

HOUSE No. 1977

The Commonwealth of Massachusetts

PRESENTED BY:

Mathew J. Muratore

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 public health.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Mathew J. Muratore

1st Plymouth

Timothy R. Whelan

1st Barnstable

HOUSE No. 1977

By Mr. Muratore of Plymouth, a petition (accompanied by bill, House, No. 1977) of Mathew J. Muratore and Timothy R. Whelan relative to nursing home admissions for individuals from birth to age twenty-two in need of long-term inpatient skilled nursing and rehabilitation services. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1203 OF 2017-2018.]

The Commonwealth of Massachusetts

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**In the One Hundred and Ninety-First General Court
(2019-2020)**
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An Act relative to public health.

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 111 of the General Laws is hereby amended by striking out Section
2 4J in its entirety and inserting in place thereof the following section:

3 Section 4J. No individual from birth to age twenty-two who is in need of long-term
4 inpatient skilled nursing and rehabilitation services shall be admitted to a nursing home unless,
5 prior to such admission, application has been made by or on behalf of such individual for
6 certification by the Department's Multi-Disciplinary Medical Review Team of eligibility for
7 nursing home care in the nursing home to which the individual seeks admission. Notwithstanding
8 any law or regulation to the contrary, any individual from birth to age twenty-two in need of
9 short-term inpatient skilled nursing and rehabilitation services may be admitted to a nursing

10 home upon the referral of his or her primary care physician or hospital discharge team without
11 application to or certification by the Department's Multi-Disciplinary Medical Review Team.
12 For purposes of this section, "long-term inpatient skilled nursing and rehabilitation services"
13 means admission to a nursing home for such services in excess of one year from the date of
14 admission, and "short-term inpatient skilled nursing and rehabilitation services" means
15 admission to a nursing home for such services for up to and including one year from the date of
16 admission. A majority of the members of the medical review team shall consist of currently
17 licensed health and allied health professionals who are not employees of the commonwealth and
18 who have been engaged full time in primary care practice in their respective areas of
19 specialization within the two years immediately prior to the commencement of service on the
20 medical review team. Such other individuals as the department may, from time to time, deem
21 appropriate may also serve on the medical review team. No person shall serve on the medical
22 review team for a period exceeding two years. The medical review team shall, in consultation
23 with the individual's referring physician, discharge planners at the individual's referring health
24 care institution, the individual's parents, next-of-kin or guardians, the individual's primary care
25 physician, and, to the extent deemed necessary, the departments of mental health, children and
26 families, transitional assistance, education, department of early education and care and the
27 commission for the blind, assess the medical, nursing, therapy, rehabilitation, and restorative
28 needs of such individuals. In the event that the medical review team fails to render a decision on
29 certification within ten business days after submission of any application for certification, the
30 individual shall be deemed approved for admission to the nursing home. In reviewing
31 applications for certification of eligibility, the medical review team shall not deny certification
32 on the basis of sex, nationality, religious affiliation, residency or domicile, source of payment or

33 reimbursement, type of illness or injury sustained or suffered by the individual, or, if the nursing
34 home to which the individual seeks admission is able to provide requisite care, the ability of any
35 other health care facility, wherever located, to provide such care. In the event that the medical
36 review team denies certification, it shall refer the individual to an alternative care program
37 appropriate to each individual's needs, and prior to such referral, determine if said program has
38 the ability to immediately care for the individual.

39 SECTION 2. The first sentence of the second paragraph of Section 19 of chapter 118E of
40 the General Laws is hereby amended by inserting after the phrase “twenty years of age or under”
41 the following words:- “in need of long-term inpatient skilled nursing and rehabilitation services,
42 as defined in section four J of chapter one hundred and eleven”.

43 SECTION 3. Section 19 of chapter 118E of the General Laws is hereby amended by
44 inserting after the last sentence of the second paragraph the following sentence:-
45 “Notwithstanding any law or regulation to the contrary, any individual from birth to age twenty-
46 two in need of short-term inpatient skilled nursing and rehabilitation services, as defined in
47 section four J of chapter one hundred and eleven, may be admitted to a nursing home upon the
48 referral of his or her primary care physician or hospital discharge team without application to or
49 certification by department of public health’s medical review team.”