SENATE DOCKET, NO. 2135 FILED ON: 1/17/2025

SENATE . . . . . No. 496

The Commonwealth of Massachusetts

PRESENTED BY:

John C. Velis

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:	
John C. Velis	*Hampden and Hampshire*	
James B. Eldridge	*Middlesex and Worcester*	*6/12/2025*

SENATE DOCKET, NO. 2135 FILED ON: 1/17/2025

SENATE . . . . . No. 496

By Mr. Velis, a petition (accompanied by bill, Senate, No. 496) of John C. Velis for legislation to clarify accountability for policy and budgetary decision-making in nursing homes. Elder Affairs.

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:

SECTION 1. Section 115 of chapter 112 of the general laws as appearing in the 2022 Official Edition is hereby amended by inserting after subsection (e) the following new subsection:-

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

For purposes of this act, “care needs,” shall mean the sum total of the programs, services, staffing, dietary, recreational, rehabilitative, and medical equipment identified in the care plans of each resident including, but not limited to the apportioned cost of all aspects of housing and management for said residents.

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

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

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

SECTION 3. Chapter 111 of the General Laws is hereby amended by inserting after section 72BB the following new section:-

Section 72CC. If, upon determination by the department of public health, it appears that the budget of any facility licensed pursuant to the provisions of chapter 111 of the general laws as appearing in the 2022 Official Edition, is insufficient to meet the care needs of the residents,

said department shall, after public hearing, may apply sanctions upon the facility up to, and including, revocation of the facility license or receivership. The department of public health is hereby authorized and directed to promulgate regulations to implement this provision.

SECTION 4. Said chapter 111, is hereby further amended, by inserting after section 72CC the following new section:-

Section 72DD. Any adverse event or events that are found by said department to have adversely affected the health, safety or lives of residents, as the direct or indirect result of operating a facility with an insufficient budget, shall be considered the responsibility of the nursing home administrator and/or the medical director if there is a signed affidavit of budget sufficiency, or in the case of operation without a signed affidavit of sufficiency, to owners of the facility of record, may be held criminal and civil liable for such adverse event or events.

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