

# HOUSE . . . . . No. 2195

By Mr. Marzilli of Arlington, petition of J. James Marzilli, Jr., and others for legislation to establish a department of home and community-based services. Public Health

## The Commonwealth of Massachusetts

### PETITION OF:

J. James Marzilli, Jr.	Alice K. Wolf
William N. Brownsberger	William Lantigua
Theodore C. Speliotis	Walter F. Timilty
John W. Scibak	

In the Year Two Thousand and Seven.

AN ACT ESTABLISHING INTERAGENCY AGREEMENTS TO PROVIDE HOME AND COMMUNITY BASED 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. Chapter 6A of the General Laws, as appearing in  
2 the 2004 official edition, is hereby amended by inserting after  
3 Section 16G the following new section:—  
4 Section 16H Home- and Community-Based Services  
5 (a) The secretary of health and human services and the  
6 secretary of elder affairs shall, notwithstanding any general  
7 or specific law to the contrary, identify resources and  
8 establish any interagency agreements within the secre-  
9 tariats, the departments or the commissions operating under  
10 the secretaries for the purpose of opening access to an array  
11 of community-based services for persons with adult-onset  
12 disabilities.  
13 (b) Persons with adult-onset disabilities, progressive neurolog-  
14 ical disorders, neurological injuries or chronic disabling  
15 conditions shall be eligible for services from the executive  
16 offices.

- 17 (c) Services provided under this section shall include but not  
18 be limited to: case management, information and referral,  
19 respite, personal care, home modification and assistive  
20 technology. Other services as defined in Section 16F of  
21 Chapter 6A, including flexible supports, so called, medical  
22 assistance, adult day care, adult foster care, personal care  
23 services, respite facilities, or residential services shall also  
24 be provided. Access to services may be provided through  
25 established service networks such as aging service access  
26 points, independent living centers, or other organizations  
27 with an open portal to the virtual gateway.
- 28 (d) The secretaries shall develop a sliding scale for private pay  
29 and insurance payments, and shall seek maximum federal  
30 financial participation for expenditures.
- 31 (e) The secretaries shall be authorized to provide services  
32 through any corporation doing business with the common-  
33 wealth, including but not limited to independent living  
34 centers, aging services access points, community residen-  
35 tial service providers, and home medical services.
- 36 (f) The secretaries shall act to ensure that health and social  
37 services are available to allow persons with adult-onset  
38 disabilities, progressive neurological disorders or injuries,  
39 or chronic disabling conditions to live in the least restric-  
40 tive environment at their highest functional capacity.

1 SECTION 2. The secretaries shall promulgate regulations that  
2 ensure client-centered planning and consumer choice in the imple-  
3 mentation of service delivery.

1 SECTION 3. The secretaries shall establish a home- and com-  
2 munity-based services advisory council composed of fifteen mem-  
3 bers: one appointed by the president of the senate, one appointed  
4 by the speaker of the house, two appointed by the governor, one  
5 appointed by the attorney general, two appointed by the secretary  
6 of health and human services, two appointed by the secretary of  
7 elder affairs, one appointed by the Statewide Independent Living  
8 Council, one appointed by Massachusetts Home Care Association,  
9 one appointed by the Disability Law Center, one appointed by the  
10 Disability Policy Consortium, one appointed by the Amyotrophic

11 Lateral Sclerosis Association, and one appointed by the National  
12 Multiple Sclerosis Society, Central New England Chapter.  
13 The home- and community-based services advisory council  
14 shall prepare semiannual reports that include population needs,  
15 services, resources and expenditures for submission to the Joint  
16 Committee on Ways and Means, Joint Committee on Public  
17 Health and the Joint Committee on Children and Families.