SENATE DOCKET, NO. 1621 FILED ON: 1/16/2025

SENATE . . . . . No. 866

The Commonwealth of Massachusetts

PRESENTED BY:

Cindy F. Friedman

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 protect medically fragile children.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Cindy F. Friedman	*Fourth Middlesex*	
Sean Garballey	*23rd Middlesex*	*1/28/2025*
Michael O. Moore	*Second Worcester*	*3/20/2025*
Jacob R. Oliveira	*Hampden, Hampshire and Worcester*	*9/3/2025*

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SENATE . . . . . No. 866

By Ms. Friedman, a petition (accompanied by bill, Senate, No. 866) of Cindy F. Friedman and Sean Garballey for legislation to protect medically fragile children. Health Care Financing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *748* OF 2023-2024.]

The Commonwealth of Massachusetts

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

An Act to protect medically fragile children.

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. Section 24 of Chapter 12C of the General Laws is hereby amended by adding at the end of the first paragraph the following sentence:

In developing the biennial report, the center shall seek input from nurses who provide continuous skilled nursing care and patients and family members of patients that receive continuous skilled nursing care and include in the report information about direct care experiences.

SECTION 2. Chapter 118E of the General Laws is hereby amended by adding the following section:-

Section 83. (a) Notwithstanding any general or special law to the contrary, and subject to appropriation, the executive office of health and human services shall increase the budget for

11 continuous skilled nursing care, as defined in 101 CMR 361 and 130 CMR 403.402, by an
12 amount that ensures:

13 (1) At least 75 percent of continuous skilled nursing hours authorized by MassHealth are
14 filled on or before July 1, 2025;

15 (2) At least 80 percent of continuous skilled nursing hours authorized by MassHealth are
16 filled on or before July 1, 2026; and

17 (3) At least 85 percent of continuous skilled nursing hours authorized by MassHealth are
18 filled on or before July 1, 2027, and shall remain at 85 percent or above thereafter.

19 (b) The executive office of health and human services may require any portion of the
20 budget increases provided for in this section to be used exclusively to increase the wage payment
21 rate of nurses providing continuous skilled nursing care.

22 (c) To satisfy the requirements in subsection (a), the executive office of health and human
23 services shall require MassHealth to submit an annual report no later than January 1 that:

24 (1) demonstrates that MassHealth has not changed its authorization criteria for
25 continuous skilled nursing services in a way that is more restrictive and results in a reduction in
26 the amount of authorized hours that would have been authorized previously; and

27 (2) includes the following information from the immediately preceding calendar year: (i)
28 the number of filled and unfilled continuous skilled nursing hours authorized by MassHealth; (ii)
29 the number of appeals received by MassHealth for the denial or modification of continuous
30 skilled nursing hours and the number of patients that filed an appeal; (iii) the number of patients
31 that received a reduction in the amount of authorized continuous skilled nursing hours; and (iv)

32 the number of authorized continuous skilled nursing hours reduced from the immediately
33 preceding calendar year, if any.

34 (d) The executive office of health and human services, in collaboration with MassHealth
35 and after consultation with the Massachusetts Pediatric Nursing Care Campaign, shall
36 promulgate regulations to implement this section.

37 (e) Nothing in this section shall be construed to prohibit filling 85 percent of the
38 continuous skilled nursing hours authorized by MassHealth prior to July 1, 2027.

39 SECTION 3. Notwithstanding any general or special law to the contrary, the office of
40 Medicaid shall review the wage payment rates established by home health agencies that provide
41 continuous skilled nursing care, as defined in 101 CMR 361.00 and 130 CMR 403.402, for the
42 providers of those services. The office shall provide: (i) an aggregated overview of the wage
43 payment rates paid by home health agencies to staff or contracted nurses providing continuous
44 skilled nursing care, including any increases in said wage rates resulting from increases in
45 Medicaid rates paid to home health agencies for continuous skilled nursing care in state fiscal
46 years 2022, 2023 and 2024; (ii) an aggregated breakdown of said wage rates as applied to the
47 acuity level of patients receiving continuous skilled nursing care; (iii) an aggregated breakdown
48 of said wage rates as applied to the licensure level of the providers of continuous skilled nursing
49 care; and (iv) recommendations on criteria to be included in any future reporting by home health
50 agencies receiving an increase of continuous skilled nursing care rates provided by the office.
51 The office shall provide this report not later than March 1, 2027 to the clerks of the senate and
52 house of representatives, the joint committee on health care financing and the senate and house
53 committees on ways and means. Home health agencies providing continuous skilled nursing care

54 shall provide all information and documentation requested by the office of Medicaid to compile

55 the required report under this section.