

SENATE No. 79

The Commonwealth of Massachusetts

PRESENTED BY:

Steven A. Tolman

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 relative to improvements in private duty nursing care for developmentally disabled children

PETITION OF:

NAME:

Steven A. Tolman

DISTRICT/ADDRESS:

Second Suffolk and Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00122 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO IMPROVEMENTS IN PRIVATE DUTY NURSING CARE FOR
DEVELOPMENTALLY DISABLED CHILDREN.

*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 19B of the General Laws, as appearing in the 2000 Official
2 Edition, is hereby amended by inserting after section 13, the following new section: -Section
3 13A. Residential Services for Developmentally Disabled Children.

4 (a) For the purposes of this section, the following words shall have the following meaning:

5 “Certification” shall mean verification of successful completion of a didactic course and
6 curriculum, created by the advisory committee established in this section and provided by the
7 commonwealth, which is specifically designed to address: the degree of clinical skill required for
8 services rendered, the severity and complexity of developmentally disabled disorders or
9 disabilities, private duty nursing ethics and accepted customs, accepted professional standards of
10 practice; policies and procedures and the successful demonstration of said skills. Any

11 modification of said didactic course shall only be made with the approval of said advisory
12 committee.

13 “Continuity of Care” shall mean the development and implementation of a plan of care by the
14 Commonwealth to deploy qualified licensed nurses for the purpose of providing, ongoing,
15 consistent and complete care to developmentally disabled children.

16 “Developmentally Disabled Child” shall mean a publicly aided patient who receives health care
17 services for which the Commonwealth in part or in whole is liable under a statutory program of
18 public assistance who if not cared for through private duty nursing would be eligible for
19 institutional care related to the severity and complexity of the patient’s disorder or disability.

20 “Licensed Nurse” – shall mean a registered nurse or licensed practical nurse registered nurse
21 duly licensed under the provisions of chapter 112, section 74 or chapter 112, section 74A who is
22 a professional employee as defined in section one of chapter one-hundred and fifty E and shall
23 enjoy all the rights, privileges, benefits and obligations contained therein.

24 “Private Duty Nursing” shall mean the provisions of skilled nursing services, rendered in the
25 home by a certified licensed nurse.

26 (b) The commonwealth shall directly employ an adequate number of licensed nurses, with
27 certification, to provide expert nursing care to all developmentally disabled children eligible to
28 receive private duty nursing care. The services described in this section shall be implemented,
29 subject to appropriation, through commonwealth operated facilities and/or department regional
30 offices. Each licensed nurse shall have a valid license to practice nursing in Massachusetts and
31 shall maintain the certification developed under this act.

32 (c) An Advisory Committee to develop a curriculum for “developmentally disabled
33 certification” is hereby established, to consist of three members of the senate, one of whom shall
34 be the chairman of the joint committee on human services and elderly affairs who shall serve as
35 co-chair of the commission, one of whom shall be the chairman of the senate committee on ways
36 and means or his designee, and one of whom shall be appointed by the president of the senate;
37 three members of the House of Representatives, one of whom shall be the house chairman of the
38 joint committee on human services and elderly affairs who shall serve as co-chair, one of whom
39 shall be chairman of the house committee on ways and means or his designee, one of whom shall
40 be appointed by the speaker of the house; the Secretary of Administration and Finance; the
41 Secretary of Health and Human Services; three individuals who represent families with
42 developmentally disabled children and one representative each from the Massachusetts Nurses
43 Association, the American Federation of State, County and Municipal Employees, the Division
44 of Medical Assistance, the Division of Health Care Finance and Policy, and the Group Insurance
45 Commission. Said Advisory Committee shall make an investigation to identify measures
46 necessary to care for developmentally disabled children and to formalize the development of a
47 didactic course and curriculum for a developmentally disabled certification. The didactic course
48 shall include, but not be limited to:

- 49 (1) policies and protocols regarding home care services;
- 50 (2) policies related to private duty nursing ethics;
- 51 (3) policies related to accepted customs and professional standards of practice;
- 52 (4) medication safety in the home;

53 (5) documentation;

54 (6) confidentiality of health information;

55 (7) coordination and creation of a written plan of care;

56 (8) communication with other professional disciplines; and

57 (9) family involvement in the formation of a plan of care.

58 (d) Appropriations for the administration and support of the state plan to fulfill its obligations

59 under this section to provide continuity of care for developmentally disabled children shall be

60 made through an individual line-item by General Court.