

SENATE No. 555

By Mr. Durand, a petition (accompanied by bill, Senate, No. 555) of Robert A. Durand and Pamela P. Resor for legislation relative to home care managed care for the elderly. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO HOME CARE MANAGED CARE.

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 4 of chapter nineteen A of the General
2 Laws is amended by adding after the first paragraph the following
3 new paragraph: —
4 The department shall administer policies and programs that
5 identify and plan for the long term care needs of the elderly and
6 provide for the appropriate and efficient purchase of managed
7 care services for the elderly, including but not limited to nursing
8 home pre-screening, home health services established pursuant to
9 chapter eighteen of the General Laws and chapter one hundred
10 and eighteen E of the General Laws, and home care services
11 provided under this chapter. Home care corporations established
12 pursuant to clause (c) of section four of this chapter shall conduct
13 assessments using an interdisciplinary team approach, establish
14 individual community care plans and authorize the provision of
15 community-based services consistent with criteria established by
16 the department. Said home care corporations shall serve as the
17 coordination point for integrated home health services and home
18 care services. Home care corporations shall authorize but not
19 provide home care services, home health services, or nursing
20 facility services, and shall not have a direct or indirect ownership
21 or control interest in, or direct or indirect affiliation or
22 relationship with, an entity that provides home care, or nursing
23 facility services, except as permitted under chapter forty-two

24 U.S.C. section 3001. The department shall enter into any
25 necessary agreements with the department of public welfare
26 regarding the provisions of home health services to beneficiaries
27 entitled to care under chapter one hundred and eighteen E of the
28 General Laws. Home care corporations shall emphasize the
29 development of community care plans in the least restrictive
30 setting, consistent with rules and regulations established by the
31 department.

1 SECTION 2. Clause (c) of section 4 of chapter 19A of the
2 General Laws is hereby amended by adding, in line 73 thereof,
3 after the words "additional services where feasible;" the
4 following: — provided further that said services shall be
5 available to any resident of the Commonwealth over the age of
6 sixty whose income falls within the guidelines established by the
7 department; and who, because of physical, cognitive, or emotional
8 impairment is unable to perform, without human assistance, two
9 or more activities of daily living and/or instrumental activities of
10 daily living, and who would otherwise lack adequate access to such
11 necessary assistance.

1 SECTION 3. Said clause (c) of section 4 of chapter 19A is
2 hereby further amended by inserting at the end thereof the
3 following new paragraph: —

4 For the purpose of this section, the term "activities of daily
5 living" shall include bathing, dressing and undressing, eating,
6 toileting, walking within one's living quarters, transferring in or
7 out of a bed or chair, and maintaining continence of bladder or
8 bowel. For the purpose of this section, the term "instrumental
9 activities of daily living" shall include meal preparation,
10 housework, laundry, shopping, taking medicine, money manage-
11 ment, using a telephone, walking outside of one's living quarters,
12 and accessing available transportation, or if no such transpor-
13 tation is available, providing one's own transportation.