

SENATE No. 78

The Commonwealth of Massachusetts

PRESENTED BY:

Tolman, Steven (SEN)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to eligibility criteria for nursing homes serving pediatric residents

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Tolman, Steven (SEN)	Second Suffolk and Middlesex
Cynthia Stone Creem	First Middlesex and Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00121 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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 Section 4J of Chapter 111 of the General Laws is hereby repealed.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
3 the last paragraph the following paragraphs:-

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

10 Notwithstanding any general or special law or regulation to the contrary, no nursing home licensed
11 by the department in whole or in part as a skilled nursing care facility for children shall admit an

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

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

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