

SENATE No. 403

The Commonwealth of Massachusetts

PRESENTED BY:

Paul R. Feeney

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 improve nursing home job standards and care quality.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/25/2021</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>2/27/2021</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>3/2/2021</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>3/3/2021</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>3/4/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/10/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>3/10/2021</i>
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>3/22/2021</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>4/1/2021</i>

SENATE No. 403

By Mr. Feeney, a petition (accompanied by bill, Senate, No. 403) of Paul R. Feeney, Jack Patrick Lewis, Carol A. Doherty, Angelo J. Puppolo, Jr. and other members of the General Court for legislation to improve nursing home job standards and care quality. Elder Affairs.

The Commonwealth of Massachusetts

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

An Act to improve nursing home job standards and care quality.

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: Chapter 111 of the Massachusetts General Laws, as so appearing, is hereby
2 amended by adding the following new section:-

3 For the purposes of this section the following words shall, unless the context clearly
4 requires otherwise, have the following meanings:

5 "Health Care Workforce", personnel employed by or contracted to work at a skilled
6 nursing facility that influence the delivery of quality care to residents, including but not limited
7 to registered nurses, licensed practical nurses, certified nursing assistants, unlicensed assistive
8 personnel, service, maintenance, clerical, and all other health care workers.

9 "Skilled Nursing Facility" shall mean a Level 1, Level 2, or Level 3 long term care
10 facility as defined in Massachusetts standard operations of long-term care facility regulations
11 (105 CMR 150).

12 (a) Notwithstanding any special or general law to the contrary, each skilled nursing
13 facility shall establish and develop a health care workforce care planning committee within 90
14 days of the effective date of this act. The membership of the planning committee shall include at
15 least one nurse, one certified nurse assistant, one unlicensed assistive care worker, and one
16 representative for each labor organization representing bargaining units at the facility. The
17 membership of the planning committee shall include no more than the same number of
18 management representatives relative to the number of appointed members of the health care
19 workforce.

20 (b) The committee shall participate in at least one meeting of labor management
21 committee training. Such training shall be provided by an outside training vendor with
22 demonstrated experience in labor-management training. The training vendor shall be selected by
23 majority vote of the planning committee and the facility shall pay for costs of this training.

24 (c) Each facility's health care workforce planning committee shall develop, implement,
25 monitor and regularly adjust a comprehensive care team plan that accounts for each unit or other
26 skilled nursing facility division in which direct patient care is provided. The care team plan shall
27 be developed to ensure that the assigned health care workforce members are sufficient to ensure
28 a safe working environment and to provide quality care to the facility's residents. Further, the
29 care team plan shall account for all anticipated variables that can influence a facility's delivery of
30 quality patient care. The care team plan shall include account for (i) the numbers and skill mix of
31 needed health care workforce members to be assigned to residents, (ii) anticipated resident
32 census, (iii) the time needed to complete expected care tasks, (iv) the need for specialized
33 equipment and technology, (v) the physical environment of the facility; and (vi) the necessity of
34 ensuring a safe working environment.

35 (d) As a condition of licensure, each skilled nursing facility shall submit the care team
36 plan developed under subsection (b) and (c) to the department of public health on at least an
37 annual basis. Such submission shall include a certification from each member of the health care
38 workforce planning committee that the care team plan submitted accurately represents the
39 consensus decisions of the facility's planning committee.

40 (e) The department of public health shall develop rules and regulations as needed to
41 implement this section.

42 SECTION 2: Notwithstanding any general or special law, rule or regulation to the
43 contrary, the Department of Public Health shall amend the regulations governing "Nursing
44 Services" and the standard operations of long-term care facilities (105 CMR 150.007). Such
45 amendments shall establish enhanced operational standards for Level 1, 2, and 3 facilities
46 mandating that, on and after October 1, 2022, compliance with sufficient staffing standards must
47 include the provision of a minimum number of hours of care per resident per day (PPD) of 4.0
48 hours, of which at least 3.5 hours must be care provided to the resident by a certified nursing
49 assistant.