

SENATE No. 2643

The Commonwealth of Massachusetts

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

SENATE, July 31, 2018

The committee on Ways and Means to whom was referred the Senate Bill requiring protection for the continuous skilled care of fragile children in the Commonwealth (Senate, No. 1273),-- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2643).

For the committee,
Joan B. Lovely

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. Chapter 12C of the General Laws is hereby amended by adding the
2 following section:-

3 Section 24. The center, in conjunction with MassHealth, shall prepare a biennial report
4 related to the pediatric patients requiring continuous skilled nursing care, as defined in 101 CMR
5 350.02 and 130 CMR 403.402. The report shall include, but not be limited to: (i) the number of
6 pediatric patients requiring continuous skilled nursing care; (ii) the average, median and total
7 number of continuous skilled nursing hours authorized by MassHealth per day, week, month and
8 year; (iii) the average, median and total number of authorized continuous skilled nursing hours
9 actually delivered per day, week, month and year; (iv) the proportion of utilization to
10 authorization of service hours in comparison to patient acuity; (v) the number of nurses
11 providing continuous skilled nursing care to more than 1 patient at a time and the proportion of
12 utilization to authorization of said patients; (vi) the number of nurses who contract with
13 MassHealth to provide continuous skilled nursing care and whether the number is sufficient to
14 fill all authorized continuous skilled nursing hours; (vii) the training, experience and education
15 level of the nurses who contract with MassHealth to provide continuous skilled nursing care, to
16 the extent it is available; and (viii) a review of the adequacy of the reimbursement rates for
17 continuous skilled nursing, as defined in 101 CMR 350.04(2), and a comparison of those rates
18 with the median reimbursement rate paid to all nurses in the commonwealth.

19 Not later than January 1 of each even-numbered year, the report shall be filed with the
20 secretary of health and human services, the clerks of the senate and the house of representatives,
21 the joint committee on health care financing, the joint committee on public health and the senate
22 and house committees on ways and means. The center shall make the report publicly available on
23 its website.

24 SECTION 2. Notwithstanding any general or special law to the contrary, the office of
25 Medicaid shall review the wage payment rates established by home health agencies that provide
26 continuous skilled nursing care, as defined in 101 CMR 350.02 and 130 CMR 403.402, for the
27 providers of those services. The office shall provide: (i) an aggregated overview of the wage
28 payment rates paid by home health agencies to staff or contracted nurses providing continuous
29 skilled nursing care, including any increases in said wage rates resulting from increases in
30 Medicaid rates paid to home health agencies for continuous skilled nursing care in state fiscal
31 years 2017 and 2018; (ii) an aggregated breakdown of said wage rates based on the acuity of
32 continuous skilled nursing care provided; (iii) an aggregated breakdown of said wage rates based
33 on the licensure level of the providers of continuous skilled nursing care; (iv) recommendations
34 on criteria to be included in any future reporting by home health agencies related an increase of
35 continuous skilled nursing care rates provided by the office. The office shall provide this report
36 not later than March 1, 2019 to the clerks of the senate and house of representatives, the joint
37 committee on health care financing and the senate and house committees on ways and means.
38 Home health agencies providing continuous skilled nursing care shall provide all information
39 and documentation requested by the office of Medicaid to compile the required report under this
40 section.

41 SECTION 3. The first report required pursuant to section 24 of chapter 12C of the
42 General Laws shall be filed on January 1, 2020.