

# SENATE NO. 121

## **AN ACT** RELATIVE TO ELIGIBILITY CRITERIA FOR NURSING HOMES SERVING PEDIATRIC RESIDENTS

*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 Section 4J of Chapter 111 of the General Laws is hereby repealed.

2 SECTION 2. Section 71 of Chapter 111 of the General Laws is hereby amended by inserting after the last  
3 paragraph the following paragraphs:-

4 Notwithstanding any general or special law or regulation to the contrary, no nursing home licensed by the  
5 department in whole or in part as a skilled nursing care facility for children shall admit an individual  
6 under twenty-two years of age for a period of one hundred days or less unless said individual meets the  
7 medical eligibility criteria for nursing facility services established by the division of medical assistance, or  
8 receives prior authorization by said individual's private third party health insurer.

9 Notwithstanding any general or special law or regulation to the contrary, no nursing home licensed by the  
10 department in whole or in part as a skilled nursing care facility for children shall admit an individual  
11 under twenty-two years of age for a period to exceed one hundred days unless said individual meets the

12 medical eligibility criteria for nursing facility services established by the division of medical assistance  
13 and is determined by said division to be a multiply-handicapped child, defined as a person under twenty-  
14 two years of age with physical manifestations of neurologic, musculoskeletal, or organic dysfunction,  
15 irrespective of etiology, with the prognoses of significant impairment of growth and development and  
16 severe limitation of independent functioning, or unless said individual receives prior authorization by said  
17 individual's private third party health insurer. Any individual initially admitted to a skilled nursing care  
18 facility for children upon meeting the medical eligibility criteria of the division of medical assistance for a  
19 period of one hundred days or less must obtain approval for continued eligibility by said division in order  
20 to continue residency in said facility beyond one hundred days. Any individual initially admitted into a  
21 skilled nursing facility for children under authorization by a private third party health insurer must obtain  
22 approval from the division of medical assistance under the division's medical eligibility criteria for  
23 continued residency at said facility prior to the expiration of the third party health insurance coverage.

24 SECTION 3. Chapter 118E of the General Laws is hereby amended by inserting after section 14A the  
25 following section:-

26 Section 14B. Notwithstanding any general or special law or regulation to the contrary, the division  
27 shall determine medical eligibility for admittance of children under the age of twenty-two to a skilled  
28 nursing care facility for children pursuant to regulations codified at 130 Code Mass. Regs. 456.252 as  
29 in effect on December 4, 1996.