

SENATE No. 809

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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:	
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/5/2023</i>
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>	<i>2/5/2023</i>

SENATE No. 809

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 809) of Bruce E. Tarr, Michael O. Moore and Barry R. Finegold 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
3 following:

4 The secretary of the executive office shall have the responsibility for establishing rates of
5 payment for by efficiently and economically operated Adult Day Health Service providers in
6 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.

9 When establishing rates of payment for Adult Day Health Services, the secretary of the
10 executive office shall adjust rates to

11 take into account factors, including, but not limited to:

12 (i) the reasonable cost to Adult Day Health Service providers of any existing or new
13 governmental mandate that has been enacted, promulgated or imposed by any governmental unit
14 or federal governmental authority;

15 (ii) a cost adjustment factor, to reflect changes in reasonable costs of goods, services, and
16 transportation, of Adult Day

17 Health programs including those attributed to wages and benefits, which shall not be less
18 than the HCP CPI;

19 (iii) establishing wages and benefits comparable to direct care staff in other health care
20 settings;

21 (iv) individual ADH Provider differences in real estate and capital costs, including rent,
22 furniture, fixtures, and equipment, and any other capital costs.

23 SECTION 2. Chapter 118E, Section 13D is amended after the second paragraph by
24 inserting the

25 following:

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

27 SECTION 3. Chapter 118E, Section 13D is amended by inserting at the end thereof the
28 following:

29 Notwithstanding the provisions of any general or special law to the contrary, MassHealth
30 shall reimburse Adult Day Health Programs to reserve a program slot for members for up to 20
31 medical leave-of-absence days per year and for up to 10 non-medical leave-of-absence annually;

32 provided further, that no Adult Day Health Programs shall reassign a participant's slot during a
33 leave of absence that is eligible for reimbursement under this section a medical leave of absence
34 shall include any medically necessary absence on a schedule day, a non-medical leave of absence
35 shall include any other absence on a scheduled day.