

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty.

AN ACT AMENDING THE OLD AGE ASSISTANCE LAW SO AS TO PROVIDE TO CERTAIN DESERVING PERSONS IN NEED OF RELIEF AND SUPPORT AT SIXTY-THREE YEARS OF AGE OR OVER A MINIMUM PAYMENT OF SEVENTY-FIVE DOLLARS PER MONTH, AND TO SUCH BLIND, ELIGIBLE, DESERVING PERSONS A MINIMUM PAYMENT OF EIGHTY-FIVE DOLLARS PER MONTH. Chap. 830

Be it enacted by the People, and by their Authority:

SECTION 1. The General Laws are hereby amended by striking out chapter 118A, as amended, and inserting in place thereof the following chapter: —

G. L. (Ter. Ed.), 118A, etc., stricken out and new chapter 118A, inserted.

CHAPTER 118A.

ADEQUATE ASSISTANCE TO CERTAIN AGED PERSONS.

Section 1. Adequate assistance to deserving persons in need of relief and support between the ages of sixty-three and sixty-five years who shall have resided in the commonwealth not less than fifteen years during the twenty years immediately preceding the date of application for such assistance and who shall have resided in the commonwealth continuously for five years immediately preceding said date of application, and to such persons sixty-five years of age or over who shall have resided in the commonwealth not less than five years during the nine years immediately preceding the date of application for such assistance, and who shall have resided in the commonwealth continuously for one year immediately preceding said date of application, shall be granted under the supervision of the department of public welfare, in this chapter called the department. Financial assistance granted hereunder shall be given from the date of application therefor, but in no event before the applicant reaches the age of sixty-three, and in determining the amount of assistance to be given for any period preceding the date on which the application was favorably passed upon, consideration shall be given to the amount of welfare relief, if any, given to such applicant during said period under any other provision of law. Such assistance shall, wherever practicable, be given to the aged person in his own home or in lodgings or in a boarding home, which for the purposes hereof shall include any institution providing shelter, care and treatment for aged persons which is not supported in whole or in part by public funds; provided, that no inmate of such a boarding home or institution shall be eligible for assistance under this chapter while being cared for under a contract. Such assistance shall be paid by check or in cash, which shall be delivered to the applicant at his residence, if he so re-

Old age assistance.

Payments, how made.

quests, and shall be paid semi-monthly unless the applicant prefers less frequent payments. Such assistance shall be on the basis of need, and the amount thereof shall be determined in accordance with budgetary standards established by the local board of public welfare. Budgetary standards shall be subject to the approval of the department, but, except as hereinafter provided, such assistance shall be at not less than the following rates: Seventy-five dollars monthly to each applicant, and eighty-five dollars monthly to each blind applicant. The applicant's budget at such times as may be required shall include hospital, convalescent and dental care, also false teeth and eyeglasses. In computing the aforesaid minima the local board of public welfare, or the department acting on cases appealed, as the case may be, shall, in accordance with rules and regulations made by the department, deduct therefrom the amount of income the person assisted or to be assisted may be receiving from any source whatsoever, and may so deduct therefrom such reasonable amount as may be deemed to represent the financial value of board, lodging or other assistance which is being furnished to such person from any source whatever. A person retired on a pension or allowance whose net total income does not exceed ninety dollars per month shall be exempt from contributing to the support of spouse who is eligible to receive benefits under this chapter.

Medical
care.

Such assistance shall also provide for adequate medical care for every recipient of assistance under this chapter, and shall also include provision for the services of a physician of such recipient's choice, subject to such rules and regulations as shall be made by the department.

Expenses for medical, hospital and other services rendered to an aged person which remain unpaid at the time of his commitment to an institution as an insane person, or expenses for similar services rendered to an aged person which remain unpaid at the time of his death, and also the expenses of his funeral, may be paid directly to the person furnishing such service; and, in addition, expenses for medical, hospital and other services rendered to an aged person may be paid directly to the person furnishing such services, subject to any rule or regulation of the department relative to reimbursement under this chapter, in any case where such payment is necessary to discharge an obligation incurred in securing such services for such aged person.

Local
bureau of
old age
assistance.

Section 2. Each board of public welfare shall, for the purpose of granting adequate assistance and service to such aged persons, establish a division thereof to be designated as the bureau of old age assistance. Boards of public welfare and bureaus of old age assistance in performing the duties imposed upon them and in exercising the powers granted to them under this chapter shall be subject to the supervision of the department and shall comply with all rules and regulations adopted by the department pursuant to the provisions of this chapter, and no city or town shall receive reim-

bursement from the commonwealth under this chapter with respect to any case unless the department determines that the provisions of this chapter relative to the minima provided in section one have been complied with by such city or town with respect to such case. In addition, no city or town shall receive reimbursement from the commonwealth under this chapter, or be entitled to participate in money received from the federal government under the provisions of section seven unless the department has approved its current budgetary standards and determined that the rules and regulations of said department in connection therewith have been complied with. No printed or written words referring to boards or departments of public welfare shall appear on any envelope mailed or delivered to an applicant for, or recipient of, assistance under this chapter. Each local board of public welfare, upon its denial of an application, denial of a request for an increase in the amount of assistance, or upon a reduction in the amount of assistance, shall notify by mail such applicant or recipient the reasons therefor and shall include with such notification an appeal blank provided by the department. In addition, the department shall distribute to all aged recipients a pamphlet or pamphlets explaining this chapter. In determining the need for financial assistance, said bureaus shall give consideration to the resources of the aged person. No action shall be brought under sections twenty to twenty-two, inclusive, of chapter two hundred and seventy-three in connection with the granting of assistance under this chapter. Action under sections seven to twelve, inclusive, of chapter one hundred and seventeen shall be brought by a local board of public welfare in connection with the granting of assistance under this chapter with the approval or upon the direction of the department. In any case where the department approves the bringing of such action it shall order that such action be commenced within a specified period of time thereafter and shall send a copy of such order, attested by its proper officer, to the local board by registered mail as soon as may be. If the local board neglects or refuses to bring such action within the time limited by such order the department shall thereupon bring such action in the name and on behalf of such local board, or may withhold from any city or town any reimbursement from the commonwealth under this chapter and any reimbursement from the federal government under the provision of section seven unless the action has been commenced by said local board. Until the matter is completely adjudicated and the resource in question is actually available to the aged person or persons otherwise eligible, assistance to him or them shall not be refused or reduced by reason of such resource. Upon adjudication in favor of the local board, said board shall be reimbursed by the child or children for the assistance granted pending adjudication in such amount as the court may order. Not later than fourteen days from the initial payment to appli-

cants, notice on a form prescribed by the department shall be forwarded to the department, stating in each case any and all deductions from the amounts of assistance prescribed herein and the reasons for all such deductions. If said deductions in a particular case are not approved by the department they shall not be made in subsequent payments in said case and the amount of deductions made in such initial payment shall be added to the amount of the next succeeding payment. Separate records of all such aged persons who are assisted shall be kept in the manner prescribed by section thirty-four of chapter forty-one and by section thirty-two of chapter one hundred and seventeen. The department shall make an annual report, and also such reports to the social security board established under the federal social security act, approved August fourteenth, nineteen hundred and thirty-five, as may be necessary to secure to the commonwealth the benefits of said act.

Annual
report, etc.

Appeal upon
failure to
grant aid.

Section 3. Any person aggrieved by the failure of any town to render adequate assistance under this chapter, or by the failure of the board of public welfare or bureau of old age assistance to approve or reject an application for assistance hereunder within thirty days after receiving such application shall have a right to fair hearing, after due notice upon appeal to the department in the manner and form prescribed by the department; provided, that such appeal is received by the department within sixty days after official notice of the action taken by the board of public welfare or bureau of old age assistance has been received by the applicant. Such hearing shall be conducted by the commissioner of public welfare, hereinafter referred to as the commissioner, or a referee designated by the commissioner. The commissioner or any referee designated by him is hereby empowered to subpoena witnesses, administer oaths, take testimony and secure the production of such books, papers, records and documents as may be relevant to such hearing. The decision of the commissioner or of the designated referee, when approved by the commissioner, shall be the decision of the department. Fair hearings shall be granted upon any appeal in relation to the following matters:

1. The matter of denial of assistance by the local board of public welfare or bureau of old age assistance.

2. The matter of a change in the amount of assistance given.

3. The matter of withdrawal of assistance.

4. The matter of failure to receive adequate assistance under this chapter by reason of the non-fulfillment of any agreement made by a third person to contribute toward the support and maintenance of such aged person. The department may also, upon its own motion, review any decision of a local board of public welfare or of a bureau of old age assistance, and may consider any application upon which a decision has not been made by such a board or bureau within the required time.

The department may make such additional investigation as it may deem necessary and shall make such decision as to the granting of assistance and the amount of assistance to be granted as in its opinion is justified and in conformity with the provisions of this chapter. Applicants or recipients affected by such decisions of the department shall, upon request, be given reasonable notice and opportunity for a hearing by the department. The provisions relating to the conduct of fair hearings and decisions thereon made, as provided in this section, shall be equally applicable in all cases wherein the department acts upon its own motion.

Every decision of the department shall be rendered not later than sixty days after the claim of appeal was filed or after the department acted upon its own motion to review any decision of such a local board or bureau, as the case may be. Every decision of the department shall be final and binding upon the local board or bureau involved and shall be complied with by such local board or bureau.

This section shall not be construed to limit the right of a board of public welfare or bureau of old age assistance or its officials to confer with the commissioner on policies and procedures of the department.

Section 4. The ownership by an applicant of an equity in vacant land from which no income is derived, or the ownership of an equity in real estate by an applicant who resides thereon or who, in the opinion of the board, is residing elsewhere than on such real estate because of physical or mental incapacity, shall not disqualify him from receiving assistance under this chapter; provided, that if such equity, computed on the basis of assessed valuation, exceeds an average of four thousand dollars during the five years immediately preceding his application, the board of public welfare of the town rendering such assistance, or the bureau of old age assistance established by such board, shall, through the appropriate town official, require such applicant to execute a bond in a penal sum equal to the amount of the equity in excess of four thousand dollars, running to the treasurer of the town, conditioned on repayment to such town of all amounts of such assistance, without interest, such bond to be secured by mortgage of the applicant's real estate. Proceedings to realize upon any such bond or mortgage shall be brought only with the written approval of the department, which shall be granted upon application, except in any case where such a proceeding would in the opinion of the department, result in undue hardship or would be inconsistent with the purposes of this chapter. Every such bond and mortgage shall be forthwith entered for record in the proper registry of deeds or registry district of the land court, as the case may be, and the register of deeds or assistant recorder of the land court shall thereupon record or register such bond and mortgage without fee. The proceeds realized by the town from any such bond and mortgage shall be apportioned among the federal government, the commonwealth and the

Ownership
of property
not to
disqualify
applicant.

town furnishing the assistance in proportion to the amount of their respective contributions, but in no case for more than the amount contributed, without interest.

Same subject.

Section 5. The ownership of a policy of insurance of the type known as group insurance, or of a policy of insurance in an amount not exceeding one thousand dollars, shall not disqualify an applicant from receiving a pension under this chapter, nor shall a policy of insurance in an amount not exceeding three thousand dollars and having in any case a cash surrender value not in excess of one thousand dollars disqualify an applicant from receiving such a pension, if such last policy has been in effect not less than fifteen years prior to the date of his application. The words "policy of insurance", as used in this section shall include a benefit certificate.

Same subject.

Section 6. The possession by an applicant for assistance under this chapter of assets consisting of cash, active securities or any combination of such assets, shall not disqualify him from receiving such assistance; provided, that the total of such assets, figuring the present cash value of such inactive securities at the sum determined by the old age bureau, does not exceed the sum of five hundred dollars.

Liability
for expenses
incurred
for care
of aged.

Section 7. A person shall be liable in contract to any town for expenses incurred by it under this chapter for assistance rendered to such person under this chapter if such person is in possession of funds not otherwise exempted, provided action is commenced against such person within six years next after the date when said person last received assistance or support under this chapter or chapter one hundred and seventeen. The executor or administrator of such person shall likewise be liable for such expenses if the estate of such person is in possession of funds not otherwise exempted thereunder, but in any action therefor the defense of the statute of limitations shall not be available to the executor or administrator except as provided in chapter one hundred and ninety-seven. In no event, however, shall any action be brought under this section in behalf of a town except with the written approval of the department.

Aid not to be
granted in
certain
cases.

Section 8. No assistance under this chapter shall be granted to an applicant who, at any time within five years immediately prior to the filing of an application for such assistance, has made an assignment or transfer of property so as to render himself eligible to such assistance. Assistance hereunder shall not be subject to trustee process, and no assignment thereof shall be valid. No applicant for assistance hereunder, who knowingly makes any false statement, or seeks to perpetrate any fraud or deception in or relative to his application for such assistance, shall be granted any assistance hereunder upon such application, nor shall he be eligible for one year thereafter to make further application for such assistance or to receive the same.

Recipients
of old age
assistance
permitted to

Section 9. Any person receiving assistance under this chapter may be absent on visit from the commonwealth

without having such assistance suspended. Such person, before departure from the commonwealth and following return thereto, shall notify the bureau of old age assistance of the town granting such assistance. The department may provide by rule or regulation for the continuation of such assistance during such period as it may deem proper with respect to cases where the suspension of such assistance because of absence from the commonwealth would result in undue hardship or be inconsistent with the provisions of this chapter.

leave commonwealth without suspension of such assistance.

The department may also provide by rules and regulations for the payment of such assistance to a person who has moved permanently from the commonwealth to another state, so as to continue such assistance until such time as may be reasonably necessary for the recipient to meet requirements for receiving old age assistance or similar assistance from such other state; provided, that after the expiration of a period of three months' residence in such other state, the amount of such assistance shall not exceed the amount of assistance that such person would receive from such other state if eligible therefor; and provided, further, that such assistance shall be granted only when reciprocal agreements are in effect between this commonwealth and said state under section nine A of chapter one hundred and twenty-one.

Rules and regulations.

Section 10. Money received by the commonwealth from the federal government as a grant for old age assistance shall be paid to the several towns as allotted by the department and shall be kept as a separate account by every such town and used only for purposes specified by the department, notwithstanding the provisions of section fifty-three of chapter forty-four.

Federal aid to be given to cities and towns.

Section 11. Any town rendering assistance under this chapter shall be reimbursed by the commonwealth for all such disbursements. All accounts against the commonwealth for allowances to towns on account of moneys paid for which they are entitled to reimbursement by the commonwealth hereunder shall be rendered to the department on forms prescribed by the department, and, if rendered as aforesaid, approved by the department and certified by the comptroller, but not otherwise, shall be paid by the commonwealth. The approval of accounts by the department under this chapter shall have the effect of a provisional preaudit of such accounts, and reimbursements based thereon shall be subject to verification and adjustment by the department. Such adjustments shall be made by reducing or increasing any subsequent reimbursements under this chapter by the amount of such adjustment. Failure to comply with the rules and regulations of the department shall be cause for disapproval of any account.

Reimbursement of cities and towns.

Section 12. If an application for assistance under this chapter is affected by the eligibility of the applicant to receive aid under chapter sixty-nine or benefits under chapter one hundred and fifteen, the applicant shall be entitled to

Options.

exercise such options and execute such waivers as may be necessary to receive the assistance or aid which he seeks.

Supervision
of local
boards.

Section 13. The department shall supervise the administration of this chapter, and for this purpose may adopt rules and regulations for its efficient administration, and may take such action as may be necessary or desirable for carrying out its purposes in conformity with all requirements governing the allowance of federal aid to the commonwealth as a grant for old age assistance. The rules and regulations adopted by the department may include, among others, provisions relative to notice and reimbursement, the organization of the activities of bureaus of old age assistance under this chapter, including provisions for adequacy of personnel, a uniform system of records and accounts to be kept by boards of public welfare or bureaus of old age assistance, and for the manner and form of making reports to the department. The department may visit any person assisted, and shall have access to any records and other data kept by the boards of public welfare or their representatives relating to such assistance, and may require the production of books and papers and the testimony of witnesses under oath.

Old age
assistance
fund.

Section 14. There shall be established and set up on the books of the commonwealth a separate fund, to be known as the old age assistance fund, consisting of receipts credited to said fund under chapter sixty-four B, section fifteen of chapter one hundred and twenty-eight A and section twenty-seven of chapter one hundred and thirty-eight. Said fund, subject to appropriation, shall be used for the reimbursement of cities and towns by the commonwealth for assistance given to aged persons under the provisions of this chapter, and shall be used for expenses incurred by the department of public welfare for administration and supervision of such assistance.

G. L. (Ter.
Ed.), 273,
§ 20, not to
apply in
certain case.

Section 15. Section twenty of chapter two hundred and seventy-three of the General Laws, as appearing in the Tercentenary Edition, shall not apply in any case where the parent referred to therein is eligible to receive assistance under this chapter.

Effective
date.

SECTION 2. This act shall take effect on June first, nineteen hundred and fifty-one.

OFFICE OF THE SECRETARY,
BOSTON, December 4, 1950.

I hereby certify that the foregoing law entitled "An Act amending the old age assistance law so as to provide to certain deserving persons in need of relief and support at sixty-three years of age or over a minimum payment of seventy-five dollars per month, and to such blind, eligible, deserving persons a minimum payment of eighty-five dollars per month" was approved by the People at the State Election held on November 7, 1950, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution.

EDWARD J. CRONIN,
Secretary of the Commonwealth.