

SENATE No. 596

By Mr. Tolman, a petition (accompanied by bill, Senate, No. 596) of Steven A. Tolman, Emile J. Goguen, Edward G. Connolly, Susan C. Fargo and Mary Jane Simmons for legislation to determine eligibility criteria for nursing homes licensed to care for children. Health Care.

The Commonwealth of Massachusetts

In the Year Two Thousand and One.

AN ACT RELATIVE TO ELIGIBILITY CRITERIA FOR NURSING HOMES SERVING PEDIATRIC RESIDENTS.

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 four J of Chapter one hundred and eleven
2 of the General Laws is hereby repealed.

1 SECTION 2. Section 71 of Chapter 111 of the General Laws is
2 hereby amended by inserting after the last paragraph the following
3 paragraphs:—

4 Notwithstanding any general or special law or regulation to the
5 contrary, no nursing home licensed by the department in whole or
6 in part as a skilled nursing care facility for children shall admit an
7 individual under twenty-two years of age for a period of
8 one hundred days or less unless said individual meets the medical
9 eligibility criteria for nursing facility services established by the
10 division of medical assistance, or receives prior authorization by
11 said individual's private third party health insurer.

12 Notwithstanding any general or special law or regulation to the
13 contrary, no nursing home licensed by the department in whole or
14 in part as a skilled nursing care facility for children shall admit an
15 individual under twenty-two years of age for a period to exceed
16 one hundred days unless said individual meets the medical eligi-
17 bility criteria for nursing facility services established by the divi-
18 sion of medical assistance and is determined by said division to be
19 a multiply-handicapped child, defined as a person under
20 twenty-two years of age with physical manifestations of

21 neurologic, musculoskeletal, or organic dysfunction, irrespective
22 of etiology, with the prognoses of significant impairment of
23 growth and development and severe limitation of independent
24 functioning, or unless said individual receives prior authorization
25 by said individual's private third party health insurer. Any indi-
26 vidual initially admitted to a skilled nursing care facility for chil-
27 dren upon meeting the medical eligibility criteria of the division
28 of medical assistance for a period of one hundred days or less
29 must obtain approval for continued eligibility by said division in
30 order to continue residency in said facility beyond one hundred
31 days. Any individual initially admitted into a skilled nursing
32 facility for children under authorization by a private third party
33 health insurer must obtain approval from the division of medical
34 assistance under the division's medical eligibility criteria for con-
35 tinued residency at said facility prior to the expiration of the third
36 party health insurance coverage.

1 SECTION 3. Chapter 118E of the General Laws is hereby
2 amended by inserting after section 14A the following section:—

3 Section 14B. Notwithstanding any general or special law or
4 regulation to the contrary, the division shall determine medical
5 eligibility for admittance of children under the age of twenty-two
6 to a skilled nursing care facility for children pursuant to regula-
7 tions codified at 130 Code of Massachusetts Regulations 456-409
8 as in effect on December 6, 2000.