

By Ms. Gibson of Belmont, petition of Mary Jane Gibson, John Patrick Houston, Paul Kollios, Robert A. Havern and David B. Cohen for legislation to provide assistance to families with disabled children. Human Services and Elderly Affairs.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Ninety.

AN ACT TO PROVIDE ASSISTANCE TO FAMILIES OF DISABLED CHILDREN.

1 *Whereas*, Certain children with significant disabilities or  
2 chronic illnesses do not qualify as “disabled” under Title XVI of  
3 the federal Social Security Act, and, therefore, are not eligible for  
4 assistance under the Kaleigh Mulligan program or  
5 CommonHealth;

6 *Whereas*, The health care-related costs of caring for such  
7 children are typically not fully covered by private insurance; and

8 *Whereas*, Such health care-related costs, added to other  
9 typically uninsured costs associated with caring for special needs  
10 children, place an extraordinary financial burden on the families  
11 of these children:

*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. Section 6B of chapter 118E of the General Laws,  
2 as inserted by section 41 of chapter 23 of the Acts of 1988, is hereby  
3 amended by striking out the second sentence, and inserting in  
4 place thereof the following: —

5 The benefits of such program shall be available to children who  
6 are not eligible for medical assistance programs with federal  
7 financial participation, and who have a chronic disease, disability,  
8 or medical condition that is likely to last at least one year, that  
9 is attributable to a physical or health impairment, and that  
10 requires specialized medical and habilitative services without  
11 which said children would experience substantial limitations in

12 activities of daily living and physical and emotional growth and  
13 development.

1 SECTION 2. Said chapter 118E is hereby further amended by  
2 inserting after said section 6B the following new sections: —

3 Section 6C. The department shall establish services and  
4 procedures in programs of medical care and assistance established  
5 under sections 6A and 6B that seek to maximize and coordinate  
6 the utilization of the health care benefits provided by any health  
7 insurance company, non-profit hospital service corporation,  
8 medical service corporation, or other health insurer on behalf of  
9 enrollees.

10 Section 6D. The department shall ensure that independent  
11 care management services are included as a covered benefit under  
12 the program of medical care and assistance for disabled children  
13 established in section 6B. Such care management services shall  
14 include the development and monitoring of individual plans of  
15 care to promote the effective and efficient utilization of resources  
16 to assure access to the necessary comprehensive services to meet  
17 the specific needs of such children. Such care management services  
18 shall be provided to any enrollee at the request of said enrollee  
19 or his guardian, or at the request of the department.