

**SENATE . . . . . No. 336**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Harriette L. Chandler*

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:                  |                  |
|------------------------------|------------------------------------|------------------|
| <i>Harriette L. Chandler</i> | <i>First Worcester</i>             |                  |
| <i>John H. Rogers</i>        | <i>12th Norfolk</i>                | <i>1/24/2017</i> |
| <i>Thomas M. McGee</i>       | <i>Third Essex</i>                 | <i>1/25/2017</i> |
| <i>Daniel M. Donahue</i>     | <i>16th Worcester</i>              | <i>1/27/2017</i> |
| <i>James R. Miceli</i>       | <i>19th Middlesex</i>              | <i>1/30/2017</i> |
| <i>Kenneth J. Donnelly</i>   | <i>Fourth Middlesex</i>            | <i>1/30/2017</i> |
| <i>Michael D. Brady</i>      | <i>Second Plymouth and Bristol</i> | <i>1/30/2017</i> |
| <i>Michael F. Rush</i>       | <i>Norfolk and Suffolk</i>         | <i>1/31/2017</i> |
| <i>James B. Eldridge</i>     | <i>Middlesex and Worcester</i>     | <i>1/31/2017</i> |
| <i>Jennifer L. Flanagan</i>  | <i>Worcester and Middlesex</i>     | <i>1/31/2017</i> |
| <i>Jason M. Lewis</i>        | <i>Fifth Middlesex</i>             | <i>1/31/2017</i> |
| <i>Michael J. Rodrigues</i>  | <i>First Bristol and Plymouth</i>  | <i>2/2/2017</i>  |
| <i>Patrick M. O'Connor</i>   | <i>Plymouth and Norfolk</i>        | <i>2/1/2017</i>  |
| <i>Joan B. Lovely</i>        | <i>Second Essex</i>                | <i>2/1/2017</i>  |
| <i>Viriato M. deMacedo</i>   | <i>Plymouth and Barnstable</i>     | <i>2/1/2017</i>  |
| <i>John F. Keenan</i>        | <i>Norfolk and Plymouth</i>        | <i>2/2/2017</i>  |
| <i>Michael O. Moore</i>      | <i>Second Worcester</i>            | <i>2/2/2017</i>  |
| <i>Eileen M. Donoghue</i>    | <i>First Middlesex</i>             | <i>2/3/2017</i>  |

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|-------------------------------|--|------------------|
| <i>Sal N. DiDomenico</i>      | <i>Middlesex and Suffolk</i>                       | <i>2/2/2017</i>  |
| <i>Anne M. Gobi</i>           | <i>Worcester, Hampden, Hampshire and Middlesex</i> | <i>2/2/2017</i>  |
| <i>Ryan C. Fattman</i>        | <i>Worcester and Norfolk</i>                       | <i>2/3/2017</i>  |
| <i>Linda Dorcena Forry</i>    | <i>First Suffolk</i>                               | <i>2/3/2017</i>  |
| <i>Donald F. Humason, Jr.</i> | <i>Second Hampden and Hampshire</i>                | <i>2/3/2017</i>  |
| <i>Marc R. Pacheco</i>        | <i>First Plymouth and Bristol</i>                  | <i>2/3/2017</i>  |
| <i>Julian Cyr</i>             | <i>Cape and Islands</i>                            | <i>2/3/2017</i>  |
| <i>Walter F. Timilty</i>      | <i>Norfolk, Bristol and Plymouth</i>               | <i>2/3/2017</i>  |
| <i>Kathleen O'Connor Ives</i> | <i>First Essex</i>                                 | <i>2/3/2017</i>  |
| <i>James E. Timilty</i>       | <i>Bristol and Norfolk</i>                         | <i>2/3/2017</i>  |
| <i>James T. Welch</i>         | <i>Hampden</i>                                     | <i>2/3/2017</i>  |
| <i>Alice Hanlon Peisch</i>    | <i>14th Norfolk</i>                                | <i>2/3/2017</i>  |
| <i>Eric P. Lesser</i>         | <i>First Hampden and Hampshire</i>                 | <i>2/3/2017</i>  |
| <i>Michael J. Barrett</i>     | <i>Third Middlesex</i>                             | <i>2/14/2017</i> |
| <i>Mathew Muratore</i>        | <i>1st Plymouth</i>                                | <i>9/5/2017</i>  |
| <i>Cindy F. Friedman</i>      | <i>Fourth Middlesex</i>                            | <i>9/5/2017</i>  |

**SENATE . . . . . No. 336**

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By Ms. Chandler, a petition (accompanied by bill, Senate, No. 336) of Harriette L. Chandler, John H. Rogers, Thomas M. McGee, Daniel M. Donahue and other members of the General Court for legislation to stabilize the Commonwealth’s nursing facilities. Elder Affairs.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 352 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  
20 and 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.