

SENATE No. 352

The Commonwealth of Massachusetts

PRESENTED BY:

Barbara A. L'Italien

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 home care workforce initiatives.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|-------------------------------|-----------------------------------|------------------|
| <i>Barbara A. L'Italien</i> | <i>Second Essex and Middlesex</i> | |
| <i>José F. Tosado</i> | <i>9th Hampden</i> | <i>1/25/2017</i> |
| <i>Angelo J. Puppolo, Jr.</i> | <i>12th Hampden</i> | <i>1/25/2017</i> |
| <i>Mathew Muratore</i> | <i>1st Plymouth</i> | <i>1/25/2017</i> |
| <i>Kenneth J. Donnelly</i> | <i>Fourth Middlesex</i> | <i>1/27/2017</i> |
| <i>Patricia D. Jehlen</i> | <i>Second Middlesex</i> | <i>1/27/2017</i> |
| <i>Joan B. Lovely</i> | <i>Second Essex</i> | <i>2/2/2017</i> |
| <i>Michael O. Moore</i> | <i>Second Worcester</i> | <i>2/3/2017</i> |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> | <i>2/3/2017</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> | <i>2/3/2017</i> |
| <i>James Arciero</i> | <i>2nd Middlesex</i> | <i>2/3/2017</i> |
| <i>Cindy F. Friedman</i> | <i>Fourth Middlesex</i> | <i>10/4/2017</i> |

SENATE No. 352

By Ms. L'Italien, a petition (accompanied by bill, Senate, No. 352) of Barbara A. L'Italien, Jose F. Tosado, Angelo J. Puppolo, Jr., Mathew Muratore and other members of the General Court for legislation relative to home care workforce initiatives. Elder Affairs.

The Commonwealth of Massachusetts

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

An Act relative to home care workforce initiatives.

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 first sentence of the first paragraph of section 13D of chapter 118E of
2 the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting, in
3 line 25, after the words “chapter 111,” the following words:- and home health agencies pursuant
4 to Title XVIII, Section 1891 of the Social Security Act,

5 SECTION 2. Said section 13D of said chapter 118E, as so appearing, is hereby further
6 amended by inserting, after the second paragraph, the following new paragraph: --

7 Rates for the home care program, as defined under sections 4 and 4B, of chapter 19A,
8 shall be adjusted on a biennial prospective basis by October 1st. The executive office shall
9 establish, in conjunction with the executive office of elder affairs, a base purchase of service and
10 a base personnel and operations per client per month capitation for the home care and enhanced
11 community options programs, or successor programs, to be used in establishing biennial
12 capitations pursuant to the provisions of this section and section 13C. Said capitations shall be

13 based on operating costs for aging services access points, including personnel costs that are
14 commensurate with personnel holding similar job responsibilities employed by state government
15 and private organizations; provided further, said operating costs shall include personnel costs
16 associated with wages, compensation and/or salary and associated employee-related costs to
17 personnel providing homemaker and personal care homemaker services; provided further
18 compensation earned by homemakers and personal care homemakers shall be no less than \$15
19 per hour by July 1, 2018; provided further, said base personnel and operations capitation for the
20 enhanced community options program shall be no less than ninety percent of the capitation for
21 the MassHealth community choices program as of July 1, 2016, and said base personnel and
22 operations capitation for the home care program shall be no less than sixty percent of the
23 personnel and operations capitation for the enhanced community options program. Said
24 capitations shall be reasonable and adequate to meet the costs which are incurred by efficiently
25 and economically operated home care program, considering factors necessary to meet the
26 updated costs of providing the home care program in conformity with the requirements of
27 chapter 19A and its regulations.