

SENATE No. 352

The Commonwealth of Massachusetts

PRESENTED BY:

Harriette L. Chandler

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 stabilizing the Commonwealth’s nursing facilities.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|------------------------------|--|------------------|
| <i>Harriette L. Chandler</i> | <i>First Worcester</i> | |
| <i>Thomas A. Golden, Jr.</i> | <i>16th Middlesex</i> | |
| <i>Michael J. Rodrigues</i> | <i>First Bristol and Plymouth</i> | <i>1/25/2019</i> |
| <i>Anne M. Gobi</i> | <i>Worcester, Hampden, Hampshire and Middlesex</i> | <i>1/29/2019</i> |
| <i>Rady Mom</i> | <i>18th Middlesex</i> | <i>1/30/2019</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> | <i>1/31/2019</i> |
| <i>Joanne M. Comerford</i> | <i>Hampshire, Franklin and Worcester</i> | <i>2/1/2019</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> | <i>2/1/2019</i> |
| <i>John F. Keenan</i> | <i>Norfolk and Plymouth</i> | <i>2/1/2019</i> |
| <i>Cindy F. Friedman</i> | <i>Fourth Middlesex</i> | <i>2/1/2019</i> |
| <i>Michael O. Moore</i> | <i>Second Worcester</i> | <i>2/1/2019</i> |
| <i>Eric P. Lesser</i> | <i>First Hampden and Hampshire</i> | <i>2/1/2019</i> |
| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i> | <i>2/1/2019</i> |
| <i>Julian Cyr</i> | <i>Cape and Islands</i> | <i>2/1/2019</i> |
| <i>Marcos A. Devers</i> | <i>16th Essex</i> | <i>2/8/2019</i> |
| <i>Dean A. Tran</i> | <i>Worcester and Middlesex</i> | <i>4/9/2019</i> |
| <i>Edward J. Kennedy</i> | <i>First Middlesex</i> | <i>4/9/2019</i> |

SENATE No. 352

By Ms. Chandler, a petition (accompanied by bill, Senate, No. 352) of Harriette L. Chandler, Thomas A. Golden, Jr., Michael J. Rodrigues, Anne M. Gobi and other members of the General Court for legislation to stabilize the Commonwealth’s nursing facilities. Elder Affairs.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 336 OF 2017-2018.]

The Commonwealth of Massachusetts

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

An Act relative to stabilizing the Commonwealth’s nursing facilities.

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 118E of the General Laws, as appearing in the 2016 official edition
2 is hereby amended by inserting at the end thereof the following new section: -

3 Section 78. For the purpose of determining the annual inflation factor for nursing home
4 allowable costs, the executive office of health and human services shall apply the annual
5 unadjusted Skilled Nursing Facility Market Basket Update as established by the Centers for
6 Medicare & Medicaid in the Medicare Skilled Nursing Facility prospective payment system rule.

7 SECTION 2. Notwithstanding any general or special law to the contrary, effective July 1,
8 2019 for the fiscal year ending June 30, 2020, the executive office of health and human services

9 shall use calendar year 2017 costs as the base year for the purpose of setting MassHealth nursing
10 facility rates and should update the base year annually in subsequent rate years.

11 SECTION 3. Chapter 23 of the General Laws, as appearing in the 2016 official edition is
12 hereby amended by inserting after section 9U the following new section:

13 Section 9V. The Commonwealth Corporation shall, subject to appropriation, establish an
14 extended care career ladder grant program, consistent with section 410 of chapter 159 of the Acts
15 of 2000. Grants shall be available for certified nurses' aides, home health aides, homemakers and
16 other entry level workers in long-term care. The grants may include training for English for
17 speakers of other languages and other language and adult basic education programs to improve
18 quality of care and improve direct care worker access to and participation in career ladder
19 training. The length of such grants shall not exceed a period of 3 years. The Commonwealth
20 Corporation shall submit quarterly reports to the house and senate committees on ways and
21 means on said grant program including, but not limited to, the number of grants awarded, the
22 amount of each grant, a description of the career ladder programs, changes in care-giving and
23 workplace practices that have occurred and their impact on quality of care and worker retention
24 and the certificates, degrees or professional status attained by each participating employee. The
25 administrative and program management costs for the implementation of said grant program
26 shall not exceed 4 per cent of the amount of the grant program. Each grant may include funding
27 for technical assistance and evaluation.

28 SECTION 4. Chapter 111 of the General Laws, as appearing in the 2016 official edition,
29 is hereby amended by inserting after section 4O the following new section:-

30 Section 4P. The Department shall, subject to appropriation, establish a tuition
31 reimbursement program for certified nursing assistant training. The department shall reimburse
32 for the costs of certified nursing assistant training or competency testing subject to the following
33 requirements, conditions and limitations: (a) costs shall have been incurred for an approved
34 certified nursing assistant training program; (b) costs shall have been actually paid by the
35 certified nursing assistant from his or her own personal funds; and (c) Individuals shall have
36 begun employment as a certified nursing assistant in a licensed nursing facility within 12 months
37 of completing the training program, including passing the competency testing.