SENATE DOCKET, NO. 1441 FILED ON: 1/16/2015

SENATE . . . . . No. 352

The Commonwealth of Massachusetts

PRESENTED BY:

Harriette L. Chandler

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 relative to stabilizing the commonwealth's nursing facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Harriette L. Chandler	*First Worcester*
Michael F. Rush	*Norfolk and Suffolk*
Brian A. Joyce	*Norfolk, Bristol and Plymouth*
Kenneth J. Donnelly	*Fourth Middlesex*
Viriato M. deMacedo	*Plymouth and Barnstable*
Angelo M. Scaccia	*14th Suffolk*
Michael O. Moore	*Second Worcester*
Sal N. DiDomenico	*Middlesex and Suffolk*
John F. Keenan	*Norfolk and Plymouth*
Josh S. Cutler	*6th Plymouth*
David M. Rogers	*24th Middlesex*
Thomas M. McGee	*Third Essex*
John H. Rogers	*12th Norfolk*
Jason M. Lewis	*Fifth Middlesex*
Ryan C. Fattman	*Worcester and Norfolk*
Michael J. Barrett	*Third Middlesex*
Anne M. Gobi	*Worcester, Hampden, Hampshire and Middlesex*

Linda Dorcena Forry	*First Suffolk*
Daniel A. Wolf	*Cape and Islands*
James J. O'Day	*14th Worcester*
James E. Timilty	*Bristol and Norfolk*
James T. Welch	*Hampden*
Daniel M. Donahue	*16th Worcester*
Joan B. Lovely	*Second Essex*
Brian M. Ashe	*2nd Hampden*
Thomas A. Golden, Jr.	*16th Middlesex*
Eileen M. Donoghue	*First Middlesex*
Diana DiZoglio	*14th Essex*
Donald F. Humason, Jr.	*Second Hampden and Hampshire*
Marc R. Pacheco	*First Plymouth and Bristol*
Daniel J. Ryan	*2nd Suffolk*

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By Ms. Chandler, a petition (accompanied by bill, Senate, No. 352) of Harriette L. Chandler, Michael F. Rush, Brian A. Joyce, Kenneth J. Donnelly and other members of the General Court for legislation to stabilize the commonwealth's nursing facilities. Elder Affairs.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *288* OF 2013-2014.]

The Commonwealth of Massachusetts

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

An Act relative to stabilizing the commonwealth's nursing facilities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1: Chapter 118E as amended by section 123 of chapter 224 of the Acts of 2012 is hereby amended by adding at the end thereof the following new section: -

Section __: for the purpose of determining the annual inflation factor for nursing home allowable costs, the executive office of health and human services shall apply the annual unadjusted Skilled Nursing Facility Market Basket Update as established by the Centers for Medicare & Medicaid in the Medicare Skilled Nursing Facility prospective payment system rule.

SECTION 2: Notwithstanding any general or special law to the contrary, effective July 1, 2015 for the fiscal year ending June 30, 2016, the executive office of health and human services

9 shall use calendar year 2011 costs as the base year for the purpose of setting MassHealth nursing
10 facility rates.

11 SECTION 3: Notwithstanding any general or special law to the contrary, the executive
12 office of health and human services in setting Medicaid nursing facility rates shall not impose
13 any so-called 'utilization occupancy penalty' efficiency standard that is in excess of the actual
14 median occupancy for nursing homes in the base year.

15 SECTION 4: Chapter 23 of the General Laws, as appearing in the 2012 official edition is
16 hereby amended by inserting after section 9U the following new section:

17 9V. The Commonwealth Corporation shall, subject to appropriation, establish an
18 extended care career ladder grant program, consistent with section 410 of chapter 159 of the Acts
19 of 2000. Grants shall be available for certified nurses' aides, home health aides, homemakers
20 and other entry level workers in long-term care. The grants may include training for English for
21 speakers of other languages and other language and adult basic education programs to improve
22 quality of care and improve direct care worker access to and participation in career ladder
23 training. The length of such grants shall not exceed a period of 3 years. The Commonwealth
24 Corporation shall submit quarterly reports to the house and senate committees on ways and
25 means on said grant program including, but not limited to, the number of grants awarded, the
26 amount of each grant, a description of the career ladder programs, changes in care-giving and
27 workplace practices that have occurred and their impact on quality of care and worker retention
28 and the certificates, degrees or professional status attained by each participating employee. The
29 administrative and program management costs for the implementation of said grant program

30 shall not exceed 4 per cent of the amount of the grant program. Each grant may include funding
31 for technical assistance and evaluation.

32 SECTION 5: Chapter 111 of the General Laws, as appearing in the 2012 Official Edition,
33 is hereby amended by inserting after section 4O the following new section:-

34 4P. The Department shall, subject to appropriation, establish a scholarship program for
35 certified nurses' aide and direct care worker training. The department shall establish appropriate
36 guidelines and application criteria for the administration of the program. The scholarships shall
37 cover the full cost of tuition to an approved certified nurses' aide or long-term care direct worker
38 training program, including approved programs providing for cross-training. Funds may also be
39 available to provide adult basic education and English as a second language training for
40 applicants otherwise meeting criteria for the scholarships, as well as pilot training programs
41 using enhanced curricula designed to support increased retention. The department shall, in
42 consultation with the nursing home industry, consumer groups, the department of labor and
43 workforce development, the Commonwealth Corporation, training providers and other
44 appropriate state and local agencies, conduct outreach regarding the availability of such
45 scholarships. The department shall consult with the scholarship program advisory council to
46 review and recommend new training requirements for certified nurses' aides, home health aides
47 and home care workers to improve the quality of the direct care workforce and the quality of care
48 provided in all long-term care settings by developing skill standards, supporting the transition
49 from training to work, improving retention, promoting portability, recognizing career
50 advancement curricula and addressing language and education barriers. The costs for outreach
51 activities shall not exceed 3 per cent of the amount of the program and administrative costs of the
52 program shall not exceed 3 per cent of the amount of the program.