SENATE DOCKET, NO. 878 FILED ON: 1/17/2013

SENATE . . . . . No. 291

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia D. Jehlen

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:

An Act to increase the personal needs allowance for residents of long term care facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Patricia D. Jehlen	*Second Middlesex*
William N. Brownsberger	*Second Suffolk and Middlesex*
Martha M. Walz	*8th Suffolk*
Kay Khan	*11th Middlesex*
Cheryl A. Coakley-Rivera	*10th Hampden*
Kenneth J. Donnelly	*Fourth Middlesex*
Sonia Chang-Diaz	*Second Suffolk*
Jonathan Hecht	*29th Middlesex*
James M. Murphy	*4th Norfolk*
James B. Eldridge	*Middlesex and Worcester*

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By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 291) of Patricia D. Jehlen, William N. Brownsberger, Martha M. Walz, Kay Khan and other members of the General Court for legislation to increase the personal care allowance of residents of long-term care facilities. Elder Affairs.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *187* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act to increase the personal needs allowance for residents of long term care facilities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1 of chapter 117A of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Any person eligible for assistance under this chapter who is not maintaining his home and is receiving care in or residing in a licensed nursing facility, licensed chronic hospital, licensed rest home, or an approved public medical institution as defined in section 8 of chapter 118E, shall retain the first $72.80 of his monthly income for clothing, personal needs, and leisure activities. If there is no such income or if it is less than the amount of $72.80, such a person shall be paid monthly in advance the difference between such income and said amount. Said amount shall be increased annually each fiscal year at the same time and at the same percentage rate as increases payable to an individual who maintains his own home and receives state supplementary payments pursuant to sections 1 and 2 of chapter 118A.

SECTION 2. Chapter 118A of General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after section 7A the following new section:--

Section 7B. Any person eligible for financial assistance under this chapter who is not maintaining his home and is in a licensed medical facility which is eligible for medical assistance

17 payments pursuant to chapter 118E or is residing in a licensed rest home to which such person
18 pays a faxed rate, shall retain the first $72.80 of his monthly income for clothing, personal needs,
19 and leisure time activities. If there is no such income or if it is less than the amount of $72.80,
20 such a person shall be paid monthly in advance the difference between such income and said
21 amount. Said amount shall be increased annually each fiscal year at the same time and at the
22 same percentage rate as increases payable to an individual who maintains his own home and
23 receives state supplementary payments pursuant to sections 1 and 2 of this chapter.

24 Section 3. Section 15 of chapter 118E of the General Laws, as appearing in the 1998
25 Official Edition is hereby amended by striking the fourth paragraph and inserting in place thereof
26 the following paragraph and inserting in place thereof the following paragraph:--

27 A person eligible for medical assistance under this chapter who is not maintaining his
28 own home and is receiving care in a licensed nursing facility, a licensed chronic hospital, a
29 licensed rest home, an approved public medical institution, or a public psychiatric institution
30 shall retain the fist $72.80 of his monthly income for clothing, personal needs, and leisure time
31 activities. If there is no such income or if it is less than the amount of $72.80, such a person shall
32 be paid monthly in advance the difference between such income and said amount. Said amount
33 shall be increased annually each fiscal year at the same time and at the same percentage rate as
34 increases payable to an individual who is maintaining his own home and who is receiving
35 supplemental payments pursuant to sections 1 and 2 of chapter 118A.