HOUSE DOCKET, NO. 2183 FILED ON: 2/16/2021

HOUSE . . . . . No. 2378

The Commonwealth of Massachusetts

PRESENTED BY:

Mathew J. Muratore

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 public health.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Mathew J. Muratore	*1st Plymouth*	*2/16/2021*
David F. DeCoste	*5th Plymouth*	*2/17/2021*

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HOUSE . . . . . No. 2378

By Mr. Muratore of Plymouth, a petition (accompanied by bill, House, No. 2378) of Mathew J. Muratore and David F. DeCoste relative to nursing home admissions for individuals from birth to age twenty-two in need of long-term inpatient skilled nursing and rehabilitation services. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1977* OF 2019-2020.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act relative to public health.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 111 of the General Laws is hereby amended by striking out Section 4J in its entirety and inserting in place thereof the following section:

Section 4J. No individual from birth to age twenty-two who is in need of long-term inpatient skilled nursing and rehabilitation services shall be admitted to a nursing home unless, prior to such admission, application has been made by or on behalf of such individual for certification by the Department's Multi-Disciplinary Medical Review Team of eligibility for nursing home care in the nursing home to which the individual seeks admission. Notwithstanding any law or regulation to the contrary, any individual from birth to age twenty-two in need of short-term inpatient skilled nursing and rehabilitation services may be admitted to a nursing

home upon the referral of his or her primary care physician or hospital discharge team without application to or certification by the Department’s Multi-Disciplinary Medical Review Team. For purposes of this section, “long-term inpatient skilled nursing and rehabilitation services” means admission to a nursing home for such services in excess of one year from the date of admission, and “short-term inpatient skilled nursing and rehabilitation services” means admission to a nursing home for such services for up to and including one year from the date of admission. A majority of the members of the medical review team shall consist of currently licensed health and allied health professionals who are not employees of the commonwealth and who have been engaged full time in primary care practice in their respective areas of specialization within the two years immediately prior to the commencement of service on the medical review team. Such other individuals as the department may, from time to time, deem appropriate may also serve on the medical review team. No person shall serve on the medical review team for a period exceeding two years. The medical review team shall, in consultation with the individual's referring physician, discharge planners at the individual's referring health care institution, the individual's parents, next-of-kin or guardians, the individual's primary care physician, and, to the extent deemed necessary, the departments of mental health, children and families, transitional assistance, education, department of early education and care and the commission for the blind, assess the medical, nursing, therapy, rehabilitation, and restorative needs of such individuals. In the event that the medical review team fails to render a decision on certification within ten business days after submission of any application for certification, the individual shall be deemed approved for admission to the nursing home. In reviewing applications for certification of eligibility, the medical review team shall not deny certification on the basis of sex, nationality, religious affiliation, residency or domicile, source of payment or

reimbursement, type of illness or injury sustained or suffered by the individual, or, if the nursing home to which the individual seeks admission is able to provide requisite care, the ability of any other health care facility, wherever located, to provide such care. In the event that the medical review team denies certification, it shall refer the individual to an alternative care program appropriate to each individual's needs, and prior to such referral, determine if said program has the ability to immediately care for the individual.

SECTION 2. The first sentence of the second paragraph of Section 19 of chapter 118E of the General Laws is hereby amended by inserting after the phrase “twenty years of age or under” the following words:- “in need of long-term inpatient skilled nursing and rehabilitation services, as defined in section four J of chapter one hundred and eleven”.

SECTION 3. Section 19 of chapter 118E of the General Laws is hereby amended by inserting after the last sentence of the second paragraph the following sentence:- “Notwithstanding any law or regulation to the contrary, any individual from birth to age twenty-two in need of short-term inpatient skilled nursing and rehabilitation services, as defined in section four J of chapter one hundred and eleven, may be admitted to a nursing home upon the referral of his or her primary care physician or hospital discharge team without application to or certification by department of public health’s medical review team.”