

SEP 03 1999



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THE COMMONWEALTH OF MASSACHUSETTS
Office of the Secretary of State

Regulation Filing To be completed by filing agency

CHAPTER NUMBER: 130 CMR .515.000

CHAPTER TITLE: General Policies

AGENCY: Division of Medical Assistance (DMA)

SUMMARY OF REGULATION

State the general requirements and purposes of this regulation:

This amended regulation delineates the DMA requirements that a long-term-care insurance policy must meet for a member to qualify for exemptions from certain MassHealth eligibility and recovery requirements.

REGULATORY AUTHORITY: M.G.L. c. 118E, ss. 7 and 12

AGENCY CONTACT: Policy Support Unit

PHONE: 210-5654

ADDRESS: 600 Washington Street, 6th Floor, Boston, MA 02111

Compliance with M.G.L. c. 30A

EMERGENCY ADOPTION

If this regulation is adopted as an emergency regulation, state the nature of the emergency.

N/A

PRIOR NOTIFICATION AND/OR APPROVAL

If prior notification to and/or approval of the Governor, legislature or others was required, list each notification, approval and date, including notice to the Local Government Advisory Commission:

Executive Office of Communities and Development: March 8, 1999

Massachusetts Municipal Association: March 8, 1999

PUBLIC REVIEW

Was notice of the hearing or comment period filed with the Secretary of State published in appropriate newspapers and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period?

Yes * Date of public hearing or comment period: March 8 - March 29, 1999

FISCAL EFFECT

Estimate the fiscal effect on the public and private sectors:

For the first and second years: None

For the first five years: None

No fiscal effect: None

SMALL BUSINESS IMPACT

State the impact of this regulation on small business. Include a description of reporting, recordkeeping and other compliance requirements as well as the appropriateness of performance versus design standards and whether this regulation duplicates or conflicts with any other regulation. If the purpose of this regulation is to set rates for the state, this section does not apply.

N/A

CODE OF MASSACHUSETTS REGULATIONS INDEX

List key subject entries that are relevant to this regulation:

N/A

PROMULGATION

State the action taken by this regulation and its effect on existing provisions of the Code of Massachusetts Regulations (CMR) to repeal, replace or amend. List by CMR number:

This amends 130 CMR 515.011 through 515.014.

ATTESTATION

The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency. ATTEST

Signature: [Signature] Date: 7/23/99

Publication *To be completed by the Regulations Division*

MASSACHUSETTS REGISTER NUMBER: 877 DATE: 9/3/99

EFFECTIVE DATE: September 3, 1999

CODE OF MASSACHUSETTS REGULATIONS

<i>Remove these pages:</i> CMR: Vol.	<i>Insert these pages:</i>
23 & 24 771 & 772 777 - 778.2	23 & 24 771 & 772 777 - 778.2

A TRUE COPY ATTEST

[Signature]

WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

DATE 8/6/99 CLERK KCR

SEP 03 1999

130 CMR: DIVISION OF MEDICAL ASSISTANCE

130 CMR 515.000: MASSHEALTH: GENERAL POLICIES

Section

- 515.001: Definition of Terms
- 515.002: Introduction to MassHealth
- 515.003: MassHealth Coverage Types
- 515.004: Administration of MassHealth
- 515.005: Receiving Public Assistance from Another State
- 515.006: Massachusetts Commission for the Blind
- 515.007: Rights of Applicants and Members
- 515.008: Responsibilities of Applicants and Members
- 515.009: Referrals to Investigative Units
- 515.010: Recovery of Overpayment of Medical Benefits
- 515.011: Estate Recovery
- 515.012: Real-Estate Liens
- 515.013: Voter Registration
- 515.014: Long-Term-Care Insurance Minimum Coverage Requirements for MassHealth Exemptions

515.001: Definition of Terms

The terms listed below have the following meanings for purposes of MassHealth as described in 130 CMR 515.000 through 523.000.

Activities of Daily Living (ADLs) — self-care activities including, but not limited to, bathing, grooming, dressing, eating, and toileting.

Affidavit — a written or printed statement of fact sworn to or affirmed before a person having legal authority to administer such an oath.

Annuity — a legal instrument that pays a fixed sum in specific installments for a designated period of time or for life.

Appeal — a written request by an aggrieved applicant or member for a fair hearing.

Applicant — a person who completes and submits an application for MassHealth, and is awaiting the decision of eligibility.

Application — a form prescribed by the Division to be completed by the applicant or a representative, and submitted to the Division as a request for MassHealth benefits.

Asset Limit — the maximum dollar value of assets that can be owned by, or available to, the applicant, member, or the spouse, which if exceeded, results in ineligibility.

Assets — property including, but not limited to, real estate, personal property, and funds. This term has the same meaning as "resources" as defined in 42 U.S.C. 1396p(e)(5).

Blindness — a visual impairment as defined in Title XVI of the Social Security Act. Generally, "blindness" means visual acuity with correction of 20/200 or less in the better eye, or a peripheral field of vision contracted to a ten degree radius or less, regardless of the visual acuity.

Burial Trust — a trust established by an individual solely for funeral expenses, burial expenses, or both.

Business Day — any day during which the Division's offices are open to serve the public.

Case File — the permanent written collection of documents and information required to determine eligibility and to provide benefits to applicants and members.

Community Resident — a person who resides in a noninstitutional setting in the community.

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THE COMMONWEALTH OF MASSACHUSETTS
Office of the Secretary of State

Regulation Filing To be completed by filing agency

CHAPTER NUMBER: 130 CMR 515

CHAPTER TITLE: MassHealth General Policies

AGENCY: Division of Medical Assistance

SUMMARY OF REGULATION

State the general requirements and purposes of this regulation:
In implementing the revisions to 130 CMR 515.000 that resulted from the Omnibus Budget Reconciliation Act of 1993, the Division became aware of the need for further revisions. These revisions refine the procedures for the treatment of assets and income in determining a person's eligibility for MassHealth payment of nursing-facility services.

REGULATORY AUTHORITY: M.G.L. c. 118E, ss. 7 and 12

AGENCY CONTACT: Policy Support Unit PHONE: 210-5654

ADDRESS: 600 Washington Street, 6th Floor, Boston, MA 02111

Compliance with M.G.L. c. 30A

EMERGENCY ADOPTION

If this regulation is adopted as an emergency regulation, state the nature of the emergency.

PRIOR NOTIFICATION AND/OR APPROVAL

If prior notification to and/or approval of the Governor, legislature or others was required, list each notification, approval and date, including notice to the Local Government Advisory Commission:

Executive Office of Communities and Development: April 1, 1999
Massachusetts Municipal Association: April 1, 1999

PUBLIC REVIEW

Was notice of the hearing or comment period filed with the Secretary of State published in appropriate newspapers and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period?

Yes Date of public hearing or comment period: April 2, 1999 to April 23, 1999

FISCAL EFFECT

Estimate the fiscal effect on the public and private sectors.

For the first and second years:

For the first five years:

No fiscal effect: No significant fiscal impact is anticipated from the implementation of these regulations

SMALL BUSINESS IMPACT

State the impact of this regulation on small business. Include a description of reporting, recordkeeping and other compliance requirements as well as the appropriateness of performance versus design standards and whether this regulation duplicates or conflicts with any other regulation. If the purpose of this regulation is to set rates for the state, this section does not apply.

No small business impact.

CODE OF MASSACHUSETTS REGULATIONS INDEX

List key subject entries that are relevant to this regulation:

PROMULGATION

State the action taken by this regulation and its effect on existing provisions of the Code of Massachusetts Regulations (CMR) to repeal, replace or amend. List by CMR number:

This regulation amends 130 CMR 515.000.

ATTESTATION

The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency.

Signature: *[Signature]* ^{ATTEST} Date: 8/30/99

Publication *To be completed by the Regulations Division*

MASSACHUSETTS REGISTER NUMBER: 879 DATE: 10/1/99

EFFECTIVE DATE: October 1, 1999

CODE OF MASSACHUSETTS REGULATIONS

<i>Remove these pages:</i> CMR: Vol.	<i>Insert these pages:</i>
771 - 778.2	771 - 778.4

A TRUE COPY ATTEST

[Signature]

WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

DATE 9/2/99 CLERK [Signature]

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130 CMR 515.000: MASSHEALTH: GENERAL POLICIES

Section

- 515.001: Definition of Terms
- 515.002: Introduction to MassHealth
- 515.003: MassHealth Coverage Types
- 515.004: Administration of MassHealth
- 515.005: Receiving Public Assistance from Another State
- 515.006: Massachusetts Commission for the Blind
- 515.007: Rights of Applicants and Members
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Asset Limit — the maximum dollar value of assets that can be owned by, or available to, the applicant, member, or the spouse, which if exceeded, results in ineligibility.

Assets — property including, but not limited to, real estate, personal property, and funds. This term has the same meaning as "resources" as defined in 42 U.S.C. 1396p(e)(5).

Available — a resource that is countable under Title XIX of the Social Security Act.

Blindness — a visual impairment as defined in Title XVI of the Social Security Act. Generally, "blindness" means visual acuity with correction of 20/200 or less in the better eye, or a peripheral field of vision contracted to a 10° radius or less, regardless of the visual acuity.

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