



THE GENERAL COURT OF MASSACHUSETTS
STATE HOUSE, BOSTON, 02133-1053

An Act to Improve Massachusetts Home Care

Conference Report on H.4706

Fact Sheet & Highlights

An Act to improve Massachusetts home care protects and supports older adults and individuals with disabilities by creating a licensing and oversight process for home care agencies whose staff provide non-medical care such as dressing, meal preparation, bathing, companionship, and other tasks that help them safely age in place.

The legislation ensures the safety and security of residents who rely on home care workers, who often provide significant support to not only the individuals utilizing their services but to their families as well.

The details of the legislation are below.

Strengthening Care Providers and Giving Families Peace of Mind

- Creates a licensure process for home care workers to ensure peace of mind for families, safety for people receiving care, and a high level of integrity for all home care workers. The Executive Office of Health and Human Services (EOHHS) would create the licensure structure, which would include background checks. A worker's driving record would also be checked if they provide transportation to their client.
- Sets annual training and competency requirements, which would include:
 - Confidentiality and privacy rights of home care consumers;
 - Infection control and communicable diseases;
 - Handling of emergencies, including safety and falls prevention;
 - Observing, reporting, and documenting changes in home care consumer needs and environment;
 - Identifying and reporting suspected abuse, neglect, or theft; and
 - Understanding Alzheimer's disease and dementia, including person-centered care, activities of daily living, safety, and dementia-related behaviors and communication.

Developing Oversight to Promote Transparency and Accountability

- Grants the Executive Office of Health and Human Services (EOHHS) the ability to fine any person or entity that represents themselves as a home care agency without proper licensure or violates any other rules and regulations developed as a result of this act.
- Grants EOHHS the ability to work with the Executive Office of Aging and Independence (AGE) and the Department of Public Health (DPH) on surveying and investigating home care agencies to ensure compliance with this act.
- Requires EOHHS to conduct a suitability review for all licensure applicants, including for all individuals with at least a 5 per cent ownership interest in the agency, and a review to ensure all applicants have sufficient financial capacity to provide a minimum standard of care.
- Helps families and individuals in need of home care connect with a properly checked and licensed home care agency. Requires EOHHS to post a list of licensed agencies online. Makes clear that unverified entities cannot advertise themselves as a home care agency without state licensure.

- Establishes standards for consumer-specific service plans and contracts, including a description of services, total cost of care, and agency contact information.
- Establishes quality metrics and standards for monitoring home care agency performance.

Ensuring Workforce Protections

- Establishes procedures to ensure home care workers have safe working conditions, adequate training, and a process for submitting complaints.
- Requires licensed home care agencies to have coverage for worker's compensation and liability insurance, and to provide adequate equipment and supplies to home care workers.
- Creates the Home Care Worker and Consumer Abuse Stakeholder Advisory Committee to study and make recommendations on standards and procedures for addressing abusive treatment, including physical, verbal, mental abuse, and bullying, of home care workers, PCAs, home care consumers, and family members, including:
 - Reporting abusive treatment and debriefing after incidents of abusive treatment;
 - Tracking and retaining records of abusive treatment;
 - Informing home care workers of potentially unsafe working environments; and
 - Training for all employees of home care agencies, including on escalation cycles and effective de-escalation techniques.
- Grants PCAs anti-discrimination protections to shield them from harassment or discrimination based on sex, race, religion, etc.

Seeking Advice and Informing Future Work

- Creates a panel—the Home Care Oversight Advisory Council—to advise EOHHS on licensing requirements. The council would review existing licensure, reporting, and oversight requirements across the long-term care services and supports systems; home care agency licensure requirements in other states; how to ensure the licensure process aligns with and avoids duplication of licensure for home health agencies and with the existing oversight of Aging Service Access Points under the Home Care Program; and how to develop a process for the Commonwealth to conduct a statewide home care market analysis.
- Creates a special commission—the Family Caregiver Commission—to study family caregiving policy in Massachusetts. The commission would report on the current landscape of all state-funded efforts in caregiving research, clinical care, institutional and home-based and community-based supports, along with the feasibility of allowing spouses to serve as paid caregivers in the MassHealth program.
- Creates a special commission—the Long-Term Services and Supports Commission—to explore the idea of a possible state program which people would pay into and from which older and retired adults would receive long-term services or supports.

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