal waivers necessary to implement this provision.