

HOUSE No. 610

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas A. Golden, Jr.

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 the Commonwealth’s nursing facilities.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|-------------------------------|------------------------|
| <i>Thomas A. Golden, Jr.</i> | <i>16th Middlesex</i> |
| <i>Louis L. Kafka</i> | <i>8th Norfolk</i> |
| <i>Carole A. Fiola</i> | <i>6th Bristol</i> |
| <i>Angelo J. Puppolo, Jr.</i> | <i>12th Hampden</i> |
| <i>Mathew J. Muratore</i> | <i>1st Plymouth</i> |
| <i>Tram T. Nguyen</i> | <i>18th Essex</i> |
| <i>Kimberly N. Ferguson</i> | <i>1st Worcester</i> |
| <i>Carlos González</i> | <i>10th Hampden</i> |
| <i>John Barrett, III</i> | <i>1st Berkshire</i> |
| <i>Sarah K. Peake</i> | <i>4th Barnstable</i> |
| <i>Steven Ultrino</i> | <i>33rd Middlesex</i> |
| <i>Harriette L. Chandler</i> | <i>First Worcester</i> |
| <i>Susan Williams Gifford</i> | <i>2nd Plymouth</i> |
| <i>Tommy Vitolo</i> | <i>15th Norfolk</i> |
| <i>Daniel J. Hunt</i> | <i>13th Suffolk</i> |
| <i>Rady Mom</i> | <i>18th Middlesex</i> |
| <i>Hannah Kane</i> | <i>11th Worcester</i> |
| <i>Antonio F. D. Cabral</i> | <i>13th Bristol</i> |

| | |
|---------------------------------|-----------------------|
| <i>Marcos A. Devers</i> | <i>16th Essex</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> |
| <i>Todd M. Smola</i> | <i>1st Hampden</i> |
| <i>Natalie M. Higgins</i> | <i>4th Worcester</i> |
| <i>John H. Rogers</i> | <i>12th Norfolk</i> |
| <i>Denise C. Garlick</i> | <i>13th Norfolk</i> |
| <i>Brian M. Ashe</i> | <i>2nd Hampden</i> |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> |
| <i>Mike Connolly</i> | <i>26th Middlesex</i> |
| <i>Tackey Chan</i> | <i>2nd Norfolk</i> |
| <i>Elizabeth A. Poirier</i> | <i>14th Bristol</i> |
| <i>William J. Driscoll, Jr.</i> | <i>7th Norfolk</i> |
| <i>Patricia A. Haddad</i> | <i>5th Bristol</i> |
| <i>James Arciero</i> | <i>2nd Middlesex</i> |
| <i>Liz Miranda</i> | <i>5th Suffolk</i> |
| <i>Daniel Cahill</i> | <i>10th Essex</i> |
| <i>Joseph W. McGonagle, Jr.</i> | <i>28th Middlesex</i> |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> |
| <i>Daniel R. Cullinane</i> | <i>12th Suffolk</i> |
| <i>Jerald A. Parisella</i> | <i>6th Essex</i> |
| <i>Linda Dean Campbell</i> | <i>15th Essex</i> |
| <i>Thomas M. Stanley</i> | <i>9th Middlesex</i> |
| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i> |
| <i>Carmine Lawrence Gentile</i> | <i>13th Middlesex</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> |
| <i>Angelo L. D'Emilia</i> | <i>8th Plymouth</i> |
| <i>Danielle W. Gregoire</i> | <i>4th Middlesex</i> |
| <i>John J. Mahoney</i> | <i>13th Worcester</i> |
| <i>F. Jay Barrows</i> | <i>1st Bristol</i> |
| <i>David Biele</i> | <i>4th Suffolk</i> |
| <i>Mark J. Cusack</i> | <i>5th Norfolk</i> |
| <i>Elizabeth A. Malia</i> | <i>11th Suffolk</i> |
| <i>David M. Nangle</i> | <i>17th Middlesex</i> |
| <i>Harold P. Naughton, Jr.</i> | <i>12th Worcester</i> |
| <i>Frank A. Moran</i> | <i>17th Essex</i> |
| <i>Paul Brodeur</i> | <i>32nd Middlesex</i> |
| <i>Brian W. Murray</i> | <i>10th Worcester</i> |
| <i>David Allen Robertson</i> | <i>19th Middlesex</i> |

HOUSE No. 610

By Mr. Golden of Lowell, a petition (accompanied by bill, House, No. 610) of Thomas A. Golden, Jr. and others relative to the financial stability of nursing facilities. Elder Affairs.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to stabilizing the Commonwealth’s 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. Chapter 118E of the General Laws, as appearing in the 2016 official edition
2 is hereby amended by inserting at the end thereof the following new section: -

3 Section 78. For the purpose of determining the annual inflation factor for nursing home
4 allowable costs, the executive office of health and human services shall apply the annual
5 unadjusted Skilled Nursing Facility Market Basket Update as established by the Centers for
6 Medicare & Medicaid in the Medicare Skilled Nursing Facility prospective payment system rule.

7 SECTION 2. Notwithstanding any general or special law to the contrary, effective July 1,
8 2019 for the fiscal year ending June 30, 2020, the executive office of health and human services
9 shall use calendar year 2017 costs as the base year for the purpose of setting MassHealth nursing
10 facility rates and should update the base year annually in subsequent rate years.

11 SECTION 3. Chapter 23 of the General Laws, as appearing in the 2016 official edition is
12 hereby amended by inserting after section 9U the following new section:

13 Section 9V. The Commonwealth Corporation shall, subject to appropriation, establish an
14 extended care career ladder grant program, consistent with section 410 of chapter 159 of the Acts
15 of 2000. Grants shall be available for certified nurses' aides, home health aides, homemakers and
16 other entry level workers in long-term care. The grants may include training for English for
17 speakers of other languages and other language and adult basic education programs to improve
18 quality of care and improve direct care worker access to and participation in career ladder
19 training. The length of such grants shall not exceed a period of 3 years. The Commonwealth
20 Corporation shall submit quarterly reports to the house and senate committees on ways and
21 means on said grant program including, but not limited to, the number of grants awarded, the
22 amount of each grant, a description of the career ladder programs, changes in care-giving and
23 workplace practices that have occurred and their impact on quality of care and worker retention
24 and the certificates, degrees or professional status attained by each participating employee. The
25 administrative and program management costs for the implementation of said grant program
26 shall not exceed 4 per cent of the amount of the grant program. Each grant may include funding
27 for technical assistance and evaluation.

28 SECTION 4. Chapter 111 of the General Laws, as appearing in the 2016 official edition,
29 is hereby amended by inserting after section 4O the following new section:-

30 Section 4P. The Department shall, subject to appropriation, establish a scholarship
31 program for certified nurses' aide and direct care worker training. The department shall establish
32 appropriate guidelines and application criteria for the administration of the program. The
33 scholarships shall cover the full cost of tuition to an approved certified nurses' aide or long-term
34 care direct worker training program, including approved programs providing for cross-training.
35 Funds may also be available to provide adult basic education and English as a second language

36 training for applicants otherwise meeting criteria for the scholarships, as well as pilot training
37 programs using enhanced curricula designed to support increased retention. The department
38 shall, in consultation with the nursing home industry, consumer groups, the department of labor
39 and workforce development, the Commonwealth Corporation, training providers and other
40 appropriate state and local agencies, conduct outreach regarding the availability of such
41 scholarships. The department shall consult with the scholarship program advisory council to
42 review and recommend new training requirements for certified nurses' aides, home health aides
43 and home care workers to improve the quality of the direct care workforce and the quality of care
44 provided in all long-term care settings by developing skill standards, supporting the transition
45 from training to work, improving retention, promoting portability, recognizing career
46 advancement curricula and addressing language and education barriers. The costs for outreach
47 activities shall not exceed 3 per cent of the amount of the program and administrative costs of the
48 program shall not exceed 3 per cent of the amount of the program.