

SENATE No. 2555

The Commonwealth of Massachusetts

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

SENATE, July 21, 2025.

The committee on Aging and Independence to whom was referred the petition (accompanied by bill, Senate, No. 470) of Patricia D. Jehlen, Michael O. Moore, Paul K. Frost, John F. Keenan and other members of the General Court for legislation to improve Massachusetts home care, report the accompanying bill (Senate, No. 2555).

For the committee,
Patricia D. Jehlen

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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, , is hereby amended by inserting after
2 section 51O the following 3 sections:-

3 Section 51P. (a) For the purposes of this section and sections 51Q and 51R, the following
4 words shall, unless the context clearly requires otherwise, have the following meanings:

5 “Home care agency”, a business, nonprofit organization or other entity engaged in
6 providing home care services to consumers in the consumers’ residence for compensation or any
7 entity or individual that represents itself as a home care agency by name, advertising or
8 presentments to the public or uses the terms “home care agency” or “home care” in the entity or
9 individual’s name; or any entity that procures, offers, refers, provides or attempts to provide an
10 independent careworker or home care aide who provides home care services to clients or home
11 care seekers; provided however, that "home care agency" shall not include any of the following:

- 12 (i) an entity operated by either the federal government or the commonwealth providing home
13 care services, (ii) an entity that limits its business to the provision of house cleaning services, (iii)

14 an Aging Service Access Points entity as defined in section 4B of chapter 19A, (v) a hospice
15 program licensed under section 57D or (vi) a home health agency as defined 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 aging and independence and the department of public health as provided in
47 subsection (e).

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

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

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

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

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

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

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

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

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

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

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

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

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

103 (vii) maintenance of an emergency preparedness plan;

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

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

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

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

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

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

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

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

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

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

130 (iv) imposing fines on the licensee 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 51Q. (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 aging and independence, the department of public health and the PCA quality home care
141 workforce council established pursuant to section 71 of chapter 118E, shall adopt minimum

142 standards and procedures for addressing abusive treatment and bullying of Massachusetts home
143 care workers, personal care attendants and home care consumers. The standards and procedures
144 shall address physical, verbal and mental abuse either of or from individual home care
145 consumers as well as any abusive treatment or bullying from home care consumer surrogates,
146 family members, other caregivers and any others present in the home care consumers' household
147 when the home care worker is providing home care services. The standards and procedures shall
148 promote appropriate home care worker and home care consumer training and support and a safe
149 and healthy work environment for home care workers, while recognizing the privacy rights of
150 home care consumers, the role of personal care attendant consumer employers and that home
151 care 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 aging and independence or a designee; the commissioner of public health or a
159 designee; the chairs of the joint committee on aging and independence or their designees; and 10
160 persons to be appointed by the governor, 1 of whom shall be a personal care attendant, 1 of
161 whom shall be a home care agency direct care worker, 1 of whom shall be a consumer of
162 personal care attendant services who shall be a member of the PCA workforce council, 1 of
163 whom shall be a consumer of home care agency services, 1 of whom shall be a representative of
164 the statewide independent living council, 1 of whom shall be a representative of the Disability

165 Law Center, Inc., 1 of whom shall be a representative of the Mass Aging Access , 1 of whom
166 shall be a representative of the Home Care Aide Council, 1 of whom shall be a representative of
167 the Home Care Alliance of Massachusetts, Inc., and 1 of whom shall be a representative of the
168 Local 1199 Service Employees International Union. The members of the advisory committee
169 shall serve without compensation.

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

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

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

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

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

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

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

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

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

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

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

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

223 (iv) establishing license application and renewal fees that are necessary and sufficient for
224 the secretary and regulating agency to implement the requirements of Section 51P;

225 (v) processes to ensure that the home care agency licensure process will align with
226 licensure for home health agencies and with state oversight process already in place through the
227 Aging Services Access Points, the home care worker registry established in section 4D of
228 chapter 19A and the nurse aide registry established in section 72J of chapter 111;

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

232 (vii) any additional subjects that the home care oversight advisory council and the
233 secretary deem necessary and appropriate.

234 (b) The advisory council shall be composed of the secretary or their designee, who shall
235 serve as chair; the chairs of the joint committee on aging and independence or their designees;
236 the secretary of aging and independence or their designee; the commissioner of public health or
237 their designee; the assistant secretary for MassHealth or their designee; 1 person to be appointed
238 by the minority leader of the house of representatives; 1 person to be appointed by the minority
239 leader of the senate; and 4 persons to be appointed by the governor, 1 of whom shall be a
240 representative of the Home Care Aide Council, 1 of whom shall be a representative of the Home
241 Care Alliance of Massachusetts, Inc., 1 of whom shall be a representative of Mass Aging Access.
242 and 1 of whom shall be a representative of Local 1199 Service Employees International Union.

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

246 SECTION 2. Section 1 of chapter 151B of the General Laws, as so appearing in the 2022
247 Official Edition, is hereby amended by inserting after the word “thereof”, in line 21, the
248 following words:- and an employer of a personal care attendant as defined in section 70 of
249 chapter 118E, including individual consumers of a personal care attendant.

250 SECTION 3. The secretary of health and human services shall, in consultation with the
251 executive office of aging and independence and the department of public health, promulgate
252 rules and regulations for the licensing and conduct of a home care agency, as provided in
253 subsection (e) of section 51P of chapter 111 of the General Laws, within 1 year of the effective
254 date of this act.

255 SECTION 4. The home care worker and consumer abuse stakeholder advisory committee
256 established in subsection (b) of section 51Q of said chapter 111 shall meet at least monthly in the
257 first 6 months after the effective date of this act to develop initial findings and recommendations.
258 The advisory committee shall submit the report described in said subsection (b) of said section
259 51Q of said chapter 111 not later than 6 months after the effective date of this act.

260 SECTION 5. Members of the home care oversight advisory council established in section
261 51R of said chapter 111 shall be named and the council shall commence its work within 60 days
262 of the effective date of this act.