

FY '24 DIGNITY SUPPORTED BUDGET ITEMS IN THE FINAL CONFERENCE REPORT

Report of the Legislative Work Group 7/31/2023

The following items that were advocated in the Conference Committee by 28 Dignity Advocates contacting 47 legislators were all approved in the final budget. Special thanks goes to all Dignity participants and friends who advocated for these items either during the budget process and/or with the Conference Committee.

- **Require reporting on compliance with state closure regulations by nursing home administrators.**

4510-0721, by adding the following words:- “; provided further, that the board of nursing home administrators shall review compliance, as established in 105 CMR 150, of facilities closed between January 1, 2023 and July 31, 2024; and provided further, that not later than September 1, 2024, the board shall submit a report to the house and senate committees on ways and means and the joint committee on elder affairs that shall include, but not be limited to, compliance issues and violations of said nursing home closure regulations, as established in 105 CMR 150.”

- **Allows subcontractors for home care agencies to comply with C.257.**

1599-6903, by inserting after the words “any human service provider receiving revenue under said Chapter 257” the following:- “, and any home care agency subcontracting with such human service providers to provide home care services,”

- **Increase funding for Asian Elders by \$50,000 (Dignity’s original email mistakenly used the figure \$75,000)**

line item 7008-1116 by inserting the following: “; provided further, that not less than \$75,000 shall be expended for the Asian Community Development Corporation for the purposes of expanding their retirement matched savings program for low-income Asian elders

- **Increases PACE funding by \$150,000 for Harbor Health.**

4000-0601, by inserting after the words “birthday occurs” the following words:- “; provided further, that not less than \$150,000 shall be expended to Harbor Health Services, Inc. for eldercare workforce development, training programs, infrastructure and operational upgrades to its Program of All-Inclusive Care for the Elderly (PACE) day centers in Mattapan, Brockton and in any new

communities for which Harbor Health Services has been contracted to help meet the commonwealth's PACE expansion goals

- **Preserve the nursing home bed hold requirements.**

Item 4000-0601 provided further, that MassHealth shall reimburse nursing home facilities for up to 20 medical leave-of-absence days and shall reimburse the facilities for up to 10 non-medical leave-of-absence days; provided further, that medical leave-of-absence days shall include an observation stay in a hospital in excess of 24 hours; provided further, that no nursing home shall reassign a patient's bed during a leave of absence that is eligible for reimbursement under this item; provided further, that not later than January 16, 2024, MassHealth shall submit a report to the house and senate committees on ways and means detailing, for fiscal year 2023, the: (a) number of nursing facility clients on a leave of absence, delineated by the nursing facility, medical leave-of-absence days and medical leave-of-absence days that exceeded 10 days per hospital stay, nonmedical leave-of-absence days and the total number of days on leave of absence unduplicated member count; (b) monthly licensed bed capacity level per nursing home and the monthly total number of empty beds per nursing facility, total number of all nursing home residents and total MassHealth nursing home residents; (c) 6 separate MassHealth payment rates and the average payment amount rate per nursing facility client resident; (d) actual number of nursing home residents for each of the 6 payment rates in clause (c); and (e) aggregate payment amount per nursing facility by month; and provided further, that the information in the report shall be delineated by nursing facility, including grand totals where appropriate\$4,486,764,509

- **Expand access to the Dementia Care Coordination program of the Alzheimer's Association (an increase of \$200,000 over the House budget).Senate Language**

Item 9110-1630, by adding the following words:- “; provided further, that not less than \$300,000 shall be expended for the Alzheimer's Association, Massachusetts Chapter, to expand access to an evidence-based program, Dementia Care Coordination, DCC, in order to reduce hospitalizations, emergency department visits and delay long-term care placements; and by striking the figure “\$213,760,442” and inserting in place thereof the following figure:- “\$214,060,442.”

- **Geriatric Psychiatric Patients Task Force**

- Inserting after section 53 the following section:-
- "SECTION 53A. (a) There shall be a task force to study geriatric psychiatric patients who are ready to be discharged from acute care in a geriatric psychiatric

unit to a nursing home but for whom placement beds are not available for extended periods and to issue recommendations to support the geriatric psychiatric care pipeline.

- (b) The task force shall consist of: the secretary of elder affairs or a designee, who shall serve as co-chair; the commissioner of mental health or a designee, who shall serve as co-chair; the commissioner of public health or a designee; the assistant secretary for MassHealth or a designee; and 5 members appointed by the co-chairs, 1 of whom shall be a representative of the Massachusetts Association of Behavioral Health Systems, Inc., 1 of whom shall be a representative of Massachusetts Health and Hospital Association, Inc., 1 of whom shall be a representative of Massachusetts Senior Care Association, Inc., 1 of whom shall be a representative of LeadingAge Massachusetts, Inc. and 1 of whom shall be a representative of Dignity Alliance Massachusetts, Inc..
- (c) Not later than January 31, 2024, the task force shall submit its report, including any proposed legislation necessary to carry out its recommendations, to the clerks of the senate and house of representatives, the joint committee on elder affairs.

• **Increasing Meals on Wheels funding by \$1 million over the amount in the House budget. Senate Language**

item 9110-1900, by striking out the figure "\$11,872,860" and inserting in place thereof the following figure:- "\$12,872,860".

• **Expending \$500,000 for the Reupment Durable Medical Equipment and Assistive Technology Reuse Program. Senate Language**

"4120-4000 For community-based services, which shall include, but not be limited to, protective services, adult support services, assistive technology services and the annualization of funding for turning 22 program clients who began receiving services in fiscal year 2023 under item 4120-4010 of chapter 126 of the acts of 2022; provided, that not less than \$2,420,000 shall be expended for assistive technology services\$13,825,279".

• **Amending permissible use standards for home care agencies. Senate Language**

1599-6903, by inserting after the words "any human service provider receiving revenue under said Chapter 257" the following:- " , and any home care agency

subcontracting with such human service providers to provide home care services,”.

- **Amending the renaming the "LGBT Aging Project" in the House budget to the "LGBTQIA+ Aging Project." Senate Language**

item 9110-1630, by striking out the words “LGBT Aging Project” and inserting in place thereof the following words:- "LGBTQIA+ Aging Project".

- **Expending \$50,000 for the LGBTQIA+ Aging Project at Fenway Health.**

item 9110-0100, by inserting at the end the following: "provided further, that not less than \$50,000 shall be expended for the LGBTQIA+ Aging Project of Fenway Health to support the Massachusetts Special Legislative Commission on LGBT Aging".

- **Expending \$500,000 for an independent actuarial study of long-term care financing in Massachusetts. Senate Language**

item 4000-0300, by adding the following words:- "; provided further, that not less than \$500,000 shall be expended for a contracted independent study for actuarial modeling of public, private and public-private hybrid long-term care services and supports financing options to help individuals prepare for, access and afford such services; provided further, that the study shall include, but not be limited to: (aa) an analysis of public and private long-term care financing programs that exist in the commonwealth, the participation rates for those programs and any clear gaps that exist, including, but not limited to, gaps in coverage, affordability, participation and any factors relevant to the design of a public program; (bb) modeling of 3 public long-term care insurance programs funded through a payroll deduction, including a front-end limited duration program, a limited duration, back-end catastrophic program and an unlimited duration program; provided further, that key modeling outputs shall include estimated program participation rates, program costs, the distribution of program benefits, the impact on Medicaid expenditures and any financial and legal risks to the commonwealth; provided further, that sensitivity analysis on key program parameters shall be completed and include daily benefit amounts, coverage duration, benefit increase options, form of benefit and premium levels; and (cc) modeling the impact of tax alternatives and other incentives for the purchase of private long-term care insurance on take-up rates in the commonwealth; provided further, that key outputs shall include the impact on insurance take-up rates, the socio-demographic profile of individuals projected to purchase long-term care insurance, program costs and the impact on Medicaid expenditures; provided further, that the actuarial analysis shall be submitted to

the executive office of health and human services, the house and senate committees on ways and means, the clerks of the senate and house of representatives and the joint committee on elder affairs not later than 270 days after the passage of this act”; and by striking out the figure "\$133,800,335" and inserting in place thereof the following figure:- "\$134,300,335".

- **Expending \$125,000 for a virtual senior center for LGBTQIA+ older adults. Senate Language**

item 9110-9002, by adding the following words:- "; provided further, that not less than \$125,000 shall be allocated to Outstanding Life for the operation of a statewide Virtual Senior Center for LGBTQIA+ older adults"; and by striking out the figure "\$26,300,000" and inserting in place thereof the following figure:- "\$26,425,000".

- **Requiring DPH to offer CNA exams in Spanish, Chinese, and other languages. House Language**

SECTION 18B. Section 72W of said chapter 111, as appearing in the 2020 Official Edition, is hereby amended by striking out the last paragraph and inserting in place thereof the following 2 paragraphs:-

A nurses' aide who receives their training and works in a facility whose resident population is predominantly non-English speaking shall be offered the option to take the nurses' aide certification exam in a language other than English, including, but not limited to, Spanish and Chinese; provided, however, that the department shall determine which languages the exam shall be offered in.

The department shall make such rules and regulations as may be necessary to carry out this section.

ADDITIONAL ITEMS IN THE CONFERENCE REPORT SUPPORTED BY DIGNITY ALLIANCE DURING BUDGET PROCESS

- AHVP was funded at \$16.8 million, and with prior appropriations continued, this means we got our ask of **\$26 million for AHVP!** We also got the language change that would allow AHVP to be used for both mobile and project-based vouchers.
- The Accessible Affordable Housing Grants were funded at \$2.5 million, also what we asked for.