

By Ms. Buell of Greenfield, petition of Carmen D. Buell and other members of the General Court relative to home care programs of the Department of Elder Affairs. Health Care.

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 paragraphs: —

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. The department shall develop an
8 interdisciplinary assessment and careplanning process for elders
9 who are dually eligible for Medicaid home health services
10 pursuant to chapter eighteen of the General Laws and chapter one
11 hundred and eighteen E of the General Laws, and home care
12 services provided under this chapter; provided further that said
13 interdisciplinary assessment and careplanning process shall be
14 coordinated on the local level by home care corporations
15 established under this chapter, which shall be responsible for
16 developing individual community care plans that provide the most
17 cost effective blending of health and supportive long term care
18 services. Home care corporations shall act as the agent of the
19 department of public welfare/Medicaid for the purpose of
20 establishing coordinated careplans for long term care services,
21 including, but not limited to, home health services, but shall not
22 directly provide home care services, home health services, or
23 nursing facility services, and shall not have a direct or indirect
24 ownership or controlling interest in, or direct or indirect affiliation

25 or relationship with, an entity that provides home care, home
26 health care, or nursing facility services, except as permitted under
27 chapter forty-two U.S.C. section 3001.

28 The initial needs assessment for home health services shall be
29 completed by certified home health agencies or acute care
30 hospitals and submitted to the local home care corporation for
31 approval or modification as part of the managed care plan. All
32 assessments shall be conducted using a single, interdisciplinary
33 assessment format. An initial needs assessment for home care
34 services shall be provided only to elders who meet the financial
35 eligibility guidelines of the homecare program as determined by
36 the department. The department shall enter into an interagency
37 agreement with the department of public welfare to carry out the
38 provisions of the interdisciplinary assessment and careplanning
39 process; provided further, that the department shall promulgate
40 rules and regulations to insure that elders and their families have
41 the right to appeal the appropriateness and availability of the
42 interdisciplinary care plan as developed by the home care
43 corporation. Elders who are casemanaged under the home care
44 program established pursuant to this chapter shall be reassessed
45 once annually; provided further that the department shall develop
46 a plan for transferring the monitoring of home care service
47 vendors from the home care corporations to the office of
48 purchased services within the executive office of administration
49 and finance by the first day of July nineteen hundred and ninety-
50 two. The department shall further establish a long term care
51 quality assurance monitoring program within the home care
52 corporations, which shall focus on measuring the quality services
53 rendered and consumer satisfaction with long term care services
54 offered under the interdisciplinary assessment and careplanning
55 process.

1 SECTION 2. The provisions of section one of this act shall
2 become effective the first day of July nineteen hundred and ninety-
3 one, and shall apply only to new intakes into the home health and
4 home care system after that date.