

By Mr. Durand, petition (accompanied by bill, Senate, No. 545) of Robert A. Durand and Pamela P. Resor for legislation relative to home care for the elderly. Human Services and Elderly Affairs.

**The Commonwealth of Massachusetts**

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

AN ACT RELATIVE TO HOME CARE MANAGED CARE.

*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 4 of Chapter nineteen A of the General  
2 Laws is amended by adding after the first paragraph the following  
3 new paragraph: —

4 The department shall administer policies and programs that  
5 identify and plan for the long term care needs of the elderly and  
6 provide for the appropriate and efficient purchase of managed  
7 care services for the elderly, including but not limited to nursing  
8 home pre-screening, home health services established pursuant to  
9 chapter eighteen of the General Laws and chapter one hundred  
10 and eighteen E of the General Laws, and home care services  
11 provided under this chapter. Home care corporations established  
12 pursuant to clause (c) of section four of this chapter shall conduct  
13 assessments using an interdisciplinary team approach, establish  
14 individual community care plans and authorize the provision of  
15 community-based services consistent with criteria established by  
16 the department. Said home care corporations shall serve as the  
17 coordination point for integrated home health services and home  
18 care services. Home care corporations shall authorize but not  
19 provide home care services, home health services, or nursing  
20 facility services, and shall not have a direct or indirect ownership  
21 or control interest in, or direct or indirect affiliation or  
22 relationship with, an entity that provides home care, or nursing  
23 facility services, except as permitted under chapter forty-two  
24 U.S.C. section 3001. The department shall enter into any

25 necessary agreements with the department of public welfare  
26 regarding the provisions of home health services to beneficiaries  
27 entitled to care under chapter one hundred and eighteen E of the  
28 General Laws. Home care corporations shall emphasize the  
29 development of community care plans in the least restrictive  
30 setting, consistent with rules and regulations established by the  
31 department.

1 SECTION 2. Clause (c) of section 4 of chapter 19A of the  
2 General Laws is hereby amended by adding, in line 73 thereof,  
3 after the words “additional services where feasible;” the  
4 following: — provided further that said services shall be available  
5 to any resident of the Commonwealth over the age of sixty whose  
6 income falls within the guidelines established by the department;  
7 and who, because of physical, cognitive, or emotional impairment  
8 is unable to perform, without human assistance, two or more  
9 activities of daily living and/or instrumental activities of daily  
10 living, and who would otherwise lack adequate access to such  
11 necessary assistance.

1 SECTION 3. Said clause (c) of section 4 of chapter 19A is  
2 hereby further amended by inserting at the end thereof the  
3 following new paragraph: —

4 For the purpose of this section, the term “activities of daily  
5 living” shall include bathing, dressing and undressing, eating,  
6 toileting, walking within one’s living quarters, transferring in or  
7 out of a bed or chair, and maintaining continence of bladder or  
8 bowel. For the purpose of this section, the term “instrumental  
9 activities of daily living” shall include meal preparation,  
10 housework, laundry, shopping, taking medicine, money  
11 management, using a telephone, walking outside of one’s living  
12 quarters, and accessing available transportation, or if no such  
13 transportation is available, providing one’s own transportation.