

HOUSE No. 132

The Commonwealth of Massachusetts

EXECUTIVE OFFICE OF ELDER AFFAIRS
38 CHAUNCY STREET
BOSTON, MASSACHUSETTS 02111, NOVEMBER 1, 1989.

The Honorable Michael J. Connolly, *Secretary of the Commonwealth*
State House, Boston, Massachusetts 02133

Dear Mr. Secretary:

In compliance with Section 33 of Chapter 30 of the General Laws, I hereby submit to you the legislative proposals of the Executive Office of Elder Affairs.

Enclosed herewith are five (5) proposals of EOEIA for consideration by members of the legislative session commencing January 3, 1990.

Sincerely,

PAUL J. LANZIKOS,
Secretary.

*LEGISLATIVE RECOMMENDATIONS OF THE
OFFICE OF ELDER AFFAIRS FOR 1990*

1. AN ACT TO ENSURE THE ELDERLY EQUAL ACCESS TO LONG TERM CARE FACILITIES PARTICIPATING IN THE MEDICAL ASSISTANCE PROGRAM.

This bill provides a mechanism to enforce existing Massachusetts Law and regulations which prohibit medicaid discrimination. It establishes an equitable system for long term care admissions and provides that any resident, regardless of source of payment or diagnosis, would be admitted to the appropriate long term care bed, as his/her name appears on a sequential waiting list.

It protects individuals who have a diagnosis of Alzheimer's Disease or other debilitating disease, or who are receiving medical assistance and are often bypassed for lighter care or private pay residents.

There is no cost to the Commonwealth.

2. AN ACT RELATIVE TO REVERSE MORTGAGE LOANS.

This bill provides for reverse mortgage loans by state chartered banks and financial institutions, not exceeding eighty percent of the value of the real estate to its owner or owners. These dwellings are designed to be occupied by not more than four families, with the provision that each owner shall be at least sixty years of age and shall own and occupy the property in whole or in part.

It requires that a lender may not make a reverse mortgage loan unless the borrower has completed a home equity conversion counseling program, approved by the Executive Office of Elder Affairs.

The bill would allow Massachusetts loans to be insured under a federal demonstration program.

There is no cost to the Commonwealth.

3. AN ACT CONCERNING AFTERCARE FOR ELDERLY PERSONS RECEIVING SHORT TERM HOSPITAL CARE.

This bill provides that any acute hospital or clinic which performs one day surgery upon a patient sixty-five years of age or older shall provide such patient, in writing, with an aftercare plan developed with participation of appropriate health professionals and the patient or

legal representative which is consistent with the medical records of the patient.

There is no cost to the Commonwealth.

4. AN ACT REGARDING THE LIABILITY OF REPRESENTATIVES OF THE STATE
LONG TERM CARE OMBUDSMAN PROGRAM.

This bill is intended to protect state ombudsman staff, the state ombudsman program directors, any person working for the non-profit organization under the direction of these certified program directors and certified local ombudsman, from liability in the good faith performance of official duties, whether acting on a compensated or volunteer basis.

This is in compliance with federal legislation signed in 1987 which requires EOEA's state plan on aging to ensure that no representative of the office will be liable under state law for the good faith performance of official duties.

There is no cost to the Commonwealth.

5. AN ACT TO PROTECT ELDERS FROM FINANCIAL EXPLOITATION.

This bill amends the Elder Abuse Reporting and Protective Services Law (M.G.L. c. 19A, ss. 14-26) by adding financial exploitation as a reportable condition of elder abuse. Financial exploitation is not reportable under current law. As a reportable condition, the Executive Office of Elder Affairs and its nonprofit protective services agencies would be able to receive reports of financial exploitation of an elderly person from both mandated and non-mandated reporters, assess the facts, and provide protective services. Protection services may include referral of appropriate cases to the District Attorneys for investigation and the filing of petitions for Conservatorships.

There is no cost to the Commonwealth.

