SENATE . . . . No. 718

By Mr. Tisei, a petition (accompanied by bill, Senate, No. 718) of Richard R. Tisei, Bruce E. Tarr, Robert A. Havern and Bradley H. Jones, Jr., for legislation to establish a life-long supportive living program for survivors of brain injuries. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year Two Thousand and One.

AN ACT RELATIVE TO ESTABLISHING A LIFE-LONG SUPPORTIVE LIVING PROGRAM FOR SURVIVORS OF BRAIN INJURY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The purpose of this act is to address the specific needs of recipients of MassHealth who have brain injuries and are in need of supportive living services and who are currently or who would be eligible to receive services under the so-called Transitional Living Program and who may not be able to meet the time requirements and the need for "hands-on" care for transitional living assistance as established by the division of medical assistance's regulations.

SECTION 2. The Legislature hereby finds and declares that
(1) The number of individuals who survive brain injuries is increasing;
(2) These individuals need assistance including cueing and/or supervision to live as independently as possible in their own housing;
(3) Individuals with brain injuries have different physical and emotional problems from people with other disabilities;
(4) Oftentimes these individuals are inappropriately placed in institutions or other inappropriate settings where there is no real possibility of rehabilitation;
(5) There is a need to create appropriate and affordable life-long supportive housing options, which will enable survivors of

14 brain injuries to live with dignity and achieve their highest level
15 of independence in the community;
16   (6) The Commonwealth does not currently have a program that
17 adequately addresses the needs of this population of individuals;
18   (7) Survivors of brain injury have received services under the
19 Division of Medical Assistance ("Division")'s "Transitional
20 Living Program" even though they were not able to meet the time
21 requirements established by the Division's regulations.
22   (8) Survivors of brain injury, who do not require "hands-on"
23 care, but who may need a minimum of 14 hours per week of
24 cueing and/or supervision, have been denied approval for prior
25 authorization under the Transitional Living Program.
26   (9) An amended "Transitional Living Program" with a waiver
27 of the time limits and a waiver for the need for "hands-on" care
28 for individuals who have survived brain injury is the best model
29 for a program to provide lifelong supportive living assistance.

1   SECTION 3. Notwithstanding any of the provisions of 130
2 CMR 422.000, MassHealth shall under the so-called "Transitional
3 Living Program" cover housing and supportive living services
4 provided to MassHealth recipients with brain injuries living in
5 apartments and group home residences. Such coverage shall be
6 provided even though the recipients may not be able to move to
7 more independent living settings within the 10 to 12 months as
8 established by the division of medical assistance's regulations.
9 Such coverage shall also include a minimum of 14 hours per week
10 of cueing and/or supervision, as well as, but not necessarily,
11 "hands-on" care.

1   SECTION 4. The division of medical assistance is authorized
2 to establish a Life-Long Supportive Living Program for survivors
3 of brain injury. In order to establish said program, the division is
4 hereby authorized to (1) review and amend its regulations
5 regarding the Transitional Living Program under 103 CMR
6 422.000 et seq. to insure that MassHealth recipients with brain
7 injuries receive supportive living services even though the recipi-
8 ents may not ever be able to move to more independent living set-
9 tings, and (2) to promulgate new regulations, as required, for the
10 establishment of said program.