SENATE DOCKET, NO. 82 FILED ON: 1/11/2013

SENATE . . . . . No. 284

The Commonwealth of Massachusetts

PRESENTED BY:

Gale D. Candaras

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 correct income calculation for spouses of nursing home residents..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Gale D. Candaras	*First Hampden and Hampshire*
Denise Andrews	*2nd Franklin*

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SENATE . . . . . No. 284

By Ms. Candaras, a petition (accompanied by bill, Senate, No. 284) of Gale D. Candaras and Denise Andrews for legislation to correct income calculation for spouses of nursing home residents. Elder Affairs.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *266* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act to correct income calculation for spouses of nursing home residents..

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. Subsection (c) of Section 21A of Chapter 118E of the General Laws is amended by deleting the current subsection and substituting the following new subsection:—

(c) In making determinations under this section, the division shall revise the community spouse resource allowance as permitted or required by federal law. Either spouse shall have the right to request a fair hearing at which, if it is shown that the income of the community spouse is less than the minimum monthly maintenance needs allowance of the community spouse, the referee shall revise the community spouse resource allowance, using methods permitted or required by federal law, to a level sufficient to generate the shortfall in income. The division shall calculate interest income on the investment of the community spouse resource allowance using the average money market rates reported by Bank rate Monitor National Index on the date of the hearing.