

Information Memorandum

EOEA-IM-04-04

TO: Aging Services Access Points
Area Agencies on Aging

FROM: Jennifer Davis Carey

DATE: March 26, 2004

RE: Home Care Program Regulations – 651 CMR 3.00 *et seq.*

The Executive Office of Elder Affairs is proposing amendments to the Home Care Program Regulations. The amendments are based on recent changes in voluntary donation procedures for clients participating in the Home and Community Based Waiver Program. In addition, the amendments also clarify some areas regarding eligibility for services and eliminate outdated language on the Managed Care in Housing Program. The following is an overview of the amendments:

1. Language has been added to Section 3.03(3)(e) Financial Eligibility and Voluntary Copayment for Home Care Program Services that states that:

ASAPs shall not seek or accept from a Client receiving services pursuant to the Home and Community-Based Waiver a voluntary co-payment for Home Care Program Services, including but not limited to Home Delivered Meals.

2. The definition of Caregiver has been amended by adding text herein italicized:

A family member regardless of place of residence, or a non-family member living in the same residence as the Client receiving Respite Services, who is 18 years of age or older and who is providing Daily Care to the Client *without receiving payment for providing such care.*

3. The definition of Managed Care in Housing has been deleted.
4. Language in Section 3.03(5) states that applicants receiving services from all-inclusive programs are not eligible for the Home Care Program. The term *Personal Care Attendant* has been deleted from this section that includes examples of such all-inclusive programs.
5. Transitional Assistance has been added to the list of Home Care Services.

If you have questions concerning the proposed amendments, please contact Pat Rivard at 617-222-7468.

A public hearing will be held on Friday, May 21, 2004 at 10:00 o'clock a.m. in Conference Rooms 2 and 3 on the 21st floor of 1 Ashburton Place, Boston, MA, to receive public comments on the Proposed Amended Regulation. A copy of these regulations will be made available online at <http://www.ma.gov/elders>, for inspection at the public hearing, and during regular business hours at the legal unit of Elder Affairs. Written comments may be directed to Peter A. Antonellis, Esq., Assistant General Counsel, Executive Office of Elder Affairs, 1 Ashburton Place, 5th floor, Boston MA 02108 on or before Friday, May 28, 2004 at 5 p.m.