

By Mr. Flaherty of Boston, petition of Michael F. Flaherty that provision be made for the placement of certain elderly persons with foster care families. Human Services and Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT TO PROVIDE PROGRAMS FOR THE PLACEMENT OF CERTAIN ELDERLY PERSONS WITH FOSTER CARE FAMILIES.

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

1 The General Laws are hereby amended by inserting after chapter
2 19A the following chapter: —

3 **CHAPTER 19B.**

4 *Section 1.* The secretary of elder affairs may make a grant to,
5 and enter into a contract with any public or private entity for the
6 purpose of conducting programs for the placement of elderly
7 persons in private homes as foster care residents.

8 *Section 2.* Elderly persons placed in foster care homes under
9 this act shall be individuals who: —

10 a. Are 65 years or older;

11 b. Are inpatients in a hospital or nursing home but no longer
12 require inpatient care;

13 c. Are ambulatory and require continued medical support serv-
14 ices or intermittent medical or skilled nursing (home) care but who
15 do not require continuous skilled nursing services; and

16 d. Lack other appropriate residential arrangements to which
17 they may be discharged and in which the services needed will be
18 provided.

19 *Section 3.* No grant or contract may be made under this section
20 unless it has been submitted to, and approved by, the secretary.

21 Such an application shall be in such form and be submitted in such

22 manner as the secretary shall by regulation prescribe. Such appli-
23 cation shall provide assurances satisfactory to the secretary that
24 the applicant will make such reports and provide such other infor-
25 mation respecting the grant or contract as the secretary may re-
26 quire.

27 *Section 4.* The secretary may not approve an application for a
28 grant or contract under this section for a program unless the
29 application contains a full description of the program and pro-
30 vides assurances that the program will be conducted as follows: —

31 a. the program establishes criteria, consistent with subsection
32 (a) for the selection of persons who will be placed in foster care
33 under the program.

34 b. the program establishes standards for the families and homes
35 in which persons will be placed under the program, including
36 standards to assure that

37 (i) an excessive number of elderly persons are not placed with
38 any one foster care home;

39 (ii) members of such a foster care family are in good health and
40 are capable of providing elderly persons placed with the family
41 with adequate care and services;

42 (iii) each such foster care family lives in and maintains the home
43 in which the persons are placed at all times;

44 (iv) each such foster care home provides adequate heat and hot
45 water, telephone service, and handrails and other devices standard
46 for the safety and mobility of such persons, and meets such other
47 appropriate standards of physical condition including appropriate
48 fire, health and safety standards, as the secretary may prescribe by
49 regulation;

50 (v) each such foster care home is accessible to medical facilities
51 in which such persons have received treatment and may continue to
52 receive treatment and is accessible to public transportation;

53 (vi) each such foster care family is not totally dependent for
54 financial support on the income contributed by or on behalf of the
55 elderly persons placed in the home; and

56 (vii) members of such foster care family have received appropri-
57 ate training with respect to the care and condition of the elderly
58 persons placed with such family, including the identification of
59 local medical facilities that will assist in meeting the medical needs
60 of such persons.

61 c. the program provides for appropriate methods for the selec-
62 tion of elderly persons placed in foster care and the selection of the
63 foster care home in which such elderly person will be placed and
64 such program specifically provides that no person will be placed in
65 a home or remain in a home with a family without the consent of
66 such person.

67 d. the program provides for the placement of elderly persons
68 under the program in the homes of blood relatives whenever
69 possible if the home of such relative meets the applicable require-
70 ments of this act. The program shall include placements in homes
71 of relatives and placements in other foster care homes so that an
72 evaluation of the care in both settings may be made.

73 e. the program provides that before an elderly person is placed
74 with a home under the program —

75 (i) the institution from which such persons being discharged
76 shall identify in writing the medical, nursing, dietary and social
77 needs of such elderly person;

78 (ii) the program must identify how such needs will be met in the
79 foster care home; and

80 (iii) the elderly person and the family in whose home such
81 person is placed are each provided copies of such statements.

82 f. the program provides (directly or through appropriate ar-
83 rangements) for: —

84 (i) assuring the twenty-four hour a day availability of medical
85 support services to elderly persons placed in homes under the
86 program;

87 (ii) assuring the provision of other appropriate support services
88 to such persons; and

89 (iii) the regular monitoring (not less than monthly) of the condi-
90 tion of such persons in the homes.

91 g. the program provides for: —

92 (i) a medical liaison team to serve as a liaison between local
93 medical facilities and the elderly persons participating in the pro-
94 gram, in order to insure that appropriate medical information is
95 provided between: —

96 a. the medical facilities, physicians, and other medical person-
97 nel caring for an elderly person in the program, and

98 b. the elderly person and the family caring for such person;

99 (ii) Such medical liaison team to be accessible by telephone dur-
100 ing working hours and to be on call at other hours; and

101 h. the program does not duplicate, and makes efficient use of
102 existing home health care and other support services and other
103 programs providing health care to elderly persons in homes.

104 i. the program provides that the elderly person placed in a
105 home contributes to the cost of needed care to the extent such
106 person can do so without unduly depleting such person's resources,
107 the criteria for such contribution to be determined by the secretary.

108 j. the program assures that the persons in whose home an
109 elderly person receives foster care under the program are compen-
110 sated in accordance with regulations prescribed by the secretary.

111 k. the program provides that the members of the family provid-
112 ing foster care are assisted in making arrangements for the care of
113 an elderly person placed in the home of such family when circum-
114 stances require that alternative short-term care is necessary.

115 *Section 5.* In awarding and approving applications for grants
116 and contracts under this section, the secretary shall to the extent
117 feasible provide for the distribution of such grants or contracts
118 among urban and rural areas.

119 *Section 6.* The secretary shall determine the amount of any
120 grant or contract made under this section. Payments under such
121 grants or contracts may be made in advance on the basis of
122 estimates or by way of reimbursements, with necessary adjust-
123 ments on account of underpayments or overpayments, and in such
124 installments and on such terms and conditions as the secretary
125 finds necessary to carry out the purposes of such grants and
126 contracts.

127 *Section 7.* Each recipient of a grant or contract under this sec-
128 tion shall keep such records as the secretary shall prescribe, includ-
129 ing records that fully disclose the amount and disposition by such
130 recipient of the proceeds of such grant or contract, the total cost of
131 the undertaking in connection with which such grants or contract
132 was made, the amount of the portion of the cost of the undertaking
133 supplied by other sources, and such other records as will facilitate
134 an effective audit.

135 *Section 8.* The secretary shall prescribe regulations relating to
136 the compensation to be received by persons in whose home an
137 elderly person receives foster care under the program.

138 *Section 9.* In carrying out the programs under this act the secre-
139 tary shall make complete reimbursement to municipalities with
140 respect to amounts expended by those municipalities who have
141 undertaken said project.

142 *Section 10.* In determining the amount of any payment to be
143 made under this subsection, the secretary shall determine the rea-
144 sonable amount for such foster care maintenance payments, and
145 shall determine the portion of such reasonable amount which will
146 be taken into account for payment purposes, based upon such
147 factors as may be relevant to the program including the individual's
148 ability to pay for the foster care, the duration or quality of the
149 foster care, and the degree to which the individual would otherwise
150 require institutional care.

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