

**HOUSE . . . . . No. 756**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Jon Santiago***

*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 strengthen emergency preparedness for home care workers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jon Santiago</i>	<i>9th Suffolk</i>	<i>2/19/2021</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>2/25/2021</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>2/25/2021</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>2/25/2021</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/25/2021</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>2/25/2021</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>2/25/2021</i>
<i>Brandy Fluker Oakley</i>	<i>12th Suffolk</i>	<i>2/25/2021</i>
<i>Steven C. Owens</i>	<i>29th Middlesex</i>	<i>2/26/2021</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>2/26/2021</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>	<i>2/26/2021</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/26/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/26/2021</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>2/26/2021</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>2/26/2021</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/26/2021</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/26/2021</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>2/26/2021</i>

<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/26/2021</i>
<i>David Biele</i>	<i>4th Suffolk</i>	<i>3/3/2021</i>
<i>Rob Consalvo</i>	<i>14th Suffolk</i>	<i>3/2/2021</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>3/1/2021</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>3/3/2021</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>3/8/2021</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>3/8/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>3/10/2021</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>3/13/2021</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>3/17/2021</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>3/17/2021</i>
<i>Michael P. Kushmerek</i>	<i>3rd Worcester</i>	<i>3/19/2021</i>
<i>Edward R. Philips</i>	<i>8th Norfolk</i>	<i>3/19/2021</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>3/19/2021</i>
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>	<i>3/22/2021</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>3/22/2021</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>4/1/2021</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>4/7/2021</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>6/16/2021</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>7/20/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>9/3/2021</i>

**HOUSE . . . . . No. 756**

By Mr. Santiago of Boston, a petition (accompanied by bill, House, No. 756) of Jon Santiago and others that the Executive Office of Health and Human Services be authorized to develop metrics, standards, and procedures that trigger emergency long-term care provider rates. Elder Affairs.

**The Commonwealth of Massachusetts**

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

An Act to strengthen emergency preparedness for home care workers.

*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. Notwithstanding any general or special law to the contrary, the executive  
2 office of health and human services, in consultation with the department of elder affairs and the  
3 office of Medicaid, shall develop metrics, standards, and procedures that trigger emergency long-  
4 term care provider rates of payment that include hazard pay wage add-ons for employees of  
5 home health agencies and home care agencies that shall be implemented in response to any  
6 COVID-19 resurgence, statewide public health emergency, severe statewide weather emergency,  
7 or other statewide emergency incident. The executive office of health and human services shall  
8 also develop standard, comprehensive, timely and publicly accessible processes for provider  
9 reporting and state audits of the use of emergency rate increases for wage increases.

10 SECTION 2. Notwithstanding any general or special law to the contrary, the executive  
11 office of health and human services, in consultation with all appropriate state agencies and all  
12 relevant public stakeholders, shall develop and implement a mandatory infection control and

13 public health training program that all new and incumbent direct care employees of home health  
14 agencies and home care agencies shall complete as a condition of employment. The executive  
15 office shall establish contracts with labor-management training funds, community colleges, and  
16 other entities capable of conducting the training program and shall ensure the training program is  
17 implemented in a manner that is coordinated with the work of other state agencies and public and  
18 private entities involved in health care workforce training, recruitment, and retention.

19 SECTION 3. Notwithstanding any general or special law to the contrary, the executive  
20 office of health and human services shall establish an online personal protective equipment  
21 exchange for the purpose of identifying, aggregating, and making available for private purchase  
22 and procurement necessary personal protective equipment to be utilized by long-term care  
23 workers, including, but not limited to, personal care attendants and all employees of nursing  
24 facilities, resident care facilities, assisted living residences, adult day programs, home health  
25 agencies, and home care agencies in the Commonwealth. The executive office shall: (i) identify  
26 and offer qualified private wholesalers, manufacturers, and suppliers the opportunity to  
27 participate on the exchange; (ii) ensure that the personal protective equipment offered on the  
28 exchange complies with all federal and state requirements and specifications; and (iii) establish  
29 and implement a comprehensive process to receive, negotiate, and finalize competitive pricing to  
30 be offered for the personal protective equipment placed on the exchange.

31 All sales of the personal protective equipment from the exchange shall be private  
32 transactions by and between the private purchaser and private seller. The executive office shall  
33 operate the exchange and therefore facilitate such transactions but shall have no legal  
34 responsibility to offer payment for or the delivery of the personal protective equipment. The

35 executive office may establish processes to subsidize or to discount the cost of personal  
36 protective equipment that is purchased through the exchange for certain purchasers.

37 In developing the exchange, the executive office shall establish a stakeholder group,  
38 which shall be comprised of representatives from 1199SEIU, the Massachusetts Senior Care  
39 Association, the Home Care Alliance of Massachusetts, manufacturers and suppliers of personal  
40 protective equipment, and other stakeholders that the executive office deem necessary to  
41 organize and establish the exchange.

42 SECTION 4. Notwithstanding any general or special law to the contrary, the executive  
43 office of health and human services, in consultation with the department of elder affairs and the  
44 office of Medicaid, shall develop and implement new standards and practices that use the worker  
45 contact information included in the Massachusetts Home Care Worker Registry established in  
46 Chapter 139 of the Acts of 2017 to ensure robust communication with the home care agency  
47 workforce during a state public health emergency or other state emergencies. Such  
48 communication shall include, but not be limited to, informing the home care agency workforce  
49 about any new provider rates designated for hazard pay, the availability of and standards for  
50 mandatory infection control trainings, and procedures for accessing personal protective  
51 equipment from any state-run online exchange.

52 SECTION 5. The personal protective equipment exchange established in Section 3 shall  
53 be implemented not later than 90 days after the effective date of this act.