

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Angelo M. Scaccia

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 to increase the personal care allowance for residents of long term care facilities.

PETITION OF:

| | |
|-------------------|-------------------|
| NAME: | DISTRICT/ADDRESS: |
| Angelo M. Scaccia | 14th Suffolk |

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1165 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO INCREASE THE PERSONAL CARE ALLOWANCE FOR RESIDENTS OF LONG
TERM CARE FACILITIES.

*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 1 of chapter 117A of the General Laws, as appearing in the 1998
2 Official Edition, is hereby amended by striking out the second paragraph and inserting in place
3 thereof the following paragraph:—
4 Any person eligible for assistance under this chapter who is not maintaining his home and is
5 receiving care in or residing in a licensed nursing facility, licensed chronic hospital, licensed rest
6 home, or an approved public medical institution as defined in section 8 of chapter 118E, shall
7 retain the first \$72.80 of his monthly income for clothing, personal needs, and leisure time
8 activities. If there is no such income or if it is less than the amount of \$72.80, such a person shall
9 be paid monthly in advance the difference between such income and said amount. Said amount
10 shall be increased annually each fiscal year at the same time and at the same percentage rate as

11 increases payable to an individual who maintains his own home and receives state supplementary
12 payments pursuant to sections 1 and 2 of chapter 118A.

13 SECTION 2. Chapter 118A of General Laws, as appearing in the 1998 Official Edition, is hereby
14 amended by inserting after section 7A the following new section:—

15 Section 7b. Any person eligible for financial assistance under this chapter who is not maintaining
16 his home and is in a licensed medical facility which is eligible for medical assistance payments
17 pursuant to chapter 118E or is residing in a licensed rest home to which such person pays a fixed
18 rate, shall retain the first \$72.80 of his monthly income for clothing, personal needs, and leisure
19 time activities. If there is no such income or if it is less than the amount of \$72.80, such a person
20 shall be paid monthly in advance the difference between such income and said amount. Said
21 amount shall be, increased annually each fiscal year at the same time and at the same percentage
22 rate as increases payable to an individual who maintains his own home and receives state
23 supplementary payments pursuant to sections 1 and 2.

24 SECTION 3. Section 15 of chapter 118E of the General Laws, as appearing in the 1998 Official
25 Edition is hereby amended by striking the fourth paragraph and inserting in place thereof the
26 following paragraph:—

27 A person eligible for medical assistance under this chapter who is not maintaining his own home
28 and is receiving care in a licensed nursing facility, a licensed chronic hospital, a licensed rest
29 home, or in an approved public medical institution, shall retain the first \$72.80 of his monthly
30 income for clothing, personal needs, and leisure time activities. If there is no such income or if it
31 is less than the amount of \$72.80, such a person shall be paid monthly in advance the difference
32 between such income and said amount. Said amount shall be increased annually each fiscal year

33 at the same time and at the same percentage rate as increases payable to an individual who is
34 maintaining his own home and who is receiving supplemental payments pursuant to sections 1
35 and 2 of chapter 118A.

36 SECTION 4. The Division of Health Care Finance and Policy is required to conduct a study and
37 review of the cost of all personal needs items paid for by residents that are not covered by the
38 Division of Medical Assistance. Said study shall be completed within sixty days of the passage
39 of this Act. The Division of Health Care Finance and Policy shall submit a report on the results
40 of said study and review to the respective Committee on Ways and Means of the House and the
41 Senate not later than December 31, 2010.