

HOUSE No. 4236

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, November 27, 2019.

The committee on Children, Families and Persons with Disabilities to whom was referred the petition (accompanied by bill, House, No. 138) of Kay Khan and others for legislation to increase the rate of reimbursement for certain human services providers, reports recommending that the accompanying bill (House, No. 4236) ought to pass.

For the committee,

KAY KHAN.

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**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to fair pay for comparable work.

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 6A of the General Laws is hereby amended by adding the
2 following section:-

3 Section 105. (a) As used in this section, the following words shall, unless the context
4 clearly requires otherwise, have the following meanings:

5 “human services provider,” a community-based human services organization with a
6 human services program funded by the executive office of health and human services, the
7 executive office of elder affairs or the department of housing and community development.

8 “human services worker,” an employee of a human services provider who provides
9 treatment, support or services to clients or their families.

10 “disparity amount,” the monetary calculation of the average difference in salary between
11 human services workers and direct support workers or other comparable employees employed by
12 the commonwealth’s state-operated programs for human services.

13 “rate,” the reimbursement rate paid by the executive office of health and human services,
14 the executive office of elder affairs, the department of housing and community development or
15 the department of early education and care to a human services provider to deliver services to
16 clients on the commonwealth’s behalf.

17 (b) Notwithstanding any general or special law to the contrary, the executive office of
18 health and human services, the executive office of elder affairs or the department of housing and
19 community development shall increase the rate of reimbursement for human services providers
20 by an amount that reduces the disparity amount, as defined by subsection (a), to:

- 21 (1) 50 percent on or before July 1, 2021;
- 22 (2) 35 percent on or before July 1, 2022;
- 23 (3) 20 percent on or before July 1, 2023;
- 24 (4) 5 percent on or before July 1, 2024; and
- 25 (5) 0 percent on or before July 1, 2025, and shall remain at 0 percent thereafter.

26 (c) All increases in the rate of reimbursement provided for in this section shall be used to
27 increase the compensation of human services workers.

28 (d) The executive office of health and human services, the executive office of
29 administration and finance, the executive office of elder affairs and the department of housing
30 and community development shall adopt regulations to implement this section.

31 (e) Nothing in this section shall be construed to prohibit the elimination of the disparity
32 amount prior to July 1, 2025.

33 SECTION 2. On or before January 1, 2020, the executive office of health and human
34 services in conjunction with, the executive office of administration and finance, the executive
35 office of elder affairs and the department of housing and community development, in
36 collaboration with the Massachusetts Council of Human Service Providers, Inc., shall provide a
37 report to the senate and house committees on ways and means that includes recommendations to
38 strengthen recruitment and retention of human services workers, as defined in subsection (a) of
39 section 105 of chapter 6A of the General Laws, employed by human services providers, as
40 defined in subsection (a) of section 105 of chapter 6A of the General Laws, that have contracts
41 with the state.

42 SECTION 3. On or before July 1, 2020 and annually thereafter until the disparity amount
43 is eliminated for human service workers under contract with each agency, respectively, the
44 executive office of health and human services, the executive office of elder affairs and the
45 department of housing and community development, in collaboration with the Massachusetts
46 Council of Human Service Providers, Inc., shall each provide a report to the senate and house
47 committees on ways and means, the joint committee on children, families and persons with
48 disabilities, the joint committee on elder affairs, the joint committee on health care financing, the
49 joint committee on mental health, substance use, and recovery, the joint committee on public
50 health, and the joint committee on state administration and regulatory oversight that includes the
51 following information:

52 (1) the current disparity amount, as defined in subsection (a) of section 105 of chapter 6A
53 of the General Laws, between the salaries of human services workers, as defined in subsection
54 (a) of section 105 of chapter 6A of the General Laws, employed by human services providers
55 under contract with their department, as defined in subsection (a) of section 105 of chapter 6A of

56 the General Laws, and direct support workers or other comparable employees employed by the
57 commonwealth's state-operated programs for human services;

58 (2) the amount of annual increases in the rate of reimbursement, as defined in subsection
59 (a) of section 105 of chapter 6A of the General Laws, to human services providers under contract
60 with their department necessary to reduce and eliminate the disparity amount by July 1, 2025
61 pursuant to the schedule articulated in SECTION 1(b);

62 (3) the amount needed to be appropriated annually to achieve the reductions in the
63 disparity amount described in paragraphs (1)-(5) of subsection (b) of section 105 of chapter 6A
64 of the General Laws by July 1, 2025; and

65 (4) the implementation of rates necessary to eliminate the disparity amount by agency,
66 job description and start date of implementation.