

By Mr. Guernsey of Williamstown, petition of Sherwood Guernsey for legislation to improve maternal and child health. Health Care.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT TO IMPROVE MATERNAL AND CHILD HEALTH.

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. The General Laws are hereby amended by
2 inserting, after Chapter 111H, the following chapter: —

3 **CHAPTER 111I.**
4 **WOMEN, INFANTS AND CHILDREN PROGRAM.**

5 Section 1. The department of public health, in this chapter
6 called the department, shall administer a program to be called the
7 massachusetts wic program, funded by the commonwealth and
8 the united states department of agriculture or other successor
9 federal agency authorized to fund this program, to provide
10 supplemental foods and nutrition education to pregnant,
11 postpartum, and breastfeeding women, infants and young
12 children. The massachusetts wic program shall be administered
13 in a manner consistent with applicable federal law (forty-two
14 united states code section one thousand seven hundred and eighty-
15 six, as amended) and the provisions of this chapter. To the extent
16 that the provisions of this chapter conflict with applicable federal
17 law and regulations, the program shall be administered in a
18 manner consistent with federal law.

19 Section 2. The wic program shall maintain a caseload which
20 results in an average monthly total caseload of eighty thousand
21 participants by the end of the fiscal year beginning July first,
22 nineteen hundred and eighty-nine, and shall serve increasing

23 numbers of participants in each succeeding fiscal year until july
24 first, nineteen hundred and ninety-one, after which date, all
25 applicants and participants who are eligible shall be entitled to
26 participate in the program.

27 Available federal and state funds appropriated to implement
28 this section shall be allocated to expand program operations in
29 areas most in need of supplemental foods as determined by a
30 methodology which shall be included in the state plan, and to fund
31 related administrative services necessary for expansion.

32 Section 3. The director of the massachusetts wic program, in
33 this chapter called the director, shall ensure that a state plan is
34 developed annually as required by federal law. In so doing, the
35 director shall ensure that a public hearing is held in each
36 geographical region of the department, not less than twenty-one
37 days after a draft state plan is made available for review to
38 members of the public and not less than thirty days before a final
39 state plan must be submitted to the federal government. Notice
40 of the time and place of each such public hearing, and of the
41 availability for review of the draft state plan, shall be provided
42 to each person who has previously requested the receipt of such
43 notices, as well as to individuals and organizations known to the
44 department to have an interest in issues regarding maternal and
45 child health care. Notice to the above-described individuals and
46 organizations shall be in addition to publication of such notices
47 in newspapers of general circulation throughout the state.

48 Section 4. An advisory board shall be established by the
49 director, the purpose of which shall be to advise the director on
50 all policies relating to the massachusetts wic program. The
51 advisory board shall be composed of at least sixteen individuals
52 each of whom shall serve a term of two years. Members of the
53 advisory board shall be selected by the director, subject to the
54 following requirements. Five members of the advisory board shall
55 be current or former wic program participants chosen from
56 geographically diverse parts of the state. Five members of the
57 advisory board shall be individuals who provide services or goods
58 to wic program participants, such as medical professionals, nurse
59 practitioners, local wic program nutritionists and directors, and
60 food vendors. Six members of the advisory board shall be

61 representatives of the following bodies: the general court of the
62 commonwelath, the massachusetts nutrition board or family
63 health services advisory council, the office for children, the
64 department of public welfare, the massachusetts wic directors
65 association and the massachusetts nutritionists association.

66 Members of the advisory board shall not be compensated.
67 Necessary expenses incurred by members of the advisory board
68 to carry out their duties as such shall be reimbursed by the wic
69 program, and adequate staff shall be provided to the advisory
70 board so that it can perform its functions effectively.

71 Section 5. In determining the financial eligibility of an applicant
72 for massachusetts wic benefits, only such income as is available
73 for the support and maintenance of the applicant shall be counted.

74 The monthly food package provided to each participant shall
75 be prescribed by a competent professional authority at the local
76 wic program based solely on the participant's dietary needs. Such
77 competent professional authorities shall be allowed to choose
78 from the full range of types and amounts of food authorized by
79 federal rules in developing food packages for program
80 participants.

81 Each local wic agency shall, in accordance with guideline set
82 forth in the state plan, mail or otherwise deliver food instruments
83 to an individual on the basis of difficulties of the participant and
84 his or her proxy in obtaining the food instruments, for reasons
85 such as illness, imminent childbirth, or difficulty of access to the
86 local agency. If the initial hardship is resolved, the mailing or other
87 delivery of food instruments shall be discontinued.

88 All participants shall receive a written statement of their rights
89 and obligations as participants, including all of the rights and
90 obligations set forth in this chapter, at the time they are certified,
91 and such statement shall be written in language calculated to be
92 understood by the average participant.

93 Section 6. The director shall ensure that adequate funds are
94 available to each local wic agency to perform outreach activities
95 designed to identify and encourage the participation of high risk
96 individuals who are otherwise eligible to participate.

97 Section 7. Adequate funds to implement this chapter shall be
98 appropriated on an annual basis.

1 SECTION 2. If any section of this act shall be held
2 unconstitutional or otherwise invalid either on its face or as
3 applied, the unconstitutionality or invalidity of that section shall
4 not affect the remaining sections of this act.