

**HOUSE . . . . . No. 641**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Michael J. Moran***

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*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 regulating beds out of service at long term care facilities.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael J. Moran</i>	<i>18th Suffolk</i>	<i>1/20/2023</i>

**HOUSE . . . . . No. 641**

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By Representative Moran of Boston, a petition (accompanied by bill, House, No. 641) of Michael J. Moran relative to regulating beds out of service at long term care facilities. Elder Affairs.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 749 OF 2021-2022.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
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An Act regulating beds out of service at long term care facilities.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith protections for certain long term care providers, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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. Section 71 of chapter 111 of the General Laws, as appearing in the 2016  
2 Official Edition, is hereby amended by inserting after the twenty-second paragraph the following  
3 paragraph:-

4           The department shall permit long-term care facilities to maintain beds out of service upon  
5 request, including, but not limited to select beds in open long-term care facilities and all beds in a  
6 previously closed long-term care facilities and shall promulgate rules and regulations for the  
7 request and approval process for beds out of service for circumstances other than those taken out

8 of service pursuant to a determination of need or for the completion of a plan of correction. Beds  
9 out of service may be the subject of transfer of ownership and determination of need filings. For  
10 the purposes of this paragraph the term “beds out of service” shall mean those beds that are  
11 either a part of or all of the licensed capacity of a facility, which are currently not occupied,  
12 staffed or physically available for occupancy.

13 SECTION 2. Section 1 of this act shall apply to beds out of service approved by the  
14 department of public health in 2018; provided however, that upon promulgation of the rules and  
15 regulations required by this act, section 1 shall apply to beds out of service approved by the  
16 department pursuant to such rules and regulations.