

SENATE No. 389

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 providing for certification of skilled nursing facility medical directors.

PETITION OF:

NAME:

Mark C. Montigny

DISTRICT/ADDRESS:

Second Bristol and Plymouth

SENATE No. 389

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 389) of Mark C. Montigny for legislation to provide for certification of skilled nursing facility medical directors. Elder Affairs.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act providing for certification of skilled nursing facility medical directors.

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. For the purposes of this act the following terms shall, unless the context
2 requires otherwise, have the following meanings:-

3 “Certified medical director”, an individual who has been certified as a certified medical
4 director by the American Board of Post-Acute and Long-Term Care Medicine or an equivalent
5 organization, as determined by the department of public health.

6 “Department”, the department of public health.

7 “Skilled nursing facility”, a facility that is licensed pursuant to section 71 of chapter 111
8 of the General Laws, which primarily provides inpatient skilled nursing care and related services
9 to patients who require medical, nursing or rehabilitative services but does not provide the level
10 of care or treatment available in a hospital, including any skilled nursing facility that is operated
11 as a distinct part of an acute care hospital.

12 SECTION 2. (a) No skilled nursing facility shall contract with a person as a medical
13 director if the person is not, or will not be within 5 years of the date of initial hire as the facility's
14 medical director, a certified medical director, except as set forth in subsection (b).

15 (b) A medical director already employed in a skilled nursing facility as of January 1,
16 2024 shall have until January 1, 2029 to become a certified medical director.

17 SECTION 3. (a) Skilled nursing facilities seeking licensure pursuant to said section 71 of
18 said chapter 111 shall submit to the department all of the following information on its medical
19 director upon its original or renewal application for licensure:

20 (1) results of a criminal background check for the medical director;

21 (2) the medical director's resume; and

22 (3) proof of the medical director's certification as a certified medical director or, if the
23 medical director is not yet certified, the expected date of certification.

24 (c) Skilled nursing facilities shall notify the department of any changes in its medical
25 director by submitting the information required in subsection (a) within 10 calendar days of said
26 changes.

27 (d) All skilled nursing facilities shall submit to the department the information required in
28 subsection (a) no later than June 30, 2024.

29 SECTION 4. Whoever acts as a certified medical director or represents themselves to be
30 a certified medical director without having been duly certified shall be punished by a fine of not
31 less than \$500 or by imprisonment in a house of correction for not more than 6 months, or both.