

**SENATE . . . . . No. 338**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Kenneth J. Donnelly***

*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 public health.**

PETITION OF:

| NAME:                      | DISTRICT/ADDRESS:       |                 |
|----------------------------|-------------------------|-----------------|
| <i>Kenneth J. Donnelly</i> | <i>Fourth Middlesex</i> |                 |
| <i>Bud Williams</i>        | <i>11th Hampden</i>     | <i>2/2/2017</i> |

**SENATE . . . . . No. 338**

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By Mr. Donnelly, a petition (accompanied by bill, Senate, No. 338) of Kenneth J. Donnelly and Bud Williams for legislation relative to public health. Elder Affairs.

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**The Commonwealth of Massachusetts**

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

An Act relative to public health.

*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 111 of the General Laws, as appearing in the 2014 Official Edition,  
2 is hereby amended by striking out section 4J and inserting in place thereof the following  
3 section:-

4           Section 4J. No individual from birth to age 22 who is in need of long-term inpatient  
5 skilled nursing and rehabilitation services shall be admitted to a nursing home unless, prior to  
6 such admission, application has been made by or on behalf of such individual for certification by  
7 the Department’s Multi-Disciplinary Medical Review Team of eligibility for nursing home care  
8 in the nursing home to which the individual seeks admission. Notwithstanding any general or  
9 special law or regulation to the contrary, any individual from birth to age 22 in need of short-  
10 term inpatient skilled nursing and rehabilitation services may be admitted to a nursing home  
11 upon the referral of his or her primary care physician or hospital discharge team without  
12 application to or certification by the Department’s Multi-Disciplinary Medical Review Team.  
13 For purposes of this section, the words “long-term inpatient skilled nursing and rehabilitation

14 services” shall mean admission to a nursing home for such services in excess of 1 year from the  
15 date of admission, and the words “short-term inpatient skilled nursing and rehabilitation  
16 services” shall mean admission to a nursing home for such services for up to and including 1  
17 year from the date of admission. A majority of the members of the medical review team shall  
18 consist of currently licensed health and allied health professionals who are not employees of the  
19 commonwealth and who have been engaged full-time in primary care practice in their respective  
20 areas of specialization within the 2 years immediately prior to the commencement of service on  
21 the medical review team. Such other individuals as the department may, from time to time, deem  
22 appropriate may also serve on the medical review team. No person shall serve on the medical  
23 review team for a period exceeding 2 years. The medical review team, in consultation with the  
24 individual’s referring physician, shall discharge planners at the individual’s referring health care  
25 institution, the individual’s parents, next-of-kin or guardians, the individual’s primary care  
26 physician, and, to the extent deemed necessary, the departments of mental health, children and  
27 families, transitional assistance, education, department of early education and care and the  
28 commission for the blind, assess the medical, nursing, therapy, rehabilitation, and restorative  
29 needs of such individuals. In the event that the medical review team fails to render a decision on  
30 certification within 10 business days after submission of any application for certification, the  
31 individual shall be deemed approved for admission to the nursing home. In reviewing  
32 applications for certification of eligibility, the medical review team shall not deny certification  
33 on the basis of sex, nationality, religious affiliation, residency or domicile, source of payment or  
34 reimbursement, type of illness or injury sustained or suffered by the individual, or, if the nursing  
35 home to which the individual seeks admission is able to provide requisite care, the ability of any  
36 other health care facility, wherever located, to provide such care. In the event that the medical

37 review team denies certification, it shall refer the individual to an alternative care program  
38 appropriate to each individual's needs, and prior to such referral, determine if said program has  
39 the ability to immediately care for the individual.

40 SECTION 2. Section 19 of chapter 118E of the General Laws, as appearing in the 2014  
41 Official Edition, is hereby amended by inserting after the words "twenty years of age or under",  
42 in line 13, the following words:- in need of long-term inpatient skilled nursing and rehabilitation  
43 services, as defined in section 4J of chapter 111, .

44 SECTION 3. Said section 19 of said chapter 118E, as so appearing, is hereby amended by  
45 inserting after the words "public health.", in line 21, the following sentence:-

46 Notwithstanding any general or special law or regulation to the contrary, any individual  
47 from birth to age 22 in need of short-term inpatient skilled nursing and rehabilitation services, as  
48 defined in section 4 J of chapter 111, may be admitted to a nursing home upon the referral of his  
49 or her primary care physician or hospital discharge team without application to or certification by  
50 the department of public health's medical review team.