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DEPARTMENT OF VETERANS' SERVICES
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Directive Number
CY-06-03

June 14, 2006

DIRECTIVE
Veterans' Services

From: Secretary Thomas G. Kelley, Department of Veterans' Services

To: Veterans' Services Officers

Subj: Application for Medical Assistance Including Nursing Home Care
Assisted Living Facilities

Ref: Massachusetts General Laws Chapter 115
Massachusetts General Laws Chapter 118E
Massachusetts General Laws Chapter 118G
Massachusetts General Laws Chapter 111
Chapter 45 of the Acts of 2005 (FY 2006 General Appropriation Act)
108 Code of Massachusetts Regulations 10.00
651 Code of Massachusetts Regulations 12.02

1. Purpose. To provide guidance and clarification in processing claims for veterans needing health care services including nursing home care.
2. Effective Date. Immediate; this has no effect on existing cases.
3. Definitions.
 - (a) Assisted Living Facility-Any entity...which...provides room and board... assistance with activities of daily living for three or more adult residents... and collects payments...for provision of assistance with the activities of daily living.
 - (b) Health Care Services-supplies, care and services of medical, surgical, optometric, dental, podiatric, chiropractic, psychiatric, therapeutic, diagnostic, preventive, rehabilitative, supportive or geriatric nature including, but not limited to, inpatient and outpatient acute hospital care and services: services provided by a community



health center or by a sanatorium, and treatment and treatment and care compatible with such services or by a health maintenance organization.

- (c) Nursing Home-a nursing home or a distinct part of a nursing unit of a hospital or other facility licensed by the department of public health pursuant to section 71 of chapter 111.

4. Policy.

- (a) The FY 2006 General Appropriation Act directs that any person applying for veterans' benefits to pay for medical services available under Massachusetts General Laws chapter 118E (including nursing home services) must apply for medical assistance under chapter 118E. Most medical services are available under chapter 118E. The act further directs that VSO's file an application under chapter 118E for any appropriate person seeking medical assistance and that VSO's advise applicants of the right to assistance for medical benefits under chapter 115 pending approval of an application for assistance under chapter 118E.
- (b) It is the policy of the Department of Veterans' Services not to treat residence in an assisted living facility as based on medical necessity. Therefore, the department considers the cost of an assisted living facility as a shelter expense and will not reimburse such shelter expense in an amount greater than that indicated in the Secretary's most recent Budget Amounts directive.