

By Mr. Brett of Boston, petition of James T. Brett for legislation to protect the provision of homecare services to the elderly. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

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

AN ACT TO PROTECT THE PROVISION OF HOMECARE 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 is hereby
2 amended by striking the third paragraph and inserting in its place
3 the following paragraph: —
4 The commission: (1) shall determine, after public hearing, at
5 least as often as annually for institutional and non-institutional
6 providers, the rates to be paid by each governmental unit to
7 providers of health care services; (2) shall determine, after public
8 hearing, at least as often as annually, the rates to be charged by
9 each state institution for general health supplies, care, social,
10 rehabilitative or educational services and accommodations; (3)
11 shall certify to each affected government unit the rates so
12 determined; (4) shall determine after public hearing, at least as
13 often as annually, and certify to the division of industrial accidents
14 of the department of labor and industries, rates of payment for
15 general health supplies, care, social, rehabilitative, or educational
16 services and accommodations, which rates shall be paid for under
17 the workmen's compensation act; (5) shall upon request of the
18 commissioner of insurance assist him in performance of his duties
19 as set forth in section four of chapter one hundred and seventy-
20 six B; (6) may establish for rest homes, nursing homes and
21 convalescent homes, fair and reasonable classifications upon
22 which any rates may be based; provided, however, that the

23 commission shall not cause a decrease in a rate or add a penalty
24 to a rate because such home has an equity position which is less
25 than zero. Said rates for nursing homes and rest homes, as defined
26 under section seventy-one of chapter one hundred and eleven,
27 shall be established as of October first of each year to reflect costs
28 of a nursing home or rest home for the most recently reported
29 calendar year adjusted for the twelve months succeeding said
30 October first. Notwithstanding any other law or regulation to the
31 contrary, each governmental unit shall pay to a provider of
32 services and each state institution shall charge as a provider of
33 health care services as the case may be, the rates for general health
34 supplies, care, social, rehabilitation and educational services
35 accommodations determined and certified by the commission.
36 Said rates to be paid by governmental units to providers of
37 homecare services shall include a wage and benefit rate which is
38 comparable to the wages and benefits of comparable state employ-
39 ees. The commission shall promulgate such rules and regulations
40 consistent with this paragraph as it deems reasonable and neces-
41 sary to implement the provisions stated herein.