

**SENATE . . . . . No. 358**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Patricia D. Jehlen***

*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 establishing an advisory committee on residential care facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>

**SENATE . . . . . No. 358**

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By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 358) of Patricia D. Jehlen, Denise Provost and Barbara L'Italien for legislation to establish an advisory committee on residential care facilities. Elder Affairs.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 294 OF 2013-2014.]

**The Commonwealth of Massachusetts**

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

An Act establishing an advisory committee on residential care facilities.

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

1 Chapter 19A of the General Laws is hereby amended by inserting after section 13, the  
2 following section:- Section 14: Notwithstanding any general or special law to the contrary,  
3 there is hereby established an advisory committee on residential care facilities, or rest homes, as  
4 defined in M.G.L. chapter 111, section 72. The advisory committee is charged with reviewing  
5 the status of residential care facilities (RCFs) in the Commonwealth, including the profile of  
6 residents currently residing in RCFs, the role RCFs play within the larger healthcare and housing  
7 systems, and regulatory and reimbursement barriers that may prevent RCFs from providing  
8 needed services to elders and persons with disabilities. The advisory committee shall make  
9 recommendations to the Executive Office of Health and Human Services relative to regulatory  
10 changes needed and funding and reimbursement options to maximize residential care facilities as

11 viable options for elders and persons with disabilities in the Commonwealth. Specifically, the  
12 advisory committee shall study funding and payment options for residential care facilities which  
13 will maximize federal financial participation, including making residential care a service funded  
14 under the section 1915(c) Home and Community Based Services waiver and amending the state  
15 plan to make residential care a reimbursable service. The advisory committee will also review  
16 the status of physical plant needs of residential care facilities and will consider options for  
17 meeting capital improvements necessary to provide quality care and improve the quality of life  
18 for residents in residential care including accessing state housing resources. Based on the results  
19 of the study, the advisory committee shall make a recommendation to the Secretary of Health  
20 and Human Services on actions to be taken, no later than 90 days following the effective date of  
21 this act. The Secretary of Health and Human Services shall take whatever steps necessary to  
22 implement the committee's recommendation.

23 The advisory committee shall be comprised of the Secretary of Health and Human  
24 Services or his/her designee, who will serve as the chair of the committee, the Secretary of the  
25 Executive Office of Elder Affairs, or his/her designee, the Commissioner of the Department of  
26 Transitional Assistance or his or her designee, the undersecretary of the Department of Housing  
27 and Community Development or his/her designee, the Executive Director of the Center for  
28 Health Information and Analysis or his or her designee, the Director of the Division of Health  
29 Care Quality at the Department of Public Health or his or her designee, the Commissioner of the  
30 Department of Mental Health or his/her designee, the director of the Office for Medicaid or his  
31 or her designee, the director of the Office of Long Term Services and Supports, one state Senator  
32 to be appointed by the Senate President, one state representative to be appointed by the Speaker  
33 of the House of Representatives, three individuals representing residential care providers at least

- 34 one from LeadingAge Massachusetts (formerly MassAging) and one from the Mass Association  
35 of Residential Care Homes (MARCH).