

Reaction Mixed to Home Care Regs

Recently issued Home Care regulations reflect important policy changes in the Department of Elder Affairs (DEA). While these new directions have been clearly spelled out in informational memoranda over the past few months, advocates fear the regs represent a more subtle change that has taken place in home care philosophy.

According to Diane Piktialis, Assistant Secretary for Program Planning and Management at DEA, the new regs are meant to ensure that where public funds are used, they go to those most in need. Advocates fear that this emphasis indicates a move away from entitlement for *all* eligible elders, to restrictions on intake and services.

According to a June 12th program instruction, the new regulations were drafted to facilitate and support four major policy changes. First, the Department will target services to the "frail and vulnerable elderly." Thus, the regs establish nine categories of need for priority of service. They also permit home care providers to establish waiting lists to ensure that the most needy receive services first.

Second, in order to target, the regs implement standard needs assessment procedures. According to the Department, the development of uniform client needs assessment standards will assure clients throughout the state of equal access to services.

Third, the new regulations diversify the existing home care service package, adding four new services: home repair, laundry, home delivered meals, and companionship. Like the former regs, limitations have been set on the number of hours for homemaker and chore services. However, the number of additional hours allowable in exceptional cases for homemaker service will be halved. Home care providers will be given until July 1, 1981 to implement the new service part of this provision.

The new regulation will introduce uniform budget and cost standards for fiscal management into the program.

Some advocates blame departmental fears of scarce funding and pressures to cap spending as the impetus behind the changes in these regulations. Others point to the accelerated growth in the home care program (this year alone intake rose from 27,000 to 33,000) and the need for improved management and control over Home Care Corporations, as the thrust behind redrafting the regs. Piktialis, however, maintains that the regs were redrafted in an attempt to conform with existing programs, such as the Older Americans Act, Title III, and Federal Medicaid regulations, especially with respect to better targeting of services.

Elder advocates object to the inclusion of waiting lists and priority lists in the new regulations. They maintain that the Home Care Program was intended to serve all eligible elders, and the institutionalization of such lists legitimizes them. There is also concern that the language in the "Client Needs Assessment" section (3.03, 3a)—which includes availability of home care services and informal supports as criteria in needs assessment—is restrictive of eligibility. Finally, the regs have been viewed as inherently contradictory because they limit hours of service while they speak of targeting to those most in need.

Some observers point out that these new regulations are clearer than the old ones. They are considered by one Home Care Corporation spokesperson as easier to read, more specific, and better in defining concepts. In addition, the Department has been highly commended for the pains it took to be responsive to public comments. A nineteen-page document of comments and Department responses reflects a large number of changes in details which generally liberalize the promulgated regulations in comparison with the proposed ones.

While responsive in details, however, the department has stood firm on the larger issues in contention: waiting lists, priority lists, and limiting hours of additional homemaker service.

Court Upholds Hyde Amendment

The recent Supreme Court ruling that Congress may refuse to finance most abortions for poor women leaves it up to the states to give them financial protection. Massachusetts functions under an even more restrictive law than the Court-upheld Hyde Amendment, which allows federally-funded abortions when the mother's life is in danger, or when she has been the victim of a promptly-reported rape or incest. Massachusetts law (Ch. 268 of the Acts of 1979) funds abortions only in the case of danger to the mother's life. However, according to a Mass. Civil Liberties Union spokesperson, the state has, until now, funded medically necessary abortions because of court injunctions. The new ruling gives Governor King the groundwork from which to fully implement Massachusetts law. The Civil Liberties Union intends to quickly file suit on the basis of the Massachusetts Constitution and the state's Equal Rights Amendment.

The Women's Commission in Exile is building a coalition around increased benefits to welfare recipients. It is an attempt to add the resources of the women's movement to existing low income advocacy efforts. For information, call 426-9734.

Speaking of... will be back after prorogation.

Community College A Step Away From New Home

More than a decade after its conception, the poorly-housed Roxbury Community College (RCC) is looking forward to construction of a new campus with adequate facilities.

The inclusion of \$30 million for a new RCC in the legislature's 1981 capital outlay budget is a milestone in a multi-year community-based effort.

The budget and this provision now require Governor King's signature for enactment.

The college has won support of a broad-based constituency over the years. This year's significant addition is Senate President William Bulger of South Boston, whose backing of an academic and technical college in a predominantly minority neighborhood in Boston bodes well for a spirit of cooperation in the city.

One legislator thinks the Governor would have a tough time vetoing the legislature's budget request, when the legislature supported his reorganization of Higher Ed.

As encouragement to King to allow the budget item to stand, the vast majority of Boston legislators, representing "both the largest and most diverse population in the Commonwealth" is sending him a letter. At press time, 14 city reps and senators had signed the message.