

HOUSE No. 625

The Commonwealth of Massachusetts

PRESENTED BY:

Rodney M. Elliott

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 nursing home facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>1/14/2023</i>

HOUSE No. 625

By Representative Elliott of Lowell, a petition (accompanied by bill, House, No. 625) of Rodney M. Elliott relative to stabilizing nursing home facilities. Elder Affairs.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to stabilizing nursing home 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 of the General Laws, as appearing in the 2018 official edition
2 is hereby amended by inserting at the end thereof the following new sections: -

3 Section 79. In setting Medicaid rates for nursing homes, the executive office of health
4 and human services shall annually recognize inflationary costs by adjusting nursing home
5 allowable resident care base year costs to the rate year using the annual unadjusted Skilled
6 Nursing Facility as established by the Centers for Medicare & Medicaid in the Medicare Skilled
7 Nursing Facility prospective payment system rule.

8 Section 80. For the purpose of recognizing current labor and resident care costs in setting
9 Medicaid nursing home rates, the executive office of health and human services shall use as base
10 year costs for rate determination purposes the reported costs of the calendar year not more than 2
11 years prior to the current rate year.

12 Section 81. For purposes of recognizing nursing labor costs performed for resident care,
13 the executive office of health and human services shall set the so-called Nursing Cost Per Diem
14 at the statewide average plus 10%.

15 Section 82: The executive office of health and human services shall ensure that facilities
16 that serve a disproportionately high number of Medicaid residents receive an upward adjustment
17 of no less than 5 percent to their Medicaid rate. To qualify for this upward adjustment, Medicaid
18 residents must represent 75 percent or greater of all resident care days.

19 Section 83: In setting Medicaid capital rates for the Department of Public Health
20 Determination of Need approved construction projects beginning October 1, 2020 in connection
21 with, but not limited to, conversion of rooms with three or more residents to one- and two-
22 bedded rooms, the executive office of health and human services shall set the rate at no less than
23 the capital payment using the capital standard payment calculation methodology in effect on
24 September 30, 2019 under 101 CMR 206.05.