
By Ms. Chandler, a petition (accompanied by bill, Senate, No. 1141) of Harriette L. Chandler for legislation to ensure adequate adult day health services. Mental Health and Substance Abuse.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT TO ENSURE ADEQUATE ADULT DAY HEALTH SERVICES.

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 7 of Chapter 118G of the General Laws is
2 hereby amended by adding the following new paragraph after the
3 third paragraph:

4 The division shall establish rates for providers of adult day
5 health services which: recognize two levels of care, Basic and
6 Complex, with one corresponding rate for each; are not less than
7 the rates and reimbursements for those levels in effect for Adult
8 Day Health August 2, 2003; reimburse dementia-specific adult
9 day health programs at not less than the Complex rate for any par-
10 ticipant diagnosed with dementia and eligible for nursing home
11 placement pursuant to 130 CMR 456.409, in effect on January 1,
12 2004,.

1 SECTION 2. Chapter 118G of the General Laws is hereby
2 amended by adding a new Section 17B as follows:—

3 Section 17B. Adult Day Health Services.

4 The commissioner shall review and approve or disapprove rates
5 for the Basic and Complex levels of adult day health services. In
6 addition to the eligibility criteria for the basic level-of-care as out-
7 lined in 130 CMR 404. 407, any participant requiring nursing
8 services as outlined in 130 CMR 456.

9 409(C) shall be eligible for the basic level-of-care. Any partici-
10 pant who meets the eligibility criteria for nursing home placement
11 pursuant to 130 CMR 456.409, in effect on January 1, 2004, and

12 has been diagnosed with dementia shall be eligible for participa-
13 tion in a dementia-specific program. The commissioner of the
14 division of medical assistance, or its successor, shall not restrict
15 the number of persons participating in any dementia-specific pro-
16 gram based on the number of participants who have participated
17 in the Home and Community Based Waiver in previous years.