

SENATE No. 00531

The Commonwealth of Massachusetts

PRESENTED BY:

Richard T. Moore

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 passage of the accompanying bill:

An Act reforming the administration of health care.

PETITION OF:

NAME:

Richard T. Moore

DISTRICT/ADDRESS:

Worcester and Norfolk

SENATE No. 00531

By Mr. Moore, petition (accompanied by bill, Senate, No. 531) of Moore for legislation to establish the executive office of health and secretary of health [Joint Committee on Health Care Financing].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ SENATE
□ , NO. 559 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act reforming the administration of health care.

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 17A of chapter 6 of the general laws as most recently appearing
2 in the 2008 Official Edition, is hereby amended by striking the words “the secretary of health
3 and human services, and inserting in place thereof: “the secretary of human services, the
4 secretary of health,”

5 SECTION 2. Section 2 of chapter 6A of the general laws as most recently appearing in
6 the 2008 Official Edition, is hereby amended by striking out the words “health and human
7 services,” and inserting in place thereof, “health, human services,”

8 SECTION 3. Section 3 of chapter 6A of the general laws as most recently appearing in
9 the 2008 Official Edition, is hereby amended by striking out the word, “health and human
10 services,” and inserting in place thereof, “health, the secretary of human services,”

11 SECTION 4. Section 16 of chapter 6A of the general laws as most recently appearing
12 in the 2008 Official Edition, and amended by Section 715 of Chapter 26 of the Acts of 2003, is
13 hereby amended by striking out said section 16, and inserting in place thereof a new section:

14 Section 16. Executive Office of Human Services

15 The executive office of human services shall serve as the principal agency of the
16 executive department for the following purposes: (a) developing, coordinating, administering and
17 managing the welfare and human services operations, policies and programs; (b) supervising and
18 managing the organization and conduct of the business affairs of the departments, commissions,
19 offices, boards, divisions, institutions and other entities within the executive office to improve
20 administrative efficiency and program effectiveness and to preserve fiscal resources; (c)
21 developing and implementing effective policies, regulations and programs to assure the
22 coordination and quality of services provided by the secretary and all of the departments,
23 agencies, commissions, offices, boards, and divisions; (d) acting as the single state agency under
24 section 1902(a)(5) of the Social Security Act authorized to supervise and administer the state
25 programs under title XIX, for the programs under titles IV (A), IV (B), IV (E), XX and XXI of
26 the Social Security Act, and for the programs under the Rehabilitation Act; and (e) maximizing
27 federal financial participation for all agencies, departments, offices, divisions and commissions
28 within the executive office and supporting similar activities in the executive office of health and
29 mental hygiene.

30 The executive office of human services shall include: (1) the department of elder
31 affairs under the direction of a secretary of elder affairs, who shall be appointed by the governor;
32 (2) the office of children, youth and family services, which shall include the department of social
33 services, the department of transitional assistance, the department of youth services, the office of
34 child care services, the child abuse prevention board and the office for refugees and immigrants;
35 (3) the office of disabilities and community services, which shall include the department of
36 developmental disabilities, the Massachusetts rehabilitation commission, the Massachusetts
37 commission for the blind, the Massachusetts commission for the deaf and hard of hearing and the
38 Soldiers' Home in Massachusetts and the Soldiers' Home in Holyoke; and (4) the department of
39 veterans' services under the direction of the secretary of veterans' services, who shall be
40 appointed by the governor.

41 The governor shall appoint a secretary of human services, who shall serve at the pleasure of the
42 governor and shall act as the executive officer in all matters pertaining to the administration,
43 management, operation, regulation, planning, fiscal and policy development functions and affairs
44 of the departments, commissions, offices, boards, divisions and other agencies within the
45 executive office.

46 The secretary shall have the authority to: (a) through the department of elder affairs
47 and the division of medical assistance and other agencies within the executive office, as
48 appropriate, operate and administer the programs of medical assistance and medical benefits
49 under chapter 118E; provided, however, that the executive office under the direction of the
50 secretary shall be the single state agency under section 1902(a)(5) of the Social Security Act,
51 under Title XIX agency, for programs under titles IV(A), IV(B), IV(E), XX and XIX of the
52 Social Security Act and for programs under the Rehabilitation Act; (b) establish certain rates of

53 payment for health care services pursuant to section 2A of chapter 118G; (c) coordinate and
54 supervise the administration of the executive office and its agencies to promote economy and
55 efficiency and improve service delivery; (d) establish uniform regional and area boundaries for
56 the agencies within the executive office; (e) establish uniform contracting and payment
57 procedures for the executive office and its agencies; (f) develop and implement a management
58 information system for the management of fiscal, client and program data necessary for the
59 efficient administration of the agencies within the executive office; (g) pursuant to chapter 30A,
60 make, amend and repeal rules and regulations for the management and administration of the
61 executive office and agencies within the executive office, including regarding the sharing of
62 data, including personal data, between and among the executive office and its agencies, subject
63 to appropriate protections for the confidentiality of client data; (h) execute all instruments
64 necessary for carrying out the business of the executive office and its agencies; (i) acquire, own,
65 hold, dispose of, lease and encumber property in the name of the executive office and its
66 agencies; (j) enter into agreements and transactions with federal, state and municipal agencies
67 and other public institutions and private individuals, partnerships, firms, corporations,
68 associations and other entities on behalf of the executive office or its agencies; (k) charge and
69 collect fees, rentals and other charges as may be reasonable and necessary for carrying out the
70 business of the executive office and its agencies; (l) apply for and accept funds, including grants,
71 bequests, gifts and contributions on behalf of the commonwealth in accordance with section 6 of
72 chapter 29B; and (m) serve as the executive and administrative head of each office, department,
73 division, bureau, section, agency and other administrative unit within the executive office, except
74 as specifically provided by law. The secretary may delegate any of the foregoing powers to an

75 officer having charge of a department, office, division or other administrative unit within the
76 executive office.

77 The secretary of human services may appoint an assistant secretary for each of the
78 following offices: disabilities and community services; and children, youth and family services.
79 The assistant secretaries shall serve at the pleasure of the secretary and shall perform such duties
80 as the secretary shall determine. Notwithstanding any general or special law to the contrary, the
81 secretary may appoint an individual to serve simultaneously as the commissioner of any agency
82 within the executive office and as an assistant secretary for the offices disability and community
83 services; and children, youth and family services. If the secretary appoints an individual to serve
84 simultaneously as a commissioner and assistant secretary, the individual shall only be
85 compensated for service in 1 office.

86 The secretary may appoint, consistent with sections 3 and 7, whatever personnel he
87 deems necessary or desirable for the effective performance of the executive office. Such
88 personnel shall perform such duties as the secretary shall determine and serve at the pleasure of
89 the secretary.

90 The secretary shall establish a performance measurement system for the agencies
91 within the executive office, which shall establish program goals, measure program performance
92 against those goals and report publicly on progress to improve the effectiveness of human
93 services programs, service delivery and policy decision-making. The performance measurement
94 system shall require each agency to develop a strategic plan for program activities and
95 performance goals. The system shall require annual program performance reports which shall be

96 submitted to the house and senate committees on ways and means and the joint committee on
97 human services and elder affairs.

98 SECTION 5. Chapter 6A of the general laws as most recently appearing in the 2008
99 Official Edition, is hereby amended by inserting after section 16, two new sections:

100 Section 16A. Executive Office of Health

101 The executive office of health shall serve as the principal agency of the executive
102 department for the following purposes: (a) developing, coordinating, administering and
103 managing the public health and mental health, policies and programs; (b) supervising and
104 managing the organization and conduct of the business affairs of the departments, commissions,
105 offices, boards, divisions, institutions and other entities within the executive office to improve
106 administrative efficiency and program effectiveness and to preserve fiscal resources; (c)
107 developing and implementing effective policies, regulations and programs to assure the
108 coordination and quality of services provided by the secretary and all of the departments,
109 agencies, commissions, offices, boards, and divisions.

110 The executive office of health shall include: (1) the office of health services, which shall include
111 the department of public health, the department of mental health, and the Betsy Lehman center
112 for patient safety and medical error reduction; (2) the division of medical assistance; (3) the
113 managed care oversight board; (4) the health facilities appeals board, (5) the Massachusetts
114 nursing collaborative, (6) the health care cost and quality council, and (7) the commonwealth
115 health connector, which shall be located within, but not subject to the control of the executive
116 office.

117 The governor shall appoint a secretary of health, who shall serve at the pleasure of the
118 governor and shall act as the executive officer in all matters pertaining to the administration,
119 management, operation, regulation, planning, fiscal and policy development functions and affairs
120 of the departments, commissions, offices, boards, divisions and other agencies within the
121 executive office.

122 The secretary shall have the authority to: (a) establish and regularly update, in
123 accordance with the provisions of section 16A (1), a comprehensive state health policy whose
124 mission is to enhance the health and well being as demonstrated through improved health
125 outcomes of all Massachusetts residents by promoting accountable, yet caring; cost-effective, yet
126 high quality health care; using evidence-based, patient-centered methods of programming,
127 treatment, and service delivery, (b) establish certain rates of payment for health care services
128 pursuant to section 2A of chapter 118G; (c) coordinate and supervise the administration of the
129 executive office and its agencies to promote economy and efficiency and improve service
130 delivery; (d) establish uniform regional and area boundaries for the agencies within the executive
131 office; (e) establish uniform contracting and payment procedures for the executive office and its
132 agencies; (f) share with the secretary of human services the development and implementation of
133 a management information system for the management of fiscal, client and program data
134 necessary for the efficient administration of the agencies within the executive office so that those
135 seeking service from health or human service agencies or programs shall make application
136 through a single universal application portal; (g) pursuant to chapter 30A, make, amend and
137 repeal rules and regulations for the management and administration of the executive office and
138 agencies within the executive office, including regarding the sharing of data, including personal
139 data, between and among the executive office and its agencies, subject to appropriate protections

140 for the confidentiality of client data; (h) execute all instruments necessary for carrying out the
141 business of the executive office and its agencies; (i) acquire, own, hold, dispose of, lease and
142 encumber property in the name of the executive office and its agencies; (j) enter into agreements
143 and transactions with federal, state and municipal agencies and other public institutions and
144 private individuals, partnerships, firms, corporations, associations and other entities on behalf of
145 the executive office or its agencies; (k) charge and collect fees, rentals and other charges as may
146 be reasonable and necessary for carrying out the business of the executive office and its
147 agencies; (l) apply for and accept funds, including grants, bequests, gifts and contributions on
148 behalf of the commonwealth in accordance with section 6 of chapter 29B; and (m) serve as the
149 executive and administrative head of each office, department, division, bureau, section, agency
150 and other administrative unit within the executive office, except as specifically provided by law.
151 The secretary may delegate any of the foregoing powers to an officer having charge of a
152 department, office, division or other administrative unit within the executive office.

153 The secretary of health shall appoint a chief medical officer of the commonwealth, and
154 may appoint an assistant secretary for each of the following offices: public health and wellness,
155 health care quality and patient safety, and mental health. The assistant secretaries shall serve at
156 the pleasure of the secretary and shall perform such duties as the secretary shall determine.
157 Notwithstanding any general or special law to the contrary, the secretary may appoint an
158 individual to serve simultaneously as the commissioner of any agency within the executive office
159 and as an assistant secretary for the offices of public health and wellness, health care quality and
160 patient safety, or mental health. If the secretary appoints an individual to serve simultaneously as
161 a commissioner and assistant secretary, the individual shall only be compensated for service in
162 one office.

163 The secretary may appoint, consistent with sections 3 and 7, whatever personnel he
164 deems necessary or desirable for the effective performance of the executive office. Such
165 personnel shall perform such duties as the secretary shall determine and serve at the pleasure of
166 the secretary.

167 The secretary shall establish a performance measurement system for the agencies
168 within the executive office, which shall establish program goals, measure program performance
169 against those goals and report publicly on progress to improve the effectiveness of health
170 programs, service delivery and policy decision-making. The performance measurement system
171 shall require each agency to develop a strategic plan for program activities and performance
172 goals. The system shall require annual program performance reports which shall be submitted to
173 the house and senate committees on ways and means and the joint committee on health care
174 financing.