

SENATE No. 577

By Miss O'Brien, petition (accompanied by bill, Senate, No. 577) of Shannon P. O'Brien for legislation relative to eligibility for elderly home care services. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO ELIGIBILITY FOR ELDERLY HOME CARE SERVICES.

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. Clause (c) of section 4 of chapter 19A of the
2 General Laws, as appearing in the 1986 Official Edition, is hereby
3 amended by adding, in line 73 thereof, after the words "additional
4 services were feasible;" the following: — provided further that
5 said services shall be available to any resident of the
6 commonwealth over the age of sixty whose income falls within
7 the guidelines established by the department; and who, because
8 of physical, cognitive, or emotional impairments is unable to
9 perform, without human assistance, two or more activities of daily
10 living and/or instrumental activities of daily living; and who
11 would otherwise lack adequate access to such necessary
12 assistance;.

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

4 For the purposes 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 bed or chair, and maintaining continence of bladder or
8 bowel. For the purposes of this section, the term "instrumental
9 activities of daily living" shall include meal preparation,
10 housework, laundry, shopping, taking medicine, money
11 management, using a telephone, walking outside of one's living

12 quarters, and accessing available transportation, or if no such
13 transportation is available, providing one's own transportation.

1 SECTION 3. The secretary of elder affairs is hereby authorized
2 and directed to identify all home care program services which meet
3 the federal definition of personal care services in 42CFR
4 440.170(f) and case management in 1915(g) of Title XIX, and to
5 request federal matching funds for such services being provided
6 to persons eligible for medical assistance under the provisions of
7 chapter 118E of the General Laws.