

SENATE No. 343

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia D. Jehlen

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 establishing a home care aide training registry.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>2/2/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/2/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/3/2017</i>

SENATE No. 343

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 343) of Patricia D. Jehlen, Christine P. Barber, Kenneth I. Gordon, Denise Provost and others for legislation to establish a home care aide training registry. Elder Affairs.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act establishing a home care aide training registry.

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 4A. Chapter 19A of the General Laws is hereby amended by inserting after
2 section 4C the following section:-

3 Section 4D. (a) As used in this section, the following terms shall have the following
4 meanings:

5 "Home care worker", a person employed by a home care agency to provide home health
6 aide, homemaker, personal care, and supportive home care aide services.

7 "Home care agency" an entity, however organized, whether conducted for profit or not
8 for profit, which is advertised, announced, established or maintained for the purpose of providing
9 home health aide, homemaker, personal care homemaker, companion and chore services to
10 clients in community-based settings

11 (b) The department shall, subject to appropriation, establish and maintain a registry of
12 individuals who have successfully completed an education or training program which meets the
13 home health aide training requirements set forth by the federal Medicare Conditions of
14 Participation for Home Health Agencies at 42 CFR Part 484.36 or the Homemaker/Personal Care
15 standards issued by the MA Executive office of Elder Affairs. The registry shall be sufficiently
16 and promptly accessible to meet the needs of home care agencies, home care workers, and the
17 public. A home care agency shall only hire or employ, on a paid, unpaid, temporary or
18 permanent basis, a home care worker who is listed in the registry as having demonstrated
19 competency as defined by the department.

20 (c) The registry shall include: (i) an individual's full name; (ii) assigned unique
21 identification number; (iii) home care aide training level; (iii) name of training program; (iv)
22 language abilities; (v) in service training information; (vi) home care employment history; and
23 (vii) any other information the department deems necessary to identify the individual.

24 (d) All home care agencies shall contact the registry prior to hiring an individual who will
25 provide home health, homemaker, personal care homemaker, and supportive home care aide
26 services to patients or have access to patients or their property to access any information in the
27 registry relating to any home care worker

28 (e) The department shall specify which information for the registry shall be submitted
29 and updated by the training program or home care agency

30 (f) The registry shall be updated at least monthly. Any entity required or choosing to
31 provide information to the registry shall promptly submit updated information whenever such
32 information changes.

33 (g) The department shall establish appropriate security mechanisms to safeguard any
34 personality identifiable information in the registry and maintain a record of accessing or
35 obtaining information from the registry.

36 (h) The department shall provide reasonable and appropriate timetables, notices and
37 phase-in mechanisms for applying various provisions of this section to training programs, home
38 care agencies, and home care workers. Persons employed as home care workers on the effective
39 date of this section shall be registered as soon as practicable, but not later than twelve months
40 after such effective date.

41 (i) The department may make any such additional rules and regulations as are reasonably
42 necessary to implement the provisions of this section

43 (j) This act shall take effect one year after the date of passage.