

# SENATE NO. 122

## **AN ACT** RELATIVE TO IMPROVEMENTS IN PRIVATE DUTY NURSING CARE FOR DEVELOPMENTALLY DISABLED CHILDREN

*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 1. Chapter 19B of the General Laws, as appearing in the 2000 Official Edition, is hereby  
2 amended by inserting after section 13, the following new section: -

3 Section 13A. Residential Services for Developmentally Disabled Children.

4 (a) For the purposes of this section, the following words shall have the following meaning:

5 “Certification” shall mean verification of successful completion of a didactic course and curriculum,  
6 created by the advisory committee established in this section and provided by the commonwealth,  
7 which is specifically designed to address: the degree of clinical skill required for services rendered, the  
8 severity and complexity of developmentally disabled disorders or disabilities, private duty nursing  
9 ethics and accepted customs, accepted professional standards of practice; policies and procedures and  
10 the successful demonstration of said skills. Any modification of said didactic course shall only be  
11 made with the approval of said advisory committee.

12 “Continuity of Care” shall mean the development and implementation of a plan of care by the  
13 Commonwealth to deploy qualified licensed nurses for the purpose of providing, ongoing, consistent  
14 and complete care to developmentally disabled children.

15 “Developmentally Disabled Child” shall mean a publicly aided patient who receives health care  
16 services for which the Commonwealth in part or in whole is liable under a statutory program of public  
17 assistance who if not cared for through private duty nursing would be eligible for institutional care  
18 related to the severity and complexity of the patient’s disorder or disability.

19 “Licensed Nurse” – shall mean a registered nurse or licensed practical nurse registered nurse duly  
20 licensed under the provisions of chapter 112, section 74 or chapter 112, section 74A who is a  
21 professional employee as defined in section one of chapter one-hundred and fifty E and shall enjoy all  
22 the rights, privileges, benefits and obligations contained therein.

23 “Private Duty Nursing” shall mean the provisions of skilled nursing services, rendered in the home by  
24 a certified licensed nurse.

25 (b) The commonwealth shall directly employ an adequate number of licensed nurses, with  
26 certification, to provide expert nursing care to all developmentally disabled children eligible to receive  
27 private duty nursing care. The services described in this section shall be implemented, subject to  
28 appropriation, through commonwealth operated facilities and/or department regional offices. Each  
29 licensed nurse shall have a valid license to practice nursing in Massachusetts and shall maintain the  
30 certification developed under this act.

31 (c) An Advisory Committee to develop a curriculum for “developmentally disabled certification” is  
32 hereby established, to consist of three members of the senate, one of whom shall be the chairman of

33 the joint committee on human services and elderly affairs who shall serve as co-chair of the  
34 commission, one of whom shall be the chairman of the senate committee on ways and means or his  
35 designee, and one of whom shall be appointed by the president of the senate; three members of the  
36 House of Representatives, one of whom shall be the house chairman of the joint committee on human  
37 services and elderly affairs who shall serve as co-chair, one of whom shall be chairman of the house  
38 committee on ways and means or his designee, one of whom shall be appointed by the speaker of the  
39 house; the Secretary of Administration and Finance; the Secretary of Health and Human Services;  
40 three individuals who represent families with developmentally disabled children and one  
41 representative each from the Massachusetts Nurses Association, the American Federation of State,  
42 County and Municipal Employees, the Division of Medical Assistance, the Division of Health Care  
43 Finance and Policy, and the Group Insurance Commission. Said Advisory Committee shall make an  
44 investigation to identify measures necessary to care for developmentally disabled children and to  
45 formalize the development of a didactic course and curriculum for a developmentally disabled  
46 certification. The didactic course shall include, but not be limited to:

- 47 (1) policies and protocols regarding home care services;
- 48 (2) policies related to private duty nursing ethics;
- 49 (3) policies related to accepted customs and professional standards of practice;
- 50 (4) medication safety in the home;
- 51 (5) documentation;
- 52 (6) confidentiality of health information;

53 (7) coordination and creation of a written plan of care;

54 (8) communication with other professional disciplines; and

55 (9) family involvement in the formation of a plan of care.

56 (d) Appropriations for the administration and support of the state plan to fulfill its obligations under  
57 this section to provide continuity of care for developmentally disabled children shall be made through  
58 an individual line-item by General Court.