

HOUSE No. 998

The Commonwealth of Massachusetts

PRESENTED BY:

Kate Hogan and Thomas P. Kennedy

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 strengthening the quality and efficiency of home health care services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Thomas P. Kennedy</i>	<i>Second Plymouth and Bristol</i>
<i>John V. Fernandes</i>	<i>10th Worcester</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>

<i>Marcos A. Devers</i>	<i>16th Essex</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Walter F. Timilty</i>	<i>7th Norfolk</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>

HOUSE No. 998

By Representative Hogan of Stow and Senator Kennedy, a joint petition (accompanied by bill, House, No. 998) of Kate Hogan, Thomas P. Kennedy and others relative to strengthening the quality and efficiency of home health care services. Health Care Financing.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act strengthening the quality and efficiency of home health care services.

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. As used in this act, the following words shall, unless the context clearly
2 requires otherwise, have the following meanings:

3 “home health agency” a provider of home health services.

4 “home health services” shall mean medical and/or behavioral health care services for a
5 patient provided by a public or private home health agency which meets the standards of service
6 of the purchaser of service, provided in a patient’s residence; provided, however, that such
7 residence is neither a hospital nor an institution primarily engaged in providing skilled nursing or
8 rehabilitation services.

9 SECTION 2. Notwithstanding any general law, or special law to the contrary, a special
10 commission is hereby established to study options for oversight of home health agencies and
11 shall consist of the following appointees or their designees: the commissioner of public health
12 and the secretary of elder affairs, who shall serve as co-chairs; 2 members of the house of

13 representatives, 1 of whom shall be appointed by the House Speaker and 1 of whom shall be
14 appointed by house minority leader; 2 members of the senate, 1 of whom shall be appointed by
15 the Senate President and 1 of whom shall be appointed by the senate minority leader; 2 members
16 shall be directors of home health agencies; and 1 representative of the Home Care Alliance of
17 Massachusetts.

18 SECTION 2. The commission shall make recommendations regarding licensure and/or
19 other oversight means to ensure that patients receive high quality care in the commonwealth. The
20 study shall identify the current number of home health agencies operating in the Commonwealth,
21 as well as the number of home health agencies certified by the Centers for Medicare and
22 Medicaid Services.

23 The commission shall make recommendations on payment adequacy by MassHealth to
24 home health agencies for traditional skilled services and shall analyze the efficacy of
25 supplemental rates for specialty services, including, but not limited to in-home behavioral health
26 services provided by home health agencies, maternal-child health services, palliative care, care
27 transitions and pediatric home health.

28 The commission shall recommend regulations establishing a process for the oversight of
29 home health agencies by the appropriate state agency to ensure compliance with those
30 recommended standards; provided further, that the regulations shall be the subject of at least 1
31 public hearing prior to their adoption. In developing said process for the oversight of home
32 health agencies, the commission shall consider establishing deemed accreditation and/or
33 licensure, or others methods to ensure efficient administration for those agencies that have been
34 certified by the Centers for Medicare and Medicaid Services.

35 The final study and recommendations, including any recommended standards for
36 licensure of home health agencies, drafts of recommended legislation, and the projected costs of
37 implementing such recommendations, shall be filed with the clerks of the senate and house of
38 representatives and reported to the house and senate committees on ways and means, the joint
39 committee on elder affairs, the joint committee on health care financing, the joint committee on
40 public health and the health planning council, established by section 16T of chapter 6A, not later
41 than December 31, 2016.

42 SECTION 3. Section 2 is hereby repealed.

43 SECTION 4. Section 3 shall take effect upon receipt of the commission's report by the
44 clerks of the senate and house of representatives.