

HOUSE No. 2070

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 relative to licensure of nursing facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>1/19/2017</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>	
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>	
<i>John H. Rogers</i>	<i>12th Norfolk</i>	
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	
<i>Shawn Dooley</i>	<i>9th Norfolk</i>	
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	
<i>Mathew Muratore</i>	<i>1st Plymouth</i>	
<i>James J. Dwyer</i>	<i>30th Middlesex</i>	
<i>Michael S. Day</i>	<i>31st Middlesex</i>	
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>	
<i>Paul Tucker</i>	<i>7th Essex</i>	
<i>Aaron Vega</i>	<i>5th Hampden</i>	
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>	

<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	
<i>John J. Mahoney</i>	<i>13th Worcester</i>	
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>	
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>	
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>	
<i>Brian Murray</i>	<i>10th Worcester</i>	
<i>Adrian Madaro</i>	<i>1st Suffolk</i>	
<i>Todd M. Smola</i>	<i>1st Hampden</i>	
<i>Thomas P. Walsh</i>	<i>12th Essex</i>	
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	
<i>James E. Timilty</i>	<i>Bristol and Norfolk</i>	
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	
<i>Thomas M. McGee</i>	<i>Third Essex</i>	
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>	
<i>Viriato M. deMacedo</i>	<i>Plymouth and Barnstable</i>	
<i>James R. Miceli</i>	<i>19th Middlesex</i>	
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>	
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>	

HOUSE No. 2070

By Ms. Garlick of Needham, a petition (accompanied by bill, House, No. 2070) of Denise C. Garlick and others relative to the construction and reconstruction of rooms in licensed nursing facilities. Elder Affairs.

The Commonwealth of Massachusetts

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

An Act relative to licensure of 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:

1 Section 1.Chapter 111 of the Massachusetts General Laws as appearing in the official
2 2014 edition is hereby amended by inserting the following new sections after Section 71C:

3 “Section 71D. Facilities licensed pursuant to section seventy-one of chapter 111 of the
4 general laws which were constructed on or before March 19, 1968 shall be subject to
5 construction and equipment requirements for long-term care facilities specified in 105 CMR
6 150.017 (B)(1) through 105 CMR 150.017(16)(e), as codified in the Code of Massachusetts
7 Regulations effective January 1, 2017. [New construction, conversions, alterations, additions or
8 other structural changes in a proposed or existing facility shall conform to the Department’s most
9 current standards of construction.]”

10 “Section 71E. For facilities licensed pursuant to section seventy-one of chapter 111 of the
11 general laws resident rooms must accommodate no more than four persons, provided that such
12 facilities that receive approval of construction or reconstruction plans by the Commonwealth and

13 local authorities or are newly certified on or after November 29, 2016, resident rooms must
14 accommodate no more than two residents. Notwithstanding the foregoing, the Department is
15 prohibited from enacting resident room requirements that are more restrictive than the
16 requirements specified in the federal requirements of participation for states and long term care
17 facilities pursuant to chapter forty two of the code of federal regulations part 483. The following
18 words shall have the following meanings as used in this paragraph: “Approval of construction
19 and reconstruction plans by the Commonwealth and local authorities” shall mean any approval
20 by the Department of construction plans directly impacting resident rooms.”