

HOUSE No. 1095

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act creating a special commission on institutional long term 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. Notwithstanding any general or special laws to the contrary, there shall be a
2 special commission established to examine the Commonwealth’s institutional long term care
3 system, which shall recommend a plan to provide a seamless transition to a continuum of long
4 term care services for elders and persons with disabilities that recognizes the central place of
5 consumer choice and consumer control in any long term care setting; evaluate options and
6 prepare policy recommendations regarding potential savings to the commonwealth achieved by
7 reducing the number of MassHealth licensed nursing home beds; develop recommendations as to
8 the criteria to be used to determine which beds are de-licensed, provided that said criteria shall
9 include at a minimum established Quality Indicators and other quality measures, such as staffing
10 levels, turnover rate and training options for direct care staff; and to consider any programmatic
11 or financial incentives to reduce the number of nursing home beds, convert said beds to subacute
12 beds or other uses, or otherwise more efficiently use the institutional long term care facilities in
13 the Commonwealth. The commission shall consist of 20 members, 1 of whom shall be the
14 secretary of health and human services or his designee, 1 of whom shall be the secretary of elder

15 affairs or her designee, 1 of whom shall be the director of the office of Medicaid or her designee,
16 1 of whom shall be the Attorney General or her designee, 1 of whom shall be the Auditor or his
17 designee, 1 of whom shall be the house chair of the joint committee on elder affairs, 1 of whom
18 shall be the senate chair of the joint committee on elder affairs, 1 of whom shall be the senate
19 chair of the joint committee on health care financing, 1 of whom shall be the house chair of the
20 joint committee on health care financing, 1 of whom shall be a consumers or consumer
21 surrogates member of the PCA quality home care workforce council approved by a majority of
22 the Council, and 5 persons to be appointed by the governor, 1 of whom shall be a health care
23 economist, 1 of whom shall be a representative of 1199SEIU, 1 of whom shall be a
24 representative of the Statewide Independent Living Council, 1 of whom shall be a representative
25 of the Massachusetts Extended Care Federation, 1 of whom shall be a representative of Mass
26 Home Care, 1 of whom shall be a representative of MassAging, and 1 of whom shall be a
27 representative of the Mass Alzheimers Association. The commission shall be co-chaired by the
28 senate and house chairs of the joint committee on elder affairs. The commission shall meet within
29 30 days of passage, and not less than quarterly thereafter, and shall release its first
30 recommendations to the house and senate committees on ways and means no later than
31 December 31, 2008.