

HOUSE No. 340

The Commonwealth of Massachusetts

PRESENTED BY:

Claire D. Cronin

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 to improve the licensure of skilled nursing facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>

<i>Gerard Cassidy</i>	<i>9th Plymouth</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>Bud Williams</i>	<i>11th Hampden</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>
<i>Daniel Cullinane</i>	<i>12th Suffolk</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Rady Mom</i>	<i>18th Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Brian Murray</i>	<i>10th Worcester</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Carlos González</i>	<i>10th Hampden</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>

Russell E. Holmes

6th Suffolk

HOUSE No. 340

By Ms. Cronin of Easton, a petition (accompanied by bill, House, No. 340) of Claire D. Cronin and others relative to the licensure of skilled nursing facilities. Elder Affairs.

The Commonwealth of Massachusetts

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

An Act to improve the licensure of skilled 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: The Department of Public Health shall amend the Licensure Procedure and
2 Suitability Requirements for Long-Term Care Facilities in Massachusetts regulations (105 CMR
3 153).

4 Such amendment shall improve upon the Application for a License (105 CMR 153.006)
5 and/or Other Licensure (105 CMR 153.007) procedures included in the existing regulations to
6 establish new requirements for applicants that would precede approval any application for a new
7 license and/or any notice of intent for transfer of ownership or notice of intent to sell any skilled
8 nursing facility whether for-profit or non-profit.

9 The Department of Public Health, the Office of Elder Affairs, the Office of Medicaid and
10 the Office of the Attorney General shall work together with all interested stakeholders to review
11 and develop recommendations for the improvements outlined above to the licensing of long term

12 care facilities in the Commonwealth. Such recommendations shall include amendments to these
13 regulations to:

14 a) Establish additional threshold requirements for applicants seeking to be “deemed
15 suitable by the department under 105 CMR 153.006(D). Such new requirements shall include
16 but not be limited to mandating submission of an initial prospective annual operating budget and
17 of an attestation concerning any anticipated changes to the facility’s workforce or working
18 conditions. Subject to approval and amendment by the department, stakeholders shall also
19 recommend provisions to establish a “provisional licensure” procedure under which original
20 applicants not currently doing business in the Commonwealth would be issued a provisional
21 original license that would be further subject to bi-annual review and revocation procedures
22 within the first year of operation.

23 b) Provide more transparent, timely and complete public access to information
24 concerning skilled nursing facility licensing and suitability determination standards; and

25 c) Otherwise enhance the regulation of skilled nursing facilities in the Commonwealth.

26 SECTION 2: The Department of Public Health shall host the stakeholder process
27 outlined above, review recommendations from those stakeholders and other state entities, and
28 submit appropriate amendments to 105 CMR 153 for public review no later than six months after
29 passage of this Act.