

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
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Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Kiame Mahaniah, MD, MBA
Secretary

Robert Goldstein, MD, PhD
Commissioner

February 4, 2025

Sen. Patricia D. Jehlen
Joint Committee on Aging and Independence
State House, Room 424
Boston, MA 02133

Sen. Michael J. Rodrigues
Senate Committee on Ways & Means
State House, Room 212
Boston, MA 02133


Rep. Thomas M. Stanley
Joint Committee on Aging and Independence
State House, Room 167
Boston, MA 02133

Rep. Aaron M. Michlewitz
House Committee on Ways & Means
State House, Room 243
Boston, MA 02133

Dear Chairs,

Pursuant to Section 2UUUU of Chapter 29 of the Massachusetts General Laws, please find enclosed a report from the Department of Public Health entitled *Long-Term Care Facility Quality Improvement Fund Annual Report FY23*.

Sincerely,


Robert H. Goldstein, MD, PhD
Commissioner
Department of Public Health

MAURA T. HEALEY
GOVERNOR

KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR



KIAME MAHANIAH, MD, MBA
SECRETARY

ROBERT GOLDSTEIN, MD, PhD
COMMISSIONER

Long-Term Care Facility Quality Improvement Fund Annual Report

2023 Annual Report

Legislative Mandate

This report is issued pursuant to Section 2UUUU of Chapter 29 of the Massachusetts General Laws ("M.G.L.") which reads as follows:

There shall be a Long-Term Care Facility Quality Improvement Fund. The commissioner of public health shall administer the fund and shall make expenditures from the fund for measures to improve the safety and quality of care provided in long-term care facilities including, but not limited to: (i) staff training and education; (ii) technical assistance to implement best practices; (iii) dissemination of best practice models on quality of care; (iv) state operation of facilities pending correction of deficiencies or closure; (v) costs of relocating residents from 1 facility to another; and (vi) funding to support adequate department resources to inspect facilities under state and federal law.

The fund shall consist of: (i) revenue generated from fines and penalties imposed by the department on long-term care facilities under section 73 of chapter 111; (ii) revenue from appropriations or other money authorized by the general court and specifically designated to be credited to the fund; and (iii) funds from public or private sources including, but not limited to, gifts, grants, donations, rebates and settlements received by the commonwealth that are specifically designated to be credited to the fund. The department may incur expenses and the comptroller may certify for payment amounts in anticipation of expected receipts; provided, however, that no expenditure shall be made from the fund that shall cause the fund to be deficient at the close of a fiscal year. Amounts credited to the fund shall not be subject to further appropriation and money remaining in the fund at the close of a fiscal year shall not revert to the General Fund. The commissioner shall report annually, not later than October 1, on the fund's activity to the senate and house chairs of the joint committee on elder affairs and the house and senate committees on ways and means. The report shall include, but not be limited to: (1) revenue received by the fund; and (2) expenditures from the fund, including the recipient, date and reason for the expenditure.

Annual Report for the Long-Term Facility Quality Improvement Fund (the “Fund”)

This annual report provides the revenue received by, and expenditures from, the Fund during state fiscal year (“FY”) 2023, which runs from July 1, 2022 through June 30, 2023 (“FY23”). Revenue for the Fund is primarily generated by fines and penalties imposed pursuant to [M.G.L. c. 111, § 73](#) and funds from settlements with long-term care facilities received by the Office of Attorney General. Section 73 authorizes the Department to impose fines and penalties on long-term care facilities that operate unlicensed or otherwise violate any provision of M.G.L. c. 111, §§ 71 through 73 or any rule or regulation promulgated under M.G.L. c. 111, §§ 71, 72, and 72C.

During FY23, M.G.L. c. 111, § 73 authorized the Department to impose an initial fine of \$500 dollars on a long-term care facility that operates without a license, or who licensed, violates a statutory requirement under sections 71 through 73. For subsequent violations, the Department is authorized to impose a fine of not more than \$1,000. The Department is further authorized to impose an initial fine of \$50 on a long-term care facility that is found to have violated any rule or regulation promulgated under sections 71, 72, and 72C and \$50 per day for each day the cited violation remains uncorrected after the date directed by the Department.

The chart below documents the balance of the Fund at the beginning and end of FY23, as well as the amounts received into and expended from the Fund during that period.

Description	Amount
Fund Balance Beginning FY23	\$945,894.93
Total Revenue Received	\$195,055.00
Total Expenditures	\$3,598.90
Fund Balance Ending FY23	\$1,137,351.03

In FY23, the expenditures were disbursed to Mass Senior Care Association for the administration of a project to Massachusetts licensed Rest Homes and non-CMS certified Nursing Homes to reimburse for COVID-19 Public Health Emergency supplies, e.g., Infection Control Devices and HEPA filtration devices.

The Department continues to explore additional opportunities for expenditures from the Fund for measures that may improve the safety and quality of care provided in long-term care facilities.