

**HOUSE . . . . . No. 1028**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Kate Hogan*

*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 passage of the accompanying bill:

An Act relative to a certificate of need for home health agencies.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>John V. Fernandes</i>	<i>10th Worcester</i>
<i>Michael R. Knapik</i>	<i>Second Hampden and Hampshire</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Thomas P. Kennedy</i>	<i>Second Plymouth and Bristol</i>

**HOUSE . . . . . No. 1028**

By Ms. Hogan of Stow, a petition (accompanied by bill, House, No. 1028) of Kate Hogan and others that applicants to provide home health services submit to a certificate of need review established by the Department of Public Health . Health Care Financing.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act relative to a certificate of need for home health agencies.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1.

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3 The General Laws are hereby amended by inserting after chapter 111, Section 25D, the  
4 following section:

5 - Section 25E

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7 In order to be eligible to bill MassHealth for certified home health services pursuant to Section  
8 1891 of the Social Security Act, 42 U.S.C.A. § 1395bbb, any new applicant seeking to provide  
9 home health services must submit to a Certificate of Need (CON) review established by the  
10 Massachusetts Department of Public Health and assessed by an independent board appointed by  
11 the Governor, General Court, the Secretary of Health and Human Services, the Center for Health  
12 Information and Analysis, and the Home Care Alliance of Massachusetts.

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14 To obtain a CON, an application must be filed with said independent board in which the  
15 applicant demonstrates the need for or prove the cost efficiency of a new agency. The applicant  
16 must present to the department and board both evidence of unmet need and how the proposed  
17 agency would fit into the comprehensive health care delivery system of the service area. This  
18 application requirement shall not apply to home health agencies providing Medicare-certified  
19 services and/or that are certified by the Centers for Medicare and Medicaid Services as of July 1,  
20 2014.

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22 Any applicant shall also specify the following:

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- 24  a) service area, including municipality and county names.
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- 26  b) an ongoing quality assurance program that includes compliance with all applicable federal  
27 and state quality of care standards, and provide a copy of its program protocols when it requests  
28 first-time approval.
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- 30  c) written assurance that its costs are not excessive in relation to those of other agencies that  
31 operate in the same and nearby service areas.
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- 33  d) documentation that it can comply with the capital reserve and other solvency requirements  
34 specified by the Centers for Medicare and Medicaid Services (CMS) for a Medicare-certified  
35 home health agency pursuant to Section 1891 of the Social Security Act, 42 U.S.C.A. § 1395bbb.
- 36
- 37  e) other requirements as determined by the Board.
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- 39  SECTION 2.
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- 41  An appropriate fee structure shall be determined by the department and the Board.
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- 43  SECTION 3.
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- 45  This bill shall take effect one year after its enactment.
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