

HOUSE No. 520

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas A. Golden, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>
<i>Rady Mom</i>	<i>18th Middlesex</i>
<i>David M. Nangle</i>	<i>17th Middlesex</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Peter J. Durant</i>	<i>6th Worcester</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>

<i>Keiko M. Orrall</i>	<i>12th Bristol</i>
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Bradford R. Hill</i>	<i>4th Essex</i>
<i>Mark J. Cusack</i>	<i>5th Norfolk</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>John V. Fernandes</i>	<i>10th Worcester</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Eileen M. Donoghue</i>	<i>First Middlesex</i>
<i>Michael D. Brady</i>	<i>9th Plymouth</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Thomas M. Petrolati</i>	<i>7th Hampden</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Leah Cole</i>	<i>12th Essex</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>

<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Susannah M. Whipps Lee</i>	<i>2nd Franklin</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Paul Tucker</i>	<i>7th Essex</i>
<i>Walter F. Timilty</i>	<i>7th Norfolk</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>William M. Straus</i>	<i>10th Bristol</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>

HOUSE No. 520

By Mr. Golden of Lowell, a petition (accompanied by bill, House, No. 520) of Thomas A. Golden, Jr. and others relative to stabilizing the Commonwealth’s nursing facilities. Elder Affairs.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

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

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1: Chapter 118E as amended by section 123 of chapter 224 of the Acts of 2012 is
2 hereby amended by adding at the end thereof the following new section: -

3 Section __: for the purpose of determining the annual inflation factor for nursing home
4 allowable costs, the executive office of health and human services shall apply the annual
5 unadjusted Skilled Nursing Facility Market Basket Update as established by the Centers for
6 Medicare & Medicaid in the Medicare Skilled Nursing Facility prospective payment system rule.

7 Section 2: Notwithstanding any general or special law to the contrary, effective July 1,
8 2015 for the fiscal year ending June 30, 2016, the executive office of health and human services
9 shall use calendar year 2011 costs as the base year for the purpose of setting MassHealth nursing
10 facility rates.

11 Section 3: Notwithstanding any general or special law to the contrary, the executive
12 office of health and human services in setting Medicaid nursing facility rates shall not impose

13 any so-called ‘utilization occupancy penalty’ efficiency standard that is in excess of the actual
14 median occupancy for nursing homes in the base year.

15 Section 4: Chapter 23 of the General Laws, as appearing in the 2010 official edition is
16 hereby amended by inserting after section 9U the following new section:

17 The Commonwealth Corporation shall, subject to appropriation, establish an extended
18 care career ladder grant program, consistent with section 410 of chapter 159 of the Acts of 2000.
19 Grants shall be available for certified nurses’ aides, home health aides, homemakers and other
20 entry level workers in long-term care. The grants may include training for English for speakers
21 of other languages and other language and adult basic education programs to improve quality of
22 care and improve direct care worker access to and participation in career ladder training. The
23 length of such grants shall not exceed a period of 3 years. The Commonwealth Corporation shall
24 submit quarterly reports to the house and senate committees on ways and means on said grant
25 program including, but not limited to, the number of grants awarded, the amount of each grant, a
26 description of the career ladder programs, changes in care-giving and workplace practices that
27 have occurred and their impact on quality of care and worker retention and the certificates,
28 degrees or professional status attained by each participating employee. The administrative and
29 program management costs for the implementation of said grant program shall not exceed 4 per
30 cent of the amount of the grant program. Each grant may include funding for technical
31 assistance and evaluation.

32 Section 5: Chapter 111 of the General Laws, as appearing in the 2010 official edition, is
33 hereby amended by inserting after section 4O the following new section:-

34 4P. The Department shall, subject to appropriation, establish a scholarship program for
35 certified nurses' aide and direct care worker training. The department shall establish appropriate
36 guidelines and application criteria for the administration of the program. The scholarships shall
37 cover the full cost of tuition to an approved certified nurses' aide or long-term care direct worker
38 training program, including approved programs providing for cross-training. Funds may also be
39 available to provide adult basic education and English as a second language training for
40 applicants otherwise meeting criteria for the scholarships, as well as pilot training programs
41 using enhanced curricula designed to support increased retention. The department shall, in
42 consultation with the nursing home industry, consumer groups, the department of labor and
43 workforce development, the Commonwealth Corporation, training providers and other
44 appropriate state and local agencies, conduct outreach regarding the availability of such
45 scholarships. The department shall consult with the scholarship program advisory council to
46 review and recommend new training requirements for certified nurses' aides, home health aides
47 and home care workers to improve the quality of the direct care workforce and the quality of care
48 provided in all long-term care settings by developing skill standards, supporting the transition
49 from training to work, improving retention, promoting portability, recognizing career
50 advancement curricula and addressing language and education barriers. The costs for outreach
51 activities shall not exceed 3 per cent of the amount of the program and administrative costs of the
52 program shall not exceed 3 per cent of the amount of the program.