

HOUSE No. 3821

Section 13 contained in the engrossed Bill making appropriations for the fiscal year 2018 (see House, No. 3800), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment E of House, No. 3828). July 17, 2017.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act authorizing the department of elder affairs to establish a home care worker registry.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a home care worker registry, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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 19A of the General Laws is hereby amended by inserting after
2 section 4C the following section:-

3 Section 4D. (a) As used in this section, the following terms shall, unless the context
4 clearly requires otherwise, have the following meanings:-

5 “Employee organization”, a labor union or other organization, agency or employee
6 representation committee, association, group or plan in which employees participate and which
7 exists in whole or in part for the purpose of dealing with employers concerning matters
8 incidental to employment relationships.

9 “Home care worker”, a person employed by a home care worker agency to provide
10 personal care, homemaker, companion or chore services under the home care program
11 established in section 4.

12 “Home care worker agency”, an entity employing home care workers to provide services
13 under the home care program established in section 4 that is under contract with an aging
14 services access point established pursuant to section 4B.

15 (b) The department shall establish and maintain a home care worker registry for home
16 care workers employed by a home care worker agency.

17 A home care worker agency shall report the required home care worker registry
18 information for each home care worker it employs on a paid, unpaid, temporary or permanent
19 basis who is not exempt from the reporting requirement. Any exemptions from reporting shall be
20 established in regulations promulgated by the department.

21 The department shall collect the following reported information concerning each home
22 care worker: (i) the worker’s full name; (ii) their assigned unique identification number; (iii)
23 their gender; (iv) their home address; (v) their mailing address; (vi) the full legal name of any
24 home care worker agency employing the home care worker; (vii) the worker’s job title; and (viii)
25 a list of home care trainings or certifications completed by the home care worker.

26 Reported information for each employed home care worker shall be submitted and
27 regularly updated by each home care worker agency subject to this section. The registry shall be
28 updated at least quarterly. A home care worker agency shall collect and maintain the required
29 information and submit updated information in a timely manner as determined by the
30 department. A home care worker shall not be responsible for any costs related to the registry.

31 The department shall only make each home care worker's full name, identification
32 number, name of any home care worker agency employing the home care worker and a list of
33 home care trainings or certifications completed by the home care worker available to the public
34 unless such information is exempt from disclosure by the department. Upon request from an
35 employee organization, home care worker agency or aging services access point, the department
36 shall provide all reported information to such entity.

37 The department shall promulgate rules and regulations and shall provide such forms and
38 notifications as may be necessary to implement this section; provided, however, that the
39 department shall minimize any duplicate reporting that may be required of home care agencies.

40 SECTION 2. This act shall take effect as of July 1, 2017.