

By Mr. Nagle of Northampton, petition of William P. Nagle, Jr., for legislation to reduce errors in eligibility determinations by the Department of Public Welfare, Human Services and Elderly Affairs.

**The Commonwealth of Massachusetts**

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

AN ACT TO REDUCE ERRORS IN ELIGIBILITY DETERMINATIONS IN THE DEPARTMENT OF PUBLIC WELFARE.

*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. Chapter 117 of the General Laws, Section 6, as  
2 most recently amended by Chapter 908 of the Acts of 1971, is  
3 hereby further amended by adding to the end of Section 6 as  
4 follows: —

5 Recipients of benefits under this chapter are required to verify all  
6 elements of categorical and financial eligibility. The Department is  
7 required to accept as verification any reasonable evidence including  
8 if necessary affidavits from a third party which establish eligibility.  
9 Once a recipient establishes eligibility for benefits under this chap-  
10 ter, the Department cannot terminate benefits for claimed failure  
11 to provide verification without showing, by a preponderance of the  
12 evidence, that it has reasonable belief that one or more conditions  
13 of eligibility have been changed.

1 SECTION 2. Chapter 118 of the General Laws, Section 3, as  
2 most recently amended by Section 163 of Chapter 351 of the Acts  
3 of 1981, is hereby further amended by adding to the end of Section  
4 3 as follows: —

5 Recipients of benefits under this chapter are required to verify all  
6 elements of categorical and financial eligibility. The Department is  
7 required to accept as verification any reasonable evidence including

8 if necessary affidavits from a third party which establish eligibility.  
9 Once a recipient establishes eligibility for benefits under this chap-  
10 ter, the Department cannot terminate benefits for claimed failure  
11 to provide verification without showing, by a preponderance of the  
12 evidence, that it has reasonable belief that one or more conditions  
13 of eligibility have been changed.

1 SECTION 3. Chapter 118E of the General Laws, Section 1, as  
2 most recently amended by Section 172 of Chapter 351 of the Acts  
3 of 1981, is hereby further amended by adding to the end of Section  
4 1 as follows: —

5 Recipients of benefits under this chapter are required to verify all  
6 elements of categorical and financial eligibility. The Department is  
7 required to accept as verification any reasonable evidence including  
8 if necessary affidavits from a third party which establish eligibility.  
9 Once a recipient establishes eligibility for benefits under this chap-  
10 ter, the Department cannot terminate benefits for claimed failure  
11 to provide verification without showing, by a preponderance of the  
12 evidence, that it has reasonable belief that one or more conditions  
13 of eligibility have been changed.