

**HOUSE . . . . . No. 01966**

---

The Commonwealth of Massachusetts

PRESENTED BY:

*John V. Fernandes*

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the calculation of income for spouses of nursing home residents..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>John V. Fernandes</i>	<i>10th Worcester</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Joyce A. Spiliotis</i>	<i>12th Essex</i>
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>

# HOUSE . . . . . No. 01966

By Mr. Fernandes of Milford, a petition (accompanied by bill, House, No. 1966) of Walsh and others relative to the calculation of income for spouses of nursing home residents Joint Committee on Elder Affairs.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
□ HOUSE  
□ , NO. 2737 OF 2009-2010.]

## The Commonwealth of Massachusetts

\_\_\_\_\_  
**In the Year Two Thousand Eleven**  
\_\_\_\_\_

An Act relative to the calculation of income for spouses of nursing home 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. Subsection (c) of section 21A of chapter 118E is amended by deleting the current  
2 subsection and substituting the following new subsection:-

3 (c) In making determinations under this section, the division shall revise the community spouse  
4 resource allowance as permitted or required by federal law. Either spouse shall have the right to  
5 request a fair hearing at which, if it is shown that the income of the community spouse is less  
6 than the minimum monthly maintenance needs allowance of the community spouse, the referee  
7 shall revise the community spouse resource allowance, using methods permitted or required by  
8 federal law, to a level sufficient to generate the shortfall in income. The division shall calculate

- 9 interest income on the investment of the community spouse resource allowance using the
- 10 average money market rates reported by Bank Rate Inc. on the date of the hearing.