

SENATE No. 601

By Mr. Shannon, a petition (accompanied by bill, Senate, No. 601) of Charles E. Shannon, Marian Walsh, Bruce E. Tarr, Dianne Wilkerson, Harriette L. Chandler, James R. Miceli and other members of the General Court for legislation relative to eligibility for nursing facility services for persons twenty-two years of age or older. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

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

AN ACT TO PROTECT NURSING HOME ELIGIBILITY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 118E of the General Laws is hereby amended by
2 inserting the following paragraphs after the first paragraph of
3 Section 19.

4 The Division will pay for nursing facility services for recipients
5 aged 22 and older under the following circumstances:

6 (1) the recipient is determined to be clinically eligible and
7 requires an institutional placement with twenty-four-hour skilled
8 nursing available;

9 (2) all other community options and alternatives are deemed
10 inappropriate or unavailable. A recipient is clinically eligible for
11 nursing facility services if:

12 (1) he or she requires skilled nursing services on a daily basis;
13 or

14 (2) he or she has a medical or mental condition requiring a
15 combination of at least three of the following services, including
16 at least one service from subsection (b) and the services are
17 required in an institutional setting —

18 (a) assistance with activities of daily living, including

19 (i) bathing

20 (ii) dressing

21 (iii) toileting

- 22 (iv) transfers
- 23 (v) mobility and ambulation
- 24 (vi) eating;
- 25 (b) nursing services, including
- 26 (i) skilled services provided frequently rather than daily
- 27 (ii) positioning while in bed or a chair as part of a written
- 28 care plan
- 29 (iii) measurement of intake or output based on medical
- 30 necessity
- 31 (iv) administration of oral or injectable medications that
- 32 require a registered nurse to monitor the dosage,
- 33 frequency or adverse reactions
- 34 (v) staff intervention for selected types of behavior that
- 35 are generally considered dependent or disruptive,
- 36 such as disrobing, screaming, or being physically
- 37 abusive to oneself or others, getting lost or
- 38 wandering into inappropriate places, being unable to
- 39 avoid simple dangers, or requiring a consistent staff
- 40 one-to-one ratio for reality orientation when it relates
- 41 to a specific diagnosis or behavior as determined by a
- 42 mental health professional
- 43 (vi) physician-ordered occupational, physical or
- 44 speech/language therapy or some combination of the
- 45 three (time limited with patient-specific goals);
- 46 (vii) treatments involving prescription medications for
- 47 uninfected postoperative or chronic conditions
- 48 according to physician orders, or routine changing of
- 49 dressings that require care and monitoring.