

SENATE No. 1273

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

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 requiring protection for the continuous skilled care of fragile children in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James E. Timilty</i>	<i>Bristol and Norfolk</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>

<i>David M. Rogers</i>	<i>24th Middlesex</i>	
<i>Denise Provost</i>	<i>27th Middlesex</i>	
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>1/20/2017</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/20/2017</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>1/24/2017</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>1/24/2017</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>1/25/2017</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>1/25/2017</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>	<i>1/25/2017</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>1/25/2017</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>	<i>1/25/2017</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/25/2017</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>1/25/2017</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>1/25/2017</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>	<i>1/25/2017</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	<i>1/25/2017</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>1/26/2017</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>1/27/2017</i>
<i>Adrian Madaro</i>	<i>1st Suffolk</i>	<i>1/27/2017</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>1/30/2017</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>1/30/2017</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>	<i>1/30/2017</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>1/31/2017</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>4/3/2017</i>
<i>Brian Murray</i>	<i>10th Worcester</i>	<i>2/1/2017</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>2/3/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/3/2017</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	<i>2/3/2017</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/3/2017</i>
<i>John C. Velis</i>	<i>4th Hampden</i>	<i>2/10/2017</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>2/3/2017</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>	<i>2/3/2017</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/3/2017</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>1/8/2018</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>2/3/2017</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	<i>2/15/2017</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>3/23/2017</i>
<i>William Francis Galvin</i>	<i>Secretary of Commonwealth</i>	<i>1/8/2018</i>

<i>David M. Nangle</i>	<i>17th Middlesex</i>	<i>1/8/2018</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>1/8/2018</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>1/8/2018</i>

SENATE No. 1273

The Commonwealth of Massachusetts

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

An Act requiring protection 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:
- 8 a. high quality and is appropriate to the acuity of the patient.
 - 9 b. family centered; care that is flexible and considers the clinical, mental, physical, and
10 emotional needs of the patient and family;
 - 11 c. maintains the dignity of the patient.

- 12 2. Access to:
- 13 a. a timely determination of services by the agency or entity responsible for providing
- 14 such services.
- 15 b. the proper level of care as prescribed by a patient’s physician;
- 16 c. consistent delivery of care services in all settings
- 17 d. a choice of providers in all settings;
- 18 e. a provider that communicates effectively with families and other providers for
- 19 continuity of care.
- 20 3. A continuous skilled nursing workforce that:
- 21 a. are part of a high quality workforce;
- 22 b. are paid a wage based on a reimbursement rate that allows the provider to compete for
- 23 the median of nurses in the Commonwealth;
- 24 c. receives regular training and continuing education;
- 25 4. Accountability that includes, but not limited to:
- 26 a. biannual rate reviews by Office of Medicaid within the Executive Office of Health and
- 27 Human Services established in accordance with the provisions of Chapter 118E of the general
- 28 Laws, through its home health care agency program in accordance with 130 CMR 403.
- 29 b. The Office of Medicaid within the Executive Office of Health and Human Services
- 30 will make an annual report relative to the status of the continuous skilled nursing workforce in

31 the Commonwealth to the Center for Health Information Analysis (CHIA) as established in
32 accordance with the provisions of Chapter 12C of the General Laws.

33 c. These reports will be reviewed by an advisory council of stakeholders who will make
34 recommendations.

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