

HOUSE No. 1028

The Commonwealth of Massachusetts

PRESENTED BY:

Kate Hogan

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 relative to a certificate of need for home health agencies.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>John V. Fernandes</i>	<i>10th Worcester</i>
<i>Michael R. Knapik</i>	<i>Second Hampden and Hampshire</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Thomas P. Kennedy</i>	<i>Second Plymouth and Bristol</i>

HOUSE No. 1028

By Ms. Hogan of Stow, a petition (accompanied by bill, House, No. 1028) of Kate Hogan and others for legislation to require home health service provider applicants to submit to a certificate of need review established by the Department of Public Health. Health Care Financing.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to a certificate of need for home health agencies.

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.

2 The General Laws are hereby amended by inserting after chapter 111, Section 25D, the
3 following section:

4 - Section 25E

5 In order to be eligible to bill MassHealth for certified home health services pursuant to
6 Section 1891 of the Social Security Act, 42 U.S.C.A. § 1395bbb, any new applicant seeking to
7 provide home health services must submit to a Certificate of Need (CON) review established by
8 the Massachusetts Department of Public Health and assessed by an independent board appointed
9 by the Governor, General Court, the Secretary of Health and Human Services, the Center for
10 Health Information and Analysis, and the Home Care Alliance of Massachusetts.

11 To obtain a CON, an application must be filed with said independent board in which the
12 applicant demonstrates the need for or prove the cost efficiency of a new agency. The applicant
13 must present to the department and board both evidence of unmet need and how the proposed
14 agency would fit into the comprehensive health care delivery system of the service area. This
15 application requirement shall not apply to home health agencies providing Medicare-certified
16 services and/or that are certified by the Centers for Medicare and Medicaid Services as of July 1,
17 2014.

18 Any applicant shall also specify the following:

- 19 a) service area, including municipality and county names.

20 b) an ongoing quality assurance program that includes compliance with all applicable
21 federal and state quality of care standards, and provide a copy of its program protocols when it
22 requests first-time approval.

23 c) written assurance that its costs are not excessive in relation to those of other agencies
24 that operate in the same and nearby service areas.

25 d) documentation that it can comply with the capital reserve and other solvency
26 requirements specified by the Centers for Medicare and Medicaid Services (CMS) for a
27 Medicare-certified home health agency pursuant to Section 1891 of the Social Security Act, 42
28 U.S.C.A. § 1395bbb.

29 e) other requirements as determined by the Board.

30 SECTION 2.

31 An appropriate fee structure shall be determined by the department and the Board.

32 SECTION 3.

33 This bill shall take effect one year after its enactment.