SENATE . . . . . No. 3170

The Commonwealth of Massachusetts

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

SENATE, July 9, 2026.

The committee on Senate Ways and Means to whom was referred the House Bill to improve Massachusetts home care (House, No. 4706) (also based on Senate, No. 2645); reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 3170.

For the committee,
Michael J. Rodrigues

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SECTION 1. Chapter 6A of the General Laws is hereby amended by inserting after section 16GG the following 4 sections:-

Section 16HH. For the purposes of this section and sections 16II to 16KK, inclusive, the following words shall have the following meanings unless the context clearly requires otherwise:

"Abusive treatment", physical, verbal or mental abuse, including, but not limited to, bullying, directed at or committed by individual home care consumers, surrogates, family members, home care workers, other caregivers and any other individuals present in the home care consumers' household when the home care worker is providing home care services.

"Executive office", the executive office of health and human services.

"Home care agency", a business, including a sole proprietorship, nonprofit organization or other entity, that: (i) provides home care services to consumers in the consumers' residences for compensation; (ii) represents itself as a home care agency by name, advertising or communications to the public or uses the terms "home care agency" or "home care" in the entity's name; or (iii) procures, offers, refers or provides or attempts to provide home care services by matching individuals seeking home care services to entities that provide home care services; provided, however, that "home care agency" shall not include: (A) an entity operated

by the federal government or the commonwealth that provides home care services; (B) an entity that limits its business to the provision of house cleaning services; (C) an entity designated as an aging services access point pursuant to section 4B of chapter 19A; (D) a hospice program licensed under section 57D of chapter 111; or (E) a home health agency as defined in section 51K of said chapter 111.

"Home care consumer", an individual receiving home care services or any legal representative of such individual.

"Home care services", supportive services provided to an individual in their residence to enable that individual to remain in their residence safely and comfortably, including, but not limited to, assistance with eating, toileting, dressing, bathing, transferring, ambulation and other activities of daily living, housekeeping, personal laundry and companionship; provided, however, that "home care services" shall not include: (i) hospice services provided by an entity subject to licensure under section 57D of chapter 111; (ii) home health services provided by an entity subject to licensure under section 51K of said chapter 111; (iii) services provided by a personal care attendant in the commonwealth's personal care attendant program as defined in 130 CMR 422.000; or (iv) services provided under the MassHealth adult foster care program as defined in 130 CMR 408.402.

"Home care worker", an individual employed by a home care agency who provides home care services to a consumer in the consumer's residence.

"PCA quality home care workforce council", the council established in section 71 of chapter 118E.

"Personal care attendant", as defined in section 70 of chapter 118E.

"Surrogate", as defined in said section 70 of chapter 118E.

Section 16II. (a) No person or entity shall: (i) establish, maintain, operate or hold itself out as a home care agency; (ii) provide home care services; (iii) or use the words "home care" to describe its services without a home care agency license issued pursuant to subsection (b). Licensure pursuant to said subsection (b) shall be required for home care agencies that directly employ home care workers and home care agencies that contract with entities that employ home care workers.

(b)(1) The executive office shall issue for a term of 3 years, and may renew for like terms, a home care agency license to any person or entity that the executive office deems responsible and suitable to establish or maintain a home care agency and meets the requirements of the rules and regulations promulgated pursuant to subsection (e). A license issued under this subsection shall not be transferable or assignable.

(2) The executive office may suspend, revoke or refuse to renew for cause a home care agency license in accordance with regulations promulgated by the department pursuant to subsection (e); provided, however, that the office shall provide home care agencies an opportunity for appeal of such suspension, revocation or refusal or renewal.

(3) License application and renewal fees shall be established pursuant to section 3B of chapter 7.

(c) If the executive office determines a licensee has failed or refused to comply with requirements established under this section or the regulations promulgated thereunder, the executive office may: (i) deny an application for licensure; (ii) modify, suspend or revoke a

license; or (iii) issue a fine of not more than $500 for each day of such failure or refusal to comply.

(d) The executive office, in collaboration with the executive office of aging and independence and the department of public health, may conduct surveys and investigations to monitor and enforce compliance with this section.

(e)(1) The executive office shall, in consultation with the executive office of aging and independence, the department of public health and the home care oversight advisory council established in section 16KK, issue rules and promulgate regulations for the licensing and conduct of a home care agency, which shall include, but not be limited to:

(i) a requirement for background checks for home care workers, which shall include, but not be limited to: (A) state and national fingerprint-based criminal background checks; (B) state or county criminal history checks for each location outside of the commonwealth in which the home care worker is known to have lived or worked during the previous 5 years; (C) a review of the United States Office of Inspector General List of Excluded Individuals/Entities; (D) a review of the nurse aide registry pursuant to section 72J of chapter 111; (E) if applicable, a review of professional certifications or other credentials; and (F) for home care workers who transport home care consumers, verification of motor vehicle licensure, auto insurance and driving records for not less than the previous 5 years;

(ii) minimum standards for consumer-specific service plans and contracts that home care agencies shall develop with home care consumers, which shall include: (A) a detailed description of services, including services the home care agency is subcontracting to another agency or

provider; (B) a written unit rate and total cost of services, inclusive of any additional fees or deposits; and (C) home care agency contact information for consumer questions;

(iii) minimum coverage requirements for workers' compensation insurance and liability insurance for the home care agency;

(iv) maintenance of a payroll process for home care agencies;

(v) annual and ongoing training and competency requirements for home care workers and home care agency staff that interact with home care consumers; provided, however, that minimum training and competency requirements shall include: (A) confidentiality and privacy rights of home care consumers; (B) navigating infection control and communicable diseases; (C) handling of emergencies, including safety and falls prevention; (D) observing, reporting and documenting changes in home care consumer needs and environment; (E) identifying and reporting suspected abuse, neglect or misappropriation of property; (F) understanding Alzheimer's disease and dementia, including person-centered care, activities of daily living, safety and dementia-related behaviors and communication; and (G) employee rights and remedies under the commonwealth's wage and hour laws; and provided further, that the regulations shall require that trainings shall be culturally and linguistically competent for the trainee;

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

(vii) a requirement for the development and maintenance of an emergency preparedness plan;

(viii) quality metrics and standards for services provided to home care consumers, including reporting mechanisms for tracking performance of home care agencies;

(ix) annual reporting requirements for home care agencies on quality of care and any significant changes related to home care agency finances;

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

(xi) requirements for home care agencies to provide adequate equipment and supplies for home care workers.

(2) The executive office shall avoid unnecessary duplication of other long-term care services and supports, including home health agency licensure and aging services access points monitoring, for home care agency licensure, reporting and oversight requirements.

(f) The executive office shall:

(i) review and process licensure applications and perform a suitability review to ensure that the applicant meets the requirements and conditions of licensure, including, but not limited to:

(A) a review of the state debarment list maintained by the operational services division and federal Office of Inspector General List of Excluded Individuals/Entities;

(B) a competency review, which shall require all individuals with not less than 5 per cent ownership stake in the home care agency to submit the individual's name, contact information, businesses in which they have not less than a 5 per cent ownership interest, any civil or criminal findings against said individual and a completed background check; and

(C) a review to ensure that applicants have the financial capacity to provide ongoing home care services while maintaining compliance with labor and employment laws;

(ii) establish a process for a change of ownership of a home care agency that includes advanced notice to home care consumers and home care workers;

(iii) work with other applicable state agencies to investigate and resolve complaints against a licensee under this section; and

(iv) publicly post a list of licensed home care agencies on the executive office's website.

Section 16JJ. (a) The executive office, in consultation with the home care worker and consumer abuse stakeholder advisory committee established in subsection (b), MassHealth, the executive office of aging and independence, the department of public health and the PCA quality home care workforce council, shall adopt minimum standards and procedures for addressing abusive treatment of home care workers, personal care attendants and home care consumers. The standards and procedures shall: (i) address abusive treatment, including the connection between abusive behavior by home care consumers and disruptive behavioral disorders; (ii) recommend appropriate training and support for home care workers, personal care attendants and home care consumers; (iii) ensure a safe and healthy work environment for home care workers and personal care attendants; (iv) recognize the privacy rights of home care consumers; and (v) recognize the responsibilities of the consumer-employers of personal care attendants.

(b) There shall be a home care worker and consumer abuse stakeholder advisory committee within the executive office, which shall consist of: the secretary of aging and independence or a designee, who shall serve as chair; the assistant secretary for MassHealth or a designee; the commissioner of public health or a designee; the chairs of the joint committee on

aging and independence or their designees; and 10 persons to be appointed by the governor, 1 of whom shall be a personal care attendant, 1 of whom shall be a home care worker, 1 of whom shall be a consumer of personal care attendant services who shall be a member of the PCA quality home care workforce council, 1 of whom shall be a home care consumer, 1 of whom shall be a representative of the statewide independent living council, 1 of whom shall be a representative of the Disability Law Center, Inc., 1 of whom shall be a representative of Massachusetts Aging Access Association, Inc., 1 of whom shall be a representative of the Home Care Aide Council, 1 of whom shall be a representative of the Home Care Alliance of Massachusetts, Inc. and 1 of whom shall be a representative of the Local 1199 Service Employees International Union. The members of the advisory committee shall serve without compensation.

(d) The advisory committee shall advise the executive office on addressing abusive treatment of home care workers, personal care attendants and home care consumers and shall periodically conduct studies and issue reports containing its findings and recommendations, which shall include, but shall not be limited to best practices and recommendations on: (i) reporting abusive treatment and post-incident debriefing of abusive treatment, including best practices for standards and procedures for reporting abuse to the home care workers' employers or appropriate state entities, including, in the case of personal care attendants, the PCA quality home care workforce council or MassHealth, without retaliation and while retaining the right to report any criminal activity to law enforcement; provided, however, that such standards shall include, but not be limited to, best practices for a post-incident debriefing process for affected home care workers and home care consumers following abusive treatment;

(ii) tracking and retaining records of abusive treatment, including best practices for standards and procedures for the executive office to track and monitor reports of home care worker abuse and reports of home care consumer abuse or neglect;

(iii) informing home care workers and personal care attendants of potentially unsafe working environments, including best practices for standards and procedures requiring employers of home care workers or other relevant state entities to regularly inform home care workers and personal care attendants of patterns and signs of abusive treatment by home care consumers that may indicate a potentially unsafe working environment; provided, however, that the standards and procedures shall balance respect for consumer privacy with the need to ensure home care worker and personal care attendant safety and ensure continuity of care;

(iv) employee training, including best practices for standards and procedures for home care consumer orientations and home care worker trainings on recognizing, preventing and addressing abuse including: (A) abusive treatment in the home care setting; (B) escalation cycles and effective de-escalation techniques; and (C) culturally competent and peer-to-peer trainings and strategies to prevent physical harm with hands-on practice or role play; and

(v) employer internal policies, including best practices for standards and procedures to: (A) prevent abusive treatment among employees; (B) offer resources to employees for coping with the effects of violence; and (C) develop labor-management workplace safety committees.

(e) The advisory committee shall submit such reports containing findings and recommendations, including drafts of proposed legislation or regulations, if any, to carry out its recommendations, with the secretary of health and human services, the clerks of the senate and

house of representatives, the senate and house committees on ways and means, the joint committee on aging and independence and the joint committee on public health.

Section 16KK. (a) There shall be a home care oversight advisory council within the executive office, which shall consist of: the commissioner of public health or a designee, who shall serve as chair; the secretary of aging and independence or a designee; the assistant secretary for MassHealth or a designee; the chairs of the joint committee on aging and independence or their designees; and 4 persons to be appointed by the governor, 1 of whom shall be a representative of the Home Care Aide Council, 1 of whom shall be a representative of the Home Care Alliance of Massachusetts, Inc., 1 of whom shall be a representative of Massachusetts Aging Access Association, Inc. and 1 of whom shall be a representative of Local 1199 Service Employees International Union.

(b) The advisory council shall advise the executive office on the oversight of licensed home care agencies and shall assist in the development of regulations promulgated by the executive office pursuant to subsection (e) of section 16II. The advisory council shall advise the executive office on:

(i) the process of implementing home care agency licensure requirements pursuant to section 16II;

(ii) existing licensure, reporting and oversight requirements of long-term care services and support systems and other relevant state agencies, including the provider monitoring conducted by the aging services access points, to avoid duplication and conflicting requirements;

(iii) developments in other states relative to the licensure of home care agencies;

(iv) processes to ensure that the home care agency licensure process, where applicable, aligns and avoids duplication with licensure for home health agencies and with state oversight processes already in place through the aging services access points, the home care worker registry established in section 4D of chapter 19A and the nurse aide registry established in section 72J of chapter 111;

(v) the development of a process for the commonwealth to conduct a statewide home care market analysis and issue a report or otherwise publish information on current available home care services in all regions; and

(vi) any additional subjects that the advisory council and the executive office deem necessary and appropriate.

SECTION 2. Section 4 of chapter 151B of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by adding the following subsection:-

20. It shall be unlawful discrimination for any individual consumer of services provided by a personal care attendant, as defined in section 70 of chapter 118E, to engage in conduct described in subsections 1 to 3, inclusive, 4, 5, 9A, 11A, 16, 16A and 1.

SECTION 3. (a) There shall be a special commission to study and report on the creation of a statewide long-term services and supports benefit program, which shall research, analyze and report on issues including, but not limited to: (i) incorporating a long-term services and supports benefit program into existing state benefit plans; (ii) criteria for participation, including, but not limited to, working adults; (iii) mandatory enrollment; (iv) providing individuals with functional or cognitive limitations with nonmedical services and supports to help individuals remain in their communities; (v) offsetting the cost of chronic and disabling conditions; (vi)

expanding the options for individuals in need of long-term services and supports, including, but not limited to, insurance options for the costs associated with functional or cognitive disability; (vii) aligning with the MassHealth programs and other publicly funded resources, including, but not limited to, the home care program pursuant to section 4 of chapter 19A; and (viii) the demands on the long-term care workforce and how such workforce can be prepared to meet future needs.

(b) The commission shall consist of: the secretary of health and human services or a designee, who shall serve as chair; the secretary of aging and independence or a designee; the commissioner of insurance or a designee; the assistant secretary for MassHealth or a designee; the chairs of the joint committee on aging and independence or their designees; the chairs of the joint committee on financial services or their designees; and 17 persons to be appointed by the governor: 1 of whom shall be a representative of the Home Care Aide Council, 1 of whom shall be a representative of the Home Care Alliance of Massachusetts, Inc., 1 of whom shall be a representative of Massachusetts Aging Access Association, Inc., 1 of whom shall be a representative of the Massachusetts Senior Care Association, Inc., 1 of whom shall be a representative of LeadingAge Massachusetts, Inc., 1 of whom shall be a representative of the Massachusetts Assisted Living Association, Inc., 1 of whom shall be a representative of AARP Massachusetts, 1 of whom shall be a representative of Local 1199 Service Employees International Union, 1 of whom shall be a representative of the Massachusetts Academy of Elder Law Attorneys, 1 of whom shall be a representative of Massachusetts Senior Action Council, Inc., 1 of whom shall be a representative of Blue Cross Blue Shield of Massachusetts Foundation, Inc., 1 of whom shall be a representative of the Massachusetts chapter of the National Association of Insurance and Financial Advisors, 1 of whom shall be a representative of

Life Insurance Association of Massachusetts, Inc., 1 of whom shall be a representative of the Massachusetts Business Roundtable, Inc., 1 of whom shall be an actuary with experience in long-term care insurance, 1 of whom shall be an expert on long-term care and aging policy and 1 of whom shall be an intergenerational advocate.

(c) Prior to issuing the report required under this section, the commission shall review the independent actuarial study of financial options for modeling public, private and public-private hybrid long-term care services and supports authorized in item 4000-0300 of chapter 28 of the acts of 2023. The commission shall identify state resources to support any recommendations that would result in increased costs to the commonwealth.

(d) The commission shall submit a report containing its findings and recommendations, including any proposed legislation, with the clerks of the senate and house of representatives, the senate and house committees on ways and means, the joint committee on aging and independence and the joint committee on financial services not later than 2 years after the effective date of this act.

SECTION 4. The executive office of health and human services shall promulgate regulations for the temporary licensure of home care agencies and shall issue temporary licenses for home care agencies within 180 days of the effective date of this act; provided, however, that the executive office of health and human services shall issue a temporary license to an applicant upon verification that such applicant is currently under contract with an aging services access point or MassHealth. Such temporary licenses shall be valid until the date established by the executive office by which entities providing home care services are required to be licensed as home care agencies.

SECTION 5. The executive office of health and human services shall, in consultation with the executive office of aging and independence, the department of public health and the home care oversight advisory council established in section 16KK of chapter 6A of the General Laws, adopt rules and promulgate regulations pursuant to subsection (e) of section 16II of said chapter 6A for the licensing and conduct of home care agencies within 1 year of the effective date of this act.

SECTION 6. The executive office of health and human services shall establish a date not later than 1 year after adopting rules and promulgating regulations pursuant to this act by which entities providing home care services shall be licensed as home care agencies.

SECTION 7. The home care worker and consumer abuse stakeholder advisory committee established in subsection (b) of section 16JJ of chapter 6A of the General Laws shall meet not less than monthly in the first 6 months after the effective date of this act and shall file a report containing its initial findings and recommendations not later than 6 months after the effective date of this act.

SECTION 8. Members of the home care oversight advisory council established in section 16KK of chapter 6A of the General Laws shall be named and the council shall commence its work within 60 days of the effective date of this act.