

SENATE No. 2761

Senate, March 10, 2022 -- Text of the Senate amendment to the House Bill relative to the governance, structure and care of veterans at the Commonwealth's veterans' homes (House, No. 4441, amended) (being the text of Senate, No. 2739, printed as amended)

The Commonwealth of Massachusetts

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

1 SECTION 1. Chapter 6 of the General Laws is hereby amended by inserting after section
2 15MMMMMM the following section:-

3 Section 15NNNNNN. The governor shall annually issue a proclamation setting apart
4 March 21 as Veterans' Homes Remembrance Day to honor the veterans who lost their lives due
5 to the tragic COVID-19 outbreaks at veterans' homes in the commonwealth and shall
6 recommend that the day be observed in an appropriate manner by the people.

7 SECTION 2. Section 17 of said chapter 6, as appearing in the 2020 Official Edition, is
8 hereby amended by striking out, in lines 4 to 7, inclusive, the words “, and the superintendent,
9 the board of trustees of the Soldiers' Home in Holyoke, who shall have the title of superintendent
10 and is appointed by the board of trustees of the Soldiers' Home in Holyoke”.

11 SECTION 3. Section 17A of said chapter 6, as so appearing, is hereby amended by
12 inserting after the word “transportation,” in line 8, the following words:- the secretary of
13 veterans' services.

14 SECTION 4. Sections 40, 41, 70 and 71 of said chapter 6 are hereby repealed.

15 SECTION 5. Section 105 of said chapter 6, as appearing in the 2020 Official Edition, is
16 hereby amended by striking out, in line 17, the word “commissioner” and inserting in place
17 thereof the following word:- secretary.

18 SECTION 6. Section 124A of said chapter 6, as so appearing, is hereby amended by
19 striking out, in line 3, the word “commissioner” and inserting in place thereof the following
20 word:- secretary.

21 SECTION 7. Said chapter 6 is hereby amended by adding the following 2 sections:-

22 Section 222. (a) There shall be a Massachusetts veterans’ homes advisory council. The
23 council shall advise the secretary of veterans’ services to ensure the health, well being and safety
24 of residents of state-operated veterans’ homes and access to equitable, high quality and
25 competent care for veterans across all regions of the commonwealth. The council shall consist
26 of: the executive director of the office of veterans’ homes and housing or a designee, who shall
27 serve as chair; the secretary of health and human services or a designee; the chair of each
28 regional council for each state-operated veterans’ home; the adjutant general of the
29 Massachusetts National Guard or a designee; the department commander of the American
30 Legion, Department of Massachusetts, Inc. or a designee; the department adjutant of the
31 Disabled American Veterans of Massachusetts or a designee; the state commander of Veterans of
32 Foreign Wars Department of Massachusetts or a designee; 5 members appointed by the
33 governor, 1 of whom shall represent the interests of female veterans and be resident of the
34 commonwealth, 1 of whom shall represent the interests of minority veterans and be resident of
35 the commonwealth, 1 of whom shall represent the interests of the LGBTQ veteran community
36 and be a resident of the commonwealth, 1 of whom shall have experience in labor relations and 1

37 of whom shall, by education or experience, be qualified in business and fiscal management and
38 have a demonstrated interest in the concerns of veterans; and 3 members appointed by the
39 secretary of health and human services, 1 of whom shall have professional knowledge in long-
40 term health care or geriatric health care, 1 of whom shall have experience in nursing and 1 of
41 whom shall be qualified in clinical services and preferably have demonstrated experience
42 treating post-traumatic stress disorder in veterans.

43 The council shall elect a chair pro tempore, a secretary and a clerk whose duties and
44 responsibilities shall be set forth by the chair and approved by a vote of the council. The
45 appointed members shall serve for a term of 3 years or until a successor is appointed. An
46 appointed member may be removed for cause at any time during the member's term by the
47 appointing authority. A vacancy shall be filled for the balance of the unexpired term in the same
48 manner as the original appointment. Members of the council shall serve without compensation
49 but may receive reasonable reimbursement for travel and expenses incurred in the discharge of
50 their duties. A majority of the appointed and serving members of the council shall constitute a
51 quorum of the council for the transaction of business. An action of the council shall be approved
52 by a majority vote of the members present at a meeting where a quorum is present.

53 The council shall meet as often as the chair deems necessary or appropriate but not less
54 than 4 times per calendar year. The council shall consult and meet not less than biannually with
55 the regional councils for each state-operated veterans' home. The council shall meet not less than
56 biannually with representatives of all unions employed at all state-operated veterans' homes and
57 the ombudsperson of the homes. The council shall have regionally equitable membership from
58 across the commonwealth and at least 1 member residing in the county in which a state-operated
59 veterans' home is located.

60 (b) The council shall recommend policies and propose rules and regulations pertaining to
61 state-operated veterans' homes to the secretary of veterans' services. To assist in making such
62 recommendations, the council shall: (i) have the authority to visit and review the operation of
63 each state-operated veterans' home; (ii) have the authority to review and comment on rules and
64 regulations promulgated by the department of veterans' services concerning the homes before the
65 rules and regulations are submitted for public comment; (iii) have direct communications and
66 establish effective working relationships and lines of communication with appropriate state
67 offices and staff; (iv) review and provide written comments to the executive director of veterans'
68 homes and housing and the secretary of veterans' services regarding the system of governance
69 and oversight for the homes, which shall include all rules, regulations and laws necessary for
70 effective management and preserving the health and welfare of the veterans admitted to state-
71 operated veterans' homes; and (v) monitor the progress of capital construction projects at current
72 or future homes. The council shall refer any complaints it receives regarding the health, safety,
73 welfare or rights of residents or staff of any state-operated veterans' home to the ombudsperson
74 established in section 15 of chapter 115A.

75 (c) All members of the council shall complete annual training regarding their roles and
76 responsibilities developed by the executive director of veterans' homes and housing in
77 consultation with the superintendents of each state-operated veterans' home.

78 (d) Annually, not later than September 30, the council shall file a report on its activities.
79 The report shall include, but not be limited to: (i) the census and demographics of each state-
80 operated veterans' home; (ii) an accounting of all revenues received and expended; (iii) any
81 recommendations for improvements to the homes; (iv) a description of staffing levels at each
82 home and a determination as to whether staffing levels meet industry standards; (v) a list of

83 complaints, charges or recommendations from patients, family members and guardians and
84 corresponding actions taken; (vi) recommendations to increase regional equity and accessibility,
85 as well as equitable access for people of all identities, including, but not limited to, race, religion,
86 sex, gender identity and sexual orientation; and (vii) all other matters the council considers
87 pertinent. The council shall consider in its report the needs of the changing veteran population in
88 the commonwealth, including, but not limited to, service-related injuries, mental health and
89 gender related needs. Each state-operated veterans' home shall provide the council with all
90 information necessary to carry out these requirements. All personally identifiable information
91 received from the homes shall be redacted from the report and remain confidential. The report
92 shall be filed with the secretary of veterans' services, the executive director of veterans' homes
93 and housing, the secretary of health and human services, the clerks of the house of
94 representatives and the senate, the joint committee on veterans and federal affairs, the joint
95 committee on public health and the house and senate committees on ways and means. The
96 secretary of veterans' services shall ensure that the report is made available to the public on the
97 website of the department of veterans' services.

98 Section 223. (a) There shall be a regional council for each state-operated veterans' home
99 in the commonwealth to represent the local community, residents and family members of each
100 home. Each council shall consist of 9 members. Seven members shall be appointed by the
101 executive director of veterans' homes and housing, with the approval of the secretary of
102 veterans' services, not less than 3 of whom shall be veterans, not less than 4 of whom shall
103 reflect the geographic composition of the residents of the respective veterans' home, at least 1 of
104 whom shall have a family member who is a resident of the respective home, at least 1 of whom
105 shall have professional knowledge in long-term health care or geriatric health care and at least 1

106 of whom shall have experience in clinical services, preferably with veterans. Three of such
107 members shall be chosen from a list of 7 persons nominated by the president of the area
108 veterans' service office for the region in which the respective veterans' home is located. One
109 member shall be appointed by the president of the veterans' advocate committee for the
110 respective veterans' home and 1 member shall be the president of the family advocate committee
111 for the respective veterans' home. Members shall serve for terms of 3 years. Upon the expiration
112 of the term of office of a member, their successor shall be appointed in the same manner as the
113 initial appointment. The secretary of veterans' services may remove a member for cause at any
114 time. The members shall vote to select a chair. The members shall serve without compensation
115 but may receive reasonable reimbursement for travel and expenses incurred in the discharge of
116 their duties.

117 (b) All members shall complete an annual training regarding their roles and
118 responsibilities which shall be developed by the executive director of veterans' homes and
119 housing in consultation with the superintendent of the council's respective home.

120 (c) Each council shall advise the superintendent of their respective home on the
121 management and control of all property, real and personal, belonging to the commonwealth and
122 occupied or used by state-operated veterans' homes pursuant to the superintendent's
123 responsibility under subsection (b) of section 14 of chapter 115A.

124 (d) Each council shall have the power to: (i) visit its respective veterans' home; (ii) take
125 comments from residents, family of residents and home staff pertaining to the operation of the
126 home; (iii) recommend policies, rules and regulations regarding the operations and oversight of
127 their respective state-operated veterans' home to the superintendent, the Massachusetts veterans'

128 home advisory council and the executive director of veterans' homes and housing; (iv) review
129 and provide written comments to the executive director of veterans' homes and housing and the
130 secretary of veterans' services regarding the system of governance and oversight for its
131 respective home, which shall include all rules, regulations and laws necessary for effective
132 management of the homes and for preserving the health and welfare of the veterans admitted to
133 such homes; (v) review and comment on rules and regulations promulgated by the department of
134 veterans' services concerning its respective home; and (vi) submit comments to the
135 superintendent of their respective home on the fiscal year budget proposed by the superintendent
136 for the home pursuant to subsection (c) of section 14 of chapter 115A. Each council shall submit
137 a nomination for the superintendent of their respective home, and may submit recommendations
138 for removal of the superintendent to the secretary of veterans' services pursuant to subsection (a)
139 of said section 14 of said chapter 115A.

140 (e) Each council shall meet: (i) as a body as often as the chair deems necessary or
141 appropriate but not less than every other month; (ii) with representatives of all unions employed
142 at their respective home and the ombudsperson not less than biannually; (iii) with community
143 members to discuss improvements and needs of their respective home not less than biannually;
144 (iv) with members of the public, in a manner that allows for public input and participation, to
145 discuss the implementation of new rules and regulations not less than annually; provided,
146 however, that each council shall invite the secretary of health and human services, the
147 Massachusetts veterans' homes advisory council, the joint committee on veterans and federal
148 affairs and the joint committee on public health to such public meeting; and (v) with the
149 Massachusetts veterans' homes advisory council, superintendent of the council's respective

150 home and executive director of veterans' homes and housing not less than biannually. Annually,
151 the councils shall have a joint meeting to share best practices.

152 (f) Annually, not later than September 30, each council shall report on its activities,
153 including, but not limited to: (i) a record of its meetings; (ii) a summary of complaints and
154 comments received from staff, residents, family members of residents and the general public
155 regarding its respective home; (iii) a summary of comments submitted to the superintendent of
156 their respective home on the fiscal year budget for the home presented to the council by the
157 superintendent pursuant to subsection (c) of section 14 of chapter 115A; (iv) any
158 recommendations to improve access to equitable, high quality and culturally competent care to
159 veterans served by its respective home; (v) staffing levels and future staffing recommendations at
160 its respective home; (vi) demographics at its respective home; (vii) any recommendations to
161 promote the best quality of life for residents, including, but not limited to, their social-emotional
162 well-being; (viii) any other concern that the council may have; and (ix) any other
163 recommendations for improvement of its respective home. Each state-operated veterans' home
164 shall provide the council with all information necessary to carry out these requirements. The
165 secretary of veterans' services shall ensure that all council reports are made available to the
166 public on the website of the department of veterans' services. All personally identifiable
167 information shall be redacted from the reports and remain confidential.

168 SECTION 8. Section 2 of chapter 6A of the General Laws, as appearing in the 2020
169 Official Edition, is hereby amended by striking out, in line 6, the words "and transportation and
170 public works" and inserting in place thereof the following words:- , transportation and public
171 works and veterans' services.

172 SECTION 9. Section 16 of said chapter 6A, as so appearing, is hereby amended by
173 striking out, in lines 34 to 37, inclusive, the words “(5) the department of veterans’ services
174 under the direction of the secretary of veterans’ services, who shall be appointed by the
175 governor, which shall include the Soldiers' Home in Massachusetts and the Soldiers' Home in
176 Holyoke; (6) the managed care oversight board; (7) the health facilities appeals board; and (8)
177 the office of health equity” and inserting in place thereof the following words:- (5) the managed
178 care oversight board; (6) the health facilities appeals board; and (7) the office of health equity.

179 SECTION 10. Said chapter 6A is hereby amended by adding the following 3 sections:-

180 Section 105. There shall be a department of veterans’ services under the supervision and
181 control of a secretary of veterans’ services, who shall be a veteran appointed by the governor,
182 and who shall serve at the pleasure of the governor and may be removed by governor at any
183 time. This position shall be classified in accordance with section 45 of chapter 30 and the salary
184 shall be determined in accordance with section 46C of said chapter 30. The secretary shall devote
185 their full-time during business hours to the duties of their office. The secretary shall be the state
186 agent for the settlement of pension, bounty, back pay, compensation and other claims of citizens
187 of the commonwealth against the government of the United States, or any state thereof, on
188 account of military or naval service and shall assist and advise war veterans, and their
189 dependents, heirs or legal representatives, with respect to the filing, prosecution and settlement
190 of such claims.

191 Section 106. The secretary shall be allowed their traveling expenses when necessary for
192 the secretary to visit Washington, D.C., and may expend for such purpose and for all other

193 expenses necessary for the proper performance of the secretary's duties such sums as are
194 annually appropriated therefor.

195 Section 107. The secretary of veterans' services shall appoint and may remove a deputy
196 secretary of veterans' services who shall devote their full-time during business hours to the
197 duties of their office. The deputy secretary shall be subject to the direction and control of the
198 secretary. The deputy secretary shall perform the duties of the secretary during the secretary's
199 absence on account of disability or other reason.

200 SECTION 11. Section 4H of chapter 7 of the General Laws, as appearing in the 2020
201 Official Edition, is hereby amended by striking out, in line 98, the word "commissioner" and
202 inserting in place thereof the following word:- secretary.

203 SECTION 12. Sections 4M to 4O, inclusive, of said chapter 7 are hereby repealed.

204 SECTION 13. Section 18A of chapter 8 of the General Laws, as appearing in the 2020
205 Official Edition, is hereby amended by striking out, in lines 6, each time it appears, 7, 8 and 10,
206 the word "commissioner" and inserting in place thereof, in each instance, the following word:-
207 secretary.

208 SECTION 14. Section 7 of chapter 10 of the General Laws, as so appearing, is hereby
209 amended by striking out, in lines 2 and 3, the words "the Soldiers' Home in Massachusetts and
210 of the Soldiers' Home in Holyoke" and inserting in place thereof the following words:- state-
211 operated veterans' homes.

212 SECTION 15. Section 62 of chapter 22C of the General Laws, as so appearing, is hereby
213 amended by striking out, in lines 1 to 3, inclusive, the words "the board of trustees of the

214 Soldiers' Home in Holyoke, or the Soldiers' Home in Massachusetts located in the city of
215 Chelsea, as the case may be" and inserting in place thereof the following words:- the
216 superintendent of a state-operated veterans' home.

217 SECTION 16. Said section 62 of said chapter 22C, as so appearing, is hereby amended
218 by striking out, in line 7, the words "said boards of trustees" and inserting in place thereof the
219 following words:- the superintendents

220 SECTION 17. Section 9B of chapter 30 of the General Laws, as so appearing, is hereby
221 amended by striking out, in lines 3 and 4, the word "the soldiers' homes in Massachusetts" and
222 inserting in place thereof the following words:- a state-operated veterans' home'.

223 SECTION 18. Section 24A of said chapter 30, as so appearing, is hereby amended by
224 striking out, in lines 20 and 21, the words "Soldiers' Home in Massachusetts, Soldiers' Home in
225 Holyoke" and inserting in place thereof the following words:- state-operated veterans' homes.

226 SECTION 19. Section 49 of chapter 31 of the General Laws, as so appearing, is hereby
227 amended by striking out, in line 14, the words "soldiers' home in Massachusetts" and inserting in
228 place thereof the following words:- state-operated veterans' home in the city of Chelsea.

229 SECTION 20. Section 91 of chapter 32 of the General Laws, as so appearing, is hereby
230 amended by striking out, in line 54, the words "the Soldiers' Home in Massachusetts or the
231 Soldiers' Home in Holyoke" and inserting in place thereof the following words:- a state-operated
232 veterans' home.

233 SECTION 21. Section 13 of chapter 58 of the General Laws, as so appearing, is hereby
234 amended by striking out, in lines 58 and 59, the words "the Soldiers' Home in Massachusetts, the

235 Soldiers' Home in Holyoke” and inserting in place thereof the following words:- a state-operated
236 veterans' home.

237 SECTION 22. Section 6 of chapter 62 of the General Laws, as so appearing, is hereby
238 amended by striking out, in line 1108, the word “commissioner” and inserting in place thereof
239 the following word:- secretary.

240 SECTION 23. Section 21 of chapter 62C of the General Laws, as so appearing, is hereby
241 amended by striking out, in lines 58 and 59, the word “commissioner” and inserting in place
242 thereof the following word:- secretary.

243 SECTION 24. Section 38GG of chapter 63 of the General Laws, as so appearing, is
244 hereby amended by striking out, in lines 2 and 28, the word “commissioner” and inserting in
245 place thereof, in each instance, the following word:- secretary.

246 SECTION 25. Section 18 of chapter 66 of the General Laws, as so appearing, is hereby
247 amended by striking out, in lines 3 and 4, the words “commissioner of veterans' services, or
248 records kept by him” and inserting in place thereof the following words:- secretary of veterans'
249 services or records kept by the secretary.

250 SECTION 26. Section 70E of chapter 111 of the General Laws, as so appearing, is
251 hereby amended by striking out, in lines 12 and 13, the words “the Soldiers Home in Holyoke,
252 the Soldiers' Home in Massachusetts” and inserting in place thereof the following words:- a
253 state-operated veterans' home.

254 SECTION 27. Said chapter 111 is hereby amended by inserting after section 73B the
255 following section:-

256 Section 73C. (a) The department of public health shall conduct inspections of all state-
257 operated veterans' homes as the department deems necessary but not less than twice annually;
258 provided, however, that during emergency operations, as declared by the secretary of veterans'
259 services or the governor, the department shall conduct inspections of all state-operated veterans'
260 homes not less than once every 30 days.

261 (b) After an inspection, the department shall notify the superintendent of the state-
262 operated veterans' home and the secretary of veterans' services in writing of every violation of
263 applicable rules and regulations and specify a reasonable period of time, not exceeding 30 days
264 after receipt of the notice, for the superintendent to provide a plan to remediate any such
265 violation. After the specified period of time has passed, the department shall conduct a follow-up
266 inspection of the home to ensure compliance. If the superintendent of the state-operated veterans'
267 home has failed to remedy the violation at the time of the follow-up inspection, the
268 superintendent shall report weekly to the department detailing steps taken towards, and the
269 expected date of, remediation. Not less than 30 days after the superintendent notifies the
270 department that a violation has been remedied, the department shall conduct an inspection of the
271 state-operated veterans' home to verify that the violation has been remedied.

272 (c) Not later than 30 days after each inspection, the department shall report its findings to
273 the Massachusetts Veterans' Home Advisory Council, the regional council of the inspected
274 home, the executive director of veterans' homes and housing, the secretary of veterans' services,
275 the joint committee on veterans and federal affairs and the joint committee on public health.
276 Inspection reports and corrections of violations shall be made available to the public on the
277 department's website.

278 (d) Each state-operated veterans' home shall be licensed pursuant to section 71. The
279 superintendent of each state-operated veterans' home shall apply for and maintain such licensure.

280 (e) All state-operated veterans' homes shall be subject to the requirements and conditions
281 of, and rules and regulations promulgated pursuant to, section 72. The superintendent, in
282 coordination with the executive director of veterans' homes and housing, shall ensure
283 compliance and remedy any failures pursuant to the notice and remediation process of subsection
284 (b).

285 SECTION 28. Section 1 of chapter 113 of the General Laws, as appearing in the 2020
286 Official Edition, is hereby amended by striking out, in lines 6 and 7, the words "the Soldiers'
287 Home in Massachusetts and the Soldiers' Home in Holyoke", and inserting in place thereof the
288 following words:- the state-operated veterans' homes.

289 SECTION 29. Section 1 of chapter 115 of the General Laws, as so appearing, is hereby
290 amended by striking out the definition of "Commissioner".

291 SECTION 30. Said section 1 of said chapter 115, as so appearing, is hereby further
292 amended by inserting after the definition of "Institution" the following definition:-

293 "Secretary", the secretary of veterans' services.

294 SECTION 31. Section 2 of said chapter 115, as so appearing, is hereby amended by
295 striking out, in lines 1, 18, 24 and 25, 29, 58, 59, 73, 140 and 141, 153, 161 and 167, the word
296 "commissioner" and inserting in place thereof, in each instance, the following word:- secretary.

297 SECTION 32. Section 2A of said chapter 115, as so appearing, is hereby amended by
298 striking out the word “commissioner”, in lines 1 and 17, and inserting in place thereof, in each
299 instance, the following word:- secretary.

300 SECTION 33. Section 2C of said chapter 115, as so appearing, is hereby amended by
301 striking out, in lines 1 and 9, the word “commissioner and inserting in place thereof, in each
302 instance, the following word:- secretary.

303 SECTION 34. Section 3 of said chapter 115, as so appearing, is hereby amended by
304 striking out, in line 20, the word “commissioner” and inserting in place thereof the following
305 word:- secretary.

306 SECTION 35. Section 4 of said chapter 115, as so appearing, is hereby amended by
307 striking out, in lines 5, 9 and 12, the word “commissioner” and inserting in place thereof, in each
308 instance, the following word:- secretary.

309 SECTION 36. Section 5 of said chapter 115, as so appearing, is hereby amended by
310 striking out, in lines 13, 28, 30, 40, 42, each time it appears, 64, 74, 87, 89 and 90, 92, 106 and
311 115, the word “commissioner” and inserting in place thereof, in each instance, the following
312 word:- secretary.

313 SECTION 37. Said section 5 of said chapter 115, as so appearing, is hereby amended by
314 striking out, in lines 38 and 39, the words “soldiers’ or sailors' home or from a soldiers’ home”
315 and inserting in place thereof the following words:- veterans’ or sailors' home or from a state-
316 operated veterans’ home.

317 SECTION 38. Section 5A of said chapter 115, as so appearing, is hereby amended by
318 striking out, in lines 41, 45 and 46, 47, each time it appears, 50 and 51 and 52, the word
319 “commissioner” and inserting in place thereof, in each instance, the following word:- secretary.

320 SECTION 39. Section 6 of said chapter 115, as so appearing, is hereby amended by
321 striking out, in lines 9 and 10, 11 and 12, 14 and 18, the word “commissioner” and inserting in
322 place thereof, in each instance, the following word:- secretary.

323 SECTION 40. Section 6C of said chapter 115, as so appearing, is hereby amended by
324 striking out, in line 2, the word “commissioner” and inserting in place thereof the following
325 word:- secretary.

326 SECTION 41. Section 7 of said chapter 115, as so appearing, is hereby amended by
327 striking out, in lines 4 and 5 and 14, the word “commissioner” and inserting in place thereof, in
328 each instance, the following word:- secretary.

329 SECTION 42. Section 8 of said chapter 115, as so appearing, is hereby amended by
330 striking out, in lines 26, 27, each time it appears, 30 and 38, the word “commissioner” and
331 inserting in place thereof, in each instance, the following word:- secretary.

332 SECTION 43. Section 9 of said chapter 115, as so appearing, is hereby amended by
333 striking out, in line 27, the word “commissioner” and inserting in place thereof the following
334 word:- secretary.

335 SECTION 44. Section 12 of said chapter 115, as so appearing, is hereby amended by
336 striking out, in line 9, the word “commissioner” and inserting in place thereof the following
337 word:- secretary.

338 SECTION 45. Section 14 of said chapter 115, as so appearing, is hereby amended by
339 striking out, in line 3, the word “commissioner” and inserting in place thereof the following
340 word:- secretary.

341 SECTION 46. Section 1 of chapter 115A of the General Laws, as so appearing, is hereby
342 amended by striking out, in lines 7 and 8, the words “, the Soldiers’ Home in Massachusetts and
343 the Soldiers’ Home in Holyoke” and inserting in place thereof the following words:- a state-
344 operated veterans’ home.

345 SECTION 47. Section 4 of said chapter 115A, as so appearing, is hereby amended by
346 striking out, in lines 7 and 8, the words “the Soldiers’ Home in Massachusetts and the Soldiers’
347 Home in Holyoke” and inserting in place thereof the following words:- a state-operated veterans’
348 home.

349 SECTION 48. Said section 4 of said chapter 115A, as so appearing, is hereby further
350 amended by striking out, in line 9, the words “said Homes” and inserting in place thereof the
351 following words:- the state-operated veterans’ homes.

352 SECTION 49. Said section 4 of said chapter 115A, as so appearing, is hereby further
353 amended by striking out, in line 14, the words “said Homes” and inserting in place thereof the
354 following words:- a state-operated veterans’ home.

355 SECTION 50. Section 5 of said chapter 115A is hereby repealed.

356 SECTION 51. Section 6 of said chapter 115A, as appearing in the 2020 Official Edition,
357 is hereby amended by striking out, in line 4, the word “either of said Homes” and inserting in
358 place thereof the following words:- a state-operated veterans’ home.

359 SECTION 52. Said section 6 of said chapter 115A, as so appearing, is hereby further
360 amended by striking out, in lines 5 and 6, the words “commandant or”.

361 SECTION 53. Said section 6 of said chapter 115A, as so appearing, is hereby further
362 amended by striking out, in lines 11, 13 and 14 and 20, the words “said Home” and inserting in
363 place thereof, in each instance, the following words:- the home.

364 SECTION 54. Said section 6 of said chapter 115A, as so appearing, is hereby further
365 amended by striking out, in lines 16 and 17, the words “trustees of said Home” and inserting in
366 place thereof the following words:- superintendent of the home.

367 SECTION 55. Said section 6 of said chapter 115A, as so appearing, is hereby further
368 amended by striking out, in lines 22 and 24, the words “trustees” and inserting in place thereof,
369 in each instance, the following words:- superintendent.

370 SECTION 56. Section 7 of said chapter 115A, as so appearing, is hereby amended by
371 striking out, in line 1, the words “either of such Homes” and inserting in place thereof, in each
372 instance, the following words:- “a state-operated veterans’ home”.

373 SECTION 57. Said section 7 of said chapter 115A, as so appearing, is hereby further
374 amended by striking out, in lines 3, 4 and 11, the word “Home” and inserting in place thereof, in
375 each instance, the following word:- home.

376 SECTION 58. Said section 7 of said chapter 115A, as so appearing, is hereby further
377 amended by striking out, in lines 8 and 31, the words “chairman of the board of trustees of such
378 Homes” and inserting in place, thereof in each instance, the following words:- superintendent of
379 the home.

380 SECTION 59. Said section 7 of said chapter 115A, as so appearing, is hereby further
381 amended by striking out, in lines 20 and 24, the words “trustees of such Home” and inserting in
382 place thereof, in each instance, the following word:- superintendent of the home.

383 SECTION 60. Said section 7 of said chapter 115A, as so appearing, is hereby further
384 amended by striking out, in line 23, the words “such chairman” and inserting in place thereof the
385 following word:- the superintendent.

386 SECTION 61. Said section 7 of said chapter 115A, as so appearing, is hereby further
387 amended by striking out, in line 26, the words “board of trustees of such Home” and inserting in
388 place thereof the following words:- the superintendent of such home.

389 SECTION 62. Section 8 of said chapter 115A, as so appearing, is hereby amended by
390 striking out, in line 1, the words “Soldiers’ Homes” and inserting in place thereof the following
391 words:- state-operated veterans’ homes.

392 SECTION 63. Said section 8 of said chapter 115A, as so appearing, is hereby further
393 amended by striking out, in line 2, the words “trustees of the respective Homes” and inserting in
394 place thereof the following words:- respective superintendent.

395 SECTION 64. Said section 8 of said chapter 115A, as so appearing, is hereby further
396 amended by striking out, in lines 4, 11 and 13, the word “trustees” and inserting in place thereof,
397 in each instance, the following words:- superintendent.

398 SECTION 65. Said section 8 of said chapter 115A, as so appearing, is hereby further
399 amended by striking out, in line 5, the word “Soldiers’ Home” and inserting in place thereof the
400 following word:- home.

401 SECTION 66. Said section 8 of said chapter 115A, as so appearing, is hereby further
402 amended by striking out, in line 9, the words “and the trustees”.

403 SECTION 67. Said section 8 of said chapter 115A, as so appearing, is hereby further
404 amended by striking out, in lines 6 and 10, the word “Home” and inserting in place thereof, in
405 each instance, the following word:- home.

406 SECTION 68. Section 9 of said chapter 115A, as so appearing, is hereby amended by
407 striking out, in line 3, the words “Soldiers’ Home in Massachusetts” and inserting in place
408 thereof the following words:- state-operated veterans’ home in the city of Chelsea.

409 SECTION 69. Section 10 of said chapter 115A, as so appearing, is hereby amended by
410 striking out, in lines 1 and 2, the word “commandant of the Soldiers’ Home in Massachusetts”
411 and inserting in place thereof the following words:- superintendent of the state-operated
412 veterans’ home in the city of Chelsea.

413 SECTION 70. Section 10A of said chapter 115A, as so appearing, is hereby amended by
414 striking out, in lines 1, 10, 22, 26, 28, 33, 38 and 50, the word “commandant” and inserting in
415 place thereof, in each instance, the following words:- superintendent.

416 SECTION 71. Said section 10A of said chapter 115A, as so appearing, is hereby
417 amended by striking out, in lines 1 and 2 and lines 15 and 16, the words “Soldiers’ Home in
418 Massachusetts”, and inserting in place thereof, in each instance, the following words:- state-
419 operated veterans’ home in the city of Chelsea.

420 SECTION 72. Said section 10A of said chapter 115A, as so appearing, is hereby further
421 amended by striking out, in line 21, the words “Soldiers’ Home” and inserting in place thereof
422 the following word:- state-operated veterans’ home in the city of Chelsea.

423 SECTION 73. Said section 10A of said chapter 115A, as so appearing, is hereby further
424 amended by striking out, in lines 32 and 35, the word “commandant’s” and inserting in place
425 thereof, in each instance, the following word:- superintendent’s.

426 SECTION 74. Section 11 of said chapter 115A, as so appearing, is hereby amended by
427 striking out, in line 1, the words “trustees of the Soldiers’ Home in Massachusetts” and inserting
428 in place thereof the following words:- superintendent of the state-operated veterans’ home in the
429 city of Chelsea.

430 SECTION 75. Section 12 of said chapter 115A, as so appearing, is hereby further
431 amended by striking out, in lines 2, 8 and 11, the word “commissioner” and inserting in place
432 thereof, in each instance, the following word:- secretary.

433 SECTION 76. Said section 12 of said chapter 115A, as so appearing, is hereby amended
434 by inserting after the word “the”, in line 16, the following words:- state-operated.

435 SECTION 77. Subsection (a) of said section 12 of said chapter 115A, as so appearing, is
436 hereby amended by inserting after the seventh sentence the following 2 sentences:- “The
437 executive director shall hire the staff necessary and appropriate to fulfill the duties of the office.
438 The secretary shall notify the joint committee on veterans and federal affairs within 30 days of
439 any vacancy in the position of executive director.

440 SECTION 78. Said section 12 of said chapter 115A, as so appearing, is hereby further
441 amended by striking out, in lines 19 to 21, inclusive, the words “board of trustees of the Soldiers’
442 Home in Massachusetts and the Soldiers’ Home in Holyoke jointly at least twice per calendar
443 year”, and inserting in place thereof the following words:- Massachusetts veterans’ homes
444 advisory council not less than quarterly in accordance with subsection (e) of section 15 of
445 chapter 115A.

446 SECTION 79. Said section 12 of said chapter 115A, as so appearing, is hereby further
447 amended by striking out, in lines 24 to 29, inclusive, the words “ provided, however, that the
448 boards of trustees of the Soldiers’ Home in Massachusetts and the Soldiers’ Home in Holyoke
449 shall not be subject to the control of the executive director; and provided further, that the
450 executive director shall not have control over the day-to-day operations of the Soldiers’ Home in
451 Massachusetts or the Soldiers’ Home in Holyoke.” and inserting in place thereof the following
452 words:- provided, however, that the executive director shall not have control over the day-to-day
453 operations of a state-operated veterans’ home.

454 SECTION 80. Said section 12 of said chapter 115A, as so appearing, is hereby further
455 amended by striking out, in lines 31 and 39, the word “soldiers” and inserting in place thereof
456 the following words:- state-operated veterans’.

457 SECTION 81. Said section 12 of said chapter 115A, as so appearing, is hereby further
458 amended by striking out, in lines 42 and 43, the words “Soldiers’ Home in Massachusetts and the
459 Soldiers’ Home in Holyoke” and inserting in place thereof the following words:- state-operated
460 veterans’ homes.

461 SECTION 82. Said chapter 115A is hereby amended by adding the following 6 sections:-

462 Section 13. The secretary of veterans' services shall promulgate rules and regulations
463 pertaining to the operation and administration of the state-operated veterans' homes. The
464 secretary, in consultation with the executive director of veterans' homes and housing, shall
465 continually evaluate the performance of the state-operated veterans' homes and take any action
466 necessary to ensure the safety and welfare of residents of the homes.

467 Section 14. (a) Each state-operated veterans' home shall have a: (i) superintendent, who
468 shall serve as the administrative head of the veterans' home and who shall report to the secretary
469 of veterans' services; and (ii) deputy superintendent, who shall report to the superintendent. The
470 superintendent shall be appointed by the secretary of veterans' services, with priority given to
471 candidates who are veterans, and may be removed by the secretary of veterans' services without
472 cause. The deputy superintendent of a home shall be appointed by the superintendent of the
473 home, with priority given to candidates who are veterans, and may be removed by the
474 superintendent without cause.

475 The superintendent for each veterans' home shall: (i) be licensed as a nursing home
476 administrator pursuant to section 109 of chapter 112 of the General Laws; (ii) have an
477 understanding of veterans' issues; (iii) have experience with management of a nursing home or
478 long-term care facility; and (iv) have knowledge of and experience with fiscal management
479 practices and labor relations.

480 The secretary of veterans' services shall provide notice of a vacancy in the position of
481 superintendent at a veterans' home within 10 days of the vacancy to the secretary of health and
482 human services, the Massachusetts Veterans' Homes Advisory Council and the regional council
483 of the state-operated veterans' home at which the vacancy exists. The secretary of health and

484 human services, the Massachusetts Veterans' Homes Advisory Council and the regional council
485 of the state-operated veterans' home at which the vacancy exists shall submit nominations to the
486 secretary of veterans' services for a candidate to fill the vacancy.

487 Recommendations for the removal of a superintendent may be submitted to the secretary
488 of veterans' services and recommendations for the removal of a deputy superintendent may be
489 submitted to the respective superintendent by the executive director of veterans' homes and
490 housing, the secretary of health and human services, the Massachusetts Veterans' Homes
491 Advisory Council and the regional council of the state-operated veterans' home at which the
492 superintendent or deputy superintendent has been appointed.

493 (b) Each superintendent shall be responsible for the management and control of all
494 property, real and personal, belonging to the commonwealth and occupied or used by their
495 respective state-operated veterans' homes, and shall hold and administer in trust the property
496 included in the legacy fund established under section 7 of chapter 115A and the effects accounts,
497 if and when the transfer thereof to the commonwealth is effected pursuant to a decree of a court
498 of competent jurisdiction, and in accordance with the terms and conditions imposed by such
499 decree.

500 (c) Each superintendent shall be responsible for the day-to-day management and
501 operation of their respective state-operated veterans' home and shall ensure that facilities,
502 personnel, operations and finances are well managed and a high quality of care is maintained.
503 The responsibilities of a superintendent shall include, but not be limited to: (i) developing
504 organizational policies and procedures for the home; (ii) conducting recruitment, hiring and
505 training of personnel; (iii) directing, supervising and evaluating the work of personnel; (iv)

506 remaining up to date on medical advances and equipment; (v) ensuring compliance with
507 government regulations and policies; (vi) ensuring regular communication with state agencies
508 and bodies; (vii) managing fiscal planning and operations; and (viii) monitoring the use of
509 services and facilities to ensure effective use of resources and to assess future needs. Annually,
510 each superintendent shall meet with the regional council for their respective veterans' home to
511 provide a briefing on their budget proposal for the upcoming fiscal year and provide an
512 opportunity for comment from the council.

513 (d) The superintendent shall appoint and may remove a medical director, a director of
514 nursing and a chief financial officer. The medical director, director of nursing and chief financial
515 officer shall be employed full-time and shall devote their full time and attention to the duties of
516 their office. Section 49 of chapter 31 shall apply to the appointment of the chief financial officer.
517 The medical director shall be responsible for: (i) the medical, surgical and outpatient facilities;
518 (ii) establishing best practices for the treatment of health issues that disproportionately impact
519 veterans including, but not limited to, post-traumatic stress disorder and suicide; and (iii) making
520 recommendations to the superintendent regarding the appointments of the director of nursing and
521 all physicians, nurses and other medical staff. The superintendent shall appoint and remove such
522 other persons as the superintendent deems necessary for the proper and efficient operation of the
523 facilities of the home.

524 (e) Each state-operated veterans' home shall employ a full-time infection control
525 specialist and a full-time emergency preparedness specialist, both of whom shall report to the
526 superintendent and shall ensure their respective state-operated veterans' home maintains
527 standards and protocols for infection control and emergency preparedness consistent with
528 applicable state and federal rules and regulations. The standards and protocols shall include, but

529 not be limited to, an infection control program for the respective state-operated veterans' home
530 with a dedicated infection control managing nurse and a permanent staffing model determined in
531 accordance with best clinical practices.

532 (f) Any vacant position at any state-operated veterans' home shall have a public job
533 posting within 30 days of the vacancy unless the position is being permanently eliminated. If the
534 vacancy is for a leadership position at the home as determined by the superintendent, initial
535 interviews with potential candidates shall begin within 60 days of the vacancy. If the vacancy is
536 for the deputy superintendent position or a leadership position at the home and the position is
537 deemed critical for emergency response operations by the superintendent, initial interviews with
538 potential candidates shall begin within 30 days of the vacancy and the superintendent shall
539 ensure there is a clear understanding of who is temporarily tasked with the appropriate
540 emergency duties while the position is vacant. The secretary of veterans' services, in
541 coordination with the superintendent, shall ensure every effort is made to fill vacancies at all
542 state-operated veterans' homes in a timely manner.

543 (g) Annual performance reviews of the superintendent shall be conducted by the secretary
544 of veterans' services and annual performance reviews of the deputy superintendent shall be
545 conducted by the superintendent of the state-operated veterans' home at which the deputy was
546 appointed. The reviews shall utilize the MassPerform system or its successor system and shall be
547 documented and provided to the secretary of veterans' services.

548 Section 15. (a) Not less than annually, the superintendent of each state-operated veterans'
549 home, in consultation with the executive director of veterans' homes and housing, the infection
550 control specialist and the emergency preparedness specialist, shall review and update 2

551 organizational plans, 1 of which shall apply to normal operations and 1 of which shall apply to
552 emergency response operations, for each state-operated veterans' home outlining the chain of
553 command and communications protocols for the state-operated veterans' home. Both
554 organizational plans shall be distributed to all staff at the home annually, who shall indicate in
555 writing that they have received and reviewed both plans and are aware of their roles and
556 responsibilities. The executive director of veterans' homes and housing shall ensure that plans
557 are standardized across all state-operated veterans' homes to the extent possible.

558 (b) The organizational plan for emergency response operations for each state-operated
559 veterans' home shall be exercised not less than biannually. Not later than 30 days after the
560 conclusion of an exercise, the superintendent of the state-operated veterans' home, in
561 consultation with the executive director of veterans' homes and housing, the infection control
562 specialist and the emergency preparedness specialist, shall submit a report to the governor, the
563 secretary of veterans' services, the secretary of health and human services, the Massachusetts
564 Veterans' Homes Advisory Council, the regional council for the home, the joint committee on
565 veterans and federal affairs and the joint committee on public health summarizing the exercise,
566 any deficiencies identified in the organizational plan and a plan to take corrective action. The
567 secretary of veterans' services, in coordination with the superintendent, shall ensure any
568 deficiencies are addressed in a timely manner.

569 (c) Emergency response operations shall be initiated as needed by the secretary of
570 veterans' services in consultation with the governor. During emergency response operations, the
571 superintendent of the affected state-operated veterans' home, in consultation with the executive
572 director of veterans' homes and housing, the infection control specialist and the emergency
573 preparedness specialist, shall provide a situation report to the governor, the secretary of veterans'

574 services, the secretary of health and human services, the Massachusetts Veterans' Homes
575 Advisory Council and the regional council for the home not less than every 24 hours until the
576 secretary of veterans' services, in consultation with the governor, determines the emergency to
577 be ceased.

578 (d) If emergency response operations are initiated at a state-operated veterans' home
579 pursuant to subsection (c), the superintendent of the affected state-operated veterans' home, in
580 coordination with the executive director of veterans' homes and housing, shall ensure that
581 appropriate mental health resources are made available to employees.

582 (e) Not less than quarterly, the executive director of veterans' homes and housing shall
583 meet with the leadership of each state-operated veterans' home, including the superintendent and
584 deputy superintendent, the Massachusetts Veterans' Home Advisory Council and the regional
585 council of each state-operated veterans' home.

586 Section 16. (a) The secretary of veterans' services shall employ an ombudsperson as a
587 full-time, paid position to advocate on behalf of residents and staff of state-operated veterans'
588 homes. The ombudsperson shall receive, investigate and resolve, through administrative action
589 and in a timely manner, complaints filed by residents and staff of state-operated veterans' homes,
590 individuals acting on their behalf or any organization or government agency that has reason to
591 believe that the home, a government agency or an organization acting in consultation or
592 coordination with the home or government agency has engaged in activities, practices or
593 omissions that constitute violations of applicable statutes or regulations or that may have an
594 adverse effect upon the health, safety, welfare or rights of residents or staff of the home. The
595 ombudsperson may work with leadership at the home or the executive director of veterans'

596 homes and housing to resolve any complaint and shall inform the party that initiated the
597 complaint once a resolution has been reached. The ombudsperson shall report to the secretary of
598 veterans' services. The ombudsperson shall not be subject to section 9A of chapter 30 or to
599 chapter 31.

600 (b) The ombudsperson may facilitate family meetings, provide outreach, create training
601 programs and lead orientation meetings for new residents of the homes and their families. The
602 ombudsperson shall have access to any state-operated veterans' home at any time that the
603 ombudsperson deems reasonable and necessary to: (i) investigate or resolve complaints made by
604 residents or staff or on their behalf; (ii) interview residents or staff, with their consent, in private;
605 (iii) offer the services of the ombudsperson or designee to any resident or staff, in private; (iv)
606 interview employees or agents of the state-operated veterans' home in private; (v) consult with
607 the state-operated veterans' home superintendent, deputy superintendent or other administrative
608 staff; or (vi) provide services authorized by law or by regulation. The ombudsperson or designee
609 may initiate an investigation of any state-operate veterans' home without a specific complaint.

610 (c) The ombudsperson shall have access to records of state-operated veterans' homes, and
611 the records of any veteran residing at a home with the veteran's written authorization, that are
612 necessary to carry out the duties of the ombudsperson. The ombudsperson shall have access to
613 the veteran's records without the veteran's written authorization if: (i) the ombudsperson or a
614 designee reasonably believes that a complaint situation exists that may only be resolved by the
615 inspection of the veteran's personal, financial or medical records; and (ii)(A) the veteran has no
616 representative and lacks the capacity to give consent; or (B) the ombudsperson has reason to
617 believe that the veteran's representative is not acting in the best interest of the veteran.

618 (d) The ombudsperson shall establish procedures to protect the confidentiality of
619 veterans' records and files. The procedures shall provide that: (i) information or records
620 maintained by the ombudsperson's office shall not be disclosed unless the ombudsperson or a
621 designee authorizes the disclosure; and (ii) the ombudsman or designee shall not disclose the
622 identity of any complainant or veteran involved in any complaint unless the complainant, veteran
623 or a representative of the complainant or veteran provides consent and the consent specifies to
624 whom the identity may be disclosed or a court orders such disclosure.

625 (e) Notwithstanding chapter 66A, section 70 of chapter 111, section 11 of chapter 111B,
626 section 18 of chapter 111E, chapter 112, chapter 123 or section 20B, section 20J or section 20K
627 of chapter 233 to the contrary, the disclosure of information to the ombudsperson pursuant to this
628 section shall not be prohibited. Any information considered to be confidential under said chapter
629 66A, said section 70 of said chapter 111, said section 11 of said chapter 111B, said section 18 of
630 said chapter 111E, said chapter 112, said chapter 123 or said section 20B, said section 20J or said
631 section 20K of said chapter 233 shall be submitted for the ombudsperson's review upon the
632 determination of the ombudsperson that the review of the information is necessary. The
633 ombudsperson shall ensure that no information submitted for their review is disseminated to
634 parties outside the office, except when disclosure may be necessary to enable the ombudsperson
635 to perform their duties. Neither the ombudsperson nor any employee of the department of
636 veterans' services shall violate the confidentiality provisions set forth in s said chapter 66A, said
637 section 70 of said chapter 111, said section 11 of said chapter 111B, said section 18 of said
638 chapter 111E, said chapter 112, said chapter 123 or said section 20B, said section 20J or said
639 section 20K of said chapter 233.

640 Any and all information and records acquired by the ombudsperson in the exercise of
641 their purpose and duties under this section shall be confidential and exempt from disclosure
642 under chapter 66 and clause Twenty-sixth of section 7 of chapter 4; provided, however, that
643 statistical compilations of data that do not contain any information that would permit the
644 identification of any person may be disclosed to the public; provided further that this section
645 shall not preclude the ombudsperson from sharing with the governor, the attorney general, a
646 district attorney, a secretary, an agency commissioner or other agency personnel or the chairs of
647 the joint committee on veterans and federal affairs, the report of, or the results of, a critical
648 incident investigation involving that agency; and provided further that any executive or
649 legislative branch employee who receives or reads such a document shall be bound by the
650 confidentiality requirements of this section.

651 (f) The ombudsperson shall establish an emergency communications hotline that allows
652 residents and staff at any state-operated veterans' home, individuals acting on their behalf or any
653 individual organization to communicate time-sensitive concerns regarding the veterans' home to
654 the department of the secretary of veterans' services, including, but not limited to, time-sensitive
655 and critical complaints about management, personnel, staffing, operational issues or misuse of
656 public funds. Any complaint submitted through said hotline may be submitted anonymously. The
657 ombudsperson shall hire staff necessary and appropriate to fulfill the duties of the emergency
658 hotline and such staff shall report to the ombudsperson. The secretary shall ensure that
659 complaints communicated through the hotline are investigated and resolved in a timely manner.

660 (g) The ombudsperson and hotline staff may refer a matter to each other and to any other
661 state agency charged with investigating the specific type of complaint when appropriate. In such
662 a referral, the ombudsperson and hotline staff shall share information only to the extent

663 necessary to complete the referral. If the ombudsperson or hotline staff determine that an act or
664 omission of a state-operated veterans' home adversely affects the health, safety, welfare or rights
665 of a veteran, the ombudsperson or hotline staff shall make specific recommendations for the
666 elimination or correction of the act or omission to the secretary of veterans' services and the
667 superintendent of the respective state-operated veterans' home. If the ombudsperson or hotline
668 staff determine that an act of any state-operated veterans' home may violate an applicable federal
669 or state law, the ombudsperson or hotline staff shall report their findings and conclusions to the
670 regulatory agency that has jurisdiction to enforce the law and to the office of the attorney
671 general.

672 (h) An agency or state-operated veterans' home shall not retaliate against any person
673 who, in good faith, filed a complaint with or provided information to, or had a complaint filed or
674 information provided on their behalf to, the ombudsperson or emergency hotline. An agency or
675 state-operated veterans' home that retaliates against a person in violation of this subsection shall
676 be liable to the person so retaliated against by a civil action for up to treble damages, costs and
677 attorney's fees.

678 (i) The ombudsperson and the hotline staff shall receive standardized training regarding
679 their roles and responsibilities. The secretary of veterans' services, in consultation with the
680 executive director of veterans' homes and housing, shall design, and update as needed, an
681 appropriate training program.

682 (j) The ombudsperson and hotline staff shall make available to the public and submit an
683 annual report to the secretary of veterans' services, the joint committee on public health and the
684 joint committee on veterans and federal affairs on their activities, including, but not limited to,

685 summaries of their caseloads, recommendation for any changes to policy or procedures regarding
686 state-operated veterans' homes and efforts to create transparency and accountability at the
687 homes.

688 Section 17. (a) All state-operated veterans' homes shall apply for and maintain
689 certification by the Centers for Medicare and Medicaid Services to participate in the Medicare
690 and Medicaid programs, pursuant to subpart B of 42 CFR 483. The superintendent of each state-
691 operated veterans' home, in coordination with the executive director of veterans' homes and
692 housing, shall ensure that compliance with the requirements of said subpart B of 42 CFR 483 is
693 maintained and that compliance failures are addressed in a timely manner. If any compliance
694 failure is identified during the annual survey conducted by the division of health care facility
695 licensure and certification in the department of public health, the superintendent, in coordination
696 with the executive director, shall submit a report outlining the compliance failure and a plan for
697 corrective action to the governor, the secretary of veterans' services, the secretary of health and
698 human services, the Massachusetts Veterans' Homes Advisory Council and the regional council
699 for the home not later than 30 days after the compliance failure is identified.

700 (b) The superintendent of each state-operated veterans' home, in coordination with the
701 executive director of veterans' homes and housing, shall make every effort to achieve a 5-star
702 rating for staffing from the Centers for Medicare and Medicaid Services. The superintendent, in
703 coordination with the executive director, shall report any quarter that a 5-star rating for staffing is
704 not achieved to the governor, the secretary of veterans' services, the secretary of health and
705 human services, the Massachusetts Veterans' Homes Advisory Council and the regional council
706 for the home not later than 30 days after the publication of the rating. The report shall include,
707 but not be limited to: (i) areas of staffing that require improvement; (ii) a plan for improving

708 staffing with the goal of achieving a 5-star rating; and (iii) if this is not the first such report to be
709 submitted in consecutive quarters, a summary of the steps already taken to improve staffing. .

710 (c) The superintendent of each state-operated veterans' home, in coordination with the
711 executive director of veterans' homes and housing, shall ensure that the home adheres to
712 guidelines for trauma-informed care established by the federal Centers for Disease Control and
713 Prevention.

714 Section 18. Notwithstanding any general or special law to the contrary, superintendents
715 of each state-operated veterans' homes may accept donations from non-profit organizations that
716 enhance the well-being and care of residents of the home. The superintendent shall submit an
717 annual report on donation activity including, but not limited to, an accounting of monetary
718 donations, to the attorney general, the executive director of veterans' homes and housing, the
719 secretary of veterans' services, the Massachusetts veterans' home advisory council and the
720 regional council for the home.

721 SECTION 83. Section 30A of chapter 149 of the General Laws, as appearing in the 2020
722 Official Edition, is hereby amended by striking out, in line 23 and lines 27 and 28, the words
723 "soldiers' homes in Massachusetts" and inserting in place thereof the following word:- state-
724 operated veterans' homes.

725 SECTION 84. Section 30B of said chapter 149, as so appearing, is hereby amended by
726 striking out, in line 16 and lines 18 and 19, the word "soldiers' homes in Massachusetts" and
727 inserting in place thereof, in e instance, the following word:- state-operated veterans' homes.

728 SECTION 85. Section 187 of said chapter 149, as so appearing, is hereby amended by
729 striking out, in lines 14 and 15, the words "the Soldiers' Home in Holyoke, the Soldiers' Home

730 in Massachusetts” and inserting in place thereof the following words:- a state-operated veterans’
731 home.

732 SECTION 86. Section 47 of chapter 152 of the General Laws, as so appearing, is hereby
733 amended by striking out, in lines 3 and 12, the word “commissioner” and inserting in place
734 thereof, in each instance, the following word:- secretary.

735 SECTION 87. Section 22 of chapter 175 of the General Laws, as so appearing, is hereby
736 amended by striking out, in lines 22, the words “soldiers’ home established by the
737 commonwealth” and inserting in place thereof the following words:- state-operated veterans’
738 home.

739 SECTION 88. Said section 22 of said chapter 175, as so appearing, is hereby further
740 amended by striking out, in lines 24 and 28, the word “soldiers” and inserting in place thereof,
741 in each instance, the following word:- veterans’.

742 SECTION 89. Section 1 of chapter 176A of the General Laws, as so appearing, is hereby
743 amended by striking out, in lines 29 and 30, the words “the Soldiers’ Home in Massachusetts and
744 the Soldiers’ Home in Holyoke, whereby in consideration of a contract fee, said soldiers’ homes”
745 and inserting in place thereof the following words:- a state-operated veterans’ home, whereby in
746 consideration of a contract fee, the veterans’ home.

747 SECTION 90. Section 2-105 of article II of chapter 190B of the General Laws, as so
748 appearing, is hereby amended by striking out, in lines 4 and 5, the words “the Soldiers’ Home in
749 Massachusetts or the Soldiers’ Home in Holyoke” and inserting in place thereof the following
750 words:- a state-operated veterans’ home.

751 SECTION 91. Said section 2-105 of said article II of said chapter 190B, as so appearing,
752 is hereby further amended by striking out, in line 7, the words “the soldiers” and inserting in
753 place thereof the following words:- the veterans’.

754 SECTION 92. Section 123 of chapter 266 of the General Laws, as so appearing, is hereby
755 amended by striking out, in lines 5 and 6, the words “Soldiers’ Home in Massachusetts, Soldiers’
756 Home in Holyoke” and inserting in place thereof the following words:- a state-operated veterans’
757 home.

758 SECTION 93. Section 22 of chapter 270 of the General Laws, as so appearing, is hereby
759 amended by striking out, in lines 148 and 149, the words “the Soldiers’ Home in Massachusetts
760 located in the city of Chelsea or the Soldiers’ Home in Holyoke” and inserting in place thereof
761 the following words:- or a state-operated veterans’ home.

762 SECTION 94. There shall be an advisory commission to recommend new designations
763 for the Veterans’ Home in the city of Chelsea and the Veterans’ Home in the city of Holyoke.
764 The designations shall be names of veterans of the commonwealth. The commission shall
765 consider recommendations from the general public.

766 The advisory commission shall consist of 9 members: the Department Adjutant of the
767 Disabled American Veterans of Massachusetts or a designee; the State Commander of Veterans
768 of Foreign Wars of Massachusetts or a designee; the Department Commander of the American
769 Legion Department of Massachusetts, Inc. or a designee; the executive director of Massachusetts
770 Fallen Heroes, Inc. or a designee; the executive director of Military Friends Foundation or a
771 designee; the executive director of the Massachusetts Military Heroes Fund, Inc. or a designee;

772 the executive director of the Home Base program or a designee; and the state secretary or a
773 designee.

774 The advisory commission shall have at least 1 public hearing in the city of Holyoke and
775 at least 1 public hearing in the city of Chelsea to seek recommendations for the designation of
776 the homes. The commission shall recommend to the governor and the secretary of veterans'
777 services potential designations for the two veterans' homes and any future state-operated
778 veterans' homes.

779 The advisory commission shall submit its recommended designations to the governor, the
780 secretary of veterans' services, the clerks of the senate and house of representatives and the joint
781 committee on veterans and federal affairs not later than 1 year after the effective date of this act.

782 SECTION 95. All staff employed by the Soldiers' Home in Holyoke between March 1,
783 2020 and June 1, 2020 shall be provided access to the mental health resources that are made
784 available to employees pursuant to subsection (d) of section 15 of chapter 115A of the General
785 Laws.

786 SECTION 96. Notwithstanding any general or special law to the contrary, the secretary
787 of veterans' services shall, not later than 60 days after the effective date of this act, establish and
788 maintain an outreach program to educate veterans about state-operated veterans homes including,
789 but not limited to, the benefits available at the homes and the application process.