

SENATE NO. 684

AN ACT TO ESTABLISH THE EXECUTIVE OFFICE OF HEALTH AND SECRETARY OF HEALTH

*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 17A of chapter 6 of the general laws as most recently appearing in the 2000
2 Official Edition, is hereby amended by striking the words “the secretary of health and human
3 services, and inserting in place thereof: “the secretary of human services, the secretary of health,”

4 SECTION 2. Section 2 of chapter 6A of the general laws as most recently appearing in the 2000
5 Official Edition, is hereby amended by striking out the words “health and human services,” and
6 inserting in place thereof, “health, human services,”

7 SECTION 3. Section 3 of chapter 6A of the general laws as most recently appearing in the 2000
8 Official Edition, is hereby amended by striking out the word, “health and human services,” and
9 inserting in place thereof, “health, the secretary of human services,”

10 SECTION 4. Section 16 of chapter 6A of the general laws as most recently appearing in the 2000
11 Official Edition, and amended by Section 715 of Chapter 26 of the Acts of 2003 is hereby amended
12 by striking out said section 16, and inserting in place thereof a new section:

13 Section 16. Executive Office of Human Services

14 The executive office of human services shall serve as the principal agency of the executive
15 department for the following purposes: (a) developing, coordinating, administering and managing
16 the welfare and human services operations, policies and programs; (b) supervising and managing
17 the organization and conduct of the business affairs of the departments, commissions, offices,
18 boards, divisions, institutions and other entities within the executive office to improve
19 administrative efficiency and program effectiveness and to preserve fiscal resources; (c) developing
20 and implementing effective policies, regulations and programs to assure the coordination and
21 quality of services provided by the secretary and all of the departments, agencies, commissions,
22 offices, boards, and divisions; (d) acting as the single state agency under section 1902(a)(5) of the
23 Social Security Act authorized to supervise and administer the state programs under title XIX, for
24 the programs under titles IV (A), IV (B), IV (E), XX and XXI of the Social Security Act, and for
25 the programs under the Rehabilitation Act; and (e) maximizing federal financial participation for all
26 agencies, departments, offices, divisions and commissions within the executive office and
27 supporting similar activities in the executive office of health and mental hygiene.

28 The executive office of human services shall include: (1) the department of elder affairs under the
29 direction of a secretary of elder affairs, who shall be appointed by the governor; (2) the office of
30 children, youth and family services, which shall include the department of social services, the
31 department of transitional assistance, the department of youth services, the office of child care

32 services, the child abuse prevention board and the office for refugees and immigrants; (3) the office
33 of disabilities and community services, which shall include the department of mental retardation,
34 the Massachusetts rehabilitation commission, the Massachusetts commission for the blind, the
35 Massachusetts commission for the deaf and hard of hearing and the Soldiers' Home in
36 Massachusetts and the Soldiers' Home in Holyoke; and (4) the department of veterans' services
37 under the direction of the secretary of veterans' services, who shall be appointed by the governor.

38 The governor shall appoint a secretary of human services, who shall serve at the pleasure of the
39 governor and shall act as the executive officer in all matters pertaining to the administration,
40 management, operation, regulation, planning, fiscal and policy development functions and affairs of
41 the departments, commissions, offices, boards, divisions and other agencies within the executive
42 office.

43 The secretary shall have the authority to: (a) through the department of elder affairs and the division
44 of medical assistance and other agencies within the executive office, as appropriate, operate and
45 administer the programs of medical assistance and medical benefits under chapter 118E; provided,
46 however, that the executive office under the direction of the secretary shall be the single state
47 agency under section 1902(a)(5) of the Social Security Act, under Title XIX agency, for programs
48 under titles IV(A), IV(B), IV(E), XX and XIX of the Social Security Act and for programs under
49 the Rehabilitation Act; (b) establish certain rates of payment for health care services pursuant to
50 section 2A of chapter 118G; (c) coordinate and supervise the administration of the executive office
51 and its agencies to promote economy and efficiency and improve service delivery; (d) establish
52 uniform regional and area boundaries for the agencies within the executive office; (e) establish
53 uniform contracting and payment procedures for the executive office and its agencies; (f) develop

54 and implement a management information system for the management of fiscal, client and program
55 data necessary for the efficient administration of the agencies within the executive office; (g)
56 pursuant to chapter 30A, make, amend and repeal rules and regulations for the management and
57 administration of the executive office and agencies within the executive office, including regarding
58 the sharing of data, including personal data, between and among the executive office and its
59 agencies, subject to appropriate protections for the confidentiality of client data; (h) execute all
60 instruments necessary for carrying out the business of the executive office and its agencies; (i)
61 acquire, own, hold, dispose of, lease and encumber property in the name of the executive office and
62 its agencies; (j) enter into agreements and transactions with federal, state and municipal agencies
63 and other public institutions and private individuals, partnerships, firms, corporations, associations
64 and other entities on behalf of the executive office or its agencies; (k) charge and collect fees,
65 rentals and other charges as may be reasonable and necessary for carrying out the business of the
66 executive office and its agencies; (l) apply for and accept funds, including grants, bequests, gifts
67 and contributions on behalf of the commonwealth in accordance with section 6 of chapter 29B; and
68 (m) serve as the executive and administrative head of each office, department, division, bureau,
69 section, agency and other administrative unit within the executive office, except as specifically
70 provided by law. The secretary may delegate any of the foregoing powers to an officer having
71 charge of a department, office, division or other administrative unit within the executive office.

72 The secretary of human services may appoint an assistant secretary for each of the following
73 offices: disabilities and community services; and children, youth and family services. The assistant
74 secretaries shall serve at the pleasure of the secretary and shall perform such duties as the secretary
75 shall determine. Notwithstanding any general or special law to the contrary, the secretary may
76 appoint an individual to serve simultaneously as the commissioner of any agency within the

77 executive office and as an assistant secretary for the offices disability and community services; and
78 children, youth and family services. If the secretary appoints an individual to serve simultaneously
79 as a commissioner and assistant secretary, the individual shall only be compensated for service in 1
80 office.

81 The secretary may appoint, consistent with sections 3 and 7, whatever personnel he deems
82 necessary or desirable for the effective performance of the executive office. Such personnel shall
83 perform such duties as the secretary shall determine and serve at the pleasure of the secretary.

84 The secretary shall establish a performance measurement system for the agencies within the
85 executive office, which shall establish program goals, measure program performance against those
86 goals and report publicly on progress to improve the effectiveness of human services programs,
87 service delivery and policy decision-making. The performance measurement system shall require
88 each agency to develop a strategic plan for program activities and performance goals. The system
89 shall require annual program performance reports which shall be submitted to the house and senate
90 committees on ways and means and the joint committee on human services and elder affairs.

91 SECTION 5. Chapter 6A of the general laws as most recently appearing in the 2000 Official
92 Edition, is hereby amended by inserting after section 16, two new sections:

93 Section 16A. Executive Office of Health

94 The executive office of health shall serve as the principal agency of the executive department for
95 the following purposes: (a) developing, coordinating, administering and managing the public health
96 and mental health, policies and programs; (b) supervising and managing the organization and
97 conduct of the business affairs of the departments, commissions, offices, boards, divisions,

98 institutions and other entities within the executive office to improve administrative efficiency and
99 program effectiveness and to preserve fiscal resources; (c) developing and implementing effective
100 policies, regulations and programs to assure the coordination and quality of services provided by the
101 secretary and all of the departments, agencies, commissions, offices, boards, and divisions.

102 The executive office of health shall include: (1) the office of health services, which shall include
103 the department of public health, the department of mental health, and the Betsy Lehman center for
104 patient safety and medical error reduction; (2) the division of medical assistance; (3) the managed
105 care oversight board; (4) the health facilities appeals board, (5) the Massachusetts nursing
106 collaborative, (6) the health care cost and quality council, and (7) the commonwealth health
107 connector, which shall be located within, but not subject to the control of the executive office.

108 The governor shall appoint a secretary of health, who shall serve at the pleasure of the governor and
109 shall act as the executive officer in all matters pertaining to the administration, management,
110 operation, regulation, planning, fiscal and policy development functions and affairs of the
111 departments, commissions, offices, boards, divisions and other agencies within the executive office.

112 The secretary shall have the authority to: (a) establish and regularly update, in accordance with the
113 provisions of section 16A (1), a comprehensive state health policy whose mission is to enhance the
114 health and well being as demonstrated through improved health outcomes of all Massachusetts
115 residents by promoting accountable, yet caring; cost-effective, yet high quality health care; using
116 evidence-based, patient-centered methods of programming, treatment, and service delivery, (b)
117 establish certain rates of payment for health care services pursuant to section 2A of chapter 118G;
118 (c) coordinate and supervise the administration of the executive office and its agencies to promote
119 economy and efficiency and improve service delivery; (d) establish uniform regional and area

120 boundaries for the agencies within the executive office; (e) establish uniform contracting and
121 payment procedures for the executive office and its agencies; (f) share with the secretary of human
122 services the development and implementation of a management information system for the
123 management of fiscal, client and program data necessary for the efficient administration of the
124 agencies within the executive office so that those seeking service from health or human service
125 agencies or programs shall make application through a single universal application portal; (g)
126 pursuant to chapter 30A, make, amend and repeal rules and regulations for the management and
127 administration of the executive office and agencies within the executive office, including regarding
128 the sharing of data, including personal data, between and among the executive office and its
129 agencies, subject to appropriate protections for the confidentiality of client data; (h) execute all
130 instruments necessary for carrying out the business of the executive office and its agencies; (i)
131 acquire, own, hold, dispose of, lease and encumber property in the name of the executive office and
132 its agencies; (j) enter into agreements and transactions with federal, state and municipal agencies
133 and other public institutions and private individuals, partnerships, firms, corporations, associations
134 and other entities on behalf of the executive office or its agencies; (k) charge and collect fees,
135 rentals and other charges as may be reasonable and necessary for carrying out the business of the
136 executive office and its agencies; (l) apply for and accept funds, including grants, bequests, gifts
137 and contributions on behalf of the commonwealth in accordance with section 6 of chapter 29B; and
138 (m) serve as the executive and administrative head of each office, department, division, bureau,
139 section, agency and other administrative unit within the executive office, except as specifically
140 provided by law. The secretary may delegate any of the foregoing powers to an officer having
141 charge of a department, office, division or other administrative unit within the executive office.

142 The secretary of health shall appoint a chief medical officer of the commonwealth, and may appoint
143 an assistant secretary for each of the following offices: public health and wellness, health care
144 quality and patient safety, and mental health. The assistant secretaries shall serve at the pleasure of
145 the secretary and shall perform such duties as the secretary shall determine. Notwithstanding any
146 general or special law to the contrary, the secretary may appoint an individual to serve
147 simultaneously as the commissioner of any agency within the executive office and as an assistant
148 secretary for the offices of public health and wellness, health care quality and patient safety, or
149 mental health. If the secretary appoints an individual to serve simultaneously as a commissioner and
150 assistant secretary, the individual shall only be compensated for service in one office.

151 The secretary may appoint, consistent with sections 3 and 7, whatever personnel he deems
152 necessary or desirable for the effective performance of the executive office. Such personnel shall
153 perform such duties as the secretary shall determine and serve at the pleasure of the secretary.

154 The secretary shall establish a performance measurement system for the agencies within the
155 executive office, which shall establish program goals, measure program performance against those
156 goals and report publicly on progress to improve the effectiveness of health programs, service
157 delivery and policy decision-making. The performance measurement system shall require each
158 agency to develop a strategic plan for program activities and performance goals. The system shall
159 require annual program performance reports which shall be submitted to the house and senate
160 committees on ways and means and the joint committee on health care financing.