

**HOUSE . . . . . No. 782**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Frank A. Moran***

*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 strengthen the state home care program workforce.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>1/13/2025</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>2/5/2025</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>2/5/2025</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/5/2025</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/5/2025</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/5/2025</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/5/2025</i>
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>2/6/2025</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/10/2025</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>	<i>2/10/2025</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>2/12/2025</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/12/2025</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>2/19/2025</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/24/2025</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>2/26/2025</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>2/27/2025</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>3/4/2025</i>
<i>Adrienne Pusateri Ramos</i>	<i>14th Essex</i>	<i>3/6/2025</i>

<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>3/11/2025</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>3/13/2025</i>
<i>Sean Reid</i>	<i>11th Essex</i>	<i>3/19/2025</i>
<i>Bridget Plouffe</i>	<i>9th Plymouth</i>	<i>3/19/2025</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>4/7/2025</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>4/9/2025</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>4/23/2025</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>4/25/2025</i>
<i>Christopher J. Worrell</i>	<i>5th Suffolk</i>	<i>4/30/2025</i>
<i>Rita A. Mendes</i>	<i>11th Plymouth</i>	<i>5/12/2025</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>5/12/2025</i>
<i>Estela A. Reyes</i>	<i>4th Essex</i>	<i>5/12/2025</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>5/14/2025</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>5/14/2025</i>
<i>Dennis C. Gallagher</i>	<i>8th Plymouth</i>	<i>5/14/2025</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>5/16/2025</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>5/16/2025</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>6/3/2025</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>9/11/2025</i>
<i>Leigh Davis</i>	<i>3rd Berkshire</i>	<i>10/8/2025</i>
<i>Nick Collins</i>	<i>First Suffolk</i>	<i>2/24/2026</i>

**HOUSE . . . . . No. 782**

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By Representative Moran of Lawrence, a petition (accompanied by bill, House, No. 782) of Frank A. Moran and others relative to the home care program workforce. Elder Affairs.

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**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**  
\_\_\_\_\_

An Act to strengthen the state home care program workforce.

*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 19A of the General Laws, as appearing in the 2024 Official  
2 Edition, is hereby amended by inserting after section 4D the following section:-

3           Section 4E (a) As used in this section, the following terms shall have the following  
4 meanings unless the context clearly requires otherwise:

5           “Covered employee”, a home care worker employed by a covered employer and  
6 providing services under the home care program established in section 4 of this chapter.

7           “Covered employer”, a home care agency employing one or more home care workers  
8 providing services under the home care program established in section 4 of this chapter.

9           “Department”, the department of elder affairs as established in section 1 of this chapter or  
10 any successor department or agency.

11 “Home Care Program”, the department of elder affairs state home care program as  
12 established in section 4 of this chapter.

13 "Home care worker", a person employed by a home care agency to provide personal care,  
14 homemaker, companion or chore services under the home care program established in section 4.

15 "Home care agency", an entity employing home care workers to provide services under  
16 the state home care program established in section 4 of this chapter under contract or subcontract  
17 either with an aging services access point (ASAP) established in section 4B of this chapter or  
18 with or any successor entity serving as a care manager for state home care program services.

19 "Labor organization”, any organization in which employees participate and which exists  
20 for the purpose, in whole or in part, of facilitating collective bargaining with employers or the  
21 resolution of disputes concerning grievances, wages, rates of pay, hours of employment, or  
22 conditions of work.

23 “Labor peace agreement”, an agreement between a covered employer and a labor  
24 organization that seeks to represent covered employees, where such agreement requires that the  
25 covered employer and the labor organization both agree to the uninterrupted delivery of home  
26 care services and to refrain from actions intended to or having the effect of interrupting such  
27 services. Such an agreement may also include other terms agreed upon by the parties, pursuant to  
28 department rules and regulations promulgated relative to this section.

29 (b) The department shall require each covered employer contracting with the state,  
30 subcontracting with an ASAP, or subcontracting with any successor entity serving as a care  
31 manager for state home care program services, to provide services to an individual under the  
32 state home care program, to enter into a labor peace agreement pursuant to the provisions

33 outlined in subsections (c) through (f) of this section and where required by such subsections.  
34 The department shall review and approve each such labor peace agreement and shall require that  
35 each such labor peace agreement is incorporated into the covered employer's contract or  
36 subcontract specifications.

37 (c) Upon the award or renewal of a contract or subcontract to provide services under the  
38 state home care program, a covered employer, shall either:

39 (1) submit an attestation to the department, signed by the covered employer and by one  
40 or more labor organizations, stating that the covered employer has entered into one or more labor  
41 peace agreements with such labor organizations, and that identifies: (a) the classes of covered  
42 employees covered by the labor peace agreements, (b) the classes of covered employees not  
43 currently represented by a labor organization and that no labor organization has sought to  
44 represent, and (c) the classes of covered employees for which labor peace agreement negotiations  
45 have commenced but not yet concluded; or

46 (2) submit an attestation to the applicable contracting agency stating that the covered  
47 employer's covered employees are not currently represented by a labor organization and that no  
48 labor organization has sought to represent such covered employees.

49 (d) If a labor organization seeks to represent covered employees of a covered employer  
50 after the award or renewal of a contract or subcontract to provide services under the state home  
51 care program, and the labor organization has provided notice to the department and the covered  
52 employer regarding such interest, the covered employer will enter into a labor peace agreement  
53 with the labor organization. The covered employer shall submit an attestation signed by the labor  
54 organization to the department no later than 90 days after the date of notice stating: (1) that it has

55 entered into a labor peace agreement with such labor organization or (2) that the covered  
56 employer and the labor organization have commenced negotiations for a labor peace agreement  
57 but that such negotiations have not yet concluded. A labor organization that has provided notice  
58 pursuant to this subsection may also provide the department with notice that a covered employer  
59 has failed to enter a labor peace agreement.

60 (e) Prior to the award or renewal of a contract or subcontract to provide services under  
61 the state home care program, a covered employer seeking such award or renewal shall provide  
62 the department a certification containing the following information:

63 (1) The name, address and telephone number of the chief executive officer of covered  
64 employer;

65 (2) A statement that, if the contract is awarded or renewed, the covered employer agrees  
66 to comply with the requirements of this section, and with all applicable federal, state and local  
67 laws; and

68 (3) A record of any instances during the preceding five years in which the covered  
69 employer has been found by a court or government agency to have violated state or local laws  
70 regulating labor relations, the payment of wages, the provision of earned time off, or the  
71 scheduling of employees.

72 Such certification shall be signed under penalty of perjury by the covered employer and  
73 shall be annexed to and form a part of the contract or subcontract to provide services under the  
74 state home care program. Such certification and the underlying contract or subcontract shall be  
75 public documents and the department shall make such documents available to the public upon  
76 request.

77 (f) Failure to comply with the requirements of this section, including the failure reach a  
78 labor peace agreement with a labor organization pursuant to subsection (d), may be deemed to  
79 constitute a material breach by the covered employer of the terms of their contract or  
80 subcontract. Such failure shall be determined by the department, which shall issue a written  
81 notice upon such determination. Upon failure to cure such breach within 60 days of such notice,  
82 the department shall have the right to pursue any rights or remedies available under the terms of  
83 the contract or subcontract, or under applicable state law, including termination of the contract.

84 (g) When, pursuant to the provisions of this section, a final disposition has been entered  
85 against a covered employer in two instances within any consecutive four year period and  
86 determining that such covered employer has failed to comply with the requirements of this  
87 section, such covered employer, and any principal or officer of such covered employer who  
88 knowingly participated in such failure, shall be ineligible to submit a bid or proposal on or be  
89 awarded any contract with the department for a period of four years from the date of the second  
90 disposition.

91 (h) The department shall promulgate rules and regulations, establish compliance  
92 timelines and deadlines, and shall provide such forms and notifications, as may be necessary to  
93 implement and enforce this section; provided, however, that the department shall minimize any  
94 duplicative reporting requirements.