

**SENATE . . . . . No. 384**

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By Mr. Backman, a petition (accompanied by bill, Senate, No. 384) of the Massachusetts Chapter of the National Association of Social Workers, by Sybil Goldman and Jack H. Backman for legislation to restore medical care and other assistance for the indigent. Health Care.

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**The Commonwealth of Massachusetts**

**In the Year One Thousand Nine Hundred and Seventy-eight.**

**AN ACT RESTORING MEDICAL CARE AND OTHER ASSISTANCE  
FOR THE INDIGENT.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide medical care and other assistance for the indigent, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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. Access to medical care, food and shelter are  
2 basic rights and necessities. They are essential in a time of  
3 economic crisis as at any other time. There can, in fact, be  
4 no satisfactory solution to the economic problems of a civilized  
5 society if such basic needs are not met. It is, therefore, the  
6 purpose of this act to reinstate and protect the fundamental  
7 right to medical care, food and shelter for the indigent.

1 SECTION 2. Section one of chapter 117 of the General Laws,  
2 as most recently amended by section 25D of chapter 684 of the  
3 acts of 1975, is hereby further amended by striking out the  
4 first paragraph and inserting in place thereof the following  
5 paragraph: —

6 The commonwealth, acting by and through the department  
7 of public welfare, shall assist, to the extent practicable, all  
8 poor and indigent persons residing therein, whenever they  
9 stand in need of such assistance. The aid furnished shall be  
10 determined by the department on the basis of the circum-

11 stances surrounding each application, shall be sufficient to  
12 maintain an adequate standard of living for the poor and in-  
13 digent applicant and his immediate family who are eligible as  
14 hereinafter provided, shall be in an amount to be determined  
15 in accordance with budgetary standards of the department,  
16 and shall be granted from the date of the application therefor;  
17 provided, however, that such assistance shall not, in any form  
18 or manner, include the purchase of furniture and shall include  
19 financial assistance for the medical care and services listed in  
20 section six of chapter 118E for those persons who are eligible  
21 for assistance under the provisions of this section but who are  
22 not eligible for assistance under the provisions of section one  
23 of chapter 118E.

1 SECTION 3. Said chapter 117 is hereby further amended by  
2 striking out section 4, as appearing in chapter 618 of the Acts  
3 of 1975, and inserting in place thereof the following section: —

4 *Section 4.* The benefits of this chapter shall be available to  
5 any applicant who resides in the commonwealth; provided,  
6 however, that students shall not be so eligible either as an  
7 applicant or as the dependent of an applicant.

1 SECTION 4. Section 39 of chapter 117 of the General Laws,  
2 as most recently amended by section 19 of chapter 1210 of the  
3 acts of 1973, is hereby further amended in the first sentence  
4 of the first paragraph by striking out the word "sixty-five"  
5 and inserting in place thereof the word "fifty-five".

1 SECTION 5. Chapter 118E of the General Laws is hereby  
2 amended by striking out section 6, as most recently amended  
3 by section 31 of chapter 283 of the acts of 1976, and inserting  
4 in place thereof the following section: —

5 *Section 6.* The department shall provide financial assistance  
6 for the following care and services:

7 (1) inpatient hospital services, other than services in an  
8 institution for tuberculosis or mental diseases;

9 (2) outpatient hospital services;

10 (3) other laboratory and x-ray services;

11 (4) skilled nursing home services for individuals twenty-one  
12 years of age or over, other than services in an institution for

13 tuberculosis or mental diseases; and periodic screening and  
14 diagnosis of individuals who are eligible under the plan and  
15 are under the age of twenty-one to ascertain their physical or  
16 mental defects, and such health care, treatment and other  
17 measures to correct or ameliorate defects and chronic condi-  
18 tions discovered thereby, as may be provided in regulations  
19 of the Department of Health, Education and Welfare;

20 (5) physicians' services;

21 (6) medical care or any other type of remedial care recog-  
22 nized under the laws of the commonwealth furnished by  
23 licensed practitioners within the scope of their practice as  
24 defined by the laws of the commonwealth;

25 (7) home health care services;

26 (8) private duty nursing services;

27 (9) clinical services;

28 (10) dental services, including basic adult dental services;

29 (11) physical therapy and related services;

30 (12) prescribed drugs, dentures and prosthetic devices,  
31 prescription authorized hearing aids, and eyeglasses pre-  
32 scribed by a physician skilled in the diseases of the eye or an  
33 optometrist, whichever the individual may select;

34 (13) other diagnostic, screening, preventive and rehabilita-  
35 tive services;

36 (14) inpatient hospital services and skilled nursing home  
37 services for individuals sixty-five years of age or over in an  
38 institution for tuberculosis or mental diseases;

39 (15) any other care recognized under the laws of the  
40 commonwealth, including ambulance services, oxygen, podia-  
41 try and whole blood;

42 (16) transportation to obtain medical care;

43 (17) nursing home services and intermediate care facility  
44 services as permitted under the Social Security Act for indi-  
45 viduals whose handicapping condition requires such services  
46 other than services in an institution for tuberculosis or mental  
47 diseases but including nursing and intermediate care facility  
48 services provided in a public or private facility or distinct  
49 part thereof for the care of the mentally retarded or persons  
50 with related conditions.

51 The amount, duration and scope of the aforesaid care and

52 services shall be determined by the rules and regulations of  
53 the department, provided said rule and regulations are con-  
54 sistent with the provisions of this chapter and with said Title  
55 XIX, and any regulations adopted thereunder by the secretary.

1 SECTION 6. Section two of chapter 363A of the acts of 1977  
2 is hereby amended in Item 4406-2000 by striking out the word  
3 "limited" and by striking out the words "provided, that not  
4 more than four million dollars may be expended for said  
5 medical services".

1 SECTION 7. This act shall take effect upon passage.