



AN ACT RELATIVE TO FAMILY MEMBERS SERVING AS CAREGIVERS

H.1394 / S.886, filed by Rep. O'Day and Sen. Lovely

This bill allows guardians, caregivers, and others with legal standing to be paid for providing Adult Family/Foster Care (AFC) and Personal Care Attendants (PCA) services.

CONTEXT

Massachusetts state law currently limits who can receive reimbursements for providing MassHealth PCA and AFC services. Some family members are eligible to be reimbursed—but spouses and legal guardians are not.

There is also a growing need for PCA and AFC services, and a shortage of providers across the state.

THE BILL

- Ensures that any home and community-based program in which family members are permitted to serve as caregivers paid by MassHealth, shall include legally liable family members. This allows family members to be paid for providing these critical services.
- This includes biological parents, adoptive parents, foster parents, stepparents, legal guardians, and adult children of the care recipient. This definition also includes legal guardians, powers of attorney, and healthcare powers of attorney.

THE IMPACT

Due to the ongoing human services workforce crisis, many guardians and family members have been forced to leave the workforce to support a loved one. This has been especially challenging for single parents.

It is critical to remove the current limitations on family members eligible to be reimbursed by MassHealth for services they are providing. It not only lessens pressure on the shortage of PCAs and growing need for AFC providers, but it also addresses the significant equity issue of persons providing valuable service without being able to be paid because of a familial relationship.

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