

HOUSE No. 4441

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 9, 2022.

The committee on Ways and Means, to whom was referred the Bill relative to the governance, structure and care of veterans at the Commonwealth's veterans' homes (House, No. 4298), reports recommending that the same ought to pass with an amendment substituting therefore the accompanying bill (House, No. 4441).

For the committee,

AARON MICHLEWITZ.

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**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to the governance, structure and care of veterans at the Commonwealth's veterans' homes.

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. Section 17 of chapter 6 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by striking out, in lines 4 to 7, the words “, and the
3 superintendent, the board of trustees of the Soldiers’ Home in Holyoke, who shall have the title
4 of superintendent and is appointed by the board of trustees of the Soldiers’ Home in Holyoke”.

5 SECTION 2. Said chapter 6, as so appearing, is hereby further amended by striking out
6 sections 40 and 41 and inserting in place thereof the following 2 sections:-

7 Section 40. (a) There shall be a board of trustees of the veterans’ home in Chelsea,
8 consisting of 5 persons, at least 3 of whom shall be war veterans. Upon the expiration of the term
9 of office of a member, their successor shall be appointed by the secretary of health and human
10 services, with the approval of the governor, to serve for 5 years. The governor may remove a
11 member for cause at any time during the member’s term. The secretary of health and human
12 services shall designate 1 of the members as chairperson. The members shall serve without

13 compensation, but shall receive their necessary expenses incurred in the discharge of their
14 official duties.

15 (b) There shall be a board of trustees of the veterans' home in Holyoke, consisting of 5
16 persons, who shall be residents of the counties of Berkshire, Franklin, Hampden and Hampshire.
17 Each of said counties shall be represented on said board by at least 1 trustee who is a resident
18 therein. Upon the expiration of the term of office of a member, their successor shall be appointed
19 by the secretary of health and human services, with the approval of the governor, to serve for 5
20 years. The governor may remove a member for cause at any time during the member's term. The
21 secretary of health and human services shall designate 1 of the members as chairperson. The
22 members shall serve without compensation, but shall receive their necessary expenses incurred
23 in the discharge of their official duties.

24 (c) The boards of trustees for the veterans' homes in Chelsea and Holyoke shall represent
25 the local community, residents and family members of residents of each home on the veterans'
26 homes council established in section 41. Each member of the boards of trustees for the veterans'
27 homes in Chelsea and Holyoke shall serve ex officio, as voting members, on the veterans' homes
28 council.

29 (d) The boards of trustees for the veterans' homes in Chelsea and Holyoke shall each
30 nominate 1 candidate for superintendent of their respective veterans' home for approval by the
31 veterans' homes council established in section 41. The boards of trustees for the veterans' homes
32 in Chelsea and Holyoke may recommend removal of a superintendent of their respective home
33 by submitting the recommendation to said veterans' homes council for review.

34 (e) All members of the boards of trustees for the veterans' homes in Chelsea and Holyoke
35 shall complete annual training which shall be developed by the veterans' homes council in
36 coordination with the office veterans' homes and housing established in section 12 of chapter
37 115A, regarding roles and responsibilities of the members of the boards.

38 Section 41. (a)(1) There is hereby established the veterans' homes council. The council
39 shall consist of: the executive director of veterans' homes and housing established in section 12
40 of chapter 115A, who shall serve as chair; the adjutant general of the Massachusetts national
41 guard established pursuant to section 15 of chapter 33; 2 members appointed by the governor; 1
42 member appointed by the secretary of health and human services; 1 member appointed by the
43 speaker of the house; 1 member appointed by the senate president; and all members of the boards
44 of trustees for the veterans' homes in Chelsea and Holyoke, established in section 40, serving ex
45 officio, as voting members.

46 (2) Members of the council shall serve for a term of 5 years or until a successor is
47 appointed. Any vacancy shall be filled for the balance of the unexpired term in the same manner
48 as the original appointment. The governor may remove an appointed member for cause at any
49 time during the member's term.

50 (3) Members of the council shall serve without compensation but may receive reasonable
51 reimbursement for travel and expenses incurred in the discharge of their duties.

52 (4) A majority of the council shall constitute a quorum for the transaction of business.
53 Actions of the council shall be approved by a majority vote of the members present at a meeting
54 where a quorum is present.

55 (5) All members of the council shall complete annual training, to be developed in
56 coordination with the office of veterans' homes and housing established in section 12 of chapter
57 115A, regarding the council's roles and responsibilities, including, but not limited to, training
58 relative to all applicable laws, rules and regulations, including procurement laws and
59 recommendations by the office of the comptroller and the executive office for administration and
60 finance.

61 (b) The council shall:

62 (i) manage and control all veterans' homes established in the commonwealth, and all
63 property, real and personal, belonging to the commonwealth and occupied or used by said
64 homes, and shall hold and administer in trust the property included in the "legacy fund" and the
65 "effects accounts", if and when the transfer thereof to the commonwealth is effected pursuant to
66 a decree of a court of competent jurisdiction, and in accordance with the terms and conditions
67 imposed by such decree;

68 (ii) appoint the superintendent of the veterans' home in Chelsea and the veterans' home
69 in Holyoke, after review of a recommendation submitted by the board of trustees of the veterans'
70 homes in Chelsea or Holyoke;

71 (iii) review recommendations for removal of a superintendent, submitted by a board of
72 trustees of the veterans' homes in Chelsea or Holyoke or the governor, and remove the
73 superintendent, if necessary;

74 (iv) adopt necessary rules, regulations, by-laws, roles and responsibilities for the boards
75 of trustees of the veterans' homes in Chelsea and Holyoke;

76 (v) adopt standardized rules and regulations governing outpatient treatment, admission to
77 and hospitalization in the homes; provided, that rules and regulations may include, but not be
78 limited to: (A) governing out-patient treatment at, admission to, and hospitalization in, including
79 an increase in any charges, subject to the approval of the secretary of health and human services;
80 (B) providing for such treatment, admission and hospitalization for any person qualified under
81 section 1 of chapter 115A, except for residence, if such person had at some time prior to their
82 application for such treatment, admission or hospitalization, resided in the commonwealth
83 continuously for 5 years; (C) providing for emergency treatment for any person in need of such
84 treatment by reason of accident or sudden illness, until such person can be transferred to some
85 other institution or place; (D) providing for proper disciplinary action, including discharge from
86 said homes, of any person whose conduct therein or while a member thereof is deemed to be
87 inimical to the welfare of other members; (E) providing for the exclusion from the respective
88 veterans' homes in Chelsea and Holyoke, either temporarily or permanently, of any person who
89 has received a disciplinary discharge from either veterans' home in Chelsea and Holyoke or from
90 any Veterans' Administration facility; and (F) providing for the exclusion from out-patient
91 treatment at, admission to, or hospitalization in, said veterans' homes in Chelsea and Holyoke, of
92 any person whose disability or illness may be diagnosed as neuropsychiatric, neurosurgical or
93 tubercular, or other ailment or condition for the treatment and care of which proper facilities are
94 not available at said veterans' homes in Chelsea and Holyoke.

95 (vi) develop and amend bylaws that are consistent at veterans' homes in Chelsea and
96 Holyoke, which shall include, but not be limited to, admissions eligibility and procedures,
97 procurement, per diem rates and staffing levels;

98 (vii) develop and implement a system of reviewing charges, complaints, and comments,
99 including, but not limited to, comments from residents, family members of residents, and the
100 ombudspersons for each home; and

101 (viii) consider nationally recognized models and guidelines for the delivery of health care
102 in the veterans' homes in Chelsea and Holyoke in the development of any by-laws, rules,
103 procedures and protocols.

104 (c) The council may insure the buildings of the veterans' homes and contents thereof in
105 such amounts as may be deemed sufficient over and above any insurance coverage purchased by
106 the commonwealth.

107 SECTION 3. Sections 70 and 71 of said chapter 6 are hereby repealed.

108 SECTION 4. Section 16 of chapter 6A of the General Laws, as appearing in the 2020
109 Official Edition, is hereby amended by striking out, in lines 36 and 37, the words "Soldiers'
110 Home in Massachusetts and the Soldiers' Home" and inserting in place thereof the following
111 words:- veterans' home in Chelsea and the veterans' home.

112 SECTION 5. Section 7 of chapter 10 of the General Laws, as so appearing, is hereby
113 amended by striking out, in lines 2 and 3, the words "Soldiers' Home in Massachusetts and of
114 the Soldiers' Home" and inserting in place thereof the following words:- veterans' home in
115 Chelsea and of the veterans' home.

116 SECTION 6. Section 62 of chapter 22C of the General Laws, as so appearing, is hereby
117 amended by striking out, in lines 2 and 3, the words "Soldiers' Home in Holyoke, or the

118 Soldiers' Home in Massachusetts located in the city of" and inserting in place thereof the
119 following words:- veterans' home in Holyoke, or the veterans' home in.

120 SECTION 7. Section 9B of chapter 30 of the General Laws, as so appearing, is hereby
121 amended by striking out, in lines 3 and 4, the word "soldiers'" and inserting in place thereof the
122 following word:- veterans'.

123 SECTION 8. Section 24A of said chapter 30, as so appearing, is hereby amended by
124 striking out, in lines 20 and 21, the words "Soldiers' Home in Massachusetts, Soldiers' Home"
125 and inserting in place thereof the following words:- veterans' home in Chelsea, veterans' home.

126 SECTION 9. Section 49 of chapter 31 of the General Laws, as so appearing, is hereby
127 amended by striking out, in line 14, the word "soldiers'" and inserting in place thereof the
128 following word:- veterans'.

129 SECTION 10. Section 91 of chapter 32 of the General Laws is hereby amended by
130 striking out, in line 54, the words "Soldiers' Home in Massachusetts or the Soldiers' Home", as
131 so appearing, and inserting in place thereof the following words:- veterans' home in Chelsea or
132 the veterans' home.

133 SECTION 11. Section 13 of chapter 58 of the General Laws, as so appearing, is hereby
134 amended by striking out, in lines 58 and 59, the words "Soldiers' Home in Massachusetts, the
135 Soldiers' Home" and inserting in place thereof the following words:- veterans' home in Chelsea,
136 the veterans' home.

137 SECTION 12. Section 70E of chapter 111 of the General Laws, as so appearing, is
138 hereby amended by striking out, in lines 12 and 13, the words "Soldiers Home in Holyoke, the

139 Soldiers' Home in Massachusetts" and inserting in place thereof the following words:- veterans'
140 home in Holyoke, the veterans' home in Chelsea.

141 SECTION 13. Said chapter 111 is hereby further amended by inserting after section
142 71A¹/₂, as so appearing, the following section:-

143 Section 71A³/₄. The department shall conduct inspections of the veterans' homes in
144 Chelsea and Holyoke not less than twice per year or more frequently as the department deems
145 necessary. After such inspection, the department shall give the superintendent of the home, the
146 executive director of veterans' homes and housing appointed pursuant to section 12 of chapter
147 115A, the secretary of veterans' services, and the veteran advocate established in chapter 115B
148 written notice of each violation of the standards for long term care facilities, including applicable
149 rules and regulations pursuant to 105 CMR 150 or successor regulations; provided, that the
150 written notice shall specify a reasonable period of time not to exceed 30 days after receipt thereof
151 to provide a plan to correct such violations. Inspection reports and corrective action taken to
152 address violations shall be made available to the public.

153 SECTION 14. Section 1 of chapter 113 of the General Laws, as so appearing, is hereby
154 amended by striking out, in line 6, the words "Soldiers' Home in Massachusetts and the Soldiers'
155 Home" and inserting in place thereof the following words:- veterans' home in Chelsea and the
156 veterans' home.

157 SECTION 15. Section 5 of chapter 115 of the General Laws, as so appearing, is hereby
158 amended by striking out, in line 39, the word "soldiers'" and inserting in place thereof the
159 following word:- veterans'.

160 SECTION 16. Section 1 of chapter 115A of the General Laws, as so appearing, is hereby
161 amended by striking out, in lines 7 and 8, the words “Soldiers’ Home in Massachusetts and the
162 Soldiers’ Home” and inserting in place thereof the following words:- veterans’ home in Chelsea
163 and the veterans’ home.

164 SECTION 17. Section 4 of said chapter 115A, as so appearing, is hereby amended by
165 striking out, in line 7, the words “Soldiers’ Home in Massachusetts and the Soldiers’ Home” and
166 inserting in place thereof the following words:- veterans’ home in Chelsea and the veterans’
167 home.

168 SECTION 18. Section 5 of said chapter 115A of the General Laws is hereby repealed.

169 SECTION 19. Section 6 of said chapter 115A, as appearing in the 2020 Official Edition,
170 is hereby amended by striking out, in lines 5 and 6, the words “commandant or superintendent
171 thereof” and inserting in place thereof the word:- superintendent.

172 SECTION 20. Said section 6 of said chapter 115A, as so appearing, is hereby further
173 amended by striking out, in lines 16 and 17, the words “trustees of said Home” and inserting in
174 place thereof the following words:- veterans’ homes council, established pursuant to section 41
175 of chapter 6,.

176 SECTION 21. Said section 6 of said chapter 115A, as so appearing, is hereby further
177 amended by striking out, in line 22, the words “trustees under this section” and inserting in place
178 thereof the following words:- veterans’ homes council.

179 SECTION 22. Said section 6 of said chapter 115A, as so appearing, is hereby further
180 amended by striking out, in line 24, the words “trustees” and inserting in place thereof the
181 following words:- veterans’ homes council.

182 SECTION 23. Section 7 of said chapter 115A, as so appearing, is hereby amended by
183 striking out, in line 8, the words “chairman of the board of trustees of such Home” and inserting
184 in place thereof the following words:- chair of the veterans’ homes council, established pursuant
185 to section 41 of chapter 6,.

186 SECTION 24. Said section 7 of said chapter 115A, as so appearing, is hereby further
187 amended by striking out, in lines 20 and 24, the words “trustees of such Home” and inserting in
188 place thereof, in each instance, the following words:- veterans’ homes council.

189 SECTION 25. Said section 7 of said chapter 115A, as so appearing, is hereby further
190 amended by striking out, in line 26, the words “board of trustees of such Home” and inserting in
191 place thereof the following words:- veterans’ homes council.

192 SECTION 26. Said section 7 of said chapter 115A, as so appearing, is hereby further
193 amended by striking out, in line 31, the words “chairman of the board of trustees of such Home”
194 and inserting in place thereof the following words:- chair of the veterans’ homes council.

195 SECTION 27. Said section 7 of said chapter 115A, as so appearing, is hereby further
196 amended by striking out, in lines 36 and 38, the words “trustees” and inserting in place thereof,
197 in each instance, the following words:- veterans’ homes council.

198 SECTION 28. Section 8 of said chapter 115A, as so appearing, is hereby amended by
199 striking out, in lines 1 and 5, the word “Soldiers” and inserting in place thereof, in each
200 instance, the following word:- veterans’.

201 SECTION 29. Said section 8 of said chapter 115A, as so appearing, is hereby further
202 amended by striking out the second paragraph.

203 SECTION 30. Section 9 of said chapter 115A, as so appearing, is hereby amended by
204 striking out, in line 3, the words “Soldiers’ Home in Massachusetts” and inserting in place
205 thereof the following words:- veterans’ home in Chelsea.

206 SECTION 31. Said chapter 115A is hereby amended by striking out section 10 and
207 inserting in place thereof the following section:-

208 Section 10. The superintendent of a veterans’ home may establish a program for the
209 training of residents in medicine, surgery, urology and such other specialties and sub-specialties
210 of medicine as may be deemed advisable. The persons undergoing such training shall be
211 designated as follows and shall be eligible for training grants from the commonwealth; provided,
212 such grants shall be exempt from the provisions of chapter 62; provided further, recipients of
213 said grants shall not be subject to the provisions of chapter 31 and shall not be deemed to be
214 employees of the commonwealth. Approval of the training program by the personnel
215 administrator shall be required in accordance with the provisions of section 28 of chapter 7.

216 SECTION 32. Said chapter 115A is hereby further amended by striking out section 10A
217 and inserting in place thereof the following section:-

218 Section 10A. (a) The superintendent of a veterans' home may establish a program for the
219 education and training of practical nurses and promulgate regulations to govern the program. The
220 commonwealth may provide the education and training at no cost to the program participants,
221 apart from fees and uniforms. A participant completing the education and training program and
222 licensed as a practical nurse by the board of registration in nursing shall be required to obtain
223 employment as a practical nurse at a veterans' homes for 2,000 hours on either a full-time or
224 part-time basis as specified by the superintendent, or as determined by the appointing authority
225 of the state facility where the person becomes employed. Program participants shall be required
226 to sign an agreement acknowledging either their work commitment to the commonwealth or, in
227 lieu of completing a work commitment, their obligation to repay the cost of the education and
228 training program to the veterans' home.

229 (b) If a participant who has completed the education and training program, and is licensed
230 by the board as a practical nurse, fails to complete the employment requirement or any portion
231 thereof, or fails to repay any of the costs thereof, the remaining contractual obligation between
232 the veterans' home and the participant shall be charged against the participant. The
233 superintendent shall, in their discretion, determine the names of those defaulting on their
234 obligations in the training and education program and report those names, addresses and license
235 numbers to the board of registration in nursing. The superintendent shall notify those determined
236 to be in default that they have initiated proceedings that could result in the suspension or
237 revocation of their licenses. The superintendent shall also initiate an action to suspend or revoke
238 the nursing license of each defaulting participant before the division of administrative law
239 appeals. The division shall schedule an adjudicatory hearing under section 10 of chapter 30A
240 within 30 days of receipt of the superintendent's notice and shall notify the superintendent and

241 the licensee that they have the right to a full and fair hearing on the matter. For purposes of the
242 hearings, the superintendent's written representation, executed under the pains and penalties of
243 perjury, with supporting documentation, to the division establishing that a participant is in
244 default of the obligation shall be prima facie evidence of default. The superintendent shall notify
245 the board of registration in nursing of the final written decision of the division of administrative
246 law appeals. If the division finds the license should be suspended or revoked, the board of
247 registration in nursing shall, within 15 days of receipt of the finding, suspend or revoke the
248 license. Within 30 days of receipt of notice of the final decision of the division or, if a petition
249 for rehearing has been timely filed with the division, within 30 days after receipt of notice of the
250 division's denial of the petition for rehearing, an aggrieved party may file for judicial review in
251 superior court pursuant to section 14 of said chapter 30A.

252 (c) A license that has been suspended or revoked under this section shall not be reinstated
253 or renewed until the superintendent notifies the board of registration in nursing that the
254 participant is in good standing with respect to all costs or employment commitments to the
255 commonwealth. Upon that notice, the board may reissue or renew the individual's license.

256 (d) Notwithstanding subsections (a), (b) and (c), the board of registration in nursing may
257 take additional actions or sanctions against the individual as provided by law or regulation.

258 SECITON 33. Section 11 of said chapter 115A is hereby repealed.

259 SECTION 34. Said chapter 115A of the General Laws is hereby further amended by
260 striking out section 12 and inserting in place thereof the following section:-

261 Section 12. (a) There shall be within the department of veterans' services an office of
262 veterans' homes and housing. The secretary of veterans' services shall appoint an executive

263 director of veterans' homes and housing who shall have: (i) at least 5 years of experience in
264 health care management; and (ii) military or other experience working with veterans. The duties
265 of the executive director shall include, but shall not be limited to: (i) oversight of the office; and
266 (ii) service as an advisor to the secretary of veterans' services on matters relative to veterans'
267 housing. The position of executive director shall be classified pursuant to section 45 of chapter
268 30. The executive director may, with the approval of the secretary of veterans' services, appoint
269 and remove any employees necessary to carry out the duties of the office. Unless otherwise
270 provided by law, all such appointments and removals shall be made pursuant to chapter 31. The
271 office shall: (i) coordinate and oversee implementation and enforcement of laws, regulations and
272 policies relative to the veterans' homes and other housing for veterans; and (ii) investigate and
273 make recommendations on best practices for providing housing for veterans. The executive
274 director shall have access to all property of the commonwealth under the oversight of the
275 department of veterans services to carry out the duties of the office; provided, however, that the
276 members of the boards of trustees of the veterans' homes in Chelsea and Holyoke pursuant to
277 section 40 of chapter 6, and the members of the veterans' homes council pursuant to section 41
278 of chapter 6 shall not be subject to the control of the executive director; and provided further,
279 that the executive director shall not have control over the day-to-day operations of veterans'
280 homes.

281 (b) Annually, not later than November 1, the office, in coordination with the veterans'
282 homes council established in section 41 of chapter 6, shall report on the state of the veterans'
283 homes and the report shall include: (i) the quality of care provided at the homes; (ii) the financial
284 status of the homes; (iii) the uniformity of programs at the homes; (iv) the capital needs of the
285 homes; and (v) the status of the United States Department of Veterans Affairs' accreditation,

286 including the efforts necessary to maintain compliance and the efforts necessary to become fully
287 compliant with the United States Department of Veterans Affairs' standards at each veterans'
288 home. The office shall submit the report to the governor, the clerks of the house of
289 representatives and senate and the joint committee on veterans and federal affairs.

290 SECTION 35. Said chapter 115A of the General Laws is hereby further amended by
291 adding the following 4 new sections:-

292 Section 13. (a) Each veterans' home shall have a superintendent as its administrative
293 head, who shall report to the executive director of veterans' homes and housing. The
294 superintendent for each veterans' home shall: (i) be licensed as a nursing home administrator
295 pursuant to section 109 of chapter 112; and (ii) be a veteran or have experience with
296 management of veterans in a nursing home or long-term care facility. The boards of trustees of
297 the veterans' homes in Chelsea and Holyoke shall each nominate 1 candidate for the position of
298 superintendent of their respective home to the veterans' homes council established in section 41
299 of chapter 6 for the councils review and approval. Recommendations for the removal of a
300 superintendent may be submitted by a board of trustees of a veterans' home in Chelsea or
301 Holyoke or the governor to the veterans' homes council for review.

302 Section 14. (a) The office of veterans' homes and housing established in section 12 shall
303 employ an ombudsperson at each veterans' home. The ombudsperson, at each veterans' home,
304 shall be a full-time, paid position to advocate on behalf of residents and staff of the home and to
305 receive, investigate and resolve through administrative action, in a timely manner, complaints
306 filed by residents and staff of the home, individuals acting on behalf of residents or staff or any
307 individual organization or government agency that has reason to believe that the home, an

308 organization or a government agency has engaged in activities, practices or omissions that
309 constitute violations of applicable statutes or regulations or that may have an adverse effect upon
310 the health, safety, welfare or rights of residents or staff of the home. The ombudsperson may
311 work with the superintendent and appropriate staff at the home or the executive director of
312 veterans' homes and housing as needed to resolve any complaint and shall inform the
313 complainant of the resolution. The ombudsperson shall report to the executive director of
314 veterans' homes and housing established in section 12 of chapter 115A. The ombudsperson may
315 also facilitate family meetings, provide outreach and participate in orientation meetings for new
316 residents of the home and their families. The ombudsperson shall not be subject to section 9A of
317 chapter 30 or chapter 31.

318 (b) No person shall discharge, discipline or otherwise retaliate against any resident or
319 staff of a veterans' home, or any individual acting on behalf of any resident or staff of a veterans'
320 home or individual organization for filing a complaint with the ombudsperson or for disclosing
321 information or cooperating in an investigation resulting from any such complaint; provided, that
322 the complaint was made in good faith. The ombudsperson for each home shall make best efforts
323 to ensure the confidentiality of complainants.

324 Section 15. (a) Each veterans' home shall apply for and maintain certification by the
325 federal Centers for Medicare and Medicaid Services to participate in the Medicare and Medicaid
326 programs, pursuant to subpart B of 42 CFR 483. The superintendent of each veterans' home in
327 coordination with the executive director of veterans' homes and housing shall ensure that
328 compliance with the requirements of subpart B of 42 CFR 483 shall be maintained and that all
329 compliance failures are addressed in a timely manner. The superintendent, in coordination with
330 the executive director, shall submit to the governor, the secretary of veterans' services, the

331 secretary of health and human services and the veterans' homes council, established pursuant to
332 section 41 of chapter 6, a report of any compliance failures identified during the annual survey
333 conducted by the division of health care facility licensure and certification not later than 30 days
334 after the compliance failure is identified. The report shall outline each compliance failure and a
335 plan for corrective action.

336 (b) The superintendent of each veterans' home, in coordination with the executive
337 director of veterans' homes and housing, shall ensure that the home adheres to guidelines for
338 trauma-informed care as outlined by the United States Centers for Disease Control and
339 Prevention.

340 Section 16. The superintendent of each veterans' home, in coordination with the
341 executive director of veterans' homes and housing, shall conduct annual reviews of the
342 respective home's health record system and assure the home is equipped with technology to best
343 serve access to records for veterans and, where applicable, access to records for veterans'
344 families. A copy of the review shall be sent to the governor, the president of the senate, the
345 speaker of the house of representatives, the senate and house committees on ways and means and
346 the joint committee on veterans and federal affairs.

347 SECTION 36. The General Laws are hereby amended by inserting after chapter 115A the
348 following chapter:-

349 CHAPTER 115B

350 OFFICE OF THE VETERAN ADVOCATE

351 Section 1. As used in this chapter, the following words shall, unless the context clearly
352 requires otherwise, have the following meanings:

353 “Executive agency”, a state agency within the office of the governor, including the
354 executive office of education, the executive office of public safety and security, executive office
355 of health and human services, and their constituent agencies, the Massachusetts interagency
356 council on housing and homelessness and the executive office of housing and economic
357 development, and their constituent agencies.

358 “Nominating committee”, the nominating committee established in section 3.

359 “Office”, the office of the veteran advocate.

360 “Veteran advocate”, the veteran advocate appointed under section 3.

361 Section 2. There shall be an office of the veteran advocate which shall be independent of
362 any supervision or control by any executive agency. The office shall:

363 (a) ensure that veterans in the care of the commonwealth or receiving services under the
364 supervision of an executive agency in any public or private facility receive humane and dignified
365 treatment at all times, with full respect for the veterans’ personal dignity and right to privacy;

366 (b) ensure that veterans in the care of the commonwealth or receiving services under the
367 supervision of an executive agency in any public or private facility receive timely, safe and
368 effective services;

369 (c) aid and coordinate with local veterans service officers to ensure veterans receive all
370 available state and federal benefits;

371 (d) examine, on a system-wide basis, the care and services that executive agencies
372 provide veterans;

373 (e) advise the public and those at the highest levels of state government about how the
374 commonwealth may improve its services to and for veterans and their families;

375 (f) develop internal procedures appropriate for the effective performance of the office's
376 duties;

377 (g) act as a liaison to all state agencies providing services to veterans to ensure each
378 veteran receives necessary services and care;

379 (h) assist in developing procedures for the executive agencies to best serve the veteran
380 community;

381 (i) act as a liaison to the United States department of veterans affairs and all other
382 relevant federal agencies to advocate on behalf of the veterans of the commonwealth; and

383 (j) investigate incidents where a veteran suffered a fatality, near fatality or serious bodily
384 or emotional injury while receiving services from an executive agency, or circumstances which
385 result in a reasonable belief that an executive agency or a constituent agency failed in its duty to
386 care for a veteran and, as a result, the veteran was at imminent risk of, or suffered serious bodily
387 or emotional injury or death.

388 Section 3. The office of the veteran advocate shall be under the direction of the veteran
389 advocate. The veteran advocate shall be the administrative head of the office and shall devote
390 full time to the duties of the office. The veteran advocate shall be appointed by a majority vote of
391 the attorney general, the state auditor and the governor from a list of 3 nominees submitted by a

392 nominating committee to recommend a veteran advocate. The nominating committee shall
393 consist of: the secretary of health and human services, or a designee, who shall serve as chair; the
394 secretary of veterans' affairs, or a designee; the secretary of public safety, or a designee; the
395 commissioner of mental health, or a designee; the house and senate chairs of the joint committee
396 on veterans and federal affairs; the adjutant general of the Massachusetts national guard; a
397 representative of the veterans of foreign wars department of Massachusetts; a representative of
398 the American legion department of Massachusetts; the chairperson of the board of trustees of the
399 veterans' home in Chelsea; and the chairperson of the board of trustees of the veterans' home in
400 Holyoke. The nominating committee shall submit salary recommendations for the candidates
401 commensurate with the candidates' experience and other similar state positions. The work of the
402 nominating committee shall be coordinated by the executive office of health and human services.

403 Any person appointed to the position of veteran advocate shall be selected without regard
404 to political affiliation and on the basis of integrity and demonstrated ability in veteran welfare,
405 justice, auditing, law, health care, management analysis, public administration and investigation
406 or criminal justice administration. The veteran advocate may, subject to appropriation, appoint
407 such other personnel as the veteran advocate deems necessary for the efficient management of
408 the office.

409 The veteran advocate shall serve for a term of 5 years. In the case of a vacancy in the
410 position of the veteran advocate, a successor shall be appointed in the same manner for the
411 remainder of the unexpired term. No person shall be appointed as veteran advocate for more than
412 2 full terms.

413 The veteran advocate may be removed from office for cause by a majority vote of the
414 attorney general, the state auditor and the governor. Such cause may include substantial neglect
415 of duty, gross misconduct or conviction of a crime. The cause for removal of the veteran
416 advocate shall be stated in writing and shall be sent to the clerks of the senate and house of
417 representatives and to the governor at the time of removal and shall be a public document.

418 Section 4. The veteran advocate shall report annually to the governor, the president of the
419 senate, the speaker of the house of representatives, the senate and the house committees on ways
420 and means, and the joint committee on veterans and federal affairs on the activities of the office,
421 including, but not limited to, an analysis of the delivery of services to veterans and
422 recommendations for changes in agency procedures which would enable the commonwealth to
423 better provide services to and for veterans and their families and priorities for implementation of
424 those changes to services. The report shall be made public on the website of the veteran
425 advocate.

426 SECTION 37. Section 30A of chapter 149 of the General Laws, as appearing in the 2020
427 Official Edition, is hereby amended by striking out, in lines 23 and 27, the words “soldiers’
428 homes” and inserting in place thereof, in each instance, the following words:- veterans’ homes.

429 SECTION 38. Section 30B of said chapter 149, as so appearing, is hereby amended by
430 striking out, in lines 16 and 18, the word “soldiers” and inserting in place thereof, in each
431 instance, the following word:- veterans’.

432 SECTION 39. Section 187 of said chapter 149, as so appearing, is hereby amended by
433 striking out, in lines 14 and 15, the words “Soldiers’ Home in Holyoke, the Soldiers’ Home in

434 Massachusetts” and inserting in place thereof the following words:- veterans’ home in Holyoke,
435 the veterans’ home in Chelsea.

436 SECTION 40. Section 22 of chapter 175 of the General Laws, as so appearing, is hereby
437 amended by striking out, in line 22, the word “soldiers” and inserting in place thereof the
438 following word:- veterans’.

439 SECTION 41. Said section 22 of said chapter 175, as so appearing, is hereby further
440 amended by striking out, in line 24 and lines 28 and 29, the words “soldiers’ homes” and
441 inserting in place thereof, in each instance, the following words:- veterans’ homes.

442 SECTION 42. Section 1 of chapter 176A of the General Laws, as so appearing, is hereby
443 amended by striking out, in line 29 and 30, the words “Soldiers’ Home in Massachusetts and the
444 Soldiers’ Home” and inserting in place thereof the following words:- veterans’ home in Chelsea
445 and the veterans’ home.

446 SECTION 43. Section 2-105 of chapter 190B of the General Laws, as so appearing, is
447 hereby amended by striking out, in lines 4 and 5, the words “Soldiers’ Home in Massachusetts or
448 the Soldiers’ Home” and inserting in place thereof the following words:- veterans’ home in
449 Chelsea or the veterans’ home.

450 SECTION 44. Section 123 of chapter 266 of the General Laws, as so appearing, is hereby
451 amended by striking out, in lines 5 and 6, the words “Soldiers’ Home in Massachusetts, Soldiers’
452 Home” and inserting in place thereof the following words:- veterans’ home in Chelsea, veterans’
453 home.

454 SECTION 45. (a) Notwithstanding any general or special law to the contrary, members
455 of the board of trustees of the Soldiers' Home in Massachusetts appointed pursuant to section 40
456 of chapter 6 of the General Laws shall be members of the boards of trustees for the veterans'
457 home in Chelsea established in subsection (a) of section 40 of said chapter 6, inserted by section
458 2; provided, however, that any vacancy on the board of trustees of the soldiers' home in
459 Massachusetts appointed pursuant to said section 40 of said chapter 6 that occurs before
460 February 1, 2023 shall not be filled if the appointment results in the board having greater than 5
461 members. Members of the board shall serve consistent with their current term of office.

462 (b) Notwithstanding any general or special law to the contrary, members of the board of
463 trustees of the Soldiers' Home in Holyoke appointed pursuant to section 70 of chapter 6 of the
464 General Laws shall be members of the board of trustees for the veterans' home in Holyoke
465 established in subsection (b) of section 40 of said chapter 6, inserted by section 2; provided,
466 however, that any vacancy on the board of trustees of the Soldiers' Home in Holyoke appointed
467 pursuant to said section 70 of said chapter 6 that occurs before February 1, 2023 shall not be
468 filled if the appointment results in the board having greater than 5 members. Members of the
469 board shall serve consistent with their current term of office.

470 (c) The governor, the secretary of health and human services, the speaker of the house of
471 representatives and the senate president shall make their respective appointments to the veterans'
472 homes council pursuant to section 41 of chapter 6 of the General Laws, inserted by section 2, on
473 or before February 1, 2023.

474 SECTION 46. (a) Notwithstanding any general or special law to the contrary, any
475 obligation of the Soldiers' Home in Massachusetts shall be applied to and made an obligation of
476 the veterans' home in Chelsea.

477 (b) Notwithstanding any general or special law to the contrary, any obligation of the
478 Soldiers' Home in Holyoke shall be applied to and made an obligation of the veterans' home in
479 Holyoke.

480 SECTION 47. Notwithstanding any general or special law to the contrary, the
481 superintendent of the Soldiers' Home in Massachusetts appointed pursuant to section 40 of
482 chapter 6 and the superintendent of the Soldiers' Home in Holyoke appointed pursuant to section
483 71 of said chapter 6 shall continue to serve as superintendents of the veterans' homes in Chelsea
484 and Holyoke in accordance with the terms of any existing employment contracts and subject to
485 the removal provisions of sections 40 and 41 of said chapter 6, inserted by section 2.