

By Mr. Herren of Fall River, petition of Albert Herren relative to services available through the elder home care program. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO SERVICES AVAILABLE THROUGH THE ELDER HOME CARE PROGRAM.

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 of chapter nineteen A of the General
2 Laws is hereby amended by adding, in clause (c), after the words
3 “protective services,” the following: — “respite care, social day
4 care services, adult day health services, adult foster care, personal
5 emergency response system services.”

1 SECTION 2. Section four of chapter nineteen A of the General
2 Laws is hereby amended by adding after subparagraph (p) the
3 following: — (q) to promote, coordinate the development of, and
4 provide as a home care program service adult foster care that
5 provides frail elders with an alternative to institutionalization, an
6 alternative to institutional respite care, and/or an interim
7 placement following discharge from an acute hospitalization;
8 provided that in addition to any ordinary sliding fee payments,
9 the cost to the elderly client for room and board shall not exceed
10 the per diem cost of room and board charged to persons receiving
11 adult foster care services under the provisions of Chapter 18E;
12 provided also that elderly clients receiving adult foster care
13 services shall have only limited access to other home care program
14 services, as determined by the department; provided also that host
15 families providing care through an adult foster care program shall
16 have only limited access to respite care services provided through
17 the home care program, as determined by the department; and

18 provided also that new adult foster care programs shall not be
19 established in communities already served by viable local adult
20 foster care programs.

1 SECTION 3. The Executive Office of Elder Affairs, hereafter
2 referred to as the department, is directed to develop and
3 implement a two year pilot demonstration project at three sites
4 across the Commonwealth that provides, as part of its home care
5 program, for the reimbursement of family members who provide
6 significant care to program-eligible elders who, without such
7 assistance, would be unable to maintain a community residence.

8 The department shall establish standards for determining
9 circumstances under which a family caregiver shall be reimbursed
10 which may include, but shall not be limited to, consideration of
11 the incomes of the elder and caregiver; the relationship between
12 the elder and caregiver; the elder's living arrangement; the elder's
13 care needs, especially as they may relate to the caregiver's ability
14 to maintain ordinary employment; the existence of cognitive,
15 cultural, and/or language-related barriers that might impair the
16 elder's ability to access other community-based services; and the
17 local availability and reliability of such services.

18 The department shall also establish guidelines for the direct
19 reimbursement of family caregivers that, to the extent possible,
20 establish a cost to the program that is comparable to the cost of
21 providing standard program services to comparably impaired
22 elders, and, to the extent possible, minimize the tax-related and
23 public benefits-related losses experienced by participating elders
24 and caregivers.

25 The department may provide additional caregiver support
26 services which may include, but shall not be limited to, respite
27 services, support groups, nursing supervision, and caregiver
28 training/counseling. The provision of such support services shall
29 be funded, to the extent possible, from the respite program.

30 The department shall conduct an evaluation of this pilot
31 demonstration project after 12 months and again after 21 months
32 of operation, which results shall be made available to the joint
33 committee on human services and elderly affairs of the general
34 court in a timely manner. Said evaluation shall examine the

35 quality and comparative cost of care provided under the
36 demonstration, and shall determine what effect, if any, the project
37 has had on participating elders' abilities to remain in the
38 community, and on participating family caregivers' abilities to
39 continue providing care.

