HOUSE DOCKET, NO. 1866 FILED ON: 1/15/2025

HOUSE . . . . . No. 797

The Commonwealth of Massachusetts

PRESENTED BY:

Steven Ultrino

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 requiring the certification of medical directors in skilled nursing facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Steven Ultrino	*33rd Middlesex*	*1/15/2025*
Jacob R. Oliveira	*Hampden, Hampshire and Worcester*	*3/12/2025*
James B. Eldridge	*Middlesex and Worcester*	*7/14/2025*

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HOUSE . . . . . No. 797

By Representative Ultrino of Malden, a petition (accompanied by bill, House, No. 797) of Steven Ultrino for legislation to require the certification of medical directors in skilled nursing facilities. Elder Affairs.

The Commonwealth of Massachusetts

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

An Act requiring the certification of medical directors in skilled 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:

SECTION 1. Chapter 111 of the general laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after section H, the following new section:

Section 1. 70 I. Certification of Medical Directors of Skilled Nursing Facilities

For the purposes of this act the following terms shall, unless the context requires otherwise, have the following meanings:-

"Certified medical director", an individual who has been certified as a certified medical director by the American Board of Post-Acute and Long-Term Care Medicine or an equivalent organization, as determined by the department of public health.

"Department", the department of public health.

10 “Medical Director,” is a physician licensed by the Commonwealth and appointed as a
11 medical director of a nursing home pursuant to the requirements of section 483.75 (i) of the CMS
12 Manual 100.07, appendix PP/F501, and any subsequent revisions thereto.

13 “Skilled nursing facility”, a facility that is licensed pursuant to section 71 of chapter 111
14 of the General Laws, which primarily provides inpatient skilled nursing care and related services
15 to patients who require medical, nursing or rehabilitative services but does not provide the level
16 of care or treatment available in a hospital, including any skilled nursing facility that is operated
17 as a distinct part of an acute care hospital.

18 SECTION 2. (a) No skilled nursing facility shall contract with a person as a medical
19 director if the person is not, or will not be within 5 years of the date of initial hire as the facility’s
20 medical director, a certified medical director, except as set forth in subsection (b).

21 (b) A medical director already employed in a skilled nursing facility as of January 1,
22 2027 shall have until January 1, 2030 to become a certified medical director.

23 SECTION 3. (a) Skilled nursing facilities seeking licensure pursuant to said section 71 of
24 said chapter 111 shall submit to the department all of the following information on its medical
25 director upon its original or renewal application for licensure, said information to be considered a
26 public record:

27 (1) results of a criminal background check for the medical director;

28 (2) the medical director’s resume; and

29 (3) proof of the medical director’s certification as a certified medical director or, if the
30 medical director is not yet certified, the expected date of certification.

31 (c) Skilled nursing facilities shall notify the department of any changes in its medical
32 director by submitting the information required in subsection (a) within 10 calendar days of said
33 changes.

34 (d) All skilled nursing facilities shall submit to the department the information required in
35 subsection (a) no later than June 30, 2027.

36 SECTION 4. Whoever acts as a certified medical director or represents themselves to be
37 a certified medical director without having been duly certified shall be punished by a fine of not
38 less than $500. Each day that such person shall act or represent themselves as certified shall
39 constitute a separate violation.

40 SECTION 5. Skilled nursing facilities licensed pursuant to the provisions of chapter 111
41 of the general laws as appearing in the 2022 Official Edition shall annually certify to the
42 department of public health under the pains and penalties of perjury the name and contact
43 information for the person designated by said facility as its medical director, and that said
44 director is the primary agent of the facility responsible for (i) implementation of resident care
45 policies, and (ii) the coordination of medical care in said facility.

46 The facility shall identify specifically how the designated medical director is expected to
47 fulfill their responsibilities to effectively implement resident care policies and coordinate
48 medical care for residents of said facility. The facility shall give evidence at the time of any
49 inspection by the department that all responsibilities of said director are effectively performed to
50 ensure that residents attain or maintain their highest practicable physical, mental, and
51 psychosocial well-being.

52 SECTION 6. The medical director designated in accordance with the provisions of this
53 act, shall report to the department of public health whenever in their opinion the management or
54 ownership of the facility has failed to fully address any issue designated by such medical director
55 which appears to be harmful or potentially harmful to one or more residents or staff, such report
56 to be considered public record.

57 SECTION 7. Said medical director designated in accordance with the provisions of this
58 act, shall report to the resident and family council of such facility, if any, not less than twice a
59 year. In the absence of a resident and family council, the medical director shall report annually
60 to the department such information as the department, by regulation, believes shall provide
61 evidence of patient-centered care, quality and safety.