

SENATE No. 727

The Commonwealth of Massachusetts

PRESENTED BY:

Joanne M. Comerford

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 adoption of the accompanying bill:

An Act to support equal access to community care for elders and persons with disabilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/17/2023</i>

SENATE No. 727

By Ms. Comerford, a petition (accompanied by bill, Senate, No. 727) of Joanne M. Comerford and James B. Eldridge for legislation to support equal access to community care for elders and the disabled. Health Care Financing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 748 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to support equal access to community care for elders and persons with disabilities.

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

1 Subsection (5) of section 25 of chapter 118E of the General Laws, as appearing in the
2 2020 Official Edition, is hereby amended by striking out the second paragraph, contained in lines
3 56 through 61, and inserting in place thereof the following paragraph:-

4 In any case where the monthly income of an applicant or recipient is in excess of the
5 exemptions allowed, the applicant or recipient, if otherwise eligible for Medicaid under this
6 chapter, shall be liable to pay to the provider of medical care or service an amount which shall be
7 equal to the excess income for a period of six consecutive months, which includes the period
8 when such service was provided, except if the individual is an applicant or recipient for home or
9 community-based services pursuant to a waiver granted under 42 USC 1396a(10)(A)(ii)(VI) or a
10 Program of All Inclusive Care for the Elderly (PACE), under 42 USC 1396u-4 or 42 USC

11 1395eee, the applicant or recipient shall be liable to pay to the provider of medical care or
12 service an amount which shall be equal to the excess income reduced by the difference between
13 the applicable MassHealth deductible-income standard and 300 percent of the federal benefit
14 rate; provided, however, this exception shall not apply to individuals eligible for the “special
15 income eligibility group,” the requirements for which are established under 42 CFR 435.217 and
16 pursuant to federal regulations at 42 CFR 435.726 and 42 CFR 460.184.