

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act promoting equal choice and related cost savings.

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 118 E is hereby amended by adding after section 9E, the
2 following section:--

3 Section 9F. The division shall provide coverage for residential habilitation
4 services for individuals age sixty or older, if such individual has been determined by the division
5 to be clinically eligible for long term care services, and requires said residential habilitation
6 services in order to remain living in the least restrictive setting appropriate to meet his needs in
7 accordance with section 6 of this chapter.

8 The term ‘residential habilitation’ shall mean ongoing services and supports
9 provided to beneficiaries in a residential setting that are designed to assist beneficiaries in
10 acquiring, maintaining, or improving the skills necessary to live in a community setting.
11 Residential habilitation provides beneficiaries with daily staff intervention including care,
12 supervision, and assistance in activities of daily living, instrumental activities of daily living, and
13 community integration in a residential setting qualified by the division with 24-hour staffing .
14 Residential habilitation may include the provision of medical and health-care services that are
15 integral to meeting the daily needs of beneficiaries.

16 SECTION 2. Section 9 of Chapter 118E of the General Laws, as amended by
17 Chapter 211 of the Acts of 2006, is hereby amended by inserting, after the words "long-term care
18 needs of the individuals," the following:-

19 The division shall provide, without requiring prior authorization, for up to sixty
20 (60) days of eligibility for MassHealth Home and Community Based Services, including
21 personal care services, for individuals who, upon discharge from an acute hospital, medical
22 center, nursing facility, or health care facility including rehabilitation facilities and state
23 hospitals, are presumed to be financially eligible for the MassHealth program and clinically

24 eligible for home and community based services, as determined by an Aging Services Access
25 Point or an Independent Living Center; provided further the division shall promulgate such
26 standards and regulations as may be necessary for the administration of said presumptive
27 eligibility program.

28 SECTION 3. Section 12 of chapter one hundred and eighteen E as so appearing,
29 is hereby amended in the first paragraph by inserting at the end thereof the following sentence:-

30 “Notwithstanding the provisions of any general or special law to the contrary,
31 the division shall develop or amend any standards and regulations applicable to the personal care
32 attendant program to include as eligible members those individuals who are otherwise eligible
33 for said program, but who require supervision and cueing in order to perform two or more
34 activities of daily living.”