

**SENATE . . . . . No. 373**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Mark C. Montigny***

*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 to prevent patient abuse and death in nursing homes.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/23/2019</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>1/29/2019</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>1/29/2019</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>1/30/2019</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>1/31/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/1/2019</i>

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By Mr. Montigny, a petition (accompanied by bill, Senate, No. 373) of Mark C. Montigny, Jason M. Lewis, Christopher Hendricks, Patrick M. O'Connor and other members of the General Court for legislation to prevent patient abuse and death in nursing homes. Elder Affairs.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 353 OF 2017-2018.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act to prevent patient abuse and death in nursing homes.

*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 73 of chapter 111 of the General Laws, as appearing in the 2016  
2 Official Edition, is hereby amended by striking out, in line 14, the word “fifty” and inserting in  
3 place thereof the following figure:- \$20,965

4           SECTION 2. Notwithstanding any special or general law to the contrary, the center for  
5 health information and analysis, in consultation with the office of Medicaid, the department of  
6 elder affairs, and the health policy commission, shall conduct an examination of cost trends and  
7 financial performance among nursing facilities, as defined by 957 CMR 7.02. The information  
8 shall be analyzed on an institution-specific, provider organization, and industry-wide basis and  
9 shall include, but not be limited to: (i) gross and net resident service revenues; (ii) other sources  
10 of operating and non-operating revenue; (iii) trends in relative price, payer mix, case mix,

11 utilization, and length of stay dating back to 2010; (iv) affiliations with other health care  
12 providers, including, but not limited to, preferred clinical relationships and partnerships; (v)  
13 categories of costs, including, but not limited to, general and administrative costs, nurses, CNAs,  
14 and other labor costs and salaries, management services, dietary services, building costs, capital  
15 costs, and other operating costs; (vi) total spending on direct patient care as a percent of total  
16 operating expenses; (vii) operating and total margin; (viii) occupancy rates, and (ix) other  
17 relevant measures of financial performance and service delivery. These measures should  
18 distinguish long-term from short-stay residents where possible.

19           The report and any recommendations for legislation shall be filed with the clerks of the  
20 house of representatives and the senate, and the joint committee on elder affairs not later than  
21 180 days after passage of this act.