

1 **SECTION 4.** Chapter 3 of the General Laws is hereby amended by adding the following
2 section:-

3 Section 71. (a) There shall be a permanent special legislative commission on older
4 lesbian, gay, bisexual and transgender, hereinafter referred to as LGBT, adults and their
5 caregivers to consist of the following members, or their designees: the house and senate chairs of
6 the joint committee on elder affairs, who shall serve as co-chairs; the secretary of elder affairs;
7 the director of housing and community development; the commissioner of public health; the
8 director of the LGBT Aging Project; the president of Fenway Health; the executive director of
9 the Gay & Lesbian Advocates & Defenders; a representative of the National Association on HIV
10 Over Fifty, Inc.; the executive director of MassEquality; the executive director of the Mass
11 Home Care; the director of AARP Massachusetts; the executive director of the Massachusetts
12 Association of Councils on Aging, Inc.; the director of the Massachusetts Senior Care
13 Association; the director of the Massachusetts Council for Home Care Aides Services, Inc.; and
14 5 members appointed by the governor, 1 of whom shall be a member of the Massachusetts bar
15 who practices elder law, 1 of whom shall be an expert in LGBT public policy or research and 3
16 LGBT elders, at least 1 of whom shall be transgender. The governor's appointees shall ensure
17 that the commission has at least 1 representative from each of the following areas: Cape Cod,
18 western Massachusetts and central Massachusetts.

19 (b) The commission shall investigate, analyze and study the health, housing, financial,
20 psychosocial and long-term care needs of older LGBT adults and their caregivers and shall make
21 recommendations to improve access to benefits and services where appropriate and necessary.
22 In furtherance of its duties, the commission shall: (1) examine the impact of state policies and
23 regulations on LGBT older adults and make recommendations to ensure equality of access,
24 treatment, care and benefits; (2) examine strategies to increase provider awareness of the needs
25 of LGBT older adults and their caregivers and improve the competence of and access to
26 treatment, services and on-going care, including preventive care; (3) assess the funding and
27 programming needed to enhance services to the growing population of LGBT older adults; (4)
28 examine best practices for increasing access, reducing isolation, preventing abuse and
29 exploitation, promoting independence and self-determination, strengthening caregiving,
30 eliminating disparities and improving quality of life; (5) examine whether certain policies and
31 practices, or the absence thereof, promote the premature admission of LGBT older adults to
32 institutional care; (6) recommend, as appropriate and necessary, lower cost and culturally
33 appropriate home and community-based alternatives to institutional care; (7) examine the
34 feasibility of developing statewide training curricula to improve provider competency in the
35 delivery of health, housing and long-term support services to older LGBT adults and their

36 caregivers; and (8) examine outreach protocols to reduce apprehension among LGBT elders and
37 caregivers of utilizing mainstream providers.

38 (c) The commission, in formulating its recommendations, shall take into account the best
39 policies and practices in other states and jurisdictions. The commission may hold regular public
40 meetings, fact-finding hearings and other public forums as it considers necessary.

41 (d) The commission may accept and solicit funds, including any gifts, donations, grants
42 or bequests or any federal funds, to further the purposes of this section. These funds shall be
43 deposited in a separate account with the state treasurer, be received by the treasurer on behalf of
44 the commonwealth, and be expended by the commission in accordance with law.

45 (e) The commission shall annually report its activities and findings, as well as any
46 recommendations to the governor, the clerks of the house of representatives and the senate and
47 the house and senate chairs of the joint committee on elder affairs on or before December 31.

48 **SECTION 5.** Section 16Y of chapter 6A of the General Laws is hereby repealed.

49 **SECTION 6.** Chapter 29 of the General Laws is hereby amended by inserting after section
50 2RRRR, inserted by section 48 of chapter 46 of the acts of 2015, the following 2 sections:-

51 Section 2SSSS. There shall be established and set up on the books of the
52 commonwealth a separate fund to be known as the MassHealth Delivery System Reform Trust
53 Fund, referred to herein as the fund. The secretary of health and human services shall be the
54 trustee of the fund and shall expend money in the fund for the purposes described herein. There
55 shall be credited to the fund: (i) any transfers from the Health Safety Net Trust Fund established
56 by section 66 of chapter 118E; (ii) an amount equal to any federal financial participation
57 revenues claimed and received by the commonwealth for eligible expenditures made from the
58 fund; and (iii) any revenue from appropriations or other monies authorized by the general court
59 and specifically designated to be credited to the fund. Amounts credited to the fund shall be
60 expended without further appropriation.

61 The fund's resources may be expended for Medicaid payments, including enhanced
62 service payments, and incentive payments to qualifying providers or care organizations under
63 an approved state plan or federal waiver; provided, that all payments from the fund shall be: (i)
64 subject to the availability of federal financial participation; (ii) made only under federally-
65 approved payment methods; (iii) consistent with federal funding requirements and all federal
66 payment limits as determined by the secretary of health and human services; and (iv) subject to
67 the terms and conditions of an agreement with the executive office of health and human
68 services. Effective October 1 of each provider or care organization rate year, the secretary of

69 health and human services shall expend amounts in the fund for MassHealth services provided
70 by qualifying acute care hospital providers under contract with the executive office of health
71 and human services or under subcontracts with managed care organizations that contract with
72 said executive office in connection with the MassHealth program; provided, that not less than
73 the amount necessary to satisfy the non-federal share of \$250,000,000 in payments to said
74 hospitals directly or to said managed care organizations for their payments to hospitals
75 participating in their respective provider networks; provided further, that the sum of all
76 projected payments to said hospitals or managed care organizations shall not exceed
77 \$250,000,000 annually and such \$250,000,000 in payments shall be in addition to the sum of (i)
78 the amount of reimbursement otherwise provided for and payable in each contract year to said
79 hospitals under contracts executed pursuant to the request for applications issued periodically
80 by the executive office of health and human services for the procurement of acute care hospital
81 services under the MassHealth program; and (ii) the portion, as determined by the secretary, of
82 payments made under the contracts executed between managed care organizations and the
83 executive office of health and human services which are projected to be needed by said
84 managed care organizations for payments to hospitals contracted to participate in the provider
85 networks of said managed care organizations. The funds credited and deposited into the fund,
86 which are not expended for the \$250,000,000 in additional payments directed by the preceding
87 sentence, may be expended for incentive payments to care organizations or providers under
88 contract with the executive office of health and human services to provide MassHealth services;
89 provided, that all such incentive payments shall be consistent with the relevant provisions of the
90 commonwealth's Medicaid state plan under Title XIX of the federal social security act, or any
91 waiver of said Title XIX provisions granted by the federal centers for Medicare and Medicaid
92 services.

93 To accommodate timing discrepancies between the receipt of revenue and related
94 expenditures, the comptroller may certify for payment amounts not to exceed the most recent
95 estimate of revenues as certified by the secretary of health and human services to be transferred,
96 credited or deposited under this section. Monies remaining in the fund at the end of a fiscal year
97 shall not revert to the General Fund; provided, however, that the comptroller shall report the
98 amount remaining in the fund at the end of each fiscal year to the house and senate committees
99 on ways and means.

100 Section 2TTTT. There shall be a Massachusetts Sexual Assault Nurse Examiner Trust
101 Fund, hereinafter referred to as the trust fund. The trust fund shall be administered by the
102 commissioner of public health for the purpose of supporting the sexual assault nurse examiner
103 program. There shall be credited to the trust fund all monies received from public or private
104 sources for the sexual assault nurse examiner program, including, but not limited to, gifts,
105 grants, donations, bequests, contributions of cash or securities, contributions of services or
106 property in kind from persons or other governmental, non-governmental, quasi-governmental or

107 local governmental entities. Expenditures from the trust fund shall be made to support the
108 sexual assault nurse examiner program, including, but not limited to: (i) costs of the sexual
109 assault nurse examiner program, including coordination and oversight of sexual assault nurse
110 examiner services; (ii) wrap-around services for sexual assault patients of all ages that may
111 include medical follow-up, behavioral health intervention, or crisis intervention; (iii) training
112 that supports certification and recertification of sexual assault nurse examiners, including
113 expenditures for training consultants, materials and venues, continuing education, and
114 professional development opportunities; (iv) educational, outreach, and technical assistance
115 efforts for professional and public audiences that may include training and outreach material
116 development and production; (v) costs associated with sexual assault nurse examiner and sexual
117 assault programs, grants and initiatives of the director; and (vi) other services needed by the
118 sexual assault nurse examiner program to support program operations and development. The
119 department of public health may incur expenses, and the comptroller may certify amounts for
120 payment, in anticipation of expected receipts; provided, however, that no expenditure shall be
121 made from the fund which shall cause the fund to be in deficit at the close of the fiscal year.
122 Amounts credited to the fund shall not be subject to further appropriation and monies remaining
123 in the fund at the end of a fiscal year shall not revert to the General Fund and shall be available
124 for expenditure in the subsequent fiscal year.

125 **SECTION 7.** Subsection (i) of section 184C of chapter 94 of the General Laws, as appearing in
126 the 2014 Official Edition, is hereby amended by inserting after the second sentence the following
127 sentence:-

128 For the purposes of this subsection, and unless the deputy director determines otherwise,
129 individual items that differ only by color, flavor or scent shall be counted as the same item if
130 they are identical in all other aspects, including price, size and brand.

131 **SECTION 8.** Section 7 of chapter 94C of the General Laws, as amended by sections 82 and 83
132 of chapter 46 of the acts of 2015, is hereby further amended by inserting after the word
133 “druggist”, each time it appears, in the fifth and sixth sentences, the following words:- or
134 outsourcing facility.

135 **SECTION 9.** Section 3 of chapter 111B of the General Laws, as appearing in the 2014 Official
136 Edition, is hereby amended by striking out the words “intoxicated persons or alcoholics”, in line
137 17, and inserting in place thereof the following words:- incapacitated persons, or any acute-care
138 hospital or satellite emergency facility, as defined in section 51 ½ of chapter 111.

139 **SECTION 10.** Said section 3 of said chapter 111B, as so appearing, is hereby further amended
140 by striking out the words “the condition of an intoxicated person who, by reason of the
141 consumption of intoxicating liquor is”, in lines 24 and 25, and inserting in place thereof the

142 following words:- the condition of a person who, by reason of the consumption of an intoxicating
143 liquor, controlled substance, toxic vapor or other substance that causes the individual to become.

144 **SECTION 11.** Said section 3 of said chapter 111B, as so appearing, is hereby further amended
145 by striking out, in lines 35 and 36, the words “intoxicated persons and alcoholics” and inserting
146 in place thereof the following words:- individuals with an alcohol use disorder or substance use
147 disorder, or any acute-care hospital or satellite emergency facility, as defined in section 51 ½ of
148 chapter 111.

149 **SECTION 12.** Said section 3 of said chapter 111B, as so appearing, is hereby further amended
150 by inserting after the words “of alcoholics”, in line 40, the following words:- , or any acute-care
151 hospital or satellite emergency facility, as defined in section 51 ½ of chapter 111.

152 **SECTION 13.** Section 8 of said chapter 111B, as so appearing, is hereby amended by inserting
153 after the word “incapacitated”, in line 1, the following words:- by reason of the consumption of
154 intoxicating liquor.

155 **SECTION 14.** Said section 8 of said chapter 111B, as so appearing, is hereby further amended
156 by striking, in line 37, the words “incapacitated person” and inserting in place thereof the
157 following words:- person incapacitated by reason of the consumption of intoxicating liquor.

158 **SECTION 15.** Said section 8 of said chapter 111B, as so appearing, is hereby further amended
159 by striking, in lines 45 and 46, the words “an incapacitated person” and inserting in place thereof
160 the following words:- a person incapacitated by reason of the consumption of intoxicating liquor.

161 **SECTION 16.** Said chapter 111B is hereby amended by inserting after section 8 the following
162 section:-

163 Section 8A. Any person who is incapacitated for a reason other than the consumption of
164 intoxicating liquor may be assisted by a police officer, with or without the person’s consent, to
165 the person’s residence or to a facility. For purposes of this section, to determine whether or not a
166 person is incapacitated, the police officer may request the person to submit to reasonable tests of
167 coordination, coherency of speech and breath. Only when such tests indicate that the person is
168 incapacitated shall the person be placed into protective custody and immediately transferred to
169 the person’s residence or to a facility for treatment. Whenever a police officer assists any person
170 under the age of 18 in accordance with this section, the police officer shall notify the parent or
171 guardian of any such person forthwith.

172 No person assisted in accordance with this section shall be held in protective custody at a
173 police station or against the person’s will; provided, that a police officer may hold an

174 incapacitated person in protective custody while attempting to locate that person's residence or a
175 facility or transporting an incapacitated person to that person's residence or a facility.

176 A police officer acting in accordance with the provisions of this section may use such
177 force as is reasonably necessary to carry out the officer's authorized responsibilities. If the
178 police officer reasonably believes that the officer's safety or the safety of other persons present
179 so requires, the officer may search the person assisted and the immediate surroundings of such
180 person, but only to the extent necessary to discover and seize any items or dangerous weapons
181 which may on that occasion pose a danger to the person, the officer or other persons present;
182 such items taken shall be inventoried and returned to the person when the person is no longer
183 incapacitated.

184 A person assisted in accordance with this section shall not be considered to have been
185 arrested or to have been charged with any crime. An entry of custody shall be made indicating
186 the date, time, place of custody, the name of the assisting officer and the name of the officer in
187 charge. Any such entry shall not be treated for any purposes as an arrest or criminal record.

188 **SECTION 17.** Section 64 of chapter 118E of the General Laws, as so appearing, is hereby
189 amended by striking out the definition "total acute hospital assessment amount" and inserting in
190 place thereof the following definition:-

191 "Total acute hospital assessment amount", an amount equal to \$410,000,000 plus 50
192 percent of the estimated cost, as determined by the secretary of administration and finance, of
193 administering the health safety net and related assessments in accordance with sections 65 to
194 69, inclusive, including those assessments transferred to the MassHealth Delivery System
195 Reform Trust Fund.

196 **SECTION 18.** Section 64 of said chapter 118E, as so appearing, is hereby amended by striking
197 out the definition "total acute hospital assessment amount", as inserted by section 17, and
198 inserting in place thereof the following definition:-

199 "Total acute hospital assessment amount", an amount equal to \$160,000,000 plus 50 per
200 cent of the estimated cost, as determined by the secretary of administration and finance, of
201 administering the health safety net and related assessments in accordance with sections 65 to
202 69, inclusive.

203 **SECTION 19.** Subsection (b) of section 66 of said chapter 118E, as so appearing, is hereby
204 amended by striking out the second sentence and inserting in place thereof the following 2
205 sentences:-

206 The office shall transfer \$250,000,000 of the amounts paid by acute hospitals under section 67
207 to the MassHealth Delivery System Reform Trust Fund established under section 2SSSS of
208 chapter 29. The office shall expend amounts in the fund, except for amounts transferred to the
209 Commonwealth Care Trust Fund or the MassHealth Delivery System Reform Trust Fund, for
210 payments to hospitals and community health centers for reimbursable health services provided
211 to uninsured and underinsured residents of the commonwealth, consistent with the requirements
212 of this section and section 69 and the regulations adopted by the office.

213 **SECTION 20.** Section 53 of chapter 146 of the General Laws, as so appearing, is hereby
214 amended by striking out subsection (e) and inserting in place thereof the following 3
215 subsections:-

216 (e) A public utility company that operates self-propelled truck mounted cranes, derricks
217 and similar hoisting equipment for the maintenance and construction of the equipment of such
218 company shall be exempt from the provisions of this section; provided, that the company has: (i)
219 at least 1 supervisory employee who holds a license issued by the department pursuant to this
220 section, who is designated as the responsible person in charge of such hoisting equipment; and
221 (ii) a company in-service training program for employees. Such exemption shall only apply if the
222 in-service training program for employees has been approved by the department. The in-service
223 training program may be audited by the department. The public utility company shall issue a
224 company license to each trained and certified employee which shall contain a picture of the
225 licensee, a list of the specific hoisting equipment that the licensee has been qualified to operate
226 and the signature of the supervisory employee who holds a department license. The
227 commissioner may adopt rules and regulations to permit operation of additional types of
228 equipment for which employees of exempt public utility companies have been trained and
229 certified in an approved in-service licensing program.

230 (f) Any other company that has equipment such as cranes, derricks and similar hoisting
231 equipment operated only upon public utility company property or equipment shall be exempt
232 from the provisions of this section; provided, however, that: (i) the company has met the
233 requirements set forth in clauses (i) and (ii) of subsection (e); (ii) such company's employees
234 have obtained a company license from an approved in-service training program of the public
235 utility company for which they are performing work; or (iii) such company's employees are
236 working at the direction of the public utility company and performing work associated with
237 service restoration in connection with a weather or other emergency causing damage to property
238 or equipment. The public utility company shall provide written or electronic notification to the
239 commissioner prior to the commencement of such work.

240 (g) Any other company that operates hoisting equipment specifically limited to industrial
241 lift trucks, forklifts, overhead cranes and other hoisting equipment, specifically authorized by the

242 department and used exclusively on company property shall be exempt from this section;
243 provided, however, that the company has met the requirements of clauses (i) and (ii) of
244 subsection (e) and at least 1 supervisory employee is on site at all times of operation who holds a
245 license issued by the department under this section and who is designated as the responsible
246 person in charge of hoisting equipment during that period of operation.

247 **SECTION 21.** Section 20 of chapter 161A of the General Laws, as so appearing, is hereby
248 amended by striking out, in line 4, the words “not later than April 15”.

249 **SECTION 22.** Sections 131 and 226 of chapter 139 of the acts of 2012 are hereby repealed.

250 **SECTION 23.** Section 186 of chapter 38 of the acts of 2013 is hereby repealed.

251 **SECTION 24.** Chapter 287 of the acts of 2014 is hereby amended by striking out sections 4, 27,
252 34, 91 and 120.

253 **SECTION 25.** Section 32 of chapter 52 of the acts of 2016 is hereby amended by inserting after
254 subsection (h) the following subsection:-

255 (i) The department of public health shall annually collect, in manner to be determined by
256 the department, the frequency and location of substance abuse evaluations ordered pursuant to
257 this section. The department shall report such information to the joint committee on health care
258 financing, the joint committee on mental health and substance abuse and the house and senate
259 committees on ways and means, annually, on or before January 1.

260 **SECTION 26.** The health policy commission, in consultation with the department of public
261 health, shall implement a 2-year pilot program to further test a model of emergency department
262 initiated medication-assisted treatment, including but not limited to buprenorphine and
263 naltrexone, for individuals suffering from substance use disorder. The program shall include
264 referral to and connection with outpatient medication assisted treatment with the goals of
265 increasing rates of engagement and retention in evidence-based treatment. The commission shall
266 implement the program at no more than 3 sites in the commonwealth, to be selected by the
267 commission through a competitive process. Applicants shall demonstrate community need and
268 the capacity to implement the integrated model aimed at providing care for individuals with
269 substance use disorder who present in the emergency setting with symptoms of an overdose or
270 after being administered naloxone. The commission shall consider evidence-based practices
271 from successful programs implemented nationally in the development of the program. The
272 commission may direct not more than \$3,000,000 from the Distressed Hospital Trust Fund
273 established in section 2GGGG of chapter 29 of the General Laws to fund the implementation of
274 the program. The commission shall report to the joint committee on mental health and substance

275 abuse and the house and senate committees on ways and means not later than 12 months
276 following completion of the program on the results of the program, including effectiveness,
277 efficiency and sustainability.

278 **SECTION 27.** Notwithstanding any general or special law to the contrary, the executive office
279 of the trial court shall develop a statewide policy regarding the use of medication assisted
280 therapy and psychotropic medications by candidates for specialty court programs. Said policy
281 shall ensure that: (i) candidates are not disqualified from participation in a specialty court
282 because they have been prescribed medication assisted therapies to aid in substance use disorder
283 recovery or psychotropic medications; and (ii) shall prohibit judges from requiring abstinence
284 from medication assisted therapies prescribed to assist in substance use disorder recovery or
285 psychotropic medications for participation in specialty court programs.

286 **SECTION 28.** Notwithstanding clause (xxiii) of the third paragraph of section 9A of chapter
287 211B of the General Laws or any other general or special law to the contrary, the court
288 administrator may, from the effective date of this act through April 30, 2017, transfer funds
289 from any item of appropriation within the trial court; provided, however, that the court
290 administrator may not transfer more than 5 per cent of funds from items 0339-1001 and 0339-
291 1003 to any other item of appropriation within the trial court. These transfers shall be made in
292 accordance with schedules submitted to the house and senate committees on ways and means.
293 The schedule shall include: (i) the amount of money transferred from any item of appropriation
294 to any other item of appropriation; (ii) the reason for the necessity of the transfer; and (iii) the
295 date on which the transfer shall be completed. A transfer under this section shall not occur until
296 10 days after the revised funding schedules have been submitted in written form to the house
297 and senate committees on ways and means.

298 **SECTION 29.** (a) Notwithstanding any general or special law to the contrary, the unexpended
299 balances in items 0699-0014, 0699-0015, 0699-2005 and 0699-9100 shall be deposited into the
300 State Retiree Benefits Trust Fund, established in section 24 of chapter 32A of the General Laws,
301 on or before June 30, 2017. The amount deposited shall be an amount equal to 30 per cent of all
302 payments received by the commonwealth in fiscal year 2017 under the master settlement
303 agreement in Commonwealth of Massachusetts v. Philip Morris, Inc. et al., Middlesex Superior
304 Court, No. 95-7378.

305 (b) Notwithstanding any general or special law to the contrary, the percentage increase
306 set forth in section 152 of chapter 68 of the acts of 2011 shall not apply in fiscal year 2017.

307 **SECTION 30.** Notwithstanding any general or special law to the contrary, in hospital fiscal
308 year 2017, the office of inspector general may expend a total of \$1,000,000 from the Health
309 Safety Net Trust Fund established in section 66 of chapter 118E of the General Laws for costs

310 associated with maintaining a health safety net audit unit within the office. The unit shall
311 continue to oversee and examine the practices in all hospitals including, but not limited to, the
312 care of the uninsured and the resulting charges. The unit shall also study and review the
313 Medicaid program under said chapter 118E including, but not limited to, reviewing the program's
314 eligibility requirements, utilization, claims administration and compliance with federal mandates.
315 The inspector general shall submit a report to the executive office of administration and finance
316 and the house and senate committees on ways and means on the results of the audits and any
317 other completed analyses on or before March 1, 2017.

318 **SECTION 31.** Notwithstanding any general or special law to the contrary, the comptroller shall
319 transfer up to \$110,000,000, if the secretary of administration and finance requests in writing, to
320 the General Fund from the Commonwealth Care Trust Fund established in section 2000 of
321 chapter 29 of the General Laws.

322 **SECTION 32.** Notwithstanding any general or special law to the contrary, the amounts
323 transferred pursuant to subdivision (1) of section 22C of chapter 32 of the General Laws shall be
324 made available for the Commonwealth's Pension Liability Fund established in section 22 of said
325 chapter 32. The amounts transferred pursuant to said subdivision (1) of said section 22C of said
326 chapter 32 shall meet the commonwealth's obligations pursuant to said section 22C of said
327 chapter 32, including retirement benefits payable by the state employees' retirement system and
328 the state teachers' retirement system, for the costs associated with a 3 per cent cost-of-living
329 adjustment pursuant to section 102 of said chapter 32, for the reimbursement of local retirement
330 systems for previously authorized cost-of-living adjustments pursuant to said section 102 of said
331 chapter 32 and for the costs of increased survivor benefits pursuant to chapter 389 of the acts of
332 1984. The state board of retirement and each city, town, county and district shall verify these
333 costs subject to rules, which shall be adopted by the state treasurer. The state treasurer may make
334 payments upon a transfer of funds to reimburse certain cities and towns for pensions to retired
335 teachers, including any other obligations which the commonwealth has assumed on behalf of any
336 retirement system other than the state employees' retirement system or state teachers' retirement
337 system, including the commonwealth's share of the amounts to be transferred pursuant to section
338 22B of said chapter 32. All payments for the purposes described in this section shall be made
339 only pursuant to distribution of monies from the fund and any distribution and the payments for
340 which distributions are required shall be detailed in a written report filed quarterly by the
341 secretary of administration and finance with the house and senate committees on ways and
342 means and the joint committee on public service in advance of the distribution. Distributions
343 shall not be made in advance of the date on which a payment is actually to be made. The state
344 board of retirement may expend an amount for the purposes of the board of higher education's
345 optional retirement program pursuant to section 40 of chapter 15A of the General Laws. If the
346 amount transferred pursuant to said subdivision (1) of said section 22C of said chapter 32
347 exceeds the amount necessary to adequately fund the annual pension obligations, the excess

348 amount shall be credited to the Pension Reserves Investment Trust Fund established in
349 subdivision (8) of section 22 of said chapter 32 for the purpose of reducing the unfunded pension
350 liability of the commonwealth.

351 **SECTION 33.** Notwithstanding any general or special law to the contrary, the formula for
352 application of funds provided in section 35J of chapter 10 of the General Laws shall not apply in
353 fiscal year 2017.

354 **SECTION 34.** Notwithstanding any general or special law to the contrary, the threshold above
355 which the comptroller shall make any transfers attributable to capital gains tax collections under
356 section 5G of chapter 29 of the General Laws shall be \$1,278,000,000 during fiscal year 2017.

357 **SECTION 35.** Notwithstanding any general or special law to the contrary, on or before
358 October 1, 2016, and without further appropriation, the comptroller shall transfer from the
359 General Fund to the Health Safety Net Trust Fund established in section 66 of chapter 118E of
360 the General Laws, in this section called the fund, the greater of \$45,000,000 or one-twelfth of
361 the total expenditures to hospitals and community health centers required pursuant to this act,
362 for the purposes of making initial gross payments to qualifying acute care hospitals for the
363 hospital fiscal year beginning October 1, 2016. These payments shall be made to hospitals
364 before, and in anticipation of, the payment by hospitals of their gross liability to the fund. The
365 comptroller shall transfer from the fund to the General Fund, on or before June 30, 2017, the
366 amount of the transfer authorized by this section and any allocation of that amount as certified
367 by the director of the health safety net office.

368 **SECTION 36.** Notwithstanding section 53 of chapter 118E of the General Laws, for fiscal year
369 2017, the executive office of health and human services may determine the extent to which to
370 include within its covered services for adults the federally-optional dental services that were
371 included in its state plan or demonstration program in effect on January 1, 2002; provided that
372 dental services shall be covered for adults at least to the extent covered as of June 30, 2016;
373 provided further, that notwithstanding any general or special law to the contrary, at least 45
374 days before restructuring any MassHealth dental benefits, the executive office of health and
375 human services shall file a report with the executive office for administration and finance and
376 the house and senate committees on ways and means detailing the proposed changes and the
377 anticipated fiscal impact of the changes.

378 **SECTION 37.** Notwithstanding any general or special law to the contrary, the nursing home
379 assessment established in subsection (b) of section 63 of chapter 118E of the General Laws shall
380 be sufficient in the aggregate to generate in fiscal year 2017 the lesser of \$240,000,000, or an
381 amount equal to 6 percent of the revenues received by the taxpayer, as the term "revenues
382 received by the taxpayer" is defined in 42 C.F.R. § 433.68(F)(3)(i)(A).

383 **SECTION 38.** Notwithstanding any general or special law to the contrary, nursing facility and
384 resident care facility rates effective October 1, 2016, pursuant to section 13D of chapter 118E of
385 the General Laws may be developed using the costs of calendar year 2007, or any subsequent
386 year that the secretary of health and human services may select in the secretary's discretion.

387 **SECTION 39.** Notwithstanding any general or special law to the contrary, the comptroller shall
388 transfer the following amounts to the General Fund on or before June 30, 2017: \$4,000,000 from
389 the unexpended balance of the Mental Health Information System Trust Fund; \$2,000,000 from
390 the H.C. Solomon Mental Health Center Trust Fund; \$658,436 from the Cape Cod and Islands
391 Mental Health and Retardation Center Trust Fund; and \$1,000,000 from the Quincy Mental
392 Health Center Trust Fund.

393 **SECTION 40.** Notwithstanding any general or special law to the contrary, the comptroller shall
394 transfer \$5,000,000 from the unexpended balance of the Department of Developmental Services
395 Trust Fund, established in section 2RRR of chapter 29 of the General Laws, to the General Fund
396 no later than June 30, 2017.

397 **SECTION 41.** Notwithstanding any general or special law to the contrary, the secretary of
398 health and human services shall make available \$73,500,000 from the MassHealth Delivery
399 System Reform Trust Fund established in section 2SSSS of chapter 29 to the comptroller for
400 deposit in the General Fund not later than June 30, 2017.

401 **SECTION 42.** Notwithstanding any general or special law to the contrary, the executive office
402 for administration and finance shall transfer up to \$15,000,000 from the Commonwealth Care
403 Trust Fund, established in section 2000 of chapter 29 of the General Laws, to the Health
404 Safety Net Trust Fund, established in section 66 of chapter 118E of the General Laws. The
405 executive office of health and human services and the health safety net office shall fund the
406 hospital fiscal year 2017 payment amount to each hospital for services provided to low-income,
407 uninsured or underinsured residents pursuant to said section 66 and section 69 of said chapter
408 118E from the Health Safety Net Trust Fund. Payments may be made either as safety net care
409 payments under the commonwealth's waiver pursuant to section 1115 of the federal Social
410 Security Act or as an adjustment to Title XIX service rate payments or a combination of both.
411 Other federally permissible funding mechanisms available for public service hospitals, as
412 defined in regulations of the executive office of health and human services, may be used to
413 reimburse up to \$70,000,000 of uncompensated care pursuant to said section 66 and section 69
414 of said chapter 118E using sources distinct from the funding made available to the Health
415 Safety Net Trust Fund. The secretary of administration and finance, in consultation with the
416 secretary of health and human services and the executive director of the commonwealth health
417 insurance connector authority, shall on a quarterly basis evaluate the revenue needs of the

418 health safety net program funded by the Health Safety Net Trust Fund and any subsidized
419 health insurance programs funded by the Commonwealth Care Trust Fund and may transfer
420 monies between these funds as they determine appropriate. The secretary of administration and
421 finance shall notify the house and senate committees on ways and means and the joint
422 committee on health care financing of any proposed transfers between the Health Safety Net
423 Trust Fund and the Commonwealth Care Trust Fund at least 30 days before making any such
424 transfers.

425 **SECTION 43.** Notwithstanding any general or special law to the contrary, the executive office
426 of health and human services shall submit to the house and senate committees on ways and
427 means and the joint committee on healthcare financing on or before December 12, 2016, a report
428 on the Health Safety Net Trust Fund established in chapter 66 of said chapter 118E. The report
429 shall include, but not be limited to the following information: (1) the total number of hospitals
430 currently assessed for the purposes of funding the Health Safety Net Trust Fund in fiscal year
431 2017; (2) the total shortfall amount in the Health Safety Net Trust Fund in fiscal year 2017; (3)
432 the total amount of savings achieved in both fiscal years 2016 and 2017 as a result of any
433 changes to the Health Safety Net eligibility regulations 101 CMR 613.00 implemented by the
434 executive office of health and human services after April 1, 2016; (4) any differences in the
435 number of persons utilizing the Health Safety Net services after any such changes to the Health
436 Safety Net eligibility regulations 101 CMR 613:00 implemented by the executive office of health
437 and human services after April 1, 2016; and (5) any such changes to the total shortfall amount in
438 the Health Safety Net Trust Fund after any changes to the Health Safety Net eligibility
439 regulations 101 CMR 613:00 implemented by the executive office of health and human services
440 after April 1, 2016

441 **SECTION 44.** The executive office of public safety and security, in consultation with the
442 executive office for administration and finance, the department of correction, the Massachusetts
443 Sheriffs' Association, Inc., and the 14 sheriff offices of the commonwealth shall study and report
444 on the feasibility of a chargeback system for department of correction inmates to take part in
445 step-down programs offered by sheriff offices. The report shall include, but not be limited to: (1)
446 the number of inmates that would be eligible to participate in such step-down programs; (2) a
447 funding mechanism for each sheriff's office that accepts inmates; (3) a reimbursement schedule;
448 and (4) potential savings that could be realized by the department of correction. The secretary
449 shall submit the report with any recommended legislation to the house and senate committees on
450 ways and means on or before December 15, 2016.

451 **SECTION 45.** Notwithstanding any general or special law to the contrary, the bureau of
452 purchased services in the operational services division of the executive office for administration
453 and finance shall determine prices for programs pursuant to chapter 71B of the General Laws in
454 fiscal year 2017 by increasing the final fiscal year 2016 price by the rate of inflation as

455 determined by the division. The division shall adjust prices for extraordinary relief as defined in
456 808 CMR 1.06(4). The division shall accept applications for program reconstruction and special
457 circumstances in fiscal year 2017. The division shall authorize the annual price for out-of-state
458 purchasers requested by a program, not to exceed a maximum price determined by the bureau, by
459 identifying the most recent price calculated for the program and applying the estimated rate of
460 inflation for each year, as determined by the bureau pursuant to section 22N of chapter 7 of the
461 General Laws, in which the rate of inflation is frozen beginning with fiscal year 2004, in a
462 compounded manner for each fiscal year.

463 **SECTION 46.** The department of elementary and secondary education, in consultation with the
464 executive office for administration and finance and the executive office of health and human
465 services shall conduct a study on the calculation of low-income students within public school
466 districts as it relates to determining the number of low-income students in the distribution of
467 funding pursuant to chapters 70 and 76 of the General Laws. The study shall include, but not be
468 limited to: (1) the current methodology for determining low-income students; (2) alternatives for
469 adjusting the current methodology based on best practices in other states; (3) effects of adjusting
470 the methodology, including overall low-income student counts, projected low-income counts for
471 school districts, both foundation budget and state funding level impacts for school districts; (4)
472 all data that is currently collected that could be used to identify low-income students; (5)
473 measures to identify eligible low-income students who qualify under the current methodology,
474 but would not qualify under any proposed alternatives; and (6) policies adopted by other states in
475 the implementation of the Community Eligibility Provision of the Healthy, Hunger-Free Kids
476 Act of 2010, Public Law 111-296 as it relates to the calculation of low-income or economically
477 disadvantaged students in a state funding formula. The report shall be filed to the house and
478 senate committees on ways and means on or before December 19, 2016.

479 **SECTION 47.** The department of public health shall conduct a study relative to permitting
480 pharmacists in the commonwealth to fill prescriptions for schedule II narcotics written by mid-
481 level practitioners in contiguous states. The study shall examine the educational requirements for
482 licensing such mid-level practitioners by the contiguous states and whether such standards are
483 equivalent to those in the commonwealth for the licensing of similar professions. The department
484 shall report the results of the study to the joint committee on mental health and substance abuse
485 and the house and senate committees on ways and means on or before December 31, 2016.

486 **SECTION 48.** Sections 6, 17 and 19 of this act shall take effect on October 1, 2016.

487 **SECTION 49.** Section 18 shall take effect on July 1, 2022.

488 **SECTION 50.** Except as otherwise specified, this act shall take effect as of July 1, 2016.