

SENATE No. 374

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia D. Jehlen

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 authorizing common sense health services in assisted living.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/20/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/2/2023</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>2/2/2023</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/3/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>7/6/2023</i>
<i>Adam Scanlon</i>	<i>14th Bristol</i>	<i>8/7/2023</i>

SENATE No. 374

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 374) of Patricia D. Jehlen, Thomas M. Stanley, Jason M. Lewis, Susannah M. Whipps and others for legislation to authorize common sense health services in assisted living. Elder Affairs.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2656 OF 2021-2022.]

The Commonwealth of Massachusetts

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

An Act authorizing common sense health services in assisted living.

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 1 of chapter 19D of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by inserting after the definition of “Assisted living
3 residence” or “Residence,” the following 2 definitions:-

4 “Basic health services”, injections; application or replacement of simple non-sterile
5 dressings; management of oxygen on a regular and continuing basis when the resident's medical
6 condition warrants; or application of ointments or drops and diagnostic services and functions
7 necessary for carrying out these services including, but not limited to, glucose monitoring.

8 “Basic health services program”, an assisted living residence with an approved operating
9 plan offering 1 or more basic health services.

10 SECTION 2. Subsection (b) of section 10 of said chapter 19D, as so appearing, is hereby
11 amended by adding the following 2 paragraphs:-

12 (4) Assistance to residents with accessing telehealth services.

13 (5) For all residents whose service plans so specify, basic health services by personnel
14 meeting standards for professional qualifications and training set forth in the regulations.

15 SECTION 3. Subsection (c) of said section 10 of said chapter 19D, as so appearing, is
16 hereby amended by inserting after the word, “of”, in line 31, the following words: - basic health
17 services or.

18 SECTION 4. Said section 10 of said chapter 19D, as so appearing, is hereby further
19 amended by adding the following 4 subsections:-

20 (e) The sponsor may advertise, market and otherwise promote or provide or arrange for
21 the provision of a basic health services program for assisted living residents and shall administer
22 such care and services in accordance with the requirements set forth herein. A sponsor may not
23 provide basic health services without submitting an operating plan to the department for the
24 department’s approval that explains how the residence’s basic health services program will meet
25 the needs of the residence’s resident population or individual residents therein and the staff
26 qualifications and training for providing such services. The operating plan shall specify whether
27 all, or certain, of the enumerated basic health services shall be offered, steps taken to provide
28 adequate support and training to licensed practical nurses and registered nurses who shall
29 provide such care and the oversight and evaluation of basic health services; provided, that no
30 such plan shall restrict resident choice in the delivery of the services by outside health

31 professionals. The sponsor shall submit a revised operating plan to the department in the event of
32 a change in the scope of the basic health services program offered to residents.

33 (f) The sponsor shall disclose to each resident the fees associated with provision of basic
34 health services within the assisted living residence's residency agreement and shall review such
35 fees with the resident upon implementation and any revision to a service plan that includes
36 provision of basic health services. The sponsor shall notify residents of any changes in fees in a
37 timely manner. Residents who receive basic health services shall receive an additional service
38 plan review on a quarterly basis. Residents shall have the opportunity to discontinue receiving
39 basic health services from the sponsor upon written request to the sponsor and shall not be
40 charged a cancellation fee or a fee for services not provided due to discontinuation of the
41 services.

42 (g) The department, in consultation with the department of public health, shall
43 promulgate regulations governing the application, criteria for approval or disapproval and
44 ongoing oversight of a basic health services program authorized in this section. The department
45 may impose an annual fee on participating assisted living residences to pay for oversight of basic
46 health services. The department may add additional services to the definition of basic health
47 services.

48 (h) To ensure patient safety and clinical competence in the application of subsections (e)
49 to (g), inclusive, the department and the department of public health shall establish and
50 implement a plan to facilitate communication between the department and the department of
51 public health and create a list of required components necessary for operating plans, including a
52 requirement that when a residence is offering basic health services to 1 or more residents, staff

53 shall have access to a licensed practical nurse or registered nurse for consultation at all times and
54 the nurse shall not be required to be on the premises. The department shall make available
55 electronic copies of the required components of operating plans on the department's website. The
56 department may conduct annual compliance reviews on the documentation created and
57 maintained by assisted living residences for any assisted living resident who received basic
58 health services within the previous 12-month period.

59 SECTION 5. Section 11 of said chapter 19D, as so appearing, is hereby amended by
60 inserting after the word "supervision", in line 2, the following words:- except as permitted for
61 residences which opt to provide basic health services.

62 SECTION 6. The joint committee on elder affairs shall conduct a review of the
63 implementation of this act and the use of basic health services in assisted living not later than 5
64 years after the effective date of this act.