

The General Laws of Massachusetts

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PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE XVII. PUBLIC WELFARE

CHAPTER 118E. DIVISION OF MEDICAL ASSISTANCE

Chapter 118E: Section 9. Eligibility

Section 9. There is hereby established, pursuant to and in conformity with the provisions of Title XIX, a program of medical assistance, hereafter referred to in this chapter as Medicaid, for certain residents of the commonwealth.

Medicaid benefits shall be available to all persons eligible for financial assistance under the provisions of chapter one hundred and eighteen and Title IV of the Social Security Act and to all persons who are eligible for supplemental security income payments on account of age, disability or blindness under the provisions of Title XVI of said Social Security Act or for assistance under the provisions of chapter one hundred and eighteen A. Such benefits may also be made available to other persons who would be eligible for financial assistance under any of the foregoing provisions but for income or resources, provided that such persons meet the financial eligibility requirements of Title XIX; provided further, that long-term care services shall be available to otherwise eligible persons whose income and resources are insufficient to meet the costs of their medical care as determined by the financial eligibility requirements of the program. For the purposes of this section, the division shall establish clinical eligibility for a long-term care services. A person determined by the division to be clinically eligible for long-term care services shall be given the choice of care setting that is the least restrictive and most appropriate to meet his needs as determined by the division. The value of such long-term care services shall be determined based on the medically necessary long-term care needs of the individual. Benefits shall be made available to qualifying individuals as described in section 1933 of the Social Security Act (42 U.S.C. Sec.1396u-3). The division may charge premiums to eligible persons as a condition of receiving benefits, to the extent permitted by Title XIX. The division shall establish the premiums based on a sliding scale commensurate with beneficiary income levels.

A person seeking admission to a long-term care facility paid for by MassHealth shall receive pre-

admission counseling for long-term care services, which shall include an assessment of community-based service options. A person seeking care in a long-term care facility on a private pay basis shall be offered pre-admission counseling. For the purposes of this section, pre-admission counseling shall be conducted by the executive office of health and human services or the executive office of elder affairs or their subcontractors. The executive office of elder affairs shall, in consultation with the office of acute and ambulatory care in the executive office of health and human services, study the advisability and feasibility of using certain Medicaid providers to provide pre-admission counseling. The division shall report to the general court on an annual basis the number of individuals who received pre-admission counseling under this section and the number of diversions to the community generated by the pre-admission counseling program.