

SENATE No. 337

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 to improve the licensure of skilled nursing facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>1/27/2017</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>1/27/2017</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>1/27/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/30/2017</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>1/30/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/30/2017</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>	<i>1/30/2017</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>1/31/2017</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>1/31/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/1/2017</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/2/2017</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>2/2/2017</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>2/3/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/3/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/3/2017</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>2/3/2017</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and</i>	<i>2/3/2017</i>

	<i>Middlesex</i>	
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>2/3/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/3/2017</i>

SENATE No. 337

By Ms. Chandler, a petition (accompanied by bill, Senate, No. 337) of Harriette L. Chandler, Jack Lewis, Michael D. Brady, John J. Lawn, Jr. and other members of the General Court for legislation to improve 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 annual operating budget and of an attestation
17 concerning any anticipated changes to the facility’s workforce or working conditions. Subject to
18 approval and amendment by the department, stakeholder shall also recommend provisions to
19 establish a “provisional licensure” procedure under which original applicants not currently doing
20 business in the Commonwealth would be issued a provisional original license that would be
21 further subject to bi-annual review and revocation procedures within the first year of operation.

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

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

26 SECTION 2. The Department of Public Health shall host the stakeholder process outlined
27 above, review recommendations from those stakeholders and other state Offices, and submit
28 appropriate amendments to 105 CMR 153 for public review no later than 6 months after passage
29 of this Act.