

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Walsh, Marian (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 ensure adequate adult day health services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Walsh, Marian (SEN)	Suffolk and Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01142 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO ENSURE ADEQUATE 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:

1 SECTION 1. Section 7 of Chapter 118G of the General Laws is hereby amended by
2 adding the following new paragraph after the third paragraph:

3 The division shall establish rates for providers of adult day health services which:

4 recognize two levels of care with one corresponding rate for each: Basic and Complex;

5 Are not less than the rates and reimbursements in effect for Adult Day Health and for Dementia-
6 Specific Adult Day Health Home and Community-based waiver clients as of June 30, 2002;

7 Reimburse dementia-specific adult day health programs at not less than the Complex level of
8 care for any participant with dementia, provided that the Complex rate may be less than the
9 aforementioned Home and Community-based rate for participants other than those in dementia-
10 specific programs.

11 SECTION 2. Chapter 118G of the General Laws is hereby amended by adding a new Section
12 17B as follows:

13 §17B Adult Day Health Services

14 The commissioner shall review and approve or disapprove rates for the Basic and Complex
15 levels of adult day health services. Any participant in a dementia-specific adult day health
16 program with dementia shall be considered in need of Complex care for purposes of
17 reimbursement. The commissioner shall include cognitive criteria in determining clinical
18 eligibility for the Complex level of adult day health services. Such criteria shall include, but not
19 be limited to:

20 sensory impairments indicated by communication, hearing and vision deficits;

21 mental-state or cognitive impairments such as confusion, disorientation to time, place, or person,
22 memory loss and defective judgment;

23 impairments that require staff intervention and supervision in planning and organizing daily
24 routines;

25 impairments that require the member to rely on staff to conduct daily routines; and

26 behavior problems including:

27 wandering with no rational purpose, oblivious to his or her own needs of safety;

28 verbal abusiveness such as threatening, screaming or cursing;

29 physical abusiveness such as hitting, shoving and scratching;

30 sexual abusiveness;

31 socially inappropriate or disruptive behavior such as disruptive sounds, noisiness, screaming,

32 self-abusive acts, sexual behavior; disrobing in public, smearing throwing, rummaging, or

33 repetitive behavior; and

34 resistance to taking medications or injections, ADL assistance, eating, or changes in position;

35 provided that a member who has made an informed choice to exercise his or her right to refuse

36 treatment is not considered resistant to care.