

# SENATE . . . . . No. 2558

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## The Commonwealth of Massachusetts

—  
In the One Hundred and Ninetieth General Court  
(2017-2018)  
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SENATE, Thursday, June 14, 2018

The committee on Elder Affairs, to whom was referred the petitions (accompanied by bill, Senate, No. 352) of Barbara A. L'Italien, Jose F. Tosado, Angelo J. Puppolo, Jr., Mathew Muratore and other members of the General Court for legislation relative to home care workforce initiatives; and (accompanied by bill, House, No. 350) of Aaron Vega and others relative to home care,- reports the accompanying bill (Senate, No. 2558).

For the committee,  
Barbara A. L'Italien

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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An Act relative to home care workforce initiatives.

*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 13D of chapter 118E of the General Laws, as appearing in the 2016  
2 Official Edition, is hereby amended by inserting, in line 25, after the words “chapter 111,” the  
3 following words:- “and home health agencies pursuant to Title XVIII, Section 1891 of the Social  
4 Security Act,”

5           SECTION 2. Said section 13D of said chapter 118E, as so appearing, is hereby further  
6 amended by inserting, after the second paragraph, the following new paragraphs:-

7           Rates for the home care program, as defined under sections 4 and 4B, of chapter 19A,  
8 shall be adjusted on a biennial prospective basis by October 1st. The executive office shall  
9 establish, in conjunction with the executive office of elder affairs, a base purchase of service and  
10 a base personnel and operations per client per month capitation for the home care and enhanced  
11 community options programs, or successor programs, to be used in establishing biennial  
12 capitations pursuant to the provisions of this section and section 13C. Said capitations shall be  
13 based on operating costs for aging services access points, including personnel costs that are  
14 commensurate with personnel holding similar job responsibilities employed by state government

15 and private organizations; provided further, said operating costs shall include personnel costs  
16 associated with wages, compensation and/or salary and associated employee-related costs to  
17 personnel providing homemaker and personal care homemaker services; provided further  
18 compensation earned by homemakers and personal care homemakers shall be no less than \$15  
19 per hour by July 1, 2019; provided further, said base personnel and operations capitation for the  
20 enhanced community options program shall be no less than ninety percent of the capitation for  
21 the MassHealth community choices program as of July 1, 2016, and said base personnel and  
22 operations capitation for the home care program shall be no less than sixty percent of the  
23 personnel and operations capitation for the enhanced community options program. Said  
24 capitations shall be reasonable and adequate to meet the costs which are incurred by efficiently  
25 and economically operated home care program, considering factors necessary to meet the  
26 updated costs of providing the home care program in conformity with the requirements of  
27 chapter 19A and its regulations.

28           In determining rates for service providers of seniors, including but not limited to Adult  
29 Day Health providers, the executive office shall consider the costs associated with: (i) statutorily  
30 required changes to wages, staffing levels, or administrative responsibilities, (ii) changes to  
31 licensure requirements, and (iii) placement of clients in alternative programs or facilities upon  
32 closure of said program.