

SENATE No. 94

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

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 relative to ensuring the well being of all children in the commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Daniel A. Wolf</i>	<i>Cape and Islands</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>

SENATE No. 94

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 94) of Mark C. Montigny, Sal N. DiDomenico, Jason M. Lewis, Daniel A. Wolf and other members of the General Court for legislation to ensure the well being of all children in the commonwealth. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to ensuring the well being of all children in the commonwealth.

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 2 of Chapter 15D of the General Laws is hereby amended by
2 adding the following subsection:-

3 (v) The department shall end Homeless Child Care Services no sooner than six months
4 after the applicant family is no longer homeless or when department of housing and community
5 development or department of children and families determines that child care services are no
6 longer appropriate.

7 SECTION 2. Chapter 15 of the General Laws is hereby amended by inserting at the end
8 the following section:-

9 Section 67. The department of elementary and secondary education, in collaboration
10 with the department of early education and care, shall make every effort to increase participation
11 in the Child and Adult Care Food Program in early childhood care settings by reducing

12 administrative burdens, costs, and state regulations that create barriers for eligible child care
13 centers and providers. Such efforts shall include, but need not be limited to, deliberate outreach
14 to early education programs, including home-based day care providers and center-based
15 programs, streamlining paperwork and administrative burdens, and facilitating bulk purchasing
16 channels for programs and providers participating in Child and Adult Care Food Program.

17 SECTION 3. Chapter 118E of the General Laws is hereby amended by adding after
18 Section 77 the following section:-

19 Section 78. At the time of initial application for, or renewal of, MassHealth coverage or
20 any other single state application or renewal process described in section 7A of chapter 118E, the
21 department shall provide the MassHealth applicant or recipient with the opportunity to complete
22 a common application for MassHealth and for programs administered by the department of
23 transitional assistance, including the federal Supplemental Nutrition Assistance Program, the
24 Program for Emergency Aid to Elders, Disabled and Children pursuant to chapter 117A and the
25 Program for Transitional Assistance to Families with Dependent Children pursuant to chapter
26 118. A MassHealth applicant or recipient who elects to apply for these benefits shall have his or
27 her eligibility information and verifications used to initiate a simultaneous common application
28 and that information shall be transmitted to the department of transitional assistance to initiate
29 the application for benefits. The common application for benefits must be accepted with the
30 voluntary consent of the MassHealth applicant or recipient and shall have no bearing on the
31 MassHealth eligibility of the applicant or recipient. The department of transitional assistance
32 shall promptly inform said applicant of the eligibility requirements and any additional
33 verifications or obligations of the program or programs elected by the applicant.

34 SECTION 4.

35 (a) There shall be an access to healthcare task force for former foster youth to review the
36 barriers of access to healthcare for youth who are aging out or have aged out of the care of the
37 department of children and families. The task force shall report on its findings and make
38 recommendations to the general court to encourage the coverage of healthcare for as many youth
39 who have aged out of state care as possible.

40 (b) The task force shall consist of 8 members or their designees including: the secretary
41 of health and human services, who shall serve as chair; the commissioner of the department of
42 children and families; the commissioner of the department of transitional assistance; the
43 commissioner of the department of housing and community development; the commissioner of
44 the department of early education and care; the medical director of the office of Medicaid; and
45 the co-chairs of the joint committee on children, families and persons with disabilities. A
46 vacancy on the task force shall be filled in the manner in which the original appointment was
47 made. Members of the task force shall receive no compensation for their services. The task force
48 may request from all state agencies such information and assistance as the task force may
49 require.

50 (c) The task force shall assess and report to the legislature on the number of youth who
51 are eligible for healthcare benefits after aging out of the care of the department of children and
52 families, in accordance with the Patient Protection and Affordable Care Act, Public Law 111-
53 148. The task force shall review outreach efforts, the idea of a shared database to maximize
54 outreach, the possibility of automatic enrollment prior to transitioning out of state care, and ways
55 to ensure seamless enrollment practiced in other states. The task force shall also examine

56 quarterly the number of youth who have enrolled in Medicaid as part of this effort. Members of
57 the task force shall post a notification on their websites regarding the availability of healthcare
58 coverage to those who have aged out of care of the department of children and families. The task
59 force shall create a plan to ensure universal enrollment for this population.

60 (d) The task force shall convene its first meeting on or before July 1, 2015 and shall meet
61 at least quarterly. The task force shall submit an annual report to the legislature on or before July
62 1 of each year with the clerks of the house of representatives and the senate who shall forward a
63 copy of the report to the joint committee on children, families and persons with disabilities; the
64 joint committee on health care financing; and the house and senate committees on ways and
65 means.

66 SECTION 5. Subsection (A) of section 30 of Chapter 23B of the General Laws is hereby
67 amended by adding the following clause:—

68 (f) Families seeking shelter under the Emergency Assistance Family Shelter and Services
69 Program who meet the categorical and financial eligibility criteria as set out by the department of
70 housing and community development shall be approved for shelter if they meet the general
71 categorical and financial eligibility criteria for the program, including those families who are in
72 or within 24 hours of being in a housing situation not meant for human habitation and where
73 there is or would be a substantial health and safety risk to the family that is likely to result in
74 significant harm should the family remain in or enter such housing situation.

75 SECTION 6. Section 9A of Chapter 118E of the General Laws is hereby amended by
76 adding the following new subsection:—

77 (17) The executive office of health and human services shall provide coverage to eligible
78 children and adolescents from birth to age 18 inclusive who meet the eligibility requirements of
79 clause (c) of sub-section 2 of this section, and to pregnant women under section 10E, regardless
80 of the availability of federal funding under Title XXI of the Social Security Act; provided
81 however that the executive office shall seek to maximize federal financial participation in the
82 program through the demonstration project under Title XIX of the Social Security Act, or under
83 the authority of Title XXI, if funding is available.

84 Section 7. Section 2 of Chapter 18 of the General Laws is hereby amended by adding the
85 following new subsections:-

86 (E) The department shall collaborate with the department of elementary and secondary
87 education to identify families under 200% of the federal poverty level who are not in receipt of
88 free school meals by virtue of receipt of federal Supplemental Nutrition Assistance Program
89 benefits. The departments shall collaborate to provide said families written information about the
90 availability of Supplemental Nutrition Assistance Program benefits as well as a simplified
91 application form and information on the organizations available to provide application
92 assistance.

93 (F) The department shall collaborate with the department of early education and care to
94 identify families under 200% of the federal poverty level receiving income-eligible child care
95 benefits and who are not in receipt of federal Supplemental Nutrition Assistance Program
96 benefits. The departments shall collaborate to provide said families with written information
97 about the availability of Supplemental Nutrition Assistance Program benefits as well as a

98 simplified application form and information on the organizations available to provide application
99 assistance.

100 SECTION 8. Chapter 15 of the General Laws is hereby amended by inserting after
101 section 66 the following new section:-

102 Section 67. The commissioner of the department of elementary and secondary education
103 shall publish annually a report that shall include, but need not be limited to, the following: (i)
104 rates of health conditions that might impact the ability of students to succeed in school and are
105 established as frequent educationally relevant health disparities, including, but not limited to,
106 deficits in vision, dental disease, malnutrition, and behavioral health disorders; (ii) rates of
107 screening and referrals to treatment for each school in the commonwealth; and (iii) the capacity
108 of each school to provide treatment for these conditions within the school.

109 The report shall be submitted in writing annually by September 1 to the chairs of the joint
110 committee on education and to the chairs of the joint committee on children, families, and
111 persons with disabilities and shall be made available on the department's public website.

112 Section 9. The second paragraph of section 1B of chapter 69 of the General Laws is
113 hereby amended by striking out the first sentence and inserting in place thereof the following
114 sentence:-

115 The board shall further require all schools which draw their attendance from areas where
116 25% or more of the lunches served to students at the school in the second preceding year were
117 served free or at a reduced price and which shall have on file a combined total of fifty or more
118 free and reduced price meal applications as of October of the preceding school year to make

119 school breakfast programs available to children, and to operate such programs in accordance
120 with the federal laws and regulations pertaining to school breakfast programs.

121 SECTION 10. Subsection A of section 30 of Chapter 23B of the General Laws is hereby
122 amended by adding the following clause:-

123 (g) In placing families with at least one member under the age of 18 in a temporary
124 emergency shelter, the department of housing and community development shall make every
125 effort to assign that family to a dwelling not more than 20 miles from the location of the child's
126 primary care physician or the child's school, unless the family requests otherwise. If shelter
127 within 20 miles is not available, the department shall provide written explanation in the family's
128 preferred language to the family the reason why a closer shelter is not being made available and
129 transportation to and from scheduled medical appointments and school.

130 SECTION 11. Chapter 23B of the General Laws is hereby amended by adding after
131 section 30 the following section:-

132 Section 31. The department shall create a working group to assess the need for and
133 methods to provide nutritious and medically safe meals to homeless families temporarily housed
134 in hotels and motels in all counties of the Commonwealth. The working group shall be chaired
135 by the commissioner of the department of housing and community development or a designee.
136 Membership of said working group shall include, but not be limited to, the department of
137 transitional assistance, the department of children and families, the department of mental health,
138 the department of public health, the department of elementary and secondary education,
139 representatives from all regional food banks, representatives from organizations serving
140 homeless families, civil legal aide, Community Servings, Project Bread, and a geographic

141 representation of hospitals providing services to medically complex children. The working group
142 shall submit a report of its findings to the joint committee on housing and the joint committee on
143 children, families and persons with disabilities no later than one year following the enactment of
144 this section and shall report annually on progress toward providing nutritious meals to homeless
145 families temporarily housed in hotels and motels.

146 SECTION 12. Chapter 118E of the General Laws is hereby amended by adding the
147 following new section:-

148 Section 78. Notwithstanding the availability of federal reimbursement, MassHealth shall
149 provide transportation to and from all MassHealth covered services for any member who is under
150 the age of 19 and residing in temporary emergency shelter including hotels and motels.

151 SECTION 13. Chapter 18 of the General Laws is hereby amended by inserting after
152 Section 2B the following new sections:-

153 Section 2C. Notwithstanding any general or special law to the contrary, the department
154 shall not terminate or suspend the Supplemental Nutrition Assistance Program or cash assistance
155 benefits of any recipient until the department has made a determination of ineligibility based on a
156 review of the case record; provided the department has requested eligibility documentation from
157 the recipient including the eligibility review or recertification form, the recipient has provided
158 such documentation on or before the date the department stated in writing that such
159 documentation was to be submitted, and the department has acknowledged receipt of the
160 documentation. The department shall make said eligibility reviews or re-certifications in
161 accordance with federal and state timeliness processing requirements.

162 Provided further, the department shall not deny an application for said benefits until the
163 department has reviewed all eligibility information and documents submitted by the applicant to
164 the department on or before the date the department stated in writing such documentation was to
165 be submitted; provided further, the department shall not refuse to accept an application or
166 eligibility documents hand-delivered to local department offices and shall further designate local
167 office staff to accept, copy and date-stamp said documents without requiring an applicant or
168 recipient to schedule an appointment or wait for an eligibility case manager to review said
169 documents unless he or she elects to do so; provided further, the department may provide written
170 information and a postage-paid envelope to said individual for mail or facsimile delivery of any
171 additional documents to the department; provided further the department shall ensure that all
172 documents are reviewed by eligibility workers in a timely manner. The commissioner shall
173 promulgate regulations to ensure the proper implementation of this section.

174 Section 2D. The department, in collaboration with key stakeholders, shall establish
175 statewide customer service standards and performance goals with regard to Supplemental
176 Nutrition Assistance Program benefits administered by the department. The department shall
177 revise the standards and goals to reflect changes in to Supplemental Nutrition Assistance
178 Program performance over time and shall measure the progress made toward the execution of the
179 standards and goals on an annual basis and shall make the standards and goals publicly available
180 for the purpose of informing the General Court and the public. When developing the customer
181 service standards and performance goals, the department and key stakeholders shall take into
182 consideration what is achievable under current administrative funding and, if applicable, the cost
183 impact of improved program efficiency and the need for additional resource investment. The

184 department shall, when appropriate, use the data made available to measure the progress made
185 toward achieving the established standards and goals.

186 Section 2E. The department shall, in collaboration with key stakeholders, develop a
187 dynamic data management tool that presents state and local benefits caseload data showing
188 change, activity, or progress over time, and the data can be extracted for further analysis. If
189 feasible and appropriate, the department may expand upon existing technology for this purpose.
190 The data management tool shall include data presented on a statewide and zip code basis to be
191 derived by the department from MassHealth and any other appropriate information management
192 systems. The data management tool shall include, but not be limited to, all of the following:

193 (a) Data regarding multi-program enrollment, which may include, but is not limited to,
194 dual eligibility and dual participation among Supplemental Nutrition Assistance Program, cash
195 assistance and MassHealth recipients.

196 (b) Data regarding Supplemental Nutrition Assistance Program applications received
197 through multiple channels, including, but not limited to, which may include in-person, by mail,
198 by facsimile and online.

199 (c) Data regarding Supplemental Nutrition Assistance Program application and
200 recertification outcomes, which shall include, but is not limited to, disposition, reasons for denial
201 or termination of benefits and processing times.

202 (d) Data regarding Supplemental Nutrition Assistance Program reapplication, which may
203 include, but is not limited to, rate of return or reapplication within 30, 60, and 90 days.

204 (e) Data from the data management tool shall be made publicly available on an ongoing
205 basis and updated at least on a quarterly basis within 30 days following the end of each quarter,
206 for the purpose of informing the General Court and the public about Supplemental Nutrition
207 Assistance Program and cash enrollment, benefit retention, customer service, and performance.

208 The department shall, in collaboration with key stakeholders, identify necessary revisions
209 to the data management tool to fulfill the standards and goals established pursuant to this section
210 of the General Laws.