

HOUSE No. 5106

The Commonwealth of Massachusetts

The committee of conference on the disagreeing votes of the two branches with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2761) of the House Bill relative to the governance, structure and care of veterans at the Commonwealth's veterans' homes (House, No. 4441, amended), reports recommending passage of the accompanying bill (House, No. 5106). July 27, 2022.

Joseph F. Wagner	Michael F. Rush
Paul McMurtry	John C. Velis
David F. DeCoste	Bruce E. Tarr

HOUSE No. 5106

The Commonwealth of Massachusetts

**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 line 4 to 7, inclusive, 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. Section 17A of said chapter 6, as so appearing, is hereby amended by
6 inserting after the word “transportation,” in line 8, the following words:- the secretary of
7 veterans’ services.

8 SECTION 3. Said chapter 6 is hereby further amended by striking out sections 40 and 41,
9 as so appearing, and inserting in place thereof the following 2 sections:-

10 Section 40. (a) There shall be a board of trustees for each state-operated veterans’ home,
11 consisting of 5 persons, 3 of whom shall be war veterans, Gold Star Mothers or Gold Star family
12 members, family members of active or former residents or family members of disabled American

13 veterans. Upon the expiration of the term of office of a member, a successor shall be appointed
14 by the secretary of veterans' services established in subsection (a) of section 14 of chapter 115A,
15 with the approval of the governor, to serve for 5 years. The governor may remove a member for
16 cause at any time during the member's term. The members shall vote to select a chair. The
17 members shall serve without compensation, but shall receive their necessary expenses incurred
18 in the discharge of their official duties.

19 (b) The boards of trustees for each state-operated veterans' home shall represent the local
20 community, residents and family members of residents of each home on the veterans' homes
21 council established in section 41. Each member of the boards of trustees shall serve ex officio, as
22 voting members, on the veterans' homes council.

23 (c) The boards of trustees for each state-operated veterans' home shall each nominate 1
24 candidate for superintendent of their respective veterans' home for approval by the veterans'
25 homes council, who shall then submit their final candidate to the secretary of veterans' services
26 for consideration for appointment.

27 (d) The boards of trustees for each state-operated veterans' home shall hold and
28 administer in trust the property included in the "legacy fund" and the "effects accounts", if the
29 transfer thereof to the commonwealth is effected pursuant to a decree of a court of competent
30 jurisdiction and in accordance with the terms and conditions imposed by such decree.

31 (e) All members of the boards of trustees for each state-operated veterans' home shall
32 complete annual training pursuant to paragraph (5) of subsection (a) of section 41.

33 Section 41. (a)(1) There shall be a veterans' homes council. The council shall advise the
34 secretary of veterans' services to ensure the health, well-being and safety of residents of state-

35 operated veterans' homes and access to equitable, high quality and competent care for veterans
36 across all regions of the commonwealth. The council shall consist of: (i) the executive director of
37 veterans' homes and housing established in section 12 of chapter 115A, who shall serve as chair;
38 (ii) the adjutant general of the Massachusetts national guard established in section 15 of chapter
39 33; (iii) 4 members appointed by the governor, 1 of whom shall represent the interests of female
40 veterans who shall be a resident of the commonwealth, 1 of whom shall have experience in labor
41 relations, 1 of whom shall be a member of the Disabled American Veterans and 1 of whom shall,
42 by education or experience, be qualified in business and fiscal management and have a
43 demonstrated interest in the concerns of veterans; (iv) 3 members appointed by the secretary of
44 health and human services, 1 of whom shall have professional knowledge in long-term care or
45 geriatric health care, 1 of whom shall have experience in nursing and 1 of whom shall be
46 qualified in clinical services and preferably have demonstrated experience treating post-traumatic
47 stress disorder in veterans; and (v) all members of the boards of trustees for each state-operated
48 veterans' home established in section 40, serving ex officio, as voting members.

49 (2) Members of the council shall serve concurrently for a term of 4 years or until a
50 successor is appointed. Any vacancy shall be filled for the balance of the unexpired term in the
51 same manner as the original appointment. The governor may remove an appointed member for
52 cause at any time during the member's term.

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

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

58 (5) All members of the council shall complete annual training, which shall be developed
59 in coordination with the office of veterans' homes and housing established in section 12 of
60 chapter 115A, regarding the council's roles and responsibilities including, but not limited to,
61 training relative to all applicable laws, rules and regulations.

62 (6) The council shall:

63 (i) recommend policies and propose rules and regulations pertaining to state-operated
64 veterans' homes to the secretary of veterans' services. To assist in making such
65 recommendations, the council shall: (A) review the operation of each state-operated veterans'
66 home; (B) review and comment on rules and regulations promulgated by the department of
67 veterans' services concerning the state-operated veterans' homes before the rules and regulations
68 are submitted for public comment; (C) have direct communications and establish effective
69 working relationships and lines of communication with the appropriate state offices and staff;
70 (D) review and provide written comments to the executive director of veterans' homes and
71 housing and the secretary of veterans' services regarding the system of governance and oversight
72 for the state-operated veterans' homes, which shall include all rules, regulations and laws
73 necessary for effective management and preserving the health and welfare of the veterans
74 admitted to state-operated veterans' homes; and (E) consider nationally recognized models and
75 guidelines for the delivery of health care in state-operated veterans' homes in the development of
76 any recommendations for by-laws, rules, procedures and protocols;

77 (ii) refer candidates for superintendent of state-operated veterans' homes to the secretary
78 of veterans' services for consideration for appointment, after review of any recommendation
79 submitted by the board of trustees for the respective state-operated veterans' home;

80 (iii) refer recommendations for removal of a superintendent to the secretary of veterans'
81 services as may be submitted by the board of trustees of the respective state-operated veterans'
82 home; and

83 (iv) annually, not later than September 30, file a report on its activities and such report
84 shall include, but not be limited to: (A) the census and demographics of each state-operated
85 veterans' home; (B) an accounting of all revenues received and expended; (C) any
86 recommendations for improvements to the homes; (D) a description of staffing levels at each
87 home and a determination as to whether staffing levels meet industry standards; (E) a list of
88 complaints, charges or recommendations from patients, family members and guardians and
89 corresponding actions taken; (F) recommendations to increase regional equity and accessibility
90 and to provide for equitable access for people of all identities including, but not limited to, race,
91 religion, sex, gender identity and sexual orientation; and (G) all other matters the council
92 considers pertinent.

93 The council shall consider in its reports the needs of the changing veteran population in
94 the commonwealth, including, but not limited to, service-related injuries, mental health and
95 gender related needs. Each state-operated veterans' home shall provide the council with all
96 information necessary to carry out these requirements. All personally identifiable information
97 received from the homes shall be redacted from the report and remain confidential. The report
98 shall be filed with the secretary of veterans' services, the executive director of veterans' homes

99 and housing, the secretary of health and human services, the clerks of the house of
100 representatives and the senate, the joint committee on veterans and federal affairs, the joint
101 committee on public health and the house and senate committees on ways and means. The
102 secretary of veterans' services shall ensure that the report is made available to the public on the
103 website of the department of veterans' services.

104 SECTION 4. Sections 70 and 71 of said chapter 6 are hereby repealed.

105 SECTION 5. Section 105 of said chapter 6, as appearing in the 2020 Official Edition, is
106 hereby amended by striking out, in line 17, the word "commissioner" and inserting in place
107 thereof the following word:- secretary.

108 SECTION 6. Section 124A of said chapter 6, as so appearing, is hereby amended by
109 striking out, in line 3, the word "commissioner" and inserting in place thereof the following
110 word:- secretary.

111 SECTION 7. Section 2 of chapter 6A of the General Laws, as so appearing, is hereby
112 amended by striking out, in line 6, the words "and transportation and public works" and inserting
113 in place thereof the following words:- transportation and public works and veterans' services.

114 SECTION 8. Section 16 of said chapter 6A, as so appearing, is hereby amended by
115 striking out, in lines 34 to 39, inclusive, the words "(5) the department of veterans' services
116 under the direction of the secretary of veterans' services, who shall be appointed by the
117 governor, which shall include the Soldiers' Home in Massachusetts and the Soldiers' Home in
118 Holyoke; (6) the managed care oversight board; (7) the health facilities appeals board; and (8)
119 the office of health equity" and inserting in place thereof the following words:- (5) the managed
120 care oversight board; (6) the health facilities appeals board; and (7) the office of health equity.

121 SECTION 9. Said chapter 6A is hereby amended by adding the following 4 sections:-

122 Section 105. There shall be a department of veterans' services under the supervision and
123 control of a secretary of veterans' services, who shall be a veteran appointed by the governor,
124 and who shall serve at the pleasure of the governor and may be removed by governor at any
125 time. This position shall be classified in accordance with section 45 of chapter 30 and the salary
126 shall be determined in accordance with section 46C of said chapter 30. The secretary shall devote
127 their full-time during business hours to the duties of their office. The secretary shall be the state
128 agent for the settlement of pension, bounty, back pay, compensation and other claims of citizens
129 of the commonwealth against the government of the United States, or any state thereof, on
130 account of military or naval service and shall assist and advise war veterans, and their
131 dependents, heirs or legal representatives, with respect to the filing, prosecution and settlement
132 of such claims.

133 Section 106. The secretary shall manage and control all state-operated veterans' homes in
134 the commonwealth, and all property, real and personal, belonging to the commonwealth and
135 occupied or used by such homes.

136 Section 107. The secretary shall be allowed their traveling expenses when necessary for
137 the secretary to visit Washington, D.C., and may expend for such purpose and for all other
138 expenses necessary for the proper performance of the secretary's duties such sums as are
139 annually appropriated therefor.

140 Section 108. The secretary of veterans' services shall appoint and may remove a deputy
141 secretary of veterans' services who shall devote their full-time during business hours to the
142 duties of their office. The deputy secretary shall be subject to the direction and control of the

143 secretary. The deputy secretary shall perform the duties of the secretary during the secretary's
144 absence on account of disability or other reason.

145 SECTION 10. Section 4H of chapter 7 of the General Laws, as appearing in the 2020
146 Official Edition, is hereby amended by striking out, in line 98, the word "commissioner" and
147 inserting in place thereof the following word:- secretary.

148 SECTION 11. Sections 4M to 4O, inclusive, of said chapter 7 are hereby repealed.

149 SECTION 12. Section 18A of chapter 8 of the General Laws, as appearing in the 2020
150 Official Edition, is hereby amended by striking out, in lines 6 and 7, 8 and 10, the word
151 "commissioner", each time it appears, and inserting in place thereof, in each instance, the
152 following word:- secretary.

153 SECTION 13. Section 7 of chapter 10 of the General Laws, as so appearing, is hereby
154 amended by striking out, in lines 2 and 3, the words "the Soldiers' Home in Massachusetts and
155 of the Soldiers' Home in Holyoke" and inserting in place thereof the following words:- state-
156 operated veterans' homes.

157 SECTION 14. Section 62 of chapter 22C of the General Laws, as so appearing, is hereby
158 amended by striking out, in lines 1 to 3, inclusive, the words "the board of trustees of the
159 Soldiers' Home in Holyoke, or the Soldiers' Home in Massachusetts located in the city of
160 Chelsea, as the case may be" and inserting in place thereof the following words:- the
161 superintendent of a state-operated veterans' home.

162 SECTION 15. Said section 62 of said chapter 22C, as so appearing, is hereby further
163 amended by striking out, in line 7, the words “said boards of trustees” and inserting in place
164 thereof the following words:- the superintendents.

165 SECTION 16. Section 9B of chapter 30 of the General Laws, as so appearing, is hereby
166 amended by striking out, in lines 3 and 4, the words “the soldiers’ homes in Massachusetts” and
167 inserting in place thereof the following words:- a state-operated veterans’ home.

168 SECTION 17. Section 24A of said chapter 30, as so appearing, is hereby amended by
169 striking out, in lines 20 and 21, the words “Soldiers’ Home in Massachusetts, Soldiers’ Home in
170 Holyoke” and inserting in place thereof the following words:- state-operated veterans’ homes.

171 SECTION 18. Section 49 of chapter 31 of the General Laws, as so appearing, is hereby
172 amended by striking out, in line 14, the words “soldiers’ home in Massachusetts” and inserting in
173 place thereof the following words:- state-operated veterans’ home in the city of Chelsea.

174 SECTION 19. Section 91 of chapter 32 of the General Laws, as so appearing, is hereby
175 amended by striking out, in lines 53 and 54, the words “the Soldiers’ Home in Massachusetts or
176 the Soldiers’ Home in Holyoke” and inserting in place thereof the following words:- a state-
177 operated veterans’ home.

178 SECTION 20. Section 13 of chapter 58 of the General Laws, as so appearing, is hereby
179 amended by striking out, in lines 58 and 59, the words “the Soldiers’ Home in Massachusetts, the
180 Soldiers’ Home in Holyoke” and inserting in place thereof the following words:- a state-operated
181 veterans’ home.

182 SECTION 21. Section 6 of chapter 62 of the General Laws, as so appearing, is hereby
183 amended by striking out, in line 1108, the word “commissioner” and inserting in place thereof
184 the following word:- secretary.

185 SECTION 22. Section 21 of chapter 62C of the General Laws, as so appearing, is hereby
186 amended by striking out, in lines 58 and 59, the word “commissioner” and inserting in place
187 thereof the following word:- secretary.

188 SECTION 23. Section 38GG of chapter 63 of the General Laws, as so appearing, is
189 hereby amended by striking out, in lines 2 and 28, the word “commissioner”, each time they
190 appear, and inserting in place thereof, in each instance, the following word:- secretary.

191 SECTION 24. Section 18 of chapter 66 of the General Laws, as so appearing, is hereby
192 amended by striking out, in lines 3 and 4, the words “commissioner of veterans’ services, or
193 records kept by him” and inserting in place thereof the following words:- secretary of veterans’
194 services or records kept by the secretary.

195 SECTION 25. Section 70E of chapter 111 of the General Laws, as so appearing, is
196 hereby amended by striking out, in lines 12 and 13, the words “the Soldiers Home in Holyoke,
197 the Soldiers’ Home in Massachusetts” and inserting in place thereof the following words:- a
198 state-operated veterans’ home.

199 SECTION 26. Said chapter 111 is hereby further amended by inserting after section
200 71A½ the following section:-

201 Section 71A¾. The department shall conduct inspections of each state-operated veterans’
202 home not less than twice per year or more frequently as the department deems necessary;

203 provided, however, that during emergency operations, as declared by the secretary of veterans’
204 services or the governor, the department shall conduct inspections of all state-operated veterans’
205 homes not less than once every 30 days. After such inspection, the department shall give the
206 superintendent of the home, the executive director of veterans’ homes and housing appointed
207 pursuant to section 12 of chapter 115A, the secretary of veterans’ services and the veteran
208 advocate established in chapter 115B written notice of each violation of the standards for long-
209 term care facilities, including applicable rules and regulations pursuant to 105 CMR 150 or
210 successor regulations; provided, that the written notice shall specify a reasonable period of time
211 not to exceed 30 days after receipt thereof to provide a plan to correct such violations. Inspection
212 reports and corrective action taken to address violations shall be made available to the public.

213 Each state-operated veterans’ home shall be licensed pursuant to section 71. The
214 superintendent of each state-operated veterans’ home shall apply for and maintain such licensure.

215 SECTION 27. Section 1 of chapter 113 of the General Laws, as appearing in the 2020
216 Official Edition, is hereby amended by striking out, in lines 6 and 7, the words “the Soldiers’
217 Home in Massachusetts and the Soldiers’ Home in Holyoke” and inserting in place thereof the
218 following words:- the state-operated veterans’ homes.

219 SECTION 28. Section 1 of chapter 115 of the General Laws, as so appearing, is hereby
220 amended by striking out the definition of “Commissioner”.

221 SECTION 29. Said section 1 of said chapter 115, as so appearing, is hereby further
222 amended by inserting after the definition of “Institution” the following definition:-

223 “Secretary”, the secretary of veterans’ services.

224 SECTION 30. Section 2 of said chapter 115, as so appearing, is hereby amended by
225 striking out, in lines 1, 18, 24 and 25, 29, 58, 59, 73, 140 and 141, 153, 161 and 167, the word
226 “commissioner” and inserting in place thereof, in each instance, the following word:- secretary.

227 SECTION 31. Section 2A of said chapter 115, as so appearing, is hereby amended by
228 striking out the word “commissioner”, in lines 1 and 17, and inserting in place thereof, in each
229 instance, the following word:- secretary.

230 SECTION 32. Section 2C of said chapter 115, as so appearing, is hereby amended by
231 striking out, in lines 1 and 9, the word “commissioner” and inserting in place thereof, in each
232 instance, the following word:- secretary.

233 SECTION 33. Section 3 of said chapter 115, as so appearing, is hereby amended by
234 striking out, in line 20, the word “commissioner” and inserting in place thereof the following
235 word:- secretary.

236 SECTION 34. Section 4 of said chapter 115, as so appearing, is hereby amended by
237 striking out, in lines 5, 9 and 12, the word “commissioner” and inserting in place thereof, in each
238 instance, the following word:- secretary.

239 SECTION 35. Section 5 of said chapter 115, as so appearing, is hereby amended by
240 striking out, in lines 13, 28, 30, 40, 42, each time it appears, 64, 74, 87, 89 and 90, 92, 106 and
241 116, the word “commissioner” and inserting in place thereof, in each instance, the following
242 word:- secretary.

243 SECTION 36. Said section 5 of said chapter 115, as so appearing, is hereby amended by
244 striking out, in lines 38 and 39, the words “soldiers’ or sailors' home or from a soldiers’ home”

245 and inserting in place thereof the following words:- veterans' or sailors' home or from a state-
246 operated veterans' home.

247 SECTION 37. Section 5A of said chapter 115, as so appearing, is hereby amended by
248 striking out, in lines 41, 45 and 46, 47, each time it appears, 50 and 51 and 52, the word
249 "commissioner" and inserting in place thereof, in each instance, the following word:- secretary.

250 SECTION 38. Section 6 of said chapter 115, as so appearing, is hereby amended by
251 striking out, in lines 9 and 10, 11 and 12, 14 and 18, the word "commissioner" and inserting in
252 place thereof, in each instance, the following word:- secretary.

253 SECTION 39. Section 6C of said chapter 115, as so appearing, is hereby amended by
254 striking out, in line 2, the word "commissioner" and inserting in place thereof the following
255 word:- secretary.

256 SECTION 40. Section 7 of said chapter 115, as so appearing, is hereby amended by
257 striking out, in lines 4 and 5 and 14, the word "commissioner" and inserting in place thereof, in
258 each instance, the following word:- secretary.

259 SECTION 41. Section 8 of said chapter 115, as so appearing, is hereby amended by
260 striking out, in lines 26, 27, each time it appears, 30 and 38, the word "commissioner" and
261 inserting in place thereof, in each instance, the following word:- secretary.

262 SECTION 42. Section 9 of said chapter 115, as so appearing, is hereby amended by
263 striking out, in line 27, the word "commissioner" and inserting in place thereof the following
264 word:- secretary.

265 SECTION 43. Section 12 of said chapter 115, as so appearing, is hereby amended by
266 striking out, in line 9, the word “commissioner” and inserting in place thereof the following
267 word:- secretary.

268 SECTION 44. Section 14 of said chapter 115, as so appearing, is hereby amended by
269 striking out, in line 3, the word “commissioner” and inserting in place thereof the following
270 word:- secretary.

271 SECTION 45. Section 1 of chapter 115A of the General Laws, as so appearing, is hereby
272 amended by striking out, in lines 7 and 8, the words “, the Soldiers’ Home in Massachusetts and
273 the Soldiers’ Home in Holyoke” and inserting in place thereof the following words:- a state-
274 operated veterans’ home.

275 SECTION 46. Section 4 of said chapter 115A, as so appearing, is hereby amended by
276 striking out, in lines 7 and 8, the words “the Soldiers’ Home in Massachusetts and the Soldiers’
277 Home in Holyoke” and inserting in place thereof the following words:- a state-operated veterans’
278 home.

279 SECTION 47. Said section 4 of said chapter 115A, as so appearing, is hereby further
280 amended by striking out, in line 9, the words “said Homes” and inserting in place thereof the
281 following words:- the state-operated veterans’ homes.

282 SECTION 48. Said section 4 of said chapter 115A, as so appearing, is hereby further
283 amended by striking out, in line 14, the words “said Homes” and inserting in place thereof the
284 following words:- a state-operated veterans’ home.

285 SECTION 49. Section 5 of said chapter 115A of the General Laws is hereby repealed.

286 SECTION 50. Section 6 of said chapter 115A, as appearing in the 2020 Official Edition,
287 is hereby amended by striking out, in line 4, the word “either of said Homes” and inserting in
288 place thereof the following words:- a state-operated veterans’ home.

289 SECTION 51. Said section 6 of said chapter 115A, as so appearing, is hereby amended
290 by striking out, in lines 5 and 6, the words “commandant or superintendent thereof” and inserting
291 in place thereof the word:- superintendent.

292 SECTION 52. Said section 6 of said chapter 115A, as so appearing, is hereby further
293 amended by striking out, in lines 11, 13 and 14 and 20, the words “said Home” and inserting in
294 place thereof, in each instance, the following words:- the home.

295 SECTION 53. Said section 6 of said chapter 115A, as so appearing, is hereby further
296 amended by striking out, in line 17, the word “Home” and inserting in place thereof the
297 following words:- state-operated veterans’ home.

298 SECTION 54. Section 7 of said chapter 115A, as so appearing, is hereby amended by
299 striking out, in line 1, the words “either of such Homes” and inserting in place thereof the
300 following words:- “a state-operated veterans’ home”.

301 SECTION 55. Said section 7 of said chapter 115A, as so appearing, is hereby further
302 amended by striking out, in lines 3, 4 and 11, the word “Home” and inserting in place thereof, in
303 each instance, the following word:- home.

304 SECTION 56. Said section 7 of said chapter 115A, as so appearing, is hereby amended
305 by striking out, in lines 8, 20, 24, 26 and 31, the words “such Home” and inserting in place
306 thereof, in each instance, the following words:- a state-operated veterans’ home.

307 SECTION 57. Section 8 of said chapter 115A, as so appearing, is hereby amended by
308 striking out, in lines 1 and 2, the words “Soldiers’ Homes, after a determination and approval of
309 the trustees of the respective Homes” and inserting in place thereof the following words:- state-
310 operated veterans’ homes, after a determination and approval of the trustees of the respective
311 home.

312 SECTION 58. Said section 8 of said chapter 115A, as so appearing, is hereby further
313 amended by striking out, in line 5, the words “Soldiers’ Home” and inserting in place thereof the
314 following word:- home.

315 SECTION 59. Said section 8 of said chapter 115A, as so appearing, is hereby further
316 amended by striking out, in lines 6 and 10, the word “Home” and inserting in place thereof, in
317 each instance, the following word:- home.

318 SECTION 60. Said section 8 of said chapter 115A, as so appearing, is hereby further
319 amended by striking out the second paragraph.

320 SECTION 61. Section 9 of said chapter 115A, as so appearing, is hereby amended by
321 striking out, in line 3, the words “Soldiers’ Home in Massachusetts” and inserting in place
322 thereof the following words:- state-operated veterans’ home in the city of Chelsea.

323 SECTION 62. Said chapter 115A is hereby amended by striking out section 10 and
324 inserting in place thereof the following section:-

325 Section 10. The superintendent of a state-operated veterans’ home may establish a
326 program for the training of residents in medicine, surgery, urology and such other specialties and
327 sub-specialties of medicine as may be deemed advisable. The persons undergoing such training

328 shall be designated as follows and shall be eligible for training grants from the commonwealth;
329 provided, such grants shall be exempt from chapter 62; provided further, recipients of said grants
330 shall not be subject to chapter 31 and shall not be deemed to be employees of the
331 commonwealth. Approval of the training program by the personnel administrator shall be
332 required in accordance with the provisions of section 28 of chapter 7.

333 SECTION 63. Said chapter 115A is hereby further amended by striking out section 10A
334 and inserting in place thereof the following section:-

335 Section 10A. (a) The superintendent of a state-operated veterans' home may establish a
336 program for the education and training of practical nurses and promulgate regulations to govern
337 the program. The commonwealth may provide the education and training at no cost to the
338 program participants, apart from fees and uniforms. A participant completing the education and
339 training program and licensed as a practical nurse by the board of registration in nursing shall be
340 required to obtain employment as a practical nurse at a state-operated veterans' homes for 2,000
341 hours on either a full-time or part-time basis as specified by the superintendent, or as determined
342 by the appointing authority of the state facility where the person becomes employed. Program
343 participants shall be required to sign an agreement acknowledging either their work commitment
344 to the commonwealth or, in lieu of completing a work commitment, their obligation to repay the
345 cost of the education and training program to the veterans' home.

346 (b) If a participant who has completed the education and training program and is licensed
347 by the board as a practical nurse, fails to complete the employment requirement or any portion
348 thereof, or fails to repay any of the costs thereof, the remaining contractual obligation between
349 the veterans' home and the participant shall be charged against the participant. The

350 superintendent shall, in their discretion, determine the names of those defaulting on their
351 obligations in the training and education program and report those names, addresses and license
352 numbers to the board of registration in nursing. The superintendent shall notify those determined
353 to be in default that they have initiated proceedings that could result in the suspension or
354 revocation of their licenses. The superintendent shall also initiate an action to suspend or revoke
355 the nursing license of each defaulting participant before the division of administrative law
356 appeals. The division shall schedule an adjudicatory hearing under section 10 of chapter 30A
357 within 30 days of receipt of the superintendent's notice and shall notify the superintendent and
358 the licensee that they have the right to a full and fair hearing on the matter. For purposes of the
359 hearings, the superintendent's written representation, executed under the pains and penalties of
360 perjury, with supporting documentation, to the division establishing that a participant is in
361 default of the obligation shall be prima facie evidence of default. The superintendent shall notify
362 the board of registration in nursing of the final written decision of the division of administrative
363 law appeals. If the division finds the license should be suspended or revoked, the board of
364 registration in nursing shall, within 15 days of receipt of the finding, suspend or revoke the
365 license. Within 30 days of receipt of notice of the final decision of the division or, if a petition
366 for rehearing has been timely filed with the division, within 30 days after receipt of notice of the
367 division's denial of the petition for rehearing, an aggrieved party may file for judicial review in
368 superior court pursuant to section 14 of said chapter 30A.

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

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

375 SECTION 64. Section 11 of said chapter 115A is hereby repealed.

376 SECTION 65. Said chapter 115A is hereby further amended by striking out section 12, as
377 appearing in the 2020 Official Edition, and inserting in place thereof the following section:-

378 Section 12. (a) There shall be within the department of veterans' services an office of
379 veterans' homes and housing. The secretary of veterans' services shall appoint an executive
380 director of veterans' homes and housing who shall have: (i) at least 5 years of experience in
381 health care management; and (ii) military or other experience working with veterans. The duties
382 of the executive director shall include, but shall not be limited to: (i) oversight of the office; and
383 (ii) service as an advisor to the secretary of veterans' services on matters relative to veterans'
384 housing. The position of executive director shall be classified pursuant to section 45 of chapter
385 30. The executive director may, with the approval of the secretary of veterans' services, appoint
386 and remove any employees necessary to carry out the duties of the office. Unless otherwise
387 provided by law, all such appointments and removals shall be made pursuant to chapter 31.

388 The office shall:

389 (i) coordinate and oversee implementation and enforcement of laws, regulations and
390 policies relative to the veterans' homes and other housing for veterans;

391 (ii) investigate and make recommendations on best practices for providing housing for
392 veterans; provided, however, that the executive director shall have access to all property of the
393 commonwealth under the oversight of the department of veterans services to carry out the duties

394 of the office; provided further, that the members of the boards of trustees of state-operated
395 veterans' homes pursuant to section 40 of chapter 6 and the members of the veterans' homes
396 council pursuant to section 41 of said chapter 6 shall not be subject to the control of the
397 executive director; and provided further, that the executive director shall not have control over
398 the day-to-day operations of veterans' homes;

399 (iii) establish standardized rules and regulations governing outpatient treatment,
400 admission to and hospitalization in the homes; provided, however, that rules and regulations may
401 include, but not be limited to: (A) governing outpatient treatment at, admission to and
402 hospitalization in the homes, including an increase in any charges, subject to the approval of the
403 secretary of health and human services; (B) providing for such treatment, admission and
404 hospitalization for any person qualified under section 1 of chapter 115A, except for residence, if
405 such person had at some time prior to their application for such treatment, admission or
406 hospitalization resided in the commonwealth continuously for 5 years; (C) providing for
407 emergency treatment for any person in need of such treatment by reason of accident or sudden
408 illness, until such person can be transferred to some other institution or place; (D) providing for
409 proper disciplinary action, including discharge from said homes, of any person whose conduct
410 therein or while a member thereof is deemed to be inimical to the welfare of other members; (E)
411 providing for the exclusion from the respective state-operated veterans' homes, either
412 temporarily or permanently, of any person who has received a disciplinary discharge from a
413 state-operated veterans' home or from any facility of the United States Department of Veterans'
414 Affairs ; and (F) providing for the exclusion from outpatient treatment at, admission to or
415 hospitalization in such state-operated veterans' homes of any person whose disability or illness
416 may be diagnosed as neuropsychiatric, neurosurgical or tubercular or other ailment or condition

417 for the treatment and care of which proper facilities are not available at such state-operated
418 veterans' homes;

419 (iv) develop and amend by-laws that are consistent at existing state-operated veterans'
420 homes, which shall include, but not be limited to, admissions eligibility and procedures,
421 procurement, per diem rates and staffing levels; and

422 (v) develop and implement a system of reviewing charges, complaints and comments,
423 including, but not limited to, comments from residents, family members of residents and the
424 ombudspersons for each home.

425 (b) Annually, not later than November 1, the office, in coordination with the veterans'
426 homes council established in section 41 of chapter 6, shall report on the state of the veterans'
427 homes and the report shall include: (i) the quality of care provided at the homes; (ii) the financial
428 status of the homes; (iii) the uniformity of programs at the homes; (iv) the capital needs of the
429 homes; and (v) the status of the United States Department of Veterans Affairs' accreditation,
430 including the efforts necessary to maintain compliance and the efforts necessary to become fully
431 compliant with the United States Department of Veterans Affairs' standards at each veterans'
432 home. The office shall submit the report to the governor, the clerks of the house of
433 representatives and senate and the joint committee on veterans and federal affairs.

434 SECTION 66. Said chapter 115A is hereby further amended by adding the following 6
435 sections:-

436 Section 13. The secretary of veterans' services shall promulgate rules and regulations
437 pertaining to the operation and administration of the state-operated veterans' homes. The
438 secretary, in consultation with the executive director of veterans' homes and housing, shall

439 continually evaluate the performance of the state-operated veterans' homes and take any action
440 necessary to ensure the safety and welfare of residents of the homes.

441 Section 14. (a) Each state-operated veterans' home shall have : (i) a superintendent as its
442 administrative head, who shall report to the secretary of veterans' services; and (ii) a deputy
443 superintendent, who shall report to the superintendent. The superintendent for each state-
444 operated veterans' home shall be: (i) licensed as a nursing home administrator pursuant to
445 section 109 of chapter 112; and (ii) a veteran or have experience with management of veterans in
446 a nursing home or long-term care facility. The superintendent shall be appointed by the secretary
447 of veterans' services and may be removed by the secretary without cause. The deputy
448 superintendent of a state-operated veterans' home shall be appointed by the superintendent of the
449 state-operated veterans' home and may be removed by the superintendent without cause.

450 The board of trustees for each state-operated veterans' home shall each nominate 1
451 candidate for superintendent of their respective veterans' home for approval by the veterans'
452 homes council, who shall then submit their final candidate to the secretary of veterans' services
453 for consideration for appointment pursuant to the third paragraph of this subsection.

454 The secretary of veterans' services shall provide notice of a vacancy in the position of
455 superintendent at a state-operated veterans' home within 10 days of the vacancy to the secretary
456 of health and human services, the veterans' home council and the board of trustees of the state-
457 operated veterans' home at which the vacancy exists. The vacancy shall be filled by the secretary
458 of veterans' services upon receiving a final candidate from the veterans' home council pursuant
459 to the second paragraph of this subsection.

460 (b) Each superintendent shall be responsible for the day-to-day management and
461 operation of their respective state-operated veterans' home and shall ensure that facilities,
462 personnel, operations and finances are well-managed and a high quality of care is maintained.
463 The responsibilities of a superintendent shall include, but not be limited to: (i) developing
464 organizational policies and procedures for the home; (ii) conducting recruitment, hiring and
465 training of personnel; (iii) directing, supervising and evaluating the work of personnel; (iv)
466 remaining up-to-date on medical advances and equipment; (v) ensuring compliance with
467 government regulations and policies; (vi) ensuring regular communication with state agencies
468 and bodies; (vii) managing fiscal planning and operations; and (viii) monitoring the use of
469 services and facilities to ensure effective use of resources and to assess future needs. Annually,
470 each superintendent shall meet with the board of trustees for their respective veterans' home to
471 provide a briefing on their budget proposal for the upcoming fiscal year and provide an
472 opportunity for comment from the board of trustees.

473 (c) The superintendent shall appoint and may remove a medical director, a director of
474 nursing and a chief financial officer. The medical director, director of nursing and chief financial
475 officer shall be employed full-time and shall devote their full time and attention to the duties of
476 their office. Section 49 of chapter 31 shall apply to the appointment of the chief financial officer.
477 The medical director shall be responsible for: (i) the medical, surgical and outpatient facilities;
478 (ii) establishing best practices for the treatment of health issues that disproportionately impact
479 veterans including, but not limited to, post-traumatic stress disorder and suicide; and (iii) making
480 recommendations to the superintendent regarding the appointment of the director of nursing and
481 the appointment of all physicians, nurses and other medical staff by the superintendent. The
482 superintendent shall appoint and remove such other persons as the superintendent deems

483 necessary for the proper and efficient operation of the facilities of the state-operated veterans'
484 home.

485 Section 15. (a) The office of veterans' homes and housing established in section 12 shall
486 employ an ombudsperson at each state-operated veterans' home. The ombudsperson shall be a
487 full-time, paid position to advocate on behalf of residents and staff of the home and to receive,
488 investigate and resolve through administrative action, in a timely manner, complaints filed by
489 residents and staff of the home, individuals acting on behalf of residents or staff or any
490 individual organization or government agency that has reason to believe that the home, an
491 organization or a government agency has engaged in activities, practices or omissions that
492 constitute violations of applicable statutes or regulations or that may have an adverse effect upon
493 the health, safety, welfare or rights of residents or staff of the home. The ombudsperson may
494 work with the superintendent and appropriate staff at the home or the executive director of
495 veterans' homes and housing as needed to resolve any complaint and shall inform the
496 complainant of the resolution. The ombudsperson shall report to the executive director of
497 veterans' homes and housing established in said section 12. The ombudsperson may also
498 facilitate family meetings, provide outreach and participate in orientation meetings for new
499 residents of the home and their families. The ombudsperson shall not be subject to section 9A of
500 chapter 30 or chapter 31.

501 (b) No person shall discharge, discipline or otherwise retaliate against any resident or
502 staff of a state-operated veterans' home, any individual acting on behalf of any resident or staff
503 of a state-operated veterans' home or any individual organization for filing a complaint with the
504 ombudsperson or for disclosing information or cooperating in an investigation resulting from any
505 such complaint; provided, however, that the complaint was made in good faith. The

506 ombudsperson for each state-operated veterans' home shall make best efforts to ensure the
507 confidentiality of complainants.

508 Section 16. (a) Each state-operated veterans' home shall apply for and maintain
509 certification by the federal Centers for Medicare and Medicaid Services to participate in the
510 Medicare and Medicaid programs, pursuant to subpart B of 42 CFR 483. The superintendent of
511 each state-operated veterans' home in coordination with the executive director of veterans'
512 homes and housing shall ensure that compliance with the requirements of said subpart B of 42
513 CFR 483 shall be maintained and that all compliance failures are addressed in a timely manner.
514 The superintendent, in coordination with the executive director, shall submit to the governor, the
515 secretary of veterans' services, the secretary of health and human services and the veterans'
516 homes council, established pursuant to section 41 of chapter 6, a report of any compliance
517 failures identified during the annual survey conducted by the division of health care facility
518 licensure and certification not later than 30 days after the compliance failure is identified. The
519 report shall outline each compliance failure and a plan for corrective action.

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

524 Section 17. The superintendent of each veterans' home, in coordination with the
525 executive director of veterans' homes and housing, shall conduct annual reviews of the
526 respective home's health record system and ensure the home is equipped with technology to best
527 serve access to records for veterans and, where applicable, access to records for veterans'

528 families. A copy of the review shall be sent to the governor, the president of the senate, the
529 speaker of the house of representatives, the senate and house committees on ways and means and
530 the joint committee on veterans and federal affairs.

531 Section 18. Notwithstanding any general or special law to the contrary, the
532 superintendent of each state-operated veterans' home may accept donations from non-profit
533 organizations that enhance the well-being and care of residents of the home. The superintendent
534 shall submit an annual report on donation activity, including, but not limited to, an accounting of
535 monetary donations, to the attorney general, the executive director of veterans' homes and
536 housing, the secretary of veterans' services, the veterans' homes council and each state-operated
537 veterans' home.

538 SECTION 67. The General Laws are hereby amended by inserting after chapter 115A the
539 following chapter:-

540 CHAPTER 115B.

541 OFFICE OF THE VETERAN ADVOCATE.

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

544 "Executive agency", a state agency within the office of the governor, including the
545 executive office of education, the executive office of public safety and security, executive office
546 of health and human services, and their constituent agencies, the Massachusetts interagency
547 council on housing and homelessness and the executive office of housing and economic
548 development, and their constituent agencies.

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

550 “Office”, the office of the veteran advocate established in section 2.

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

552 Section 2. There shall be an office of the veteran advocate, which shall be independent of
553 any supervision or control by any executive agency. The office shall: (i) ensure that veterans in
554 the care of the commonwealth or receiving services under the supervision of an executive agency
555 in any public or private facility receive humane and dignified treatment at all times, with full
556 respect for the veterans’ personal dignity and right to privacy; (ii) ensure that veterans in the care
557 of the commonwealth or receiving services under the supervision of an executive agency in any
558 public or private facility receive timely, safe and effective services; (iii) aid and coordinate with
559 local veterans service officers to ensure veterans receive all available state and federal benefits;
560 (iv) examine, on a system-wide basis, the care and services that executive agencies provide
561 veterans; (v) advise the public and those at the highest levels of state government about how the
562 commonwealth may improve its services to and for veterans and their families; (vi) develop
563 internal procedures appropriate for the effective performance of the office’s duties; (vii) act as a
564 liaison to all state agencies providing services to veterans to ensure each veteran receives
565 necessary services and care; (viii) assist in developing procedures for the executive agencies to
566 best serve the veteran community; (ix) act as a liaison to the United States Department of
567 Veterans Affairs and all other relevant federal agencies to advocate on behalf of the veterans of
568 the commonwealth; and (x) investigate incidents where a veteran suffered a fatality, near fatality
569 or serious bodily or emotional injury while receiving services from an executive agency, or
570 circumstances which result in a reasonable belief that an executive agency or a constituent

571 agency failed in its duty to care for a veteran and, as a result, the veteran was at imminent risk of,
572 or suffered serious bodily or emotional injury or death.

573 Section 3. The office of the veteran advocate shall be under the direction of the veteran
574 advocate. The veteran advocate shall be the administrative head of the office and shall devote
575 full time to the duties of the office. The veteran advocate shall be appointed by a majority vote of
576 the attorney general, the state auditor and the governor from a list of 3 nominees submitted by a
577 nominating committee to recommend a veteran advocate. The nominating committee shall
578 consist of: the secretary of health and human services, or a designee, who shall serve as chair; the
579 secretary of veterans' services, or a designee; the secretary of public safety, or a designee; the
580 commissioner of mental health, or a designee; the house and senate chairs of the joint committee
581 on veterans and federal affairs; the adjutant general of the Massachusetts national guard; a
582 representative of the veterans of foreign wars department of Massachusetts; a representative of
583 the American legion department of Massachusetts; the chair of the board of trustees of the
584 veterans' home in the city of Chelsea; and the chair of the board of trustees of the veterans' home
585 in the city of Holyoke. The nominating committee shall submit salary recommendations for the
586 candidates commensurate with the candidates' experience and other similar state positions. The
587 work of the nominating committee shall be coordinated by the executive office of health and
588 human services.

589 Any person appointed to the position of veteran advocate shall be selected without regard
590 to political affiliation and on the basis of integrity and demonstrated ability in veteran welfare,
591 justice, auditing, law, health care, management analysis, public administration and investigation
592 or criminal justice administration. The veteran advocate may, subject to appropriation, appoint

593 such other personnel as the veteran advocate deems necessary for the efficient management of
594 the office.

595 The veteran advocate shall serve for a term of 5 years. In the case of a vacancy in the
596 position of the veteran advocate, a successor shall be appointed in the same manner for the
597 remainder of the unexpired term. No person shall be appointed as veteran advocate for more than
598 2 full terms.

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

604 Section 4. The veteran advocate shall report annually to the governor, the senate
605 president, the speaker of the house of representatives, the senate and the house committees on
606 ways and means, and the joint committee on veterans and federal affairs on the activities of the
607 office, including, but not limited to, an analysis of the delivery of services to veterans and
608 recommendations for changes in agency procedures which would enable the commonwealth to
609 better provide services to and for veterans and their families and priorities for implementation of
610 those changes to services. The report shall be made public on the website of the veteran
611 advocate.

612 SECTION 68. Section 30A of chapter 149 of the General Laws, as appearing in the 2020
613 Official Edition, is hereby amended by striking out, in line 23 and lines 27 and 28, the words

614 “soldiers’ homes in Massachusetts” and inserting in place thereof, in each instance, the following
615 words:- state-operated veterans’ homes.

616 SECTION 69. Section 30B of said chapter 149, as so appearing, is hereby amended by
617 striking out, in line 16 and lines 18 and 19, the words “soldiers’ homes in Massachusetts” and
618 inserting in place thereof, in each instance, the following words:- state-operated veterans’ homes.

619 SECTION 70. Section 187 of said chapter 149, as so appearing, is hereby amended by
620 striking out, in lines 14 and 15, the words “the Soldiers’ Home in Holyoke, the Soldiers’ Home
621 in Massachusetts” and inserting in place thereof the following words:- a state-operated veterans’
622 home.

623 SECTION 71. Section 47 of chapter 152 of the General Laws, as so appearing, is hereby
624 amended by striking out, in lines 3 and 12, the word “commissioner” and inserting in place
625 thereof, in each instance, the following word:- secretary.

626 SECTION 72. Section 22 of chapter 175 of the General Laws, as so appearing, is hereby
627 amended by striking out, in line 22, the words “soldiers’ home established by the
628 commonwealth” and inserting in place thereof the following words:- state-operated veterans’
629 home.

630 SECTION 73. Said section 22 of said chapter 175, as so appearing, is hereby further
631 amended by striking out, in lines 24 and 28, the word “soldiers’” and inserting in place thereof,
632 in each instance, the following word:- veterans’.

633 SECTION 74. Section 1 of chapter 176A of the General Laws, as so appearing, is hereby
634 amended by striking out, in lines 29 to 31, inclusive, the words “the Soldiers’ Home in

635 Massachusetts and the Soldiers' Home in Holyoke, whereby in consideration of a contract fee,
636 said soldiers' homes" and inserting in place thereof the following words:- a state-operated
637 veterans' home, whereby in consideration of a contract fee, the veterans' home.

638 SECTION 75. Section 2-105 of article II of chapter 190B of the General Laws, as so
639 appearing, is hereby amended by striking out, in lines 4 and 5, the words "the Soldiers' Home in
640 Massachusetts or the Soldiers' Home in Holyoke" and inserting in place thereof the following
641 words:- a state-operated veterans' home.

642 SECTION 76. Said section 2-105 of said article II of said chapter 190B, as so appearing,
643 is hereby further amended by striking out, in line 7, the words "the soldiers'" and inserting in
644 place thereof the following words:- the veterans'.

645 SECTION 77. Section 123 of chapter 266 of the General Laws, as so appearing, is hereby
646 amended by striking out, in lines 5 and 6, the words "Soldiers' Home in Massachusetts, Soldiers'
647 Home in Holyoke" and inserting in place thereof the following words:- a state-operated veterans'
648 home.

649 SECTION 78. Section 22 of chapter 270 of the General Laws, as so appearing, is hereby
650 amended by striking out, in lines 148 and 149, the words "the Soldiers' Home in Massachusetts
651 located in the city of Chelsea or the Soldiers' Home in Holyoke" and inserting in place thereof
652 the following words:- or a state-operated veterans' home.

653 SECTION 79. (a) Notwithstanding any general or special law to the contrary, members
654 of the board of trustees of the Soldiers' Home in Massachusetts appointed pursuant to section 40
655 of chapter 6 of the General Laws shall be members of the boards of trustees for the state-
656 operated veterans' home located in the city of Chelsea established in subsection (a) of said

657 section 40 of said chapter 6, inserted by section 3; provided, however, that any vacancy on the
658 board of trustees of the soldiers' home in Massachusetts appointed pursuant to said section 40 of
659 said chapter 6 that occurs before February 1, 2023 shall not be filled if the appointment results in
660 the board having greater than 5 members. Members of the board shall serve consistent with their
661 current term of office.

662 (b) Notwithstanding any general or special law to the contrary, members of the board of
663 trustees of the Soldiers' Home in Holyoke appointed pursuant to section 70 of chapter 6 of the
664 General Laws shall be members of the board of trustees for the state-operated veterans' home
665 located in the city of Holyoke established in subsection (b) of section 40 of said chapter 6,
666 inserted by section 3; provided, however, that any vacancy on the board of trustees of the
667 Soldiers' Home in Holyoke appointed pursuant to said section 70 of said chapter 6 that occurs
668 before February 1, 2023 shall not be filled if the appointment results in the board having greater
669 than 5 members. Members of the board shall serve consistent with their current term of office.

670 (c) The governor and the secretary of health and human services shall make their
671 respective appointments to the veterans' homes council pursuant to section 41 of chapter 6 of the
672 General Laws, inserted by section 3, on or before February 1, 2023.

673 SECTION 80. (a) Notwithstanding any general or special law to the contrary, any
674 obligation of the Soldiers' Home in Massachusetts shall be applied to and made an obligation of
675 the state-operated veterans' home located in the city of Chelsea.

676 (b) Notwithstanding any general or special law to the contrary, any obligation of the
677 Soldiers' Home in Holyoke shall be applied to and made an obligation of the state-operated
678 veterans' home located in the city of Holyoke.

679 SECTION 81. Notwithstanding any general or special law to the contrary, the
680 superintendent of the Soldiers' Home in Massachusetts appointed pursuant to section 40 of
681 chapter 6 of the General Laws and the superintendent of the Soldiers' Home in Holyoke
682 appointed pursuant to section 71 of said chapter 6 of the General Laws shall continue to serve as
683 superintendents of their respective state-operated veterans' home in accordance with the terms of
684 any existing employment contracts and subject to the removal provisions of sections 40 and 41
685 of said chapter 6, inserted by section 3.