

By Mr. Kollios of Millbury, petition of Paul Kollios and other members of the House relative to certain benefits administered by the Department of Public Welfare for elderly persons, disabled persons and children. Human Services and Elderly Affairs.

## The Commonwealth of Massachusetts

Petition signed by:

Paul Kollios	Janet W. O'Brien
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Mark Roosevelt	Paul E. Caron
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In the Year One Thousand Nine Hundred and Ninety-Three.

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AN ACT TO REMOVE BARRIERS TO BENEFITS FOR ELDERS, DISABLED PERSONS AND CHILDREN.

*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 1 of chapter one hundred seventeen A  
2 of the General Laws is hereby amended by inserting the following  
3 paragraph at the end of this section: —

4 The department shall by regulation provide that a person shall  
5 be eligible for benefits under this chapter if the person is (i) a minor  
6 child, (ii) a parent or other caretaker of a minor child, (iii) a person  
7 sixty-five years of age or older, (iv) a person required to care for  
8 an incapacitated person who is not institutionalized and is in need  
9 of constant care, (v) a full-time student under the age of twenty-  
10 one at or below the secondary or equivalent vocational school  
11 level, (vi) a person participating in vocational rehabilitation with  
12 the Massachusetts Rehabilitation Commission, or (vii) a person  
13 who is disabled because of a physical or mental impairment or  
14 combination of impairments which is expected to last for sixty days  
15 or more and which substantially reduces or eliminates the  
16 individual's ability to support him or herself.

1 SECTION 2. Chapter one hundred and seventeen A of the  
2 General Laws is hereby amended by adding the following section  
3 after section two: —

4 Section 2A. Disability process

5 (a) Disability determination. The department (i) shall initially  
6 authorize benefits where a competent medical authority has  
7 verified that the individual suffers from a physical or mental  
8 impairment or combination of impairments which is expected to  
9 last for sixty days or more and which substantially reduces or  
10 eliminates the individual's ability to support him or herself, and  
11 (ii) shall provide a referral to a competent medical authority to  
12 complete the evaluation if the individual cannot locate an  
13 appropriate medical authority.

14 (b) Disability review. The department shall establish a system  
15 for reviewing selected cases where a competent medical authority  
16 has provided the verification required by subsection (i) of para-  
17 graph (a). In conducting such reviews, the department shall obtain  
18 all relevant information, including but not limited to test results  
19 and medical records, from the medical authority who verified the  
20 impairment and from other medical authorities or practitioners  
21 who treated the individual, and it shall offer the individual an  
22 opportunity to submit additional medical and vocational  
23 evidence. The department may terminate benefits in any case  
24 where (i) the review establishes that the individual does not have  
25 any physical or mental impairment or (ii) the department has  
26 arranged for examination by an independent physician and for  
27 an independent vocational assessment and these examinations  
28 establish that the individual does not meet the criteria in  
29 paragraph (a)(i).

30 (c) For purposes of this chapter, a competent medical authority  
31 means a medical provider designated by the department, including  
32 a physician or psychologist, or other health care provider in a  
33 clinic, mental health center, hospital, community health center,  
34 or health maintenance organization, who is licensed and  
35 authorized pursuant to said license to evaluate physical or mental  
36 disorders.

1 SECTION 3. Section two of chapter one hundred and eighteen  
2 of the General Laws is hereby amended by inserting the following  
3 sentence at the end of the first paragraph, as follows: — In  
4 calculating the financial eligibility of said dependent children for

5 whom assistance is sought, the department shall consider only the  
6 income or assets of the dependent children and those family  
7 members living with the children who are legally responsible to  
8 support said children.

1 SECTION 4. Section B of chapter eighteen of the General  
2 Laws is hereby amended by adding the following subpara-  
3 graph: —

4 (h) aid homeless individuals in becoming eligible for state and  
5 federal income, food and health benefits.