

SENATE No. 557

By Mr. Barrett, a petition (accompanied by bill, Senate, No. 557) of Michael J. Barrett for legislation to extend the rights of elderly recipients to nursing home services. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT TO EXTEND THE RIGHTS OF ELDERLY RECIPIENTS TO NURSING HOME SERVICES.

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 18 of Chapter 118E of the General Laws
2 is hereby amended by inserting at the end thereof the following
3 new paragraph: —

4 A nursing home is not eligible to receive Medicaid payments
5 unless it refrains from charging private paying patients, third party
6 payers and out-of-state recipients rates for similar services which
7 exceed those approved by the Rate Setting Commission for
8 recipients, except that a nursing home may charge private paying
9 patients a higher rate for a private room. Services covered by the
10 payment rate must be the same regardless of payment source. A
11 nursing home that charges a private paying patient a rate in
12 violation of this clause is subject to an action by the
13 commonwealth or any of its agencies for civil damages. A private
14 paying patient or his or her legal representative has a cause of
15 action for civil damages against a nursing home that charges the
16 patient rates in violation of this clause.

1 SECTION 2. Section 32 of Chapter 6A of the General Laws
2 is hereby amended by inserting at the end of the third paragraph
3 the following: —

4 In establishing a reimbursement methodology which employs
5 one payment rate for all patients in a nursing home regardless of

6 payment source in accordance with Section 18 of Chapter 118E,
7 the commission shall annually review and approve each nursing
8 home's proposed operating budget, which it shall utilize as the
9 basis for determining the maximum level of total reimbursement
10 including an adequate rate of return on investment.