

SENATE No. 115

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 increasing the personal care allowance for long term care residents.

PETITION OF:

NAME:

Mark C. Montigny

DISTRICT/ADDRESS:

Second Bristol and Plymouth

SENATE No. 115

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 115) of Mark C. Montigny for legislation to increase the personal care allowance for long term care residents. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 133 OF 2021-2022.]

The Commonwealth of Massachusetts

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

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 2020
2 Official Edition, is hereby amended by striking out the second paragraph and inserting in place
3 thereof the following paragraph:-

4 Any person eligible for assistance under this chapter who is not maintaining their home
5 and is receiving care in or residing in a licensed nursing facility, licensed chronic hospital,
6 licensed rest home, or an approved public medical institution as defined in section 8 of chapter
7 118E, shall retain the first \$100 of their monthly income for clothing, personal needs, and leisure
8 time activities. If there is no such income or if it is less than the amount of \$100, such a person
9 shall be paid monthly in advance the difference between such income and said amount. Said
10 amount shall be increased annually each fiscal year at the same time and at the same percentage

11 rate as increases payable to an individual who maintains their own home and receives state
12 supplementary payments pursuant to sections 1 and 2 of chapter 118A.

13 SECTION 2. Chapter 118A of General Laws, as so appearing, is hereby amended by
14 inserting after section 7A the following new section:-

15 Section 7B. Any person eligible for financial assistance under this chapter who is not
16 maintaining their home and is in a licensed medical facility which is eligible for medical
17 assistance payments pursuant to chapter 118E or is residing in a licensed rest home to which
18 such person pays a fixed rate, shall retain the first \$100 of their monthly income for clothing,
19 personal needs, and leisure time activities. If there is no such income or if it is less than the
20 amount of \$100, such a person shall be paid monthly in advance the difference between such
21 income and said amount. Said amount shall be increased annually each fiscal year at the same
22 time and at the same percentage rate as increases payable to an individual who maintains their
23 own home and receives state supplementary payments pursuant to sections 1 and 2 of this
24 chapter.

25 SECTION 3. Section 15 of chapter 118E of the General Laws, as so appearing, is hereby
26 amended by striking the fourth paragraph and inserting in place thereof the following paragraph:-

27 A person eligible for medical assistance under this chapter who is not maintaining their
28 own home and is receiving care in a licensed nursing facility, a licensed chronic hospital, a
29 licensed rest home, an approved public medical institution, or a public psychiatric institution
30 shall retain the first \$100 of their monthly income for clothing, personal needs, and leisure time
31 activities. If there is no such income or if it is less than the amount of \$100, such a person shall
32 be paid monthly in advance the difference between such income and said amount. Said amount

33 shall be increased annually each fiscal year at the same time and at the same percentage rate as
34 increases payable to an individual who is maintaining their own home and who is receiving
35 supplemental payments pursuant to sections 1 and 2 of chapter 118A.

36 SECTION 4. Section 15 of chapter 118E of the General laws, as so appearing, is hereby
37 amended by striking in the fifth paragraph the figure "\$60" and inserting in place thereof the
38 following figure:-\$100