

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

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

*Adrian C. Madaro*

*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 establishing the Program of All-Inclusive Care for the Elderly.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>1/16/2025</i>

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

[Pin Slip]

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**

An Act establishing the Program of All-Inclusive Care for the Elderly.

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

1 Chapter 118E of the General Laws, as appearing in the 2022 Official Edition, is hereby  
2 amended by inserting after section 9F the following section:-

3 Section 9G. (a) As used in this section, the following words shall have the following  
4 meanings:-

5 "Capitation", a set dollar payment per enrollee per month that the division pays to a  
6 PACE organization to cover a specified set of services and administrative costs without regard to  
7 the actual number of services provided.

8 "Dually eligible", any person, who is simultaneously qualified for full benefits under Title  
9 XIX of the Social Security Act, 42 U.S.C 1396 et seq., and Title XVIII of the Social Security  
10 Act, 42 U.S.C 1395 et seq.

11 "Enrollee", any dually eligible, MassHealth-only member or private pay individual, who  
12 is voluntarily enrolled in a PACE program in accordance with the enrollment criteria as  
13 established by MassHealth.

14 "Executive Office" is the Executive Office of Health and Human Services.

15 "Interdisciplinary Care Team (IDT)", a group of health care and social service  
16 professionals who assess needs, develop care plans, and deliver, monitor, and coordinate services  
17 to PACE enrollees.

18 "MassHealth", a program of full or partial medical benefits provided as authorized by this  
19 chapter.

20 "Medicare", the federal health insurance program for elderly and disabled persons, and  
21 persons with kidney failure established pursuant to Title XVIII of the Social Security Act, 42  
22 U.S.C 1395 et seq.

23 "Program of All Inclusive Care for the Elderly (PACE)" a service delivery model  
24 designed to keep older persons at risk of nursing facility placement in the community while  
25 providing for medical and social long term care needs.

26 "PACE Organization" a MassHealth approved organization that provides comprehensive  
27 healthcare services to PACE enrollees in accordance with a PACE Program Agreement as  
28 described in 42USC 1396u-4.

29 "PACE Program" a program of all-inclusive care for the elderly that is operated by an  
30 approved PACE organization and that provides comprehensive healthcare services to PACE  
31 enrollees in accordance with a PACE program agreement.

32           “PACE Program Agreement” an agreement between a PACE organization, the Centers  
33 for Medicaid and Medicare Services (CMS), and MassHealth, for the operation of a PACE  
34 program in accordance with 42 USC 1396u-4.

35           (b) Notwithstanding any general or special law to the contrary, MassHealth, subject to  
36 appropriation and the availability of federal financial participation, shall administer a program of  
37 medical and long-term care benefits known as the Program of All Inclusive Care for the Elderly  
38 (PACE), a comprehensive service delivery and financing model that uses interdisciplinary teams  
39 in PACE Program day centers to assess and monitor the needs of enrollees and integrates  
40 medical and long-term services and supports (LTSS), for Massachusetts residents who meet the  
41 eligibility criteria in accordance with 42 CFR 460.150.

42           (c) Enrollees in PACE shall meet MassHealth's skilled-nursing-facility level of care  
43 criteria, reside in a PACE service area, determined by the Social Security Administration to need  
44 the level of care required under the State Medicaid plan for coverage of nursing facility services,  
45 and are able to live in a community setting without jeopardizing their health or safety.

46           (d) MassHealth will contract with entities known as PACE organizations to provide a  
47 comprehensive network of medical, health care and social services that integrate all components  
48 of care, either directly or through subcontracts, and is provided in day-health centers, at home,  
49 and in specialty or inpatient settings.

50           (e) MassHealth shall ensure that enrollment in the program is voluntary. To the extent  
51 consistent with federal law and regulations, MassHealth shall ensure that all enrollees in a PACE  
52 program have the right to disenroll from the program in any month upon submitting a notice of  
53 disenrollment to the division or contracted entity. Disenrollment notices received by the division

54 or contracted entity by the twentieth day of the month shall be effective the first day of the  
55 following month.

56 (f) The benefits provided enrollees in PACE, pursuant to 42 CFR 460.92 1396u-4(f),  
57 shall include those services covered by Medicare Part A and Part B; the amount, duration and  
58 scope of Medicaid-covered services shall be at a minimum no more restrictive than the scope of  
59 services provided under MassHealth standard coverage; and services necessary for the treatment  
60 of mental health and substance abuse.

61 (g) MassHealth shall educate consumers and their families as to their enrollment choices  
62 under MassHealth and other available alternatives under Medicare and Medicaid. Neither PACE  
63 organizations nor MassHealth shall offer gifts, payments or other inducements to enroll seniors  
64 in PACE. MassHealth shall also perform outreach services to local councils on aging, Aging  
65 Services Access Points (ASAPs) and other related organizations to educate those councils and  
66 organizations on the details of PACE, including, but not limited to, providing the councils and  
67 organizations with the PACE educational materials listed in subsection (h).

68 (h) MassHealth shall deliver to all prospective PACE enrollees educational materials that  
69 shall include, but not be limited to: a definition of PACE and how it functions; enrollment  
70 eligibility standards; the location of PACE programs; a complete list of their participating  
71 providers; the range of available services; consumer rights under Medicare and Medicaid; an  
72 assistance worksheet for determining health care options under MassHealth and Medicare; Long  
73 Term Care Ombudsman contact information; and the process for an applicant to appeal a  
74 negative eligibility decision.

75 (i) Where the monthly income of an applicant or recipient for PACE is in excess of the  
76 exemptions allowed, the applicant or recipient, if otherwise eligible for PACE under this chapter  
77 shall be liable to pay to the provider of medical care or service an amount which shall be equal to  
78 the excess income reduced by the difference between the applicable MassHealth deductible-  
79 income standard and 300 percent of the federal benefit rate.

80 (j) PACE recipients who are eligible for the “special income eligibility group,”  
81 established under 42 CFR 435.217 and pursuant to federal regulations at 42 CFR 435.726 and 42  
82 CFR 460.184, shall not be liable to pay to the provider of medical care or service an amount  
83 which shall be equal to the excess income reduced by the difference between the applicable  
84 MassHealth deductible-income standard and 300 percent of the federal benefit rate in order to  
85 remain enrolled in PACE.

86 (k) Any applicant for or recipient of PACE, or the legal representative of such applicant  
87 or recipient, aggrieved by the failure of MassHealth to grant medical assistance shall have the  
88 opportunity to appeal said decision in accordance with section 47 of this chapter.

89 (l) To the extent authorized by federal law, MassHealth is hereby authorized to grant  
90 presumptive eligibility for up to 90 days to applicants applying for enrollment in PACE.  
91 Individuals who are enrolled in MassHealth standard shall be deemed presumptively eligible for  
92 PACE if they meet the clinical assessment criteria.

93 (m) MassHealth shall use dual capitation agreements with Medicare and Medicaid, as  
94 described under 42 CFR 460, for payment for Medicaid and Medicare services in which PACE  
95 programs (or organizations?) shall be at full or partial financial risk for any services that they  
96 authorize and purchase on behalf of an enrollee. Capitation rates shall be adequate to ensure the

97 provision of quality health and long-term care services to all enrollees regardless of physical or  
98 mental health conditions.

99 (n) PACE programs shall meet all privacy standards set by the regulations established by  
100 the federal Department of Health and Human Services under the Healthcare Insurance Portability  
101 and Accountability Act of 1996.

102 (o) MassHealth shall promulgate regulations to enforce the provisions of this chapter.