

HOUSE No. 604

The Commonwealth of Massachusetts

PRESENTED BY:

Claire D. Cronin

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 create an emergency nursing home task force.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>	<i>1/14/2019</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>1/22/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/22/2019</i>
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>	<i>1/23/2019</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>	<i>1/23/2019</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>1/23/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>1/23/2019</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>1/23/2019</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>1/24/2019</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>1/24/2019</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/24/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/25/2019</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>	<i>1/25/2019</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>1/28/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/28/2019</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>1/28/2019</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>1/28/2019</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>1/28/2019</i>

<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>1/28/2019</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>1/28/2019</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>	<i>1/28/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/28/2019</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>1/28/2019</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>1/29/2019</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>1/29/2019</i>
<i>John C. Velis</i>	<i>4th Hampden</i>	<i>1/29/2019</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>1/29/2019</i>
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>	<i>1/30/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/30/2019</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>	<i>1/30/2019</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>1/30/2019</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>1/30/2019</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>1/30/2019</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>1/30/2019</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>	<i>1/30/2019</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>	<i>1/30/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/30/2019</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>1/30/2019</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>1/30/2019</i>
<i>Michael J. Finn</i>	<i>6th Hampden</i>	<i>1/30/2019</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>1/30/2019</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/30/2019</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>1/30/2019</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>1/31/2019</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>1/31/2019</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>1/31/2019</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>1/31/2019</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>1/31/2019</i>
<i>Joan Meschino</i>	<i>3rd Plymouth</i>	<i>1/31/2019</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	<i>1/31/2019</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>2/1/2019</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	<i>2/1/2019</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/1/2019</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>	<i>2/1/2019</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>2/1/2019</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>2/1/2019</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/1/2019</i>

<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>2/1/2019</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>2/1/2019</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>2/1/2019</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/1/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>2/1/2019</i>
<i>William J. Driscoll, Jr.</i>	<i>7th Norfolk</i>	<i>2/1/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/1/2019</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>	<i>2/1/2019</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>	<i>2/1/2019</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/1/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/1/2019</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>	<i>2/1/2019</i>
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>2/1/2019</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>2/1/2019</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>2/1/2019</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>2/1/2019</i>
<i>David Biele</i>	<i>4th Suffolk</i>	<i>2/1/2019</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>2/1/2019</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	<i>2/1/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/1/2019</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>2/1/2019</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/1/2019</i>

HOUSE No. 604

By Ms. Cronin of Easton, a petition (accompanied by bill, House, No. 604) of Claire D. Cronin and others that the Secretary of Health and Human Services establish a task force (including members of the General Court) to review the financial stability of nursing homes in the Commonwealth in order to ensure the provision of quality resident care and quality jobs. Elder Affairs.

The Commonwealth of Massachusetts

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

An Act to create an emergency nursing home task force.

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: (a) Notwithstanding any general or special law, rule or regulation to the
2 contrary, the secretary of health and human services shall convene an emergency task force to
3 review the financial stability of nursing homes in the commonwealth in order to ensure the
4 provision of quality resident care and quality jobs. The task force shall consist of the following 7
5 members or their designees: the secretary of health and human services, who shall serve as chair;
6 the secretary of elder affairs; and the commissioner of public health; the house and senate chairs
7 of the joint committee on health care financing; and the house and senate chairs of the joint
8 committee on elder affairs. The task force shall also include 1 member who shall be appointed
9 by the house minority leader; 1 member who shall be appointed by the senate minority leader;
10 and 4 members who shall be appointed by the Governor, 1 of whom shall be a representative of
11 the Massachusetts Senior Care Association; 1 of whom shall be a representative of LeadingAge

12 Massachusetts, 1 of whom shall be a representative of 1199SEIU, and 1 of whom shall be an
13 expert on long-term care and aging policy.

14 (b) The emergency task force shall evaluate options and make policy recommendations
15 necessary to ensure the financial stability of the nursing homes in the commonwealth in order to
16 provide quality nursing home resident care and quality jobs. In addition, the emergency task
17 force shall evaluate and make policy recommendations necessary to align current and future
18 needs of nursing home care, to reform the department of public health's nursing home licensing
19 processes to ensure an appropriate process for the closure of nursing homes, to explore financial
20 incentives around the closure of nursing homes, and to review the utilization, regulatory
21 oversight and market position of rest homes, assisted living and other alternative senior housing
22 options. These recommendations shall include policy options concerning the following:

23 (i) improvements to the MassHealth reimbursement system for nursing homes to promote
24 financial stability, including: (A) the use of an appropriate inflation update for nursing home
25 rates, (B) the use of a base year period that reasonably reflects the costs in the actual rate year,
26 (C) efficiency incentives that align with actual utilization, (D) full recognition of the user fee for
27 Medicaid residents and (E) new Department of Public Health suitability requirements that would
28 precede approval of any application for a new license, any notice of intent for transfer of
29 ownership or any notice of intent to sell any for-profit or non-profit skilled nursing facility;

30 (ii) nursing home workforce engagement, recruitment, training, retention, rates of pay,
31 scope of practice and other methods of ensuring that direct care and frontline staff have an
32 opportunity to and can sustainably support themselves and their families;

33 (iii) the examination of minimum direct care staffing requirements for direct care staff at
34 Massachusetts nursing homes that ensure these facilities employ an adequate number of nurses,
35 certified nurse assistants, and other staff to both meet all resident needs and ensure that sufficient
36 staff is working at any given time to safely meet those needs inclusive of an estimate of the
37 additional costs that would result from any change in licensure staffing requirements;

38 (iv) potential efficiencies to the commonwealth and improvements to care delivery that
39 could be realized by a voluntary reconfiguration of the system via a reduction in the number of
40 nursing home beds currently licensed while ensuring quality and access;

41 (v) potential criteria to be used to facilitate a voluntary reconfiguration program,
42 including but not limited to occupancy, care standards and measure of regional geographic need;

43 (vi) potential incentives for nursing home operators that would help to align the need for
44 nursing home beds with current and future demand and/or would facilitate conversion of under-
45 utilized beds to other uses; and

46 (vii) any additional reforms to strengthen the public process for nursing home closures
47 and sales or other recommendations necessary to address the issues referenced above.

48 (c) The emergency task force shall convene its first meeting within 90 days of the
49 effective date of this act and shall meet not less than monthly thereafter. The emergency task
50 force shall file its report, including any drafts of legislation or regulations necessary to carry out
51 its recommendations, with the speaker of the house of representatives, the president of the
52 senate, the clerks of the house of representatives and senate, the house and senate committees on
53 post audit and oversight, the house and senate chairs of the joint committee on health care

54 financing and the joint committee on elder affairs, and the executive director of the health policy
55 commission not later than 1 year after the effective date of this act.

56 (d) The house and senate committees on post audit and oversight shall conduct a
57 performance audit of the long term supports and services care delivery systems in the
58 commonwealth as informed by the emergency task force final recommendations.

59 SECTION 2: The Department of Public Health shall host the stakeholder process
60 outlined above to review recommendations from those stakeholders and other state entities and
61 submit appropriate amendments to 105 CMR 153 for public review.