

SENATE No. 559

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Reforming the Administration of Health Care.

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. Section 17A of chapter 6 of the general laws as most recently appearing in
2 the 2006 Official Edition, is hereby amended by striking the words “the secretary of health and
3 human services, and inserting in place thereof: “the secretary of human services, the secretary of
4 health,”

5 SECTION 2. Section 2 of chapter 6A of the general laws as most recently appearing in
6 the 2006 Official Edition, is hereby amended by striking out the words “health and human
7 services,” and inserting in place thereof, “health, human services,”

8 SECTION 3. Section 3 of chapter 6A of the general laws as most recently appearing in
9 the 2006 Official Edition, is hereby amended by striking out the word, “health and human
10 services,” and inserting in place thereof, “health, the secretary of human services,”

11 SECTION 4. Section 16 of chapter 6A of the general laws as most recently appearing in
12 the 2006 Official Edition, and amended by Section 715 of Chapter 26 of the Acts of 2003, is
13 hereby amended by striking out said section 16, and inserting in place thereof a new section:

14 Section 16. Executive Office of Human Services

15 The executive office of human services shall serve as the principal agency of the
16 executive department for the following purposes: (a) developing, coordinating, administering and
17 managing the welfare and human services operations, policies and programs; (b) supervising and
18 managing the organization and conduct of the business affairs of the departments, commissions,
19 offices, boards, divisions, institutions and other entities within the executive office to improve
20 administrative efficiency and program effectiveness and to preserve fiscal resources; (c)
21 developing and implementing effective policies, regulations and programs to assure the
22 coordination and quality of services provided by the secretary and all of the departments,
23 agencies, commissions, offices, boards, and divisions; (d) acting as the single state agency under
24 section 1902(a)(5) of the Social Security Act authorized to supervise and administer the state
25 programs under title XIX, for the programs under titles IV (A), IV (B), IV (E), XX and XXI of
26 the Social Security Act, and for the programs under the Rehabilitation Act; and (e) maximizing
27 federal financial participation for all agencies, departments, offices, divisions and commissions
28 within the executive office and supporting similar activities in the executive office of health and
29 mental hygiene.

30 The executive office of human services shall include: (1) the department of elder affairs
31 under the direction of a secretary of elder affairs, who shall be appointed by the governor; (2) the
32 office of children, youth and family services, which shall include the department of social
33 services, the department of transitional assistance, the department of youth services, the office of
34 child care services, the child abuse prevention board and the office for refugees and immigrants;
35 (3) the office of disabilities and community services, which shall include the department of
36 developmental disabilities, the Massachusetts rehabilitation commission, the Massachusetts

37 commission for the blind, the Massachusetts commission for the deaf and hard of hearing and the
38 Soldiers' Home in Massachusetts and the Soldiers' Home in Holyoke; and (4) the department of
39 veterans' services under the direction of the secretary of veterans' services, who shall be
40 appointed by the governor.

41 The governor shall appoint a secretary of human services, who shall serve at the pleasure
42 of the governor and shall act as the executive officer in all matters pertaining to the
43 administration, management, operation, regulation, planning, fiscal and policy development
44 functions and affairs of the departments, commissions, offices, boards, divisions and other
45 agencies within the executive office.

46 The secretary shall have the authority to: (a) through the department of elder affairs and
47 the division of medical assistance and other agencies within the executive office, as appropriate,
48 operate and administer the programs of medical assistance and medical benefits under chapter
49 118E; provided, however, that the executive office under the direction of the secretary shall be
50 the single state agency under section 1902(a)(5) of the Social Security Act, under Title XIX
51 agency, for programs under titles IV(A), IV(B), IV(E), XX and XIX of the Social Security Act
52 and for programs under the Rehabilitation Act; (b) establish certain rates of payment for health
53 care services pursuant to section 2A of chapter 118G; (c) coordinate and supervise the
54 administration of the executive office and its agencies to promote economy and efficiency and
55 improve service delivery; (d) establish uniform regional and area boundaries for the agencies
56 within the executive office; (e) establish uniform contracting and payment procedures for the
57 executive office and its agencies; (f) develop and implement a management information system
58 for the management of fiscal, client and program data necessary for the efficient administration
59 of the agencies within the executive office; (g) pursuant to chapter 30A, make, amend and repeal

60 rules and regulations for the management and administration of the executive office and agencies
61 within the executive office, including regarding the sharing of data, including personal data,
62 between and among the executive office and its agencies, subject to appropriate protections for
63 the confidentiality of client data; (h) execute all instruments necessary for carrying out the
64 business of the executive office and its agencies; (i) acquire, own, hold, dispose of, lease and
65 encumber property in the name of the executive office and its agencies; (j) enter into agreements
66 and transactions with federal, state and municipal agencies and other public institutions and
67 private individuals, partnerships, firms, corporations, associations and other entities on behalf of
68 the executive office or its agencies; (k) charge and collect fees, rentals and other charges as may
69 be reasonable and necessary for carrying out the business of the executive office and its
70 agencies; (l) apply for and accept funds, including grants, bequests, gifts and contributions on
71 behalf of the commonwealth in accordance with section 6 of chapter 29B; and (m) serve as the
72 executive and administrative head of each office, department, division, bureau, section, agency
73 and other administrative unit within the executive office, except as specifically provided by law.
74 The secretary may delegate any of the foregoing powers to an officer having charge of a
75 department, office, division or other administrative unit within the executive office.

76 The secretary of human services may appoint an assistant secretary for each of the
77 following offices: disabilities and community services; and children, youth and family services.
78 The assistant secretaries shall serve at the pleasure of the secretary and shall perform such duties
79 as the secretary shall determine. Notwithstanding any general or special law to the contrary, the
80 secretary may appoint an individual to serve simultaneously as the commissioner of any agency
81 within the executive office and as an assistant secretary for the offices disability and community
82 services; and children, youth and family services. If the secretary appoints an individual to serve

83 simultaneously as a commissioner and assistant secretary, the individual shall only be
84 compensated for service in 1 office.

85 The secretary may appoint, consistent with sections 3 and 7, whatever personnel he
86 deems necessary or desirable for the effective performance of the executive office. Such
87 personnel shall perform such duties as the secretary shall determine and serve at the pleasure of
88 the secretary.

89 The secretary shall establish a performance measurement system for the agencies within
90 the executive office, which shall establish program goals, measure program performance against
91 those goals and report publicly on progress to improve the effectiveness of human services
92 programs, service delivery and policy decision-making. The performance measurement system
93 shall require each agency to develop a strategic plan for program activities and performance
94 goals. The system shall require annual program performance reports which shall be submitted to
95 the house and senate committees on ways and means and the joint committee on human services
96 and elder affairs.

97 SECTION 5. Chapter 6A of the general laws as most recently appearing in the 2006
98 Official Edition, is hereby amended by inserting after section 16, two new sections:

99 Section 16A. Executive Office of Health

100 The executive office of health shall serve as the principal agency of the executive
101 department for the following purposes: (a) developing, coordinating, administering and
102 managing the public health and mental health, policies and programs; (b) supervising and
103 managing the organization and conduct of the business affairs of the departments, commissions,
104 offices, boards, divisions, institutions and other entities within the executive office to improve

105 administrative efficiency and program effectiveness and to preserve fiscal resources; (c)
106 developing and implementing effective policies, regulations and programs to assure the
107 coordination and quality of services provided by the secretary and all of the departments,
108 agencies, commissions, offices, boards, and divisions.

109 The executive office of health shall include: (1) the office of health services, which shall
110 include the department of public health, the department of mental health, and the Betsy Lehman
111 center for patient safety and medical error reduction; (2) the division of medical assistance; (3)
112 the managed care oversight board; (4) the health facilities appeals board, (5) the Massachusetts
113 nursing collaborative, (6) the health care cost and quality council, and (7) the commonwealth
114 health connector, which shall be located within, but not subject to the control of the executive
115 office.

116 The governor shall appoint a secretary of health, who shall serve at the pleasure of the
117 governor and shall act as the executive officer in all matters pertaining to the administration,
118 management, operation, regulation, planning, fiscal and policy development functions and affairs
119 of the departments, commissions, offices, boards, divisions and other agencies within the
120 executive office.

121 The secretary shall have the authority to: (a) establish and regularly update, in accordance
122 with the provisions of section 16A (1), a comprehensive state health policy whose mission is to
123 enhance the health and well being as demonstrated through improved health outcomes of all
124 Massachusetts residents by promoting accountable, yet caring; cost-effective, yet high quality
125 health care; using evidence-based, patient-centered methods of programming, treatment, and
126 service delivery, (b) establish certain rates of payment for health care services pursuant to section

127 2A of chapter 118G; (c) coordinate and supervise the administration of the executive office and
128 its agencies to promote economy and efficiency and improve service delivery; (d) establish
129 uniform regional and area boundaries for the agencies within the executive office; (e) establish
130 uniform contracting and payment procedures for the executive office and its agencies; (f) share
131 with the secretary of human services the development and implementation of a management
132 information system for the management of fiscal, client and program data necessary for the
133 efficient administration of the agencies within the executive office so that those seeking service
134 from health or human service agencies or programs shall make application through a single
135 universal application portal; (g) pursuant to chapter 30A, make, amend and repeal rules and
136 regulations for the management and administration of the executive office and agencies within
137 the executive office, including regarding the sharing of data, including personal data, between
138 and among the executive office and its agencies, subject to appropriate protections for the
139 confidentiality of client data; (h) execute all instruments necessary for carrying out the business
140 of the executive office and its agencies; (i) acquire, own, hold, dispose of, lease and encumber
141 property in the name of the executive office and its agencies; (j) enter into agreements and
142 transactions with federal, state and municipal agencies and other public institutions and private
143 individuals, partnerships, firms, corporations, associations and other entities on behalf of the
144 executive office or its agencies; (k) charge and collect fees, rentals and other charges as may be
145 reasonable and necessary for carrying out the business of the executive office and its agencies;
146 (l) apply for and accept funds, including grants, bequests, gifts and contributions on behalf of the
147 commonwealth in accordance with section 6 of chapter 29B; and (m) serve as the executive and
148 administrative head of each office, department, division, bureau, section, agency and other
149 administrative unit within the executive office, except as specifically provided by law. The

150 secretary may delegate any of the foregoing powers to an officer having charge of a department,
151 office, division or other administrative unit within the executive office.

152 The secretary of health shall appoint a chief medical officer of the commonwealth, and
153 may appoint an assistant secretary for each of the following offices: public health and wellness,
154 health care quality and patient safety, and mental health. The assistant secretaries shall serve at
155 the pleasure of the secretary and shall perform such duties as the secretary shall determine.
156 Notwithstanding any general or special law to the contrary, the secretary may appoint an
157 individual to serve simultaneously as the commissioner of any agency within the executive office
158 and as an assistant secretary for the offices of public health and wellness, health care quality and
159 patient safety, or mental health. If the secretary appoints an individual to serve simultaneously as
160 a commissioner and assistant secretary, the individual shall only be compensated for service in
161 one office.

162 The secretary may appoint, consistent with sections 3 and 7, whatever personnel he
163 deems necessary or desirable for the effective performance of the executive office. Such
164 personnel shall perform such duties as the secretary shall determine and serve at the pleasure of
165 the secretary.

166 The secretary shall establish a performance measurement system for the agencies within
167 the executive office, which shall establish program goals, measure program performance against
168 those goals and report publicly on progress to improve the effectiveness of health programs,
169 service delivery and policy decision-making. The performance measurement system shall require
170 each agency to develop a strategic plan for program activities and performance goals. The

171 system shall require annual program performance reports which shall be submitted to the house
172 and senate committees on ways and means and the joint committee on health care financing.