

By Mrs. Murray of Cohasset, petition of Mary Jeanette Murray relative to hospital and nursing care of certain multiple handicapped young adults. Health Care.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-Six.

AN ACT RELATIVE TO THE CARE OF CERTAIN MULTIPLE-HANDICAPPED YOUNG ADULTS.

*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 4J of chapter 111 of the General Laws, as  
2 amended by section 4N of chapter 1229 of the acts of 1973, is hereby  
3 further amended by striking out the first paragraph and inserting in  
4 place thereof the following two paragraphs: —

5 Financial assistance in the payment of expenses for the hospital  
6 and nursing care of multiple-handicapped children twenty-one  
7 years of age or under may be paid by the department on a statewide  
8 basis, provided, that: (1) eligibility for assistance shall be deter-  
9 mined in accordance with an income and resource schedule estab-  
10 lished by the department which takes into account the number of  
11 persons in the family and the out-of-pocket expenses for such  
12 hospital or nursing care; (2) any person applying for such assistance  
13 shall provide the department with a financial statement which  
14 discloses in full any income, assets, liabilities or other data deemed  
15 relevant by the department; (3) a medical review team under the  
16 supervision of or approved by the department, in cooperation with  
17 the department of mental health, finds that the child requires such  
18 hospital or nursing care; and (4) if such care is required as a result of  
19 injury, disease, or disability for which a third party may be liable,  
20 the department shall require the person receiving such care, his  
21 parent or legal guardian, to provide for assignment to the com-  
22 monwealth of the amounts expended under this section from the  
23 proceeds of any claim against the third party. Payments made  
24 under this section shall not supersede payments or services availa-

25 ble under any other federal, state, local or private health program  
26 or insurance plan and shall be made only to providers of care in  
27 accordance with rates established by the rate setting commission  
28 under chapter six A. The department shall review at least annually  
29 the financial need for assistance and shall terminate any payments  
30 when such need no longer exists.

31 Patients eighteen to twenty-one years of age may be admitted and  
32 cared for in a convalescent or nursing home licensed under the  
33 provisions of section seventy-one only after a total clinical evalua-  
34 tion of said patient by the admitting physician and subject to the  
35 approval of said patient's legal guardian, admitting physician and  
36 the admitting convalescent or nursing home; provided, however,  
37 that said medical review team may evaluate the appropriateness of  
38 said placement of said patients eighteen to twenty-one years of age  
39 within ninety days after admission. If placement is determined to be  
40 inappropriate, the medical review team shall so notify in writing the  
41 admitting physician, the patient's legal guardian, and the admitting  
42 convalescent or nursing home and include alternative placement  
43 recommendations within said ninety days.

1 SECTION 2. The executive office of human services, through  
2 the departments of public health, mental health and public welfare,  
3 is hereby authorized and directed to conduct a feasibility study for a  
4 program of nursing home care for multiple-handicapped young  
5 adults over twenty-one years of age, currently residing in a pediatric  
6 nursing home. Said feasibility study shall include, but not be limit-  
7 ed to, a description of the type and number of individuals to be  
8 covered by such care; a projection of future population needs,  
9 including estimates of like individuals not currently residing in  
10 pediatric nursing homes; the impact upon current geriatric and  
11 pediatric nursing home bed needs; a recommendation of the types  
12 of services to be provided; a fiscal analysis of the cost of said  
13 program, including reimbursement ramifications, rate structures  
14 and capital outlay requirements; and a programmatic and fiscal  
15 comparison to the existing program of intermediate care facilities.  
16 Said study shall be filed by the secretary of the executive office of  
17 human services with the joint committee on health care, and the  
18 house and senate committees on ways and means on or before  
19 January sixteenth, nineteen hundred and eighty-four.