

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

The Commonwealth of Massachusetts

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

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

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

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

9 “Executive office”, the executive office of health and human services.

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

17 by the federal government or the commonwealth that provides home care services; (B) an entity
18 that limits its business to the provision of house cleaning services; (C) an entity designated as an
19 aging services access point pursuant to section 4B of chapter 19A; (D) a hospice program
20 licensed under section 57D of chapter 111; or (E) a home health agency as defined in section
21 51K of said chapter 111.

22 “Home care consumer”, an individual receiving home care services or any legal
23 representative of such individual.

24 “Home care services”, supportive services provided to an individual in their residence to
25 enable that individual to remain in their residence safely and comfortably, including, but not
26 limited to, assistance with eating, toileting, dressing, bathing, transferring, ambulation and other
27 activities of daily living, housekeeping, personal laundry and companionship; provided,
28 however, that “home care services” shall not include: (i) hospice services provided by an entity
29 subject to licensure under section 57D of chapter 111; (ii) home health services provided by an
30 entity subject to licensure under section 51K of said chapter 111; (iii) services provided by a
31 personal care attendant in the commonwealth’s personal care attendant program as defined in
32 130 CMR 422.000; or (iv) services provided under the MassHealth adult foster care program as
33 defined in 130 CMR 408.402.

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

36 “PCA quality home care workforce council”, the council established in section 71 of
37 chapter 118E.

38 “Personal care attendant”, as defined in section 70 of chapter 118E.

39 “Surrogate”, as defined in said section 70 of chapter 118E.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

113 (f) The executive office shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

290 SECTION 8. Members of the home care oversight advisory council established in section
291 16KK of chapter 6A of the General Laws shall be named and the council shall commence its
292 work within 60 days of the effective date of this act.