

HOUSE No. 628

The Commonwealth of Massachusetts

PRESENTED BY:

Kenneth I. Gordon

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 certified medical directors at skilled nursing facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>1/11/2023</i>
<i>Aaron L. Saunders</i>	<i>7th Hampden</i>	<i>2/15/2023</i>

HOUSE No. 628

By Representative Gordon of Bedford, a petition (accompanied by bill, House, No. 628) of Kenneth I. Gordon and Aaron L. Saunders relative to certified medical directors at skilled nursing facilities. Elder Affairs.

The Commonwealth of Massachusetts

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

An Act relative to certified medical directors at skilled 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. For the purposes of this act the following terms shall, unless the context
2 requires otherwise, have the following meanings:-

3 “Certified medical director”, an individual who has been certified as a certified medical
4 director by the American Board of Post-Acute and Long-Term Care Medicine or an equivalent
5 organization, as determined by the department of public health.

6 “Department”, the department of public health.

7 “Skilled nursing facility”, a facility that is licensed pursuant to section 71 of chapter 111
8 of the General Laws, which primarily provides inpatient skilled nursing care and related services
9 to patients who require medical, nursing or rehabilitative services but does not provide the level
10 of care or treatment available in a hospital, including any skilled nursing facility that is operated
11 as a distinct part of an acute care hospital.

12 SECTION 2. (a) No skilled nursing facility shall contract with a person as a medical
13 director if the person is not, or will not be within 5 years of the date of initial hire as the facility's
14 medical director, a certified medical director, except as set forth in subsection (b).

15 (b) A medical director already employed in a skilled nursing facility as of January 1,
16 2023 shall have until January 1, 2028 to become a certified medical director.

17 SECTION 3. (a) Skilled nursing facilities seeking licensure pursuant to said section 71 of
18 said chapter 111 shall submit to the department all of the following information on its medical
19 director upon its initial application for licensure:

20 (1) the criminal history of the medical director;

21 (2) the medical director's resume; and

22 (3) proof of the medical director's certification as a certified medical director or, if the
23 medical director is not yet certified, the expected date of certification.

24 (c) Skilled nursing facilities shall notify the department of any changes in its medical
25 director by submitting the information required in subsection (a) within 10 calendar days of said
26 changes.

27 (d) All skilled nursing facilities shall submit to the department the information required in
28 subsection (a) no later than June 30, 2024.

29 SECTION 4. Whoever acts as a certified medical director or represents themselves to be
30 a certified medical director without having been duly certified shall be punished by a fine of not
31 less than \$500 or by imprisonment in a house of correction for not more than 6 months, or both.

32 SECTION 5. No later than January 1, 2031, the department shall submit a report to the
33 clerks of the senate and house of representatives and the joint committee on public health. The
34 report shall include a recommendation on a permanent requirement for skilled nursing facilities
35 to contract with certified medical directors. The report may also include any other recommended
36 legislation, regulations, policies or procedures related to certified medical directors.

37 SECTION 6. Sections 1 through 4, inclusive, are hereby repealed.

38 SECTION 7. Section 6 shall take effect on January 1, 2033.