

HOUSE No. 4017

Section 129 contained in the engrossed Bill making appropriations for the fiscal year 2022 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4002), which had been returned by His Excellency the Governor with recommendation of amendment (for message see Attachment Q of House, No. 4019). July 22, 2021.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act establishing a special commission to examine the Department of Public Health’s nursing home licensure process and requirements.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a special commission to examine the department of public health’s nursing home licensure process and requirements, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. (a) There shall be a special commission to examine the department of
2 public health’s nursing home licensure process and requirements. The commission shall consist
3 of the following 15 members: the commissioner of public health, or a designee, who shall serve
4 as chair; the chairs of the joint committee of public health; the chairs of the joint committee on
5 elder affairs; the secretary of elder affairs, or a designee; the secretary of health and human
6 services, or a designee; the assistant secretary for MassHealth, or a designee; and 7 persons to be
7 appointed by the governor, 1 of whom shall be a representative of the Massachusetts Senior Care

8 Association, Inc., 1 of whom shall be a representative of LeadingAge Massachusetts, Inc., 1 of
9 whom shall be a representative of Massachusetts Association of Residential Care Homes, Inc., 1
10 of whom shall be a representative of the Massachusetts Senior Action Council, Inc., 1 of whom
11 shall be a representative of 1199 SEIU United Health Care Workers East, 1 of whom shall be a
12 representative of the Massachusetts chapter of AARP and 1 of whom shall be an expert on long-
13 term care and aging policy. In making appointments, the governor shall, to the maximum extent
14 feasible, ensure that the commission represents a broad distribution of diverse perspectives and
15 geographic regions throughout the commonwealth.

16 (b) The commission shall review current licensure requirements for nursing homes in the
17 commonwealth, current licensure practices for other healthcare industries in the commonwealth
18 and successful nursing home licensure programs in other states and best practices. The
19 commission shall make recommendations to modify nursing home licensure requirements
20 including, but not limited to: (i) strengthening suitability review; (ii) improving processes for
21 review of new owners; and (iii) increasing transparency of the department of public health's
22 licensure and suitability determination process. The commission shall make recommendations
23 based on successful licensure programs in other healthcare industries in the commonwealth and
24 other successful licensing programs in other states.

25 (c) The commission shall hold not less than 3 public meetings in different geographic
26 regions throughout the commonwealth and solicit feedback from various stakeholders.

27 (d) Not later than October 1, 2023, the commission shall submit a report and
28 recommendations, if any, together with drafts of legislation necessary to carry those
29 recommendations into effect by filing the same with the clerks of the house of representatives

30 and the senate, the house and senate committees on ways and means and the joint committee on
31 public health.

32 SECTION 2. This act shall take effect as of July 1, 2021.