

By Mr. Mariano of Quincy, petition of Ronald Mariano relative to medical eligibility criteria for nursing homes serving pediatric residents. Health Care.

The Commonwealth of Massachusetts

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

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 forty-seven of Chapter one hundred and  
2 eleven of the General Laws, is hereby repealed.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 one hun-  
8 dred days or less unless said individual meets the medical eligi-  
9 bility 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 vision to be a  
19 multiply-handicapped child, defined as a person under twenty-two  
20 years of age with physical manifestations of neurologic, muscu-  
21 loskeletal, or organic dysfunction, irrespective of etiology, with the

22 prognosis of significant impairment of growth and development  
23 and severe limitation of independent functioning, or unless said  
24 individual receives prior authorization by said individual's private  
25 third party health insurer. Any individual initially admitted to a  
26 skilled nursing care facility for children upon meeting the medical  
27 eligibility criteria of the division of medical assistance for a  
28 period of one hundred days or less must obtain approval for con-  
29 tinued eligibility by said division in order to continue residency in  
30 said facility beyond one hundred days. Any individual initially  
31 admitted into a skilled nursing facility for children under autho-  
32 rization by a private third party health insurer must obtain  
33 approval from the division of medical assistance under the divi-  
34 sion's medical eligibility criteria for continued residency at said  
35 facility prior to the expiration of the third party health insurance  
36 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 Mass. Regs. 456.252 as in effect on  
8 December 4, 1996.