

HOUSE No. 1230

The Commonwealth of Massachusetts

PRESENTED BY:

Brian W. Murray

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 stabilize adult day health services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>1/18/2023</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/17/2023</i>

HOUSE No. 1230

By Representative Murray of Milford, a petition (accompanied by bill, House, No. 1230) of Brian W. Murray and James J. O'Day for legislation to stabilize adult day health services. Health Care Financing.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act to stabilize adult day health services.

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

1 SECTION 1 Chapter 118 E, Section 13C is hereby amended by inserting at the end
2 thereof the following:

3 The secretary of the executive office shall have the responsibility for establishing rates of
4 payment for Adult Day Health Services which are reasonable and adequate to meet the costs
5 which are incurred by efficiently and economically operated Adult Day Health Service providers
6 in providing Adult Day Health Services in conformity with federal and state law, regulations and
7 quality and safety standards; provided, that the secretary may designate another governmental
8 unit to perform such ratemaking functions. When establishing rates of payment for Adult Day
9 Health Services, the secretary of the executive office shall adjust rates to take into account
10 factors, including, but not limited to: (i) the reasonable cost to Adult Day Health Service
11 providers of any existing or new governmental mandate that has been enacted, promulgated or
12 imposed by any governmental unit or federal governmental authority; (ii) a cost adjustment

13 factor, to reflect changes in reasonable costs of goods, services, and transportation, of Adult Day
14 Health programs including those attributed to wages and benefits, which shall not be less than
15 the HCP CPI; (iii) establishing wages and benefits comparable to direct care staff in other health
16 care settings; and (iv) Individual ADH Provider differences in real estate and capital costs,
17 including rent, furniture, fixtures, and equipment, and any other capital costs.

18 SECTION 2 Chapter 118E, Section 13D is amended after the second paragraph by
19 inserting the following:

20 Such rates for Adult Day Services shall be established as of July 1 biennially.

21 SECTION 3 Chapter 118E, Section 13D is amended by inserting at the end thereof the
22 following:

23 Notwithstanding the provisions of any general or special law to the contrary, MassHealth
24 shall reimburse Adult Day Health Programs to reserve a program slot for members for up to 20
25 medical leave-of-absence days per year and for up to 10 non-medical leave-of-absence annually;
26 provided further, that no Adult Day Health Programs shall reassign a participant's slot during a
27 leave of absence that is eligible for reimbursement under this section. A medical leave of absence
28 shall include any medically necessary absence on a schedule day, a non-medical leave of absence
29 shall include any other absence on a scheduled day.