SENATE DOCKET, NO. 816 FILED ON: 1/14/2025

SENATE . . . . . No. 913

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 to stabilize adult day health services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bruce E. Tarr	*First Essex and Middlesex*

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SENATE . . . . . No. 913

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 913) of Bruce E. Tarr for legislation to stabilize adult day health services. Health Care Financing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *809* OF 2023-2024.]

The Commonwealth of Massachusetts

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

An Act to stabilize adult day health services.

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. Chapter 118 E, Section 13C is hereby amended by inserting at the end thereof the following:

The secretary of the executive office shall have the responsibility for establishing rates of payment for by efficiently and economically operated Adult Day Health Service providers in providing Adult Day Health Services in conformity with federal and state law, regulations and quality and safety standards; provided, that the secretary may designate another governmental unit to perform such ratemaking functions.

When establishing rates of payment for Adult Day Health Services, the secretary of the executive office shall adjust rates to take into account factors, including, but not limited to:

(i) the reasonable cost to Adult Day Health Service providers of any existing or new governmental mandate that has been enacted, promulgated or imposed by any governmental unit or federal governmental authority;

(ii) a cost adjustment actor, to reflect changes in reasonable costs of goods, services, and transportation, of Adult Day Health programs including those attributed to wages and benefits, which shall not be less than the HCP CPI;

(iii) establishing wages and benefits comparable to direct care staff in other health care settings;

(iv) individual ADH Provider differences in real estate and capital costs, including rent, furniture, fixtures, and equipment, and any other capital costs.

SECTION 2. Chapter 118E, Section 13D is amended after the second paragraph by inserting the following:

Such rates for Adult Day Services shall be established as of July 1 biennially.

SECTION 3. Chapter 118E, Section 13D is amended by inserting at the end thereof the following:

Notwithstanding the provisions of any general or special law to the contrary, MassHealth shall reimburse Adult Day Health Programs to reserve a program slot for members for up to 20 medical leave-of-absence days per year and for up to 10 non-medical leave-of-absence annually; provided further, that no Adult Day Health Programs shall reassign a participant's slot during a leave of absence that is eligible for reimbursement under this section a medical leave of absence

shall include any medically necessary absence on a schedule day, a non-medical leave of absence shall include any other absence on a scheduled day.