SENATE DOCKET, NO. 811 FILED ON: 1/20/2011

SENATE . . . . . No. 273

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 passage of the accompanying:

An Act establishing an advisory committee on residential care facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Patricia D. Jehlen	☐ *[District]* ☐
Gale D. Candaras	☐ *[District]* ☐
Frank I. Smizik	*15th Norfolk*

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SENATE . . . . . No. 273

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 273) of Patricia D. Jehlen, Gale D. Candaras and Frank I. Smizik for legislation to establish an advisory committee on residential care facilities. Elder Affairs.

The Commonwealth of Massachusetts

An Act establishing an advisory committee on residential care facilities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 19A of the General Laws is hereby amended by inserting after section 13, the following section:-

Section 14: Notwithstanding any general or special law to the contrary, there is hereby established an advisory committee on residential care facilities. The advisory committee is charged with reviewing the status of residential care facilities (RCFs) in the Commonwealth, including the profile of residents currently residing in RCFs, the role RCFs play within the larger long term care system/aging network, and regulatory and reimbursement barriers that may prevent RCFs from providing needed services to elders and persons with disabilities. The advisory committee shall make recommendations to the Executive Office of Health and Human Services relative to regulatory changes needed and funding and reimbursement options to maximize residential care facilities as viable options for elders and persons with disabilities in the Commonwealth. Specifically, the advisory committee shall study funding and payment options for residential care facilities which will maximize federal financial participation, including making residential care a service funded under the section 1915(c) Home and Community Based Services waiver and amending the state plan to make residential care a reimbursable service. The advisory committee will also review the status of physical plant needs of residential care facilities and will consider options for meeting capital improvements necessary to provide quality care and improve the quality of life for residents in residential care. Based on the results of the study, the advisory committee shall make a recommendation to the Secretary of Health and Human Services on actions to be taken, no later than 120 following the passage of this act. The Secretary of Health and Human Services shall take whatever steps necessary to implement the committee's recommendation.

The advisory committee shall be comprised of the Secretary of Health and Human Services or his/her designee, who will serve as the chair of the committee, the Secretary of the

25 Executive Office of Elder Affairs, or his/her designee, the Commissioner of the Department of
26 Transitional Assistance or his or her designee, the Commissioner of the Division of Health Care
27 Finance and Policy or his or her designee, the Director of the Division of Health Care Quality at
28 the Department of Public Health or his or her designee, the director of the Office for Medicaid or
29 his or her designee, one state Senator to be appointed by the Senate President, one state
30 representative to be appointed by the Speaker of the House of Representatives, three individuals
31 representing residential care providers at least one from LeadingAge Massachusetts (formerly
32 MassAging) and one from the Mass Association of Residential Care Homes (MARCH). The
33 committee shall meet not less than on a quarterly basis.