

SENATE No. 401

The Commonwealth of Massachusetts

PRESENTED BY:

Diana DiZoglio

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 adequate funding for residents of Massachusetts nursing homes.

PETITION OF:

NAME:

Diana DiZoglio

DISTRICT/ADDRESS:

First Essex

SENATE No. 401

By Ms. DiZoglio, a petition (accompanied by bill, Senate, No. 401) of Diana DiZoglio for legislation to establish adequate funding for residents of Massachusetts nursing homes. Elder Affairs.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2376 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act establishing adequate funding for residents of Massachusetts 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 13D of chapter 118E of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by striking out the second paragraph and inserting in its
3 place the following paragraphs:-

4 Such rates for nursing homes and rest homes, as defined under section 71 of chapter 111,
5 shall be established as of October 1 of each year. In setting such rates, the executive office shall
6 use as base year costs for rate determination purposes the reported costs of the calendar year not
7 more than 2 years prior to the current rate year, and shall incorporate any audit findings
8 applicable to said base year costs. In calculating rates, the occupancy standard for nursing homes
9 shall be set at the statewide average from the base year. Notwithstanding any other general or
10 special law or regulation to the contrary, the rates set for each provider of services, whether

11 funded directly or indirectly by MassHealth, or through any Medicaid replacement plan, shall be
12 sufficient to pay, and such funds shall be used to pay 100 percent of the allowable cost to
13 providers of caring for patients who are beneficiaries of section 9A of this chapter and 100
14 percent of additional allowable costs.

15 To the extent permissible by the United States Department of Health and Human Services
16 and Centers for Medicare and Medicaid Services, and including the full amount of the annual
17 increase in the applicable market basket index as determined by said Centers for Medicare and
18 Medicaid Services, fees and assessments, such as the nursing facility user fees and any additional
19 costs incurred by a provider of services as a result of this paragraph, shall be added to the rate for
20 said provider.

21 In addition, each governmental unit shall pay to a provider of services and each state
22 institution shall charge as a provider of health care services the rates for general health supplies,
23 care and rehabilitative services and accommodations determined and certified by the executive
24 office. In establishing rates of payment to providers of services, the executive office shall comply
25 with the above methods and standards and shall ensure reimbursement for those costs incurred in
26 the ordinary course of business. In calculating rates pursuant to this paragraph, the executive
27 office shall apply 101 CMR 206.00, et seq., in effect as of January 25, 2021, to the extent
28 consistent with this paragraph, this regulation shall not be changed or superseded after January
29 25, 2021. Rates produced using these methods and standards shall be in conformance with Title
30 XIX of the Federal Social Security Act, including the upper limit on provider payments. This
31 paragraph shall only be amended by a 2/3 vote taken by a call of the yeas and nays of each
32 branch of the general court.