The Commonwealth of Massachusetts

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**Massachusetts Department of Public Health**

**Home Care Licensing Commission**

**Meeting Minutes of Wednesday, August 4, 2021**

WebEX

**Date of Meeting:** **Wednesday, August 4, 2021**

**Beginning Time:** 1:03 PM

**Ending Time:** 2:40 PM

**Committee Members Present:** The following (11) appointed members of the Home Care Licensing Commission attended on August 4, 2021, establishing the required simple majority quorum (7) pursuant to Massachusetts Open Meeting Law (OML): Chair and Director of the Bureau of Healthcare Safety and Quality, Elizabeth Kelley, Secretary of Elder Affairs Elizabeth Chen, Undersecretary of EOHHS Lauren Peters, Whitney Moyer, Representative Thomas Stanley, Julie Watt-Faqir, Patricia Kelleher, Lisa Gurgone, Tim Foley, Leslie Nolan, Danielle Lorde and Stephen DiGiacomo.

The August 4, 2021 meeting of the Home Care Licensing Commission was called to order by Elizabeth Kelley at 1:03PM. Ms. Kelley announced that she would be taking over as chair of the Commission from Commissioner Cooke.

Ms. Kelley announced that the agenda for the meeting is to review the framework created by DPH and the comments and additions proposed by the Commission members to the framework. She noted that the goal of the meeting is to establish a consensus on the framework proposed and staff members from DPH will use that framework to write the legislative report with recommendations on licensure for home care agencies. The final meeting of the Commission will be a vote on the report.

Ms. Kelley requested a vote on the minutes. Julie Watt-Faqir made a motion to vote on the minutes. Danielle Lorde seconded the motion. There was a roll call vote of the members. The Commission members voted in favor of the minutes from the June 30, 2021 meeting.

Ms. Kelley reminded the Commission members that during the June 30, 2021 meeting, Commission members agreed that DPH would present a framework for licensure. DPH sent the committee members a proposal for licensure and asked them for input into that proposal. Many commission members submitted comments.

Ms. Kelley noted that DPH reviewed all the comments provided and will be presenting the comments for review. The changes to the licensure framework are color coded. Green represents comments that were made by several members, which DPH believes should be included in the framework, or that DPH feels may garner a consensus from the entire Commission. The comments in red are comments that DPH feels will require further conversation with the entire group, or that there may be points of disagreement upon.

Ms. Kelley noted that we will review comments in order on the framework but will focus our time on red comments.

Ms. Kelley reviewed slides 14, 15 and 16. Ms. Kelley asked if there were questions. Patricia Kelleher asked if it is the intent of the Department not to license matching services such as care.com. Ms. Kelley stated that was the intent of the Department.

Ms. Kelleher commented that she is not clear how a market analysis to determine the appropriate number of licenses would occur in a Determination of Need process. She also noted that she is not in favor of the Department determining what an appropriate number of licenses would be but could be in favor of a market analysis.

Ms. Kelley noted that the market analysis is not recommended to be included in the framework.

Tim Foley supported including the market analysis. The group reached the conclusion that DPH will recommend conducting a market analysis in the future, but not include a recommendation on how many licenses should be awarded by the Department.

Ms. Kelley continued to slide 17. The group discussed the recommendation that matching services such as care.com be included in the definition of home care agency. Ms. Kelley noted that the Department is not able to license such services, but does intend to license home care agencies as defined in the framework. She noted that the Department would add a section in the final report with suggestions from the workgroup that ultimately did not have consensus but was discussed. Members agreed with this suggestion.

Ms. Kelley reviewed slide 18.

Ms. Kelleher noted that she had concerns about the administrative cap with 75% of all revenue be spent on direct care.

Undersecretary Peters noted that this is something that was done for nursing homes but noted that this may be difficult to replicate for home care workers.

Ms. Kelley noted that this was a suggestion that DPH could also add into a section for further consideration but with a note that there was not a consensus on this topic.

Mr. Foley commented that there are uniform cost reports submitted to the state and he supports that there should be a cost report submitted by home care agencies.

Members continued with a discussion on if prices for home care services should be publicized. Members noted that prices can vary and can depend on how far a home care worker must travel and may vary based on a contract with the consumer.

Members discussed concerns over requiring direct worker names to be filed with the Home Care Registry. Upon discussion, it was decided to not include that point in the licensure framework but would note in the report that there was not a consensus on this topic

Ms. Kelley noted that the next steps in this process is that the Department will take this feedback and create a draft of the report. The draft report will be circulated for additional feedback and there will be a vote on the final draft at the September 9th meeting.

Ms. Kelley noted that there was a request for a public comment from Mr. Anthony Soto. Mr. Soto spoke about the importance of the work of the Commission and the need for licensing home care agencies.

Ms. Kelley thanked Mr. Soto for his comments and asked if there was a motion to adjourn.

Ms. Kelleher motioned to adjourn. Secretary Chen seconded the motion. Ms. Kelley adjourned the meeting at 2:40PM.