

**HOUSE . . . . . No. 1218**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***John J. Lawn, Jr.***

*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 relative to stabilizing the Commonwealth’s nursing facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>1/18/2023</i>
<i>Smitty Pignatelli</i>	<i>3rd Berkshire</i>	<i>1/31/2023</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>1/31/2023</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>1/31/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/2/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/2/2023</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>2/23/2023</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>2/23/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/23/2023</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>3/1/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>3/1/2023</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>3/1/2023</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>3/1/2023</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>3/2/2023</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>3/2/2023</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>3/6/2023</i>
<i>Edward R. Philips</i>	<i>8th Norfolk</i>	<i>3/6/2023</i>
<i>William J. Driscoll, Jr.</i>	<i>7th Norfolk</i>	<i>3/8/2023</i>

**HOUSE . . . . . No. 1218**

By Representative Lawn of Watertown, a petition (accompanied by bill, House, No. 1218) of John J. Lawn, Jr. and others relative to stabilizing nursing facility inflationary costs. Health Care Financing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1268 OF 2021-2022.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
\_\_\_\_\_

An Act relative to stabilizing the Commonwealth’s nursing facilities.

*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. Chapter 118E of the General Laws, as appearing in the 2018 official edition  
2 is hereby amended by inserting at the end thereof the following new sections: -

3 Section 79. In setting Medicaid rates for nursing homes, the executive office of health  
4 and human services shall annually recognize inflationary costs by adjusting nursing home  
5 allowable resident care base year costs to the rate year using the annual unadjusted Skilled  
6 Nursing Facility Market Basket Update as established by the Centers for Medicare & Medicaid  
7 in the Medicare Skilled Nursing Facility prospective payment system rule.

8 Section 80. For the purpose of recognizing current labor and resident care costs in setting  
9 Medicaid nursing home rates, the executive office of health and human services shall use as base

10 year costs for rate determination purposes the reported costs of the calendar year not more than 2  
11 years prior to the current rate year.

12 Section 81. For purposes of recognizing nursing labor costs performed for resident care,  
13 the executive office of health and human services shall set the so-called Nursing Cost Per Diem  
14 at the statewide average plus 10%.

15 Section 82: The executive office of health and human services shall ensure that facilities  
16 that serve a disproportionately high number of Medicaid residents receive an upward adjustment  
17 of no less than 5 percent to their Medicaid rate. To qualify for this upward adjustment, Medicaid  
18 residents must represent 75 percent or greater of all resident care days.

19 Section 83: In setting Medicaid capital rates for the Department of Public Health  
20 Determination of Need approved construction projects beginning October 1, 2020 in connection  
21 with, but not limited to, conversion of rooms with three or more residents to one- and two-  
22 bedded rooms, the executive office of health and human services shall set the rate at no less than  
23 the capital payment using the capital standard payment calculation methodology in effect on  
24 September 30, 2019 under 101 CMR 206.05.