

SENATE No. 531

The Commonwealth of Massachusetts

PRESENTED BY:

Richard T. Moore

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 reforming the administration of health care.

PETITION OF:

NAME:

Richard T. Moore

DISTRICT/ADDRESS:

SENATE No. 531

By Mr. Moore, a petition (accompanied by bill, Senate, No. 531) of Richard T. Moore for legislation to establish the executive office of health and secretary of health. Health Care Financing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 559 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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
2 appearing in the 2008 Official Edition, is hereby amended by striking the words “the secretary of
3 health and human services, and inserting in place thereof: “the secretary of human services, the
4 secretary of health,”

5 SECTION 2. Section 2 of chapter 6A of the general laws as most recently
6 appearing in the 2008 Official Edition, is hereby amended by striking out the words “health and
7 human services,” and inserting in place thereof, “health, human services,”

8 SECTION 3. Section 3 of chapter 6A of the general laws as most recently
9 appearing in the 2008 Official Edition, is hereby amended by striking out the word, “health and
10 human services,” and inserting in place thereof, “health, the secretary of human services,”

SECTION 4. Section 16 of chapter 6A of the general laws as most recently appearing in the 2008 Official Edition, and amended by Section 715 of Chapter 26 of the Acts of 2003, is hereby amended by striking out said section 16, and inserting in place thereof a new section:

Section 16. Executive Office of Human Services

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

The executive office of human services shall include: (1) the department of elder affairs under the direction of a secretary of elder affairs, who shall be appointed by the

governor; (2) the office of children, youth and family services, which shall include the department of social services, the department of transitional assistance, the department of youth services, the office of child care services, the child abuse prevention board and the office for refugees and immigrants; (3) the office of disabilities and community services, which shall include the department of developmental disabilities, the Massachusetts rehabilitation commission, the Massachusetts commission for the blind, the Massachusetts commission for the deaf and hard of hearing and the Soldiers' Home in Massachusetts and the Soldiers' Home in Holyoke; and (4) the department of veterans' services under the direction of the secretary of veterans' services, who shall be appointed by the governor.

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

The secretary shall have the authority to: (a) through the department of elder affairs and the division of medical assistance and other agencies within the executive office, as appropriate, operate and administer the programs of medical assistance and medical benefits under chapter 118E; provided, however, that the executive office under the direction of the secretary shall be the single state agency under section 1902(a)(5) of the Social Security Act, under Title XIX agency, for programs under titles IV(A), IV(B), IV(E), XX and XIX of the Social Security Act and for programs under the Rehabilitation Act; (b) establish certain rates of payment for health care services pursuant to section 2A of chapter 118G; (c) coordinate and supervise the administration of the executive office and its agencies to promote economy and

efficiency and improve service delivery; (d) establish uniform regional and area boundaries for the agencies within the executive office; (e) establish uniform contracting and payment procedures for the executive office and its agencies; (f) develop and implement a management information system for the management of fiscal, client and program data necessary for the efficient administration of the agencies within the executive office; (g) pursuant to chapter 30A, make, amend and repeal rules and regulations for the management and administration of the executive office and agencies within the executive office, including regarding the sharing of data, including personal data, between and among the executive office and its agencies, subject to appropriate protections for the confidentiality of client data; (h) execute all instruments necessary for carrying out the business of the executive office and its agencies; (i) acquire, own, hold, dispose of, lease and encumber property in the name of the executive office and its agencies; (j) enter into agreements and transactions with federal, state and municipal agencies and other public institutions and private individuals, partnerships, firms, corporations, associations and other entities on behalf of the executive office or its agencies; (k) charge and collect fees, rentals and other charges as may be reasonable and necessary for carrying out the business of the executive office and its agencies; (l) apply for and accept funds, including grants, bequests, gifts and contributions on behalf of the commonwealth in accordance with section 6 of chapter 29B; and (m) serve as the executive and administrative head of each office, department, division, bureau, section, agency and other administrative unit within the executive office, except as specifically provided by law. The secretary may delegate any of the foregoing powers to an officer having charge of a department, office, division or other administrative unit within the executive office.

78 The secretary of human services may appoint an assistant secretary for each of
79 the following offices: disabilities and community services; and children, youth and family
80 services. The assistant secretaries shall serve at the pleasure of the secretary and shall perform
81 such duties as the secretary shall determine. Notwithstanding any general or special law to the
82 contrary, the secretary may appoint an individual to serve simultaneously as the commissioner of
83 any agency within the executive office and as an assistant secretary for the offices disability and
84 community services; and children, youth and family services. If the secretary appoints an
85 individual to serve simultaneously as a commissioner and assistant secretary, the individual shall
86 only be compensated for service in 1 office.

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

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

SECTION 5. Chapter 6A of the general laws as most recently appearing in the 2008 Official Edition, is hereby amended by inserting after section 16, two new sections:

Section 16A. Executive Office of Health

The executive office of health shall serve as the principal agency of the executive department for the following purposes: (a) developing, coordinating, administering and managing the public health and mental health, policies and programs; (b) supervising and managing the organization and conduct of the business affairs of the departments, commissions, offices, boards, divisions, institutions and other entities within the executive office to improve administrative efficiency and program effectiveness and to preserve fiscal resources; (c) developing and implementing effective policies, regulations and programs to assure the coordination and quality of services provided by the secretary and all of the departments, agencies, commissions, offices, boards, and divisions.

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

The governor shall appoint a secretary of health, who shall serve at the pleasure of the governor and shall act as the executive officer in all matters pertaining to the administration, management, operation, regulation, planning, fiscal and policy development

functions and affairs of the departments, commissions, offices, boards, divisions and other agencies within the executive office.

The secretary shall have the authority to: (a) establish and regularly update, in accordance with the provisions of section 16A (1), a comprehensive state health policy whose mission is to enhance the health and well being as demonstrated through improved health outcomes of all Massachusetts residents by promoting accountable, yet caring; cost-effective, yet high quality health care; using evidence-based, patient-centered methods of programming, treatment, and service delivery, (b) establish certain rates of payment for health care services pursuant to section 2A of chapter 118G; (c) coordinate and supervise the administration of the executive office and its agencies to promote economy and efficiency and improve service delivery; (d) establish uniform regional and area boundaries for the agencies within the executive office; (e) establish uniform contracting and payment procedures for the executive office and its agencies; (f) share with the secretary of human services the development and implementation of a management information system for the management of fiscal, client and program data necessary for the efficient administration of the agencies within the executive office so that those seeking service from health or human service agencies or programs shall make application through a single universal application portal; (g) pursuant to chapter 30A, make, amend and repeal rules and regulations for the management and administration of the executive office and agencies within the executive office, including regarding the sharing of data, including personal data, between and among the executive office and its agencies, subject to appropriate protections for the confidentiality of client data; (h) execute all instruments necessary for carrying out the business of the executive office and its agencies; (i) acquire, own, hold, dispose of, lease and encumber property in the name of the executive office and its agencies; (j) enter into agreements

and transactions with federal, state and municipal agencies and other public institutions and private individuals, partnerships, firms, corporations, associations and other entities on behalf of the executive office or its agencies; (k) charge and collect fees, rentals and other charges as may be reasonable and necessary for carrying out the business of the executive office and its agencies; (l) apply for and accept funds, including grants, bequests, gifts and contributions on behalf of the commonwealth in accordance with section 6 of chapter 29B; and (m) serve as the executive and administrative head of each office, department, division, bureau, section, agency and other administrative unit within the executive office, except as specifically provided by law. The secretary may delegate any of the foregoing powers to an officer having charge of a department, office, division or other administrative unit within the executive office.

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

The secretary may appoint, consistent with sections 3 and 7, whatever personnel he deems necessary or desirable for the effective performance of the executive office.

166 Such personnel shall perform such duties as the secretary shall determine and serve at the
167 pleasure of the secretary.

168 The secretary shall establish a performance measurement system for the
169 agencies within the executive office, which shall establish program goals, measure program
170 performance against those goals and report publicly on progress to improve the effectiveness of
171 health programs, service delivery and policy decision-making. The performance measurement
172 system shall require each agency to develop a strategic plan for program activities and
173 performance goals. The system shall require annual program performance reports which shall be
174 submitted to the house and senate committees on ways and means and the joint committee on
175 health care financing.