

SENATE No. 358

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia D. Jehlen

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 establishing an advisory committee on residential care facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>

SENATE No. 358

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 358) of Patricia D. Jehlen, Denise Provost and Barbara L'Italien for legislation to establish an advisory committee on residential care facilities. Elder Affairs.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 294 OF 2013-2014.]

The Commonwealth of Massachusetts

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

An Act establishing an advisory committee on residential care facilities.

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

1 Chapter 19A of the General Laws is hereby amended by inserting after section 13, the
2 following section:- Section 14: Notwithstanding any general or special law to the contrary,
3 there is hereby established an advisory committee on residential care facilities, or rest homes, as
4 defined in M.G.L. chapter 111, section 72. The advisory committee is charged with reviewing
5 the status of residential care facilities (RCFs) in the Commonwealth, including the profile of
6 residents currently residing in RCFs, the role RCFs play within the larger healthcare and housing
7 systems, and regulatory and reimbursement barriers that may prevent RCFs from providing
8 needed services to elders and persons with disabilities. The advisory committee shall make
9 recommendations to the Executive Office of Health and Human Services relative to regulatory
10 changes needed and funding and reimbursement options to maximize residential care facilities as

11 viable options for elders and persons with disabilities in the Commonwealth. Specifically, the
12 advisory committee shall study funding and payment options for residential care facilities which
13 will maximize federal financial participation, including making residential care a service funded
14 under the section 1915(c) Home and Community Based Services waiver and amending the state
15 plan to make residential care a reimbursable service. The advisory committee will also review
16 the status of physical plant needs of residential care facilities and will consider options for
17 meeting capital improvements necessary to provide quality care and improve the quality of life
18 for residents in residential care including accessing state housing resources. Based on the results
19 of the study, the advisory committee shall make a recommendation to the Secretary of Health
20 and Human Services on actions to be taken, no later than 90 days following the effective date of
21 this act. The Secretary of Health and Human Services shall take whatever steps necessary to
22 implement the committee's recommendation.

23 The advisory committee shall be comprised of the Secretary of Health and Human
24 Services or his/her designee, who will serve as the chair of the committee, the Secretary of the
25 Executive Office of Elder Affairs, or his/her designee, the Commissioner of the Department of
26 Transitional Assistance or his or her designee, the undersecretary of the Department of Housing
27 and Community Development or his/her designee, the Executive Director of the Center for
28 Health Information and Analysis or his or her designee, the Director of the Division of Health
29 Care Quality at the Department of Public Health or his or her designee, the Commissioner of the
30 Department of Mental Health or his/her designee, the director of the Office for Medicaid or his
31 or her designee, the director of the Office of Long Term Services and Supports, one state Senator
32 to be appointed by the Senate President, one state representative to be appointed by the Speaker
33 of the House of Representatives, three individuals representing residential care providers at least

- 34 one from LeadingAge Massachusetts (formerly MassAging) and one from the Mass Association
- 35 of Residential Care Homes (MARCH).