HOUSE DOCKET, NO. 2456 FILED ON: 1/15/2015

HOUSE . . . . . No. 520

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas A. Golden, Jr.

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 stabilizing the Commonwealth's nursing facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Thomas A. Golden, Jr.	*16th Middlesex*	*1/15/2015*
Rady Mom	*18th Middlesex*	*1/24/2015*
David M. Nangle	*17th Middlesex*	*8/27/2019*
Thomas J. Calter	*12th Plymouth*	*8/27/2019*
Kimberly N. Ferguson	*1st Worcester*	*8/27/2019*
Benjamin Swan	*11th Hampden*	*8/27/2019*
David Paul Linsky	*5th Middlesex*	*8/27/2019*
Peter J. Durant	*6th Worcester*	*8/27/2019*
Paul K. Frost	*7th Worcester*	*8/27/2019*
Jonathan D. Zlotnik	*2nd Worcester*	*8/27/2019*
Tackey Chan	*2nd Norfolk*	*8/27/2019*
Sarah K. Peake	*4th Barnstable*	*1/23/2015*
James R. Miceli	*19th Middlesex*	*8/27/2019*
Daniel J. Hunt	*13th Suffolk*	*8/27/2019*
Louis L. Kafka	*8th Norfolk*	*8/27/2019*
Aaron Vega	*5th Hampden*	*8/27/2019*
Edward F. Coppinger	*10th Suffolk*	*8/27/2019*
Brian M. Ashe	*2nd Hampden*	*8/27/2019*

Keiko M. Orrall	*12th Bristol*	*8/27/2019*
Angelo M. Scaccia	*14th Suffolk*	*8/27/2019*
Bruce J. Ayers	*1st Norfolk*	*8/27/2019*
Angelo J. Puppolo, Jr.	*12th Hampden*	*8/27/2019*
James Arciero	*2nd Middlesex*	*8/27/2019*
Bradford R. Hill	*4th Essex*	*8/27/2019*
Mark J. Cusack	*5th Norfolk*	*8/27/2019*
William C. Galvin	*6th Norfolk*	*8/27/2019*
Mary S. Keefe	*15th Worcester*	*8/27/2019*
Paul McMurtry	*11th Norfolk*	*8/27/2019*
Carolyn C. Dykema	*8th Middlesex*	*8/27/2019*
Josh S. Cutler	*6th Plymouth*	*8/27/2019*
James M. Cantwell	*4th Plymouth*	*8/27/2019*
David M. Rogers	*24th Middlesex*	*8/27/2019*
John C. Velis	*4th Hampden*	*8/27/2019*
Stephen L. DiNatale	*3rd Worcester*	*8/27/2019*
Alice Hanlon Peisch	*14th Norfolk*	*8/27/2019*
John V. Fernandes	*10th Worcester*	*8/27/2019*
James J. Dwyer	*30th Middlesex*	*8/27/2019*
Colleen M. Garry	*36th Middlesex*	*8/27/2019*
Eileen M. Donoghue	*First Middlesex*	*8/27/2019*
Michael D. Brady	*Second Plymouth and Bristol*	*8/27/2019*
F. Jay Barrows	*1st Bristol*	*8/27/2019*
Daniel J. Ryan	*2nd Suffolk*	*8/27/2019*
Linda Dorcena Forry	*First Suffolk*	*8/27/2019*
Kenneth I. Gordon	*21st Middlesex*	*8/27/2019*
Thomas M. Petrolati	*7th Hampden*	*8/27/2019*
James J. O'Day	*14th Worcester*	*8/27/2019*
Daniel M. Donahue	*16th Worcester*	*8/27/2019*
Stephen Kulik	*1st Franklin*	*8/27/2019*
Paul Brodeur	*32nd Middlesex*	*8/27/2019*
Kevin G. Honan	*17th Suffolk*	*8/27/2019*
John H. Rogers	*12th Norfolk*	*8/27/2019*
Jeffrey N. Roy	*10th Norfolk*	*8/27/2019*
Marcos A. Devers	*16th Essex*	*8/27/2019*
Sean Garballey	*23rd Middlesex*	*8/27/2019*
Leah Cole	*12th Essex*	*8/27/2019*
William Smitty Pignatelli	*4th Berkshire*	*8/27/2019*
Lori A. Ehrlich	*8th Essex*	*8/27/2019*

Claire D. Cronin	*11th Plymouth*	*8/27/2019*
Susannah M. Whipps Lee	*2nd Franklin*	*8/27/2019*
Frank I. Smizik	*15th Norfolk*	*8/27/2019*
Paul Tucker	*7th Essex*	*8/27/2019*
Walter F. Timilty	*7th Norfolk*	*8/27/2019*
Tricia Farley-Bouvier	*3rd Berkshire*	*8/27/2019*
William M. Straus	*10th Bristol*	*8/27/2019*
Mathew Muratore	*1st Plymouth*	*8/27/2019*
Gailanne M. Cariddi	*1st Berkshire*	*8/27/2019*
John J. Mahoney	*13th Worcester*	*8/27/2019*
Anne M. Gobi	*Worcester, Hampden, Hampshire and Middlesex*	*8/27/2019*
Danielle W. Gregoire	*4th Middlesex*	*8/27/2019*
Chris Walsh	*6th Middlesex*	*8/27/2019*
Patricia A. Haddad	*5th Bristol*	*8/27/2019*
Antonio F. D. Cabral	*13th Bristol*	*8/27/2019*
Kevin J. Kuros	*8th Worcester*	*8/27/2019*
Kay Khan	*11th Middlesex*	*8/27/2019*
Timothy R. Madden	*Barnstable, Dukes and Nantucket*	*8/27/2019*
Jennifer E. Benson	*37th Middlesex*	*8/27/2019*
Ellen Story	*3rd Hampshire*	*8/27/2019*
James M. Murphy	*4th Norfolk*	*8/27/2019*

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HOUSE . . . . . No. 520

By Mr. Golden of Lowell, a petition (accompanied by bill, House, No. 520) of Thomas A. Golden, Jr., and others relative to stabilizing the Commonwealth's nursing facilities. Elder Affairs.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to stabilizing the Commonwealth's nursing facilities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1: Chapter 118E as amended by section 123 of chapter 224 of the Acts of 2012 is hereby amended by adding at the end thereof the following new section: -

Section __: for the purpose of determining the annual inflation factor for nursing home allowable costs, the executive office of health and human services shall apply the annual unadjusted Skilled Nursing Facility Market Basket Update as established by the Centers for Medicare & Medicaid in the Medicare Skilled Nursing Facility prospective payment system rule.

Section 2: Notwithstanding any general or special law to the contrary, effective July 1, 2015 for the fiscal year ending June 30, 2016, the executive office of health and human services shall use calendar year 2011 costs as the base year for the purpose of setting MassHealth nursing facility rates.

Section 3: Notwithstanding any general or special law to the contrary, the executive office of health and human services in setting Medicaid nursing facility rates shall not impose

any so-called ‘utilization occupancy penalty’ efficiency standard that is in excess of the actual median occupancy for nursing homes in the base year.

Section 4: Chapter 23 of the General Laws, as appearing in the 2010 official edition is hereby amended by inserting after section 9U the following new section:

The Commonwealth Corporation shall, subject to appropriation, establish an extended care career ladder grant program, consistent with section 410 of chapter 159 of the Acts of 2000. Grants shall be available for certified nurses’ aides, home health aides, homemakers and other entry level workers in long-term care. The grants may include training for English for speakers of other languages and other language and adult basic education programs to improve quality of care and improve direct care worker access to and participation in career ladder training. The length of such grants shall not exceed a period of 3 years. The Commonwealth Corporation shall submit quarterly reports to the house and senate committees on ways and means on said grant program including, but not limited to, the number of grants awarded, the amount of each grant, a description of the career ladder programs, changes in care-giving and workplace practices that have occurred and their impact on quality of care and worker retention and the certificates, degrees or professional status attained by each participating employee. The administrative and program management costs for the implementation of said grant program shall not exceed 4 per cent of the amount of the grant program. Each grant may include funding for technical assistance and evaluation.

Section 5: Chapter 111 of the General Laws, as appearing in the 2010 official edition, is hereby amended by inserting after section 4O the following new section:-

4P. The Department shall, subject to appropriation, establish a scholarship program for certified nurses' aide and direct care worker training. The department shall establish appropriate guidelines and application criteria for the administration of the program. The scholarships shall cover the full cost of tuition to an approved certified nurses' aide or long-term care direct worker training program, including approved programs providing for cross-training. Funds may also be available to provide adult basic education and English as a second language training for applicants otherwise meeting criteria for the scholarships, as well as pilot training programs using enhanced curricula designed to support increased retention. The department shall, in consultation with the nursing home industry, consumer groups, the department of labor and workforce development, the Commonwealth Corporation, training providers and other appropriate state and local agencies, conduct outreach regarding the availability of such scholarships. The department shall consult with the scholarship program advisory council to review and recommend new training requirements for certified nurses' aides, home health aides and home care workers to improve the quality of the direct care workforce and the quality of care provided in all long-term care settings by developing skill standards, supporting the transition from training to work, improving retention, promoting portability, recognizing career advancement curricula and addressing language and education barriers. The costs for outreach activities shall not exceed 3 per cent of the amount of the program and administrative costs of the program shall not exceed 3 per cent of the amount of the program.