

SENATE No. 404

The Commonwealth of Massachusetts

PRESENTED BY:

Cindy F. Friedman

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 to strengthen emergency preparedness for home care workers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>	
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/26/2021</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>2/26/2021</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>3/2/2021</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>3/3/2021</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>3/5/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/9/2021</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>3/12/2021</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>3/15/2021</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>3/18/2021</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>3/24/2021</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>4/1/2021</i>
<i>John Cronin</i>	<i>Worcester and Middlesex</i>	<i>4/13/2021</i>

SENATE No. 404

By Ms. Friedman, a petition (accompanied by bill, Senate, No. 404) of Cindy F. Friedman, Jack Patrick Lewis, Carol A. Doherty, Angelo J. Puppolo, Jr. and other members of the General Court for legislation to strengthen emergency preparedness for home care workers. Elder Affairs.

The Commonwealth of Massachusetts

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

An Act to strengthen emergency preparedness for home care workers.

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. Notwithstanding any general or special law to the contrary, the executive
2 office of health and human services, in consultation with the department of elder affairs and the
3 office of Medicaid, shall develop metrics, standards, and procedures that trigger emergency long-
4 term care provider rates of payment that include hazard pay wage add-ons for employees of
5 home health agencies and home care agencies that shall be implemented in response to any
6 COVID-19 resurgence, statewide public health emergency, severe statewide weather emergency,
7 or other statewide emergency incident. The executive office of health and human services shall
8 also develop standard, comprehensive, timely and publicly accessible processes for provider
9 reporting and state audits of the use of emergency rate increases for wage increases.

10 SECTION 2. Notwithstanding any general or special law to the contrary, the executive
11 office of health and human services, in consultation with all appropriate state agencies and all
12 relevant public stakeholders, shall develop and implement a mandatory infection control and

13 public health training program that all new and incumbent direct care employees of home health
14 agencies and home care agencies shall complete as a condition of employment. The executive
15 office shall establish contracts with labor-management training funds, community colleges, and
16 other entities capable of conducting the training program and shall ensure the training program is
17 implemented in a manner that is coordinated with the work of other state agencies and public and
18 private entities involved in health care workforce training, recruitment, and retention.

19 SECTION 3. Notwithstanding any general or special law to the contrary, the executive
20 office of health and human services shall establish an online personal protective equipment
21 exchange for the purpose of identifying, aggregating, and making available for private purchase
22 and procurement necessary personal protective equipment to be utilized by long-term care
23 workers, including, but not limited to, personal care attendants and all employees of nursing
24 facilities, resident care facilities, assisted living residences, adult day programs, home health
25 agencies, and home care agencies in the Commonwealth. The executive office shall: (i) identify
26 and offer qualified private wholesalers, manufacturers, and suppliers the opportunity to
27 participate on the exchange; (ii) ensure that the personal protective equipment offered on the
28 exchange complies with all federal and state requirements and specifications; and (iii) establish
29 and implement a comprehensive process to receive, negotiate, and finalize competitive pricing to
30 be offered for the personal protective equipment placed on the exchange.

31 All sales of the personal protective equipment from the exchange shall be private
32 transactions by and between the private purchaser and private seller. The executive office shall
33 operate the exchange and therefore facilitate such transactions but shall have no legal
34 responsibility to offer payment for or the delivery of the personal protective equipment. The

35 executive office may establish processes to subsidize or to discount the cost of personal
36 protective equipment that is purchased through the exchange for certain purchasers.

37 In developing the exchange, the executive office shall establish a stakeholder group,
38 which shall be comprised of representatives from 1199SEIU, the Massachusetts Senior Care
39 Association, the Home Care Alliance of Massachusetts, manufacturers and suppliers of personal
40 protective equipment, and other stakeholders that the executive office deem necessary to
41 organize and establish the exchange.

42 SECTION 4. Notwithstanding any general or special law to the contrary, the executive
43 office of health and human services, in consultation with the department of elder affairs and the
44 office of Medicaid, shall develop and implement new standards and practices that use the worker
45 contact information included in the Massachusetts Home Care Worker Registry established in
46 Chapter 139 of the Acts of 2017 to ensure robust communication with the home care agency
47 workforce during a state public health emergency or other state emergencies. Such
48 communication shall include, but not be limited to, informing the home care agency workforce
49 about any new provider rates designated for hazard pay, the availability of and standards for
50 mandatory infection control trainings, and procedures for accessing personal protective
51 equipment from any state-run online exchange.

52 SECTION 5. The personal protective equipment exchange established in Section 3 shall
53 be implemented not later than 90 days after the effective date of this act.