

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Thomas M. Stanley*

*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 improve Massachusetts home care.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/9/2025</i>

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

[Pin Slip]

**The Commonwealth of Massachusetts**

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

An Act to improve Massachusetts home care.

*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 111 of the General Laws, as appearing in the 2022 Official Edition,  
2 is hereby amended by inserting after section 51K the following 3 sections:-

3 Section 51L. (a) For the purposes of this section and sections 51M and 51N, the  
4 following words shall, unless the context clearly requires otherwise, have the following  
5 meanings:-

6 “Home care agency”, a business, nonprofit organization or other entity engaged in  
7 providing home care services to consumers in the consumers’ residence for compensation or any  
8 entity or individual that represents itself as a home care agency by name, advertising or  
9 presentments to the public or uses the terms “home care agency” or “home care” in the entity or  
10 individual’s name; provided however, that "home care agency" shall not include any of the  
11 following: (i) an entity operated by either the federal government or the commonwealth  
12 providing home care services, (ii) an entity that limits its business to the provision of house  
13 cleaning services, (iii) an Aging Service Access Points entity as defined in section 4B of chapter

14 19A, (v) a hospice program licensed under section 57D or (vi) a home health agency as defined  
15 in section 51K.

16 “Home care consumers”, an individual receiving home care services or any legal  
17 representative of such individual.

18 “Home care services”, supportive services provided to an individual in their residence to  
19 enable that individual to remain in their residence safely and comfortably, including, but not  
20 limited to, assistance with eating, toileting, dressing, bathing, transferring, ambulation and other  
21 activities of daily living, housekeeping, personal laundry and companionship. Home care  
22 services shall not include hospice services provided by an entity subject to licensure under  
23 section 57D or home health services provided by an entity subject to licensure under section  
24 51K, services provided by a personal care attendant in the commonwealth’s personal care  
25 attendant program as defined in 130 CMR 422.000 or services provided under the MassHealth  
26 adult foster care program as defined in 101 CMR 351.00.

27 “Home care worker”, an individual employed by a home care agency who provides home  
28 care services to a consumer in the consumer’s residence.

29 “Personal care attendant”, an individual who provides consumer-directed personal care  
30 services to a consumer in the consumer’s residence, including, but not limited to, a person  
31 providing such services as defined under section 70 of chapter 118E.

32 “Secretary”, the secretary of health and human services.

33 (b) Unless otherwise expressly authorized by the secretary, no person shall establish,  
34 maintain, operate or hold oneself out as a home care agency without a home care agency license

35 issued by the secretary and no organization or entity shall provide home care services, use the  
36 words "home care" to describe its services or establish, maintain, operate or hold itself out as a  
37 home care agency without a home care agency license issued by the secretary; provided, that  
38 licensure shall be required for home care agencies that directly employ home care workers or  
39 directly contract with a company who employs home care workers.

40 (c) The secretary shall issue for a term to be determined, and may renew for like terms, a  
41 home care agency license to any person or entity of any kind, other than a department, agency or  
42 institution of the federal government, the commonwealth or any political subdivision thereof,  
43 that: (i) the secretary deems responsible and suitable to establish or operate a home care agency,  
44 and (ii) meets the requirements of the executive office of health and human services established  
45 in accordance with the office's rules and regulations developed in consultation with the  
46 executive office of elder affairs and the department of public health as provided in subsection (e).

47 A home care agency license shall be subject to suspension, revocation or refusal to renew  
48 for cause. License application and renewal fees shall be established pursuant to section 3B of  
49 chapter 7.

50 The secretary may issue a provisional license for a term not to exceed 120 days to an  
51 applicant that has not previously operated home care services, or to a home care agency that is  
52 operating but is temporarily unable to meet applicable standards and requirements. If a  
53 provisional licensee has made significant progress towards meeting such requirements, the  
54 secretary may renew the provisional license once for a period not to exceed 120 days from the  
55 expiration of the initial provisional license.

56 (d) The secretary may impose a fine on a person or entity that advertises, announces,  
57 establishes, or operates a home care agency without a license granted by the secretary. The  
58 secretary may impose a fine on a licensed home care agency that violates this section, or any rule  
59 or regulation promulgated hereunder. Each day during which a violation continues shall  
60 constitute a separate offense.

61 The secretary, in collaboration with the executive office of elder affairs and the  
62 department of public health, may conduct surveys and investigations to enforce compliance with  
63 this section.

64 (e) The secretary shall, in consultation with the executive office of elder affairs and the  
65 department of public health, promulgate rules and regulations for the licensing and conduct of a  
66 home care agency. In developing these rules and regulations, the secretary shall review all  
67 existing licensure, reporting and oversight requirements across the long-term care services and  
68 support system and other relevant state agencies, including the provider monitoring conducted by  
69 the Aging Services Access Points, to avoid duplication or conflicting requirements and to ensure  
70 that home care agency licensure processes align with the current licensure for home health  
71 agencies and with state oversight process already in place through the Aging Services Access  
72 Points and the nurse aide registry.

73 The regulations shall include, but shall not be limited to:

74 (i) background screening check requirements for all home care workers which may  
75 include: (1) Massachusetts criminal background checks, (2) state or county criminal history  
76 screenings for each location outside of the commonwealth in which the home care professional is  
77 known to have lived or worked during the previous 5 years, (3) review of the federal Office of

78 Inspector General List of Excluded Individuals/Entities, (4) review of the nurse aide registry, (5)  
79 applicable professional licensing board check and (6) for all home care professionals who will  
80 transport consumers, verification of auto insurance and driving records for a minimum of the  
81 previous 5 years;

82 (ii) minimum standards for consumer-specific service plans and contracts; provided, that  
83 the plans shall include: (1) a detailed description of services, including services the primary  
84 agency is subcontracting to another agency or provider, (2) a written unit rate and total cost of  
85 services, inclusive of any additional fees or deposits, and (3) contact information for consumer  
86 questions;

87 (iii) minimum coverage requirements for workers' compensation insurance and liability  
88 insurance;

89 (iv) maintenance of a payroll process that follows all state and federal labor and wage  
90 laws;

91 (v) annual and ongoing training and competency requirements for home care agency staff  
92 that are in direct contact with home care consumers; provided, that minimum training  
93 requirements shall include (1) confidentiality and privacy of home care consumer's rights, (2)  
94 infection control and communicable diseases, (3) handling of emergencies, including safety and  
95 falls prevention, (4) observation, reporting and documenting changes in consumer needs and  
96 environment, (5) identifying and reporting suspected abuse, neglect or theft, (6) understanding  
97 Alzheimer's disease and dementia, including person centered care, activities of daily living,  
98 safety and dementia-related behaviors and communication and (7) wage theft. The trainings shall  
99 be culturally and linguistically competent for the trainee;

100 (vi) policies and procedures to ensure home care workers have safe working conditions,  
101 adequate training and a process for submitting complaints;

102 (vii) maintenance of an emergency preparedness plan;

103 (viii) meeting of quality metrics and standards to be set forth in the licensing regulations;

104 (ix) requirements and written processes for the timely reporting of home care consumer  
105 complaints;

106 (x) a suitability determination process; provided, that the process shall include, but not be  
107 limited to, requiring all applicants to attest to having sufficient financial capacity to provide  
108 ongoing care and services in compliance with state law and regulation; and

109 (xi) providing adequate equipment and supplies for home care workers.

110 (f)The secretary shall be responsible for licensing home care agencies. To accomplish the  
111 objectives set forth in this section, the secretary may coordinate and consult with the offices and  
112 agencies that are interested in matters pertaining to the delivery of home care services, including  
113 but not limited to: (1) the department of public health, (2) the executive office of elder affairs, (3)  
114 the department of consumer affairs and business regulation and (4) the department of public  
115 health. The responsibilities of the regulating agency shall include:

116 (i) reviewing and processing licensure applications, including a suitability review that  
117 ensures the applicant can meet the obligations and conditions of licensure, including:

118 (A) a review of the state disbarment list and federal Office of Inspector General List of  
119 Excluded Individuals/Entities; and

120 (B) a competency review where all individuals with at least a 5 per cent ownership stake  
121 in the home care agency shall submit the individuals' names, contact information, companies  
122 where they have at least a 5 per cent ownership, any civil or criminal findings against said  
123 individual, and a completed background check;

124 (ii) establishing a process for a change of ownership that includes advanced notice to  
125 home care consumers and home care workers and a review by the regulating state agency to  
126 determine if the new licensee can meet the obligations and conditions of licensure, including a  
127 suitability review; provided, that home care agency licenses shall not be transferable;

128 (iii) working with other regulators to investigate and resolve complaints;

129 (iv) imposing fines on the licensee when determined to be appropriate;

130 (v) suspending or revoking licenses when determined to be appropriate;

131 (vi) posting a listing of licensed home care agencies on a publicly available webpage;

132 (vii) allowing for "deemed status" for licensure of home care agencies if an Aging  
133 Service Access Points or MassHealth provider contract is in place;

134 (viii) establishing of quality metrics and standards for monitoring the licensed home care  
135 agency performance, including reporting mechanisms for tracking performance; and

136 (ix) annual reporting by home care agencies, which may include reporting on quality  
137 metrics and significant changes related to home care agency finances.

138 Section 51M. (a) The secretary, in consultation with the home care worker and consumer  
139 abuse stakeholder advisory committee establishing in subsection (b), MassHealth, the department



140 of elder affairs, the department of public health and the PCA quality home care workforce  
141 council established pursuant to section 71 of chapter 118E, shall adopt minimum standards and  
142 procedures for addressing abusive treatment and bullying of Massachusetts home care workers,  
143 personal care attendants and home care consumers. The standards and procedures shall address  
144 physical, verbal and mental abuse either of or from individual home care consumers as well as  
145 any abusive treatment or bullying from home care consumer surrogates, family members, other  
146 caregivers and any others present in the home care consumers' household when the home care  
147 worker is providing home care services. The standards and procedures shall promote appropriate  
148 home care worker and home care consumer training and support and a safe and healthy work  
149 environment for home care workers, while recognizing the privacy rights of home care  
150 consumers, the role of personal care attendant consumer employers and that home care  
151 consumers may have a disruptive behavioral disorder underlying abuse behavior.

152 (b) There shall be a home care worker and consumer abuse stakeholder advisory  
153 committee that shall meet, study and make recommendations to the secretary relative to  
154 standards and procedures for addressing abusive treatment and bullying of home care workers,  
155 personal care attendants and home care consumers.

156 The advisory committee shall consist of the following 16 members: the secretary or a  
157 designee, who shall serve as chair; the assistant secretary for MassHealth or a designee; the  
158 secretary of elder affairs or a designee; the commissioner of public health or a designee; the  
159 chairs of the joint committee on elder affairs or their designees; and 10 persons to be appointed  
160 by the governor, 1 of whom shall be a personal care attendant, 1 of whom shall be a home care  
161 agency direct care worker, 1 of whom shall be a consumer of personal care attendant services  
162 who shall be a member of the PCA workforce council, 1 of whom shall be a consumer of home

163 care agency services, 1 of whom shall be a representative of the statewide independent living  
164 council, 1 of whom shall be a representative of the Disability Law Center, Inc., 1 of whom shall  
165 be a representative of the Massachusetts Home Care, Inc., 1 of whom shall be a representative of  
166 the Home Care Aide Council, 1 of whom shall be a representative of the Home Care Alliance of  
167 Massachusetts, Inc., and 1 of whom shall be a representative of the Massachusetts division of  
168 1199SEIU. The members of the advisory committee shall serve without compensation.

169 The advisory committee shall submit a report containing initial findings and  
170 recommendations, including drafts of proposed legislation or regulatory changes to carry out its  
171 recommendations, by filing the same with the clerks of the senate and house of representatives,  
172 the joint committee on elder affairs and the joint committee on public health. The advisory  
173 committee shall continue to meet quarterly following submission of the report and until the  
174 advisory committee votes to dissolve itself.

175 (c) The home care worker and consumer abuse stakeholder advisory committee shall  
176 study and make findings and recommendations relative to the development and implementation  
177 of minimum standards and procedures for addressing abusive treatment and bullying of  
178 Massachusetts home care workers, personal care attendants and home care consumers. The  
179 advisory committee's study, findings and recommendations shall include, but not be limited to:

180 (1) Reporting and debriefing, including best practices for standards and procedures for  
181 home care workers and their home care consumers experiencing abusive treatment, bullying or  
182 neglect to report abuse to the home care workers' employers or appropriate state entities,  
183 including the PCA workforce council or MassHealth for personal care assistants, without  
184 retaliation and while retaining the right to report any criminal activity to law enforcement. The

185 standards shall include, but not be limited to, best practices for a debriefing process for affected  
186 home care workers and home care consumers following violent acts.

187 (2) Tracking and record retention, including best practices for standards and procedures  
188 for the secretary to track and monitor reports of both home care worker abuse and reports of  
189 home care consumer abuse or neglect.

190 (3) Informing workers, including best practices for standards and procedures that would  
191 require employers of home care workers or other appropriate state entities, including the PCA  
192 workforce council or MassHealth for personal care assistants, to regularly inform home care  
193 workers of patterns of consumer or worker abuse or bullying that indicates a potentially unsafe  
194 working environment. The standards and procedures shall respect home care consumer privacy  
195 while prioritizing home care worker safety and while ensuring continuity of care.

196 (4) Training and employer policies, including best practices for standards and procedures  
197 for the secretary, in consultation with home care employers and other stakeholders, to develop  
198 and implement home care worker and home care consumer orientations and other trainings on:  
199 (i) worker abuse and bullying, (ii) escalation cycles and effective de-escalation techniques and  
200 (iii) culturally competent and peer-to-peer trainings and strategies to prevent physical harm with  
201 hands-on practice or role play. The training and employer policies shall also include best  
202 practices for home care employers to implement additional internal plans and procedures to: (A)  
203 reduce workplace violence and abuse, (B) offer resources to employees for coping with the  
204 effects of violence and (C) develop labor-management workplace safety committees. The  
205 training and employer policies shall consider and avoid duplication of existing requirements and  
206 trainings in place through Aging Service Access Points.

207 Section 51N. (a) There is hereby established a home care oversight advisory council  
208 within the executive office of health and human services.

209 The advisory council shall advise the secretary relating to the regulations described in  
210 subsection (e) of section 51L. The executive office of health and human services shall consult  
211 with the advisory council on implementation of the home care agency licensure process outlined  
212 in section 51L. The advisory council may also conduct a review concurrently with the  
213 development of the home care agency licensure process to include, but not be limited to:

214 (i) the process of implementing the new home care agency licensure process in the  
215 commonwealth, including the creation of a provisional license to address identified gaps in home  
216 care services;

217 (ii) existing licensure, reporting and oversight requirements across the long-term care  
218 services and support systems and other relevant state agencies, including the provider monitoring  
219 conducted by the Aging Services Access Points, to avoid duplication and conflicting  
220 requirements;

221 (iii) home care agency licensure requirements in other states;

222 (iv) processes to ensure that the home care agency licensure process will align with  
223 licensure for home health agencies and with state oversight process already in place through the  
224 Aging Services Access Points, the home care worker registry established in section 4D of  
225 chapter 19A and the nurse aide registry established in section 72J;

226 (v) the development of a process for state government to conduct a statewide home care  
227 market analysis and report on current available home care services in all regions that may inform  
228 the regulating agency and the issuance of new home care agency licenses; and

229 (vi) any additional subjects that the home care oversight advisory council and the  
230 secretary deem necessary and appropriate.

231 (b) The advisory council shall be composed of the secretary or their designee, who shall  
232 serve as chair; the chairs of the joint committee on elder affairs or their designees; the secretary  
233 of elder affairs or their designee; the commissioner of public health or their designee; the  
234 assistant secretary for MassHealth or their designee; 1 person to be appointed by the minority  
235 leader of the house of representatives; 1 person to be appointed by the minority leader of the  
236 senate; and 4 persons to be appointed by the governor, 1 of whom shall be a representative of the  
237 Home Care Aide Council, 1 of whom shall be a representative of the Home Care Alliance of  
238 Massachusetts, Inc., 1 of whom shall be a representative of Massachusetts Home Care, Inc. and 1  
239 of whom shall be a representative of the Massachusetts division of 1199SEIU.

240 (c) The council shall meet quarterly. Upon the promulgation of regulations for home care  
241 agency licensure pursuant to subsection (e) of section 51L, the council may introduce a motion to  
242 dissolve by a majority vote of its members.

243 SECTION 2. Section 1 of chapter 151B of the General Laws, as so appearing, is hereby  
244 amended by inserting after the word “thereof”, in line 21, the following words:- and an employer  
245 of a personal care attendant as defined in section 70 of chapter 118E, including individual  
246 consumers of a personal care attendant.

247 SECTION 3. The secretary of health and human services shall, in consultation with the  
248 executive office of elder affairs and the department of public health, promulgate rules and  
249 regulations for the licensing and conduct of a home care agency, as provided in subsection (e) of  
250 section 51L of chapter 111 of the General Laws, within 1 year of the effective date of this act.

251 SECTION 4. The home care worker and consumer abuse stakeholder advisory committee  
252 established in subsection (b) of section 51M of said chapter 111 shall meet at least monthly in  
253 the first 6 months after the effective date of this act to develop initial findings and  
254 recommendations. The advisory committee shall submit the report described in said subsection  
255 (b) of said section 51M of said chapter 111 not later than 6 months after the effective date of this  
256 act.

257 SECTION 5. Members of the home care oversight advisory council established in section  
258 51N of said chapter 111 shall be named and the council shall commence its work within 60 days  
259 of the effective date of this act.