

By Mr. DeNucci of Newton, petition of A. Joseph DeNucci, James J. Craven, Jr., Paul Kollios, Emanuel G. Serra, Charles F. Flaherty and another for legislation to prevent unnecessary institutionalization of elderly and disabled persons. Human Services and Elderly Affairs.

**The Commonwealth of Massachusetts**

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

AN ACT TO PREVENT UNNECESSARY INSTITUTIONALIZATION OF THE ELDERLY AND DISABLED.

*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 10 of Chapter 118E of the General Laws, as most  
2 recently amended by Chapter 825 of the Acts of 1977, is hereby  
3 further amended by adding to the end of the second to last para-  
4 graph the following sentences: —

5 Subject to the availability of federal financial participation, the  
6 Department of Public Welfare shall promulgate regulations for  
7 determining Medicaid eligibility under a one month spend-down  
8 policy for the populations described below: —

9 (a) severally physically disabled people who are Independent  
10 Living Program participants and are able to avoid institutional  
11 care through the use of personal care attendants.

12 (b) individuals classified by the Department of Public Welfare  
13 as being in long-term care.

14 (c) other classifications of individuals as determined by the  
15 Department of Public Welfare, who have difficulty becoming  
16 eligible for Medicaid under a six-month spend-down, and who  
17 each month incur predictable and consistently high medical  
18 expenses through use of one particular program or service, such as

19 participants of Adult Foster Care, and private duty nursing  
20 patients.

21 (d) other individuals who have been determined by DPW to be  
22 at risk of institutionalization, but capable of maintaining them-  
23 selves in the community with the use of in-home health services or  
24 other health support services, and who each month incur predict-  
25 able and consistently high medical expenses.

26 The Department of Public Welfare shall apply for any waivers  
27 from the federal government necessary to implement the provi-  
28 sions of this section.