SENATE DOCKET, NO. FILED ON: 1/12/2009

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

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Ms. Chandler**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*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 passage of the accompanying bill:

An Act relative to adult day health services.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Ms. Chandler | First Worcester |

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S01114 OF 2007-2008.]

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

An Act relative to adult day health services.

*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. Section 7 of Chapter 118G is hereby amended by inserting, in

the first sentence after the words "health care services" the

following:-

for the purposes of this clause adult day health providers shall be

considered institutional providers;

SECTION 2. Chapter 118G is hereby amended by inserting a new section

17A as follows:-

Section 17A. In establishing rates for adult day health providers, the

executive office shall establish separate rates for the Basic and

Complex levels of service. The Basic level of service rate shall be

paid for any program participant who meets the requirements of 130 CMR

404.407 or requires skilled services that must be provided in a

structured setting because of the intensity, duration, or frequency of

need for these services. Skilled services are services ordered by a

physician with the professional disciples of nursing, physical and

occupational, or speech therapy. A recipient must require these services

to achieve maximum use of his physical or mental capabilities, to

prevent his physical or mental deterioration, or to maintain his optimal

level of functioning. Skilled services include, but are not limited to,

the professional health-care management of the following:

(a) Impairments in the cardiovascular, respiratory, endocrine,

musculoskeletal, neurological, gastrointestinal, or genitor-urinary

systems, which require a plan of skilled care with documentation of

assessment, intervention, teaching, and evaluation of clinical outcomes;

(b) Orthotic or prosthetic devices that necessitate professional

assessment, teaching, and intervention; the presence of an orthotic or

prosthetic device does not, in itself, determine the need for skilled

care; however, other related medical conditions or specific medical

complications may necessitate skilled care, and must be documented in

the recipient's medicaldical record;

(c) Treatment or prevention of actual or potential deterioration in

skin, cardiac, or respiratory status that requires professional

assessment, teaching, intervention and evaluation;

(d) Administration of prescribed topical, oral,

and injectable medications;

(e) Specialized treatments, such as oxygen therapy and respiratory

therapy, or

(f) Impairments in mobility that require assessment, teaching, and

evaluation in the use of a cane, walker, or other prescribed durable

medical equipment.

Sensory loss or impairment is not, in itself, an indication that the

recipient requires care in an adult day health setting. In determining

the appropriate site and level of care for a recipient, sensory

impairment must be considered with all other factors that affect the

amount, duration, and scope of services necessary.

Mental-state or cognitive impairment is not, in itself, an indication

that the recipient requires care in an adult day health setting, nor

does it indicate the need for a specific level of care. A recipient who

exhibits mental-state or cognitive impairment such as confusion,

disorientation to time, place or person, memory loss, or defective

judgment - such as an impairment in the ability to judge personal safety

and function in a non-supervised setting or impairment in the ability to

perceive or communicate health changes - may require care in an adult

day health setting. In determining the appropriate care for a recipient,

mental-state or cognitive impairment must be considered with all other

factors that affect the amount, duration, and scope of services

necessary.

Any participant who meets the eligibility criteria for nursing home

placement pursuant to 130 CMR 456.409, and has been diagnosed with

dementia shall be eligible for participation in the complex level of

care.