

**HOUSE . . . . . No. 1959**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Denise C. Garlick***

*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 for the continuous skilled care of fragile children in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>John C. Velis</i>	<i>4th Hampden</i>

<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>David M. Nangle</i>	<i>17th Middlesex</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Bradford R. Hill</i>	<i>4th Essex</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Daniel Cullinane</i>	<i>12th Suffolk</i>
<i>Christopher M. Markey</i>	<i>9th Bristol</i>
<i>Evandro C. Carvalho</i>	<i>5th Suffolk</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>

*James Arciero*

*2nd Middlesex*

*Patricia D. Jehlen*

*Second Middlesex*

*Kathleen O'Connor Ives*

*First Essex*

**HOUSE . . . . . No. 1959**

By Ms. Garlick of Needham, a petition (accompanied by bill, House, No. 1959) of Denise C. Garlick and others relative to the care of children, adults and families with complex medical conditions and special health care needs. Children, Families and Persons with Disabilities.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

An Act for the continuous skilled care of fragile children in the Commonwealth.

*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. Notwithstanding any General or Special Law to the contrary there shall be  
2 established in the Commonwealth, a Bill of Rights for children, adults and their families with  
3 complex medical conditions and special health care needs.

4           Section 2. Every child, or any adult in the Commonwealth who is eligible for and/or  
5 under the continuous skilled nursing program, with a medically complex health condition or  
6 special health needs requiring specialized care in all settings shall be guaranteed the following:

7           (1) Care that is: (a) high quality and is appropriate to the acuity of the patient; (b) family  
8 centered; care that is flexible and considers the clinical, mental, physical, and emotional needs of  
9 the patient and family; and (c) maintains the dignity of the patient.

10           (2) Access to: (a) a timely determination of services by the agency or entity responsible  
11 for providing such services; (b) the proper level of care as prescribed by a patient’s physician; (c)

12 consistent delivery of care services in all settings; (d) a choice of providers in all settings; and (e)  
13 a provider that communicates effectively with families and other providers for continuity of care.

14 (3) A continuous skilled nursing workforce that: (a) are part of a high quality workforce;  
15 (b) are paid a wage based on a reimbursement rate that allows the provider to compete for the  
16 median of nurses in the Commonwealth; (c) receives regular training and continuing education.

17 (4) Accountability that includes, but not limited to: (a) biannual rate reviews by Office of  
18 Medicaid within the Executive Office of Health and Human Services established in accordance  
19 with the provisions of Chapter 118E of the General Laws, through its home health care agency  
20 program in accordance with 130 CMR 403; (b) the Office of Medicaid within the Executive  
21 Office of Health and Human Services will make an annual report relative to the status of the  
22 continuous skilled nursing workforce in the Commonwealth to the Center for Health Information  
23 Analysis (CHIA) as established in accordance with the provisions of Chapter 12C of the General  
24 Laws; and (c) these reports will be reviewed by an advisory council of stakeholders who will  
25 make recommendations.

26 Section 3. The Office of Medicaid and the MassHealth program shall promulgate rules  
27 and regulations to incorporate the provisions of this Act within 90 days of passage.