

**SENATE . . . . . No. 328**

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Susan C. Tucker**

*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 increasing the personal care allowance for long term care residents

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Susan C. Tucker	Second Essex and Middlesex
Brian A. Joyce	Norfolk, Bristol and Plymouth
Patricia D. Jehlen	Second Middlesex
Michael R. Knapik	Second Hampden and Hampshire
Allen J. McCarthy	7th Plymouth
Denise Provost	27th Middlesex
Thomas M. McGee	Third Essex and Middlesex
Kenneth J. Donnelly	Fourth Middlesex
Martha M. Walz	8th Suffolk
Susan C. Fargo	Third Middlesex
Barbara A. L'Italien	18th Essex
Gale D. Candaras	First Hampden and Hampshire
Mark C. Montigny	Second Bristol and Plymouth
Linda Dean Campbell	15th Essex

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT INCREASING THE PERSONAL CARE ALLOWANCE FOR LONG TERM CARE 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. Section 1 of chapter 117A of the General Laws, as appearing in the 2006  
2 Official Edition, is hereby amended by striking out the second paragraph and inserting in place  
3 thereof the following paragraph:- Any person eligible for assistance under this chapter who is not  
4 maintaining his home and is receiving care in or residing in a licensed nursing facility, licensed  
5 chronic hospital, licensed rest home, or an approved public medical institution as defined in  
6 section 8 of chapter 118E, shall retain the first \$72.80 of his monthly income for clothing,  
7 personal needs, and leisure time activities. If there is no such income or if it is less than the  
8 amount of \$72.80, such a person shall be paid monthly in advance the difference between such  
9 income and said amount. Said amount shall be increased annually each fiscal year at the same  
10 time and at the same percentage rate as increases payable to an individual who maintains his own  
11 home and receives state supplementary payments pursuant to sections 1 and 2 of chapter 118A.

12           SECTION 2. Chapter 118A of General Laws, as appearing in the 2006 Official Edition,  
13 is hereby amended by inserting after section 7A the following new section:- Section 7B. Any

14 person eligible for financial assistance under this chapter who is not maintaining his home and is  
15 in a licensed medical facility which is eligible for medical assistance payments pursuant to  
16 chapter 118E or is residing in a licensed rest home to which such person pays a fixed rate, shall  
17 retain the first \$72.80 of his monthly income for clothing, personal needs, and leisure time  
18 activities. If there is no such income or if it is less than the amount of \$72.80, such a person shall  
19 be paid monthly in advance the difference between such income and said amount. Said amount  
20 shall be increased annually each fiscal year at the same time and at the same percentage rate as  
21 increases payable to an individual who maintains his own home and receives state supplementary  
22 payments pursuant to sections 1 and 2 of this chapter.

23 SECTION 3. Section 15 of chapter 118E of the General Laws, as appearing in the 2006  
24 Official Edition is hereby amended by striking the fourth paragraph and inserting in place thereof  
25 the following paragraph:- A person eligible for medical assistance under this chapter who is not  
26 maintaining his own home and is receiving care in a licensed nursing facility, a licensed chronic  
27 hospital, a licensed rest home, an approved public medical institution, or a public psychiatric  
28 institution shall retain the first \$72.80 of his monthly income for clothing, personal needs, and  
29 leisure time activities. If there is no such income or if it is less than the amount of \$72.80, such a  
30 person shall be paid monthly in advance the difference between such income and said amount.  
31 Said amount shall be increased annually each fiscal year at the same time and at the same  
32 percentage rate as increases payable to an individual who is maintaining his own home and who  
33 is receiving supplemental payments pursuant to sections 1 and 2 of chapter 118A.