

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Jeffrey Rosario Turco

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 clarifying responsibility for policy and budgetary decision-making in nursing homes.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jeffrey Rosario Turco</i>	<i>19th Suffolk</i>	<i>1/17/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

An Act clarifying responsibility for policy and budgetary decision-making in nursing homes.

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. Section 115 of chapter 112 of the general laws as appearing in the 2022
2 Official Edition is hereby amended by inserting after subsection (e) the following new subsection

3 (f) Any person licensed as a nursing home administrator, or acting in the capacity of a
4 nursing home administrator shall certify under the pains and penalties of perjury at the
5 commencement of the fiscal year of the facility for which they are the administrator that the
6 facility’s budget and staffing are sufficient to meet the regular and customary operational needs
7 of the facility including, but not limited to meeting the care needs of all residents then residing in
8 such facility. Said certification shall be counter-signed by the designated medical director for
9 such facility in accordance with Center for Medicare and Medicaid Operations Manual 100.07,
10 section 483 (i).

11 For purposes of this act, “care needs,” shall mean the sum total of the programs, services,
12 staffing, dietary, recreational, rehabilitative, and medical equipment identified in the care plans

13 of each resident including, but not limited to the apportioned cost of all aspects of housing and
14 management for said residents.

15 SECTION 2. Said subsection 115, is hereby further amended by adding the following
16 new subsection:

17 (g) Whenever a nursing home administrator licensed pursuant to the laws and regulations
18 of the Commonwealth and its agencies, fails to assent to the sufficiency of the facility budget,
19 said licensee shall be suspended by the board of registration of nursing home administrators
20 subject to such further disciplinary action as circumstances may require.

21 It shall not be an acceptable reason for failure to sign an affidavit of sufficiency of the
22 budget of the facility for the nursing home administrator, or person acting in such capacity, to
23 claim that corporate management of the facility had approved the budget without regard to the
24 certification of sufficiency by the facility administrator. If, in the absence of an affidavit of
25 sufficiency signed by the administrator and counter-signed by the medical director, the facility
26 shall be prohibited from accepting any new residents until such affidavit is submitted to the
27 satisfaction of the department of public health.

28 SECTION 3. If, upon determination by the department of public health, it appears that
29 the budget of any facility licensed pursuant to the provisions of chapter 111 of the general laws
30 as appearing in the 2022 Official Edition, is insufficient to meet the care needs of the residents,
31 said department shall, after public hearing, may apply sanctions upon the facility up to, and
32 including, revocation of the facility license or receivership. The department of public health is
33 hereby authorized and directed to promulgate regulations to implement this provision.

34 SECTION 4. Said chapter 111, is hereby amended, by inserting Any adverse event or
35 events that are found by said department to have adversely affected the health, safety or lives of
36 residents, as the direct or indirect result of operating a facility with an insufficient budget, shall
37 be considered the responsibility of the nursing home administrator and/or the medical director if
38 there is a signed affidavit of budget sufficiency, or in the case of operation without a signed
39 affidavit of sufficiency, to owners of the facility of record, may be held criminal and civil liable
40 for such adverse event or events.

41 SECTION 5. The department of public health shall develop appropriate regulations to
42 implement the provisions of section 6 of this act not later than July 1, 2027.