

SENATE No. 2788

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE · BOSTON, MA 02133
(617) 725-4000

KARYN POLITO
LIEUTENANT GOVERNOR

June 25, 2020

To the Honorable Senate and House of Representatives,

I am filing for your consideration a bill entitled, “An Act to Improve the Governance of the Soldiers’ Homes.”

On April 1, Governor Charlie Baker retained Attorney Mark Pearlstein, a former federal prosecutor, to investigate the causes of the tragic events that occurred at the Holyoke Soldiers’ Home. Earlier this week, Attorney Mark Pearlstein released the report of his findings, including recommendations to strengthen oversight at the home. This bill proposes a number of statutory reforms to address the recommendations in the Pearlstein report.

Consistent with the Pearlstein report’s recommendation, this legislation would require that at least two Trustees on the Boards of the Holyoke and Chelsea Homes have relevant clinical or healthcare administration experience. This bill also adds both the Secretary of Health and Human Services and the Secretary of Veterans’ Services as Board members. The legislation will also clarify the appointing process for the Superintendent of the Holyoke Soldiers’ Home and align that process with the current process for the appointment of the Superintendent of the Chelsea Soldiers’ Home.

The bill will strengthen oversight and governance of the Homes by explicitly establishing that the Superintendents report to the Secretary of Veterans’ Services. The legislation also proposes to establish the position of Assistant Secretary of Veterans’ Services, whose primary responsibility will be to support oversight and management of the soldiers’ homes, focusing

especially on areas we have learned are critical – such as infection control protocols. The Assistant Secretary position will replace the Executive Director of Veterans Homes and Housing.

Finally, the Pearlstein report recommended that the Department of Public Health (DPH) inspect the Soldiers' Homes just as DPH inspects private facilities throughout the Commonwealth. This legislation will require annual inspections and more frequent inspections if necessary. It will require the Homes to correct any deficiencies that DPH identifies. This will ensure that the Soldiers' Homes provide quality care to our veterans and, if there are problems in the future, those problems will be identified and corrected quickly.

These reforms will ensure that the Holyoke Soldiers' home is restored to its rightful place – a place that honors our veterans for their service and treats them with dignity, honor, and respect.

For these reasons, I urge your prompt enactment of this legislation.

Respectfully submitted, Charles D. Baker Governor

Charles D. Baker,
Governor

SENATE No. 2788

Senate, June 25, 2020 -- Message from His Excellency the Governor recommending legislation to improve the governance of the Soldiers' Homes.

The Commonwealth of Massachusetts

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

An Act to improve the governance of the Soldiers' Homes.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to improve the governance of the Commonwealth Soldiers' Homes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience., 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. Section 17 of chapter 6 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by striking out, in lines 6 and 7, the words “the board of
3 trustees of the Soldiers' Home in Holyoke”, and inserting in place thereof the following words:-
4 the secretary of health and human services, with the approval of the governor.

5 SECTION 2. Section 40 of said chapter 6 of the General Laws, as so appearing, is hereby
6 amended by striking out, in line 2, the word “seven” and inserting in place thereof the following
7 number:- 9

8 SECTION 3. Said section 40 of said chapter 6, as so appearing, is hereby further
9 amended by striking out, in line 2, the word “five” and inserting in place thereof the following
10 number:- 4.

11 SECTION 4. Said section 40 of said chapter 6, as so appearing, is hereby further
12 amended by inserting after the word “veterans”, in line 3, the following words:- ; at least 2 of
13 whom shall be health care professionals or have experience in health care facility management;
14 the secretary of health and human services, or a designee; and the secretary of the department of
15 veterans’ services, or a designee.

16 SECTION 5. Said section 40 of said chapter 6, as so appearing, is hereby further
17 amended by adding the following sentence:- The superintendent shall be the administrative head
18 of the home and shall report to the secretary of veterans’ services.

19 SECTION 6. Section 70 of said chapter 6, as so appearing, is hereby amended by striking
20 out, in line 2, the words, “seven persons, who shall be residents of the counties of Berkshire,
21 Franklin, Hampden and Hampshire” and inserting in place thereof the following words:- 9
22 persons, 7 of whom shall be residents of the counties of Berkshire, Franklin, Hampden and
23 Hampshire.

24 SECTION 7. Said section 70 of said chapter 6, as so appearing, is hereby amended by
25 striking out the third sentence and inserting in place thereof the following 3 sentences:- The
26 secretary of health and human services, or a designee, and the secretary of veterans’ services, or
27 a designee, shall serve as ex officio members of the board. At least 2 members of the board shall
28 be health care professionals or have experience in health care facility management. Upon the

29 expiration of the term of office of a member, the successor shall be appointed by the secretary of
30 health and human services, with approval of the governor, to serve for 7 years.

31 SECTION 8. Said section 70 of said chapter 6, as so appearing, is hereby further
32 amended by adding the following paragraph:- The secretary of health and human services shall
33 appoint, with the approval of the governor, the superintendent of the soldiers' home in Holyoke,
34 who shall serve at the pleasure of the secretary and may be removed by the secretary at any time,
35 subject to the approval of the governor. The superintendent shall be the administrative head of
36 the home and shall report to the secretary of veterans' services.

37 SECTION 9. Section 71 of said chapter 6, as so appearing, is hereby amended by striking
38 out the second through eighth sentences, inclusive.

39 SECTION 10. Chapter 111 of the General Laws is hereby amended by inserting after
40 section 73B the following section:-

41 Section 73C. The Department shall annually inspect all Soldiers' Homes operated in the
42 Commonwealth pursuant to chapter 115A or more frequently as the Department determines
43 necessary or appropriate. After every such inspection, the Department shall give the facility
44 notice in writing of every violation of the applicable rules and regulations of the Department and
45 shall specify a reasonable time, not more than 60 days after receipt thereof, to correct such
46 violations or provide a plan to correct such violations within a reasonable time.

47 The Department shall promulgate rules and regulations to implement this section.

48 SECTION 11. Section 12 of chapter 115A of the General Laws, as so appearing, is
49 hereby amended by striking out subsection (a) and inserting in place thereof the following
50 subsection:-

51 (a) There shall be within the department of veterans' services an assistant secretary for
52 veterans' homes who shall report to the secretary of veterans' services and shall have: (i) at least
53 5 years of management and healthcare experience and (ii) military or other experience working
54 with veterans. The duties of the assistant commissioner shall include, but not be limited to: (i)
55 coordinating and overseeing implementation and enforcement of laws, regulations and policies
56 relative to the veterans' homes and other housing for veterans; (ii) investigating and making
57 recommendations on best practices for serving veterans at the veterans' homes; (iii) monitoring
58 infection control practices, including tracking of any outbreaks, at the veterans' homes; (iv)
59 actively monitoring the results of surveys conducted at each home and ensuring corrective action
60 is taken promptly, when needed; and (v) attending labor management meetings for both veterans'
61 homes. The assistant secretary shall have access to all property of the commonwealth under the
62 oversight of the department of veterans' services to carry out the duties of the department.

63 SECTION 12. This act shall take effect upon its passage.