

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Candaras, Gale (SEN)**

*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 correct income calculation for spouses of nursing home residents**

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Candaras, Gale (SEN)

First Hampden and Hampshire

Christine E. Canavan

10th Plymouth

# The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine  
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## 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:*

- 1 Subsection (c) of Section 21A of Chapter 118E of the General Laws is amended by deleting the current
- 2 subsection and substituting the following new subsection:—
- 3 (c) In making determinations under this section, the division shall revise the community spouse resource
- 4 allowance as permitted or required by federal law. Either spouse shall have the right to request a fair
- 5 hearing at which, if it is shown that the income of the community spouse is less than the minimum
- 6 monthly maintenance needs allowance of the community spouse, the referee shall revise the
- 7 community spouse resource allowance, using methods permitted or required by federal law, to a level
- 8 sufficient to generate the shortfall in income. The division shall calculate interest income on the
- 9 investment of the community spouse resource allowance using the average money market rates
- 10 reported by Bank Rate Inc. on the date of the hearing.