

By Mr. White of Boston, petition of W. Paul White for legislation to authorize a pilot program for multiple-handicapped young adults. Health Care.

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING A PILOT PROGRAM FOR 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
3 hereby further amended by striking out the first paragraph and
4 inserting in place thereof the following three paragraphs: —

5 Financial assistance in the payment of expenses for the hospital
6 and nursing care of multiple-handicapped children twenty-two
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 assist-
13 ance 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; and (3) if such care is required as a
16 result of injury, disease, or disability for which a third party may be
17 liable, the department shall require the person receiving such care,
18 his parent or legal guardian, to provide for assignment to the
19 commonwealth of the amounts expended under this section for the
20 proceeds of any claim against the third party.

21 No such multiple-handicapped individual from birth to age
22 twenty-two otherwise eligible for financial assistance under this
23 section shall be admitted to a nursing home without certification
24 of eligibility for nursing home care by the department's medical
25 review team. The medical review team shall be comprised of a
26 multidisciplinary team of health and allied health professionals

27 and such other individuals as the department may, from time to
28 time, deem appropriate. The medical review team shall, in
29 consultation with the departments of mental health, social serv-
30 ices, welfare, education, office for children, and the commission
31 for the blind, assess the medical, nursing, developmental and
32 social needs of all such multiple-handicapped individuals. In the
33 event that the medical review team denies certification, it shall
34 recommend an alternative care program appropriate to each indi-
35 vidual's needs.

36 Payments made under this section shall not supersede payments
37 or services available under any other federal, state, local or private
38 health program or insurance plan and shall be made only to
39 providers of care in accordance with rates established by the rate
40 setting commission under chapter six A. The department shall
41 review at least annually the financial need for assistance and shall
42 terminate any payments when such need no longer exists.

1 SECTION 2. In addition to the bureau of transitional plan-
2 ning's responsibilities under the provisions of sections twelve A to
3 twelve C, inclusive, of chapter seventy-one B of the General Laws
4 and notwithstanding the provisions of any other law to the contrary
5 the bureau of transitional planning shall plan and implement a
6 pilot program to include, but not be limited to, nursing home care
7 for multiple-handicapped young adults who are residing in pedi-
8 atric nursing homes and who have attained the age of twenty-one
9 years on or before the effective date of this act. The bureau of
10 transitional planning shall submit a plan for the pilot program to
11 the transitional advisory committee which shall propose guide-
12 lines for the operation of the program including recommendations
13 for resolving any interagency issues necessary to implement the
14 program. The plan for the pilot program shall be approved by the
15 transitional advisory committee and reported to the joint commit-
16 tee on health care within six months of the effective date of this act;
17 and the pilot program described therein shall be established within
18 three months of said reporting. The bureau of transitional plan-
19 ning shall report the results of the pilot program and its recom-
20 mendations, if any, together with drafts of legislation necessary to
21 carry its recommendations into effect by filing the same with the
22 joint committee on health care on or before September first,
23 nineteen hundred and eighty-seven.