

SENATE No. 593

By Mr. Backman, a petition (accompanied by bill, Senate, No. 593) of Jack H. Backman, A. Joseph DeNucci and George Bachrach for legislation to protect the provision of home care services to the elderly. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Six.

AN ACT TO PROTECT THE PROVISION OF HOME CARE SERVICES TO THE ELDERLY.

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 32 of chapter 6A of the General Laws, as most recently
2 amended by chapter 687 of the acts of 1983 is hereby further
3 amended by striking the third paragraph and inserting in place
4 thereof the following paragraph: —

5 The commission: (1) shall determine, after public hearing, at
6 least as often as annually for institutional and non-institutional
7 providers, the rates to be paid by each governmental unit to
8 providers of health care services; (2) shall determine, after public
9 hearing, at least as often as annually, the rates to be charged by
10 each state institution for general health supplies, care, social,
11 rehabilitative or educational services and accommodations; (3)
12 shall certify to each affected government unit the rates so deter-
13 mined; (4) shall determine, after public hearing, at least as often as
14 annually, and certify to the division of industrial accidents of the
15 department of labor and industries, rates of payment for general
16 health supplies, care, social, rehabilitative, or educational services
17 and accommodations, which rates shall be paid for under the work-
18 men's compensation act; (5) shall upon request of the commis-
19 sioner of insurance assist him in performance of his duties as set
20 forth in section four of chapter one hundred and seventy-six B; (6)
21 may establish for rest homes, nursing homes and convalescent
22 homes, fair and reasonable classifications upon which any rates
23 may be based; provided, however, that the commission shall not

24 cause a decrease in a rate or add a penalty to a rate because such
25 home has an equity position which is less than zero. Said rates for
26 nursing homes and rest homes, as defined under section seventy-
27 one of chapter one hundred and eleven, shall be established as of
28 October first of each year to reflect costs of a nursing home or rest
29 home for the most recently reported calendar year adjusted for the
30 twelve months succeeding said October first. Notwithstanding any
31 other law or regulation to the contrary, each governmental unit
32 shall pay to a provider of services and each state institution shall
33 charge as a provider of health care services as the case may be, the
34 rates of general health supplies, care, social rehabilitation and
35 educational services and accommodations determined and certi-
36 fied by the commission. Said rates to be paid by governmental
37 units to providers of homecare services shall include a wage and
38 benefit rate which is comparable to the wages and benefits of
39 comparable state employees. The commission shall promulgate
40 such rules and regulations consistent with this paragraph as it
41 deems reasonable and necessary to implement the provisions
42 stated herein.