

Fiscal Note: \$1,829,000

Amendments from Mental Health and Disability Services: 88, 107, 116, 177, 179, 308, 328, 381, 424, 454, 461, 463, 498, 505, 562, 563, 589, 595, 596, 604, 625, 633, 636, 641, 642, 643, 646, 647, 650, 652, 655, 698, 733, 748, 757, 758, 795, 842, and 864.

Amendments from Social Services: 81, 124, 138, 139, 154, 192, 193, 211, 224, 267, 268, 277, 322, 380, 382, 465, 529, 551, 567, 634, 635, 638, 639, 640, 648, 651, 653, 654, 674, 699, 703, 776, 780, 823, 841, 843, and 866.

Amendments from the Public Health: 29, 97, 98, 141, 142, 147, 167, 169, 170, 171, 174, 175, 178, 182, 190, 191, 194, 196, 197, 212, 233, 234, 245, 247, 249, 250, 288, 295, 296, 297, 321, 339, 388, 425, 453, 456, 459, 472, 476, 500, 517, 546, 553, 574, 575, 576, 580, 582, 584, 611, 618, 619, 657, 665, 672, 685, 693, 694, 700, 711, 712, 713, 782, 786, 787, 806, 809, 816, 822, 824, 831, 834, 838, 846, and 856.

Mr. Murphy of Burlington and others move to amend H.4600 in section 2, by striking item 4403-2000 and inserting in place thereof the following item:-

4403-2000 For a program of transitional aid to families with dependent children; provided, that notwithstanding any general or special law to the contrary, benefits under the program of transitional aid to families with dependent children shall be paid only to citizens of the United States and to non-citizens for whom federal funds may be used to provide benefits; provided further, that notwithstanding any general or special law or any provisions of this act to the contrary, no benefits under this item shall be made available to illegal or undocumented aliens; provided further, that the need standard shall be equal to the standard in effect in fiscal year 2010 unless the department determines that a reduction in the monthly payment standard should be implemented before the end of the fiscal year to keep program expenditures within the amounts appropriated in this item; provided further, that the payment standard shall be equal to the need standard; provided further, that the payment standard for families who do not qualify for an exempt category of assistance under subsection (e) of section 110 of chapter 5 of the acts of 1995, or any successor statute, shall be 2.75 per cent below the otherwise applicable payment standard, in fiscal year 2011, pursuant to the state plan required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; provided further, that the department shall notify parents under the age of 20 receiving benefits from the program of the requirements found in clause (2) of subsection (i) of said section 110 of said chapter 5 of the acts of 1995, or any successor statute; provided further, that a \$40 per month rent allowance shall be paid to all households incurring a rent or mortgage expense and not residing in public housing or subsidized housing; provided further, that a nonrecurring

children's clothing allowance in the amount of \$150 shall be provided to each child eligible under this program in September 2010; provided further, that the children's clothing allowance shall be included in the standard of need for the month of September 2010; provided further, that benefits under this program shall not be available to those families in which a child has been removed from the household pursuant to a court order after a care and protection hearing under chapter 119 of the General Laws, nor to adult recipients otherwise eligible for transitional aid to families with dependent children but for the temporary removal of the dependent child or children from the home by the department of children and families in accordance with department procedures; provided further, that notwithstanding section 2 of chapter 118 of the General Laws, or any other general or special law to the contrary, the department shall render aid to pregnant women with no other eligible dependent children only if it has been medically verified that the child is expected to be born within the month the payments are to be made or within the 3 month period after the month of payment, and who, if the child had been born and was living with her in the month of payment would be categorically and financially eligible for transitional aid to families with dependent children benefits; provided further, that certain families that suffer a reduction in benefits due to a loss of earned income and participation in retrospective budgeting may receive a supplemental benefit to compensate them for the loss; provided further, that the department shall review its disability standards to determine the extent to which they reflect the current medical and vocational criteria and report on the proposed revisions by December 1, 2010, to the house and senate committees on ways and means and the joint committee on children, families and persons with disabilities on the results of that review before any changes to the standards are proposed; provided further, that no funds from this item shall be expended by the department for child care or transportation services for the employment and training program; provided further, that no funds from this item shall be expended by the department for family reunification benefits or informal child care; provided further, that the department shall provide oral and written notification to all recipients of their child care benefits at the time of application and on a semi-annual basis; provided further, that the notification shall include the full range of child care options available, including center-based child care, family-based child care, and in-home relative child care; provided further, that the notification shall detail available child care benefits for current and former recipients, including employment and training benefits and transitional benefits; provided further, that the notice shall further advise recipients of the availability of supplemental nutrition assistance program benefits; provided further, that in promulgating, amending or rescinding its regulations with respect to eligibility for, or levels of benefits under the program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the appropriation; provided further, that notwithstanding any general or special law to the contrary, 90 days before promulgating any eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the senate and house of representatives a detailed and comprehensive report setting forth the text of, basis, and reasons for the proposed changes; provided further, that in fiscal year 2011,

no such determination and report shall be filed prior to December 5, 2010 in order to allow sufficient review of any such proposals by no later than the third Wednesday in November of 2010 or prior to the conclusion of all formal business of the second annual session of the general court no later than the last day of July 2011; and provided further, that the report shall state the department's most accurate assessment of the probable effects of benefit or eligibility changes upon recipient families.....\$319,165,900

And further amend the bill in section 2, by striking item 4408-1000 and inserting in place thereof the following item:-

4408-1000 For a program of cash assistance to certain residents of the commonwealth, entitled emergency aid to the elderly, disabled and children found by the department to be eligible for the aid under chapter 117A of the General Laws and regulations promulgated by the department and subject to the limitations of appropriation therefore; provided, that benefits under this item shall only be provided to residents who are citizens of the United States or qualified aliens or non-citizens otherwise permanently residing in the United States under color of law and shall not be provided to illegal or undocumented aliens; provided further, that the individual shall not be a subject to sponsor income deeming or related restrictions; provided further, that the payment standard shall equal the payment standard in effect under the general relief program in fiscal year 1991; provided further, that the department may provide benefits to persons age 65 or older who have applied for benefits under chapter 118A of the General Laws, to persons suffering from a medically-determinable impairment or combination of impairments which is expected to last for a period as determined by department regulations and which substantially reduces or eliminates such individuals' capacity to support themselves and which has been verified by a competent authority, to certain persons caring for a disabled person, to otherwise eligible participants in the vocational rehabilitation program of the Massachusetts rehabilitation commission and to dependent children who are ineligible for benefits under both chapter 118 of the General Laws and the separate program created by section 210 of chapter 43 of the acts of 1997 and parents or other caretakers of dependent children who are ineligible under said chapter 118 and under said separate program; provided further, that no ex-offender, person over age 45 without a prior work history or person in a residential treatment facility shall be eligible for benefits under this program unless the person otherwise meets the eligibility criteria described in this item and defined by regulations of the department; provided further, that no person incarcerated in a correctional institution shall be eligible for benefits under the program; provided further, that no funds shall be expended from this item for the payment of expenses associated with any medical review team, other disability screening process or costs associated with verifying disability for this program; provided further, that the department shall adopt emergency regulations under chapter 30A of the General Laws to implement the changes to this program required by this item promptly and within the appropriation; provided further, that in initially implementing the program for this fiscal year, the department shall include all eligibility categories permitted in this item at the payment standard in effect for the former general relief program in fiscal year 1991;

provided further, that in promulgating, amending or rescinding its regulations with respect to eligibility or benefits, including the payment standard, medical benefits and any other benefits under this program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the amount appropriated in this item; provided further, that the department may promulgate emergency regulations under chapter 30A of the General Laws to implement these eligibility or benefit changes or both; provided further, that nothing in this item shall be construed as creating any right accruing to recipients of the former general relief program; provided further, that reimbursements collected from the Social Security Administration on behalf of former clients of the emergency aid to the elderly, disabled and children program or unprocessed payments from the program that are returned to the department shall be credited to the General Fund; provided further, that notwithstanding any general or special law to the contrary, the funds made available in this item shall be the only funds available for the program, and the department shall not spend funds for the program in excess of the amount made available in this item; provided further, that, notwithstanding any general or special law to the contrary, 90 days before implementing any eligibility or benefit changes, the commissioner shall file with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth the proposed changes; and provided further, that in fiscal year 2011, no such determination and report shall be filed between December 5, 2010 in order to allow sufficient review of any such proposals by no later than the third Wednesday in November of 2010 or prior to the conclusion of all formal business of the second annual session of general court no later than the last day of July 2011\$84,658,966

And further amend the bill in section 2, in item 4510-0040, by adding the following: “; and provided further, that not less than \$150,000 be expended for the Healthcare Industry Grant Corporation to provide career ladder job training for healthcare workers”.

And further amend the bill in section 2, in item 4510-0100 by adding the following: “; provided further, that not less than \$79,000 shall be expended for programs funded in item 4512-0200 in section 2 of chapter 182 of the acts of 2008 assisting with the Haitian earthquake relief efforts”; and in said item by striking out the figure “\$17,920,655” and inserting in place thereof the figure “\$17,999,655”.

And further amend the bill in section 2, in item 4512-0200, by adding the following: “; and provided further, that programs shall receive the amount of funding in fiscal year 2011 as received in fiscal year 2010”.

And further amend the bill in section 2, in item 4512-0500, by adding the following: “; and provided further, that funds may be expended for the Forsyth Institute’s Center for Children’s Oral Health”.

And further amend the bill in section 2, in item 4513-1111, by adding the following: “; provided further that not less than \$100,000 shall be expended for brain aneurysm education, awareness and early detection”.

And further amend the bill in section 2, in item 4580-1000 , by striking out the words “each health insurance carrier, as defined in chapter 176O of the General Laws, that conducts business in the commonwealth shall contribute to the total amount determined by the department to be sufficient to cover the costs of purchasing and distributing childhood vaccines for children in this item; and provided further, that the division of health care finance and policy, in consultation with the department, shall specify by regulation the method of calculating a proportional contribution and procedures for payment of the contribution to the General Fund” and inserting in place thereof the following words:- the costs of purchasing and distributing childhood vaccines for children in this item may be assessed on surcharge payers under section 38 of chapter 118G of the General Laws and may be collected in a manner consistent with said chapter 118G.

And further amend the bill in section 2, in item 4590-0250, by adding the following:- “; provided further, that the same percentage of funds shall be expended for school nurse programs as those expended in fiscal year 2010; and provided further that funds may be expended for the Massachusetts Model of Community Coalitions”.

And further amend the bill in section 2, in item 4590-0915, by adding the following: “; provided further, that the Massachusetts Hospital School shall maintain not less than 75 beds for clients in its inpatient setting”.

And further amend the bill in section 2, in item 4590-1506 , by striking out the figures “\$1,500,000” and inserting in place thereof the figures: “\$3,000,000”; and in said item by adding the following: “; provided further, that funds shall be expended for grants to the Massachusetts Alliance of Boys & Girls Clubs, YMCA and YWCA organizations, nonprofit community centers and youth development programs; and provided further, that the secretary of health and human services shall award the full amount of each grant to each organization upon commitment of matching funds from the organization”.

And further amend the bill in section 2, by striking item 4800-0015 and inserting in place thereof the following item:-

4800-0015 For central and area office administration; provided, that the associated expenses of employees whose AA and DD object class costs are paid from item 4800-1100 shall be paid from this item; provided further, that no funds shall be expended from this item for the compensation of unit 8 employees; provided further, that the department shall not place a child or adolescent referred by, or discharged from, the care of the department of mental health until the latter department forwards an assessment and recommendation as to whether the child or adolescent may be appropriately placed in foster care or, if due to severe emotional disturbance, is more appropriate for group care; provided further, that if placement of a child with someone other than a parent becomes necessary, the department shall place the highest priority on identifying a family resource within the child’s kinship or family circle and shall provide services and support to partner with the family resource in meeting the child’s needs; provided further, that the department, in

consultation with the department of mental health, shall assist the latter department in making such assessments and recommendations; provided further, that unless otherwise authorized, all funds, including federal reimbursements received by the department, shall be credited to the General Fund; provided further, that the department and the department of early education and care shall provide standards for early education and care placements made through the supportive child care program; provided further, that the department of children and families, in collaboration with the department of early education and care, shall maintain a centralized list detailing the number of children eligible for supportive child care services, the number of supportive slots filled and the number of supportive slots available; provided further, that notwithstanding any general or special law to the contrary, the department shall not reduce recoupment amounts recommended by the state auditor; provided further, that on or before October 1, 2010, the department shall issue draft revised regulations for public comment which ensure that the department maintains an independent, timely and fair administrative hearings system; provided further, that the department shall submit the final version of these regulations to the joint committee on children, families, and persons with disabilities by December 1, 2010; provided further, that on or before October 1, 2010, the department shall revise its procedures to ensure that newly requested administrative hearings are scheduled and decided on a timely basis; provided further, that the department shall submit a plan for the elimination of its backlog of administrative hearing requests to the joint committee on children, families, and persons with disabilities by October 1, 2010; provided further, that the plan shall identify the number of fair hearing requests that were pending as of July 1, 2010; provided further, that the department shall set quarterly benchmarks for the elimination of the backlog; provided further, that the department shall submit quarterly reports to the joint committee on children, families, and persons with disabilities on the status of the backlog; provided further, that the department shall employ not less than 1 full-time board-certified physician; provided further, that the department shall employ four to five full-time board certified or board eligible child psychiatrists to serve the area offices; provided further, that hiring and supervision shall be done in conjunction with the department of mental health; provided further, that such physicians shall collaborate with the department's social workers; provided further, that not later than February 15 of the current fiscal year, the department shall provide to the house and senate committees on ways and means and the joint committee on children and families a report detailing the number of medical and psychiatric personnel currently employed by or under contract with the department; provided further, that the report shall include the number of foster care reviews conducted by the department and the average length of time in which each review is completed; provided further, that the report shall contain the number of the department's contracts reviewed by the state auditor and the number of corrective action plans issued; provided further, that the report shall also

include the number of corrective action plans entered into by the department; provided further, that the report shall include the number of social workers and supervisors who have earned a bachelors' or masters' degree in social work; provided further, that the report shall include the total number of social workers and the total number of social workers holding licensure, by level; provided further, that the department shall file a report on the first business day of each month to the senate and house committees on ways and means and the joint committee on children and families on the caseload of the department; provided further, that caseloads provided in this report shall include: residential placements, group care, foster care, therapeutic foster care, adoption, guardianship, 51A reports, substantiated 51A reports, the number of children who die in the care and custody of the department, the number of children currently eligible for supportive child care and the number of children presently receiving supportive child care, and the number of medical and psychiatric consultation requests made by the department's social workers; provided further, that the report shall include the number of approved foster care placements; provided further, that the report shall also include the number of children in psychiatric hospitals and community-based acute treatment programs who remain hospitalized beyond their medically-necessary stay while awaiting placement and the number of days each case remains in placement beyond that which is medically-necessary; provided further, that the report shall include the number of children under the department of children and families care and custody who are being served in medical or psychiatric care provided through other publicly-funded sources; provided further, that the report shall also contain the number of children served by supervised visitation centers and the number of those children who are reunified with their families; provided further, that the report shall contain information on the total number of children served, their ages, the number of children served in each service plan, the number of children in out-of-home placements and the number of placements each child has had before receiving an out-of-home placement; provided further, that the report shall also contain the number of families receiving multiple 51A reports within a 10-month period, the number of cases reopened within 6 months of being closed and the number of children who return home and then re-enter an out-of-home placement within 6 months; provided further, that the report shall contain, for each area office, the number of kinship guardianship subsidies provided in the month covered by the report, and the number of kinship guardianship subsidies provided in that month for which federal reimbursement was received; provided further, that the report shall contain, for each area office, the total spending on services other than case management services provided to families for the purpose of keeping a child with his family or reunifying the child with his parents, spending by type of service and the unduplicated number of families that receive the services; provided further, that the report shall contain, for each area office, the total number of families in the

month residing in shelter paid for by the department, a list of where families are sheltered, the total cost and average cost per family of those shelters and a description of how the department determines who qualifies for shelter; provided further, that the report shall include, for each area office, broken down by type of service, the number of requests for voluntary services, whether the request was approved or denied, the reasons for denying the service, and what, if any, referrals were made for services by other agencies or entities; provided further, that not later than November 2, 2010, the department shall submit a report to the house and senate committees on ways and means and the chairs of the joint committee on children and families that includes any rules, regulations, or guidelines established by the department to carry out its duties pursuant to chapter 119, including, but not limited to (a) criteria used to determine whether a child has been abused or neglected; (b) guidelines for removal of a child from the home; and (c) standards to determine what reasonable efforts are made to keep a child in the home; provided further, that the commissioner of the department of children and families may transfer funds between items 4800-0038, and 4800-0041, as necessary, pursuant to an allocation plan, which shall detail, by object class, the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means 15 days prior to any such transfer; and provided further, that not more than 5 per cent of any item shall be transferred in fiscal year 2011.....\$65,067,732

And further amend the bill in section 2, in item 4800-0016, by striking out the figures “\$500,000” and inserting in place thereof the figures “\$2,000,000”.

And further amend the bill in section 2, by striking item 4800-0038 and inserting in place thereof the following item:-

4800-0038 For guardianship, foster care, adoption, family preservation, and kinship services provided by the department of children and families; provided further, that services funded through this item shall include shelter services, substance abuse treatment, young parent programs, parent aides, education and counseling services, foster care, adoption and guardianship subsidies, tiered reimbursements used to promote the foster care placement of children with special medical and social needs, assessment of the appropriateness of adoption for children in the care of the department for more than 12 months, protective services provided by partnership agencies, targeted recruitment and retention of foster families, respite care services, post-adoption services, support services for foster, kinship and adoptive families and juvenile firesetter programs; provided further, that no less than \$298,000 be expended for alternative school students aged 14 to 16, inclusive, who are determined to be children in need of services or CHINS; provided further, that funding shall be expended on children’s advocacy centers and services for child victims of sexual assault;

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| and provided further, that funds may be expended on programs that | |
| received | funding |
| | in |
| | fiscal |
| | year |
| 2010..... | \$248,981,594 |

And further amend the bill in section 2, by striking item 5011-0100 and inserting in place thereof the following item:-

5011-0100 For the operation of the department; provided, that no consolidation of area offices shall be implemented prior to the completion of public hearings in each area office locality detailing the nature of the consolidation, the savings generated by the consolidation and the effects of the consolidation on consumers of services provided by the department\$27,180,636

And further amend the bill in section 2, by striking item 5055-0000 and inserting in place thereof the following item:-

5055-0000 For forensic services provided by the department; provided, that funds may be expended on juvenile court clinics.....\$8,081,928

And further amend the bill in section 2, by striking item 5095-0015 and inserting in place thereof the following item:-

5095-0015 For the operation of hospital facilities and community-based mental health services; provided, that in order to comply with the Olmstead decision and to enhance care within available resources to clients served by the department, the department shall take steps to consolidate or close psychiatric hospitals managed by the department and shall endeavor within available resources to discharge clients residing in the inpatient facilities to residential services in the community when the following criteria are met: (a) the client is deemed clinically suited for a more integrated setting; (b) community residential service capacity and resources available are sufficient to provide each client with an equal or improved level of service; and (c) the cost to the commonwealth of serving the client in the community is less than or equal to the cost of serving the client in inpatient care; provided further, that any client transferred to another inpatient facility as the result of a facility closure shall receive a level of care that is equal to or better than the care that had been received at the closed facility; provided further, that the department may allocate funds in an amount not to exceed \$5,000,000 from this item to item 5046-0000, as necessary, under allocation plans submitted to the house and senate committees on ways and means 30 days before any transfer, for residential and day services for clients formerly receiving inpatient care at the centers and facilities; provided further, that the department of mental health shall notify the joint committee on mental health and substance abuse and the house and senate committees on ways and means 60 days prior to the closure of any

inpatient state hospital beds; and provided further, that 90 days prior to the closures of the Corrigan Mental Health Center and the Pocasset Mental Health Center the department shall submit to the house and senate committees on ways and means a report detailing the associated cost savings of the closures and asserting that the closure will result in a net cost savings to the commonwealth\$133,974,213

And further amend the bill in section 2, by striking item 5911-1003 and inserting in place thereof the following item:-

5911-1003 For the administration and operations of the department of developmental services; provided, that the department shall not charge user fees for transportation or community day services; provided further, that the department shall not charge fees for eligibility determination for services provided by the department or for applications of requests for transfer of guardianship; provided further, that all individuals with a diagnosis of Prader-willi syndrome who do not meet eligibility requirements to receive services provided by the department of developmental services due to definitions provided under 115 CMR 2.01, shall be eligible for such services; provided further, that the department shall provide a report of the number of all applicants with Prader-willi syndrome who do not meet eligibility requirements to receive departmental services due to definitions provided under 115 CMR 2.01 and the associated costs of those services to the house and senate committees on ways and means no later than January 3, 2011; and provided further, that the report shall include the number of individuals with a diagnosis of Prader-willi syndrome eligible for services provided by the department under 115 CMR 2.01, detailing the services by type.....\$57,155,673

And further amend the bill by adding the following 4 sections:-

SECTION XX. The third paragraph of section 47C of chapter 175 of the General Laws, amended by section 83 of chapter 27 of the acts of 2009, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or a third party and shall not require co-payments or deductibles.

SECTION XX. The third paragraph of section 8B of chapter 176A of the General Laws, amended by section 84 of said chapter 27, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or a third party and shall not require co-payments or deductibles.

SECTION XX. The third paragraph of section 4C of chapter 176B of the General Laws, as amended by section 85 of said chapter 27, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- Reimbursement of costs for such

services shall be part of a basic benefits package offered by the insurer or a third party and shall not require co-payments or deductibles.

SECTION XX. The second paragraph of section 4 of chapter 176G of the General Laws, as amended by section 86 of said chapter 27, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or a third party and shall not require co-payments or deductibles.