

SENATE No. 79

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to improvements in private duty nursing care for developmentally disabled children.

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. Chapter 19B of the General Laws, as appearing in the 2000 Official
2 Edition, is hereby amended by inserting after section 13, the following new section: -Section
3 13A. Residential Services for Developmentally Disabled Children.

4 (a) For the purposes of this section, the following words shall have the following
5 meaning:

6 "Certification" shall mean verification of successful completion of a didactic course and
7 curriculum, created by the advisory committee established in this section and provided by the
8 commonwealth, which is specifically designed to address: the degree of clinical skill required for
9 services rendered, the severity and complexity of developmentally disabled disorders or
10 disabilities, private duty nursing ethics and accepted customs, accepted professional standards of
11 practice; policies and procedures and the successful demonstration of said skills. Any
12 modification of said didactic course shall only be made with the approval of said advisory
13 committee.

14 “Continuity of Care” shall mean the development and implementation of a plan of care
15 by the Commonwealth to deploy qualified licensed nurses for the purpose of providing, ongoing,
16 consistent and complete care to developmentally disabled children.

17 “Developmentally Disabled Child” shall mean a publicly aided patient who receives
18 health care services for which the Commonwealth in part or in whole is liable under a statutory
19 program of public assistance who if not cared for through private duty nursing would be eligible
20 for institutional care related to the severity and complexity of the patient’s disorder or disability.

21 “Licensed Nurse” – shall mean a registered nurse or licensed practical nurse registered
22 nurse duly licensed under the provisions of chapter 112, section 74 or chapter 112, section 74A
23 who is a professional employee as defined in section one of chapter one-hundred and fifty E and
24 shall enjoy all the rights, privileges, benefits and obligations contained therein.

25 “Private Duty Nursing” shall mean the provisions of skilled nursing services, rendered in
26 the home by a certified licensed nurse.

27 (b) The commonwealth shall directly employ an adequate number of licensed nurses,
28 with certification, to provide expert nursing care to all developmentally disabled children eligible
29 to receive private duty nursing care. The services described in this section shall be implemented,
30 subject to appropriation, through commonwealth operated facilities and/or department regional
31 offices. Each licensed nurse shall have a valid license to practice nursing in Massachusetts and
32 shall maintain the certification developed under this act.

33 (c) An Advisory Committee to develop a curriculum for “developmentally disabled
34 certification” is hereby established, to consist of three members of the senate, one of whom shall
35 be the chairman of the joint committee on human services and elderly affairs who shall serve as

36 co-chair of the commission, one of whom shall be the chairman of the senate committee on ways
37 and means or his designee, and one of whom shall be appointed by the president of the senate;
38 three members of the House of Representatives, one of whom shall be the house chairman of the
39 joint committee on human services and elderly affairs who shall serve as co-chair, one of whom
40 shall be chairman of the house committee on ways and means or his designee, one of whom shall
41 be appointed by the speaker of the house; the Secretary of Administration and Finance; the
42 Secretary of Health and Human Services; three individuals who represent families with
43 developmentally disabled children and one representative each from the Massachusetts Nurses
44 Association, the American Federation of State, County and Municipal Employees, the Division
45 of Medical Assistance, the Division of Health Care Finance and Policy, and the Group Insurance
46 Commission. Said Advisory Committee shall make an investigation to identify measures
47 necessary to care for developmentally disabled children and to formalize the development of a
48 didactic course and curriculum for a developmentally disabled certification. The didactic course
49 shall include, but not be limited to:

- 50 (1) policies and protocols regarding home care services;
- 51 (2) policies related to private duty nursing ethics;
- 52 (3) policies related to accepted customs and professional standards of practice;
- 53 (4) medication safety in the home;
- 54 (5) documentation;
- 55 (6) confidentiality of health information;
- 56 (7) coordination and creation of a written plan of care;

57 (8) communication with other professional disciplines; and

58 (9) family involvement in the formation of a plan of care.

59 (d) Appropriations for the administration and support of the state plan to fulfill its
60 obligations under this section to provide continuity of care for developmentally disabled children
61 shall be made through an individual line-item by General Court.