

By Mr. Koutoujian of Waltham, petition of Peter J. Koutoujian and others relative to rates for providers of adult day health services. Health Care Financing.

**The Commonwealth of Massachusetts**

PETITION OF:

|                        |                      |
|------------------------|----------------------|
| Peter J. Koutoujian    | Paul J. Donato       |
| John W. Scibak         | Bradford R. Hill     |
| Joyce A. Spiliotis     | Stephen Kulik        |
| Barbara A. L'Italien   | Brian Knuuttila      |
| Ruth B. Balsler        | Thomas P. Kennedy    |
| Anne M. Gobi           | Lewis G. Evangelidis |
| Christopher J. Donelan | Garrett J. Bradley   |

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 health  
5 services which: recognize two levels of care, Basic and Complex,  
6 with one corresponding rate for each; are not less than the rates and  
7 reimbursements for those levels in effect for Adult Day Health as of  
8 August 2, 2003; reimburse dementia-specific adult day health pro-  
9 grams at not less than the Complex rate for any participant diag-  
10 nosed with dementia and eligible for nursing home placement  
11 pursuant to 130 CMR 456.409, in effect on January 1, 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. 409(C) shall be eligible for  
9 the basic level-of-care. Any participant who meets the eligibility  
10 criteria for nursing home placement pursuant to 130 CMR  
11 456.409, in effect on January 1, 2004, and has been diagnosed  
12 with dementia shall be eligible for participation in a dementia-spe-  
13 cific program. The commissioner of the division of medical assis-  
14 tance, or its successor, shall not restrict the number of persons  
15 participating in any dementia-specific program based on the  
16 number of participants who have participated in the Home and  
17 Community Based Waiver in previous years.