

HOUSE No. 2072

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: |
|------------------------------|-----------------------|------------------|
| <i>Thomas A. Golden, Jr.</i> | <i>16th Middlesex</i> | <i>1/19/2017</i> |
| <i>David M. Nangle</i> | <i>17th Middlesex</i> | |
| <i>James Arciero</i> | <i>2nd Middlesex</i> | |
| <i>Paul J. Donato</i> | <i>35th Middlesex</i> | |
| <i>Patricia A. Haddad</i> | <i>5th Bristol</i> | |
| <i>John H. Rogers</i> | <i>12th Norfolk</i> | |
| <i>Carole A. Fiola</i> | <i>6th Bristol</i> | |
| <i>F. Jay Barrows</i> | <i>1st Bristol</i> | |
| <i>Lori A. Ehrlich</i> | <i>8th Essex</i> | |
| <i>Edward F. Coppinger</i> | <i>10th Suffolk</i> | |
| <i>Kevin G. Honan</i> | <i>17th Suffolk</i> | |
| <i>Kimberly N. Ferguson</i> | <i>1st Worcester</i> | |
| <i>Daniel M. Donahue</i> | <i>16th Worcester</i> | |
| <i>David Paul Linsky</i> | <i>5th Middlesex</i> | |
| <i>Sarah K. Peake</i> | <i>4th Barnstable</i> | |
| <i>James J. O'Day</i> | <i>14th Worcester</i> | |
| <i>Susannah M. Whipps</i> | <i>2nd Franklin</i> | |
| <i>William M. Straus</i> | <i>10th Bristol</i> | |

| | | |
|-------------------------------|------------------------------|-----------------|
| <i>Daniel Cullinane</i> | <i>12th Suffolk</i> | |
| <i>Carlos González</i> | <i>10th Hampden</i> | |
| <i>Jack Lewis</i> | <i>7th Middlesex</i> | |
| <i>Harriette L. Chandler</i> | <i>First Worcester</i> | |
| <i>Antonio F. D. Cabral</i> | <i>13th Bristol</i> | |
| <i>Kay Khan</i> | <i>11th Middlesex</i> | |
| <i>Chris Walsh</i> | <i>6th Middlesex</i> | |
| <i>Hannah Kane</i> | <i>11th Worcester</i> | |
| <i>Tackey Chan</i> | <i>2nd Norfolk</i> | |
| <i>Danielle W. Gregoire</i> | <i>4th Middlesex</i> | |
| <i>Mathew Muratore</i> | <i>1st Plymouth</i> | |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> | |
| <i>Gerard Cassidy</i> | <i>9th Plymouth</i> | |
| <i>Thomas J. Calter</i> | <i>12th Plymouth</i> | |
| <i>Joan B. Lovely</i> | <i>Second Essex</i> | |
| <i>Daniel Cahill</i> | <i>10th Essex</i> | |
| <i>Claire D. Cronin</i> | <i>11th Plymouth</i> | |
| <i>William C. Galvin</i> | <i>6th Norfolk</i> | |
| <i>Louis L. Kafka</i> | <i>8th Norfolk</i> | |
| <i>Ann-Margaret Ferrante</i> | <i>5th Essex</i> | |
| <i>Michael J. Moran</i> | <i>18th Suffolk</i> | |
| <i>John J. Mahoney</i> | <i>13th Worcester</i> | |
| <i>William Driscoll</i> | <i>7th Norfolk</i> | |
| <i>Rady Mom</i> | <i>18th Middlesex</i> | |
| <i>Frank I. Smizik</i> | <i>15th Norfolk</i> | |
| <i>Brian M. Ashe</i> | <i>2nd Hampden</i> | |
| <i>Angelo J. Puppolo, Jr.</i> | <i>12th Hampden</i> | |
| <i>Kate Hogan</i> | <i>3rd Middlesex</i> | |
| <i>Michael S. Day</i> | <i>31st Middlesex</i> | |
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> | |
| <i>Josh S. Cutler</i> | <i>6th Plymouth</i> | |
| <i>James M. Cantwell</i> | <i>4th Plymouth</i> | |
| <i>Elizabeth A. Poirier</i> | <i>14th Bristol</i> | |
| <i>Christopher M. Markey</i> | <i>9th Bristol</i> | |
| <i>John J. Lawn, Jr.</i> | <i>10th Middlesex</i> | |
| <i>Diana DiZoglio</i> | <i>14th Essex</i> | |
| <i>Paul Tucker</i> | <i>7th Essex</i> | |
| <i>Thomas M. Petrolati</i> | <i>7th Hampden</i> | <i>2/2/2017</i> |
| <i>Ryan C. Fattman</i> | <i>Worcester and Norfolk</i> | |

| | | |
|---------------------------------|--------------------------------------|--|
| <i>Daniel J. Hunt</i> | <i>13th Suffolk</i> | |
| <i>Bruce J. Ayers</i> | <i>1st Norfolk</i> | |
| <i>Marc T. Lombardo</i> | <i>22nd Middlesex</i> | |
| <i>Colleen M. Garry</i> | <i>36th Middlesex</i> | |
| <i>Adrian Madaro</i> | <i>1st Suffolk</i> | |
| <i>James J. Dwyer</i> | <i>30th Middlesex</i> | |
| <i>Kevin J. Kuros</i> | <i>8th Worcester</i> | |
| <i>Steven S. Howitt</i> | <i>4th Bristol</i> | |
| <i>Paul Brodeur</i> | <i>32nd Middlesex</i> | |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> | |
| <i>James R. Miceli</i> | <i>19th Middlesex</i> | |
| <i>Aaron Vega</i> | <i>5th Hampden</i> | |
| <i>Bradford R. Hill</i> | <i>4th Essex</i> | |
| <i>Brendan P. Crighton</i> | <i>Third Essex</i> | |
| <i>David K. Muradian, Jr.</i> | <i>9th Worcester</i> | |
| <i>RoseLee Vincent</i> | <i>16th Suffolk</i> | |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> | |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | |
| <i>Michael O. Moore</i> | <i>Second Worcester</i> | |
| <i>James M. Murphy</i> | <i>4th Norfolk</i> | |
| <i>Nick Collins</i> | <i>4th Suffolk</i> | |
| <i>Brian Murray</i> | <i>10th Worcester</i> | |
| <i>Jennifer E. Benson</i> | <i>37th Middlesex</i> | |
| <i>Michelle M. DuBois</i> | <i>10th Plymouth</i> | |
| <i>David T. Vieira</i> | <i>3rd Barnstable</i> | |
| <i>Denise C. Garlick</i> | <i>13th Norfolk</i> | |
| <i>David F. DeCoste</i> | <i>5th Plymouth</i> | |
| <i>Walter F. Timilty</i> | <i>Norfolk, Bristol and Plymouth</i> | |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> | |
| <i>Marc R. Pacheco</i> | <i>First Plymouth and Bristol</i> | |
| <i>Susan Williams Gifford</i> | <i>2nd Plymouth</i> | |
| <i>Denise Provost</i> | <i>27th Middlesex</i> | |
| <i>Christine P. Barber</i> | <i>34th Middlesex</i> | |
| <i>Joseph W. McGonagle, Jr.</i> | <i>28th Middlesex</i> | |
| <i>Shaunna L. O'Connell</i> | <i>3rd Bristol</i> | |
| <i>Gailanne M. Cariddi</i> | <i>1st Berkshire</i> | |
| <i>Jerald A. Parisella</i> | <i>6th Essex</i> | |
| <i>Thomas P. Walsh</i> | <i>12th Essex</i> | |
| <i>Natalie Higgins</i> | <i>4th Worcester</i> | |

| | | |
|-------------------------------|----------------------------|--|
| <i>Angelo L. D'Emilia</i> | <i>8th Plymouth</i> | |
| <i>James E. Timilty</i> | <i>Bristol and Norfolk</i> | |
| <i>Alice Hanlon Peisch</i> | <i>14th Norfolk</i> | |
| <i>Paul W. Mark</i> | <i>2nd Berkshire</i> | |
| <i>Peter V. Kocot</i> | <i>1st Hampshire</i> | |
| <i>Jeffrey Sánchez</i> | <i>15th Suffolk</i> | |
| <i>Paul R. Heroux</i> | <i>2nd Bristol</i> | |
| <i>Mark J. Cusack</i> | <i>5th Norfolk</i> | |
| <i>John W. Scibak</i> | <i>2nd Hampshire</i> | |
| <i>Aaron Michlewitz</i> | <i>3rd Suffolk</i> | |
| <i>Solomon Goldstein-Rose</i> | <i>3rd Hampshire</i> | |
| <i>Michael J. Finn</i> | <i>6th Hampden</i> | |

HOUSE No. 2072

By Mr. Golden of Lowell, a petition (accompanied by bill, House, No. 2072) of Thomas A. Golden, Jr. and others for legislation to make investments in the long term care workforce and close the gap between Medicaid payments and the actual cost of providing nursing home care. Elder Affairs.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 520 OF 2015-2016.]

The Commonwealth of Massachusetts

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

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:

1 SECTION 1. Chapter 118E of the General Laws, as appearing in the 2014 official edition
2 is hereby amended by inserting at the end thereof the following new section: -

3 Section 78. for the purpose of determining the annual inflation factor for nursing home
4 allowable costs, the executive office of health and human services shall apply the annual
5 unadjusted Skilled Nursing Facility Market Basket Update as established by the Centers for
6 Medicare & Medicaid in the Medicare Skilled Nursing Facility prospective payment system rule.

7 SECTION 2. Notwithstanding any general or special law to the contrary, effective July 1,
8 2017 for the fiscal year ending June 30, 2018, the executive office of health and human services

9 shall use calendar year 2014 costs as the base year for the purpose of setting MassHealth nursing
10 facility rates.

11 SECTION 3. Notwithstanding any general or special law to the contrary, the executive
12 office of health and human services in setting Medicaid nursing facility rates shall not impose
13 any so-called 'utilization occupancy penalty' efficiency standard that is in excess of the actual
14 median occupancy for nursing homes in the base year.

15 SECTION 4. Chapter 23 of the General Laws, as appearing in the 2014 official edition is
16 hereby amended by inserting after section 9U the following new section:

17 Section 9V. The Commonwealth Corporation shall, subject to appropriation, establish an
18 extended care career ladder grant program, consistent with section 410 of chapter 159 of the Acts
19 of 2000. Grants shall be available for certified nurses' aides, home health aides, homemakers and
20 other entry level workers in long-term care. The grants may include training for English for
21 speakers of other languages and other language and adult basic education programs to improve
22 quality of care and improve direct care worker access to and participation in career ladder
23 training. The length of such grants shall not exceed a period of 3 years. The Commonwealth
24 Corporation shall submit quarterly reports to the house and senate committees on ways and
25 means on said grant program including, but not limited to, the number of grants awarded, the
26 amount of each grant, a description of the career ladder programs, changes in care-giving and
27 workplace practices that have occurred and their impact on quality of care and worker retention
28 and the certificates, degrees or professional status attained by each participating employee. The
29 administrative and program management costs for the implementation of said grant program

30 shall not exceed 4 per cent of the amount of the grant program. Each grant may include funding
31 for technical assistance and evaluation.

32 SECTION 5. Chapter 111 of the General Laws, as appearing in the 2014 official edition,
33 is hereby amended by inserting after section 4O the following new section:-

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