

SENATE NO. 655

AN ACT TO ESTABLISH AN EQUITABLE RATE OF PAYMENT FOR MEDICAID HOME HEALTH SERVICES

*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. Section 1 of Chapter 118G of the General Laws, as amended by chapter 58 of the acts of
2 2006, is hereby further amended by inserting in section 1, after the definition of “health maintenance
3 organization” the following:—

4 “Home health care provider,” any organization certified as a provider of services under the Medicare
5 Health Insurance Program for the Aged (Title XVIII of the federal Social Security Act) that meets the
6 Medicare and Medicaid Conditions of Participation for Home Health Agencies in Massachusetts.

7 SECTION 2. Said chapter 118G is hereby further amended by adding at the end thereof the following
8 new section:—

9 Section 34. (a) Notwithstanding the provision of any general or special law to the contrary, including
10 any other section of chapter 118G or chapter 118E of the General Laws, the division shall establish
11 rates of payment for home health care providers on a prospective basis, whenever possible. The
12 division shall use as base year costs for rate determination purposes for a particular rate year the

13 reported costs of a calendar year not more than three years prior to such particular rate year, adjusted
14 for inflation, changes in technology and such other factors as the division may reasonably determine.

15 (b) This section shall apply to the rates established for home health care providers pursuant to
16 any waiver of otherwise applicable federal requirements that the division or the division of medical
17 assistance has obtained or may obtain from the secretary of health and human services for the purpose
18 of implementing any type of managed care service delivery system, or for any home health services
19 purchased by the executive office of elder affairs pursuant to an interagency services agreement with
20 the division of medical assistance.

21 SECTION 3. This act shall take effect upon its passage.

