



April 19, 2023

Honorable Aaron Michlewitz
Chair, House Committee on Ways and Means
State House – Room 250
Boston, MA 02133

Dear Mr. Chairman:

Dignity Alliance Massachusetts is a non-profit, non-partisan statewide coalition advocating on behalf of older adults, people with disabilities and their caregivers. As we review nursing home finances, including rate increases and supplemental payments since the pandemic, we respectfully urge that every effort be made by the Commonwealth to ensure that public funds budgeted for nursing home resident care and workforce costs are, in fact, expended for that purpose.

A just-released study¹ by the National Consumer Voice for Quality Long-Term Care, the nation's leading advocacy organization of nursing home resident, demonstrated that nursing home finances, when financial reports of related parties are included, actually result in a significant profit. Fortunately, in Massachusetts, the Center for Health Information and Analysis collects nursing facility cost reports, including related party financial reports pursuant to 957 CMR 7.03,² and should be able to determine the real costs of nursing home care. This information should, we believe, be utilized in determining how much, if at all, increased payments could be needed in order to support minimum staffing for safe, high-quality care for nursing home residents.

House Bill No. 3900, released by the House Committee on Ways and Means on April 12, 2023, includes a line item – 4000-0641 for nursing home Medicaid rates – that provides at least \$112 million in additional payments to nursing homes, in consultation with the Center for Health Information and Analysis (CHIA). In this letter, Dignity Alliance proposes that your committee, in its final technical amendment to the General Appropriation bill, include language to further define the role of CHIA so that the additional funds are, in fact, needed to improve resident care and staffing, and not become part of any profit for owners and investors of nursing homes.

¹ <https://theconsumervoice.org/uploads/files/issues/2023-Related-Party-Report.pdf>

² <https://www.mass.gov/files/documents/2017/09/13/957cmr7.pdf>

According to our calculations, Item 4000-0641 was increased in FY '23 by 24%, and in FY '24 by 14%. During that time, the quality of care has declined and staffing vacancies have increased, despite this significant increase in funding. Has there been any investigation or audit to assure the Commonwealth and its taxpayers that those funds were actually fully utilized for improved care and staffing?

Included, below, is suggested language to be included in the committee's technical amendment that, we believe, will help to provide greater assurance that supplemental funds are actually needed and that these funds will actually be used according to the intent of the Legislature.

4000-0641 For nursing facility Medicaid rates; provided, that in fiscal year 2024, the executive office of health and human services, in consultation with the center for health information and analysis, shall establish rates that cumulatively total \$470,100,000 more than the annual payment rates established under the rates in effect as of June 30, 2002; provided further, that not less than \$112,000,000 shall be expended in base rates for additional payments over the rate established in the December 2022 update to reflect nursing facility resident care and workforce costs including wages, hiring of staff and training for nursing facility workers;

provided, however, that said center shall certify that such additional payments shall not result in an excess of income over expenses when allocated to individual nursing facilities, including income and expenses of the facilities and related parties;

provided further, that an amount for expenses related to the collection and administration of section 63 of chapter 118E of the General Laws shall be transferred to the executive office; and provided further, that the payments made under this item shall be allocated in an amount sufficient to implement section 622 of chapter 151 of the acts of 1996\$582,100,000

In addition, Dignity Alliance has identified a number of proposed amendments that, if adopted, would be helpful to older adults and people with disabilities. We, respectfully, offer our endorsement of the amendments listed on the attached list.

Clearly, the Committee on Ways and Means, and the whole House, are facing an enormous task in considering the many amendments offered to House Bill No. 3900 in the coming week. We applaud the members for their leadership and efforts on behalf of the people of the Commonwealth. Best wishes for a successful budget debate!

Paul

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DIGNITY ALLIANCE SUPPORTS THE FOLLOWING 27 AMENDMENTS TO H. 3900

H.3900	48	Montaño, Samantha	LGBTQ+ Elders moves to amend the bill in Section 2, line item 9110-9002, by inserting the following: “provided further, that not less than \$475,000 shall be allocated to the Massachusetts ...
H.3900	35	Soter, Michael J.	Property Tax Exemption for Disabled Veterans moves to amend the bill by adding the following section:- “SECTION XX ... SECTION 1. Section 5 of Chapter 59 of the General Laws, as appearing in the 2018 Official Edition, is hereby ...
H.3900	87	Donato, Paul J.	Carroll Center Amendment for The Blind and Vision Impaired moves to amend the bill in section 2, in item 4110-1000, by adding the following: "and provided further, that not less than \$1,100,000 shall be expended by the commission to ...
H.3900	294	Chan, Tackey	Translated CNA Exams move to amend the bill by adding the following 2 sections: SECTION X. Chapter 111 of the General Laws is hereby amended by striking out section 72W and inserting in place thereof ...
H.3900	395	Lewis, Jack Patrick	Independent Living Centers of Mass

moves that the bill be amended in section 2, line item 4120-0200, by striking out the figure "\$8,000,000" and inserting in place the following figure: "\$10,000,000

[H.3900](#)

451

Hendricks, Christopher

[Independent Living Centers](#)

moves to amend the bill in section 2, in item 4120-0200, in line 8, by adding the following: "; provided that not less than \$10,000,000 shall be expended for Independent Living ...

[H.3900](#)

956

Uyterhoeven, Erika

[Matched Savings for Low-Income Asian Elders](#)

moves to amend the bill in section 2, line item 7008-1116 by inserting the following: "; provided further, that not less than \$75,000 shall be expended for the Asian Community ...

[H.3900](#)

143

Vitolo,
Tommy

[Naturally Occurring Retirement Communities](#)

moves to amend the bill in section 2, in line-item 9110-1660 by striking the figures, "\$856,000" and inserting in place thereof the figures, "\$1,031,000," and in said line-item by ...

[H.3900](#)

527

Fluker Oakley, Brandy

[PACE/Elder Service Plan Workforce & Infrastructure](#)

moves to amend the bill in section 2, in item 4000-0601, in line 50, by inserting after the words "reimbursement under this item", the following: "; provided further, that not ...

[H.3900](#)

633

Stanley, Thomas M.

[LGBTQIA+ Aging Project](#)

move to amend the bill in section 2, item 9110-1630, striking out the following:
"provided further, that funding shall be expended for a contract with the LGBT Aging
Project for ...

[H.3900](#)

634 Stanley, Thomas M.

[Dementia Care Coordination](#)

moves to amend the bill in section 2, in item 9110-1630, by inserting at the end the
following: "provided further, that not less than \$300,000 shall be expended for the ...

[H.3900](#)

635 Stanley, Thomas M.

[Councils on Aging Restoring Service Incentive Grant Funding](#)

moves to amend the bill in section 2, in item 9110-9002, by striking out the figures
"\$25,789,309" and inserting in place thereof the figures: "\$26,330,309

[H.3900](#)

631 Stanley, Thomas M.

[Special Legislative Commission on LGBT Aging](#)

move to amend the bill in section 2, in item 9110-0100, by inserting at the end the
following: "provided further, that not less than \$50,000 shall be expended for the
LGBTQIA ...

[H.3900](#)

638 Stanley, Thomas
M.

[SHINE](#)

moves to amend the bill in section 2, in item 9110-1455, in line 9, by striking out the
following: "\$1,000,000" and inserting in place thereof the following: "\$3,000,000

[H.3900](#)

639 Stanley, Thomas
M.

[Elder Supportive Housing](#)

moves to amend the bill in section 2, in item 9110-1604, by striking out the figures
"\$6,378,780" and inserting in place thereof the figures "\$12,604,896

[H.3900](#)

640 Stanley, Thomas
M.

[Elder Mental Health Outreach Teams \(EMHOTs\)](#)

moves to amend the bill in section 2, in item 9110-1640, by striking out the figures "\$2,500,000" and inserting in place thereof the figures "\$3,500,000"

H.3900	641	Stanley, Thomas M.	Elder Behavioral Health moves to amend the bill in section 2, in item 9110-1640, by striking out the figures "\$2,500,000" and inserting in place thereof the figures "\$3,500,000"
H.3900	652	Garballey, Sean	Public Access to Historical Records move to amend the bill by adding the following section: "SECTION XXXX ... Section 7 of Chapter 66 of the General Laws, is hereby amended by inserting at the end thereto the following ..."
H.3900	685	Montaño, Samantha	LGBTQ+ Elders & Line Item Increase moves to amend the bill in section 2, item 9110-9002, by inserting after the word "per-elder" the following: "provided further, that not less than \$475,000 shall be allocated to ..."

Amendment 685, H.3900 for David Stevens Virtual Senior Center

Rep. Montaño of Boston moves to amend the bill in section 2, item 9110-9002, by inserting after the word "per-elder" the following:-

"provided further, that not less than \$475,000 shall be allocated to the Massachusetts Councils on Aging for the operation of the David Stevens Virtual Senior Center for isolated, hard-to-reach, stigmatized and/or marginalized older adults, not less than \$300,000 of which shall be allocated to two statewide virtual senior centers, **for LGBTQIA+ older adults** and non-English-speaking older adults;" and in said item by striking out the figures "\$25,789,309" and inserting in place thereof the following figures:- "\$26,264,309"

H.3900	1219	Uyterhoeven, Erika	Prevent Seniors From Experiencing Homelessness
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moves to amend the bill in section 2, by inserting after item 9110-1604 the following item:
"XXXX-XXXX: For a short-term housing bridge subsidy program to serve individuals ...

[H.3900](#) 1333 Consalvo, [Pryde for All](#)
Rob

moves to amend the bill in section 2, in line item 7008-1116, by inserting the following,
"provided further, not less than \$500,000 be expended to LGBTQ Senior Housing Inc. to ...

[H.3900](#) 1268 Donahue, Daniel M. [Permissible Use Standards for Home Care Agencies](#)

moves to amend the bill in item 9110-1630 by inserting at the end of that item the following: "...provided further, that the secretary of elder affairs shall ensure that all ...

[H.3900](#) 667 Barber, Christine P. [Bridgewater State Hospital Monitoring](#)

moves to amend the bill in section 2, in line item 8900-0001, in line 18, by striking out the following figures: "\$125,000" and inserting in place thereof the figures: "\$225,000 ...

H3900 #1268 Daniel Donahue - Permissible Use Standards for Home Care Agencies

Item 9110-1630 by inserting at the end of that item the following: "...provided further, that the secretary of elder affairs shall ensure that all implementing regulations or guidelines allocating funding under this item require that no less than seventy-five percent of the rate payments to home care agency providers for the elder home care program is spent by such home care agency providers on direct care workforce wages and benefits."

H3900 # 1469 Mindy Domb - item 4120-4000, Medical Equipment Re-Use Program

by inserting after "2021" the following: "; provided, that not less than \$2,420,000 shall be expended for assistive technology services"; and in said item by striking out the figures "\$13,325,279" and inserting in place thereof the figures "\$13,825,279".

H3900 #1329 Rob Consalvo - AHVP Language Change

7004-9030, by striking the words “the rental assistance program shall be in the form of mobile vouchers” and inserting in place thereof “assistance may be provided in the form of either mobile vouchers or project-based vouchers”.

H3900 #1330 Rob Consalvo - Accessible Affordable Housing Grants Program

7004-9031 For capital grants to improve or create accessible affordable housing units for persons with disabilities; provided, that grants shall be administered by the department of housing and community development in consultation with the executive office of health and human services; provided further, that the department shall prioritize capital projects that include units that accommodate or will accommodate voucher recipients under the alternative housing voucher program established in chapter 179 of the acts of 1995; provided further, that the projects shall be for improved accessibility and may include, but not be limited to, the widening of entrance ways, the installation of ramps, the renovation of kitchen or bathing facilities, the installation of signage in compliance with the Americans with Disabilities Act and the implementation of assistive technologies; and provided further, that not later than March 1, 2023, the department shall submit a report to the joint committee on housing and the house and senate committees on ways and means including, but not limited to, the: (i) number of eligible units created or modified; (ii) types of capital projects funded; and (iii) costs associated with the project