

HOUSE No. 1165

By Mr. Scaccia of Boston, petition of Pam Richardson for legislation to increase the personal care allowance for residents of long-term care facilities. Health Care Financing.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

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
2 appearing in the 1998 Official Edition, is hereby amended by
3 striking out the second paragraph and inserting in place thereof the
4 following paragraph:—

5 Any person eligible for assistance under this chapter who is not
6 maintaining his home and is receiving care in or residing in a
7 licensed nursing facility, licensed chronic hospital, licensed rest
8 home, or an approved public medical institution as defined in
9 Section 8 of Chapter 118E, shall retain the first \$72.80 of his
10 monthly income for clothing, personal needs, and leisure time activi-
11 ties. If there is no such income or if it is less than the amount of
12 \$72.80, such a person shall be paid monthly in advance the differ-
13 ence between such income and said amount. Said amount shall be
14 increased annually each fiscal year at the same time and at the same
15 percentage rate as increases payable to an individual who maintains
16 his own home and receives state supplementary payments pursuant
17 to Sections 1 and 2 of Chapter 118A.

1 SECTION 2. Chapter 118A of General Laws, as appearing in the
2 1998 Official Edition, is hereby amended by inserting after Section
3 7A the following new section:—

4 Section 7b. Any person eligible for financial assistance under this
5 chapter who is not maintaining his home and is in a licensed medical
6 facility which is eligible for medical assistance payments pursuant to

7 Chapter 118E or is residing in a licensed rest home to which such
8 person pays a fixed rate, shall retain the first \$72.80 of his monthly
9 income for clothing, personal needs, and leisure time activities. If
10 there is no such income or if it is less than the amount of \$72.80,
11 such a person shall be paid monthly in advance the difference
12 between such income and said amount. Said amount shall be,
13 increased annually each fiscal year at the same time and at the same
14 percentage rate as increases payable to an individual who maintains
15 his own home and receives state supplementary payments pursuant
16 to sections 1 and 2.

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

5 A person eligible for medical assistance under this chapter who is
6 not maintaining his own home and is receiving care in a licensed
7 nursing facility, a licensed chronic hospital, a licensed rest home, or
8 in an approved public medical institution, shall retain the first
9 \$72.80 of his monthly income for clothing, personal needs, and
10 leisure time activities. If there is no such income or if it is less than
11 the amount of \$72.80, such a person shall be paid monthly in
12 advance the difference between such income and said amount. Said
13 amount shall be increased annually each fiscal year at the same time
14 and at the same percentage rate as increases payable to an individual
15 who is maintaining his own home and who is receiving supple-
16 mental payments pursuant to Sections 1 and 2 of Chapter 118A.

1 SECTION 4. The Division of Health Care Finance and Policy is
2 required to conduct a study and review of the cost of all personal
3 needs items paid for by residents that are not covered by the Divi-
4 sion of Medical Assistance. Said study shall be completed within
5 sixty days of the passage of this Act. The Division of Health Care
6 Finance and Policy shall submit a report on the results of said study
7 and review to the respective Committee on Ways and Means of the
8 House and the Senate not later than December 31, 2008.