

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



TUESDAY, MAY 29, 2018

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JOURNAL OF THE SENATE.

Tuesday, May 29, 2018.

Met at twenty-one minute past eleven o'clock A.M. (Mr. Boncore in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Report.

Report of the Executive Office of Labor and Workforce Development (pursuant to Section 14F of Chapter 151A of the General Laws) submitting the May 2018 Unemployment Insurance Trust Fund report (received May 25, 2018),-- **was placed on file.**

DUA,-- May 2018
report.
SD2661

Petition.

Mr. Timilty presented a petition (accompanied by bill) (subject to Joint Rule 12) of Walter F. Timilty for legislation to establish a sick leave bank for James Lovett, an employee of the Department of Conservation and Recreation;

James Lovett,--
sick leave.
SD2660

Referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Mr. Welch, for the committee on Health Care Financing, on Senate, No. 602 and House, No. 1148, a Bill relative to the treatment of epilepsy and seizure disorders (Senate, No. 602) [Estimated cost: greater than \$100,000];

Epilepsy and seizure
disorders,--
treatment.

By the same Senator, for the same committee, on petition, a Bill relative to the primary care workforce development and loan repayment grant program at community health centers (Senate, No. 608) [Estimated cost: greater than \$100,000];

Community health
centers,-- grant
program.

By the same Senator, for the same committee, on petition, a Bill to study disparities in health care resulting from changes in marital status (Senate, No. 609) [Estimated cost: greater than \$100,000];

Health care
disparities,-- study.

By the same Senator, for the same committee, on Senate, No. 612 and House, No. 101, a Bill improving public health through a common application for core food, health and safety-net programs (Senate, No. 612) [Estimated cost: greater than \$100,000];

Food, health and
safety-net programs.

By the same Senator, for the same committee, on petition, a Bill relative to continuity of care for families enrolled in MassHealth (Senate, No. 613) [Estimated cost: greater than \$100,000];

MassHealth,-- care.

By the same Senator, for the same committee, on petition, a Bill promoting workforce development and provider retention at community health centers (Senate, No. 633) [Estimated cost: greater than \$100,000];

Community health
centers,-- residency
program.

By the same Senator, for the same committee, on petition, a Bill to improve access to family physicians (Senate, No. 636) [Estimated cost: greater than \$100,000];

Family physicians,--
access.

By the same Senator, for the same committee, on petition, a Bill relative to review of provider material changes (Senate, No. 650) [Estimated cost: greater than

Provider,-- material
changes.

\$100,000];

By the same Senator, for the same committee, on Senate, No. 654 and House, No. 2210, a Bill relative to transfer of assets by MassHealth members (Senate, No. 654) [Estimated cost: greater than \$100,000]; and

By the same Senator, for the same committee, on petition, a Bill relative to consumer protection for prescription drug purchases (Senate, No. 2108) [Estimated cost: greater than \$100,000];

Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

Committees Discharged.

Mr. Welch, for the committee on Health Care Financing, reported, asking to be discharged from further consideration

Of the Senate Bills

To assist families caring for elders (Senate, No. 43);

Relative to cueing and supervision in the PCA program (Senate, No. 60);

Ensuring consumer choice and equal access to eye care (Senate, No. 1242);

To contain health care costs and improve access to value based nurse practitioner care as recommended by the IOM and FTC (Senate, No. 1257);

Relative to the definition of podiatry (Senate, No. 1260);

To improve patient access to cancer clinical trial programs (Senate, No. 2159);

Advancing and expanding access to telemedicine services (Senate, No. 2471); and

Of the House Bills

Ensuring consumer choice and equal access to eye care (House, No. 1169);

Relative to a special commission to study electric and magnetic fields (House, No. 1192);

Relative to the definition of podiatry (House, No. 2450);

To contain health care costs and improve access to value based nurse practitioner care as recommended by the IOM and FTC (House, No. 2451); and

Of the petition (accompanied by bill, Senate, No. 606) of Harriette L. Chandler, Kate Hogan, Diana DiZoglio, Carolyn C. Dykema and other members of the General Court for legislation to establish criteria for Masshealth hardship waivers;

Of the petition (accompanied by bill, Senate, No. 607) of Harriette L. Chandler for legislation relative to liability for medical assistance paid;

Of the petition (accompanied by bill, Senate, No. 629) of Patricia D. Jehlen, Brendan P. Crighton, Thomas M. McGee, Jason M. Lewis and other members of the General Court for legislation to preserve special needs trusts for disabled seniors;

Of the petition (accompanied by bill, Senate, No. 635) of Eric P. Lesser, Jason M. Lewis and Barbara A. L'Italien for legislation to improve the accessibility and affordability of pharmaceutical drugs of public health concern;

Of the petition (accompanied by bill, Senate, No. 639) of Jason M. Lewis, Brendan P. Crighton, Thomas M. McGee, Jack Lewis and other members of the General Court for legislation to update Medicaid resource limits for seniors;

Of the petition (accompanied by bill, Senate, No. 640) of Jason M. Lewis, James M. Cantwell, Thomas M. McGee, Jack Lewis and other members of the General Court for legislation relative to Medicare savings programs eligibility;

MassHealth,--
transfer of assets.

Prescription drugs,--
consumer protection.

Elders,-- family members.

PCA program,-- supervision.

Eye care,-- consumer access.

Nurse practitioner
care.

Podiatry,-- definition.

Cancer,-- clinical
trial programs.

Telemedicine
services,-- access.

Eye care,-- access.

Magnetic fields,--
commission.

Podiatry,-- definition.

Nurse practitioner
care.

Masshealth,--
hardship waivers.

Medical assistance,--
liability.

Disabled seniors,--
trusts.

Pharmaceutical
drugs,-- accessibility.

Medicaid resource
limits,-- seniors.

Medicare savings
programs,--
eligibility.

Of the petition (accompanied by bill, Senate, No. 658) of Marc R. Pacheco, Angelo L. D'Emilia, Michael F. Rush, Sal N. DiDomenico and other members of the General Court for legislation to remove the restrictions on the licenses of certified registered nurse anesthetists as recommended by the Institute of Medicine and the Federal Trade Commission;

Nurse anesthetists,-- restrictions.

Of the petition (accompanied by bill, Senate, No. 1175) of Cynthia S. Creem for legislation to make a technical changes to the Betsy Lehman Center for Patient Safety and Medical Error Reduction enabling statute;

Betsy Lehman Center,-- technical changes.

Of the petition (accompanied by bill, House, No. 2452) of Paul J. Donato and others relative to nurses and nurse anesthetists; and

Nurse anesthetists.

Of the petition (accompanied by bill, House, No. 3956) of Denise Rochon relative to recovery of costs for certain medical assistance;

Medical assistance,-- costs.

And recommending that the same severally be referred to the committee on Ways and Means;

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

Severally sent to the House for concurrence in the discharge of the joint committee.

PAPERS FROM THE HOUSE

Petitions were referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 4533) of David Paul Linsky and Richard J. Ross (by vote of the town) relative to the removal of elected financial officials in the town of Sherborn;

Sherborn,-- elected officials.

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 4522) of Carmine L. Gentile, Alice Hanlon Peisch and Richard J. Ross (by vote of the town) relative to prevailing wages for certain affordable housing projects in the town of Wayland;

Wayland,-- affordable housing.

To the committee on Labor and Workforce Development.

Petition (accompanied by bill, House, No. 4534) of Daniel M. Donahue and Michael O. Moore (with the approval of the city council) that the city of Worcester be authorized to lease a certain building;

Worcester,-- leases.

To the committee on Municipalities and Regional Government.

Petition(accompanied by bill, House, No. 4535) of John J. Mahoney, Daniel M. Donahue and James J. O'Day (with the approval of the city council) relative to the disability retirement of Brian Patrick Carroll, a firefighter for the city of Worcester;

Worcester,-- Brian Patrick Carroll.

To the committee on Public Service.

A Bill relative to the Municipal Police Training Fund (House, No.4516,-- on House, No. 4231, in part),-- was read and, under Senate Rule 27, referred to the committee on Ways and Means.

Municipal Police Training Fund.

Bills

Authorizing the merger of the Salvation Army of Massachusetts, Inc. into the Salvation Army, a New York corporation (House, No. 3691,-- on petitions); and

Salvation Army.

Authorizing the treasurer of the Mohawk Trail Regional School District to invest the Carl H. Nilman Scholarship Trust Fund (House, No. 4094,-- on petition); and

Mohawk Trail Regional School District,-- investment.

Were severally read and, under Senate Rule 26, referred to the committee

on Rules.

A Bill authorizing the city of Newburyport to hold a special election for the purpose of accepting the terms of Clause forty-first C1/2 of section 5 of Chapter 59 of the General Laws (House, No. 4249,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Newburyport,--
election.

There being no objection, at twenty-two minutes past eleven o'clock A.M., the Chair (Mr. Boncore) declared a recess, subject to the call of the Chair; and at seventeen minutes before one o'clock P.M., the Senate reassembled, Mr. Boncore in the Chair.

Recess.

The Chair (Mr. Boncore), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

PAPERS FROM THE HOUSE

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Felix Cruz, an employee of the Department of Youth Services (see House, No. 4381), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 2 to 0.

Felix Cruz,-
sick leave.

The bill was signed by the Acting President (Mr. Boncore) and sent to the House for enactment.

An engrossed Bill establishing a sick leave bank for Audrey Art, an employee of the department of children and families (see House, No. 4451), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 8 to 0.

Audrey Art,-
sick leave.

The bill was signed by the Acting President (Mr. Boncore) and sent to the House for enactment.

A Bill to establish a sick leave bank for Maria Benitez, an employee of the Department of Children and Families (House, No. 4474,-- on petition),-- was read.

Maria Benitez,-- sick
leave.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time and ordered to a third reading.

A Bill to establish a sick leave bank for Barbara Harrington, an employee of the Department of State Police (House, No. 4484,-- on petition),-- was read.

Barbara Harrington,--
sick leave.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time and ordered to a third reading.

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 4541) of Brian M. Ashe and others

Community Based
Day Support

that the Department of Developmental Services be authorized to incorporate an employment program within the Community Based Day Support Services programs;

Services.

Under suspension of Joint Rule 12, to the committee on Children, Families and Persons with Disabilities.

Petition (accompanied by bill, House, No. 4542) of James J. Dwyer relative to the use of community preservation funding by local public housing authorities;

Community preservation funding.

Under suspension of Joint Rule 12, to the committee on Housing.

Petition (accompanied by bill, House, No. 4543) of Peter V. Kocot relative to reviving and further continuing the special commission established to investigate and report on the preservation of Polish culture and history in the Pioneer Valley;

Polish culture and history,-- commission.

Under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

The following House Orders (approved by the committees on Rules of the two branches, acting concurrently) were considered as follows:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Health Care Financing be granted until Wednesday, June 13, 2018 within which time to make its final report on current Senate documents numbered 631 and 2112, and House documents numbered 591, 596, 597, 601, 608, 610, 615, 617, 619, 620, 1218, 2074, 2215, 2217, 2219, 2434, 2459, 2470, 2567, 2983, 2985, 2986, 2987, 2988, 2990, 3223, 3248, 3582, 3704, 3829, 4127, 4259, 4332, 4333, 4355 and 4362.

Health Care Financing,-- extension order.

The rules were suspended, on motion of Mr. Tarr, and, after remarks, the order (House, No. 4515) was considered forthwith; and adopted, in concurrence.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Marijuana Policy be granted until Wednesday, June 6, 2018 within which time to make its final report on current House document numbered 4379.

Marijuana Policy,-- extension order.

The rules were suspended, on motion of Mr. Tarr, and, after remarks, the order (House, No. 4484) was considered forthwith; and adopted, in concurrence.

Report of a Committee.

By Ms. Spilka, for the committee on Ways and Means, that the House Bill providing continued investment in the life sciences industry in the Commonwealth (House, No. 4501),-- ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2357).

Unsolicited loans.

Order Adopted.

Ms. Spilka offered the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill providing continued investment in the life sciences industry in the Commonwealth (House, No. 4501) (the committee on Ways and Means having recommended that the bill ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2531) shall be placed in the Orders of the Day for a second reading on Thursday, May 31, 2018.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the

Senate by 5:00 P.M., on Wednesday, May 30, 2018. All such amendments shall be second-reading amendments to the proposed Ways and Means new text (Senate, No. 2531), but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

Under the rules, referred to the committee on Rules.

Subsequently, Mr. Montigny, for the said committee, reported, recommending that the order ought to be adopted.

The rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, March 30, 2018, for a second reading with the amendment pending.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday next at eleven o'clock A.M., in a full formal session with a calendar.

Time of meeting.

On motion of the same Senator, at six minutes before one o'clock P.M., the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.