

**SENATE . . . . . No. 739**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Julian Cyr*

*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 relative to stabilizing the commonwealth’s nursing facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Julian Cyr</i>	<i>Cape and Islands</i>	
<i>Adam Scanlon</i>	<i>14th Bristol</i>	<i>1/18/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/7/2023</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>2/28/2023</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>3/7/2023</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/21/2023</i>

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By Mr. Cyr, a petition (accompanied by bill, Senate, No. 739) of Julian Cyr, Adam Scanlon, Vanna Howard, Mathew J. Muratore and others for legislation relative to stabilizing the commonwealth’s nursing facilities. Health Care Financing.

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**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 relative to stabilizing the commonwealth’s nursing facilities.

*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 118E of the General Laws, as appearing in the 2020 official edition  
2 is hereby amended by inserting at the end thereof the following new sections:-

3 Section 80. In setting Medicaid rates for nursing homes licensed pursuant to section  
4 seventy-one of chapter 111 of the general laws, the executive office of health and human services  
5 shall annually adjust such payments with an inflation adjustment consistent with the annual  
6 unadjusted Skilled Nursing Facility Market Basket Update, as established by the Centers for  
7 Medicare & Medicaid Services in 42 C.F.R. § 413.337.

8 Section 81. For the purpose of recognizing current labor and resident care costs in setting  
9 Medicaid rates for nursing homes licensed pursuant to section seventy-one of the chapter 111 of  
10 the general laws, the executive office of health and human services shall use as base year costs  
11 for rate determination purposes the reported costs of the calendar year not more than 2 years  
12 prior to the current rate year.

13           Section 82. Nursing homes licensed pursuant to section seventy-one of chapter 111 of the  
14 general laws must have sufficient nursing staff with the appropriate competencies and skills sets  
15 to provide nursing and related services to assure resident safety and attain or maintain the highest  
16 practicable physical, mental, and psychosocial well-being of each resident, as determined by  
17 resident assessments and individual plans of care and considering the number, acuity and  
18 diagnoses of the facility's resident population in accordance with the facility assessment required  
19 at 42 CFR 483.70(e). For the purpose of setting Medicaid rates for nursing homes licensed  
20 pursuant to section seventy-one of chapter 111 of the general laws, the executive office of health  
21 and human services shall recognize its full share of the actual nursing costs of meeting this  
22 requirement.

23           Section 83. In setting Medicaid rates for nursing homes licensed pursuant to section  
24 seventy-one of chapter 111 of the general laws, the executive office of health and human services  
25 shall utilize a single form by the division and the federal Department of Health and Human  
26 Services to: (i) collect resident care information including, but not limited to, case-mix  
27 information to be used for resident reimbursement; and (ii) set the nursing component of the  
28 Medicaid skilled nursing facility rate. In transitioning to a new single acuity payment method for  
29 the nursing component, MassHealth shall ensure that facilities will receive a nursing rate per  
30 diem that is no less than the per nursing per diem amount under the dual acuity system.

31           Section 84. In setting the capital rate component of the Medicaid rate for nursing homes  
32 licensed pursuant to section seventy-one of chapter 111 of the general laws, the executive office  
33 of health and human services shall recognize costs necessary to enable facilities to invest in  
34 building repairs, maintenance, updates and durable medical equipment to ensure nursing facility  
35 resident safety, comfort and quality of life. Reimbursement for new and updated construction

36 projects shall be based on valid economic indicators that accurately reflect current building and  
37 maintenance costs.