

SENATE No. 1214**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 to create an emergency nursing home task force.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/22/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</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>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	<i>1/25/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/25/2019</i>
<i>James T. Welch</i>	<i>Hampden</i>	<i>1/25/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/26/2019</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>1/28/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/30/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>1/30/2019</i>
<i>Hannah Kane</i>	<i>11th 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>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>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>	<i>1/30/2019</i>

<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>1/31/2019</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>1/31/2019</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>1/31/2019</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>1/31/2019</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>2/1/2019</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/1/2019</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/1/2019</i>
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>	<i>2/1/2019</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	<i>2/4/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/8/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/5/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>4/9/2019</i>
<i>Dean A. Tran</i>	<i>Worcester and Middlesex</i>	<i>4/9/2019</i>

SENATE No. 1214

By Ms. Chandler, a petition (accompanied by bill, Senate, No. 1214) of Harriette L. Chandler, Jack Patrick Lewis, José F. Tosado, Carlos Gonzalez and other members of the General Court for legislation to create an emergency nursing home task force. Public Health.

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.

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

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

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

(iii) the examination of minimum direct care staffing requirements for direct care staff at Massachusetts nursing homes that ensure these facilities employ an adequate number of nurses, certified nurse assistants, and other staff to both meet all resident needs and ensure that sufficient

staff is working at any given time to safely meet those needs inclusive of an estimate of the additional costs that would result from any change in licensure staffing requirements;

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

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

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

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

(c) The emergency task force shall convene its first meeting within 90 days of the effective date of this act and shall meet not less than monthly thereafter. The emergency task force shall file its report, including any drafts of legislation or regulations necessary to carry out its recommendations, with the speaker of the house of representatives, the president of the senate, the clerks of the house of representatives and senate, the house and senate committees on post audit and oversight, the house and senate chairs of the joint committee on health care financing and the joint committee on elder affairs, and the executive director of the health policy commission not later than 1 year after the effective date of this act.

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

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