

HOUSE No. 4905

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 28, 2020.

The committee on House Ways and Means to whom was referred the Message from His Excellency the Governor submitting requests for making certain appropriations for fiscal year 2021 before final action on the General Appropriation Bill (House, No. 4869), reports recommending that the accompanying bill (House, No. 4905) ought to pass.

For the committee,

AARON MICHLEWITZ.

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

An Act making certain appropriations for fiscal year 2021 before final action on the General Appropriation Bill.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith provide to [sic] make appropriations and to make certain changes in law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. Notwithstanding any general or special law to the contrary, the amount of
2 \$16,530,000,000 is hereby appropriated for the fiscal year ending June 30, 2021, to meet
3 necessary obligations before the enactment of the general appropriations act for that fiscal year,
4 for the maintenance and operations of the various departments, board, commissions and
5 institutions, including federal grant and Intergovernmental Service Fund expenditures, for other
6 necessary services and for meeting certain requirements of law. This appropriation shall cease to
7 be operative on the effective date of the general appropriations act and all actions taken under
8 this section shall apply against that general appropriations act. All expenditures made under this
9 section shall be consistent with appropriations made in the general appropriations act.

10 SECTION 2. Notwithstanding any general or special law to the contrary, items funded
11 through this act shall be funded in a manner assuming not less than the lower of the general
12 appropriations act for fiscal year 2020 or the operating budget submitted by the governor for
13 fiscal year 2021 pursuant to section 7H of chapter 29 of the General Laws.

14 If cost savings occur in a given item that would result in an appropriation less than the
15 lower of the general appropriations act for fiscal year 2020 or the operating budget submitted by
16 the governor for fiscal year 2021 pursuant to said section 7H of said chapter 29, the secretary of
17 administration and finance shall report to the house and senate committees on ways and means
18 on the savings achieved not less than 15 days before said savings are reflected in the allotment
19 schedule adopted by the executive office for administration and finance; provided, however, that
20 no said savings shall be achieved through reductions in eligibility standards or benefit levels as
21 compared with items funded in the general appropriations act for fiscal year 2020. If federal
22 programs, or other alternative funding sources, are available to supplant state funding for the
23 same purposes, the secretary may reduce the state's portion of said funding in a manner
24 commensurate with the additional federal revenue received for said purpose.

25 SECTION 3. The secretary for administration and finance shall provide monthly reports
26 to the house and senate committees on ways in means, including, but not limited to the: (i)
27 allotments provided for each item funded through this act; (ii) assumed full-year appropriation
28 for each item funded through this act based on the year-to-date allotments; (iii) if applicable, an
29 explanation for any changes in the assumed full-year appropriation from the previous monthly
30 report.

31 SECTION 4. Notwithstanding any general or special law to the contrary, payments from
32 the Health Safety Net Trust Fund established in section 66 of chapter 118E of the General Laws
33 may be made as safety net care payments under the commonwealth’s waiver pursuant to section
34 1115 of the federal Social Security Act, 42 U.S.C. 1315, as an adjustment to service rate
35 payments under Title XIX and XXI of said federal Social Security Act or as a combination of
36 both. Other federally permissible funding mechanisms available for certain hospitals, as defined
37 by regulations of the executive office of health and human services, may be used to reimburse up
38 to \$70,000,000 of uncompensated care pursuant to sections 66 and 69 of said chapter 118E using
39 sources distinct from the funding made available to the Health Safety Net Trust Fund.

40 SECTION 5. Notwithstanding any general or special law to the contrary, not later than
41 October 1, 2020 and without further appropriation, the comptroller shall transfer from the
42 General Fund to the Health Safety Net Trust Fund established in section 66 of chapter 118E of
43 the General Laws the greater of \$45,000,000 or 1/12 of the total expenditures to hospitals and
44 community health centers required pursuant to this act, for the purposes of making initial gross
45 payments to qualifying acute care hospitals for the hospital fiscal year beginning October 1,
46 2020. These payments shall be made to hospitals before, and in anticipation of, the payment by
47 hospitals of their gross liability to the Health Safety Net Trust Fund. The comptroller shall
48 transfer from the Health Safety Net Trust Fund to the General Fund, not later than June 30, 2021,
49 the amount of the transfer authorized by this section and any allocation of that amount as
50 certified by the director of the health safety net office.

51 SECTION 6. Notwithstanding section 53 of chapter 118E of the General Laws, for fiscal
52 year 2021, the executive office of health and human services may determine, subject to required
53 federal approvals, the extent to which to include, within its covered services for adults, the

54 federally-optional dental services that were included in its state plan or demonstration program in
55 effect on January 1, 2002; provided, however, that dental services for adults enrolled in
56 MassHealth shall be covered at least to the extent they were covered as of June 30, 2020; and
57 provided further, that notwithstanding any general or special law to the contrary, not less than 45
58 days before restructuring any MassHealth dental benefits, the executive office of health and
59 human services shall file a report with the executive office for administration and finance and the
60 house and senate committees on ways and means detailing the proposed changes and the
61 anticipated fiscal impact of the changes.

62 SECTION 7. Notwithstanding any general or special law to the contrary, nursing facility
63 rates effective October 1, 2020 under section 13D of chapter 118E of the General Laws may be
64 developed using the costs of calendar year 2014 or any subsequent year that the secretary of
65 health and human services may select in the secretary's discretion; provided, however, that such
66 nursing facility rates on an aggregate basis, including any rate add-ons, shall be at least the
67 amount such nursing facility rates would be if they were developed using the costs of calendar
68 year 2017.

69 SECTION 8. This act shall take effect on July 31, 2020 and shall be in effect until
70 October 31, 2020.